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Nicholas Tindal.

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THE

HISTORY OF ENGLAND,

Written originally in FRENCH by

RAPIN DE THOYRAS:

TRANSLATED INTO ENGLISH,

WITH ADDITIONAL NOTES;

AND

CONTINUED FROM THE REVOLUTION

TO THE

Acceſſion of KING GEORGE II.

BY

N. TINDAL, M. A.

Late RECTOR of ALVERSTOKE IN HAMPSHIRE, and CHAPLAIN to the ROYAL HOSPITAL at GREENWICH:

With the Reign of GEORGE the II:

BY

T. SMOLLETT, M. D.

AND AN INDEX TO EACH VOLUME.

VOL. IV.

Illuſtrated and Embelliſhed with Portraits of the KINGS, QUEENS, and illuſtrious Perſonages, Monuments, Great-Seals, Coins, naval and military Engagements, &c. and Maps of the different Parts of the World, where the Important Events of this Hiſtory took Place.

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M DCC LXXXIX.

BRITISH MUSEUM

TO HIS ROYAL HIGHNESS

WILLIAM

DUKE OF CUMBERLAND.

SIR,

THE following hiſtory, collected from authentic memoirs, and moſt humbly dedicated to Your Royal Highneſs, preſents to view the memorable and moſt important ſcenes in the Britiſh annals; the abdication and revolution, the union of the two kingdoms, and the proteſtant ſucceſſion; events hardly to be equalled in the records of time!

A monarch inveſted with more power and a larger revenue than by any of his predeceſſors had been ever enjoyed, chuſes to abdicate his throne rather than be obliged to govern by law, and reſtrained from introducing popery and arbitrary power.

On the other hand, a prince, the buſineſs of whoſe life had been to defend the liberties of Europe againſt the overgrown power of France, being called in by the nation for the preſervation of their religion and laws, is unexpectedly advanced to the throne, and, inſtead of the anarchy and confuſion intended by the abdication, the government is ſettled on more ſolid and laſting foundations.

The ſecret ſprings of action, in theſe and other remarkable events, are clearly diſcovered in hiſtorical diſſertations on the riſe and progreſs of our civil and religious differences, by which ſo many perſons are ſwayed, ſo many things influenced.

Hence may be ſeen the reaſon of the various conduct and ſeemingly inconſiſtent behaviour at the time of the revolution: Why ſome, though they had heartily joined to invite over the prince of Orange, yet afterwards became his oppoſers, and refuſed him for their ſovereign, though they had been amongſt the moſt forward to have him for their deliverer: And why many others, though they had taken the oaths to king William, yet behaved in ſuch a manner, as if they believed their allegiance due to another.

Theſe and the like proceedings are ſhewn to flow from the abſurd principles and notions of government, which after the reſtoration had been eſpouſed and induſtriouſly propagated, and which, in the following reigns, were made uſe of by diſcontent, faction, and diſappointment to heighten the diviſions.

Notwithſtanding all this and the conſtant oppoſition to his meaſures, king William ſurmounted all difficulties, and fixed our civil and religious liberties on their true baſis.

But how great ſoever was our deliverance, the revolution would have been very imperfect and precarious, if by the care and pains of our deliverer the ſucceſſion to the crown had not been limited to the proteſtant line, and ſettled on the illuſtrious houſe of Hanover, the great ſecurity of our religion, laws, and properties.

By virtue of this parliamentary right, the ſtrongeſt and beſt title to empire, your royal grandfather, deſcended from a daughter of Great Britain, became poſſeſſed of the throne, and made a ſteady adherence to the laws of our conſtitution and a ſtrict union with his parliaments, the grand characteriſtics of his reign, whoſe example without any deviation has been conſtantly followed by his preſent Majeſty your royal father.

The proteſtant ſucceſſion had no ſooner taken place but the ſeeds of rebellion, which by the revival of the old notions of government had been ſown in the nation, ſprung up in the North. The union of the two kingdoms, one of the diſtinguiſhing glories of queen Anne's reign, could not prevent the Highlanders of Scotland, in conjunction with ſome Engliſh male-contents, from riſing in arms, and attempting without the leaſt provocation to dethrone their lawful ſovereign: but they were quickly reduced, though the ſpirit of rebellion was far from being quelled.

Of this we have had a late and flagrant inſtance, when the Highlanders, encouraged from abroad openly by France, and at home ſecretly by the enemies of our conſtitution, once more roſe in arms, and with a popiſh pretender at their head penetrated, like a torrent, into the heart of the kingdom.

Then it was that the eyes of all were turned towards your Royal Highneſs for deliverance from the preſent danger, and not in vain! The expectations of the public were anſwered. Terrified at your preſence, the rebels, with a rapidity exceeding that wherewith they had advanced, fled back to their country. Thither, animated by your example our troops purſued them with incredible toil, and totally routed their army in the ever memorable battle of Culloden: A victory by the voice of the public wholly aſcribed to your conduct and valour.

And now that your Royal Highneſs, with the unanimous conſent of the allies, is going to command the confederate armies againſt the common diſturber of Europe, may your efforts be attended with greater ſucceſs than even the duke of Marlborough's glorious campaigns, and may your victories be crowned with a general peace that may repair the defects of the treaty of Utrecht, and eſtabliſh a laſting tranquillity in Europe.

This is the hearty prayer and ſincere wiſh of every true Briton, and particularly of him, who with the moſt profound reſpect ſubſcribes himſelf,

SIR,

Your Royal Highneſs's

moſt humble, moſt dutiful,

and moſt obedient ſervant,

N. TINDAL.

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TO THE

READER.

MR. RAPIN dying before he had brought down his hiſtory to the period he intended, the tranſlator has endeavoured to ſupply the defect, by the addition of the reigns of king WILLIAM and Queen Mary, Queen ANN, and King GEORGE I, which are carefully collected from the hiſtories and treatiſes, that from time to time have been publiſhed ſince the revolution, and alſo from the manuſcripts which have been communicated to the continuator; and in all affairs of importance, as well where the authors agree as where they differ, thoſe accounts that appear the beſt and moſt impartial are inſerted in the hiſtory, and the others thrown into the notes; by which means the reader will ſee the different turns given to the ſame fact, according to the principles or party of the ſeveral writers. Nor is it ſcrupled to copy or imitate any part of the ſeveral authors when conducive to the uſefulneſs of the work, or where there is no occaſion to alter or abridge.

That the ſprings and motives of action may be the more clearly diſcerned, an introduction is prefixed, ſhewing the riſe and progreſs of the ſeveral parties at the time of the revolution, in a ſhort review of the reigns of JAMES I, CHARLES I, CHARLES II, and JAMES II, with a true ſtate of our religious differences, by which ſo many perſons and proceedings have been influenced (1). Moreover the ſituation of foreign affairs, which very often caſts great light on domeſtic tranſactions, is on proper occaſions largely deſcribed.

In a word, nothing is omitted to render the work as comprehenſive and uſeful as poſſible, and the continuator hopes, he has ſhewn himſelf unbiaſſed by party, by a ſteady adherence to the truth, which he has endeavoured to follow without diſguiſe or miſrepreſentation. Whether he has ſucceeded in his endeavours, and really acted with the impartiality he intended, is left to the Public to judge.

(1) This diſſertation, which, in the firſt edition, was printed among the notes, is now inſerted in the context at the end of the reign of king William.

THE

HISTORY

OF

ENGLAND.

INTRODUCTION.

The Riſe and Progreſs of the ſeveral Parties at the Time of the REVOLUTION, in a ſhort Review of the Reigns of JAMES I, CHARLES I, CHARLES II, and JAMES II.

AS an introduction to the following reign, it will be requiſite to premiſe a ſhort account of the parties in England at the time of the revolution, and of the principles on which they were ſeverally formed. Without this it will be difficult to diſcover the true ſprings of action, and why the progreſs of a revolution, in which at firſt all parties had readily joined, came on a ſudden to be ſo clogged, that the true ends could not be fully attained, namely, the redreſs of preſent, and prevention of future grievances, by ſettling the conſtitution on firm and laſting foundations.

In the reign of king James I, very different notions of the origin and nature of government, and the extent of the regal power, began to be entertained in the nation. It was by ſome aſſerted, "Monarchy and lineal ſucceſſion are of divine inſtitution, and conſequently ſacred and inviolable. The perſons as well as the authority of kings are ordained by God[a]. The king is the ſole fountain of power. All the liberties and privileges of the people are but ſo many conceſſions or extortions from the crown[b]. The king is not bound to his people by the coronation-oath, but only before God, to whom alone he is accountable[c]. The king's violations of the laws are not to be reſtrained by force, but ſubjects ought either actively to obey his commands, or paſſively ſubmit to his will[d]."

On the other hand, it was more generally maintained, "Though all power may be ſaid to be from God, as government is agreeable to his will, made known as well by nature as revelation, yet no particular form of government is of divine appointment, but every nation is left to ſettle that form which appears moſt ſuitable to their genius, and moſt conducive to the ſole end of all government, the happineſs of the ſociety. Monarchy, very probably, was firſt choſen; but as the living, by one man's will, was ſeen to become the cauſe of all men's miſery, other forms of government were introduced; and laws founded on reaſon, and tending to the public welfare, were framed by communities, as rules of conduct to the governors, and as meaſures of obedience to the people[e]. Thus in England, coæval with the monarchy, there has always been a conſtitution, that is, a ſyſtem of laws, inſtitutions, and cuſtoms, according to which the king is obliged to govern, and the ſubject to obey[f]. The king, in his coronation-oath, as much ſwears to the people, as the people ſwear to the king. When the king acts in conformity to the laws, he ought not to be reſiſted on any pretence; but if he violates the fundamental laws of the realm, and endeavours to ſubvert the conſtitution, he may be not only reſiſted, but even depoſed. Lineal ſucceſſion and hereditary right have no foundation in nature, nor were ever appointed by God, but were firſt introduced by communities, where kingly government prevailed, to

[a] In his ſpeech to his firſt parliament, king James I. ſpeaking of the Engliſh throne, ſays, "Which God by my birth-right and lineal deſcent had in fulneſs of time provided for me." He often talked of his undoubted, hereditary, independent right, inherent in himſelf.

[b] King James I, in one of his ſpeeches aſſerts, that the privileges of parliament are derived from the grace and permiſſion of his anceſtors, and liable to be retrenched at the will of the prince. Upon which the commons drew up a proteſtation, declaring, that the liberties, privileges, and juriſdiction of parliament, are the undoubted birth-right and inheritance of the ſubjects of England. This proteſtation the king, in full council, the judges alſo being preſent, declared to be invalid and of no effect, and with his own hand took it out of the journal-book.

[c] A book was publiſhed, with the royal licence, by Dr. Cowel, in 1609, wherein, among other things, it is ſaid, the king is not bound by the laws, or by his coronation-oath.

[d] It was often declared from the pulpit, eſpecially by the Court-preachers, "The people have no other refuge left under the moſt cruel tyranny, but "Prayers and Tears." This doctrine was endeavoured to be proved by texts of ſcripture, paſſages out of the Homilies, and the practice of the primitive chriſtians.

[e] It is certain, the European kingdoms founded by the Goths, Vandals, &c. as Lombardy, Burgundy, Sweden, Denmark, Hungary, Arragon, France, &c. were originally all limited Monarchies, and had their ſeveral conſtitutions or fundamental laws, by which the regal power was limited. Amongſt theſe limitations were generally the two great articles, That no laws, could be made, nor any money levied, without conſent of the States.

[f] To have a clear notion of the Engliſh conſtitution in general, a man need only conſider how the ſovereign power is divided, and in what perſons the ſeveral branches are veſted. The ſovereign power is compounded of theſe ſix parts. I. Legiſlative power, or authority to make laws. II. Executive power, which conſiſts in creating officers to execute the laws and diſcharge all the functions of the government, according to law. III. A power of making war and peace. IV. A power of raiſing money for ſupport of the government. V. The laſt appeal in all caſes of law. VI. The coinage or power over the Mint. Now there are but three of theſe ſix parts lodged in the perſon of the king; namely, the executive power, the power of making war and peace, and the coinage. And of theſe branches of royal power, the executive (which is the largeſt) is ſo limited, that the king cannot employ in civil or military office, any man but what is qualified by laws of the people's making. And though the power of war be veſted in the king, yet the commons have reſerved to themſelves the power of raiſing money, without which no war can be waged. As for the coinage, it is rather an honourable truſt than a real power. But as to the legiſlature, the greateſt branch of ſovereign power, it is certain no law can be enacted without the authority of the commons, who have alſo the ſole power of levying money. The laſt appeal, in caſes of law, is uſually made to the houſe of lords. The ſovereign power being thus divided in England, it is eaſy to ſee the extent of the regal power, and the nature of the allegiance due to the king. Hence alſo may be perceived the happineſs of the Engliſh in preſerving their antient conſtitution, whilſt the greateſt part of Europe groans under arbitrary power.

[g] By a ſtatute of the 13th year of queen Elizabeth, it was made high-treaſon for any perſon to affirm, that the reigning prince, with the authority of the parliament, is not able to limit and bind the crown, and the deſcent and inheritance thereof. This plainly ſhews the legiſlature's opinion of hereditary right in thoſe days. The oppoſers of the divine right of lineal ſucceſſion thought it ſtrange, that king James I. ſhould ſo ſtrenuouſly aſſert that doctrine, ſince the race of the Stewarts, after Robert II. had no other title to the crown of Scotland, but what they derived from an act of parliament, in preclusion of thoſe of the legitimate and right line. For Robert having had three ſons and a daughter by Elizabeth Mure his concubine, marries her afterwards to one Gifford, himſelf at the ſame time eſpouſing Euſemia, daughter of the earl of Roſs, by whom he had William and David earls of Athol and Strathern, and a daughter, wife of James Douglaſs, ſon to the earl of Douglaſs. Robert, upon the death of his wife Euſemia and of Gifford, not only marries his former concubine, but obtains an act of parliament to ſettle the crown upon the children begotten upon her in concubinate, and to exclude his legitimate children by his wife Euſemia. State tracts, vol. I. p. 142, 143. Buchanan, B. IX. Murray's Acts of Par.

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prevent confuſion and ſtrife. And therefore the ſucceſſion may be altered and transferred from one branch of a family to another, or to a new family, when the ſupreme law, the ſafety of the people, calls for it[g]."

At the ſame time there were alſo ſome, who, far from thinking regal power and hereditary right of divine appointment, preferred in their minds a republican form of government, even to a limited monarchy. But theſe ſentiments were concealed in this reign under an external zeal for the conſtitution and privileges of the people[h].

The firſt ſet of principles was eſpouſed by the king, the court, and great part of the clergy, and by degrees found reception in the univerſities, inns of court, and even among the judges. The king, agreeably to his principles, in his proclamations and ſpeeches, uſed the language of an abſolute monarch[i], and in his conduct, carried the prerogative to a very great height, while his proceedings were ſupported by the opinions of the judges, and paſſive obedience inculcated on the people from the pulpit and preſs. Whoever diſbelieved the divine, unalienable, hereditary, independent right of kings, or offered to bound the royal prerogative, were branded with the name of Puritan[k]. By which means the puritans, who before were inconſiderable, became a ſtrong party, as including all the friends to the conſtitution, and the oppoſers of arbitrary power. In a word, by theſe means two parties were formed in the kingdom, one of which embracing the principles of the divine right of kings, exalted the prerogative above meaſure, whilſt the other eſpouſing the oppoſite principles, adhered to the conſtitution, and zealouſly aſſerted the national privileges. Thus were laid in king James the firſt's reign, the foundation, not only of the civil wars, but of all the party-diviſions, which have ſince exiſted in the nation.

King Charles I. mounted the throne, poſſeſſed with the ſame principles of government which his father had ſo induſtriouſly propagated, and under the influence of the ſame counſels and miniſtry. Accordingly, in the firſt fifteen years of his reign, continual breaches were made in the conſtitution, and the nation's liberties invaded, whilſt perhaps the king imagined he was only defending his prerogative[l]. Within the ſpace of a year two parliaments are ſummoned and diſſolved in diſpleaſure, for preſuming to meddle with grievances, and call the king's miniſters to account[m]. In the 4th year of this reign another parliament is alſo, for the ſame reaſon, diſmiſſed, with a reproachful and threatning ſpeech[n], and ſuch members as had given offence are impriſoned and fined. After this, the king governs without a parliament twelve years. In which interval the bulwark of the national liberties, the power of raiſing money, is not only aſſumed and rigorouſly exerciſed by the crown[o], but the methods uſed to that end are pronounced legal by the judges[p], and preached as obligatory to the ſubject's conſcience by ſome of of the clergy[q]. During theſe incroachments on the rights of the people, and the king's tacit renunciation of the conſtitution by the diſuſe of parliaments, jealouſy and diſcontent ſpread themſelves in the nation, the puritan party daily in-

[h] It muſt be obſerved, that in the reign of queen Mary, great numbers, on account of religion, fled beyond ſea, and were well received by the reformed ſtates of Germany, Switzerland, and Geneva, and allowed churches for their public worſhip. When theſe exiles, upon queen Elizabeth's acceſſion, returned to England, many brought with them not only a diſlike to the worſhip and diſcipline of the eſtabliſhed church, and the deſire of a purer religion, as they termed it, (whence the name Puritan) but alſo favourable ſentiments of the governments they had lived under ſo peaceably, which, in the end, were turned, by the arbitrary proceedings of of the following reigns, into republican principles, and proved, under Charles I, the occaſion of the downfal of the monarchy, by preventing the breach between the king and commons from being healed.

[i] In the proclamation for calling his firſt parliament, he arbitrarily preſcribed as well to the electors as elected, and ſubjected both to ſevere penalties, in caſe any return ſhould be made contrary to his proclamation. See the proclamation, Rapin, Vol. II. p. 389. And in a ſpeech to the parliament expreſly tells them, "As it is blaſphemy to diſpute what God may do, ſo is it ſedition in ſubjects to diſpute what a king may do in the height of his power." So poſſeſſed was the king (ſays Burnet) of a divine right in all kings, that he could not bear that even an elective and limited king ſhould be called in queſtion by his ſubjects, and therefore would never give prince Frederick, his ſon-in-law, the title of king, nor lend him any aſſiſtance for the ſupport of his new dignity. It was alſo uſual with him, from the ſame principle, to call the Dutch, rebels, for endeavouring to ſhake off the tyrannical yoke of Spain.

[k] Hence the diſtinction of ſtate and church puritans. The former were the ſame with thoſe ſince called whigs, and the latter came to be included in the general name of diſſenters, whilſt the aſſerters of the divine right of kings acquired the denomination of tories.

[l] This opinion that king Charles I, in the invaſion of the people's rights, imagined, he was only concerned in the defence of his own, ſeems not very improbable; for as a modern writer obſerves, This prince had ſucked in with his milk his father's abſurd principles of government, to his own and the kingdom's misfortune. He found them eſpouſed as true principles both of religion and policy, by a whole party in the nation, whom he eſteemed friends to church and ſtate. He found them oppoſed by a party, whom he looked upon as enemies to the church and monarchy. Can it be wondered that he grew zealous in a cauſe which he underſtood to concern him ſo nearly, and in which he ſaw ſo many men who had not the ſame intereſt, and might therefore be ſuppoſed to act on a principle of conſcience, equally zealous? Let any man, who has been deeply and long engaged in the conteſts of party, aſk himſelf, on cool reflection, whether prejudices concerning men and things, have not grown up and ſtrengthened with him, and obtained an uncontroulable influence over his conduct. With ſuch an habitual bias upon him, king Charles came to the throne. By this opinion, many difficulties in that prince's conduct may be accounted for, and his public and private character rendered leſs inconſiſtent.

[m] The lord Clarendon obſerves upon this occaſion, that for the king to interpoſe and ſhelter an accuſed ſervant from anſwering, does not only ſeem an obſtruction of juſtice, and lay an imputation upon the prince of being privy to the offence, but leaves ſo great a ſcandal upon the party himſelf, that he is generally concluded guilty of whatſoever he is charged with—He farther obſerves, that theſe unreaſonable, unſkilful, and precipitate (as he calls them) diſſolutions of parliaments, were the moſt probable ſource from whence the civil wars flowed. B. I. p. 4, 5.

[n] In this ſpeech the king declares, "that it was merely the undutiful and ſeditious carriage of the lower-houſe that hath made the diſſolution of the parliament." And concludes, "theſe vipers (ſpeaking of ſome of the members) muſt look for their reward of puniſhment." See the ſpeech, Rapin, Vol. II. p. 507. Such aſperity of language (ſays lord Clarendon) had never before been uſed from the throne to the parliament. And he laments the unhappy effects it had upon the nation. In this parliament the king (though with reluctance) gave the royal aſſent to the petition of right, whereby he bound himſelf among other things, not to raiſe any money by way of loan, gift, benevolence, or tax, without conſent of parliament, nor to impriſon any perſon without certifying the cauſe; both which articles he violated immediately after the diſſolution of this parliament, and continued to do ſo for twelve years together. This breach of his parliamentary word, the moſt ſolemn a king can give, was afterwards uſed as a ſtrong argument that he would break through all his conceſſions to the parliament of 1640, as ſoon as it ſhould be in his power, and thereby proved one occaſion of the civil wars. The moſt natural way to account for this proceeding of king Charles I, muſt be on the ſuppoſition before mentioned, that he imagined he was only purſuing his own rights. Accordingly he ſaid to the parliament, when he paſſed the petition of right, "You neither mean nor can hurt my prerogative." And as his extraordinary methods received the ſanction of the judges opinion, he probably believed them to belong to the prerogative royal.

[o] Five ſubſidies, only mentioned as intended to be granted in the ſecond parliament, were enacted with the ſame rigour throughout the kingdom, as if an act had paſſed to that purpoſe; and divers gentlemen of prime quality were, for refuſing to pay the ſame, committed to priſon. Projects for money of all kinds, many ridiculous, many ſcandalous, all very grievous, were ſet on foot. Supplemental acts of ſtate were made to ſupply defects of laws, and ſo tunnage and poundage, and other duties were collected by order of council, which had been poſitively refuſed to be ſettled by act of parliament, and new and greater impoſitions laid upon trade. For the better ſupport of theſe extraordinary ways, and to protect the agents and inſtruments, and to diſcountenance and ſuppreſs all bold inquiries and oppoſers, the council-table and ſtar-chamber enlarge their juriſdictions to a vaſt extent, "holding (as Thucydides ſaid to the Athenians) for honourable, that which pleaſed, and for juſt, that which profited;" and being the ſame perſons in ſeveral rooms, grew both courts of law to determine right, and courts of revenue to bring money into the treaſury; the council-table by proclamations enjoining the people what was not enjoined by the law, and prohibiting that which was not prohibited; and the ſtar-chamber cenſuring the breach and diſobedience to thoſe proclamations by very great fines and impriſonment, ſo that any diſreſpect to any acts of ſtate, or to the perſons of ſtateſmen, was in no time more penal, and thoſe foundations of right by which men valued their ſecurity, to the apprehenſion and underſtanding of wiſe men, were never more in danger of being deſtroyed. This paragraph is entirely taken from the lord Clarendon's hiſtory, (B. I. p. 67, 68.) who cannot be ſuſpected of aggravating any thing to the diſadvantage of king Charles I, and is with ſome other paſſages a probable argument againſt the charge of omiſſions and interpolations caſt upon the edition of that hiſtory. For notwithſtanding ſome ſoftening expreſſions with regard to the king, the illegal proceedings in the firſt fifteen years of his reign, are in a few pages as ſtrongly repreſented, as in volumes of the republican writers.

[p] The lord Clarendon obſerves, that the damage and miſchief cannot be expreſſed that the crown and ſtate ſuſtained, by the deſerved reproach and infamy that attended the judges, by being made uſe of in ſhip-money and other acts of power. For (ſays he) men ſubmitted to the preſſures as aſſuring themſelves that that they might, when they pleaſed, reſort to the law for relief. But when they heard ſhip-money demanded in a court of law as a right, and found it, by ſworn judges of the law adjudged ſo, upon ſuch grounds and reaſons as every ſtander-by was able to ſwear was not law, and were required to pay it by a logic that left no man any thing which he might call his own, they thought themſelves bound, in conſcience to the public juſtice, not to ſubmit to the impoſition. Sir John Finch, lord chief-juſtice of the common-pleas, and a ſtrenuous aſſerter of ſhip-money, being made lord-keeper, upon a demurrer put in to a bill before him, which had no other equity in it than an order of the lords of the council, declared, "Whilſt he was keeper, no man ſhould be ſo fawcy as to diſpute thoſe orders, but the wiſdom of that board ſhould be always ground enough for him to make a decree in chancery." Which, adds the lord Clarendon, was ſo great an aggravation of the exceſs of that table, that it received more prejudice from that act of unreaſonable reſpect, than from all the contempt could poſſibly have been offered to it. Clar. B. I. p. 69, 74.

[q] "It cannot (ſays lord Clarendon) be denied, but there was ſometimes preached at Whitehall matter very unfit for the place, and very ſcandalous for the perſons, who preſumed often to determine things out of the verge of their own profeſſion." Sibthorp, in a ſermon ſaid, "The prince is the head, and makes his court and council, it is his duty to direct and make laws." Dr. Manwaring ſpoke more plainly in one of his ſermons: "The king (ſays he) is not bound to obſerve the laws of the realm concerning the ſubjects' rights, and liberties, but his royal will and command in impoſing taxes and loans, without common conſent in parliament, doth oblige the ſubjects' conſcience upon pain of eternal damnation." This man, after having been fined and impriſoned by the lords, was pardoned by the king and made a biſhop. And archbiſhop Abbot was ſuſpended for refuſing to licenſe Sibthorp's ſermon.

creaſes, and all true lovers of their country earneſtly long for an opportunity to reſcue the conſtitution from entire deſtruction. Perhaps this opportunity would have been expected in vain, had it not been accidentally given by the king himſelf. For in the height of his power, he reſolves to accompliſh the project, begun by his father, of introducing the Engliſh church diſcipline into Scotland. By this attempt ſuch a flame is kindled in the nation, that a war at laſt breaks out between the king and his Scotiſh ſubjects, wherein England is no way concerned. The king, though the occaſions of the government were, by his extraordinary methods of raiſing money, amply ſupplied, could not long maintain an army without being forced to come to a treaty of pacification, and to apply to the parliament, the very mention of which had by a former proclamation been ſtrictly forbid[r]. Accordingly a parliament, after a twelve years intermiſſion, is ſummoned to meet on the 13th of April, 1640. The king opens the ſeſſion with deſiring a ſpeedy ſupply; but the commons are reſolved that the grievances ſhall firſt be redreſſed. Whereupon the king to the ſurpriſe and concern of the whole nation, haſtily diſſolves the parliament[s], but at the ſame time, the convocation, by his ſpecial warrant, is continued, and canons are paſſed, wherein the divine right of kings, and unlimited obedience, are expreſly aſſerted[t]. Immediately after, the war with Scotland is renewed, and by the advice of a junto of ſelect counſellors, all expedients for raiſing men and money are employed[u]. Mean while the Scots, by private encouragement from England, advance to their borders[w], and routing a party of Engliſh, become maſters of Newcaſtle. The king is quickly reduced to great ſtraits, and petitioned to call a parliament and treat with the Scots. Want of money, and a manifeſt averſion in the Engliſh, and particularly in the army, to fight againſt the Scots, oblige the king to comply. Commiſſioners are appointed on both ſides to treat, firſt at Rippon and afterwards at London, and a parliament ſummoned to ſit the 3d of November 1640. So univerſal was the diſlike of the principles and proceedings of the court, that notwithſtanding all their endeavours, few of that party could obtain a ſeat in this parliament[x]. The counties, cities, and boroughs, were almoſt unanimous in chuſing ſtate puritans, or (in the modern phraſe) whigs, that is, men, who without believing the divine right of kings, were attached to the conſtitution as well in church as ſtate, and enemies only to the abuſe of power in both. Of ſuch men the majority of the commons conſiſted, whoſe ſole intention was to redreſs the civil and eccleſiaſtical grievances, and ſeverely puniſh the authors[y]. Had the houſe been entirely filled with theſe and the ſmall number of the court party, the wounds in the conſtitution would doubtleſs have been cloſed, and the liberties of the people ſecured from future invaſion, without the extirpation of the monarchy, or even epiſcopacy. But unhappily there were alſo elected ſome, whoſe views were carried much farther, and who, not content with reforming abuſes, were for removing foundations[z]. Theſe men, more conſiderable for their abilities than number, concealed their intentions at firſt, by pretending to confine their deſires, with the friends of the conſtitution, to the redreſs of grievances.

To the parliament, thus compoſed, the king in his firſt ſpeech declares his reſolution to put himſelf freely upon the

[r] The diſſolution of the third parliament was followed with a declaration, that "ſince for ſeveral ill ends the calling again of a parliament was divulged, however, his majeſty had ſhewed, by his frequent meeting his people, his love to the uſe of parliaments, yet the late abuſe having, for the preſent, driven his majeſty unwillingly out of that courſe, he ſhall account it preſumption for any to preſcribe any time to his majeſty for parliaments." Which words (ſays lord Clarendon) were generally interpreted, as if no more aſſemblies of that nature were to be expected, and that all men were prohibited, upon the penalty of cenſure, ſo much as to ſpeak of a parliament. Clar. B. I. p. 4.

[s] After a ſeſſion of three weeks. In all probability, if the king had ſuffered this parliament to ſit, the grievances of the nation had been redreſſed in a regular manner, and the civil wars entirely prevented. For it is univerſally agreed, that the houſe of commons conſiſted in general of ſober and diſpaſſionate men, whoſe ſole aim was to reſtrain the prerogative within due bounds, and ſecure the juſt liberties of the people. Accordingly, the lord Clarendon obſerves, that "there could not a greater damp have ſeized upon the ſpirits of the whole nation than this diſſolution cauſed, and men had much of the miſery in view which ſhortly after fell out." He was himſelf a member of this parliament. The king was quickly ſenſible of his error, and very deſirous to repair it, and the ſame, or the next day, conſulted whether he might by proclamation recall the commons, to meet together again. Clar. B. I. p. 139, 140.

[t] By the firſt canon all pariſh-prieſts were ordered to read in the church one Sunday in every quarter the following explanation of regal power. "That the moſt high and ſacred order of kings is of divine right, being the ordinance of God himſelf, founded in the prime laws of nature and revelation, by which the ſupreme power over all perſons, civil and eccleſiaſtical is given to them.—And for ſubjects to bear arms againſt their king, either offenſive or defenſive, upon any pretence whatſoever, is at leaſt to reſiſt the powers ordained of God; and though they do not invade, but only reſiſt, St. Paul ſays, they ſhall receive damnation." See Nalſon, p. 545. This, and the other canons were by the next parliament condemned "as contrary to the fundamental laws of the realm, the king's prerogative, the property of the ſubject, and the rights of parliament." Whit. Mem. p. 37. The proceedings of this convocation (ſays lord Clarendon) drew the ſame prejudice upon the whole body of the clergy, to which before only ſome few clergymen were expoſed. B. II. p. 148. It is obſervable, that the judges, Finch, Littleton, &c. gave their opinion, that "The convocation called by the king's writ was not to diſſolve but by the king's writ, notwithſtanding the diſſolution of the parliament." Whit. Mem. p. 32.

[u] The king's moſt intimate counſellors at this time were, Laud, Strafford, and Cottington, by whom it ſeems, he was told, that being refuſed by the commons, he might uſe any methods to raiſe money. Accordingly, (ſays Whitlock) all the wheels of the prerogative were ſet in motion to provide money, as loans, knighthood, monopolies, &c. Whit. Mem. p. 33, &c. It is remarkable that, the firſt footſteps we have of a cabinet-council in any European government were in the time of Charles IX. king of France, when reſolving to maſſacre the proteſtants he durſt not truſt his council with it, but choſe a few men whom he called his cabinet-council. Formerly, it ſeems, all matters were debated and reſolved in the privy-council, where every man ſubſcribed his opinion, and was anſwerable for it. This part of the conſtitution was broken by king Charles I, but more notoriouſly by king Charles II, who ſettled a cabal or cabinet-council, where all matters of conſequence were reſolved, and then brought to the privy-council to be confirmed. See Pref. to the Hiſt. of Standing Armies.

[w] As the king (ſays Whitlock) had his private junto, ſo the agents of the Scots-covenanters and their friends in London had their private meeting and counſels, with thoſe who were diſcontented at the preſent management of affairs at court, and who had ſuffered by the late proceedings; and from hence no ſmall encouragement and promiſe of aſſiſtance was given to the covenanters. Whit. Mem. p. 33.

[x] The court (ſays Whitlock) laboured to bring in their friends; but thoſe who were moſt favoured at court, had leaſt reſpect in the country, and it was not a little ſtrange to ſee what a ſpirit of oppoſition to the court-proceedings, was in the hearts and actions of moſt of the people, ſo that very few of that party had the favour to be choſen members of this parliament. Whit. Mem. p. 35.

[y] If the aſſertions of the lord Clarendon and other writers on the king's ſide be impartially conſidered, it can hardly be doubted that the intention of much the greateſt part of the commons, at the time of their aſſembling, was not to alter the conſtitution but reform abuſes. And that even the views of thoſe who were for alterations in church and ſtate, did not extend beyond abridging the temporal power of the biſhops and eccleſiaſtical courts, and bounding the prerogative ſo, as to prevent any future invaſions of the rights of the ſubject. For though there were ſome who privately deſired the abolition of epiſcopacy, and others who ſecretly wiſhed both that and the extirpation of the monarchy, yet it is not poſſible they (eſpecially the republicans) ſhould entertain the leaſt hopes of ſeeing their deſires accompliſhed, contrary to the principles and intentions of both houſes, and the general bent and genius of the nation. The ſubverſion therefore of the civil and eccleſiaſtical conſtitution, which afterwards happened, was not owing to any ſettled deſign at the firſt, but to certain accidents and conjunctures not to be foreſeen by the moſt acute underſtanding. The lord Clarendon, ſpeaking of the temper and conſtitution of both houſes, expreſly ſays, "In the houſe of commons were many perſons of wiſdom and gravity, who being poſſeſſed of great and plentiful fortunes, though they were undevoted enough to the court, had all imaginable duty to the king, and affection to the government, eſtabliſhed by law or antient cuſtom; and without doubt, the major part of that body conſiſted of men who had no mind to break the peace of the kingdom, or to make any conſiderable alteration in the government of church or ſtate." B. I. p. 184. Agreeably to this repreſentation was the order of the commons of Novemb. 20. 1640, ſeventeen days after their firſt meeting, 'That none ſhould ſit in their houſe but ſuch as would receive the communion according to the uſage of the church of England.' As for the peers, the lord Clarendon obſerves, that when the bill for taking away the votes of the biſhops in parliament was brought into the houſe, there were only two lords (Say and Brook) that appeared as enemies to the whole fabric of the church, and to deſire a diſſolution of the epiſcopal Government. He likewiſe deſcribes the principal members of the houſe of commons to be well-affected, or at leaſt not averſe to the government of the church, as Pym, Hollis, Whitlock, Selden, &c. and of Hamden himſelf he ſays, "Moſt people believed, his diſlike was rather to ſome churchmen, than to the eccleſiaſtical government of the church." It ſeems therefore unjuſt to charge in general the members of this Parliament with having from the beginning, deſigns of ſubverting the conſtitution, or to blame their oppoſition to the proceedings of the court, ſince frequency of parliaments, redreſs of grievances, and calling the king's arbitrary miniſters to account, were the ends propoſed by the major part of both houſes, to accompliſh which, it was by ſome judged neceſſary to ſet bounds to the prerogative royal, and diminiſh the power of the biſhops, without the leaſt thought of deſtroying the civil or eccleſiaſtical government. It was not (ſays Welwood) a few of either houſe, but all the great patriots that concurred at firſt to make inquiry into the grievances of this reign. Sir Edward Hide (afterwards lord Clarendon) the lord Digby, the lord Falkland, the lord Capel, Mr. Grimſtone, (ſpeaker of that houſe of commons, that brought in king Charles II.) Mr. Holles, (ſince lord Holles) all which ſuffered afterwards on the king's ſide; and in general moſt of thoſe that took the king's part in the war, were the men that appeared with the greateſt zeal for the redreſs of grievances, and their intentions were certainly noble and juſt, and tended to the equal advantage of king and people. Welw. Mem. p. 43.

[z] It muſt be obſerved, the puritans had ſometime been diſtinguiſhed by the names of doctrinal-puritans, and diſcipline-puritans. The doctrinal-puritans were conformiſts to the church of England, and well pleaſed with epiſcopal government, but underſtood the articles of juſtification, free-will, predeſtination, &c. in the literal or Calviniſtical ſenſe, and therefore were very averſe to the perſons of ſuch biſhops, as eſpouſed and propagated the oppoſite or Arminian interpretation of the ſame points. Moſt of the members of the houſe of commons were, as to religion, doctrinal-puritans. The diſcipline-puritans, equally poſſeſſed with the divine inſtitution of preſbytery, as the rigid churchmen with the divine right of epiſcopacy, were enemies to the whole hierarchy, and wiſhed for the eſtabliſhment of the preſbyterian government. Of theſe there were but few at firſt in the parliament, and ſtill fewer republicans, who afterwards, under the name of independents, oppoſed as well the preſbyterian as epiſcopal diſcipline, and by that means proved one occaſion of the reſtoration of king Charles II.

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affection of his ſubjects, and heartily to concur in the redreſs of their juſt grievances. According to this declaration, the king conſents to the abolition of ſhip-money [a], knighthood-money, monopolies, the courts of Star-chamber [b], and High commiſſion [c], thoſe great fountains of grievances, and for a future ſecurity of his governing by law, paſſes a bill for triennial parliaments [d]. He alſo, though with reluctance, ſacrifices one of his moſt intimate counſellors, the lord Strafford, to the reſentment of the commons; and as a demonſtration of the ſincerity of his intentions, gives the commons power to ſit till they ſhould diſſolve themſelves.

After receiving the thanks of both houſes for theſe acts, the king takes a journey to Scotland, and the pacification being concluded, the two armies are ordered to be diſbanded. In Scotland the king, who had not long ſince attempted to introduce there the Engliſh church worſhip and diſcipline, reſolves now, if poſſible, to regain the affection of his countrymen, or at leaſt to keep them quiet, and to this end ratifies in parliament all their late proceedings, and gives his conſent to the acts of the Glaſgow aſſembly; by one of which "the government of the church by archbiſhops and biſhops is declared to be againſt the word of God and propagation of religion, and epiſcopacy utterly aboliſhed [e]."

The grievances of both nations being thus redreſſed, and the cauſes in great meaſure removed, the king was in hopes he ſhould be no farther preſſed. But he ſoon found he was miſtaken. For during his abſence in Scotland, the leaders in the houſe of commons had found means to infuſe into many members a belief, that the king's conceſſions were no ſufficient ſecurity againſt future encroachments of the crown, and therefore it was neceſſary to obtain a farther limitation of the prerogative, as well as a retrenchment of the epiſcopal power. When they thought they had gained a majority to their opinion, upon news that the king was coming from Scotland, the famous remonſtrance of the ſtate of the kingdom was brought into the houſe and put to the vote. Hitherto the commons had been unanimous in the reformation of abuſes, but in this affair, after a long and violent debate, the houſe was divided, and the remonſtance carried but by nine voices [f]. Eight days after his return, this remonſtrance, with a petition for removing evil counſellors, and for his concurrence in the farther abridging the temporal power of the clergy, was preſented to the king, after which it was printed and publiſhed to the people.

From thenceforward two parties aroſe, as well in the nation as in the houſes of parliament. The one, ſatisfied with the redreſs of the grievances, thought the remonſtrance needleſs, and the people's rights amply ſecured by the king's ſincerity, and the act for triennial parliaments. The other believed theſe fences too weak, and inſiſted upon ſtronger ſecurities in the abridgment of the royal power.

Agreeably to their petition, and purſuant to their deſign of a farther reformation, the commons brought in a bill to take away the biſhops votes in parliament, and to diſable clergymen from having any temporal juriſdiction. As the biſhops had all along promoted the principles and proceedings of the court, and with great ſeverity to the oppoſers introduced innovations into the church, the bill was paſſed in the lower-houſe, even by thoſe who were no enemies to the epiſcopal order [g]. But it would have found greater oppoſition in the houſe of lords, had not the biſhops unadviſedly given the commons an opportunity of cauſing twelve of their bench to be confined [h]. By this means the bill at length was alſo paſſed by the peers. The royal aſſent would have been ſtill more dif-

[a] By this act, all the proceedings in the buſineſs of ſhip-money were adjudged void, and the judgments, enrolements, and entries thereupon, vacated and cancelled. Beſides, ſome clauſes in the ſtatute aſſert the ſubject's liberty and property beyond what was done by the petition of right, which (ſays the lord Clarendon) needed an additional eſtabliſhment.

[b] The exorbitances (ſays lord Clarendon) of this court had been ſuch, that there were very few perſons of quality who had not ſuffered or been perplexed by the weight or fear of thoſe cenſures and judgments. For having extended their juriſdiction from riots, perjury, and the moſt notorious miſdemeanors, to an aſſerting all proclamations and orders of ſtate; to the vindicating illegal commiſſions and grants of monopolies, (all which were the chief ground-works of their late proceedings) no man could hope to be longer free from the inquiſition of that court, than he reſolved to ſubmit to thoſe and the like extraordinary courſes. B. III. p. 284.

[c] The high-commiſſion court was erected by a ſtatute in the firſt year of queen Elizabeth, inſtead of a juriſdiction which had been exerciſed under the pope's authority, then aboliſhed. Of late (ſays the lord Clarendon) it cannot be denied, that by the great power of ſome biſhops at court, it had much over-flowed the banks which ſhould have contained it. Then, it was grown from an eccleſiaſtical court, for reformation of manners, to a court of revenue; and impoſed great fines upon thoſe who were culpable before them; ſometimes above the degree of the offence, had the juriſdiction of fining been unqueſtionable: which it was not. The act for aboliſhing the high-commiſſion repeals that branch of the ſtatute of the firſt of queen Elizabeth, upon which this court was founded, and then enacts, "That no archbiſhops, biſhops, vicars general, chancellor, or official, nor their commiſſaries, or any other eccleſiaſtical officer, ſhall, by any grant, &c. from the king, after the firſt of Auguſt 1641, award, impoſe, or inflict any pain, penalty, fine, amercement, impriſonment, or other corporal puniſhment, upon any of the king's ſubjects, for any contempt, miſdemeanor, crime, matter, or thing, whatſoever, belonging to eccleſiaſtical juriſdiction; or ſhall, ex officio, adminiſter to any perſon, any corporal oath, to make any preſentment of any crime, or to confeſs or accuſe himſelf of any crime or miſdemeanor, whereby he or ſhe may be liable to any puniſhment, under the penalty of treble charges, and a hundred pound to him who ſhall demand the ſame. Nor ſhall any new court be erected with like power, as the high-commiſſion had or pretended to have, but all ſuch commiſſions from the king and his ſucceſſors, and all acts made by virtue thereof ſhall be utterly void." By this act (as the lord Clarendon obſerves) all coercive power, and in a manner, all eccleſiaſtical juriſdiction, were taken from the ſpiritual courts. B. III. p. 284.

[d] Whitlock obſerves, that the committee for this bill took a great deal of pains in framing it, p. 39. There are in it many ſtrong clauſes in favour of the ſubjects, in caſe the crown ſhould omit the ſending out the writs; particularly, "the giving the people authority to aſſemble together, if the king failed to call them." However, (ſays the lord Clarendon) ſince it was evident that great inconveniences had befallen the kingdom by the long intermiſſion of parliaments, and this intermiſſion could not have happened, if there had not been ſome neglect of what had been ſettled by former laws; therefore there was ſome colour of reaſon for theſe clauſes, by which the crown could in no caſe ſuffer, but by its own default. B. III. p. 282. This and the two foregoing notes plainly ſhew, the commons in theſe, as well as in other acts paſſed about the ſame time, againſt monopolies, knighthood-money, incroachments in the Stannery courts, and for the certainty of bounds of foreſts, (all which had been occaſions of great oppreſſions) had juſt reaſons for their proceedings, by the confeſſion even of the lord Clarendon himſelf, who ſays alſo concerning foreſts, That the people had been ſo vexed by the juſtice in Eyre's ſeat, that few men could aſſure themſelves their eſtates and houſes might not be brought within the juriſdiction of ſome foreſt, which if they were, it coſt them great fines. B. III. p. 286. Theſe acts have been the more fully explained, as they are but juſt mentioned by Rapin, at the time of their being paſſed. Vol. II. p. 581.

[e] This condeſcenſion to the Scots (ſays lord Clarendon) gave unſpeakable encouragement to the enemies of the church of England, whoſe number from thenceforth wonderfully encreaſed. They preſumed their work was more than half done, when the king himſelf declared, (as they ſaid, by his aſſent to that act) that epiſcopal government was againſt the word of God, and many concluding the king would at laſt yield to any thing, put themſelves in company of the boldeſt and moſt poſitive aſkers. B. IV. p. 310. The true reaſon, doubtleſs, of theſe condeſcenſions to the Scots, was the king's knowledge how ſubſervient they had been to the deſigns of the Engliſh parliament, and to prevent their interpoſing for the future. But in this he was diſappointed; for when, in the courſe of the war, the parliament was obliged to apply to them for their aſſiſtance, it was readily granted.

[f] When the leading men in the houſe of commons (who ſuſpected the king's ſincerity) ſaw, that many members, and great part of the nation appeared ſatisfied with the redreſs of grievances and the triennial act, and that the king, now in Scotland, in order to pacify the covenanters, readily aſſented to whatever was deſired by the parliament of that kingdom, they renewed their endeavours to make it believed that the king would break through all his conceſſions, as in the caſe of the petition of right, whenever it ſhould be in his power. To this end it was inſinuated, the king ſtill retained his old principles; was under the abſolute influence of the queen; had redreſſed the chief grievances with reluctance, and therefore the triennial act would be but a weak barrier againſt future oppreſſions, if ſtronger bounds were not ſet to the prerogative. Perhaps theſe inſinuations might not ſo eaſily have had the deſired effect, had they not been ſtrengthened by ſeveral accidents during the king's ſtay in Scotland, as the deſign at Edinburgh to murder Hamilton and Argyle, which ſome were perſuaded to believe was intended to reach farther than to thoſe Lords; but more eſpecially the Iriſh rebellion and maſſacre, which happened in this interval, ſerved to increaſe the king's enemies in the parliament and nation. "For (ſays lord Clarendon) all occaſions being taken to inſinuate that this rebellion was contrived and fomented by the king, or at leaſt by the queen; and that the rebels declared, they had the king's authority for all they did: this calumny made more impreſſion upon the minds of ſober and moderate men (who till that time had much diſliked the paſſionate proceedings of the parliament) than could be then imagined, or can be yet believed. So great a prejudice was univerſally contracted againſt the court, eſpecially the queen, whoſe power and activity was thought too great." (B. IV. p. 301.) At this juncture the remonſtrance of the ſtate of the kingdom was ordered to be prepared, wherein are deſcribed all the illegalities and faults in government ſince the king's acceſſion to the crown, with an intimation of the neceſſity of a farther reformation. This remonſtrance not being directed to the king, but the public, was a ſort of appeal to the people for bounding the prerogative, and may juſtly be conſidered as the firſt ſtep towards the breach between king and parliament. See the remonſtrance and the king's anſwer. Rapin, Vol. II. p. 616.

[g] The lord Clarendon ſays, one great cauſe of this bill was the contempt the biſhops had ſhewn of the common law, in a wrong notion, that the ſtraitning and confining that profeſſion, would naturally extend the juriſdiction of the church. Thence aroſe (ſays he) their bold and unwarrantable oppoſing and proteſting againſt prohibitions and other proceedings at law, on the behalf of eccleſiaſtical courts, and procuring ſome privileges from the king on behalf of the civil, even with an excluſion of the common lawyers: as "that half the maſters of chancery ſhould be always civil lawyers." And "that no others, of what condition ſoever, ſhould ſerve as maſters of requeſt." By theſe and many other provocations, the profeſſors of the common law were excited entirely to root up and demoliſh the juriſdiction of the church. Clar. B. III. p. 283. IV. p. 305. This might be one reaſon why the common lawyers joined in this bill; but the true ground of it was, becauſe the commons plainly ſaw the biſhops votes in the houſe of lords would greatly retard, if not wholly prevent, their deſign of a farther reformation. For twenty-ſix votes, when there were not above a hundred members, could almoſt at any time turn the ſcale which way they pleaſed.

[h] The biſhops, on account of ſome inſults from the populace, having abſented themſelves from the houſe, a proteſtation is raſhly ſigned by twelve of them, againſt all acts and votes in their abſence as null and void. This proteſtation the lord-keeper Littleton, by the king's command, read next morning

ficult to obtain, had not the king, while the bill was depending, committed the fatal error of accuſing of high-treaſon the lord Kimbolton, with five commoners, and going in perſon to the houſe with a numerous retinue to demand them [i]. This proceeding alarmed not only the parliament but the whole nation. The party which had lately begun to appear in the king's favour were now filled with diſtruſt, and inclined to believe the neceſſity of abridging the prerogative [k]. In the midſt of the tumults, fears, and jealouſies raiſed on this occaſion, the king, to his farther diſadvantage, retired from the parliament, firſt to Hampton-Court, and from thence to Windſor.

Mean while the leaders in the houſe of commons, convinced by the king's late conduct, that there was no ſafety for them without retrenching his power, fail not in this time of univerſal diſtruſt to puſh their deſign. For their own, therefore, as well as the nation's ſecurity againſt all future attempts of the crown, petitions are ſent to the king, firſt by the commons alone, and then by both houſes, to put the power of the militia, and command of the Tower, and other fortreſſes into the hands of the parliament, as the only means to remove their jealouſies and fears [l]. The king being determined to diveſt himſelf of no power he could legally claim [m], rejects theſe petitions, but by the queen's perſuaſions, paſſes the bill for depriving the biſhops of their votes, and clergymen of all temporal juriſdiction, in hopes of ſoftning the houſes [n].

Not ſatisfied with this, the parliament finding their petitions ineffectual, ſettle the militia by an ordinance, which is offered to the king for the royal aſſent. The king refuſes it, and by degrees retires to York. Here a bill, after paſſing both houſes, is preſented to him for ſettling the militia in the parliament for a limited time, which is alſo rejected [o]. Whereupon the parliament nominate lieutenants for the ſeveral counties, and require them to put the ordinance of the militia in execution. To this the king forbids obedience, ſummons the gentry of the northern counties to York, and raiſes a guard of horſe and foot. About the ſame time ſeveral members of both houſes withdraw, and particularly nine peers reſort to the king. Mean time, the parliament, according to a former deſire of the king, ſend him all their demands, digeſted into nineteen propoſitions, which are rejected by the king, as inconſiſtent with his rights [p]. Soon after, the king ſends forth his commiſſions of array, the parliament vote the raiſing an army, and the king, at laſt, erects his ſtandard at Nottingham. Thus, the civil war was kindled; and now aroſe the diſtinctions of Royaliſts and Parliamentarians, Cavaliers and Roundheads.

It muſt not be thought that the members of each of theſe parties were united in principles and opinions. The royaliſts,

morning in the houſe of lords. It was immediately communicated to the commons, who, within half an hour, accuſe the twelve biſhops of high-treaſon, for endeavouring to ſubvert the being of parliaments. Whereupon ten are committed to the Tower, and two, by reaſon of their age, to the black-rod.

[i] This ſudden action (ſays Whitlock) was the firſt viſible and apparent ground of the following miſeries, p. 51. And therefore (ſays Welwood) the adviſers of it are juſtly chargeable with all the blood that was afterwards ſpilt, p. 58. It was believed, if the king had found the members in the houſe, and called in his guards to ſeize them, the houſe would have endeavoured their defence, which might have proved a very unhappy buſineſs. Whit. p. 51. The lord Clarendon aſcribes it to Lord Digby; others to the queen. However this be, ſo notorious a breach could not but be of infinite diſadvantage to the king in the preſent juncture, being looked upon as equal to a diſſolution of the parliament, ſince he might, they ſaid, upon the ſame grounds, as well ſeize five hundred as five members. Wherefore it not only produced an union in both houſes, but was a plain indication that the king would aſſuredly be revenged of ſuch members as had given him offence, whenever it ſhould be in his power; which conſideration determined the leading men to tie up his hands for the future, by abridging the prerogative.

[k] The minds of men (ſays lord Clarendon) throughout the kingdom, were now prepared to receive all the dictates of the commons with reverence, to obey all their orders, and to believe all their ſafety depended upon their authority; and there were few in the houſe who had courage to oppoſe and contradict them. B. IV. p. 385.

[l] When this bill (according to the lord Clarendon) was firſt brought into the houſe, few imagined it would ever be countenanced beyond the firſt reading: but now (adds he) "there were few who did not believe it to be a very neceſſary proviſion for the peace and ſafety of the kingdom. So great an impreſſion had the late proceedings made upon them." B. IV. p. 388.

[m] The truth is, I ſpeak it knowingly (ſays lord Clarendon) at that time the king's reſolution was to ſhelter himſelf wholly under the law: to grant any thing that by the law he was obliged to grant: and to deny what by the law was in his own power; and which he found inconvenient to aſſent to B. V. p. 466. This reſolution was doubtleſs the cauſe of his ruin, for by a too-long continuance in it, he gave the enemies of the conſtitution an opportunity of ſubverting it, by preventing an accommodation between him and the parliament.

[n] The king was perſuaded to paſs this bill even by ſome cordial friends to the church of England, who told him, that the paſſing this bill was the only way to preſerve the church; for by it many perſons in both houſes would be fully ſatisfied, and not join in any further alteration, who otherwiſe would violently endeavour an extirpation of biſhops; and beſides, by granting this, perhaps he would not be preſſed in the militia bill. However, theſe arguments did not prevail with him ſo much as the queen's perſuations, who was afraid her voyage to Holland woud be croſſed by the parliament. It had been, it ſeems, concerted at Windſor, that the queen ſhould go with the princeſs her daughter (betrothed to the prince of Orange) into Holland, and carry with her the crown-jewels to be pawned for the king's uſe, if there ſhould be occaſion. The lord Clarendon inſinuates here, that in this and ſome other acts of no leſs moment, "an opinion that the violence and force uſed in procuring them, rendered them abſolutely void, influenced the king to confirm them." Clar. B. IV. p. 427, 429. Whit. p. 52. This inſinuation ſeems to give ſtrength to the ſuſpicions of the leading men in the houſe of commons, that the king, if not prevented, would revoke his conceſſions, whenever it ſhould be in his power.

[o] The king had deſired that the ordinance might be digeſted into an act of parliament, and the powers to be granted not left to an indefinite time. Whereupon the commons prepared a bill, and limited the time to leſs than than two years. The affair of the militia was the immediate cauſe of the rupture between the king and parliament. This point had never before been maturely conſidered, and therefore it is no wonder the lawyers were divided in opinion about it. Palmer, Hyde, Bridgeman, with ſome other eminent lawyers and gentlemen, affirmed, the power of the militia to be wholly in the king, and on the paſſing of the ordinance withdrew from the houſe. Sollicitor St. John, Maynard, Glyn, Seldon, with divers gentlemen of great parts and intereſt, believed it to be in the parliament, and if the king refuſed to order the ſame according to the advice of both houſes, they by law might do it without him: and purſuant to this opinion, accepted commiſſions of deputy-lieutenancy. Whit. p. 56.

In a debate, it was ſaid by a member (Whitlock) to this effect: "This great power which commands all men and all things, is by ſome affirmed to be in the king, by others, in the parliament: I differ from theſe opinions, and apprehend, it is neither in the king only, nor in the parliament. This power is not in the king only, becauſe the power of money, without which the other will be of little force, is not in the king but in the commons. The king indeed may require forty days ſervice in war of his military tenants, but beyond that they will not ſtay without pay. The king can compel no man to go out of the kingdom, and therefore foreign wars are not to be undertaken without the advice of the parliament; otherwiſe the king muſt pay his army himſelf, for no man can be preſſed by law to ſerve in war but by act of parliament. The power of the militia is exerciſed againſt inſurrections at home, or invaſions from abroad. Againſt inſurrections, the ſheriff has this power in him; againſt invaſions, every man will be ready to give his aſſiſtance. It is my opinion, therefore, that this power, which the law has not expreſly ſettled any where, is in the king and parliament both conſenting together, and I think it beſt it ſhould be there ſtill; and the king petitioned that the militia may be ſettled in ſuch hands as you may truſt." Whit. p. 53.

The many debates and papers publiſhed on this occaſion, ſeem to have been deſigned for the ſatisfaction of thoſe who were for laying only legal reſtraints on the king. For the main point was, not where this power was placed by the law, but whether it was neceſſary for the public welfare in the preſent juncture, to ſettle it for a time in ſuch hands as the parliament ſhould approve. This was abſolutely refuſed by the king. For when the earl of Pembroke aſked him, whether he would grant the militia, as deſigned by the parliament, for a time? No, replies the king, by God, not for an hour. Theſe haſty words did the king great injury, they being ſpoken juſt after he had in a manner promiſed to comply, when he ſhould know how long it was to be thus ſettled. Ruſh. IV. p. 533.

[p] The king by meſſage to the parliament, Jan. 20, 1641, adviſed them "to digeſt into one body all the grievances of the kingdom and ſend them to him, promiſing his favourable aſſent to thoſe means which ſhould be found moſt effectual for redreſs." Whit. p. 52. Accordingly, the following June, the nineteen propoſitions were preſented to him, wherein it was deſired, (I.) That the privy-councillors, foreign miniſters, (III.) great officers of ſtate, and (XV.) commanders of forts and caſtles, may be appointed with the approbation of the parliament. (II.) That affairs of public concern may be tranſacted only in parliament, and other matters of ſtate by the privy-council, (whoſe number ſhall not exceed twenty-five, nor be leſs than fifteen) and all their public acts atteſted under their hands. (XI.) That the privy-councillors and judges ſwear to maintain the petition of right, and certain ſtatutes made by this parliament. (XII.) That the judges and other officers appointed with the approbation of both houſes, hold their places quam diu bene ſe geſſerint. (IV.) That the governors of the king's children may be approved by both houſes, and, in the intervals of parliament, by the major part of the council; and (V.) no marriage concluded for them without conſent of parliament. (VI.) That the laws againſt jeſuits, prieſts, and popiſh recuſants, may be ſtrictly executed. (VII.) That the votes of popiſh lords may be taken away, and an act paſſed for educating their children in the proteſtant religion. (VIII.) That ſuch a reformation may be made of the church government and liturgy, as both houſes aſſiſted by an aſſembly of divines, ſhall adviſe. (IX.) That the ordinance for the militia may remain, till the ſame be ſettled by a bill. (X.) That the members of this parliament may be reſtored to the places they have been removed from. (XIII.) That the juſtice of parliament may paſs upon delinquents. (XIV.) That the general pardon may be granted, with ſuch exceptions as ſhall be adviſed by the parliament. (XV.) That all forces about his majeſty may be diſmiſſed, (XVI.) and a more ſtrict alliance made with the proteſtant ſtates. (XVII.) That the accuſed members may be cleared by act of parliament. (XIX.) That peers made hereafter may be reſtrained from ſitting in parliament, unleſs admitted with the conſent of both houſes. Theſe reſtrictions, though they ſeemed to intrench upon the royal prerogative, were, however, agreeable to the nature of the Engliſh conſtitution, and ſuch as a king, who ſincerely intends the welfare and happineſs of his people, would chuſe to make the rule of his conduct. But however this be, they were infinitely preferable to the calamities of a civil war, which the refuſal of them was ſure to produce. Nevertheleſs, theſe propoſitions were rejected by the king, purſuant to his reſolution of not diveſting himſelf of any power which he thought legal, and, in a belief, that greater limitations would not be offered him, though he ſhould happen to be vanquiſhed in the war. This reſolution, and this belief, proved fatal not only to himſelf, but alſo to the ſtate, in the utter ſubverſion of the conſtitution.

It

or thoſe that declared for the king, liſted in his ſervice upon different motives. Whilſt the parliament confined themſelves to the redreſs of grievances, their proceedings were oppoſed by very few members, and approved by the bulk of the nation. At that time therefore, the king could not be ſaid to have any party, either in the two houſes, or in the nation, except the biſhops, good part of the clergy, the univerſities; in a word, ſuch as had embraced the principle of the divine right of kings, and the conſequent doctrine of paſſive obedience, whoſe number was not very great. The reſt of the nation, however diſagreeing in other reſpects, were unanimous in their approbation of reforming what was amiſs, as as well in the church as in the ſtate. But when the acts to this end, paſſed by the king, were not deemed a ſufficient ſecurity for the future, and farther limitations were deſigned, then it was that the king began to have a conſiderable party both in the parliament and nation, by the union of all who being ſatisfied with the king's conceſſions, oppoſed the abridging of the prerogative. Many members of parliament, who had approved themſelves patriots in zealouſly promoting the legal redreſs of abuſes, when they ſaw a farther reformation not only intended but begun in the militia bill, withdrew to the king, and by theſe he was chiefly enabled to carry on the war [q].

The royaliſts therefore partly conſiſted of ſuch as profeſſed to believe all aſſiſtance unlawful, but principally of thoſe who thought the perogative ought to be reſtrained within the bounds preſcribed by the law; but relying on the king's ſincerity and the triennial act, were utterly againſt any farther alterations in the civil or eccleſiaſtical ſtate. To theſe may be added the catholics, who, in return for the indulgence they enjoyed, aſſiſted the king with their perſons and purſes.

The parliamentarians, in like manner, ~~were~~ far from being all in the ſame ſentiments. The chief branch conſiſted of thoſe who really believed, from the king's late proceedings, that he had not altered his principles, but would, if left in poſſeſſion of his full power, revoke his conceſſions, and be revenged of his oppoſers. To limit the prerogative, therefore, was the profeſſ d deſign of the parliamentarians, and what properly at this time diſtinguiſhed them from the royaliſts [r]. With this branch were mixed all the enemies of epiſcopacy, and friends of preſbytery: all the republicans and independents, whoſe ſeveral wiſhes and views outwardly ſeemed at preſent to extend only to a farther limitation of the prerogative. In a word,

The royaliſts, on a ſuppoſition of the king's ſincerity, drew their ſwords for the church, the laws, and the legal rights of the crown; and the parliamentarians took arms in defence of the fountain of all ſocial happineſs, the liberties of the people, in a belief, that as they had, contrary to the moſt ſolemn declarations from the throne, been trampled upon many years, they would again be invaded, unleſs ſecured by a temporary limitation of the prerogative. Theſe were the real grounds of the civil war; for if either the parliament had ſeen cauſe to rely on the royal word, or the king been willing to part with the militia but for a few years, it would have been out of the power of faction, private views and reſentments, to introduce the confuſion which followed, or to hinder, in caſe the king had firſt relaxed, the ſettling of the conſtitution on laſting foundations. But,

Both ſides appealing to the ſword, the war is, in the beginning, waged with equal ſucceſs, but afterwards with diſadvantage to the parliament. Wherefore, as the king had reſolved to call in the Iriſh to his aſſiſtance, the parliament treat with the Scots for their aid. The Scots, believing their religion and liberties depended on the ſucceſs of the parliamentarians, readily arm in their defence, on condition that uniformity in worſhip and diſcipline be endeavoured in the three kingdoms of England, Scotland, and Ireland. To this end a covenant [s] is ſubſcribed by both houſes, with the aſſembly of divines [t], and afterwards enjoined to be taken by the people, though it is far from appearing that the preſbyterians were the majority in the parliament [u]. By the aſſiſtance of the Scots and change of the general [w], the ſcale is ſo turned to the parliament's ſide, that the king daily loſes ground.

Mean time, a great and ſudden change is wrought by the republicans, who ſtill lay concealed. It is ſo managed by Cromwell and ſome others, that the army is entirely new modelled, and by an ordinance of both houſes, all members of parliament are rendered incapable of civil or military office. Fairfax is made general; and Cromwell, who had a great influence over him, is, notwithſtanding the ordinance,

[q] It is a miſtaken notion that king Charle's party were moſtly induced to eſpouſe his quarrel, from a belief of the divine right of kings, and the doctrine of unlimited obedience. Moſt of the great men who engaged and ſuffered on his ſide, had been zealous aſſerters of the national liberties, and had ſtrenuouſly reſiſted the incroachments of the crown, as far as was warrantable by law. Beſides, it was not till after the reſtoration that theſe notions ſpread much beyond the court, the clergy, the univerſities, and ſuch as were under their influence. The alterations in the conſtitution beyond what was thought legal, was properly what firſt raiſed king Charles an army.

[r] It has been warmly diſputed, on which ſide the war was firſt begun? Whether the king or the parliament was the aggreſſor? But this ſeems not to be the point that ought chiefly to be conſidered. All but thoſe who profeſs the doctrine of paſſive obedience, muſt, at this day, be determined for, or againſt the king, in the ſame manner as the ſeveral parties were formed at the time of the rupture. He that believes, the king's conceſſions were a ſufficient guard againſt any invaſions of the national liberties, and that his majeſty really intended for the future to govern by law, muſt condemn the parliament for requiring a farther ſecurity, and deem the two houſes authors of the war. On the other hand, he that thinks, the king had unwillingly conſented to theſe acts, and would have revoked them, if ever it had been in his power, muſt throw the blame of the war on the king, for not agreeing to a farther limitation of his prerogative, at leaſt for a time.

[s] The covenant conſiſted of ſix articles; the chief of which were, I. To endeavour to bring the churches of the three kingdoms to the neareſt uniformity in worſhip and diſcipline; and II. To endeavour the extirpation of the hierarchy.

[t] The ordinance for convening this aſſembly was to this effect: "Whereas it has been declared by both houſes, that the preſent church-government by archbiſhops, biſhops, &c. is prejudicial to the ſtate, they are reſolved it ſhall be taken away, and ſuch a government ſettled in the church, as may be moſt agreeable to God's holy word, and of near agreement with the church of Scotland, and other reformed churches abroad. For the better effecting whereof, and for vindicating and clearing the doctrine of the church of England from all falſe calumnies, it is thought fit to call an aſſembly of learned divines to conſult about the premiſes, and give their advice to both or either of the houſes when they ſhall be required." This aſſembly was to meet in Henry VII's chapel, and conſiſted of three ſorts of clergy, epiſcopal, independent, but moſtly preſbyterians, to the number of one hundred and twenty. With theſe were joined many members of both houſes, with power of debating and voting; the chief were, the earls of Northumberland, Bedford, Pembroke, Salisbury, Holland, Mancheſter; the lord Say, Conway, Wharton, Howard of Eſcrick; with Selden, Rous, Prideaux, both the Vanes, Pym, Maynard, Whitlock, and ſeveral other commons.

[u] It muſt be obſerved, that not only above a hundred members had deſerted or been excluded the houſe, but alſo ſome of the moſt eminent were dead ſince the beginning of the war, particularly Hamden and Pym, which cauſed a great alteration in the parliament. By the firſt, the votes againſt the hierarchy, and for the taking of the covenant, met with the leſs oppoſition; and by the latter, the deſigns of Cromwell and the army were the more eaſily executed. It is indeed the general opinion of the hiſtorians, and amongſt the reſt, of Rapin himſelf, that at this time the majority of the commons was preſbyterian, but there ſeem to be very ſtrong arguments to the contrary. It is true, preſbytery had gained ground in the nation, becauſe the parochial clergy (who will always have a great influence over the people's religion) were moſtly preſbyterians. But it was far from being the ſame in the houſe of commons, for the following reaſons. When they voted the abolition of epiſcopacy, (which was done to pleaſe the Scots) the bill was not to take place till above a year after, in which time it was hoped the breach with the king would be made up. Again, had they really intended it, what hindered them from eſtabliſhing the preſbyterian government and diſcipline, when they were ſupported by a Scotch army which was come for that very end? In almoſt every page of Whitlock's Memorials we find petitions from the aſſembly of divines, from the Scots, from the city of London, for the eſtabliſhment of preſbytery, and yet the thing was continually deferred. And even at laſt, when both houſes paſſed an ordinance for ſettling the preſbyterian government, the ſettlement was to laſt but three years, with a reſerve of all eccleſiaſtical juriſdiction to themſelves, which they would never part with. Wherefore the king, in his letter to the Scots, ſaid very rightly, "We are confident (ſays his majeſty) the moſt conſiderable perſons (in the parliament) and thoſe who make the faireſt pretenſions to you of uniformity, will not ſooner embrace a preſbyterial, than you an epiſcopal government." Mem. of Ham. B. IV. p. 197. Of the ſame opinion was the lord Clarendon; "Very much the major part of the members that continued in the parliament houſe, were (ſays he) cordially affected to the eſtabliſhed government, at leaſt not affected to any other." Vol. ii. p. 117. The caſe ſeems to be this. The commons ſhewed, upon all occaſions, that they did not believe any church-government in particular to be jure divino, but that either the epiſcopal or preſbyterial might be eſtabliſhed, according as the peace and welfare of the public required it. And as they had a lively ſenſe of what the nation had ſuffered from the abuſes of eccleſiaſtical power, and had before their eyes an inſtance of the intolerable yoke of the preſbyterian diſcipline in Scotland, they were reſolved never to lodge any coercive power in the hands of the clergy. Hence their early bill, paſſed by the king, to take away the temporal juriſdiction of all clergymen. Hence their expreſs prohibition to the aſſembly of divines, to exerciſe any authority. In vain did the aſſembly offer frequent petitions to have the power of the keys, of excommunication, &c. the commons declare they can never conſent to be ſubject to near ten thouſand judicatories. Nor did the ſame aſſembly ſucceed any better in their aſſertion of the divine right of preſbytery; the houſe would not come into their notion: on the contrary, being informed of an intended petition for eſtabliſhing preſbytery as the diſcipline of Jeſus Chriſt, they voted it ſcandalous. Whit. p. 159. In ſhort, the opinion of the houſe, in theſe reſpects, ſeems to be expreſſed in three ſpeeches made by Mr. Selden, and two other members, to the aſſembly of divines, which the reader will find in Whitlock's Memorials, p. 94, 163. From hence alſo appears the reaſon why the army and independents came to have ſo ſtrong a party in the houſe. For toleration, and a renouncing of all coercive power, were two profeſſed principles of the independents, to which the commons had all along been inclined, and to which the preſbyterians were utterly averſe.

[w] The earl of Eſſex's ſcruples to fight againſt the king's perſon were of great diſſervice to the parliament, and occaſioned his removal.

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continued lieutenant-general of the horſe. Thus the independents, without diſcovering themſelves, or their deſigns, become at once almoſt maſters of the army. Three months after this ordinance, the king, by the loſs of the battle of Naſeby, is unable to keep the field, and ſhifting ſome time from place to place, throws himſelf at laſt into the Scotiſh army before Newark.

The Scots upon this retire to Newcaſtle, and by their ſolicitations, the parliament ſends propoſitions to the king. Confirmation of the covenant, abolition of epiſcopacy, and ſettlement of the militia in both houſes for twenty years, are the principal articles. The king abſolutely rejecting the two firſt, the Scots deliver him up to the parliament, and march into their own country.

At this time conteſts ariſe between the army and parliament. The army refuſe to diſband, and reſolve to have a ſhare in ſettling the government. They begin with ſeizing the king's perſon whom they conduct to Hampton Court. Here the king privately treats with the Scotiſh commiſſioners, and afterwards ſigns an agreement with them, by which, on certain conditions, they engage ſpeedily to bring an army into the field, and in conjunction with the Engliſh preſbyterians and royaliſts, free him from the independents, and reſtore him to his juſt rights[x]. The king's reliance on this army and the inſurrections of his party, prevents his cloſing with the parliament's terms[y] and finiſhes his ruin. For the Scots are routed, and the royaliſts diſperſed; after which the army ſuddenly reſolve to bring the king to a public trial as the author of the war. The members that oppoſe this reſolution are by violence kept from the houſe; and the reſt, either agreeing in ſentiments with the army, or for other private ends, erect a high court of juſtice, by which the king is condemned and beheaded. Preſently after, the ſame commons vote the houſe of peers uſeleſs, aboliſh the monarchy, and, though in perfect ſubjection to the army, declare themſelves the ſupreme authority.

Thus inſtead of purſuing the ends propoſed at firſt by the majority of both houſes, inſtead of reforming the exceſſes of the civil and eccleſiaſtical powers, and preventing the like grievances for the future, the conſtitution both in church and ſtate was by a ſmall part of the houſe of commons, in conjunction with a ſtanding army, entirely deſtroyed. During the courſe of the war, both king and parliament had continually expreſſed an inclination to peace; but as the one would not make the leaſt conceſſion with regard to the militia, and the other would not be ſatisfied without having it in their hands, at leaſt for a time, it is too plain, the negotiations were intended only for the amuſement of the people, and the caſe ſtill remained the ſame as in the beginning of the war; namely, the blame was thrown on the king or the parliament, according as a farther ſecurity was, or was not, thought neceſſary. But when the king, by the chance of war, was fallen into the hands of the parliament, and offered not only to ſettle the militia in both houſes for ſeven, ten, nay twenty years, but alſo to appoint the privy-councillors and great officers of ſtate with their approbation, the fear of future invaſions of the people's rights, or the apprehenſions of danger to particular perſons from the crown, could no longer be pleaded as lawful obſtacles to a peace, and conſequently the king, from that time, ſtood clear of all blame that the government was not ſettled in a regular manner, on the foot of the antient conſtitution. The preſbyterians, grown numerous in the nation, and encouraged by the Scots, would not be content with the ſecurity of their civil and religious rights, but poſſeſſed with their jus divinum, inſiſted on the total abolition of epiſcopacy, and abſurdly claimed a more tyrannical power over conſcience, than what had ever been complained of in the biſhops. This, and this alone proved the occaſion (though contrary to their intention) of the king's death, in giving the independent army time to purge the houſe (as they called it) of ſuch members as refuſed to come into their meaſures[z].

By this means not only the conſtitution is entirely ſubverted, but the preſbyterians themſelves are alſo diſappointed of their aim. Cromwell having gained the battle of Worceſter, reduced Scotland and reſtored the Iriſh affairs, puts an end at once to the common-wealth and the remains of the parliament, by turning the commons out of their houſe. Then under the title of protector he aſſumes the government; and though preſbytery is continued in the church, he allows, to the great mortification of the preſbyterians, toleration in matters of religion. After Cromwell's death, and his ſon's reſignation, the republican members (called in deriſion the rump) are reſtored by the army, and again prevented from ſitting. Upon which there ariſes a diviſion in the army; Monk, with his forces in Scotland, declares againſt theſe proceedings, and for the parliament, which is not only re-aſſembled, but the ſecluded members reſtored to their ſeats. After which, paſſing an order for ſummoning a new parliament of lords and commons to meet the 25th of April 1660, they at laſt diſſolve themſelves. The new parliament, without other terms than the promiſe of a general pardon and liberty of conſcience, unanimouſly call king Charles II. to the throne.

Thus were loſt two ſignal opportunities of ſettling the conſtitution on laſting foundations; namely, at the end of the civil wars, when the king was ready to comply with any methods for ſecuring the national liberties; and at the reſtoration, when king Charles II. would have gladly ſubmitted to ſuch limitations, as ſhould have been thought neceſſary for the prevention of future abuſes of power. But the preſbyterians, out of hatred to the independents, by whom they had been kept in ſubjection almoſt twelve years, ſo haſtily joined with the royaliſts, in the reſtoration of the king, that the ſober and conſiderate perſons of the ſeveral parties could not be heard amidſt the general tranſport.

Inſtead therefore of improving the juncture, and ſettling the government on the foundations of liberty; inſtead of fixing the bounds of the prerogative, and ſecuring the rights of the people agreeable to the antient conſtitution, the ſame principles of civil and eccleſiaſtical power which had been maintained by king James, and purſued by king Charles I. and which had thrown the nation into wars and confuſion, not only revived with more ſtrength than ever, but received the ſanction of a legal eſtabliſhment. The very parliament or convention by which the monarchy was reſtored led the way, and even before the king's arrival, aſſerted that the crown, on his father's deceaſe, did immediately deſcend to him by

[x] The king promiſed to confirm the covenant by act of parliament, for the ſecurity of thoſe by whom it had been or ſhould be taken, with this proviſo, that none ſhould be conſtrained to take it. He alſo engaged to confirm, in the ſame manner, preſbyterian government, &c. for three years, with an exception of himſelf and houſhold. And that courſe ſhould be taken for the ſuppreſſion of all ſectaries, as anabaptiſts, independents, &c. As the king, by this treaty, was to be reſtored to the power of the militia, choice of officers and privy-councillors, which the parliament refuſed him, he was doubtleſs the more eaſily induced to conſent to it. It is obſervable, on this occaſion, that the Scotiſh as well as Engliſh preſbyterians were irreconcilable enemies to toleration, the ſuppreſſion of all other perſuaſions being a point they conſtantly inſiſted upon, though they had loudly complained of the epiſcopal clergy for perſecution, during the firſt fifteen years of this reign. The pretended, though not real, ground of this averſion to toleration, wherever it prevails, is the ſame; namely, the claim of divine inſtitution. Thus the rigid preſbyterian looks with the ſame eye upon other ſects, as the rigid epiſcopalian looks upon diſſenters, and as the papiſt upon heretics, becauſe all three equally claim an authority jure divino.

[y] Both houſes, notwithſtanding the diſſent of the Scotiſh commiſſioners, had agreed upon a perſonal treaty with the king, provided he would paſs four bills, for ſettling the militia; for recalling declarations, &c. for diſabling the lords, made after the great ſeal was carried to Oxford, to ſit in the houſe of peers; and for empowering both houſes to adjourn as they ſhould think fit. Probably the king would have paſſed theſe bills, had it not been for his treaty with the Scotch commiſſioners, who coming the next day, after the bills were preſented to the king, prevailed with him privately to ſign their agreement, and refuſe the four bills. The bills were brought to him, Nov. 22, 1647. The Scots commiſſioners came the 25th, with the agreement ready drawn, which the king ſigned the 26th, and ſent the ſame day an unſatisfactory anſwer to the four bills, with deſign to have made his eſcape preſently after from the Iſle of Wight, where, by Cromwell's ſecret management (as it is ſaid) he had withdrawn himſelf, but was prevented by a cloſer confinement. Ludlow and others inſinuate, the king whilſt at Hampton-Court, and in treaty with the Scots, received ſome private overtures from the army, but that Cromwell diſcovering the king's ſecret negotiation with the Scots, and intercepting a letter to the queen of the king's intention to deſtroy him, when it ſhould be in his power, inſtantly reſolved to bring the king to the ſcaffold. He found the army very ready to ſecond him, ſince they would have been caſhiered without fail, had the king and parliament agreed upon any terms.

[z] The king, in the laſt treaty at Newport, not only offered to ſettle the militia in both houſes, but alſo that preſbytery ſhould be confirmed by act of parliament for three years, and a free conſultation be had with the aſſembly of divines (increaſed with twenty of the king's nomination) how church government after that time might be ſettled by his majeſty and both houſes. It is true, the parliament ſoon after voted the king's conceſſions ſufficient grounds for ſettling the peace of the kingdom. But in condeſcenſion to the preſbyterians, by whom London was then governed, they had ſo long inſiſted on the abolition of epiſcopacy, that two days after this vote, above a hundred members were ſeized by the army, and the king ſuddenly brought to a trial. It may here be obſerved, that the king's conceſſions were never in ſeaſon but generally too late. He that declared he would not to pleaſure the parliament, diſmiſs the meaneſt of his ſervants, paſſed afterwards the earl of Strafford's attainder, and offered to chuſe his counſellors, miniſters, and officers of ſtate, with the approbation of both houſes. He that declared he would not part with the militia for an hour, offered to ſettle it in the parliament for twenty years; whereas his conſent for two years, at firſt, would have prevented the civil wars. The ſame may be ſaid of his other conceſſions. So that Burnet had reaſon to ſay, "The truth was, the king did not come into his conceſſions ſeaſonably, nor with a good grace; All appeared to be extorted from him." Vol. I. 31.

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inherent birth-right[a]. And in their act for an attainder of the regicides, they declare, that neither the parliament nor the whole nation together have any coercive power over the king[b]. These foundations being laid, a superstructure was raised to a great height by the next parliament, which met May 8, 1660, and continued almost eighteen years. Not content with declaring, that the king ought in no case to be resisted, both houses enjoined all orders of men to swear to a belief of the unlawfulness of taking arms, not only against the king, but even against those that are commissioned by him[c]. In vain was it moved by a member of each house, that the word lawfully might be added to commissioned; the oath was enacted without any limitation and left in general terms, though the word lawfully was owned to be implied[d]. The command and disposition of the militia, one of the immediate causes of the civil wars, was also declared to be solely in the king, and his undoubted prerogative. In fine, to remove all restraints upon the crown, the act for triennial parliaments, which had been deemed the nation's security, was repealed, and another of much less force substituted in its room[e].

Thus the king, according to the tenor of these acts, was invested with absolute power, accountable to none but God alone, and exalted above all resistance. These proceedings so destructive of the public liberties, so repugnant to the old English constitution, flowed chiefly from the present temper of the royal party, of which the parliament mostly consisted, and which now prevailed in the nation. The remembrance of their late misfortunes, and the dread of falling again into the like situation, so fully possessed them, that they wholly imputed the civil wars to the principles on which king Charles I. had been opposed, and zealously espoused the contrary maxims, without perceiving the impossibility of reducing them to practice, and without imagining they should themselves, in a few years, be forced to retract them[f]. For

The king, with his brother the duke of York, encouraged by the establishment of the monarchy, on principles so subversive of liberty, form the project of introducing arbitrary power, and by that means the popish religion. To this end, the administration of affairs is lodged in the hands of a cabal of five persons, who were thought fit instruments for such purposes[g]. A private treaty is made with France for the destruction of the Dutch, in order to pave the way for the extirpation of the protestant religion, and the ruin of the English privileges[h]. Pursuant to this secret agreement, the triple-alliance is dissolved[i], war proclaimed against Holland in conjunction with France; and as this was done during a long recess of the parliament, money is raised by shutting up the Exchequer and by a supply from France[k].

[a] In the form of proclaiming the king, May 8, 1660, are these words: "We the lords and commons assembled in parliament, together with the lord mayor, &c. unanimously acknowledge and proclaim that immediately upon the decease of our late sovereign king Charles I, the imperial crown of the realm of England, &c. did by inherent birth-right, and lawful and undoubted succession, descend to his most excellent majesty king Charles II, as being lineally the next heir, &c." See the proclamation in Compl. Hist. Vol. III. p. 241. By the words Imperial Crown, used here and in acts of parliaments, is meant an independent crown not held of any other, as the princes of Germany are said to hold of the empire.

[b] The words of the act are as follows: "Be it hereby declared, that by the undoubted and fundamental laws of this kingdom, neither the peers, nor the commons, nor both together, in parliament or out of parliament, nor the people collectively or representatively, nor any other persons whatsoever, ever had, hath, or ought to have any coercive power over the persons of the kings of this realm." The parliaments that deposed Edward II, and Richard II, seem to have been of a contrary opinion.

[c] The oath is thus worded: "I A. B. do declare and believe, that it is not lawful, upon any pretence whatsoever, to take up arms against the king. And I do abhor that traiterous position of taking arms by his authority against his person, or against those who are commissioned by him." This oath was imposed; first, on all officers in corporations, by the act called the Corporation Act, the intent of which was declared to be, "That the succession in corporations may be most probably perpetuated in the hands of persons well-affected to his majesty and the established government, &c." The same oath was, in the next place, imposed on lord-lieutenants, deputy-lieutenants, officers and soldiers, by the Militia Act, which begins with asserting, "that the sole and supreme power, government, command, and disposition of the militia, and of all forces by sea and land, &c. is, and by the laws of England, ever was, the undoubted right of his majesty and his predecessors, and that the parliament cannot pretend to the same, nor can lawfully raise or levy war, offensive or defensive, against his majesty, his heirs, or lawful successors, &c." Lastly, the whole body of the clergy enjoying any benefice, or salary, were enjoined to take the same oath by the Uniformity-Act, chiefly levelled against the presbyterian clergy, two thousand of whom were ejected out of their livings, for refusing to declare their assent to every thing contained in the book of Common Prayer. The author of the Detection of the Court and State of England, observes, This is one of the first laws that ever was made to swear to opinions and belief, and seems to doubt whether there can be any such thing as a negative assertory oath as this is. However that be, "such an oath, says he, can never extend farther than to him who swears he does not know what he is required to swear: but he can never swear that another does not know it. This sort of swearing destroys the religion and end of an assertory oath, which is only to what a man knows certainly to be true, but no man knows that an opinion or belief is certainly true—In justice therefore an assertory oath, that I believe or am of opinion, is not admitted, unless the testifier swears the ground or cause of his belief to be true of his own knowledge. Now what were the grounds or reason of the corporation-oath, which every one ought to swear to be true of his own certain knowledge, before he believe it not to be lawful, on any pretence, to take up arms against the king? Or admit there might be reason for this belief, yet if the causes of this belief were not known to the taker of this oath, so as he knows them to be true of his certain knowledge, this oath, if any, is perjury." See Coke's Detection, Vol. II. p. 116.

[d] Sir John Vaughan, in the debate on the words commissioned by him, produced many instances to shew, "That the people of England not only might, but in some cases were bound to take arms against persons commissioned by the king; and that the sheriffs were bound, if it could be no otherwise done, to raise the posse comitatus, to oppose and suppress all such as should put any such illegal commissions in execution." He therefore pressed that the word lawfully might be added. But attorney-general Finch, a promoter of the bill, replied, "That it was not necessary, since the very word commission did import it: for if it was not lawfully issued out to lawful persons, and for lawful reasons, it was no commission." And to this interpretation the whole house assented. The earl of Southampton moved also, in the house of peers, for the addition of the same word, but was answered in the like manner by the earl of Anglesey. Upon Southampton's urging it farther, "Because it would clear all difficulties with many, who not having heard the particular sense of both houses, might imagine, that if any sort of commission was granted, it would be unlawful to resist it:" As a satisfactory answer it was alledged, "That this explanation being the very sense of both houses, it would soon spread and be known, so as to become the sense of the nation." But unfortunately this was not the case, for the doctrine of absolute non-resistance was every where inculcated by the clergy and others, without the least intimation of the sense of both houses. By which means, many persons were induced to believe, that they were bound to an unlimited obedience, and that it was unlawful to relieve themselves in the most threatning danger. Whereas if lawfully had been inserted in the act, no man could have been misled, and the proposition would have been strictly true, namely, that the king's legal commissions are no more to be resisted than the king himself, in the due execution of the laws. But by the omission of the word lawfully, the act literally ascribed greater power to the king than ever was, or ever can be exercised by the most absolute tyrant. Well therefore might Mr. Locke say, that the corporations were made to swear to a declaration and belief of such propositions as the parliament themselves afterwards, upon debate, were forced to alter, and could not justify. Letter to a person of quality, p. 60.

[e] By the new act the king was left at liberty to continue the present parliament as long as he pleased, which was accordingly continued near eighteen years.

[f] The anonymous author of the Dissertations on Parties conjectures on this occasion, That in such a temper of mind and situation of circumstances, even those, who saw how groundless and dangerous were such extravagant notions about the right, power, and prerogative of kings, might imagine, however, it was a part of prudence to give way to them, and to countenance them in the present conjuncture; to suffer the opinions of the nation to be bent too far on one side, as they had been bent too far on the other; not that they might remain crooked, but that they might become straight, p. 17, 18.

[g] Clifford, Arlington, Buckingham, Ashley, Lauderdale, the initial letters of which names form the word CABAL.

[h] The account of this private treaty was published in Italian at Paris in 1682, by Abbot Primi, who was employed by Colbert de Croissy the French embassador in England, but soon after suppressed, and almost all the copies seized and destroyed, at the instance of the lord Preston the English embassador. It was published under the name of count Maiolo, with the royal privilege. In this treaty are the following passages: "These things engaged the king of England to sign a secret treaty with France; and to make it more firm, Henrietta duchess of Orleans, sister to the king of England, went over into England in 1670, and proposed a treaty to her brother in the name of the most Christian king, wherein she offered to secure to him an absolute authority over his parliament, and the re-establishment of the Roman catholic religion in his three kingdoms of England, Scotland, and Ireland. But she said, that before this could be effected, there was an absolute necessity of abating the haughtiness and power of the Hollanders, who only studied to foment divisions amongst their neighbours; and to reduce them to the single province of Holland, of which the prince of Orange should be sovereign, or at least perpetual governor, which would not be difficult for these two mighty kings, when once well united, to accomplish: so that by this means the king of England might have Zealand to retire to, if there should be occasion; and that the rest of the low-countries should remain to the king of France, whenever he shall be able to conquer them." State Tracts, Vol. I. p. 34.

[i] The triple alliance made in 1668, between the kings of England, and Sweden, and the Dutch, to prevent the progress of the French king's arms, was entirely destroyed by the private treaty with France. Moreover Coventry was sent to the court of Sweden to dissolve it, which was so effectually done, that the king of Sweden first stood neuter, and afterwards joined with the French. For this, which put all Christendom in a flame, Coventry was made (says Coke) secretary of state, and it may be, presented with the Ranger's palace of Enfield-Chase; whereas sir William Temple, principal instrument in the piece of Nimeguen, lost 2200l. by it; and his only recompence was to be secretary of state in Coventry's place, if sir William would give him 10,000l. for it. Detect. Vol. II. p. 167.

[k] In Abbot Primi's account of the secret treaty, it is said: "As for the king of England he was exceedingly perplexed: There was need of money to carry on the design, and that secretly too: He could raise none at home without assembling his parliament, and that could not be done without acquainting all Europe with his designs: there was also great fear of opposition, both from the misunderstandings which in that tumultuous assembly do for the most part arise between the two houses; and from the intrigues of the Hollanders. For which reasons the king of France furnished him with such sums of money as were sufficient to send out a considerable fleet; and he advised the king of England (the better to conceal their agreements) to keep a fair correspondence outwardly with the Dutch; to appear firm to the triple league: and to declare that he set out a fleet for no other reasons, but because his neighbours, and especially the French, who made great preparations in all their ports upon the ocean, strengthened themselves so very

At the ſame time the penal laws againſt diſſenters are ſuſpended, and a toleration publiſhed by the king, with the ſole view of including the papiſts[l].

Hitherto, it may be ſaid, there had been but one party in the parliament; the majority of both houſes, full of zeal for the prerogative, and of reſentment againſt the maxims, which, in their opinion, had cauſed the late civil wars, ſeemed to have made it their whole care to exalt the crown above any future attempts, by fencing it with unlimited obedience, and by excluding from offices of truſt, all perſons of contrary principles, by ſubſcriptions and oaths. No other party dared to appear in the nation, and all oppoſition to the court vaniſhed. But when the king's deſigns began to be ſuſpected, when the conſtitution was thought to be in danger, the ſcene was immediately changed, and the old Engliſh ſpirit of liberty rouzed itſelf. The very parliament by which the doctrine of non-reſiſtance had been in appearance ſo firmly eſtabliſhed, reſiſted to the utmoſt in a parliamentary way, and, very probably, would have proceeded to a reſiſtance of another kind, had not the king given up his miniſters, departed from his claims, and in great meaſure complied with their demands. At their meeting, after a long interval, they reſolve, in the firſt place, to cruſh the deſign for popery. They begin with the king's declaration for liberty of conſcience, as knowing it was intended in favour of the catholics, and after ſome ſtruggles oblige the king to recall it, as illegal, though he told them in his ſpeech, he had reſolved to ſtick to it. Then, as an effectual means to remove all papiſts from places and poſts, the Teſt-Act is paſſed, in conſequence of which the duke of York himſelf, high-admiral of England, with the lord-treaſurer Clifford, reſign their commiſſions[m]. Whereupon the cabal is broke, and three of the members called to account[n]. Moreover, the parliament force the king, notwithſtanding his reluctance and private engagements with France, to put an end to the Dutch war, and conclude a league with the States. The zeal againſt popery is inflamed, as well in the nation as the parliament, upon the diſcovery of the popiſh plot. A bill is immediately paſſed for diſabling papiſts to ſit in parliament, or come near the king, with an exception, however, for the duke of York. Another bill is prepared for raiſing part of the militia for a time, to which indeed the king denied his aſſent. It was alſo voted, that no more money ſhould be granted, till ſatisfaction was given in matters of religion. Not ſatisfied with all this, the commons, after having endeavoured, but in vain, to prevent the duke of York's marriage with a papiſt, project his excluſion from the crown, in defiance of the doctrine of the divine right of lineal ſucceſſion. In a word, their reſiſtance reaches even the king himſelf, in the impeachment of the earl of Danby. Neither his majeſty's declaration that the earl had done nothing but by his order, nor a pardon under the great ſeal could ſcreen him from their proſecution[o]. To put a ſtop to theſe proceedings, the parliament, after a continuance of above ſeventeen years, is at laſt diſſolved.

From the latter years of this parliament may be dated the beginnings of the tory and whig parties, though they were not yet diſtinguiſhed by theſe names. That party which in the parliament and nation had appeared on the ſide of the court, acquired the appellation of tories, and was formed upon principles grounded on a literal interpretation of the acts eſtabliſhed ſoon after the reſtoration, in favour of the crown. They profeſſed to believe all reſiſtance unlawful, and lineal ſucceſſion unalterable; and therefore conſidered thoſe who differed from them in theſe points, as enemies of the monarchy and church. The other party which had oppoſed the deſigns of the court, received the name of whigs, and was formed upon a limited interpretation of the non-reſiſtance acts, which they underſtood with ſuch reſtrictions, as rendered them, in their opinion, conſiſtent with the antient conſtitution[p]. Theſe parties were now chiefly diſtinguiſhed by their adherence or oppoſition to the excluſion of a popiſh ſucceſſor. The tories, purſuant to their notion of hereditary right, eſpouſed the duke of York's cauſe; whilſt the whigs, in conſequence of their principles, were for altering the ſucceſſion. The tories, in this reſpect, were the majority in the houſe of peers, and the whigs, in the houſe of commons.

The nation having been alarmed with apprehenſions of popery, the elections for a new parliament ran in favour of the country-party or whigs. Accordingly the impeachment of the lord Danby is immediately reſumed, and a bill for the excluſion of the duke of York brought in by the commons. In vain did the king offer limitations on a popiſh ſucceſſor, they were not received, and therefore this parliament was alſo diſſolved.

But ſuch was the temper of the people in the preſent ſtate of jealouſies and fears, that the next parliament was not more favourable to the court. The king, in a dread of their treading in the ſteps of the former parliament, deferred their firſt ſeſſion above a year after their ſummons. In this interval petitions were preſented to him for the ſitting of the new parliament, the promoters of which were termed Petitioners. Theſe were followed by counter-petitions, wherein the ſubſcribers, expreſſed an abhorrence of dictating to the king the time of a parliament's meeting, and from thence were called Abhorrers. But theſe party-names were ſoon loſt, in the more general diſtinctions of tory and whig[q].

conſiderably by ſea." State Tracts, Vol. I. p. 35. Accordingly king Charles received between ſix and ſeven hundred thouſand pounds, which, for fear of ſuſpicion, were not returned into the exchequer, but into the hands of Mr. Chaffinch, (page of the back-ſtairs) who, for his pains, was to have two-pence in the pound. Coke's Detect. Vol. II. p. 166.

[l] It muſt be obſerved, that the opportunity at the reſtoration, of cloſing the diviſion in the church, was loſt, and inſtead of a comprehenſion, the terms of communion were made harder, and ſevere laws againſt all non-conformiſts were enacted, which will be remembered hereafter in the account of our religious differences. The court's deſign in thus widening the breach, and excluding great numbers from the communion of the church, was, to have room for granting a liberty of conſcience in matters of religion, in order to procure ſome indulgence for the catholics. Accordingly the king, in defiance of ſeveral acts of parliament, publiſhed a declaration for toleration, in which the papiſts were ſo far included, as to be exempted from the penal laws, and permitted the exerciſe of their religion in their houſes. See the declaration, Rapin, Vol. II. p. 994.

[m] The Teſt Act runs: " or preventing dangers which may happen from popiſh recuſants, and quieting the minds of his majeſty's good ſubjects, all and every perſon or perſons, that ſhall bear office civil or military, or ſhall receive any pay, ſalary, fee or wages, by reaſon of any patent or grant from his majeſty, or ſhall have command, or place of truſt under his majeſty, or by authority derived from him, ſhall receive the ſacrament of the Lord's Supper, according to the uſage of the church of England, within three months after his or their admittance in or receiving their ſaid authority or employment; and every of the ſaid perſons, in the reſpective court where he takes the oaths, ſhall deliver a certificate of ſuch his receiving the ſaid ſacrament, under the hands of the reſpective miniſter and churchwarden, and ſhall make proof of the truth thereof, by two credible witneſſes upon oath: all which ſhall be inquired of, and put upon record in the reſpective courts." With the oaths of allegiance and ſupremacy, the following declaration was alſo enjoined: " I A. B. do declare, that I do believe, that there is not any tranſubſtantiation in the ſacrament of the Lord's Supper, or in the elements of the bread and wine, at or after the conſecration thereof by any perſon whatſoever." This Teſt, though deſigned againſt the papiſts, as appears from the tenor of it, and the diſpoſition of the parliament at the time of enacting, affected the proteſtant diſſenters, and therefore a vote paſſed to bring in a bill in their favour, which was prevented from being finiſhed by a prorogation. By which it was evident, the king in his declaration for liberty of conſcience, did not intend the eaſe of the proteſtant non-conformiſts. Of this the diſſenters were ſo well ſatisfied, that Love, a city member, and a diſſenter, ſpoke againſt the king's declaration. It is farther obſervable, that notwithſtanding the ſevere laws againſt the diſſenters, they remained unmoleſted, during the continuance of this and the three following parliaments. The reaſon was, becauſe the deſigns of the court were now fully diſcovered.

[n] Aſhley, made earl of Shafteſbury, turned againſt the court, and Clifford was lately dead.

[o] Though it appeared to the commons, by the letters produced by Montague, that in the private negotiations with France, particularly concerning the penſion of ſix millions of livres for three years to the king, the earl of Danby had acted entirely by his majeſty's direction, they would not deſiſt, but were reſolved to lay open, if poſſible, the whole proceedings, and therefore may be ſaid to attack the king himſelf, though indirectly, in their impeachment of the earl. So far did this prerogative-parliament carry their reſiſtance, when they thought their liberties in danger.

[p] Though this long parliament ſeemed at firſt to be entirely tory, and to be wholly engroſſed with the thoughts of guarding the crown and the church with non-reſiſtance acts and penal laws, yet a whig or country party may be traced from the moment the ill effects of theſe things began to be perceived. Hence the commons, upon any remarkable occaſion, took care to explain their own acts, by aſſerting, " That they never deſigned to make any real alteration in the Engliſh conſtitution, or any direct incroachment upon the antient liberties of the people, ſecured to them by Magna Charta, and many ſubſequent acts." But the firſt noted inſtance of the whig or country party in the houſe of peers, was in the ſeventeen days debate in the year 1675, when the oath and declaration of non-reſiſtance on any pretence was attempted to be impoſed on privy-councillors and members of parliament. In the debate on the words, 'againſt thoſe commiſſioned by him,' it is ſaid, " That ſuch words, without diſtinctions and limitations, would effectually change a civil and regulated government into one military and arbitrary, ſo that there could be no difference between the Engliſh and the Turkiſh government." Echard's Review, p. 19. To the former oath it was now added: " And I ſwear that I will not at any time endeavour the alteration of the government in church or ſtate." See Rapin, vol. II. p. 911. The court lords, (ſays Coke) with all the biſhops to a man, were for it: yet (continues he) the country lords, when they debated it in paragraphs, made it inconſiſtent with the preſent conſtitution of the nation. Detect. p. 194.

[q] Burnet obſerves, that were not ſuch members that joined in the petition for the parliament as had been expected: ſo this ſhewed rather the weakneſs than the ſtrength of the party: and many well-meaning men began to diſlike thoſe practices, and to apprehend that a change of government was deſigned, p. 487. As this, very probably, with the factions which now aroſe in the council and parliament, concerning the manner of the excluſion, confirmed the king in his reſolution to adhere to his brother and lineal ſucceſſion, in the proſpect of dividing the nation: ſo it ſhould have warned the country party or whigs of the danger of puſhing things too far, and induced

The parliament was no ſooner aſſembled, but the commons warmly reſumed the affair of excluſion, and a bill to diſable the duke of York to inherit the crown paſſed by a great majority, though, during the debate, the king ſent and offered them any other ſecurity. Upon the bill's being thrown out by the peers, the commons voted all other means not only inſufficient but dangerous. As nothing leſs than a total excluſion would ſatisfy the commons, and as the king was determined not to conſent to it, this parliament was likewiſe diſſolved.

The next parliament ſummoned to meet at Oxford, was opened by the king with declaring his reſolution not to alter the ſucceſſion, and his readineſs to agree that the adminiſtration of the government, in caſe of a popiſh ſucceſſor, ſhould be lodged in proteſtant hands. Accordingly it was propoſed to the commons, that the duke of York ſhould be baniſhed during life, five hundred miles from England, Scotland, and Ireland, and the whole government, eccleſiaſtical and civil, veſted, upon the king's death, in the princeſs of Orange as regent. But ſo averſe were the commons to all expedients, that theſe propoſals were rejected, and the excluſion purſued with as much warmth as ever. For which reaſon the king, after a ſeven days ſeſſion, ſuddenly diſſolved this his laſt parliament, to the great joy of the duke of York, who dreaded limitations even more than a total excluſion [r].

Thus by the king's reſolution to maintain hereditary right, and by the commons adherence to an abſolute excluſion, in a confidence of the king's yielding at laſt, the deſign not only proved abortive, but occaſioned ſuch a change in affairs, as brought both religion and liberty to the brink of deſtruction [s]. The proceedings of the three laſt parliaments gave the court an opportunity to revive the fears and reſentments which had prevailed juſt after the reſtoration, and by that means to divide the nation into tory and whig, which were now become the general names of diſtinction. As by the indulgence ſhewn to proteſtant diſſenters by the late parliament, and their conſequent behaviour, the court artfully rouzed the jealouſy of the church and alarmed the clergy [t]; ſo by the indiſcreet zeal of others, a ſuſpicion was infuſed of a deſign to alter the government, and matter furniſhed for the proteſtant plot, by which ſome of the beſt blood in the nation was ſpilt.

The king, upon the abrupt diſſolution of the laſt parliament, publiſhed a declaration by way of apology, which being read in all the churches of England, produced, by the management of the court, addreſſes of thanks to the king, with aſſurances of adhering to the unalterable right of lineal ſucceſſion. The clergy were extremely zealous on this occaſion. Divine hereditary right, paſſive obedience and non-reſiſtance, were every where preached in the higheſt terms, and without any reſtrictions. The two univerſities, the judges, with many profeſſors of the law, promoted the ſame doctrines in the ſtricteſt ſenſe, and gave the crown an unlimited power [u]. The king, however, in the midſt of his triumphs, did not yet think himſelf entirely ſecure. Notwithſtanding the flattering addreſſes from all parts, he was ſtill afraid of a parliament, and durſt not venture to meet the repreſentative of the nation, before he was abſolute maſter of the elections. Effectual methods were taken to that end. Not only ſuch ſheriffs, juſtices of the peace, officers of the militia, were appointed as favoured the court, but the king reſolves to new model the corporations by annulling their charters, and granting others under ſuch limitations and conditions, as he ſhould think fit. Almoſt five parts in ſix of the houſe of commons would by that means be in his diſpoſal. He begins with the city of London, and purſuant to a ſentence in the King's Bench, ſeizes the liberties of the metropolis into his hands. Upon this, many corporations, unable to contend with the crown, are prevailed with to ſurrender their charters. The court was vigouroufly purſuing this project when the king was ſuddenly and unexpectedly ſnatched out of the world.

At the acceſſion of king James II. to the throne, the tories and whigs were the principal parties in the nation, and at open defiance with one another. Among the tories were all the high-church men, and the clergy, by whom the divine right of kings, unalterableneſs of lineal ſucceſſion, paſſive obedience and non-reſiſtance had been zealouſly preached above twenty years to the people. It is no wonder therefore, theſe doctrines had ſpread themſelves in the kingdom and being embraced by many very learned profeſſors of the law, and members of the univerſities, eſpecially as they ſeemed to be a part of the legal eſtabliſhment. As the tories by their principles thought themſelves bound to adhere to a popiſh ſucceſſor, and happened to be under the influence of popiſh counſels, they were reproached by their adverſaries as favourers of popery as well as arbitrary power. But this imputation appeared afterwards entirely groundleſs. The whigs, chiefly conſiſting of moderate churchmen with ſome few of the clergy, avowed the principles of reſiſtance in ſome caſes, and aſſerted the power of the parliament to limit the ſucceſſion to the crown. As the whigs were declared enemies to every degree of perſecution, and conſequently tolerators in matters of religion, they were ſupported by the proteſtant diſſenters of all denominations. Hence they were repreſented as preſbyterians, enemies of the church, men of anti-monarchial principles. But this was with as little reaſon as the tories were charged with a popiſh inclination. The whigs as to religion, were no more preſbyterians than the tories were papiſts; and though the ſmall remains of the republicans took ſhelter in their party, the whigs were far from being anti-monarchical, as their conduct afterwards fully demonſtrated.

King James began his reign with a ſtrong declaration in council, that as he would never depart from his prerogative, ſo he would preſerve the eſtabliſhment in church and ſtate, and maintain the rights of the people without invading any man's property. The tories who were now predominant in the

induced them, when they ſaw the king utterly averſe to the excluſion, to content themſelves with the moſt proper expedients. And doubtleſs they would have taken this method, had not faction and private views mixed with the national intereſts. That this was the caſe, too plainly appears from the hiſtory of thoſe times. Hence an eminent perſon of the country party (who loſt his life afterwards for the cauſe) ſays, in a letter ſtill extant: "I muſt confeſs, I do not know three men of a mind, and that a ſpirit of giddineſs reigns among us, far beyond any I have ever obſerved in my life. Some look who is fitteſt to ſucceed———They are for the moſt part divided between the prince of Orange and the duke of Monmouth———Others are only upon negatives, &c."

[r] The duke of York (ſays Burnet) declared openly againſt the limitations. He was very ſenſible the limitations would be almoſt univerſally agreed to, but knew that many in the nation thought the excluſion unlawful. By whoſe means he might poſſibly recover the throne, but to break through the limitations he was afraid would not be ſo practicable. Hence it was, that the next day after the lord Finch had propoſed the limitations to the parliament, the ducheſs of York ſaid in a letter, "That as for all the high things which were ſaid by their enemies they looked for them; but the ſpeech of the lord chancellor was a ſurprize and a great mortification to them." Burnet, Vol. I.

[s] The author of the Diſſertation on Parties obſerves: Men were made to believe that the king, who had yielded on ſo many occaſions, would yield on this; that he, who had given up ſo many miniſters, would give up his brother at laſt; and that if the parliament would accept nothing leſs than the excluſion, in their own way, it would be extorted from him. Now in this they were fatally deceived.———The king, who had not uſed to ſhew firmneſs, on other occaſions, was firm on this; and the conſequence of puſhing the excluſion, in this manner, was giving him an opportunity of breaking the country party; of dividing the nation into whig and tory; of governing without parliaments; and of leaving the throne open to his brother, not only without limitations or conditions, but with a more abſolute power eſtabliſhed, than any prince of his family had enjoyed, p. 42.

[t] The country or whig party no ſooner prevailed in the houſe of commons, but they eſpouſed the cauſe of the proteſtant diſſenters ſo far, as to endeavour to free them from the penal laws, particularly ſuch as were primarily intended againſt the papiſts. Hence it is that they had been unmoleſted, from the time that the deſign for popery had begun to be diſcovered. In the fourth parliament a bill paſſed both houſes to repeal the ſevere act made in the 35th of queen Elizabeth, by which thoſe who did not conform to the church were required to abjure the kingdom on pain of death; and for ſome degrees of non-conformity, they were adjudged to die without the favour of baniſhment. Burnet obſerves, this bill went heavily in the houſe of lords; for many of the biſhops, though they were not for putting it in execution, thought the terror of it of ſome uſe. But this bill, on the day of prorogation, when it ſhould have been offered to the king, was, by his particular order withdrawn by the clerk of the crown. The houſe of commons of the ſame parliament, the laſt day of their ſitting, voted, "That the acts of parliament made in the reigns of queen Elizabeth and king James, againſt popiſh recuſants, out not to be extended againſt proteſtant diſſenters." And, "That the proſecution of proteſtant diſſenters upon the penal laws, is at this time grievous to the ſubject, a weakning the proteſtant intereſt, an encouragement to popery, and dangerous to the ſtate of the kingdom." It was alſo given to the members of the laſt parliament of this reign, as an inſtruction from their electors, to repeal the 35th of Elizabeth and the Corporation act. By the favour thus ſhewn them, the non-conformiſts (ſays Burnet) behaved themſelves very indecently, and fell very ſeverely upon the body of the clergy, which made the biſhops and clergy apprehend, that a rebellion, and with it the pulling the church to pieces, was deſigned. It was eaſy therefore for the court to inflame the clergy, and cauſe them to turn their apprehenſions of popery into a dread of falling again under a preſbyterian government.

[u] Dr. Gower, vice-chancellor of Cambridge, told the king in the name of the Univerſity, "We will ſtill believe and maintain, that our kings derive not their titles from the people but from God; that to him only they are accountable; that it belongs not to ſubjects either to create or cenſure, but to honour and obey their ſoverein, who comes to be ſo by a fundamental hereditary right of ſucceſſion, which no religion, no law, no fault or forfeiture can alter or diminiſh."———The univerſity of Oxford paſſed a decree, wherein legal power, hereditary right, paſſive-obedience and non-reſiſtance, are carried to the utmoſt height, and a copy of the decree was ordered to be hung up in every college. Little did the univerſity think that within five years they ſhould conform their practice to propoſitions, which they now declared, falſe, ſeditious, and impious!

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nation, whilſt the whigs with their adherents were oppreſſed, too readily believed the king's promiſes. The clergy every where extolled the royal word, and it was magnified as a ſecurity beyond any law [w]. Addreſſes were preſented from all parts full of the higheſt expreſſions of fidelity, truſt, and obedience [x]. Though the King in a few days after his declaration in council, ordered the cuſtoms to be levied contrary to law, ſo far were the prevailing party from being alarmed, that he was publicly thanked by a learned ſociety, for this firſt violation of his word [y].

The corporations for the moſt part being modelled according to the project begun in the late reign, a parliament was called, and the elections by that and other irregular methods, were almoſt univerſally carried in favour of the tories [z]. The king opens the firſt ſeſſion with repeating his former declaration of ſupporting the church of England, preſerving the eſtabliſhed government, and never departing from his juſt prerogatives, aſſuring them, they might firmly rely upon a promiſe ſo ſolemnly made. Accordingly the commons, ſo great is their confidence in the king, grant him for life an annual revenue of two millions and a half, without any conditions or appropriations; voting withal that they entirely rely and reſt ſatisfied on his majeſty's word to ſupport the religion of the church of England, dearer to them than their lives [a].

In this diſpoſition was the parliament when the duke of Monmouth's invaſion put an end to the firſt ſeſſion, after an act of attainder againſt the duke, and a farther grant of four hundred thouſand pounds to the king on this extraordinary occaſion.

The ill-concerted expeditions of Argyle into Scotland, and of Monmouth in England, being defeated and the leaders put to death, the king thought himſelf ſo firmly eſtabliſhed in his throne, that he was eaſily induced to pull off the maſk and more openly avow his deſigns [b]. Theſe invaſions furniſhed him with the pretence of raiſing and keeping up an army which he took care to fill with popiſh officers though unqualified by law. Supported thus by a ſtrong force and a large revenue, he reſolves to haſten the introduction of popery and arbitrary power. He begins with plainly telling the parliament at the opening of the ſecond ſeſſion, "that a ſtanding army was neceſſary, and therefore he had increaſed the number of forces, and demanded a ſupply for their maintainance. He owned ſome officers had not taken the teſts, and declared he would not diſmiſs them [c]."

The parliament, and more eſpecially the commons, though chiefly conſiſting of men who profeſſed to believe the doctrines of paſſive obedience and non-reſiſtance, were alarmed at this ſpeech, as manifeſtly intimating a power in the king to diſpenſe with the laws. However to act as conſiſtently with their principles as poſſible, they offered not only to paſs a bill for indemnifying the popiſh officers from the penalties they had incurred, but alſo to capacitate ſuch others as ſhould be named by the king, and withal voted a ſupply of ſeven hundred thouſand pounds, though they would not expreſly declare that it was for the ſupport of the additional forces. Notwithſtanding theſe complaiſant offers, as they inſiſted on the king's removal of all jealouſies from his people by maintaining the laws, and eſpecially the teſts, he choſe rather to loſe the ſeven hundred thouſand pounds, than ſuffer them to ſit any longer, and accordingly put an end to the ſeſſion by a ſudden prorogation, which after many but fruitleſs attempts to gain the majority, was at laſt followed by a diſſolution.

From this time may be dated the firſt deviation from the principles which had for many years been profeſſed by the prerogative-party. The king had been often declared to be above law, accountable only to God, and his commands to be received with an active or paſſive obedience. And yet the king's firſt attempt to diſpenſe with the laws is ſtrenuouſly oppoſed by the very men who had eſpouſed the higheſt notions of regal power, and been elected as it were with the king's approbation. This naturally ſhould have deterred him from purſuing (at leaſt ſo openly) his deſigns, and taught him how little he could rely on the profeſſors of paſſive obedience, who, as it plainly appeared, when their religion and liberty were in danger, would interpret the doctrine of non-reſiſtance in a limited ſenſe. But,

Inſtead of being diſcouraged, the king, ſince he could not prevail with the parliament to come into his meaſures, reſolves to fill Weſtminſter-Hall with judges that ſhould anſwer his purpoſes. Accordingly at a ſham trial, the new judges declare it to be, "an inſeparable prerogative of the crown to diſpenſe with all penal laws [d]."

This important point being gained, the king, contrary to an expreſs act of parliament, erects a court of Inquiſition under the name of 'a commiſſion for eccleſiaſtical cauſes.' The clergy are forbid to preach on controverted points, that is, to defend their religion againſt the open attacks of

[w] The pulpits (ſays Burnet) were full of it, and of thankſgivings for it. ——The common phraſe was, 'we have now the word of a king, and a word never yet broken,' p. 620.

[x] The univerſity of Oxford in their addreſs promiſed to obey the king without limitations or reſtrictions. The king's promiſe paſſed for a thing ſo ſacred, that they were looked upon as ill-bred that put in their addreſs, 'our religion eſtabliſhed by law,' which looked like a tie on the king to maintain it: whereas the ſtile of the more courtly was, to put all our ſecurity upon the king's promiſe. The clergy of London added a word to this in their addreſs, 'our religion dearer to us than our lives.' This had ſuch an inſinuation in it, as made it very unacceptable. Some followed that pattern: But this was marked to be remembered againſt thoſe that uſed ſo menacing a form. Burnet, p. 620.

[y] The ſociety of the Middle-temple in their addreſs ſaid, "That with the deepeſt ſenſe of gratitude they acknowledged his majeſty's great goodneſs, in extending his royal care of the government, to the preſervation of the cuſtoms which had been continually received by his royal predeceſſors for ſome hundreds of years, and never queſtioned by any parliament, unleſs in that wherein were ſown the ſeeds of rebellion againſt the king his father.—May there never want millions as loyal as we are, to ſacrifice their lives and fortunes in defence of your ſacred perſon and prerogative in its full extent." Thus a manifeſt breach of the law was vindicated and applauded by a body of lawyers themſelves. The legal method (ſays Burnet, p. 622.) was to have made entries, and to have taken bonds for thoſe duties to be paid, when the parliament ſhould meet and renew the grant which expired with the late king. As this ſeizing of the cuſtoms (ſays Welwood, p. 138.) was contrary to law, ſo was it altogether needleſs at that time, ſince a parliament was to meet within a few days, which nobody doubted would in a parliamentary way continue them for life. So that he openly violated the conſtitution, to obtain what he was certain would be granted him in a legal manner, and with the good-will of his people.

[z] The methods for ſecuring the elections were ſo ſucceſsful, that the king ſaid, there were not above forty members but ſuch as he himſelf wiſhed for. They were neither men of parts nor eſtates, ſo there was no hope left, either of working on their underſtandings, or of making them ſee their intereſt in not giving the king all at once. Moſt of them were furious and violent, and ſeemed reſolved to recommend themſelves to the king, by putting every thing in his power, and by ruining all thoſe who had been for the excluſion. Some few had deſigned to give the king the revenue only from three years to three years. But there was no proſpect of any ſtrength in oppoſing any thing that the king ſhould aſk of them. This gave all thinking men a melancholy proſpect. Burnet, p. 626.

[a] This reliance on a popiſh king for the ſupport of a proteſtant church, appears ſo extravagant to the author of the Diſſertations on Parties, that he ſays, "It is impoſſible to believe that their confidence in the king's word was ſuch as they affected. But like drowning men who ſaw nothing elſe to catch at, they caught at a ſtraw." p. 76. And indeed the concluſion of this complaiſant vote, viz. 'dearer to us than our lives,' ſeems to intimate to the king the danger of breaking his word, and is alſo an evidence that the tories even when moſt triumphant were far from being popiſhly inclined.

[b] It is obſerved, that theſe invaſions were ſo far from affording the nation any opportunity of mending their condition, that Monmouth's declaration might draw ſome of the diſſenters to his ſtandard, as it did; but was calculated to drive the tory-party, moſt of the whigs, and in ſhort the bulk of the people from him. Argyle's declaration was founded in the ſolemn league and covenant, and gave ſo much reaſon to apprehend that a revival of the ſame principles and a renewal of the ſame tyranny was intended, that we cannot wonder it had no better effect, though we lament the fate of a worthy and gallant man, whoſe crime was refuſing a teſt, that ſhould never have been impoſed on proteſtants and freemen, and who had been driven into theſe extreme reſolutions by a ſeries of unjuſt and tyrannical uſage. Thus were theſe invaſions, favourable in ſome reſpects to the deſigns of king James.—But, in the event, they forwarded our deliverance from all the dangers to which we were expoſed, under his government, by precipitating his attempts againſt our religion and liberty. Diſſert. on Parties, p. 77.

[c] Welwood remarks, that as king James's former ſpeeches to his council and parliament had put the French court to a ſtand what to think of him, this laſt ſpeech put them out of pain, and convinced them he was entirely theirs.—Accordingly the revocation of the edict of Nantes, which probably had been ſome time under conſideration before, was now put in execution, to the aſtoniſhment of all Europe. Wel. Mem. p. 156. Burnet makes the ſame obſervation. As far as I could judge, (ſays he) the affairs of England gave the laſt ſtroke to the recalling the edict of Nantes, and then adds, this year (1685) muſt ever be remembered, as the moſt fatal to the proteſtant religion. In February, a king of England declared himſelf a papiſt. In June, Charles, the elector Palatine, dying without iſſue, the electoral dignity went to the houſe of Newburgh, a moſt bigotted popiſh family. In October, the king of France recalled the edict of Nantes. And in December, the duke of Savoy, by the perſuaſions and even threatnings of the court of France, recalled the edict that his father had granted to the Vaudois. So it muſt be confeſſed, that this was a very critical year. p. 656.

[d] A ſham information was brought againſt ſir Edward Hales, a papiſt, for acting in a military office without qualifying himſelf according to law, which produced the declared opinion of the new judges in favour of the diſpenſing power. Echard's Review, p. 71. When king James (ſays Welwood) came to aſſume to himſelf this power, as his prerogative and right, he unhinged the conſtitution all at once; for to diſpenſe with laws already made, is as much a part of the legiſlature, as the making of new ones. And therefore in arrogating to himſelf ſuch a diſpenſing power, he invaded the very eſſence of the Engliſh conſtitution, by which "the legiſlature is lodged in king, lords, and commons, and every one of them has a negative upon the other two." Welwood's Memoirs, p. 169. It was not enough (continues the ſame author) for king James to aſſume a diſpenſing power and to act by it, but ſuch was the miſery and hard fate of England, that the party about the king would have had us believe, that a power in the king to diſpenſe with laws, was law. To maintain this monſtrous poſition, there were not only mercenary pens ſet a-work, but a ſet of judges found out, that, to their eternal reproach, did all that was poſſible for them to compliment the king with the liberties of their country.—Thus were we fallen under the greateſt misfortune that could poſſibly happen to a nation, to have our laws and conſtitutions trampled upon, under colour of law: And thoſe very men, whoſe office it was to ſupport them, became now the betrayers of them to the will of the prince. Ibid. p. 171.

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the Romiſh prieſts; and the biſhop of London, for not obeying an illegal command of the king, is ſummoned before the new court, and arbitrarily ſuſpended from his office [e]. Mean time a ſolemn embaſſy is ſent to Rome to reconcile the Britiſh dominions to the Holy See, whilſt the catholic religion is publicly propagated in jeſuit ſchools and ſeminaries in London, and other conſiderable towns, and ſuch miniſters at court as would not conſent to the repeal of the teſts, are, notwithſtanding paſt ſervices, diſmiſſed, and their poſts filled with others of greater compliance.

Things being thus prepared, a proclamation for liberty of conſcience is publiſhed, the diſpenſing power is claimed, and all ſubjects allowed to hold places without the uſual oaths or teſts. The diſſenters dazzled with this indulgence, as freeing them from the oppreſſions they endured, preſent addreſſes of thanks, full of high ſtrains of gratitude and loyalty, not conſidering that by approving an illegal toleration they became encouragers of the diſpenſing power aſſumed by the king [f].

As the jeſuits were very impatient to get footing in the univerſities, in a belief it would greatly advance the propagation of their religion, the king's next ſtep was to order, by a royal mandate, the fellows of Magdalen college in Oxford, to elect a preſident contrary to their ſtatutes and oaths. Upon their refuſal, they are ſummoned before the eccleſiaſtical commiſſioners, deprived (except two that complied) of their fellowſhips, and with their new elected preſident, declared incapable of any eccleſiaſtical preferment.

During the conteſt with the college, all methods were practiſed to procure a new parliament that ſhould ratify the king's meaſures, repeal the teſts, and give a parliamentary ſanction to his diſpenſing power. To this end he took a progreſs into ſeveral counties, purſued the affair of new-modelling the corporations, diſmiſſed from poſts and employments all ſuch as ſhewed the leaſt diſlike of his proceedings. With theſe, and many other artifices, the king could not however ſo far carry his point as to be ſure of a parliament to his mind; and therefore would not venture to call one, but choſe rather to rely on his army, which he reſolved to fill with Iriſh papiſts. To convince the nation ſtill more plainly of his deſigns, he not only made father Petre a privy-councillor, but ſolemnly received a nuncio from the pope, who made his public entry at Windſor [g].

In this ſituation were affairs in the beginning of the famous year 1688; the king inveſted by the judges with the diſpenſing power; the privy-council under the direction of a jeſuit; the counties and militia in the hands of papiſts or other unqualified perſons; an army of fifteen thouſand men incamped ten miles from London; and to crown all, the king's proceedings approved by addreſſes not only from diſſenters but from corporations and other ſocieties [h], with promiſes of electing ſuch members of parliament as ſhould confirm his meaſures. In theſe favourable circumſtances, it is not ſtrange the king ſhould puſh his deſigns with openneſs and vigour. Accordingly after a proclamation of the queen's pregnancy, and ſome fruitleſs attempts to perſuade the prince and princeſs of Orange to approve the repeal of the penal laws and teſts, comes forth (what quickly brought things to a criſis) a ſecond declaration for liberty of conſcience, more full and expreſs in favour of the catholics, which was ſoon followed with an order of council to the biſhops, to cauſe the declaration to be read by the clergy in all the churches of their ſeveral dioceſes.

This order immediately produced a petition from the archbiſhop of Canterbury and ſix other biſhops [i] againſt reading the declaration, as "being founded upon a diſpenſing power often declared illegal in parliament." Whereupon they were all ſent to the Tower, and not long after, brought to a trial for framing and publiſhing a ſeditious libel; for ſo was termed their petition, though delivered in the humbleſt and moſt private manner to the king alone. After a long trial, wherein the diſpenſing power was not only boldly argued againſt, but demonſtrated to be a violation of the conſtitution, the biſhops were acquitted with loud acclamations, not only of the people, but even of the army itſelf, to the king's great mortification, who was then in the camp [k].

During the confinement of the biſhops it was that the queen's delivery of a ſon was publiſhed, to the great joy of the catholics, (who were now leſs anxious about the uncertainty of the king's life) but to the grief and aſtoniſhment of the conſiderate part of the nation, who had placed all their hopes on a proteſtant ſucceſſor, which now ſeemed entirely defeated. Their comfort was, the queen's delivery by many circumſtances was rendered ſuſpicious, and the people in general inclined to believe it an impoſture of the papiſts to finiſh their ruin [l].

Notwithſtanding the public rejoicings in the city, country and army, for the acquittal of the biſhops, which ſufficiently diſcovered the general diſlike of the king's meaſures, he reſolved to purſue his deſigns. Two of the judges were diſmiſſed for not vindicating his pretended prerogative in the late trial, and the eccleſiaſtical commiſſioners were ordered to proceed againſt the clergy for not reading the declaration. The inclinations of the land and ſea forces were ſounded, and though ſeveral diſcouraging circumſtances occurred, the king was not deterred from his purpoſes, nor would he be perſuaded to uſe gentler methods, according to the advice of ſome of his friends, and particularly one of his miniſters who had ſuddenly changed his religion [m]. It was thought that all oppoſition would vaniſh before the army, when ſtrengthened with Iriſh ſupplies.

During the tranſactions of the foregoing years the ſtate of parties had undergone great alterations. The tories and churchmen who had ſo zealouſly eſpouſed and aſſerted the doctrine of non-reſiſtance in all caſes, whilſt the king exerted

[e] The king ſent an order to the biſhop of London to ſuſpend Dr. Sharp (afterwards archbiſhop of York) for a pretended contempt of the order againſt preaching on controverted points: and the biſhop refuſing to execute it, as being illegal, was himſelf ſuſpended by the new court. Welwood obſerves on this occaſion, that notwithſtanding the king's inſnaring letter to the clergy about preaching, they were not wanting in their duty; for to their immortal honour, they did more to vindicate the doctrine of their own church, and expoſe the errors of the church of Rome, both in their ſermons and writings, than ever had been done either at home or abroad ſince the reformation; and in ſuch a ſtile, and with ſuch inimitable force of reaſoning, as will be a ſtandard of writing to ſucceeding ages. Wel. Mem. p. 174. The chief of theſe writers were, Tillotſon, Sharp, Patrick, Stillingfleet, Williams, Tenniſon, Sherlock, Clagget, Gee, Whitby, and Dr. Wake late archbiſhop of Canterbury.

[f] The obſervations of the anonymous author on Parties, concerning the proceedings of the diſſenters, ſeem but too juſtly grounded. The king's deſigns (ſay he) were openly avowed, and deſperately puſhed. The church of England oppoſed them with the utmoſt vigour. The diſſenters were cajoled by the court, and they, who had been ready to take arms againſt king Charles, becauſe he was unwilling to exclude his brother, and who had taken arms againſt this prince, ſince he was on the throne, became abettors of his uſurpations. It were eaſy to prove this, even by biſhop Burnet's account, as much as that is ſoftened; and if the excuſes which have been made for their ſilence againſt popery in this critical moment, or for their approving and encouraging the exerciſe of a diſpenſing power, are to be received, one may undertake to excuſe, on the ſame principles of reaſoning, all thoſe inſtances of miſ-conduct in the church-party, which I have preſumed to cenſure ſo freely. But the truth is, theſe excuſes are frivolous. I could quote ſome, that are even burleſque. Let us reverence truth therefore, and condemn the diſſenters as frankly on this occaſion, as we have condemned the members of the church of England on others. Diſſert. on Parties, p. 78.

[g] This was ſeignor Dadda. The duke of Somerſet, then lord of the bedchamber in waiting, was expected to aſſiſt in the ceremony; but he told the king, "He could not ſerve him upon this occaſion, being aſſured it was contrary to law." The king aſked him, "If he did not know that he was above the law?" The other replied, "If the king was, he himſelf was not above the law;" for which he was diſmiſſed from all employments. Echard's Review, p. 84.

[h] In the addreſs from the Middle-Temple, it is ſaid,——"As thanks (for the toleration) ought to be paid your majeſty by all your ſubjects, ſo we eſpecially, of the profeſſion of the law, have moſt reaſon to be thankful for the honour you have done us, by aſſerting your own royal prerogatives, which is the very life of the law and our profeſſion. Which prerogatives, as they were given by God himſelf, ſo we declare, That no power upon earth can diminiſh them, but they muſt always remain entire and inſeparable to your royal perſon. Which prerogatives, as we have ſtudied to know them, ſo we are reſolved to defend them, by aſſerting with our lives that divine maxim, A Deo Rex, a Rege Lex, &c." Hiſt. of Addreſſes, p. 113.

[i] The ſix biſhops were St. Aſaph, Ely, Bath and Wells, Peterborough, Chicheſter and Briſtol, five of whom were afterwards Non-jurors.

[k] It was alſo obſervable upon their trial, that the tables were ſo far turned, that ſome that had largely contributed to the enſlaving their country with falſe notions of law, were now of another opinion; while at the ſame time, others, that had ſtood up for the liberties of their country in two ſucceſſive parliaments, and had ſuffered upon that account, did now as much endeavour to ſtretch the prerogative beyond its juſt limits, as they had oppoſed it before. So hard it is (ſays Welwood, p. 186.) for mankind to be in all times, and upon all turns, conſtant to themſelves. The proceedings againſt the biſhops were chiefly managed by ſolicitor Williams, a zealous promoter of the excluſion in the reign of king Charles, ſpeaker in his two laſt parliaments, and a bold pleader in all cauſes againſt the crown. On the biſhops ſide appeared, amongſt others, Finch and Sawyer, who had been, whilſt in power, great ſticklers for the prerogative.

[l] It muſt be owned, that in caſe the queen was really delivered of a ſon, both ſhe and the king acted as if it had not been ſo, and by their proceedings not only rendered it ſuſpected, but put it out of the king's power to prove the birth in a ſatisfactory manner when he thought proper to endeavour it.

[m] This was the lord Sunderland, who in ſeveral long audiences with the queen, repreſented, "That ſince ſhe had got a ſon, the ſtate of her affairs was quite changed, and that there was no occaſion for making ſuch haſte now the ſucceſſion was ſure. He told her, time would bring all about, if ſoft methods were uſed; and adviſed her to appear the author of gentle counſels, which by another adminiſtration might lay the flame ſo lately kindled, and gain the hearts of the nation both to herſelf and her ſon, ſo that ſhe might be declared regent if the king ſhould die during the minority of the prince." Echard's Review, 103. Burnet, Vol. I. 755. In order (ſays Burnet) to have the more credit in preſſing theſe advices, he reſolved to declare himſelf a papiſt. Ibid. p. 756.

his prerogative in their favour, and ſuffered them to trample upon their oppoſers the whigs and diſſenters, when they diſcovered that this doctrine was going to be turned upon them, and made an inſtrument of deſtroying the eſtabliſhed religion and introducing popery and arbitrary power, their zeal began to abate, and neither pulpit nor preſs any longer ſo ſtrenuouſly inculcated the doctrine of paſſive obedience. It was now generally thought that the king, as well as thoſe commiſſioned by him, were not to be obeyed without limitation, and that their power was circumſcribed by the law. In a word, the tories were ſo far become whigs that they believed when a prince viſibly endeavours the ſubverſion of the religion and liberties, he may be lawfully reſtrained and kept within bounds. In this ſituation were the tories, when the whigs were ſuddenly deprived of a great ſupport. The diſſenters, who had all along adhered to that party, fell for ſome time into a ſnare laid for them by the court. Liberty of conſcience, and exemption from penal laws, were ſo grateful, that overlooking the deſtructive and illegal means by which they were obtained, they exalted the prerogative in their addreſſes of thanks to as great a height as ever the tories had done, and ſo became indirectly abettors of the diſpenſing power, which at once unhinged the conſtitution. But quickly perceiving their error, they returned to their former friends, and joined with the whigs in oppoſing arbitrary power. At length, the tories being convinced that their religion and liberties were in manifeſt danger, and popery and ſlavery advancing with large ſteps, believed it time to provide for the ſafety of the church and ſtate[n]. Thus perſuaded, they alſo co-operate with the whigs, and by this means the whole nation, as to the point of reſiſtance in ſo deſperate a caſe, ſeemed to be all of one party.

Accordingly, ſoon after the queen's delivery, the prince of Orange was earneſtly invited, as well by tories as whigs, to come and ſave the nation from falling into the moſt deplorable of ſtates, popery and ſlavery. As the ſafety, not only of the United Provinces, but of the proteſtant religion in general, depended on the fate of England, the invitation was gladly accepted by the prince of Orange, and heartily eſpouſed by the Dutch, who readily furniſhed an army and fleet.

Whilſt the warlike preparations were with great ſecrecy carried on in Holland, king James had intimation from France of an expedition intended againſt England, with the offer of a French army to aſſiſt him. This offer, to the great ſurpriſe of the king of France, was rejected as unneceſſary, though a private treaty was ſaid to be then made between the two monarchs[o].

But at length receiving certain advice of the prince of Orange's deſign, king James was extremely alarmed. He inſtantly ſaw the neceſſity of requiring the confidence of the clergy, ſtill vainly imagining they would practice that paſſive obedience they had ſo long and ſo ſtrenuouſly aſſerted. But to his great mortification the biſhops, to whom he applied for the aſſiſtance of their counſels, plainly adviſed him in ten articles, "to redreſs all his illegal proceedings, and ſpeedily call a Free Parliament, in which the church of England, a due liberty of conſcience, and the properties of the ſubject might be ſecured."

Whilſt the biſhops were preparing this addreſs, the king publiſhes a proclamation, intimating, "that no leſs than an abſolute conqueſt of his kingdoms was propoſed by this invaſion; that nevertheleſs, he declined all foreign aid, and wholly relied upon his own ſubjects." Concluding, "that though he intended to have met his parliament the 17th of November, he found it neceſſary to recall the writs that had been iſſued for that purpoſe."

About the ſame time the king, as his fears increaſed, thought proper to redreſs ſome of the grievances complained of. He begins with taking off the biſhop of London's ſuſpenſion, and publiſhing a general pardon of all criminals; a few only excepted. Soon after this, the commiſſion for cauſes eccleſiaſtical was diſſolved: the charter of London reſtored: the fellows of Magdalen college were ordered to be re-inſtated: corporations were reſtored to their antient charters: popiſh lord-lieutenants, juſtices of the peace, mayors, and other magiſtrates were diſplaced, and proteſtants put in their room. In a word, the whole popiſh fabric, the work of near four years, was in a few days almoſt entirely demoliſhed. But with how little ſincerity this was done, the king took care to ſhew preſently after.

Whilſt theſe things were tranſacting in England, the prince of Orange, to juſtify his undertaking, publiſhed a ſolemn declaration, that "the expedition was intended only for redreſs of the grievances, by a free and lawful parliament, to which ſhould be referred the inquiry into the birth of the pretended prince of Wales, and of all things relating to the right of ſucceſſion."

Upon news that the king, purſuant to the advice of the biſhops, had retracted ſome of his arbitrary proceedings, an addition was made to the declaration importing, "that theſe redreſſes were imperfect, and a plain confeſſion of the violences complained of, that the root of oppreſſion, the claim of a deſpotic power, was reſerved entire, and conſequently no remedy could be offered but in parliament, by a declaration of the rights of the ſubject which had been invaded, and therefore all ſhould be referred to a free aſſembly of the nation in a lawful parliament."

The king ſoon verified that part of the declaration concerning the defectiveneſs of the redreſs of grievances; for hearing the Dutch fleet had ſo greatly ſuffered by a ſtorm, that they were forced to put back, and would not be able to proceed till the ſpring, he returned to his former conduct, recalled ſeveral of his late acts of favour, particularly the reſtoration of Magdalen college, and thereby demonſtrated, that all his redreſſes were owing entirely to neceſſity, and not to inclination, which loſt him many friends that might otherwiſe have been induced to ſtand by him.

Mention being made in the prince's declaration of his being invited by divers of the lords ſpiritual and temporal, the king in great haſte ſent for the archbiſhop, and ſuch biſhops as were in London, and required them to juſtify themſelves to the world, by declaring under their hands their abhorence of the Prince's intended invaſion. But inſtead of complying with his requeſt, they renewed their petition with great earneſtneſs to call a free parliament.

The damage ſuſtained by the Dutch fleet having been purpoſely magnified to increaſe the king's ſecurity, it was ſoon repaired, and the prince ſailed again on the firſt of November, and on the fifth, landed his forces at Torbay. He marched directly to Exeter, where he was at firſt but coldly received by the clergy and magiſtrates. But ſoon after an aſſociation by the advice of Sir Edward Seymour was drawn up, to ſtand by the prince of Orange, till religion, the laws and liberties were ſecured by a free Parliament. This aſſociation was ſigned and ſent to other places, particularly to Oxford, where it was ſubſcribed by almoſt all the heads and chief men of the univerſity, and the prince was earneſtly invited thither, with a promiſe

[n] Echard, in his Review, expreſſes this very fully. And now (ſays he) the breaches into the Engliſh conſtitution, which many were unwilling to ſee before, became apparent to almoſt all men's eyes. The king had plainly and openly aſſumed to himſelf a power to make laws void and to qualify ſuch for employments, who were ſo incapacitated by law, as to render all their actings void. All unqualified perſons, ſheriffs, and even judges, were now now no legal officers, inſomuch that the government and the lawful adminiſtration of it was quite broken and confounded. All this was brought about by the magic of diſpenſing power, which changed the whole frame of the legiſlature, and reduced all laws to the pleaſure of the crown. For by virtue of the ſame power, every diſagreeable ſtatute was made liable to be vacated, eſpecially ſince no laws were fortified with ſtronger clauſes to force their execution, than thoſe which the late declaration had made uſeleſs. And when this was declared ſuch a ſacred point of government, that a petition doubting of it and delivered in the moſt modeſt and private manner, was made a high crime, and inflexibly carried on againſt the moſt eminent of the church. This convinced the moſt doubtful, that the breach into the conſtitution was general, deſtructive, and inconſiſtent with the nature of it. The matter was ſo open and avowed, and continued with ſuch regular ſteps and repeated acts, that many of thoſe that had taught the higheſt notions of obedience, were ſenſible that there were ſuch a total ſubverſion, as might warrant the nation to guard its conſtitution, and to look out for its own preſervation. Echard's Review, p. 104.

[o] All the prieſts and popiſh lords were for having the French forces; it was oppoſed by the earl of Sunderland only, who ſaid, that an army of forty thouſand men might perhaps maſter England, but they would become the king's maſters too, and render him only a viceroy to the king of France. A leſs army would loſe the king the affections of his people, and drive his own to deſertion, if not to mutiny. The king did not think matters were yet ſo near a criſis; ſo he neither entertained the propoſition, nor let it fall to the ground. There was a treaty on foot, and the king was to have a hundred tranſport-ſhips ready for ſuch forces as he ſhould deſire. It is certain, the French embaſſador then at London did believe, that the king would have been able to have made a greater diviſion of the nation, than it proved afterwards he was able to do, and that then the king would have been forced to take aſſiſtance from France on any terms, and ſo he encouraged the king of France to go on with his deſign, in the winter, and he believed he might come in good time, next year, to the king's aſſiſtance. This advice proved fatal to the king. The firſt diſcovery of the alliance with France was by a memorial given to the States by the French embaſſador, wherein he told them, that there was ſuch a ſtrict alliance between his maſter and the king of England, that he would look upon every thing done againſt England as an invaſion of his crown. This put the king and his miniſters out of countenance, for they had poſitively denied there was any ſuch thing. But the memorial was a full proof of it. Burnet, Vol. I. p. 767. Skelton, the king's envoy at Paris, had the blame caſt on him of putting it in the memorial, and when he came over was ſent to the Tower on that account; but this ſhow of a diſgrace was but ſhort, for he was ſoon after made lieutenant of the Tower. The French embaſſador about this time ſhewed ſir William Trumball, embaſſador at Conſtantinople, a letter from M. de Croiſſy, importing, than an alliance was concluded between the two kings. Ibid.

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that their plate if wanted, ſhould be at his ſervice. From that time, as every day brought ſome perſons of diſtinction to the prince, ſo the king was daily forſaken, not only by thoſe he had moſt truſted, but even by his own children, the prince and princeſs of Denmark.

The king was now under ſuch a conſternation that he neither knew what to reſolve on, nor whom to truſt. He ſent for all the lords in London, that were known to be firm proteſtants, by ſome of whom he was privately adviſed to call a general meeting of all the privy-councillors and peers to aſk their opinion. They unanimouſly agreed, that it was neceſſary to call a free parliament, and ſend commiſſioners to treat with the prince. How much ſoever this went againſt the king's inclinations, he next day declared in council, that he reſolved to have a free parliament on the fifteenth of January, and ordered writs to be iſſued out accordingly. At the ſame time, the marquis of Hallifax, the earl of Nottingham, and the lord Godolphin, were appointed to go and aſk the prince what it was he demanded. The removal of papiſts, and calling a free parliament, were the chief articles propoſed by the prince, which with the reſt of the prince's demands, were deemed ſo reaſonable that they were immediately ſent away to the king, who owned he did not expect ſo good terms. During this treaty, ſtrange counſels were ſuggeſted to the king and queen. The prieſts and violent papiſts knew that they muſt be the ſacrifice, and the whole deſign of popery given up without hope of revival. They told the queen, ſhe would be impeached and witneſſes ſet up againſt herſelf and ſon. Whereupon ſhe reſolved to go to France with the child; and the midwife, with all that aſſiſted at the birth, were alſo carried over, or ſo diſpoſed of, that it was never known what became of them afterwards. The queen prevailed with the king to promiſe to follow her very ſoon. Accordingly, having called an extraordinary council on account of the prince's propoſals, he acquainted them with the queen's departure the night before, but ſtill promiſed them 'that he would ſtay with them.' He was unanimouſly adviſed to comply with the prince's demands, and all things appeared as if he deſigned it, and the council was ordered to attend him next morning. But having privately ſent for the great ſeal, on the eleventh of December, about three in the morning, he went away in diſguiſe with ſir Edward Hales, whoſe ſervant he ſeemed to be. They paſſed the Thames, and threw the great ſeal into the river; which was found ſome months after by a fiſherman near Vauxhall. The king went down to a fiſher-boat that Hales had provided for carrying him over.

Thus king James, when there was no apparent cauſe to fear the ſafety of his perſon, choſe rather to abandon all, than to ſtay and ſee the iſſue of a free parliament; which he had been ſo often petitioned and adviſed to call, and which he had ſo often promiſed to ſummon. With this his reign may be ſaid to end. For if ever there was a real deſertion of a kingdom, and ever a people left to take care of themſelves, this was certainly the time. He expoſed the nation to the pillage of an army which he had ordered to be diſbanded without money, he deſtroyed the parliament writs, threw the broad ſeal into the Thames, and left the people without a governor.

Upon this deſertion the privy-councillors and peers with the archbiſhop of Canterbury met at Guildhall, and agreed to invite the prince to come and take upon him the government of the nation, till matters were ſettled by a parliament. This invitation was ſigned by all, and ſent to the prince, who upon receiving the ſurpriſing news of the king's ſudden departure, thought it neceſſary to make all poſſible haſte to London. When he was advanced as far as Windſor, two gentlemen of Kent brought him notice, that the king was taken by ſome fiſhermen and carried to Feverſham[P]. The prince inſtantly

[P] The following account is a manuſcript letter from one of the gentlemen that came to the king, when he was taken, to his friend in London.

"It was the fatal Tueſday, December 11, 1688, when the mobile were all in arms; on which day were taken the lord Saliſbury, and ſir Charles Hales at Aſhford, the lord Peterborough, &c. in the iſle of Thanet, and near us baron Jenner, Burter, Graham, Obadiah Walker, Gifford, Leybourn, Kingley, and two ſuppoſed to be their titular biſhops, with ſeveral papiſt gentlemen, viz. the lord Arundel of Wardour's ſon, Hardwick, a merchant, Sing, adjutant to ſir Edward Hales, &c. This was the great work of the day, beſides rifling of popiſh houſes: but the night was attended with ſomething more extraordinary; for the ſeamen, armed with a ſort of emulation at the ſucceſs of the landmen, were reſolved to have a frolick in their way; and about ſeven at night under the conduct of William Ames and John Hunt, with about fifty more, chiefly ſeamen, put off in queſt of a prize, and about eleven at night they took a cuſtom-houſe boat, in which proved to be the king, ſir Edward Hales, and Ralph Sheldon. The king was in a particular diſguiſe, and ſo not known that night: but as if his deſtiny deſigned to be ſevere upon him, the ſeamen treated him very roughly above the reſt, though incognito. One cried out, 'twas father Petre; they knew it to be ſo by his lean jaws:' A ſecond called him 'old hatchet-faced jeſuit:' a third ſwore, 'twas a cunning old rogue, they would warrant him.' And all night long they welcomed him with theſe rough ſalutations, and perfuming the room with tobacco, the ſmell whereof the king hates. His majeſty was taken at the weſt point, not above a quarter of an hour before the flood would have carried him off; and it was his own fault, that they ſtopt there for ballaſt, which the pilot was againſt: but the roughneſs of the ſea made his majeſty fear they were not ſafe in ſo ſmall a boat without ballaſt; whereby they loſt ſix or eight hours, and ſo were providentially taken. He was detained at ſea all night, and brought up from Owſe, where he landed, to Feverſham about twelve, Wedneſday the 12th. Then he was ſuſpected, as he came up the town, and within a quarter of an hour after he was in the inn, fully diſcovered. He was willing by all arts at firſt to conceal himſelf; and at his firſt coming in he called for bacon and eggs, as if he were ſome ordinary man in his diet; whereas he taſtes no meat that is in the leaſt ſalted, as it afterwards appeared. He ſeemed caſt down ſomewhat at the noiſe of the rabble; but after ſome recollection, called for ſome ink and paper to write to the earl of Winchelſea: but was ſo diſcompoſed, that he wrote, and tore, and begun again, as if he were overcome with diſorder or fear. Inaſmuch as I was with him before he was diſcovered, he entered into ſome diſcourſe with me. He thanked me, and commended my prudence for not diſcovering him with the firſt, though I knew him as ſoon as any one. He told me, that the rage of the people was up; and now that of the pſalmiſt was true; 'I, who ſtill the raging of the ſea, muſt ſtill the rage and madneſs of the people;' for he could not, therefore he———He complained heavily of fears and jealouſies blown about by ill men; and too many of the black coats had done him that ill office they could never make him amends for. He inſiſted on his integrity; ſaid, he had a good conſcience, and could ſuffer and die. He told me, he read ſcripture much, and found great comfort in it. He declared, he never deſigned to oppreſs conſcience, alter the government, or deſtroy the ſubjects liberties: and at laſt aſked me plainly, 'What have I done? What are the errors of my reign? Tell me freely.' To which, you may be ſure, I made no anſwer. He inſiſted much upon going off, after he was taken; and I believe he put the queſtion to every layman and churchman in the room, to get him a boat, and let him eſcape. He ſaid, the prince of Orange ſought his crown and life; and if he were delivered up, his blood would lie at our doors, for he ſeemed perſuaded they would murder him. 'Now, (ſaid he,) the opportunity is in your hand; but if you miſs this, it will not be in your power to help me.' He argued much upon theſe words, 'He that is not with me, is againſt me;' and ſermonized half an hour, making reflections on men's coldneſs to ſerve him in that extremity. Whilſt he inſiſted upon going off, and uſed all motives proper, as he thought, in begging, praying, tempting, arguing, perſuading, reproving, &c. which was for above three hours, the rage of the ſeamen took fire, apprehending he would prevail with ſome to let him eſcape ſecretly; and thereupon aroſe ſome contemptuous words, and no ſmall inſolencies offered; which I almoſt think had not happened, if the fear of his eſcape had not run ſo much in their minds, or if his majeſty would have waved diſcourſing ſo much thereof. For the ſeamen much valued themſelves on their charge, and did apprehend their own lives in danger, if he went off; imagining, they had done a ſingular piece of ſervice to the nation, and reſolving there to keep him till order from the prince, or the lords at Guildhall. And the king himſelf undertook to diſcourſe them, and aſked the ſeamen, 'By what authority do you land here? Am not I your king? And ſure you will not hurt my life. Will you ſtand by me? I'll reward you. If you be my good ſubjects, you muſt obey me. Come and ſerve me, and get me a boat, and I'll go off.' Afterward, he went ſo far as to regulate their way of keeping guards; bid them ſtand further off: 'Go, down, and keep your diſtance:' which ſo enraged them, that ſome of them forgot all decency and reverence to him; inſomuch that ſir Edward Hales was deſired to take the king off from that diſcourſe, which made him cheap, and proved ſo unpolitic and unſucceſsful. But ſtill the rage of the ſeamen increaſed, and they ſhook hands and cried out one and all, 'We'll die rather than he ſhall go off;' got together in a full body, broke out into ſo ſcornful huzzas, and for a while doubled their guard, ſuffered none to go to him, but whom they well knew, loaded their muſkets, and made ready as if they reſolved to fire upon any that oppoſed their meaſures. This indeed intimidated the king, and his ſpirits ſeemed much down; which made him keep his eye upon the door, and watch all their motions narrowly, and deſire not to be much alone, but the gentlemen to ſtay with him. Towards night, the earl of Winchelſea came, and then it was reſolved to remove the king to a private houſe; which the ſeamen ſtill oppoſed for fear of eſcape. But my lord pawning his honour for the king's ſtay, the better ſort of them conſented, but the mobile ſtill refuſed; and as the king came down ſtairs, I believe more than twenty ſwords were drawn over his head, and ſome threats paſſed; and at the bottom of the ſtairs they ſtopt him near a quarter of an hour. At length, the matter was compounded, upon condition they only ſhould be the king's guards, whilſt he ſtayed. So at length the king was ſuffered to walk down the dirty ſtreet to his private apartments, with the irregular diſorderly crew at his heels.

"When the king had been ſome while in the private houſe, his ſpirits revived, and he was full of diſcourſe, which was chiefly in his own vindication; for he undertook to juſtify himſelf even to Magdalen college buſineſs. Only I muſt not forget that he pleaſantly entertained us with a long diſcourſe about St. Winefrid and the virtue of her well, and the whole legend of it; as alſo having loſt a wooden croſs, he told us how much it was to be prized, for it was St. Edward the Confeſſor's, and had a piece of the true real croſs in it, on which our Saviour ſuffered; which ſort of diſcourſe was to us, you muſt imagine, very agreeable. He then wiſhed himſelf with the queen; and bleſſed God, ſhe and his ſon were ſafely arrived abroad. And he was farther heard more than once to thank God, that father Petre was ſafely arrived alſo, and ſeemed to expreſs a mighty eſteem for him. As to ſir Edward Hales, he did confeſs, it was by his means he came this way; but ſeemed not much to blame him for his ill ſucceſs. And when he was told, the country hated him, and none ſpake well of him, he ſaid, that then he was the likelier to be an honeſt man. And being told, that Mr. William Pen was ſeized alſo, he pitied him much, and ſaid, 'he was a good man, and he was ſure no ill could be charged on him.'

"Next day being Thurſday the 13th, came in two hundred gentlemen from Canterbury and Eaſt-Kent, and in the ſight of him declared their concurrence with the prince of Orange; which much afflicted him, for that he then ſaid, he was not ſafe where he was. And towards night captain Crayford and another captain came from Sheerneſs, declaring the reſolution to deliver up to the prince the fort and the ſhips in the Swale, which is a road under the protection of the fort. Upon the hearing of which he ſaid, he would conſent to any thing to prevent bloodſhed; but ſeemed extremely afflicted thereat. He was really very melancholy at times, and often ſhed tears. His guards were ſo ſevere upon him, and purſued him from one room

ordered Zuyleſtein to go and deſire him to ſtay at Rocheſter; but Zuyleſtein miſſing his way, the king, at the invitation of the ſame peers and privy council, that had juſt before ſent to the prince to take upon him the government, came to London; where he was received with expreſſions of joy by great numbers [q].

When the prince at Windſor had notice of the king's return to London, he thought himſelf ill uſed by the privy-council, who had invited the king without conſulting him. The ſcene was now altered, and new counſels were to be taken. So it was reſolved to ſtick to the point of the king's deſerting his people, and not to give it up, by entering into any treaty with him. Purſuant to this reſolution, the king was ſent to and deſired to remove out of London, and Ham being propoſed to him, it was aſked whether he might not go to Rocheſter. As this was viſibly deſired in order to a ſecond eſcape, the prince readily conſented to it, and came to St. James's, the ſame day the king departed from White-Hall.

The king remained a week at Rocheſter, and both himſelf and every one elſe ſaw he was at full liberty, and under no ſort of reſtraint. Many that were zealous for his intereſt, went to him and preſſed him to ſtay and ſee the iſſue of a free parliament. But a vehement letter from the queen (which was intercepted and afterwards conveyed to the king) claiming his promiſe to come over to her, determined him contrary to the ſolicitations of his friends: ſo he left Rocheſter very ſecretly, on the laſt day of that memorable year, and in a veſſel prepared for him, got ſafe into France.

The prince at his coming to London, called together all the peers and the members of the three laſt parliaments that were in town, with the aldermen, and ſome other citizens of London. By theſe he was deſired to take upon him the adminiſtration of affairs, and to write miſſive letters to the ſame effect, and for the ſame perſons to whom writs were iſſued out for calling a parliament, that ſo there might be an aſſembly of men in the form of a parliament though without writs under the great ſeal; ſuch as that was which had called home king Charles the ſecond [r].

Purſuant to this advice, the prince ſummoned a convention in the manner deſired, and the elections of the members were managed with all poſſible freedom. Every man voting for whom he pleaſed, without any interpoſition or recommendation from the prince [s].

The convention being met and the ſpeakers choſen, the marquis of Hallifax, for the peers (in oppoſition to the earl of Darby) and Mr. Henry Powle for the commons, it was voted in the lower houſe, "that king James having endeavoured to ſubvert the conſtitution, by breaking the original contract between king and people, and having violated the fundamental laws and withdrawn himſelf out of the kingdom, has abdicated the government; and the throne is thereby become vacant." The next day it was farther reſolved, "That it has been found by experience, to be inconſiſtent with this proteſtant kingdom to be governed by a popiſh prince." When theſe important votes were ſent up to the lords for their concurrence, a motion was made not to agree with the commons, that the throne was vacant but only to ſuppoſe it for the preſent, and determine firſt, whether the throne being vacant, it ought to be filled by a regent or a king? This queſtion was debated with great warmth. The earls of Nottingham, Clarendon and Rocheſter, were the chief managers in favour of a regent; in oppoſition to the marquis of Hallifax, and the earl of Danby, who ſtrenuouſly aſſerted the neceſſity of filling the throne with a king. The debate being ended, fifty-one voted for a king, and forty-nine for a regent. It was next debated, whether or no there was an original contract between king and people? The houſe being divided upon the queſtion, fifty-three were for the original contract, and forty-ſix againſt it. After this, it was ſoon carried in the affirmative, that king James had broke the original contract. Then they took into conſideration the word abdicated, and concluded, that the word deſerted was more proper. They examined alſo the word vacant, and the queſtion was put, whether king James, having broke the original contract, and deſerted the government, the throne was thereby vacant? Upon a diviſion in the houſe, thoſe who maintained the king never dies, and conſequently, that the throne is immediately full of the next heir, carried it againſt the vacancy, by eleven voices. Whereupon a motion being made, that the prince and princeſs of Orange ſhould be declared king and queen; this was alſo carried in the negative by five voices, though proteſted againſt by forty lords. Having thus gone through the grand vote of the commons, the peers acquainted them, that inſtead of abdicated, they would have deſerted put in, and that the throne is thereby vacant to be left out. But the commons adhering to their vote, rejected theſe amendments, and after a very famous free conference, the lords at laſt agreed, that king James had abdicated the government, and that the throne was thereby become vacant [t]. This done, it was voted in both houſes, that the prince and princeſs of Orange, ſhould be declared king and queen, but that the adminiſtration ſhould be ſingly in the prince. There was drawn up and agreed to, a ſolemn declaration of rights, containing the ſeveral facts and reaſons, for king's James's forfeiture of the crown; aſſerting the undoubted rights and liberties of the ſubject [u], ſettling the ſucceſſion of the crown and appointing the new oaths of allegiance. This declaration and the tender

room to another; and preſſed upon in his privacies, ſo that he had ſcarce the civilities from the ſeamen, that was due to a gentleman in reſtraint; ſcarce leiſure to be devout or retire to the calls of nature; ſo over officiouſly did they guard him. Freſh rumours oft were raiſed of his going off, which fetched the ſcattered ſeamen together, and were the occaſion of freſh heats and inſolencies. In this tumultuous manner was the poor king guarded; neither would they ſuffer the gentlemen to take their turns.

"When Friday night came, and the guards, that were ſent from the lords that were then at Guildhall, were within two hours march of Feverſham, the rage of the ſeamen increaſed, becauſe the earl of Feverſham was with them, and ſome others they diſliked; that they ſwore bloodily, no guards ſhould come in there, and ſo ran all to arms. Upon ſight of which the gentlemen were forced to diſpatch expreſſes away to ſtop the guards, and pray them to lodge at Sittingbourn; for doubtleſs if the guards had come that night into town, there had been bloody work; for by what I heard and ſaw, I verily believe the ſeamen would have reſiſted them.

"At length, Saturday morning came, when the king was guarded out by the ſeamen and gentlemen, and ſo received near Sittingbourn, by thoſe that were ſent for him," Thus you have a long account of this affair.

[q] It is obſerved, by Burnet, that though this accident of the king's return, ſeemed of no great conſequence, yet all the ſtrugglings afterward made by the Jacobite party, did flow from thence. For if he had got clear away, by all that could be judged, he would not have had a party left. All would have agreed, that here was a deſertion, and therefore that the nation was free and at liberty to ſecure itſelf. But what followed, gave them a colour to ſay that he was forced away. Till now he had ſcarce any party but among the papiſts; but from this incident a party grew up, that were long very active for his intereſts.

[r] The lawyers were generally of opinion, that the prince ought to declare himſelf king like Henry VII. This they ſaid, would put an end to all diſputes, which might otherwiſe grow very perplexing and tedious. And, they ſaid, he might call a parliament, which would be a legal aſſembly, if ſummoned by a king in fact, though his title was not yet recognized. This was plainly contrary to his declaration, by which the ſettlement of the nation was referred to a parliament; ſuch a ſtep would make all the prince had hitherto done, paſs for an aſpiring ambition only to raiſe himſelf, diſguſt thoſe who had been beſt affected to his deſigns, and make them leſs concerned in the quarrel, if inſtead of ſtaying till the crown ſhould be offered him, he would aſſume it as a conqueſt. Theſe reaſons determined the prince againſt that propoſition, and to call the peers, &c. together. Burnet I. 803.

[s] As there had been writs for a parliament twice before this, in a few months, moſt places had fixed their members, ſo that the difference was not conſiderable, between the members that were, and thoſe that would have been choſen, if king James had ſuffered the firſt or ſecond parliament he had called to meet, which is a plain proof of the temper and diſpoſition of the nation at this juncture. Echard's Rev. p. 222.

[t] The diſputes about the words abdicate, or deſert, and the vacancy of the throne, were fitter for a ſchool than a houſe of parliament; and might have been expected in ſome aſſembly of pedants, where young ſtudents exerciſed themſelves in diſputation, but not in ſuch an auguſt aſſembly, as that of lords and commons met in ſolemn conference, upon the moſt important occaſion. The truth is, that they who formed the oppoſition, were reduced to maintain ſtrange paradoxes.—Thus for inſtance, they were forced to admit, that an oppreſſed people might ſeek their remedy in reſiſtance, for they had fought it there themſelves, and yet they oppoſed making uſe of the only remedy, which could effectually ſecure them againſt returns of the ſame oppreſſions, when reſiſtance had put it in their power, as oppreſſion had given them a right, to uſe this remedy. This muſt appear a very abſurd paradox, if we conſider that reſiſtance, in all ſuch caſes, is the mean, and future ſecurity the end; and that the one is wicked in the higheſt degree, if it be not employed to obtain the other. Thus again, the ſame men declared themſelves willing to ſecure the nation againſt the return of king James, to that throne he had abdicated, or according to them, deſerted; and yet they could not prevail on their ſcrupulous conſciences to declare the throne vacant. They had concurred in the vote, that it was inconſiſtent with the laws, liberties and religion of England, to have a papiſt rule over the kingdom—— and yet they maintained, though they did not expreſly name him, that if the throne was then, or ſhould be at any time vacant of the father, it muſt be reputed inſtantaneouſly full of the ſon, upon the foundation of this ſilly axiom that the king never dies. According to this law, king James and his ſucceſſors, to the twentieth generation, might have continued abroad a race of royal exiles, preſerving their indefeaſible right to govern, but debarred from the exerciſe of it, whilſt the nation continued, from century to century, under the dominion of regents with regal authority, but without any regal right. Thus they who maintained the hereditary right of our kings, reduced themſelves, and would have reduced their country, to the abſurd neceſſity of altering the conſtitution, under pretence of preſerving it. No king, except a Stewart, was to reign over us, but we might eſtabliſh a Doge or Regent; and by this means theſe warm aſſertors of monarchy, refuſing to be ſlaves, concluded to be republicans. Many more paradoxes of equal extravagance might be cited, which were advanced directly, or which reſulted plainly, from the arguments employed on one ſide of the queſtion in theſe diſputes. But theſe inſtances may ſuffice to ſhew, that although difficulties hard to ſolve in ſpeculation, or to remove in practice, will ariſe in the purſuit of the moſt rational principles; yet ſuch abſurdities as theſe can never ariſe, except from the moſt irrational, and always muſt ariſe from ſuch. Differ. on Par. p. 83.

[u] In ſtating the grievances and rights, the diſpenſing power came to be diſcuſſed.

of the crown being offered to their royal highneſſes, they were proclaimed the ſame day, to the great joy of the nation.

By all theſe proceedings of the convention, it plainly appears, that the ſtate of parties was very much altered. Till king James's abdication the whole nation ſeemed to be of one mind, tories and whigs unanimouſly carried on the great work. But when king James, rather than wait the iſſue of a free parliament, and be bound to govern by law, (which was all that was required of him) choſe to abdicate the government, and withdraw into France; ſeveral parties aroſe both in the nation, and in the parliament; according to the different principles they had eſpouſed. Though the tories, when their religion and liberties were at ſtake, had laid aſide paſſive obedience and non-reſiſtance, they ſtill firmly adhered to the principle on which thoſe doctrines were founded, namely, the divine, unalienable, indefeaſible, hereditary right of kings. And therefore, though they had heartily concurred with the whigs in inviting over the prince of Orange, their only view was to oblige king James to alter his meaſures and make the laws the ſole rule of his conduct. In a word, they wanted the prince to be their deliverer, but not their ſovereign. In theſe ſentiments were almoſt one half of the lords, about one third of the commons, and the clergy in general. All theſe declared for a regent; for according to their principles, the king never dies, nor can the throne ever be vacant, being, upon death, ceſſion, or abdication, inſtantly full of the next heir. If therefore a king, by his miſconduct ſhould ſhew that he was as incapable as an infant or lunatic of governing his people, the remedy provided for infancy or lunacy might in their opinion be applied, but the right muſt remain and go on in a lineal ſucceſſion [w].

Of thoſe who were thus for continuing the right of ſovereignty in king James, and veſting a regent with the exerciſe of the power, there were viſibly two different parties. Some adhering to the old principles (tranſmitted down from king James I.) in their literal ſenſe and full extent, went into the expedient of a regency, as the moſt probable way for laying the nation aſleep, and for overcoming the preſent general averſion to king James. After which they imagined it would not be difficult in ſome time, to compaſs his reſtoration. This was their intention, and therefore, when the prince of Orange was declared king, they could not comply with the ſettlement, nor ſwear allegiance to the new king, but formed what was properly called the non-juring party, whoſe number indeed was not very great, though headed however by Dr. Sancroft, archbiſhop of Canterbury; and ſeveral other ſpiritual and temporal lords.

The reſt of thoſe that were for hereditary right and a regent, though they could not, conſiſtently with their principles, promote the advancement of the prince of Orange to the throne, yet when he was declared king, they thought they might ſwear allegiance to him, by means of the diſtinction of a king de jure, and a king de facto; a diſtinction authoriſed by the famous ſtatute of Henry VII. [x]. But though the whole tory party came into the new ſettlement upon this diſtinction, they were however divided into two very different branches, by the different conſequences they drew from it. Some ſincerely thought that a king de facto, had a right to their obedience, and that they were bound to adhere to him and defend him, even in oppoſition to him, with whom they believed the right did ſtill remain. Hence it was, that though they could not reſolve to vote or act themſelves, againſt the principles they had profeſſed as maxims of law, yet they could reſolve to adhere to a new ſettlement, when it was made. This was the caſe of the earl of Nottingham, and many others who were employed in eminent poſts in the reign of king William [y].

But the other branch of the tories, drew from the ſame diſtinction of a king de jure and a king de facto a very different concluſion. They acknowledged one king, and held their allegiance ſtill due to another. They bound themſelves by oath to preſerve a ſettlement, which they pretended themſelves in conſcience obliged to ſubvert [z]. According to them, the meaning of the oath of allegiance was, that they were only to obey the new king as an uſurper, during his uſurpation; and therefore, as long as he continued in poſſeſſion, they were bound to ſubmit to him, but that it was ſtill lawful for them to aſſiſt king James, if he ſhould come to recover his crown; and that they might act all they could in his favour, as being ſtill their king de jure. The proceedings of this branch of the tory party, in the courſe of king William's reign, make it but too viſible, that they took the oaths in this ſenſe, contrary to the plain meaning of the words faith and true allegiance, and contrary to the expreſs declaration of the act that enjoined them. This branch of the tory party were ſtiled the rigid tories, or highfliers.

On the other hand, as the tories were divided into two branches, ſo the whigs were not all of one mind. For though they had all, purſuant to their principles, declared themſelves for the abdication of king James, and the vacancy of the throne, and unanimouſly concurred in making the new ſettlement, yet ſome few among them had very different views and ends from the reſt. Thoſe intended to take advantage from the preſent conjuncture to depreſs the crown, to render it as precarious and elective as they could, and to raiſe the power of the people upon the ruin of the monarchy. Hence it was dangerouſly aſſerted by ſome, that the whole government was diſſolved, from which a diſſolution of all men's properties, honours and rights, might have been inferred. And when it was propoſed to examine into the birth of the pretended prince [a], the ſame perſons thought it policy

diſcuſſed. And then the power of the crown to grant a non-obſtante to ſome ſtatutes was objected to. Upon opening this, the debate was found ſo intricate, that it was let fall at that time only for diſpatch. But afterwards an act paſſed condemning it ſingly, and the power of a non-obſtante was taken away. Yet king James's party took great advantage from this; they ſaid, though the main clamour of the nation was againſt the diſpenſing power, yet when the convention brought things to a ſettlement, that did not appear to be ſo clear a point as had been pretended: and it was not ſo much as mentioned in this inſtrument of government. So that by the confeſſion of his enemies, it appeared to be no unlawful power; nor was it declared contrary to the laws of England. Whereas its not being mentioned then, was only upon the oppoſition that was made, that ſo no more time might be loſt, nor this inſtrument be clogged with diſputable points. Burnet, p. 822.

[w] If the perſons who maintained the divine hereditary indefeaſible right of our kings, had thought fit to drop theſe principles when they laid aſide thoſe of paſſive obedience and non-reſiſtance, and no tolerable reaſon can be given why they did not, their conduct would have been conſiſtent and uniform on this great occaſion, and this uniformity would have been productive of great good, by taking away at once, even the appearances of all political diviſion in the bulk of the nation. But whilſt they laboured to reconcile their preſent conduct to their antient ſyſtem, they were true to neither. They had gone much farther lengths than their antient ſyſtem would allow, and then they refuſed to go as far as the other required in order to be ſafe; and therefore in order to be juſtified, they loſt every kind of merit, the chimerical merit of adhering to a ſet of ſilly principles; and the real merit of ſacrificing their prejudice to the complete deliverance of their country, from the recent danger of popery and arbitrary power. Diſſert. on Part. p. 85. It may be obſerved on this occaſion, that there is a diſtinction which ſhould be conſtantly made in caſes of this nature, aud which thoſe who eſpouſe the principle of hereditary right, never make in their diſcourſes or writings, or never make exactly enough. They compare the proceedings, without comparing the ſituation. Neceſſity and ſelf-preſervation are great laws of nature, and may well diſpenſe with the ſtrict obſervation of the common forms of any particular conſtitution. Either the convention muſt have fallen into the abſurdities mentioned in a former note, or have called back king James, the greateſt abſurdity of all, or have left their country in abſolute anarchy, or have done what they did. What they did, was done as near as poſſible to the ſpirit of our conſtitution, the forms of our laws, and the examples of former times.

[x] This ſtatute did ordain, that no perſon, that did aſſiſt in arms or otherwiſe, the king 'for the time being,' ſhould after be impeached therefore or attainted. For that it was agreeable to reaſon of ſtate, that the ſubject ſhould not inquire of the juſtneſs of the king's title, or quarrel; and it was agreeable to good conſcience (that whatſoever the fortune of war were) the ſubject ſhould not ſuffer for his obedience. Bacon's Hiſt. of Hen. VII. p. 144. This ſtatute was principally made (ſays a certain author) that the ſubjects might be ſafe which ever ſide prevailed, in an age, when the epidemical folly of fighting for different pretenders, had ſpilt oceans of blood on the ſcaffold, as well as in the field. He obſerves, of this law, that it confounds in effect the very diſtinction it ſeems to make, ſince it ſecures alike, and, by ſecuring alike, authorizes alike thoſe who adhere to the king de jure, and thoſe who adhere to the king in poſſeſſion. Differt. on Part. p. 91.

[y] The principle (ſays the anonymous author ſo often mentioned) of this branch of the tories was wrong, but it could not be reputed dangerous, whilſt it laſted; and it ſeems to have been built on ſo narrow and ſlippery a foundation, that it did not continue long in force.——Since we find among thoſe who voted for a regent, not a king, ſome illuſtrious perſons, who ſerved king William faithfully, adhered inviolably to the new eſtabliſhment, and have been diſtinguiſhed friends to the ſucceſſion that hath now taken place. Diſſert. on Parties, p. 92.

[z] This was (ſays the forementioned author) to juſtify perfidy, to ſanctify perjury, to remove the boundaries of right and wrong, and as far as in them lay, to teach mankind to call good evil, and evil good.——— That there have been perſons who deſerved to be ranked under this head, is too notorious to be denied; but I perſuade myſelf, that this diviſion hath always conſiſted of a flux body. On one hand, it is ſcarce poſſible to believe, that any number of men ſhould be ſo hardened as to avow to themſelves, and to one another, the acting, and perſiſting to act, on a principle ſo repugnant to every notion and ſentiment, that harbour in the breaſts of ſocial creatures. On the other, we know how the ſallies and tranſports of party on ſome occaſions can hurry even reaſonable men to act on the moſt abſurd, and honeſt men to act on the moſt unjuſtifiable principles, or both one and the other on no principle at all, according as the object which the prevailing paſſion preſents to them, directs. Diſſert. on Parties, p. 92.

[a] When this debate was propoſed in the houſe of lords, it was rejected with indignation. He was now ſent out of England to be bred up in France, an enemy both to the nation and the eſtabliſhed religion. It was impoſſible for the people of England to know, whether he was the ſame perſon that had been carried over or not: if he ſhould die, another might be put in his room, ſo as the nation could not be aſſured concerning him. —— It was known that all the perſons, who had been the confidents in that matter, were conveyed away: ſo it was impoſſible to come at them, by whoſe means only the truth of the birth could be found out. This

to let it lie in the dark undecided, and believed it no ill precedent that they ſhould ſo neglect the right of ſucceſſion, as not ſo much as to inquire into the matter. They alſo thought, it would be a good ſecurity for the nation, to have a dormant title to the crown lie as it were neglected, to oblige the kings to govern well, while they would apprehend the danger of a revolt to a pretender ſtill in their eye. From theſe and other proceedings they are called republican whigs. But the far greater part of the whigs, without going into new ſchemes of government, thought it ſufficient to ſay, that in extreme caſes all obligations did ceaſe; and that in the preſent circumſtances the extremity of affairs, by reaſon of the late ill government, and by king James's flying over to the enemy of England rather than ſubmit to reaſonable terms, had put the nation on the neceſſity of ſecuring themſelves upon a legal bottom. Extreme dangers would juſtify extreme remedies, though there was no ſpecial proviſion that directed to them, or allowed of them. Nor was there any need to fear ill conſequences from this, ſince houſes were pulled down or blown up in a fire, and yet a town in general was not thereby deſtroyed. So a nation's ſecuring itſelf againſt a king, who was ſubverting the government, did not expoſe monarchy, nor raiſe a popular authority. In a word, they were for keeping, as near as they could with ſafety to the lineal ſucceſſion, and not to deſtroy but rather improve the conſtitution, by marking out the bounds of the prerogative, and declaring the rights and liberties of the people.

As for the clergy, when they ſaw the church in imminent danger, they had, with the reſt of the tories, ſo far given up paſſive obedience and non-reſiſtance, as to co-operate with the laity in promoting the revolution, till king James's abdication. Some of the prelates had joined to invite over the prince of Orange, and their brethren refuſed to ſign an abhorrence of this invitation. Nay, the univerſity of Oxford had aſſociated for him againſt the king; and the biſhops and London clergy had welcomed him to St. James's, even after the king had withdrawn himſelf into France. But as they ſtill firmly adhered to the divine right of monarchy and lineal ſucceſſion, (which they had ſo often and ſo publicly aſſerted) upon the king's abdication they were at a loſs how to diſengage themſelves with honour or conſcience. Conſiſtently with their profeſſed principles they could not vote nor act in favour of the new ſettlement, and therefore they had recourſe to the diſtinction above-mentioned, of a king de jure and a king de facto; and too many of them drew the ſame conſequence from that diſtinction, as the rigid tories, that is, they acknowledged one king, and held their allegiance due to another. But others, and eſpecially ſuch as came in more ſincerely to the new government, were influenced by a notion which ſeemed to agree with their principles, and which was thus expreſſed: "The prince of Orange had juſt cauſe to make war on king James. In a juſt war, ſucceſs is conſidered as the deciſion of heaven. Conſequently, the prince's ſucceſs gave him a right of conqueſt over king James, and a title to all that was before veſted in him." This is ſaid to have had the moſt univerſal effect on the greateſt part of the clergy. Some few who were more ſcrupulous, refuſed to ſubmit to the new ſettlement, and remained among the non-jurors.

Such was the ſtate of parties at the time of the revolution; and ſuch the political diviſions in the nation and parliament, when king William was advanced to the throne: which being remembered, will plainly account for the early and ſtrong oppoſition to the new ſettlement, even from thoſe who had heartily eſpouſed the prince of Orange's cauſe till the flight of king James; and alſo for the many difficulties, obſtructions, plots, and conſpiracies, which king William encountered in the courſe of his reign; and which made him ſo uneaſy, that he will be ſeen more than once reſolving to quit his throne, and retire to Holland.

matter, it ſeems, had been privately debated before it was brought to the houſe: and it was by ſome obſerved, that as king James, by going about to prove the truth of the birth, and yet doing it imperfectly, had really made it more ſuſpicious than it was before; ſo, if there was no clear or poſitive proof made of an impoſture, the pretending to examine into it, and then the not being able to make it out beyond the poſſibility of contradiction, would really give more credit to the thing than it had, and inſtead of weakening it, would ſtrengthen the pretenſion of the birth. Upon all theſe conſiderations, no farther inquiry was made into it. It is true, this put a plauſible objection in the mouth of all king James's party. Here, ſaid they, an infant was condemned, and denied his right, without either proof or inquiry. Burnet, p. 817.

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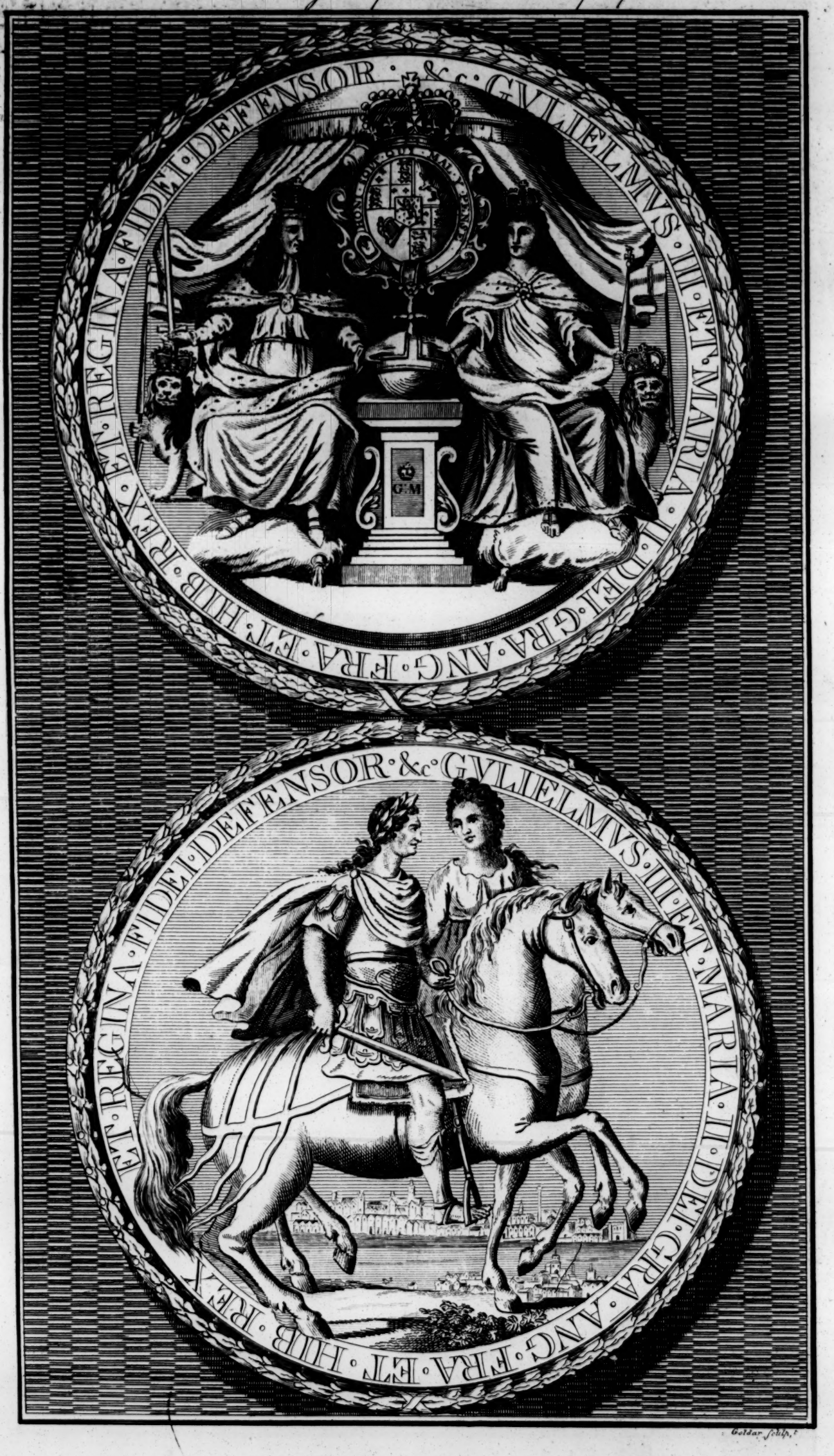

Goldar sculp.t

The Great Seal of KING WILLIAM III. & QUEEN MARY.

Pub.d as the Act directs June 3. 1786

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K. WILLIAM. III.

G. Kneller Pinx! *Goldar Sculp.*

At Kensington Palace

Publish'd as the Act directs October 23. 1784.

BRITISH
13 JY60
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London; Engravd for Harrison's Edition of Rapin's

QUEEN MARY.

G. Kneller Pinx.r Goldar Sculp.r

At Kensington Palace

Publish'd as the Act directs Jan.y 8.th 1785.

THE

HISTORY

OF

ENGLAND.

BOOK XXV. SECT. I.

From the REVOLUTION, to the Death of Queen MARY, in 1694.

28. WILLIAM III. and MARY II.

AMONG the various revolutions in kingdoms and ſtates mentioned in hiſtory, that in England in the year 1688, is hardly to be parallelled. The manner in which it was accompliſhed, and the circumſtances attending the courſe of it, were as extraordinary as the importance of it was great, not only to the Britiſh dominions, but alſo to the beſt part of Europe, and to the proteſtant intereſt in general. The progreſs of the French in their deſign of an univerſal monarchy was ſuch, that catholic no leſs than proteſtant ſtates rejoiced, at a revolution that ſeemed to be the only means to check the overgrown power of France, and free them from the approaching ſtate of a ſlaviſh dependency. But to England this revolution was in a more particular manner the fountain of many invaluable bleſſings, not only as the nation was delivered by it from popery and arbitrary power, which were advancing very ſwiftly, but the like danger for the future was by the new eſtabliſhment entirely removed. The authority of the prince, which by ſuch principles as compoſed an avowed ſyſtem of tyranny, had been raiſed to a degree inconſiſtent with a free ſtate, was reduced within the bounds of the laws. The prerogative of the crown, which by various arts had been ſtretched, and the many precedents, deſtructive of liberty, that had been ſet, were no longer to be feared; all hidden reſerves of authority to be let out on occaſion, and to overflow the privileges of the people, being removed, and the laws of the land made the ſole ſprings of the Sovereign's pretenſions and the nation's rights. In a word, the conſtitution of England, which for almoſt a century had been ſeen in two very different lights, was by the revolution and ſubſequent ſettlement not only renewed and brought back to the firſt principles, and nearer the primitive inſtitution, but moreover was fixed upon ſurer and more laſting foundations.

William III. prince of Orange, chief author of this famous revolution, was deſcended from the antient houſe of Naſſau.[a] He was great grandſon of William I. prince of Orange, who, upon the revolt of the Netherlands, occaſioned by the tyrannical proceedings of their ſovereign Philip II, king of Spain, took up arms in defence of the Belgic liberties, and by his prudence and conduct, founded the republic of the united

GENEALOGY of the PRINCES of ORANGE.

[a] The houſe of Naſſau is very ancient, and divided into numerous branches, which have their titles from the ſeveral counties belonging to Naſſau, as Naſſau-Dittenburg, Naſſau-Dietz, Naſſau-Seigen, Naſſau-Hadamar, &c.—Naſſau was made a principality by Ferdinand II, in 1653. This family has given not only a king to Great-Britain in the perſon of William III, but alſo an emperor to Germany in the perſon of Adolphus, count of Naſſau, in 1292, ſlain ſix years after in a battle with his rival Albert of Auſtria. From Otho count of Naſſau, general of the imperial army againſt the Hungarians under Henry I, in 926, to John III, in 1494, are fourteen deſcents. In which time the counts of Naſſau by marriages acquired large poſſeſſions in the Netherlands, Burgundy, &c. as Vianden, Breda, Loek, &c. John III. count of Naſſau-Dittenburg, had (by Elizabeth daughter of the landgrave of Heſſe-Caſſel, and in right of her mother counteſs of Catzenellobogen) two ſons Henry and William, between whom his territories were divided; Henry had the poſſeſſions in the Netherlands, and William thoſe in Germany. Henry (to whom Charles V. owed in a great meaſure his advancement to the imperial throne) being ſent by the emperor as ſovereign of the Netherlands into France to do homage for Flanders and Artois, was, (1515) with the conſent of Francis I, married to Claude de Chalons, only ſiſter of Philibert de Chalons prince of Orange, by whom he had a ſon called Renè or Renatus. Philibert dying without iſſue, left, by will, the principality of Orange to his ſiſter's ſon Renatus, who alſo dying without heirs, (1544) bequeathed his poſſeſſion to his couſin, ſon of his uncle William; namely,

WILLIAM

provinces, the moſt powerful in Europe[b]. This republic formed by the father, was eſtabliſhed by his ſecond ſon Maurice, and by his youngeſt ſon Henry-Frederic brought to perfection, being acknowledged and treated with by Spain, as free and independent ſtates; and their ambaſſadors ranked with the Venetian by the treaty of Munſter. William II, ſon of

WILLIAM firnamed the Great. { Count of Naſſau, and by his couſin Renatus's will, prince of Orange, born 1533. He was ſon of William the Elder, who having embraced the reformed religion, and introduced it into his territories, the emperor Charles V. took from him this his ſon William, and educated him in the popiſh religion, which he profeſſed till the revolt of the Netherlands. He was many years about the emperor's perſon, and by him made, at the age of twenty-two, generaliſſimo of his armies. When Philip II. would have ſubverted the conſtitution of the Netherlands, he, being then governor of Holland, Zealand, &c. eſpouſed the cauſe of liberty, and became the founder of the republic of the United Provinces. In this he was greatly aſſiſted by his brothers Lodowic, Adolphius, Henry, (all three ſlain in battle without heirs) but eſpecially by John his ſecond brother, (b. 1535) to whom he gave part of his German dominions, with the title of count of Naſſau-Dietz. [This John count of Naſſau, and ſtadtholder of Friezland, was anceſtor of ſeveral branches of Naſſau, viz. by his ſon John, of the line of Seigen: by his ſon George, of the line of Dittenburg; by his ſon Lewis of the line of Hadamar; and by his third ſon Erneſt-Caſimir, of the line of Dietz, ſtadtholders of Friezland. This Erneſt-Caſimir (b. 1573) count of Naſſau-Dietz, was father of William-Frederic, (b. 1613) father of Henry-Caſimir, (b. 1657) father of John-William-Frizo, (b. 1687, who being appointed heir of the houſe of Orange by king William III, aſſumed that title, and was drowned 1711), father of William-Charles-Henry-Frizo, the preſent prince of Naſſau-Dietz and Orange, hereditary ſtadtholder of Friezland, and choſen ſtadtholder of Guelderland, Zutphen and Groningen, (1722) married (1733) to Anne, princeſs of Great-Britain.] William I. prince of Orange was at laſt aſſaſſinated at Delft, (1584) in the 57th year of his age. He had by his firſt wife, Ann of Egmont, (counteſs of Buren and Leerdam) Mary, and Philip-William prince of Orange, who being ſeized at the univerſity of Louvain by the duke of Alva, was carried to Spain, and confined there thirty years, before he was ſuffered to come back to the Netherlands, where he died without heirs, 1618. By his ſecond wife, Anne, daughter of Maurice elector of Saxony, he had Emilia (married to Emanuel, nominal king of Portugal) and Maurice. By his third wife, Charlotte de Bourbon, daughter to the duke of Monpenſier, who had been a nun, he had ſix daughters; Juliana, (married to Frederic IV. elector palatine) Iſabella, Catharina-Belgica, Charlotta-Brabantina, Charlotta-Flandrina, Emilia. By his fourth wife, Louiſa de Coligni, he had Henry-Frederic. After his death, Philip, his eldeſt ſon, being in Spain, he was ſucceeded in the ſtadtholderſhip of Holland and Zealand, by his ſecond ſon,

* MAURICE. { Count of Naſſau, and, after his brother Philip's death, prince of Orange, (b. 1567.) He was called into action at ſeventeen years of age, and remained at the head of affairs above forty years, from 1584 to 1625, when he died. He was never married, but was ſucceeded in his eſtates and dignities by

† HENRY-FREDERIC. { Prince of Orange, ſon of William I. by Louiſa de Coligni, widow of Monſieur de Taligni, b. 1584. The republic founded by his father, and eſtabliſhed by his brother, was by him brought to perfection, being after ſixty years wars acknowledged a Free State by the Spaniards. He died May 14, 1647. By Emilia de Solms, daughter to John Albert count of Solms, (who came into Holland with the queen of Bohemia, and whom he married (1625.) by advice of his brother prince Maurice) he had four daughters; Louiſa, (married 1646, to Frederick-William elector of Brandenburg); Henrietta-Emilia, (married 1648 to William-Frederick Count of Naſſau-Dietz, ſtadtholder of Frieſland); Henrica-Katherina, (married 1658, to George II. prince of Anhalt); Maria, (married 1666, to Lewis-Herman, palatine of Simeren); and one ſon, namely,

WILLIAM II. { Prince of Orange, (b. 1626.) on whom the ſurvivorſhip of all his father's dignities and employments was conferred by the ſtate. In 1641, he married Mary Stuart, eldeſt daughter to Charles I. king of Great-Britain. He died at the age of twenty-four, 1650, of the ſmall-pox, ſoon after his attempt upon Amſterdam, leaving only a poſthumous ſon, viz.

WILLIAM III. { Prince of Orange, and king of Great-Britain, (b. 1650.) who leaving no iſſue by his wife Mary, daughter of James II. King of England, bequeathed the Principality of Orange, &c. to his couſin and next heir-male John-William-Frizo, Prince of Naſſau-Dietz, as was ſaid above. He died March 8, 1702.

[b] The names of the ſeven provinces, that form the republic with their ſeveral rates towards the yearly expences of the government, according to the proportion of 100 guilders, and the order in which their deputies to the ſtates-general vote; are as follows.

		Guil.	Sti.	Den.	
1	Guelderland, with the Co. of Zutphen,	5	12	3	
2	Holland, with Weſt Frieſland or North Holland,	58	6	2	2-4ths.
3	Zealand,	9	3	8	
4	Utretcht,	5	16	5	
5	Friezland,	11	13	2	
6	Overyſſel,	3	11	5	
7	Groningen, with the Omlands,	5	16	7	2-4ths.
		100	0	0	

It may not be improper to inſert here, a brief account of the nature and conſtitution of a republic, ſo different from all others; and which is to bear ſo large a part in the affairs of Europe, throughout the following hiſtory.

The Netherlands, or Low-countries, have been for many ages, divided into ſeventeen diſtinct provinces; and were governed by ſo many ſovereigns, under the various titles of prince, duke, or count. The ſeveral conſtitutions of theſe provinces, were much the ſame, being originally formed by part of thoſe northern ſwarms which over-ran Europe, and every where introduced a conſtitution, now generally called the ſtates; under a ſingle perſon now limited by law. As by the aſſembly of the ſtates, the ſucceſſion when doubtful or conteſted was ſettled, laws made, taxes impoſed, peace or war declared; the uſe of this aſſembly was the principal privilege of the inhabitants of the Low-countries, and conſequently, they were always very jealous of any incroachment upon it. In proceſs of time, theſe provinces by marriages, ſucceſſions, or conqueſts were united in the houſe of Burgundy, under Philip the good. Afterwards upon a marriage with the heireſs of Burgundy, they came to the houſe of Auſtria, and in the perſon of the emperor Charles V, were incorporated with his dominions of Germany, Spain, Italy and the Indies.

In the height of his glory Charles V, not only reſigned the imperial crown to his brother Ferdinand, but alſo the kingdom of Spain with the Netherlands, to his ſon Philip, whom he had two years before married to Mary, queen of England. Philip II, ſworn enemy of the reformed religion, which now began to ſpread in the Low-countries, reſolved to extirpate hereſy in all his dominions, and to that end, introduced by violence the inquiſition into the Netherlands; to which the inhabitants had always refuſed to ſubmit. Provoked at this, and many other incroachments of their liberties, the provinces riſe in arms, and headed by the prince of Orange, waged war with their ſovereign; which at length produced in 1580, the famous union of Utrecht, the foundation of the preſent republic of the united provinces, the nature of whoſe government is briefly this.

The ſovereign authority of the united provinces reſides in the ſtates-general, or the ſtates of each province aſſembled in one place. But as this aſſembly (conſiſting of above eight hundred perſons) cannot meet without great expence and trouble, each province deputes a ſmall number of plenipotentiaries, (uſually in all about thirty) who with the greffier or ſecretary, conſtantly ſit at the Hague, and are commonly called the ſtates-general. Each province preſides their week in turns. Neither ſtadtholder, or governor, or any military perſon, can be a member of this aſſembly. Matters are here decided by the majority, except in caſes of peace and war, foreign alliances, raiſing or coining money, and particularly the ſovereignty and privileges of each province or member of the union. In all theſe the provinces muſt all concur: Nor can they chuſe ambaſſadors, or anſwer foreign miniſters, (though ſent and received in their name) without conſulting the ſtates of each province, by their deputies, and receiving their orders; which indeed is alſo done in all affairs of great importance. Each province may ſend what number of deputies they pleaſe, as two, three or more; ſince the deputies of a province have but one vote. The ſovereignty of the territories and places, conquered by the common arms, is likewiſe embodied in the ſtates-general, as Boiſleduc, Breda, Bergenopſoon, &c. and the places belonging to the Eaſt and Weſt-India companies, in Aſia, America and Africa.

The reſolves of the States-general are executed by the council of ſtate, conſiſting of three deputies from Holland, two from Guelderland, two from Friezland, one from Groningen, one from Utrecht, and one from Overyſſel, in all twelve. The deputies preſide by turns, and may always decide by plurality of voices. This council propoſes to the States the ways and means of raiſing forces and money, ſuperintends the troops, fortifications, contributions upon the enemy's country, paſſports, and the affairs, revenues, and government of the places conquered ſince the union. Eſtimates of the expences of the enſuing year, are alſo drawn up by the treaſurer-general, (who has a ſeat here for life, with a deliberative voice) under the authority of the council, and a petition preſented to the ſtates to demand the ſame of the provinces in the proportion above-mentioned. Each province raiſes what money they pleaſe, ſend in their quota to the receiver-general (who alſo has a ſeat in the council of ſtate) and convert the reſt to preſent uſes, or reſerve it for future occaſions. In a word, the council of ſtate diſpoſes of all money deſigned for extraordinary affairs, and gives orders (ſigned by at leaſt three deputies of ſeveral provinces and the treaſurer-general, and regiſtered in the chamber of accounts) for the whole expence of the ſtate, according to the reſolves of the ſtates-general. It muſt be obſerved, the council of ſtate, formerly repreſented the authority of the ſtates-general in their abſence, and were judges of the proper time to convene them. But this power being abuſed under the earl of Leiceſter, the provincial ſtates deſired of the general, that they might by deputies, continue their aſſemblies under the name of ſtates-general, which has been done ever ſince Leiceſter's leaving the government.

The chamber of accounts erected for the care of the council of ſtate, to examine and ſtate all the accounts of the ſeveral receivers, to controul, and regiſter the orders of the council of ſtate. This chamber is compoſed of two

* Maurice prince of Orange had by Madame de Mechlin his miſtreſs, 1. William, (Vice-Admiral of Holland, ſlain at Groll, 1627.) 2. Lewis de Naſſau lord of Lecke, Odyke, Auverquerque and Beverwert, who dying 1668, left by his wife, counteſs of Horne, five daughters and three ſons. The daughters were Emilia, wife of Thomas Butler earl of Oſſory; Iſabella, wife of Henry Bennet earl of Arlington; Mauritia, wife of Colin Lindſey earl of Balcarras; Charlotte, lady of the bed-chamber to queen Ann, (1702.); Ann-Elizabeth, wife of baron Rutenburg, whoſe daughter married George earl of Cholmondely. The three ſons were, Maurice (created count of Naſſau, by the emperor Leopold 1679, whoſe deſcendents are nobles of Holland); William Adrian, (lord of Odyke, Zeiſt, &c. firſt nobleman of Zealand, famous for his embaſſies); d. 1705, and Henry de Naſſau, who being lord of Auverquerque, had that ſirname. He was king William's captain of the guard when prince of Orange, and maſter of the horſe when king of England, d. 1708. By Iſabel van Arſens, daughter of Cornelius lord of Somerdyke, (who d. 1719-20.) this Henry had five ſons; Lewis, (d. 1687.); Cornelius, lieutenant-general of the Dutch infantry, lord of Woudenberg Maurice, (captain of the Dutch life-guards); Francis, (colonel of an Engliſh regiment of dragoons, killed at Almenara in Spain); and Henry, the eldeſt ſurviving ſon, created 24 Dec. 1698, baron of Alford, viſcount Boſton, and earl of Grantham, lord-chamberlain to her late majeſty queen Caroline.

† Henry Frederick prince of Orange, had by a concubine Frederick of Naſſau lord of Zuleſtein, killed at the battle of Voordam (1672.) refuſing quarter. He left by his wife Mary, daughter of ſir William Killigrew bart. of Cornwall; William-Henry, lord of Zuleſtein, created May 10. 1695. Baron of Enfield, viſcount Tunbridge, and earl of Rochford, whoſe ſon William II. earl of Rochford died without heirs at Almenara, 1710, and was ſucceeded by his other Frederick, who dying in June 1737, was ſucceeded by his ſon William-Henry.

Henry Frederick (who had married the Princeſs Mary, eldeſt daughter of Charles I. king of England, and been inveſted with the ſurvivorſhip of his father's dignities of Stadtholder and captain-general), being diſguſted at the reſolution of Holland to diſmiſs great part of the army, ſuffered himſelf to be ſwayed by violent counſels, and under colour of a power from the States-General to preſerve the union, and oppoſe whatever might diſturb it, not only impriſoned ſix provincial ſtates in the caſtle of Louveſtein, but raſhly marched an army againſt Amſterdam, in order to ſeize and change the magiſtrates of that city, by whom his meaſures were chiefly oppoſed. This deſign being diſcovered by the Hamburgh poſt, who happened to ride through the army in the night, the prince's mortification at his diſappointment was ſo great, that he retired from the Hague to his ſeat in the country, on pretence of taking the diverſion of hunting, where being ſeized by a fever, which was followed by the ſmall-pox, he died in the 25th year of his age. The princeſs his wife was ſo ſtruck with this unexpected accident, that in eight days after ſhe was delivered of a ſon when ſhe was but ſeven months gone with child.

This ſon was William Henry third prince of Orange of that name, and afterwards king of Great Britain. The diſadvantages under which he came into the world were ſo many and ſo great, that there was no poſſibility of foreſeeing that he was born for the preſervation of the liberties not only of Holland and England, but of all Europe. His conſtitution, by reaſon of his untimely birth, was infirm. His private affairs were in a bad condition; two great jointures to his mother and grandmother, beſides a large debt contracted by his father for the aſſiſtance of his brother-in-law King Charles II, then in exile with the reſt of the royal family of England. As to his public affairs, his condition was ſtill worſe. His father's late attempt upon Amſterdam, had raiſed great jealouſies of his family. A ſtrong party, with the grand Penſionary De Wit at their head, was formed againſt him and

two deputies from each province, who are changed every three years, and reſide at the Hague.

The Admiralty (divided into five colleges; one in Amſterdam, a ſecond at Rotterdam, a third at Horn, a fourth at Middleburg, a fifth at Harlingen,) has the management of the ſea-affairs; and when a fleet is ordered, each college, (conſiſting of ſeven deputies, four from the province where the college reſides, and three named by other provinces) furniſhes their own proportion in all moneys that are to be raiſed.

Each province, being ſovereign and independent, is governed by its own laws and cuſtoms, under the authority of the provincial ſtates; for inſtance the ſovereignty of Holland is lodged in the ſtates of that province repreſented by deputies from the nobles and towns, compoſing nineteen voices, of which the nobles have only the firſt, and the cities eighteen, ſo many ſending deputies to the ſtates. Theſe were originally but ſix, till William I, prince of Orange, to ſtrengthen his authority, added twelve more. The former are ſtill diſtinguiſhed from the latter, by being called the ſix great cities, namely, Dort, Harlem, Delft, Leiden, Amſterdam and Gouda. The nobles are repreſented by eight or nine of their body, and each town may ſend what number of deputies they pleaſe, ſince they are maintained at their charge and have but one vote. The Provincial ſtates of Holland ſeverally meet four times a year at the Hague, in February, June, September and November, to order the affairs of the province. The Penſioner of Holland has a place in all the aſſemblies of the province, and in the ſtates propoſes all affairs, gathers the votes, and concludes. This office is of great importance, for the penſioner is as the preſident of the aſſembly, and generally for life, though he ought to be choſen or renewed every fifth year. He is always one of their deputies, in the States-General. When there is a ſtadtholder, and differences ariſe between him and the ſtates, the penſioner is in a dangerous ſituation, of which Barnevelt and De Wit, are terrible inſtances. There is likewiſe a provincial council of ſtate compoſed of ſeveral deputies, one from the nobles, and one from each of the principal towns; and but one, from three of the ſmaller towns; who chuſe him by turns. This council ſits conſtantly at the Hague, propoſes the matters of deliberation to, and executes the reſolves of, the provincial ſtates, who are convened by this council upon extraordinary occaſions. There are alſo two chambers of accounts, one for the ancient demean of the old courts of Holland, (but as the demean is begun to be ſold, this chamber will in the end be ſuppreſſed) the other manages the revenues of the province. Theſe charges are given as an honourable retreat to perſons who are grown old, in the more laborious employments.

Holland and Zealand, having but one Stadtholder or governor, under the houſes of Burgundy and Auſtria, ſtill continue to have but one common judicature, exerciſed by two courts of juſtice, common to both provinces. The firſt conſiſts of a preſident, eight counſellors of Holland, and three of Zealand, with a greffier, and ſix ſecretaries. The other, called the high-council, (to which there is an appeal from the firſt in civil, though not in criminal caſes) is compoſed of ſix counſellors of Holland, and three of Zealand, a greffier and ſubſtitute.

As the Provinces are governed by their States, ſo are the Cities by their ſenators. For example, the ſovereign authority of Amſterdam reſides in a Senate of thirty-ſix, who, (by a former reſolution of the Burghers in a general aſſembly) chuſe a new Senator when one happens to die. And this cuſtom has prevailed in all the towns of the Province, though with ſome difference in the number of ſenators. By the ſenate are elected the four burgomaſters, of whom three are choſen every year, and one ſtays in office two years. The burgomaſter of the year before, preſides the firſt three months, after which the other three preſide by turns. Though this office is of great authority, the ſalary is but 500 guilders a year. The eſchevins (who are the court of juſtice, in every town) are alſo annually choſen by the ſenate in this manner: The ſenate names eighteen, out of which the burgomaſters chuſe nine, for ſo many are there at Amſterdam. They are ſovereign judges in criminal cauſes, but in civil, above ſuch a value, there lies an appeal to the provincial court of juſtice. In a ſentence of death they adviſe with the burgomaſters, but are not bound to follow their advice. Under theſe magiſtrates, are the treaſurer of the city; the ſcout who ſeizes all criminals, and ſees the ſentences of juſtice executed; the penſioner, who is a civil lawyer, verſed in the cuſtoms, records and privileges of the town, of which he informs the magiſtracy upon occaſion: He is a ſervant of the ſenate and burgomaſters, delivers their meſſages, and makes their public harangues. Thus the burgomaſters and eſchevins may be likened to our lord mayor and aldermen, the ſcout to the ſheriff, and the penſioner to the recorder. The deputies to the provincial ſtates are choſen by the ſenate, among whom one of the burgomaſters and the penſioners are commonly ſent.

As to the office of Stadtholder it muſt be obſerved, whilſt the united Provinces were under the dominion of Spain, there was a Stadtholder or lieutenant-general, over the ſeventeen provinces, with inferior governors or Stadtholders, over particular provinces. After the revolt, the ſupreme power which before reſided in Philip II, as ſovereign of the Netherlands, devolved upon the States-General, namely the power of making war and peace, raiſing money and the like, whilſt the rights of the governors or Stadtholders, ſeemed to have been preſerved. For inſtance, William I, prince of Orange, being at the time of the revolt, Stadtholder of Holland and Zealand, under the Spaniard, had his power and authority confirmed to him by the ſtates of thoſe provinces, now become ſovereigns, and was alſo made Stadtholder-general, as well as captain-general of the United Provinces after the union of Utrecht. After his aſſaſſination, prince Maurice was choſen ſtadtholder of Holland and Zealand, and after Leiceſter's return to England, was alſo made ſtadtholder of Guelderland, Utrecht, and Overyſſel, whilſt his couſin prince William Lewis of Naſſau-Deitz, was choſen ſtadtholder of Frieſland, and Groningen. The power and rights of the ſtadtholder were, the command of the land and ſea-forces as captain-general and admiral, the diſpoſition of military poſts, the pardon of penalties and crimes, the election of magiſtrates, upon the nomination of the towns, who preſented three, and he choſe one of them. But with all this he could neither raiſe nor diſband forces, and for governors of frontier towns, he was to chuſe them out of perſons nominated by the ſtates. In a word, he could not take the field, form a camp or ſiege, without the expreſs order of the ſtates; when the ſtadtholder or general of the union had any view which he thought to be advantageous to the republic, and which ought to be kept ſecret, he deſired the ſtates to appoint two or three perſons to whom he imparted his deſign, which being approved of, the ſtates without knowing the particulars, made the neceſſary preparations and always ſent with him three or four deputies, to repreſent the ſtates and ſerve him for counſellors. But as for the council of war, he formed it as he pleaſed, and was maſter of the military diſcipline.

From the time of Prince Maurice and his brother Frederick-Henry, there were two Stadtholders and generals in the ſeven Provinces, the Princes of Orange of five, and the Counts of Naſſau-dietz of two, but the command in chief of the army belonged to the Princes of Orange.

The Stadtholder in the aſſemblies of the States-General or Provincial, could only give his opinion, not vote. He was arbitrator of differences between Provinces, a power founded upon an article of the union, which gave that right to the Stadtholders of the Provinces. They had a large patrimonial revenue in lands, lordſhips, &c. in the Provinces which enabled them to live with ſplendor and increaſed their authority, though in Holland, they were not maſters of any town that ſent deputies to the States. In Zealand they had moſt power, where, of the ſeven votes of the Provincial States, they were maſters of three; one as firſt noblemen, (the nobility being extinct in that Province, they had ſome perſon to repreſent them in the aſſemblies) the other two as Marquiſſes of Vere and Fluſhing. But never was the authority of Stadtholder greater than under William III, Prince of Orange, and king of England.

The inhabitants of Holland, may be divided into Boors, or countrymen who cultivate the land, mariners, merchants or traders, who fill their towns, Renteeners, or ſuch as live in their cities upon eſtates formerly acquired, nobles and officers of the army. The Renteeners have a liberal education, with a view chiefly to render them fit for the ſervice of their country, for out of theſe the magiſtracy of their towns, their provinces, and their ſtate is generally compoſed; being deſcended from families, who have many times been conſtantly magiſtrates in their native towns, for many years and ſome for ſeveral ages. Their eſtates conſiſt in their ſalaries (which are ſmall) rents of lands, or intereſt of money. The nobles in Holland are very few, moſt of the families having been extinguiſhed in the long wars with Spain. Thoſe that remain, are in a manner all employed in the military or civil charges of the Province or State. They value themſelves more upon their nobility, than in countries where it is more common, and would not upon any conſideration marry below their rank. The officers of the army live after the cuſtoms of the nobles, as do many of the ſons of rich merchants, who returning from their travels purſue their pleaſures more than the ſervice of their country, or if they pretend to that, it is rather by the army than the ſtate. All theſe are generally deſirous to ſee a court, and wiſh for the re-eſtabliſhment of a Stadtholder. Temp. Le Clere.

From this account it appears the Republic of Holland, is rather an Oligarchy or Ariſtocracy, than a Democracy; for the Senates of the towns are filled up by themſelves, the Provincial-States are choſen by the Senate, and the deputies to the States-General are elected by the Provincial. Thus the people have little or no ſhare in the government. The caſe is much the ſame in all the ſeven Provinces.

About four year after the Union of Utrecht, Prince William was aſſaſſinated at Delft, July 10th, 1584. The murderer was one Balthaſer Gerards, who in hopes of the reward, or of meriting heaven by killing the Prince, had inſinuated himſelf into his family, under the name of Francis Guyer, ſon to a martyr for the reformed religion. He had always the Huguenot pſalms in his hands, and was a conſtant frequenter of ſermons, in order to conceal his deſigns. By this means he was truſted by the Prince and ſent upon ſeveral diſpatches. At the time of the murder, he was come for a paſſport to go where the Prince had ordered him, and finding a fit opportunity ſhot him with a piſtol loaded with three balls, of which he inſtantly died, with theſe words in his mouth, 'Lord have mercy on my ſoul, and the poor people.' Thus died the founder of the Republic of the united Provinces, who (ſays Maurier) made more noiſe in Europe, than all the Kings of his time put together. Count Maurice his ſon erected for him at Delft, a marble monument, not inferior to the moſt ſtately tombs in Italy. His murderer who is ranked among the martyrs by the Catholics, ſuffered in the 27th year of his age his puniſhment with incredible conſtancy, his right arm was burnt to the ſtump, and the fleſh of the muſculous parts of his body torn off with hot-irons, without his expreſſing the leaſt ſign of pain. An inſtance of the ſtrange effects of enthuſiaſm and ſuperſtition!

the States of Holland, at the inſtigation of Cromwel, who dreaded the advancement of a prince ſo nearly related to the Stuarts, excluded him and his deſcendants from the dignities enjoyed by his anceſtors; and afterwards to bar him from all hopes of ever being Stadtholder, that office, by the perpetual edict, was entirely aboliſhed, and the perſon choſen admiral or captain-general was to renounce it by a ſolemn oath, though offered him by the provinces themſelves. The French king, mortal enemy of his family, ſeized the principality of Orange, and demoliſhed the ſtrong citadel built by prince Maurice at a great expence. Such were the diſadvantages the young prince had to ſtruggle with, and which, contrary to all appearance, he lived to ſurmount. Though his education, among his other misfortunes, had been much neglected, the governor impoſed upon him ſcarce affording him a tutor of any tolerable learning or knowledge of the world, yet he ſoon became maſter of thoſe parts of mathematics which related to the military art; and learnt to ſpeak Engliſh, French, and High Dutch, almoſt as fluently as his own tongue. As he advanced in years, notwithſtanding the ſtrong oppoſition of the contrary party, his friends increaſed, and particularly among the clergy and populace. The firſt turn in his favour was his being choſen chief nobleman of Zealand, after which he was introduced into the council of ſtate. He paid a viſit to his uncle king Charles II, in hopes of recovering the money which his father had ſupplied him with in his diſtreſs, and to ſee what offices the king would do towards his advancement to the ſtadtholderſhip, but inſtead of receiving any ſatisfaction in theſe points, he only diſcovered the king's inclination to popery [c]. However, what his uncle would not aſſiſt him in, was obtained by his friends at home. It was propoſed in ſo many places, that he ſhould have the ſupreme command of the fleet and armies, that de Wit, who dreaded the name of ſtadtholder, and had been author of the perpetual edict, was no longer able to oppoſe the torrent. And the prince was declared admiral and captain-general, though by de Wit's management, it was done with ſuch limitations as were not eaſy to digeſt. The hardeſt condition was, that he ſhould bind himſelf by oath never to aſpire to the office of ſtadtholder, nor accept it even though it ſhould be offered. But when the war broke out with France in conjunction with England, and the French like a flood over-ran the United Provinces, all theſe limitations quickly vaniſhed, the oath was diſpenſed with, the perpetual edict revoked, de Wit and his brother torn in pieces by the mob, and the prince reſtored to the dignity of ſtadtholder with full power, for the time, of peace and war, and not long after, the ſame dignity, from which he and his heirs had been excluded for ever, was made hereditary in his family, and ſettled upon him and his iſſue-male. This turn, however great, was no more than what he had deſerved. He had made a ſtand againſt France, when his country was on the brink of deſtruction; and in leſs than two years, had entirely changed the face of affairs. He had not only retaken Narden, but boldly marched up the Rhine, and ſeized Bonne, by which means he had cut off the ſupplies ſent down by the French to their garriſons on the Rhine and the Iſſel, and opened a paſſage for the Germans into Flanders, which gave ſuch a diverſion to the progreſs of the French, that they abandoned the three provinces they were poſſeſſed of, in leſs time than they had conquered them. An alliance was alſo made with the emperor, and a peace with the elector of Cologn and the biſhop of Munſter; after which a ſeparate treaty was concluded with the king of England, whoſe mediation was accepted by France. But as that mediation was run out to a great length, the prince, whoſe governing paſſion was the depreſſion of France, attacked the whole French army, commanded by the prince of Condé, and fought the famous battle of Seneffe, wherein he juſtly gained the eſteem of all the world, and of Condé in particular, for his conduct and courage [d]. This change of the affairs of the ſtates had acquired the prince of Orange the affections of the people, to ſuch a degree, that he could have obtained whatever he deſired, and even the loſs of ſo important a place as Maeſtricht was not at all charged to him [e]. Indeed, it appears in the whole courſe of this war, that the prince of Orange, even while ſo young and ſo little practiſed in affairs, had ſo clear and ſo juſt a view of them, that nothing could miſguide him, and that the bad proſpect he had from the ill condition of affairs, did not frighten him to accept of any mean or baſe conditions of peace. His fidelity to his country and the public intereſt, was ſo firm that no private conſideration of his own could bias him, or indeed be much conſidered by him [f].

During the negotiations of Nimeguen, under the mediation of England, the prince came over, and by the management of the earl of Danby, and ſir William Temple, his marriage with the princeſs Mary, eldeſt daughter of his uncle the duke of York, was concluded to the univerſal ſatisfaction of the proteſtant party, both at home and abroad; but to the great ſurpriſe and concern of the French king, who declared the duke had given his daughter to the "greateſt enemy he had in the world [g]." From this time the prince of Orange was looked upon as the head of the proteſtant intereſt in Europe, and the greateſt check to the overgrowing power of France, which he deſired to ſee well bounded, but not deſtroyed. Having married the preſumptive heir to the crown of England, the eyes of the Engliſh were continually upon his proceedings, as were his upon their affairs, and upon the various ſteps of his two royal uncles. Though little application was made to him, during the reſt of king Charles's reign, yet he found that neither he nor his princeſs were forgot by the parliament, in the great ſtruggle about the ex-

[c] The king (ſays Burnet) gave him good words only, and tried him in point of religion. 'He ſpoke of all the Proteſtants, as of a factious body broken among themſelves, ever ſince they had broken off from the main body, and wiſhed the Prince would take more pains, and look into thoſe things better, and not be led by his Dutch blockheads.' The prince told this to Zuyleſtein, his natural uncle, but never ſpoke of it to any other perſon till after the king's death, though he carried it always in his own mind, and could not hinder himſelf from judging of all the king's intentions after that, from the diſcovery he had then made of his ſentiments. Nor did he, upon his not complying with that propoſition, expect any real aſſiſtance from the king, but general interceſſions, which ſignified nothing, and which indeed was all he obtained. The prince was about twenty at the time of this viſit.

[d] Condé's teſtimony of the prince was, that he had acted like an old captain in all, but only in venturing himſelf too much like a young man. For which very thing that old general himſelf was remarkable in that day's action. In the beginning of the battle the French had the advantage; but Condé puſhed it too far, and the prince of Orange engaged the whole army with ſo much bravery, that it appeared, the Dutch army was now brought to another ſtate than he had found it in. He charged himſelf in ſo many places with too great a neglect of his perſon, conſidering how much depended upon it. He was once engaged among a body of French, thinking them his own men, and bid them charge: They told him they had no more powder. He, perceiving his miſtake, with great preſence of mind, got out of their hands, and brought up a body of his army to charge them, who quickly routed them. The action in the afternoon recovered the loſs that was made in the morning, and poſſeſſed every one with a high eſteem of the prince of Orange. The emperor's general Zoüch, behaved ſo ill, that the prince told his ſon at night, that his father had acted ſo baſely, that, if it had not been for the reſpect he bore the emperor, he would have ſhot him through the head. By this and ſome other accidents, the battle was not deciſive, the loſſes being equal, between ſix and ſeven thouſand on each ſide.

[e] After the battle of Seneffe, the prince in two enterprizes was unſucceſsful. He beſieged Maeſtricht, the only town of the Dutch provinces, then remaining in the hands of the French, but after two months endeavours to take it, Schomberg, (who in the mean time had beſieged and taken Aire) marched an army through the heart of the Spaniſh Netherlands, and unexpectedly came to the relief of the town. At his approach, the prince, whoſe army was weakened by ſickneſs and duty, was forced to retire. For this, it is ſaid, he never heartily forgave Schomberg, though he made uſe of his counſels and experience afterwards in the expedition into England, and the reduction of Ireland. At the battle of Montcaſſel againſt the duke of Orleans, reinforced by Luxemburg, after a ſharp diſpute, the firſt regiment of Dutch infantry began to break. The prince rallied them ſeveral times, but at laſt was borne down by the flight of his men, whom he was forced to reſiſt like enemies. He fell in among them with ſword in hand, and cutting the firſt croſs the face, cried aloud, "Raſcal! I'll ſet a mark on thee at leaſt, that I may hang thee afterwards." The prince was carried by the torrent of the run-aways, to the reſt of his troops, which yet made a ſtand; and with theſe he made a retreat that came little ſhort of a victory. He alſo offered battle to the king of France when before Bouchain, which was refuſed.

[f] Of this there are many inſtances. When, to allure him to a dependence on France and England, all the offers were made him, that could be of honour and advantage to his perſon and family, (particularly the propoſal of making him ſovereign of the united provinces, under the protection of England and France, at a time too, when ſo little of the provinces was left, and what remained in ſo imminent danger) he always anſwered with great firmneſs, "He would never betray a truſt repoſed in him, nor ever ſell the liberty of that country, which his anceſtors had ſo long defended." And when the duke of Buckingham preſſed him much on the ſame head, and often ſaid to him; "Do not you ſee your country is loſt?" He replied, I do ſee indeed it is in great danger; but there is a ſure way never to ſee it loſt, and that is, to die in the laſt ditch." Temple's Memoirs. Burnet.

[g] Letters were ſent to the king of France, from the king, the duke, and alſo from the prince; who had no mind to this piece of courtſhip, but was obliged to it by his uncle. The king aſſured Lewis, that he had made the match on deſign to engage the prince, to be more tractable in the treaty, that was now on foot at Nimeguen. Montague, the Engliſh embaſſador being called over ſoon after this for new inſtructions, Danby aſked him, "how the king of France, received the news of the marriage?" He anſwered "as he would have done the loſs of an army, and ſpoke very hardly to the duke, for not acquainting him with it." Danby anſwered, "he wronged him, for he did not know it an hour before it was publiſhed, and the king himſelf not above two hours." This was a maſter-piece in the earl of Danby, who ſince he was duke of Leeds, has declared in print "That he will not ſuffer that part of his ſervice to be buried in oblivion." For this the duke never forgave him. It muſt be obſerved, that notwithſtanding all this, ſir William Temple, makes himſelf the ſole agent in the ſucceſs of this affair, though according to the account, which the duke of Montague told biſhop Burnet, ſir William Temple was not preſent, when the king was perſuaded to conſent to it, when the duke was ſent for by the king, when the prince came to them and the lord treaſurer, and when the princeſs was given to him. What makes this the more probable, is, that Montague, was known to be no friend to the lord Danby, and yet does this juſtice to him. See Burnet, I. p. 409.

After

cluſion of the duke of York, his father-in-law; upon whoſe death it was intended, that they ſhould fill the throne.

Though neither this marriage, nor any other motive could prevail with the prince to abandon the allies, and make a ſeparate peace with France; yet at length the French found means to accompliſh their ends. They ſuddenly attacked the Spaniſh Netherlands, and taking Ghent and Ypres, ſtruck ſuch a terror into the Dutch, that the ſtates reſolved on a peace at any rate, and the treaty at Nimeguen, after ſeveral years negotiations, was at laſt finiſhed, according to the terms preſcribed by France; though ſtrongly proteſted againſt by Denmark, Brandenberg and Munſter [h]. This was followed by a treaty between France and Spain, and another between the emperor and France, and thus the peace became general, though not at all agreeable to the prince of Orange's plan, who had all along inſiſted upon the enlargement of a frontier on both ſides of Flanders; without which, France, he affirmed would end this war only with a proſpect of beginning another with greater advantage, after breaking the preſent confederacy. What the prince foretold was ſoon verified. For the French quickly began their encroachments, and claimed whole provinces, by way of dependencies upon their new conqueſts, granted them by the late treaty [i]. Not content with this, they ſurpriſe Courtray and Dixmude, and lay ſiege to Luxemburg. The prince of Orange, ever ready to aſſert the liberties of Europe, came forth from his retirement where he had lived ſince the concluſion of the peace, and projected an alliance againſt France. Accordingly the league of Auſtria was formed, wherein were engaged the emperor, Sweden, the States of Holland, circle of Franconia, and ſome of the Imperial Cities. But the French, after the taking of Luxemburg, (which the prince of Orange, with a ſmall army in vain endeavoured to relieve) having obtained their ends, propoſed a truce for twenty years; which was agreed upon by a treaty ſigned at the Hague.

The king of France now at peace with all his neighbours, and in ſtrict alliance with king James, (who had ſucceeded his brother king Charles II,) reſolved to extirpate the reformed religion in his dominions. He began with letting looſe his dragoons, to live upon the huguenots at diſcretion. They were under no reſtraint, but from rapes and murder. This was followed by the revocation of the edict of Nantes, which proſcribed two millions of reformed, and drove above two hundred thouſand into foreign countries, for refuge, leaving thoſe that remained to the mercy of an enraged clergy, to the barbarity of the intendants, and other officers (who on this occaſion ſeemed to have thrown off the common impreſſions of humanity) and to the cruelty of the dragoons. The principality of Orange, (then in poſſeſſion of the prince of Orange by the treaty of Nimeguen) was not only dragooned, but out of enmity to the owner, ſeized by the king of France, and united to the reſt of Provence; and all its rights, as a diſtinct principality, were ſuppreſſed. Whilſt hereſy was thus extirpating at home, the French king declares war againſt the pope, ſeizes Avignon, and ſends Lavardin to Rome, to brave his holineſs at his ſee. The regale [k] gave the firſt riſe to this quarrel, the Franchiſes [l] inflamed it, and the pope's inclination for the emperor carried his moſt chriſtian majeſty's indignation to extremity. By being thus employed, the king of France, except in the affair of Orange, had not yet openly violated the peace of Nimeguen, or the twenty years truce. But at length he pulls off the maſk, and whilſt the emperor, relying on the late truce, was carrying on his wars in Hungary, privately aſſiſts Tekely and his party with money, and by his agents encourages the grand ſeignor to continue the war, with the promiſe of a powerful diverſion. This diverſion was accordingly made by the ſudden irruption of the French into Germany. Philipſburg, Spires and Worms were taken, and theſe conqueſts were followed by thoſe of Frankendal and Manheim, and with the deſolation of the Palatinate. They drained, plundered, deſtroyed ſeveral cities of the empire, burnt the palaces of the princes, pillaged the churches and committed a thouſand inſtances of an inhumanity more than barbarian. A manifeſto was publiſhed by France againſt the emperor, which, by all who had conſidered the rights of peace and laws of war, was looked upon as one of the moſt avowed and ſolemn declarations, that ever was made of the perfidiouſneſs of the French king, who ſeemed plainly to intimate, that he thought himſelf tied by no peace, but might, upon any ſuſpicion of his neighbours, begin a war when he pleaſed. Hence may be dated the beginning of the great war, which laſted till the peace of Ryſwick.

To this height of power and inſolence was the French monarchy grown, and Lewis le Grand [m] ſeemed as it were reſolved to give law to all Europe. He had uſurped an abſolute power over the eſtates, perſons, and conſciences of his ſubjects, and had a mind to extend it alſo over his neighbours and enemies. And indeed, what but the revolution in England could poſſibly have ſtopped the progreſs of his deſigns, ſupported as he was by his alliance with England? Whether this invaſion of Germany, in open violation of the treaty of Nimeguen, was to break the meaſures of the prince of Orange, and hinder his expedition into England, or to perform his promiſe to the Turk, or to oblige the empire and eſpecially the emperor to convert the twenty years truce into a treaty of peace, which might hinder Germany from leaguing with Holland, and the prince of Orange, or whatever other deſign the French king might have, it ſerved only to render him more odious to the empire and haſten the alliance againſt him; and was ſo far from retarding, that it promoted, the prince of Orange's expedition. Since by marching his troops towards the upper Rhine, the French king had made it impracticable to tranſport an army into England, or to ſend a ſufficient force into Cologn, to alarm the Dutch. It is true, he never imagined, that an expedition which ſeemed almoſt deſperate, could have ſucceeded in ſo ſudden and ſurprizing a manner. He expected, and in all appearance very juſtly, that king James would have been able to make a great diviſion in the nation, and that the kingdom would have been deeply involved in a civil war. And therefore, he was

[h] After the orders for ſigning the treaty were ſent, the prince of Orange, by whom the peace was by no means approved, marched and attacked the duke of Luxemburg, before Mons; and notwithſtanding his advantageous ſituation, beat him from ſeveral poſts. This action happened four days after the treaty was ſigned, but the prince having no intimation of it, nor orders to ſtop, thought he might take all advantages; as wiſhing rather than fearing to embroil matters. But the French were ſo tired of the war, that no notice was taken of this buſineſs, which an officer in the French army eſteemed 'the only heroic action that had been done in the whole courſe of the war.' The prince having the next day, received an account of the peace, communicated the ſame to Luxemburg, who deſired an interview with the prince; which being agreed to, they met in the field at the head of their chief officers. Many civilities paſſed, and there was great curioſity in the French, to ſee a young prince, who had made ſuch a noiſe in the world, and who the day before, had given life and vigour to ſo deſperate an action as this battle of St. Dennis was univerſally deemed. It was believed by many, that the marquis De Grana, the Spaniſh general intercepted the pacquets from Nimeguen, till the action was over; for Spain did not like the peace. During the battle, as the prince was engaged among the thickeſt of the enemies, a French captain was juſt going to fire a piſtol at him, when M. D'Auverquerque interpoſed and ſhot the Frenchman dead. The earl of Oſſory ſignalized himſelf in this battle, with the Engliſh and Scots under his command.

[i] It was pretended that in time of old, Alſatia, Lorain, the counties of Chiney, Arlon, Vierton, St. Armond, all Luxemburg (except the city of that name) divers villages and ſeignories in Germany, Flanders, Brabant, Hagueneau and the country of Liege, did of juſt right belong to the king of France, as dependencies upon the Biſhopries of Metz, Toul and Verdun, or upon the places yielded to him by the treaty of Nimeguen. In purſuance whereof, were erected in France, two tribunals of juſtice, one at Metz, and the other at Briſac, by the names of the Chambers of Re-unions, where the inhabitants and lords of all the forementioned places were cited to appear, and make their ſubmiſſion to the king of France, and in caſe of refuſal were condemned for contumacy. Under ſuch pretenſions it was, that Straſburgh was ſeized and Luxemburg beſieged, becauſe the Spaniards would not yield up ſeveral places in Flanders, which were thus claimed. The king of Spain, upon this occaſion, proclaimed war againſt France; but as the prince of Orange could not prevail with the States to give him timely aſſiſtance, he was forced to ſubmit.

[k] The regale is a right, which the king of France has to enjoy the revenues of biſhoprics and archbiſhoprics, and vacant ſees; till the biſhop and archbiſhop has taken the oath of fidelity to the king, and the oath be regiſtred in the Chamber of accounts at Paris. The king alſo during the vacancy of a ſee, nominates to all the prebendaries and other dignities, and to whatever benefices are in the gift of the biſhops and archbiſhops, except cures of pariſhes.

[l] In Rome, all thoſe of a nation put themſelves under the protection of the embaſſador, and were uſually lodged in his neighbourhood; pretending that they belonged to him. So they exempted themſelves from the orders and juſtice of Rome, as part of the embaſſador's family. The extent of houſes or ſtreets in which they lodged was called the Franchiſes, which were become ſo great a part of the city, that the privileges of thoſe, that lived in them, were daily giving diſturbances to the courſe of juſtice, and were the common ſanctuaries of criminals. The pope reſolved to reduce the privileges of embaſſadors, to their own families within their own palaces. He began with the emperor's and the king of Spain's embaſſadors, who quitted their pretenſions to the Franchiſes, provided the French did the ſame. So the pope ſaid, as his nuntio at Paris had no privilege but for his family, he was reſolved the French ſhould have no more at Rome. This was rejected by the French, with great ſcorn; and the quarrel roſe ſo high, that France and Rome ſeemed to be in a ſtate of war. Laverdin was ſent embaſſador to Rome, and the pope refuſing to ſee him unleſs he would renounce the Franchiſes, he entered Rome in a hoſtile manner with ſome troops of horſe, though not in the form of troops, kept guard in the Franchiſes, and affronted the pope's authority on all occaſions. The pope in revenge, not only refuſed to confirm the election of a coadjutor to Cologn, by which means it became void by the death of the elector; but afterwards he got prince Clement's election to Cologn judged in his favour, againſt cardinal Furſtenberg ſet up by France. Thus by affronting the pope the French king's deſign which he had been long purſuing was defeated, otherwiſe the expedition to England would not have been ſo ſafe for Holland, nor could it have been propoſed eaſily to the States.

[m] After the king of France's return from his expedition in 1672, a ſolemn debate was held at Paris, what title ſhould be given him. Le Grand was thought too common. Some were for Invincible. Others for Le Conquerant. Some, in imitation of Charlemagne, for Lewis le Magne; others for Maximus: but as Tres-Grand or Maxime did not ſound ſo well, Le Grand was pitched upon at laſt.

Biſhop

the leſs concerned that his offer of troops was refuſed by king James, and the more eaſily induced to proſecute his deſigns that winter in Germany, not at all doubting but he ſhould come in good time the next ſummer to king James's aſſiſtance, who would then, he thought, be forced to receive aid from France on any terms. But to his great diſappointment as well as mortification, he ſaw the revolution compleated, without any effuſion of blood, and a prince advanced to the throne of England, that was reſolutely bent to check, to the utmoſt of his power, the progreſs of his ambitious deſigns.

In proportion as France grew every day more powerful, Spain on the contrary daily declined; and under the reign of an infirm king ſeemed like him, to be without ſtrength or life. The council of Madrid uſed their utmoſt endeavours to ſupport the ſinking ſtate, but when the head is dying, the reſt of the members ſtrive in vain to uphold the body. It was to no purpoſe, that able miniſters were employed in foreign courts, and able governors in the provinces; France had always the aſcendant. The marquiſſes of Grana and Caſtanaga, ſucceſſive governors of the Spaniſh Netherlands, were good generals, as well as good politicians. They had their agents at king James's court, and themſelves negotiated in Flanders, with all poſſible zeal and capacity. Ronquillo, his catholic majeſty's embaſſador at London, who is ſaid to know the Engliſh genius and conſtitution, ſtrenuouſly backed their endeavours and uſed all poſſible arguments to draw off king James from France; and, if that king's hiſtorian is to be credited, he went ſo far, as to offer to aſſiſt him, in obliging the parliament to approve of his meaſures, provided he would but accede to the league of Auſtria, which ſhews at leaſt, the ſincere deſire of Spain, to engage him to break with the French king. But as troops were wanted and there was no money to raiſe new levies, or to pay thoſe already on foot, France, well acquainted with the wants and weakneſs of Spain, and ſecure of England, during the reign of James II, was preparing in concert with him for the invaſion of Holland, and the Spaniſh Netherlands. Nothing therefore could happen more fortunately for Spain, than the revolution in England; without which in all appearance the loſs of the Netherlands would have been unavoidable.

The United Provinces ſaw with terror the progreſs of the French arms, and their encroachments on the Netherlands, ſince the concluſion of the peace of Nimeguen. They were greatly alarmed when they found that the taking of Luxemburg by the French king was connived at by king James, but when they diſcovered the private alliance between the two monarchs, they plainly perceived their deſtruction was inevitable, unleſs timely prevented. Wherefore, as ſoon as their Stadtholder had ſecured the elector of Brandenburgh in his intereſt, and concerted meaſures with Cologn, Heſſe and Luxemburg, for a ſupply of troops if required, in the room of thoſe he ſhould take with him, they readily furniſhed an army and fleet for an expedition, on the ſucceſs whereof their ſafety ſo viſibly depended, and which, however dangerous it appeared, was the only means to ſave them from ruin. So great reaſon had the United Provinces to rejoice at a revolution which freed them from ſuch dreadful apprehenſions, and would be a ſtrong bulwark for the future againſt the common enemy of Europe.

King William, was thirty-eight years of age, when the revolution took place, ſeventeen of which had been ſpent in a conſtant oppoſition of the pernicious ſcheme, (formed by Richlieu and purſued by Mazarin) of making France the ſeat of univerſal empire, and of enſlaving all Europe. Lewis le Grand had made ſuch a progreſs in this ſcheme, that it would probably have ſucceeded had it not been for the great checks it received from king William, while prince of Orange. As that prince had made the humbling of France, the great buſineſs of his life before the revolution, ſo after his advancement to the Britiſh throne, we ſhall ſee him ſtill vigorouſly proſecuting the ſame deſign, in a thorough belief that it was the ſole means of preſerving the Proteſtant religion, and the liberties of Chriſtendom. But firſt we ſhall ſee him earneſtly endeavouring to finiſh and complete the new ſettlement in church and ſtate in the beſt manner he could, amidſt the oppoſition of thoſe who thro' principle, prejudice, party, or diſappointment clogged all his meaſures. We ſhall ſee him purſue the abdicated king into Ireland, and oblige him to retire once more into France, and that kingdom to return to the obedience of the crown of England. We ſhall ſee him eſcape from the plots and conſpiracies of his enemies at home, and abroad. We ſhall ſee him declared generaliſſimo of the confederate armies, expoſing himſelf to great perils, in voyages and battles; and croſſing the ſeas whenever his preſence was neceſſary at the head of the armies, or at the public aſſemblies in Holland and Germany. We ſhall ſee him exerting all his courage and ſtrength, to humble the pride of France, under the greateſt difficulties. Spain quite exhauſted will aſſiſt him but feebly, whilſt the forces of Holland are employed in defence of the Spaniſh Netherlands. The emperor attacked by the Turks, and the Hungarian malecontents will ſend but weak armies on the Rhine, and the princes of the empire, will be either ſo ſlow, or ſo disjointed, that their aſſiſtance will be inconſiderable. We ſhall ſee king William by his ability, conſtancy and reſolution, ſurmount all theſe difficulties, and make head againſt an enemy ſuperior to him in the number of his troops, and more ſo, in the union of his generals; till Lewis, apprehenſive of being obſtructed in his grand, tho' as yet ſecret deſign upon Spain, gladly conſents to a peace, concluded at Ryſwick in 1697.

Theſe in general are the events of the firſt nine years of king William's reign; throughout which his moderation and clemency, his wiſdom and valour, were equally conſpicuous. And what is very uncommon, he brought with all his virtues, not one vice to the throne [n]. He was addicted neither to wine, nor women; nor did irreligion or pride, make any part of his character. It is true, he had ſome failings which were an allay to his virtues. He was ſo intent upon the war, and the humbling of France, which he thought abſolutely neceſſary for the ſafety of Europe, that he was not ſo careful of his government as he ſhould have been. The diſguſt this raiſed, being improved by men of ill deſigns, ſo perplexed his affairs, that he could hardly ſupport himſelf at home; whilſt he was the admiration of all abroad. He was alſo of ſo reſerved and ſilent a temper, (which had been heightened by his education, when all his words and actions were narrowly watched,) that it made him averſe to talking and company, and very hard of acceſs. This was by no means agreeable to the Engliſh nation, and therefore many endeavoured to purſuade him to be more viſible, open and communicative. He ſeemed reſolved to follow their advice, but his ill ſtate of health, increaſed by his long ſtay at St. James's, without his uſual exerciſe of hunting, of which he was very fond, made him give way to his natural diſpoſition; and he became rather more retired and leſs acceſſible than before. In a few days after he was placed on the throne, he went to Hampton-Court, from whence he came to town only on council-days. So that the face, gaiety and diverſions of a court diſappeared, which gave great diſcontent. The queen, who was affable and lively, endeavoured by a great vivacity and chearfulneſs to ſupply what was wanting in the king, but when ſhe was found not to meddle in buſineſs, though all were pleaſed with her, yet few came to make their court to her, as but few found their account in it.

King William's firſt care after his advancement to the throne, was to ſettle a privy-council [o], and appoint a miniſtry. The earl of Danby, created marquis of Carmarthen, was made preſident of the council. He had, by his accompliſhing the king's marriage with the queen, and heartily concurring in the revolution from the very beginning, atoned in ſome meaſure for his proceedings under Charles II. He is ſaid to have puſhed for the treaſurer's ſtaff, a poſt he had formerly enjoyed, but was refuſed by the king, who was reſolved the treaſury ſhould be in the hands of commiſſioners [p].

[n] Biſhop Burnet ſays indeed, he had no vice but of one ſort, in which he was very cautious and ſecret. What this vice was, he has left the world to gueſs, by which means, the worſt ſort of vice is, at leaſt by his enemies, fixed upon him, though in expreſs contradiction to the religious character given of him by the ſame biſhop after his death, and which the reader may ſee at the end of his reign.

[o] The names of the privy-councillors were as follows; his royal highneſs George prince of Denmark, William Sancroft, archbiſhop of Canterbury, Henry Compton biſhop of London, Henry duke of Norfolk, Charles marquis of Wincheſter, George marquis of Halifax, Thomas earl of Danby, Robert earl of Lindſey, Aubery earl of Oxford, Charles earl of Shrewsbury, Charles earl of Dorſet and Middleſex, William earl of Bedford, John earl of Bath, Charles earl of Macclesfield, Daniel earl of Nottingham, Thomas viſcount Falconberg, Charles viſcount Mordaunt, Francis viſcount Newport, Richard viſcount Lumly, Philip lord Wharton, Ralph lord Montagu, Henry lord Delamere, John lord Churchill, Mr. Bentinck, Mr. Henry Sidney, ſir Robert Howard, knt. ſir Henry Capel, knt. Mr. Henry Powle, Mr. Edward Ruſſel, Mr. Hugh Boſcawen, and Mr. Richard Hampden, to whom were added on the twentieth of February, Thomas Wharton, eſq; and ſir John Lowther, of Lowther-hall, bart.

[p] Sir John Rereſby, bart. ſays, that he certainly had been in hopes of being advanced to the office of lord treaſurer; but being diſappointed in this, he was obliged to take up with the poſt of preſident of the council, which was of great honour and credit, though very ſmall profit. However, his lordſhip had not been above a fortnight in his poſt, "before I found him, (ſays ſir John) extremely cooled with regard to affairs, as then managed. He ſaid, that being embarked with his all, he was ſorry ſo ſee things no better conducted: That Ireland was in a manner become invincible, by our neglect of ſending forces thither before now. That with regard to this, and other material points, equally unheeded, he had been preſſing the king to a degree even of incivility. That he had told his majeſty, he plainly ſaw, he did all he could to encourage the preſbyterians, and to diſhearten the church,

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DANIEL EARL OF NOTTINGHAM.

G. Kneller Pinx.t *Gelder Sculp.t*

In the possession of the Countess Dowager of Nottingham.

Published as the Act directs Nov.r 27. 1784.

The privy ſeal was given to lord Halifax, who for zealouſly promoting all the ſteps that were lately made for the king, was hated by the tories, and for his oppoſition to the bill of excluſion, was not beloved by the whigs. The affair of ſurrendering up the charters, and the remiſſneſs in relieving of Ireland, were alſo charged on him. He had for ſome time great credit with the king, but lord Carmarthen not being able to bear the equality, or rather preference that ſeemed to be given him, brought on a ſtorm that quickly fell on him. The earl of Devonſhire was made lord ſteward of the houſhold, and the earl of Dorſet, lord chamberlain. As they were both whigs, the houſhold was made up of ſuch, except where there were buyers for places, which were ſet to ſale. And though the king ſeemed to diſcourage ſuch practices, yet he did not encourage propoſals for detecting them. Mr. Bentinck, afterwards earl of Portland, was made groom of the ſtole and privy purſe. He continued for ten years, to be entirely truſted by the king, and ſerved him with great fidelity and obſequiouſneſs, but never could bring himſelf to be acceptable to the Engliſh nation [q]. Mr. Sidney, made firſt lord Sidney, and then earl of Rumney, was made one of the gentlemen of the king's bed-chamber, and afterwards ſecretary of ſtate, lord lieutenant of Ireland, and in other great poſts. The king's chief perſonal favour lay between Bentinck and him. He was brother to the earl of Leiceſter, and to Algernon Sidney, beheaded by king James. He was the man who had the ſecret of all the correſpondence, that was before the revolution, between the prince of Orange and his party in England, and the conduct of that whole affair was, by the prince's own order, chiefly depoſited in his hands. He was a graceful man, and had lived long at court, where he had ſome adventures that became very public. He was a perſon of a ſweet and careſſing temper, had no malice in his heart, but too great a love of pleaſure. He had been ſent envoy to Holland in the year 1679, where he entered into ſuch particular confidences with the prince, that he had the higheſt meaſure of his truſt and favour, that any Engliſhman ever had. Marſhal Schomberg was made maſter of the ordnance. He had been of great ſervice to the king in his expedition into England, and the king had been very earneſtly preſſed to bring him over with him, both becauſe of the great reputation he was in, and becauſe it was thought to be a ſecurity for the king's perſon, and to the whole deſign, to have another general with him, to whom all would ſubmit in caſe of any accident [r].

The earl of Shrewſbury was declared ſecretary of ſtate, and had the greateſt ſhare of the king's confidence. He had been educated a papiſt, but had renounced that religion upon a very critical and anxious inquiry into matters of controverſy. Some thought, that though he had forſaken popery, he was too ſceptical, and too little fixed in the principles of religion. However, he ſeemed to be a man of great probity, and to have a high ſenſe of honour. He had no ordinary meaſure of learning, a correct judgment, with a ſweetneſs of temper, that charmed all who knew him. He had ſo great a command of himſelf, that during all the time he continued in the miniſtry, no perſon was heard to complain of him, except for his ſilent and reſerved anſwers, with which his friends were not always well pleaſed. His modeſt deportment gave him ſuch an intereſt in the king, that ne never ſeemed ſo fond of any of his miniſters as he was of him. His method was only to lay in general the ſtate of affairs before his majeſty, without preſſing too much.

It was for ſome time under conſideration who ſhould be the other ſecretary; at laſt the earl of Nottingham was pitched upon for that poſt. He had ſtood at a great diſtance from the court all king James's reign, and though a privy-councillor, never went to the board. When the prince of Orange's coming over was propoſed to him, he firſt agreed to it, but afterwards refuſed to proceed any farther. However he declared, that though his principles reſtrained him ſo that he could not go on, his affection would make him wiſh well to the cauſe, and would be ſo far a criminal as concealment could make him. Accordingly he oppoſed the ſettlement with great earneſtneſs; but always ſaid, that though he would not make a king, yet, upon his principles, he could obey him when made, better than thoſe, who were ſo much for making one. The tories apprehended, that the oppoſition which they had given to the king's advancement, and the zeal, that the whigs had ſhewn for it, would alienate him from them, and throw him into the others hands, from whom they could expect no favour, but ſevere returns for the hardſhips they had put on the whigs, the latter end of king Charles II's reign. Theſe apprehenſions grew daily amongſt that party, and made them begin to look back towards king James. It was therefore thought adviſable, in order to avoid exaſperating ſo large a body, to employ the earl of Nottingham. The great increaſe of buſineſs in chancery having led many to apprehend that it was too much to be truſted with one perſon, it was reſolved to put that court into commiſſion, and the earl was propoſed to be the firſt in the commiſſion, but he refuſed it, and accepted of the place of ſecretary of ſtate. This gave as much ſatisfaction to the tories, as it begot diſtruſt in the whigs. The tories hoped for protection and favour by his means; they reckoned that he would infuſe all the prerogative notions into the king, and give him ſuch a jealouſy of every ſtep, that the whigs ſhould make in their prejudice, that from thence his majeſty would ſee cauſe to ſuſpect all the ſhew of kindneſs, that they might put on towards him, when at the ſame time they were undermining ſome of thoſe prerogatives, for which the earl ſeemed to be ſo zealous. This had a great effect on the king, who being ignorant of the conſtitution, and naturally cautious, ſaw reaſon enough to diſlike the heat he found among thoſe who expreſſed much zeal for him, but who appeared, at the ſame time, to have it with a great mixture of republican principles. They on the other hand, were much offended at the employing the earl; "and he gave them daily cauſe to be more diſpleaſed at it; for he ſet himſelf with a moſt eager partiality againſt the whole party, and againſt all the motions made by them; and he ſtudied to poſſeſs the king with a very bad opinion of them. And whereas ſecreta-

church, which could not but be abſolutely prejudicial both to himſelf and the government; though he, at the ſame time, obſerved, that his majeſty intertered but little in councils, being prevented therefrom, partly by inclination, and partly by want of health. Indeed the king looked but ill, and the difficulty he laboured under in ſwallowing, ſeemed to foretel him a man of ſhort continuance in the world. His lordſhip further told me, that he had been appointed preſident of the council quite againſt his will, after the king had declared he could not give him the ſtaff of treaſurer, determined, as he was, that the treaſury ſhould be in the hands of commiſſioners. That he had been offered to be ſecretary of ſtate and preſident both at the ſame time; and that he had declined the firſt. That all he aſked of the king for himſelf was a patent, to which he had a right by a former grant; and that he would alſo be pleaſed to gratify ſome gentlemen, who had, upon the revolution, joined him in the north. In fine, that the king had told him, it would be by no means for his intereſt to be out of all buſineſs; and that he had, in a manner, forced the preſidentſhip upon him. His lordſhip expreſſed himſelf doubtful of the continuance of affairs, as they now ſtood; and informed me, that king James had ſent down to him in the north, offering to throw himſelf into his hands before he went away. To this, he ſaid, his anſwer was by Charles Bertie, who brought the meſſage, that his own force, which he depended upon in the north, was not ſufficient to truſt to; but that if his majeſty would bring a conſiderable party with him, and come without his papiſts, he would ſooner loſe his life than he ſhould ſuffer the leaſt injury. But that the king having no mind to part with his Romans, would not come. His lordſhip then ſaid, that if the king would but quit his papiſts, it might poſſibly not be too late yet for him. He then obſerved, that the duke of Gordon, a papiſt, and governor of Edinburgh caſtle, the only magazine in Scotland, who was lately ready and willing to ſurrender it to any body, now held it out obſtinately for king James; and that the diſcontents in England grew daily greater and greater. He then reflected on lord Halifax, the king, and all about him, as moſt ſtrangely infatuated with notions of their own ſecurity; and particularly animadverted on the laſt mentioned lord, for inſiſting with ſuch violence in a ſpeech of his, that the prince ſhould be intitled legal and rightful king of this realm, (which I ſuppoſe, the lord Halifax did with a view of continuing the old oaths of allegiance and ſupremacy, and to obviate all ſcruple about taking the new,) ſaying, it was mere nonſenſe; for that had the prince of Wales been made king, he could never have been deemed our lawful ſovereign, while his father lived.——But his lordſhip nevertheleſs appeared very ſerious and urgent about the legality of taking the new oaths, and condemned the biſhops for their ſqueamiſhneſs in that reſpect, though they themſelves had ſo large a hand in bringing about this great and extraordinary change; and thereupon quoted lord Nottingham's ſpeech, who, in the houſe of lords, had obſerved, that though he had never in the leaſt conſented to this revolution, but had with all his might oppoſed the prince's acceſſion, as contrary to law; yet ſince his highneſs was here, and we muſt owe our protection to him as king de facto, he thought it but juſt and legal to ſwear allegiance to him. I have been the more exact in the particulars of this converſation, to give the better inſight into the thoughts of the greateſt men upon this occaſion; though I wondered his lordſhip would venture to be ſo very undiſguiſed with me; but he was ſure I would not betray him, though even to lord Halifax." See memoirs of ſir John Reresby, laſt governor of York, containing ſeveral remarkable tranſactions from the reſtoration to the revolution, p. 321, &c.

[q] The king's affection to Mr. Bentinck, may be dated from the time of his having the ſmall pox, 1675. Bentinck, then gentleman of his bed-chamber, though he had never had that diſtemper, attended his maſter during the whole courſe of his illneſs, both night and day, for ſixteen days. After which having leave to go home he immediately fell ſick of the ſmall pox, and was in great danger of his life.

[r] The reſt of the houſhold were lord viſcount Newport, treaſurer of the houſhold; Mr. Wharton, comptroller of the houſhold; ſir John Lowther, vice-chamberlain of the houſhold; monſieur D'Auverquerque, maſter of the horſe; the lord Montagu, maſter of the great wardrobe; monſieur Zuyleſtein, maſter of the robes; the biſhop of London, dean of the chapel; the lord Lovelace, captain of the gentlemen penſioners; the duke of Ormond, the earl of Oxford, the lords Mordaunt, Lumley and Churchill, gentlemen of the king's bed-chamber; the earl of Wiltſhire ſon to the marquis of Wincheſter, lord chamberlain to the queen; John Howe eſq; vice-chamberlain; Mr. Villiers, great maſter of the horſe, and the counteſs of Darby, ſiſter to the duke of Ormond, firſt lady of the bed-chamber, and groom of the ſtole to her majeſty.

ries of ſtate have a particular allowance for ſuch ſpies as they employ to procure intelligence, how exact ſoever he might be in procuring foreign intelligence, he ſpared no coſt nor pains to have an account of all that paſſed in the city and in other angry cabals: and he furniſhed the king very copiouſly that way, which made a deep impreſſion on him, and had very bad effects."

The marquis of Halifax having alſo refuſed the offer made to the earl of Nottingham, with reſpect to the chancery, ſir John Maynard was made firſt commiſſioner, and Anthony Keck and William Rawlinſon were knighted, and joined with him.

The treaſury being alſo put in commiſſion, lord Mondaunt afterwards earl of Monmouth, was made firſt commiſſioner. He was the firſt of all the Engliſh nobility that came over to ſee the king when prince of Orange. He was a man of much heat, many notions, and full of diſcourſe. He was brave and generous, but had not true judgment. His thoughts were indigeſted, and his ſecrets were ſoon known. Lord De la Mere, afterwards earl of Warrington, was chancellor of the exchequer. The lord Godolphin[s] was likewiſe brought into the treaſury, to the great grief of the other two, who ſoon ſaw that the king conſidered him more than them both. For as he underſtood the treaſury-buſineſs well, ſo his calm and cold way ſuited the king's temper. Mr. Richard Hampden and ſir Henry Capel were the other commiſſioners. The earls of Monmouth and Warrington, though both ſtaunch whigs, became great enemies. Monmouth generouſly gave the inferior places, but ſought out men of republican principles: and Warrington is ſaid to fell every thing that was in his power[t].

The admiralty was alſo committed to the care of commiſſioners; and admiral Herbert, afterwards earl of Torrington, was firſt in the commiſſion. He was brother to chief juſtice Herbert. Being preſſed by king James, to vote for the repeal of the teſt, he abſolutely refuſed, and choſe rather than comply, to loſe places to the value of four thouſand a year; though his circumſtances were very indifferent[u]. He was a man of great pride, as well as great humour, and ſet a high value on himſelf, and expected the ſame from others. With all this, he had a good underſtanding, and a great reputation for his conduct in ſea affairs. He quitted king James and went over to Holland, and was made lieutenant general and admiral of the Dutch fleet, that brought over the king. There were ſix other commiſſioners named with him[w].

Nothing gave a more general ſatisfaction than the naming of the judges, the king ordered every privy councillor to bring a liſt of twelve, and out of theſe, were choſen twelve very learned and worthy judges. This nomination was generally well received over the nation. The firſt of theſe was ſir John Holt, made lord chief juſtice of England, then a young man for ſo high a poſt, who maintained it during his whole life, with a high reputation for capacity, integrity, courage and great d ſpatch. So that ſince ſir Matthew Hale's time, the king's bench has not been ſo well filled as it was by him[x].

All theſe employments were diſpoſed of at ſeveral times within the ſpace of two months. And as dr. Burnet had been one of the chief promoters of the revolution, ſo he was the firſt eccleſiaſtic, who reaped the fruits of it, having been elected biſhop of Sarum, purſuant to his majeſty's congé d'elire, on the ninth of March, and conſecrated on the thirty-firſt of the ſame month at Fulham, by the biſhops of London, Wincheſter, Lincoln, Landaffe, St. Aſaph, and Carliſle, by virtue of a commiſſion from the archbiſhop of Canterbury, who refuſed to perform the ceremony himſelf; and three days after the new biſhop was ſworn and admitted chancellor of the order of the garter[y].

In this manner were ſettled the court, the council and the miniſtry. As they chiefly conſiſted of whigs, the tories could not but be diſguſted as well as ſome others who had expected a ſhare in the promotions. Theſe laſt, improving the diſaffection and prejudices of the others, a faction was ſoon formed, which embraced all occaſions to oppoſe and diſtreſs the adminiſtration. How early this oppoſition began, will appear in the proceedings of the convention, which are now going to be related.

The firſt thing that was judged neceſſary to be done was to turn the convention into a parliament. For it had been already ſaid in the houſe of commons; that the convention, not having been called by the king's writs, their acts were not valid. To obviate this objection which might be infuſed into men's minds, and to avoid the uſual delays, occaſioned by the calling of a new parliament, and to preſerve a great number of members that were entirely ſatisfied with the preſent ſettlement, the king, the firſt time he adviſed with his privy-council, propoſed the queſtion to them "whether the convention might be legally turned into a parliament?" As there were ſome in the council, who ſtill adhered to forms, without conſidering the ſtate of things, the council was divided upon the queſtion, but the majority agreeing in the affirmative, the king went to the houſe of lords, in great ſolemnity, and taking poſſeſſion of the throne, made the following ſpeech to both houſes.

My lords and Gentlemen,

"I have lately told you, how ſenſible I am of your kindneſs, and how much I value the confidence you have repoſed in me; and I am come hither to aſſure you, that I ſhall never do any thing, that may juſtly leſſen your good opinion of me.

"I think it neceſſary to acquaint you, that the condition of our allies abroad, and particularly that of Holland, is ſuch, that unleſs ſome ſpeedy care be taken of them, they run a greater hazard than you would have them expoſed to.

"You yourſelves muſt be ſenſible, that the poſture of affairs here, requires your ſerious conſideration; and that a good ſettlement at home is neceſſary, not only for your own peace, but for the ſupport of the proteſtant intereſt both here, and abroad. And particularly the ſtate of Ireland is ſuch, that the dangers are grown too great to be obviated by any ſlow methods.

"I muſt leave it to you to conſider of the moſt effectual ways of preventing the inconveniences, which may ariſe by delays, and to judge, what terms may be moſt proper to bring thoſe things to paſs for the good of the nation, which, I am confident, are in all your minds, and which I on my part, ſhall be always ready to promote."

This ſpeech was received with a general applauſe; and purſuant to the laſt clauſe of it, the lords immediately brought in 'a bill to remove and prevent all queſtions and diſputes concerning the aſſembling and ſitting of the preſent parliament:' which was read twice that afternoon, paſſed the

[s] He was a younger brother of an antient family in Cornwal, that had been bred about king Charles II. from a page, and was conſidered at the time that the earl of Sunderland, lord Hide, and he managed affairs, as one of the ableſt men belonging to the court. He was the moſt ſilent and modeſt man that was perhaps ever bred in a court. He had a clear apprehenſion, and diſpatched buſineſs with great method, and with ſo much temper, that he had no perſonal enemies. He loved gaming beyond what men of buſineſs uſually do, and gave one reaſon for it, becauſe it delivered him from much talking. He had true principles of religion and virtue, and was free from all vanity, and never heaped up wealth. He had much of the confidence of four ſucceeding kings. He was ſecretary of ſtate in 1684, which he quitted, and was made a baron the ſame year. He was concerned in the ſcheme laid at lady Portſmouth's, by Barillon and lord Sunderland; and was ſent by king James to the prince of Orange at Hungerford.

[t] The commiſſioners of the cuſtoms were the honourable George Booth, ſir Richard Temple, ſir Robert Southwel, Thomas Pelham, ſir Robert Clayton, ſir Patience Ward. Of the exciſe, ſir Henry Vane, ſir Henry Aſhurſt, ſir Humphrey Edwin, Thomas Frankland, John Danvers, Francis Perry, John Wilcocks, junr.

[u] When king James aſked him to vote for the repeal of the teſt, he anſwered, he could not do it, in honour or conſcience. The king ſaid, he knew he was a man of honour, but the reſt of his life did not look like a man, that had great regard for conſcience; (for he was indeed abandoned to luxury and vice.) He boldly replied, he had his faults, but they were ſuch that other people who talked more of conſcience, were guilty of the like.

[w] Theſe were the earl of Carbury, ſir Michael Wharton, ſir Thomas Lee, ſir John Chicheley, ſir John Lowther of Whitehaven, and Mr. William Sacheverel. This laſt, who had diſtinguiſhed himſelf by ſeveral ſpeeches for the bill of excluſion, being little acquainted with maritime affairs, deſired the king to excuſe him from acting at the admiralty board, on account of his inſufficiency. The king replied, "There are enough who do underſtand the buſineſs, which a man of ſenſe would ſoon be maſter of, and he could depend upon his integrity." Sacheverel perſiſted in excuſing himſelf ſaying, "ſince he was not qualified for the ſervice, he could not in conſcience accept the ſalary." Oldm. III. p. 2.

[x] The reſt of the judges were ſir William Dolben, ſir William Gregory, and Giles Eyre, juſtices of the king's bench; ſir Henry Pollexfen, lord chief juſtice, and ſir John Powel, ſir Thomas Rokeby, and Peyton Ventris, juſtices of the common pleas; ſir Robert Atkins, lord chief baron, and ſir Edward Nevil, Nicholas Lechmere,, and John Turton, barons of the exchequer; and John Trenchard, chief juſtice of Cheſter, ſir George Treby, attorney general, John Sommers, ſolicitor general, and Henry Powle, maſter of the rolls.

[y] Archbiſhop Sancroft refuſed to conſecrate him, but to avoid a premunire, he granted a commiſſion to any three of the biſhops of his province, in conjunction with the biſhop of London, to exerciſe his metropolitan authority during pleaſure. Thus he authorized others to do, what he ſeemed to think an unlawful act. He was afterwards aſhamed of it himſelf and ſent for the original warrant out of the office, and got it into his own hands. Burnet, Vol. II. p. 8.

next

next day, and ſent to the commons for their concurrence. Upon which, the commons went into a committee of the whole houſe, and Mr. Hampden, their chairman, put the queſtion, 'Whether a king elected and declared by the lords ſpiritual, and temporal, and commons, aſſembled at Weſtminſter the twenty ſecond of January 1688-9, coming to, and conſulting with the ſaid lords and commons, did not make as complete a parliament, and legiſlative power and authority, to all intents and purpoſes, as if the ſaid king ſhould cauſe new ſummons to be given, and new elections to be made by writs?' This occaſioned a long and warm debate; the party, who were for the negative, headed by ſir Edward Seymour, maintaining, "that, according to ſir Edward Coke, a parliament conſiſts of the king's majeſty ſitting there as in his politic capacity, and of the three eſtates of the realm; that is to ſay, 1. the lords ſpiritual: 2. the lords temporal; and 3. the commons. That as to the lords ſpiritual and temporal, every one of them being of full age, when a parliament is to be held, ought, of right, to have a writ of ſummons to come to that parliament. And that as to the commons, the ſame author ſays, they are reſpectively elected by the ſhires or counties, cities and boroughs, by force of the king's writs. That the lords and commons aſſembled at Weſtminſter the twenty ſecond of January, were not ſummoned thither by the king's writs; and therefore though the king afterwards came to them, yet ſuch king, lords, and commons, could not be a parliament. And that though the like was done at the reſtoration, yet the convention was then called, when there was no king nor great ſeal in England; and it was called by the conſent of the lawful king, and was done upon a true and viſible, and not on a pretended neceſſity. And after all, even the convention was not looked upon as a legal parliament; its acts were ratified in a ſubſequent parliament, and from thence they had their authority." To this it was anſwered, "that it was generally admitted, that in an hereditary kingdom,, if the king ſhould die without an heir, either lineal or collateral, the crown in that caſe would devolve, or, as it were, eſcheat to the whole people and nation; and that hereupon the eſtates and repreſentatives of ſuch a nation might diſpoſe of the crown, to whom they pleaſed, or quite alter and change the government into what form they thought fit; examples of which were brought out of Germany, Italy, France, and Portugal. That in like manner, where a king abandoned, forſook, or deſerted his government, by going or flying out of the kingdom, without appointing any guardian to protect and take care of his people during his abſence, whereby the throne became vacant, the eſtates of ſuch a people might appoint another king or governor. That king James II. having abandoned his people, unguarded and undefended, at the mercy of a foreign army, even in the heart of the country, without ſo much as leaving a guardian or great ſeal behind him, his great officers and miniſters of ſtate flying ſome one way and ſome another, what could the nation do but what they had done? Several of the lords ſpiritual and temporal, many of the knights, citizens, and burgeſſes, of a former parliament, the aldermen and divers common council men of the city of London, addreſſed themſelves to the prince of Orange, deſiring him to take upon him the adminiſtration of public affairs, until the meeting of the intended convention of the three eſtates or great council of the realm; and to ſend letters ſubſcribed by himſelf both to the lords ſpiritual and temporal, who were proteſtants, to meet on the ſaid twenty-ſecond of January at Weſtminſter, and to ſeveral ſhires, counties, univerſities, cities, &c. for electing of ſuch number of perſons to repreſent them, as of right were to be ſent to parliament. That accordingly ſuch letters were ſent, and elections made; and the convention thus aſſembled, after mature deliberations, reſolved, 'That the prince and princeſs of Orange ſhould be king and queen of England.' That after they were proclaimed king and queen, and his majeſty came and conſulted with the three eſtates ſo aſſembled, what could be wanting in that aſſembly to make them a full and complete parliament? or what could be had more than was in this convention of king, lords, and commons, if the ſaid king ſhould iſſue out writs for calling a new parliament? That if, as was agreed by all, the ſubſtantial parts of a parliament be, and conſiſt of an aſſembly or convention, or meeting together of the king and three eſtates, the difference of the lords and commons being called by writ or by letter was nothing material, ſince both writ and letter were to the ſame effect; and ſince in ſome antient records it is mentioned, that parliaments ſhould be ſummoned by letters, particularly in king John's great charter in the ſeventeenth year of his reign, he promiſes to ſummon the biſhops, abbots, earls, &c. by his letter. That the prince of Orange's not being king at the time of his ſending forth his letters, was of no importance, ſince he was the perſon, to whom the adminiſtration of the government was then committed. That it was evident, that in many parliaments it was not ſo material, how the king, lords and commons came together, as that they were together. That the manner of calling together the three eſtates of the realm by the prince of Orange's letters was a much fairer proceeding, conſidering the ſtate of affairs, as to the calling of them together, than was in ſeveral caſes, wherein they were never doubted to be a parliament, when joined with a king. That Edward II. being impriſoned by his queen, ſon, and nobles, they iſſued out writs in the impriſoned king's name, to ſummon the lords, and to chooſe knights,, citizens, and burgeſſes to meet at Weſtminſter, the ſixteenth of January 1325. That this, one would think, was pretty hard, and an abſolute force upon the king, by making uſe of his name againſt his will, ſo that it could not be ſaid to be his act; yet the lords and commons being met, they depoſed Edward II, and declared his ſon Edward III, king; and this new king, and the lords, and commons, ſo (one might ſay) irregularly convened, made ſeveral acts of parliament, and have ever ſince been adjudged a good parliament to all intents and purpoſes, without any ſubſequent act of confirmation. That in like manner Richard II, being taken priſoner by Henry duke of Lancaſter, the duke iſſued out writs in the king's name (the king being then in priſon) to ſummon the lords, and to elect repreſentatives for the people, to meet at Weſtminſter the thirteenth of September 1399. That thoſe being met, by this irregular ſummons, they depoſed Richard II, and declared the duke of Lancaſter king; and that new king, and the lords and commons, ſo irregularly convened, being joined together, were alſo, and are to this day, adjudged a good parliament to all intents and purpoſes. Laſtly, that the lords and commons aſſembled at Weſtminſter, the 15th of April 1660, were convened by writs in the name of the keepers of the liberties of England, who were uſurpers; yet when king Charles II, came to them, and they received him as king, he and they together were adjudged a parliament, and enacted, that they ſhould be ſo eſteemed, and made many laws, which were put in execution; and they continued as a parliament until the twenty-ninth of December following; and though moſt or all thoſe acts were afterwards confirmed by a ſubſequent parliament convened by the king's writs in May 1661; yet that confirmation, according to many good judgments, was rather to ſatisfy ſome ſcrupuloſity than out of neceſſity, moſt of the ſaid acts having in a great meaſure had their effects, before the ſubſequent parliament began. That if therefore upon the prince of Orange's being declared and proclaimed king, he came to the convention of lords and commons aſſembled at Weſtminſter; if the ſame number of lords was ſummoned, that of right ought to be ſummoned to parliament, and the ſame number of knights, citizens, and burgeſſes duly choſen, that ought to be choſen, to repreſent the commons in parliament; then conſequently there were all the ſubſtantial and eſſential parts of a parliament met together, and being ſo, where was the neceſſity, advantage, or prudence to diſſolve theſe, and thereby give new trouble of new ſummons and new elections, loſe a great deal of time, ſuffer irrecoverable loſs and damage to Ireland, and the allies abroad, and after all, at the next meeting, be but where they now were, as to the eſſential parts of a parliament, there being nothing more to be had at any other time, but what they had already."

Upon theſe reaſons the commons agreeing to the bill, it received the royal aſſent, and the convention was from that time called the parliament. This act was to commence from the 13th of February, the day on which the royal dignity was accepted by the king and queen, and inſtead of the old oaths of allegiance and ſupremacy, the new oaths were enjoined to be taken by all the members of each houſe, from and after the firſt day of March next enſuing. Accordingly a day was ſet for the call of both houſes, and for requiring the members to take the oaths. Upon the paſſing this act, ſeveral members who had before proteſted, that they would neither ſubmit to the deciſions of ſuch a parliament, nor ſit in it, abſented themſelves, and retired into the country on frivolous pretences. And when the time came for the members to take the oaths, though they were refuſed by few or none of the commons, ſeveral of the lords, both ſpiritual and temporal, would not take them, as the duke of Newcaſtle, the earls of Clarendon, Lichfield, Exeter, Yarmouth, and Stafford, and the lords Griffin, Stawel, and one or two more: theſe were all, at ſeveral times, ſummoned to attend the

the houſe, but moſt of them continued abſent. The ſpiritual lords that abſented themſelves were Sancroft archbiſhop of Canterbury, Turner biſhop of Ely, Lake of Chicheſter, Ken of Bath and Wells, White of Peterborough, (theſe were five of the ſeven biſhops ſent to the tower by king James) Lloyd of Norwich, Thomas of Worceſter, and Frampton of Gloceſter [z]. Sancroft had been archbiſhop ever ſince the year 1676. He was a man of ſolemn deportment, and conſiderably learned. He lived abſtracted from company, and was fixed in the old maxims of high loyalty. He was named in the eccleſiaſtical commiſſion by king James, but would never go to that court, nor declare againſt it, though he thought it illegal. He joined in the petition againſt reading king James's declaration for liberty of conſcience. He met the privy-councillors at Guildhall, and invited the prince of Orange to take the government upon him, but refuſed to go with the reſt of the biſhops to welcome him to St. James's, though he had once agreed to it. When the convention met the 29th of January, he came not to take his place among them. He reſolved neither to act for nor againſt king James's intereſt, which was thought very unbecoming in one of his high ſtation. For ſince he believed, as afterwards appeared, that the nation was running into treaſon, rebellion and perjury, it was ſtrange to ſee him, who was at the head of the church, ſit ſilent all the while, and not ſo much as declare his opinion by ſpeaking, voting, or proteſting. But he was a poor ſpirited and fearful man, and acted a mean part in the whole affair of the revolution. He went on afterwards in the ſame unactive ſtate, ſtill refuſing the oaths, but neither acting nor ſpeaking, except in great confidence, to any againſt their taking them. Thomas and Lake, who both died ſoon after, like the archbiſhop, never came to the houſe of lords. When the other five withdrew from the parliament, that they might recommend themſelves by a ſhow of moderation, ſome of them moved for a bill of toleration, and another of comprehenſion, whereby all moderate-preſbyterians might be reconciled to the church of England, and admitted to eccleſiaſtical benefices. Theſe bills were drawn and offered by the earl of Nottingham, for which he received the thanks of the houſe [a]. From this time may be dated the riſe of the non-jurors, who rejecting the notion of a king de jure and a king de facto, as well as all other diſtinctions, and limitations, ſtrictly adhered to the principle of the divine right of kings, and were the authors of all the plots and conſpiracies againſt the new ſettlement, which they refuſed to acknowledge.

How early they began their deſigns againſt the government was quickly diſcovered. For the king, by ſome intercepted letters, had reaſon to ſuſpect that the earl of Arran, ſir Robert Hamilton, and others, were endeavouring the reſtoration of king James. Upon which, they were all ſent to the Tower. But as this proceeding was not ſtrictly legal, the king ſent a meſſage to acquaint the lords with what he had done, who immediately voted an addreſs of thanks for his care of their liberties, and deſired him to ſecure all diſturbers of the peace till the firſt day of next term. But the commons thinking this addreſs allowed the king a power of diſpenſing with the habeas corpus-act, thought it more proper to proceed by a bill, to impower the king to apprehend and detain all ſuſpected perſons, which in a few days paſſed both houſes. A bill was alſo brought in at the ſame time for removing papiſts from the cities of London and Weſtminſter, which having paſſed the lords, the commons added a proviſo to it, by which the queen dowager's articles of marriage were conſiderably reduced. To this proviſo the lords diſagreed, which occaſioned ſeveral conferences, and warm debates; but at laſt it was ſettled, that the queen dowager ſhould have thirty ſervants of the king's Engliſh ſubjects, provided none of them were prieſts, monks or fryars [b]. There were alſo in cuſtody at this time the lord Jefferies, the lord Montgomery, the earl of Saliſbury, the earl of Caſtlemaine, the earl of Peterborough, and the lord Clifford, who were all admitted to bail not long after, except Jefferies. The revolt of a body of troops about the ſame time, gave alſo ſome hopes to the enemies of the government. The royal regiment of Scotch horſe, that were quartered at Abingdon, almoſt totally deſerted; as did alſo five hundred of Dunbarton's regiment, headed by five captains. They all took their rout to Scotland, and are ſuppoſed to have acted in concert with the earl of Arran, who was confined in the Tower. General Ginkle was ordered to purſue them with a ſufficient force of horſe and dragoons, who ſoon obliged them to ſubmit to the king's mercy; and the only puniſhment he inflicted on them, was to ſend them over to ſerve in Holland.

The oaths to be taken by the preſent and all future parliaments being ſettled, the coronation-oath was next to be eſtabliſhed, as the day for that ceremony drew near. Accordingly, an act was paſſed for that purpoſe, in the courſe of which a proviſo was offered in the houſe of commons, that no clauſe in the act ſhould ſo bind the kings and queens as to prevent their aſſenting to any bill, offered by both houſes, for taking away, or altering any form or ceremony, in the eſtabliſhed church; ſo as the doctrines, liturgy and epiſcopal government be preſerved. But this proviſo was thrown out.

The coronation oath (as is obſerved in the preamble of the act) which had by ancient uſage, been ſolemnly taken by the kings and queens, to maintain the laws and cuſtoms of the realm, and the rights and liberties of the people, having been hitherto framed in doubtful expreſſions, with relation to conſtitutions now unknown, was worded in a more plain and comprehenſive manner [c], and by directions from the court was to be adminiſtered, either by the archbiſhop of Canterbury, or the biſhop of London. The choice of one of theſe two prelates being left to the king, he, fearing to be refuſed by the archbiſhop, who ſtill continued diſcontented, thought fit to appoint the biſhop of London; who accordingly officiated at the coronation, which was performed with all the magnificence and ſplendor uſual on ſuch occaſions. The next day the commons waited in a full body on the king and queen at the banqueting houſe, to congratulate them on their coronation, which Mr. Powle, their ſpeaker, performed in an elegant ſpeech [d].

The next thing to be conſidered in relation to the new go-

[z] As there were eight biſhops that refuſed the oaths, ſo there were the ſame number that took them; Lamplugh, archbiſhop of York; Compton, biſhop of London; Barlow, of Lincoln; Mew, of Wincheſter; Sprat, of Rocheſter; Lloyd, of St. Aſaph's; Trelawney, of Briſtol; and Beaw, of Landaff; whoſe example was afterwards followed by Smith, of Carliſle; and Watſon, of St. David's.

[a] Theſe bills were the ſame that the earl of Nottingham had prepared for the houſe of commons, in king Charles's time, during the debates of the exclution. But then things of that kind, were looked on as artifices to lay the heat of that time, and to render the church party more popular. Burnet, II. p. 6.

[b] In the debate upon this act for removing of papiſts, there happened a pleaſing incident, which was an addreſs to the king, to order the ducheſs of Mazarin to depart the kingdom. Colonel Birch, who was one of the oldeſt parliament-men in the houſe, preſented this addreſs; to which his majeſty anſwered, 'He would take it into conſideration.' However, this buſineſs did not paſs without oppoſition. Several members ſpoke in favour of the ducheſs: monſieur Odyck, one of the Dutch embaſſadors, made uſe of all his intereſts in her behalf, at the deſire of monſieur de St. Evremond, who was a great friend of that lady. Monſieur Odyck engaged his brother monſieur d'Auverquerque to intercede for her; and theſe gentlemen repreſented the aſſemblies at her houſe, which were thought by ſome to be ſo many popiſh cabals, to be only meetings for gaming, and other diverſions, by the former of which ſhe was thought chiefly to ſubſiſt. The marquis de Seignelay ſpoke for her to the king, alledging, that 'ſhe would ſtarve in any other country.' The biſhop of Saliſbury made a motion in the houſe of lords for ſuch an addreſs as that of the commons; but it not being carried, the ducheſs was permitted to continue her diverſions; and his majeſty, out of regard to her unfortunate circumſtances, allowed her a penſion of two thouſand pounds a year. Des Maizeaux's life of St. Evremond, p. 132.

[c] The form is thus:

"Will you ſolemnly promiſe and ſwear to govern the people of this kingdom and the dominions thereto belonging, according to the ſtatutes in parliament agreed on, and the laws and cuſtoms of the ſame?"

"I ſolemnly promiſe ſo to do."

"Will you, to your power, cauſe law and juſtice in mercy to be executed in all your judgments?"

"I will."

"Will you, to the utmoſt of your power, maintain the laws of God, the true profeſſion of the goſpel, and the proteſtant reformed religion, as by law eſtabliſhed? And will you preſerve unto the biſhops and clergy of this realm, and to the churches committed to their charge, all ſuch rights and privileges, as by law do or ſhall appertain unto them or any of them?"

"All this I promiſe to do."

Then the king, or queen, laying his, or her, hand upon the goſpels, ſhall ſay,

"The things which I have here before promiſed, I will perform and keep. So help me God."

The coronation oath, it ſeems, had been altered for the uſe of king James, and the care that was taken, in the original oath, of the people's liberties was left out, and inſtead of it great regard had to the rights of the clergy, and prerogatives of the crown. See State Trials, Vol. II. p. 49.

[d] The titles and honours conferred juſt before, or after the coronation, were theſe: prince George of Denmark, now naturalized, was created baron of Oakingham, earl of Kendal, and duke of Cumberland; the marquiſs of Wincheſter was made duke of Bolton; William Bentinck, eſq. groom of the ſtole to his majeſty, baron of Cirenceſter, viſcount Woodſtock, and earl of Portland; Thomas, lord viſcount Falconberg, earl of Falconberg; Charles, lord viſcount Mordaunt, earl of Monmouth; Ralph, lord Montagu, viſcount Mount-Hermer, and earl of Montagu; John, lord Churchill, earl of Marlborough; Henry Sidney, eſq. baron of Milton, and viſcount Sidney of Shepey in the county of Kent; Richard, lord viſcount Lumley of Waterford in Ireland, viſcount Lumley of Lumley caſtle in the county

vernment was, to ſettle the oaths to be taken by all perſons enjoying any office, place, or benefice. As the proteſtant diſſenters had zealouſly promoted the revolution, and were hearty friends to the new eſtabliſhment; the king was very deſirous, that thoſe among them who were willing and able to ſerve him, ſhould be admitted to offices and employments. It muſt be obſerved, the diſſenters at the time of the revolution were divided into four ſects, preſbyterians and independents, anabaptiſts and quakers. The preſbyterians and independents had not the viſible diſtinction of different rites, and their depreſſed condition had put an end to the diſpute about the conſtitution and ſubordination of churches, which had ſet them at ſo great variance, when the power was in their hands. They were now looked upon as one ſect, and were three parts in four of all the diſſenters. The main difference between them was, that the preſbyterians ſeemed reconcilable to the church; for they were ſo far inclined to epiſcopal ordination and a liturgy, that upon ſome amendments they appeared diſpoſed to come into the church, and they liked the civil government and a limited monarchy. But the independents were generally for a commonwealth in the ſtate, and therefore, they put all the power of the church in the people, whoſe choice they deemed a ſufficient ordination: Nor did they approve of ſet forms of worſhip. The anabaptiſts were generally men of virtue, and of univerſal charity; and as they were far from being in any treating terms with the church of England, ſo nothing but a univerſal toleration, could make them capable of favour and employments. The quakers had made themſelves ſo particular in the matter of the hat, and ſaying thou and thee, that it became to them a badge of diſtinction, by which they were eaſily known. Theſe were in the ſame ſtate with the anabaptiſts, and a toleration was all they could expect.

From hence it appears, that of all the diſſenters the moderate preſbyterians alone, could upon eaſy terms, be incorporated with the church, and placed on a level with thoſe of the eſtabliſhed religion: That the reſt were at too great a diſtance to be reconciled to the church, and therefore as to religion, could be made eaſy only by a toleration; and as to employments, could not be admitted into them, unleſs their conformity to the church was diſpenſed with. This being the caſe, the king had formed three deſigns; 1. By a comprehenſion to unite the moderate preſbyterians with the church: 2. By a toleration to give eaſe to ſcrupulous conſciences: And 3. By removing the obſtacle ariſing from non-conformity, to admit indifferently, all his proteſtant ſubjects into civil employments. How he ſucceeded in theſe deſigns will quickly appear.

As a proper method to execute his third deſign, was by the inſertion of a clauſe to that effect, in the bill for ſettling the oaths, the king not only ſignified in council his deſire for the admiſſion of the proteſtants to offices and employments, but moreover, two days after the bill had been brought into the houſe of lords under the title of, "a bill for the abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths," he took the opportunity when he went to give the royal aſſent to a bill for ſuſpending the habeas corpus act, to make the following ſpeech to both houſes.

My lords and gentlemen,

"NOW I have the occaſion of coming hither to paſs this bill, which, I hope, will be for all our ſafeties, I ſhall put you in mind of one thing, which will conduce much to our ſettlement, as a ſettlement will to the diſappointment of all our enemies.

"I am, with all the expedition I can, filling up the vacancies, that are in offices and places of truſt, by this late revolution. I hope you are ſenſible, there is a neceſſity of ſome law to ſettle the oaths to be taken by all perſons to be admitted to ſuch places, I recommend it to your care, to make a ſpeedy proviſion for it. And as I doubt not but you will ſufficiently provide againſt papiſts, ſo I hope you will leave room for the admiſſion of all proteſtants, that are willing and able to ſerve.

"This conjunction in my ſervice will tend to the better uniting you amongſt yourſelves, and the ſtrengthening you againſt your common adverſaries."

Purſuant to this ſpeech, two clauſes were ordered to be drawn up, one to explain the abrogating of the oaths, and the other "to take away the neceſſity of receiving the ſacrament, to make a man capable of enjoying any office, employment, or place of truſt.". But this laſt clauſe was rejected by a great majority. However ſeven lords, Delamere, Stamford, North and Grey, Cheſterfield, Wharton, Lovelace and Vaughan, proteſted againſt limiting officers by the ſacramental teſt, and diſſented for theſe reaſons; "that a hearty union among proteſtants was a greater ſecurity to the church and ſtate, than any teſt, that could be invented: That this obligation to receive the ſacrament was now a teſt on the proteſtants, rather than on the papiſts; and as long as it was ſo continued, there could not be that hearty and perfect union among proteſtants, as had always been wiſhed, and was at this time indiſpenſably neceſſary. And, laſtly, that a greater caution ought not to be required from ſuch as were admitted into offices, than from the members of the two houſes of parliament, who were not obliged to receive the ſacrament, to enable them to ſit in either houſe."

Though this attempt failed, the king was reſolved to purſue his deſign, and accordingly, another clauſe was propoſed to be inſerted in the ſame bill, namely, "to prevent the receiving the ſacrament of the Lord's ſupper upon any other account, than in obedience to the holy inſtitution thereof; and to provide that any man ſhould be ſufficiently qualified for any office, employment, or place of truſt, who within a year before or after his admiſſion or entrance thereunto, did receive the ſacrament of the Lord's ſupper, either according to the uſage of the church of England, or in any other proteſtant congregation, and could produce a certificate under the hands of the miniſter and two other credible perſons." But this clauſe was alſo rejected by a great majority, though ſix lords, Oxford, Mordaunt, Lovelace, Montagu, Wharton, and Paget, entered their diſſent for theſe reaſons: "becauſe it gives a great part of the proteſtant freemen of England reaſon to complain of inequality and hard uſage, when they are excluded from public employments by a law; and alſo that it deprived the king and kingdom of divers men, fit and capable to ſerve the public in ſeveral ſtations; and that for a mere ſcruple of conſcience, which could by no means render them ſuſpected, much leſs diſaffected to the government. 2. Becauſe his majeſty, as the common and indulgent father of his people, having expreſſed an earneſt deſire of liberty for tender conſciences to his proteſtant ſubjects; and the biſhops having divers of them, on ſeveral occaſions, profeſſed an inclination to, and owned the reaſonableneſs of ſuch a chriſtian temper, we apprehend it will raiſe ſuſpicion in ſome men's minds of ſomething elſe than the care of religion or the public, and different from a deſign to heal our breaches, when they find, that by confining ſecular employments to eccleſiaſtical conformity, thoſe are ſhut out from civil affairs, whoſe doctrine and worſhip may be tolerated by authority of parliament; there being a bill before, by order of the houſe, to that purpoſe; eſpecially when, (without this excluſive rigour,) the church is ſecured in all her privileges and preferments, no body being hereby let into them, who is not ſtrictly conformable. 3. Becauſe to ſet marks of diſtinction and humiliation on any ſort of men, who have not rendered themſelves juſtly ſuſpected to the government, as it is at all times to be avoided by the makers of juſt and equitable laws, ſo it may be particularly of ill effect to the reformed intereſt at home and abroad in this preſent conjuncture, which ſtands in need of the united hands and hearts of all proteſtants againſt the open attempts and ſecret endeavours of a reſtleſs party and a potent neighbour, who is more zealous than Rome itſelf, to plant popery in theſe kingdoms; and labours with the utmoſt force to ſettle his tyranny upon the ruins of the reformation through all Europe. 4. Becauſe it turns the edge of a law (we know not by what fate) upon proteſtants and friends to the government, which was intended againſt papiſts, to exclude them from places of truſt, as men avowedly dangerous to our government and religion; and thus the taking the ſacrament, which was enjoined only as a means to diſcover papiſts, is now made a diſtinguiſhing duty amongſt proteſtants, to weaken the whole by caſting off a part of them. 5. Becauſe myſteries of religion, and divine worſhip, are of divine original, and of a nature ſo wholly diſtinct from the ſecular

county palatine of Durham; Hugh, lord viſcount Cholmondeley, of Kells in Ireland, baron Cholmondeley, of Wichmalbank, alias Namptwich, in Cheſhire. On the 27th of March, the lord Coote was ſworn and admitted into the place of treaſurer, and receiver-general to her majeſty; on the 3d of April, Frederick Mareſchal de Schomberg, general of his majeſty's forces, and maſter-general of the ordnance, and William, earl of Devonſhire, lord ſteward of his Majeſty's houſhold, in a chapter held at Whitehall, were elected knights companions of the moſt noble order of the garter; into which order likewiſe, on the 5th of the ſame month, the duke of Ormond was inſtalled at Windſor; and on the 10th, his majeſty conferred the honour of knighthood on Thomas Pilkington, lord mayor of London.

affairs of politic ſociety, that they cannot be applied to thoſe ends; and therefore the church, by the law of the goſpel, as well as common prudence ought to take care, neither to offend tender conſciences within itſelf, nor give offence to thoſe without, by mixing their ſacred myſteries with ſecular intereſts. 6. Becauſe we cannot ſee, how it can conſiſt with the law of God, common equity, or the right of any free-born ſubject, that any one be puniſhed without crime. If it be a crime not to take the ſacrament according to the uſage of the church of England, every one ought to be puniſhed for it; which nobody affirms. If it be no crime, thoſe, who are capable, and judged fit for employments by the king, ought not to be puniſhed with a law of excluſion for not doing that, which it is no crime to forbear. If it be urged ſtill, as an effectual teſt to diſcover and keep out papiſts; the taking the ſacrament in thoſe proteſtant congregations, where they are members, and known, will be at leaſt as effectual to that purpoſe."

Thus the king's deſign for the admiſſion of all his proteſtant ſubjects to offices and places of truſt, not only miſcarried, but it very much heightened the prejudices of the churchmen againſt him, as bearing no great affection to the church of England, when he propoſed the opening ſuch a door which they believed would be fatal to them.

The rejecting theſe clauſes, made the bill for ſettling the oaths to be puſhed on with more zeal. The clergy, as has been obſerved, had ſo far entangled themſelves, by preaching up for ſo many years the doctrines of the divine right of kings, and the lineal ſucceſſion; that it was imagined great numbers would follow the example of thoſe biſhops, who had refuſed to acknowledge the government. And therefore as the clergy were known to lie under theſe difficulties, it had been propoſed, in order to make way for the clauſe about the ſacramental teſt, that the clergy ſhould be excuſed from the oaths provided the diſſenters might be excuſed from the ſacrament. But this propoſal did not take effect, the ſacramental teſt being deemed by the clergy the chief ſupport of the church. However that be, it was long inſiſted upon in the houſe of lords, that inſtead of the clauſe, poſitively enacting that the clergy ſhould be obliged to take the oaths, the king ſhould be empowered to tender them; and then the refuſal was to be puniſhed according to the clauſe as it ſtood in the act. It was thought, that ſuch a power would oblige them to their good behaviour, and be an effectual reſtraint upon them. They would, at leaſt, be kept quiet by it. Whereas, if they came under deprivation, or the apprehenſions of it, that would make them deſperate, and ſet them on to undermine the government. It was urged, that the clergy by the offices of the church did ſolemnly own to God their allegiance in the ſight of all their people; that no oath could lay deeper engagements on them, than thoſe acts of religious worſhip did; and if they ſhould either paſs over thoſe offices, or perform them otherwiſe than as the law required, there was a clear method, purſuant to the act of uniformity, to proceed ſeverely againſt them. It was alſo ſaid that in many different changes of government, oaths had not proved ſo effectual a ſecurity as was imagined; diſtinctions were found out, and ſenſes were put on words, by which they were interpreted ſo as to ſignify but little, when a government came to need ſtrength from them; and it ill became thoſe who had formerly complained of theſe impoſitions, to urge this with ſo much vehemence.

The commons would by no means agree to the excuſing the clergy from the oaths, alledging, "That it hath been the policy of the common law and ſtatute law to oblige men to ſwear allegiance to the king. That allegiance is the common and neceſſary duty of all the ſubjects, and is moſt ſtrictly to be required of archbiſhops, and thoſe who have eccleſiaſtical dignities, benefices, or promotions, in regard they are highly intereſted in the adminiſtration of the government, draw great dependencies, and are exemplary to the reſt of the people: and ſeveral of them are by law to adminiſter the oath of allegiance to other perſons. That allegiance is alſo ſtrictly to be required of all governors, profeſſors, and fellows in univerſities; and ſchoolmaſters, becauſe to them the education of the youth of the kingdom is committed; and therefore they ought to be perſons of known loyalty to the government. That the taking the oaths publicly in open court would better manifeſt allegiance, than the taking them privately before perſons appointed by order in council, and would be much more ſafe to the perſons who are obliged to take the oaths. That the beſt and moſt certain means to have the oaths taken was, to impoſe it upon the perſons concerned to tender themſelves to take the oaths under penalties: but if the oaths were not required to be taken unleſs tendered, the ſaid perſons might, by abſence or otherwiſe, avoid them with impunity. That the clauſe which the commons ſent to their lordſhips, allowed more favour to the archbiſhops, biſhops, and thoſe that have eccleſiaſtical dignities and promotions, than to any lay-peer or other perſons having offices or employments, and was more gentle in the penalty than the ſtatutes heretofore made in the like caſe. That it was unreaſonable and unſafe to diſtinguiſh the archbiſhops, biſhops, and perſons having eccleſiaſtical dignities, benefices, or promotions, and ſuch as are intruſted with the education of youth, from the reſt of the ſubjects, in the declaration of their allegiance, and might tend to make a diviſion in the kingdom, expoſe the king's perſon and government to hatred and danger, and occaſion a general diſcontent."

To theſe reaſons it was replied by the lords, "That indeed the policy of the law requires men to ſwear allegiance; and that it is the common and neceſſary duty of all ſubjects, and eſpecially of the clergy; and therefore the lords did not exempt them from taking theſe oaths, but only differed with the houſe of commons about the method, by which they ſhould be tendered. That if the lords ſhould agree that it was better to tender the oaths in open court than privately, yet that was not a ſufficient reaſon againſt tendering them by perſons appointed by the king in council, becauſe the officers and judges of the court might be ſo appointed by virtue of the clauſe offered by the lords. That the clergy would be required to take the oaths by ſuch order in council, as was propoſed by the lords; and their not appearing when ſo ſummoned, would amount to a refuſal; or, if it ſhould not, the lords would agree to any ſuch addition, as would make it ſo. That the clergy and other members of the univerſities were not diſtinguiſhed from the laity, becauſe upon the preſenting to any degree or preferment they would be, equally with all others, obliged to take the oaths, when required by order of council. That it ſeemed more to the ſettlement and ſafety of the government, that the king ſhould be impowered to put the fidelity of the clergy to a trial immediately, than leave any, who were ill affected to government, ſo much time, as to the firſt of Auguſt, to undermine it. That the clergy were obliged by the prayers, which they muſt uſe in the daily ſervice, to make ſuch expreſs and ſolemn declarations of fidelity to the king and queen by name, that the putting them to the taking of the oaths was not ſo neceſſary to the public ſafety, as in other perſons, who are not bound to make ſuch frequent declarations of their fidelity. That in ſo critical a time as the preſent, it was not to be doubted, but upon any cauſe of apprehending their ill affections to the government, the tendering the oaths by order in council, would not only take all imputations of hardſhip from his majeſty, but juſtify, and even require a more rigorous way of proceeding againſt thoſe, that ſhould give any cauſe of offence. And laſtly, that ſince during queen Elizabeth's long and glorious reign, in which ſhe had both the pretended title of the queen of Scots, and the depoſing power aſſumed by the popes, to apprehend; this was found to be the ſafeſt way for the public quiet; and the ill effects of leaving the tendering the oaths to the queen's diſcretion, not having appeared in all that time of ſo much danger, the following a pattern taken from the beſt part of our hiſtory, ſeemed more ſuitable to the preſent time, than the falling into other hands."

This anſwer being communicated to the commons, they inſiſted that according to the ſtatute of the 7th of James I, all perſons ſhould be enjoined to take the oaths; and that there ſhould be no difference between the clergy and laity as to that point. Then an exception of twelve was propoſed, who ſhould be ſubject to the law, upon refuſing the oaths when required by the king; but neither was that allowed: and after a long debate, all the mitigation that could be obtained, was a power to the king to grant to any twelve clergymen, who ſhould be deprived by this act, a third part of their benefices during his pleaſure. This clauſe being approved by the commons, the bill for ſettling the oaths paſſed both houſes, and received the royal aſſent.

By this act the oath of ſupremacy, eſtabliſhed in the reign of queen Elizabeth, and that of allegiance in the reign of king James I, were abrogated, and others appointed. In the oath eſtabliſhed in the time of king James I. a previous title ſeemed to be aſſerted, when the king was ſworn to, as rightful and lawful king. And therefore, as theſe words could not be ſaid of a king that had no precedent right, but was ſet up by the nation, the new oaths were reduced to the

ancient

ancient ſimplicity of ſwearing, to bear faith and true allegiance to the king and queen. The declaration in the act of uniformity, that 'it is not lawful upon any pretence whatſoever to take arms againſt the king, or thoſe that are commiſſioned by him', was alſo repealed, and another enjoined in its room[e]. The clergy were obliged to take the oaths before the firſt day of Auguſt, and in caſe of refuſal or neglect, they were to be ſuſpended from their office for ſix months; and if they took them not before the expiration of that time, they were to be actually deprived of all their eccleſiaſtical promotions. This indulgence to the clergy of ſix months after ſuſpenſion, was, that they might have ſufficient time to ſtudy the point; and if in that time they could not ſatisfy themſelves as to the lawfulneſs of acknowledging the government, it was ſaid, it was not fit they ſhould continue in the higheſt poſts of the church. However, the clergy, before the time was expired, generally took the oaths, though with too many reſervations and diſtinctions, which laid them open to ſevere cenſures, as if they had taken them againſt their conſcience.

Though the king had failed in his deſign for the admiſſion of the proteſtant diſſenters into offices and employments, by the removal of the ſacramental teſt, he ſucceeded however in that of toleration, by the ſuſpenſion of all penal laws for not coming to church. The king, when prince of Orange, having been applied to by king James for his opinion concerning the repeal of the penal laws and teſt, his anſwer was, that no chriſtian, in his opinion, ought to be perſecuted for his conſcience, or be ill uſed becauſe he differed from the eſtabliſhed religion; and therefore he heartily approved that the diſſenters ſhould have entire liberty for the exerciſe of their religion, and that the penal laws ſhould be repealed, provided thoſe remained in force by which the Roman catholics were excluded from parliament, and public employments; but that as to their religion, they ſhould be allowed the ſame liberty as in Holland. Theſe were the king's ſentiments at that time, and therefore it is not ſtrange he ſhould, now that it was in his power, endeavour to procure a toleration for all his proteſtant ſubjects, eſpecially as it was not only agreeable to his principles, but what they had deſerved by their ſteady adherence to the new ſettlement. Beſides, his experience in Holland had made him look upon liberty of conſcience as one of the wiſeſt meaſures of government; as tending to the encouragement of induſtry, and to the encreaſe of the people; and as affording a ſanctuary to all who are oppreſſed.

The toleration-bill was brought into the houſe of lords the 28th of February, and read the firſt time by the earl of Nottingham, by whom it had been prepared. Some propoſed that the act ſhould be only for a time, as a neceſſary reſtraint upon the diſſenters, that they might demean themſelves ſo as to merit the continuance of it, when the term of years now offered ſhould expire. But this was rejected, and it was urged, that there was now an univerſal inclination to paſs the act, but it could not be expected that the nation would be in the ſame good diſpoſition towards the diſſenters at another time. So the bill found an eaſy paſſage through both houſes, and received the royal aſſent on the 24th of May, under the title of 'An act for exempting their majeſties proteſtant ſubjects, diſſenting from the church of England, from the penalties of certain laws.'

The reaſon of this act is thus given in the preamble; 'foraſmuch as ſome eaſe to ſcrupulous conſciences in the exerciſe of religion may be an effectual means to unite their majeſties proteſtant ſubjects in intereſts and affections;' it was therefore enacted, "That none of the penal laws ſhall be conſtrued to extend to any perſon or perſons diſſenting from the church of England, that ſhall take the oaths, to the preſent government, and ſubſcribe the declaration of 30 Car. II. provided that no aſſembly of perſons ſo diſſenting ſhould be in any place for religious worſhip with the doors locked, barred, or bolted, during the time of ſuch meeting together; and provided, that nothing ſhould be conſtrued to exempt any of the perſons aforeſaid from paying of tythes or other parochial duties. If any diſſenter ſhould be choſen or appointed to bear the office of conſtable, church-warden, overſeer, &c. and ſhould ſcruple the oaths required by law to be taken in reſpect of ſuch office, he ſhall or may execute ſuch office or employment by a ſufficient deputy. That all preachers or teachers of any congregation of diſſenting proteſtants, who ſhall take the oaths, and ſubſcribe the declaration aforeſaid, and alſo ſubſcribe the articles of religion except the thirty fourth, thirty fifth and thirty ſixth, and theſe words in the twentieth article, viz. [The church hath power to decree rights and ceremonies, and authority in controverſies of faith,] ſhall not be liable to any of the pains or penalties mentioned in Stat. 17. Car. II. 2. 22 Car. II. 13 and 14. Car. II. cap. 4. Every ſuch teacher ſhall be exempted from ſerving upon any jury, or from being choſen and appointed to bear the office of church-warden, overſeer of the poor, &c. But any juſtice of the peace may require any perſon, that goes to any meeting for exerciſe of religion, to ſubſcribe the declaration and to take the oaths; and, in caſe of refuſal, is required to commit ſuch perſon to priſon without bail or main-priſe, &c." The like liberty was given to anabaptiſts, but no papiſt or any that denied the trinity, were to have the benefit of this act. The quakers were alſo admitted to it on condition of promiſing before God, inſtead of ſwearing, to be true and faithful to the king and queen, and ſolemnly profeſſing and declaring, that they abhorred and renounced, &c. They were alſo to ſubſcribe a profeſſion of their chriſtian belief in theſe words. I A. B. profeſs faith in God the father, and in Jeſus Chriſt his eternal ſon the true God, and in the Holy Spirit, one God bleſſed for evermore; and do acknowledge the holy ſcriptures of the old and new teſtament to be given by divine inſpiration: "provided that all the laws made for the frequenting divine ſervice on the Lord's day ſhall be ſtill in force, and executed againſt all perſons that offend againſt the ſaid laws, except ſuch perſons come to ſome congregation permitted by this act. Provided that if any perſon ſhall maliciouſly or contemptuouſly come into any cathedral or pariſh church, or other congregation, and diſquiet or diſturb the ſame, or miſuſe any preacher or teacher, he ſhall, upon conviction, ſuffer the penalty of twenty pounds. And finally, provided, that no congregation or aſſembly for religious worſhip ſhall be permitted or allowed by this act, until the place of ſuch meeting ſhall be certified to the biſhop of the dioceſe, or to the archdeacon of that archdeaconry, or to the juſtices of the peace at the general or quarter ſeſſions, and regiſtered in the ſaid biſhop's or archdeacon's court, or recorded at the ſaid general or quarter ſeſſions"

The clergy had begun already to ſhew great hatred to the diſſenters, and ſeemed to wiſh for an occaſion, to renew old ſeverities againſt them, and therefore, the quieting the nation by the act of toleration, was much applauded by men of moderation and goodneſs. It gave the king great content, who was very uneaſy to ſee ſo much ill humour ſpreading among the clergy, and by their means, over a great part of the nation. He was ſo true to his principle of liberty of conſcience, that he reſtrained the heat of ſome, who were propoſing ſeveral acts againſt the papiſts. He made them apprehend the advantage, which that would give the French, to alienate all the papiſts of Europe from us, who from thence might hope to ſet on foot a new catholic league, and make the war a quarrel of religion, which might have very bad effects: nor could he pretend to protect the proteſtants in many places of Germany and Hungary, unleſs he could cover the papiſts in England, from all the ſeverities on the account of their religion. This was ſo careſully infuſed into many, and ſo well underſtood by them, that the papiſts have enjoyed the real effects of the toleration, though they were not comprehended within the act.

Of the king's three deſigns in favour of the diſſenters; that of their admiſſion into employments had miſcarried, but that of toleration had ſucceeded. The other of comprehenſion, for receiving the moderate preſbyterians into the church and admitting them to eccleſiaſtical benefices, met with the ſame fate, as that for their admiſſion to offices. The king was extremely deſirous of uniting all his proteſtant ſubjects, and had promiſed them to uſe his utmoſt endeavours for ſuch an union, but all his efforts towards it proved ineffectual.

Purſuant to the motion made by the biſhops when they withdrew from the parliament, a bill was brought into the houſe of lords, under the title of "a bill for uniting their majeſties proteſtant ſubjects." In the progreſs of this bill, two things were warmly debated. The firſt was, whether kneeling at the ſacrament ſhould be diſpenſed with to ſuch, as, after conference upon it, ſhould ſolemnly proteſt they were not ſatisfied as to the lawfulneſs of it. This occaſioned a vehement debate, for the poſture being the chief exception the diſſenters had to the receiving the ſacrament, the giving that up, was thought to be the opening a way for their coming into employments. However, it was carried, that kneeling ſhould be diſpenſed with[f]. The other debate was, whether the laity ſhould be added in the commiſſion, to be given by the king to biſhops and others of the clergy?

[e] The oaths and declaration are the ſame as were inſerted in the declaration of rights.

[f] The queſtion was put, 'Whether the clauſe about the indifferency of the poſture at receiving the ſacrament ſhould be left out?' The votes being equal,

A proviſo was offered, that in imitation of the acts paſſed in king Henry VIII's, and Edward VI's reigns, a number of perſons both of the clergy and laity, might be impowered to prepare ſuch a reformation of things relating to the church, as might be offered to king and parliament; in order to the healing the diviſions, and correcting what might be amiſs or defective in the conſtitution. This was preſſed with great earneſtneſs by many of the temporal lords, but it was carried for the excluſion of the laity[g]. During the debates, biſhop Burnet himſelf warmly oppoſed adding the laity to the commiſſion, imagining that the clergy would have come with zeal and unanimity into ſuch a deſign, and being apprehenſive, that this addition of the laity would be looked upon by them as taking the affair out of their hands. But he was convinced ſoon after, that he had taken wrong meaſures; and that the method propoſed of joining the laity in the commiſſion was the only one like to prove effectual. But this conduct of his did not ſo recommend him to the clergy, as to balance the cenſure, which he fell under, for moving, in another proviſo of that bill, that the ſubſcription inſtead of aſſent and conſent, ſhould only be to ſubmit with a promiſe of conformity. He declared himſelf likewiſe zealous for diſpenſing with kneeling at the ſacrament; for ſince it was acknowledged that the poſture was not eſſential in itſelf, and that ſcruples, how ill grounded ſoever, were raiſed upon it, it ſeemed reaſonable to leave the matter as indifferent in its practice, as it was in its nature. When the bill, after paſſing the lords, was ſent to the commons, it was let lie on the table, and inſtead of proceeding in it, they made an addreſs to the king for ſummoning a convocation, wherein "they rendered to his majeſty their moſt humble and hearty thanks for his gracious declaration and repeated aſſurances, that he would maintain the church of England eſtabliſhed by law, which his majeſty had been pleaſed to recover from the dangerous conſpiracy, that was laid for its deſtruction, with the hazard of his royal perſon." They added, "That the doctrine and practice of the church of England had evinced their loyalty beyond the contradiction of the moſt malicious enemies; and that the misfortunes of former princes could be attributed to nothing more than their endeavours to ſubvert and diſable the members thereof from contributing to their ſupport and defence. They therefore prayed his majeſty to continue his care for the preſervation of the ſame, whereby he would effectually eſtabliſh his throne, by ſecuring the hearts of his majeſty's ſubjects within theſe his realms, who could no way better ſhew their zeal for his ſervice, than by a firm adherence to that church, whoſe conſtitution is beſt ſuited to the ſupport of this monarchy." They likewiſe humbly prayed, "that, according to the antient practice and uſage of the kingdom in time of parliament, his majeſty would be graciouſly pleaſed to iſſue forth his writs for calling a convocation of the clergy of this kingdom, to be adviſed with in eccleſiaſtical matters; aſſuring his majeſty, that it was their intention forthwith to proceed to the conſideration of giving eaſe to proteſtant diſſenters."

By this addreſs it appears, that a party was now beginning to be formed, that pretended great zeal for the church and expreſſed their apprehenſions, that it was in danger. This they plainly inſinuated, by their praying the king to continue his care for the preſervation of the church, hinting at the ſame time, how dangerous it would be for him to do otherwiſe. Theſe men, as they went heavily into the toleration, which was the eaſe they here promiſed to give the diſſenters, ſo they were much offended with the bill of comprehenſion, as containing matters relating to the church, in which the repreſentative body of the clergy had not been ſo much as adviſed with; and therefore it was, that they ſo haſtily petitioned for a convocation, under a notion that the buſineſs would be accompliſhed without one.

The king, who was not pleaſed with this addreſs, as perceiving the tendency of it, did not forbear intimating in his anſwer, that he thought he had already given them ſufficient aſſurances of his intentions to ſupport the church. The anſwer was not returned immediately, but ſent the next day by the earl of Nottingham, who acquainted both houſes (for the lords had concurred in the addreſs) "That though his majeſty had had many occaſions of aſſuring them, he would maintain the church of England, as by law eſtabliſhed; yet he was well pleaſed with repeating theſe promiſes, which he was reſolved to perform, by ſupporting this church, whoſe loyalty, he doubted not, would enable him to anſwer their juſt expectations. That as his deſign of coming hither was to reſcue them from the miſeries they laboured under; ſo it was a great ſatisfaction to him, that by the ſucceſs god had given him, he was in a ſtation of defending this church, which had effectually ſhewn her zeal againſt popery, and ſhould always be his peculiar care. And he hoped the eaſe, they deſigned to diſſenters, would contribute very much to the eſtabliſhment of this church; which therefore he earneſtly recommended to them, that the occaſions of differences and mutual animoſities might be removed; and that as ſoon as might be, he would ſummon a convocation."

Notwithſtanding this anſwer, no further progreſs was made in the bill. Thoſe who had moved for this bill, and afterwards brought it into the houſe, acted a very diſingenuous part. For while they ſtudied to recommend themſelves by this ſhew of moderation, they ſet on their friends to oppoſe it; and ſuch as were very ſincerely and cordially for it, were repreſented as the enemies of the church, who intended to ſubvert it. Nor was this bill ſupported by thoſe who ſeemed moſt favourable to the diſſenters. They advanced it as a maxim, that it was fit to keep up a ſtrong faction both in church and ſtate; and they thought it was not agreeable to that, to ſuffer ſo great a body as the preſbyterians to be made more eaſy, and more inclinable to unite to the church. They alſo thought, that the toleration would be beſt maintained, when great numbers ſhould need it, and be concerned to preſerve it. So the deſign of a comprehenſion being zealouſly oppoſed and but faintly promoted, fell to the ground. However, the king was ſo deſirous this affair ſhould ſucceed, that it was brought on again the next ſeſſion in a more formal manner, though with no better ſucceſs.

The oath to be uſed at the coronation of the king, and thoſe to be taken by the members of both houſes of parliament, as well as by all perſons enjoying office, employment or benefice being ſettled, and the toleration for the proteſtant diſſenters being eſtabliſhed, the next thing to be conſidered was a revenue for the ſupport of the government. It muſt be obſerved, that before the revolution the whole ſtanding income of the ſtate was in the power and diſpoſal of the crown, and was called the revenue of the crown. There was then no diſtinction of what was to be allotted for the king's uſe, and what for the ſervice of the public. By which means the king might reſerve what part he thought fit for his own deſigns, and employ no more than he pleaſed for the purpoſes of the nation. Accordingly it was found, that after the reſtoration, the public revenue had been conſtantly embezzled, and immenſe ſums very often ſunk, without being

equal, (content 28, proxy 1, in all 29; not content 27, proxy 2, in all 29;) and therefore according to the antient rule in like caſes, it was carried in the negative.

[g] In the ſame manner as the other queſtion by the votes being equal. The marquis of Wincheſter, and the lords Mordaunt, Lovelace, and Stamford, entered their diſſents in the following reaſons: "1. Becauſe the act itſelf being deſigned for the peace of the ſtate, the putting the clergy into commiſſion, with a total excluſion of the laity, laid the humiliation on the laity, as if the clergy of the church of England were alone friends to the peace of the ſtate, and the laity leſs able or leſs concerned to provide for it. 2. Becauſe the matters to be conſidered being barely of human conſtitution, viz. the liturgy and ceremonies of the church, belong to both; for in what is of divine inſtitution, neither clergy nor laity can make any alteration at all. 3. Becauſe the pretending, that differences and delays may ariſe, by mixing laymen with the eccleſiaſtics, to the fruſtrating the deſign of the commiſſions, is vain and out of doors, unleſs thoſe, that made uſe of this pretence, ſuppoſed, that the clergy-part of the church had diſtinct intereſts from the laity-part of the ſame church, and would be a reaſon as good, why one or other of them ſhould quit the houſe of lords, for fear of obſtructing the buſineſs of it. 4. Becauſe the commiſſion being intended for the ſatisfaction of diſſenters, it would be convenient that laymen of different ranks, nay, perhaps of different opinions too, ſhould be united in it, the better to find expedients for that end, rather than clergymen alone of the eſtabliſhed church, who are generally obſerved to have all very much the ſame way of reaſoning and thinking. 5. Becauſe it is the much readier way to facilitate the paſſing the alterations into a law, that lay-lords and commoners ſhould be joined in the commiſſion, who might be able to ſatisfy both houſes of the reaſons, upon which they were made, and thereby remove all fears and jealouſies, ill men might raiſe againſt the clergy, of their endeavouring to keep up without ground, a diſtinct intereſt from that of the laity, whom they ſo carefully excluded from being joined with them in conſtitutions of common concernment, that they would not have any part in the deliberation, who muſt have the greateſt in determining. 6. Becauſe ſuch a reſtrained commiſſion lay liable to this great objection, that it might be made uſe of to elude repeated promiſes, and the preſent general expectation of compliance with tender conſciences, when the providing of it was taken out of the ordinary courſe of parliament, to be put into the hands of thoſe alone, who were lateſt in admitting any need of it, and who might be thought to be the more unfit to be the ſole compoſers of differences, when they were looked upon by ſome as parties. 7. Becauſe, after all, this carried a dangerous ſuſpicion along with it, as if the laity were not a part of the church, nor had any power to meddle in matters of religion; a ſuſpicion directly oppoſite to the conſtitution both of church and ſtate, which would make all alterations utterly impoſſible, unleſs the clergy alone were allowed to have power to make laws in matters of religion; ſince what was eſtabliſhed by law could not be taken away, or changed but by conſent of laymen in parliament, the clergy themſelves having no authority to meddle in this very caſe, in which the laity was excluded by this very vote, but what they derived from lay-hands. Laſtly, becauſe it was contrary to three ſtatutes made in the reign of Henry VIII, and one in Edward VI, which empowers thirty-two commiſſioners to alter the common and eccleſiaſtical laws, &c. whereof ſixteen to be of the laity, and ſixteen of the clergy."

Of

applied to the uſes for which they were granted[h]. It was therefore wiſely concerted, after the revolution, for the ſecurity of the nation from perpetual miſapplications of the public money, to allot a ſeparate income for the maintenance of the king's houſhold, and the ſupport of his dignity, (which is now called the civil liſt) and to put the reſt of the public revenues entirely under the command of the parliament. So that from the time of the revolution, the public money has been no more left to the diſcretionary management of the court, but the commons, after examining the current ſervices of each year, have appropriated the ſupplies to thoſe ſervices only, and the king's buſineſs has been to ſee the money applied according to their appropriation, of which an account at the next meeting of the parliament has been conſtantly ſubmitted to both houſes, before any further ſupplies have been granted[i]. In order therefore to introduce this great change in the public income, the commons, in the firſt place, voted that the revenue was expired by the vacancy of the throne, and not devolved on their majeſties; and though by a long courſe, and the practice of ſome ages, the cuſtoms had been granted to the kings for life, it was now laid down as a maxim, not to grant any revenue but from year to year, or at leaſt for a ſhort term of years[k]. This the whigs thought, would oblige the kings to ſuch a popular method of government, as ſhould merit the conſtant renewal of the grant. The king, who expected the ſame regard ſhould be ſhewn for him as for his predeceſſors, was not pleaſed with ſo precarious a revenue, which the tories obſerving, they took the occaſion to beget in him jealouſies of his friends, and with too great ſucceſs. They reſolved to reconcile themſelves to the king, by granting a revenue for life; but at preſent only to look on, till the whigs, who carried every thing they pleaſed, ſhould have refuſed it.

Purſuant to the maxim before-mentioned, when the king's revenue was brought into conſideration, it was pretended, that, as there were anticipations and charges upon it, in which many perſons were concerned, they had not time to examine that matter with due care; and therefore, by a proviſional act, they granted the king the revenue but for one year. This touched the king ſenſibly, and was ſo repreſented to him by the earl of Nottingham, that he concluded he was in the hands of perſons that did not intend to uſe him well. Nor indeed was it till the year 1698, that he could prevail to have the revenue ſettled for life.

The civil liſt for this year was ſettled at ſix hundred thouſand pounds, to be paid out of the public revenue, in which was included what was to be allowed to the queen regent, the queen dowager, the prince and princeſs of Denmark, the judges, and marſhal Schomberg, to whom the parliament had given a hundred thouſand pounds for the ſervices he had done[l]. A revenue of one million two hundred thouſand pounds a year was alſo voted to be ſettled for the conſtant neceſſary charge of ſupporting the crown in the time of peace. But before this was done, and two days after the vote of the expiration of the revenue, four hundred and twenty thouſand pounds had been granted for a preſent aid to be levied by ſix monthly aſſeſſments.

The princeſs of Denmark, depending entirely on the king for her allowance, was uneaſy that no propoſitions had been made to her of a ſettlement, nor any advance of money, ſince the king was on the throne; and therefore while the revenue was under debate, ſome of her friends moved, that a proviſion might be made for her, but being put off for that time, it was propoſed again juſt after the birth of the duke of Glouceſter, that her revenue might be advanced from thirty thouſand (which was what the king allowed her) to ſeventy thouſand pounds, which occaſioned ſome warm expoſtulations from the queen to the princeſs[m]; and as this ſum was to be paid out of the civil liſt, the motion was defeated by the king's prorogation of the parliament; nor was it, as will be ſeen, till the next year, that an act paſſed, allowing her a ſettlement of fifty thouſand a year, which occaſioned a great coldneſs between not only the king, but even the queen and the princeſs.

Whilſt the revenue was ſettling, there was one branch of it which the king had a mind ſhould be diſcharged. In his march through the weſtern counties, from his firſt landing, he had been moved to aboliſh the chimney-money, and he had promiſed to recommend it to the parliament. To this end he ſent a meſſage to the commons, acquainting them, 'that being ſenſible what a grievous burden hearth-money was to the people, eſpecially the poorer ſort, he was willing to agree either to a regulation of it, or the taking it away, not doubting but they would take care of his revenue ſome other way.' This proved to be an act of great prudence and popularity, for which the commons preſented an addreſs of thanks, expreſſed in very grateful terms, 'for this unprecedented offer for the eaſe of his people, aſſuring him, that they would make ſuch returns and be ſo careful of the ſupport of the crown, that the world might ſee, to the diſcouraging of his enemies, and ſatisfaction of all good men, that his majeſty reigned in the hearts of his people.'

But as popular as this act was, it met with ſuch oppoſition from the tories, that it ran a great hazard in the houſe of lords. They alledged, That it was the only ſure fund, which could never fail in war; ſo that money would be freely advanced upon it; and that a few regulations would take away any grievance, which might ariſe from it. But it was thought, they were not willing, that ſuch an act ſhould paſs, as would render the king acceptable to the body of the nation. It was alſo imagined, that the proſpect they then had of a ſpeedy revolution in favour of king James, made ſome of them unwilling to paſs an act, which ſeemed to lay an obligation on him, either to maintain it, or by reſuming his revenue to raiſe the hatred of the nation higher againſt him[n]. However, the act was paſſed at laſt, and this badge of ſla-

[h] Of this the preceding reigns were one continued inſtance. A gentleman, who lived in the latter end of king Charles II's reign, thus recapitulates ſome circumſtances in the houſe of commons: "I remember when eleven hundred thouſand pounds was given for building of ſhips, and not one built; and above two millions given to ſupport the triple league, and then it was preſently employed for the breaking of it; when twelve hundred thouſand pounds was given for an actual war with France, when at the ſame time we were under all the obligations for peace, and ſo continued."

[i] This appropriation of the public revenues (one of the improvements of our conſtitution at the revolution) is the great fence of our liberties, as it deprives the crown of the power of diſpoſing of theſe revenues at pleaſure, as it neceſſarily occaſions the having every article of the public ſervice diſcuſſed and approved by the parliament, and as it is made only from year to year with regard to the ſupplies of the current ſervices; ſo that without the annual meeting of the parliament, the navy, army, ordnance, and all the other wheels of the government are entirely ſtopped. By which means the meaſures of the court are continually examined, and any grievances laid open with ſuch freedom and weight, as will never ſuffer them to be long unredreſſed.

[k] The annual revenue, clear of all charges in the collection, at the time of king James II's abdication, was as follows:

	£.
1. Tunnage and poundage, with the wood-farm, coal-farm, and ſalt-farm	600,000
2. The hereditary and temporary exciſe, with the additional nine-pence for the year, ending June 24, 1689.	666,383
3. Hearth-money	245,000
4. Poſt-office	65,000
5. Wine licenſes	10,000
6. Impoſition on wines and vinegar, granted for eight years, ending June 24, 1693.	172,901
7. The impoſition on tobacco and ſugar	148,861
8. The impoſition on French linen, brandy, and ſilk	93,710
9. The ſmall branches (which before the crown-lands were ſold, amounted to 130,000l.)	60,000
Total neat revenue of the crown	2,061,855

Annual diſburſements for the public ſervices, during king James II's reign.

	£.
1. Maintenance of ſeamen, and proviſion of naval ſtores	300,000
2. Ordinary of the navy and ordnance	50,000
3. Guards and other diſciplined troops	200,000
4. Garriſons, contingencies, &c.	50,000
Total	600,000

This being deducted out of the whole revenue, there remained for his civil liſt 1,461,885l. by which he was enabled, without any other aid, to ſupport a large army, and maintain great numbers of jeſuits and prieſts of all orders. How eaſy would it have been for him to have ſucceeded in his deſigns, with a revenue that placed him above the neceſſity of applying to the parliament, had he taken proper methods, or had not the revolution intervened? Hence appears the expediency of fixing boundaries to the expences of the civil liſt, and the importance of appropriating the reſt of the public revenue to the particular ſervices of each year, and of ſubmitting an account of the application of the ſupplies for theſe ſervices, to the diſcuſſion of the parliament.

[l] The queen dowager was to have 18,209l. 15s. 4d. 1-half per annum. The judges, maſters in chancery, and judges of Wales, 13,800l. per annum. The perpetuities out of the cuſtoms, (except 100l. a year to the heirs of colonel Fairfax) amounting to 358l. per annum, were alſo to be paid.

[m] Queen Mary, it ſeems, expreſſed a great deal of diſpleaſure at this attempt, to ſettle a revenue on the prince and princeſs. Taking her ſiſter one night to talk for it, ſhe aſked her, 'What was the meaning of thoſe proceedings?' To which the princeſs anſwered, 'She heard her friends had a mind to make her ſome ſettlement.' The queen haſtily replied, 'Pray what friends have you but the king and me?' This the princeſs herſelf told the ducheſs of Marlborough with great concern and reſentment. Conduct of D. of Marlb. p. 30.

[n] By the hearth-books it appeared, that the number of houſes, in England and Wales, ſoon after the reſtoration was about 1,230,000, and reckoning ſix perſons, at a medium, to each houſe, it fixes the number of the people, at that time, to be 7,380,000.

very (as it is expreſſed in the preamble) upon the whole people was removed, which expoſed every man's houſe to be entered into, and ſearched at pleaſure by perſons unknown to him.

The friends of king James had indeed ſome reaſon to expect a revolution in his favour at this time; for now it was that the king received intelligence of his having ſailed from Breſt with a conſiderable number of French troops, in order to land in Ireland, which being communicated to the commons, the following addreſs from both houſes was preſented to the king.

"WE your majeſty's moſt dutiful and faithful ſubjects, the lord's ſpiritual and temporal, and commons aſſembled in parliament, being highly ſenſible of our late great and ſignal deliverance from popery and arbitrary power, whereof it has pleaſed Almighty God to make you the glorious inſtrument; and deſiring, to the utmoſt of our abilities, to expreſs our gratitude to your majeſty for ſo great and generous an undertaking, no leſs neceſſary to ſupport the proteſtant intereſt in Europe, than for recovering and maintaining the civil rights and liberties of theſe nations, ſo notoriouſly invaded and undermined by popiſh counſels and counſellors; and being likewiſe fully convinced of the reſtleſs ſpirits and continual endeavours of your majeſty's and the nation's enemies for the extirpation of the proteſtant religion, and the ſubverſion of our laws and liberties, do unanimouſly declare, that we will ſtand by and aſſiſt your majeſty with our lives and fortunes, in ſupporting the alliances abroad, in reducing of Ireland, and in defence of the proteſtant religion and laws of the kingdom."

To this addreſs the king returned a remarkable anſwer, ſaid to be drawn up in concert with Mr. Powle, ſpeaker of the houſe of commons.

My lords and gentlemen:

"IF any thing could add to the eſteem and affection I have for parliaments, and particularly for this, they would be much increaſed by the kindneſs you ſhew to me, and the zeal you expreſs for the public good, in the addreſs you have made, which in the manner as well as the matter has every thing in it, that ought to recommend it to me.

"I will aſſure you, that I will never abuſe the confidence you have put in me, being fully perſuaded, that there is no ſure foundation of a good agreement between a king and his people, but a mutual truſt; when that is once broken, a government is half diſſolved.

"It ſhall be therefore my chief care never to give any parliament cauſe to diſtruſt me; and the beſt method I can uſe for that purpoſe, is never to expect any thing from them, but what ſhall be their own intereſt to grant.

"I came hither for the good of the kingdom; and ſince it is your deſire that I am in this ſtation, I ſhall purſue the ſame ends that brought me.

"God has been pleaſed to make me inſtrumental to redeem you from the ills you feared; and it is ſtill my deſire, as well as my duty, to ſerve you in your religion, laws, and liberties; which was the only inducement, that brought me into England; and to theſe I aſcribe the bleſſings, that have attended this undertaking.

"When I ſpoke laſt to you, I told you of the neceſſity of aſſiſting our allies, and more eſpecially the ſtates of Holland, whoſe readineſs to relieve you, at ſo great a hazard and expence, from the extremities you lay under, needs no other argument to move you to the conſideration of it.

"As I was then a witneſs of their zeal and affection to promote the expedition, and to ſecond my endeavours, even with the neglect of their own ſafety; ſo I am now ſenſible of the inevitable ruin, they have drawn upon themſelves in giving you their aſſiſtance, if you ſhould not return it to them.

"They have really exhauſted themſelves to ſuch a degree, both as to men and money, that it is not eaſily to be imagined; and I am confident your generoſity will have as little bounds towards them, as theirs had towards you; and that you will not only enable me to make good the treaty with them, and repay what they have actually laid out upon this occaſion, (of which an account ſhall be given you) but that you will further ſupport them, to the utmoſt of your ability, againſt the power of their enemies, who muſt be yours too by their intereſt, and their religion, and do certainly deſign the ruin of Holland to be a ſtep to your deſtruction.

"I need not take pains to tell you the deplorable condition of Ireland, which, by the zeal and violence of the popiſh party there, and by the aſſiſtance and encouragement they have from France, is brought to that paſs, that it is not adviſable to attempt the reducing of it but by a conſiderable force; which, I think, ought not to be leſs than twenty-thouſand horſe and foot, which, by the bleſſing of God, will make the work ſhorter, and in conſequence the charge eaſier, though the firſt expence muſt of neceſſity be very great.

"You are to conſider, that towards the moſt ſpeedy and effectual ſucceſs in relation to Ireland, as well as with regard to France, there muſt be ſuch a fleet, as may, in conjunction with the ſtates, make us ſo entirely maſters of that ſea, that nothing may be ſent from France to Ireland, or any where elſe, that may give diſturbance to us or our allies.

"I muſt alſo recommend to you the conſideration of the revenue to me, that it may be ſo ſettled, as that it may be collected without diſpute.

My lords and gentlemen,

"These things will amount to a great ſum, and muſt of conſequence be a preſent weight upon the people: but conſidering neither your religion nor your ſafety can probably be ſecured without theſe means, I conclude, nothing can be too great a price for their preſervation. And I will engage my ſolemn word to you, that whatever you ſhall give to theſe public ends, ſhall be ſtrictly applied to them; and that as you ſo freely offer to hazard all that is dear to you, ſo I ſhall as freely expoſe myſelf for the ſupport of the proteſtant religion, and the ſafety and honour of the nation."

The king had a juſt ſenſe of what the ſtates of the United Provinces had done towards the preſervation of the religion and liberties of England. He had, the very day of his advancement to the throne, ſent them a letter to aſſure them, "that his new dignity, inſtead of diminiſhing the affections he ever had, and the care he ever took, for the preſervation and proſperity of their republic, would only ſerve to enable him to diſcharge his office of ſtadtholder, with more weight and ſucceſs, towards the good and advantage of their ſtate; and that during his reign, he would make it his conſtant buſineſs and endeavour, to eſtabliſh and maintain a perfect intelligence, alliance and inviolable friendſhip, between his kingdoms and the united provinces, for the ſafety, welfare, and repoſe, of both eſtates; and the ſupport of the proteſtant religion." As the king therefore thought it highly reaſonable, that the ſtates ſhould be repaid, as ſoon as poſſible, what they had laid out in his expedition; he took all occaſions to put the commons in mind of it, and particularly in this ſpeech; purſuant to which, an account of the charges of the expedition was indeed taken, and the ſum of ſix hundred thouſand pounds voted for that purpoſe, but it was not till the end of the ſeſſion, that a fund was ſettled for raiſing the money [o].

After the revenue, an attempt was made concerning the militia. A bill was prepared for ſettling it in ſuch a manner, that the management of it would, in a great meaſure, be taken both from the king, and from the lord lieutenants. Theſe

[o] The account of the charges laid out by the Dutch in this expedition, was as follows:

	£.	s.	d.
The charges of the fleet — — —	2,288,464	0	0
Proviſions for the horſe, &c. — —	186,000	0	0
Freight of the merchant-ſhips, — —	1,245,000	0	0
Freight of fiſhing-boats for landing the foot, and loſs of them — — — —	47,888	0	0
Pay to general officers of all ſorts — —	1,615,989	6	8
Payment of the horſe and dragoons ———	391,420	12	6
Payment of the foot — — —	531,205	14	8
Levy-money and other incidents — —	250,000	0	0
Carts and waggons — — —	169,911	0	0
Loſs of two ſhips, proviſions when the fleet was driven back, wrecks, charges of the artillery and hoſpital, French proteſtant officers, quarters, horſes to make good the loſs in the ſtorm, &c. — —	2,275,453	7	10
Total	7,301,332	1	8

This account looks as if it was drawn for ſo much ſterling; but by the particulars, and by the ſum granted by the parliament for its diſcharge, it is plain, it muſt be for ſo many guilders, which at one ſhilling and tenpence halfpenny each, were equivalent to about 686,500l. ſterling at that time.

being

being generally peers, a bill that ſo much leſſened their authority, could not but be obſtructed in the houſe of lords; accordingly, it was ſuffered to lie on the table. By this proceeding, which was chiefly promoted by the whigs, as well as by that of the revenue, the king came to think, that thoſe who had raiſed him to the throne, intended to depreſs his power, as much as they had exalted his perſon. He ſeemed to grow jealous of his prerogatives, the importance of each being aggravated by the earl of Nottingham, who had given him a ſcheme of all the particular points, and their dependence one on another. He was ſo poſſeſſed with the earl's repreſentations, that many of thoſe who had formerly moſt of his confidence, found a coldneſs growing upon him, which increaſed their diſguſt; and made them apprehend, they ſhould ſee another reign full of prerogative maxims.

As the whigs were diſappointed in their militia-bill, ſo they could not be brought to another point, though often preſſed to it by the king. This was an act of indemnity, which with proper exceptions of ſome criminals, the king thought would very much ſettle the minds of the nation. Accordingly the king ſent a meſſage to each houſe, expreſſing his earneſt deſire that they would prepare a bill, for a general pardon; with ſuch exceptions only, as to them ſhould ſeem neceſſary for the vindication of public juſtice, in order to free great numbers of people from the guilt, reproaches and penalties, they were liable to. But how zealous ſoever the king was for an act of indemnity, the warmeſt of the whigs would not promote it. They thought it beſt to keep many under the laſh; they intended ſevere revenges for the blood, that had been ſhed, and for the many unjuſt things, which had been done in the end of king Charles II's reign. They ſaw, that the clogging the indemnity with many comprehenſive exceptions, would create king James a great party; ſo they did not think proper to offer at that: Yet they reſolved to keep them ſtill in their power, till a better opportunity of falling on them ſhould offer itſelf. They proceeded therefore ſo ſlowly in the affair, that the bill could not be brought to a ripeneſs during this ſeſſion. It is true, the great mildneſs of the king's temper, and the gentleneſs of his governmet, which was indeed rather liable to cenſure, as being too remiſs, ſet people's minds much at eaſe. And if it gave too much boldneſs to thoſe, who began to ſet up an open oppoſition to him, yet it gained upon the greater part of the nation, who ſaw none of thoſe moving ſpectacles, that had been ſo common in former reigns; and all promiſed themſelves happy days under ſo merciful a prince. But angry men put a wicked conſtruction on the earneſtneſs the king ſhewed for the act of indemnity: they ſaid, he intended to make uſe of a ſet of prerogative men, as ſoon as he legaliy could; and that therefore he deſired the inſtruments of king James's illegal government might be once ſecured, that ſo he might employ them. The earls of Monmouth and Warrington, were infuſing jealouſies of the king into their party, with the ſame induſtry, that the earl of Nottingham was, at the ſame time, inſtilling into the king jealouſies of them; and both acted with too much ſucceſs, which brought great confuſion into the courſe of affairs. For though the earls of Shrewſbury and Devonſhire did all they could to ſtop the progreſs and effects of thoſe ſuſpicions, with which the whigs were poſſeſſed, yet they had not credit enough to do it.

The next thing of importance was to paſs an act, for declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown (as had been agreed by the convention) to the king and queen and their iſſue, and after them to the princeſs Ann and her iſſue, and after them, to the king and his iſſue, by another queen. Accordingly a bill was ſent up by the commons to the lords, for that purpoſe; with a clauſe diſabling all papiſts from ſucceeding to the crown, to which the lords added, or ſuch as ſhould marry papiſts. To this was propoſed by the biſhop of Saliſbury, an additional clauſe abſolving the ſubject, in that caſe, from allegiance. This was ſeconded by the earl of Shrewſbury, and it paſſed without any oppoſition or debate. That prelate was ordered by the king to propoſe the naming of the princeſs Sophia, ducheſs of Hanover, and her poſterity, next in the ſucceſſion; the king ſignified his pleaſure in this alſo to his miniſters. The duke of Hanover was now changing his former meaſures, and ſeparating himſelf from the intereſts of France. The lords agreed to the propoſition, and, amongſt other amendments of the bill, added a proviſo in the princeſs Sophia's favour. The bill thus amended was returned to the commons, where it occaſioned great debates, and the houſe diſagreed to the lords proviſo. Mr. Hampden preſſed it vehemently, but the tories and alſo Wildman, and all the republican party oppoſed it. Their ſecret reaſon ſeemed to be a deſign to extinguiſh monarchy, and therefore to ſubſtitute none beyond the three who were named, that ſo the ſucceſſion might quickly come to an end. But it not being decent to own this, all that they pretended was, that there being many in the lineal ſucceſſion, after the three that were named, who were then of the church of Rome, the leaving to them the poſſibility to ſucceed, upon their turning proteſtants, might have a good effect on them, and diſpoſe them to hearken to inſtruction; all which would be defeated by a declaration in favour of the houſe of Hanover, beſides, that the mentioning that houſe would give an opportunity to foreigners of intermedling too far in the affairs of the nation; and that a parliament of England had never determined the degrees of ſucceſſion beyond two or three perſons. The king, who wiſhed nothing more earneſtly than to ſee the crown ſettled in the proteſtant line, uſed his utmoſt endeavours to bring the commons to a compliance with the lords, declaring in council, that his queen, and both the prince and princeſs of Denmark, deſired it as well as himſelf. The lords likewiſe warmly inſiſted on their clauſe, alledging 'That though in the inſtrument offered to the king and queen, the limitation went no farther than to their perſons; yet in law, which has reſpect to all ſucceeding ages, and that ſettles for ever the liberties of the ſubject, they thought it reaſonable to carry the limitation of the ſucceſſion of the crown farther than was neceſſary in that inſtrument, in which the crown was offered to their majeſties, and that had no other view but of the ſucceſſion of their poſterity. 2. That they could ſee no danger, nor any ill conſequence, that might follow a farther limitation, but very much to the contrary. For, this ſecured the nation effectually from the danger of having a papiſt to reign in it at any time hereafter, ſince of ſuch a number of papiſts, as ſtood next the crown in the lineal ſucceſſion, ſome might be prevailed on to make a ſhew of changing their religion, if they had a proſpect of ſucceeding to the crown upon it; and no danger being ſo great as the having one, who is a pretended proteſtant, but in truth a concealed papiſt, to reign over us; the moſt effectual way to ſecure our religion, was, to declare the ſucceſſion in a family, that was known to be proteſtant. In the next place, it was the intereſt of England, at preſent, to do right to that great houſe, by limiting this ſucceſſion according to the proviſo. For ſince this limitation had been propoſed, if it ſhould be now laid aſide, it would look like excluding that houſe, which might provoke them to take a reſolution, that might be of great prejudice to the nation in this preſent conjuncture.'

Theſe reaſons being communicated to the commons, ſeveral conferences were held between the two houſes, but to no effect; for both houſes adhered, and the bill, after depending two months, was dropt on the birth of the duke of Glocetter, ſon of the prince and princeſs of Denmark, born the 27th of July, and chriſtened William; the king, and the earl of Dorſet (ſtanding for his Daniſh majeſty) being godfathers, and the marchioneſs of Halifax godmother. The birth of this prince greatly contributed to diſſipate the fears of a popiſh ſucceſſor. Though the bill of rights was thus laid aſide for the preſent, it was reſolved to reſume it at the opening of the next ſeſſion, the ſucceſs of which ſhall be mentioned here, to put an end to this matter at once. When the time came, the king did not think it convenient to renew the motion of the princeſs of Hanover, and ordered the biſhop of Saliſbury to acquaint her with all particulars. It was proper to have a bill paſſed, that enacted the excluſion of all papiſts. For by that means, the ſucceſſion was in a manner brought to her door. And if any in the line before her ſhould pretend to change, as it was not very likely to happen, ſo it would not be eaſily believed. Wherefore it was reſolved to carry the ſucceſſion no farther at this time. The bill paſſed the commons, without any oppoſition; and being ſent to the lords, they juſtly conſidering how far king James had gone towards introducing the popiſh religion into the nation, took ſpecial care to prevent the like for the future, by adding a clauſe to the bill, 'That the kings and queens of England ſhould be obliged, at their coming to the crown, to take the teſt in the firſt parliament that ſhould be called at the beginning of their reign; and that if any king or queen of England ſhould embrace the Roman catholic religion, or marry with a Roman catholic prince or princeſs, their ſubjects ſhould be abſolved of their allegiance; and that the crown and government of theſe realms ſhould from time to time deſcend to, and be enjoyed by ſuch perſons, being proteſtants, as ſhould have inherited the ſame, in caſe the ſaid perſons ſo reconciled to the church of Rome, or marrying a papiſt as

aforeſaid,

aforeſaid, were naturally dead.' This remarkable clauſe paſſed without any oppoſition or debate, which conſidering the great importance of it, was very ſurpriſing; and being agreed to by the commons, the whole bill was at laſt preſented to the king for the royal aſſent. This act rehearſes not only the foregoing clauſe, but the whole declaration of the rights and liberties of the ſubject, offered on the 13th of February to their majeſties, and eſtabliſhes them to be the rights and liberties of the people of England; recognizes that king James II. having abdicated the government, their majeſties are king and queen; ſettles the ſucceſſion, and obliges every king and queen, at the time of their taking the coronation-oath, to ſubſcribe, and audibly repeat the declaration of the 30th of Charles II; and enacts, that no diſpenſation by non-obſtante, of or to any ſtatute ſhall be allowed, unleſs mentioned in ſuch ſtatute [p].

By theſe acts the new ſettlement in England was compleated, as far as the enemies to the revolution would permit. For that the conſtitution was not brought to greater perfection; that the declaration of rights was not more full and proportionable to the importance of the occaſion, and favourable circumſtances of the conjuncture; and that all grounds of political and religious diviſions were not removed; was entirely owing to faction, diſcontent, prejudice, diſappointment, and the like. Whilſt the event of things was uncertain, men remained under the full influence of their fears, which made them act contrary to their prejudices. But when the revolution was ſecure, and theſe fears calmed, theſe prejudices reſumed their former power, and made them argue and reaſon in contradiction to what moſt of their leaders had acted. This has already appeared, and will more fully appear in the courſe of the hiſtory [q].

It is now time to turn to Scotland, and ſee by what ſteps and how far the revolution was eſtabliſhed in that kingdom. After that, the affairs of Ireland will require the reader's attention.

As to the affairs in Scotland [r] at this time, it will be proper to premiſe, that the declaration which the prince of Orange

[p] It may not be amiſs to repeat here the rights and liberties which by this act are eſtabliſhed.

" 1 That the pretended power of ſuſpending of laws, or execution of laws, by regal authority, without conſent of parliament, is illegal.

" 2. That the pretended power of diſpenſing with laws, or the execution of laws, by regal authority, as it hath been aſſumed and exerciſed of late, is illegal:

" 3. That the commiſſion for erecting the late court of commiſſioners for eccleſiaſtical cauſes, and all other commiſſions and courts of the like nature, are illegal and pernicious.

" 4. That the levying of money for or to the uſe of the crown, by pretence or prerogative, without grant of parliament, for longer time, or in any other manner than the ſame is, or ſhall be granted, is illegal.

" 5. That it is the right of the ſubjects to petition the king, and all commitments and proſecutions for ſuch petitioning, are illegal.

" 6 That the raiſing or keeping a ſtanding army within the kingdom in time of peace, unleſs it be with conſent of parliament, is againſt law.

" 7. That the ſubjects, which are proteſtants, may have arms for their defence, ſuitable to their condition, and as allowed by law.

" 8. That election of members of parliament ought to be free.

" 9. That the freedom of ſpeech, and debates or proceedings in parliament, ought not to be impeached or queſtioned, in any court or place out of parliament.

" 10. That exceſſive bail ought not to be required, nor exceſſive fines impoſed, nor cruel and unuſual puniſhments inflicted.

" 11. That jurors ought to be duly impannelled and returned; and jurors which paſs upon men in trials for high-treaſon, ought to be freeholders.

" 12. That all grants and promiſes of fines and forfeitures of particular perſons, before conviction, are illegal and void.

" 13. And that for redreſs of all grievances, and for the amending, ſtrengthening, and preſerving of the laws, parliaments ought to be held frequently."

[q] It was at this time ſuggeſted in all companies, that the preſent ſettlement was illegal and unjuſtifiable: that king James would ſhortly return with a powerful army, and ſettle things on a right foundation: that the intereſt of the church of England was involved with that of king James, and the one could not ſubſiſt without the reſtoration of the other. As theſe inſinuations were countenanced by ſome of the clergy, biſhop Burnet wrote a paſtoral letter to thoſe of his dioceſe, concerning the allegiance due to king William and queen Mary, in which, among other topics, he uſes that of the right of conqueſt, which had been always declined by the king, who choſe to receive the crown by the determination of the people, as more agreeable to his declaration. This paſtoral letter (with another of Charles Blunt, more full to the ſame purpoſe) was burnt three years after, by order of the parliament then ſitting. A little before the publication of the biſhop's letter, a libel was diſperſed by the diſaffected, called, 'A Short Hiſtory of the Convention, or New-Chriſtened Parliament,' againſt which a proclamation was iſſued, May 7, promiſing the reward of a hundred pounds for the diſcovery of the author, printer, or publiſher.

[r] The earl of Belcarras, who was a very zealous oppoſer of the revolution, has written 'An Account of the affairs of Scotland relating to the Revolution in 1688, as ſent to the late king James II. when in France, which was firſt printed in London in 1714 in 8vo.' From this piece it will be proper to make ſome extracts in theſe notes, in order that they may be be compared with the other accounts of the ſame facts given in the body of this hiſtory. " Never king, (ſays he) ſucceeded to a crown or throne more with the love and eſteem of his ſubjects than your Majeſty did generally to all Scotland, of all profeſſions; nor could any thing have diſturbed your happy reign, but the jealouſies and fears that were induſtriouſly ſpread abroad, as if you had deſigned, by giving a general liberty of conſcience, to ruin the religion then eſtabliſhed. If that had not been too much believed, and the fears of again encouraging by ſuch a liberty the fanatics, then almoſt entirely ruined, there would have been few, that would have refuſed to comply with all your majeſty's demands in parliament. But the fears of bringing back the fanatic party, then ſcattered through the world, that were always lying in wait for every opportunity to ruin the monarchy, and all thoſe who were faithful in it, made even your faithfuleſt ſubjects comply but with an unwilling mind, conſidering, that ſuch a toleration would again ſet up a party, that had coſt ſo much care, time, and treaſure, to deſtroy.

" The earl of Murray not ſucceeding in that parliament, becauſe of theſe apprehenſions, and his ſmall ſkill in managing ſuch an affair, where there were ſo many intereſts to unite; your majeſty diſſolved that parliament, and iſſued out a proclamation of indulgence and toleration to all perſuaſions.

" This put the epiſcopal clergy in ſuch a rage, that they could not conceal it neither in diſcourſes nor pulpits: and the preſbyterians grew ſo inſolent with it, upon the letter your majeſty wrote to them, then aſſembled at Edinburgh, wherein you told them your predeceſſors had been ſevere, and ruined ſeveral of them, but they might be confident of your protection againſt all their enemies.

" This and the earl of Meltfort's employing James Stuart to draw moſt of the public papers ſent down, who was known to be a profeſſed and inveterate enemy to the crown and their order, made the epiſcopal clergy at that time ſay and do many things, which afterwards they heartily repented, when it was too late; for their diſlike of the greateſt part of the nation, and their jealouſy misfortunately meeting with the inveterate malice of the preſbyterians, gave the greateſt advantage that could have been wiſhed for to the unbounded ambition of the prince of Orange; for nothing ever made him make ſo bold an attempt, but theſe diviſions, and the jealouſies that were induſtriouſly ſpread abroad, few being ſatisfied. The epiſcopal clergy or party, out of fear to loſe what they had long poſſeſſed; and though the preſbyterians for a few months firſt after the getting their liberty ſeemed ſatisfied, yet ſome grew as malicious as ever, being diſappointed of getting the government into their hands, as they hoped, and a revenge on their enemies.

" The order your majeſty ſent down commanding all in any office, either civil or military, to give up their commiſſions, and take up new ones, without taking the teſt; this made all employments liable to ſeveral penalties of the laws, and occaſioned a great conſternation; but not near to what by another order all in employments were commanded to take out remiſſions for breaking of the laws, which they had done by your majeſty's command, by which they thought themſelves ſufficiently warranted; as may appear by a letter the council ſent to your majeſty, wherein not only they, but the judges gave it as their opinion, that your majeſty's giving a commiſſion was ſufficient to hinder any being liable to the law, eſpecially conſidering, that the penalty was due to yourſelf. But notwithſtanding this advice, a ſevere proclamation was ſent down by the earl of Melfort, that all ſhould take out theſe remiſſions in three months, and pay for them three pounds ſterling to himſelf, and twenty pounds to James Stuart, who was to give them out; and ſuch as did not take them out, to be purſued for breach of law, and to be rendered incapable for ever thereafter of your mercy. This was thought very hard, even by the moſt loyal of your ſubjects, to be paying for ſuch remiſſions, and eſpecially to be giving ſo much to Mr. Stuart, that had but ſome months before got a remiſſion for plotting and contriving againſt your majeſty and government, and was generally believed at that time, by all that wiſhed well to your majeſty's government, to be under-hand betraying it. Nor have their apprehenſions been falſe; for ſince the revolution he has bragged to hundreds, that he gave ſeveral advices, deſignedly to ruin it, and to advance the intereſt of his friends.

" When firſt this order was read in council, all were ſilent; but next day a repreſentation was ſent up to your majeſty, both by the council and ſecret committee, to ſhew how inconvenient it would be, if ſuch an order were proclaimed; nor was there any man more againſt it than your chancellor, (the earl of Perth) and thoſe you truſted moſt. Your majeſty was pleaſed, on theſe repreſentations, to diſcharge its being preſſed; but it gave ſuch bad impreſſions of ſome, who were employed, that nothing will ever take it off; and it was generally believed, that nothing but your majeſty's own goodneſs could have hindered a thing, that would have been ſo advantageous to the contrivers, though diſhonourable to all that ſerved you. Nothing vexed the epiſcopal clergy more at that time, than to ſee ſome fanatics put both into council and ſeſſion; but all theſe diſcontents were but like ſmothered fire, until the birth of the prince of Wales, which afterwards broke out more violently; for, after that, ſeveral of the epiſcopal clergy were ſo far miſled, that they left off in a few weeks the praying for the prince of Wales, and were ſo apt, not only to believe the moſt calumnious reports of that time, but to inſinuate in their people fears of popery and arbitrary government; which did no ſmall prejudice, and made many, that have appeared ſince of a far different temper, extremely ſatisfied at the noiſe of the prince of Orange's coming over, being ſo weak as to believe he had made ſuch an attempt only to ſecure the laws, and to relieve them of their fears. But theſe diſcontents of the epiſcopal party, though they cannot be juſtified, yet they proceeded from jealouſies more than any ill deſign againſt your majeſty's government. But the preſbyterians being encouraged from their friends in England, and the rebels, who fled into Holland, growing then more inſolent than ever, being put in hopes again, by another way, of getting entirely the government into their own hands, and a revenge on their enemies, which were the two things they ſo long wiſhed to have an opportunity for, but would never have attained the ſame, if the indulgence granted them had not brought them together from the Weſt-Indies, ſo that they appeared in far greater numbers, than could well have been believed to be yet remaining after ſo long a tract of diſcouragement, they not only were joined together, but many, that never were of that profeſſion before, joined with them, as all the diſcontented of the nation have ever done ſince the revolution; making religion always the pretext of gaining their other ends.

" The jealouſy of the catholics did not a little heighten the diſcontents of both theſe parties likewiſe; and though they were not ſo afraid of them as of each other, becauſe of their ſmall number; yet with very uneaſy eyes they beheld them coming into the chief poſts both in civil and military employments. And though the preſbyterians, by the liberty granted to all, had their ſhare; and were alſo admitted into employments, which they had never before, but when neceſſity compelled former kings; yet they were

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had cauſed to be diſperſed in Scotland, had a great deal of influence upon the body of the people. But the biſhops and epiſcopal clergy being devoted to the court, had been drawn in to a more than ordinary profeſſion of adherence to king James. For upon the news of the prince's expedition, they were induced to write the following letter to the king:

May it pleaſe your moſt ſacred majeſty,

"WE proſtrate ourſelves to pay our moſt devote thanks and adoration to the ſovereign majeſty of heaven and earth, for preſerving your ſacred life and perſon, ſo frequently expoſed to the greateſt hazards, and as often delivered, and you miraculouſly proſpered with glory and victory, in defence of the rights and honour of your majeſty's auguſt brother, and of theſe kingdoms; and that by his merciful goodneſs the raging of the ſea, and madneſs of unreaſonable men, have been ſtilled and calmed; and your majeſty, as the darling of heaven, peaceably ſeated on the throne of your royal anceſtors, whoſe long, illuſtrious, and unparallelled line is the greateſt glory of this your antient kingdom.

"We pay our moſt humble gratitude to your majeſty for the repeated aſſurances of your royal protection to our national church and religion, as the laws have eſtabliſhed them; which are very ſuitable to the gracious countenance, encouragement, and protection, your majeſty was pleaſed to afford to our church and order, whilſt we were happy in your preſence among us.

"We magnify the divine mercy in bleſſing your majeſty with a ſon, and us with a prince, whom we pray heaven may bleſs and preſerve, to ſway your royal ſceptres after you; and that he may inherit, with your dominions, the illuſtrious and heroic virtues of his auguſt and moſt ſerene parents.

"We are amazed to hear of the danger of an invaſion from Holland, which excites our prayers for an univerſal repentance from all orders of men, that God may yet ſpare his people, preſerve your royal perſon, and prevent the effuſion of chriſtian blood; and to give ſuch ſucceſs to your majeſty's arms, that all, who invade your majeſty's juſt and undoubted rights, and diſturb or interrupt the peace of your realms, may be diſappointed, and cloathed with ſhame, ſo that on your royal head the crown may ſtill flouriſh.

"As, by the grace of God, we ſhall preſerve in ourſelves a firm and unſhaken loyalty; ſo we ſhall be careful and zealous to promote in all your ſubjects an intrepid and ſtedfaſt allegiance to your majeſty, as an eſſential part of their religion, and of the glory of our holy profeſſion; not doubting, but that God, in his great mercy, who hath ſo often preſerved and delivered your majeſty, will ſtill preſerve and deliver you, by giving you the hearts of your ſubjects, and the necks of your enemies. So pray we, who in all humility are, &c. [s].

EDINBURGH, Nov. 3, 1688.

This letter was fatal, not only to the Scotch biſhops, but even to epiſcopacy itſelf in Scotland; for the diſtinction was very apparent, the preſbyterians fell in with the revolution [t],

ſo far from being thankful for it, that both in their pulpits and converſation they openly declared, they thought themſelves nothing obliged to any toleration they had, it being given to introduce the catholics, and ruin proteſtants among themſelves. Nor were theſe jealouſies and apprehenſions only among the clergy; for after your majeſty had given warrant to the chancellor, viſcount of Tarbat, and myſelf, to enquire of all the officers of ſtate, judges, and officers of the army, their opinion and conſent for taking off the penal laws and teſts; moſt of them, though they conſented to it, yet had ſuch a cruel apprehenſion of other things further to be preſſed upon them, that it made them extremely uneaſy. And the turning out ſir George Mackenzie from being your advocate, and the lord Harruſs and Edmiſtoun from the ſeſſion, for refuſing to conſent to what was offered, heightened extremely the humour; for they were eſteemed of the greateſt integrity and learning of that judicatory; and it ſeems not without reaſon; for though they were humourous, yet after, and ſince the revolution, they both behaved themſelves exactly well, and refuſed all the offers of employment which were made them.

"Except for theſe fears and jealouſies that were ſpread like a plague through the land; and the too covetous taking of money by ſome of your ſervants (but that I will not meddle with, being reſolved to ſay nothing here but what conſiſts with my own knowledge) all other things in the government were as eaſy, and managed with as much juſtice as was ever known in any age. For never was a treaſury and exchequer more favourable in all ſorts of compoſitions, which your majeſty allowed us to do; nor was there ever before in the council or ſeſſion more juſtice and quick diſpatch of buſineſs, nor ſoldiers better paid, and with leſs trouble in the country; which the worſt of your enemies muſt acknowledge."

[s] This letter was ſigned by,

The lord archbiſhop of St. Andrews.
The lord archbiſhop of Glaſgow.
Lord biſhop of Edinburgh.
Lord biſhop of Galloway.
Lord biſhop of Aberdeen.
Lord biſhop of Dunkell.
Lord biſhop of Brechen.
Lord biſhop of Orkney.
Lord biſhop of Murray.
Lord biſhop of Roſs.
Lord biſhop of Dunblain.
Lord biſhop of the Iſles.

This letter was publiſhed in the Gazette at London as a pattern for the Engliſh biſhops, but they did not think fit to copy it.

[t] Lord Belcarras gives the following account of the circumſtances of the revolution in Scotland. "In this condition [mentioned in the preceding note] was the kingdom till September 1688, when your majeſty ſent down an expreſs to your ſecret committee, which conſiſted of your chancellor, marquis of Annandale, viſcount Tarbat, archbiſhop of Glaſgow, ſir George Lockhart, and myſelf, to let us know, you expected an invaſion from Holland; which at firſt was thought by the generality of the nation to be abſolutely impoſſible, and only a pretext to raiſe money, or draw the army together for other deſigns, which added ſtill to former jealouſies. But theſe miſtaken fears were quickly ſuppreſſed, when they knew of ſuch preparations, as your majeſty was making in England, and were likewiſe affirmed by ſeamen coming daily from Holland of great preparations there, and noiſe of a war quickly to break out. Your majeſty's council appeared all of them ready and willing to concur in every thing, that could be offered for making the nation as capable as could be for ſerving you. And it ſeemed for a time the noiſe of foreign war had baniſhed their jealouſies and fears from among them; and from all quarters of the country the gentlemen and burgeſſes ſent to the council new offers of duty. The militia was ordered to be raiſed and modelled to a fourth part; and the forty days pay, which the country is obliged to of the whole, would have paid this fourth part ſix months. The caſtles of Edinburgh, Stirling, &c. furniſhed the gentry modelled into troops with arms, and orders were ſent to the chiefs of the Highland clans, to have their men in readineſs; which with the ſtanding forces would have made a conſiderable army.

"On the firſt notice of the invaſion, captain Mackay, nephew to the major-general, was taken up upon ſuſpicion of having laid down his employment in Holland, to be the better able to ſerve the prince of Orange in what he intended; which was reaſonable to believe by a letter found upon him, written by himſelf to his uncle, wherein he expreſſed great affection to the ſervice of the prince of Orange, and deſired his uncle to let him know, that though he had quitted his ſervice, yet he hoped, in the condition he was now in, he could be more uſeful; which he was willing to do with the hazard of his life; and that he wanted only to know how he might put his intention in execution. He was examined by a ſecret committee ſeveral times, but gave his oath frankly, he knew nothing of any deſign, nor meant nothing by theſe expreſſions but a compliment to the prince, who had concerned himſelf in getting him a rich marriage. But after the prince of Orange's coming over, he bragged of knowing all the deſign, and valued himſelf for ſwearing frankly rather than diſcover.

"There was likewiſe taken one Blackadder, a doctor of phyſic, who was ſent over by the baniſhed lords and gentlemen in Holland, to encourage their friends, and give them an account of the inclinations and affections of the people to the prince of Orange's intereſt. The only traffick that could be made out againſt him (for he likewiſe would diſcloſe nothing, but rather perjure himſelf of what he knew) was betwixt lord Murray, ſon to the marquis of Annandale, and one Murray of Tippermoore. For by a letter taken on him from Mr. Murray to the lord Murray, he told him he had delivered his meſſage to the prince of Orange, who received it very kindly, and deſired Blackadder to give him an account weekly of all that paſſed, and to let him know, how the nation ſtood affected to the prince of Orange. More might certainly be known from the doctor, if the marquis of Annandale, who had been laying in wait from the firſt noiſe of the invaſion, for a pretext to appear diſcontent, had not taken this opportunity. He complained highly, that any, who belonged to him, ſhould be ſuſpected; and that all the work made againſt Blackadder, was only deſigned againſt his family. So, to ſatisfy him, the doctor was no farther meddled with, that he might not have the leaſt ground, at ſuch a time, to complain. But all this did not ſatisfy him; for in all meetings, both in ſecret committee and council, he affected an air chagrin and diſcontent; though, to pleaſe him, we were too indulgent to his humours. Yet a little while after pretending ſickneſs, he retired into the country, until he was aſſured of the landing of the prince of Orange; and then he returned and acted a part more to the prejudice of your intereſts, than the moſt inveterate of your enemies was then able to do. The chief reaſon he gave for his diſcontent, was family piques betwixt him and the earl of Perth, and fears of his doing him ill deeds. But it was known to all the nation, that his hopes of advancing his intereſt by the prince of Orange, on the account of his relation by his lady, was the chief motive of all his actions, or at the leaſt, by his ſeeming diſcontent with the preſent government, he thought he would ſecure himſelf of all that your majeſty had beſtowed on him too prodigally. After he withdrew, every thing went on ſmoothly in council; and even the Weſtern and fanatic gentry were contending for employments in the militia troops; but by what afterwards appeared, it was with a deſign to betray.

"Nor was there any of them more forward in offering their ſervice than ſir James Montgomery, though at the ſame time he was aſſiſting the lord Lorn to borrow a conſiderable ſum of money to carry him to Holland. The reaſon given for borrowing this money, was to make a preſent to the counteſs of Melfort; nor could they have found a pretext that would have paſſed more eaſily; for it was reaſonably believed; otherwiſe, the lending ſuch a ſum by ſuch diſaffected perſons, at ſo critical a time, could not have miſſed to be ſuſpected, and his journey ſtopped. One Mr. Campbell was ſent over by the lord S——, to invite him over by warrant from the prince of Orange, but I believe told little of the deſign, though ſir James bragged after the revolution, of his knowing all, and of his having meſſages from the prince of Orange, but was contradicted by all, who were intruſted in it, who were few enough. This was the firſt appearance of ſir James Montgomery; nor had he any manner of influence, except with ſome few of the moſt bigoted fanatics, who had made a party, and exclaimed againſt the reſt of their profeſſion for accepting of the indemnity, or taking any favour from the government; nor would any thing pleaſe them, nor could any ſix of them agree, being left to their diſcretion. But notwithſtanding theſe diviſions, all parties kept within bounds, till the calling away of the ſtanding forces, when the government was left bare, and at the diſcretion of their enemies.

"About the beginning of September your majeſty ordered the earl of Perth to let you know, how the preſbyterian miniſters intended to behave

and the epiſcopal party uſed their utmoſt endeavours to obſtruct and oppoſe it. Hence, upon the news of king James's being withdrawn, the lord chancellor (the earl of Perth) reſigned immediately the great ſeal, and endeavoured to eſcape into France, but being taken was confined in Stirling caſtle; and the populace of Edinburgh inſulted, not only the papiſts, but

themſelves at the juncture, judging, as they behaved, their followers would follow their example. But he believed very juſtly, that they would not uſe freedom with him, deſired me to employ ſome perſon to try their pulſe. Sir Patrick M—— was one then, that had not attached himſelf apparently to any party, but was generally well with all parties. I deſired him to go to ſome of the leading men, that were then aſſembled in town, and tell them, from whom he was ſent, and that your majeſty, conſidering the many favours you had ſhewn them, expected they would now ſhew their gratitude in influencing their people to join heartily againſt the unnatural invaſion; and that, according to their preſent behaviour, they might expect favour and protection from you for the future. They anſwered him dryly, they were but a few then, but in a fortnight there would be a general meeting of them all; that then they doubted not but they would give your majeſty ſatisfaction, with ſuch anſwers. When the time came, they put off giving any poſitive anſwer, until they had new aſſurances from their friends in Holland, and were made high with expectations, that the prince of Orange would put all the government both of church and ſtate in their hands: and then they ſent me word by ſir Patrick M——, that they owned God had made the king an inſtrument of ſhewing them ſome favour; but ſince they were convinced, that what favour was ſhewn them, was only with a deſign to ruin the proteſtant religion, they would meddle no more with him, nor have any communion with any that belonged to him, eſpecially ſince he had employed in the chief offices papiſts or perſons popiſhly inclined; and ſo deſired to be excuſed from giving any further anſwer, but that they would behave in this juncture as God would inſpire them. This anſwer ſhewed plainly, what was to be expected from them; and from that time forward, both they and the gentry of their party took little pains to diſguiſe their reſolutions. But ſtill fears of accidents kept them from doing any thing the government could publicly puniſh; nor were any of them thoroughly in the affair, or truſted in it, ſo much as to make them venture any thing for what they ſo much deſired. If any was thoroughly truſted, it was the earl of A——le then at London. At the beginning of the indulgence he turned fanatic; but in a few months was wearied of it, and came to the earl of Perth, and told him, it was only his youth that miſled him, in joining with ſuch rebellious, mutinous pack; but henceforward he would ſerve the king heartily; and that he intended to go for London immediately, and to offer his ſervice. Therefore he deſired his recommendation, which he got, and was very kindly entertained by your majeſty, and at firſt was to have the earl of A————y's troop of horſe; but the earl of A————y coming up, and not being willing to part with it, he had the promiſe of a regiment, which he was to raiſe in the ſouthern countries; but finding your majeſty's affairs in greater diſorder than he imagined, he choſe rather to join with ſome of the diſaffected lords in England. The firſt he propoſed to was the earl of D———k. He told him, he found by the company he kept conſtantly, that he was not ſatisfied with the preſent government, and that he was as much diſſatisfied himſelf as any, though he was forced to diſſemble it, until he had got ſomething done he came for: that he was reſolved never to draw ſword againſt the prince of Orange; and that if he and his friends would truſt him, he would ſerve them faithfully, and run their fate. The earl of D——k told him, he was joined with others, and could not act without their liberty, but he ſhould ſpeak to them of it, and give an anſwer. The next day he appointed him to meet him in the city with the duke of Ormond, Mr. B——ll and Mr. Maul, who belonged to the princeſs of Denmark. After they had dined, the earl of D——k told him, he had ſpoke to prince George, and the reſt then with him, of what he had offered: that they all accepted willingly of it, but expected, that he would give an oath of ſecrecy the moſt binding way they could demand, which he alſo readily promiſed. So Mr. Maul officiated, and gave him the ſacrament, and he took the oath, that he would go with them to the prince of Orange, whenever he landed. But when it came to the puſh, his heart failed him, and he excuſed himſelf, that he had got a misfortune, for which, when the prince of Orange came to London, he was for ſome days in the meſſenger's hands, which made him immediately quit them, and join with thoſe intended to ſerve your majeſty in the following convention.

"What more of this kind of treachery was carried on, I cannot be poſitive, for I believe very few Scotſmen were concerned in it; for I doubt not, if they had, but they would have valued themſelves in it with the reſt, for ſeveral did ſo, that were not concerned; nor could any ſuch treacherous deſigns have been concealed, conſidering the pains both the ſecret committee and council took to find them out. And now entirely well affected to your majeſty was the little army you had in Scotland, which was ſo advantageouſly poſted through the kingdom, that even the moſt diſaffected lived peaceably expecting the event? But ſo ſoon as your majeſty ſent your orders that they ſhould be brought together, and be in readineſs to march into England, then all diſcontented people and fanatics in the nation thought they had hit on their own time, believing your majeſty's affairs in England muſt be in a miſerable condition, when you had need of ſo ſmall a force, and for it to leave a government naked, and loſe a whole country, which otherwiſe might have been ſo uſeful to you.

"When firſt the earl of Melfort, by your majeſty's order, wrote of it to the ſecret committee, they immediately ſent an expreſs to lay before your majeſty the inconveniency of it; and likewiſe to propoſe a deſign they had with it, and modelled the militia, and a detachment of the Highlanders, to make an army of thirteen thouſand men, with half year's pay, to have lain either upon the borders of Scotland, or in the north of England; which certainly would have hindered all thoſe riſings in the north of England, which made a noiſe ſo far above what really they were, and proved ſo prejudicial to your affairs. But inſtead of following this advice, which was the unanimous advice of the whole council, the earl of Melfort wrote down an order, not ſubſcribed by your majeſty, but only in your majeſty's name, ordering, that the army ſhould immediately march, and that if any of your ſervants were afraid to ſtay behind, they might go along with the army. With a ſorrowful heart your majeſty's orders were obeyed, for the conſequences were too evident; ſo about the beginning of October they began their march. The council, after that, ordered the modelled militia to be brought together about Edinburgh, and ſome to be quartered in the ſuburbs; but the new raiſed men, that would quickly have been brought into order, if mingled with modelled troops, ſignified little to keep up the face of authority; nor was their commander ſir George Monro, better at his trade than the reſt, having loſt any thing he had learned in Germany long ago, nor had he retained any thing, but affected naſtineſs, brutality, and fanaticiſm. Neceſſity, and the recommendation of ſome, more out of friendſhip to him than the ſervice, perſuaded the council to give him a commiſſion, until your majeſty's pleaſure ſhould be known, which afterwards you confirmed.

"The preſbyterians and diſcontented party ſeeing the miſerable and abandoned condition your affairs were in, took their opportunity accordingly; for ſo ſoon as the army paſt the borders, Edinburgh was filled with numbers of them of all degrees, from all places in the kingdom, who then thought it ſafe to take off their maſks, and meet publicly in ſeveral clubs, where they deliberated, as formerly, what was fit for them to do in that juncture, as if they had been allowed by authority. And the council and ſecret committee knew, from ſome ſpies they had amongſt them, all that paſt at their meetings; yet they were forced to overlook what they had not force to ſuppreſs. The chiefs of theſe meetings were the earl of G——n, earl C——d, earl D——d, earl T——s, lord R——s, lord M——n, a fanatic, a few months before put into the ſeſſion; ſir J——s M——y, A——r younger, Mr. W——m H——n, Mr. W——m L——t, M——y of Philiphaugh, R——n, D——d, B—e of Grenock, M——m, L——n, maſter of Burley, Mr. F——s, M——y, major B——n, of Baillie-Hall, G——e S——g chirurgeon, one M——s a merchant, B——e of Broomhall, P——r, R——y L——t, the maſter of Melvil, lord B——y, ſir P—k M——y, O——n, &c. Several joined with them afterwards, but theſe were the chief beginners and headmen among them, until the baniſhed rebels from Holland met them at London, and eclipſed them. The preſbyterian miniſters did not publicly meet them, but, according to their antient cuſtom, nothing was determined without their advice and approbation. One of the firſt things they took into conſideration, was, how to hinder all correſpondence betwixt your majeſty and your council, which ſir James Montgomery undertook, and did it ſo effectually, that few packets miſſed him, which was eaſy to be done, having correſpondence both about Berwick and the north of England. Yet notwithſtanding all the care they took, ſome poſts came through, until the riſing of the northern countries in England with the earl of Danby and lord Lumley: then they opened all packets, and only ſuffered ſuch letters to paſs as they thought fit: Some expreſſes were ſent down by the earl of Melfort to his brother; but for fear of diſcouraging, always made things ſo much better than what was reported by theſe meetings at Edinburgh, or other letters that came down; that the ſecret committee was in great perplexity to know the truth. This obliged them alſo to ſeize the packet, and open the letters; but it had ſo often been done before, both by the diſcontented party in Scotland, and the lords in the north of England, that there was little or nothing learned by it. For ſeveral weeks after there came neither packets nor expreſs; at laſt one came with an account of the landing of the prince of Orange, and that your majeſty had marched down to meet him. Still the earl of Melfort gave his brother all the hopes imaginable; but the earl of D——e wrote in ſo different terms to me, that my lord chancellor reſolved to ſend one to receive your majeſty's commands, to let him know the truth of what was doing; for which one Baillie Brand, merchant in Edinburgh, was ſent expreſs, and recommended by the viſcount of Tarbat as one moſt proper, being accuſtomed to travel that road about his own affairs, and ſo might be the leſs capable of ſuſpicion. The chancellor by him gave you an account of the bad ſtate this nation was in ſince the calling away the forces, and the preſbyterians declaring entirely againſt you. But the meſſenger betrayed his truſt, and went ſtrait into the prince of Orange's camp, and was introduced by Dr. Burnet. He told the prince, he was ſent by ſeveral to offer his highneſs their ſervice. This was no ſooner known, but the viſcount of Tarbat was extremely ſuſpected to be one of theſe; but I am convinced he had not at that time any correſpondence; for there was no man in the nation in ſuch apprehenſions of danger, after he read the prince of Orange's declaration, and ſaw by it he intended to ſacrifice all to ſatisfy the preſbyterians, and thoſe rebels, that did come over with him, and who were for the moſt part the viſcount of Tarbat's perſonal enemies.

"This way failing of having your commands, the council ordered three of their number to wait on your majeſty, viz. the viſcount of Tarbat, the preſident of the council, and myſelf. The other two fearing to get through, and not being able to ride, excuſed themſelves; ſo I was ſent alone.

"Some days before I left Edinburgh, it was ſpread abroad, that the rabble of the town deſigned to make an uproar, which was purpoſely ſet about by theſe meetings to frighten thoſe you truſted, and by ſome, who had a mind to be rid of my lord chancellor, to have the government in their own hands, that they might be in a better condition to make their court to the prince of Orange. The chief of thoſe was the marquis of Annandale, who thought, that ſo early an appearance for the prince of Orange could not but be extremely meritorious; nor could they have done it more effectually, than by ſtirring up the rabble againſt the government, and making a public mutiny and exclamation againſt thoſe things mentioned by him in his declaration.

"The news of the treachery of your army, and of your majeſty's being come back to London, was no ſmall encouragement to them, that deſigned to make their court, eſpecially to the viſcount of Tarbat, and ſir J. Dalrymple, who, though the marquis of Annandale appeared the head of all, yet they were the ſprings, by which every thing was moved and ordered ſo well, that he was ſatisfied with the vanity of the name, whereas they were ſure of the profit without hazard. For if your majeſty had ſucceeded contrary to their expectation, all the ſtreſs of the diſorders they could fairly put upon him; and if the prince of Orange proſpered, they knew, they had ſuch friends about him, that they would keep all the honour of ruining the government, and getting the council to declare for them. Their chief deſign to get this accompliſhed was to get rid of the lord chancellor. The marquis of Annandale deſigned it; both out of family-pique, and to get the government into his hands, as falling due to him after the chancellor's departure, he being next officer of ſtate. The way he propoſed for this was to have all the troops diſbanded, which he knew would have all been at the chancellor's devotion, except their miſerable general, and, bad as they were, would have been better than could have been brought againſt them; for the council having kept ſome inferior officers of the earl of D——s regiment, that came down for recruits, put them in tolerable order. The viſcount of Tarbat propoſed in council, that theſe troops might be diſbanded, being an unneceſſary charge, ſince he believed there would be no more to do with ſoldiers, and the prince of Orange had declared in his declaration the illegality of keeping up forces in time of peace. The earl of Perth, who was deſirous to do every thing to ſatisfy them, and not conſidering their deſign,

too

also the epiſcopal party. The prince of Orange being informed of theſe things, and having firſt diſpatched major-general Mackay, with ſome troops under his command, into that kingdom, he aſſembled ſuch of the Scotch lords and gentlemen, as were in London on the 7th of January, and made this ſpeech to them:

My lords and gentlemen,

"THE only reaſon, that induced me to undergo ſo great an undertaking, was, that I ſaw the laws and liberties of theſe kingdoms overturned, and the proteſtant religion in imminent danger. And ſeeing you are here ſo many noblemen and gentlemen, I have called you together, that I may have your advice, what is to be done for ſecuring the proteſtant religion, and reſtoring your laws and liberties, according to my declaration."

As ſoon as the prince had retired, the lords and gentlemen went to the council chamber at Whitehall, and having choſen the duke of Hamilton their preſident, conſulted what advice was proper to be given his highneſs in this conjuncture; and after ſome hours debate, they agreed upon the ſubſtance of it, and appointed the clerks, with ſuch as were to aſſiſt them, to draw up in writing, what the meeting

too eaſily conſented to it, and truſting ſome of theſe he ſaw moſt earneſt for it, next day they were all diſmiſſed except four companies of foot and two troops of horſe, for bringing in the public money. So ſoon as they had got them diſmiſſed, the marquis of Annandale and the reſt of the councillors, that were of his party, came to my lord chancellor's own lodging, and told him, they thought themſelves no longer in ſafety to meet in council where he was, and ſeveral others, incapacitate by law. But if he and they would retire, it would ſoon be ſeen how rigorouſly they would act in the king's ſervice, and get all the rabble pacified, and the diſcontented meeting diſmiſſed. Before he gave them any poſitive anſwer, he retired into another room, where the duke of Gordon, and all the catholic councillors were met upon the noiſe of this advice of the marquis of Annandale; and he told them what had paſſed. All unanimouſly adviſed him to be gone; and that it would look better to do it voluntarily than be compelled, as certainly they would do now when they had begun, and had all the rabble and diſcontented meetings on their ſide. Several others likewiſe, out of concern for him, gave him the ſame advice, thinking it dangerous for him to truſt an enraged multitude. Theſe advices of his friends determined him; ſo he returned to theſe lords, and took his leave of them, and went ſtrait to the country."

The earl of Belcarras then gives an account of the riots at Edinburgh, and the demoliſhing the popiſh chapel there, and plundering of ſeveral houſes belonging to papiſts, "the council not doing any thing to hinder their diſorders; for ſuch as abhorred theſe barbarities, thought themſelves happy to eſcape the rage of the rabble; others were ſo far from diſcouraging theſe abuſes, that it was generally known they were the chief promoters of them. After the noiſe of the rabble, adds he, was a little abated, the marquis of Annandale, as next officer of ſtate, called the council, and propoſed an addreſs to be ſent up to the prince of Orange, with the higheſt acknowledgments of gratitude for his generous undertaking of freeing them from popery and tyranny, and offers of future ſervice; but there were ſo many, who oppoſed it, that it was ſtopped. Thoſe, that hindered for a while the violences of the marquis of Annandale, and his party, were the two archbiſhops, the preſident of the ſeſſion, ſir George Mackenzie, maſter of B———o, Mr. C———s, H———re, now earl, and the lord L———e. But though they got the addreſs firſt offered ſtopt, yet they were out-voted, when it was debated, if it was proper to find a way at all; and ſo lord G———s was ſent up with an addreſs very ſhort, and in general terms, which was very coldly received, a franker one being promiſed and expected.——— The marquis and moſt of the council began to prepare for going up to make their court; but that they might do it the better, it was voted in the council, that they ſhould deſire the lord of the treaſury to pay their expences, which was likewiſe carried. The marquis and viſcount of Tarbat were very ready to comply, ſince they were to have their ſhare; but the earl of Tweedale (who with theſe two were all that were in town of the treaſury) was not then in a condition to go up himſelf, and abſolutely refuſed; ſo for want of a quorum the whole project was broke, and they were forced to go on their own charges. After the viſcount of Tarbat, ſir George Mackenzie, and the preſident of the ſeſſion were gone, the marquis of Annandale took upon him abſolutely the government. While they ſtaid there was at leaſt ſome decency kept; but they were no ſooner gone, but the marquis, like another Maſſinello, ordered all at his pleaſure, turned out ſeveral from their employments about the treaſury, cuſtoms, and other places, and put in creatures of his own; and when he had ordered all he thought fit, he followed the reſt of the council, and left the earl of S———e, and ſome others of the council of his own party, to manage in his abſence.

"Never was ſuch a confluence ſeen on the road of all ſorts, degrees, and perſuaſions, as at that time going up; for no ſooner was it known, that your majeſty was gone, and the prince of Orange come to London, but all that could ſcrape ſo much money together, went up; the preſbyterians and diſcontented noblemen, gentlemen, and miniſters, to receive the fruit of their labours and great promiſes; the epiſcopal party, to endeavour to ſave themſelves from the ruin they ſaw inevitably coming upon them by their enemies getting the abſolute diſpoſal of the government both in church and ſtate. But their number was nothing to be compared to the others, after they had met with their friends from Holland. Every night, after they were once gathered together, they kept their meetings in St. James's-ſtreet, at the Ship-tavern. Then they conſulted what was next to be done, both to get the government in their hands, and how to hinder all others, who were not of their party.

"One of the firſt things propoſed was, who ſhould be for ever incapacitated for all public employments. Five only were named at firſt, and ſent with monſieur Beaton to the prince of Orange, at the deſire of the whole meeting; and theſe were the duke of Queenſberry, viſcount of Tarbat, ſir George Mackenzie, viſcount of Dundee, and myſelf. But the prince of Orange abſolutely refuſed, being reſolved to put nobody in deſpair, till once he knew, how they intended to behave for his intereſt; which ſtop made us go on no further in that affair, though they intended (as was mentioned) next parliament, that all ſhould be incapacitated, whoever had ſerved your majeſty in any employment whatſoever. But that took ſo many in, and ſo many of themſelves and friends being concerned, it was likewiſe hindered, not only by the prince of Orange, who deſired not to be confined to them, but by moſt of the leading men among them, who accepted the chief employments, and particularly the duke of Hamilton, whom I cannot paſs by, without giving your majeſty ſome account of his behaviour, not only in this affair, but a little before; and eſpecially what I was moſt concerned in myſelf.

"The day after your majeſty's firſt going from London I came there; and hearing the unhappy news I thought it was reaſonable to deſire the advice of all other councillors, who were there, what I ſhould write to the council, who had ſent me up to receive your commands, and let your majeſty know the condition of the kingdom, and give you new aſſurances of loyalty and fidelity, in terms very different from what was alledged by ſome, before your majeſty went away, as if the council of Scotland had been ſending ſome of their number to join with thoſe, that had petitioned you for the calling a new parliament. After I had got together all the councillors, which were the earl of A———y, lord L———n, viſcount of Dundee, lieutenant general D———s, we went to the duke of Hamilton's lodging, where I told them on what account I was ſent; and now that your majeſty was gone, deſired their advice what I ſhould write home, (for all that time we knew nothing of what troubles had happened,) and gave the duke a letter from the council, wherein they deſired he might aſſiſt me in receiving your majeſty's commands, and telling you the condition they were in. So ſoon as he read his own, he deſired to ſee the letter I had brought to your majeſty; otherwiſe he would not meddle in our affairs. To ſatisfy him, I gave him a double of it; and though he preſſed with all the paſſion his natural fire and inſolent temper could permit, that I might give him the principal, I abſolutely refuſed to do it at all; and I had no reaſon, ſince he was not to deliver it, and that your majeſty was gone. This put him into ſuch a fury, that he no more could conceal his deſign of deſiring the letter, and told, that if he had the principal letter, he ſhould give it to the lords met at Whitehall, to ſhew them what a letter I had brought up, ſubſcribed by a chancellor and ſeveral other councillors ſtill ſitting there contrary to law: That he would meddle in nothing, wherein they were concerned; and that he was free himſelf, having never acted ſince the laſt indemnity; but that he would conſult with the Engliſh lords, what was proper next to be done; and ſo in a rage left us in his own houſe. But three days after, when he heard of your majeſty's coming back from Feverſham, and that things were like not to go on as he expected, he ſent for the viſcount of Dundee, and made great excuſes for his paſſion, and deſired him to go to us all, and offer his friendſhip, and in his own lodging prays and intreats us, that we might make no more of it. After your majeſty's coming back, no man, for the ſhort time you ſtaid, appeared more concerned for your ſervice. But your majeſty had no ſooner come to Whitehall, than he had his coach ready, and went ſtrait to the ſeſſion houſe to the prince of Orange, and offered him his ſervice, and was received more kindly than any other, not out of affection, but that he ſaw him the fitteſt tool to manage the different intereſts of the nation; for with the diſcontented noblemen and gentlemen none appeared more diſſatisfied with all that had been done in the former reign, though none had a greater hand in all that was done. With the preſbyterians he always pretended he had been in their intereſt; and what he did, that looked like compliance with the government againſt them, was only to keep them from greater misfortunes. With the epiſcopal clergy, at leaſt with ſuch as truſted him, who were very few, he begged they might ſuſpend their judgment of him, until a convention; then it ſhould be ſeen, who were moſt for the intereſt of the king and nation. With theſe pretexts, which is no hard taſk for men that will abandon for their intereſts all truth, honour, and religion, he cajoled a vaſt number of all perſuaſions, and made himſelf thought abſolutely neceſſary; which was the only thing he aimed at both in your brother's reign and your own. And to carry on this the better among the different parties, in appearance he meddled with none of their meetings, for that would declare him too much a party, until he got all things ready for their great meeting at Whitehall, whereof he was choſen preſident. He propoſed the great diſorders at home; that all the nation was caſt looſe without any ſhadow, or order of government. Therefore it was abſolutely neceſſary, that a government ſhould be lodged ſomewhere, until a convention of eſtates were called: The great diſorders that had fallen out, and the licentious liberty the mob had taken, made many comply to that propoſition, though extremely againſt their inclinations. And what made it paſs the eaſier, was the time of this convention being prefixed to ſo ſhort a day as the fourteenth of March, 1689. Beſides it could hardly be avoided without being impriſoned, all the roads being ſtopped, and paſſage abſolutely denied, and ſo would have rendered them incapable of appearing for your intereſt. In the convention met then, the earl of Arran did read over a ſhort paper, wherein he told them, he believed there could be no other means to reſtore peace and happineſs in Britain, but to ſend to your majeſty, and deſire you would return. There were a great many there, who would willingly join in ſuch a propoſition; but his lordſhip brought it in without letting any of your friends know it. Beſides, at that time the earl of Arran was extremely ſuſpected, both for his going in to the prince of Orange on the firſt noiſe of your majeſty's going away, and the great intereſt his father had with the prince of Orange, and the fanatic diſcontented party. The moſt ſenſible and beſt of your friends judged likewiſe, that though this propoſal ſeemed juſt and bold, yet it was then ill-timed, conſidering, if any had joined with him, the prince of Orange would immediately have ſent down troops to Scotland, which would inevitably hinder all appearance for your intereſt in the convention, which was believed to be the only place proper to appear in; and that at that time no wiſe man ought to do more, but to get out of the claws of their enemies. In this meeting there was nothing elſe done, but an offer of ſigning the aſſociation, which all refuſed, who intended to act for your intereſt. After that was over, both parties made what haſte they could to get home, but ſtill the prince of Orange denied paſſage until he was declared king: which was thought he did, that all the Scots there might kiſs his hand, which would be a kind of acknowledgment. But notwithſtanding that duke Hamilton, and all thoſe who came over from Holland, and ſeveral others went and did it; yet many of the Scots, even of thoſe, who were as violent as any, refuſed it; which was extremely ill taken." Acc. of the Aff. of Scot. p. 16, &c.

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thought expedient to adviſe the prince, and to bring it to them the next day in the afternoon. Accordingly the writing was preſented to them; and ſome time being ſpent in conſultation about the fitteſt way of convening a general meeting of the eſtates of Scotland, at laſt they agreed in their opinion, and ordered the advice to be tranſcribed fair with the amendments. But as they were going to break up for that time, the earl of Arran propoſed to them, "that they ſhould move the prince of Orange, to deſire the king to return, and call a free parliament; which would be the beſt way to ſecure the proteſtant religion and property, and to heal all breaches." This propoſal ſeemed diſagreeable to the whole meeting, and eſpecially to the duke of Hamilton, their preſident, the earl's father; but they immediately broke up. The next day, they met at three of the clock in the ſame place, and ſir Patrick Hume took notice of the propoſal made by the earl of Arran, and deſired to know, whether any perſon there would ſecond it; but none appearing to do it, he ſaid, "that what the earl had propoſed was evidently oppoſite and inimicous to his highneſs the prince of Orange's undertaking, his declaration, and the good intentions of reſtoring the proteſtant religion, and of reſtoring their laws and liberties expreſſed in it;" and farther deſired, "that the meeting ſhould declare this to be their opinion of it." The lord Cardroſs ſeconded ſir Patrick's motion. It was anſwered by the duke of Hamilton, their preſident, "that their buſineſs was to prepare an advice to be offered to the prince; and the advice being now ready to go to the vote, there was no need, that the meeting ſhould give their ſenſe of the earl's propoſal, which neither before nor after ſir Patrick's motion any had pretended to own or ſecond; ſo that it was fallen out of doors; and that the vote of the meeting upon the advice brought in by their order, would ſufficiently declare their opinion." This being ſeconded by the earl of Sutherland, the lord Cardroſs, and ſir Patrick Hume acquieſced in it; and the meeting voted unanimouſly the advice following:

"We the lords and gentlemen of the kingdom of Scotland, aſſembled at your highneſs's deſire in this extraordinary conjuncture, do give your highneſs our humble and hearty thanks for your pious and generous undertaking for preſerving the proteſtant religion, and reſtoring the laws and liberties of theſe kingdoms.

"In order to the attaining theſe ends, our humble advice and deſire is, that your highneſs take upon you the adminiſtration of all affairs, both civil and militaty; the diſpoſal of of the public revenues and fortreſſes in the kingdom of Scotland; and the doing every thing that is neceſſary for the preſervation of the peace of the kingdom, until a general meeting of the ſtates of the nation; which we humbly deſire your highneſs to call, to be holden at Edinburgh the 14th day of March next, by your letters or proclamation, to be publiſhed at the Market-croſſes of Edinburgh, and other headboroughs of the ſeveral ſhires and ſtewartries, as ſufficient intimation to all concerned, and according to the cuſtom of the kingdom. And that the publication of theſe your letters or proclamation be by the ſheriffs or ſtewart-clerks for the freeholders, who have the value of lands, holden according to law, for making elections, and by the town clerks of the ſaid boroughs, for the meeting of the whole burgeſſes of the reſpective royal boroughs, to make their elections, at leaſt fifteen days before the meeting of the eſtates at Edinburgh, and the reſpective clerks to make intimation thereof, at leaſt ten days before the meeting for the elections; and that the whole electors and members of the ſaid meeting at Edinburgh, qualified as above expreſſed be proteſtants, without any other exception or limitation whatſoever; to deliberate and reſolve what is to be done for ſecuring the proteſtant religion, and reſtoring the laws and liberties of the kingdom, according to your highneſs's declaration.

"Dated at the council-chamber the 10th day of January 1689."

This addreſs being ſubſcribed by above thirty lords and about eighty gentlemen, was preſented in their preſence at St. James's by the duke of Hamilton to the prince of Orange, who thanked them for the truſt they repoſed in him, and deſired a time to conſider upon ſo weighty an affair. And accordingly upon the 14th of January the prince met them again at St. James's, and ſpoke to them as follows:

My lords and gentlemen,

"IN purſuance of your advice I will, until the meeting of the ſtates in March next, give ſuch orders concerning the affairs of Scotland, as are neceſſary, concerning the calling of the ſaid meeting, for the preſerving of the peace, the applying of the public revenue to the moſt preſſing uſes, and putting the fortreſſes in the hands of perſons, in whom the nation can have a juſt confidence. And I do further aſſure you, that you will always find me ready to concur with you in every thing, that may be found neceſſary for ſecuring the proteſtant religion, and reſtoring the laws and liberties of the nation."

The earl of Crawford then deſired of his highneſs, that himſelf, the earl of Lothian and others, who came to town ſince the addreſs had been preſented, might be allowed to ſubſcribe it; which was accordingly done; after which the prince retired, and all ſhewed great ſatisfaction with his anſwer.

On the 14th of March the convention of Scotland met[u]; and after public prayers performed by the biſhop of Edin-

[u] The earl of Belcarras obſerves, that how to behave in the convention, puzzled not a few, but all the loyal party: Some thought they could not in conſcience go to any meeting called by the prince of Orange; that it was a breach of their oath in the teſt to ſit in any meeting not called by regal authority. "But others judged, ſays he, that ſince your majeſty was not in a condition at that time to call a convention, they might very lawfully go, ſince it was only to ſerve you, that they expoſed themſelves to a victorious and inſulting enemy. But your majeſty ſending over George H———y juſt at the time when theſe reſolutions were forming, made all your friends reſolve to go down; and ſince they knew you allowed them, to endeavour to make all the intereſt they could, that members might be rightly choſen.

"The marquis of Annandale was come up a little before me, to receive the rewards of his ſervice; but he was drily received, and there were ſo many enemies about the prince of Orange, that he began again to look to his old friends, and to make great apologies for what was paſt in Scotland, and promiſed his aſſiſtance in the convention. There was ſo much need for help, that he was received, and all your friends joined to go down to Scotland to prepare your friends in the ſeveral counties and towns for the election of commiſſioners. But it was too long before it was reſolved on, and many of the loyal gentlemen abſolutely refuſed to meet on call, which gave the prince of Orange's party and fanatics great advantage. Yet notwithſtanding of theſe diſadvantages, if forces had not been ſent down, and all the aforeſaid perſons admitted, without any repeal, a thing never heard of before, your intereſt had been aſſerted in the convention.

"The firſt that came down of either parties, was the viſcount of Dundee and myſelf. When we came to Edinburgh about the end of February, we found that city in a great quiet, and generally well affected. The college of juſtice, to free themſelves, after the marquis of Annandale left the government, armed themſelves, and made up a battalion of very good men, which kept all the diſaffected in great awe. But duke Hamilton believing they would not be for his purpoſe, got an order ſent down with commiſſary M——o to diſband them. On our firſt coming we waited on the duke of Gordon, who was capitulating to render up the caſtle of Edinburgh. At our entry into the caſtle, we met all the duke's furniture coming out; which gave us ſmall hopes of his keeping it; but we had the good fortune to convince him, that it would be ſo much for your majeſty's intereſt, and his own honour, that he promiſed to keep it out until he ſaw what the convention would do. I ſay not this in the leaſt to diſparage any thing he did, for I ſaw him have very good inclinations to do for your intereſt. But his never having orders from you, and his hearing all other forts and places given up, diſcouraged him extremely. He had likewiſe a great temptation from the prince of Orange, for he wrote to him a very obliging letter, with full aſſurance of indemnity and protection. But notwithſtanding of that, and of ſeveral advices of ſuch as he believed wiſhed him well, and who haunted him conſtantly to get him to deliver up the caſtle, yet he reſolved to hold out. But the great error he committed (though ſeveral others were laid to his charge, that were not true,) was, after he had reſolved it, he did not get provided; for then the city of Edinburgh would not have denied him any thing; or, if they had, he could eaſily have compelled them.

"Some days before the convention ſat down, the duke of Hamilton and other weſtern lords and gentlemen, brought publicly into town ſeveral companies of foot, and quartered them in the city; beſides great numbers, that they kept hid in cellars and houſes below the ground, which never appeared until ſome days after the convention was begun, though they were generally believed to be thrice as many as there were. This was the firſt error committed by your friends; for in reaſon they ought all to have left the convention, and gone, and ſitten in ſome other town by themſelves, which they might have done ſafely; but there was ſo great hopes of doing well in that meeting, that it made many unwilling, notwithſtanding of their hazard, to leave it. Nor can I ſay, wanted there probability for this opinion; for if ſeveral had not left us after all the reiterated oaths imaginable, and others admitted into the convention by abſolute force, we would have been by far the major part. But ſuch injuſtice was never heard of as was committed in their judging of elections: for if any of their party had had ſix voices, the other that had an hundred, ſignified nothing. Beſides, the manner of elections was out of all rules ever before heard tell of, and a new way taken, which was propoſed by the lord Stair, that all proteſtants, without diſtinction, ſhould have votes in the election; which put it intirely in the hands of the rabble, which they managed ſome by promiſes, and others by a little money. Nor could even all theſe ſiniſtrous arts and tricks have compaſſed their ends, if your friends could have had an honeſt man to be preſident, that was not publicly obnoxious to the fanatics, which forced them, notwithſtanding of all that was paſſed, to pitch upon the marquis of Annandale; not that they had confidence either in his parts or honeſty, but that he was the only man could be ſet againſt duke Hamilton. Both parties were extremely concerned, looking on the choice of a preſident as a deciſive ſtroke; for by it they could know, whom to reckon on. Nor had they ſmall reaſon for their judgment; for the firſt day the duke of Hamilton was choſen preſident, contrary even to their own expectation; above twenty left us, that had

burgh, (wherein he prayed for the safety and restoration of king James) the first thing, which they entered upon, was the chusing of a president. The marquis of Athol was proposed by the bishops, and the party which still adhered to the abdicated king; but the duke of Hamilton, who was set up in competition with him by those, who were friends to

engaged to us, and voted for us, seeing we were the weakest party, and that the others would have both forces and shew of authority on their side. The next thing they voted was a committee of elections, which they got filled with their own party, and ended the affair; for by that they saw themselves so strong, nothing could be heard among them, but 'put it to the vote,' which they always carried without debate, and so scandalously, that even duke Hamilton, who, to give him his due, understood reason and the law of the nation at another rate than any tumultuous carriage, and several times endeavoured to hinder it. Nor can I say, if his cause had been good, but he behaved himself, until he came to the chief matter, with a great deal of prudence and moderation, insomuch that some of their own party began to repent of their choice. Some few days were taken up in judging of elections, which would have taken much longer time, if several, who saw there was no manner of justice so much as pretended to among them, had not given it over and yielded, which made them grow stronger every day. None concerned in that affair of elections behaved so well as Mr. C————s H————e, after his brother the earl of H————s's death, the title fell to him; but by reason of the debts of the family, he did not take on him the title, fearing to lose a considerable interest, that was left him with this provision, that if the estate of H————e came to him, then that estate should go to his younger brother. So not pretending to be a peer, he was chosen one of the commissioners for the shire; but when it was brought before the convention, he was cast, as one they expected would be none of their friends. So soon as the sentence was pronounced, he told the president, Since they had taken away one way of his sitting in that convention he had a right to, he should try another, which they could not refuse him: and so went out, and took place as earl of H————e, with the hazard of losing the best part of his estate.

"There was likewise another extraordinary affair of that kind. One Mr. B——e of Tarwoodhead, that had pretended some years before to be Lord Forester, but was summoned before the council for usurping a title he had no right to, and discharged under a considerable penalty never more to pretend to it. But those at London, who had the writing of letters, not knowing his title, or, more likely, believing he would be of their interest, procured him a letter from the prince of Orange to come to the convention. So soon as he was challenged by sir George Mackenzie, he produced his letter, which was voted a sufficient right to sit. Several as unjustly as these were received; I only instance them, to shew how that convention was constituted, most of the commissioners having no right. The first thing they took into consideration, after the house was thus constituted, was the getting the castle of Edinburgh into their hands. That which pressed them most to it, there was two pretending to have the government of it, the earl of L——n and the earl of L——n likewise. It being the first of any consideration in Britain holding out, the prince of Orange was very desirous to have it reduced. The earl of L——n and T——e were sent up to capitulate with duke Gordon, who promised them he would comply with their desire, and give it up the next day at ten o'clock. So soon as the viscount of Dundee and I heard them give this answer to the convention, we were mightily alarmed, and sent up one immediately to remember his grace of his engagement to us, and to lay before him the ruin of your affairs if they once got the castle into their hands. As irresolution was the cause of his promise to them, so what arguments were used to him on the other side meeting with his desire to serve you, brought him about again. His greatest obstacle then was, how to come fairly off. The earl of T——e with his flattering insinuating way had got him to go too great a length. For that, it was advised, that next day, when they came to demand the castle, he should tell, he would willingly give it up, but he could not see how he could be safe himself from the rabble of the town, and those that were brought into it. But to free them from all fear that he should give the convention any disturbance, he should offer bail for twenty thousand pounds to live peaceably in it. But though he was very well satisfied with this advice, yet that very night he grew again irresolute, and sent to tell us, that except we came to him immediately, he would not keep his word. This was impossible to do, for they having placed the town-companies of Edinburgh upon the castle-hill, suffered none they suspected to go up; yet one ventured to him, to know what he had to say to us. He sent us word, that notwithstanding of all that was past, he would deliver it up, except we both gave it under our hands, that it was of absolute necessity for your affairs not to yield it up; which we both did that night; and the next morning the viscount of Dundee got into the castle, and confirmed him absolutely in his resolution of keeping it out, by telling him the resolutions were taken by your friends of leaving Edinburgh, and setting out for Stirling. So next day, when they expected to have the castle at the hour appointed, he refused again, and hostilities went on.

"Being thus left by many of those we trusted, and despairing of doing any thing in that convention, next day we resolved in our general meeting, that we would quit it, and call a convention at Sterling; which your majesty had given power to the archbishop of St. Andrews, the viscount of Dundee, and myself, to do by a letter you sent us from Ireland by one Mr. B——n. But before we could determine that, it was absolutely necessary to be secure of the earl of M——r and marquis of Annandale, the one having command of Sterling castle, and the other, that he might bring us Highlanders to guard the town. The earl of M——r had all along appeared one of the firmest in your interest from the time he came to London; for he gave us all the assurances imaginable, that he would do according as the major part thought fit. The marquis of Annandale also consented to leave Edinburgh, and go strait to Sterling: but he never continued six hours in one resolution, which broke all our design; for his wavering made our departure be put off, still expecting he would be brought about to do it. At last a positive hour was condescended on, and several made themselves ready, whom we hardly expected. After it was resolved to be gone, it was thought fit by all your friends, that one should be sent to let you know the reason of our leaving the convention, and receive your commands, which the laird of Cullin undertook.

"Before we were to go off, just as the convention were sitting down, there came one to the viscount of Dundee, telling him, that there were six or seven men in a house intended to murder him and sir George Mackenzie; and that if he would get a warrant, he might instantly carry them to the house where they were. So soon as the convention met, he told this to the duke of Hamilton, who proposed it in the convention; but they absolutely refused to meddle in it, but went to other affairs. This made the viscount of Dundee press yet the more to be gone than before, so evident a piece of justice being refused him, though he offered to prove it at the bar. Neither was there any of your friends, who could think themselves longer safe;

which certainly the other party was extremely glad to see, for all they desired was to have the house alone. It is not to be doubted but they made several such things to pass purposely to frighten us; but it was hard trusting men, who had the power in their hands, that they would stop to put in execution what so many of them have professed, and at least not condemned by the most moderate of the party, when their interest or revenge was concerned. But after all of us were fully determined to make the best of our way the next morning to Sterling, the marquis of Annandale's heart failed. So some, who went down to him, thinking to get him to go along, he desired we might go to the place we ordinarily met in, and stay yet another day, which we all consented to; and that we might the better cover our design of going away, we resolved to go for that day to the convention. Just as we were almost dispersed and gone to the house, the viscount of Dundee came in, who knew nothing of the marquis of Annandale's delay, nor of your friends resolution to stay a little for him; but expected all were just a going. He was mightily surprized at their resolution, and told me, notwithstanding of that, he would go before; and if any of them got out of town he would wait for them. It was very evident his going away would give the alarm, which made me extremely earnest, that he might stay one day longer: but he had before made an appointment with some to go with him, so he went strait away with about fifty horse. As he was riding near the castle of Edinburgh, the duke of Gordon made a sign to speak with him at the west-side of the castle, where, though it be extremely steep, yet he told the duke all that was resolved upon, and begged he might hold out the castle till your friends might get him relieved, which he positively promised to do. Whilst they were speaking, some of those who were set to blockade the castle, perceived them, and came running into the convention, and told them, that there was a great number of horse gathering together, and that the viscount of Dundee was talking with duke Gordon, which they looked on as a horrid crime, after they had outlawed him. Their fears also increased, believing it was a general design against them; and that which augmented their fright the more, was, that several messengers brought word after each other, that they were still increasing. At last the duke of Hamilton in a mighty fury told the convention, that now it was time to look to their own safety, since the papists and enemies to the settling the government were so bold as to gather together. That he doubted not but there were several there among them who were on the design. Therefore it was his opinion, that the door should be immediately bolted, and the keys laid on the table: that some of their number should be sent out to beat the drums, to gather together all those well affected to religion and liberty. That he had brought some foot from the west country, fearing the designs of their enemies, to defend them. What he said was approved of by all their party: several of them also bragged of the numbers they had brought, and called them thrice as many as they were. The earl of L——n was pitched upon to go out and gather them together; which when he had done, there was never so miserable a parcel seen; nor is it to be doubted, if your friends had known their own strength, and not believed your enemies to be far stronger than they really were, they might, with all the ease imaginable, that day have effectually vindicated your right and defeated your enemies.

"Such of your friends as were locked within the house, and guarded likewise without, looked upon themselves as undone; and the thing that saved them, was, that they could come to no resolution among themselves. But I cannot say much of their intentions, having it from some, that changed parties so often, that I can assert nothing on their credit. The fear being a little over, and that they saw they had most of your friends in their power, and that there was no tumult in town, nor that the viscount of Dundee grew any stronger, but was marching away; so they ordered Major B——n to gather all he could together, and follow him, which he did, but never came within sight of him.

"After that they had secured the town and thought themselves out of hazard, duke Hamilton dismissed the convention, to the great satisfaction of all your friends, little expecting they would come off so easily, and all this noise ended in nothing. But with that also ended all hopes of setting up another convention at Sterling, for the marquis of Annandale gave it quite over, the earl of M——r made a feint to get out of the town, but went by the only post that was guarded, and was stopped there, and brought back, and gave his parole not to stir out of Edinburgh without leave of the convention. These two giving it over, every body, that was apprehensive, shifted for themselves, and lurked in Edinburgh; next day there was a mighty change; for several, either out of fear or interest, left us. Those of note were the earl of M——r and Annandale who changed thoroughly, and went along with every thing, that could be proposed. Several also both of barons and burgesses did the like; so that by such of their friends, as left the house, which did likewise some of the bishops, they got their meeting almost unanimous.

"The night following they searched the town for some officers they suspected, yet found none but one that had a mind to be taken, lieutenant general D————s. When he went to England with the army, he certainly knew nothing of any design among them; but he had not conversed long with the lord C————ll, K————k, and some others, but he grew one of the hottest of the party, insomuch that he proposed to my lord to betray and carry in his regiment, as I was informed by the viscount a while after. Before he made the proposition, he told him, he had an affair of great importance to them both to tell, if he would give him his oath never to reveal it; which when he had done, though he abhorred the motion, yet he thought himself obliged in honour to conceal it. So soon as he had cleared himself to duke Hamilton, of any design he had against them, he was dismissed. This he could easily do; for none in all the revolution acted a blacker part, for he not only sent in a battalion of the Scots guards, but was in all the designs of betraying, and above all laid down his employment to get the greater credit with your friends, and at the same time was engaged to the prince of Orange, to let him know what passed and was designed by his enemies.

"Being now free of most of those that obstructed them, some having quitted the house, and others joined with them, they fell heartily to work with the affair, upon which they had met; but fearing, lest the prince of Orange should think they went slowly on, they sent up the lord K————s with a letter, containing the reasons of their delay; which were, that now they were free from those, that had opposed the settling the nation, and doubted not but to come shortly to a conclusion to his satisfaction. Next they chose a committee for settling the government, and another for considering the present state of the nation. What was done or failed in either, I cannot give a full account; of having first left the house; so can say little but from other

king William, carried it by near forty voices. The next thing they did was to appoint a committee of five out of every ſtate, for examining controverted elections, which happened to be not above twelve. After that, for the ſafety of the aſſembly, they took into conſideration the caſtle of Edinburgh, which was yet commanded by the duke of Gordon, a papiſt, whom they required to put that caſtle into their hands. The duke deſired an indemnity for all that was paſt, and ſecurity for the future; which the convention condeſcending to, ſo far as he had acted as a papiſt, they ſent the earls of Tweedale and Lothian to him with a pardon in writing, both for himſelf and all who were with him; whereupon he deſired twenty-four hours time to conſider of it, which was likewiſe granted. On the 15th, the two earls were again ſent to require him to deliver the caſtle upon the terms demanded by him, and agreed to by the convention; but inſtead of ſtanding to that, he demanded twelve days more, both to conſider of it, and to receive an anſwer to the propoſals he had ſent to the prince of Orange; and after ſeveral meſſages had paſt on both ſides, he at laſt declared, that he would not ſurrender the caſtle. Upon this, the convention ſent the heralds at arms, to charge him immediately to deliver up that fortreſs; which he perſiſting to refuſe, the heralds went to the Market-croſs, and ſolemnly proclaimed him a traitor and rebel.

The 16th, one Crane, an Engliſhman, who was ſaid to be a ſervant to king James's queen, delivered a letter from that prince to the convention; and at the ſame time the preſident acquainted the aſſembly, that the lord Levin was arrived expreſs with another letter from king William. This occaſioned a debate, which of the two letters ſhould be read firſt; but it being repreſented, that they were convened by the king of England, and that king James's letter might enjoin the diſſolution of their aſſembly, the majority carried it for king William, whoſe letter was read with great applauſe in manner following:

My lords and gentlemen,

"WE are very ſenſible of the kindneſs and concern, which your nation has evinced towards us, and our undertaking for the preſervation of your religion and liberty, which were in ſuch imminent danger. Neither can we in the leaſt doubt of your confidence to us, after having ſeen how far ſo many of your nobility and gentry have owned our declaration, countenancing and concurring with us in our endeavours, and deſiring us, that we will take upon us the adminiſtration of affairs civil and military, and to call a meeting of the eſtates, for ſecuring the proteſtant religion, and the antient laws and liberties of your kingdom, which accordingly we have done.

"Now it lies in you to enter into ſuch conſultations, as are moſt probable to ſettle you on ſure and laſting foundations; which we hope you will ſet about with all convenient ſpeed with regard to the public good, and the general intereſt and inclinations of the people; that, after ſo much trouble and great ſuffering, they may live happily and in peace; and that you may lay aſide all animoſities and factions, that may hinder ſo good a work.

"We are glad to find ſo many of the nobility and gentry, when here in London, were ſo much inclined to an union of both kingdoms; and that they did look upon it as one of the beſt means for procuring the happineſs of both nations, and ſettling of a laſting peace among them; which will be advantageous to both, they living in the ſame iſland, having the ſame language, and the ſame common intereſt of religion and liberty; eſpecially at this juncture, when the enemies of both are ſo reſtleſs, endeavouring to make and encreaſe jealouſies and diviſions, which they will be ready to improve to their own advantage and the ruin of Britain. We being of the ſame opinion as to the uſefulneſs of this union, and having nothing ſo much before our eyes as the glory of God, eſtabliſhing the reformed religion, and the power and happineſs of theſe nations, are reſolved to uſe our utmoſt endeavour in advancing every thing, that may conduce to the effectuating the ſame. So we bid you heartily farewel."

From our court at Hampton-Court, the 7th day of March 1688.

After the reading of this letter, a committee was named to draw up an anſwer to it in the moſt thankful and dutiful manner; and then, before they would admit of the letter from king James to be opened, an act paſſed by the almoſt unanimous conſent of the houſe, aſſerting and maintaining the lawfulneſs of the convention, notwithſtanding any thing that might be alledged in the ſaid letter to the contrary; and declaring, that they would not diſſolve, but continue ſitting, until the government, religion, laws, liberties, and properties were ſettled and eſtabliſhed. After this king James's letter was read, containing, "That having been informed, that the peers and repreſentatives of ſhires and boroughs of this his ancient kingdom, were to meet together at Edinburgh, by the uſurped authority of the prince of Orange, he thought fit to let them know, that as he had at all times relied upon the faithfulneſs and affection of them, his antient people, ſo much, that in his greateſt misfortunes heretofore he had recourſe to their aſſiſtance, and that with good ſucceſs to his affairs; ſo now again he required of them to ſupport his intereſt, and expecting from them what became loyal ſubjects, generous and honeſt men, that they would neither ſuffer themſelves to be cajoled and frightened into any action miſbecoming true-hearted Scotſmen; and that to maintain the honour of the nation, they would contemn the baſe example of diſloyal men, and eternize their names by a loyalty ſuitable to the many profeſſions they had made to him. That in doing of this they would chuſe the ſafeſt part, ſince thereby they would avoid the danger they muſt needs undergo, the infamy and diſgrace they muſt bring upon themſelves in this world, and the condemnation due to the rebellious in the next. And that they would likewiſe have the opportunity to ſecure to themſelves, and their poſterity, the gracious promiſes he had ſo often made of ſecuring their religion, laws, properties, liberties, and rights; which he was ſtill reſolved to perform, as ſoon as it was poſſible for him to meet them ſafely in a parliament in that his ancient kingdom. In the mean time he exhorts them, not to fear to declare for him the lawful ſovereign, who would not fail, on his part, to give them ſuch ſpeedy and powerful aſſiſtance, as ſhould not only enable them to defend themſelves from any foreign attempt, but put them in a condition to aſſert their rights againſt his and their enemies, who had depreſſed the ſame by the blackeſt of uſurpations, the moſt unjuſt as well as moſt unnatural of attempts; which though almighty God might for a time permit, and let the wicked proſper, yet the end muſt bring confuſion upon ſuch workers of iniquity. He farther let them know, that he would pardon all ſuch, as ſhould return to their duty before the laſt day of that month [March] incluſive; and that he would puniſh with the rigour of the laws, all ſuch, as ſhould ſtand out in rebellion againſt him or his authority. So not doubting, that they would declare for him, and ſuppreſs whatever might oppoſe his intereſt; and that they would ſend ſome of their

hands. And both parties being concerned, the one againſt the other at that time, a conſiderable allowance muſt be given to both their reports, if one deſire to know the truth impartially. But ſtill there remained ſome of your friends, that gave them ſome trouble, particularly ſir George Mackenzie, the archbiſhop of Glaſgow, and Mr. O————e, who behaved themſelves extremely well, when the chief affair came in of ſettling the government. But reaſon ſignified little to men, that were reſolved to go through with what they had begun; nor could it have ſignified much upon another account: for among them all, generally ſpeaking, there was never ſeen ſuch a ſet of men gathered together; for they had few, ſave ſir James Montgomery, and John Dalrymple, that could make the leaſt reply, but only put it to the vote, which they were ſure to carry among themſelves. Likewiſe there were ſome diviſions: ſome would have the crown declared immediately vacant, as was done in England, and the prince of Orange proclaimed. Others, who were cautious, and would willingly have ſeen a little better about them before they made ſo bold a ſtep, propoſed an union with England, and took all the pains imaginable to engage your friends into it, and ſo bring them back to the houſe, alledging there would be nothing ſo much for your intereſt as the gaining of time; and if that this propoſal did not go on, the government would be preſently ſettled; but if it were once ſet on foot, and your friends aſſiſt it, ſeveral months would be ſpent before any ſuch treaty could be ended.

"The chief of theſe, who managed the affair, were the viſcount of Tarbat, and the lord S——s. Your friends ſoon perceived, that they only deſigned to do this as effectually for the prince of Orange by an union; for all, that were for this, have conſented to the prince of Orange's being king, and to all that was done in England. Thus to free themſelves of the odium of ſuch a deed, your majeſty's buſineſs ſucceeded and ended. Then they wanted not apprehenſions; for your affairs in Ireland were vaſtly magnified both by your friends and by your enemies. This proſpect took extremely with thoſe, that had a mind to trim, or were not in hopes of employments. But there were two different intereſts in the houſe againſt it; for duke Hamilton, and all he had influence upon, who expected the great employments for himſelf and children, as the reward of his ſervice; then the bigoted fanatics, who feared that ſuch an union, where the church of England was the ſtrongeſt party, might be of ill conſequence to their kirk, which they deſigned not only to eſtabliſh upon the old foot, but, according as they did before, endeavour the reformation of their brethren in England. The two parties were by far ſtronger than the trimmers, eſpecially ſince your friends would not meddle; ſo that they never ventured to propoſe it publicly." Account of the affairs of Scotland, p. 56, &c.

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number with an account of their diligence and the poſture of his affairs there, he bid them heartily farewel."

This menacing letter, which was dated from on board the St. Michael, March 1, 1689, was the more ungrateful by being counterſigned by the earl of Melfort, a perſon odious to all the preſbyterians of Scotland, who made up the major part of the convention; ſo that, inſtead of ſerving the intereſt of king James, it rather provoked that aſſembly to be the more unanimous and forward in ſettling the government after the example of England. The meſſenger, who brought the letter, was firſt ſecured, and then, not being thought worth detaining, diſmiſſed with a paſs inſtead of an anſwer.

The next care of the convention was to put the kingdom in a poſture of defence; for which purpoſe they ordered a proclamation to be publiſhed, requiring all perſons from the age of ſixteen to ſixty to be in a readineſs to take arms. They likewiſe changed a great many officers of the militia all over the kingdom; appointed ſir Patrick Hume, who came over with king William from Holland, to command the militia of horſe of his county, notwithſtanding his attainder for the buſineſs of the earl of Argyle was not yet taken off; and ordered eight hundred men to be levied under the command of the earl of Levin, who came alſo over with his majeſty; and theſe were raiſed and armed in a few hours, and appointed to guard the city of Edinburgh.

On the 19th of March they paſſed an act, approving the addreſs of the Scots nobility and gentry in London; by which they thankfully 'acknowledged the great benefit done to their nation by the prince of Orange, in delivering them from the eminent encroachments on their laws and fundamental conſtitution, and from the near dangers, which threatned an overturning of the proteſtant religion; and alſo deſired his highneſs to accept the adminiſtration of the government of that kingdom.' The ſame day, upon reading of ſome letters from ſeveral lords and gentlemen in Ireland, deſiring aſſiſtance of the convention, they ordered two thouſand muſkets and twenty barrels of powder to be immediately ſent them; that a further proviſion of arms and ammunition ſhould be bought up for them in Holland; and that two ſmall frigates ſhould cruize between Scotland and Ireland, for mutual intelligence between both kingdoms.

Whilſt the convention was thus providing for their own ſecurity, and the relief of their proteſtant brethren in Ireland, the lord viſcount Dundee held a private conference with the duke of Gordon at the poſtern gate of the caſtle of Edinburgh, at which they concerted meaſures to diſturb the public tranquillity. The convention being informed of this violation of their orders, by which they had forbid all manner of correſpondence with the duke, ordered Dundee to appear before them; but he retired with thirty or forty horſe to Linlithgow [w]. Upon this a party of horſe was ſent after him; and the convention apprehending, that he might ſurprize the caſtle of Sterling, they immediately diſpatched away the governor thereof, the earl of Mar, to ſecure that important fortreſs. And the houſe finding, that the attorney-general Mackenzie, five biſhops, the earls of Hume, Dumferling, Lauderdale, Birley, and Callender, the viſcounts Dundee, Stourmont, and ſeveral other diſaffected members, to the number of fifty, did abſent themſelves, ſent their maces to require their attendance; and it was propoſed, that ſuch as had refuſed to ſign the act, aſſerting the lawfulneſs of their aſſembly, ſhould be expelled the houſe. But theſe being few in number, that motion was not purſued.

On the other hand the duke of Gordon, in order to cover his real deſign, having beat a parley, and deſired to capitulate, ſome perſons were appointed to treat with him. But it appeared at laſt, that he only intended to amuſe the convention, and did not deſign to quit the poſſeſſion of the caſtle, till he ſhould be forced to it. For on the 22d of March he acquainted the magiſtrates of Edinburgh, that he had received advices from Ireland of king James's being landed there; and that to expreſs his joy upon the occaſion, he ſhould be obliged to fire all his cannon; but bid them not be alarmed at it, ſince he deſigned no hurt to the city. The convention being informed of this meſſage, ordered the caſtle to be blocked up; and upon the 23d, an act was paſſed and proclaimed for ſecuring all ſuſpected perſons. The ſame day the anſwer of the convention to king William's letter was read and ſigned in a meeting of the whole houſe, very few excepted, and ordered to be ſent away immediately by the lord Roſs, who took poſt, and preſented it to his majeſty, importing:

"That as religion, liberty, and laws, are the deepeſt concerns of mankind, ſo the deep ſenſe of the extreme hazard, theſe had been expoſed to, muſt produce ſuitable returns from the kingdom to his Majeſty, whom in all ſincerity and gratitude they acknowledged to be, under God, their great and ſeaſonable deliverer; and they heartily congratulated, that as God had honoured his majeſty to be an eminent inſtrument for the preſervation of his truth, ſo he had rewarded his undertaking with ſucceſs, in the conſiderable progreſs which he had made in delivering them, and in preſerving to them the proteſtant religion. That they returned their moſt dutiful thanks to his majeſty for his accepting the adminiſtration of public affairs, and convening the eſtates of that kingdom. That they ſhould with all convenient diligence take his gracious letter into their conſideration; hoping ſhortly, by the bleſſing of God, to fall upon ſuch reſolutions as might be acceptable to his majeſty; ſecure the proteſtant religion, and eſtabliſh the government, laws, and liberties of that kingdom upon ſolid foundations, moſt agreeable to the general good and inclinations of the people. That

[w] He had been ſome time before at London, and had fixed a correſpondence both with England and France, though he had employed Dr. Burnet to carry meſſages from him to king William, to know what ſecurity he might expect if he ſhould go and live in Scotland without owning his government. The king's anſwer was, that if he would live peaceably, and at home, he ſhould be protected; to which he replied, that unleſs he were forced to it he would live quietly. But he returned to Scotland with other reſolutions; and all the party determined to ſubmit to his command; and upon his retiring from Edinburgh, he went up and down the Highlands, and ſent his agents about to bring together what force they could collect. Burnet. II. 22. The earl of Belcarras tells us that a few days after the convention were certain, that the viſcount of Dundee had gone by Sterling to his own houſe, they ſent an herald and a trumpet to command him and my lord L———n to return, under pain of being denounced rebels to the ſtate. My lord L———n obeyed, and was immediately diſmiſſed, being then no member of the houſe, and they having nothing to lay to his charge. The viſcount of Dundee wrote a letter, excuſing his not obeying their order, wherein he gave the reaſons, for which he left the convention, which were, "that he could ſtay no longer in that place, after that he had told in full convention of ſo many of his enemies, who deſigned to murder him, yet could have no juſtice. He told alſo, he could not think that convention any more free, wherein there were ſo many brought in from the weſtern countries to overawe its members, nor where they were guarded with foreign troops; (for juſt at this time Mackay was come down from England with four Dutch regiments;) but if they would do him juſtice, and give him aſſurance of liberty, he promiſed to return immediately. I have given this account the more full, becauſe it was inſinuated, after my lord Dundee went to the Highlands, that ſeveral of your friends broke their engagements to him, and did not go along, but were ſo far from being in any ſuch engagements, that they would have diſobeyed you, if they had gone; for your poſitive commands were ſent with George H———y, that if we ſaw there could be nothing done in the convention, then we ſhould quit it, and keep as quiet as we could till farther orders, and until you could ſend us aſſiſtance from Ireland; but the deſign of going to Sterling made the one go for the other; ſo that was ruined by the faint-heartedneſs of the marquis of Annandale and ſome others. All that knew your commands, endeavoured to retire home and ſave themſelves; nor did ever the viſcount of Dundee reſolve to meddle, until he had your orders, except he had been obliged to ſave himſelf from a party, that came to apprehend him. Notwithſtanding of the difficulties your friends had met with, ſome of them did not give over hopes of breaking the deſign of the convention, and get another to meet in ſome ſafe place. That which raiſed this, was the coming down of the duke of Queenſberry. The duke, upon the noiſe of the invaſion, had appeared ſincerely in your intereſt; and I muſt do him the juſtice to ſay, I never ſaw any man more concerned than he was for the ſteps his ſon made in England, after your majeſty was gone. He joined in all the meetings we had for your ſervice, and employed what intereſt he could to get commiſſioners for the ſhires he was concerned in chooſing, as we wiſhed; nor could any thing be complained of him, but his too long ſtay at London; for if all your friends had appeared, as they promiſed, the firſt day of the convention, they had been by far the ſtrongeſt, and if Scotland had then declared for you, when you was almoſt maſter of Ireland, the prince of Orange had paſſed his time ill in England, conſidering he had France to deal with on the other ſide. This made us extremely concerned, ſince that we could do no more in that convention, either to get another to counter-act them, or to get them forced from Edinburgh, which would have made a great delay before the time they could have another convention eſtabliſhed, and which they intended to ſet up at Glaſgow, if they had been forced from Edinburgh. The only thing could be thought of by all your friends to get this done, was to engage the duke of Gordon to fire upon the town, which certainly would have broke up the convention; for they always ſuſpected ſome deſign of forcing them from Edinburgh. In this reſolution no man ſeemed ſo forward as the marquis of Annandale, for it was of great concern to have him ſo; for after the earl of M———r had intirely quitted us, and by that they had got Sterling in their hands, there was no man in the nation (conſidering how well affected his Highlands were) could be ſo uſeful, if your friends had retired northwards, as was intended, till they had received your orders from Ireland. And that, which made us depend on him (for all the eſcapes he made) was the great influence the earl of D———e had with him; and he applied all his endeavours to keep him to his duty, and acted in all your concerns with as much zeal and affection, till he was made priſoner, as any ever ſerved you.

"The counteſs of E———l, who had kept intelligence with duke Gordon from the time the caſtle was blocked up, undertook to let him know our advice; which accordingly ſhe did; but he abſolutely refuſed to do any thing but defend himſelf until he had your majeſty's orders. So our whole deſigns were broke; for ſince there was no way found out to make them leave Edinburgh, all of us ſeeing that there was no more to be expected, either from the convention, or from thoſe that pretended to be our friends, left the town, and retired home, ſuch as the earl of H———e, viſcount of S———t, viſcount of O———d, lord S———r, earl of S———k, earl of P———e, Mr. Henry Maul his brother, the ſheriff of B———e, and ſeveral others. Acc. of the Aff. of Scot. p. 77. &c.

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as to the propoſal of the union, they doubted not but his majeſty would ſo diſpoſe the matter, that there might be an equal readineſs in the kingdom of England to accompliſh it, as one of the beſt means for ſecuring the happineſs of theſe nations, and ſettling a laſting peace. That they had hitherto and ſtill ſhould endeavour to avoid animoſities or prejudice, which might diſturb their councils: That as they deſigned the public good, ſo it might be done with the general concurrence and approbation of the nation. And that in the mean time, they deſired the continuance of his majeſty's care and protection towards them in all their concerns, whereof the kind expreſſions in his gracious letter had given them full aſſurance."

The forces which king William had ſent into Scotland under major-general Mackay, and which conſiſted of four regiments of foot and one of dragoons, being arrived there, the convention ordered them to be quartered in Leith and the ſuburbs of Edinburgh; and gave a commiſſion to that general to be commander in chief of ſuch militia, or other forces, as ſhould be raiſed for the ſafety of that kingdom in the preſent juncture. And at the ſame time the lord Levingſton and viſcount Dundee, with deſign to amuſe the convention, wrote letters to the duke of Hamilton, their preſident, giving an account of their withdrawing from Edinburgh.

On the 26th of March a committee was named for ſettling the government, which was compoſed of eight lords, eight knights, and eight burgeſſes, and out of which the biſhops were left, as having diſguſted the generality of the ſtate, by their former compliance with king James's arbitrary government, by their prayers at the beginning of the ſeſſion, and other paſſages in their behaviour, that diſcovered their diſaffection to king William, and the ſettlement then about to be made. This committee, after five or ſix days ſitting, followed the precedent of the Engliſh convention, in declaring the throne vacant[x]; and to ſupport this aſſertion, had recourſe to king James's violations of the fundamental laws and conſtitutions, and appointed a ſub-committee to draw up an account of the particular inſtances of thoſe violations. Upon this, three parties were formed; one compoſed of all the biſhops and ſome of the nobility, who affirmed the proceedings to be contrary to their laws and oaths. Others thought, that their oaths were only to the king, as having the executive power to ſupport him in that; but that if he ſet himſelf to invade and aſſume the legiſlature, he renounced his former authority, by ſubverting that, upon which it was founded; for which reaſon they were for a declaratory judgment. The third party was of thoſe, who agreed with the former in their concluſion, but not in coming to ſo ſpeedy a determination. They were of opinion, that it was the intereſt of Scotland to be brought under the laws of England, and to be united to the parliament of England; and that this was the propereſt time for doing that to the beſt advantage, ſince England would be obliged, by the preſent ſtate of affairs, to receive them upon good terms. They were therefore willing to proceed againſt king James; but they thought it not reaſonable to proceed with too much haſte in a new ſettlement, and were for maintaining the government in an interregnum, till the union ſhould be perfected, or at leaſt put in a probable way. This was ſpecious, and many went into it; and ſince it tended to the putting a ſtop to a full ſettlement, all, who favoured king James, joined in it, becauſe by this more time was gained. To this project it was objected, that the union of the two kingdoms muſt be a work of time, ſince many difficulties would ariſe in any treaty about it; whereas the preſent circumſtances were critical, and required a ſpeedy deciſion, and quick proviſion to be made for their ſecurity; ſince, if they continued in ſuch a neutral ſtate, they would have many enemies, and no friends; and the zeal, that was now working amongſt them for preſbytery, muſt raiſe a greater averſion than ordinary in the body, that was for the church of England, to any ſuch treaty with them. At laſt the whole houſe, except twelve, approved of what the committee had done, and paſſed the following act: 'The eſtates of the kingdom of Scotland find and declare, that king James the VII being a profeſſed papiſt, did aſſume the royal power, and acted as a king, without ever taking the oath required by law, and had, by the advice of evil and wicked councillors, invaded the fundamental conſtitution of this kingdom, and altered it from a legal and limited monarchy to an arbitrary deſpotic power; and had governed the ſame to the ſubverſion of the proteſtant religion, and violation of the laws and liberties of the nation, inverting all the ends of government; whereby he had forefaulted the crown, and the throne was become vacant.'

Immediately after this the eſtates ordered, that the committee for ſettling the government ſhould bring in an act for ſettling the crown upon their majeſties William and Mary; and to conſider the terms of the deſtination of the crown; and likewiſe to prepare an inſtrument of government, to be offered with the crown for redreſſing the grievances, and ſecuring the liberties of the people[y].

[x] The earl of Belcarras obſerves, that a few days after many of king James's friends had left the convention, "The committee prepared all that was intended in the convention, but found great difficulties how to declare the throne vacant. Some were for abdication, as had been done in England, but that could not paſs among the moſt violent of them, for it could not be imagined, that your majeſty left Scotland. Others were for making uſe of an old obſolete word forefaulting, uſed for a bird's forſaking her neſt. But ſir John Dalrymple ended the debate by ſuch reaſons againſt both, that they agreed to his new propoſal, which was, 'That your majeſty, by committing ſuch acts as he named, forefaulted your right to the crown;' making this childiſh diſtinction, that they intended not to forefault you as a traitor, but only declare you forefaulted; which would make the affair clear, and take off any pretenſions the prince of Wales might afterwards have. This immediately was taken and voted the next day by all preſent, except five, the archbiſhop of Glaſgow, ſir George Mackenzie, lord B———e, Mr. O———e and one B———h. All the reſt, which did intend to go along, had left the houſe.

"After the throne was declared vacant, duke Hamilton propoſed filling it again, (although as preſident he was not obliged to vote,) and that the humble offer thereof ſhould be made to the prince and princeſs of Orange. This was done more unanimouſly than the other; for the duke of Queenſberry and marquis of Annandale, who had been abſent from the firſt vote, came and aſſented to the ſecond, and told the houſe, that they were not fully convinced of their right in declaring the throne vacant; but ſince they had done it, they acquieſced, and none deſerved ſo well to fill it as the prince of Orange; and afterwards went with the reſt to the market-croſs of Edinburgh, where they were declared king and queen of Scotland, where the duke of Hamilton, to ſhew his zeal, did the meaneſt action, that ever could be heard tell of in a duke, for he officiated as clerk, and read from the croſs, to the people, the act of convention. Next they voted lord L———n, ſir James Montgomery, and ſir John Dalrymple, to carry up their offer, with their grievances and claim of right, which were the conditions pretended as giving him the crown. And that they might be in greater ſafety during the adjournment, which they were to make, until they knew, whether the prince and princeſs of Orange had accepted of their preſent, they voted a full power to duke Hamilton to impriſon whomſoever he ſuſpected, until the return ſhould come back, fearing if ſuch a power were lodged in many, ſome advertiſements might be given. Acc. of Aff. of Scot. p. 82.

[y] According to this vote the committee drew up an act, reciting the methods, by which king James had invaded the conſtitution of that kingdom: "1. By erecting public ſchools and ſocieties of the jeſuits; and not only allowing maſs to be publicly ſaid, but alſo converting proteſtant chapels and churches to public maſs-houſes, contrary to the expreſs laws againſt ſaying and hearing maſs. 2. By allowing popiſh books to be printed and diſperſed by a patent to a popiſh printer, deſigning him printer to his majeſty's houſhold, college, and chapel, contrary to law. 3. By taking the children of proteſtant noblemen and gentlemen, ſending them abroad to be bred papiſts, and beſtowing penſions upon prieſts to pervert proteſtants from their religion by offers of places and preferments. 4. By diſcharging proteſtants, at the ſame time he employed papiſts in places of the greateſt truſt, both civil and military, &c. and intruſting the forts and magazines in their hands. 5. By impoſing oaths contrary to law. 6. By exacting money without conſent of parliament or convention of eſtates. 7. By levying and keeping up a ſtanding army in time of peace, without conſent of parliament, and maintaining them upon free quarter. 8. By employing the officers of the army as judges throughout the kingdom; by whom the ſubjects were put to death without legal trial, jury, or record. 9. By impoſing exorbitant fines to the value of the parties eſtates, exacting extravagant bail, and diſpoſing of fines and forfeitures before any proceſs or conviction. 10. By impriſoning perſons without expreſſing the reaſon, and delaying to bring them to trial. 11. By cauſing ſeveral perſons to be proſecuted, and their eſtates to be forfeited, upon ſtretches of old and forfeited laws, upon weak and frivolous pretences, and upon lame and defective proofs; as particularly the late earl of Argyle, to the ſcandal of the juſtice of the nation. 12. By ſubverting the rights of the royal boroughs, the third eſtate of parliament, impoſing upon them not only magiſtrates, but alſo the whole town-council and clerks, contrary to their liberties and expreſs charters, without any pretence, of ſentence ſurrender, or conſent. So that the commiſſioners to parliaments being choſen by the magiſtrates and councils, the king might in effect as well nominate the eſtate of parliament. Beſides that many of the magiſtrates by him put in were papiſts: and the boroughs were forced to pay money for the letters impoſing thoſe illegal magiſtrates upon them. 13. By ſending letters to the chief courts of juſtice, not only ordering the judges to ſtop 'fine die,' but alſo commanding how to proceed in caſes depending before them, contrary to the expreſs laws; and by changing the nature of the judges patents 'ad vitam' or 'culpam' in a commiſſion 'de bene placito,' to diſpoſe them to a compliance with arbitrary courſes, and turning them out of their offices, if they refuſed to comply. 14. By granting perſonal protections for civil debts, contrary to law.

"All which were miſcarriages of king James; utterly and directly contrary to the known laws, freedoms, and ſtatutes of the realm of Scotland.

"Upon which grounds and reaſons the eſtates of the kingdom of Scotland did find and declare, that king James VII, being a profeſt papiſt, did aſſume the regal power, &c. whereby he had forefaulted the rights of the crown, and the throne was become vacant.

"Therefore in regard his royal highneſs, then prince of Orange, ſince king of England, whom it pleaſed God to make the glorious inſtrument of delivering theſe kingdoms from popery and arbitrary power, by advice of ſeveral lords and gentlemen of the Scots nation then at London, did call the eſtates of this kingdom to meet upon the fourteenth of March laſt, in order to ſuch an eſtabliſhment, as that their religion, laws, and liberties might not again be in danger of being ſubverted; the ſaid eſtates being at that time aſſembled accordingly in a full and free repreſentative of the nation, taking into their moſt ſerious conſideration the beſt means for attaining the

The ſmall number of thoſe, who adhered to king James, endeavoured to prevent the paſſing of this act; and among the reſt the biſhop of Edinburgh repreſented, that it related many unlawful acts, of which that king was innocent, and which were wholly to be charged on his miniſters: That ſuppoſing him to be guilty, they were not competent judges of his miſdemeanors, being illegally convened; and therefore that the beſt method the convention could follow for the good of the nation, was to deſire and favour his majeſty's return into his dominions, who out of gratitude would not fail to redreſs all their grievances. This ſpeech was anſwered with great force and ſpirit by one of the members; ſo that the act being read and agreed to in the convention, the ſame day their majeſties were crowned king and queen of England, they were alſo proclaimed king and queen of Scotland.

The fatal blow, which by a clauſe in this act was given to epiſcopacy, not only occaſioned great diſcontents in Scotland, but very much increaſed thoſe of England, and rendered the union of both nations deſperate. And indeed it was thought an abſurd thing, that this clauſe, whereby it was declared, that prelacy in the church was a great and inſupportable burthen to the nation, ſhould be inſerted in a claim of rights, for which not only they had no law, but which was contrary to many laws then in being; ſo that though they might have offered it as a grievance, there was no colour for pretending it was a national right. But they had a notion among them, that every article, that ſhould be put into the claim of rights, became an unalterable law, and a condition, upon which the crown was to be held; whereas grievances were ſuch things, as were ſubmitted to the king and parliament to be redreſſed, or not, as they ſhould ſee cauſe. But the biſhops, and thoſe who adhered to them, having left the convention, the preſbyterians had a majority of voices to carry every thing, as they pleaſed, how unreaſonable ſoever, and upon this the aboliſhing of epiſcopacy was made a neceſſary article of the new ſettlement.

It may here be obſerved, that ſoon after the king came to St. James's, the epiſcopal party in Scotland had ſent up the dean of Glaſgow, to know what the prince of Orange's intentions were with relation to that party; and the prince anſwered, that he would do all he could to preſerve them, granting a full toleration to the preſbyterians. But this was, in caſe they concurred in the new ſettlement of the kingdom; for if they ſhould oppoſe that, and if by a great majority in parliament, reſolutions ſhould be taken againſt them, he could not make a war for them, though he would do all that was in his power to maintain ſuch of them, as ſhould live peaceably in their functions. This the prince ordered Dr. Burnet likewiſe to write back, in anſwer to what ſome biſhops and others had writ to him upon that ſubject. But the viſcount Dundee, when he returned into Scotland, poſſeſſed them with ſuch an opinion of another ſpeedy revolution, that would be brought about in favour of king James, that they reſolved to adhere firmly to his intereſts; and thus declaring in a body, with ſo much zeal, in oppoſition to the new ſettlement, it was not poſſible for king William to preſerve epiſcopacy there; all thoſe, who expreſſed their zeal for him, being equally zealous againſt that order.

Amongſt thoſe, who appeared in this convention, none diſtinguiſhed himſelf more than ſir James Montgomery, a gentleman of good parts, but of a moſt unbridled heat and of a reſtleſt ambition. He bore the greateſt ſhare in the whole debate, and promiſed himſelf a conſiderable poſt in the new government. The duke of Hamilton preſided with remarkable diſcretion and courage; ſo that the bringing the ſettlement ſo ſoon to a calm concluſion was chiefly owing to him.

On the 13th of April the convention ordered a proclamation to be publiſhed, forbidding all perſons to own the late king James VII. for their king, or obey, aſſiſt, or accept any commiſſions, that might be given out by him, or any way to hold correſpondence with him; and requiring all the miniſters of the goſpel within the kingdom publicly to pray for king William and queen Mary. This proclamation was partly occaſioned by the coming over of one Braday from Ireland, with commiſſions from king James, and letters from his ſecretary the earl of Melfort to the earl of Belcarras, and others [z], diſcovering the deſigns of his maſter and his adhe-

ends aforeſaid, did in the firſt place, as their anceſtors in like caſes had uſually done, for the vindicating and aſſerting their antient rights and liberties, declare, that by the law of Scotland no papiſt could be king or queen of the realm, nor bear any office therein; nor that any proteſtant ſucceſſor could exerciſe the regal power, till they had ſworn the coronation oath. 2. That all proclamations aſſerting an abſolute power to null and diſable laws, in order for erecting ſchools and colleges for jeſuits, converting proteſtant churches and chapels into maſs-houſes, and the allowing maſs to be ſaid, and the allowing popiſh books to be printed and diſperſed, was contrary to law. 3. That the taking the children of noblemen and gentlemen and others, and keeping them abroad to be bred papiſts; the making funds and donations to popiſh ſchools and colleges; the beſtowing penſions on prieſts; and the ſeducing proteſtants from their religion by offers of places and preferments, was contrary to law. 4. That the diſarming of proteſtants, and employing papiſts in the greateſt places of truſt, both civil and military, &c. was contrary to law. 5. That the impoſing an oath without authority of parliament, was contrary to law. 6. That the raiſing of money without conſent of parliament or convention, was contrary to law. 7. That employing the officers of the army as judges, &c. was contrary to law. 8. That the impoſing extraordinary fines, &c. was contrary to law. 9. That the impriſoning of perſons without expreſſing the reaſons, &c. was the ſame. 10. That the proſecuting and ſeizing men's eſtates as forfeited, upon ſtretches of old obſolete laws, &c. was contrary to law. 11. That the nominating and impoſing magiſtrates, &c. upon boroughs, contrary to their expreſs charter, was the ſame. 12. That the ſending letters to the courts of juſtice, ordaining the judges to deſiſt from determining of cauſes, and ordaining them, how to proceed in cauſes depending before them, &c. was contrary to law. 13. That the granting of perſonal protections was the ſame. 14. That the forcing the ſubjects to depoſe againſt themſelves in capital cauſes, however the puniſhments were reſtricted, was contrary to law. 15. That the uſing torture without evidence, or in ordinary crimes, was contrary to law. 16. That the ſending of an army in a warlike manner into any part of the kingdom in time of peace, and exacting locality and free quarters, was the ſame. 17. That charging the ſubjects with law-boroughs at the king's inſtance, and impoſing bonds without authority of parliament, and the ſuſpending advocates for not appearing, when bonds were offered, was contrary to law. 18. That the putting garriſons into private men's houſes, in time of peace, without authority of parliament, was illegal. 19. That the opinions of the lords of the ſeſſions in the two caſes following were illegal, viz. that the concerting the demand of the ſupply of a forefaulted perſon, although not given, was treaſon; that perſons refuſing to diſcover their private thoughts in relation to points of treaſon, or other men's actions, are guilty of treaſon. 20. That the fining huſbands for their wives withdrawing from church, was illegal. 21. That prelacy, and ſuperiority of an office in the church above preſbyters, is and has been a great and inſupportable burthen to this nation, and contrary to the inclinations of the generality of the people ever ſince the reformation, they having reformed popery by preſbytery, and therefore ought to be aboliſhed. 22. That it is the right and privilege of the ſubject to proteſt for remedy of law to the king and parliament againſt ſentences pronounced by the lords of the ſeſſions, provided the ſame do not ſtop executions of the ſaid ſentences. 23. That it is the right of the ſubject to petition the king; and that all proſecutions and impriſonments for ſuch petitioning were contrary to law.

" Therefore for the redreſs of all grievances, and for the amending, ſtrengthening, and preſerving the laws, they claimed that parliaments ought to be frequently called and allowed to ſit, and freedom of ſpeech and debate allowed to the members.

" And then they further claimed and inſiſted upon all and ſundry the premiſes as their undoubted rights and liberties, and that no declaration or proceedings to the prejudice of the people in any of the ſaid premiſes ought, in any wiſe, to be drawn hereafter into example; but that all forfeitures, fines, lois of offices in impriſonments, baniſhments, proſecutions, and rigorous executions be conſidered, and the parties redreſſed.

" To which demand of their rights, and redreſs of their grievances, they took themſelves to be encouraged by the king of England's declaration for the kingdom of Scotland in October laſt, as being the only means for obtaining a full redreſs and remedy therein.

" Therefore foraſmuch as they had an entire confidence, that his majeſty of England would perfect the deliverance ſo far advanced by him, and would ſtill preſerve them from the violation of the rights, which they had aſſerted, and from all other attempts upon their religion, laws and liberties; the ſaid eſtates of the kingdom of Scotland had reſolved, 'That William and Mary, king and queen of England, be declared king and queen of Scotland, to hold the crown and royal dignity of the ſaid kingdom to them the ſaid king and queen during their lives, and the longeſt liver of them; and that the ſole and full exerciſe of the power to be only in and exerciſed by him the ſaid king, in the names of the ſaid king and queen during their lives. And after their deceaſe, that the ſaid crown and royal dignity be to the heir of the body of the ſaid queen; which failing, to the princeſs Anne of Denmark, and the heirs of her body; which alſo failing, to the heirs of the body of the ſaid William king of England.'

" And then withal they prayed the ſaid king and queen to accept the ſame accordingly."

It was alſo declared by the inſtrument, that the following oath,

'I A. B. do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to their majeſties king William and queen Mary. So help me God.'

ſhould be taken by all proteſtants, by whom the oaths of allegiance, or any other oaths and declarations, might be required by law inſtead of it; and that the oath of allegiance and all other oaths and declarations ſhould be abrogated.

[z] " The firſt, ſays the earl of Belcarras, that found the effects of this power (of the duke of Hamilton to impriſon whomſoever he pleaſed) was the viſcount of Dundee and myſelf, occaſioned by your majeſty's ſending over one Mr. Braday with letters from Ireland, wherein you gave us the ſame orders, that before you had done with Mr. H———y; which was to do nothing till your further orders, and that five hundred foot and three hundred horſe, which you had ready to ſend, were landed. Theſe letters were taken by the folly of Mr. Braday, for he had told all his buſineſs to one Mr. T———n, who came over with him out of Ireland on purpoſe to betray him; and even after he had diſcovered him to duke Hamilton, and that he was ſeized on and ſearched, they could find nothing about him, all his letters being hid in a falſe bottom of his wallet; nor had they any ſuſpicion where they were, until he eaſed all their minds, by telling all he knew of the matter, from whom and to whom he came, which had never been known but by him, the letters having no directions. Duke Hamilton, by virtue of the power given him, immediately ordered the earl of L———n to ſend over one hundred foot to my lord Dundee, and as many to me; but his houſe being twenty miles farther off than mine; beſides having the river of Tay betwixt him

rents. Braday being taken and examined, ſome expreſſions were found in theſe letters, which highly offended the convention. 'You will aſk me, without queſtion,' ſays Melfort to Claverhouſe, 'how we intend to pay our army; but never fear that, ſo long as there are rebels eſtates. We will begin with the great ones, and end with the little ones, &c.' In another to the lord Belcarras he ſays, 'The eſtates of the rebels will recompenſe us. Experience has taught our illuſtrious maſter, that there are a good number of people, that muſt be made Gibeonites, becauſe they are good for nothing elſe. You know, that there are ſeveral lords, that we marked out, when we were both together, that deſerve no better. Theſe will ſerve for examples to others.' After the reading of theſe letters, the preſident of the eſtates addreſſing himſelf to the aſſembly, ſaid, 'You hear, gentlemen, our ſentence pronounced; and that it behoves us either to defend ourſelves, or die.' Upon which the lord Belcarras, the lord Lochore, and lieutenant-colonel Balfour were committed to priſon, and ſeveral others bound to their good behaviour on ſufficient ſecurity. And being thus made ſenſible of their danger, the eſtates ordered four new regiments of foot and ten troops of horſe to be immediately levied, beſides the forces, which ſeveral of the nobility offered to raiſe. Garriſons were put into the caſtle of Dunnator, Ardmillian, and Arran, and a ſhip ſent from Ireland with ſix thouſand arms, which were deſigned for the rebels in the north of Scotland, was ſeized on the weſtern coaſt, whither ſhe was driven by a ſtorm.

After the eſtates had received the king's anſwer to their letter, they gave another to their commiſſioners for tendering the crown to king William and queen Mary; wherein they deſired their majeſties to ſign and ſwear the oath, which the law had appointed to be taken by the kings and queens at their acceſſion to the crown, till ſuch time as affairs ſhould allow that kingdom the happineſs of their preſence, in order to their coronation. They declared, that they were ſenſible of his majeſty's kindneſs and paternal care in promoting the union, which they hoped was reſerved for him to accompliſh. They thanked his majeſty for ſending thoſe troops, that might help to preſerve them; and aſſured him, that as it was the intereſt of England to contribute towards the ſecurity of Scotland; ſo they ſhould not be wanting on their parts to give their aſſiſtance for the reducing of Ireland.

The commiſſioners from the convention, who were the earl of Argyle for the lords, ſir James Montgomery for the knights, or, as they call them, the barons; and ſir James Dalrymple for the boroughs, being arrived at London upon the 11th of May, met in the council-chamber, and from thence were conducted by the maſter of the ceremonies to the banqueting-houſe, where their majeſties were prepared to receive them, ſitting on their thrones. They firſt preſented the letter from the eſtates to his majeſty; then the inſtrument of government; next, a paper containing the grievances, which they deſired might be redreſſed; and laſtly, an addreſs to his majeſty for turning the convention into a parliament. All theſe being read to their majeſties, the king returned to the commiſſioners the following anſwer: "When I engaged in this undertaking, I had particular regard and conſideration for Scotland; and therefore I did emit a declaration in relation to that, as well as to this kingdom, which I intend to make good and effectual to them. I take it very kindly, that Scotland hath expreſſed ſo much confidence in, and affection to me. They ſhall find me willing to aſſiſt them in every thing, that concerns the weal and intereſt of that kingdom, by making what laws ſhall be neceſſary for the ſecuring of their religion, property, and liberty, and to eaſe them of what may be juſtly grievous to them."

After this the coronation-oath was tendered to their majeſties, which the earl of Argyle ſpoke word by word diſtinctly, and the king and queen repeated it after him, holding up their right hands all the while, after the manner of taking oaths in Scotland. The commiſſioners, by the authority of the eſtates, repreſented to his majeſty, "That the clauſe of the oath, in relation to the rooting out of heretics, did not import the deſtroying of heretics; and that by the law of Scotland no man was to be perſecuted for his private opinion; and even obſtinate and convicted heretics were only to be denounced rebels, or outlawed, whereby their moveable eſtates are confiſcated." Hence his majeſty, at the repeating that clauſe in the oath, did declare, that he did not mean by theſe words, that he was under any obligation to become a perſecutor. To which the commiſſioners made anſwer, that neither the meaning of the oath, nor the law of Scotland, did import it. Then the king replied, that he took the oath in that ſenſe, and called the commiſſioners there preſent, to be witneſſes of his ſo doing.

On the 5th of June the duke of Hamilton acquainted the convention, that his majeſty had been pleaſed to appoint him his commiſſioner; and that he was impowered to give his conſent to an act for the turning the meeting of the ſtates into a parliament, in which his majeſty's further pleaſure was, that the earl of Crawford ſhould preſide. This act was accordingly paſſed the ſame day; and the parliament was prorogued to the 17th of June.

His majeſty being now king of Scotland, as well as of England, reſolved to form a miniſtry for that kingdom[a]. He determined to rely chiefly for advice on Dalrymple the father, who had been recommended to him, before he left the Hague, by the penſioner Fagel. And though he had heard great complaints of him, (as indeed there was ſome ground for them, (yet ſince his ſon ſir John Dalrymple was

and them, and having a good party of his own regiment conſtantly with him, they found it not ſo ſafe to apprehend him. But I was taken and brought to Edinburgh, and put in a common gaol. I had the liberty of it at firſt, for ſome days that the convention did not ſit; but as ſoon as they met, and read the letters, there were never men in greater rage than generally the whole houſe was againſt me. Upon reading of one from the earl of Melfort to me, wherein, after he had given us aſſurance of ſpeedy relief, he expreſſed himſelf much after this manner: 'That he wiſhed ſome had been cut off, that he and I ſpoke about, and then things had never come to the paſs they were at; but when we got the power again, ſuch ſhould be hewers of wood and drawers of water.' This duke Hamilton took as meant of himſelf; but what the earl of Melfort's intentions were in theſe expreſſions, I cannot determine; but to juſtify him and myſelf, I do declare, that he never in his life made the leaſt inſinuation to me of any ſuch propoſition. But whatever he intended by them, nothing could have been more to the prejudice of your affairs, nor for my ruin, than this, which did ſhew, that nothing but cruelty would be uſed, if ever your majeſty returned. Theſe letters were printed both in Scotland and England, and were like to have their deſigned effect; for when they were read in the convention, though I had many relations there, yet few appeared my friends, except the duke of Queenſberry, which was the more generous in him, for we had been in very ill terms, and until your majeſty's departure, I ſaw his inclinations ſincerely to follow you. He told the houſe, he doubted not but the earl of Melfort had writ thoſe letters on purpoſe to ruin me; and if letters coming to me could be made criminal, it was in the power of every man's enemies to expoſe him to what they pleaſed. That which inclined the duke of Queenſberry to believe this the more was, that he knew of my concurring with many of your faithful ſervants, (notwithſtanding of my friendſhip and relation to the earl of Melfort) to deſire your majeſty, by Mr. L———y, captain C———n and C———n who were ſent to you to intreat, that the earl of Melfort ſhould not come along with you, for at that time there was never a man in any nation ſo abhorred; inſomuch that whatever came from your majeſty, if he was thought to be the leaſt concerned in it, there needed no more to give all the iſle of Britain a prejudice againſt it. This, I confeſs, made many of us deſire your majeſty, that he might not come along with you. That there were ſome, that did this out of perfect ſpite, I cannot deny; but theſe were but a few to the vaſt number that did otherwiſe, ſincerely for your majeſty's ſervice, finding how obnoxious he was to all parties: nor had he greater enemies in the nation, than the generality of the Roman catholics. Though what the duke of Queenſberry ſaid, did ſhew his inclinations, yet it did ſignify nothing to allay the heat, for duke Hamilton told him, he had as little reaſon as any to ſatisfy me, for he doubted not but he himſelf was alſo meant. And generally all of them thought they were comprehended under hewers of wood and drawers of water. So I was voted cloſe priſoner, where I was kept fourteen weeks, till after the caſtle of Edinburgh was ſurrendered, at which time I was put in there. Nor did they limit their rage and malice to me; only by all they thought I was concerned in this, and likewiſe muſt feel it; and to make the greater noiſe, they apprehended ſeveral gentlemen, whom they thought my friends, and put them likewiſe in a common gaol; and it was propoſed by the earl of C———d, that the lord Lochore, who was one of thoſe taken with me, ſhould be made cloſe priſoner; he ſaid, he was ſure, (conſidering the friendſhip I had for him) he knew all that was deſigned, or had been acted in the late civil government. But this even duke Hamilton did not incline to; but the other urging, it was brought to a vote, and carried in the negative only by three." Acc. of the Aff. of Scot. p. 84.

[a] "During the adjournment of the convention, ſays the earl of Belcarras, all appeared very quiet, though at that time humours and diſcontents began to ariſe among themſelves, the prince of Orange not being able to ſatisfy the pretenſions and avarice of them all. And thoſe, that had appeared early for his intereſt, and had been the chief inſtruments of raiſing the rabble in Edinburgh, and had ſhewn their zeal for him in the convention, thought they had better pretenſions than thoſe who came over with him, they having only acted what they had done out of neceſſity, being for the moſt part forfeited perſons.

"The prince of Orange, till he had got his buſineſs done, managed both parties, ſo that each believed he had all to expect; but after the convention they quickly found their miſtake, for his own inclinations were entirely for thoſe that came over with him, and he got the lord Melvil, a creature of his own, made ſole ſecretary of ſtate for Scotland, and the council named as he had a mind, at leaſt of ſuch as he, if they could do him no good, they could ſignify as little againſt him, by which his power would be the greater. In it were named ſome, more for ſhew of their families, than any kindneſs for their perſons or eſteem for their parts: ſuch as the marquis of D———s, earl of M———n, earl M———l, earl of E——l, and earl of E———n, who, though they were not fanatics, yet were ſure not to contradict any thing that was to be done. Yet this diſſatisfied extremely the preſbyterians, who now thought none ſhould have been admitted but ſuch as had given proof of their converſion, and ſo inraged ſeveral, that had pretentions, particularly ſir James Montgomery, who thought nothing leſs due to his merit than to be ſecretary. Duke Hamilton was little better ſatisfied to ſee, that all the employments were neither at his diſpoſal, nor given to his children and friends, for whom he had made ſo many fruitleſs attempts both in your brother's reign and in your own. But though the diſcontents and jealouſies were generally known, yet they did not publicly declare againſt one another till at the firſt ſeſſion of the parliament in June 1689, where duke Hamilton was commiſſioner, and the earl of Crawford preſident. Acc. of the Aff. of Scotland, p. 96.

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one of the three commiſſioners from the ſtates of Scotland, he concluded from thence, that the family was not ſo much hated, as he had been informed; and therefore continued ſtill to be adviſed by him. The epiſcopal party were afraid of ſir James Montgomery's being made ſecretary of ſtate, from whom they expected nothing but extreme ſeverities; for which reaſon they uſed their utmoſt endeavours to prevent his preferment to that poſt; and the lord Melvil, who had married the ducheſs of Monmouth's ſiſter, and had continued from the year 1660 firm to preſbytery, and had been of late forced to leave the kingdom, being looked on as an eaſy man, who would have credit enough to reſtrain the fury of that party, he was made ſole ſecretary. But this proved a very unhappy ſtep; for as he was by his principles bigoted to preſbytery, and ready to ſacrifice every thing to the humours of that party; ſo he proved to be in all reſpects a narrow-hearted man, who minded his own intereſts more than either that of the king or of his country. This choice gave a great diſtaſte; and that was followed by a miniſtry, in the framing of which he had the chief hand, who were weak and paſſionate men. All offices were ſplit into commiſſions, that many might have ſome ſhare; but it rendered them all contemptible. And though Montgomery had a conſiderable poſt offered him, yet his miſſing that, which he aimed at, ſunk deep in his mind, and began to work in him an averſion to the king, which broke out afterward into much fury and plotting againſt him. Nor did the duke of Hamilton think, that he was conſidered, in the new model of the miniſtry, as he had deſerved, and might juſtly have expected.

The parliament in Scotland was opened, on the ſeventeenth of June with much ill humour; and they reſolved to carry the redreſs of grievances very far. Lord Melvil hoped to have gained the preſbyterian party, by ſending inſtructions to the duke of Hamilton, to open the ſeſſion with an act in favour of preſbytery; but the majority reſolved to begin with their temporal concerns, and the firſt grievance, to which redreſs was deſired, was the power of the lords of the articles, that relating ſo immediately to the parliament itſelf. The king conſented to a proper regulation, as that the number ſhould be enlarged and changed, as often as the parliament ſhould deſire it; and that the parliament might bring matters before them, though they were rejected by the lords of the articles. This anſwered all the juſt complaints, that had been made of that part of the conſtitution; but the king thought it was the intereſt of the crown to preſerve it thus regulated. Yet it was pretended, that, if the name and ſhadow of that were ſtill kept up, the parliament would in ſome time be inſenſibly brought under all thoſe reſtraints, that were now to be provided againſt; for which reaſon they moved to take it quite away. The duke of Hamilton wrote long letters both to the king and to the lord Melvil, giving a full account of the progreſs of an ill humour, that was got among them, and of the ill conſequence it was like to have. But he had no anſwer from the king, and lord Melvil wrote him back dark and doubtful orders; upon which the duke took little care how matters went, and was not ill pleaſed to ſee them go wrong. The revenue was ſettled on the king for life; and they raiſed the money, which was neceſſary for maintaining a ſmall force in Scotland, though the greateſt part of an army of ſix thouſand men was paid by England. But even the Preſbyterians began to carry their demands high; they propoſed to have the king's ſupremacy, and the right of patronage, taken away; and they aſked ſo high an authority to their church government, that the duke of Hamilton, though of himſelf indifferent as to thoſe matters, yet would not agree to them. He thought theſe broke in too much on their temporal concerns, and would eſtabliſh a tyranny in preſbytery, that could not be eaſily borne. He wrote to biſhop Burnet, who ſpoke ſometimes to the king on thoſe ſubjects, his deſign being chiefly to ſhelter the epiſcopal clergy, and to keep the change, that was now to be made, on ſuch a foot, that a door might ſtill be kept open. But the torrent was ſo ſtrong, that it was not poſſible for the king, had he been ever ſo zealous for epiſcopacy, to have preſerved it at that time, and yet all the king's enemies in England, continually charged him for the alterations then made in Scotland.

A new debate was likewiſe ſet on foot in that parliament concerning the judges. By the law there, when the king names a judge, he ought to be examined by other judges, whether he is qualified as the law directs. But in the year 1661, becauſe the bench was to be filled with a new ſet of judges, ſo that there was none to examine the reſt, the nomination, which the king then made, was read in parliament; and no objection being made to any of them, they did upon that ſit and act as judges. It was expected, that the ſame method ſhould be followed at this time. But, inſtead of that, the king continued ſuch a number of the former judges, as was ſufficient to examine thoſe, who were now to be advanced; ſo that was ordered to be done. Upon this, thoſe, who oppoſed every thing, pretended, that the nomination ought to be made in parliament; and they had prepared objections againſt every one, who was in the liſt; intending by this to put a public affront on one of the firſt and moſt important acts of the king's government. But the duke of Hamilton had a poſitive inſtruction ſent him, not to ſuffer this matter to be brought into parliament; yet he ſaw the party was ſo ſtrong, that they had a clear majority. Nor did he himſelf very much approve of the nomination, eſpecially that of the elder Dalrymple, ſoon after made lord Stair, to be preſident. And therefore he diſcontinued the parliament.

While theſe animoſities were thus fomented, viſcount Dundee had got together a conſiderable body of gentlemen, with ſome thouſands of Highlanders. He ſent ſeveral meſſengers over to Ireland, preſſing king James to come either to the north of England, or to Scotland; but at the ſame time deſired, that he would not bring the lord Melfort over with him, or employ him in Scots buſineſs; and that he would be contented with the exerciſe of his own religion. It may be eaſily ſuppoſed, that all this was very diſagreeable to king James; and that the lord Melfort diſparaged all the viſcount's undertakings. In this he was much ſupported by the French about that king, who had it given them in charge, as a main inſtruction, to keep him up to an high owning of his religion, and of all thoſe, who were of it; and not to ſuffer him to enter into any treaty or conditions with his proteſtant ſubjects, by which the papiſts ſhould in any ſort ſuffer, or be ſo much as diſcouraged. The Iriſh were willing enough to croſs the ſeas to England, but would not conſent to the going over to Scotland. The viſcount therefore was only furniſhed from Ireland with ſome ſmall ſtore of arms and ammunition, and had kind promiſes encouraging him, and all, who joined with him.

Lieutenant-general Mackay commanded their majeſties forces in Scotland. He followed the viſcount Dundee's motions, who was leſs incumbered with cannon and baggage, and ſo marched quicker than it was poſſible for Mackay to follow. His men were for the moſt part new levied, and without experience; but he had ſome old bodies, on whom he depended. The heads of the clans among the Highlanders promiſed to join him; but moſt of them went over to the viſcount Dundee. At laſt, after many marches and motions, they came to an engagement on the 26th of May, at Killikranky, ſome few miles above Dunkell. The ground was narrow, and lord Dundee had the advantage. He broke through Mackay's army, who fled; and probably, if the viſcount had outlived that day, the victory might have been purſued very far. But a random ſhot put an end to his life, and to the whole deſign [b]; for Mackay rallied his men, and made ſuch a ſtand, that the other ſide fell into great diſorder,

[b] "Your affairs, ſays the earl of Belcarras to king James, ſuffered prejudice by the victory, conſidering the great loſs of the viſcount of Dundee, who was the man the moſt proper for any ſuch undertaking in the nation; for he well underſtood the different tempers of thoſe he had to deal with, and knew well when and to whom it was fit to ſhew kindneſs, and alſo when to uſe roughneſs without ſeverity. And though he was naturally more ſparing of his money, than profuſe, yet wherever your majeſty's ſervice or ambition prompted, he ſtuck at nothing, but diſtributed frankly whatever he could command, which gained him entirely the hearts of thoſe who followed him, and brought him into ſuch a reputation, that if he had ſurvived that day, in all probability he would have given ſuch a turn to your affairs, that the prince of Orange could neither have gone nor ſent into Ireland; by which your majeſty would have been entire maſter of that kingdom, and in a condition to have landed what forces you pleaſed in Scotland, which was the only thing all your friends moſt deſired. Next day after the fight, an officer riding by the place where my lord Dundee fell, found lying there a bundle of papers and commiſſions, which he had about him. Thoſe, who ſtripped him, thought them but of ſmall concern, ſo they left them there lying. This officer a little after did ſhew them to ſeveral of your friends, among which there was one paper did no ſmall prejudice to your affairs, and would have done much more had it not been carefully ſuppreſſed. It was a letter of the earl of Melfort's to my lord Dundee, when he ſent him over your majeſty's declaration, in which was contained not only an indemnity, but a toleration for all perſuaſions. This the earl of Melford believed would be ſhocking to Dundee, conſidering his hatred to fanatics; for he writes, that notwithſtanding of what was promiſed in your declaration, indemnity and indulgence, yet he had couched things ſo, that you would break them when you pleaſed; nor would you think yourſelf obliged to ſtand to them. This not only diſſatisfied him, but alſo many of your friends, who thought a more ingenuous way of dealing better both for your honour and intereſt.

"Never were men in ſuch a conſternation as duke Hamilton and the reſt of the parliament then at Edinburgh, when they heard from thoſe that fled, of the defeat of Mackay. Some were for retiring into Ireland; others

and could never be formed again into any conſiderable body. And a fort was ſoon after built at Innerlochy, which was called fort William, and ſerved to cut off the communication between the northern and ſouthern Highlanders.

The ſiege of Edinburgh was likewiſe carried on with ſuch vigour, that the duke of Gordon ſeeing his ammunition ſpent, his houſe entirely ruined by the bombs, great breaches made in the walls by the cannon, and the beſiegers advanced to the ditch; and deſpairing of relief, ſince the lords Dunmore, Tarbat, and Lovat, with whom he had intelligence, were ſecured, he delivered up that important fortreſs on the 13th of June to ſir John Lanier, and ſurrendered himſelf and his whole garriſon to king William's diſcretion, upon condition that their lives ſhould be ſecured.

Thus the whole iſland of Great Britain acknowledged the ſovereignty of king William, and ſubmitted to his government; but Ireland was far from following the example of Scotland, and it was more than two years before that kingdom was entirely reduced to obedience.

The earl of Tyrconnel had been made lord lieutenant of Ireland in the beginning of king James's reign, on purpoſe to carry on his deſigns for the eſtabliſhment of popery in that kingdom[c]. The earl of Clarendon (whom Tyrconnel ſucceeded) had given public and ſolemn aſſurance that king James would maintain their act of ſettlement. But Tyrconnel went roundly to work. He turned all the Engliſh proteſtant officers out of the army, and placed Iriſh papiſts in their room. So an army paid by virtue of the act of ſettlement to ſecure it, was put into the hands of thoſe who were engaged both in religion and intereſt to deſtroy the ſettlement, and thoſe concerned in it, which was ſuch a violation of the law, as could not be any way palliated. Upon this the proteſtants of Ireland looked on themſelves as at mercy, ſince the army was now made up of their enemies. Fitton, a zealous papiſt, and who knew no other law but the king's pleaſure, was at the ſame time made lord chancellor. This ſtruck all people with great terror, to ſee a man of Tyrconnel's temper, entirely depended on by the Iriſh, capable of the boldeſt undertakings, and of the moſt cruel execution, in full poſſeſſion of the government. It was viſible, father Peter and the jeſuits were throwing king James into deſperate meaſures, and that in caſe all other methods failed, and his Engliſh army deſerted him, he ſhould think of accompliſhing his deſigns by the aſſiſtance of France and an Iriſh army. In theſe circumſtances was Ireland, when the prince of Orange landed in England. Tyrconnel gave out new commiſſions for levying thirty thouſand men; and reports were ſpread all over the iſland, that a general maſſacre of the proteſtants was deſigned in November. Terrified at this, the proteſtants began to run together for their defence both in Munſter and Ulſter. They had no great ſtrength in Munſter, having been diſarmed; nor any ſtore of ammunition for the few arms they had. So deſpairing of defending themſelves, great numbers came over to England, full of diſmal apprehenſions for thoſe left behind. They moved earneſtly that a ſpeedy aſſiſtance might be ſent them. In Ulſter the proteſtants had more ſtrength, but they wanted a leader. The lords of Granard and Montjoy, in whom they moſt confided, kept ſtill ſuch meaſures with Tyrconnel, that they would not take the conduct of them. However, Londonderry, the chief town in the north of Ireland, had taken arms before the prince of Orange reached London, as had alſo Inniſkillin, Slego, Coleraine, Kilmore, and ſome others of leſs note. As ſoon as the prince came to St. James's, the nobility and gentry of Ireland, who were then in London, met at the duke of Ormond's houſe, and drew up an addreſs to be preſented to him, with draughts of the chief ports of that kingdom, praying him to take them into his protection, which the lords and commons of England had before deſired.

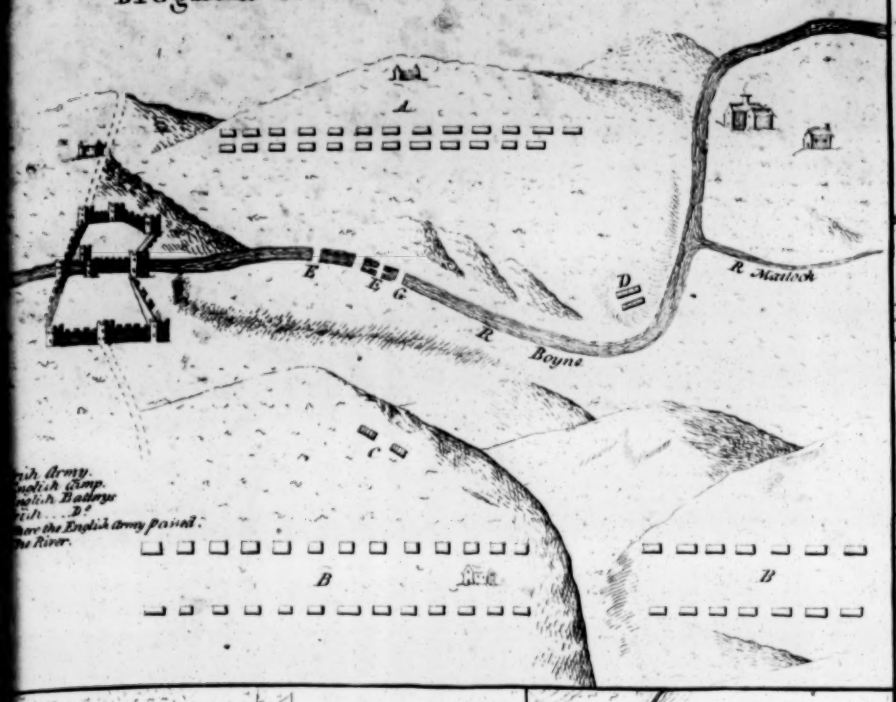
There was at this time, a great variety of opinions about the affairs of Ireland. Some thought that the leaving Ireland in ſo dangerous a ſtate, might be a means to bring the convention to a more ſpeedy ſettlement of England, and that therefore the prince ought not to make too much haſte to relieve Ireland. This advice was generally believed to be given by the marquis of Halifax. The truth was, the prince did not know whom to truſt. The Engliſh army was diſcontented, and probably, if he had ſent any of them they would have joined Tyrconnel: Nor could he ſend away any of his Dutch troops, on whom he chiefly truſted for maintaining the quiet of England. Then the magazines were ſo exhauſted, that till new ſtores were provided, there was little ammunition to ſpare. The raiſing new troops was a work of time, nor were there any ſhips of war in thoſe ſeas to ſecure the tranſports. And to ſend a ſmall company of officers with ſome ammunition, which was all that could be done on a ſudden; ſeemed to be expoſing them to the enemy. Theſe conſiderations inclined him to take another method. It was thought by ſome, that Ireland would certainly follow the fate of England. This was managed by an artifice of Tyrconnel's, who, by deceiving and threatning the moſt eminent proteſtants in Dublin, got them to write over to London, and give aſſurances that he would deliver up Ireland, if he might have good terms for himſelf. The earl of Clarendon was much depended upon by the proteſtants in Ireland, who made all their applications to the prince by him. Thoſe who were employed by Tyrconnel to deceive the prince, ſaid Tyrconnel would never reſign, unleſs he was aſſured, that Clarendon was not to ſucceed. Upon which the prince avoided ſpeaking to Clarendon about the Iriſh affairs, who having poſſeſſed himſelf with the hopes of Tyrconnel's poſt, and ſeeing them fruſtrated, became a violent oppoſer of the new ſettlement, reconciled himſelf to king James, and remained ever after a warm promoter of his intereſt. The prince being under difficulties how to relieve Ireland, hearkened to a propoſition made him; which was, to ſend over lieutenant-general Hamilton one of the officers that belonged to Ireland, and a ſort of priſoner of war to the prince. Hamilton who had ſerved in France with reputation, had great credit with Tyrconnel, and though a papiſt, was believed to be a man of honour. He undertook to prevail with Tyrconnel to reſign, and promiſed to return, in caſe he did not ſucceed. But inſtead of perſuading Tyrconnel to ſubmit, Hamilton adviſed him to ſtand out, for that all things in England were turning very faſt in favour of king James. This ſtep had a very ill effect, for before Hamilton came to Dublin, Tyrconnel was in ſuch deſpair, as looking on all as loſt, that he ſeemed to be very near a full reſolution of getting the beſt terms he could. This appears the more probable from what paſſed at an extraordinary council, to conſider the ſtate of affairs, held by Tyrconnel in the caſtle of Dublin the day after king James retired from Rocheſter into France, which he could not have heard of. At this council chief juſtice Keating, the only proteſtant judge in the kingdom, made a ſpeech to this purpoſe; "That it would be in vain to contend with the forces, which the prince of Orance had brought to England, and which had maſtered all oppoſition, or rather had met none in their march from the weſt to London; and that they would certainly find their work as eaſy in Ireland. That they ſhould call to mind the misfortunes they lay under by their laſt rebellion, and the conſequences, that would attend another by the utter forfeiture of all their lands and eſtates. That in the north the proteſtants were already in arms, and would readily join with any other proteſtants, who ſhould be ſent to their aſſiſtance. That the government of England being in the prince of Orange's hands, there was no ſuccour to be expected from that kingdom; nor had they any fund of money to maintain a war, the revenue of Ireland not being ſufficient to diſcharge the public expence; and that this revenue would decreaſe daily. Therefore, concluded he, as I am called to give my advice on this extraordinary occaſion, ſo I will not be anſwerable for any of the miſeries, that may enſue upon your non-compliance, but exhort your excellency to make a wiſe, timely, and honourable accommodation, which I doubt not you may obtain for yourſelf and people. May almighty God direct your intentions for the good of the public."

Tyrconnel heard the judge with patience, who was ſeconded by ſome of the more moderate papiſts; and at length

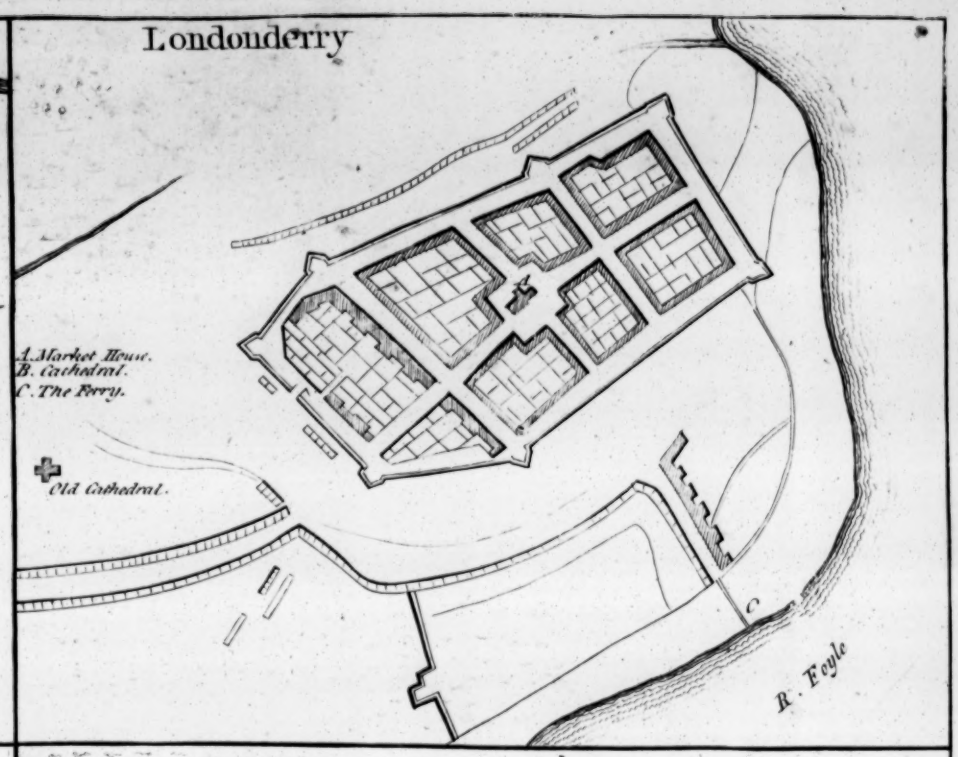
others into the weſtern ſhires of Scotland; nor knew they whether to abandon the government, or ſtay a few days, until they ſaw if my lord Dundee came nearer, for they never imagined he was killed. Then they conſidered whether to ſet at liberty all priſoners, or to make them more cloſe; the laſt was reſolved on. So we were all ſhut up; but though all liberty was denied us of ſeeing our friends, yet we never had ſo many viſits of your enemies, all making excuſes for what had paſſed, proteſting they always wiſhed us well, as we ſhould ſee, whenever they had the opportunity. The fright of thoſe who fled, augmented their own loſs, for col. L———r and ſeveral others, to excuſe themſelves, told all was cut off, when a few days after ſeveral came to Edinburgh, who, they ſaid, had been killed; and there being no noiſe of the viſcount Dundee's advancing forwards, they began to take a little more heart, and ſoon after they got notice of his death, which put them out of all apprehenſion; for they knew very well there was none in the army could make uſe of the victory, which ſoon appeared." Acc. of the Aff. of Scotland, p. 107.

[c] He had been named by Oates, in his Narrative, for that very employment; and therefore when the proteſtants ſaw him put into it, many who believed nothing of a plot before, gave credit now to that narrative; and the common ſaying was, "that if Oates was an ill evidence, he was certainly a good prophet." He exerciſed at the ſame time ſo much falſhood and barbarity, that if the army had not been the beſt principled with loyalty and obedience of any in the world, they would have mutinied, or at leaſt have diſpatched him. King's State of Proteſtants in Ireland, p. 59.

Drogheda with the Battle at the Boyne



Londonderry



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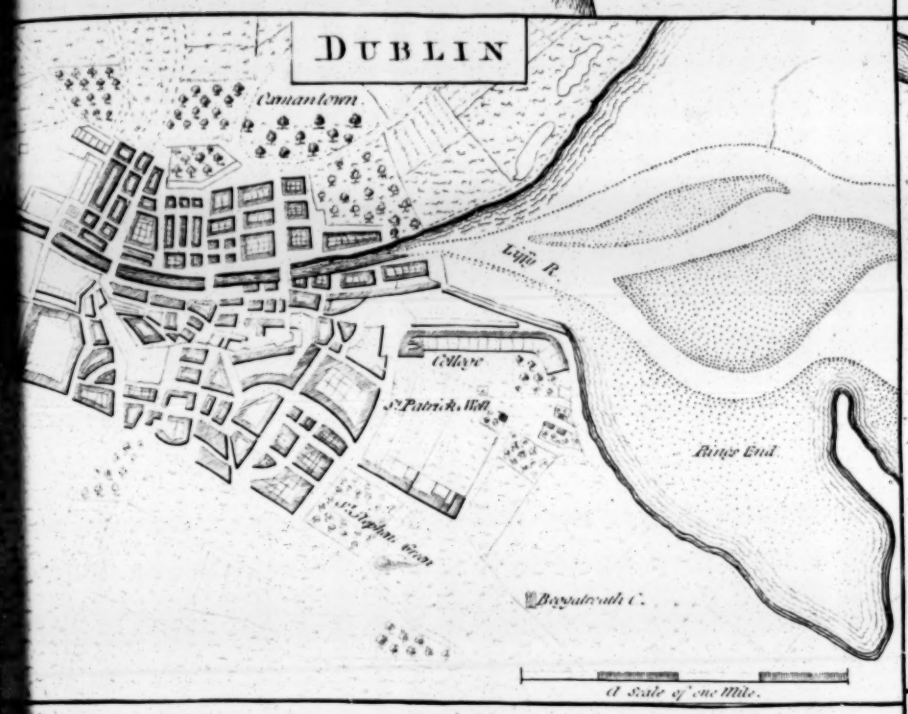

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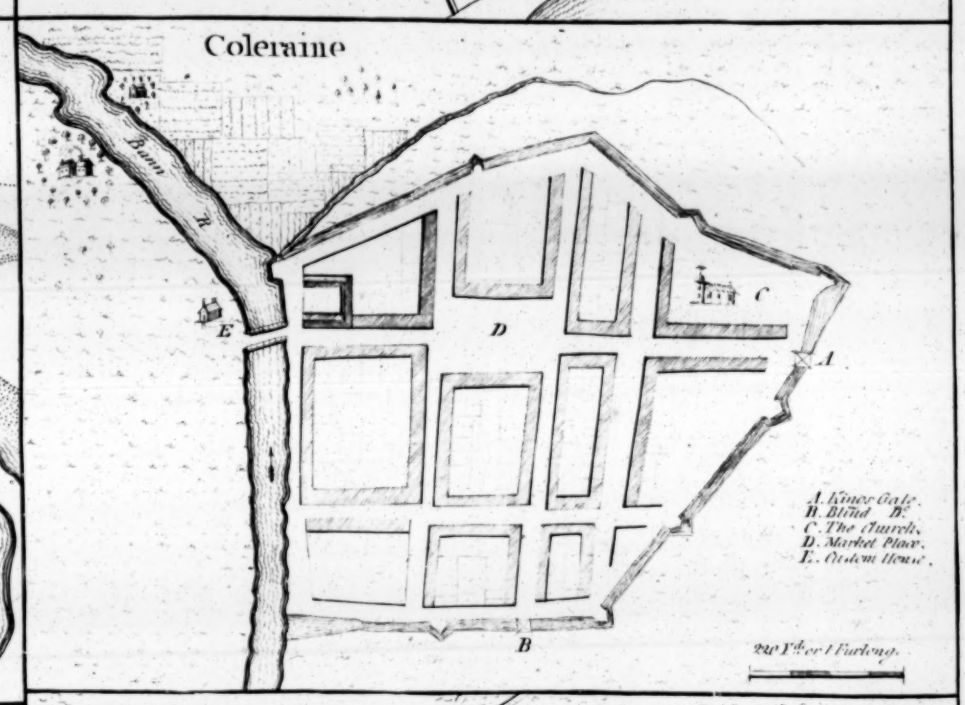
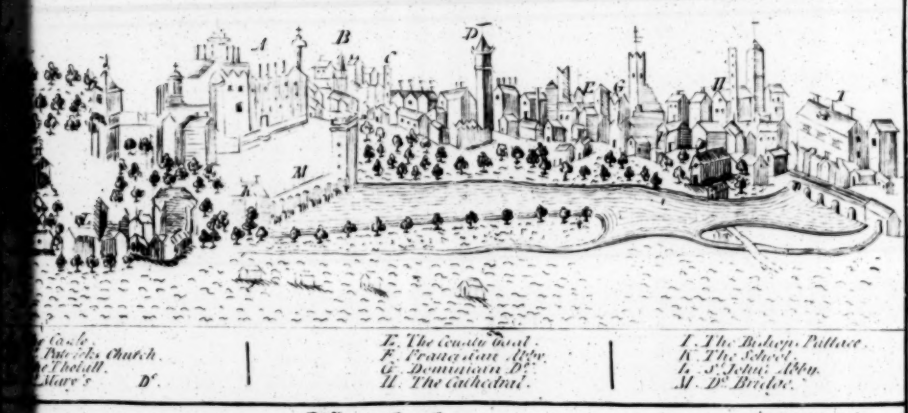
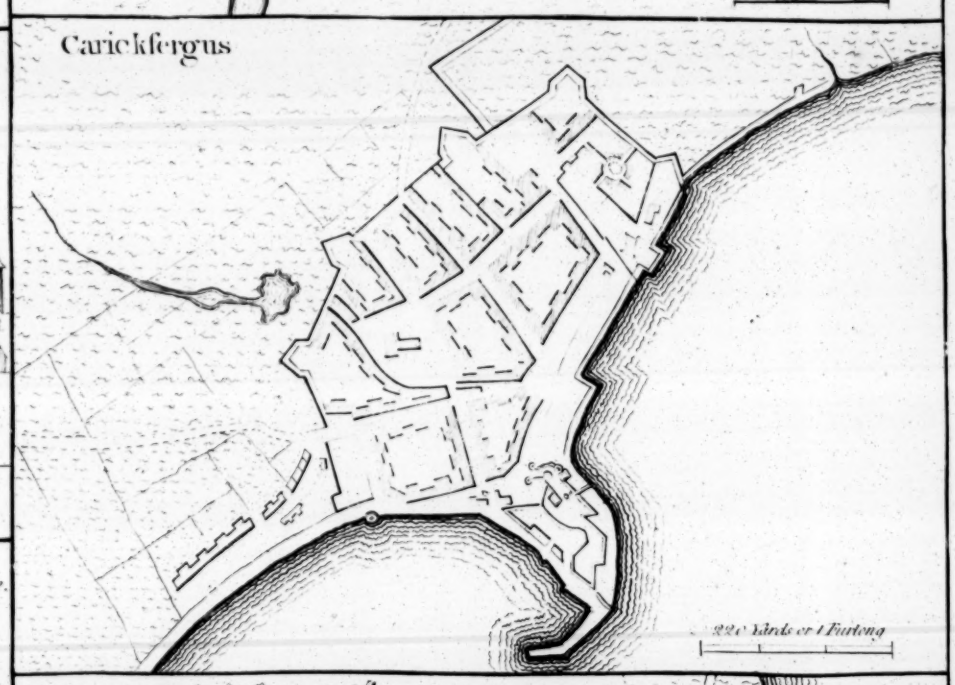


City of Killkenny



Carickfergus



Waterford

Belfast

Plans of the principal Towns, Forts and Harbours in Ireland. Engd for Harrison's Edition of Rapin.

BRITISH
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MUSEUM

Kinsale

Charles Fort

Charles Fort

Kinsale Harbour

A Scale of 8 Furlongs or 1 Mile.

Charlemount Fort

A. The Castle.
B. Guard House.
C. Magazine.
D. Wall.

Bogg

Gallway

The Key

Athlone

River Shannon

The Harbour of Corke

Great Island

Kinskine

Spike I.

English Miles

The CITY of CORK

RIVER LEE

A. North Gate.
B. South D°
C. The Fort.
D. Cathedral.
E. St ___ Church.
F. Custom House.
G. Store ... D°
H. St Francis Abby.
I. Shandon Chur.
K. Red Abby.

Bowling Green

Limerick

Themond Br.

Kings I.

Batt. Br.

A. Kings Castle.
B. Cathedral.
C. St Mindins Church.
D. St Francis Abby.
E. St Johns Church.
F. Citadel.
G. Custom Hou.
H. Island Gate.
I. Mongrill D°
K. St Johns D°
L. The Thetel.
M. English Town.
N. Irish D°

The Royal Fort of Duncannon

The Wall.
The Barracks.
Store Hs & Officers Lodgs.
Chapple.
Magazine.
Guard House.
The Stable.
The Forge.
Coach House.
Sally Ports.
Outerd Wall.
Store house.
Store keep.r & Gunners Lodgs.
Outward Gate & Drawbr.

Fathoms

Plans of the principal Towns. Forts and Harbours in Ireland. Engd for Harrison Edition of Rapin.

BRITISH
15 JY60
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moved in council, that if they would ſtand by and declare for the king and proteſtant religion, he would immediately make the earl of Granard, preſident of that council, lieutenant-general, and the lord Montjoy, major general of the army of that kingdom; which the earl of Granard declining, Tyrconnel left the council abruptly without coming to any reſolution. But Hamilton's arrival and perſuaſions ſecured him to king James, though he ſaw he muſt manage ſo as to gain as much time as he could, that the prince might not make too much haſte before a fleet and ſupplies came from France. Accordingly ſeveral letters were ſent over to England giving aſſurances that Tyrconnel was fully reſolved to treat and ſubmit.

King James came into France in December 1688, where he was received with great civility by Lewis XIV, but the meanneſs of his diſcourſe and his whole appearance and behaviour ſoon gave diſguſt to that court; and his conſtant application to hunting made him conſidered as a prince, who from a cowardly deſpair reſigned himſelf up to fortune, and abandoned a crown, which he found himſelf too weak either to recover or even to wear. In ſhort, the more the French ſaw of him, the leſs pity they had for his misfortunes. He was perpetually ſurrounded by the jeſuits, affecting to declare himſelf of their ſociety; and his bigotry was ſo exceſſive, that it expoſed him to contempt; ſo that the archbiſhop of Rheims, brother to monſieur de Louvois, ſeeing him come from maſs, could not avoid ſaying with an ironical tone, 'there goes a very honeſt gentleman, who has abandoned three kingdoms for a maſs.' However the king of France aſſured him, that as they had both the ſame intereſts, ſo he would never give over the war, till he had reſtored him to his throne. The only proſpect which king James now had, was to keep up his party in Ireland and Scotland. Tyrconnel ſent him private meſſages, earneſtly preſſing him for ſpeedy ſupplies, though at the ſame time to carry on his pretended deſign to ſubmit to the prince of Orange, and to diſguiſe his real intentions, he perſuaded the lord Montjoy to go with the chief baron Rice, to king James, to repreſent to him the weakneſs of Ireland, and the neceſſity of yielding to the time, and waiting a better opportunity of ſerving himſelf of his Iriſh ſubjects. He ſwore moſt ſolemnly, that he was in earneſt in this meſſage, and that he knew the court of France would oppoſe it with all their power; 'for,' ſaid he, 'that court minds nothing but their own intereſt, and they would not care, if Ireland were ſunk to the pit of hell, ſo they could but give the prince of Orange but three months diverſion.' 'But,' added he, 'if the king be perſuaded to ruin his faſteſt friends to do himſelf no ſervice, only to gratify France, he is neither ſo merciful nor ſo wiſe as I believe him to be. If he recover England, Ireland will fall in courſe, but he can never expect to conquer England by Ireland. If he attemps it, he ruins Ireland to do himſelf no kindneſs, but rather to exaſperate England the more againſt him, and make his reſtoration impoſſible.' He intimated likewiſe, that if the king would not do it, he would look on his refuſal to be forced on him by thoſe, in whoſe power he was, and that he ſhould 'think himſelf obliged to do it without his conſent.' Every body told the lord Montjoy, that this was all an artifice to amuſe the proteſtants, and to get him, who was the likelieſt man to head them, out of the way; notwithſtanding which, he was prevailed upon, contrary to the general opinion of all the proteſtants in Ireland, to undertake the buſineſs, having firſt had theſe conceſſions made him in behalf of the proteſtants. 1. That no more commiſſions ſhould be given out, or new men raiſed. 2. That no more of the army ſhould be ſent into the north. 3. That none ſhould be queſtioned for what was paſſed. 4. That no private houſe ſhould be garriſoned or diſturbed with ſoldiers. He was no ſooner ſet out from Dublin with the chief baron Rice, but Tyrconnel, according to his uſual method of falſhood, denied theſe conceſſions, and refuſed to obſerve any of them; and the lord Montjoy, immediately after his arrival at Paris, inſtead of being heard to deliver his meſſage, was committed priſoner to the baſtile, on account of the great zeal, which he had lately ſhewn for the proteſtant intereſt; and this further exaſperated the proteſtants of Ireland againſt king James, and made them look upon him as a violator of public faith to his ſubjects. However Tyrconnel gained his point, which was a good deal of time. Thoſe who adviſed the ſending over of Hamilton, were now out of countenance, and the earl of Clarendon loudly exclaimed againſt it. Sir William Temple's ſon, ſecretary at war, who had raiſed in the prince a high opinion of Hamilton's honour was terribly affected with his treachery, and ſoon after, without any other viſible cauſe of melancholy, went in a boat on the Thames near the bridge, and leaped into the river and drowned himſelf.

Whatever diſpoſition Lewis XIV. had to ſupport king James, the French miniſtry was at that time much divided. Louvois had the greateſt credit, and was very ſucceſsful in all his counſels; ſo that he was moſt conſidered. But Seignelay was believed to have more perſonal favour, and to be more entirely united to madam Maintenon. Theſe two were in a high competition for favour, and hated each other. Seignelay had the marine, as the other had the army, for his province. King James therefore having the moſt dependance on the marine, and looking on the ſecretary for that poſt as the moſt powerful favourite, made his chief application to him; which induced Louvois to croſs and retard every thing, which was propoſed for his ſervice; ſo that matters went on ſlowly and very defectively. There was likewiſe another circumſtance in king James's affairs, that did him much hurt. The count de Lauſun, (who was once deſigned for the huſband of mademoiſelle de Montpenſier, daughter of Gaſton duke of Orleans, though Lewis XIV. thought proper to break off the match, after he had conſented to it) had come over to England to king James, and offered him his ſervice, and had attended on the queen, when ſhe retired to France. He had obtained a promiſe from king James of the command of ſuch forces, as the king of France would aſſiſt him with. Louvois hated Lauſun; nor did the king of France like to employ him; and therefore Louvois ſent to king James, deſiring him to aſk of the king of France, Souvray, a ſon of his, whom he was educating to ſerve in war, to command the French troops. But king James had ſo engaged himſelf to Lauſun, that he thought he could not in honour depart from it. From that moment therefore, it is ſaid, Louvois ſtudied by all the ways he could think of, to diſparage him, and all the propoſitions he made. However, king James obtained about five thouſand Frenchmen to be ſent over with him to Ireland[d], but no conſiderable ſupplies of money. But when Lauſun, who was to have the command of theſe forces, was to depart, he demanded to be made a duke of

[d] Sir John Reresby tells us, that the French king furniſhed him with a ſquadron of fourteen men of war, ſix leſſer frigates, and three fireſhips, all well manned and fitted; as alſo with a ſum of two hundred thouſand livres in ready money, and fifty thouſand piſtoles, as a preſent for his pocket, together with plate, tents, and a moſt royal and ſplendid equipage. He aſſiſted him likewiſe with eight experienced field officers, one hundred of inferior note, a guard of one hundred Swiſs, a band of ſkilful pioneers, fifteen thouſand of his own natural ſubjects, arms for forty thouſand men more, cannon and ammunition in a great abundance, and over and above made him an offer of fifteen thouſand of his French troops; but king James excuſed himſelf, ſaying, 'He would ſucceed by the help of his own ſubjects, or periſh in the attempt.' Sir John likewiſe informs us, that on the firſt of March 1688-9, a lady of his acquaintance, who had been intruſted with ſome jewels of king James's, ſhewed him a letter from that king, dated the 17th of February N. S. intimating, that he was to ſet out the next day for Ireland, "and depended upon his old friends to aſſiſt him in his cauſe. This lady, adds ſir John, told me, the French king had ſupplied him with a great treaſure of money, and ſix thouſand Swiſs proteſtants: that he intended to go through Ireland for Scotland, there to call a parliament, inſtead of the propoſed convention; and that from thence he would march into England, and put himſelf entirely into the hands of the proteſtant intereſt. She added, that as ſhe had a friendſhip for the lord privy ſeal, [the marquis of Halifax] ſhe had a mind to diſcloſe herſelf to him, if with any ſafety ſhe ſo might do. I told her I would ſpeak to his lordſhip that very night, and let her know farther. Having an opportunity of ſpeaking to him accordingly, I failed not to be as good as my word, though I muſt own, the topic being of ſo nice and tender a ſort, I did it with great caution. However, I gave him plainly to underſtand, that the chief motive, which induced the lady to deſire a meeting with him, was, to impart to him what might be for his own good, and the ſervice of the public. Hereupon he began to be more free and open with me than he had hitherto been on this chapter; and I told him in general, that great deſigns were on foot. He ſaid, he believed it; and that though men ſeemed to be for the preſent intereſt as moſt prevalent, it was not altogether diſcreet to venture too far: That if matters really were as I had ſaid, it was but ſafe to carry it fair with thoſe in the oppoſition, and ſo let ſome people know he ſpoke always with great reſpect of king James: That if we came to blows, it was uncertain who would ſtrike hardeſt; and that he ſhould be glad to meet the lady at my houſe, whenever ſhe pleaſed. But his lordſhip however ſaid, all imaginable care would be taken to ward off any danger, that might threaten us: That an army of twenty thouſand men would be preſently raiſed: That all ſuſpicious perſons would be ſecured, the parliament intending to inveſt the king with a power to impriſon whom he pleaſed, and to keep them in ſafe cuſtody till they came to a trial; and in fine, that the parliament would moſt plentifully furniſh the king for the proſecution of the war. At this time ſeveral lords and gentlemen of both houſes withdrew to their ſeveral countries; and I was told, that ſome, who were outwardly great friends to the preſent government, were treating for terms on the other ſide; which I particularly communicated to his lordſhip, and particularly made mention of ſome he little ſuſpected. Whereupon his lordſhip ſaid, that if king James was actually driving on at the rate reported, the papiſts would certainly contrive ſome how or other to aſſaſſinate or kill king William; well knowing, what a taſk it would be to defend the crown on the head of a woman; with much to the ſame effect.——On the 3d of March lord Halifax met the lady I juſt now mentioned to have received a letter from king James. She dealt very frankly with him, but durſt not tell him all ſhe knew. However, he deſired her to be his friend, if any alteration of affairs ſhould by any means be brought to paſs." Reresby's Mem. p. 332, &c.

France, and propoſed that affair firſt to Seignelay, who mentioning it to Lewis XIV, the king was extremely angry with the demand, and when Lauſun ſpoke of it to him, expreſſed himſelf with great ſeverity. Upon this Lauſun excuſed himſelf, by alledging, that king James had ordered him to ſolicit that honour; and he requeſted that king and his queen to declare the ſame to the king of France, which they both did. But he being refuſed the title, thought proper to lay aſide all thoughts of going to Ireland, though king James ſoon after made him a knight of the garter; and Roſen, a German, was appointed to go in his room under the title of lieutenant-general. The reſt of the officers were Maumont, captain of the guards, in the poſt of Mareſchal de camp; Puſignan, colonel of the regiment of Languedoc, as brigadier of the foot; Ley Gar, brigadier of the horſe; and Boſelaw, captain of the guards, as major general. Beſides theſe officers there were ſent likewiſe an hundred captains and an equal number of lieutenants. When king James took his leave of the king of France, the latter told him; that the beſt thing he could wiſh him, was never to ſee him again. He took ſhipping at Breſt, and landed at Kingſale in Ireland on the 12th of March 1688-9. The next day he went, with a numerous attendance, to Cork, where he was received by the earl of Tyrconnel, who cauſed one of the magiſtrates to be executed for declaring for the prince of Orange. On the 24th of March king James entered Dublin in a triumphant manner, and the next morning having called a council turned out the earl of Granard the chairman, and chief juſtice Keating; and in their rooms, placed Cartwright, biſhop of Cheſter; and lieutenant colonel Dorrington and count D'Avaux the French embaſſador, who under another title was governor of Ireland for the king of France. In ſhort the officers and domeſtics of king James, were almoſt all French.

Theſe circumſtances gave ſome colour to a report then current, that there was a ſecret treaty between him and the French king, by which king James obliged himſelf, as ſoon as he ſhould be reſtored to his kingdoms, to renounce all claim to the title and arms of France; to reſign the ſovereignty of the narrow ſeas, and the honours of the flag: To furniſh France at his own charge with thirty ſhips of the line, and twenty thouſand land forces, when he ſhould be required: To make no treaty or alliance, without the conſent of the king of France; to have an army conſtantly on foot, and to keep in his pay ten thouſand French, and five thouſand catholic Swiſs; to yield up Ireland to Lewis, who in return, engaged to conquer for him Sicily and Sardinia; and laſtly, in caſe the two princeſſes king James's daughters, ſhould become widows, to put them into the hands of the French king, in order to be married to whom he ſhould think proper, upon condition, that the eldeſt ſon that ſhould be born of ſuch marriage, ſhould be king of Scotland and Ireland, England and it's dominions in America remaining to the prince of Wales. The French were to have as a ſecurity for the performance of theſe conditions a garriſon in Dover caſtle, and at Portſmouth and Plymouth. And by the additional articles to this treaty, it was reſolved to ſuppreſs the proteſtant religion in Ireland. This treaty appeared ſo improbable, that the reality of it was doubted by many, but it muſt be owned that king James's conduct in Ireland, confirmed the ſuſpicions of others that he had actually entered into ſuch an engagement.

Upon his arrival at Dublin, he ordered five proclamations to be publiſhed: one ſeemingly in favour of his proteſtant ſubjects, who had lately left that kingdom, requiring them to return home, with aſſurance of his protection; and further requiring all his ſubjects, of what perſuaſion ſoever, to join with him againſt the prince of Orange. A ſecond, commending all his Roman catholic ſubjects for their vigilance and care in arming themſelves; yet whereas it had encouraged ſome robberies, it required all but ſuch, who were actually under command and pay in the army, to lay up their arms in their ſeveral abodes. A third, inviting the country to carry proviſion to his army. A fourth, raiſing ſuch monies, as were current in Ireland. And a fifth, calling a parliament to meet at Dublin on the 7th of May. At the ſame time he created the earl of Tyrconnel a duke, and beſtowed the royal regiment on colonel Dorrington in the room of the duke of Ormond.

The proteſtants were ſo little inclined to truſt king James's promiſes, that they choſe to ſtand upon their defence; and gathering into one body, made a ſhew of oppoſing his forces in the open field. But being routed by lieutenant-general Hamilton [c] at a place called Drummore, their reſiſtance and defeat gave occaſion to king James and Tyrconnel to uſe thoſe in their power with redoubled ſeverity, and to march towards the north with an army of about twenty thouſand men, to force the reſt out of their ſtrong holds.

King William being ſenſible of the deſperate condition of his Iriſh ſubjects, had already ſent capt. James Hamilton, with ammunition and arms to Londonderry, and named col. Lundee, on whoſe fidelity he depended, governor of that town. But it ſoon appeared, how much he was miſtaken in his choice. On the 13th of April, Mr. George Walker, rector of Donahmore in the county of Tyrone, who had raiſed a regiment for the defence of the proteſtants, receiving intelligence, that king James having taken Coleraine and Kilmore, after a ſtout reſiſtance, was drawing his forces towards Londonderry, haſtened thither to give Lundee an account of it. The governor at firſt believed it to be only a falſe alarm, but was ſoon convinced of the contrary, the enemy being advanced to Cledyford. Walker returned to Lyfford, where he joined col. Crafton, and afterwards according to Lundee's directions, took his poſt at the Long Cauſey, which he vigorouſly maintained a whole night; but being over-powered by the enemy's numbers, retreated to Londonderry, where he vainly endeavoured to perſuade Lundee to take the field. On the 17th of April col. Lundee thought fit to call a council of war, and that col. Cunningham and col. Richards, who two days before came into the river of Lough-Foyle with their regiments from England, ſhould be members of it. Accordingly they met, and with other gentlemen either equally diſaffected, or at beſt, as little acquainted with the condition of the town, or the inclination and reſolution of the people, they at laſt concluded, "that there was no proviſion in the town of Londonderry for the preſent garriſon, and the two regiments on board, for above a week or ten days at moſt; and it appearing, that the place was not tenable againſt a well appointed army; therefore it was not convenient for his majeſty's ſervice, but the contrary, to land the two regiments under colonel Cunningham. That conſidering the preſent circumſtances of affairs, and the likelihood the enemy would ſoon poſſeſs themſelves of that place, it was thought moſt convenient, that the principal officers ſhould withdraw themſelves, as well for their own preſervation, as in hopes, that the inhabitants, by a timely capitulation, might make terms the better with the enemy." After this reſolution, an inſtrument was prepared to be ſubſcribed by the gentlemen of the town-council, and to be ſent to king James, who was advanced in perſon with his army as far as St. John's town; and it was recommended with this encouragement, that there was no doubt, but upon ſurrender of the town, king James would grant a general pardon, and order reſtitution of all that had been plundered from them. Some gentlemen were influenced by theſe conſiderations to ſubſcribe; others not only refuſed, but began to conceive ſome jealouſies of their governor; and ſome, though they did but gueſs at their proceedings, expreſſed themſelves after a ruder manner, threatening to hang both the governor and his council. However, captain White was ſent out to the king to receive propoſals from him; and it was at the ſame time agreed with lieutenant-general Hamilton, that he ſhould not march the army within four miles of the town. But, contrary to this agreement, king James, upon the confidence given him, the town would ſurrender at the ſight of his formidable army, advanced on the 18th of April at the head of it before the walls, where meeting with a warm reception, which put his men in ſome diſorder, he retired to St. John's town. In the mean time Mr. Muckeridge the town-clerk, ſaw it abſolutely neceſſary to give the people ſome intimation of the proceedings at the council of war; which diſcovery ſo enraged them againſt the governor and his council, that the latter finding themſelves in danger, made their eſcape in confuſion, though not without ſome hazard to their perſons, from the ſoldiers themſelves, who were under great diſcontent to be deſerted by thoſe, who had engaged them in difficulties, which they were then under. The governor could not ſo eaſily retire, being more obnoxious than any of the reſt, and therefore thought it convenient to keep his chamber. A council being appointed there, Mr. Walker and major Baker endeavoured to perſuade him to continue his government; but he poſitively refuſing to concern himſelf, they, out of reſpect to his commiſſion, thought it a duty to contribute to his ſafety, and ſuffered him to diſguiſe himſelf, and in a ſally for the relief of Culmore, to paſs in a boat with a load of match on his back; from

[c] This gentleman had been baniſhed the court of France for making love to the princeſs of Conti, the king's daughter, who ſeemed on her part to be more fond of his converſation than that of any other perſon. Mem. de la Fayette, p. 193.

whence he went to Scotland, where he was ſecured, and ſent to London, to anſwer for the miſcarriages laid to his charge.

The garriſon of Londonderry being thus effectually encouraged by Mr. Walker to maintain the town againſt king James, they unanimouſly reſolved to chuſe both him and major Baker to be their governors during the approaching ſiege. But theſe gentlemen conſidering the importance as well as uncertainty of ſuch an office, acquainted by letter colonel Cunningham, (whoſe buſineſs they had reaſon to think it was to take care of them) with this matter, and deſired him to undertake the charge; but he pretending, that by his inſtructions he was obliged to obey the orders of colonel Lundee, refuſed the propoſal, and returned to England, where both he and colonel Richards were deſervedly caſhiered. Upon this refuſal Mr. Walker and major Baker accepted the government of the garriſon, and regimented the men in the town, to the number of ſeven thouſand and twenty, under eight colonels, and three hundred and thirty-three inferior officers.

It was certainly a bold undertaking in this divine and major Baker to maintain againſt a formidable army, commanded by a king in perſon, an ill-fortified town, with a garriſon compoſed of poor people, frightened from their own homes, and without a proportionable number of horſe to ſally out, or engineers to inſtruct them in the neceſſary works. Beſides, they had not above twenty guns, and not one of them well mounted; and not above ten days proviſion, in the opinion of the former governor; ſo that ſeveral deſerted every day; and others not only gave conſtant intelligence to the enemy, but induſtriouſly endeavoured to betray the governors. On the 20th of April king James inveſted the place; and the next day began to batter it; of which the governors ſent advice to England by Mr. Bennet, acquainting his majeſty with their reſolutions to defend themſelves to the laſt, and imploring a ſpeedy aſſiſtance. In the mean time ſeveral attacks were made by the beſiegers, and as many ſallies by the beſieged, in both which the beſieged had always the advantage; and they would have had leſs reaſon to fear either the number or rage of their enemies without, if they had not had within both famine and ſickneſs to oppoſe.

On the 29th of April king James retired from the camp[f] to meet his parliament at Dublin; and the beſiegers finding their attempts ſtill attended with ill ſucceſs, removed their main body from St. John's town, and pitched their tents upon Bely-ugry hill, about two miles diſtant from Londonderry, for the cloſer guard of the town, to hinder the beſieged from coming to the wells of water. On the 17th of June the beſiegers made an aſſault on that part of the place which they thought moſt acceſſible, but were repulſed with great ſlaughter; and the next morning they began to batter the walls with their uſual ill ſucceſs. On the other hand the beſieged began to be reduced to the laſt extremity, when they eſpied three ſhips that fired at Kilmore caſtle, and attempted to come up the river, which however was prevented by the enemies ſhot. Not long after they diſcovered a fleet of thirty ſail in the lough, which they believed came from England to their relief, though they could not propoſe any method to get intelligence from them, the enemy watching them more narrowly, and having raiſed batteries oppoſite to the ſhips, lined both ſides of the river with muſketeers, and contrived in the narrow part of the river, where the ſhips were to paſs, a ſort of ſtaccado, being a boom of timber joined by iron chains, and ſtrengthened by a cable of twelve inches thickneſs twiſted round it. Notwithſtanding theſe difficulties, one Roch boldly adventured to get to the water-ſide over againſt the town, and then ſwimming croſs the river gave the beſieged an account, that major-general Kirk[g] was come to their aſſiſtance with men, proviſion, and arms; and how much he deſired to get with his ſhips up to the town. With this meſſenger Kirk had ſent another, one Craney, a Scotſman, to give them the ſame account, and to know the condition of the garriſon; but he being taken by the enemy, was by them inſtructed to frame a meſſage much differing from the other. Thereupon the beſiegers invited the garriſon to a parley, telling them, that they were under great miſtakes about the major-general, and their expectations from England, where things were all in confuſion; and that they might have leave to inform themſelves further from the meſſenger, whom they had taken. The beſieged ſent ſome to that purpoſe, who ſoon diſcovered the cheat, and returned with other particulars of his treachery. The governors received further intelligence by a little boy, who with great ingenuity brought two letters from the major-general at Inch, the one tyed in his garter, and the other within a cloth-button. By the latter the general aſſured Mr. Walker, "that he would endeavour all means imaginable for their relief, but found it impoſſible by the river, which made him ſend a party to Inch, whither he was going himſelf to try, if he could beat off the enemies camp, or divert them ſo, that they ſhould not preſs the town. That he had ſent officers, ammunition, arms, great guns, &c. to Inniſkillin, who had 3000 foot and 1500 horſe, and a regiment of dragoons, that had promiſed to come to their relief; and at the ſame time he would attack the enemy by Inch. That he expected ſix thouſand men from England every minute, they having been ſhipped eight days before. That he had ſtores and victuals for the town, and was reſolved to relieve them. That England and Scotland were in a very good poſture, and all things there very well ſettled. That they in the town ſhould be good huſbands of their victuals, and, by God's help, they ſhould overcome thoſe barbarous people. That ſeveral of the enemy had deſerted to him, who all aſſured him they could not ſtay long."

All this while the beſieged were not a little weakened by the raging famine; and though many bold attempts were made to reach the ſhips in the river, they were ſtill fruſtrated by the enemies ſhot. About this time major Baker being taken very ill, and made incapable to act as governor, colonel Michelburn was choſen to aſſiſt Mr. Walker, that if one ſhould fall, the town might not be left without a government, and to the inconveniences of a conteſted election. On the other ſide the arrival of Marſhal Roſen, the French general, who was appointed to command in chief in the Iriſh camp, very much ſpirited the beſiegers. This general having viewed the fortifications of the town, and finding, how little his men had advanced in the ſiege, expreſſed himſelf with great fury againſt the beſieged, and ſwore he would level the place with the ground, and bury thoſe, who defended it in its ruins, putting all to the ſword, without conſideration of either age or ſex, and would ſtudy the moſt exquiſite torments to lengthen the miſery of ſuch, as he ſhould find obſtinate. But neither his threats nor his fair promiſes, of both which he was very liberal, had any effect upon thoſe, who had ſo abſolutely devoted themſelves to the defence of their city, their religion, and the intereſt of king William and queen Mary. And leſt any ſhould contrive to ſurrender the town, or move it to the garriſon, the governor made an order, that no ſuch thing ſhould be mentioned upon pain of death. On the 20th of June died governor Baker, to the great loſs and affliction of the beſieged. Three days before lieutenant-general Hamilton ſent ſome plauſible offers to the garriſon, to which they ſeemed to hearken, till they had uſed that opportunity to ſearch for proviſions; and though they were reduced to the neceſſity of feeding upon horſe-fleſh, dogs, cats, rats, and mice, tallow, ſtarch, dried and ſalted hides; in a word, on the moſt loathſome things, that men in their condition ever uſed for ſuſtenance; yet they unanimouſly reſolved to eat the Iriſh, and then one another, rather than ſurrender; and their anſwer to Hamilton was, "that they much wondered he ſhould expect they ſhould place any confidence in him, who had ſo unworthily broke faith with king William, their ſovereign: that he was once generouſly truſted, though an enemy, and yet betrayed his truſt; and they could not believe he had learned more ſincerity in an Iriſh camp." This bold anſwer ſo enraged the French general, that he publiſhed an order directed to the governors and garriſon of Londonderry, importing, "that if they did not deliver the town to him by the firſt of July, according to lieutenant-general Hamilton's propoſals, he would diſpatch his orders as far as Baliſhannon, Charlemont, Belfaſt, and the barony of Imſhoven, and rob all, protected as well as unprotected, proteſtants, that were either related to the garriſon, or of their faction; and that they ſhould be driven under the walls of Londonderry, where they ſhould

[f] 'King James came in perſon to encourage the beſiegers; but finding the ſiege went on very ſlowly, he is ſaid to expreſs himſelf thus, 'Had his army been Engliſh, they would have brought him the town, ſtone by ſtone, by that time.' Story's Continuation of the War in Ireland, p. 5.

[g] The employing him was not at all approved of. Though he had deſerted king James, it was feared, that he was ſo conſcious of his ſanguinary conduct, after the defeat of the duke of Monmouth at Sedgemore, that, as the Engliſh proteſtants would never be reconciled to him, ſo he muſt therefore do ſomething to regain the good will of their enemies. However, this is certain, that he lay ſix weeks in the lough, without attempting to relieve the garriſon of Londonderry, who were all the while reduced to the utmoſt diſtreſs. Oldmixon, p. 21. This agrees with what biſhop Burnet ſays, that Kirk made not that haſte to relieve them that was neceſſary, conſidering the miſery they were in, II. 19.

Colonel

be ſuffered to ſtarve. He alſo threatened to ruin and lay waſte all their country, if there ſhould appear the leaſt probability of any troops coming from England for their relief." But he concluded, " that if they would return to their obedience, and ſurrender the town upon any tolerable conditions, he would cauſe the capitulation to be punctually obſerved, and protect them from all injuries." But the beſieged received this letter with the ſame contempt and indignation, as they had done Hamilton's propoſals.

The news of this order being brought to Dublin before it was executed, the biſhop of Meath went immediately to king James, to ſee, if he could prevail with him to prevent ſuch a barbarous proceeding. The king very calmly ſaid to the biſhop, ' that he had heard of it before, and that he had ſent orders to ſtop it: that general Roſen was a foreigner, and uſed to ſuch proceedings, as were ſtrange to us, though common in other places; and that if he had been his own ſubject, he would have called him to account for it.' Yet he continued that general ſtill in employment, whoſe dragoons and ſoldiers executed his orders againſt the proteſtants with the utmoſt rigour. They firſt ſtript and drove the whole country for thirty miles round before them, not ſparing nurſes with their ſucking children, women big with child, nor old decrepit perſons; ſome women in labour, and ſome who were juſt brought to bed, were driven among the reſt. The very popiſh officers, who executed the thing, confeſſed that it was the moſt diſmal ſight they had ever ſeen; and that the cries of the poor people ſeemed to be ſtill in their ears. They owned, that they gathered above four thouſand, others ſaid, ſeven thouſand; and that they kept many of them without meat or drink for a whole week; that ſeveral hundred died in the place before they were diſmiſſed, and many more on the way as they went home again to their houſes. Nor were they better, when they came there; for the ſtraggling ſoldiers, rapparees, and pilferers, who followed the army, had left them neither meat, drink, houſhold ſtuff, nor cattle, but had taken away all in their abſence, ſo that the generality of them afterwards periſhed for want, and many of them were knocked on the head by theſe ſoldiers. This ſhocking proceeding confirmed the beſieged in their reſolution never to yield to ſuch barbarous people; and it made them ſet up a gallows in view of the beſiegers, and threaten to hang all the priſoners they had taken during the ſiege, if their friends were not immediately diſmiſſed; and they acquainted the enemy, that they might ſend prieſts to their friends to prepare them for death after their own methods. The priſoners declared, they could not blame the garriſon for putting them to death, ſince their own people exerciſed ſuch cruelty on innocent perſons, who were under their protection; but deſired leave from the governor to write a letter to lieutenant-general Hamilton, which being allowed, they ſent him a letter ſigned by Nettervil, Butler, Aylmer, Macdonel, Darcy &c. acquainting him, ' that the lives of twenty priſoners lay at ſtake; and therefore, they made it their requeſt, that he would repreſent their condition to the marſhal general Roſen. That they were all willing to die with ſwords in their hands for his majeſty, but it was hard to ſuffer like malefactors; nor could they lay their blood to the charge of the garriſon, the governor and the reſt having treated them with all the civility imaginable.' To this letter the lieutenant general anſwered, ' that what thoſe poor people were like to ſuffer, they might thank themſelves for, being their own fault; which they might prevent by accepting the conditions, that had been offered them. And if, added he, you ſuffer in this, it cannot be helped, but ſhall be revenged on many thouſands, of thoſe people, as well innocent as others, within or without that city.' However the ſight of the gallows, and the importunity of ſome friends of thoſe, who were to ſuffer prevailed upon Hamilton; ſo that on the 4th of July the poor half ſtarved proteſtants had leave to return to their habitations, after they had been kept under the walls of the town three days without meat. The garriſon now conſiſted of five thouſand ſeven hundred and nine men; and to leſſen that number yet more, the governors crowded five hundred of their uſeleſs people among the proteſtants under the walls, who paſſed undiſtinguiſhed with them, though in exchange they got ſome able and ſtrong men out of their numbers.

By this time the ſcarcity of the vileſt eatables was increaſed to ſuch a degree, that the garriſon and inhabitants had nothing left, unleſs they could prey upon one another. And it is remarkable, that a certain gentleman, who had preſerved himſelf in good caſe, whilſt the generality were reduced to ſkeletons, conceived himſelf in the greateſt danger, and fancying ſeveral of the ſoldiers looked upon him with a greedy eye, thought fit to hide himſelf for three days. Mr. Walker, the governor, being with good reaſon apprehenſive, that theſe diſcouragements might at length overcome that reſolution, which the garriſon had ſo long expreſſed, conſidered of all imaginable methods to ſupport them; to this end he preached on the 30th of July, in the cathedral, and endeavoured to confirm their conſtancy by reminding them of what " importance it was to the proteſtant religion at that time; and told them that they need not doubt, but that God would at laſt deliver them from the difficulties they were under." In this he proved a true prophet, for about an hour after the ſermon the garriſon diſcovered three ſhips, which major general Kirk had ſent according to his promiſe, " that when they could hold out no longer, he would be ſure to relieve them, to the hazard of himſelf, his men, and ſhips." The Montjoy of Londonderry, commanded by captain Browning; and the Phœnix of Coleraine, commanded by captain Douglaſs; both laden with proviſion, were convoyed by the Dartmouth frigate. The enemy made a moſt furious fire upon them from Culmore, and both ſides of the river, which they received and returned with the greateſt bravery. The Montjoy made a little ſtop at the boom, occaſioned by her rebound, after ſtriking and breaking it, ſo that ſhe was run a ground. Upon this the enemy gave the loudeſt and moſt joyful ſhout, and the moſt dreadful to the beſieged, fired all their guns upon her, and were preparing their boats to board her. The trouble and concern of the beſieged to ſee their laſt hopes diſappointed, are not to be expreſſed; but the Montjoy firing a broadſide, the ſhock looſened the ſhip ſo, that ſhe got clear, and paſſed the boom. Captain Douglaſs all this while was engaged, and the Dartmouth gave the enemy warm entertainment, till at length the three ſhips got up to the town to the inconceivable joy and tranſport of a garriſon, which reckoned only upon two days life, having nothing left but nine lean horſes, and a pint of meal to each man. Hunger and the fatigue of war had ſo far prevailed amongſt them, that of ſeven thouſand five hundred men regimented, they had now alive but four thouſand three hundred, of whom at leaſt a fourth part were rendered unſerviceable. This brave and ſucceſsful undertaking ſo diſcouraged the enemy, that on the laſt of July they raiſed the ſiege in the night-time with great confuſion, and in their retreat made a miſerable havock in the country, robbing and burning all before them for ſeveral miles. They loſt between eight and nine thouſand men before the walls of the town and an hundred of their beſt officers, moſt of whom fell by the ſword, the reſt of fevers and fluxes, and the French pox, which was very remarkable upon the bodies of ſeveral of their dead officers and ſoldiers. Upon their retreat they firſt incamped at Strabone; but hearing of the defeat of their forces under lieutenant general Mackarty by the Inniſkillin men, they removed their camp further off. Major general Kirk being come to Londonderry was received by the governor and the whole garriſon with the greateſt joy and acclamations; and the next day Mr. Walker complimented him with his own regiment, that after doing the king all the ſervice in his power, he might return to his own profeſſion. But the major general deſired him to diſpoſe of it as he pleaſed; and accordingly he beſtowed it on captain White, a gentleman of experienced valour and known merit. The ſame day a council was called at Londonderry, wherein Mr. Walker was deſired and prevailed on immediately to embark for England with an addreſs of thanks from the garriſon and inhabitants to their majeſties; and upon his arrival at court received that welcome and reward, which his eminent ſervices had merited [h].

Inniſkillin, another town in the north of Ireland, ſignalized itſelf no leſs than Londonderry in the proteſtant cauſe; for upon notice, that Derry had denied entrance to the lord Antrim's regiment, they reſolved not to admit any Iriſh garriſon; and having raiſed a regiment of twelve companies, gave the command of it to Guſtavus Hamilton, a perſon of con-

[h] Colonel Michelburn, who commanded one of the regiments in Londonderry during the ſiege, claimed to himſelf a conſiderable ſhare in the defence of that town, and drew up a memorial wherein he complained of " the injuſtice done him both by Colonel Baker and Mr. Walker, in aſſuming to themſelves all the honour of it, and taking little or no notice of him, who, according to that memorial, was from the firſt to the laſt of that ſiege as forward and as ſerviceable as they, and particularly in advancing conſiderable ſums of money for the uſe of the garriſon, which they were not ſo well able to do; and which he himſelf wanted afterwards ſo much, that in Mr. Harley's miniſtry he lay in the Fleet priſon for a debt contracted while he was ſoliciting the payment of the arrears coming to him, which were paid at laſt, but in a manner far ſhort of the merit of ſo gallant an action in the defence of Londonderry. Oldmixon.

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duct and reſolution, whom they likewiſe choſe for their governor. The townſmen being thus in ſome poſture of defence, proclaimed king William and queen Mary on the 11th of March; but the lord Gilmoy declaring for king James ſome time after his arrival at Dublin, ſummoned the governor of Inniſkillin to ſurrender that place to him, with a promiſe from the king to grant them better terms than they might ever expect from him afterwards. A council being called, it was unanimouſly reſolved to ſtand firm to their former reſolutions of defending the proteſtant religion, and maintaining king William's title. Whereupon the lord Gilmoy landed all his forces towards Crom, a caſtle ſixteen miles from Inniſkillin, and poſſeſſed by the proteſtants, which was beſieged ſometime by part of his troops; but the Inniſkilliners having thrown a relief of two hundred men into the caſtle, forced him to raiſe the ſiege, and to retreat to Belturbet. On the 24th of April a detachment of the garriſon of Inniſkillin, headed by lieutenant-colonel Lloyd, made an excurſion into the enemies country, took and demoliſhed the caſtle at Anghor, and returned home with a conſiderable booty. Several other ſkirmiſhes and rencounters paſſed between the two parties, wherein the Inniſkilliners always came off with advantage; but the moſt remarkable of thoſe actions was that which happened the day before Londonderry was relieved, wherein two thouſand Inniſkilliners fought and routed ſix thouſand Iriſh, at a place called Newton-Butler, and took their commander Mackarty (commonly called lord Moncaſhel) with the loſs only of twenty men killed, and fifty wounded [i].

Purſuant to king James's proclamation, the Iriſh parliament met at Dublin [k] the 7th of May; and the ſame day he made a ſpeech, wherein he told them, "That the exemplary loyalty which that nation expreſſed to him, at a time when others of his ſubjects ſo undutifully miſbehaved themſelves to him, or ſo baſely betrayed him; and their ſeconding their deputy, as they did, in this bold and reſolute aſſerting of his right, in preſerving that kingdom for him, and putting it in a poſture of defence, made him reſolute to come to them and venture his life with them, in defence of their liberties and his own right. That to his great ſatisfaction he had not only found them ready to ſerve him, but that their courage had equalled their zeal. That he had always been for liberty of conſcience, and againſt invading any man's right or liberty, having ſtill in mind the ſaying of holy writ, 'Do you as you would be done unto, for this is the law and the prophets.' That it was this liberty of conſcience he gave, which his enemies both at home and abroad dreaded to have eſtabliſhed by law in all his dominions, and made them ſet themſelves up againſt him, though for different reaſons, ſeeing that if he had once ſettled it, his people, in the opinion of one, would have been too happy, and in the opinion of the other, too great. That this argument was made uſe of to perſuade their own people to join with them, and ſo many of his ſubjects to uſe him as they had done; but nothing ſhould ever perſuade him to change his mind as to that, and whereſoever he was maſter, he deſigned, God willing, to eſtabliſh it by law, and have no other teſt or diſtinction but that of loyalty, expecting their concurrence in ſo chriſtian a work, and in making laws againſt profaneneſs and againſt all ſorts of debauchery. That he ſhould moſt readily conſent to the making ſuch good and wholeſome laws, as might be for the good of the nation, the improvement of trade, and relieving ſuch as had been injured by the late act of ſettlement, as far forth as might be conſiſtent with reaſon, juſtice, and the public good of his people. That as he ſhould do his part to make them happy and rich, he made no doubt of their aſſiſtance, by enabling him to oppoſe the unjuſt deſigns of his enemies, and to make the nation flouriſh. That to encourage them the more to it, they knew with how great generoſity and kindneſs the moſt chriſtian king gave ſure retreat to the queen, his ſon, and himſelf, when they were forced out of England, and came to ſeek for protection and ſafety in his kingdoms; how he embraced his intereſt, and gave him ſuch ſupplies of all ſorts, as enabled him to come to them, which without his obliging aſſiſtance he could not have done; and that this he did at a time, when he had ſo many conſiderable enemies to deal with, and ſtill continued ſo to do." He concluded as he had begun, and aſſured them, "that he was as ſenſible as they could deſire of the ſignal loyalty they had expreſſed to him; and that he ſhould make it his chief ſtudy, as it had always been, to make them and all his ſubjects happy."

This ſpeech being ended, and the king withdrawn, ſir Richard Neagle attorney general, who was choſen ſpeaker of the commons, extolled to that houſe their obligations to the king of France and the duke of Tyrconnel for that glorious meeting, and how proper it was for both houſes to return his majeſty thanks for his gracious ſpeech, and to deſire count D'Avaux, the French embaſſador, to do the ſame to his moſt chriſtian majeſty, on their behalf, for his generous aſſiſting king James. Theſe addreſſes were drawn up and preſented immediately; and then a bill was brought in, containing a recognition of the king's title, and an abhorrence of the prince of Orange's uſurpation, and defection of the Engliſh. The next day his majeſty publiſhed the following declaration, addreſſed to all his loving ſubjects in the kingdom of England.

"JAMES REX.

"ALtho' the many calumnies and diſmal ſtories, by which our enemies have endeavoured to render us and our government odious to the world, do now appear to have been advanced by them, not only without any ground, but againſt their own certain knowledge, as is evident by their not daring to attempt to prove theſe charges to the world; which we cannot but hope hath opened the eyes of our good ſubjects, to ſee how they have been impoſed upon by deſigning men, who, to promote their own ambitious ends, care not what ſlaughter they reduce our kingdoms to; yet we cannot but rejoice, that we have had an opportunity to demonſtrate the falſeneſs and malice of their pretences, ſince this our arrival in this our kingdom of Ireland, by making it our chief concern to ſatisfy the minds of our proteſtant ſubjects, that the defence of their religion, privileges, and properties is equally our care with the recovery of our rights. To this end we have preferred ſuch of them, of whoſe loyalty and affection we are ſatisfied, to places both of the higheſt honour and truſt about our perſon, as well as in our army. We have, by granting our royal protection to ſuch, whoſe minds were ſhaken by the arts of our rebellious ſubjects, diſpelled their apprehenſions, and effectually ſecured them againſt the attempts even of their private enemies. Our ear hath always been open to their juſt complaints; and ſo far hath our royal mercy been extended to thoſe, who were in arms againſt us, that we have actually pardoned ſeveral hundreds of them; and moſt notorious criminals are kept in an eaſy confinement, as they themſelves acknowledge. We have taken care, that our ſubjects of the church of England be not diſturbed in the exerciſe of their religion; and all proteſtant diſſenters enjoy liberty of their conſciences without any moleſtation. And, out of our royal care for the proſperity of our people, we have recommended to our parliament as the firſt thing neceſſary to be diſpatched, to ſettle ſuch a ſecurity and liberty both in ſpiritual and temporal matters, as may put an end to theſe diviſions, which have been the ſource of all our miſeries; being reſolved, as much as in us lies, to entail liberty and happineſs upon our people, ſo far as to put it out of the power of our ſucceſſors to invade the one, and infringe the other. And

[i] This is the account of Story, in his 'Continuation of the Wars in Ireland;' and it is probable, that Mr. Burchet means the ſame action, when he tells us that "about the time of raiſing the ſiege of Londonderry, the king's forces commanded by Colonel Berry, near Linaſkea, had a ſignal victory over the enemy, inſomuch that with the number killed by the army, and thoſe which were knocked on the head by the country people, they loſt not leſs than four thouſand men; and their cannon, with moſt of their ſurviving officers, were taken, among whom was major-general Mackarty, who was ſhot through the thigh, and run into the back." Burchet, B. iv, c. 2, p. 419.

[k] Biſhop King obſerves, that every body foreſaw, what a kind of parliament that would be, and what was likely to be done in it. "Our conſtitution, ſays he, lodges the legiſlative power in the king, lords, and commons: and each of theſe is a check on the other; that if any one attempt a thing prejudicial to the kingdom, the other may oppoſe and ſtop it. But our enemies had made all theſe for their purpoſe; and therefore no law could ſignify any thing to oppoſe them, it being in their power to remove any laws when they pleaſed, by repealing it. The king was their own, both inclined of himſelf, and eaſy to be prevailed on by them, to do what they would have him; ſo that we could promiſe ourſelves no help from his negative vote." The biſhop then ſhews what methods were taken to fill the houſe of Lords with popiſh peers, ſo that there were only four or five proteſtant temporal lords, and four ſpiritual lords in it; ſeveral acts being paſſed not with the conſent of theſe laſt, though it was pretended in the preambles to them; and that the houſe of commons was filled in ſuch a manner, that only two proteſtants, ſuch as deſerved that name, were in it. By this means "the parliament openly profeſſed itſelf a ſlave to the king's will, and he was looked on as factiouſly and rebelliouſly inclined, that would dare to move any thing after any favourite in the houſe had affirmed, that it was contrary to the king's pleaſure." State of Proteſtants in Ireland, p. 168,—172.

this, we take God to witneſs, was always our deſign, of which we ſee our good ſubjects here are more and more convinced by the great number of thoſe, who having been ſeduced or frightened by the reſtleſs importunities of our enemies, are returned to their country and habitations, and who aſſure us daily more would follow, if the ports were open. But the uſurpers know too well the ſincerity of our intentions to permit the repaſſage of our ſaid ſubjects, fearing nothing more than that their experience ſhould undeceive the reſt, who are reſtrained more through ignorance than any ill intention; and therefore deny them that liberty, which we afford to all, whoſe deſigns, we are ſatisfied, tend not to the diſturbance of the peace. By this our gracious and royal care of our proteſtant ſubjects, where the greateſt part of our nation is catholic, and have, as well as we, received the higheſt provocation from their fellow-ſubjects of contrary perſuaſions, ſo that nothing but our inclination to juſtice, and deſire to ſee our people flouriſh, could move us to ſuch a proceeding, we hope our ſubjects in England will make a judgment of what they may expect from us; and we do hereby promiſe and declare, that nothing ſhall ever alter our reſolutions to purſue ſuch, and no other methods, as by our ſaid ſubjects in parliament ſhall be found proper for our common ſecurity, peace, and happineſs. And that none may be debarred of aſſiſting us in recovering our rights, and redeeming of our people from their preſent ſlavery, out of any apprehenſions from paſt miſcarriages, we do hereby aſſure all our ſubjects of what quality ſoever, let their crimes againſt us be ever ſo great, that if in twenty four days after our appearance in perſon in our kingdom of England, they return to their obedience, by deſerting our enemies, and joining with us, we will grant them our full pardon, and all paſt miſcarriages ſhall be forgot; ſo little do we delight in the blood or ruin of our people. But if after this our gracious condeſcenſion they ſhall yet continue to aſſiſt our enemies and rebels, we do, before God, charge all the blood, which ſhall afterwards be ſhed, upon them and their adherents; and we doubt not, by the bleſſing of God upon our arms, to force the moſt obſtinate to their duty; though, as we have made appear, in reducing our rebellious ſubjects in this kingdom, we deſire to uſe no other than lenity and mercy."

How ill king James's proceedings agreed with this declaration and ſpeech was quickly ſeen, for on the 12th of May a bill was brought into the houſe of commons by the lord chief juſtice Nugent [l] for 'repealing the act of ſettlement;' which, without any oppoſition, was read three times, and ſent to the lords. By this bill two thirds of the proteſtants of the kingdom, who held their eſtates by virtue of the acts of ſettlement and explanation, were deprived of them. There was no conſideration had, how any man came to his eſtate; for though he purchaſed it at ever ſo dear a rate, he muſt loſe it, and it was to be reſtored, without exception, to the proprietor or his deſcendent, who had it before October 22d 1641, upon what account ſoever he loſt it; though they themſelves did not deny, but many deſerved to loſe their eſtates; and even the ſon of ſir Phelim O'Neile, the great murtherer and rebel, was reſtored. In the upper houſe the biſhop of Meath very learnedly argued againſt this bill, alledging, among other objections, that no penalty was provided on ſuch as ſhould enter eſtates without injunctions; no conſiderations for improvements; no ſaving for remainders; no time given tenants and poſſeſſors to remove their ſtock and corn; no proviſion for proteſtant widows; and that it allowed only repriſals for original purchaſe-money, which was hard to make out, and was an injury to the ſecond or third purchaſer. He ſhewed likewiſe, that the bill was unjuſt, and not for the public, or even the king's advantage; but would ruin the kingdom and deſtroy the public faith, as well as inconvenient in point of time. And he concluded with theſe words; "My lords, either there was a rebellion in this kingdom [in 1641], or there was not. If there was none, then we have been very unjuſt all this while in keeping ſo many innocents out of their eſtates; and God forbid, that I ſhould open my mouth in defence of ſo groſs an injuſtice. But then what ſhall we ſay to his majeſty's royal father's declaration in his Icon Baſilike, who there owns, that there was a rebellion; and in purſuance of that opinion, paſſed an act to ſecure ſuch as ſhould adventure money for the ſuppreſſing of it. Nay, what ſhall we ſay to the two bills, that have been brought into this houſe, the one by an honourable lord, which owns it fully; the latter from the commoners, which owns a rebellion, but extenuates it? I take it then for granted, there was a rebellion; and if ſo, it was either a total or a partial one. If it was a general one, then all were guilty of it, and none can pretend to be reſtored to his eſtate farther than the king in his mercy ſhall think fit to grant it him. If it was a partial one, then ſome diſcrimination ought to be made between the innocent and the guilty; the innocent ſhould be reſtored, and the guilty excluded from their eſtates. But here is a bill, that makes no diſtinction between them, but innocent and nocent are to fare alike; the one is to be put in as good a condition as the other. And can your lordſhips imagine, that it is reaſonable to do this, when we all know, that there has been a court of claims erected for the tryal of innocents; that ſeveral had put themſelves upon the proof of their innocence; and after a full hearing of all that they could offer for themſelves, have been adjudged nocent?" But notwithſtanding the force and evidence of the biſhop's reaſons, ſupported by an addreſs in behalf of the purchaſers under the act of ſettlement, preſented to the king by the earl of Granard, and drawn up by the lord chief juſtice Keating; yet the lord chancellor Fitton's [m] arguments prevailed, and the bill received his royal aſſent, and paſſed into an act. Nor indeed could it be expected otherwiſe, when the greateſt part of both houſes were Roman catholics, and conſiſted of

[l] This gentleman, who was afterwards created baron of Riverſtown, was the ſon of one, who had been earl of Weſtmeath, but had loſt his honour and eſtate for being an actor in the rebellion begun in 1641. He had never been taken notice of at the bar, when he was advanced by king James to the poſt of chief juſtice of the king's-bench, and pitched upon to judge, whether the outlawries againſt his father and his fellow-rebels ſhould be reverſed; and whether the ſettlement of Ireland founded on thoſe outlawries ſhould ſtand good. It was a demonſtration to the proteſtants, what the king intended, when he aſſigned them ſuch a chief juſtice; and indeed this gentleman did not fail to anſwer the expectation conceived of him. He reverſed the outlawries as faſt as they came before him, notwithſtanding a ſtatute made in point againſt it; and in all cauſes, that ever came before him, wherein the plaintiffs and defendants were papiſt and proteſtant, he was obſerved always to give ſentence for the former. Nay, it was ſhrewdly ſuſpected, that he went ſharer in ſome conſiderable cauſes, and not only appeared for them on the bench, but alſo ſecretly encouraged and fomented them. Before him, a deed ſhould be judged forged or not forged, according as it ſerved a popiſh intereſt. And a proteſtant needed no more to gain a cauſe againſt another proteſtant than to turn papiſt. He ſignalized himſelf likewiſe in another reſpect, which was by committing and perſecuting perſons for feigned offences and treaſons, and by countenancing and encouraging, and after diſcovery, protecting falſe witneſſes againſt proteſtants. Many were brought in danger of their lives by his contrivances; and when the accuſed were acquitted on trial, by a palpable demonſtration that the witneſſes were perjured, he declared that they neither could nor ſhould be proſecuted, for they only ſwore for the king, and he believed the accuſed perſons guilty, though it could not be proved. In ſhort, he ſhewed all the venom and rigour againſt them he could; he was ſet up to deſtroy them, and he went as far in it as his power could reach; his weakneſs, not his inclination, hindered him from carrying it further. King's State of Proteſtants, p. 68,—69.

[m] He had been detected of forgery, not only at Weſtminſter and Cheſter, but likewiſe fined by the houſe of lords in parliament, and laid many years in priſon, whence he was taken by king James and advanced to the office of lord chancellor of Ireland; though he wanted law and natural capacity, as well as honeſty and courage, to diſcharge ſuch a truſt, and had no other quality to recommend him beſides his being a convert papiſt. But the myſtery of this promotion was eaſily diſcovered. The papiſts of Ireland had gone a great way to retrieve the eſtates, which they had forfeited by the rebellion in 1641, by counterfeit ſettlements, forgeries, and perjuries; and to do their buſineſs in a great meaſure, there needed no more than to find a judge, who would be favourable to and countenance ſuch proceedings; and where could they find a more favourable judge, than one who was notoriouſly involved in the ſame guilt, and who probably in ſome caſes did not eſteem ſuch arts unlawful? But beſides this, there is requiſite to a chancellor a peculiar quickneſs of parts and dexterity, to penetrate into the contrivances of cheats and forgeries; for which ſir Alexander Fitton's natural ſlowneſs and heavineſs incapacitated him. But this very defect, together with his zeal for popery, fitted him to execute the king's deſign as effectually as any that could have been found. He could not underſtand the merit of a cauſe of any difficulty, and therefore never failed to give ſentence according to his inclination, having no other rule to lead him. And how he was inclined towards proteſtants, appeared from his declarations on all occaſions againſt them. He did not ſtick, on a hearing, to declare, that 'they were all rogues, and that amongſt forty thouſand there was not one, who was not a traitor, a rebel and a villain.' For this reaſon he would not allow the guardianſhip of a child to the proteſtant mother, but gave it, againſt the poſitive words of the law, to the popiſh relations. For this reaſon he refuſed to hear ſo much as a demurrer in the caſe of Mr. Strafford, the popiſh dean of Chriſt church. For this cauſe he over-ruled both the common rules of practice of the courts, and the laws of the land, declaring in open court, 'that the chancery was above all laws, and that no law could bind his conſcience;' and he acted accordingly in many caſes, where the proteſtants were concerned. After hearing a cauſe between one of them and a papiſt, he would often declare 'that he would conſult a divine before he gave a decree; that is, he would have the opinion of a popiſh prieſt, his chaplain, educated in Spain, and furniſhed with diſtinctions to ſatisfy his conſcience, how far he ſhould do juſtice to proteſtants. Many papiſts came and made affidavits of being in poſſeſſion, when they never were, and got injunctions and orders without any more trouble to quiet their poſſeſſions. But a proteſtant though never ſo palpably diſturbed, could not procure any order, but was ſent to the common law to recover his poſſeſſion by a popiſh jury, returned by a popiſh ſheriff, before a popiſh judge: that is, he muſt expect law from judges and officers who ſate and acted in defiance of law. If at any time the chancellor was forced to grant an injunction or a decree, it was with all the difficulties and delays that could be; and, often the thing was loſt and deſtroyed before the order came for recovering it. King's State of the Proteſtants in Ireland, p. 65,—67, &c.

the

the ſons and deſcendents of thoſe perſons, who had forfeited their eſtates by the rebellion in one thouſand ſix hundred and forty one, men, who had no freeholds or eſtates in the kingdom, but were purpoſely elected to make themſelves eſtates by taking them away from proteſtants. And by theſe means the Engliſh proteſtants loſt more in Ireland than all king James's party in England and Scotland at that time were worth.

But to make a final extirpation of the proteſtants, there was an act of attainder paſſed in parliament, by which all proteſtants, whoſe names they could find, of both ſexes, and all ages and degrees were attainted of high treaſon, and their eſtates veſted in the king, upon pretence of their being out of the kingdom at the time of paſſing the act. And leſt ſome ſhould be forgotten of thoſe, who were abſent, and not put into the bill of attainder, there was contrived a general clauſe in the act of repeal, by which the real eſtates of all, who dwelt or ſtaid in any place of the three kingdoms, which did not own king James's power, or correſponded with any ſuch as were termed rebels, or were any ways aiding, abetting, or aſſiſting to them from the firſt day of Auguſt 1688, are declared to be forfeited and veſted in his majeſty; and that without any office or inquiſition found thereof. By which clauſe almoſt every proteſtant, who could write, in the kingdom, had forfeited his eſtate; for the packets went from London to Dublin, and back again, conſtantly from Auguſt to March 1688, and few had friends in England, or in the north, but correſponded with them by letters; and every ſuch letter is made by this clauſe a forfeiture of eſtate. They had intercepted and ſearched every packet, that went or came the latter part of this time, and kept vaſt heaps of letters, which were of no conſequence at all to the government; and theſe letters were produced as evidences in the houſe of commons againſt thoſe, who appeared in behalf of their abſent friends, or oppoſed the attainting of ſuch proteſtants, as they had ſome kindneſs for; and they were further reſerved to prove a correſpondence againſt the few men of eſtates, who were in the kingdom. Beſides, it was the end of September 1688, before they heard any thing of the prince of Orange's deſign to make a deſcent into England; and yet to have been in England or Scotland at any time in the month before, or to have correſponded with any there, was made a forfeiture of eſtate by this act. And leſt the children and deſcendents of the proteſtants thus attainted, who had eſtates before 1641, ſhould come in and claim them after the death of the attainted perſons, by virtue of the ſettlement made on valuable conſiderations, and upon marriage, all ſuch remainders and reverſions were cut off. When this bill of attainder was preſented to the king for his aſſent, ſir Richard Neagle, the ſpeaker of the houſe of commons, told him, that 'many were attainted in that act upon ſuch evidence, as ſatisfied the houſe; and the reſt of them, upon common fame.' By this act near three thouſand proteſtants were attainted, and among theſe two archbiſhops, one duke, ſeventeen earls, ſeven counteſſes, twenty-eight viſcounts, two viſcounteſſes, ſeven biſhops, eighteen barons, thirty-three baronets, fifty-one knights, eighty-three clergymen, two thouſand, one hundred, and eighty-two eſquires and gentlemen; and all of them declared traytors, and adjudged to ſuffer the pains of death and forfeiture.

The ſeverity of this act exceeded even that of the famous proſcription at Rome, during the laſt triumvirate. For more were condemned in the little kingdom of Ireland, than were proſcribed at that time through the vaſt extent of the Roman empire. And to make this of Ireland yet the more terrible and unavoidable, the act left no room for the king to pardon after the laſt day of November 1689; and if the pardon was not inrolled before that time, it was declared abſolutely void and null; and at the ſame time the act itſelf was concealed, and no proteſtant allowed a copy of it till the time limited for pardons was paſt at leaſt four months; ſo that the ſtate of the perſons attainted was deſperate and irrecoverable, except an Iriſh parliament ſhould think proper to relieve them; for the king took care to put it out of the power of any Engliſh (as well as out of his own) to help them, by conſenting to another act of this parliament, intitled, 'An act declaring, that the parliaments of England cannot bind Ireland, and againſt writs of errors and repeals out of Ireland into England.'

The parliament of Ireland having made ſome other acts, and among the reſt, one for 'liberty of conſcience,' was prorogued on the 20th of July to the 12th of January enſuing; and ſo ended this ſeſſion, whoſe proceedings occaſioned no leſs diſturbance in that kingdom, than the war itſelf.

It was not thought enough, that Tyrconnel had ſtopt the maintenance of the univerſity of Dublin; but upon king James's arrival, the vice-preſident, fellows and ſcholars, were all further proceeded againſt and ejected; their furniture, library, and communion-plate ſeized, and every thing that belonged to the college, and to the private fellows and ſcholars, taken away. All this was done, notwithſtanding that when they waited upon king James at his firſt coming to Dublin, he promiſed them, 'That he would preſerve them in their liberties and properties, and rather augment than diminiſh the privileges and immunities granted to them by his predeceſſors.' In the houſe they put a popiſh garriſon, turned the chapel into a magazine, and many of the chambers into priſons for proteſtants. One Moore, a popiſh prieſt, was nominated provoſt, and one Macarty library-keeper, and the whole deſigned for them and their fraternity; and three of the former collegians were forbid to meet together on pain of death. One archbiſhopric, ſeveral biſhoprics, and a great many other dignities and livings of the church were deſignedly kept vacant; and the revenues firſt paid into the exchequer, and afterwards diſpoſed of to popiſh biſhops and prieſts, while in the mean time the cures lay neglected. So that it plainly appeared, that the deſign was to deſtroy the ſucceſſion of the proteſtant clergy. At length things were carried to ſo great an height, that moſt of churches in and about Dublin were ſeized upon by the government; and colonel Lutterel, governor of that city, on the 18th of June 1690, iſſued out an order, commanding 'all proteſtants, who were not houſe-keepers, to depart out of the ſaid city; and all ſuch as were houſe-keepers, to deliver up their arms, both offenſive and defenſive; and likewiſe forbidding above five proteſtants meeting any where upon pain of death, or ſuch other puniſhment, as a court-martial ſhould think fit.' And being aſked, whether this was deſigned to hinder their meeting in churches? He anſwered, that it was intended to prevent their aſſembling there, as well as in other places, and accordingly all the churches were ſhut up, and all religious aſſemblies forbid throughout the kingdom upon pain of death.

While king James was purſuing theſe violent meaſures, king William, among other objects of his care, was conſulting the general good of Europe, and endeavouring to check the exorbitant power of France. It has been obſerved, that the king of France had violated the peace of Nimeguen of 1678, and the twenty years truce of 1684, by his ſudden invaſion of the empire in 1688. The diet of Ratiſbon incenſed at this invaſion, and the cruel devaſtation of the palatinate, unanimouſly reſolved in March 1689, to make a vigorous war "upon the enemy, not only of the empire, but of all chriſtendom; and even a greater than the Turk himſelf with whom he was joined in a league againſt the Emperor."

The United Provinces had in ſome meaſure proclaimed war againſt France, by their manifeſto which they had publiſhed October 28, 1688; containing the reaſons of their aſſiſting the prince of Orange in his expedition to England, wherein they ſaid, that having conſidered the good underſtanding between the kings of Great-Britain and France, and that there was a ſtrict and ſecret alliance between them, it was to be feared, if the king of Great-Britain ſhould attain to an arbitrary power over his people, the two kings, being united in intereſt and hatred of the proteſtant religion, would endeavour to overturn, and if poſſible deſtroy their ſtate; and therefore they had reſolved to aſſiſt the prince in his deſign of going over to England, not, as he declared, to invade the kingdom, or dethrone the king, but to preſerve the laws and liberties of the nation, by obliging him to call a free parliament. This manifeſto was followed March 9th 1689, by a formal declaration of war.

On the 3d of May 1689, Spain provoked at the proceedings of the French king and his unjuſt declaration of war of April 15, ordered the marquis of Caſtanaga, governor of the Netherlands, to proclaim war againſt France, as the common diſturber of Chriſtendom. The elector of Brandenburg had alſo declared war the 13th of April. In this ſituation of affairs, the emperor's envoy, the Spaniſh embaſſador, and the Dutch miniſters earneſtly preſſed the king to proclaim war againſt the common enemy, eſpecially as he had openly eſpouſed the cauſe of king James, whom he had ſent into Ireland with a conſiderable body of French forces. To theſe ſollicitations ſo agreeable to his inclinations, the king readily yielded, and Mr. Hampden made a motion in the houſe of commons, for an addreſs to his majeſty for a war with France; which addreſs was voted unanimouſly by three hundred

hundred and fifty members, and preſented by the houſe in a body in the following terms [n].

"WE your majeſty's moſt loyal and dutiful ſubjects, the commons in this preſent parliament aſſembled, moſt humbly lay before your majeſty our earneſt deſire, that your majeſty would be pleaſed to take into your ſerious conſideration, the deſtructive methods of late taken by the French king againſt the trade, quiet, and intereſt of this your kingdom; and particularly the preſent invaſion of the kingdom of Ireland, and ſupporting your majeſty's rebellious ſubjects there. Not doubting in the leaſt, but that through your majeſty's wiſdom, the alliances already made, with ſuch as may hereafter be concluded on this occaſion by your majeſty, may be effectual to reduce the French king to ſuch a condition, that it may not be in his power hereafter to violate the peace of Chriſtendom, nor prejudice the trade or proſperity of this your majeſty's kingdom.

"To this end we moſt humbly beſeech your majeſty, to reſt aſſured, upon this our ſolemn and hearty engagement, that when your majeſty ſhall think fit to enter into a war againſt the French king, we will give your majeſty ſuch aſſiſtance in a parliamentary way, as may enable your majeſty (under that protection and bleſſing God Almighty has ever afforded you,) to ſupport and go through with the ſame."

To which addreſs the king gave this anſwer.

"I receive this addreſs as a mark of the confidence you have in me, which I take very kindly, and ſhall endeavour, by all my actions, to confirm you in it.

"I aſſure you, that my own ambition ſhall never be an argument to incline me to engage in a war, that may expoſe the nation either to damage or expence. But in the preſent caſe I look upon the war ſo much already declared, in effect, by France againſt England, that it is not ſo properly an act of choice, as an inevitable neceſſity in our own defence.

"I ſhall only tell you, that as I have ventured my life and all that is dear to me, to reſcue this nation from what it ſuffered, I am ready ſtill to do the ſame, in order to the preſerving it from all its enemies. And as I do not doubt of ſuch aſſiſtance from you, as ſhall be ſuitable to your advice to me, to declare war againſt a powerful enemy; ſo you may rely upon me, that no part of that, which you ſhall give for the carrying it on with ſucceſs, ſhall be diverted by me to any other uſe."

Upon this reſolution of a war with France, the king publiſhed 'A proclamation for the encouraging French proteſtants to tranſport themſelves into this kingdom;' declaring, "that finding, in his ſubjects, a true and juſt ſenſe of their deliverance from the perſecution lately threatning them for their religion, and of the miſery and oppreſſions the French proteſtants lay under; ſuch of them as ſhould ſeek their refuge in, and tranſport themſelves into this kingdom of England, ſhould not only have his royal protection, but he would ſo aid and aſſiſt them in their ſeveral trades and ways of livelihood, as that their being in this realm might be comfortable and eaſy to them." Some perſons who were abſolutely diveſted of charity, were diſpleaſed with this invitation given to foreigners to ſettle here; but the generality highly applauded it, not only out of tenderneſs for their perſecuted brethren, but alſo out of regard to the advantage of England; juſtly conſidering, that the kind entertainment, which queen Elizabeth gave to the Walloons, whom the inquiſition had driven out of the Low Countries, had vaſtly improved the woollen and ſilken manufactures of this nation; and that the Dutch daily increaſed in riches, and ſtrength, by the favour which they ſhewed to the French refugees, ſome of whom were wealthy merchants, and the reſt either laborious and induſtrious artificers, or brave and experienced officers and ſoldiers, who would chearfully venture their lives in the defence of the proteſtant religion, and of thoſe ſtates, which afforded them protection. At the ſame time another proclamation prohibited the importation of all ſorts of manufactures and commodities whatſoever of the growth, production, or manufacture of France.

Not long after the French papiſts, ſeeing the countenance given to the proteſtants of their nation, became very inſolent; publicly traducing the preſent government, and diſperſing ſeveral ſorts of libels and ſeditious papers. The houſe of lords being informed of their audacious behaviour, and ſuſpecting they might proceed to more dangerous attempts, ordered an addreſs to be preſented to his majeſty, deſiring he would iſſue out a proclamation, that no French papiſt might come into Whitehall, St. James's or St. James's Park; and that all French papiſts, who were not houſeholders or merchants, ſhould leave the kingdom within ſix weeks, and all others within ſix months, under the pain of being proſecuted as alien enemies according to law. To this addreſs, his majeſty anſwered, he would ſpeedily give orders therein; but a few days after, the lord chamberlain acquainted the houſe, "that his majeſty finding upon further conſideration, that to baniſh all French papiſts might be diſadvantageous to the nation, they trading to other countries, which were his majeſty's allies: and beſides, his majeſty having promiſed them to protect them, whilſt they lived peaceably here, thought fit to ſuſpend the iſſuing ſuch a proclamation, until he had aſked their lordſhips further opinion in that matter." Upon this meſſage, the peers thought fit to leave the affair to the king's diſcretion; many of them having heard the king often declare 'that he came over to deliver the proteſtants, and not to perſecute the Romaniſts.' And indeed not only foreigners, but Engliſh papiſts, were uſed with ſo much clemency, that they too were really gainers by the revolution, not only in being exempted from thoſe public appearances, which in the late reign had been very troubleſome and expenſive to them, but even in a protection of their perſons and eſtates from the fury of the people, to which they had in great part been ſacrificed, if king William would but have connived at it.

The king being aſſured of the aſſiſtance of the commons, acquainted the lords with his intention of ſpeedily declaring war againſt France; whereupon their lordſhips unanimouſly reſolved to aſſiſt and ſerve him therein to the utmoſt of their power. And the ſame day a declaration of war againſt the French king was ſolemnly proclaimed, being drawn up in the following form by the maſterly pen of Mr. Sommers, afterwards lord chancellor.

"WILLIAM R.

"IT having pleaſed Almighty God to make us the happy inſtruments of reſcuing theſe nations from great and imminent dangers, and to place us upon the throne of theſe kingdoms; we think ourſelves obliged to endeavour to the uttermoſt to promote the welfare of our people, which can never be effectually ſecured, but by preventing the miſeries that threaten them from abroad.

"When we conſider the many unjuſt methods the French king hath, of late years, taken to gratify his ambition; that he has not only invaded the territories of the emperor and the empire, now in amity with us, laying waſte whole countries, and deſtroying the inhabitants by his armies, but declared war againſt our allies, without any provocation, in manifeſt violation of the treaties confirmed by the guaranty of the crown of England; we can do no leſs than join with our allies in oppoſing the deſigns of the French king, as the diſturber of the peace, and the common enemy of the chriſtian world.

"And beſides thoſe obligations we lie under by treaties with our allies, which are a ſufficient juſtification of us for taking up arms at this time, ſince they have called upon us ſo to do; the many injuries done to us and our ſubjects, without any reparation by the French king, are ſuch, that (however of late years they were not taken notice of for reaſons well known to the world, nevertheleſs) we will not paſs them over, without a public and juſt reſentment of ſuch outrages.

"It is not long ſince the French took licences from the Engliſh governor of Newfoundland to fiſh in the ſeas upon that coaſt, and paid a tribute for ſuch licences, as an acknowledgement of the ſole right of the crown of England to that iſland. And yet of late the encroachment of the French upon our ſaid iſland and our ſubjects trade and fiſhery, have been more like the invaſions of an enemy, than becoming friends, who enjoyed the advantages of that trade only by permiſſion.

"But that the French king ſhould invade our Caribbee iſlands, and poſſeſs himſelf of our territories of the province

[n] Sir Thomas Clarges ſeconded Mr. Hampden, and another member ſpoke thus: "Mr. Speaker, I bear all the reſpect that I owe to crowned heads, but I cannot help ſaying, that it is of abſolute neceſſity to declare war with 'the moſt chriſtian Turk' who ravages Chriſtendom, and makes war more barbarouſly than the Turks themſelves."

of New-York, and of Hudſon's Bay, in a hoſtile manner, ſeizing our forts, burning our ſubjects houſes, and enriching his people with the ſpoil of their goods and merchandizes; detaining ſome of our ſubjects under the hardſhip of impriſonment, cauſing others to be inhumanely killed, and driving the reſt to ſea in a ſmall veſſel, without food and neceſſaries to ſupport them, are actions not becoming even an enemy; and yet he was ſo far from declaring himſelf ſo, that at that very time he was negotiating here in England by his miniſters a treaty of neutrality and a good correſpondence in America.

"The proceedings of the French king againſt our ſubjects in Europe are ſo notorious, that we ſhall not inlarge upon them. His countenancing the ſeiſure of Engliſh ſhips by French privateers, forbidding the importation of great part of the product and manufactures of our kingdom, and impoſing exorbitant cuſtoms upon the reſt, notwithſtanding the advantage he and the French nation reap by their commerce with England, are ſufficient evidence of his deſign to deſtroy the trade, and conſequently to ruin the navigation, upon which the wealth and ſafety of this nation very much depend.

"The right of the flag, inherent in the crown of England, has been diſputed by his orders, in violation of our ſovereignty of the narrow ſeas, which in all ages has been aſſerted by our predeceſſors, and we are reſolved to maintain, for the honour of our crown and of the Engliſh nation.

"But that, which moſt nearly touches us, is his unchriſtian perſecution of many of our Engliſh proteſtant ſubjects in France for matters of religion, contrary to the law of nations and expreſs treaties, forcing them to abjure their religion by ſtrange and unuſual cruelties, and impriſoning ſome of the maſters and ſeamen of our merchants ſhips, and condemning others to the gallies, upon pretence of having on board either ſome of his own miſerable proteſtant ſubjects, or their effects.

"And laſtly, as he has for ſome years laſt paſt endeavoured by inſinuations and promiſes of aſſiſtance to overthrow the government of England; ſo now by open and violent methods, and the actual invaſion of our kingdom of Ireland, in ſupport of our ſubjects in arms and in rebellion againſt us, he is promoting the utter extirpation of our good and loyal ſubjects in that our kingdom.

"Being therefore thus neceſſitated to take up arms, and relying on the help of Almighty God in our juſt undertaking, we have thought fit to declare, and do hereby declare war againſt the French king; and that we will, in conjunction with our allies, vigorouſly proſecute the ſame by ſea and land, ſince he hath ſo unrighteouſly begun it; being aſſured of the hearty concurrence and aſſiſtance of our ſubjects in ſupport of ſo good a cauſe; hereby willing and requiring our general of our forces, our commiſſioners for executing the office of high admiral, our lieutenants of our ſeveral counties, governors of our forts and garriſons, and all other officers and ſoldiers under them by ſea and land, to do and execute all acts of hoſtility in the proſecution of this war againſt the French king, his vaſſals and ſubjects, and to oppoſe their attempts; willing and requiring all our ſubjects, to take notice of the ſame, whom we henceforth ſtrictly forbid to hold any correſpondence or communication with the ſaid French king or his ſubjects. And becauſe there are remaining in our kingdoms many of the ſubjects of the French king, we do declare and give our royal word, that all ſuch of the French nation, as ſhall demean themſelves dutifully towards us, and not correſpond with our enemies, ſhall be ſafe in their perſons and eſtates, and free from all moleſtation and trouble of any kind.

"Given at our court at Hampton-court, the 7th day of May 1689, in the firſt year of our reign."

The king had juſt before made a treaty with the ſtates, by which a joint fleet of fifty Engliſh and thirty Dutch men of war, beſides frigates and fireſhips, was to be fitted out and equipped for one year. The fleet was to be divided into three ſquadrons, one to ſerve in the Mediterranean, another in the Iriſh ſeas and channel, and the third, conſiſting only of frigates, to cruiſe from between Dover and Calais, as far as Yarmouth on one ſide, and Walcheren in Zealand on the other.

Some days before this proclamation the war was more effectually declared by an engagement between the Engliſh and French fleets in Bantry Bay. For admiral Herbert having received notice, that king James was landed in Ireland, haſtened to that coaſt with all the ſtrength which could poſſibly be collected, in hopes to intercept the ſhips of war, which were his convoy, in their return; and commanded the reſt of the fleet to follow him; and that they might loſe no time, to ſail ſingly, without waiting for one another, the places appointed for rendezvous being the coaſt of Ireland, or ten leagues weſt of Scilly. He came before Cork the 17th of April with only twelve ſhips of war, one fire ſhip, two yatchs, and two ſmacks; and was there informed, that king James, who had been conducted over by twenty-two ſhips from France, had landed at Kinſale above a month°. This induced him to cruiſe firſt before Breſt, and then in the ſoundings, in hopes of meeting theſe ſhips. But not ſucceeding, he returned to the Iriſh coaſt the 29th of April, and diſcovered in the evening, near Kinſale, a fleet of forty-four ſail, of which he loſt ſight the next day; but judging them to be to the weſtward, he bore away with the wind eaſterly, for Cape Clear, and in the evening ſaw them ſtanding into Bantry Bay.

He lay before the Bay until morning, and then ſtood towards them, having increaſed his ſtrength to nineteen ſhips of war; but the Dartmouth, a ſmall frigate, was one of the number. The French were at anchor, being twenty eight, moſt of them from ſixty to ſeventy guns, and ſome larger, with five fire ſhips, and the tranſports which had carried to Ireland about five thouſand men, were at ſome diſtance plying to windward. Upon ſight of the Engliſh ſhips, thoſe of the enemy got under ſail, and when admiral Herbert had, not without difficulty, worked up within two miles of them, they bore down on him in a very orderly line; and one of their ſhips being within muſket-ſhot of the Defiance, which led the van of the Engliſh fleet, they two began the fight, and were followed by the reſt as ſoon as poſſible. The admiral endeavoured to gain the wind of the enemy, or at leaſt to engage cloſer than they ſeemed willing to do; but finding he could not do either, and that it was not adviſeable to maintain in ſuch a manner ſo unequal a fight, he ſtretched off to ſea, not only to get his ſhips into a regular line, but to gain the wind if poſſible. But the French were ſo very cautious in bearing down, that he could not meet with an opportunity of doing it; ſo that continuing the fight upon a ſtretch until about five in the afternoon, the French admiral tacked and ſtood in towards the ſhore; and as the Engliſh ſhips had ſuffered ſo much in their maſts and rigging, that above one half of them were unfit for further action; ſo doubtleſs the French received conſiderable damage. How far their admiral was reſtrained by orders, is not known; but it is certain, that he made very little uſe of the greateſt advantages; for as he had the wind, ſo had he double the force, beſides fireſhips. Conſidering therefore all circumſtances, and that moſt of the Engliſh ſhips were very ill manned, they came off more fortunately than could reaſonably have been expected; for there were no more than ninety men killed, and two hundred and ſeventy wounded, captain George Aylmer of the Portland being the only captain ſlain in the action. After the engagement, admiral Herbert repaired to his rendezvous, ten leagues weſt from the iſlands of Scilly, where he was in hopes of meeting with ſuch an additional ſtrength, as might have inabled him to proceed in ſearch of the French; but being diſappointed, he returned to Spithead. The French indeed aſſumed to themſelves the honour of the day, and rejoycings were made on that account in France. Father Daniel tells us, that count de Chateau Renaud, lieutenant general of the French fleet, being ordered to carry to Ireland a conſiderable convoy of proviſions and ammunition, with three thouſand men, while he was landing them, received advice, that admiral Herbert, was approaching to attack him. The two fleets were pretty near equal; and the count advanced to receive the Engliſh, whom he defeated and purſued, till night gave them an opportunity of eſcaping. The count returned to Breſt, where he was welcomed with the loudeſt acclamations of joy, having landed his troops, defeated the Engliſh fleet, taken ſeven Dutch veſſels richly laden, in his return; brought back his own fleet in as good condition as he carried it out, and all this within the ſpace of eleven or twelve days. It is reported, that when king William received the news of this ſea-fight, he ſaid, 'Such an action was neceſſary in the beginning of a war, but would have been raſh in the courſe of it.'

A fortnight after the king went to Portſmouth, both to haſten the refitting of the fleet, and to diſtribute rewards to the officers and ſoldiers, who had diſtinguiſhed themſelves in the engagement. Admiral Herbert was ſoon after made earl

° Mr. Burchet is miſtaken in ſaying 'about two months,' ſince king James landed on the 12th of March.

of Torrington; captain John Aſhby, commander of the Defiance, and captain Cloudeſly Shovel, of the Edgar, received the honour of knighthood; and each ſeaman a gratuity of ten ſhillings. And beſides this donative to the living, the king's bounty extended to the relicts of thoſe, who had loſt their lives in their country's ſervice.

Being returned from Portſmouth, the king went with the queen to view the earl of Nottingham's houſe at Kenſington, which he deſigned to purchaſe, and make his reſidence during the ſitting of the parliament, upon account of its ſituation in an healthful air, and in the neighbourhood of London. The houſe being approved of, the purchaſe was ſoon after agreed upon with the earl for twenty thouſand pounds.

To return to the proceedings of the parliament. The reſt of this ſeſſion was chiefly employed in raiſing ſupplies for the war in Ireland and with France, in reverſing attainders and judgments paſſed in the late reigns, and inquiring after the authors of the late illegal proceedings and preſent miſconduct of affairs.

As to the ſupplies, beſides what has been already mentioned, ſix hundred thouſand pounds was given for the maintenance of the forces to be employed in Ireland, and ſeven hundred thouſand pounds towards the charge of the navy. For raiſing theſe ſums, an additional exciſe of nine-pence a barrel was laid upon beer, ale, and other liquors, (which by a committee appointed for that purpoſe was eſtimated at twelve hundred thouſand pounds); and a tax was voted upon all ground-rents for new buildings, upon new foundations, within the bills of mortality, ſince March 25, 1660, except ſuch as were within the walls of the city; and an eſtimate was ordered to be taken of them, and of the forfeited eſtates, which eſtates (not including Bedfordſhire, Lincolnſhire and Cardiganſhire, from whence no liſts had been ſent in) the committee ſtated at three hundred and forty-eight thouſand pounds, but of the ground-rents they could not as yet make any eſtimate. A poll-tax was alſo paſſed, and in order to defray the extraordinay expences of the French war, a ſupplemental bill to the poll-tax was voted by the commons, and ſent up to the lords for their concurrence; but the lords adding a clauſe to it for peers to name commiſſioners to rate themſelves, the commons would not agree to it. After ſome debates, the lords poſitively adhering to their clauſe, the bill was dropped, and inſtead of it another was paſſed for an aid of twelve-pence in the pound. The friends of the revolution imagining the buſineſs would ſoon be at an end, gave in to the aſſeſſors the full value of their eſtates, which being made the ſtandard in all future aſſeſſments, during both the French wars, they continued to pay to that value, whilſt thoſe who were not ſo zealous came much more eaſily off. The ſpeaker, upon preſenting this bill to the king, made a ſpeech, ſetting forth "the burden the French king had laid upon our manufactures, his attempts againſt our religion and liberties, by encouraging thoſe that deſigned their ſubverſion, and his devaſtations in the countries of our allies." Another money-bill paſſed the commons, for an additional duty on coffee, tea and chocolate; but the lords adding a proviſo for a draw-back on exportation, ſo warm a diſpute aroſe between the two houſes, whether the lords had power to alter and rate a tax given by the commons, that the bill did not paſs this ſeſſion.

The attainders reverſed this ſeſſion were thoſe of lord Ruſſel, grandfather to the preſent duke of Bedford, (whoſe death is in the act declared a murder) of Algernon Sidney, Corniſh, and Alicia Liſle, widow of John Liſle, who was one of the commiſſioners of the great-ſeal in the time of the commonwealth, and was afterwards aſſaſſinated in Swiſſerland. She had been moſt unjuſtly condemned by Jefferies, contrary to three verdicts of the jury.

The caſe of the earl of Devonſhire was alſo taken into conſideration by a committee of privileges appointed by the lords [P], who having examined the matter, reported, "That they were of opinion, that the proceedings againſt the earl of Devonſhire in the court of the king's bench in Eaſter term in the third year of king James II, (upon an information for an aſſault upon Mr. Culpepper, wherein his lordſhip's plea of privilege of parliament was over-ruled, and he was fined thirty thouſand pounds, and thereupon committed to the King's bench in execution) was a great violation of the privileges of the peers of this realm. And thoſe judges, who ſat in the ſaid court, when the ſaid judgments were given, and the ſaid commitment made, ſhould be required to attend at the bar of this houſe, to anſwer for the great offence, which they have committed thereby." Accordingly on the 6th of May, ſir Robert Wright and ſir Richard Holloway being brought to the bar, and Mr. juſtice Powell being in his place, they were ſeverally aſked what they had to ſay for themſelves in this buſineſs. Mr. juſtice Powell ſaid to this effect, "That it was his great misfortune, that he was miſguided by ſome books, which he looked on as authorities, which he found by their lordſhips judgment were not ſo: And he humbly begged their lordſhips and the earl of Devonſhire's pardon. As to the fine, he looked upon three thouſand pounds to be a fine enough; and that his ſilence in that buſineſs was his greateſt fault, for which he alſo begged pardon."

Then ſir Robert Wright alledged, "That as to the breach of privilege, they were miſguided by precedents. As to the fine, which is uſually ſet according to the quality and eſtate of the perſon fined, it came from the puiſne judge thirty thouſand pounds, and ſo to him laſt, according to the courſe of the court; and if he was miſtaken, he begged pardon, for he never had the leaſt diſreſpect to the earl of Devonſhire." Laſtly, ſir Richard Holloway ſpoke to this effect; "That he as ſecond judge pronounced the fine thirty thouſand pounds, which was ſet nemine contradicente; and if a leſſer fine had been propoſed, he ſhould have accepted it, and did not juſtify the proceedings, but looked on it as an exceſſive fine, and begged my lord Devonſhire's pardon, and ſubmitted all to their lordſhips." The lords aſked them, whether they had no diſcourſe together before concerning the ſaid fine. Sir Robert Wright denied it, and ſir Richard Holloway declared, that he had no direction from either the king or lord chancellor concerning the ſaid fine. But Mr. juſtice Powell appealed to the memory of ſir Richard Holloway, that there was a diſcourſe of the fine, five or ſix days before at the lord chancellor's; where ſir Robert Wright, ſir Richard Holloway, ſir Richard Allibone, and himſelf were. This, ſir Richard Holloway pretended he did not remember, and ſir Robert Wright denied that they were there purpoſely about the ſaid fine. Theſe two being withdrawn, Mr. juſtice Powell was aſked, what diſcourſe they had at the lord chancellor's? To which he anſwered, "That the chancellor firſt propoſed twenty thouſand pounds, and afterwards ſaid, it would be better, if thirty thouſand pounds, and then the king might abate ten thouſand pounds. And he declared his diſlike of this to the other judges, tho' not before the lord chancellor." After the examination, notice having been given to the king's council, that if they had any thing to offer, "Whether a peer of this realm might by law be committed in execution for a fine?' They might propoſe it; but they offering nothing upon that queſtion, the lords ſpiritual and temporal, upon a full conſideration of the ſeveral caſes and precedents, wherein the privileges of peers had been concerned, declared and adjudged on the 15th of May, "That the court of king's-bench, in over-ruling the earl of Devonſhire's plea of privilege of parliament, and forcing him to plead over in chief, it being within the uſual time of privilege, did thereby commit a manifeſt breach of privilege; and that the fine of thirty thouſand pounds impoſed by the court of king's-bench upon the ſaid earl was exceſſive and exorbitant, and againſt magna charta, the common right of the ſubject, and the law of the land; and that

[P] The earl had been a zealous promoter of the bill of excluſion againſt the duke of York; which rendered him extremely obnoxious to that duke, who took occaſion to make him feel the effects of his diſpleaſure after he came to the crown. The earl had been very rudely inſulted within the verge of the court by colonel Culpepper, for which he contained himſelf, and only worked out the ſatisfaction of giving him his pardon, upon condition, that he ſhould never more appear in Whitehall. But immediately after the defeat of the duke of Monmouth, the colonel was encouraged to ſhew himſelf at court, and was riſing into a creature of it. The earl of Devonſhire meeting him in the king's preſence-chamber, and receiving from him, as he thought, an inſulting look, he took him by the noſe, led him out of the room, and gave him a contemptuous blow with the head of his cane. For this bold act the earl was proſecuted in the king's bench upon an information, and had a fine of thirty thouſand pounds impoſed upon him, and was committed, though a peer, to the king's bench priſon, till he ſhould pay it. But he, who was never able to bear any confinement that he could break from, eſcaped only to go home to his ſeat at Chatſworth. Upon the news of his being there, the ſheriff of Derbyſhire had a precept to apprehend him, and bring him with his poſſe to London. But he invited the ſheriff, and kept him a priſoner of honour, till he had compounded for his own liberty, by giving bond to pay the full ſum of thirty thouſand pounds; which bond being found among the papers of king James after his abdication, it was given up to the earl by king William. It is ſaid, that the counteſs dowager of Devonſhire, his mother, being uneaſy to ſee him under ſo great an hardſhip, waited on king James to beg her ſon's pardon; and, for the diſcharge of the fine, humbly deſired, that his majeſty would accept of her delivering up bonds, and other acknowledgments, for above ſixty thouſand pounds lent by her huſband and his mother, to his royal father and brother in their greateſt extremities; but this requeſt was rejected. Kennet's Memoirs of the Family of Cavendiſh, p. 136, —138.

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no peer of this realm, at any time, ought to be committed for non payment of a fine to the king."

The next judgment that was reverſed, was that of Mr. Samuel Johnſon, chaplain to the unfortunate lord Ruſſel, and author of ſeveral tracts which had given offence to the courts of king Charles II. and James II. His ſufferings being reported to the houſe of commons [q], it was reſolved, "That the judgment againſt Mr. Johnſon was illegal and cruel. That the eccleſiaſtical commiſſion was illegal, and conſequently the ſuſpenſion of the biſhop of London, and the authority committed to the three biſhops, null and illegal, That Mr. Johnſon's not being degraded by his own dioceſan, if he had deſerved it, was null and illegal. That a bill be brought in to reverſe the judgment, and to declare all the proceedings before the three biſhops, null and illegal, And that an addreſs be made to his majeſty to recommend Mr. Johnſon to ſome eccleſiaſtical preferment ſuitable to his ſervices and ſufferings [r]."

Titus Oates likewiſe took the opportunity now of the indignation of the parliament, againſt the illegal proceedings of the late reign, to apply to the lords for a reverſal of the two judgments againſt him on the point of perjury; for which he had ſuffered more by the cruelty of the papiſts, than any other man ever endured with life. Whilſt this buſineſs was depending, Oates printed a paper (which he owned before the lords, and for which he was confined, being voted to contain matters tending to breach of privilege) wherein he alledged, "That in the year 1678, he had diſcovered a horrid popiſh conſpiracy for the deſtruction of the late king Charles II, his preſent majeſty, then prince of Orange, and the proteſtant religion, within theſe kingdoms; and proved it ſo fully, that ſeveral parliaments and courts of juſtice, before whom he gave his teſtimony, declared their belief of it by public votes; and the condemnation of ſeveral of the conſpirators, accuſed not only by him, but by ſeveral other witneſſes. That the houſe of lords being ſenſible of the great ſervice of Oates, gave him their thanks in a moſt public manner, and addreſſed king Charles II. to grant his royal protection to the ſaid Oates, and give him a ſubſiſtance, till the parliament conſidered of a reward ſuitable to his great and public ſervice to the king and kingdom. That the ſaid Oates diſcovered the traiterous conſpiracy, which Coleman held with La Chaiſe, confeſſor to the French king, which gave both houſes of parliament full ſatisfaction of the popiſh plot; and other letters were produced by a perſon of quality, by which the government was ſatisfied of the underhand dealing of a great miniſter of ſtate at that time, in order to procure a ſum of money to put off the parliament, all which did ſtill juſtify the ſaid Oates, and did verify the truth of his diſcoveries. That the duke of York having a great influence upon king Charles II, as alſo ſeveral other of the popiſh party, did prevail on him to ſuffer the ſaid Oates to be indicted of perjury, in two ſeveral indictments ſix or ſeven years after he had given his teſtimony concerning the popiſh plot, and brought the ſame to a trial in 1685, in the reign of king James II, with an addition of ſome other witneſſes, but all papiſts, and brought up at St. Omer's, excepting one, who had likewiſe his education at St. Omer's, but was turned proteſtant, as he pretended, and was made a miniſter by the biſhop of St. Aſaph. That the lord chief juſtice Jefferies's brow-beating Oates's witneſſes, as ſeveral peers could teſtify, and appearing ſo much Oates's enemy, the king's council perverting the teſtimony, and no council daring to appear for Oates, he was found guilty of perjury. That the aforeſaid indictments he had removed into the lords houſe by writs of error; and if their lordſhips would be pleaſed to examine into the merits of the cauſe, he would produce three witneſſes, yet alive, that would juſtify his being in town at the time, that St. Omer's witneſſes ſwore him out of town: That he could produce Mr. Jenniſon, who would prove, that Ireland was in town in Auguſt 1678; which contradicted the Staffordſhire witneſſes. That the papiſts themſelves having juſtified Oates's teſtimony by their open and avowed violation of our laws, liberties, and religion, and executing thoſe things in the reign of the late king, which he did diſcover them to be contriving in the reign of king Charles II. which was the ſubſtance of his teſtimony; he hoped the reputation of St. Omer's witneſſes, who were bribed with places and offices in the army, and ſums of money, ſhould not prevail with the houſe of lords from ſetting aſide the judgments brought before their lordſhips. All which was humbly offered to the conſideration of the lords and commons."

The lords, after hearing the opinion of all the judges, and the council at the bar, did at laſt order, that the judgments given againſt him ſhould be reverſed; and accordingly a bill of reverſal which had paſſed the commons, was read twice in the houſe of lords, who with ſome amendments inſerted a proviſo, "That until the matters for which Titus Oates was committed for perjury, were heard and determined in parliament; the ſaid Oates, ſhould not be received in any court or cauſe whatſoever to be a witneſs." A proviſo, liable to ſo many exceptions, was proteſted againſt by thirteen lords; becauſe (as they ſaid) the other part of the bill reverſed the judgments againſt Oates, whilſt this proviſo enacted him to be incapable of being a witneſs, which is more infamy than being a ſlave. The bill being ſent down to the commons, they diſagreed to the proviſo; which occaſioned a memorable conference between the two houſes, and that begot ſuch heats, as were like to come to a dangerous height, if they had not been allayed by the adjournment of the parliament. And all that Oates was able to obtain in this ſeſſion, was his diſcharge from confinement, and an addreſs from the lords, at the deſire of the commons, requeſting the king to grant him his pardon. The king complied with their requeſt, and moreover, allowed him a penſion of three pounds a week.

In the beginning of the ſeſſion, a cloſe committee had been

[q] This report was made by Mr. Chriſty on the 24th of June 1689, and was as follows:

That in Trinity-term, 'ſecundo Jacobi regis,' information was exhibited againſt the ſaid Mr. Johnſon in the king's-bench, in the name of ſir Robert Sawyer the king's attorney general, for making, printing, and publiſhing, a ſcandalous and ſeditious libel, entitled, 'An humble and hearty addreſs to all the proteſtants in king James's army.' That the ſame term they forced him to plead, procured a jury to find him guilty, convicted him, and gave the judgment following, which was pronounced by ſir Francis Withens:

1. To pay five hundred marks to the king, and to lie in the priſon of the king's-bench till it be paid.
2. To ſtand in the pillory three days, in three ſeveral places, viz. the Palace-Yard Weſtminſter, Temple-Bar, and the Old-Change.
3. To be whipped by the common hangman, from Newgate to Tyburn.

That the judges of the king's-bench, who ſat in the court, were the lord chief juſtice Herbert, ſir Francis Withens, ſir Robert Wright, and ſir Richard Holloway.

That the ſentence was to be executed in November in the next Michaelmas-term, but they deſired, that Mr. Johnſon might firſt be degraded, for it would be a ſcandal to the clergy to have ſo infamous a puniſhment inflicted upon a miniſter. Whereupon he being a priſoner in the king's-bench, which is in Surrey, and in the dioceſe of the biſhop of Wincheſter, he was ſummoned the 19th of November, 1686, to appear the next day, the 20th of November, in the convocation-houſe of St. Paul's, in the dioceſe of the biſhop of London, he being rector of Curringham in Eſſex, within that dioceſe. Upon the 20th of November, a habeas corpus was brought to carry him from the king's-bench priſon to the convocation-houſe, where he found the biſhops of Durham, Rocheſter, and Peterborough, to exerciſe the authority and juriſdiction of the biſhop of London during his ſuſpenſion, and ſome clergymen, and many ſpectators, and a libel exhibited againſt him by one GodfreyLee, a proctor, dated that day, charging him of being guilty of great miſdemeanors, but ſpecified none, nor proved any; only referred to the record before the king's temporal judges.

That Mr. Johnſon demanded a copy of the libel, and an advocate, both which the biſhops denied him; but immediately proceeded to his ſentence, which was,

1. That he ſhould be declared an infamous perſon.
2. That he ſhould be deprived of his rectory of Curringham in Eſſex.
3. That he ſhould be a mere layman, and no clergyman, and deprived of all right and privilege of prieſthood.
4. That he ſhould be deprived thereof, and of all veſtments and habits of prieſthood.
5. That he ſhould undergo the puniſhment aforeſaid.

Againſt which proceeding Mr. Johnſon proteſted, as being againſt law, and the 132d canon, not being done by the biſhop of London, his own dioceſan; but they refuſed his proteſtation.

That he appealed to the king in chancery, but they refuſed to admit his appeal.

And immediately they proceeded to execute the ſaid ſentence, and to degrade him, by putting on a ſquare cap, and then taking it off again; then they pulled off his gown, then his girdle, which he demanded as his own proper goods bought with his own money, which they promiſed him to ſend, but they coſt him twenty ſhillings to have them again. After all, they put a bible into his hand, which he would not part with, but they took it from him by force. All this was done, the libel, ſentence, and execution of it, in three hours ſpace, on Saturday the 20th of November, having proceeded ſummarily as they did.

That on Monday the 22d of November, the judgment in the king's-bench was executed with rigour and cruelty; the whipping, being with a whip of nine cords, ſhewed to the committee, and Mr. Rouſe the under ſheriff, tore off his caſſock upon the pillory, and put a frieze coat upon him.

That Mr. Johnſon's wife had alſo an information exhibited againſt her in the king's-bench, for the like matter as that againſt her huſband.

[r] Mr. Johnſon could never obtain any church preferment. The king gave him three hundred pounds a year, out of the poſt office, for his and his ſon's life; beſides one thouſand pounds in money, and likewiſe beſtowed a place of one hundred pounds a year on his ſon. Mem. of Mr. Sam. Johnſon, p. 15.

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appointed by the lords to examine and take informations concerning the death of the late earl of Eſſex, which had been attended with many ſuſpicious circumſtances; and this committee was revived in the next ſeſſion, but before the report was made to the houſe, the parliament was diſſolved, and conſequently a ſtop put to all proceedings [s].

The committee appointed in relation to the ſtate priſoners having examined their caſes, made a report of what they had diſcovered. After inſpecting the accounts of Graham and Burton, (who had been the wicked ſolicitors of the illegal proſecutions, and had been confined ſome time before) it appeared, "that the ſaid Graham and Burton, from the year 1679 to the year 1688, had received near forty eight thouſand pounds out of the exchequer, which they alledged to have paid to witneſſes, jurors, ſolicitors, council, and themſelves, and other perſons concerned in their proſecutions of indictments, informations, and trials of perſons in capital and other pretended criminal cauſes, and quo warrantos againſt corporations, and other proceedings in the name, and on behalf of the late king: That, for inſtance, in proſecuting for pretended conſtructive treaſons, the lord Ruſſel, Algernon Sidney, eſq; ſir Thomas Armſtrong, the lords Brandon and Delamere, John Hamden, eſq; alderman Corniſh, and divers others; and in their preſenting upon information, for ſuppoſed miſdemeanors and crimes not capital, ſir Samuel Barnadiſton, ſir Patience Ward, ſir Thomas Pilkington, Slinſby Bethel, ſir William Williams, Mr. Samuel Johnſon, Oates, and many others, they charged their accounts with exorbitant expences. That there were ſeveral witneſſes concurring with theſe accounts to make it manifeſt, that the ſaid Graham and Burton were inſtrumental in moſt or all the illegal proſecutions for the taking away the lives and eſtates of thoſe, that had ſuffered the loſs of either, within eight years laſt paſt: And that they had, by their malicious indictments, informations, and proſecutions of quo warrantos openly endeavoured the ſubverſion of the proteſtant religion, and the government of the realm, and waſted many thouſand pounds of the public revenue thereof in their undue proſecutions and ſolicitations."

Then they proceeded to the caſe of ſir Robert Wright, late lord chief juſtice, and found him concerned in all the cruelties done in the weſt, after Monmouth's invaſion; one of the eccleſiaſtical commiſſioners, guilty of great enormities in the affair of Magdalen College; and one of the judges that gave judgment in the caſe of Hales, that the king might legally diſpenſe with the ſtatutes of the kingdom.

The caſe of the late lord Jefferies was alſo reported, whoſe crimes were ſo well known to all the world, that there was no need of other evidence. He had been inſtrumental in all the arbitrary proceedings of the late reign, but eſcaped the puniſhment which he might have juſtly expected, by dying in the Tower on the 18th of April. He is ſaid to haſten his death, by drinking ſpirituous liquors. Whilſt he continued priſoner there, he was viſited by Dr. John Scott, the celebrated author of the Chriſtian Life; and being urged by him to improve his preſent ſituation by a ſerious review of his paſt life, he expreſſed great concern upon the occaſion; but with regard to one part of his conduct, which had expoſed him to moſt cenſure, his behaviour in the weſt after the defeat of the duke of Monmouth, he declared, that how cruel ſoever his proceedings might be thought, they had by no means come up to the ſeverity, which king James expected from him, his majeſty being extremely diſpleaſed with him on that account [t].

As the illegal proceedings of the late reign and their authors were inquired into, ſo the miſcarriages of the preſent were alſo diſcuſſed. The lords, after addreſſing the king to put the Iſle of Wight, Jerſey, Guernſey, Scilly, Dover-Caſtle and other places into a poſture of defence, and to diſarm papiſts, impowered a committee to look into the miſcarriages in Ireland, and to ſend for perſons and papers for their information. The committee having acquainted the houſe, that they could not come to a full diſcovery of the miſcarriages in Ireland, without a ſight of the minute-book of the committee for Iriſh affairs, to the firſt of May laſt, the lords ordered an addreſs to the king, that the ſaid minute-book might be communicated to the committee. The king's anſwer to this addreſs was 'I will conſider of it;' which obſtructed the proceedings of the committee near the whole month [u]. But upon the commons voting, "that thoſe perſons, who had been the occaſion of delaying the ſending relief to Ireland, and had adviſed his majeſty to defer

[s] The ſubſtance of the evidence offered to the committee to prove that earl to have been murdered, with the reaſons why the inquiry was not reſumed in the next parliament in 1690, is related by Laurence Braddon, in his book againſt Burnet, p. 186, &c. where he ſays, "I believe, that no proſecution of any murder, in the Britiſh annals recorded, ever met with ſuch oppoſition, as the proſecution of this murder did. And firſt from all the jacobite intereſt, as well proteſtant as papiſt. And how great that intereſt ever ſince the revolution hath been, the many treaſonable conſpiracies and open rebellions have ſufficiently proved. Secondly, king James II. being father to the late queen Mary and queen Anne, it is natural to ſuppoſe, that neither of theſe two queens would have had their father ſtigmatized with that moſt infamous character of being a murderer, and in more inſtances than one. And whether king William, out of reſpect to his queen, might any ways hinder the fixing ſuch an infamy upon his queen's father, I cannot tell. But this I ſenſibly felt to be true, viz. that queen Anne upon her firſt coming to the crown, ſtruck me out of the civil liſt, becauſe, as her majeſty then ſaid, 'I had thrown blood in her father's face.' Thirdly, the counteſs dowager of Eſſex, by the influence of biſhop Burnet, did deſire the lords committees in 1689, not to proceed any farther in that inquiry; for the counteſs, by the biſhop, did then endeavour to perſuade the lords committees, and ſeveral other lords, that my lord of Eſſex murdered himſelf. Fourthly, there was a certain great man charged, as ordering this murder, who had been the main inſtrument, in the hand of Providence, of bringing about the revolution; and by this very gentleman's counſels king William was, for ſome years, very much influenced. What intereſt therefore that great man had with king William, or with any other perſons whatſoever, was applied to hinder the proſecution of this murder. And laſtly, the late biſhop Burnet himſelf was not only the principal cauſe of hindering the counteſs from engaging in this proſecution; but that prelate did otherwiſe endeavour to blaſt the credit of this inquiry, by ſometimes repreſenting me (as in his late hiſtory) as an enthuſiaſtical man, and therefore no regard was to be had to what I ſaid or did in relation to that inquiry. At other times that biſhop did repreſent me as a man of 'a very ſtrong imagination,' (a ſoft character for a madman) from whence I was eaſily inclined to take up a belief of things upon ſuch evidence, as was not ſufficient to prove the things to be; but I was ſo poſſeſſed of imaginary beings, there was no convincing me by any arguments of their non-exiſtence." The ſame gentleman likewiſe relates the following remarkable ſtory of what was ſuppoſed to be one of the principal occaſions of haſtening the poiſoning of king Charles II. Some ſhort time before the death of that king, there was a pamphlet written and printed in Holland, entitled, 'An inquiry into a detection of the barbarous murder of the late earl of Eſſex;' and many hundred of theſe were brought to England. In this pamphlet there were many arguments given to prove the murder; and the author humbly beſought his majeſty, that he would be graciouſly pleaſed to give his royal aſſurance of a pardon to him, who ſhould prove that murder; and that then the duke of York ſhould be proved to have been the principal author and rewarder thereof. Several hundred of thoſe books were, one night, about twenty days before king Charles II's death, diſperſed by ſome gentlemen, and for the moſt part laid at the doors of privy counſellors and of other noblemen, and juſtices of the peace. One of theſe books was conveyed to the king, who read the ſame, and then ſent for lord Allington, then conſtable of the tower; and charged his lordſhip to read and conſider the ſame, and in a ſhort time to return the book, and to give his majeſty his opinion of it: and alſo what his lordſhip thought as to the manner of the earl of Eſſex's death. Lord Allington ſent this book to ſir Thomas Rowe, but charged him to return it the next day, becauſe his lordſhip intended then to reſtore it to his majeſty. Sir Thomas read and returned the book accordingly, and ſhortly after waited again upon lord Allington, who then informed ſir Thomas, that he had been again with the king, and returned the book; and that his majeſty aſked his lordſhip, whether he had read and conſidered it; which his lordſhip having aſſured his majeſty he had done, the king commanded him to give his judgment as to the earl of Eſſex's death. But his lordſhip deſiring his majeſty to excuſe him from giving any judgment in that point, the king ſaid to him, 'I command you to deal very plainly and ſincerely with me in relation thereunto.' 'Sir,' replied lord Allington, 'if your majeſty commands me to deal therein ſincerely with your majeſty, I muſt then ſay, that I am of opinion, that unfortunate lord had very foul play.' 'Then, if I live,' ſaid the king, 'I will make a very ſtrict inquiry into that matter; and I command you to come to me to-morrow.' As ſoon as lord Allington withdrew, the duke of York came in whilſt the king had the book in his hand; and, as the king next day informed his lordſhip, the duke aſked his majeſty, 'who had brought him that villainous lying pamphlet.' But the king then ſaid, 'that he did not believe it to be a lying pamphlet, and he was reſolved to make ſtrict inquiry into the earl of Eſſex's death; and that his highneſs ſhould go abroad before that inquiſition was made.' The duke replied, that 'he had already travelled too much.'

"The ſubſtance of what is above mentioned, ſays Mr. Braddon, relating to what paſſed between king Charles II. and lord Allington, I had from ſir Thomas Rowe, ſoon after the revolution. And ſome few days after that diſcourſe between the king and the duke, the king and the lord Allington were ſeized with ſuch illneſs, as was generally thought to be the effects of poiſon; and the lord Allington died about three days before the king, and his majeſty died the 6th of February, 1684-5. And ſo by that king's being forced to travel too ſoon into the other world, king James delayed his own travels in this, until the juſt deſertion of his own troops forced him to become a fugitive and a penſioner to that great monarch, whoſe arbitrary government he liked much better, than to be circumſcribed by thoſe good laws, which hindered him from ruining both our church and ſtate." Braddon, p. 186, &c.

Burnet ſays, this Braddon was an honeſt but enthuſiaſtical man. He had, it ſeems, pickt up a great variety of circumſtances, which he thought ſo convincing, that he believed himſelf bound to proſecute the matter; eſpecially the evidence of a boy and girl, both at about ten or twelve years of age, who reported, the very day the deed was done, that they heard great crying in the earl's lodging, and ſaw a bloody razor flung out at the window, which was taken up by a woman that came out of the houſe where he was lodged. Braddon talked of theſe things ſo publicly, that he was tried for ſpreading falſe news to alienate people's hearts from the king, and was fined two thouſand pounds. Burnet, I. 570.

[t] This account ſir Joſeph Jekyll, late maſter of the rolls, had from the mouth of Dr. Scott himſelf.

[u] This putting off the inſpection of the minute-books, gave a handle to the enemies of the government, to inſinuate that matters were not much mended by the revolution, and that the preſent courtiers were no better friends to the nation, than others had been. This was, it ſeems, the firſt anſwer of king William that was not agreeable to both houſes.

There

the giving leave for ſome members of the houſe of peers to inſpect the minute-book of the committee for Iriſh affairs, were enemies to the king and kingdom," he acquainted the lords and commons, that he gave leave, that a committee of the upper-houſe might inſpect the book, according to their deſire. However, this book not being ſufficient to diſcover the miſcarriages in Ireland, the lords addreſſed the king, "that he would pleaſe to direct, that the minutes in relation to Ireland, ſince his taking the adminiſtration of the government upon him, to the time when the council-books began, might be communicated to the committee of their houſe." To this the king anſwered, "That there were no minutes of the Iriſh affairs in the time mentioned by their lordſhips."

After this the commons, in a committee of the whole houſe, having conſidered the ſtate of the nation, came at laſt to this reſolution, that an addreſs be preſented to his majeſty upon theſe heads: Firſt, that there had been delays in the ſuccour of Ireland. Secondly, That there were not ſufficient preparations to tranſport the forces to Ireland. And, thirdly, That ſeveral ſhips had been taken for want of guards and convoys to preſerve them. As the delays of ſending relief to Ireland were imputed to the marquis of Halifax, the queſtion was put at the ſame time, whether it ſhould be repreſented to his majeſty, that it was inconvenient to his affairs, that the marquis of Hallifax was in his majeſty's council? Which however was carried in the negative, ſeventy-ſix for an addreſs, and ninety againſt it.

A few weeks before Mr. John Howe, vice-chamberlain to the queen, moved for an addreſs to the king, to remove from his preſence and councils ſuch as had been impeached by parliament, and had betrayed the liberties of the nation. Though nobody was named, yet it was eaſy to perceive, that the perſons, againſt whom this addreſs was to be levelled, were the marquiſſes of Carmarthen and Hallifax, the firſt of which had been formerly impeached of high-treaſon, and to the other was chiefly imputed the preſent ill-conduct of affairs. The matter was debated with great warmth; and becauſe the contrary party were not prepared to oppoſe this unexpected motion, it would certainly have been carried in the affirmative, if thoſe, who were zealous for it at firſt, had not cooled on the ſudden. Monſieur Dyckvelt diſcourſing with Mr. Howe about this motion, the latter juſtified himſelf by alledging, that "he did not think it to be of any ill conſequence to his majeſty: and beſides, that a place at court ſhould never ſilence him, when the good of his country required him to ſpeak." And the next day he renewed the motion, and was ſtrongly ſupported in it; but the oppoſite ſide requiring the perſons to be named, and nobody offering to do it, the motion came to nothing. Mr. Howe, it ſeems, had miſſed of ſome advantages that he had propoſed to himſelf, upon which he went into the higheſt oppoſition that was made in the parliament to the court all this reign, not without indecent reflections on the king, and a moſt virulent attacking of all his miniſters. He was a man of ſome wit, but of little judgment, and no great ſhare of religion. He was member for Cirenceſter [w].

About this time certain treaſonable papers and letters from king James, ſome of them written with his own hand, and directed to divers perſons in London and in the country, having been intercepted at Liverpool in Lancaſhire, and ſent to court, his majeſty communicated them to the parliament. And becauſe, among other enigmatical expreſſions, mention was made in them of 'contraband goods ready to be ſhipped off in order to be run into ſuch places, where they might not be ſeized by cuſtom-houſe officers,' which ſufficiently diſcovered the deſign of an invaſion; Mr. Hampden the father, who at that time happened to be chairman of the committee of the whole houſe, repreſented the imminent danger that threatened the kingdom, and what difficulties his majeſty lay under to prevent it for want of money, and therefore moved for a farther ſupply. This motion, from a privy councillor, and at a time, when the houſe was going to adjourn, was thought very impolitic, and was ſo far from being backed by any member, not even by his own ſon, that it rather occaſioned ſome ſharp reflections [x]. Mr. Garroway, though one of the well-affected, ſaid, "That they had given money enough for that year: That if they had thought there had been occaſion for more, they would have prevented the king's demands: That it was not the want of money; but the ill conduct of thoſe, that had the management of affairs, that cauſed the difficulties, which the government lay under: That the miſcarriages in aſſiſting the proteſtants of Ireland had been of ſo ill conſequence, that if they were not ſpeedily remedied, the houſe would be obliged to take notice of them." Mr. Howe ſtood up next, and ſaid, 'Their preſent dangers proceeded from their not addreſſing the king for removing his evil councillors, as he himſelf had moved not long before.' However, the houſe having taken the intercepted letters into conſideration, reſolved to addreſs the king to deſire him to ſecure all papiſts of note, and to diſarm and take away their horſes from the reſt; and as a conſequence of this affair, a bill was brought in 'for attainting ſeveral perſons in rebellion againſt their majeſties;' but however it was not finiſhed this ſeſſion [y].

Articles of high-treaſon were alſo drawn up by the commons againſt ſir Adam Blair, captain Henry Vaughan, captain Frederick Mole, and John Eliot and Robert Grey doctors of phyſic, for diſperſing the declaration of king James, which he publiſhed in Ireland, directed 'to all his loving ſubjects in the kingdom of England.' Theſe articles being ſent up to the lords and read to the perſons accuſed, they deſired a copy of their impeachments, and time and council to make their defence; which being granted, they delivered their anſwers within a few days, pleading their innocence, and ſubmitting themſelves for their trial to their lordſhips judgments. The copies of all which being ſent to the commons, no farther progreſs was made in this affair during the ſeſſion.

Before the adjournment a bill was brought into the houſe of lords, "for the injoining the wearing the woollen manufactures of this kindom at certain times of the year." Upon which the ſilk-weavers of London and Canterbury preſented a petition to their lordſhips in a tumultuous manner, praying to be heard before the ſaid bill ſhould be paſſed into a law. Whereupon the houſe ordered their ſpeaker to tell the petitioners, "That the lords did not then think fit to give an anſwer, becauſe they obſerved there was an unuſual manner of application, and that the bailiffs, wardens, and aſſiſtants of the company ſhould have directed their members better: That the lords did firſt require, that thoſe crouds ſhould go home; and when that was done, neither they nor other people of this nation needed to doubt but that their lordſhips would do juſtice, and hear the objections of parties concerned in this or any other bill, that ſhould come before them." Upon this, due care being taken to prevent the return of ſuch unruly multitudes, who were ſuppoſed to be ſet on by the enemies of the government, the weavers remained quiet in their houſes; and the bill was unanimouſly rejected by the lords.

The moſt material acts paſſed this ſeſſion, beſides thoſe already mentioned, were theſe:

An act to veſt in the two univerſities the preſentations belonging to papiſts. The univerſity of Oxford is to preſent to all popiſh livings in the ſouthern counties [z]; and the univerſity of Cambridge to thoſe in the northern. And if any truſtee, mortgagee, or grantee, of ſuch advowſon preſent, without notice to the reſpective univerſity, he forfeits five hundred pounds to the univerſity. No popiſh benefice is to be granted to any perſon having another; and ſuch benefice to be void by abſence of ſixty days in one year.

Acts for erecting courts of conſcience in Briſtol, Glouceſter, and Newcaſtle, which have been much to the benefit and eaſe of the inhabitants.

An act for aboliſhing the court of the marches of Wales, which had been continued by Henry VIII, the preſident and council whereof had power to hear and determine by

[w] There was a report then current concerning Mr. Howe, that a certain builder applied to him for his intereſt, to obtain a grant of the waſte ground, on which now ſtands the ſtreet called the Seven-Dials. Another had before applied to the lord Portland for the ſame grant, who finding it to be worth about ten thouſand pounds, fairly told the king the value of it. Mr. Howe coming ſoon after with his ſolicitation, the king aſked, 'What it might be worth?' he replied, 'About one thouſand pounds.' The king ſaid, 'Is that all? You ſhall have a thouſand pound without ſo much trouble.

[x] Mr. Hampden, among the dangers to which the nation was expoſed, having named that of falling into the hands of the French and Iriſh, Mr. S——— moved 'to add the Dutch.' And this ſhews how early the Dutch fell under the diſpleaſure of thoſe who were no well-wiſhers to the revolution. Oldmixon.

[y] The lords inſiſted upon hearing the depoſitions of the witneſſes from their own mouths, and not thinking there was ſufficient evidence againſt the following perſons, agreed to leave them out of the bill; namely, Thomas lord Howard, the earl of Dover, the lord Hunſdon, ſir Roger Strickland, ſir Edward Herbert, colonel Hugh Southerland, and ſir William Jennings. But the prorogation put a ſtop to this bill.

[z] Namely, Oxfordſhire, Kent, Eſſex, Middleſex, Suſſex, Surry, Hampſhire, Berkſhire, Buckinghamſhire, Gloceſterſhire, Worceſterſhire, Staffordſhire, Warwickſhire, Wiltſhire, Somerſetſhire, Devonſhire, Cornwal, Dorſetſhire, Hereford ſhire, Northamptonſhire, Pembrokeſhire, Caermathenſhire, Brecnockſhire, Monmouthſhire, Cardiganſhire, Montgomeryſhire. The reſt of England and Wales belongs to Cambridge.

their diſcretion of matters belonging to the court. This had proved an intolerable burden to Wales and the borders at all times, and means to introduce an arbitrary power, eſpecially in the late reigns, when a new-convert family were at the head of it; nor could the earl of Macclesfield, the laſt preſident who kept his court at Ludlow, reduce it to ſuch order, as to ceaſe to be a grievance, and therefore it was diſſolved.

An act for the relief of the proteſtant Iriſh clergy. By which act thoſe clergymen that had been forced from their country, and had benefices there, were enabled to hold any benefice in England, without forfeiting their promotions in Ireland, but were obliged to reſign their eccleſiaſtical preferments in England, when reſtored to thoſe they had been forced to relinquiſh.

An act to repeal the ſtatute of Henry IV, againſt multiplying gold and ſilver. By this act the melting and refining of metals, improving them and their ores, and extracting gold and ſilver from thence (which had been forbidden) are allowed; on condition that all the gold and ſilver thus extracted, be brought to the mint at the tower, to be converted into money. At which place the extractors are to receive the full value of their gold or ſilver, according to the fineneſs thereof.

One of the laſt acts of this ſeſſion was that for raiſing the ſix hundred thouſand pounds for the Dutch. Though ſeveral lords had ſecurities appropriated out of the duties appointed for the payment of this ſum, for arrears due to them as ſervants of king Charles II; and though by this bill theſe arrears were limited to ſixty thouſand pounds, which was far ſhort of their demand, they however obſtructed not the paſſing of the bill; and therefore upon a repreſentation of their caſe and conduct in an addreſs to the king by the peers, he was pleaſed to ſay, "I am ſenſible of their behaviour towards me on this occaſion, and will not forget it." When the king came to give the royal aſſent to this bill, the ſpeaker made the following ſpeech:

May it pleaſe your majeſty,

"THE commons in this preſent parliament aſſembled, taking into conſideration the great aſſiſtance that was given by the ſtates of the United Provinces to your majeſty, in your glorious deſign of reſtoring theſe kingdoms to their ancient rights and liberties, and how for that end they entruſted their army and fleet to your majeſty's diſpoſal, at a time when they had war declared, and an invaſion threatned by the French king, merely to divert them: They do here humbly preſent your majeſty with a bill, appointing certain duties of exciſe and cuſtoms, for the raiſing ſix hundred thouſand pounds, which they deſire may be applied by your majeſty, for the ſatisfaction of the charges which have been expended by the ſtates in this expedition.

"It is little more than an age ſince the illuſtrious prince of Orange, your majeſty's great grand-father, whoſe name will ever be famous for his love to his country, did, by the aſſiſtance of the Engliſh, redeem thoſe provinces from the like oppreſſions; which ſhews how inſeparable the intereſt of theſe two nations are. And ſince it was the policy of thoſe that laboured our deſtruction to divide us, it ought to be the endeavour of all true lovers of their country, to keep us firmly united in order to our preſervation.

"The commons have likewiſe conſidered of the great arrears, that were left due by king Charles the ſecond to his ſervants, and have therefore made a proviſion of ſixty thouſand pounds for them, which they humbly deſire your majeſty would pleaſe to diſtribute among them, in ſuch proportions as your majeſty in your princely wiſdom ſhall think moſt fit.

"And having proceeded thus far in the weighty affairs depending before them, they now become humble ſuitors to your majeſty for a receſs, that thereby they may have the opportunity of repairing into their ſeveral counties, and promoting your majeſty's ſervice; and what remains at preſent for want of time to diſpatch, they doubt not but that they ſhall be able to perfect it at their next meeting, and, as they hope, to the entire ſatisfaction of your majeſty, and your whole kingdom."

That part of the ſpeech which mentions the aſſiſtance given by the Engliſh to the United Provinces, when under oppreſſion, highly pleaſed thoſe, who in their hearts were no friends to the Dutch; and it is ſaid by ſeveral hiſtorians, to be a very artful reminding them of their former obligations to the Engliſh. The diſaffected had already infuſed into weak minds a notion of the Dutch, being our enemies in point of commerce, and that we ought to be as jealous of them as of the French; a maxim that has all along been eſpouſed and propagated by the enemies to the revolution.

After paſſing theſe and ſome other bills [a], the two houſes adjourned to the 20th of September, and afterwards to the 19th of October.

The affairs of Ireland had been a continual ſubject of complaint all this ſeſſion; the dangerous condition of the proteſtants in that kingdom, and the neceſſity of a ſpeedy relief, had been conſtantly repreſented by the king in his ſpeeches, and urged by the commons in their addreſſes. But whatever might be the cauſe, though king James had been ſix months in Ireland, though the diſtreſſes of the proteſtants were ſo well known, and the whole nation impatient for their relief, yet no army had yet been ſent thither. Commiſſions indeed had been iſſued for raiſing eighteen regiments of foot, and five of dragoons, for the reduction of Ireland; and the levies had gone on ſo ſucceſsfully, that the regiments were compleat in leſs than two months. But the like diſpatch was not uſed in providing tranſports, a train of artillery and proviſions. Theſe things were managed with great ſlowneſs and neglect, and eſpecially the proviſions, which were not only long in getting ready, but very bad when they were got. Mr. Harbord, pay-maſter of the forces intended for Ireland, was alſo purveyor; ſo the fault both as to the expedition and the ſtores, were charged on him.

Duke Schomberg, to whom the king had given the command of the army, was very uneaſy at the dilatory proceedings of the managers of both tranſports and proviſions; and to prevent farther inconveniencies, laboured with Mr. Harbord to quit one of his employments, who, though unwillingly, was at laſt prevailed with to reſign the purveyorſhip, which was given to Mr. Shales. The duke had propoſed not to ſtay for the tranſports, but to march the forces directly to Port-Patrick in Scotland, from whence it was but a few hours paſſage into Ireland. Had this been done, it would have ſaved two or three months, and by that means prevented the rebellion of Dundee, relieved Londonderry, and hindered king James from forming ſo ſtrong an army, and the French from landing, in Ireland. But this deſign was oppoſed like the reſt of the meaſures for haſtening the relief of that kingdom. At length, upon the news of the raiſing of the ſiege of Londonderry, the new levies began to embark at Cheſter and Liverpool; and general Schomberg, having taken his leave of the commons, thanked them for the preſent they had made him, and received aſſurances of their particular regard of himſelf and army, ſet out for Cheſter [b].

On the 12th of Auguſt he ſailed with about ninety veſſels of all ſorts, and near ten thouſand men, horſe and foot, and arrived the next day at Carrickfergus, where the army preſently landed on Bangor ſide without oppoſition. The firſt thing he did was to ſend out parties to ſcour the adjacent country, and get intelligence of the enemy. This done, he marched his forces to Belfaſt, which the enemy had abandoned, retiring to Carrickfergus; and where ſeveral perſons joined him, who durſt not declare before. The army being ſufficiently refreſhed, ſeveral regiments were detached towards Carrickfergus with ſome cannon and mortars; upon whoſe approach the enemy beat a parley; but the general not allowing their demands, the town was ordered to be attacked. On the 22d the trenches were opened, ſome bat-

[a] Some other acts paſſed this ſeſſions were,
1. For the better preventing the exportation of wool, &c.
2. An act concerning tanned leather.
3. Naturalization acts for prince George of Denmark, Frederick count Schomberg, Henry de Naſſau, Anne Aſtley, and others.
4. For regulating the ſalt works at Droitwich and other private acts.

[b] The commons had given him one hundred thouſand pounds, to be paid out of the civil liſt, which however the king never paid; but in lieu of it, five thouſand a year, was ſettled upon him and his heirs as a reward for his ſervices, and to make him amends for the like revenues he had loſt in France and Germany. Two peers and two commoners were named truſtees, for the making purchaſes in order thereto. But it was afterwards paid out of the poſt-office. When he was introduced into the houſe, he ſate down covered in a chair, and after a a ſhort ſpace he roſe up, and, uncovered, told them "he had deſired that honour, to make his juſt acknowledgments for their great favours, and to take his leave of them, being now going to Ireland, where he ſhould freely expoſe his life in the king's ſervice and theirs." The ſpeaker replied: "The ſervices done by his grace to the king and kingdom were ſo great, that they could never be forgotten: That the commons were extremely ſatisfied that the army was committed to his conduct, and that, at whatever diſtance he ſhould be, they would have a particular regard of himſelf, and the army under his command." Pr. of H. C. II. 344. How this promiſe was fulfilled will quickly appear.

Namely,

teries raiſed, and the ſiege carried on in form. This made the beſieged more eager to capitulate; but duke Schomberg refuſing to let them march out with the uſual ſigns of honour, and they inſiſting upon it, the attacks were purſued with great vigour till the 26th of Auguſt, when conſiderable breaches being made, and all things ready for a general aſſault, the garriſon was contented to accept what conditions the beſiegers were pleaſed to grant; which were to be conducted with their arms, and as much baggage as they could carry on their backs, to the next Iriſh garriſon, which was Newry.

Whilſt the ſiege of Carrickfergus was carried on, the reſt of the horſe, foot, and dragoons, which for want of tranſports had ſtaid behind, were embarked at Highlake, and ſafely landed in Ireland. On the 28th of Auguſt the general returned to Belfaſt, and two days after his own French regiment of horſe joined the army; which being muſtered on the laſt day of that month, was found to conſiſt of four regiments of horſe, one of dragoons, and eighteen of foot[c]. The artillery horſes being moſt of them yet at Cheſter, duke Schomberg ordered the greateſt part of the train to be ſhipped, and the fleet to ſail with them and all other neceſſaries to Carlingford; while in the mean time he marched the army beyond Liſburne, and ſo through Hillſborough, and pitched his camp at Drummore, the place where the northern proteſtants of Ireland were not long before routed by Hamilton. The day following he continued his march to Loughbrilane, where the Inniſkillin horſe and dragoons joined him, and cheerfully offered themſelves to be an advanced-guard to the army. Upon their approach the Iriſh abandoned Newry, a very ſtrong paſs, having firſt ſet fire to the town; which news being brought to the general, he diſpatched a trumpet to the duke of Berwick, who commanded there, to acquaint him, "that if they went on to burn in this barbarous manner, he would not give any quarter." This meſſage had ſo good an effect, that the Iriſh abandoned Dundalk without doing any harm to the town, where duke Schomberg marched with his army, and encamped about a mile north of it in a low moiſt ground, having the town and the river towards the ſouth, the Newry mountains to the eaſt, and to the north, hills and bogs intermixed. The bad weather, long and conſtant marches, and ſcarcity of proviſions, made his raw men already begin to faint; but here they met with ſome refreſhments, and on the 8th of September were reinforced by major general Kirke's, ſir John Hanmer's, and brigadier Stuart's regiments. The duke at firſt deſigned to have continued his progreſs; but the ſhips with the train of artillery, not being come up in time to Carlingford, according to his directions, was a great diſappointment to him; and ſo much the more as he had intelligence by an engineer, who deſerted the enemy, that general Roſen was then at Drogheda with about twenty thouſand men. Roſen hearing that the Engliſh halted at Dundalk, ſaid, 'he was ſure Schomberg wanted ſomething;' and therefore ſent part of his forces to ſeize on Ardee, a ſmall town between Drogheda and Dundalk.

Duke Schomberg continued in an uncertain poſture till the 20th of September, when in the morning he had an account, that king James having aſſembled all his forces near Drogheda, advanced towards him; and that a party of two thouſand foot, and fifteen hundred horſe were gone beyond the mountains to attack the paſs at Newry, and fall into his rear. Upon this he detached a party of horſe againſt them, at the ſight of whom they retreated towards Sligo. However the day following the enemy appeared in order of battle, and a great party of their horſe advanced towards the intrenchments of the duke's army. Several of the Engliſh officers were for engaging the enemy, but the duke told them, 'Let them alone; we will ſee what they will do;' and though he ſaw them coming within cannon ſhot of his camp, yet he ſaid ſtill, that he did not think they deſigned to fight. However, one day ſeeing them draw their army into two lines, he ſent lieutenant general Douglaſs to the camp, to order all the foot to ſtand to their arms, and the horſe to return to the camp upon a certain ſignal, but till then to go on with their foraging. The ſoldiers, who were ſtruggling with diſeaſes and want in their tents, received theſe orders notwithſtanding with the utmoſt cheerfulneſs; but in ſome time the Iriſh drew off, and ſo the affair ended to the great diſappointment of the army, who hoped no leſs than to defeat the enemy, and by a victory to put an end to their miſeries. But duke Schomberg juſtly conſidered, that the enemy was much ſuperior in horſe; that his own men were undiſciplined, and withal weakened by hunger and ſickneſs, while the other army enjoyed health and plenty; and that the loſs of a battle might be attended with the loſs Ireland. In a day or two after the Iriſh marched away, there was a dangerous conſpiracy diſcovered in the Engliſh camp, which was carried on by ſome French papiſts, who had inliſted themſelves in the proteſtant regiments of that nation, the officers having been obliged to raiſe their companies in ſo much haſte, that they had no time to examine them very ſtrictly. A captain of one of theſe regiments being informed, that four of his ſoldiers and a drummer, who were Roman catholics, deſigned to go over to the enemy, he cauſed them to be ſecured, and found letters about one of them to monſieur d'Avaux, the French embaſſador. Upon ſtricter examination the fellow declared, he had letters from one du Pleſſis, who was likewiſe a papiſt, but now ſerved as a private ſoldier in one of the French regiments, though he had formerly been a captain of horſe in France, whence he had been obliged to fly for murder. Du Pleſſis being ſeized, freely confeſſed that he had written to king James, and to the French embaſſador, and acquainted them, that there were divers papiſts in the three French regiments, whom he promiſed to bring over to the Iriſh camp, upon condition he might have the command of them, and his pardon in France. He and his five accomplices were therefore brought to their trial, ſentenced to death by a council of war, and accordingly executed; after which the French colonels made ſtrict inquiry what papiſts there were in their regiments, and found about two hundred and fifty, who by order of the general were ſecured, diſarmed, and ſent over priſoners into England, and from thence to Holland, where they were ſet at liberty.

Though duke Schomberg remained in his camp with the groſs of his army, he did not reſtrain the Inniſkilliners from making excurſions. Nor had he reaſon to repent this liberty which he allowed them; for on the 27th of September he received an account, that about a thouſand of them, headed by colonel Lloyd, had routed a body of five thouſand Iriſh, that were marching towards Sligo, of whom they killed ſeven hundred, took O Kelly their commander, and forty other officers priſoners, beſides a great booty of cattle, with the loſs of very few of their men. The duke was ſo pleaſed with the news, that having ordered all the Inniſkillin horſe and foot in his camp to draw out, he rode all along their line with his hat off, and cauſed the Dutch guards, and the Inniſkillin foot to make three running fires, which were anſwered by the Inniſkillin horſe, and by the cannon upon the works; as alſo from the ſhips that lay at the mouth of the river.

The joy of this ſucceſs was ſometime after much abated by the loſs of Sligo and James-town. The Iriſh marching that way in a conſiderable body, commanded by Sarsfield, thoſe of James-town not thinking it tenable, abandoned it, and marched to Sligo, loſing ſome of their men, and killing ſome of the Iriſh in their haſty retreat. Next day Sarsfield, with his detachment, advanced before Sligo; whereupon colonel Ruſſel retired to Balliſhannon, and adviſed the foot alſo to quit the place. But notwithſtanding this, St. Sauveur, a reſolute French captain in Melloniere's regiment, with his own company of French grenadiers, and colonel Lloyd with his bold Inniſkilliners ſtaid in the town, and upon the approach of Sarsfield retreated to the two forts, Lloyd into one, and St. Sauveur into the other. Lloyd not knowing how to ſubſiſt his men, retired that night with ſome loſs; but the French captain having carried in ſome proviſions, and finding ſome ammunition in the fort, reſolved ſtoutly to maintain his poſt. The nights were then dark; and he fearing leſt the enemy might make their approaches to the fort undiſcovered, got a great many fir-deals, and dipping the end of them in tar, they gave ſuch a light when ſet on fire, and hung over the walls, that he diſcovered the enemy advancing towards them with an engine called a ſow; but having killed the engineer, and two or three more, the reſt retreated, and he burnt the engine. Day no ſooner appeared, than the Iriſh were forced to quit a ſmall field-piece, which they had planted in the ſtreet, being galled with ſhot from the fort, by St. Sauveur's men, who preſently after ſallied out, and killed many of the enemy.

[c] Namely, horſe: the lord Devonſhire's regiment, the lord Delamere's, colonel Coy's, duke Schomberg's: dragoons, colonel Levinſtone's: foot, one battalion of blue Dutch guards, Carelſoon's white Dutch, colonel Beaumont's, colonel Wharton's, lord Drogheda's, lord Liſburne's, lord Meath's, lord Roſcommon's, lord Lovelace's, lord Kingſton's, duke of Norfolk's, colonel Herbert's, ſir Edward Deering's, ſir Thomas Gower's, colonel Earle's, and the three French regiments of la Melonniere, du Cambon, and la Caillemote. Story's Continuation of the Wars in Ireland, p. 8.

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But at laſt their proviſion being ſpent, and there being little or no water in the fort, they ſurrendered it upon honourable terms; and at their marching over the bridge, colonel Sarsfield, who would have purchaſed theſe brave ſoldiers at any rate, ſtood with a purſe of gold, and offered every man, who would ſerve king James, horſe and arms, with five guineas advance; yet they all made anſwer, 'They would never fight for papiſts,' except one, who the very next day after he had got horſe, arms, and the gold, brought all off with him to Dundalk.

Though duke Schomberg had prudently declined fighting with the Iriſh upon unequal terms; a raging ſickneſs, occaſioned by the unwholſomeneſs of the place, wet weather, and ill food, daily ſwept away, or at leaſt diſabled a great number of officers and ſoldiers. Among the reſt died ſir Edward Deering, a gallant gentleman, who had contributed more than any man in the county of Kent towards bringing about the revolution; colonel Henry Wharton, a bold and active man, ſon to Philip lord Wharton; ſir Thomas Gower, and colonel Hungerford, two young gentlemen of diſtinguiſhed merit. As for the common ſoldiers there periſhed at Dundalk about two thouſand; and as many ſick were ſhipped off to be tranſported to Belfaſt, but of them not above eleven hundred came aſhore, the reſt dying at ſea. In ſhort, ſo great was the mortality, that by the next ſpring above one half of the army, that was tranſported over, was loſt. Winter approaching, both armies went into quarters, and duke Schomberg renewed his inſtances for the coming over of the ſeven thouſand auxiliary Danes, who about this time arrived in England and Scotland, purſuant to the treaty concluded with the king of Denmark on the 15th of Auguſt.

The general was cenſured by ſome perſons for not putting things more to hazard. It was ſaid, that he meaſured the Iriſh by their numbers, and not by their want of ſenſe or courage; and ſuch complaints were ſent of this to the king, that he wrote twice to him, preſſing him to put ſomewhat to the venture. But duke Schomberg ſaw the enemy was well poſted; well provided, and above thrice his number, and that they had ſeveral good officers among them. If he had puſhed matters, and had met with a misfortune, his whole army, and conſequently all Ireland, would have been loſt; for he could not have made a regular retreat. The ſure way was to preſerve his army, and that would ſave Ulſter, and keep matters entire for another year. And therefore though this conduct of his was blamed by ſome, yet better judges thought, that the managing of this campaign, as he did, was one of the greateſt parts of his life.

King William's arms were not more ſucceſsful at ſea; for admiral Torrington, with the confederate Engliſh and Dutch fleet under his command, having made a ſhew of landing his men to ſurprize Cork, thought fit to abandon that enterpriſe upon a falſe intelligence, that the French were advancing towards him; and he was ſoon after obliged to put into Torbay, moſt of the Engliſh ſeamen being diſabled by ſickneſs. This misfortune was juſtly charged on thoſe, who had victualled the fleet, for it was obſervable, that all this while the Dutch continued healthy. Admiral Torrington having taken in ſound proviſions and refreſhed his men, put to ſea again; but not having an opportunity of engaging the enemy, the ſummer paſſed without any conſiderable action in the channel; only the Engliſh had the misfortune to loſe the Dartmouth, a man of war of forty guns, which, after a ſtout reſiſtance, was taken by the French. Our trade likewiſe ſuffered conſiderably; for the French not ſetting out a fleet any more, ſent out many cruiſers and privateers into our ſeas, that England ſuſtained great loſſes by them, there not being at that time a ſufficient number of frigates to convoy and ſecure the merchantmen; ſo that though we ſeemed maſters of the ſea, we were great loſers there.

The affairs abroad, this ſummer, were a little more proſperous. Not only war was proclaimed againſt France by the Empire, Brandenburg, the States General, and Spain; but moreover an offenſive and defenſive alliance between the emperor and the ſtates general, was concluded the 12th of May at Vienna. As this was the beginning of the grand alliance, it will be neceſſary to inſert the ſubſtance of the principal articles:

I. and II. Perpetual friendſhip, and an alliance offenſive and defenſive againſt France.

III. and V. Neither party to make peace or truce, without conſent of the other; and if any treaty be entered into by common conſent, all particulars ſhall be communicated on both ſides, and nothing concluded by one, without the conſent of the other.

IV. No peace to be made till the treaties of Weſtphalia, Oſnaberg, Munſter, and the Pyrenean, ſhall be fully vindicated and reſtored.

VI. and VII. After the preſent war ſhall be ended, there ſhall remain a perpetual defenſive alliance, between the emperor and the ſtates, againſt France; and if France ſhould attack either, the other to aſſiſt with all his forces.

X. To this treaty ſhall be invited Spain by the emperor, and England by the ſtates, and all the allies of either party ſhall alſo be admitted, if they ſhall think fit to accede.

The ſeparate articles are:

"In caſe the king of Spain ſhould die without iſſue, the ſtates general ſhall aſſiſt the emperor with all their forces, to take poſſeſſion of the Spaniſh monarchy, with all its dominions and rights, and to uſe their friendly endeavours with the electors their allies, that the emperor's eldeſt ſon Joſeph, king of Hungary, may be ſpeedily choſen king of the Romans: And if France ſhould by threats or arms oppoſe it, they will aſſiſt his imperial majeſty with their utmoſt force. The crown of England ſhall be likewiſe invited, to enter into theſe articles."

Theſe articles were added, becauſe the king of France, notwithſtanding the moſt ſolemn renunciation, was openly endeavouring to procure the ſucceſſion of the Spaniſh monarchy, for his ſon the dauphin, and alſo to make him king of the Romans, which would have been fatal not only to Holland, but to all Europe.

To this alliance and the ſeparate articles, king William acceded the 9th of December this year.

The king alſo made a treaty with the ſtates general in Auguſt, by which are confirmed former treaties of peace and commerce[d]; particularly the defenſive league, concluded at London, March 3, 1678; of which the chief articles are: "In caſe either party is attacked, &c. the other upon notice and demand, ſhall endeavour to cauſe hoſtilities to ceaſe, and reparation to be made for any injuries received: And in caſe a war ſhall enſue, the ally not attacked ſhall be obliged to declare war two months after the notice and demand, and during the two months ſhall endeavour to mediate an accommodation. If the king of Great-Britain is attacked, the ſtates ſhall aſſiſt him with ſix thouſand foot and twenty men of war; if the ſtates are attacked, the king ſhall aſſiſt them with ten thouſand foot, and the ſame number of ſhips of war: Theſe ſuccours ſhall be ſupplied and maintained by the party that ſends them. It is left to the choice of the ally at war, whether the other ſhall continue the ſuccours, without declaring war alſo."

About the ſame time the king entered into an alliance with Chriſtian V. king of Denmark; by virtue of which, the Engliſh army in Ireland was ſuddenly reinforced by ſeven thouſand Danes, ſix thouſand foot, and one thouſand horſe.

Notwithſtanding theſe confederacies againſt him, the king of France was not diſcouraged from purſuing his ambitious deſigns. However, the campaign in Flanders did not favour him this year. It was opened with Liege departing from the neutrality they had accepted, and declaring againſt France, which was done by delivering to the Dutch a great convoy of powder, bombs, and money deſigned for Bonne, and brought to Liege by a French officer. But this was followed by nothing conſiderable. The French had in Flanders an army of about eighty thouſand men, commanded by marſhal d'Humieres, whilſt that of the Allies, under the prince of Waldeck, was not above ſixty thouſand. The prince of Waldeck was a man of great compaſs and true judgment; equally able in the cabinet and in the camp. But he was generally unſucceſsful, becauſe he was never furniſhed in proportion to his ſchemes. The opinion the armies had of him as an unfortunate general, made him really ſo; for ſoldiers cannot have much heart, when they have no confidence in their leader. In the prince of Waldeck's army were a body of troops, conſiſting of Dutch and Engliſh, ſent over by king William to the aſſiſtance of the States. The Engliſh were commanded by the earl of Marlborough. The two armies paſſed the ſummer without any remarkable action, except the battle of Walcourt, which was reckoned a raſh undertaking in d'Humieres. This action happened about the middle of Auguſt, in the following manner. The mar-

[d] The treaty of Breda, 1667. The treaty concluded at Weſtminſter, 1674. The marine treaty 1679. The late treaties concerning the fleets in April. And for prohibiting any commerce with France, in Auguſt, this year.

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JOSEPH ADDISON ESQ^r.

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ſhal d'Humieres hearing that a great number of Dutch horſe were gone out to forage, made a motion with his whole army in order to ſurprize them. The prince of Waldeck had no ſooner notice of it, but he gave the foragers a ſignal to return to the camp; but that did not prevent their being vigorouſly charged by the French, who killed ſome of them. Their vanguard advancing attacked the village of Forge, where eight hundred foot were poſted to countenance the foragers, being commanded by the Engliſh colonel Hodges, lieutenant colonel Goes, and the major of a regiment of horſe, who for above two hours maintained their ground with extraordinary reſolution, but had been overpowered by numbers, had not Roo, major-general of the cavalry, (who was ſent to bring back the lieutenant-generals Webbenum, Marlborough, and d'Hubi) come in with their horſe timely to their relief. With that reinforcement they made a retreating fight againſt the main force of the enemy, till they came to a riſing ground near Walcourt, where they joined a battalion of Lunenburghers, which had been reinforced by another of colonel Hales. The French attacked the town with their uſual vigour upon a firſt onſet, which laſted near an hour and half; during which time prince Waldeck ordered lieutenant-general Alva to march with three regiments to their relief, which were ſupported by the guards, and two Engliſh regiments headed by the earl of Marlborough, while major general Slaugeburg advanced almoſt at the ſame time with ſome other battalions of foot, to the other ſide of the town. By all theſe motions, and the ſtout reſiſtance of thoſe in the town, the French perceived they had engaged themſelves too far, and began to think of a retreat; which they performed in great haſte and diſorder, and conſequently with conſiderable loſs, leaving behind them ſome cannon and ammunition, and near two thouſand officers and ſoldiers killed and wounded. This was the allies computation, who on their ſide owned the loſs of above three hundred men, amongſt whom were lieutenant-colonel Grimes of the Engliſh, the major of the dragoons of Zell, and ſome inferior officers. And thus ended the campaign in Flanders, without any other memorable action, except that of the Spaniards, who acted in a ſeparate body towards Courtray, levelled a great part of the French lines, and raiſed conſiderable contributions on the enemies territories.

The ſucceſs of the allies in Germany, was much greater. The French by their ſudden invaſion of Germany, were maſters of almoſt all the three eccleſiaſtical electorates. In Treves, Mont Royal (where Montal commanded) on one ſide, and Bonne in Cologne on the other, left a large ſpace at their diſcretion, and they only wanted Coblentz. They had alſo Keiſerſwert in Cologne, where cardinal Furſtemberg had placed a German garriſon under Marcogney. Mentz was likewiſe in their poſſeſſion, where the marquis d'Uxelles commanded with twelve battalions of the beſt troops of France, the regiment of bombardiers, the company of miners, a regiment of horſe, and another of dragoons. He had under him Choiſy, an able engineer who had defended Maeſtricht, and fortified the town. The ſame care was taken of Philipſburg and Landau.

As to the Palatinate, nothing was to be ſeen there, but the lamentable remains of the avarice and fury or fears of the French. In Heidelburg, the capital, the caſtle was blown up, and half the city burnt. They had deſtroyed Manheim, and thrown even the ruins into the Rhine and the Necker. Worms and Spires as bordering too near upon Alſatia, were reduced to aſhes, and Frankendahl and ſeveral caſtles were demoliſhed.

All theſe conqueſts as well as the frontiers of France were covered with a numerous army under marſhal de Duras. He had for lieutenant generals the counts de Choiſeul and d'Auvergne, the duke of Villeroy, baron de Monclare, marquis de Bouflers, duke of Vendome, marquis de Genlis, and count de la Feuillée. His marſhals de camp were the counts de Teſſé and de Tallard, and the marquiſſes d'Harcourt, de Vivans, and de Neuchelle. Beſides theſe, the marquiſſes de Biſſy commanded in Lorrain, de Sourdis in Cologne, de Chamilly at Straſbourg, and monſieur Catinat, afterwards marſhal of France, in Luxemberg. Theſe generals were all good officers. But with all this, the arms of France did not prevail this ſummer. Three conſiderable armies roſe up againſt her at once. One of fifty thouſand men, under the duke of Bavaria; one of forty-ſeven thouſand under the elector of Saxony; and the third of fifty-one thouſand, commanded by the elector of Brandenburg. The duke of Lorrain was at the head of the imperial troops, who after a ſiege of about two months, took Mentz by capitulation. The French, by their own confeſſion, had above nine hundred men ſlain, and fourteen hundred wounded. The duke ſenſible of the merit and bravery of the marquis d'Uxelles, left him maſter of the articles of capitulation. By the taking of Mentz, Franconia, which before lay expoſed, was now covered. The elector of Brandenburg laid ſiege to Keiſerſwert, and was purſuing the attacks with vigour, when the garriſon, partly French, and partly Germans, divided themſelves, and demanded to capitulate, and ſurrendered upon articles. Fluſhed with this ſucceſs, the elector beſieged Bonne, where baron d'Asfeld commanded with very good officers under him. He had eight battalions of foot, a regiment of horſe, and another of dragoons. The ſiege, by reaſon of ſeveral interruptions, proved very tedious; but at laſt the counterſcarp, and ſome outworks being taken by ſtorm, the garriſon ſurrendered after fifty-five days blockade, and twenty-ſix days cloſe ſiege. The taking of Bonne, which laid the Rhine open as far as to Mentz, was partly owing to the duke of Lorrain, who after the ſurrender of Mentz, led part of his army to the aſſiſtance of the elector of Brandenburg. The duke ſhewed a generous regard for baron d'Asfeld who had ſo long and ſo bravely defended the place againſt himſelf and the electors of Bavaria and Brandenburg. With this ſiege ended the campaign on the Rhine.

France ſeemed to have a fair opportunity of repairing theſe loſſes in Catalonia, the Spaniards having no army there, nor able to ſend out one. But Lewis only ordering the duke de Noailles to advance with nine batallions, three regiments of horſe, twelve pieces of cannon, and two mortars; all that Noailles could do was to beſiege Campredon, which he took in five days. He afterwards held out a ſiege againſt the Spaniards and forced them to retire. The campaign ended with the demolition of that town and citadel.

The only event that France could conſider this year as an advantage, was the death of pope Innocent XI. His family name was Odeſchalchi. He was born at Camo, in Milan, of a family that was become rich, by dealing in banks. He bore arms when young in Flanders, in the ſervice of Spain; and it is ſaid, that an affront put upon him by a Frenchman in the war, was the cauſe of his hatred to France. He afterwards became firſt ſecretary to the apoſtolical chamber, biſhop of Novarra, legate of Bologna and cardinal. It is affirmed, he arrived at theſe honours by loſing on purpoſe, large ſums of money at gaming with Donna Olympia niece of Innocent X. and making her magnificent preſents. It was known, that he did not ſo much as underſtand Latin, and had a maſter when he was made cardinal to teach him to pronounce that little he had occaſion for at high maſſes. Of divinity he underſtood nothing. However this be, his advancement to the papal chair was applauded at Rome, as every one expected to live eaſy and happy under his government. As he was very knowing in money matters, the vaſt debts the papacy was involved in by his waſteful predeceſſors, were by his frugal management diſcharged. To theſe talents he joined an exemplary piety, a conſtant oppoſition to whatever favoured of ſuperſtition, an ardent zeal for reformation of manners, a diſintereſtedneſs uncommon, and perhaps too great with regard to his relations, who got nothing by his pontificate, but the bare honour of having a pope in their family. His oppoſition to, and ſufferings from France, (which have been mentioned) are reckoned by her enemies, as ſo many virtues, and even the proteſtants themſelves are full of his praiſes. It is certain, they were greatly indebted to him: For, had he but favoured the poſtulation of cardinal Furſtemberg, the king of France, with an elector of Cologne at his devotion, would have forced Germany to hide her reſentments, and by that means have been able to ſuſtain king James on the throne, and more than ever weakened the proteſtant intereſt. The pope did the contrary, and gave occaſion to the ſaying, that 'it were to be wiſhed for the church of Rome, that the pope had turned catholic and king James become Huguenot.' He died the 2d of Auguſt after a pontificate of about thirteen years, and was ſucceeded by cardinal Ottoboni a Venetian, who ſate in the papal chair but a year and half. The king of France renounced his pretenſion to the franchiſes, but had no other return for it, than the promotion of Fourbin and ſome others, he recommended to be cardinals. For the new pope, who took the name of Alexander VIII. would not yield the point of the regale, nor would he grant the bulls, for thoſe who were named by the king of France to the vacant biſhoprics, and had ſigned the formulary of 1682, declaring the pope fallible and ſubject to a general council. And when Alexander felt himſelf near death, he paſſed a bull in form, which confirmed all Innocent's bulls, and by this put a new ſtop to a reconciliation with the court of France.

But to return to the affairs of England, during the receſs. The king went this year to the races at New-market. The concourſe of people there upon this occaſion was extraordinary great; nor did the univerſity of Cambridge omit this opportunity of waiting upon the king, being introduced by the duke of Somerſet, their chancellor. Dr. Covel the vice-chancellor, who had been chaplain to the queen in Holland, addreſſed himſelf to the king in an eloquent ſpeech, congratulating him upon the glorious ſucceſſes, with which he had been bleſſed in his endeavours to reſcue the church and nation from the imminent dangers, that threatened both, and which were more particularly pointed againſt the univerſities; and concluded with an humble recommendation of themſelves to his majeſty's protection. To this the king anſwered, "That as God had bleſſed him in this undertaking, ſo he would faithfully diſcharge his truſt in preſerving the church of England, and giving all protection and favour to the univerſities." The day following the king made a viſit to the univerſity of Cambridge, where he was received and entertained with demonſtrations of joy, duty, and loyalty. Three days after that he returned to Hampton-court from New-market.

This was not the only time the king appeared in public this ſeaſon. The lord mayor's day being at hand, ſir Thomas Pilkington, who was continued for the year 1690, invited to dinner the king and queen, the prince and princeſs of Denmark, and both houſes of parliament. The king accepting the invitation, their majeſties, attended by their royal highneſſes, and a numerous train of the nobility and gentry, went firſt to a balcony prepared for them in Cheapſide to ſee the proceſſion; which for the great numbers of the citizens of the ſeveral guilds, the full appearance of the artillery, the richneſs of the pageants, and the ſplendor and good order of the whole proceeding, ſurpaſſed all that had been ſeen before on the like occaſion. But that, which deſerves to be particularly mentioned, was the royal city regiment of volunteer horſe, which being richly accoutred, and led by the earl of Monmouth, attended their majeſties from Whitehall into the city. The cavalcade being paſſed by, the king and queen were conducted by the two ſheriffs to Guildhall, where they and their retinue were entertained with a magnificent feaſt. His majeſty, to expreſs his ſatisfaction, conferred the honour of knighthood on Chriſtopher Lethulier, and John Houblon, the two ſheriffs, and on Edward Clarke and Francis Child, two of the aldermen. Five days before, the king having been pleaſed to permit the grocers of London to chuſe him ſovereign maſter of that company, the wardens, with ſome of the principal members, preſented to him a copy of their election, and inſtrument of his freedom of the ſaid company, in a golden box; for which his majeſty thanked them, and as a mark of his royal favour, made Ralph Box, their chief warden, a knight. Not many days after, an indignity was offered to the king's picture in the guild-hall of London, by cutting away the ſceptre and crown thereof; which occaſioned the lord-mayor and court of aldermen to promiſe a reward of five hundred pounds to any perſon, who ſhould diſcover the author of that inſolence.

The day appointed for the parliament to meet drawing near, at which time the king deſigned likewiſe to ſummon a convocation, he thought fit to fill up the vacant ſees of Worceſter, Chicheſter, [e] and Briſtol, which were beſtowed, the firſt on Dr. Edward Stillingfleet, dean of St. Paul's; the ſecond on Dr. Simon Patrick, dean of Peterborough; and the third on Dr. Gilbert Ironſide, warden of Wadham college in Oxford, who were conſecrated on the 13th of October at Fulham by the biſhops of London, St. Aſaph, and Rocheſter, commiſſioned for that purpoſe.

Now the time allowed by act of parliament for the clergy to take the oaths being expired, ſeveral of them refuſed to qualify themſelves, ſome of whom were ſuſpended ab officio, particularly the archbiſhop of Canterbury, and the biſhops of Gloceſter, Ely, Norwich, Bath and Wells, and Peterborough; and though the generality of the clergy took the oaths, it was (as has been obſerved) by the help of reſervations and diſtinctions, and not out of a perſuaſion that their allegiance was due to the king. Beſides he was ſuſpected by them, on account of the favour ſhewn to diſſenters, but chiefly for his aboliſhing epiſcopacy in Scotland, and his conſenting to the ſetting up preſbytery there. This gave ſome credit to the reports, that were with great induſtry infuſed into many of them, of the king's coldneſs at beſt, if not his averſion, to the church of England. The leading men in both univerſities, eſpecially Oxford, were poſſeſſed with this; and it began to have very ill effects over all England. Thoſe, who did not carry this ſo far as to think, as ſome ſaid they did, that the church was to be demoliſhed; yet ſaid, that a latitudinarian party was like to prevail, and to engroſs all preferments. Theſe were thought leſs bigoted to outward ceremonies; for which reaſon it was generally ſpread about, that men zealous for the church would be neglected, and thoſe, who were more indifferent in ſuch matters, would be preferred. Many of the latter had managed the controverſies with the church of Rome with ſo much clearneſs, and with that ſucceſs, that the papiſts, to revenge themſelves, and to blaſt thoſe, whom they conſidered as their moſt formidable enemies, had caſt aſperſions on them as Socinians, and as men, who denied all myſteries. And now ſome angry men at Oxford, who apprehended, that thoſe divines were likely to be moſt conſidered in his reign, took up the ſame method of calumny, and began to treat them as Socinians. The earl of Clarendon, and ſome of the biſhops, who had incurred the ſuſpenſion for not taking the oaths to the government, took much pains to ſpread theſe ſlanders. Beſides this, the proceedings in Scotland caſt a great load on the king, though it was certain he could not hinder the change of the government of that church, without putting all his affairs into great diſorder. For the epiſcopal party had gone almoſt univerſally into king James's intereſts; ſo that the preſbyterians were the only party, that the king had in that kingdom. He did indeed aſſure many perſons, that he would reſtrain and moderate the violence of the preſbyterians; and lord Melvill, the ſecretary of ſtate for Scotland, promiſed the ſame thing very ſolemnly, and at firſt ſeemed much determined upon it. But when that lord ſaw ſo great a party formed againſt himſelf, and that many of the preſbyterians inclined to favour that party, and to ſet themſelves in an oppoſition to the court, he thought it was the king's intereſt, or at leaſt his own, to engage that party entirely, which he found no method ſo effectual to do, as by abandoning the miniſters of the epiſcopal perſuaſion to their fury. He ſet up therefore the earl of Crawford as the head of his party, who was paſſionate in his temper, and out of meaſure zealous in his principles, and was now choſen preſident of the parliament. He received and encouraged all the complaints, that were made of the epiſcopal miniſters. The convention, when they paſſed the votes, declaring the king and queen, had ordered a proclamation to be read the next Sunday in all the churches in Edinburgh, and in all the other churches in the kingdom by a certain prefixed day, but which was ſo near at hand, that it was ſcarce poſſible to lay proclamations all round the nation within that time; and it was abſolutely impoſſible for the clergy to meet together, and to come to any reſolution among themſelves. For the moſt part the proclamations were not brought to the miniſters till the morning of the Sunday, in which they were ordered to be read; ſo this having the face of a great change of principles, many could not on the ſudden reſolve to ſubmit to it. Some had not the proclamations brought to them till the day was paſt. Many of theſe read it the Sunday following. Some of thoſe, who did not think fit to read the proclamation, yet obeyed it, and continued after that to pray for the king and queen. Complaints were brought to the council of all thoſe who had not read or obeyed the proclamation; and they were in a ſummary way deprived of their benefices. In the executing this, the earl of Crawford ſhewed much eagerneſs and violence. Thoſe, who did not read the proclamation on the day appointed, had no favour, though they did it afterwards; and upon any word, that fell from them, either in their extemporary prayers, or ſermons, that ſhewed diſaffection to the government, they were alſo deprived. All theſe things were publiſhed throughout England, and much aggravated, and raiſed the averſion, that the friends of the church had to the preſbyterians ſo high, that they began to repent their having granted a toleration to a party, that, where they prevailed, ſhewed ſo much fury againſt thoſe of the epiſcopal perſuaſion. So that thoſe, who had labour-ed to excuſe the change, which the king was forced to conſent to, and had promiſed in his name great moderation towards their friends in Scotland, were much out of countenance, when they ſaw the violence, with which matters

[e] Lake, the non-juring biſhop of Chicheſter, who died about this time, declared on his death-bed for the doctrine of paſſive-obedience and non-reſiſtance, and ſigned his declaration in the preſence of Dr. Green, the pariſh miniſter, Dr. Hicks, dean of Worceſter, Mr. Jenkin, his chaplain, and two others, who all communicated with him. And this ſeemed to lay the foundation for that ſchiſm in the church, which broke out afterwards, and ſtill ſubſiſts.

were carried there. Theſe things concurred to give the clergy ſuch ill impreſſions of the king, that there was little reaſon to look for ſucceſs in a deſign, which was then preparing for the convocation, for which a ſummons was iſſued out to meet, during the next ſeſſion of parliament.

Though the king had failed in his deſign of uniting his proteſtant ſubjects, by the admiſſion of thoſe that were willing and able to ſerve, into employments and benefices, yet ſo deſirous was he of this union, that he was reſolved to try to obtain by the convocation, what he had in vain endeavoured to eſtabliſh by the parliament. Accordingly, the project of a comprehenſion was ſet on foot, of which ſome foundation had been laid even before the revolution. In the preceding reign, the clergy, when under the influence of their fears of popery, had expreſſed an inclination to come to a temper with relation to the preſbyterians, and ſuch other diſſenters, as could be brought into a comprehenſion with the eſtabliſhed church. The biſhops had mentioned it in their petition to king James, for which they were tried; and Dr. Sancroft, archbiſhop of Canterbury, towards the end of that reign, foreſeeing ſome ſuch revolution, as ſoon after was brought about, began to conſider, how utterly unprepared they had been at the reſtoration of king Charles II, to ſettle many things to the advantage of the church, and what a happy opportunity had been loſt for want of ſuch a previous care, as he was therefore deſirous ſhould be now taken for the better and more perfect eſtabliſhment of it; and as it was viſible to all the nation, that the more moderate diſſenters were generally ſo well ſatisfied with that ſtand, which the church divines had made againſt popery, and the many unanſwerable treatiſes they had publiſhed in confutation of it, as to expreſs an unuſual readineſs to come into the church; it was thought worth the while, when they were d liberating about thoſe other matters, to conſider at the ſame time what might be done to gain the diſſenters, without doing any prejudice to the church. The ſcheme was laid out, and the ſeveral parts of it were committed, not only with the archbiſhop's approbation, but direction, to ſuch divines of the church, as were thought moſt proper to be intruſted with it. The archbiſhop took one part to himſelf; another was committed to Dr. Patrick, afterwards biſhop of Ely; and the reviewing of the daily ſervice and the communion book was referred to a ſelect number of divines, of whom Dr. Sharp, afterwards archbiſhop of York, and Dr. Patrick were two. The deſign was to improve and inforce the diſcipline of the church, to review and enlarge the liturgy, by correcting of ſome things, and adding of others; and, if it ſhould be thought adviſable by authority, when this matter ſhould come to be legally conſidered, firſt in convocation, and then in parliament, by leaving out ſome few ceremonies, confeſſed to be indifferent in their nature, as indifferent in their uſage, ſo as not neceſſarily to be obſerved by ſuch, as ſhould make a ſcruple of them. And this deſign was known to and approved by the other biſhops. King William therefore, who had promiſed the diſſenters not only in his declaration, but when they addreſſed him at his firſt coming, to endeavour an union between them and the church, reſolved to reſume the affair, and to promote it to the utmoſt of his power. As it was thought neceſſary to prepare and digeſt matters before they ſhould be offered to the convocation, a ſpecial commiſſion under the great-ſeal was given to ten biſhops and twenty divines, to draw up a ſcheme of the whole affair [f]. Great care was taken to name thoſe ſo impartially, that no exceptions could lie againſt them. The commiſſion was as follows:

"Whereas the particular forms of divine worſhip, and the rites and ceremonies appointed to be uſed therein, are things in their own nature indifferent and alterable, and ſo acknowledged; it is but reaſonable, that upon weighty and important conſiderations, according to the various exigencies of time and occaſions, ſuch changes and alterations ſhould be made therein, as to thoſe that are in place and authority, ſhould from time to time ſeem either neceſſary or expedient.

"And whereas the book of canons is fit to be reviewed, and made more ſuitable to the ſtate of the church; And whereas there are defects and abuſes in the eccleſiaſtical courts and juriſdictions, and particularly there is not ſufficient proviſion made for the removing of ſcandalous miniſters and reforming of manners either in miniſters or people; And whereas it is moſt fit, that there ſhould be a moſt ſtrict method preſcribed for the examination of ſuch perſons as deſire to be admitted into holy orders, both as to their learning and manners.

"We therefore, out of our pious and princely care for the good order, and edification, and unity of the church of England, committed to our charge and care; and for the reconciling, as much as is poſſible, of all differences among our good ſubjects, and to take away all occaſions of the like for the future, have thought fit to authorize and impower you, &c. and any nine of you, whereof three to be biſhops, to meet from time to time, as often as ſhall be needful, and to prepare ſuch alterations of the liturgy and canons, and ſuch propoſals for the reformation of eccleſiaſtical courts, and to conſider of ſuch other matters, as in your judgments may moſt conduce to the ends above-mentioned [g].

The commiſſioners ſate cloſely upon the affair for ſeveral weeks. They had before them all the exceptions, that either the puritans before the civil war, or the nonconformiſts ſince the reſtoration, had made to any part of the church-ſervice. They had alſo many propoſitions and advices that had been offered, at ſeveral times, by many biſhops and divines upon thoſe heads. Matters were well conſidered, and freely and calmly debated; and all was digeſted into an entire correction of every thing, that ſeemed liable to any juſt objection [h]. The point, which created the greateſt difficulty, was about the admitting of diſſenting miniſters to

[f] This method was become neceſſary, ſince by the ſubmiſſion which the clergy in convocation made to Henry VIII, and which was confirmed in parliament, they bound themſelves not to attempt any new canons, without obtaining the king's leave firſt, and that under a premunire.

[g] The names of the commiſſioners were as follow:

Thomas Lamplugh, lord archbiſhop of York.
Henry Compton, lord biſhop of London.
Peter Mew, lord biſhop of Wincheſter.
William Lloyd, lord biſhop of St. Aſaph.
Thomas Sprat, lord biſhop of Rocheſter.
Thomas Smith, lord biſhop of Carliſle.
Jonathan Trelawney, lord biſhop of Exeter.
Gilbert Burnet, lord biſhop of Saliſbury.
Humfrey Humfreys, lord biſhop of Bangor.
Nicholas Stratford, lord biſhop of Cheſter.
Edward Stillingfleet, late dean of St. Paul's London, now biſhop of Worceſter.
Simon Patrick, late dean of Peterborough, now biſhop of Chicheſter.
John Tillotſon, D. D. late dean of Canterbury, now dean of St. Paul's London.
Richard Meggot, D. D. dean of Wincheſter.
John Sharp, D. D. late dean of Norwich, now dean of Canterbury.
Richard Kidder, D. D. dean of Peterborough.
Henry Aldrich, D. D. dean of Chriſt church, Oxford.
William Jane, D. D. regius profeſſor of divinity in the univerſity of Oxford.
John Hali, D. D. Margaret profeſſor of divinity in the univerſity of Oxford.
Joſeph Beaumont, D. D. regius Profeſſor of divinity in the univerſity of Cambridge.
John Montagu, D. D. and maſter of Trinity college in the univerſity of Cambridge.
John Goodman, D. D. archdeacon of Middleſex.
William Beveridge, D. D. archdeacon of Colcheſter.
John Battely, D. D. archdeacon of Canterbury.
Charles Alſton, D. D. archdeacon of Eſſex.
Thomas Tenniſon, D. D. archdeacon of London.
John Scott, D. D. prebendary of St. Paul's London.
Edward Fowler, D. D. prebendary of Gloceſter.
Robert Grove, D. D. prebendary of St. Paul's, London.
John Williams, D. D. prebendary of St. Paul's, London.

[h] Dr. Nichols gives the following account of the proceedings of the commiſſioners. "They began with reviewing the liturgy; and firſt they examined the calendar; in which, in the room of apocryphal leſſons, they ordered certain chapters of canonical ſcripture to be read, that were to the people's advantage. Athanaſius's creed being diſliked by many becauſe of the damnatory clauſe, it was left to the miniſters choice to uſe it, or change it for the apoſtle's creed. New collects were drawn up, more agreeable to the epiſtles and goſpels, for the whole courſe of the year; and theſe were compoſed with that elegance and propriety of expreſſion, and ſuch a flame of devotion, that nothing could more affect the hearts of the hearers, and elevate their minds towards God. They were firſt drawn up by Dr. Patrick, who was reckoned to have great ſkill in liturgical compoſures. Biſhop Burnet added to them yet farther force and ſpirit. Dr. Stillingfleet afterwards examined them with great judgment, carefully weighing every word in them; and Dr. Tillotſon had the laſt hand, giving them ſome free and maſterly ſtrokes of his eaſy and flowing eloquence. Dr. Kidder, who was well verſed in the oriental tongues, made a new verſion of the pſalms more agreeable to the original. Dr. Tenniſon made a collection of the words and expreſſions throughout the liturgy, which had been excepted to, and propoſed others in their room, that were clear and plain, and leſs liable to objection. Other things alſo were propoſed, that were left to be determined by the convocation: As, 1. That the croſs in baptiſm might be either uſed or omitted at the choice of the parents. 2. That a non-conformiſt miniſter going over to the church ſhould not be ordained according to the common form, but conditionally, much in the ſame manner as the baptizing of infants is ordered in the church, if there be not evidence of their being baptized before, with the addition of the epiſcopal benediction, as was cuſtomary in the antient church, when clerks were received, who had been ordained

officiate in the church, when duly reconciled to it. Some of the commiſſioners were inclined not to inſiſt on the re-ordination of them, alledging, that they ought not to ſhew leſs regard to the vocation of preſbyterian miniſters, than to that of Roman catholic prieſts, whoſe ordination was never queſtioned upon their joining in communion with the church of England. But the majority thought it more proper to keep a middle courſe, which was, firſt with reſpect to Romiſh prieſts, to leave it undecided, whether their ordination was good or not. But becauſe they were not obliged to give credit to their certificates, that therefore ſuch of them, as for the future ſhould turn proteſtants, ſhould live in lay-communion only, unleſs they were re-ordained to a legal title of any church or cure. And, ſecondly, that though they did not determine the ordination of Preſbyterians to be altogether invalid, yet they thought it neceſſary for their miniſters to receive orders from a biſhop, who, in conferring the ſame, might add a clauſe to the common form, as the church had already ordained in the caſe of uncertain baptiſm, to this effect, 'If thou art not already ordained, I ordain thee, &c.' And this was the greateſt conceſſion that was made by the commiſſioners. Among thoſe commiſſioners were ſome very rigid men, the principal of whom was Dr. Jane[i]; but they either never came to their meetings, or ſoon withdrew from them, declaring themſelves diſſatisfied with the deſign, ſome owning plainly, that they were againſt all alterations whatſoever. They thought, too much was already done for the diſſenters in the toleration, which was granted them; but that they would do nothing to make that ſtill eaſier. They ſaid farther, that the altering the cuſtoms and conſtitution of the church, to gratify a peeviſh and obſtinate party, was like to have no other effect on them, but to make them more inſolent; as if the church, by offering theſe alterations, ſeemed to confeſs, that ſhe had been hitherto in the wrong. They thought, this attempt would divide the clergy among themſelves, and make their people loſe their eſteem for the liturgy, if it appeared, that it wanted correction. They alſo excepted to the manner of preparing matters by a ſpecial commiſſion, as limiting the convocation, and impoſing upon it. And to load this with a word of an ill ſound, they called this 'a new eccleſiaſtical commiſſion.' But in anſwer to all this it was ſaid, that if by a few corrections or explanations all juſt ſatisfaction was offered to the chief objections of the diſſenters, there was reaſon to hope, that this would bring over many of them, at leaſt of the people, if not of the teachers among them; or, if the prejudices of education wrought too ſtrongly upon the preſent age, yet, if ſome more ſenſible objections were put out of the way, it might juſtly be hoped, that this would have a great effect on the next generation. If theſe condeſcenſions were made ſo, as to own, in the way of offering them, that the nonconformiſts had been in the right, that might turn to the reproach of the church: but ſuch offers being made only in regard to their weakneſs, the reproach fell on them, as the honour accrued to the church, who ſhewed herſelf a true mother, by her care to preſerve her children. It was not offered, that the ordinary poſture of receiving the ſacrament kneeling ſhould be changed: that was ſtill to be the received and favoured poſture; only ſuch, as declared they could not overcome their ſcruples in that matter, were to be admitted to it in another poſture. Ritual matters were of their own nature indifferent, and had been always declared to be ſo: All the neceſſity of them aroſe only from the authority in church and ſtate, that had enacted them. It was therefore an unreaſonable ſtiffneſs to deny any abatement in ſuch matters, in order to the healing of the wounds of the church. Great alterations have been made in ſuch things in all ages of the church. Even the church of Rome was ſtill making ſome alterations in her rituals; and changes had been made in that of England often ſince the reformation in the reigns of king Edward VI, queen Elizabeth, king James I, and king Charles II. Theſe changes were always made upon ſome great turn; critical times being the moſt proper for deſigns of that kind. The toleration, now granted, ſeemed to render it more neceſſary than formerly, to make the terms of communion with the church as large as might be, that ſo it might draw over to it the greater number from thoſe, who might now leave it more ſafely; and therefore the greater care ought to be uſed in order to the gaining of them. And as for the manner of

ordained by heretics. Dionyſ. Alex. apud Euſeb. hiſt. eccleſ. l. vii. cap. 2. Concil. Nic. I. canon. 8. Juſtin. ſive Anth. Reſponſ. ad orthod. Reſp. 18. Theod. hiſt. eccleſ. lib. 1. cap. 8. of which way of ordaining, archbiſhop Bramhall had given a precedent, when he received ſome Scots preſbyters into the church." Nichols apparat. ad defenſ. eccleſ. Anglic. p. 95.

But the moſt complete account of this affair is publiſhed by Dr. Edmund Calamy, in his abridgment of Baxter's hiſtory of his own time. The committee (ſays he) being met in the Jeruſalem chamber, a diſpute aroſe about the authority and legality of the court; the biſhop of Rocheſter, though he had ſo lately acted in an illegal one, being one of thoſe that queſtioned it. The grounds of this ſcruple were the obligations the clergy lay under by act of parliament of king Henry VIII, not to enter into any debates about making any alterations in church affairs, without the king's ſpecial and immediate privacy, and direction firſt given concerning ſuch alterations. It was anſwered, that that muſt be done either by an act of the king's own judgment, or by a private cabal, (both which ways would be very exceptionable) or elſe by his majeſty's commiſſion to a certain number of eccleſiaſtics, to conſult about, and prepare what was neceſſary to be altered, as it was in the preſent caſe. For, moreover, the commiſſioners pretended not to make theſe alterations obligatory by virtue of a law, but only to get them ready to lay before the convocation; the very reports being not ſo much as to be referred to the privy council, leſt they might be ſubject to be canvaſſed and modelled by lay hands. However the biſhops of Wincheſter and Rocheſter, and Dr. Jane and Dr. Aldrich withdrew diſſatisfied; and the reſt, after a liſt of all that ſeemed fit to be changed, was read over, proceeded very unanimouſly, and without any heats, in determining, as follows, (each article, as ſoon as agreed on, being ſigned by the biſhop of London) viz.

That the chaunting of divine ſervice in cathedral churches ſhall be laid aſide, that the whole may be rendered intelligible to the common people.

That beſides the pſalms being read in their courſe as before, ſome proper and devout ones be ſelected for Sundays.

That the apocryphal leſſons, and thoſe of the old teſtament, which are too natural, be thrown out, and others appointed in their ſtead by a new calendar, which is already fully ſettled, and out of which are omitted all the legendary ſaints days, and others not directly referred to in the ſervice book.

That not to ſend the vulgar to ſearch the canons, which few of them ever ſaw, a rubric be made, ſetting forth the uſefulneſs of the croſs in baptiſm, not as an eſſential part of that ſacrament, but only a fit and decent ceremony. However, if any do, after all, in conſcience ſcruple it, it may be omitted by the prieſt.

That likewiſe if any refuſe to receive the ſacrament of the Lord's ſupper kneeling, it may be adminiſtered to them in their pews.

That a rubric be made, declaring the intention of the lent-faſts, to conſiſt only in extraordinary acts of devotion, not in diſtinction of meats; and another to ſtate the meaning of Rogation Sundays and Ember weeks; and appoint, that thoſe ordained within the 'quatuor tempora' do exerciſe ſtrict devotion.

That the rubric, which obliges miniſters to read or hear common prayer, publicly or privately every day, be changed to an exhortation to the people to frequent thoſe prayers.

That the abſolution in morning and evening prayer may be read by a deacon, the word 'prieſt' in the rubric being changed into 'miniſter,' and thoſe words, 'and remiſſion,' be put out as not very intelligible.

That the 'gloria patri' ſhall not be repeated at the end of every pſalm, but of all appointed for morning and evening prayer.

That thoſe words in the te deum, 'thine honourable, true, and only ſon,' be thus turned, 'thine only begotten ſon,' honourable being only a civil term, and no where uſed in ſacris.

The benedicite ſhall be changed into the 128th pſalm; and other pſalms likewiſe appointed for the benedictus and nunc dimittis.

The verſicles after the lord's prayer, &c. ſhall be read kneeling, to avoid the trouble and inconveniences of ſo often varying poſtures in the worſhip. And after theſe words, 'give peace in our time, O Lord,' ſhall follow an anſwer promiſſory of ſomewhat on the people's part, of keeping God's laws, or the like; the old reſponſe being grounded on the predeſtinating doctrine, taken in too ſtrict an acceptation.

All high titles or appellations of the king, queen, &c. ſhall be left out of the prayers, ſuch as 'moſt illuſtrious, religious, mighty, &c. and only the word 'ſovereign' retained for the king and queen.

Thoſe words in the prayer for the king, 'grant that he may vanquiſh and overcome all his enemies,' as of too large extent, if the king engage in an unjuſt war, ſhall be turned thus; 'proſper all his righteous undertakings againſt thy enemies,' or after ſome ſuch manner.

Thoſe words in the prayer for the clergy, 'who alone workeſt great marvels,' as ſubject to be ill interpreted by perſons vainly diſpoſed, ſhall be thus, 'who alone art the author of all good gifts;' and thoſe words, 'the healthful ſpirit of thy grace,' ſhall be, 'the holy ſpirit of thy grace,' healthful being an obſolete word.

The prayer, which begins, 'O God, whoſe nature and property,' ſhall be thrown out, as full of ſtrange and impertinent expreſſions, and beſides not in the original, but foiſted in ſince by another hand.

The collects for the moſt part are to be changed for thoſe the biſhop of Chicheſter has prepared, being a review of the old ones with enlargements, to render them more ſenſible and affecting; and what particular expreſſions are needful to be retrenched.

If any miniſter refuſe the ſurplice, the biſhop, if the people deſire it, and the living will bear it, may ſubſtitute one in his place, that will officiate in it; but the whole thing is left to the diſcretion of the biſhops.

If any deſire to have godfathers and godmothers omitted, and their children preſented in their own names to baptiſm, it may be granted,

About the Athanaſian creed, they came at laſt to this concluſion, that leſt the wholly rejecting it ſhould by unreaſonable perſons be imputed to them as Socinianiſm, a rubric ſhould be made, ſetting forth or declaring the curſes denounced therein, not to be reſtrained to every particular article, but intended againſt thoſe, that deny the ſubſtance of the chriſtian religion in general.

Whether the amendment of the 'tranſlation of the reading pſalms' (as they are called) made by the biſhop of St. Aſaph and Dr. Kidder, or that in the bible, ſhall be inſerted in the prayer-book, is wholly left to the convocation to conſider of and determine.

In the litany, and communion ſervice, &c. were likewiſe ſome alterations made, as alſo in the canons.

[i] The reſt of the rigid ones were, Mew, Sprat, Aldrich, Beaumont, Montague, Goodman, Beveridge, and Alſton. Moſt of theſe were ſo far from thinking of a comprehenſion, that they would hardly own the reformed abroad to be true churches, much leſs the diſſenters at home.

preparing

preparing theſe overtures, the king's ſupremacy ſignified little, if he could not appoint a ſelect number to conſider of ſuch matters, as he might think fit to lay before the convocation. This did no way break in upon their full freedom of debate, it being free to them to reject, as well as to accept, of the propoſitions to be offered to them. But while they were arguing this matter on both ſides, the party, that was now at work for king James, took hold of this occaſion to inflame men's minds. It was ſaid, the church was to be pulled down, and preſbytery was to be ſet up: that all this now in debate was only intended to divide and diſtract the church, and to render it by that means both weaker and more ridiculous, while it went off from its former grounds, in offering ſuch conceſſions. The univerſities took fire upon this, and began to declare againſt it, and againſt all who promoted it, as men, who intended to undermine the church. Severe reflections were caſt on the king, as being in a contrary intereſt to the church; for the church was as the word given out by the jacobite party, under which they thought they might more ſafely ſhelter themſelves. There were great canvaſſings every were in the elections of convocation-men; a thing not known in former times; ſo that it was ſoon very viſible, that the clergy were not in a temper cool or calm enough to encourage the further proſecution of ſuch a deſign.

When the convocation met, the lower houſe immediately diſcovered their diſpoſition, by their choice of a prolocutor. The perſon deſigned by the biſhop of London and moſt of his brethren, and the moderate part of the clergy, was Dr. Tillotſon, dean of Canterbury, whom the king had lately made clerk of his cloſet, and uſed to call 'the honeſteſt man, and the beſt friend, that ever he had in his life.' But it was carried by a great majority of votes for Dr. Jane of Oxford, a profeſſed enemy of the diſſenters, who being preſented to the biſhop of London as preſident for his approbation, made a cuſtomary ſpeech in Latin, wherein he extolled the excellency of the liturgy of the church of England as eſtabliſhed by law, above that of all chriſtian communities, and intimated, that it wanted no amendments; and then ended with the application of this ſentence by way of triumph, 'nolumus leges Angliæ mutari.' The biſhop of London, to whom the prolocutor had been chaplain, made a ſpeech in the ſame language with great moderation and candour. He told the clergy, "that they ought to endeavour a temper in thoſe things, that are not eſſential to religion, thereby to open the door of ſalvation to a multitude of ſtraying chriſtians: That it muſt needs be their duty to ſhew the ſame indulgence and charity to the diſſenters under king William, which ſome of the biſhops and clergy had promiſed to them in their addreſſes to king James." And he concluded with a pathetic exhortation to unanimity and concord. Many of the members being abſent, the convocation adjourned to the next day, without debating any thing of moment.

At the next meeting, the biſhop of London being ſenſible, that the majority of the lower houſe were reſolved to oppoſe the intended union with the diſſenters, acquainted the convocation, "That having communicated the royal commiſſion, by which they were empowered to act, to an eminent civilian, he had found it defective in not having the great ſeal; and therefore he ſhould prorogue them till that was procured." During this interval, many arguments were uſed to bring the moſt rigid of the inferior clergy to a charitable condeſcenſion, and the deſired union; but to very little purpoſe. There was a jealouſy and a diſtruſt not to be conquered; though there could be but two arguments of any force to juſtify their averſeneſs to enter upon the terms of accommodation. One was, that it ſeemed to derogate from the dignity of the church of England, to make any ſtep towards the altering of her conſtitution, till it did appear, that the diſſenters themſelves did deſire a reconcilement, and were ready to offer ſome propoſals, or to accept of others. A ſecond argument might be, that the archbiſhop of Canterbury, and ſome of his ſuffragans, and ſome other divines, would not own the preſent government, and were therefore ready to fall into a new ſeparation from their brethren; ſo that at this juncture it might be dangerous to make any change, that might give a pretence of being for the old church, as well as the old king.

On the 4th of December, while both houſes of convocation were ſitting together in Henry VII's chapel, the earl of Nottingham brought in the king's commiſſion, which was read to the aſſembly, there being preſent twelve biſhops and a good number of the inferior clergy. This done, the king's meſſage was alſo read:

"WILLIAM R.

"HIS majeſty has ſummoned this convocation, not only becauſe it is uſual upon holding a parliament, but out of a pious zeal to do every thing, that may tend to the beſt eſtabliſhment of the church of England, which is ſo eminent a part of the reformation, and is certainly the beſt ſuited to the conſtitution of this government; and therefore does moſt ſignally deſerve, and ſhall always have both his favour and protection. And he doubts not but you will aſſiſt him in promoting the welfare of it, ſo that no prejudices, with which ſome men may have laboured to poſſeſs you, ſhall diſappoint his good intentions, or deprive the church of any benefit from your conſultations. His majeſty therefore expects, that the things, that ſhall be propoſed, ſhall be calmly and impartially conſidered by you; and aſſures you, that he will offer nothing to you, but what ſhall be for the honour, peace, and advantage both of the proteſtant religion in general, and particularly of the church of England."

At the ſame time the earl of Nottingham made a ſpeech to the aſſembly, exhorting them to lay aſide all partial prepoſſeſſions and animoſities in their proceedings.

The meſſage being read, the biſhops went to the Jeruſalem chamber, from whence they ſent a copy of it to the lower houſe, and alſo the following form of an addreſs to the king, to which they deſired their concurrence.

"WE the biſhops, &c. in convocation aſſembled, having received your majeſty's gracious meſſage, together with a commiſſion from your majeſty, by the earl of Nottingham, hold ourſelves bound in gratitude and duty, to return our moſt humble thanks and acknowledgments of the grace and goodneſs expreſſed in your majeſty's meſſage, and the zeal you ſhew in it for the proteſtant religion in general, and the church of England in particular; and of the truſt and confidence repoſed in us by this commiſſion. We look on theſe marks of your majeſty's care and favour as the continuance of the great deliverance Almighty God wrought for us by your means, in making you the bleſſed inſtrument of preſerving us from falling under the cruelty of popiſh tyranny; for which as we have often thanked Almighty God, ſo we cannot forget that high obligation and duty, which we owe to your majeſty; and on theſe new aſſurances of your protection and favour to our church, we beg leave to renew the aſſurance of our conſtant fidelity and obedience to your majeſty, whom we pray God to continue long and happily to reign over us."

The lower houſe, which ſeemed reſolved to do nothing, would not conſent to this addreſs; but firſt pleaded for the privilege of preſenting a ſeparate addreſs of their own drawing up; and then dropping that pretenſion, they fell to making amendments, and gave a reaſon why they could not concur with the biſhops in their form, in theſe words: 'We are deſirous to confine our addreſs to his majeſty's moſt gracious meſſage, and to thoſe things only therein, which concern the church of England.' Hereupon a conference was deſired, which was managed chiefly between the biſhop of Saliſbury and the prolocutor; and theſe reaſons were reported, why their lordſhips inſiſted on the expreſs mention of the proteſtant religion; "1. Becauſe it is the known denomination of the common doctrine of the weſtern part of chriſtendom, in oppoſition to the errors and corruptions of the church of Rome. 2. Becauſe the leaving out this may have ill conſequences, and be liable to ſtrange conſtructions both at home and abroad, among proteſtants as well as papiſts. 3. Becauſe it agrees with the general reaſon offered by the clergy for their amendment, ſince this is expreſsly mentioned in the king's meſſage; and in this the church of England being ſo much concerned, the biſhops think it ought to ſtand in the addreſs." The lower-houſe debated theſe reaſons, and diſagreed to them, and then reſolved, "That inſtead of the 'proteſtant religion,' they would rather ſay, 'proteſtant churches.'" Their lordſhips deſired a reaſon of this alteration: which was returned in theſe words: "We being the repreſentatives of a formed eſtabliſhed church, do not think fit to mention the word 'religion' any farther than it is the religion of ſome formed eſtabliſhed church." The lords returned the amendments with this alteration: "The intereſt of the proteſtant religion in this and all other proteſtant churches." The lower houſe thinking

it a diminution to the church of England to join it with foreign proteſtant churches, would have the words 'this and' to be omitted; and at laſt, with great difficulty, the following addreſs was agreed on, and preſented to the king on Thurſday, Decemb. 12.

"WE, your majeſty's moſt loyal and moſt dutiful ſubjects, the biſhops and clergy of the province of Canterbury, in convocation aſſembled, having received a moſt gracious meſſage from your majeſty by the earl of Nottingham, hold ourſelves bound in duty and gratitude, to return our moſt humble acknowledgments for the ſame; and for the pious zeal and care your majeſty is pleaſed to expreſs therein, for the honour, peace, advantage, and eſtabliſhment of the church of England: Whereby, we doubt not, the intereſt of the proteſtant religion in all other proteſtant churches, which is dear to us, will be the better ſecured under the influence of your majeſty's government and protection. And we crave leave to aſſure your majeſty, that in purſuance of that truſt and confidence you repoſe in us, we will conſider whatſoever ſhall be offered to us from your majeſty, without prejudice, and with all calmneſs and impartiality; and that we will conſtantly pay the fidelity and allegiance, which we have all ſworn to your majeſty and the queen; whom we pray God to continue long and happily to reign over us."

The king well underſtood, why this addreſs omitted the thanks, which the biſhops had returned for his royal commiſſion, and the zeal, which he had ſhewn for the proteſtant religion; and why there was no expreſſion of tenderneſs to the diſſenters, and but a cool regard to other proteſtant churches. However, he returned this gracious anſwer, addreſſed to the biſhops:

"My lords,

"I take this addreſs very kindly from the convocation. You may depend upon it, that all I have promiſed, and all I can do for the ſervice of the church of England, I will do; and I will give you this new aſſurance, that I will improve all occaſions and opportunities for its ſervice."

By all their proceedings hitherto, the lower houſe of convocation had ſhewn an utter diſlike to the buſineſs for which they were chiefly aſſembled, and by what followed, their averſion to the union ſo earneſtly deſired by the king, was no leſs manifeſt. For inſtead of taking any meaſures for a comprehenſion in favour of the moderate diſſenters, they turned their thoughts to their non-juring brethren, and a zealous ſpeech was made in behalf of the biſhops under ſuſpenſion, "That ſomething might be done to qualify them to ſit in convocation; yet ſo, as that the convocation might not incur any danger thereby." But this being a point of great difficulty, it was left to farther conſideration; whilſt they laboured to find out ſome other buſineſs to divert them from that, for which they were called together. To that end the prolocutor attended the preſident and biſhops, and in the name of the houſe repreſented to their lordſhips, "That there were ſeveral books of very dangerous conſequence to the Chriſtian religion and the church of England; particularly Notes upon Athanaſius's Creed, and two letters relating to the preſent convocation, lately come abroad; and deſired their lordſhips advice, in what way, and how far, ſafely, and without incurring the penalty of Stat. 25. Hen. VIII. the convocation may proceed, in the preventing the publiſhing the like ſcandalous books for the future, and inflicting the cenſure of the church, according to the canons provided in that behalf, upon the authors of them." Upon which the prolocutor ſoon after acquainted the houſe "That the preſident had declared his ſenſe of the ill conſequence of thoſe books, that were ſent up from this houſe to their lordſhips; and that, upon inquiry, he could not receive any ſatisfaction, how far the convocation might proceed in that affair; but he would, as far as lay in him, take farther order about it."

When the Preſident and his brethren ſaw the diſpoſition of the lower houſe, they found it was to no purpoſe to communicate any propoſals to them; and therefore the king was adviſed to ſuffer the ſeſſion to be diſcontinued. And thus as the convocation was not diſpoſed to enter upon buſineſs, they were kpet from doing miſchief by prorogations, for a courſe of ten years. This was in reality a favour to them; for, ever ſince the year 1662, the convocation had indeed continued to ſit, but to do no buſineſs: ſo that they were kept at no ſmall expence in town, to do nothing, but only to meet and read a Latin Litany. It was therefore an eaſe to be freed from ſuch an attendance to no purpoſe.

The ill reception which the lower houſe had given the king's meſſage, raiſed a great clamour againſt them, ſince all the promiſes made in king James's reign, were now entirely forgot. But however, their proceedings were a great diſappointment to the non-juring clergy who were under ſuſpenſion. They were it ſeems deſigning to make a ſchiſm in the church, whenever they ſhould be turned out, and their places filled up by others. They ſaw, it would not be eaſy to make a ſeparation upon a private and perſonal account, and therefore wiſhed to be furniſhed with more ſpecious pretences. And if alterations had been made in the rubric, and other parts of the common-prayer, they would have pretended that they ſtill adhered to the ancient church of England, in oppoſition to thoſe who were altering it, and ſetting up new models [k]. Thus was loſt a fair opportunity not only of reviſing the liturgy, rubrics and canons, but alſo of reconciling the moderate diſſenters to the church, who with the reſt have been forced to be contented with the act of toleration, under the excluſion from all offices and employments, by means of a teſt which was primarily intended to keep out the Roman catholics, and to which the diſſenters made no oppoſition, in hopes of being relieved from it [l].

The parliament, purſuant to the late adjournment, met the 19th of October, when the king made the following ſpeech to both houſes:

My lords and gentlemen,

"THOUGH the laſt ſitting continued ſo long, that perhaps it might have been more agreeable to you, in relation to your private concerns, not to have met again ſo ſoon; yet the intereſt of the public lays an indiſpenſable obligation upon me to call you together at this time.

"In your laſt meeting you gave me ſo many teſtimonies of your affection as well as confidence in me, that I do not at all queſtion, but in this I ſhall receive freſh proofs of both.

"I eſteem it one of the greateſt misfortunes can befal me, that in the beginning of my reign, I am forced to aſk ſuch large ſupplies; though I have this ſatisfaction, that they are deſired for no other purpoſes, than the carrying on theſe wars, in which I entered with your advice, and aſſurance of your aſſiſtance. Nor can I doubt of the bleſſing of God upon an undertaking, wherein I did not engage out of a vain ambition, but from the neceſſity of oppoſing the deſigns of deſtroying our religion and liberties.

"It is well known, how far I have expoſed myſelf to reſcue this nation from the dangers that threatened, not only your liberty, but the proteſtant religion in general, of which the church of England is one of the greateſt ſupports, and for the defence whereof I am ready again to venture life.

"My lords and gentlemen,

"That which I have to aſk of you at preſent is, that what you think fit to give towards the charges of the war for the next year, may be done without delay. And there is one reaſon, which more particularly obliges me to preſs you to a ſpeedy determination in this matter, becauſe the next month there is appointed at the Hague, a general meeting of all the princes and ſtates concerned in this war againſt France, in order to concert the meaſures, for the next cam-

[k] Biſhop Burnet called this 'a happy direction of providence.' Strange, that one who thought a reformation in the rubric, canons, and courts was much wanted, ſhould believe the particular interpoſition of heaven to prevent it on account of an ill uſe that might have been made of it by a few non-juring clergy; whereas the reformation intended would have been of infinite advantage to the church, as it would have removed all the exceptionable parts of her worſhip and diſcipline, and thereby enlarged the bounds of communion. But thus it is, that ſome of our wiſeſt writers and ſpeakers uſe the words, providence, judgments, and mercies.

[l] When the teſt (IV. 1672), againſt the catholics was debating, the court, in hopes of diverting the bill, had it propoſed, that ſome regard ſhould be had to proteſtant diſſenters. Love, member for London, and a diſſenter, ſeeing into this artifice, moved, that an effectual ſecurity might be found againſt popery, and that nothing might interpoſe till that was done; that then the diſſenters would try to deſerve ſome favour, but at preſent were willing to lie under the ſeverity of the law, rather than clog a more neceſſary work with their concerns. To this the friends of the diſſenters agreed, and the teſt was paſſed. Though it was voted that a bill ſhould be brought in, to give eaſe to the diſſenters, no act ever paſſed in their favour, nor has the teſt been removed to this day.

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paign; and till I know your intentions, I ſhall not only be uncertain myſelf what reſolutions to take, but our allies will be under the ſame doubts, unleſs they ſee me ſupported by your aſſiſtance. Beſides, if I know not in time what you will do, I cannot make ſuch proviſions as will be requiſite, but ſhall be expoſed to the ſame inconveniences the next year, which were the cauſe, that the preparations for this were neither ſo effectual or expeditious as was neceſſary. The charge will be alſo conſiderably leſſened by giving time to provide things in their proper ſeaſon, and without confuſion.

"I have no other aim in this but to be in a condition to attack our enemies in ſo vigorous a manner, as by the help of God may, in a little time, bring us to a laſting and honourable peace; by which my ſubjects may be freed from the extraordinary expence of a lingering war. And that I can have no greater ſatisfaction than in contributing to their eaſe, I hope I have already given proof. That you may be ſatisfied, how the money has been laid out, which you have already given, I have directed the accounts to be laid before you, whenever you ſhall think fit to call for them.

My lords and gentlemen,

"I have one thing more to recommend to you, which is the diſpatch of 'a bill of indemnity,' that the minds of my good ſubjects being quieted, we may all unanimouſly concur to promote the welfare and honour of the kingdom."

It is remarkable, that this ſpeech which met with univerſal applauſe, was compoſed by the king himſelf,---who the day before produced it to the council, written with his own hand, telling them, 'He knew moſt of his predeceſſors were uſed to commit the drawing up of ſuch ſpeeches to their miniſters, who generally had their private aims and intereſts in view; to prevent which he thought fit to write it himſelf in French, becauſe he was not ſo great a maſter of the Engliſh tongue. He deſired them therefore to look it over, and change what they found amiſs, that it might be tranſlated into Engliſh [m].'

At the ſame council the marquis of Hallifax deſired for ſeveral reaſons, which he forbore to mention, to be excuſed from the office of ſpeaker of the houſe of lords, which was readily granted him, and a commiſſion was given to ſir Robert Atkyns, chief baron of the exchequer, to ſupply his place.

The buſineſs of Oates, and ſome other matters, which had raiſed ſuch heats between the two houſes, being only ſuperſeded by the repeated adjournment of parliament, it was moved in council to put a final end to them by a prorogation. But the king thought fit to do nothing in an affair of ſuch a nature, without the advice of both houſes. The lords readily conſented to it; and as for the commons, tho' ſome of their members pretended, that ſuch a prorogation was irregular, after the king had made a ſpeech, wherein he had propoſed new matters to their conſideration, yet the contrary opinion carried it by a great majority; ſo that the king being come to the houſe of lords on Monday the 21ſt of October, ſir Robert Atkyns the new ſpeaker, acquainted both houſes, that it was his majeſty's pleaſure, that the parliament ſhould be prorogued, to the Wedneſday following. Before this prorogation, Dr. Crew biſhop of Durham, contrary to the expectation of moſt people, took the oaths, and ſubſcribed the declaration appointed by law. He had been one of the eccleſiaſtical commiſſioners, and upon king James's abdication, had abſconded himſelf for ſome time. He had endeavoured to get beyond ſea, and offered to compound by reſigning his biſhopric, but at laſt he was prevailed on to merit a pardon for what he had done by ſubmitting to the government.

The parliament being met on the 23d of October, the king declared to them from the throne, "That having ſpoke ſo lately to them, he need not ſay any thing now, matters not having been altered ſince that time; and therefore referred to what he had ſaid laſt to both houſes, and deſired, that ſpeedy reſolutions might be taken." Whereupon the commons unanimouſly reſolved, "that they would ſtand by and aſſiſt his majeſty in reducing Ireland, and joining with his allies abroad in a vigorous proſecution of a war againſt France."

Accordingly, when the king at their requeſt had laid before them the neceſſary charges of the next year's ſervice, with the accounts of the laſt ſummer's expences, they unanimouſly voted a ſupply of two millions for thoſe purpoſes [n].

The parliament this ſeſſion was chiefly employed about the ſtate-priſoners, the inſtruments of the illegal proceedings in the late reigns, and the miſcarriages in Iriſh and other affairs.

As to the ſtate-priſoners, the act for detaining ſuſpected perſons in priſon being expired, and ſeveral of thoſe perſons having petitioned the houſe to be tried at the king's bench, a committee was appointed to inquire into the informations which had been given againſt them, and the miſdemeanors of Burton and Graham, the great oppreſſors in the late reign, were again reported to the houſe. The caſe likewiſe of baron Jenner was reported, who was charged with declaring for the diſpenſing power, and acting in the affair of Magdalen college. Theſe three were ordered to be brought before the houſe to be examined, but Jenner having been bailed and releaſed, before the warrant was ſerved, the ſerjeant at arms was ordered to take him into cuſtody, and likewiſe Burton and Graham, who were brought before the houſe, and not giving ſatisfaction, a committee was appointed to prepare a charge againſt them. At the ſame time were releaſed upon bail, the lords Preſton [o], Forbes and ſir John Fenwick. But the commons reſolved to impeach the earls of Peterborough, Saliſbury, and Caſtlemain, ſir Edward Hales and Obadiah Walker, of high-treaſon, for being reconciled to the church of Rome contrary to law, and other crimes. A bill was alſo ordered to be brought in to declare the late lord chancellor Jefferies's eſtate forfeited to the crown, and to attaint his blood. But this bill met with ſo much oppoſition that no progreſs was made in it. However, for a terror to all the late inſtruments of popery, and arbitrary power, the houſe agreed, "that the pecuniary penalties incurred by all privy councillors, lord lieutenants, deputy lieutenants, and militia officers, juſtices of the peace, and by any other perſons, who had accepted or exerciſed any office or place of profit, either military or civil, (other than ſuch as are now officers, in their majeſties army or fleet) contrary to the law againſt popiſh recuſants, ſhould 'be ſpeedily levied, and applied to the public ſervice.'

The lord Griffin, who was made a peer about a fortnight before king James's abdication, having been often required by letters and otherwiſe to attend the houſe of lords, and ſtill refuſing to appear, their lordſhips deſired the king by an addreſs to ſummon him by proclamation to ſurrender himſelf, at ſuch a day as his majeſty ſhould appoint to their houſe, if then actually ſitting, or to one of the ſecretaries of ſtate. His lordſhip being accordingly ſummoned, ſurrendered himſelf to the earl of Nottingham, and having made his appearance before the houſe of lords, the ſpeaker told him, that he

[m] The ſpeech was approved by all the board except the earl of Monmouth, who objected againſt the expreſſion, 'L' Egliſe Anglicane étoit le principal appui de la religion proteſtante;' i. e. 'The church of England is the chief ſupport of the proteſtant religion.' So it was altered to, 'The church of England is one of the greateſt ſupports of the proteſtant religion.' Sir Thomas Clarges, a member of the houſe of commons, found fault that his majeſty had not ſaid, 'The church of England, as by law eſtabliſhed.'

[n] The funds for raiſing this ſupply were a land-tax of two ſhillings, and another of one ſhilling in the pound, in which the Quakers are excuſed from double taxes, additional duties upon coffee, tea, and chocolate, after the following rates:

	£.	s.	d.
Upon every hundred weight of coffee —	5	12	0
Upon every hundred weight of cocoa-nut —	8	8	0
Upon every pound of tea — — —	0	5	0

This is the ſame bill that had been dropped the laſt ſeſſion, upon a diſpute whether the peers can alter a money bill or tax. It was now paſſed with the alteration propoſed by the lords of a drawback upon exportation. An additional poll-tax was alſo paſſed, by which twenty ſhillings a head was laid upon every ſhop-keeper, tradeſman, and artificer, worth three hundred pounds perſonal eſtate. This bill had alſo been dropped the laſt ſeſſion, upon a debate, whether the lords ſhould appoint commiſſioners of their own to tax themſelves. A tax of 100,000l. was moved (by ſir Edward Seymour, it is ſaid) to be laid on the Jews; but the motion came to nothing.

[o] The lord Preſton preſenting to the houſe of lords a patent from king James, dated from Verſailles the 21ſt of January 1688-9, by which he was created a baron of England, their lordſhips voted him guilty of high-treaſon. However, they thought fit to refer the examination of that matter to the judges their aſſiſtants. The lord Preſton pretended, that the patent being dated one day before the meeting of the convention, which had voted the throne vacant, it ought to be valid. To which it was anſwered, that the vacancy was ſuppoſed to begin from the moment king James left the kingdom, whereby he abdicated the government. The next day the judges brought in the lord Preſton guilty of a high miſdemeanor, for which he was committed to the Tower. Not long after he acknowledged and begged pardon for his fault by a petition to the lords, which was rejected upon his ſubſcribing himſelf viſcount Preſton, without expreſſing of what kingdom. The next day he preſented another, wherein he ſtiled himſelf viſcount of Scotland; and it being likewiſe alledged in his behalf, that by accepting a patent from king James, he never meant an affront to king William, but only to ſecure his own perſon from impriſonment, (being at that time proſecuted at law by the lord Montagu for a conſiderable ſum of money) he was releaſed from his confinement.

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knew what he had to do before his ſitting in that houſe; whereupon his lordſhip deſired time to conſider of taking the oaths, he not being prepared for it; which was readily granted.

The ſame day the parliament was prorogued, a packet was intercepted, which plainly diſcovered how little the lord Griffin was inclined to own the preſent government. The diſcovery happened in the following manner. His lordſhip having cauſed a large pewter bottle to be made with a double bottom, ordered his cook to go to a pewterer's at an unſeaſonable hour of the night, to get the falſe bottom ſoldered. The pewterer finding a packet between the two bottoms of the bottle, began to ſuſpect ſomething; and the cook not giving him a ſatisfactory anſwer about the contents, he made bold to open it. The ſuperſcription of ſeveral letters directed to king James, the duke of Berwick, &c. juſtified the pewterer's ſuſpicion, who immediately ſeized the lord Griffin's cook, and carried him to one of the ſecretaries of ſtate, but he being gone to bed, and his ſervants refuſing to admit the pewterer to his maſter's preſence, the lord Griffin, who by this time began to apprehend what had befallen his meſſenger, took this opportunity to make his eſcape. Beſides the letters, there was found an account of ſome private reſolutions of the council, and an exact liſt of all the land and ſea forces of England. Whereupon the lord Griffin's houſe and papers were ſearched, his lady committed to the Tower, ſeveral ſuſpected perſons arreſted, and the Cuſtom-houſe officers ordered to ſtop all unknown perſons, who offered to croſs the ſeas without paſſes. The lord Griffin having abſconded himſelf ſome few days, and finding it difficult to go out of the kingdom, ſurrendered himſelf to the earl of Shrewſbury, ſecretary of ſtate, who having examined him, committed him to the cuſtody of a meſſenger, from whence he was ſent to the tower. The commons upon this appointed a committee to inquire how the lord Griffin came to know a reſolution, which the king had communicated to four perſons only; and the lords addreſſed his majeſty to let him underſtand, that the ſaid lord being one of their members, they were conſequently his proper judges. The king having left the cognizance of this affair to the peers, they began to examine the papers intercepted in the pewter bottle, which were the only evidence againſt the lord Griffin. And becauſe, ſome few days before, it had been reſolved in that houſe, that colonel Algernon Sidney was unjuſtly condemned, nothing but writings found in his cloſet having been produced againſt him, the earl of Rocheſter argued, from a parity of reaſon in favour of lord Griffin, who, after ſeveral warm debates, was ſet at liberty upon bail.

As to the inſtruments of the illegal proceedings of the late reigns, the lords as well as the commons, appointed a committee to examine who were the adviſers and proſecutors of the murders of the lord Ruſſel, colonel Sidney, ſir Thomas Armſtrong, alderman Corniſh and others, and who had the chief hand in the quo warrantos and delivering up of charters. This committee was appointed, at the motion of the duke of Bolton, and it was deſired by the lords, that Mr. John Hampden and Mr. John Trenchard, members of the houſe of commons, might attend the committee, to inform them what they knew of theſe matters. Theſe two gentlemen had been accuſed, for being concerned with the duke of Monmouth and the lord Ruſſel in the plot of 1683. Trenchard had been charged with undertaking to raiſe a body of men at Taunton, but he had denied every thing. And it was then well known, his greateſt crime was the being the firſt man, that had moved the excluſion in the houſe of commons. Mr. Hampden was let into all the duke of Monmouth's ſecrets, and knew the whole affair. Upon lord Howard's evidence, he was brought in guilty of a miſdemeanor, and fined 40,000l. the moſt extravagant fine, that had ever been ſet for a miſdemeanor, and which amounted to an impriſonment for life. He was afterwards concerned in Monmouth's rebellion, and upon pleading guilty and begging his life, was pardoned.

He is ſaid to have been ſo aſhamed of this, that it gave his ſpirits ſuch a diſorder, he could never maſter, and which had a terrible concluſion, for about ten years after he cut his own throat. He was grandſon of him that pleaded the cauſe of England, in the point of ſhip-money; his father was an eminent man, and zealous in the excluſion. He himſelf was a man of great parts, and a critic in Latin, Greek and Hebrew, of great heat and vivacity, but too unequal in his temper.

Mr. Hampden appeared before the committee, and, as it is ſaid, made a long ſpeech, tending rather to extol his own ſervices, than to diſcover the authors of lord Ruſſel's death[p]. However this be, though this inquiry laſted ſome weeks, and gave occaſion to much heat, nothing could be proved, upon which votes or addreſſes could have been grounded: yet the lord Hallifax, having concurred with the miniſtry and council in the ſeverities and executions in the end of king Charles's reign, and in the quo warrantos, and ſurrendering the charters, ſaw it was neceſſary for him to withdraw now, and quit the court. And ſoon after he reconciled himſelf to the tories, and upon all occaſions protected the whole party. The privy-ſeal was put in commiſſion after the lord Hallifax had reſigned, and given to William Cheney, ſir John Knatchbull, and ſir William Pultney.

As to the miſcarriages in the Iriſh affairs, which had been a continual ſubject of complaint, the commons being informed that the duke Schomberg's army was ſcarce fourteen thouſand ſtrong, though there were twenty-three thouſand upon the eſtabliſhment, they deſired the king to appoint commiſſioners to go over and inquire into the condition of the army in Ireland. Though the king aſſured the houſe that he would comply with their addreſs, yet ſome members moved, that the commons ſhould ſend commiſſioners of their own nomination, both to look into the expence, and to prevent falſe muſters; which ſeemed to be an encroachment on the royal prerogative. Others ſaid, that duke Schomberg would have done well to have come himſelf in perſon, to acquaint the houſe with the cauſes of the weakneſs of his army, in order to ſecure his own reputation. And others went farther, reflecting on that general for not fighting king James's forces. Though the duke wanted no apology among thoſe, who knew his capacity, yet being informed, that his conduct was called in queſtion, even in the parliament itſelf, he acquainted the king with the reaſons, that had obliged him not to ſtir from his camp upon the approach of king James; alledging, that his army had never exceeded twelve thouſand effective men, moſt of them newly raiſed, and little better than thoſe of the late king, who had double that number: That he had waited for artillery, horſes and carriages above a month: That the army had all along wanted bread; the horſes, ſhoes and provender; and the ſurgeons and apothecaries, proper medicines for the ſick. This account was confirmed by Mr. Lumley, brother to the lord Lumley, and by count Solmes, who at this time arrived from Ireland, and reported further, that the army was can-

[p] This matter is thus related by Kennet after Boyer. It is certain, (ſay they) that Mr. Hampden was able to give the lords a great light into that affair, having been involved in the like danger himſelf, and out of which he diſengaged himſelf not without difficulty. But this inquiry was not ſo much intended againſt Mr. Hampden, as againſt the marquis of Hallifax, who had endeavoured Mr. Hampden's ruin, by procuring a note from the late duke of Monmouth, which repreſented Mr. Hampden as the chief accomplice with the lord Ruſſel. But the duke afterwards repenting of having accuſed one of his beſt friends, earneſtly demanded his note from king Charles II. to whom the marquis had delivered it, and at laſt obtained it on this condition, never to return into his majeſty's preſence. Mr. Hampden appeared before the committee of the lords, and made a long ſpeech, in which he rather aimed at juſtifying himſelf, than at diſcovering the authors of the lord Ruſſel's death. He extolled his ſervices to the preſent government, inſinuating, that the whole intrigue in inviting over the prince of Orange had been managed by himſelf, and Mr. Johnſton, (a Scotſman, ſon of the lord of Warriſton, who had been executed in 1663, and firſt couſin of biſhop Burnet) whom he had employed to gather the reſults of the ſeveral conſultations in private houſes. He urged, that by his concern in this affair he had expoſed himſelf to imminent danger; for had Johnſton been ſuſpected, he would have been ſent into Scotland, and forced by the rack (which is allowed in that kingdom) to diſcover thoſe who ſet him at work. Upon this account it was that Mr. Hampden, after the revolution, made ſeveral offers at being ſecretary of ſtate; but the king thought him of too hot a temper for a place that requires a ſettled head. One day Mr. Hampden, with deſign to remind the king of his own ſervices; repreſented to him, that thoſe of Mr. Johnſton were ſtill left unrewarded; to which the king replied, that, 'he had not forgot either Mr. Hampden or Mr. Johnſton.' However, neither of them had much reaſon to complain; the king having named the firſt to be his envoy into Spain, and the other into Switzerland; which employments they both refuſed.

Great part of this relation ſeems to be taken from uncertain memoirs; for as it is not true that the inviting over the prince of Orange was managed by him and Johnſton, Mr. Hampden cannot be juſtly ſuppoſed to ſay ſo. Nor is the dialogue with the king any more likely. Neither could they with juſtice ſay, that an envoyſhip to Spain was a ſufficient reward for the ſervice Mr. Hampden had done the king; ſince, by their own confeſſion, he had contributed ſo much towards the revolution. However, it muſt be owned, Mr. Hampden thought himſelf neglected, and was ſo far diſguſted as to ſay, 'I think I deſerve to have ſomething offered me at leaſt.' This is the worſt that thoſe who knew him intimately, heard him ever ſay. However this be, Mr. Cox, upon Mr. Hampden's recommendation was ſent to Switzerland, and Mr. Stanhope brother to the Lord Cheſterfield, was diſpatched to Madrid. About the ſame time, the lord Paget was ſent envoy to the emperor, and the lord Durſley, afterwards earl of Berkley to Holland, to relieve the earl of Pembroke, who was made a privy-councillor, and not long after firſt commiſſioner of the Admiralty, upon the reſignation of the lord Torrington.

He

toned in pretty good winter-quarters; that abundance of men and horſe had been ſwept away by ſickneſs, and want of food or cloathing; but that the ſick now recovered very faſt; and as for the officers, that ſeveral of them had killed themſelves with drinking too plentifully Iriſh uſquebaugh, particularly ſir Edward Deering, colonel Wharton, and ſir Thomas Gower: That the miſcarriages of Ireland were wholly to be charged on Mr. John Shales, purveyor-general to the army; and that upon duke Schomberg's landing at Dundalk, there was ſo general a conſternation among the Iriſh, that he might have marched directly to Dublin, if he had not wanted proviſions and a train of artillery. Dr. Walker alſo acquainted the commons with theſe things, whereupon theſe addreſſed the king, that Shales might be taken into cuſtody, and all his accounts, papers, and ſtores ſecured; and that duke Schomberg might be empowered to appoint an abler perſon. Next day major Wildman brought the king's anſwer: "That he had ſome time ſince taken order therein, being informed of captain Shales's miſdemeanors in his employment, and had written to duke Schomberg for that purpoſe; and believed what was deſired was already done, though the wind being contrary, he had not yet received any account from Ireland." But the commons ſtill eager upon this affair, reſolved upon another addreſs, to requeſt his majeſty to name thoſe, who had recommended Shales to his ſervice, which however the king declined to do, becauſe, as he ſaid, Shales had been propoſed in full council. This Shales had been purveyor to king James's army, whilſt encamped on Hounſlow-Heath; and upon that account was greatly ſuſpected of diſhoneſt practices under king William.

A few days after, the king ſent the following meſſage to the commons in writing:

WILLIAM R.

"HIS majeſty having already declared his reſolutions to proſecute the war in Ireland with the utmoſt vigour; and being deſirous to uſe the means, that may be moſt ſatisfactory and effectual in order to it, is graciouſly pleaſed, that this houſe do recommend a number of perſons, not exceeding ſeven, to be commiſſioned by his majeſty to take care of the proviſions, and ſuch other preparations, as ſhall be neceſſary for that ſervice.

"His majeſty is further pleaſed to let the houſe know, that upon conſideration of the addreſs of the 11th of November, he gives them leave to nominate ſome perſons to go over into Ireland, to take an account of the number of the army there, and the ſtate and condition of it, who ſhall receive his majeſty's orders accordingly."

This condeſcending meſſage was ſo well received by the houſe, that both theſe affairs were left to the king. However they took this opportunity to preſs him to diſcover thoſe, who had recommended Shales; to which he replied, 'it is impoſſible for me to give an anſwer to this queſtion,' but promiſed to take all poſſible care to carry on the war in Ireland with vigour, and to employ ſuch perſons, as might be moſt proper for the ſervice. But the complaints of miſmanagement were ſo great, that on the 15th of December, the commons reſolved, "that an humble addreſs be preſented to his majeſty, to lay before him the ill conduct and ſucceſs of affairs in reference to Ireland, the armies and fleet; and humbly to deſire his majeſty, that he will pleaſe to take it into his conſideration, and, in his wiſdom, to find out the authors of theſe miſcarriages, and to appoint affairs to be managed by perſons unſuſpected, and more to the ſafety of his majeſty, and ſatisfaction of his ſubjects." The houſe likewiſe having been informed, that the miſcarriages of the fleet proceeded from a raging ſickneſs amongſt the ſeamen, occaſioned by great quantities of corrupt and unwholeſome proviſions, which had been furniſhed to the navy, the laſt ſummer, and the ſame being atteſted by ſeveral members of the houſe upon their own knowledge, it was reſolved, on the 23d of November, "That ſir John Parſons, ſir Richard Haddock, alderman Sturt, and Mr. Nicholas Fenn, victuallers of the fleet, ſhould be ſent for in cuſtody of the ſerjeant at arms, to anſwer to the ſaid complaints." And within a few days after, the king appointed Thomas Papillon, Simon Mayne, John Agar, Humphrey Ayles, and James Howe, commiſſioners for victualling the navy.

About the ſame time the commons took into conſideration the ſtate of the nation, and ſeveral members made complaints of the late miſcarriages, and charged them on the miniſtry. Mr. Hampden made a ſpeech wherein he urged, "that he could not but wonder to ſee thoſe very perſons in the miniſtry, whom the late king James had employed, even when his affairs were moſt deſperate, to treat with the then prince of Orange," and moved for an addreſs to deſire the king to remove the perſons, whom he had marked out, from his preſence and councils. This ſpeech (ſays a certain hiſtorian) might have made greater impreſſion, had he not at the ſame time complained, that ſeveral of the commonwealth's-men were then employed by the government; upon which, the houſe, who knew, that both he, his father, and their predeceſſors had ever adhered to the republican party, broke out into a general laughter. As ſoon as the houſe was compoſed, ſeveral members ſtood up in defence of the perſons, on whom Mr. Hampden had reflected, alledging, "that the reaſon why they had been deputed to the prince of Orange, was not becauſe they were in king James's intereſt, but rather becauſe they had all along diſapproved that king's conduct, and, as ſuch, had the general approbation of the nation, and were moſt likely to be agreeable to his highneſs." However, the houſe voted an addreſs, to repreſent to the king the miſcarriages of Ireland and of the fleet, and to deſire, that he would diſcover the authors of them, that they might be brought to puniſhment. Mr. Hampden, with ſome others, being named to draw up this addreſs, gave ſome people occaſion to think that his principal aim was to have the earl of Nottingham removed, that he might himſelf ſtep into his place of ſecretary of ſtate.

This addreſs was accordingly preſented to the houſe on the 23d of December, by Mr. Hampden, and becauſe it contained a long detail of the miſcarriages, and ill ſucceſſes both at ſea and land; it was ſpoke againſt by ſeveral members, and even by his own father, who inſiſted to have it drawn up again. But others were of another opinion, and ſaid, inſtead of contracting, it ought to be enlarged. In this debate it was remarkable to ſee Mr. Hampden and ſir Edward Seymour, ſir John Guiſe and ſir Chriſtopher Muſgrave, ſir Francis Winnington and Mr. Francis Gwin, on the ſame ſide of the queſtion.

In December a queſtion was put in the houſe of commons, "Whether a perſon having a place at court, or any dependance on the king, ſhould be a member of that houſe?" The debate was warm and obſtinate; for, as it always happens on ſuch occaſions, the diſguſted and diſappointed joined with the enemies of the government, to keep others out of places, ſince they themſelves could not get into them. The queſtion was however carried for the place-men, and this reaſon given, "becauſe otherwiſe the fitteſt perſons for public employments would remain excluded, and be debarred the opportunity of ſerving either the king or the country."

During theſe proceedings in the parliament, the whigs began to loſe much of the king's good opinion, not only by the heat which they ſhewed in both houſes againſt their enemies, but by the coldneſs that appeared in every thing that related to the public, as well as to himſelf, and particularly in the affair of his revenue. For though he had expreſſed an earneſt deſire to have it ſettled for life, alledging, he was not a king till that was done, ſince without it the title of a king was only a pageant, the civil liſt was nevertheleſs granted but for one year [q]. For a jealouſy was now infuſed into many, that he would grow arbitrary in his government, if he once had the revenue, and would ſtrain for a high ſtretch of prerogative, as ſoon as he was out of difficulties and neceſſities. Thoſe of the whigs, who had lived ſome years at Amſterdam, had got together a great many ſtories, that went about the city, of his ſullenneſs and imperious way of dictating. The Scots likewiſe, who were now come up to give an account of the proceedings in parliament, ſet about many things, that heightened their apprehenſions [r]. One Simpſon, a Scots preſbyterian, was recommended to the earl of Port-

[q] He ſpoke of this with more than ordinary vehemence. So that ſometimes he ſaid he would not ſtay and hold an empty name, unleſs he had a revenue for life. He ſaid once to biſhop Burnet, that he underſtood the good of a commonwealth as well as of a kingly government; and it was hard to determine which was the beſt; but he was ſure, the worſt of all governments was that of a king, without treaſure and without power. Burnet, II. 34.

[r] The earl of Belcarras obſerves, that the ſeſſion of parliament "ended with ſo little ſatisfaction to all parties in it, that moſt of them ran to London, ſome to complain, that thoſe things had not been performed, that the prince of Orange promiſed, when he came to the crown; others to defend themſelves; for there were great animoſities among them, particularly againſt lord S—r, who, though he always had been a fanatic, yet was generally abhorred among them, as they ſaid, being a man neither of

land, as a man, whom he might truſt; and who would bring him good intelligence; upon which account he was often admitted, and was entertained as a good ſpy. But he was in a ſecret confidence with one Nevill Payne, the moſt active and dextrous of all king James's agents; who had indeed loſt the reputation of an honeſt man entirely; and yet had ſuch arts of management, that even thoſe who knew what he was, were willing to employ him. Simpſon and he were in a cloſe league together, and Payne diſcovered ſo much of the ſecret intelligence of his party to Simpſon, that he might carry it to the earl of Portland, as made him paſs for the beſt ſpy the court had. When he had gained a conſiderable ſhare of credit, he made uſe of it to infuſe into the earl of Portland jealouſies of the king's beſt friends; and as the earl hearkened too attentively to theſe, ſo by other hands it was conveyed to ſome of them, that the court was now become jealous of them, and was ſeeking evidence againſt them.

Sir James Montgomery, who had been very inſtrumental in ſettling the crown of Scotland upon king William, was eaſily poſſeſſed with theſe reports; and he and ſome others, by Payne's management, entered into a correſpondence with king James's party in England. They demanded an aſſurance for the ſettlement of Preſbytery in Scotland, and to have the chief poſts of the government ſhared among them. Princes in exile are apt to grant every thing that is aſked of them; for they know, that, if they are reſtored, they ſhall have every thing in their power. Upon this they entered into a cloſe treaty for the way of bringing all this about. At firſt they only aſked money for furniſhing themſelves with arms and ammunition; but afterwards they inſiſted on demanding three thouſand men, to be ſent over from Dunkirk; becauſe by duke Schomberg's being poſted in Ulſter, their communication with Ireland was cut off. In order to the carrying on this deſign, they reconciled themſelves to the duke of Queenſberry, and the other lords of the epiſcopal party; and on both ſides it was given out, that this union of thoſe, who were formerly ſuch violent enemies, was only to ſecure and ſtrengthen their intereſt in parliament; the epiſcopal party pretending, that ſince the king was not able to protect them, they, who ſaw themſelves marked out for deſtruction, were to be excuſed for joining with thoſe, who could ſecure them. Simpſon brought an account of all this to the earl of Portland, and was preſſed by him to find out witneſſes to prove it againſt ſir James Montgomery. He carried this to them, and told them that the whole buſineſs was diſcovered, and that great rewards were offered to ſuch as would merit them by ſwearing againſt them. With this they alarmed many of their party, who did not know what was at the bottom, and thought, that nothing was deſigned but an oppoſition to lord Melvill and the elder Dalrymple, now created lord Stair; and they were poſſeſſed with a fear, that a new bloody ſcene of ſham-plots and ſuborned witneſſes was to be opened. And when it began to be whiſpered about, that they were in treaty with king James, that appeared to be ſo little credible, that it was ſaid by ſome diſcontented men, what could be expected from a government, that was ſo ſoon contriving the ruin of its beſt friends? Some feared, that the king himſelf might too eaſily receive ſuch reports: and that the common practices of miniſters, who ſtudy to make their maſters believe, that all their own enemies are likewiſe his, were like to prevail in this reign, as much as they had formerly done. Montgomery came to have great credit with ſome of the whigs in England, particularly with the earl of Monmouth and the duke of Bolton; and he employed it all, to perſuade them not to truſt the king, and to animate them againſt the earl of Portland. This wrought ſo much, that many were diſpoſed to think, that they would have good terms from king James; and that he was now ſo convinced of his former errors, that they might ſafely truſt him. The earl of Monmouth intimated this to biſhop Burnet twice, but in ſuch a manner, as if he was afraid of it, and endeavoured to prevent it; but he ſet forth the reaſons for it with great advantage, and thoſe againſt it very faintly. Matters were truſted to Montgomery and Payne; and Ferguſon, who had been very deeply engaged with the enemies to the court in the two preceding reigns, was taken into it, as a man, who naturally loved to embroil things. Thus a deſign was formed, firſt to alienate the city of London ſo entirely from the king, that no loans might be advanced on the money-bills, which, without credit upon them, could not anſwer the end for which they were given. It was ſpread about, that king James would give a full indemnity for all that was paſt; and that, for the future, he would ſeparate himſelf entirely from the French intereſt, and be contented with a ſecret connivance at thoſe of his own religion. It was ſaid, that he was weary of the inſolence of the French court, and ſaw his error in truſting to it ſo much as he had done. The corrupted party had gone ſo far, that they ſeemed to fancy, that the reſtoring him would be not only ſafe, but happy to the nation. Biſhop Burnet owns, that it was long before he could ſuffer himſelf to think, that the matter was gone ſo far; but he was at laſt convinced of it. He received a letter from an unknown hand, with a direction, how to anſwer it. The ſubſtance of it was, that the writer of it

religion, nor honour: beſides he had complied with all governments, and had taken all oaths and engagements, that were a going for fifty years before, and was the contriver of ſeveral of them, yet never was faithful to any party. The favours done by the prince of Orange, to the lord S—r and his ſon, and thoſe other things not done in parliament, which were expected, made many diſſatisfied. But to take off the odium of the laſt, and to ſhew he was not to blame for their not having all they deſired in parliament, he cauſed to be printed all his inſtructions to duke Hamilton, and laid all the fault on him, which he moſt patiently ſuffered, and might very well have juſtified it, ſince all he neglected to do was to ſatisfy the moſt bigoted fanatics, in not ſettling religion, as they would have it, and whereabout they could not agree, among themſelves; ſo it was delayed. The next thing was the not reſtoring the forefaulted eſtates, which indeed duke Hamilton thought unjuſt, but not the leſs, that his ſon and brother were ſo much concerned, being in poſſeſſion of two of the beſt of them by a gift from your majeſty. But to do him juſtice, he was not for going ſuch a length of extravagances and cruelty, as thoſe inraged fanatic rebels, who came over with the prince of Orange, which made the moſt part of his enemies, untill they took a general hatred at the lord Melvill. This made them join together more for their intereſt than inclination; others went up to get the rewards of their ſervices; but finding themſelves diſappointed of thoſe employments, which they thought due to their merit, quite broke off from the reſt, though to cover their deſign the better, they continued ſtill the moſt bigoted of the party. The chief of theſe were ſir James Montgomery, earl of A——e, lord R——s, Mr. William Hamilton, and Mr. James O———e, who at firſt in the convention had behaved himſelf very well, but by great promiſes made him by duke Hamilton, he went over to him; and finding himſelf diſappointed, joined again at London in all, that was propoſed to him for your majeſty's ſervice by ſir James Montgomery, who managed the reſt as he pleaſed, and having got acquainted with Mr. Ferguſon, Mr. Payne, capt. W———n, and ſome others, that were in your intereſt, engaged not only for himſelf, but for the others without their knowledge, truſting to his power over them. The firſt of his own ſett he propoſed his deſign to, was the earl of A—e, his brother in-law, whom he found very frank, as he always was, when the change of a party was offered, then the lord R———s; and laid before them two the ingratitude of the prince of Orange in not giving them employments, and the great offers made by your friends, if they would return to their duty. He wanted not encouragement to ſay ſo, for Mr. Payne had promiſed him all that his ambition, vanity, or avarice could ſuggeſt; nor were there ever two better matched than Mr. Payne and ſir James Montgomery; for Mr. Payne made him believe, that he could diſpoſe both of titles of honour, employments and money, as he pleaſed; and the other impoſed ſo far upon him, as to make him believe, he was able to turn the whole nation with a ſpeech, to do whatever he propoſed.

"After they had conferred their affairs together, and diſpoſed of every thing according to their fancy, they propoſed their reſolutions of ſerving you to the earl of A———n, then priſoner in the Tower of London, who embraced it moſt willingly, judging it, that to get thoſe, who had been moſt eminent againſt you, to come over, could not but make a conſiderable intereſt. The next ſtep they made was to ſend one over to your majeſty, with the offer of their ſervice, and adviſe how all things ſhould be diſpoſed. Though they found a meſſenger fit for their affair, called Mr. J———s, yet they had great difficulty, how to get their commiſſions, titles of honour, and inſtructions to the parliament, worded according to form; for none of them knew any thing of the matter. But ſir Andrew F———r, gave doubles of all they deſired, to Mr. Ferguſon, without knowing any thing of them, believing it could not be but for your majeſty's ſervice, ſince the earl of A——n was concerned in it. After they had diſpatched their meſſenger with all his inſtructions, and having nothing to do till his return, ſir James and Mr. Ferguſon being openly declared enemies to the lord Melvill, wrote a pamphlet, which they called, 'The Grievances.' It gave great offence, and broke ſir James Montgomery for ever with the prince of Orange and all his favourites; in which was laid open all their follies and breach of promiſes, with all the bitterneſs, which Mr. Ferguſon's pen was capable of, who had been in conſtant uſe of ſuch undertakings for many years.

"The winter 1689 was thus ſpent at London in their private councils, which made the prince of Orange ſo weary of both ſides, that he told duke Hamilton, that he was ſo much troubled about their debates, that he wiſhed he were a thouſand miles from Scotland, and that he were never king of it. Duke Hamilton, though he was extremely both the lord Melvill's and lord Stair's enemy, who were the chief cauſe of thoſe debates, yet went not publicly to the meetings of your enemies, which was then called 'the club,' but lived in outward civility with all, till the ſpring that lord Melvill came down commiſſioner.

"While they were thus hot upon their debates at London, the council of Scotland, where the earl of Crawford conſtantly preſided, without any commiſſion, was very buſy with the epiſcopal clergy, who had not prayed for the prince of Orange, as was ordered by the laſt ſeſſion of parliament. A great many were ſummoned before the council; and upon their refuſal turned out. Others, who would have complied, and alſo made it appear by their defences, that it was impoſſible for them to be informed of the order in ſo ſhort a time, were likewiſe turned out. His zeal carrying all things before him, and the reſt complying with all that he propoſed; ſo that by the council, the rabble, and the new levied dragoons the worſt of either, there were but very few in their churches before the next ſpring, ſave ſome, that were willing to comply with every thing; which rendered them contemptible even to their enemies. Acc. of the Aff. of Scot. p. 114.

As

could diſcover a plot deeply laid againſt the king, if he might be aſſured not to be made a witneſs, and have his friends, who were in it, pardoned. That prelate, by the king's order, engaged for the firſt; but as an indefinite promiſe of pardon was thought too much, the informer was told that he might, as to that, truſt to the king's mercy. Upon this he came to the biſhop, who found him to be ſir James Montgomery's brother. He acquainted the biſhop, that a treaty was ſettled with king James; that articles were agreed on; and an invitation ſubſcribed by the whole cabal, to king James to come over, which was to be ſent to the court of France, both becauſe the communication was eaſier and leſs watched when it went through Flanders than with Ireland; and to let that court ſee, how ſtrong a party he had, and by that means to obtain the ſupplies and force that was deſired. He ſaid, that he ſaw the writing, and ſome hands to it; but that he knew many more were to ſign it; and he undertook to put the biſhop in a method to ſeize on the original paper. The king could not eaſily believe the affair had gone ſo far; yet he ordered the earl of Shrewſbury to receive ſuch advices, as the biſhop ſhould bring him, and immediately to do what was proper. A few days after this, Montgomery told the biſhop that one Williamſon was that day gone to Dover with the original invitation. The biſhop found the earl of Shrewſbury inclined enough to ſuſpect Williamſon, who had for ſome days ſollicited a paſs for Flanders, and had got ſome perſons, of whom it was not proper to ſhew a ſuſpicion, to anſwer for him. A perſon was therefore ſent poſt after him, with orders to ſeize him in his bed, and to take his clothes and portmanteau from him, which were ſtrictly examined, but nothing found. Yet upon the news of this, the party was extremely affrighted, but ſoon recovered themſelves; the true ſecret of which was afterwards diſcovered. Simpſon was it ſeems, to go over with Williamſon, but firſt to ride to ſome houſes, which were in the way to Dover; whereas the other went directly in the ſtage-coach. It was thought ſafeſt for Simpſon to carry thoſe papers, for there were many different invitations, as they would not truſt their hands to one common paper. Simpſon came to the houſe at Dover, where Williamſon was in the meſſenger's hands; upon which he went away immediately to Deal, and hired a boat, and got ſafe to France with his letters. Montgomery finding that nothing was diſcovered by the way, which he had directed biſhop Burnet to, imagined, that he ſhould be deſpiſed by king William's friends, and perhaps ſuſpected by his own party; and therefore went over to France ſoon after, and turned papiſt. The fear of this diſcovery went preſently off; and Simpſon came back with large aſſurances; and twelve thouſand pounds were ſent to the Scots, who undertook to do great matters.

All pretended diſcoveries were laughed at, and looked upon as fictions of the court; and upon this the city of London were generally poſſeſſed with a very ill opinion of the king.

In this ſituation of affairs, the whigs diſcovered that the tories were treating with the court about the diſſolution of the parliament. Though the commons had granted the ſupplies that were demanded for the reduction of Ireland, and for the quota to which the king was obliged by his alliances, yet the remoteneſs of the funds making it neceſſary to offer great premiums to thoſe who advanced the money upon a ſecurity that was thought ſo hazardous, ſince few believed the government would laſt ſo long, the ſupplies, though ſeemingly great, brought not in the half of what they were eſtimated at. This the tories perceived, and ſeeing the whigs grow ſullen, and that they would make no advance of money, they applied to the court, and promiſed great advances of money, if the parliament might be diſſolved, and a new one ſummoned. Upon this the commons prepared a bill, "for reſtoring corporations to their ancient rights and privileges," by which they hoped to have made ſure of all future parliaments; for in it was inſerted the following clauſe, "That every mayor, recorder, ſheriff, common-council-man, town-clerk, magiſtrate, or officer, who did take upon him to conſent to, or join in the ſurrender of any charters, or inſtrument purporting ſuch ſurrender, did ſolicit, procure, proſecute, or did pay or contribute to the charge of proſecuting any ſcire facias, quo warranto, or information in the nature of quo warranto, by this act declared unlawful, ſhall be, and is declared, adjudged, and enacted to be, for the ſpace of ſeven years, incapable and diſabled to all intents and purpoſes, to bear or execute any office, employment, or place of truſt, as a member of ſuch reſpective body corporate, or in or for ſuch reſpective city, town, borough, or cinque-port, whereof or wherein he was member at or before the time of making ſuch ſurrender or inſtrument purporting ſuch ſurrender, or the ſuing out, or proſecuting ſuch ſcire facias, quo warranto, or information in the nature of quo warranto; any thing in this act contained, or any other caſe, ſtatute, or any ordinance, charter, cuſtom, or any thing to the contrary, in any wiſe notwithſtanding." This was oppoſed in the houſe by the whole ſtrength of the tory party; for they ſaw, that the carrying of it would be the total ruin of their intereſt through the whole kingdom. They ſaid a great deal againſt the declaratory part of the bill; but whatever there might be in that, they urged, that ſince the thing had been ſo univerſal, it ſeemed hard to puniſh it with ſuch ſeverity: and that by this means the party for the church would be diſgraced, and the corporation caſt into the hands of diſſenters. And now both parties made their court to the king. The whigs promiſed every thing, that he deſired, if he would help them to get this bill paſſed; and the tories were not wanting in their promiſes, if the bill ſhould be ſtopped, and the parliament diſſolved. The bill was carried in the houſe of commons by a great majority. When it was brought up to the lords, the firſt point in debate was upon the declaratory part, Whether a corporation could be forfeited or ſurrendered. The lord chief-juſtice Holt, and two other judges, were for the affirmative, but all the reſt for the negative. No precedents for the affirmative were brought higher than the reign of king Henry VIII, in which the abbies were ſurrendered; which was at that time ſo great a point of ſtate, that the authority of theſe precedents ſeemed not clear enough for regular times. The houſe was ſo equally divided, that it went for the bill only by one voice. After which, little doubt was made of the paſſing the act. But now the applications of the tories were much quickened: they made the king all poſſible promiſes; and the promoters of the bill ſaw themſelves expoſed to the corporations, which were to feel the effects of this bill ſo ſenſibly, that they made as great promiſes on their part. The matter was now at a critical iſſue: the paſſing the bill put the king and the nation in the hands of the whigs; and the rejecting it, and diſſolving the parliament upon it, was ſuch a truſting to the tories, and ſuch a breaking with the whigs, that the king was long in ſuſpence what to do. He was once very near a deſperate reſolution, he thought he could not truſt the tories, and he reſolved he would not truſt the whigs. He imagined, however, that the tories would be true to the queen, and confide in her, though they would not in him. He therefore reſolved to go over to Holland, and leave the government in the queen's hands.

Upon this he called together the marquis of Carmarthen, the earl of Shrewſbury, and ſome few more, and told them, that he had a convoy ready, and was reſolved to leave all in the queen's hands, ſince he did not ſee how he could extricate himſelf out of the difficulties, into which the animoſities of parties had brought him. They preſſed him vehemently to lay aſide all ſuch reſolutions, and to comply with the preſent neceſſity. Much paſſion appeared among them; and the debate was ſo warm, that many tears were ſhed. In concluſion, the king reſolved to change his firſt deſign into another better reſolution, of going over in perſon into Ireland, to put an end to the war there. The queen knew nothing of the firſt deſign, ſo reſerved was the king to her in a matter, that concerned her ſo nearly. The king's intention of going to Ireland appeared by the preparations that were ordered; but a great party was formed in both houſes to oppoſe it. Some really apprehended, that the air of that country would be fatal to ſo weak a conſtitution; and the jacobites had no mind, that king James ſhould be ſo much preſſed, as he would probably be, if the king went againſt him in perſon. It was by concert propoſed in both houſes on the ſame day, to prepare an addreſs to the king againſt this voyage: So the king, to prevent the addreſs, came to the parliament, and acquainted both houſes with his reſolution of going in perſon to Ireland, "and as I have (ſays he) already ventured my life for the preſervation of the religion, laws and liberties of this nation, ſo I am willing again to expoſe it, to ſecure you the quiet enjoyment of them."

When the king had ended his ſpeech, the parliament was prorogued to the 2d of April, but on the 6th of February was diſſolved by proclamation. At the ſame time a new one was ſummoned to meet the 20th of March [s].

In this ſeſſion was paſſed the declaration of rights and act

[s] As to the honours and perferments conferred this year, his majeſty, at the beginning of November, was pleaſed to create Richard lord Coote, baron of Coloony in Ireland, an earl of that kingdom by the name of the earl of Bellamont; and about the middle of that month, he appointed Thomas

of ſettlement, of which an account has already been given.

The affair likewiſe of the princeſs of Denmark's revenue was now completed, which had been left unfiniſhed the laſt ſeſſion. A motion being made for ſettling part of the public revenue on the princeſs, the houſe was divided into three parts. The lord Eland, ſon of the marquis of Hallifax, Mr. Finch and Mr. Godolphin, who ſpoke in favour of the princeſs, inſiſted that 70,000l. a year was as little as could be allowed her, as it had been repreſented the former ſeſſion. Others were for reducing that ſum to 50,000l. and others again, who knew the king's inclination, would have the matter left entirely to his diſcretion. Mr. Hampden, in particular, alledged the danger of ſettling a revenue on a princeſs, who had ſo near a claim to the crown, independently of the king, whoſe title was diſputed by many malecontents; and ſupported his argument, by the example of the queen, on whom it had been lately propoſed to ſettle 100,000 pounds a year, but which was thought improper, and therefore rejected, though her majeſty had no ſeparate intereſt, from that of her royal conſort. This debate being adjourned to the next day, the king, who was unwilling ſuch an affair ſhould be thus canvaſſed in parliament, ſent the earl of Shrewſbury to the counteſs of Marlborough, lady of the bed-chamber to the princeſs, who told her "that he came from his majeſty who promiſed to give the princeſs 50,000 pounds a year, if ſhe would deſiſt from ſolliciting the ſettlement by parliament; and that he was confident the king would keep his word: That if he did not, he was ſure, he would not ſerve him an hour after he broke it." The counteſs anſwered, "that ſuch a reſolution might be very right as to him; but that ſhe did not ſee it could be of any uſe to the princeſs." The earl, to convince her of the reaſonableneſs of what he propoſed, added a great deal, which had no effect, and ſhe deſired him to attend the princeſs herſelf, to which he conſented. The counteſs went to the princeſs to acquaint her of the earl's coming, and her anſwer to him was, "that ſhe could not think herſelf in the wrong to deſire a ſecurity, for what was to ſupport her; and that the buſineſs was now gone ſo far, that ſhe thought it reaſonable to ſee what her friends could do for her." This anſwer was taken very ill both by the king and queen. More particularly the queen complained, that ſuch a motion was made before the princeſs had tried in a private way, what the king intended to aſſign her. The princeſs, on the other hand, ſaid, ſhe knew the queen was a good wife, ſubmiſſive and obedient to every thing that the king deſired; ſo ſhe thought, the beſt way was to have a ſettlement by act of parliament. The cuſtom indeed had always been, that the royal family (a prince of Wales not excepted) was kept in dependance on the king, and had no allowance but from his mere favour and kindneſs; yet in this caſe, in which the princeſs was put out of the ſucceſſion, during the king's life, it ſeemed reaſonable that ſomewhat more than ordinary ſhould be done in conſideration of that. Accordingly, the commons addreſſed the king to ſettle 50,000 pounds a year on the prince and princeſs of Denmark, to which he conſented. The blame of this motion was caſt on the counteſs of Marlborough, as moſt in favour with the princeſs: and it is thought, this greatly contributed to alienate the king from the earl her huſband, who was ſome time after diſmiſſed from all his employments, as will hereafter be ſeen.

Whilſt the parliament was ſitting, Ludlow, who upon the reſtoration, was excepted out of the general pardon in 1661, for having been one of the judges of king Charles I, on ſome encouragement given him came into England to offer his ſervice in the reduction of Ireland, where he had formerly commanded under Cromwell. Many were ſurpriſed at his coming, whilſt there was an act of attainder againſt him, which he could not reaſonably expect would be diſpenſed with in his favour. But no one was more alarmed at it than ſir Edward Seymour; for his ſeat and eſtate at Maiden-Bradley in Wiltſhire, where he lived, had belonged to Ludlow, and came to him by a grant. It is no wonder therefore that he ſo ſtrongly repreſented to the commons, "how highly it reflected on the honour of the nation, that one of the parricides of that king, whoſe death the church of England had juſtly dignified with the title of martyrdom, ſhould not only be ſuffered to live here, but alſo entertained with hopes of preferment." Upon this the commons, at his motion, voted an addreſs to the king to iſſue out a proclamation for apprehending colonel Ludlow, and propoſing a reward for ſuch as ſhould take him. Not content with making the motion, ſir Edward took care to preſent the addreſs himſelf the next day [t], which, though the king complied with, it was obſerved that the proclamation was not publiſhed, till it was known that Ludlow was ſafely arrived in Holland with the Dutch embaſſadors [u]. From Holland he returned to Vevay in the county of Vaux in Switzerland, which he had choſen for his retirement after he had left Geneva and Lauſanne. He had been warned out of Geneva by the magiſtrates at the ſollicitation of the ducheſs of Orleans, as the death of his friend Liſle (who was aſſaſſinated by three Iriſhmen) made him quit Lauſanne. His life alſo had been attempted more than once, which probably made him chuſe to live at Vevay, as a place of great ſafety, it being eaſy to know what ſtrangers are in the town by reaſon of its ſituation [w]. Here he lived to the 73d year of his age, and then died after a thirty-two years exile. He has left two volumes of memoirs, by which it appears that he acted upon a very different foot from Cromwell, whoſe uſurpation he always deteſted, and to whom he was as much an enemy as to king Charles, his ſole view being the eſtabliſhment of a free republic. He was a man of great courage and conduct, and unſhaken in his principles.

During theſe proceedings in England, the rebels in Scotland having laid hold of the act of oblivion, and colonel Cannon, with thoſe under his command, retired to the iſland of Mull, ſeveral regiments were ſent into Ireland to reinforce duke Schomberg's army. The Highlanders upon this were encouraged to renew their excurſions, burning and plundering wherever they came, and having gathered into a body of eight hundred men, under the laird of Lochelly, they marched out of Inverlochly, thinking to have ſurprized Inverneſs, but were timely prevented. Mean while thoſe under colonel Cannon, though not otherwiſe conſiderable for their ſtrength than by the inacceſſible holds, in which they lurked, continued ſtill in a body, and being preſſed by hunger and want, made frequent depredations in the low lands, more like robbers than regular troops. To ſtop their progreſs, the council of Scotland ordered general Mackay and ſir Thomas Levingſton to march northward with a proper force; and the nobility, and all the reſt of the inhabitants of the countries moſt expoſed to their incurſions, to put themſelves in a poſture of defence. On the other hand, Cannon endeavoured to engage in the rebellion ſeveral perſons in Edinburgh, to whom he ſent letters and a pardon from king James. But theſe being intercepted, and moſt of thoſe, to whom they were directed, being already confined, they were immediately put under a cloſer reſtraint, and orders diſpatched to ſecure the reſt. This diſappointment obliged Cannon to retire into Ireland, as finding his intereſt and authority ſinking among the Highlanders, who immediately choſe ſir Hugh Cameron for their leader, and he being born amongſt them, and acquainted with their genius, knew how to govern them. Under this new chief the rebels renewed their incurſions, which obliged king William to ſend duke Hamilton into Scotland, to keep a vigilant eye over them, but notwithſtanding all precautions, they received a conſiderable ſuccour from without; for king James depended ſo much upon them, that though he had neither ammunition nor proviſion to ſpare, he cauſed two frigates to be fitted out at

Thomas Kirke, eſq; to be his conſul at Genoa; Lambert Blackwell, eſq; conſul at Leghorn; Walter Dolman, eſq; conſul at Alicant; Hugh Broughton, eſq; conſul at Venice; Lancelot Stepney, eſq; conſul in the city and port of Oporto in the kingdom of Portugal; and James Paul, eſq; conſul for the iſlands of Zant, Corfu, Cephalonia, and Theaca, with the other adjacent iſlands belonging to the Venetian territories, and the province of Morea, &c. and Robert Godſchall, eſq; conſul at Seville, St. Lucar, and places adjacent within the kingdom of Spain. On the 13th of February, ſir Henry Goodrick knight and baronet, lieutenant-general of their majeſties ordnance, was ſworn of the privy council; and on the 19th of March, a commiſſion for the lord high-treaſurer's place was given to ſir John Lowther, of Lowther-Hall, bart. Vice-chamberlain of his majeſty's houſhold, Richard Hampden, eſq; (who was alſo made chancellor of the exchequer) Thomas Pelham, eſq; and ſir Stephen Fox; and Henry Guy, eſq; ſucceeded Mr. Pelham in his place as one of the commiſſioners of their majeſties cuſtoms.

[t] It would have been doubtleſs, more decent for ſir Edward to have got ſome friend to make the motion and preſent the addreſs; but the doing it himſelf made people ſay, "He had a great deal of reaſon to do it, as well for Ludlow's crime as for his eſtate."

[u] Meſſieurs N. Witſen, Odycke, Van Cittart and de Weede.

[w] The houſe he lived in had over the door an inſcription conſiſting of part of a verſe in Ovid, with an addition of his own:

Omne ſolum forti patria——
——quia patris.

He lies buried in the beſt of the churches, with an epitaph, which the reader may ſee in Addiſon's travels, p. 265. Ludlow (ſays Addiſon) was a conſtant frequenter of ſermons and prayers: but would never communicate with thoſe either of Geneva or Vevay.

Dublin, laden with clothes, arms and ammunition, and ſent them to his friends in Scotland, having beſides on board them colonel Buchan, colonel Wauchop, and about forty officers more, who all got ſafe into the iſle of Mull. This reinforcement ſo encouraged the Highlanders, that ſome time after they ventured, to the number of fifteen hundred, to march as far as Strathſpage in the county of Murray, where they expected to be joined by the other malecontents, whoſe number was conſiderably increaſed by the late prorogation of the parliament of that kingdom. To prevent this junction, ſir Thomas Levingſton took with him eight hundred foot, ſix troops of dragoons, and two troops of horſe, and fell ſo unexpectedly upon the rebels, that they betook themſelves to flight, leaving near five hundred of their men killed upon the ſpot, and one hundred taken priſoners, and amongſt them four captains, with other inferior officers. After this exploit, Sir Thomas advanced immediately to the caſtle of Lethinday, commanded by colonel Buchan's nephew; and having lodged a mine under it, quickly brought the garriſon to ſurrender at diſcretion. Neither was major Fergulon leſs ſucceſsful in the iſle of Mull, where he landed, and deſtroyed ſeveral places poſſeſſed by the enemy, forced them to abandon the caſtle of Dewart, and betake themſelves to the hills. This broke all the meaſures, which had been taken for king James's intereſt in Scotland; and upon this, thoſe who had engaged in ſir James Montgomery's plot, looked upon that deſign as deſperate; yet reſolved to try what ſtrength they could make in parliament. The earl of Melvill carried down powers, firſt to offer to duke Hamilton, if he would join in the common meaſure heartily with him, to be lord high commiſſioner in parliament; or, if he ſhould prove intractable, as he really did, to ſerve in that poſt himſelf. He had full inſtructions for the ſettlement of preſbytery; for he aſſured the king, that, without this, it would be impoſſible to carry any thing. But his majeſty would not conſent to the taking away the rights of patronage, and the ſupremacy of the crown. Yet lord Melvill found theſe ſo much inſiſted on, that he ſent a perſon to the king, then in Ireland, for fuller inſtructions in thoſe points. Theſe inſtructions were enlarged, but in ſuch general words, that the king did not underſtand, that they could warrant what lord Melvill did; for he gave them both up; and his majeſty was ſo offended with him for it, that he loſt all credit with him, though the king did not think fit to diſown him, or to call him to an account for going beyond his inſtructions.

The parliament of Scotland, which had been adjourned to the 27th of March, and from thence to the 15th of April, being met accordingly at Edinburgh [x], the earl of Melvill, as lord high commiſſioner, made a ſpeech to them, wherein he informed them of his majeſty's great regret, that he could

[x] "The ſpring, ſays the earl of Belcarras, being far advanced, and the money that was laid on in the then laſt ſeſſion of parliament exhauſted, this put the prince of Orange to great difficulties, either to grant the extravagant demands urged by ſir James Montgomery and thoſe of his party; or to let all the army, which conſiſted of near ten thouſand men, be abſolutely ruined for want of pay. The more the club party ſaw him ſtrained, the more they augmented their pretenſions; and being in this neceſſity, he ſeemed to yield to their demands, ſending my lord Melvill down with inſtructions to grant thoſe things; yet only in caſe he could do no better, and ſaw imminent danger from your friends; which gave a pretext for yielding to ſeveral things in parliament above his inſtructions, and contrary to the prince of Orange's intentions, (this was after the treachery of ſome of our number, that had ruined all) and for which he would have been in diſgrace, if the villainy of thoſe, who made the diſcovery of what was intended for your ſervice had not brought him off, ſerving as a piece of abſolute neceſſity for what he did. For ſeveral months before, the parliament had been adjourned from time to time. This put the fanatics, and thoſe, who were to have their eſtates reſtored, in a mighty rage, that they began to doubt of his intentions, either to eſtabliſh their religion, or to reſtore their eſtates to them. But ſeeing the lord Melvill was named commiſſioner, and prepared to go down, they all took leave, moſt part very diſcontent, the prince of Orange not having it in his power to ſatisfy the third part of theſe pretenders. Having ended their affairs at London, both ſides haſted down to Scotland, to ſecure their party. Such members as had ſtaid there was only ſir James Montgomery, who was the chief manager of this party, who for ſome weeks ſtaid behind, and imparted his deſign to ſeveral of your friends there, who ſo believed him, and truſted ſo much to his underſtanding, that he had 1100 guineas given him by Mr. A———n to advance your intereſt. But the marquis of A———l, to whom ſir James had imparted all his intentions, got the carrying of them down, and made his own uſe of them, as ſhall be made appear. Of all that had paſſed among the club party at London, and of their intentions to ſerve your majeſty, nothing was known in Scotland among your friends, until the earl of Annandale and lord Roſs came down. They openly exclaimed againſt the uſage they had met with from the prince of Orange; but there was little notice taken of it, conſidering the unfitneſs of their tempers, until the whole ſet did the ſame. Their diſcourſes made your friends hope ſome uſe might be made of their diviſions; and ſo made them live more friendly with them than formerly. The earl of Annandale, as he was always the moſt forward of his party, ſo in this he was the firſt, that propoſed the whole affair to the earl of D———e and me, then in the caſtle of Edinburgh. He ſaid, that I, of all men living, had leaſt reaſon to believe what he was about to tell me, conſidering how he had uſed me in the convention, in leaving us abruptly, and becoming the moſt violent againſt us. He acknowledged his fault, and wiſhed, that the blood of his body could waſh off the ſtains of his paſt miſcarriages both to his king and friends; and hoped, that theſe misfortunes ſhould for the future ſerve as ſo many beacons to warn him to avoid the like in time coming: with a great deal more of this ſort; which he ſpoke with ſo much paſſion and appearance of ſincerity, that we were but too ſoon taken with it, and were the more eaſily deceived, as being glad to find any returning to their duty. He told us likewiſe, that he entirely confided in us, and put his life and fortune in our hands, without pretending any truſt from us: only deſired we might live in friendſhip, until the marquis of Athol, duke of Queenſberry, earl of Arran, viſcount Tarbat, and ſir James Montgomery, ſhould come to town, who would inform us of all that had paſſed at London; and ſince they had received your majeſty's pardon for what was paſſed, and now venturing their lives to ſerve you, they expected all your friends would join in the common cauſe to ruin the prince of Orange, and reſtore your majeſty.

"A few weeks after the lord D——— and I had our liberty, my lord Melvill came down, and all the parliament members met, but were adjourned for a fortnight. This gave time to the club-party to be induſtrious with your friends, to come in and join with them for ſettling the peace of the nation, as they pretended; for any deſign for your majeſty's ſervice was to be kept ſecret amongſt a few. The difficulties were extraordinary, how to reconcile ſuch different intereſts, tempers, and perſuaſions, as were that of your friends and the club-party; for they, both in the convention and parliament, had been the moſt violent againſt your majeſty and your friends. Beſides, their whole deſign at the bottom was for the height of violence and oppreſſion; for their greateſt quarrel at the prince of Orange was, for not ſuffering them to go to all the extravagancies of their religion and revenge; which is ſo mingled together, that it is hard to know the one from the other. And they were likewiſe divided among themſelves; for none, except James lord Roſs, earl of Annandale, and Mr. O——e were to know of any reſolution to ſerve your majeſty; and duke Hamilton and his followers had no deſign but the ruin of the lords Melvill and Stair, and to get the ſeſſion filled with his own creatures, having at that time many law-ſuits in hand. But though they had all different deſigns, yet they all agreed in this, 'that nothing could be done, except your friends could be perſuaded to join;' without which they ſaw lord Melvill's and Stair's party would be too ſtrong for them, having all the profitable employments and ſeſſion in their hands.

"Sir James Montgomery undertook to manage this affair, pretending he knew the inclination of a great many of your friends, who would join with any party to ruin the lords Melvill and Stair, and keep public burdens to be employed in parliament, and to oblige the prince of Orange to eſtabliſh the ſeſſion according to the claim of right voted in the convention, and to have an Habeas Corpus and freedom of ſpeech in parliament. Theſe were the pretexts he made uſe of, which were ſo taking with the moſt bigoted part of them, that they doubted not to get theſe acts paſſed if we would join with them in all other demands; which were to have the preſbyterian government eſtabliſhed at its height of power, the king's ſupremacy, and the committee of parliament called the articles (which was already voted in the convention a grievance) taken away. This by the majority of them was believed at firſt to be all deſign, without knowing in the leaſt, that it was only to make them diſobliged at the prince of Orange, if he ſhould refuſe their demands; and to try next, if your majeſty would grant them; for all kings, juſt, or unjuſt, are alike to them.

"To all your friends it was very evident, how great an advantage might be had by joining with the violent party; for by that we thought ourſelves ſure of breaking their army, which conſiſted of about ten thouſand men, and which muſt immediately be diſbanded, when they ſaw the parliament eſtabliſh no fund, either for paying their arrears or ſubſiſtence. And all having gone in confuſion, and your majeſty being then in Ireland, and the Highlanders in a better condition to riſe, it were eaſy to make a good uſe of their diſorders.

"Sir James, in the firſt meeting we had with him, laid out the great advantages your intereſt would obtain, if this ſucceeded; the ſtrength of his own party, and all the influence he had over them. He told us likewiſe of their ſending a meſſenger to your majeſty, with aſſurances of their returning to their duty; but ſaid nothing of the inſtructions, commiſſions, and pernicious advices he had ſent along with them, believing undoubtedly it would have hindered us from joining with them; for by this we ſhould have clearly ſeen it was only trying to make a better bargain for themſelves, that made them change parties, and not out of any ſentiments of conviction for having done amiſs. But though it was evident to us, what diſorders we ſhould make among our enemies, and what profit to your party by going into the parliament; yet to join with our mortal enemies, only to make the one half ruin the other, and to take the oath of allegiance to an uſurper, and to comply with them in things, that had always been againſt our principles, were ſo hard to get over, that ſome of us had great difficulties to overcome them; nor even could any thing have done it but the great deſire we had to be inſtruments of your majeſty's reſtoration, and ruin of your enemies.

"There were two things, that made us very willingly join with them, the marquis of Athol and the earl of Arran aſſerted your majeſty's knowing the deſign, and approving of it, ſo far as to be convinced at that time you thought it the greateſt piece of ſervice could be done you. Next the viſcount of Tarbat aſſuring us particularly, that the prince of Orange was fully reſolved never to grant any of thoſe demands, which he knew the club-party intended to propoſe in parliament, and being ſure of their firm reſolution never to grant any thing, except they obtained all they deſired, we could not doubt to obtain all we pretended, which was the diſſolution of the parliament. Nor could it be imagined but lord Tarbat wiſhed it as well as we, though on different motives; for then he was entirely in the prince of Orange's intereſt, and truſted more by him than any of the nation, inſomuch that at his coming from London he had a truſt given him, that few ſubjects ever had the like; for he had a full power to make a ceſſation of arms or peace with the Highlanders, and to diſpoſe of twenty thouſand pounds ſterling, as he thought fit, for the prince of Orange's ſervice, and three titles of honour to whom he pleaſed; and was to give account of all that paſſed in parliament, and had full power to adjourn or diſſolve as he thought fit. But though he had all this truſt, and might diſſolve the parliament when he pleaſed; yet he durſt not venture it; and though he had more enemies that were more afraid of its ſitting than of any of your ſervants; yet he thought he could get it eaſier done, and with leſs hazard to himſelf, by the high hand

not be preſent at their meeting, according to their deſires, and his own wiſhes; and after having laid before them what his majeſty had done, to deliver them from the yoke, under which they groaned, he deſired an aſſiſtance of money anſwerable to the expences, which his majeſty had been, and was ſtill obliged to be at, to ſecure their religion and liberty;

of the club-party, which would have the ſame effect to ſecure himſelf, and enrage the prince of Orange at his enemies. Theſe conſiderations made him take more pains under-hand than any, to engage your friends with the club-party, and to get them to come to the parliament. To ſome, who believed him, he ſaid he deſigned nothing but your ſervice; but to others, that it was for the good of the nation, by obtaining acts, that would be ſo beneficial to it. Being thus made believe, that your majeſty liked the propoſition and hopes of doing what he deſigned, made us reſolve, notwithſtanding all our ſcruples, not only to join with the club-party, but to uſe all our endeavours to perſuade our friends and all thoſe we had any influence upon, to do the like; which ſucceeded as we could wiſh; for moſt part of all, who had continued firm to your intereſt, reſolved to follow our example, without deſiring to know the bottom of that ſecret correſpondence we had with the club-party. Some there were, that made difficulty, the earl of H——e, the earl of L——e, lord O——d, lord S——t, and the maſter of B——e; but their reaſons were rather or more out of apprehenſions of betraying and yielding to the prince of Orange, than any other ſcruples; though I doubt not ſome of them had their reaſons, and ſo might they very juſtly, conſidering how nice a point it was. Others appeared reſolved, and engaged fairly, but when the time of the ſitting down of the parliament drew nigh, they abſented themſelves; which gave great encouragement to lord Melvill and all his party to meet in parliament, who were in ſuch apprehenſions of ſucceſs before, that ſeveral times he was reſolved to diſſolve it, and to take a venture of another. But when they ſaw, that ſeveral of your friends drew back, and had ſecured to themſelves ſeveral votes, by dividing the office of every regiſter into ſix, and giving each a vote, and one for a treaſurer deputy, and by giving money to ſome, and promiſes of employment to others, they ſo ſtrengthened their party, that they again took heart, and reſolved to begin their parliament, which ſate down the 15th of April, 1690. But notwithſtanding all the ſiniſtrous courſes, that were taken to procure votes, never were men in ſuch apprehenſions and fears, as were lord Melvill and all his friends; for they not only ſaw the danger of their whole party, if they ſucceeded not, but immediate ruin to themſelves from the prince of Orange, to whom they had ſo fairly undertaken. After that he had read over the ſpeech, that he had got made for him, and that his preſident, the earl of Crawford had made another, all taken from the old prophets, which he applied to the occaſion, as of Ezra and Nehemiah's building again the temple of Jeruſalem, they brought in a vote about the election of a burgh, only to know their ſtrength, which they found above their expectation. They carried it but by ſix or ſeven, which makes a demonſtration, that if thoſe of your friends, which engaged to us, had not failed, we had outvoted them in that, and ſo conſequently had gained all our deſign; for it was firmly reſolved among them, that if they had loſt that vote, though of no conſequence, they would have adjourned the parliament next day: but gaining it, they took heart. And that which befell your friends in the convention, happened juſt again; for ſeveral who pretended to be our friends, when they thought us ſtrongeſt, left us immediately, and joined with the other party. Sir James Montgomery alſo failed, and ſeveral alſo he had engaged; he believing his intereſt far greater with them, than truly it was. So from that minute we loſt hopes of doing any good; but ſeeing we had once made ſuch a ſtep, we reſolved to ſtay in the houſe, though it ſhould be for nothing, but to hinder them from going on ſo faſt in their deſign of forfeiting all thoſe who had appeared for your majeſty, and the giving money as ſoon as they intended, to ſupport their forces and government. But never men made a more miſerable figure in any meeting, than your friends did in this. After they ſaw themſelves abandoned and outvoted in every thing, they had nothing to do but ſit and hear duke Hamilton baul and bluſter, according to his uſual cuſtom, and then acquieſced to all that was propoſed; and ſir James Montgomery and ſir John Dalrymple ſcolded like kail-wives, that rogue, villain, and liar were their uſual terms. Theſe two were the chief managers of both ſides; ſir John pretending to maintain the king's prerogative, ſir James the liberty of the ſubject and claim of right. And though he was never bred for ſuch undertakings, yet with abundance of confidence and eloquence he managed the affair, and he undoubtedly put them to great ſtraits; for the things he urged were very popular and agreeable to the inclinations of many of the members. Notwithſtanding all diſappointments, we were ſtill to make them break among themſelves, by propoſing what we thought never would be granted. But in this alſo, we were diſappointed. For my lord Melvill, to juſtify what he and his party had ſo great a deſire to do, but durſt not adventure before, having got the pretext of the imminent danger of the prince of Orange, by the ſecret plots and contrivances of your majeſty's friends, yielded to all that was demanded in his inſtructions; he was allowed to paſs what acts of parliament he ſhould think fit, and eſtabliſh what form of government they liked beſt.

"Several days paſt without daring to mention preſbytery, though moſt there deſired it; knowing, that it was contrary to the prince of Orange's inclinations, who feared the conſequence it might have in England. Beſides, he liked beſt to have it undetermined, till his affairs were better eſtabliſhed, that he might keep both parties in hopes. But ſir James in a fair ſet ſpeech ſpoke out what they all wiſhed generally, but feared to name; and that he knew there were inſtructions for ſettling religion; and he ſaid he thought it was a ſhame for that meeting, that it was not done. But the reaſon was well known, for ſome among them, to flatter the court, againſt their own principles, had delayed it. He knew, likewiſe, ſome were for one kind of government, ſome for another; ſome were for a kind of preſbytery, called Eraſtianiſm, like that of Holland. But he told them, there could not, nor ought there any to be eſtabliſhed in Scotland, but the preſbyterian as it was in 1648, which was the government in the world, not only according to the word of God, but beſt to diſturb the extravagant power of kings and arbitrary government, under which they had groaned many years. This ſpeech to us, that knew his ſecrets, ſeemed a little extraordinary; but he excuſed himſelf by being obliged to do ſo; otherwiſe he ſhould loſe all credit with his party; and that it ſignified nothing, ſince he knew, that lord Melvill never durſt paſs it, though it came to be approved. This ſpeech was approved by the houſe, and a committee appointed to receive all the forms of government, that ſhould be brought before them, and to report their opinion of them; and till this was ready, they adjourned ſome days, during which ſir James received from Ireland a return of his meſſage with Mr. J——s. The firſt night he opened alone a great black box with papers, where all the commiſſions and inſtructions were; and then ſent for the earl of A————e, Arran, and my lord Roſs, and told them the return of all was come, but that he believed there were ſeveral things among them would be improper to let the duke of Queenſberry, earl of L————w, B————ne, and me ſee, though we were only thoſe of your friends, whom they had truſted with their meſſage theſe four times. After they had conſidered them all, they made up another box of ſuch as they thought fit to ſhew, and ſealed it, to make us believe it never had been opened, and in a great haſte ſir James deſired us to meet in the marquis of A————le's lodging; and after a formal diſcourſe of his endeavours to ſerve your majeſty ever ſince he went up with an offer of the crown to the prince of Orange, and of the meſſage he had ſent to your majeſty, ſaid, he was now deſired to meet with us to tell us, he had got a return; and that there was a great bundle of papers come over; but conſidering we were all of one intereſt, he would not open it nor look on any thing till we did it all together, and entreated we might meet that afternoon; and to ſhew the entire truſt he had in us, he would keep nothing that he knew from us, but would ſhew what he received from the king. The earl of Arran excuſed himſelf from meeting, pretending he was obliged to go out of town; but the true reaſon was, he thought they had cheated him in not ſending for his commiſſion to be general, as was agreed among them at London. The duke of Queenſberry alſo excuſed himſelf, ſo that none came but the marquis of Athol, L————w, Roſs, B————ne, and myſelf; ſir James brought in a black box, which was a burthen for him to carry, which I looked upon and conſidered the ſeals, becauſe I always expected a trick from him. He told us, he had brought all except a letter from your majeſty to himſelf, without knowing, as he ſhall anſwer to Almighty God, what was in the box, which none of us believed; for he did quite change the packthread, and clapped on his own ſeal, after he had opened the box, and ſhewn what he thought fit to bring. We were all in a great confuſion, to find, that we had joined ourſelves to ſuch a crew that had ſo much knavery to impoſe things on your majeſty, and ſo much weakneſs to think they could bring about all your enemies to declare for you without any force. They were in no leſs confuſion than we; finding we ſaw their folly in undertaking things they had not the leaſt ſhadow of power to perform. They had promiſed to get all the parliament to declare for your majeſty, and immediately meet in your name, and the earl of A——le commiſſioner, who was made a marquis, and ſir James made earl of A————r, lord Roſs likewiſe an earl, and all employments of church and ſtate, and army entirely put into their hands, and thoſe of their friends, who were generallythe greateſt enemies to monarchy.

"There were likewiſe great bundles of letters not directed, but left to their direction to be given to any of your friends they thought fit to truſt; which indeed we thought a little hard to be put into their hands, who had been for fighting your majeſty, and alſo endeavouring to ruin us on your account. Beſides what we ſaw, there were many other commiſſions, patents, and remiſſions that were made public by themſelves, after they made their diſcovery to the lord Melvill. But though they were fond to get theſe commiſſions, when they came, they were confounded what to do with them. To keep them, they ſaw there would be no uſe for them, and they put them into a continual hazard: ſo it was reſolved, that they ſhould all be burnt, but their patent. Next, how to diſpoſe of their meſſenger put them in a great diſorder, which made the earl of L————w carry him to his houſe ſome miles from Edinburgh, where, after he had ſtaid ſome nights, he got from him all that ſir James had concealed. Notwithſtanding ſir James wrote to Mr. J————s not to truſt any of us with his meſſage, but as far as he had already ſhewn; yet all was out before the letter came to his hands. Beſides Mr. J————s had been but a few years in Edinburgh, yet he plainly ſaw all ſir James's projects were miſerably founded; which made him beg to be employed back again to your majeſty. But few of us deſired any more to do with ſir James or his meſſenger; for afterwards we had little meddling with them, though they extremely deſired it, and that we ſhould ſend back Mr. S————s with a blank ſheet of paper, ſubſigning to be filled up when he came to your majeſty with our advice; which the duke of Queenſberry, L————w, B——w, and myſelf abſolutely refuſed; which almoſt broke us entirely with them; and the more becauſe ſome of our number complied with their deſires. For the earl of Arran not only did it himſelf, but alſo got the lord M——y to do it alſo, though he had not been engaged with us in any of your concerns, but, on the contrary, we looked upon him as one of the principal deſtroyers of your affairs, both in the Highlands, and at the beginning of the revolution.

"In the Highlands your affairs had no better ſucceſs than in parliament; for general Buchan having come too near the enemy, ſir Thomas Levingſton, with a party of dragoons, ſurpriſed him at Cromdell, killed about an hundred, made ſeveral priſoners, and diſperſed his whole party. When this news came to Edinburgh of a defeat, your friends repented their not embracing the offer of a ceſſation of arms made them by the prince of Orange, which Tarbat had the management of; but not being deſirous to appear above board himſelf in ſuch a tranſaction, he propoſed it to the earl of B——e with the offer of five thouſand pound ſterling if he could accompliſh it; for the prince of Orange was extremely deſirous to have all ſettled before he went to Ireland. But the earl of B——e would not meddle in ſuch an affair without the conſent of your friends at Edinburgh, who at that time would not hear of it. So the earl of B——e very generouſly gave it over, though, beſides the five thouſand pounds ſterling, he had other conſiderable rewards offered him. So after this defeat we were all willing a treaty might be brought on again, conſidering, at leaſt, it would gain time, until the Highlanders put themſelves in a poſture of defence. The prince of Orange was juſt then going to Ireland, which made the earl of B——e endeavour to meet him, to get the ceſſation ended; but he was gone before he got to him; by which the Highlanders were left to the mercy of their enemies, who might have ruined them, if they had purſued the victory at Cromdell.

"Your friends at Edinburgh were in no better condition, being forced to ſit in a meeting in the middle of their enemies, and hear them eſtabliſh preſbytery, and reſcind all acts, that had been any ways made for your intereſt, reſtoring all forefaulters and fines, (though tranſacted for) that was granted by your brother or your majeſty, for thoſe, that ſerved you againſt them; and above all, their forefaulting thoſe, who appeared for you in arms, except ſir William W————e, who was overlooked, though they had as full probation againſt him as any of the reſt. And to finiſh our misfortunes, the moſt conſiderable of that party we had joined, not only left us,

and laſtly, he exhorted them to lay aſide all animoſities and private intereſts, and jointly to labour the ſettlement of the public affairs.

The jacobites perſuaded all their party to go to this parliament, and to take the oaths; for many of the nobility had before refuſed them, and would not own the king. Great pains were taken by archbiſhop Patterſon, to induce them to take the oaths, though with a deſign to break them; for he thought by that means to have a majority in the parliament; which they failed in, ſome of the laity being too honeſt to agree to ſuch advices. The party being therefore diſappointed in this and other ſchemes, ſaw a neceſſity of deſiring a force to be ſent over from France. But this appeared ſo odious and ſo deſtructive to their country, that ſome of them refuſed to concur in it; others were not pleaſed with the anſwers, which king James had returned to the propoſitions they had made him. He had indeed granted all they had aſked upon their own particular intereſts, and had promiſed to ſettle preſbytery; but he rejected all thoſe demands, that imputed a diminution of his prerogative, in as firm a manner, as if he had been already placed on the throne again. Finding this anſwer of his ſo little to their ſatisfaction, they propoſed to ſend him a ſecond meſſage. Upon this the earls of Argyle, Annandale and Braidalbin withdrew from them. The earl of Annandale came up to the Bath, pretending ill health; and the earls of Argyle and Braidalbin went to Cheſter, pretending, as they ſaid afterwards, that they intended to diſcover the whole matter to the king; but he had paſſed over to Ireland, before they got to Cheſter. Montgomery, upon this looked on the deſign as broken; and ſo he went, and reconciled himſelf to earl Melvill, and diſcovered the whole negotiation to him. Upon which the earl preſſed the king to grant a general indemnity, and gave Montgomery a paſs to go to London, and wrote to the queen in his favour. But the king was reſolved to know the bottom of the plot, and particularly how far any of the Engliſh were engaged in it. So Montgomery abſconded for ſome time in London, ſince he ſaw no hopes of pardon, but upon a full diſcovery. A warrant was ſent to the Bath for the earl of Annandale, of which he had notice given him, and went up privately to London. Montgomery ſent Mr. Ferguſon to him, aſſuring him that he had diſcovered nothing, and deſiring him to continue firm and ſecret. But when he had certain notice that Montgomery had diſcovered all the negotiation among the Scots, he caſt himſelf on the queen's mercy, aſking no other conditions, but that he might not be made an evidence againſt others. He himſelf had not treated with any in England; ſo that, as to them, he was only a ſecond-hand witneſs. Only he informed againſt Nevil Payne, who had been ſent down to Scotland, to manage matters among them. Payne was taken there, but would confeſs nothing. Upon the earl of Annandale's information, which he gave upon oath, the earl of Nottingham wrote to the council of Scotland, that he had in his hands a depoſition upon oath, containing matter of high treaſon againſt Payne. Upon which it was pretended, that, according to the law of Scotland, he might be put to the torture; and that was executed with rigour. He reſiſted a double queſtion, yet was ſtill kept a priſoner; and this was much cried out againſt as barbarous and illegal. Montgomery lay hid for ſome months at London; but when he ſaw, that he could not have his pardon, but by making a full diſcovery, he choſe rather to go beyond ſea; ſo fatally did ambition and diſcontent hurry a man to ruin, who ſeemed capable of greater things. His art in managing ſuch a deſign, and his firmneſs in not diſcovering his accomplices, raiſed his character as much as it ruined his fortune. He continued in perpetual plots after this to no purpoſe. He was once taken, but made his eſcape; and at laſt, ſpleen and vexation put an end to a turbulent life.

The earl of Melvill had now a clear majority in parliament by the diſcovery of the plot. Some abſented themſelves; and others, to redeem themſelves, were compliant in all things. The main point, by which he deſigned to fix himſelf and his party, was the aboliſhing of epiſcopacy, and the ſetting up preſbytery. The one was ſoon done by repealing all the laws in favour of epiſcopacy, and declaring it contrary to the genius and conſtitution of that church and nation; for the king would not conſent to a plain and ſimple condemnation of it. But it was not ſo eaſy to ſettle preſbytery. If they had followed the pattern ſet them in the year 1638, all the clergy, in a parity, were to aſſume the government of the church; but thoſe being epiſcopal they did not think it ſafe to put the power of the church in ſuch hands. It was therefore pretended, that ſuch of the preſbyterian miniſters, as had been turned out in the year 1662, ought to be conſidered as the only ſound part of the church. And of theſe there happened to be then threeſcore alive.

us, but betrayed us ſo ſoon as they ſaw probability of effectuating their own deſigns, which was the only thing they had ſtill and all along aimed at, and not your ſervice, as they pretended.

"Some days before the prince of Orange went to Cheſter, I had notice given me by Mr. O——e that the lord Roſs deſigned to go to meet him, and make a diſcovery of all he knew; which made us ſend the earl of L——w to him, to try if he had ſuch inclinations. But he proteſted to the contrary with great oaths. Some were inclined to believe him, and others were for taking a ſure way to hinder his diſcovery, ſince their own lives and eſtates depended on your affairs. But it was of ſo dangerous a conſequence, and ſo unjuſt, unleſs we had great proof of ſuſpicion, that moſt of us abhorred the motion.

"A few days after, though he gave over his journey to Cheſter, believing by what the earl of L——w ſaid to him, that we ſuſpected him, and ſo might have way-laid him: yet notwithſtanding all his renewed oaths he ſent for one Mr. D——p, a fanatic miniſter, and revealed all to him, and alſo told him that he was under great troubles of conſcience, and deſired his prayers to enable him to open his heart to him. After long prayers, and many ſighs and tears, he told him all he knew. God was thanked, as being the effect, Mr. D——p's prayers being heard. The next morning he ſent the miniſter to lord Melvill, to tell him, that he had buſineſs of great importance to tell the queen, for which he deſired a paſs, and immediately had it; and before he went, he told Melvill in general, that there were dangerous matters againſt the king and government, in which he had too great a ſhare, and for which he ſought God's pardon, but was denied, and was now going to ſeek it from the queen, to whom he would diſcover all he knew when at London.

"The firſt meeting he had with the princeſs of Orange, he told her the the whole affair, and laid the blame on ſir James Montgomery. When ſhe had heard all the hiſtory, ſhe ſent for the earls of D——h and Nottingham, that he might tell it all over again before them. But when they came in, he denied all he had ſaid to the princeſs; he never thought ſhe would make any other uſe of it, than to prevent the danger ſhe and the king were in; but nothing ſhould ever force him to give evidence againſt thoſe he had been in friendſhip with. For this he was immediately ſent to the Tower, where he lay for eight or ten months; nor could any thing ever induce him to ſay more, though he had both threatenings and all arguments to inforce him.

"It was no ſooner known, that lord Roſs was gone, but his errand was made public. Mr. D——p (according to the cuſtom of his profeſſion) made no ſecret of his confeſſion; which ſo much alarmed ſir James Montgomery, that he reſolved not to be long behind him; for he ſaw himſelf ruined by his violent party. He had been profeſſing to all of them all along principles ſo far to the contrary; but to make a confeſſion to his mortal enemy lord Melvill, to ſeek mercy from the prince and princeſs of Orange, who, he knew, abhorred him, were a hard ſtep; yet with a good ſhare of confidence and aſſurance of making a fine ſtory of it to their advantage, he doubted not to ſucceed with lord Melvill. He inſinuated ſo far as to be truſted to go to London, to tell his buſineſs himſelf; and to gain the greater credit with Melvill, he put into his hands what letters he had received from the queen, which was a joyful ſight to him, he ventured to touch all the acts, (which was believed he could never do) which were diſpleaſing to the prince of Orange, though he was forced to pleaſe the club-party to put them in his inſtructions, and ſeveral for which he had no warrant, making the imminent dangers they were in an excuſe of all. In theſe letters were ſeveral promiſes of aſſiſtance from France, of men, money, and arms. He likewiſe gave up the inſtructions, ſent to the earl of A——t, when he ſhould be commiſſioner to the parliament. There was never a word mentioned of their patents, and remiſſions, which were ſent to duke Hamilton and others of their friends.

When ſir James Montgomery came to London, he was ſo cautious, as not to go near the princeſs of Orange, till he had aſſurance, that, in caſe they would not agree in their terms, he ſhould not be detained, which was granted. But though he confeſſed moſt of all that paſſed of his tranſactions with your majeſty; yet he would neither promiſe to be an evidence, nor give his advice how things might be prevented, (in which, to magnify himſelf, he made the hazard much greater than it was) unleſs he were ſecure of a full pardon of all the crimes he ſhould name, and then have a good employment; pretending the lowneſs of his eſtate, which was drained by the ſeverity of the laſt government. The princeſs of Orange would have willingly granted all he demanded, and wrote to the prince of Orange in his favour, into Ireland. But ſome things had paſſed betwixt the prince of Orange and ſir James in private, which made the prince to have ſuch an abhorrence of him, that he could not hear of employing him. A remiſſion he would have granted, upon condition of his being an evidence; but that could not do ſir James's buſineſs. So he abſented, and a few months after did all he could again to juſtify himſelf to your friends; which took not with a few. The earl of A——e quickly followed ſir James, yet went not to London, but lived privately at the Bath; which when it was known, there was a warrant ſent down to bring him up; but one Mr. * * who had been mayor of the town, helped him to eſcape. When he was come to London, Mr. Ferguſon maintained him privately for ſeveral weeks. At laſt he, wearied of lurking, ſent for Mr. L——t, whom lord Melvill kept then at London to do buſineſs in his abſence, and told him of the mayor of Bath, and of Mr. Ferguſon, that had entertained him; and ſigned a confeſſion the moſt ſcandalous, that any thing of the name of a gentleman ever did; for he not only told what had paſſed among us in public, but the private converſation he had with ſeveral of your friends, and likewiſe of Payne, all that had paſſed between them at their firſt meeting; for which Mr. Payne was put to the torture, and endured it with great courage and conſtancy. And that which made his part more baſe, was, after Mr. Payne had eſcaped out of priſon, and fled to Scotland, thinking he ſhould be ſecure with the earl of A——le, he came to a country-houſe, and was taken there by A——le's own ſervants, and brought to Edinburgh, where, upon the earl of A——le's confeſſion againſt him in England, he ſuffered the utmoſt barbarity. The treachery of theſe three made all our friends at Edinburgh ſo concerned, though they were not fully informed of their hazard, that moſt of them left it." Account of the affairs of Scotland, p. 122.

The

The government of the church was therefore lodged with them; and they were impowered to take to their aſſiſtance, and to a ſhare in the church-government, ſuch as they ſhould think fit. Some furious men, who had gone into very frantic principles, and all thoſe, who had been ſecretly ordained in the preſbyterian way, were preſently taken in. This was like to prove a fatal error at their firſt ſetting out. The old men among them, who by reaſon of their age or their experience of former miſtakes, were diſpoſed to more moderate councils; but the taking in ſuch a number of violent men, put it out of their power to purſue them. Theſe men broke out therefore in a moſt extravagant way of proceeding againſt ſuch of the epiſcopal party, as had eſcaped the rage of the former year. Accuſations were raiſed againſt them: ſome were charged for their doctrine, as guilty of arminianiſm; others were loaded with more ſcandalous imputations, but theſe were only thrown out to defame them; and where they looked for proof, it was in a way more becoming inquiſitors than judges; ſo apt are all parties, in their turns of power, to fall into thoſe very exceſſes, of which they did formerly make ſuch tragical complaints. All other matters were carried in the parliament of Scotland, as the lord Melvill and the preſbyterians deſired. In lieu of the king's ſupremacy, his majeſty had chimney-money given him; and a teſt was impoſed on all in office, or capable of electing or being elected to ſerve in parliament, declaring the king and queen to be their rightful and lawful ſovereigns, and renouncing any manner of title pretended to be in king James.

Whilſt theſe things paſſed in Scotland, the different parties in England were buſy in influencing the elections of Parliament men. There was a great ſtruggle all over the kingdom. The tories had taken care to publiſh a liſt of thoſe who had voted for the corporation-bill, in order to exaſperate the perſons that were to have been diſgraced by it; and by that and other means they became by far the greater number in the new parliament. One thing was a part of the bargain, which the tories had made, that the lieutenancy of London ſhould be changed; for upon the king's coming to the crown, he had given a commiſſion, out of which the tories were all excluded; which was ſuch a mortification to them, that they ſaid, they could not live in the city with credit, unleſs ſome of them were again brought into that commiſſion. The king recommended it to the biſhop of London, to prepare a liſt of thoſe, who were known to be churchmen, but of the more moderate, and of ſuch as were liable to no juſt exception, that ſo the two parties in the city might be kept in a balance. The biſhop brought in a liſt of the moſt violent tories in the city, who had been engaged in ſome of the worſt things, that paſſed in the end of king Charles's reign. A committee of council was appointed to examine the liſt; but it was ſo named, that they approved of it. This was done to the great grief of the whigs, who ſaid, that the king was now putting himſelf in his enemies hands, and that the arms of the city were now put under a ſet of officers, who, if there was a poſſibility of doing it without hazard, would certainly uſe them for king James. This matter was managed by the marquis of Carmarthen and the earl of Nottingham; but oppoſed by the earl of Shrewſbury, who was much troubled at the ill conduct of the whigs, but much more at this great change in the king's government. It was alſo a farther mortification to the whigs, when the commons in the next parliament made an addreſs to the king, thanking him for the alterations he had made in the lieutenancy of London.

The elections of parliament went generally for men, who would probably have declared for king James, if they could have known how to manage matters for him. The king made a change in the miniſtry, to give them ſome ſatisfaction; the earls of Monmouth and Warrington were both diſmiſſed. Other leſſer changes were made in inferior places, ſo that whig and tory were now pretty equally mixed.

The parliament being met on the 20th of March, the commons, by the king's order, proceeded to the choice of a ſpeaker; and ſir John Trevor was pitched upon for that office. He was a bold and dextrous man, and knew the moſt effectual ways of recommending himſelf to every government. He had been ſpeaker to king James's parliament, and in great favour with that prince, by whom he was made maſter of the rolls; and if Jefferies had ſtuck at any thing, he was looked upon as the likelieſt man to have had the great ſeal. He now got himſelf to be choſen ſpeaker; and was made firſt commiſſioner of the great ſeal. Being a tory in principle, he undertook to manage that party, provided he was furniſhed with ſuch ſums of money, as might purchaſe ſome votes; and by him began the practice of buying off men, in which the king had hitherto kept to ſtricter rules. But the king, though he hated the practice, ſaw it was not poſſible to avoid it, ſuch was the corruption of the age, unleſs he would endanger the whole.

The ſpeaker being choſen, and preſented the next day to the king, his majeſty made the following ſpeech to both houſes:

My lords and gentlemen,

"I AM reſolved to leave nothing unattempted on my part, which may contribute to the peace and proſperity of this nation. And finding my preſence in Ireland will be abſolutely neceſſary for the more ſpeedy reducing of that kingdom, I continue my reſolution of going thither as ſoon as may be; and I have now called you together, for your aſſiſtance to enable me to proſecute the war with ſpeed and vigour, in which I aſſure myſelf of your chearful concurrence, being a work ſo neceſſary for your own ſafeties.

In order to this I deſire you will forthwith make a ſettlement of the revenue; and I cannot doubt but you will herein have as much regard to the honour and dignity of the monarchy in my hands, as has been lately ſhewed to others. And I have ſo great a confidence in you, that if no quicker or more convenient way can be found for the raiſing of ready money, (without which the ſervice cannot be performed) I ſhall be very well content for the preſent to have it made ſuch a fund of credit, as may be uſeful to yourſelves, as well as me, in this conjuncture; not having the apprehenſions, but that you will provide for the taking off all ſuch anticipations, as it ſhall happen to fall under. It is ſufficiently known, how earneſtly I have endeavoured to extinguiſh, or, at leaſt, compoſe all differences amongſt my ſubjects; and to that end, how often I have recommended 'an act of indemnity' to the laſt parliament. But ſince that part of it, which related to the preventing of private ſuits, is already enacted; and becauſe debates of that nature muſt take up more of your time, than can now be ſpared from the diſpatch of thoſe other things which are abſolutely neceſſary for our common ſafety; I intend to ſend you an 'act of grace,' with exceptions of ſome few perſons only, but ſuch as may be ſufficient to ſhew my great diſlike of their crimes, and at the ſame time my readineſs to extend protection to all my other ſubjects, who will thereby ſee, that they can recommend themſelves to me by no other methods, than what the laws preſcribe, which ſhall always be the only rule of my government.

"A farther reaſon, which induceth me to ſend you this act at this time, is, becauſe I am deſirous to leave no colour of excuſe to any of my ſubjects for raiſing of diſturbances in the government, and eſpecially in the time of my abſence. And I ſay this, both to inform you, and to let ſome ill-affected men ſee, that I am not unacquainted, how buſy they are in their preſent endeavours to alter it.

"Amongſt other encouragements, which I find they give themſelves, one of the ways, by which they hope to compaſs their deſigns, is by creating differences and diſagreements in your councils; which, I hope, you will be very careful to prevent. For be aſſured, that our greateſt enemies can have no better inſtruments for their purpoſes, than thoſe, who ſhall any way endeavour to diſturb or delay your ſpeedy and unanimous proceedings upon theſe neceſſary matters.

"I muſt recommend alſo to your conſideration an union with Scotland. I do not mean, it ſhould be now entered upon: but they having propoſed this to me ſometime ſince, and the parliament there having nominated commiſſioners for that purpoſe, I ſhould be glad, that commiſſioners might alſo be nominated here to treat with them, and to ſee, if ſuch terms could be agreed on, as might be for the benefit of both nations, ſo as to be ready to be preſented to you in ſome future ſeſſion.

My lords and gentlemen,

"I have thought it moſt convenient to leave the adminiſtration of the government in the hands of the queen during my abſence; and if it ſhall be judged neceſſary to have an act of parliament for the better confirmation of it to her, I deſire you will let ſuch a one be prepared to be preſented to me.

"I have this only to add, that the ſeaſon of the year, and my

my journey into Ireland, will admit but of a very ſhort ſeſſion; ſo that I muſt recommend to you the making ſuch diſpatch, that we may not be engaged in debates, when our enemies ſhall be in the field. For the ſucceſs of war, and the more thrifty management of it, will both principally depend upon your ſpeedy reſolutions. And I hope it will not be long before we ſhall meet again, to perfect what the time will not now allow to be done."

Purſuant to this ſpeech, the commons immediately proceeded to ſettle the revenue, and make it a fund of credit for the ſupplies which were ſtill wanted for the next campaign [y]. They began with voting a ſupply of one million two hundred thouſand pounds, between that time and Michaelmas, of which two hundred thouſand pounds was to be raiſed by a poll, and a million by a clauſe of credit in the revenue bills. Though the whigs now as well as the tories ſtudied to court the king, by making advances upon the money-bills, yet he could not prevail to have the revenue ſettled for life, which he moſt earneſtly deſired. All he could obtain was to have the hereditary exciſe ſettled for life, and the cuſtoms to be continued only for four years, from the 24th of December next enſuing [z]. The ſettling the revenue thus for a term of

	£.	s.	d.
To other ports, by Britiſh	3	0	0
——— by Aliens	4	10	0
All other wines of Spain, Portugal, Madeira, &c. imported to London, by Britiſh	4	10	0
——— by Aliens	6	0	0
——to other ports, by Britiſh	3	0	0
——— by Aliens	4	10	0
Additional duty upon every tun of wine of France, Germany, Portugal, Madeira, payable in nine months after importation,	3	0	0
Of all other wines	4	0	0
To theſe were added the next year perry, rape of grapes, cyder, cyder-egar, and vinegar imported, by Britiſh	4	10	0
——— by Aliens	6	0	0

2. Poundage, payable in ready money upon all goods, and merchandiſes imported, (except wines) according to the rate of twelve pence a pound, or five per cent. for the Engliſh, and two ſhillings a pound, or ten per cent. for Aliens. And alſo, for every piece of broad cloth exported by Engliſh three-ſhillings and four-pence, by Aliens ſix-ſhillings and eight-pence.

Upon the model of this old ſubſidy of tonnage and poundage, there have (as ſhall be remembered in the proper places) been granted by ſubſequent acts of parliament, for defraying the expences of war, &c. ſeveral additional ſubſidies, impoſitions and new duties; which being to be levied after the manner of the old ſubſidy, are uſually, though improperly comprehended under the general title of cuſtoms. As 'the new ſubſidy, one third ſubſidy, two thirds ſubſidy, &c.'

By this means the cuſtoms are now really become a perfect ſcience, there having been no leſs, than thirty additional branches, or particular duties, impoſed ſince the reſtoration.

The next branch of the revenue, ſettled on king Charles II, was the hereditary exciſe, which was given him in lieu of the courts of wards and liveries, and by an act entitled "A grant of certain impoſitions upon beer, ale, and other liquors for the increaſe of his majeſty's revenue during his life." The rates were,

	£.	s.	d.
A barrel of beer or ale, above 6 gallons.	0	1	3
——— of, or under 6 gall.	0	0	3
Hogſhead of cyder ſold by retail	0	1	3
Metheglin or mead, per gallon	0	0	0½
A barrel of vinegar-beer	0	0	6
Aqua-vitæ, or ſtrong water per gall.	0	0	1
A barrel of beer or ale imported	0	3	0
A tun of cyder, or perry imported	0	5	0
Spirits made of wine or cyder, imported per gall.	0	0	2
Strong water imported per gall.	0	0	4
Coffee made and ſold per gall.	0	0	4
Chocolate, ſherbet, and tea, per gall.	0	0	8

The collecting the exciſe in this manner upon coffee, tea and chocolate, being found very troubleſome, it was repealed by king William, and a duty laid upon thoſe commodities, to be paid at the cuſtom-houſe.

About the ſame time, the poſt-office was eſtabliſhed, which had been firſt erected under Cromwell, and the wine-licences were alſo granted. After which, another branch of the revenue was ſettled for life on king Charles II, namely, the chimney money, or two ſhillings a year upon every fire-hearth. This was aboliſhed by king William. Theſe branches were then valued in the following manner,

	£.
The cuſtoms were farmed at about	350,000
The hereditary and temporary exciſe farmed at	275,000
Wine licences	7,000
Hearth-money	100,000

The ſmall branches	£.	
Crown-lands, per annum	70,000	
Poſt office	20,000	
Coinage and pre-emption of tin	12,000	
Foreſt of Dean	5,000	—130,000
Courts of juſtice	6,000	
Firſt-fruits	18,000	

The crown-lands were ſold in 1670, for about 1,300,000 pounds, by which means the ſmall branches were reduced to about 60,000 pounds a year.

The hereditary exciſe only was now ſettled upon king William for life, with a clauſe to make it a ſecurity for raiſing 250,000 pounds. The old ſubſidy of tonnage and poundage, or the cuſtoms, were continued for four years, with a clauſe to make it a ſecurity for raiſing 500,000 pounds. In the bill for the hereditary revenues a clauſe was added, 'that theſe revenues having been much encumbered by letters-patents in the late reigns, all penſions or ſums of money granted hereafter by letters-patents, out of any part of the hereditary-exciſe, poſt-office, or wine-licences, ſhall ceaſe at the death of the king or queen who ſhall make any ſuch grant. Pro. H. C. II. 381.

[y] Sir Charles Sidley, a gentleman of great wit, made the following ſpeech on this occaſion againſt penſions and ſalaries, which is inſerted here, not ſo much becauſe it is thought very a propos at that juncture, but becauſe it is mentioned with applauſe by moſt of the hiſtorians; "Mr. Speaker, we have provided for the army; we have provided for the navy; and now at laſt a new reckoning is brought us, we muſt likewiſe provide for the liſts. Truly, Mr. Speaker, it is a ſad reflection, that ſome ſhould wallow in wealth and places, whilſt others pay away in taxes the fourth part of their revenues for the ſupport of the ſame government. We are not upon equal terms for his majeſty's ſervice; the courtiers and great officers charge, as it were, in armour; they feel not the taxes by reaſon of their places, whilſt the country gentlemen are ſhot through and through by them. The king is pleaſed to lay his wants before us, and, I am confident, expects our advice upon it. We ought therefore to tell him what penſions are too great; what places may be extinguiſhed, during the time of the war and public calamity. His majeſty ſees nothing but coaches and ſix and great tables, and therefore cannot imagine the want and miſery of the reſt of his ſubjects. He is a brave and generous prince, but he is a young king, encompaſſed and hemmed in by a company of crafty old courtiers. To ſay no more, ſome have places of three thouſand pounds, ſome of ſix thouſand pounds, and others of eight thouſand ſix hundred pounds per annum, and I am told, the commiſſioners of the treaſury have one thouſand ſix hundred pounds per annum a piece. Certainly public penſions, whatever they have been formerly, are much too great for the preſent war and calamity, that reigns every where elſe. And it is a ſcandal, that a government ſo ſick at heart as ours is, ſhould look ſo well in the face. We muſt ſave the king's money wherever we can; for I am afraid the war is too great for our purſes, if things be not managed with all imaginable thrift. When the people of England ſee all things ſaved, that can be ſaved; that there are no exorbitant penſions nor unneceſſary ſalaries, and all this applied to the uſe, to which they are given; we ſhall give, and they ſhall pay whatever his majeſty can want, to ſecure the proteſtant religion, and to keep out the king of France, and king James too; whom, by the way, I have not heard named this ſeſſion, whether out of fear, diſcretion, or reſpect, I cannot tell. I conclude, Mr. Speaker, let us ſave the king what we can; and then let us proceed to give what we are able."

[z] In order to have a diſtinct notion of the revenue, it muſt be obſerved, that the duties upon the exportation and importation of merchandizes croſſing the ſeas, (for protection of trade &c.) were the moſt antient tribute paid to our kings, and diſtinguiſhed by two different names, cuſtoms and priſes, or priſage.

Priſage was a duty payable for foreign commodities imported, not at any certain ſum of money, but by taking ſuch a part in ſpecie, as the kings thought ſufficient for their own uſe, paying ſuch a price as they thought reaſonable, which was called the king's price. For wines it was the practice to take one tun in ten, or two in twenty; paying twenty ſhillings a tun, and the price of the priſage of other goods, was doubtleſs in proportion. This duty was remitted by the mercatorial charter, granted by king Edward I, to all merchant ſtrangers, who in lieu of it gave him a duty of three pence in the pound (commonly called petty-cuſtom,) upon all native commodities exported over and above the great cuſtoms, and alſo upon all merchandizes imported, except wines; and upon all wines imported, two ſhillings for every tun; being the duty ſince called butlerage.

Cuſtoms were the duty payable for native commodities exported, particularly wool, wool-fells and leather, after certain rates; and from their antiquity were called 'great and ancient cuſtoms.' But now, the word cuſtoms is uſed to ſignify the ſeveral duties which are payable on the importation, as well as exportation of all goods, and merchandizes whatſoever, and are always compoſed of two parts, tonnage and poundage.

Tonnage was payable upon all wines imported after the particular rates, and according to the methods preſcribed by the laws which granted this duty, being at firſt, no more than two ſhillings a ton, though in ſucceeding reigns it was very much increaſed.

Poundage was payable on all other merchandiſes imported and exported, according to the rates and values preſcribed by the ſeveral laws, by which this duty was granted, being at firſt no more than ſixpence in the pound of the particular rates and values, though afterwards advanced to twelve pence in the pound. To this ſubſidy of tonnage and poundage, there was likewiſe, in the latter reigns, annexed,

A ſubſidy of woollen cloths or old drapery which was payable upon all woollen cloths exported, according to certain rates and proportions.

Theſe ſubſidies after having undergone various regulations, were after the reſtoration ſettled on the foundations they now ſtand, and granted to king Charles II, for life. The firſt act paſſed for that purpoſe, was entitled "a ſubſidy granted to the king of tonnage and poundage, and other ſums of money, payable upon merchandiſe exported and imported, referring to and enforcing 'a book of rates of merchandiſe,' and according to which, the ſaid duties were to be levied and collected."

This ſubſidy is called 'the old ſubſidy, or ſubſidy inwards' conſiſting of two diſtinct parts.

1. Tonnage, payable in ready money upon all wines, except priſage-wines after the following rates.

	Groſs ſubſidy, per ton. £.	s.	d.
Rheniſh or Hungary wines imported into any port, by Britiſh	6	0	0
——— by Aliens	7	10	0
Levant wines imported to London, Southampton, or Briſtol, by Britiſh	4	10	0
——— by Aliens	6	0	0

years, made it, as they ſaid, a ſurer fund for borrowing money upon than if given for life: the one was ſubject to accidents, the other was more certain. Beſides it was taken up as a maxim, that a revenue for a ſhort term was the beſt ſecurity that the nation could have for frequent parliaments. However the king did not like this, and thought it ſtrange that a jealouſy ſhould be entertained of him, who came to ſave religion and liberty, and king James ſo much truſted, who intended to deſtroy both. But being told that it was not of him but of his ſucceſſors that the jealouſy was entertained, and if he would accept the gift for a term of years, and ſettle the precedent, he would be reckoned the deliverer of future ages as well as of the preſent, he was perſuaded to take the grant as it was made him. In all probability king James would never have run into thoſe counſels that ruined him, had he not obtained the revenue for life. The commons granted likewiſe the poll-bill, with ſome other ſupplies, which they thought would anſwer all the occaſions of the year. But as what they gave did not quite come up to what was demanded; ſo when the ſupply was raiſed, it came far ſhort of what it was eſtimated at; ſo there were great deficiencies to be taken care of in every ſeſſion of parliament, which run up every year, and made a great noiſe, as if the nation was, through miſmanagement, running into a great arrear.

The firſt great debate aroſe in the houſe of lords, upon a bill that was brought in acknowledging the king and queen to be their rightful and lawful ſovereigns, and declaring all the acts of the convention-parliament to be good and valid. The firſt part paſſed with little contradiction, though ſome excepted to the words rightful, and lawful, as not at all neceſſary. But the other article, declaring the acts of the laſt parliament to be good and valid, bore a long and warm debate. The tories offered to enact, that theſe ſhould be all good laws for the time to come, but oppoſed the doing it in the declaratory way. They ſaid, that it was one of the fundamentals of our conſtitution, that no aſſembly could be called a parliament, unleſs it was called and choſen upon the king's writ. On the other hand it was ſaid, that whatſoever tended to the authority of that parliament in queſtion, tended likewiſe to the weakening of the preſent government, and brought the king's title into queſtion. That a real neceſſity, upon ſuch extraordinary occaſions, muſt ſuperſede forms of law; otherwiſe the preſent government was under the ſame nullity. That forms were only rules for peaceable times; but in ſuch a juncture, when all that had a right to come, either in perſon, or by their repreſentatives, were ſummoned and freely elected; and when, by the king's conſent, the convention was turned into a parliament, the eſſentials, both with relation to the king and people, were ſtill maintained in the conſtitution of that parliament. After a long debate the act paſſed in the houſe of lords with this temper, declaring and enacting that the acts of the convention-parliament were and are good and valid. Many lords, at the head of whom was the earl of Nottingham, entered the following proteſts againſt it:

"1ſt. Becauſe we conceive, that ſaying, 'It is enacted by the authority of the preſent parliament, that all and ſingular the acts made in the laſt parliament were laws,' is neither good Engliſh nor good ſenſe.

"2dly, If it were good ſenſe to enact for the time paſt, it muſt be underſtood, on this ſubject, to be the declaring of laws to be good, which were paſſed in a parliament not called by writ in due form of law; which is deſtructive of the legal conſtitution of this monarchy, and may be of evil and pernicious conſequence to our preſent government under this king and queen [a]."

But theſe reaſons of diſſent were ordered to be expunged out of the journal of the houſe of lords, againſt which another proteſt was entered as againſt an unprecedented thing.

The bill being paſſed and ſent down to the commons, it was expected that it would have occaſioned long and great debates. But to the wonder of all men it paſſed that houſe in two days, without any debate or oppoſition. The truth was, the tories had reſolved to commit the bill; and in order to that, ſome trifling exceptions were made to ſome words, that might want correction; for bills are not committed, unleſs ſome amendments are offered; and it was reſolved to oppoſe it, when it ſhould be committed. But one of the party diſcovered this deſign too early, for he queſtioned the legality of the convention, ſince it was not ſummoned by writ. Mr. Sommers, the ſolicitor-general, anſwered this with great ſpirit, declaring, if that was not a legal parliament, they who were then met, and had taken the oaths, enacted by that parliament, were guilty of high-treaſon: That the laws repealed by it were ſtill in force; and therefore they muſt preſently return to king James; and that all the money levied, collected, and paid, by virtue of the acts of that parliament, made every one, who was concerned in it, highly criminal. This he ſpoke with much zeal, and ſuch an aſcendant of authority, that none were prepared to anſwer it; ſo the bill paſſed without any more oppoſition. This was a great ſervice, done in a very critical time, and contributed not a little to raiſe Mr. Sommers's character.

The greateſt debate in this ſeſſion, was concerning a bill that was brought into the houſe of commons, requiring all their majeſties ſubjects to abjure the late king James under pain of impriſonment. Some of the tories were at firſt for it, as were all the whigs. The clergy were excepted out of it, to ſoften the oppoſition that might be made. But ſtill the main body of the tories declared, they would never take any ſuch oath; and therefore oppoſed every ſtep, that was made in it with a great vehemence: They inſiſted much on this, 'That when the government was ſettled, oaths were made to be the ties of the ſubject to it; and that all new impoſitions, were a breach made on that, which might be called the original contract of the preſent ſettlement. That things of that kind ought to be fixed and certain, and not mutable and endleſs. That by the ſame reaſon, that the abjuration was now propoſed, another oath might be prepared every year; and every party, that prevailed in parliament, would bring in ſome diſcriminating oath or teſt, ſuch as could only be taken by thoſe of their own ſide; and thus the largeneſs and equality of a government would be loſt, and contracted into a faction.' On the other ſide it was urged, 'that this was only intended to be a ſecurity to the government during the war; for in ſuch a time it ſeemed neceſſary, that all, who were employed by the government, ſhould give it all poſſible ſecurity. That it was apparent, that the comprehenſive words in the oaths of allegiance had given occaſion to much equivocation; many who had taken them, having declared, as ſome had done in print, that they conſidered themſelves as bound by the oaths only while the king continued in peaceable poſſeſſion; but not to aſſiſt or ſupport his title, if it was attacked or ſhaken. That it was therefore neceſſary, that men in public truſts ſhould be brought under ſtricter ties.' The abjuration was debated in both houſes at the ſame time. The whigs preſſed the king to ſet it forward; alledging, that every one, who took it, would look on himſelf as unpardonable, and ſo would ſerve him with the more zeal and fidelity; whereas thoſe, who thought the right to the crown to be ſtill in king James, might perhaps ſerve faithfully as long as the government ſtood firm; but as they ſtill kept meaſures with the other ſide, to whom they knew they would be always welcome, ſo they will never act with that life and zeal, which the preſent ſtate of affairs required. At the ſame time the tories were as earneſt in preſſing the king to ſtop the farther progreſs of thoſe debates; that much time was already loſt in them; and it was evident, that much more muſt be loſt, if it was intended to carry it on; ſince ſo many branches of this bill, and ſo many incidents, that aroſe upon the ſubject of it, would give occaſion to much heat and conteſt; and it was a doubt, whether it would be carried, after all the time, which was beſtowed upon it, or not: That thoſe, who oppoſed it, would grow ſullen, and oppoſe every thing elſe that was moved for the king's ſervice; and that, if it ſhould be carried, it would put the king again into the hands of the whigs, who would immediately return to their old practices againſt the prerogative; and that it would drive many into king James's party, who might otherwiſe adhere firmly to his majeſty, or at leaſt be neutral. Theſe reaſons prevailed with the king to order an intimation to be given in the houſe of commons, that he deſired they would let that debate fall, and go to other matters, that were more preſſing [b].

This gave a new diſguſt to the whigs, but was very ac-

[a] Theſe reaſons were ſubſcribed by Somerſet, Rocheſter, J. Jermyn, Weſtmoreland, H. London, W. Landaffe, Huntingdon, Abingdon, Tho. Menev'. Feverſham, P. Wincheſter, W. Aſaph, Scarſdale, Weymouth, Dartmouth, Nottingham, Wigorn'.

[b] When this bill was read the third time, a motion was made to have it committed; which paſſed in the negative, a hundred and ſeventy-eight for it, and a hundred and ninety-two againſt it. This, in great meaſure, ſhews how the houſe was divided at that time as to tories and whigs. Pr. H. C. II. 378.

Biſhop

ceptable to the tories; and it quickened the advances of money upon the funds, that were given. It had indeed a very ill effect abroad; for both friends and enemies looked on it as a ſign of a great declenſion of the king's intereſt with his people. And his majeſty interpoſing to ſtop further debates in the matter, was repreſented as an artifice only, to ſave the affront of its being rejected. The earl of Shrewſbury was at the head of thoſe, who preſſed the abjuration moſt; and therefore, upon this change of counſels, thought he could not ſerve the king longer with reputation or ſucceſs. He ſaw the whigs, by uſing his majeſty ill, were driving him into the hands of the tories; and he thought, that theſe would ſerve the king with more zeal, if he left his poſt. Beſides, the credit, that the marquis of Carmarthen gained, was not eaſy to him. For theſe reaſons he reſolved to deliver up the ſeals as ſecretary of ſtate [c].

The king ſent Dr. Tillotſon, and all thoſe, who had moſt credit with the earl, to divert him from his reſolution; but all was to no purpoſe. The agitation of mind, which this gave his lordſhip, threw him into a fever, that almoſt coſt him his life. The king preſſed him to keep the ſeals, till his return from Ireland, though he ſhould not act as ſecretary; but he could not be prevailed upon.

The debate upon the abjuration laſted longer in the houſe of lords. It had ſome variation from that, which was propoſed in the houſe of commons, and was properly an oath of a ſpecial fidelity to the king in oppoſition to king James. The tories offered, in bar of this, a negative engagement againſt aſſiſting king James, or any of his inſtruments, knowing them to be ſuch, with ſevere penalties on ſuch as ſhould refuſe it. In oppoſition to this, it was ſaid, that this was only an expedient to ſecure all king James's party, whatever ſhould happen, ſince it left them the entire merit of being ſtill in his intereſts, and only reſtrained them from putting any thing to hazard for him. The houſe was ſo near an equality in every diviſion, that what was gained in one day, was loſt in the next; and by the heat and length of thoſe debates the ſeſſion continued till June.

The king having declared in his ſpeech, his intention to leave the adminiſtration of the government in the hands of the queen, and propoſed the having it confirmed by an act, if judged neceſſary, a bill was accordingly prepared for that purpoſe, by which the queen was inveſted with the adminiſtration of affairs, not only during the king's being in Ireland, but whenever he ſhould be called out of the kingdom; with this reſtriction however, "that the queen might be controlled by an order from his majeſty, while he was abroad." During the debates, the queen ſeemed to take no notice of the matter, nor of thoſe that had appeared for and againſt it. When this bill received the royal aſſent, an act was alſo paſſed for reverſing the judgment on a quo warranto, againſt the city of London, and reſtoring it to its ancient rights and privileges. This bill had been projected by the tories, and was intended to change the hands which then governed the city: But through haſte or weakneſs of thoſe, who drew it, the court of aldermen was not comprehended in it. So that by this act, the city was fixed in their hands, who were generally whigs.

The bill of indemnity which had cauſed ſo many debates in every ſeſſion, and had been ſo conſtantly and ſo earneſtly recommended by the king, did at laſt paſs both houſes. Of all the late inſtruments of popery and arbitrary power, thirty-five only were expreſsly excepted, and of them few or none were made examples of the juſtice of the nation [d].

The king thought fit to put an end to the ſeſſion with this act of grace, and coming to the houſe of peers for that purpoſe, made the following ſpeech:

My lords and gentlemen,

"I Have had ſuch aſſurance of your good affections to me, that I come now to thank you particularly for the ſupply you have given me. The ſeaſon of the year is ſo far advanced, that I cannot longer delay my going into Ireland; and therefore I think it neceſſary to have an adjournment of the parliament. And though it ſhall be but to a ſhort day, yet unleſs ſome great occaſion require it, (of which you ſhall have due notice) I do not intend you ſhall ſit to do buſineſs until the winter; and, I hope, by the bleſſing of God, we ſhall then have a happy meeting."

"In the mean time I recommend to you the diſcharge of your duties in your reſpective counties, that the peace of the nation may be ſecured by your vigilance and care in your reſpective ſtations."

Then the lord chief baron Atkyns ſignified his majeſty's pleaſure, that both houſes ſhould adjourn to the 7th of July; after which the parliament was twice prorogued, twice adjourned, and then prorogued again [e].

To prevent any attempt againſt the peace of the nation, during his majeſty's abſence, the deputy-lieutenants were authoriſed to raiſe the militia in caſe of neceſſity, and all papiſts ordered to the places of their abode, and not ſtir above five miles from thence without leave. A proclamation was likewiſe publiſhed, for the apprehending of ſeveral diſaffected perſons, who, as his majeſty was informed, had conſpired to raiſe a rebellion, and for that purpoſe had made proviſion of arms, and had liſted themſelves into ſeveral regiments.

[c] Biſhop Burnet was the firſt perſon, to whom the earl diſcovered this; he had the ſeals in his hand, when he told that prelate of his reſolution, who prevailed with him not to go that night. The earl was in ſome heat; and the biſhop was afraid, that he might have ſaid ſuch things to the king, as would have provoked him too much. The biſhop therefore ſent the king word of it; who was very much troubled at it. He loved the earl; and apprehended, that his leaving his ſervice at this time might alienate the whigs more entirely from him; for now they, who thought the earl before of too cold a temper, when they ſaw, how firm he was, came to conſider and truſt him more than ever.

[d] The perſons excepted were,

William, marquis of Powis.
Theophilus, earl of Huntingdon.
Robert, earl of Sunderland.
John, earl of Melfort.
Roger, earl of Caſtlemain.
Nathaniel, lord biſhop of Durham.
Thomas, lord biſhop of St. Davids.
Henry, lord Dover.
Lord Thomas Howard.
Sir Edward Hales.
Sir Francis Wythens.
Sir Edward Lutwych.
Sir Thomas Jenner.
Sir Nicholas Butler.
Sir William Herbert.
Sir Richard Holloway.
Sir Richard Heath.
Sir Roger L'Eſtrange.
William Mollineux.
Thomas Tindeſley, alias Tildeſley.
Colonel Townley.
Colonel Robert Lundee.
Robert Brent.
Edward Morgan.
Philip Burton.
Richard Graham.
Edward Petre.
Obadiah Walker.
Matthew Crone.
George lord Jeffreys, deceaſed.

When the bill of indemnity was ſent down to the commons, Mr. baron Turton brought this meſſage from the lords:

"Mr. Speaker, his majeſty hath been pleaſed to ſend this bill, which the lords have accepted and paſſed 'nemine contradicente,' and now ſend it down to this houſe." Though the commons immediately paſſed the bill; they demanded a conference, in which they intended to acquaint their lordſhips, "that it is unuſual for either houſe to acquaint the other by what number any bill before them do paſs, and the introducing any alteration in the uſual method of proceeding may be of dangerous conſequences." But a ſtop was put to this affair by the adjournment.

[e] In this ſeſſion were paſſed,

1. An act for enabling the ſale of goods diſtrained for rent, in caſe the rent be not paid in a reaſonable time.
2. An act for diſcouraging the importation of thrown ſilk, except of the growth of Italy, Sicily, or Naples.
3. An act to declare the right and freedom of election of members, to ſerve in parliament for the Cinque Ports. Before this act, the wardens of the Cinque Ports, claimed a right of nominating to each of the Cinque Ports one perſon to ſerve as a baron or member of Parliament.

The honours and promotions about this time, were as follows: The king created April 17, Richard lord viſcount Lumley, earl of Scarborough in the county of York; Henry lord Delamere, earl of Warrington, in the county of Lancaſter; Henry lord de Grey of Rothen, a viſcount by the name and ſtile of viſcount de Longueville; and on the 21ſt of that month, the lord Willoughby of Ereſby, Chancellor of the duchy of Lancaſter, was, by virtue of his majeſty's writ of ſummons, called up to the houſe of peers. About the ſame time his majeſty named admiral Torrington, ſir Ralph Delaval vice-admiral, and Mr. Rook rear-admiral, to command the red ſquadron of his fleet; and appointed Mr. Ruſſel admiral of the blue, with ſir John Aſhby vice-admiral, and ſir Cloudeſley Shovel rear-admiral under him. On the 30th of May he conſtituted Richard Pyne, eſq: ſir Richard Reeves, knt. and Robert Rochford, eſq; commiſſioners of the great ſeal of Ireland, as alſo commiſſioners of over and terminer, and general goal delivery within the ſaid kingdom; and on the 3d of June, ſir John Trevor, knt. ſpeaker of the houſe of commons, ſir William Rawlinſon, knt. and ſir George Hutchins, knt. were ſworn lords commiſſioners of the great ſeal of England, ſir Anthony Peck, who had been deſired to continue in that poſt, having declined it; and on the ſame day the marquis of Wincheſter, chamberlain to the queen, was ſworn of the privy council.

MS. Letter

But though many diſcoveries were made of the practices from St. Germains and Ireland, few were apprehended upon them, and thoſe were too inconſiderable to know more than that many were provided with arms and ammunition; and that a method was projected for bringing men together upon a call. However, on the fifth of June, Sir John Cockran and Mr. Ferguſon were ſeized on ſuſpicion of high-treaſon and treaſonable practices; Ferguſon having returned to his old habits of diſturbing the government, though he had been preferred by his majeſty to the place of houſe-keeper to the exciſe-office, worth near five hundred pounds per annum, with little trouble [f].

The day before the king ſet out for Ireland, he called biſhop Burnet into his cloſet, and ſeemed to have a great weight upon his ſpirits from the ſtate of his affairs, which were then very cloudy. He ſaid, that for his own part, he would either go through with his buſineſs, or periſh in it. He only pitied the poor queen, repeating that twice with great tenderneſs, and wiſhed, that thoſe who loved him, would wait much on her, and aſſiſt her. He lamented the factions and the heats, that were in the nation, and that the biſhops and clergy, inſtead of allaying them, did rather foment and inflame them. He declared, that going to a campaign, was naturally no unpleaſant thing to him; and he was ſure he underſtood that better than how to govern England. He added, that though he had no doubt or miſtruſt of the cauſe he went on, yet the going againſt king James in perſon was hard upon him, ſince it would be a vaſt trouble both to himſelf and to the queen, if he ſhould be either killed or taken priſoner. Then he diſmiſſed the biſhop, deeply affected with what he had ſaid [g].

The king ſet out for Ireland on the 4th of June, and on the 14th landed at Carrickfergus, being attended by prince George of Denmark, the duke of Ormond, the earls of Oxford, Scarborough, and Mancheſter, and many other perſons of diſtinction; and the ſame evening went to Belfaſt, where he was met by duke Schomberg, the prince of Wirtembergh, major-general Kirk, and other general officers.

As to the affairs of Ireland before the king's arrival, the camp at Dundalk was not the only place which proved fatal to the Engliſh army; for both officers and ſoldiers died in great numbers in their winter-quarters; ſo that about the beginning of the new year, ſeveral regiments were broken into others, and the officers continued at half pay, till proviſions could be made for them in other regiments, whilſt others went over to England to raiſe recruits. However, the ſickneſs by degrees abating, duke Schomberg, who took a fatherly care of ſuch as ſurvived, found them very much refreſhed by the good proviſions he had procured for them, and rather inclined boldly to encounter death in the field, than languiſh in their quarters. About the beginning of February, the duke being informed that the enemy was drawing down ſome forces towards Dundalk, and that they had provided magazines with a deſign to diſturb his frontier garriſons, ſent a conſiderable body of horſe and foot that way, and marched himſelf, on the 11th towards Drummore to obſerve the enemy's motion. But the deſigns of the Iriſh lay, at this time, another way; for while the duke was upon this expedition, colonel Wooliey was informed, that they intended to fall upon Belturbat, a town, which that colonel had taken from them not long before. Upon this Wooliey marched with great diligence from Belturbat with ſeven hundred foot and three hundred horſe and dragoons, towards the enemy; but being unacquainted with their numbers, and they having had notice of his approach, inſtead of ſurprizing them, he was himſelf ſurprized, finding them nine thouſand ſtrong, and in a poſture to receive him. However there being no way to retreat either with honour or ſafety, he made his men ſenſible of their common danger, and ſo animated them by his own example, that having engaged the Iriſh, he defeated them with conſiderable loſs; purſued them as far as Cavan where they had a little fort; ſet that town on fire; and in his return to Belturbat, took the caſtle of Killiſhandra with a great booty of cattle. In the mean time ſir John Lanier, with a party of one thouſand horſe, foot, and dragoons, made an attempt upon Dundalk, took Bedloe caſtle, and about fifteen hundred cows and oxen; and ſir Cloudeſly Shovel on Good Friday, took the only frigate king James had in his poſſeſſion, in that prince's own ſight in Dublin Bay, notwithſtanding all the oppoſition, that could be made againſt him by ſea and land. But what afflicted king James more ſenſibly was the loſs of the caſtle of Charlemont, a ſtrong place, chiefly by nature, as being ſeated upon a piece of ground in the middle of the bay; and only acceſſible by two ways, which the Iriſh had partly broke down. This poſt being of great importance, duke Schomberg reſolved to make himſelf maſter of it, and ſucceeded in his attempt, partly by a ſtratagem. The garriſon of that place, which for ſome time had been blocked up by the French regiments of La Caillemote and Cambon, being put to great ſtraits for want of victuals, king James ſent a ſtrong detatchment under Mac Mahone with proviſion to relieve it. Duke Schomberg being informed of this, ordered the blockade to let Mac Mahone paſs with his convoy after a ſlight reſiſtance, but to drive back all that returned from the caſtle. By this means the garriſon, which had received but a ſlender ſupply of proviſions, and were forced to feed their new gueſts as well as themſelves, were ſoon reduced to greater exigencies than before; and by a vigorous proſecution of the ſiege forced at laſt to capitulate on the 13th of May. The next day they marched out to the number of eight hundred men; and the duke, who was come to view them, ſeeing many women and children among them, aſked the reaſon of it, ſince they could not but conſume their proviſions. He was anſwered, that the Iriſh were naturally very hoſpitable, and that they all fared alike. But the greateſt reaſon was, that the ſoldiers would not ſtay in the garriſon without their wives and miſtreſſes; the duke replied, that 'there was more love than policy in it.' There were found in the place good ſtore of ammunition, ſeventeen pieces of braſs cannon, and two mortars; ſo that the enemy might have held out longer, if they had not wanted either courage or proviſions. The ſame day that Charlemont ſurrendered, colonel Wooliey, who had been conſiderably reinforced by a party of Danes, made himſelf maſter of the ſtrong caſtle of Balingargy near Cavan. Upon the loſs of theſe conſiderable poſts, the Iriſh quitted and burnt ſeveral caſtles on that ſide, and prepared to abandon Dundalk, Ardee, Caſtle-Blaney, and Carichmarh-Croſs.

In this ſituation was Ireland, when the king arrived there, who two or three days after he came to Belfaſt marched to Liſburn, where duke Schomberg kept his head quarters, and from thence to Hilſborough, where on the 20th of June he publiſhed an order, forbidding the preſſing of horſes, and the committing of any violences on the country people; and having ſome cautious advices propoſed to the general officers, he declared, that 'He did not come there to let the graſs grow under his feet,' but would purſue the war with the utmoſt vigour. He ordered therefore the whole army to encamp at a place called Loughbritland, where upon an exact review he found them to conſiſt of thirty ſix thouſand Engliſh, Dutch, French, Danes, and Germans, all well appointed in every reſpect. From Loughbritland the king marched his army to Dundalk, where he did not ſtay long, but upon advice, that the enemy had abandoned Ardee, immediately directed his march thither.

King James and his court had been ſo much elated with the news of the debates in the Engliſh parliament, and of the diſtractions of the city of London, that they had flattered themſelves with falſe hopes, that the king durſt nor leave England, nor venture over to Ireland; and the king had been ſix days landed, before they knew any thing of it [h]. But no ſooner had king James certain intelligence of his arrival, but

[f] MS. letter of Mr. Richard Warre to ſir William Colt, from Whitehall, June 1690. Ferguſon (ſays Burnet) was a hot and bold man, and naturally given to plotting; always unquiet and ſetting people on to ſome miſchief. He was concerned in the plots in king Charles IId's time; one of thoſe that preſſed the duke of Monmouth to invade England, ſaying, it was a good cauſe, and God would not leave them unleſs they left him. He was afterwards, as will be ſeen, in plots both againſt king William and queen Anne. He was at firſt among the preſbyterians, but being caſt out, he went among the independents, where his boldneſs raiſed him to ſome figure, though he was an empty man.

[g] How tender the king was of king James's perſon, appears from this inſtance. A propoſition was made to him, that a third rate ſhip, well manned by a faithful crew, and commanded by one, who had been well with king James, but in whom he might truſt, ſhould ſail to Dublin, and declare for king James. The perſon, who told biſhop Burnet this, offered to be the perſon, who ſhould carry the meſſage to king James, (for he was well known to him) to invite him to come on board, which he ſeemed to be ſure he would accept of; and, when he was aboard, they ſhould ſail away with him, and land him either in Spain or Italy, as the king ſhould deſire, and ſhould have twenty thouſand pounds to give him, when he ſhould be ſet aſhore. The king thought this a well formed deſign, and likely enough to ſucceed, but would not hearken to it, declaring, that he would have no hand in treachery; and alledging, that king James would certainly carry ſome of his guards and of his court aboard with him, who probably would make ſome oppoſition, and in the ſtruggle ſome accident might happen to king James's perſon, in which he would have no hand. The biſhop acquainted the queen with this, who ſhewed great tenderneſs for her father's perſon, and was much touched with the anſwer, which the king had made. Burnet II. 47.

[h] A party of two hundred foot and dragoons, June 19, going from Newry towards Dundalk, to diſcover the enemy; fell into an ambuſcade at a place called four-mile-houſe, and captain Farlow being taken priſoner, was the firſt who gave king James a certain account of king William's being in Ireland, for till then he would not believe it. Story's Cont. of the wars in Ireland, p. 19.

he began to ſtir, committing the guard of Dublin to a body of militia, under the command of colonel Lutterel, marched with about ſix thouſand French foot (old experienced ſoldiers lately come from France) to join the reſt of his forces, which now amounted to almoſt an equal number with the king's, beſides fifteen thouſand, which remained in garriſons. After the junction, a council of war was held, wherein both French and Iriſh were of opinion, that though they had a very advantageous poſt on the Boyne, yet their army being inferior both in number and in every thing elſe, they ſhould put too much to hazard, if they ſhould venture on a battle. They propoſed therefore the ſtrengthening their garriſons, and marching off to the Shannon with the horſe and a ſmall body of foot, till they ſhould ſee how matters went at ſea; for the French king had ſent them aſſurances, that he would not only ſet out a great fleet, but that, as ſoon as the ſquadron, which lay in the Iriſh ſeas, to guard the tranſport fleet, and to ſecure the king's paſſage over, ſhould ſail into the channel, to join the grand fleet of England, he would then ſend into the Iriſh ſeas a fleet of ſmall frigates and privateers to deſtroy the king's tranſports. This would have proved fatal, if it had taken effect; and the execution of it ſeemed eaſy and certain. It would have ſhut up the king in Ireland, till a new tranſport fleet could have been brought thither, which would have been the work of ſome months; ſo that England might have been loſt, before he could paſs the ſeas with his army.

The deſtruction of his tranſports muſt have likewiſe ruined his army; for his ſtores both of bread and ammunition were ſtill on board, and they ſailed along the coaſt, as he advanced on his march; nor was there in that coaſt a ſafe port to cover and ſecure them. The king indeed reckoned, that by the time the ſquadron, which lay in the Iriſh ſeas, ſhould be able to join the reſt of the fleet, they would have advanced as far as the mouth of the channel, where they would guard both England and Ireland. In expectation of this fleet of ſmaller veſſels, to deſtroy the king's tranſports, it was that king James's officers were againſt bringing the war to a ſpeedy concluſion. But in oppoſition to all their opinions, king James himſelf was poſitive, that they ſhould ſtay and defend the Boyne. If they ſhould abandon Dublin, they would ſo loſe their reputation, that the people would leave them and capitulate, and all their friends in England be alſo diſpirited. Therefore he reſolved to maintain the poſt he was in, and ſeemed pleaſed to think, that he ſhould have one fair battle for his crown. He had all the advantages he could deſire. The river was deep, and roſe very high every tide: There was a moraſs to be paſſed after the river, and then a riſing ground. But with all theſe advantages, he thought fit to order ſir Patrick Trant, the commiſſioner of the Iriſh revenue, to prepare him a ſhip at Waterford, that in caſe of a defeat, he might ſecure his retreat to France.

On the 30th of June the king being informed, that the enemy had repaſſed the Boyne, ordered his whole army to move by break of day in three lines towards the river, which was about three miles diſtant from them; whereupon the advanced guards of horſe, commanded by ſir John Lanier, moved in very good order, and by nine of the clock got within two miles of Drogheda. The king, who marched in the front of them, obſerving, that there was a hill to the eaſt of the enemy, and north from the town, rode thither to view their camp, which he found to be all along the river in two lines. Here the king held a long conſult with the prince of Denmark, the dukes of Schomberg and Ormond, count Solmes, major-general Scravenmore, the lord Sidney, and other great officers, who made all their obſervations upon the enemy. Among the reſt Scravenmore ſeemed to deſpiſe them, ſaying, they were but an handful of men, for he could not reckon above forty-ſix battalions, that lay encamped. But the king and prince George juſtly anſwered, that they might have a great many men in the town; and that there was alſo a hill to the ſouth-weſt, beyond which part of their army might be encamped. "However," added the king, "we ſhall ſoon be better acquainted with their numbers." From this place the king rid on to the paſs at the Old-bridge, and ſtood upon the ſide of the bank within muſket-ſhot of the ford, to take there a nearer view of the enemies ſituation; and ſome time after rid about two hundred paces up the river, nigh the weſt of all the enemies camp. Whilſt the army was marching, he alighted from his horſe, and ſate down upon a riſing ground, where he refreſhed himſelf for about an hour; during which time a party of about forty horſe advancing very ſlowly, made a ſtand upon a plowed field over againſt the king, and brought two field-pieces with them, which they planted at the corner of a hedge undiſcovered. The king was no ſooner re-mounted, but the Iriſh fired at him, and with the firſt ſhot killed a man and two horſes very near him. This bullet was preſently ſucceeded by another, which having firſt grazed on the bank of the river, did in its riſing ſlant upon the king's right ſhoulder, took out a piece of his coat, and ſtruck off the ſkin, and afterwards broke the head of a gentleman's piſtol. Mr. Coningſby, afterwards earl Coningſby, rid up and clapped his handkerchief upon the wound, while the king himſelf mounted again and kept on his pace, and only ſaid, 'There was no neceſſity the bullet ſhould have come nearer.' The enemy ſeeing ſome diſorder among thoſe, who attended the king, concluded, that he was killed, and immediately ſet up a ſhout all over their camp, and drew down ſeveral ſquadrons of their horſe upon a plain towards the river, as if they meant to paſs and purſue the Engliſh army. Nay, the report of the king's death flew preſently to Dublin, and from thence ſpread as far as Paris, where the people were encouraged to expreſs their joy by bonfires and illuminations.

The king having got his ſlight wound dreſſed, mounted again on horſeback, and ſhewed himſelf to the whole army, in order to diſſipate their apprehenſions. He continued on horſeback, without the leaſt concern, till four in the afternoon, when he dined in the field, and in the evening mounted again, though he had been up from one in the morning. About nine at night he called a council of war, and declared his reſolution to paſs the river the next day; which duke Schomberg at firſt oppoſed; and finding the king poſitive, adviſed, that part of the army, horſe and foot, ſhould be ſent that night towards Slane-bridge, in order to paſs the Boyne there, and ſo get between the enemy and the paſs at Duleck. This advice, which if followed, would perhaps have ended the war in one campaign, ſeemed at firſt to be reliſhed; but being afterwards oppoſed by the Dutch generals, duke Schomberg retired to his tent, where not long after the order of battle was brought him, which he received with diſcontent and indifference, ſaying, 'It was the firſt that ever was ſent him.' Lieutenant-general Douglas was to command the right wing of foot, and count Maynard de Schomberg the horſe, who were to march on early towards Slane-bridge, and other fords up the river, to flank the enemy, or get between their camp and Drogheda, whilſt a body of foot were to force their way at the paſs at Old Bridge.

On the other ſide, king James having alſo called a council, Lieutenant general Hamilton adviſed him to ſend a party of dragoons to the ford, which was below the town of Drogheda, which the Engliſh either knew not of, or elſe did not regard; and all the reſt, being eight regiments, towards the bridge of Slane. But king James ſaid, he would ſend fifty dragoons up the river, which juſtly put Hamilton into great amazement, conſidering the importance of the place to be defended.

Towards the cloſe of the evening the cannon ceaſed on both ſides, when the king gave orders, that every ſoldier ſhould be provided with a good ſtock of ammunition, and all to be ready to march at break of day, with every man a green bough or ſprig in his hat, to diſtinguiſh him from the enemy, who wore pieces of white paper in their hats. The word that night being 'Weſtminſter,' the king rode in perſon about twelve at night with torches quite through the army, and then retired to his tent, impatient of the approaching day.

The expected day being come, about ſix in the morning lieutenant-general Douglaſs marched towards the right with ſome foot, as did count Schomberg with the horſe; which the enemy obſerving, drew out their horſe and foot to oppoſe them. King William's right wing was at firſt ordered to paſs all at Slane; but upon better information from the guides, ſeveral regiments were commanded to go over at other fords between the camp and that place. When the horſe approached the river, a regiment of the enemies dragoons made a ſhew of oppoſing their paſſage; but being ſoon forced to retire with loſs, the Engliſh got over, and advanced towards the enemy's main body, which they found drawn up in two lines. Hereupon Douglaſs drew up his detachment in two lines alſo; but having ſix battalions of foot to twenty-four ſquadrons of horſe, he ſent for more foot; and in the mean time, according to the earl of Portland's advice, the horſe and foot were intermixed for their greater ſecurity. More foot being come up, this figure was immediately altered, and all the horſe drawn to the right, whilſt the foot moved towards a bog on the left, which lay between them and the

enemy, and through which it was impoſſible for the horſe to march. The Iriſh obſerving their motion, retreated in ſome haſte towards Duleck, but were vigorouſly purſued by count Schomberg.

Though the king was ignorant of what had paſſed between his men and the enemy, yet ſuppoſing, that by this time they were over the river, ordered three attacks to be made; the firſt at a good ford before a ſmall village, where the Iriſh were advantageouſly poſted. The Dutch regiment of foot-guards took the river firſt at Old Bridge, wading to the middle, and being got over amidſt the enemy's fire, without making halt, drew up in two files, and then fired upon the Iriſh, who not bearing the charge abandoned their intrenchments. But before the third battalion of that regiment had paſſed the ford, five battalions of the enemy advanced very boldly within piſtol-ſhot of the Dutch, who received them ſo warmly, that they retreated with the loſs of ſome men and one pair of colours. Upon this the Dutch marched beyond the village, and repulſed a ſquadron of king James's horſe, that would have ſtopt their progreſs.

At the ſame time a ſquadron of general Hamilton's horſe rode briſkly to the very brink of the river, in order to oppoſe ſir John Hanmer's and count Naſſau's regiments in paſſing it; and though they failed in that attempt, yet in their retreat they fell upon the French foot with ſuch reſolution, that part of them broke through La Caillemote's and Cambon's regiments, which wanted pikes to ſtem their furious career. But the Iriſh wheeling about through the village, to recover their own men, they were intercepted by the Dutch and Iniſkillin foot, and moſt of them, after a ſtout reſiſtance, cut in pieces. By this time the Dutch guards being advanced as far as the hedges into the open field, the Iriſh horſe came down upon them again with greater numbers and redoubled fury; but the Dutch remained ſo firm and cloſe, and other regiments coming to their aſſiſtance, that the Iriſh were forced to retire. Upon this a freſh ſquadron of horſe advanced to ſupport them, but were vigorouſly repulſed by the French proteſtants and Inniſkilliners. In the firſt of theſe onſets monſieur la Caillemote received his mortal wound, and as he was carried back by four ſoldiers to the Engliſh camp, he encouraged thoſe, who were croſſing the river, by theſe words, "A la gloire, mes enfans, a la gloire; "To glory, my boys, to glory."

In the mean time the Danes came up to the left, as did the brigades of Hanmer and La Melloniere on the right. The firſt were ſo valiantly attacked in front by Hamilton's horſe, that they were obliged to give way, and ſome of them to repaſs the river. Duke Schomberg perceiving this diſorder, and ſeeing the French proteſtants were alſo left expoſed without a commander, immediately paſſed the river, in order to head them, with ſo much hurry, that he could not be perſuaded by monſieur Foubert, one of his aids de camp, to put on his armour. He was no ſooner on the other ſide, but he encouraged the French proteſtants by this ſhort harangue, "Allons, meſſieurs, voila vos perſecuteurs; "Come on gentlemen; behold your perſecutors," pointing to the French papiſts in the enemy's army. Theſe words were ſcarce out of his mouth, when fifteen or ſixteen of king James's guards, who were returning full ſpeed to their main body, after the ſlaughter of their companions, and whom the French refugees ſuffered to paſs, thinking them to be of their ſide, fell furiouſly upon the duke, and gave him two wounds on the head, which however were not mortal. Upon this the regiment of Cambon acknowledged their error, by committing a greater; for firing raſhly on the enemy, they ſhot the duke through the neck, of which wound he inſtantly died; and monſieur Fouber alighting to relieve him, was ſhot in the arm. Not long before Dr. Walker, ſo famous for the defence of Londonderry, received a wound in the belly, which he ſurvived but ſome few minutes.

The king during all theſe actions might be ſaid to be every where, ſince he directed all by his conduct; but now his courage was likewiſe to have a ſhare in the honour of the day. His majeſty, accompanied by the prince of Denmark, paſſed the river with the left wing of horſe, and that with ſome difficulty; for his horſe was bogged on the other ſide, and himſelf forced to alight, till one of his attendants helped him to get his horſe out, and remount. As ſoon as his troops were over, and put in ſome order, the king drew his ſword, (though the wound, which he had received the day before, made it uneaſy for him to wield it) and marched at the head of them towards the enemy, who were coming on again in good order towards the Engliſh foot, that had now got over the paſs, and were advancing bravely towards the Iriſh, though they were double their number. When theſe two bodies were come almoſt within muſket ſhot of one another, the enemy diſcovered the left wing of the Engliſh horſe moving towards them; at which they made a ſudden halt, faced about, and retreated up the hill to a little village called Dunmore, about half a mile from the paſs. The Engliſh marching in good order came up with them at this village, where the enemy reſuming courage, faced about, and made the Engliſh horſe give way, though they had the king at their head. The king ſhocked at this, rid up to the Inniſkilliners, and aſked them 'what they will do for him? Their chief officer telling them, that it was the king who was doing them the honour to head them, they boldly came forward, and at the head of them the king received the enemy's fire, and then wheeling to the left to fetch up his own men again, the Inniſkilliners, through a miſtake, retired after him above an hundred yards. This made the king move to the left, to put himſelf at the head of ſome Dutch troops, that were advancing; while in the mean time the Inniſkilliners growing ſenſible of their error, went on again ſucceſsfully to the charge. In this place, duke Schomberg's regiment of horſe, compoſed of French proteſtants, and ſtrengthened by an unuſual number of officers, behaved with undaunted reſolution, like men, who fought for a nation, amongſt whom themſelves and their friends had found ſhelter againſt the perſecution of France. At the ſame time another party, commanded by lieutenant general Ginckle, charged in a lane to the left, but was ſoon overpowered by the Iriſh, and forced to give way. This being obſerved by a party of ſir Albert Cunningham's dragoons, and another of colonel Leviſon's, the officers ordered the men to alight and line a hedge, as alſo a ruined houſe, that flanked the lane, from whence they fired upon the enemy. Ginckle continued in the rear of his men, endeavouring to make them maintain their ground, and was in ſome danger from the Engliſh dragoons; for the enemy being cloſe upon him, they could not well diſtinguiſh. However the dragoons did a great piece of ſervice by ſtopping the enemy, who came up very boldly; and the Dutch horſe having the opportunity of rallying, as they did to the right, the enemy, after half an hour's ſharp diſpute, were beat back again with conſiderable loſs.

On the other ſide lieutenant-general Hamilton finding, that his foot did not anſwer his expectation, put himſelf at the head of the horſe, which was likewiſe routed, and himſelf taken priſoner. When he was brought to the king, he was aſked by him, whether the Iriſh would fight any more? 'Yes, Sir, (anſwered Hamilton) upon my honour, I believe they will.' When he pronounced the word honour, the king looked diſdainfully at him, and then turned about, repeating once or twice, 'Your honour:' intimating that what he affirmed upon his honour was not to be regarded, ſince that was forfeited before by his ſiding with Tyrconnel; and this was all the rebuke the king gave him for his breach of truſt.

In the mean time, count Schomberg, who was now informed of his father's death, purſued the enemy with that zeal and ſpirit, which a noble and juſt reſentment inſpires, and drove them ſeveral miles beyond the village of Duleck, covering the ground with the ſlaughtered enemies. Nor did he deſiſt, till the earl of Portland, by the king's expreſs command, obliged him to return to the place where the foot made an halt, and where they remained under their arms all night.

The king had reaſon not to regard what Hamilton told him; for, that general was no ſooner taken, but the fight ceaſed on the ſide of the Iriſh; and count Lauzun making up to king James, (who, during the whole action, ſtood with ſome ſquadrons of horſe upon the hill called Dunmore,) repreſented to him how near he was being ſurrounded; adding, that he ought to think of nothing but a retreat, which he doubted not to make good with many brave officers then about him, and the remains of his French and Swiſs troops. This advice king James was very inclinable to take; and therefore being attended by the regiment of Sarsfield, marched off to Duleck, and from thence in great haſte to Dublin; whilſt count Lauzun, Sheldon, and ſome other officers, diſpoſed all things for a retreat, which they performed in very good order.

King James's whole loſs in this battle was generally computed at fifteen hundred men, amongſt whom were the lord Dongan, the lord Carlingford, ſir Neile O Neile, the marquis D'Hocquincourt; and ſeveral priſoners, the chief of of whom was lieutenant general Hamilton, who to do him juſtice, behaved with great courage, and kept the victory doubtful

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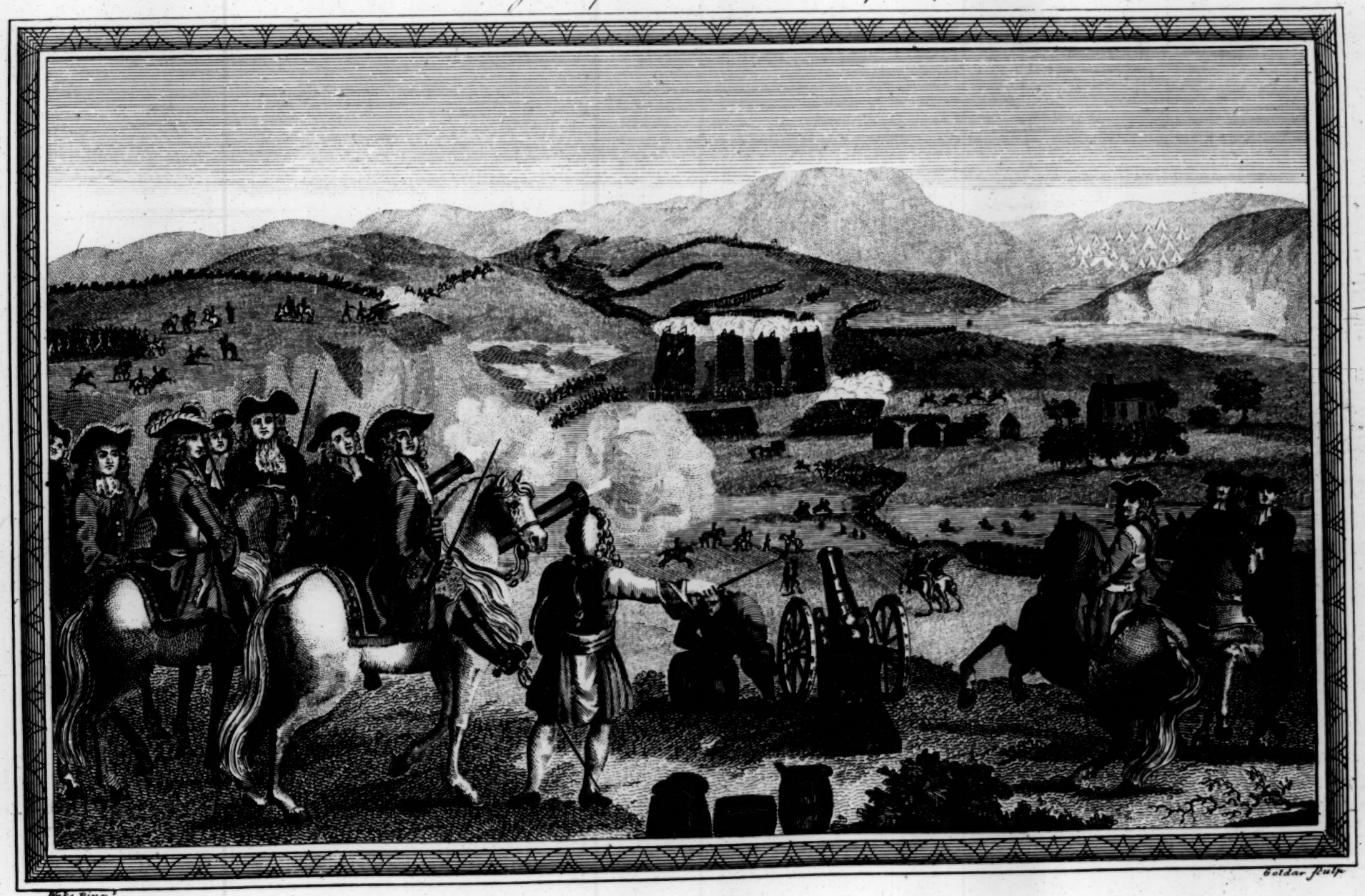

Boyle Pinx.t

Goldar Sculp.

The BATTLE of the BOYNE. July. 1. 1690.

Published as the Act directs. Dec.r 3. 1785.

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FREDERICK DUKE OF SCHOMBERG.

G. Kneller Pinx.t

Goldar sculp.

In the Collection of the Rt. Hon.ble Earl Fitz Walter.

Published as the Act directs Nov.r 1785.

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doubtful till he was taken priſoner. On the ſide of the Engliſh, fell about five hundred; an inconſiderable loſs for the gain of ſo important a battle, had not the renowned duke Schomberg been one of the number.

This great man was deſcended of a noble family in the Palatinate, and ſon of count Schomberg by his firſt wife, an Engliſh lady, daughter of lord Dudley (which count was killed at the battle of Prague in Bohemia in 1620, with ſeveral of his ſons). The duke was born about the year 1608, and had for his godfather the unfortunate Frederic, elector Palatine, who was afterwards king of Bohemia, and deprived of all his dominions. Forced by the calamities of his country, the duke retired to Holland, where he ſerved firſt in the army of the United Provinces, under Frederic Henry, prince of Orange, and afterwards became the particular confident of his ſon William II. after whoſe death in 1650 he retired into France, where he gained ſo high a reputation, that, next to the prince of Condé and Turenne, he was eſteemed the beſt general in that kingdom, though, on account of his firm adherence to the proteſtant religion, he was not for a conſiderable time raiſed to the dignity of marſhal. In November 1659 he offered his ſervice to king Charles II. for his reſtoration to the throne of England; and the year following, the court of France being greatly ſolicitous for the intereſts of Portugal againſt the Spaniards, he was ſent to Liſbon, and in his way thither paſſed through England, in order to concert meaſures with king Charles II. for the ſupport of Portugal. He adviſed king Charles to ſet up for the head of the proteſtant religion, which, he ſaid, would keep the princes of Germany in great dependance, and make him umpire of their affairs, and alſo by gaining him great credit with the Hugonots, keep France in continual fear of him. He adviſed him likewiſe to employ the military men, that had ſerved under Cromwell, whom he thought the beſt officers he had ever ſeen. But above all he adviſed him to keep Dunkirk, which would be a check both upon France and Spain. But in all theſe things his advice was rejected. When he came to Portugal he did ſuch eminent ſervices there that he was created a grandee of that kingdom, and count of Mertola, with a penſion of five thouſand pounds ſterling to himſelf and his heirs. In 1673 he came over again into England, to command the army; but the French intereſt being then very odious to the Engliſh, though he would at any other time have been very acceptable to them, he was at that criſis conſidered as one ſent from France to bring our army under a French diſcipline, and ſo grew obnoxious to the nation, and at the ſame time not much loved by the court, as being found unfit for their purpoſes, for which reaſon he ſoon returned to France. In 1676 he was left by the king of France, upon his return to Paris, with the command of his army in Flanders, and ſoon after obliged king William then prince of Orange to raiſe the ſiege of Maeſtricht, and was made a marſhal of France. But when the perſecution againſt thoſe of the reformed religion was begun in that kingdom, he deſired leave to return into his own country; which was denied him, and all the favour he could obtain was to go to Portugal. And though he had preſerved that nation from falling under the yoke of Caſtile, yet now when he came thither for refuge, the inquiſition repreſented the giving harbour to an heretic ſo odiouſly to the king, that he was forced to ſend the marſhal away. He went from thence to England, and paſſing through Holland, entered into a particular confidence with the prince of Orange; and being invited by the elector of Brandenburgh to Berlin, was made governor of Pruſſia, and ſet at the head of all the elector's armies. He was treated likewiſe by the young elector with the ſame regard, that his father had ſhewn him, and in 1688 was ſent by him to Cleves, to command the troops, which were raiſed by the empire for the defence of Cologn. When the prince of Orange was almoſt ready for his expedition into England, the marſhal obtained leave of the elector of Brandenburgh to accompany the prince in that attempt; upon whoſe advancement to the throne of England he was made a duke. He was a man of great calmneſs, application, and conduct, and thought much better than he ſpoke; of true judgment, exact probity, and of an humble and obliging temper. He had a thorough experience of the world; knew men and things better than anyman of his profeſſion ever did; and was as great in council as at the head of an army. In his declining years his memory very much failed, but his judgment remained true and clear to the laſt. He appeared courteous and affable to every perſon, and yet had an air of grandeur, that commanded reſpect from all. He was eighty-two years of age, when he was killed. And as monſieur Caillemotte had followed him in all his fortunes while alive, ſo did he in his death, for he did not long ſurvive his wounds.

As for the king himſelf, he received no manner of hurt in the action, though he was in all the height of it; only a cannon ball carried away a piece of his boot. His majeſty did all that the greateſt of generals could do upon the occaſion. He choſe the field, diſpoſed the attacks, drew up his army, charged the enemy ſeveral times, ſupported his forces when they began to ſhrink, and behaved throughout with that conduct, courage, reſolution, and preſence of mind, and was ſuch a poiſe for the inclining victory to his own ſide, that the Iriſh themſelves declared, "That if the Engliſh would change kings with them, they would fight the battle over again." However, both kings have been equally blamed for not improving, the one the advantage of his victory, and the other that of his retreat. Thoſe, who have written in favour of king James, ſay, that king William might have marched directly to Dublin, a place open and unfortified on every ſide; and prevented the Iriſh from aſſembling any more, and ſecuring Limerick, Galway, and ſeveral other important places. And ſuch as are partiſans of king William, cenſure both king James for leaving Ireland with ſo much precipitation, and thoſe he left behind, for not having collected the remains of a defeat, that had coſt them but few men.

King James being arrived at Dublin, and having immediately aſſembled the magiſtrates and council of the city, told them, "That his army in England having made a total defection againſt him, when he had the greateſt occaſion for them, he retired into France, where he was kindly received by that king, and had all the aſſurance imaginable of being re-eſtabliſhed on his throne. That ſometime after he came to this kingdom of Ireland, and found all his Roman Catholic ſubjects as well equipped and prepared to defend his cauſe, as their ability would bear. And though he had been often told, that when it came to the touch, they would never bear the brunt of a battle, he could never credit the ſame till that day, when having a good army, and all preparations fit to engage a foreign invader, he found the fatal truth of what he had been ſo often precautioned about; and though the army did not deſert him, as they did in England, yet when it came to the trial, they baſely fled the field, and left it a ſpoil to his enemies; nor could they be prevailed upon to rally, though the loſs in the whole defeat was but inconſiderable, ſo that henceforward he determined never more to head an Iriſh army, and now reſolved to ſhift for himſelf, as they themſelves muſt do. That it had been often debated, in caſe ſuch a revolution ſhould happen, 'Whether upon deſerting the city of Dublin, the ſame might not be fired?' He did therefore charge them on their allegiance, that they ſhould neither rifle it by plunder, nor deſtroy it by fire; which in all kingdoms would be judged very barbarous, and muſt be believed to be done by his orders; and if done, there would be but little mercy to be expected from an enraged enemy." He concluded, "that he was neceſſitated to yield to force, but would never ceaſe to labour their deliverance as long as he lived."

Having ſtaid at Dublin one night, the next morning attended by the duke of Berwick, Tyrconnel, and the marquis of Powis, he poſted away to Waterford, where he arrived the ſame day, taking care to have the bridges broken down behind him, for fear of being purſued. There he went on board a veſſel, called the Count de Lauzun, that was ready to receive him; but the ſieur de Foran, who commanded the ſquadron, meeting him at ſea, deſired him to go on board one of his frigates for his quicker paſſage; and by this means he got over once more into France, and fixed his reſidence at St. Germains.

As ſoon as king James was gone, all the conſiderable papiſts fled from Dublin, and the proteſtants were releaſed, who poſſeſſed themſelves of the militia arms; and with the aſſiſtance of the biſhops of Meath and Limerick, formed a committee to take care of things, and ſent letters to king William, to give him an account of what had paſſed, and to pray him to honour that city with his preſence.

In the mean time the queen ſuſtained the weight of affairs in England with great prudence. This was a new ſcene to her. She had for above ſixteen months before, made ſo little figure in buſineſs, that thoſe, who thought that every woman of ſenſe loved to be meddling, concluded, ſhe had but a ſmall proportion of it, becauſe ſhe lived ſo abſtracted from all affairs. Her behaviour was indeed very exemplary; ſhe was exactly regular both in her private and public devotions.

tions. She was much in her cloſet, and read a great deal; ſhe was often buſy at work, and ſeemed to employ her time and thoughts in any thing rather than matters of ſtate. Her converſation was lively and obliging; every thing in her was eaſy and natural. She was ſingular in great charities to the poor, of whom, as there are always great numbers about courts, ſo the crowds of perſons of quality, that had fled over from Ireland, drew from her liberal ſupplies. But all this was nothing to the public. If the king talked with her of affairs, it was in ſo private a way, that few ſeemed to believe it. The king had indeed, upon many occaſions, ſaid to the earl of Shrewſbury, that though he could not hit on on the right way of pleaſing England, he was confident the queen would; and that the nation would be happy under her. He named a cabinet council of nine perſons, on whoſe advice her majeſty was chiefly to rely [1]. Of theſe, the lord preſident and the earl of Nottingham, had the chief ſway in the management of affairs, which made the whigs not ſatisfied with the nomination. But the queen balanced all things with an extraordinary temper, and became univerſally beloved and admired by all about her. She had a vaſt weight of cares upon her; the danger of her royal conſort in Ireland; the imminent appearance of an invaſion from France; and at home a divided people, ſome profeſſedly owning an allegiance to king James, and even others, who had taken the oaths, waiting for an opportunity to renounce them. Under all theſe apprehenſions ſhe betrayed no fear, and loſt no time. As ſoon as ſhe heard the king was ſafely landed in Ireland, ſhe began to exerciſe the power veſted in her by parliament, in two ſeaſonable proclamations, one "commanding all papiſts, and reputed papiſts, forthwith to depart the cities of London and Weſtminſter, and from within ten miles of the ſame;" the other "for the confinement of popiſh recuſants within five miles of their reſpective dwellings." And there was great need of the utmoſt vigilance and care to prevent the ruin of the nation; for king James's adherents, who by this time began to be diſtinguiſhed by the name of jacobites, being furniſhed by the king's abſence with a promiſing opportunity to attempt the reſtoring of their abdicated monarch, were concerting meaſures with France to put their deſigns in execution. It was agreed, that while part of the French fleet ſhould bear up the Thames, to countenance the jacobites in London, who were grown very bold and numerous by the flocking thither of a great number of that party, from all parts of the country, they ſhould make an inſurrection, and ſeize the queen and her chief miniſters. Which done, certain perſons were to take upon them the adminiſtration of affairs till the return of king James, who was to leave the command of the army to his generals, and haſten with all ſpeed to England. The other part of the French fleet, having joined their gallies, was to have landed eight thouſand men at Torbay with arms for a greater number; after which the gallies and men of war were to ſail into the Iriſh ſeas, to hinder the return of the king and his forces; and the diſcontented Scots were to have revolted at the ſame time, in ſeveral parts of that kingdom.

The French fleet entered the channel, as before concerted; at a time when the Engliſh were ill-prepared to receive them, occaſioned chiefly by an unhappy compliment paid to the king of Spain, who having married Mariana of Newburgh, (ſiſter to the empreſs and the queen of Portugal) deſired of king William, a convoy to conduct her from Holland to the Groyne. Accordingly admiral Ruſſel was ordered to attend her with a ſquadron, which was partly to conſiſt of ſome ſhips belonging to a fleet that was going to the Mediterranean under Killigrew, to watch the motions of the French at Toulon. The admiral was ſo delayed in this voyage by contrary winds, that though he ſailed to Zealand, the 24th of November 1689, he did not return from the Groyne to England, till the latter end of April, when the ſquadron put into Plymouth to refit, and he himſelf went on to Spithead. By this means, not only the deſign of blocking up Toulon was loſt, (for the French were ſailed before the Engliſh arrived there) but the ſquadron at Plymouth joined by that which came from the Iriſh ſeas, (in all thirty ſhips of the line) were prevented from coming to the main fleet at Spithead, by the French entering the channel, while they lay thus divided. It is alſo ſaid, the earl of Torrington, (who had the chief command) did not make the haſte that was neceſſary to join the fleets, which, perhaps, was owing to his not believing the French were in ſuch forwardneſs. For ſo little did he expect them, that he had ordered no ſcouts to the weſtward, to obſerve their motion; and they came with ſo fair a wind, that they were near the Iſle of Wight, before he had notice of their being in the channel, and in all probability would have ſurprized him, had not the wind turned upon them. Another reaſon of the fleet's lying ſo long at Spithead, was, the Dutch ſquadron not coming ſo ſoon as was promiſed. Admiral Torrington was with the fleet at St. Helen's when he received advice from Weymouth, that the French were entered the channel, whereupon it was debated what was fitteſt to be done. The admiral as he could not be joined by the Plymouth-ſquadron, thought he was not ſtrong enough, and adviſed going in till ſome ſhips he expected from the eaſt were come up. But poſitive orders being ſent to him from the queen to fight, notwithſtanding the enemy's ſuperiority of above ſeventy ſail to fifty, the two fleets came to an engagement near Beachy, in Suſſex.

On the 30th of June, the day after the battle of the Boyne, at eight in the morning the ſignal was made for battle; when the French bracing their head-ſails to the maſt, lay by; and about an hour after the Dutch ſquadron, which led the van, began to engage part of the van of the enemy; half an hour after which our blue ſquadron encountered their rear; but the greateſt part of the red, which were in the center, could not engage till near ten; and as they were then at a conſiderable diſtance from the enemy, ſo was there a great opening between them and the Dutch. It was obſerved, that as the Engliſh bore down on the French, they laſhed away, though probably that might be only to cloſe their line; and afterwards ſeveral of their ſhips towed round with their boats till they were out of ſhot, ſo that it was hoped the advantage would have fallen on our ſide. But it was not long before it appeared, that the Dutch had ſuffered very much; and chiefly by their being, for want of a neceſſary precaution, weathered and ſurrounded by thoſe French ſhips, which they left ahead of them, when they began to engage. No ſooner did the admiral perceive their condition, than he ſent them orders to come to an anchor; and with his own ſhip, and ſeveral others, driving between them and the enemy, anchored about five in the afternoon, at which time it was calm; but judging it not ſafe to renew the fight at ſo great a diſadvantage, he weighed at nine at night, and retired eaſtward with the tide of flood. On the 1ſt of July in the afternoon he called a council of war, in which it was reſolved to endeavour to preſerve the fleet by retreating, and rather to deſtroy the diſabled ſhips, if they ſhould be preſſed by the enemy, than hazard another engagement by protecting them.

The French very indiſcretely purſued in a formal line of battle, whereas, had they left every ſhip to do her utmoſt, the Engliſh would undoubtedly have been more roughly treated, eſpecially the ſhips which were diſabled in the fight. But each ſhifting for herſelf, as it is natural to do in ſuch caſes, and caution being had in anchoring moſt advantageouſly with regard to tides, which the French took little or no notice of, the Engliſh got ground conſiderably of them. However, they purſued as far as Rye Bay; and one of the Engliſh ſhips called the Anne, of ſeventy guns, was run on ſhore near Winchelſea, having loſt all her maſts, where two French ſhips attempting to burn her, the captain ſaved them that labour by ſetting fire to her himſelf. The body of the French fleet ſtood in and out near Bourne and Peinſey in Suſſex, while about fourteen more lay at anchor, near the ſhore, ſome of which attempted to deſtroy a Dutch ſhip of ſixty-four guns, that lay dry at low water in Peinſey Bay; but her commander ſo well defended her every high water, when they made their attacks, that they at laſt thought it convenient to deſiſt; ſo that this ſhip was got off, and ſafely carried to Holland. But it fared not ſo well with three others of that nation, which were on ſhore on that coaſt; for their officers and men not being able to defend them, they ſet them on fire; ſo that with the three ſhips deſtroyed by the French in the action, the States General loſt ſix of the line of battle.

On the 8th of July the French fleet ſtood towards their own coaſt, but were ſeen the 27th following near the Berry-Head, a little to the eaſtwards of Dartmouth, and then the wind taking them ſhort, they put into Torbay. There they

[1] Theſe were the lord preſident, the lord ſteward, the lord chamberlain, the earls of Pembroke, Nottingham, Monmouth, and Marlborough, ſir John Lowther, vice-chamberlain, and firſt commiſſioner of the Treaſury, and Mr. Edward Ruſſel. MS. Letter of Mr. Warre to ſir W. Colt, June 6, 1690.

This

lay not long, for they were discovered the 29th near Plymouth, at which place very good preparations were made by platforms and other works, to give them a warm reception. The 5th of August they appeared again near the Ram-Head, in number between sixty and seventy, when standing westward, they were no more seen in the channel this year [k].

The news of this advantage gained by the French at sea had no sooner reached London, but the fears of a descent created a general consternation, which immediately spread itself through the whole kingdom. The queen was not ignorant of the danger, but did all that was possible to conceal her own apprehensions, and to inspire her subjects with resolution. The lord mayor and aldermen, and lieutenancy of the city of London were not wanting in this critical juncture to express their zeal and affection for the government. For attending her majesty in council, they declared the unanimous resolution of the city to defend and preserve their majesties and their government with the hazard of their lives, and to the utmost of their powers; representing to the queen and council, that the several regiments of the militia of the city, consisting of about nine thousand men, were compleat in their numbers, well armed, and well appointed, and ready to be raised immediately, and ready to proceed in their majesties service. That the lieutenancy also had resolved, that six regiments of auxiliaries should be raised for the service; and that the lord mayor, aldermen, and common-council would, by the voluntary contribution of themselves and other citizens, forthwith raise a large regiment of horse, and one thousand dragoons, and maintain them at their own charge in the service for a month or longer, if there should be occasion. And they desired her majesty to nominate officers to command them. All which the queen most graciously accepted, and was pleased to thank them for their readiness, loyalty, and zeal on this occasion; and to the last part answered, that 'she would consider of it, and appoint officers to command according to their desire.'

[k] This is Mr. Burchet's representation of the affair, but other accounts speak of it in a less favourable manner. Some original letters to sir William Colt, then envoy extraordinary from king William at the court of Hanover; reflect on it as follows:

Lord Paget, envoy extraordinary to the Emperor, from Vienna, Aug. 10, 1690, N. S.

"I hope the late good news of the king's success in Ireland has made amends for the misfortune of our fleet. It is hard at this distance to guess where the fault lay; but if we may believe the secretary of state, my lord Torrington must be very criminal, since his printed letter to my lord Dursley, (which I suppose is come to your hands,) has published him as such, almost all the world over."

From Mr. R. Molesworth, envoy extraordinary to the king of Denmark, from Copenhagen, July 12, 1690, O. S.

"I am satisfied the Dutch have been most soundly beaten, and the French have gotten an entire, though bloody victory, let us put what disguises on the matter we please."

From the same, July 22, 1690.

"My trouble at our unfortunate sea-fight was so great, and my confusion to that degree, that I had not the courage either to go to court, or to set pen to paper. And I think, if the news of the king's conquest of Ireland had not raised my spirits, I should have continued a drooping recluse for many weeks. I hope the Englishmen in our country will be touched with as much shame for their miscarriage, as those here, who durst not shew their faces; and then they will endeavour to repair this great loss of honour and reputation; which God grant may be soon. But this I can tell you, if some people's heads do not fly now, no foreign prince or state will believe there is a king or queen in England, no more than our subjects do, as it seems."

From sir Paul Rycaut, envoy extraordinary at Hamburgh, July 16, 1690.

"I cannot but condole with you the unfortunate success of the late sea-fight against the French, which turned not much to our damage, unless so far as concerns the honour of the nation, but greatly to the detriment and ruin of our allies, who were beaten to pieces, whilst we stood spectators of their destruction. What loss they sustained you will best see in the letter, which admiral Evertson writes to the states, and what was the cause, that our fleet in general did not fight was, (as this admiral writes) upon examination by the earls Pembroke and Devonshire, who were going from ship to ship to make inquiry into this matter, to discover where the treachery lay; for nothing but that could keep our fleet from engaging; and where to charge that, a letter written from my lord Nottingham to my lord Dursley, translated with the consent of my lord Dursley into Dutch, and inserted in the Courant for the better quieting and satisfaction of the people, doth plainly declare, and on whom the treachery is to be charged. All I have to comfort myself and all others in this matter is, that Mr. Warre writes me under the 4th instant, that we should speedily have a better fleet at sea than before. And Dr. Aglionby writes me on the 22d instant from the Hague, that by this letter to my lord Dursley, and the assurance, that Mr. Harbord was coming over from the queen to the states, the minds of the people were much settled; and that the government loses no courage, for the states of Holland on the 19th instant, and so did the states general on the 21st, resolve, that a new squadron with all expedition be put to sea; until which was done, all commerce was to be suspended. The states of Holland unanimously, and without so much as consulting their principals, came to this resolution. God grant that we may correspond in like manner with them in England, God grant also, that there may be no treachery in Ireland, from whence we expect to receive great and good news by the next post."

From the same, July 19th, 1690.

"Now I am to congratulate and rejoice with you for the seasonable victory obtained in Ireland; which I hope will set all things right; and when our fleet is again repaired, and recruited, and set out once more to sea, we shall then assert again the sovereignty and dominions of the seas, which might have been done by the last battle, had not treachery defeated us."

Bishop Burnet's account is as follows.

"On the day before the battle of the Boyne, the two fleets came to a great engagement at sea. The squadron that lay at Plymouth, could not come up to join the great fleet, the wind being contrary. So it was under debate, what was fittest to be done. The earl of Torrington thought he was not strong enough, and advised his coming in, till some more ships, that were fitting out, should be ready. Some began to call his courage in question, and imputed this to fear. They thought, this would too much exalt our enemies, and discourage our allies, if we left the French to triumph at sea, and to be masters of our coast and trade; for our merchants richest ships were coming home; so that the leaving them in such a superiority would be both very unbecoming and very mischievous to us. The queen ordered Russel to advise both with the navy-board, and with all that understood sea-affairs; and upon a view of the strength of both fleets, they were of opinion, that though the French were superior in number, yet our fleet was so equal in strength to them, that it was reasonable to send orders to our admiral to venture on an engagement. Yet the orders were not so positive, but that a great deal was left to a council of war. The two fleets engaged near Beachy in Sussex. The Dutch led the van; and to shew their courage, they advanced too far out of the line, and fought in the beginning with some advantage, the French plying before them. And our blue squadron engaged bravely; but the earl of Torrington kept in his line, and continued to fight at a distance. The French seeing the Dutch come out so far before the line, fell on them furiously both in front and flank, which the earl of Torrington neglected for some time; and when he endeavoured to come a little nearer, the calm was such, that he could not come up. The Dutch suffered much, and their whole fleet had perished, if their admiral Calembourg had not ordered them to drop their anchors, while their sails were all up. This was not observed by the French; so they were carried by the tide, while the others lay still; and thus in a few minutes the Dutch were out of danger. They lost many men, and sunk some of their ships which had suffered the most, that they might not fall into the enemy's hands. It was now necessary to order the fleet to come in with all possible haste. Both the Dutch and the blue squadron complained much of the earl of Torrington; and it was a general opinion, that if the whole fleet had come up to a close fight, we must have beat the French; and considering how far they were from Brest, and that our squadron at Plymouth lay between them and home, a victory might have had great consequences. Our fleet was now in a bad condition, and broken into factions; and if the French had not lost that night's tide, but had followed us close, they might have destroyed many of our ships. Both the admirals were almost equally blamed; ours for not fighting, and the French for not pursuing his victory."

Mr. Boyer tells us, "That the Dutch having the van-guard, began the fight, as also did some of the English; but not being seconded by the rest of the English fleet, which unexpectedly stood away, several of the Dutch ships were either burnt, sunk, or disabled. And the English fared but little better, for such as engaged were very much battered. The fight continued from morning to evening, the Dutch maintaining their stations with so much resolution and obstinacy again the whole French fleet, which consisted of eighty two men of war, that they had much ado to escape being all destroyed. In this unequal fight they lost, among other officers, rear admiral Jan Dick, rear admiral Brackel, and captain Nordel; and the English captain Botham, captain Pomeroy, with two captains of the marine regiments.

A Dutch author of the history of king William asserts, "That in this action the French gained the victory, the Dutch the honour, and the English the shame; and adds, that the court martial was far from being unanimous in their opinions about the earl of Torrington, some thinking him guilty of treachery, and others of cowardice only; though they all at length agreed to acquit him; and that the king was extremely dissatisfied with their sentence, and for that reason discarded some of the members of that court from the service, together with two and forty officers of the navy, who were suspected to have been influenced by the earl."

But the French writers give a different account of this action. Monsieur Fourbin in his memoirs allows, "The English and Dutch fleets to have been but eight and fifty ships of the line of battle; whereas the French had eighty; and observes, that though the English did not seem to have had so great a share in the action as the Dutch, it may be said, that for above three hours, the two fleets shewed a great deal of valour, and performed exploits worthy to be recorded in history." Father Daniel affirms, "That seventeen of the English and Dutch ships, which were unmasted, were run ashore upon the coast and burnt;" and adds, "that to leave no doubt of the greatness of the victory gained by the French, monsieur de Tourville, the admiral of the French fleet, returning to sea, sent a detachment of ships and gallies, with about fifteen hundred men on board, under the command of the count D'Estrees to make a descent upon England, and to burn twelve ships in Tinmouth bay. These troops," continues he, "being landed, forced an intrenchment defended by three pieces of cannon, plundered several houses, and burnt the vessels in the bay, four of which were men of war, and the rest merchant-men richly laden. This done, the troops were reimbarked without the loss of a man, and they carried off three pieces of cannon with other booty:" But these four men of war, and eight merchant-men richly laden, are said by our writers to be only three small vessels.

About the ſame time, to ſuppreſs the fears of a revolt in the weſt, an addreſs was preſented to the queen by Shadrach Vincent, Eſq; from above ten thouſand tinners of Cornwall, giving all aſſurances of fidelity and obedience, "and faithfully promiſing (notwithſtanding the artifice and ill deſigns of diſaffected men to withdraw them from their loyalty) an unalterable allegiance to their majeſties, owning and acknowledging their majeſties alone to be their lawful and rightful king and queen, and diſclaiming all allegiance to the late king James, or to the pretended prince of Wales after him."

Within a few days after, the deputy lieutenants and officers of the militia for Middleſex and Weſtminſter made a ſolemn addreſs and declaration, "That they perceived there were many miſchievous and dangerous practices, conſultations, and contrivances of papiſts, and many others diſaffected to their majeſties and their government; and that it was moſt notorious, that the French king, by confederacy with the late king and his adherents, had made a bold invaſion of their majeſties dominion of the narrow ſeas, deſigning to deſtroy their royal fleet, and in conſequence to bring the proteſtants of this kingdom under his tyranny and cruel yoke of bondage. And therefore they hold themſelves bound in duty to declare upon this occaſion their deep ſenſe, hatred, and abhorrence of the vile ingratitude of thoſe papiſts, and profeſſed proteſtants, who, notwithſtanding their majeſties pardoning and protecting them, had by conſpiracies with the late king's adherents, or by their murmurings againſt their majeſties and the preſent government, or by the refuſal of the oaths of fidelity and obedience to their majeſties, aſſiſted or abetted the late king in his claims and pretences of any right and title to the government of theſe realms, &c."

Under theſe encouragements the queen forgot nothing, that the moſt active prudence could ſuggeſt, as fit to be done in ſuch a juncture, without hurry or a too viſible concern. She publiſhed a proclamation, requiring all ſeamen and mariners to render themſelves to their majeſties, with ſuitable rewards for coming in, and penalties for abſenting. She gave out commiſſions to put the ſtanding forces in a condition to oppoſe the enemy; and ſhe ordered the militia in the weſtern parts to be in a readineſs of defending the coaſts, and aſſiſting the army. And to ſtrike a terror into the conſpirators with France, ſhe publiſhed a proclamation for apprehending Edward Henry earl of Lichfield, Thomas earl of Ayleſbury, William lord Montgomery, Roger earl of Caſtlemain, Richard viſcount Preſton, Henry lord Bellaſis, ſir Edward Hales, ſir Robert Thorold, ſir Robert Hamilton, ſir Theophilus Oglethorpe, colonel Edward Sackvile, lieutenant colonel William Richardſon, major Thomas Soaper, captain David Lloyd, William Pen, Edmund Elliot, Marmaduke Langdale, and Edward Rutter; being perſons who had conſpired with divers other diſaffected perſons, to diſturb and deſtroy the government, and for that purpoſe had abetted and adhered to their majeſties enemies in the preſent invaſion.

Nor was the queen's care of affairs confined within her own dominions; for while ſhe put herſelf in a poſture of defence at home, ſhe diſpatched Mr. Harbord to the ſtates-general, to let them know, how much her majeſty was concerned at the misfortune, which had befallen their ſquadron in the late engagement, and at their not having been ſeconded as they ought to have been, which matter ſhe had directed to be examined into, in order to recompenſe thoſe, who had done their duty, and to puniſh ſuch as ſhould be found to have deſerved it: That her majeſty had given orders for refitting the Dutch ſhips, that were diſabled, at her own charge; and commanded, that all poſſible care ſhould be taken of the ſick and wounded ſeamen; and that rewards ſhould be given to the widows of thoſe, who were killed, behaving themſelves bravely in the fight, to encourage others to do well for the future. Mr. Harbord likewiſe told the ſtates, that the queen had ordered twelve great ſhips to be immediately fitted out; and hoped the ſtates would alſo do their utmoſt to reinforce their fleet in the conjuncture. And, laſtly, he acquainted them with the king's happy ſucceſs in Ireland. The ſtates received this meſſage with great ſatisfaction, and unanimouſly reſolved to fit out immediately thirteen capital ſhips and ſix frigates.

During theſe tranſactions, the fleet was refitting with all poſſible diligence. The earl of Torrington was ſent to the tower; and three of the beſt ſea-officers, ſir Richard Haddock, Henry Killigrew, and ſir John Aſhby were appointed joint-admirals to command the fleet. But it was a month before they could be ready. And in all that time the French were maſters of the ſea, and our coaſts open to them. If they had followed the firſt conſternation, and had fallen to the burning of the ſea-towns, they might have done much miſchief, and put affairs in great diſorder, for there were not then in England above ſeven thouſand men. The militia was raiſed; and though the harveſt drew on, ſo that it was not convenient for people to be long abſent from their labour, yet the nation expreſſed more zeal and affection to the government than was expected; and the jacobites, all England over, kept out of the way, for fear of being inſulted by the rabble. There were no great loſſes at ſea, for moſt of the merchant-men came ſafe to Plymouth. The French ſtood over, for ſome time to their own coaſt; and there were many falſe alarms of their ſhipping troops in order to a deſcent. But the French had ſuffered ſo much in the Netherlands, in the battle of Flerus, that they were forced, for all their victory, to lie upon the defenſive, and were not able to ſpare ſo many men as were neceſſary for an invaſion. It was thought ſtrange that the French ſhould hover ſo long and ſo quietly on the coaſt of England without making any farther attempts; but it appeared afterwards, that they were ſtill in expectation of the effects of the conſpiracy which was to have broke out the 18th of June. But the jacobites excuſed their failing in that, becauſe their leaders were generally ſeized, and they began to boaſt all over England, that it was viſible the French meant no harm to the nation, but only to bring back king James, ſince now, though the coaſts lay open to them, they did the country no hurt. This might have made ſome impreſſion, if the French had not effectually refuted it. For they made a deſcent on a poor village called Tinmouth, which happened to belong to a papiſt, and burnt it with a few fiſher-boats, but the inhabitants got away, and as a body of militia was marching thither, the French made great haſte to their ſhips. The French publiſhed this in their gazettes with as much pomp, as if it had been a great trading-town, that had many ſhips, with ſome men of war in port. This both rendered them ridiculous, and ſerved to raiſe the hatred of the nation againſt them, for every town on the coaſt ſaw what they muſt expect if the French prevailed [1].

The earl of Torrington continued priſoner in the tower till the next ſeſſion, when he was brought to his trial. Several perſons of quality, as the duke of Devonſhire and the earl of Pembroke had been ſent to Sheerneſs, to exa-

[1] About this time a remarkable pamphlet was publiſhed, under the title of "A modeſt inquiry into the cauſes of the preſent diſaſters in England, and who they are that brought the French fleet into the channel, deſcribed." The author charges the diſaffected clergy (whom he calls 'the Lambeth holy club),' with being the principal managers of the jacobites plot for bringing the French into the channel. He alledges, "That the firſt ſtep the clergy made, was the writing againſt the taking the new oaths to their majeſties injoined them by act of parliament; and the buzzing into the ears of their votaries the unlawfulneſs of theſe oaths, and the continuing right of king James to the crown. That there being very few of the diſaffected clergy, that had the courage to lay down their places for the oaths, the next ſtep of the plot was to cheat the world and their own conſciences, with the ridiculous diſtinction of taking the oaths to a king 'de facto,' and not 'de jure;' which was as much as to ſay, that their majeſties were not lawful and rightful king and queen of England, but 'de facto' only, that is in Engliſh, 'downright uſurpers.' That this diſtinction did not only give ſcope to take the oaths to their majeſties, but alſo to pray for them by name in their pulpits; though ſome of more ſincerity than the reſt would not pray for them by name at all; and yet, to prevent any trouble from the law, they wiſely prayed in general terms for 'the king and queen' which might be taken either for king James and queen Mary, or king William and queen Mary; and others of a more nice ſtomach yet would not pray for the king and queen, but 'for the king and royal family.' That the plot being lame, becauſe the machines, that moved it, were debarred from the pulpit, it was found out, that the act of parliament injoining the oaths to their majeſties, admitting of ſome favourable interpretation in law, upon the part of thoſe, that only preached, but had no cure of ſouls: thereupon Dr. S. one of the greateſt champions mounted the chair firſt, with the loud acclamations of the party, and, as an introduction to his ſermon, gave his auditors an account of the happy diſcovery he had made of ſo great a bleſſing, 'as his having liberty to preach to them, notwithſtanding the act of parliament about taking the oaths.' That he was followed by a great many, both in London and in the country, who partly by ſtealth, and partly by the pious zeal of ſome of their own ſort of church-wardens, got up into the pulpit to trumpet up the people to a diſſatisfaction with the government. That all theſe ſteps of the plot were backed with the 'Hiſtory of Paſſive Obedience' which was handed about in triumph among the party. That in this pamphlet are muſtered a great many expreſſions of Engliſh divines both antient and modern, although moſt of the citations be far wide of the queſtion, and refer only to obedience to magiſtracy in general, and the unlawfulneſs of private perſons riſing up againſt the government upon every frivolous pretence. That the next engine of the plot was the happy reſult of a kind of oecumenic council of the whole party: the liturgy of the church of England muſt be laid aſide, and a new one muſt be calculated for the meridian of king James's tottering fortune. That in this new liturgy they prayed thus; 'reſtore us again the public worſhip of thy name, the reverend adminiſtration of ſacraments; raiſe up the former government both in church and ſtate, that we may be no longer without king, without prieſt, and without God in the world.' That when they came to pray for king

mine into the whole affair upon oath, in order to diſcover where the treachery lay. The earl was permitted to make a ſpeech in the houſe of commons in defence of himſelf, in which he inſiſted on theſe three things; that the preparations for the fleet were very late; that the fleet itſelf was much inferior to the French, and ill-manned; and that he laboured under great want of intelligence. He excuſed his fighting, by alledging the orders, which he had received; and ſaid, that it was againſt his judgment, and the judgment of the council of war. He gave the houſe a draught of the line of battle, for explaining his arguments in juſtification of his conduct in the fight, and deſired leave to deliver what he had to ſay in writing, which was granted. He reflected upon the counſellors, and in a manner named the earl of Nottingham as the perſon, who had ſuppreſſed ſome intelligence, or not ſent it to him ſo timely as was neceſſary [m].

The earl's affair was long diſcuſſed in the houſe of lords. The form of his commitment was judged to be illegal; and the martial law, to which, by ſtatute, all, who ſerved in the fleet, were ſubject, being lodged in the lord high admiral, it was doubted, whether the admiralty being now in commiſſion, that power was lodged with the commiſſioners. The judges were of opinion, that it was; yet ſince the power of life and death was too ſacred a thing to paſs only by a conſtruction of law, it was thought the ſafeſt courſe to paſs an act, declaring, that the power of a lord high admiral did veſt in the commiſſioners. The ſecret enemies of the government, who intended to embroil matters, moved that the earl ſhould be impeached in parliament, proceedings in that way being always ſlow, and incidents being alſo apt to fall in, that might create diſputes between the two houſes, which ſometimes ended in a rupture. This the king was apprehenſive of, and though he was much incenſed againſt the earl, and had reaſon to believe, that a council of war would treat him very favourably, yet he choſe rather to let it go ſo, than to diſorder his affairs. The commiſſioners of the admiralty named a court to try the earl, in which ſir Ralph Delaval preſided, who had acted as vice-admiral of the blue in the engagement. The earl is ſaid to be tried with ſo groſs a partiality, that it reflected much on the juſtice of the nation; ſo that if it had not been for the great intereſt, which the king had in the ſtates-general, it might have occaſioned a breach of the alliance between them and England. The earl eſcaped with his life and eſtate, but much loaded in his reputation, ſome charging him with want of courage, while others imputed his ill conduct to a haughty ſullenneſs of temper which made him, ſince orders were ſent him contrary to the advices he had given, to reſolve indeed to obey them, and fight, but in ſuch a manner, as ſhould caſt the blame on thoſe, who ſent him orders, and give them cauſe to repent it.

The king was greatly offended with his acquittal; whereof one mark immediately appeared in determining the earl's commiſſion; and it was expected, ſays Warre, "That his majeſty would expreſs his reſentment againſt thoſe captains of the council of war, who ſhewed their partiality by their behaviour at his tryal." [n]

Nothing put a greater check to the proceedings of the jacobites, than the news of the victory at the Boyne, which was obtained the day after the misfortune at ſea. There has been a notion ſpread among many people, that king William would not have hazarded a battle, but upon an expreſs received that morning of the defeat of the fleet, which he kept ſecret till the action was over. But this is impoſſible to be reconciled to the circumſtances of the time and place. However this be, the news of the king's preſervation from the cannon-ball, and then of the victory gained the day after, was a great comfort under the agitations cauſed by the misfortunes at ſea. When the earl of Nottingham carried the news to the queen, and acquainted her in a few words that the king was well, and had gained an entire victory, and that the late king had eſcaped, he obſerved her looks, and found that the laſt article made her joy compleat, which ſeemed in ſome ſuſpence, till ſhe heard her father was ſafe. The queen and council, upon this ſent to the king, preſſing him to come over with all poſſible haſte, ſince, as England was of more importance, ſo the ſtate of affairs required his preſence here. But theſe letters were ſoon followed by others of a very different ſtrain, as will preſently appear.

Upon the defeat of the Iriſh at the Boyne, the king having reſted his forces, ſent, the next day after the battle, monſieur la Mellioniere, brigadier-general, with five battalions of foot and four ſquadrons of horſe, to inveſt Drogheda, where was a great magazine of ſtores. The governor at firſt ſeemed reſolute to defend the place, and received monſieur la Mellioniere's ſummons with great contempt; but the king ſending him word, "that if he was forced to bring his

king James, the jacobite club had exhauſted their rhetoric and zeal in the following words; "protect and defend thy ſervant our ſovereign lord the king; ſtrengthen his hands, and the hands of all that are put in authority under him, with judgment and juſtice, to cut off all ſuch workers of iniquity, as turn religion to rebellion, and faith into faction; that they may never prevail againſt us, or triumph in the ruin of thy church among us. To this end, defend the king, bind up his ſoul in the bundle of life, and let no weapon formed againſt him proſper. Be unto him an helmet of ſalvation, and a ſtrong tower of defence againſt the face of his enemies. Let his reign be proſperous, and his days many. Make him glad according to the days, wherein thou haſt made him ſuffer adverſity. Give him the necks of his enemies, and alſo every day more and more the hearts of his ſubjects. As for thoſe that are implacable, clothe them with ſhame, but upon himſelf and his poſterity (that is, the prince of Wales) let the crown flouriſh." That the general council having compoſed this new liturgy, there were above ten thouſand of them printed and diſperſed up and down among the party, which they uſed in their cabals, laying aſide a great part, and ſome times all the old liturgy. That there were many of the 'holy club' detached up and down to perſuade monied people, who wiſhed well to the cauſe, to contribute for the ſubſiſtence of king James's caſhiered officers. That king William being reſolved to venture his perſon once more for the ſafety of theſe kingdoms, his journey to Ireland concluded upon, and the moſt and better diſciplined part of the army to attend his majeſty, it was impoſſible to leave any conſiderable force behind him in his abſence; and that the tranſportation of the queen of Spain, and the convoy of the Straits merchant-men under admiral Killigrew, had carried a conſiderable part of our fleet to the Mediterranean; and another part of it commanded by ſir Cloudeſley Shovel, was to attend his majeſty and the army to Ireland; ſo that the grand fleet was not to have been ſo conſiderable as otherwiſe it would have been. That all theſe circumſtances raiſed the courage of the plotters, who thought this the only time to put their deſign in execution. That in order to that, at one of their general meetings in London, where it was neceſſary that ſome of the clergy ſhould be preſent to bleſs ſo pious a work, it was concluded to preſent a memorial in the name of the 'loyal and diſtreſſed ſubjects of England,' (for ſo they named themſelves) to his moſt chriſtian majeſty, humbly inviting him out of his unparallelled goodneſs, and for the affection he always bore to oppreſt virtue, that he would aſſiſt them in reſtoring their lawful king, his antient ally and confederate, to his throne, and, in breaking the yoke of uſurpation, under which theſe three nations were at this time ſo heavily groaning. That there had been two or three memorials preſented to the French king before this, beſides a conſtant correſpondence betwixt the French miniſter of ſtate, monſieur de Croiſſy and them. And the clergy, who were the great contrivers and managers of this, and who by their profeſſion are, for the moſt part, extraordinarily credulous of any thing they incline to, did really believe, that immediately upon the appearing of the French fleet, and the burning of ours, (which they thought as ſure) there would certainly be a general inſurrection through a great many places in the kingdom, in order to join them at their landing, and, to declare for king James."

This pamphlet reflecting ſo highly on the non-juring clergy, the archbiſhop of Canterbury, the biſhops of Norwich, Ely, Bath and Wells, and Peterborough, both in their own, and in the name of their abſent brother the biſhop of Gloceſter, publiſhed a paper, wherein they ſolemnly, and in the preſence of God, proteſted and declared, "I. That theſe accuſations caſt upon them were all of them malicious calumnies and diabolical inventions. II. That they knew not who was the author of the new liturgy, nor had any hand it, neither did they uſe it at any time. III. That they never held any correſpondence, directly or indirectly, with monſieur de Croiſſy, or with any other miniſter or agent of France; and if any ſuch memorial had been preſented to the French king, they never knew any thing of it; and that they did utterly renounce both that and all other invitations ſuggeſted to be made by them, in order to any invaſion of the kingdom by the French. IV. That they utterly denied and diſowned all plots charged upon them, as contrived or carried on in their meetings at Lambeth; the intent thereof being to adviſe how in their preſent difficulties, they might beſt keep their conſciences void of offence towards God and towards man. V. That they were ſo far from being the authors and abettors of England's miſeries, that they did, and ſhould to their dying hour, heartily and inceſſantly pray for the peace, proſperity, and glory of England; and ſhould always, by God's grace, make it their daily practice to ſtudy to be quiet, to bear their croſs patiently, and to ſeek the good of their native country. They concluded, that as the lord had taught them to return good for evil, the unknown author of the pamphlet having endeavoured to raiſe in the whole Engliſh nation ſuch a fury, as might end in De-witting them, (a bloody word, but too well underſtood) they recommended him to the divine mercy, humbly beſeeching God to forgive him. And as they had, not long ſince, either actually or in full preparation of mind, hazarded all they had in the world, in oppoſing popery and arbitrary power in England; ſo they ſhould, by God's grace, with greater zeal again, ſacrifice all they had, and their very lives too, if God ſhould be pleaſed to call them thereto, to prevent popery, and the arbitrary power of France, from coming upon them, and prevailing over them, the perſecution of their proteſtant brethren there being freſh in their memories." State. Tracts II. 95. Though the biſhops thus ſtrongly aſſerted their innocence and reſolution of bearing their croſs, patiently, yet before the year was at an end, a plot was diſcovered in which they were deeply engaged as will be ſeen preſently.

[m] "But if, ſays Mr. Warre, under-ſecretary to that earl, he has no better arguments for himſelf than this laſt, they will not do much ſervice; my lord having not neglected one moment to diſpatch ſuch public buſineſs, as belonged to him, ſince the time he came into the office. And of this I am confident, that the greateſt part of the members of both houſes are well ſatisfied, that my lord has not been at all remiſs in the diſcharge of his duty." MS. letter to ſir William Colt, envoy at Hanover, Nov. 14. 1690.

[n] Boyer ſays, that ſeveral French officers in 1697, who had been in the engagement, coming over into England after the peace, when they could not be ſuſpected of any partial deſign, did loudly juſtify the earl's conduct, and ſaid, he deſerved rather to be recompenſed than cenſured, ſince he had preſerved the beſt part of the fleet from being totally deſtroyed. II. 193.

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cannon before the place, he muſt expect no quarter;" the governor conſidering, that king James's army being defeated, he could expect no relief, accepted of the conditions offered him, and marched out with the garriſon, which conſiſted of three regiments and ſome odd companies, having their baggage only, but leaving all their arms and ſtores behind them.

On the 3d of July the duke of Ormond and monſieur Auverquerque here and elſewhere, were detached with nine troops of horſe to ſecure the quiet of Dublin. The next day the king, with the whole army, marched the ſame way, and on the 5th encamped at Finglas, within two miles of that city, where he was informed, that king James was embarked at Waterford with the duke of Berwick, Mr. Fitz-James, the lords Powis, Tyrconnel, and the French brigadier, the marquis de Lery: that ſome French ſhips being arrived at Kinſale, many, who had fled from the battle, were gone thither to embark for France: that the greateſt body of the Iriſh were marched towards Athlone: that within ſix and twenty miles of Dublin there was not an enemy in arms; and that there could not be any where above five thouſand together, whereof the French might be ſuppoſed to make three thouſand five hundred: that three hundred of the Swiſs or Germans had deſerted the enemy: that the town of Wexford had declared for his majeſty; and that Sligo was abandoned by the Iriſh.

On Sunday July 6th king William rode in a triumphant manner into Dublin, and went directly to St. Patrick's church, the cathedral of that metropolis, attended by the biſhops of Meath and Limerick; and after the public ſervices were ſolemnly performed, Dr. King, afterwards archbiſhop of Dublin, preached a ſermon upon the power and wiſdom of the providence of God in protecting his people, and defeating their enemies. The mayor and aldermen waited on his majeſty, and the people endeavoured by all demonſtrations of joy to expreſs their juſt ſenſe of their great and happy deliverance. In the afternoon the king returned to the camp, where the next day he publiſhed his royal declaration, "promiſing both his pardon and protection to all the people of the kingdom of Ireland, who either remained at home, or having fled from their dwellings, ſhould by the firſt day of Auguſt next repair to their uſual places of abode, ſurrendering up what arms they had to ſuch juſtices of the peace, as his majeſty ſhould appoint. But as for the deſperate leaders of the preſent rebellion, who had violated thoſe laws, by which the kingdom of Ireland is united and inſeparably annexed to the imperial crown of England, who had called in the French, who had authorized all violences and depredations againſt the proteſtants, and who rejected the gracious pardon, which his majeſty offered them in his proclamation of the 22d of February 1688-9, as his majeſty was now in condition to make them ſenſible of their errors, ſo he was reſolved to leave them to the event of war, unleſs by great and manifeſt demonſtrations he ſhould be convinced they deſerved his mercy, which he ſhould never refuſe to thoſe, who were truly penitent."

The king, as he had received the news of the battle of Flerus, the day after the victory at the Boyne; ſo on the day he entered Dublin, he had the news of the misfortune at ſea to temper the joy, his own ſucceſſes might give him. He had taken all the earl of Tyrconnel's papers in the camp, and found all king James's papers left behind him at Dublin. By theſe he underſtood the deſign, which the French had of burning his tranſport-fleet; and among the earl of Tyrconnel's papers, there was one letter written to queen Mary at St. Germain's, the night before the battle, but not ſent. In this letter the earl declared, that he looked on all as loſt; and ended it thus, 'I have now no hope in any thing but in Jones's buſineſs.' The marquis of Carmarthen, ſome weeks before the king went to Ireland, had received an advertiſement, that one Jones, an Iriſhman, who had ſerved ſo long in France and Holland, that he ſpoke both languages well, was to be ſent over to murder the king. And ſir Robert Southwell, who was ſecretary of ſtate for Ireland, found among lord Tyrconnel's letters to queen Mary, two remarkable ones; in the former of which he writes, that Jones was come; that his propoſition was more probable, and more likely to ſucceed, than any yet made; but that his demands were high, 'if any thing can be high for ſuch a ſervice.' In the latter he writes, that Jones had been with the king, who did not like the thing at firſt; but he added 'We have now ſo ſatisfied him both in conſcience and honour, that every thing is done that Jones requires.' Deagle, the attorney-general of Ireland, had furniſhed this Jones with money and a poignard of a particular compoſition; and they ſought long for a bible bound without a common-prayer, which he was to carry in his pocket, that ſo he might paſs, if ſeized on, for a diſſenter. Some perſons of great quality waited on him to the boat, that was to carry him over. He was for ſome time delayed in Dublin, and king William had paſſed over to Ireland, before he could reach him; but he was never heard of more, ſo that it is probable, that he went away with his money. A paper was drawn up of all this matter, and deſigned to be publiſhed; but, upon ſecond thoughts, the king and queen had that tenderneſs for king James, that they ſtopped the publiſhing to the world ſo ſhameful a practice.

On the 9th of July the king decamped from Finglas, and divided his army into two bodies; with the greater of which he marched to Crumlin three miles on the ſouth of Dublin; and the other conſiſting of four regiments of horſe, two of dragoons, and ten of foot, was ſent towards Athlone, under the command of lieutenant general Douglaſs. The next day the king iſſued out a proclamation, to eaſe his ſubjects of "the great oppreſſions and abuſes committed by his enemies in his kingdom of Ireland, by coining and making current braſs money of copper or mixed metal, and raiſing the value of it to an extravagant price, and to reduce the value of the ſaid copper money to the value or ſtandard of the like copper money formerly current in Ireland." The king having left brigadier Trelawney to command at Dublin with five regiments of foot and one of horſe, advanced as far as Inchiquin, twenty two miles beyond Dublin, in his way to Kilkenny.

Douglaſs, with his detachment, having reached Athlone on the 17th of July, ſent a drummer to ſummon it. But colonel Grace, the governor, a reſolute man, fired a piſtol at the meſſenger, ſaying, 'that ſuch were the terms he was for.' Upon this anſwer, Douglaſs reſolved to attack the place, though, it being ſtrong by ſituation, and defended by a caſtle, his force was not anſwerable to his undertaking. However, he immediately planted two field pieces to prejudice the enemy's guns, and ordered faſcines to be made in order to fill up the ditch. Having finiſhed a battery of ſix guns the beſiegers made a breach in the caſtle, but it being both too ſmall and too high for an aſſault, it was prudently laid aſide. Notwithſtanding this the firing continued very briſk on both ſides; but the beſiegers having loſt Mr. Nelſon their beſt gunner, and the cavalry ſuffering very much for want of forage; and at the ſame time it being reported, that Sarsfield was advancing with fifteen thouſand men to relieve the place, Douglaſs held a council of war, wherein it was thought fit to raiſe the ſiege, which he accordingly did on the 25th, having loſt near four hundred men before the town, the greateſt part of whom died of ſickneſs.

The king in the mean time moving weſtward reached Kill-Kullen bridge on the 11th of July; and that morning paſſing by the Neſs, and ſeeing a ſoldier robbing a poor woman, he was ſo enraged at it, that he firſt gave the fellow ſeveral blows with his cane, and then commanded, that both he, and ſome others guilty of the like crimes, ſhould be hanged. Some people reflected on this action of the king, as mean in a ſovereign at any time to lay hands upon his ſubject, and cruel to inflict a capital puniſhment on one, whom he had already corrected for his fault. But this ſeverity ſtruck the ſoldiers with ſuch a terror, that the country was freed from all violence during the whole march to Commalin, Caſtle-Durmont, and ſo beyond Carlow; from whence the king detached the duke of Ormond with a party of horſe to take poſſeſſion of Kilkenny, and ſo to ſecure the proteſtants and other inhabitants of the adjacent countries from being plundered by the enemy, who by this time began to look behind, and committed great depredations. From Carlow the army marched on to Kells, thence to Lough-land-bridge, and ſo to Bennet-bridge; and on the 19th of July his Majeſty was ſplendidly entertained at dinner by the duke of Ormond at his caſtle of Kilkenny, which had the good fortune to be preſerved by count Lauzun with all the goods and furniture, and a cellar well ſtored. On the 21ſt the army encamped at Carrick, from whence major general Kirk, with his own regiment, and colonel Brewer's, as alſo a party of horſe, was ſent towards Waterford. Kirk being arrived before the place, diſpatched a trumpet to ſummon the town, which at firſt refuſed to ſurrender, there being two regiments then in garriſon. However, their anſwer was ſo civil, that their inclinations were eaſily underſtood,

ſtood; for ſoon after they ſent out to know what terms they might have, which were the ſame with Drogheda. But not liking theſe, they propoſed ſome of their own, which were rejected, and the heavy cannon drawn down that way, and ſome more forces ordered to march. The Iriſh being informed of theſe preparations, thought it adviſeable not to put themſelves to extremities, and thereupon agreed to march out with arms and baggage on the 25th, and ſo were conducted to Mallow. The fort Duncannon, a place of ſtrength, which commands the river of Waterford, was alſo ſurrendered to the king upon the ſame articles with Waterford; which laſt place was viewed by the king the day it was given up. Here he took care, that no perſons ſhould be moleſted: And among the reſt the lord Dover was admitted to a more particular protection as having formerly applied himſelf, when the king was at Hillſborough, by Kirk's means, to deſire a paſs for himſelf and his family into Flanders. The lord George Howard likewiſe embraced the king's mercy.

On the 27th of July the king left the camp at Carrick, and went to Dublin, intending, as he was adviſed, to go over to England, but he found letters there of another ſtrain. Things were in ſo good a poſture and ſo quiet in England, that they were no more in any apprehenſion of a deſcent, ſo the king went to Chapel-izod, and ſpent there ſome time to hear divers complaints, and redreſs ſeveral grievances. Here he likewiſe ordered a weekly faſt, and publiſhed on the 1ſt of Auguſt a ſecond declaration, to confirm the former, in favour of all poor labourers, common ſoldiers, country farmers, ploughmen, &c. and declaring withal, "that if thoſe of ſuperior rank and quality, and alſo ſuch as had borne office under his majeſty's enemies, whether military or civil, ſhould by the 25th day of that month of Auguſt ſurrender themſelves to his obedience, and ſhould be content, during the rebellion of that kingdom, to betake themſelves to ſuch town or city as ſhould be aſſigned them, they ſhould be ſecure of their lives, and have the liberty of ſuch town or city; and, if they were deſtitute and in want, ſhould alſo have a ſubſiſtence allowed them, according to their reſpective qualities. As to ſtrangers of what nation ſoever, who had taken ſervice in that kingdom againſt him, he did further declare, that if they ſhould forſake the enemy, and come into his quarters within the time aforeſaid, they ſhould not only receive his protection, whilſt they were in the kingdom, but forthwith have paſſports given them to go directly home into their reſpective countries. But if theſe manifeſtations of his grace and favour ſhould not be valued as they deſerved; or if any ſhould perſiſt in that barbarous and unchriſtian way of burning and deſolation, which in ſome places had of late been practiſed, he ſhould hold himſelf diſcharged of thoſe conſequences and calamities, which muſt inevitably follow, ſince thoſe who were obſtinate againſt his mercy, became the authors of their own confuſion." It was hoped, that the fulneſs of the pardon of the commons in this and the former declaration might have ſeparated them from the gentry; and that by this means the latter would be ſo forſaken, that they would accept of ſuch terms as ſhould be offered them. The king had intended to have made the pardon more comprehenſive, hoping by that to bring the war ſoon to an end. But the Engliſh in Ireland oppoſed this, thinking that the preſent opportunity was not to be loſt of breaking the great Iriſh families, upon whom the inferior ſort would always depend. In compliance with them the indemnity now offered was ſo limited, that it had no effect; for the prieſts, who governed the Iriſh with a very blind and abſolute authority, prevailed with them to try their fortunes ſtill; and the news of the victory, which the French had gained at ſea, was ſo magnified among them, that they made the people believe that the French would make ſuch a deſcent upon England, as muſt oblige the king to abandon Ireland.

About this time the king having a further account from England, that the deſigns of the mala-contents were diſcovered and prevented, the loſs at ſea repaired, and that the French had only burnt one ſmall village in the weſt of England, and ſo gone off again; he returned to the army, which on the 4th of Auguſt he found encamped at Golden-Bridge, and by the 7th reached Carrickelliſh, a place within five miles of Limerick, where he was joined by Douglaſs. The next day the earl of Portland and brigadier Stuart were detached towards Limerick with nine hundred horſe, and twelve hundred foot, who advanced within cannon-ſhot of the town with little oppoſition from the enemy; and in the evening the king himſelf, accompanied by prince George, monſieur Overkirk, lieutenant-general Ginckle, and ſeveral other great officers, went to view the poſture of the enemy and the avenues to the town. On the 9th the whole army decamped at five in the morning, and made their approaches in good order, two hundred horſe and dragoons, with a thouſand choſen foot, leading the van. The country being full of hedges and ditches, the pioneers were immediately employed to cut down the one firſt, and fill up the other; which being done the army advanced, and drove the enemy before them till they came to a narrow paſs between two bogs, within half a mile of the town, which was not above an hundred and fifty yards, aud this likewiſe full of hedges and other incumbrances. In this paſs were lanes leading to the town, in the middleſt of which, being the broadeſt, ſtood the Iriſh horſe, and to the right and left of it the hedges were lined with muſketeers. The detached party of Engliſh foot was upon the advance towards the centre; the horſe a little to the right of them, the Danes to the left, and the blue Dutch, with ſeveral Engliſh regiments, upon the right. Whilſt theſe things were going on thus, the king ordered two field-pieces towards the left, where they could bear upon the enemy's horſe, and fired from thence with ſo good ſucceſs, that the enemy ſoon quitted that poſt. At the ſame time colonel Earle led on his foot, who marched with ſo much bravery, though the enemy made a great fire through the hedge, that they forced them to retire, and continued their hedge-fight for two hours; driving the Iriſh under the very walls of the town, poſſeſſing themſelves of two advantageous poſts, called Cromwell's Fort, and the Old Chapel, and being hardly ſtopped there by the orders, which his majeſty ſent them. The Iriſh upon this plied the Engliſh forces with their great guns, that killed ſome few men as they marched in, which the whole army did by five in the afternoon, and moſt of them encamped within cannon-ſhot. The Danes, according to their poſt, encamped to the left, where they found an old fort built by their anceſtors, of which they were not a little proud, and from whence they fired three or four field-pieces upon the Iriſh, who lay entrenched between them and the town. Orders were alſo given forthwith to plant four field-pieces on Cromwell's fort to play upon the town from the out-works.

The army being poſted, Auguſt the 9th, the king ſent a trumpeter with a ſummons to the town. A great many of the garriſon were for capitulating; but monſieur Boiſſeleau the governor, the duke of Berwick, and colonel Sarsfield, oppoſed it with much vehemence, ſaying, that there were great diviſions, and even an actual inſurrection in England; that the dauphin was landed there with a great army; and that the prince of Orange would quickly be obliged to withdraw his forces thither. Upon this Boiſſeleau ſent the trumpeter back with a letter directed to ſir Robert Southwell, ſecretary of ſtate, (to avoid the rudeneſs of addreſſing himſelf directly to the king without giving him the title of majeſty) importing, "That he was ſurprized at the ſummons; and, that he thought the beſt way to gain the prince of Orange's good opinion was by a vigorous defence of the town, which his majeſty intruſted him withal." About eight in the evening the king went to his camp, a little mile from the town, having been on horſeback from five in the morning, giving the neceſſary orders, and expoſing himſelf amidſt the greateſt dangers, which the prince of Denmark ſhared all along with him. The cannon played from both ſides, and ſeveral of the enemy's ſhot fell near the king's tent, or flew over it. The ſame evening a party of dragoons was ſent to the ford at Annaghbeg, about two miles above the town, where ſix of the enemy's regiments of foot, three of horſe, and two of dragoons, were poſted on the other ſide of the river with a breaſt-work to cover them, who all fired upon the Engliſh, but neither killed nor wounded one of them. The advantage, which the enemy had, was ſuch, that the Engliſh expected to have met with great difficulties in paſſing the river, which is very rapid, and the bottom ſtony; but in the night the Iriſh abandoned their ſtation; ſo that Ginckle, who was commanded with a detachment to force his way over it, performed it the next morning, with about five thouſand horſe and foot, without any oppoſition. Two or three hours after the king himſelf went over the Shannon, and poſted there three regiments of foot, with ſome pieces of cannon. Neither were the beſieged idle; for all this while they were raiſing forts between the aſſailants and the Iriſh town; one to the ſouth gate, and the other towards the eaſt, which proved very ſerviceable to them, though not ſo great a diſadvantage to the Engliſh, as the ſurpriſing

of their train of artillery, which was coming up to join the army.

Some deſerters, and amongſt them a gunner, who got into Limerick, having given the enemy an account where the king's tent ſtood, and of thoſe guns and other things, that were upon the road from Kilkenny, under a ſmall guard, they played very briſkly towards the king's tent, which he was at laſt prevailed with to remove. Nor was this all, for on the 11th one Manus O'Brian, a country gentleman came to the camp, and gave notice, that Sarsfield, with a body of five or ſix hundred horſe and dragoons had paſſed the Shannon in the night, nine miles above Limerick, and deſigned ſomething extraordinary. Though ſeveral concurring circumſtances, and Sarsfield's activity and reſolution, which fitted him for ſuch an enterprize, rendered this gentleman's relation at leaſt probable, yet little heed was given to it at firſt; and a great officer, inſtead of inquiring more particularly into the matter, interrogated O Brian concerning a prey of cattle in the neighbourhood; of which the gentleman could not forbear complaining afterwards, ſaying, he was ſorry to ſee general officers mind cattle more than the king's honour. However, after he had met with ſome acquaintance, he was brought to the king, who, to prevent the worſt, gave order, that ſir John Lanier, with five hundred horſe, ſhould march to meet the train. But wherever the fault lay, it was one or two in the morning before the party ſet out, and even then they advanced very ſlowly, till after they ſaw a great light in the air, and heard a ſtrange rumbling noiſe, which ſome juſtly conjectured to be the train blown up. For the artillery having the day before marched beyond Cullen to the little old ruinous caſtle of Ballenedy, not ſeven miles from the camp, Sarsfield lurked all that day in the mountains; and having notice where and how the men, who attended it, lay, he took with him guides, that brought him to the very ſpot, where he fell in among them, before they were aware, and killed ſeveral of them, with many of the waggoners, and ſome country people, who were carrying proviſions to the camp. The noiſe of the ſlaughter having awaked the officer, who commanded in chief, he ordered his men to get to their horſes, that were a grazing, and put themſelves in a poſture of defence. But moſt of thoſe, who endeavoured to fetch them, were cut to pieces, and the reſt obliged to ſhift for themſelves, ſo that there were in all about ſixty men killed. The convoy being thus totally routed, the Iriſh gathered the carriages and waggons, with the bread and ammunition, and as many of the guns, as the ſhortneſs of the time would permit them, into one heap, and having filled the guns with powder, and placed their mouths into the ground, that they might thereby certainly ſplit, they, at their going off, ſet fire to the heap, which was blown up into the air, with a moſt aſtoniſhing noiſe. The Iriſh got ſome booty on this occaſion, but took no priſoners; only a lieutenant of colonel Earle's being ſick in a houſe in the neighbourhood, was ſtript and brought to Sarsfield, who uſed him with civility, and told him, "If he had not ſucceeded in that enterprize, he would have gone for France." The party of horſe, that was ſent from the camp, came up in ſight of the enemy's rear, after the buſineſs was over; but wheeling to the left to intercept them in their retreat over the Shannon, the Iriſh paſſed another way and got ſafe into Limerick.

The unwelcome news of this adventure occaſioned great murmurings in the camp, and ſome warm words paſſed between duke Schomberg, ſon to the late duke, and the earl of Portland, as if the latter, and count Solmes, had neglected to ſend in time a detachment of ſufficient ſtrength to ſecure the train. Others ſaid, that the king was altogether unconcerned at this accident, as having no real deſign to make an end of the Iriſh war, but only to keep the enemy cantoned towards Limerick, and preſerve the conqueſt he made this ſummer [o]. But theſe were ill grounded conjectures; and the ſiege was purſued. The trenches were opened on the 17th of Auguſt, and ſome great guns being arrived from Waterford, a battery was raiſed below the fort to the right of the trenches, which diſmounted ſome of the enemies cannon. The ſame day the prince of Wirtembergh, with the major generals Kirk and Tetteau, and brigadier Bellaſis, with ſeven battalions, entered the trenches, advanced near three hundred paces, and made themſelves maſters of the redoubts. On the 18th, the trenches were relieved by lieutenant general Douglas, the lord Sydney, and count Naſſau, and brigadier Stuart, who approached towards another ſtrong redoubt of the enemy. Nor was the king leſs in danger than the reſt; for in the thickeſt of the enemy's fire he rid up to Cromwell's fort, and as his horſe was juſt entering the gap, he was ſtaid by a gentleman, who came to ſpeak to him, when, in the ſame moment there came a cannon-ball, that ſtruck in the very place, and covered the king with duſt. He took little notice of it, but alighting, came and laid himſelf down on the fort. On the 19th the trenches were relieved by the prince of Wirtembergh, who advanced farther towards the ſaid redoubt, which the king ordered to be attacked the 20th. Douglaſs, Sydney, Naſſau and Stuart, being then again on the guard, and the ſignal given about two in the afternoon, the Engliſh, to the number of one hundred and fifty, beſides officers, and ſeveral reſolute French volunteers, attacked the fort with undaunted bravery, and after an obſtinate fight drove out the enemy, killing forty of them. About half an hour after the Iriſh made a great ſally with near two thouſand horſe and foot, but were vigorouſly repulſed. The 21ſt, the trenches were carried on and finiſhed, ſo as to hinder any more ſallies. The next day the beſiegers battered the enemy's high towers, from whence they fired into the trenches, and quite levelled them; and in the night threw ſeveral bombs and carcaſſes into the town, as they did the day following red-hot bullets, which ſet ſeveral houſes and a magazine of hay on fire. All the batteries being finiſhed and thirty pieces of cannon mounted on them, the trenches by the 25th were advanced within thirty paces of the ditch; a breach was made in the wall near St. John's gate, and part of the paliſadoes on the counterſcarp beaten down. On the 26th the engineers having aſſured the king, that there was a ſufficient breach, and there being an impoſſibility to make it wider for want of bullets, he reſolved, to take the town by mines; and in order to that, commanded the covered way or counterſcarp (which here was almoſt the ſame with the ditch,) and two towers that were on each ſide the beach, and contiguous to the wall, to be attacked the next day, and that the men ſhould go no further, but lodge themſelves there. Accordingly Douglaſs detached monſieur de la Barthe, a brave experienced French lieutenant colonel, with nine companies of grenadiers, ſtrengthened by an hundred French officers and volunteers, to begin the attack; which was performed with ſuch bravery and ſucceſs, that the enemy was ſoon diſlodged from the covered way and the two forts. The aſſailants purſuing their good fortune, entered the breach with the runaways; and de la Barthe, with ſome bold adventurers, and above half the earl of Drogheda's grenadiers, were actually on the rampart, and others, ſtill more eager than the reſt, went into the very place. This action had been deciſive, if the engineers had made a lodgement in time, of if the counts Solmes and Naſſau would have ſuffered the detachment, that was to ſecond the grenadiers, to go further than the counterſcarp; for the Iriſh were all running from the walls quite over the bridge into the Engliſh town; but ſeeing that few of the Engliſh had entered the town; they rallied again, faced the aſſailants, and plyed them ſo warmly, that ſeveral of them were killed, and many mortally wounded. Elated with this ſucceſs, the Iriſh ventured upon the breach again, and the reſoluteneſs of their women was ſo great, that they inceſſantly pelted the Engliſh with ſtones, broken bottles, and all ſuch other inſtruments of deſtruction, as came next to their hands. The men, on their part, could not for mere ſhame be leſs valorous; ſo that after three hours unequal fighting, the Engliſh were forced to retire to their trenches. But this was not all; for during the heat of the action a Brandenburgh regiment being with great bravery got upon the enemy's black battery, the powder happened to take fire, which blew up a great many of them. Beſides, though colonel Cuts, who was commanded by the prince of Wirtembergh to march towards the Spur at the ſouth gate, beat in the Iriſh, who appeared on that ſide, yet he loſt ſeveral of his men, and was himſelf wounded; for he boldly advancing within half muſket ſhot of the gate, all the men lay expoſed to the enemy's ſhot, who lay ſecure within the Spur and the walls. The French proteſtants, the Dutch, and the Danes behaved themſelves very gallantly in their reſpective poſts; and the whole action, which laſted from three till ſeven, was very briſk every where, and coſt the beſiegers ſix hundred men killed upon the ſpot, and as many mortally wounded.

This diſappointment, and the approaching ill weather,

[o] Lanier, whom the king had ſent to ſecure the convoy, might have overtaken Sarsfield; but the general obſervation made of him (and of moſt of the officers who had ſerved king James, and were now on the king's ſide) was, that they had a greater mind to make themſelves rich, by the continuance of the war of Ireland, than their maſter great and ſafe by the ſpeedy concluſion of it. Burnet, II. 58.

M.

BRITISH
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John Duke of Marlborough

G. Kneller Pinx.t

Goldar ſculp.

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occaſioned the raiſing of the ſiege of Limerick [p]; for on the 30th of Auguſt the heavy baggage and cannon were ſent away, and the next day the army decamped and marched towards Clonmel. The king, after he had conſtituted the lord Sidney and Thomas Coningſby, lords juſtices of Ireland, and intruſted count Solmes with the command of the army, who ſoon after reſigned it to lieutenant general Ginckle, he embarked at Duncannon fort with prince George of Denmark, and ſome other perſons of diſtinction, on the 5th of September, and arrived ſafe next day in King's road near Briſtol, and on the 9th at Windſor, where he was received by the queen with that joy, which none but his own could equal.

Beſides Limerick, there were ſtill other towns in the poſſeſſion of the Iriſh: and their army was yet very numerous, which gave king James's friends ſome hopes of the reſtoration of that kingdom to his obedience. But they were not a little ſurprized to hear, that the Engliſh fleet was arrived before Cork harbour the 21ſt of September, with ſome forces under the command of the earl of Marlborough. When the Engliſh fleet was refitted, and the French retired to Breſt, the earl of Marlborough had propoſed, during the ſiege of Limerick, that five thouſand men who had lain idle all the ſummer in England, ſhould be ſent into Ireland, and with the aſſiſtance of ſuch men as the king ſhould order to join them, they ſhould try to take Cork and Kinſale. The king approved of this, and ordered the earl to come over with them, and left orders for about five thouſand more under the command of the duke of Wirtembergh, and major-general Scravenmore to join him. Accordingly the earl immediately acquainted them with his arrival. The next day, in entering the harbour, he was oppoſed by the enemy, who had a battery of eight guns there; but he having ſent three armed boats aſhore, they by their quick firing obliged the Iriſh to quit their guns. On the 23d, the greateſt part of the land forces were ſent up the paſſages, headed by the duke of Grafton, ſix miles from Cork, and being come by the 24th within a mile of the town, they began to mount their cannon, having near ſix hundred ſeamen, gunners, and carpenters, who did them conſiderable ſervice. There being a report, that the duke of Berwick deſigned to raiſe the ſiege, Scravenmore ſent a meſſenger to haſten the duke of Wirtembergh's march; and on the 25th ordered a party of horſe to go and cover the duke's foot. The ſame afternoon Tetteau, with a party of one thouſand men, having drawn ſome cannon to the Fair-Hill, reſolved to attack one or both of the new forts and new Shannon caſtle; but the Iriſh no ſooner obſerved his men poſted in order to that deſign, but they ſet fire to the ſuburbs between him and them, and quitting both the forts and caſtles, retired in haſte into the town. Upon this the Engliſh poſſeſſed themſelves of Shannon caſtle, and planted there ſome guns. Scravenmore came about that time with twelve hundred horſe and dragoons, and took up his quarters at Kill-Abbey. On the 26th the duke of Wirtembergh with his Danes, and brigadier la Mellioniere with ſome French and Dutch foot, arrived and encamped before the town. Wirtembergh and Marlborough being both lieutenant-generals, there happened a warm diſpute betwixt them about the chief command; Wirtembergh bluntly claiming it, becauſe he was a prince; and Marlborough with more temper, alledging, that the general command properly belonged to himſelf, both as the elder officer, and becauſe he led the troops of his own nation; whereas the duke of Wirtembergh was only at the head of auxiliaries. But la Mellioniere interpoſing, the earl was contented to ſhare the command with the duke, leſt his inſiſting on his full right ſhould retard the king's ſervice. Accordingly the earl commanded the firſt day, and gave the word, Wirtembergh; and the duke commanded the next, and gave the word, Marlborough.

This difference being adjuſted, and the enemy on the 27th having abandoned their works at the Cat-Fort, without a blow ſtruck, the Engliſh forces took poſſeſſion of it; and having raiſed a battery there, they threw their bombs into the city, and played their guns upon the fort, from the Fryars Garden, and from another battery above the fort near the abbey. Beſides, being maſters of a church, Scravenmore ordered a party of men into it, who from thence galled the Iriſh within the fort. All which, together with another battery ſet up by Red-Abbey, ſoon made a breach in the city wall, and brought the beſieged to demand a parley. Hoſtages were thereupon exchanged, and a truce granted till next morning; when the beſieged not accepting the terms offered, the beſiegers began to play again very furiouſly with their cannon. A conſiderable breach being made, the Danes from the north, and four regiments of Engliſh from the ſouth, under brigadier Churchill, paſſed the river up to the arm-pits into the Eaſt Marſh, in order to ſtorm the town. The grenadiers under the lord Colcheſter led the van, and marched forward with incredible bravery, though all the while expoſed to the enemy's fire, being encouraged by the duke of Grafton, and ſome other reſolute volunteers; but in the approach the duke of Grafton received a wound in the ſhoulder, of which he ſoon after died [q]. The van immediately poſted themſelves under the bank of the marſh, which was, as it were, a counterſcarp to the city wall; and at the ſame time the Salamander and another veſſel came up with the tide, and lay at the end of the marſh, directly before the city wall, played their cannon at the breach, and threw their bombs likewiſe into the city. All things being now ready, on the 28th of September, for a general aſſault, the beſieged thought fit to prevent it by beating a ſecond parley; and at laſt the earl of Tyrone and colonel Ricaut, being ſent from colonel M'Ellicut, who commanded in the place, agreed to the earl of Marlborough's conditions; which were, "That the garriſon, conſiſting of four thouſand men, ſhould be all priſoners of war, both officers and ſoldiers: That no prejudice ſhould be done to them, or to the inhabitants: That the general would uſe his endeavours to obtain his majeſty's clemency towards them: That all the arms, as well of the garriſon as inhabitants, ſhould be ſecured: That all the proteſtant priſoners ſhould be ſet at liberty: That the old fort ſhould be delivered up within an hour, and the two gates of the city the next morning: And that an exact account ſhould be given of the warlike ammunitions and proviſions in the magazines." The priſoners of note taken at Cork were the earls of Clancarty and Tyrone, the governor of the place, colonel Ricaut, and ſeveral other officers.

Animated with this ſucceſs, the ſame day the earl entered Cork, he ſent a detachment of horſe and dragoons, under the command of brigadier Villiers, to ſummon the town and forts of Kinſale. Upon his approach the Iriſh were ready to ſet the town on fire; but being prevented by the ſudden arrival of the Engliſh, they retreated in haſte to the old and new forts. The earl of Marlborough ſet out from Cork on the 1ſt of October, arrived at Five-mile Bridge the ſame day, and the next before Kinſale; and having formed his camp in the evening gave directions to make his approaches towards the new forts, while Tetteau was ordered to attack the old. The next morning early, Tetteau having paſſed the river in boats made a feint of ſtorming the fort in the weakeſt place, where moſt of the beſieged were ready to receive him; but in the mean while another detachment made a bold aſſault upon another place, where the enemy leaſt expected them, and by that means were ſoon maſters of a baſtion. At the ſame time ſeveral barrels of powder happening to take fire, whereby near forty of the Iriſh were blown up, the reſt retired into an old caſtle in the midſt of the fort, and immediately ſubmitted to be priſoners of war,

[p] Mr. R. Warre, under ſecretary to the earl of Nottingham, in a letter from Whitehall, Septemb. 9, 1690, to ſir William Dutton Colt, envoy extraordinary at the court of Hanover, gives the following account of the raiſing the ſiege of Limerick. "Nothing induced the king to quit the ſiege but the ſeaſon of the year, and the nature of the country, which in thoſe parts is ſo ſubject to be overflowed, that the ſoldiers could no longer remain in the trenches in wet weather; and no art nor induſtry could remedy this miſchief. The deſerters do agree, that if the weather would have permitted the king to remain there a few days longer, the neceſſities and deſpair of the people in the town would have forced the officers to ſurrender, if they had not been diſpoſed to it of themſelves. The enemy had ſo little ſhare in obliging the king to retire, that he did not meet with the leaſt diſturbance from them in decamping or in his march. The proteſtants thereabouts are by this means left to the mercy of the Iriſh, but moſt of them withdraw to places within the army's protection.——Though this diſappointment is the more unhappy for coming at the end of the campaign, yet the progreſs the king has made towards reducing that kingdom, is ſo conſiderable, as would have been eſteemed at firſt ſufficient for one yea., and enough to render it a glorious campaign." And in another letter dated October 21, the ſame gentleman writes thus: "I have endeavoured to inform myſelf of the number of perſons loſt before Limerick, but cannot give you a diſtinct nor juſt account. I ſpoke with a gentleman, who was at the ſiege all the time, and had the beſt opportunity of being informed herein. He tells me, the greateſt loſs to our men was, in gaining the redoubt, and aſſaulting the counterſcarp; the reſt happening in the trenches, where about ten men a day might be killed. He computes the whole at a thouſand or twelve hundred at the moſt. He obſerved a thing not unworthy your notice, that where a colonel or captain was deficient in his full number of men, if he was ordered on ſervice, he would deliver in his loſs, as if his regiment or company had been compleat; which made ſome judge our loſs greater than it was; but at that rate it was not much greater than what I tell you." MS. p. 396.

[q] The duke of Grafton was the more lamented, as being, of all king Charles's children, the perſon of whom there was the greateſt hope. He was brave, and probably would have become a great man at ſea. Burnet, II. 60.

The

having loſt about two hundred men out of four hundred and fifty. This buſineſs being over, the earl of Marlborough ſent to ſummon the new fort, which was much more conſiderable than the other; but ſir Edward Scot, the governor, reſolutely anſwered, "that it would be time enough to capitulate a month hence." Upon this the Engliſh on the 5th of October opened their trenches, and on the 9th had advanced them to the counterſcarp; but the ill weather hindered the coming up of the cannon till the 11th when part of it arrived. The 12th in the morning ſix pieces were mounted at the Danes attack, and two mortars at the Engliſh, which fired all that day. The 13th two twenty four pounders were placed on the ſame battery; and the next day the reſt of the cannon arrived, three of which were mounted on the Engliſh battery. And the Danes, commanded by Wirtembergh, having made a conſiderable breach, the night following, to diſturb the enemy, they made a falſe attack. The 15th the cannon continued to play all the morning; and all things were preparing for a ſtorm, when the enemy beat a parley. Hoſtages being exchanged, the articles were agreed on and ſigned about midnight, by which the middle baſtion was to be delivered up the next morning, and the garriſon, conſiſting of about one thouſand one hundred men, was to march the next day after, with arms and baggage, and be conducted to Limerick. The loſs of the Engliſh before this place was little leſs than three hundred men killed or wounded; which yet was of no moment, conſidering the great advantage they gained by ſubduing this ſea-port town, and that of Cork; for by this means a ſtop was put to all ſupplies from France, at leaſt on this ſide of Ireland; and the Iriſh were almoſt confined to the province of Ulſter, where they had great difficulty to ſubſiſt. The earl of Marlborough having performed this glorious expedition in thirty ſeven days, embarked again for England, and arrived at Kenſington the 28th of October, where he was received with great civility by their majeſties; and the king was heard to ſay, 'that he knew no man ſo fit for a general, who had ſeen ſo few campaigns.' Aboard the ſhips which came back with the earl of Marlborough, were brought priſoners, the earls of Clencarty and Tyrone, the lord Carne, colonel M'Eilicut, and other officers of note.

During theſe proceedings, count Lauzun with the French troops, lay about Galway, without attempting any thing. He ſent over to the court of France an account of the deſperate ſtate of their affairs, and deſired, that ſhips might be ſent for the tranſporting of their forces. This was done, yet the ſhips came not till the ſiege of Limerick was raiſed; and probably if the court of France had known how much the ſtate of affairs was altered by that event, they would have ſent contrary orders. But Lauzun was weary of the ſervice, and was glad to get out of it; and therefore ſailed away without ſtaying for new orders, leaving the general command of the Iriſh forces to the duke of Berwick, which was afterwards given to monſieur St. Ruth. By this conduct count Lauzun loſt the little reputation, which he was beginning to recover at the court of France. Tyrconnel went over with him, and gave full aſſurances, that though the Iriſh were like to ſuffer great hardſhips the next winter, yet they would continue firm, if they were ſtill ſupported by France. And as it had appeared on many occaſions, that the French and Iriſh ſoldiers did not agree well together, he propoſed, that no more ſoldiers, but only a number of good officers, together with arms, ammunition, and clothes, might be ſent over to them.

In the mean while the Iriſh formed themſelves into many bodies, which by a new name were called 'Rapparees;' who knowing all the ways and the bogs, and other places of retreat in Ireland, and being favoured by the Iriſh, that had ſubmitted to the king, robbed and burnt houſes in many places of the country; while the king's army ſtudied their own eaſe in their quarters, more than the protection of the inhabitants. And many of them were ſuſpected of robbing in their turn, though the rapparees bore the blame of all. However, between them, the inhabitants were dreadfully harraſſed, and their ſtock of cattle and corn was almoſt quite deſtroyed in many places.

Thus ended the campaign in Ireland. With reſpect to foreign affairs; the grand alliance, to which the king had acceded, was alſo ſtrengthened by the acceſſion of the duke of Savoy[1]. He had, ſince the kindling of the war, profeſſed a neutrality, with which the French appeared the leaſt ſatisfied, though they ſeemed to have moſt reaſon to be ſo. For though the duke had been ſo complaiſant to the king of France, as to impriſon, baniſh, and at laſt deſtroy by the ſword his own proteſtant ſubjects, the miſerable Vaudois; yet nothing was able to continue him in that king's favour, but his receiving a French garriſon into the citadels of Turin and Verceil, for the ſecuring of his pretended neutrality. Theſe propoſals could not but appear harſh to a court, which was ever uſed rather to gain than loſe by the diviſion of her neighbours. However the duke, who, even at four and twenty years of age, challenged a place amongſt the ableſt

[1] The author of the 'French Continuation of Monſieur Rapin's hiſtory' ſays, that king William had for a long time courted that duke, who being weary of the long ſlavery, under which he had been retained by France, heard with pleaſure every thing, that tended to reſcue him from that yoke. The houſe of Auſtria had no leſs intereſt to gain him; and it is ſaid, that this houſe ever ſince the firſt infractions of the treaty of Nimeguen, in order to revenge itſelf, formed a project, of which the two principal articles were the raiſing of king William to the throne of Great Britain, and the making a league with Victor Amadeus II. duke of Savoy. This latter article was negotiated, as it was ſaid, in 1685, a little after the truce for twenty years; and there was a perſon, who having learned this at Rome, from the mouth of Chriſtina of Sweden, then upon ill terms with Lewis XIV, came to Turin, to diſcover that ſecret to the abbé d'Eſtrades, the French miniſter at that court. But the latter having refuſed the private audience, which the other deſired of him, this important diſcovery was buried in ſilence.

Two years afterwards, in 1687, it was found by means of two hundred thouſand livres given to a monk, who was a private agent of the duke, that under pretence of diverting himſelf at the carnival of Venice, he had concluded there an alliance with the emperor and ſeveral of the German princes, upon the plan of the famous league of Augſbourg; and a copy of this treaty was likewiſe procured. This ſtep ought to have given ſome uneaſineſs to the court of Verſailles. But, whether proſperity had accuſtomed that court to deſpiſe its enemies, or whether it imagined that the duke would deceive his new allies, the French miniſters intereſted themſelves ſo much the leſs in that affair, as they flattered themſelves at all adventures with the notion of being able to take their revenge whenever they ſhould think proper.

The duke taking advantage of this ſecurity of theirs, concluded his treaty with the emperor and his allies. By the firſt article, the duke obliged himſelf not to enter into any treaty of alliance, peace, or truce with France, without the conſent of the emperor, to whom he promiſed a faithful and inviolable attachment. He engaged by the ſecond and third articles to act in concert with the emperor, Spain, and their allies, and to employ his forces in conjunction with theirs againſt France. The abbé Vincent Grimani on the other hand promiſed in the name of the emperor and empire, not to enter into any treaty of peace or truce with France without including the duke in it. 2. To take ſuch order, that the governor of Milan ſhall employ all the forces of that ſtate for the preſervation of the duke's territories; and that the Spaniſh fleet ſhould take care to ſecure the city and country of Nice. 3. That his imperial majeſty ſhould immediately ſend ſix thouſand of his choiceſt men to join the duke's forces, which his imperial majeſty engaged to pay without their pretending to any winter quarters in Piedmont. 4. That his imperial majeſty ſhall endeavour to the utmoſt of his power, that the Vaudois, the French refugees, and the eight thouſand men, which the marquis of Borgomanero, embaſſador of Spain, had promiſed ſhould be ſent into Piedmont, ſhould join the troops of the duke; the emperor leaving to him the care of employing all thoſe forces jointly with the governor of Milan, as they ſhould find moſt convenient. 5. That the emperor and the confederates ſhould endeavour the reſtoration of Pignerol into the hands of the duke, either by force of arms, or by a treaty, without laying any claim to Montferrat, which his imperial majeſty ſhould renounce, notwithſtanding the antient treaties. 6. That his imperial majeſty ſhould lay no claim to any thing; that may happen to be won from France on that ſide, but would leave the duke and the governor of Milan to agree that point together.

The time was now paſſed, when the French inſulted their enemies with a haughty and contemptuous indifference. They had then an extreme attention to every thing that was doing. They had diſcovered, that the duke of Savoy had practiſed upon the Vaudois, and maintained a private correſpondence with England and Holland; that theſe three powers were projecting a diverſion into Breſſe, and Dauphine, and deſigned to employ in that attempt the troops of the Milaneſe, thoſe of Savoy, the Vaudois who had retired into Wirtemberg, the French refugees, and the new converts, whom they would try to engage in an inſurrection. Lewis the XIV, who was now in the train of diſcoveries, was informed ſoon after of the engagements, which the duke was entered into, and therefore ſent twelve thouſand men into Piedmont, under the command of the brave and able Monſieur Catinat, afterwards marſhal of France, with orders, to demand of the duke as a pledge of his fidelity, that he would deliver up to France his troops, together with Verrue and the citadel of Turin. The Duke, confounded with this unforeſeen ſtroke, endeavoured to amuſe his enemy by ſubmiſſions and offers, till he could procure aſſiſtance from the emperor and Spain. But Lewis XIV. was not to be deceived, and therefore reinforced his army in Piedmont, and declared to the duke, that he expected of him the delivery of Verrue and the citadel of Turin, or, inſtead of the latter, Carmagnola, Suza, and Montmelian, to be reſtored to the duke after the peace under the guaranty of the pope and the Venetians. He added in a kind of manifeſto, "That if the duke choſe rather to truſt in the hands of the republic of Venice, during the courſe of the war, the citadel of Turin and Verrue, and to receive a Venetian garriſon, he would withdraw his troops upon theſe two conditions: Firſt, that if this prince, contrary to the promiſes which he ſhould be obliged to give, ſhould join his troops to thoſe of the allies, or give them a paſſage into his territories, the Venetians ſhould in that caſe be obliged to put into the hands of France the two places entruſted to them. Secondly that the emperor and Spain ſhould oblige themſelves not to attempt any thing in Italy againſt the princes who were neutral or allies of France, and that the Pope, Venice, and the Grand Duke ſhould be guaranties of that convention."

The duke was then too much engaged on both ſides, to be able to give a faithful promiſe. But at laſt he declared himſelf on the 2d of June; his treaty with the king of Spain was ſigned the next day, and that with the emperor the day following; and hoſtilities were begun at the ſame time by the French in Piedmont and Savoy.

politicians, prudently amuſed the king of France with civil meſſages, and at the ſame time endeavoured to make the emperor buy his alliance with the acknowledgment of his claim to the kingdom of Cyprus, and the giving him the title of 'Royal Highneſs,' which at laſt the emperor conſented to. This conceſſion being made public, the French began to ſuſpect the conſiderations, upon which his imperial majeſty had made it, and expoſtulated the matter with the duke; who thereupon declared to the king of France by his miniſter, that he had no deſign to abandon his friendſhip, or to do any thing derogatory to the treaties, that were between that crown and himſelf. But this general anſwer not ſatisfying the French, monſieur Catinat, who was to command the French troops on that ſide, paſſed the mountains, and arrived at Turin in the ſpring, leaving his army of about eighteen thouſand men in Dauphiné, with orders to follow him by eaſy journies into the duke's territories. The preſence of this military envoy ſomewhat diſcompoſed the duke of Savoy, who, to rid himſelf of a troubleſome gueſt, before the arrival of his more troubleſome retinue, offered to furniſh the king of France with two thouſand foot, and one thouſand horſe. The pope's nuncio at Turin endeavoured likewiſe to ſend away Catinat in good humour; but that general not ſatisfied with any offers that were made him, poſitively demanded Verceil for a place of arms, proteſting, that he would not hearken to any accommodation but upon theſe terms. Though the duke had by this time made choice of his ſide, yet it had been great imprudence in him to declare his intentions, ſince the French were ready to attack him, and the Spaniards from the Milaneſe not in a condition to aſſiſt him. He therefore made uſe of all imaginable addreſs to protract the affair, which produced theſe new propoſals from France, "That the king was willing to refer his concerns to the pope and the republic of Venice, upon condition, that the duke would conſign Verceil, Carmagnola, and Suza into the pope's hands, until the end of the war." The duke being preſſed ſo far, and conſidering, that it was to no purpoſe to conceal a thing, which was already but too much ſuſpected, and muſt neceſſarily be known, boldly declared, "That he was engaged with the emperor, and could not go from his word. However, in regard the alliance he had made with his imperial majeſty, tended no farther than to oppoſe the unjuſt deſigns of France, if his moſt chriſtian majeſty would put Caſal and Pignerol into the hands of the republic of Venice till the end of the war, he would lay down his arms, and for the ſame put into the pope's hands one of his towns, as a pledge for the obſervation of a neutrality." It will be eaſily imagined how France reliſhed this anſwer, which, at beſt, was but a civil declaration of war; the conſequence of which was, the immediate liberty and recalling of the Vaudois, and the encouragement given them to arm themſelves againſt France; and the public avowing of the duke's treaties, firſt with the emperor, and then with the king of Spain, whereby they reſpectively engaged themſelves to join their forces againſt France, and never to make a ſeparate treaty with that crown, without their joint conſent. Beſides, by the firſt article of the treaty with Spain, made on the 3d of June, his catholic majeſty promiſed to make the duke of Savoy to be comprehended in the alliance with the emperor, king William, the ſtates general, and all his other allies.

Catinat being by this time at the head of his army in the duke's territories, the duke gathered what force he could to drive him out; and joining himſelf with the troops of the Milaneſe, earneſtly fought an opportunity of ſignalizing his courage. But the count de Lovigniez, who commanded the Spaniſh troops, continually repreſented to him, that Catinat could not receive ſupplies but with great difficulty, and that his army waſted every day by deſertion or diſeaſes; whereas the duke's forces had plenty of every thing, and increaſed daily with new reinforcements; and therefore he ought to expect victory rather from time than the ſucceſs of a battle, which he could not try without diſadvantage, the French being not only ſuperior in number, but alſo better diſciplined.

Theſe reaſons prevailed for ſome time with the duke of Savoy, to content himſelf with obſerving the enemy; but being elated with the ſucceſs of ſome of his troops, which had repulſed the French from before Carignan, and drove them out of the vallies and town of Lucerne, he advanced towards Catinat, who made a ſhew of attacking Saluſſes, and offered him battle. The French general gladly accepted the challenge; and having obſerved, that the enemy's left wing was covered by a moraſs, he cauſed the ſame to be ſounded, and finding it had a firm bottom, ordered his men to begin the attack that way. The duke's left wing was ſo ſurprized at this unexpected charge, that they made no long reſiſtance; but the right wing ſtood firm for above three hours, till being overpowered they betook themſelves to flight. The duke himſelf retired with his broken remains to Carignan, and Catinat purſuing his victory, the very next day made himſelf maſter of Saluſſes, and not long after of Savillana, Villa Franca, and ſeveral other places, and then marched his army towards Carignan. The duke not finding himſelf in a condition to wait his coming, left a ſtrong garriſon both in that place and in Carmagnola, and retreated to Moncalier to recruit his army, and to ſtay for the Germans, that were coming to his aſſiſtance. With this reinforcement, beſides ſome Milaneſe troops, being nearly twenty thouſand ſtrong, he decamped from Moncalier, and marched towards Catinat; who having likewiſe been ſtrengthened with ſome regiments from France, had formed a deſign upon Suza, a town conſiderable for its ſituation, as being the key of Dauphiné into Piedmont. To ſecure this place the duke ſent the count de Lovigniez with ſix battalions of foot and ſome horſe; of which Catinat having received information, left the common road, and marched his men with great expedition for ſix days together over the mountains. Upon this motion of Catinat, the duke imagined, that the ſiege of Suza was only a feint, and that the true deſign of the French was to give him battle; and therefore ſent orders to Lovigniez to leave Suza, and forthwith to join him with all his forces. This was no ſooner done, but the French immediately inveſted the town, where there was only ſix or ſeven hundred men in garriſon, who not thinking themſelves able to defend ſuch a weak poſt againſt a numerous army, ſurrendered upon honourable terms. With this action the campaign ended in Piedmont, for Catinat divided his army, ſending part of it into Provence, and the other into Savoy; which dukedom (the town of Montmelian excepted) monſieur St. Ruth had not long before reduced to his maſter's obedience. The duke of Savoy finding how little he ought to depend either upon the emperor or the king of Spain, who had made him great promiſes of aſſiſtance, in which they were never wanting, when their affairs required it, though they totally failed in the performance, he wiſely bethought himſelf of making application to the ſtates general, and eſpecially to king William, the head and ſupport of the grand alliance, by the count De la Tour, preſident of his finances, one of his privy council, and a man of great parts. That envoy extraordinary having diſpatched his buſineſs at the Hague, came immediately over into England, and at his firſt public audience delivered himſelf to the king in the following terms:

SIR,

"HIS royal highneſs, my maſter, does by me congratulate your ſacred majeſty's glorious acceſſion to the crown. It was due to your birth, and deſerved by your virtue, and is maintained by your valour. Providence had deſigned it for your ſacred head, for the accompliſhment of his eternal decrees, which, after long patience, do always tend to raiſe up choſen ſouls to repreſs violence, and protect juſtice. The wonderful beginnings of your reign are moſt certain preſages of the bleſſings, which heaven prepares for the uprightneſs of your intentions; which have no other ſcope than to reſtore this flouriſhing kingdom to its firſt greatneſs, and break the chains which Europe groans under.

"This magnanimous deſign, worthy of the heroe of our age, filled his royal highneſs with inexpreſſible joy; but he was conſtrained to conceal it in the ſecret of his heart; and if at laſt he has been free to own it, he is obliged to the very name of your majeſty for it, ſince that alone has made him conceive ſome hopes of liberty, after ſo many years of ſervitude.

"My words, and the treaty which I have ſigned at the Hague, with your majeſty's miniſters, do but faintly expreſs the paſſion, which my maſter has to unite himſelf by the moſt inviolable ties to your ſervice. The honour, Sir, which he has to be related to you, has tied the firſt knots of this union. The infinite reſpect, which he has for your ſacred perſon, has, as it were, knit them faſter; and the generous protection, which you are pleaſed to grant him, will, without doubt, make them indiſſoluble. Theſe are the ſincere ſentiments of his royal highneſs; to which I dare not add any thing of mine; for how ardent ſoever my zeal may be, and

how profound the veneration, which I bear to your glorious atchievements, I think I cannot better expreſs either, than by a ſilence full of admiration."

The king was not diſpleaſed with ſo agreeable a compliment, and at the ſame time readily embraced this opportunity to engage the duke of Savoy in the intereſts of the confederates, by promiſing him ſpeedy aſſiſtance; in which he fulfilled his engagements.

As the enemies of France increaſed, ſo ſhe ſeemed proportionably to increaſe in power, being very formidable this year, not only by ſea, of which the confederate fleet felt the effects, but alſo by land. The allies being ſenſible of this, it was agreed, that the army of the ſtates under prince Waldeck ſhould oppoſe in Flanders that of France, commanded by the duke of Luxemburg, while the elector of Brandenburg ſhould, upon the Moſelle, obſerve the marquis de Boufflers. But the French, according to their uſual forwardneſs, having taken the field early, the Dutch were conſtrained to draw out their garriſons to attend the enemy, before thoſe of Brandenburg were come to the poſt aſſigned them; which gave Boufflers an opportunity to encamp between the Sambre and the Meuſe, from whence he maintained a free communication between his army and that of Luxemburg.

The Dutch, under theſe circumſtances, encamped near the river Pieton, in one of the moſt advantageous poſts in all Flanders, waiting till the Brandenburgers took the field, and thereby cauſed the enemy to divide their forces; but in the mean time the duke of Luxemburg drew near the Sambre, with a deſign to croſs that river between Namur and Charleroy, and then to waſte the Spaniſh countries or put them under contribution. Prince Waldeck knowing of what importance it was to keep the French beyond the Sambre, and being likewiſe thoroughly ſollicited by the Spaniards to oppoſe the deſigns of the enemy, decamped from the Pieton, and the next day detached the count of Berlo with fifteen hundred horſe, to obſerve whether the French endeavoured to paſs the Sambre or not. This detachment was, in caſe of neceſſity, to be ſupported by four or five regiments of cavalry, commanded by the count de Flodrop; and the count of Webbenum, with another party of horſe, was poſted on this ſide a narrow lane, which was to be paſſed through before they could come to the enemy.

Berlo being advanced as far as the village of Flerus, found, that a good part of the French army had already paſſed the Sambre, and poſted themſelves againſt the village, which they kept to their backs; of all which he inſtantly informed prince Waldeck, who was poſted between Mellin and Fleurs. On the other hand the enemy having notice of Berlo's approach, marched directly towards him. And at the ſame time the duke of Luxemburg diſpatched away ſeveral troops privately through by-ways to fall upon him in the rear. Upon this Berlo ſent for a reinforcement, eſpecially of foot; but inſtead of ſending him more force, they gave him orders to retreat. Yet he not receiving thoſe orders till he was almoſt ſurrounded on every ſide, was obliged to put himſelf in a condition to defend a narrow lane, which he had before poſſeſſed by his dragoons. The enemy charged him very vigorouſly, and there he loſt his life, as did alſo major Caſtleman, and ſome other officers. The count de Flodrop was likewiſe advanced too far to retire without fighting; and indeed his party ſtood their ground very ſtoutly for a while, but being oppreſſed by numbers, they were forced to retreat to count Webbenum, who commanded the third detachment, and was poſted on the other ſide the hedge. Some ſquadrons of the French boldly purſued Flodrop through the hedge, but were ſo vigorouſly repulſed, that they were conſtrained to retreat. When this was over, Flodrop and Webbenum joined their main army, which was drawn up in order of battle, and continued in that poſture all night. The next morning the Dutch underſtood by a deſerter, that Luxemburg was reſolved to fight; but two ſpies, who made it their buſineſs to betray both armies, reported preſently after, that he was repaſſing the Sambre. Prince Waldeck continued in this uncertainty till eight in the morning, when he ſaw the French drawn up in battle-array, and that there was a neceſſity of engaging.

The Dutch army conſiſted only of about five and twenty thouſand men; the Spaniards and Brandenburgers, who ſhould have reinforced them, not being yet come up; ſo that the prince could not make above two lines, which extended from Flerus to St. Arnand. The French army was above forty thouſand ſtrong, Luxemburg having almoſt drained the French frontier towns, and having been reinforced three days before by eighteen battalions of foot, forty five ſquadrons of horſe from Boufflers's army, and the flying camp of the count de Gournay. The fight being reſolved upon, prince Waldeck gave the command of his right wing to the prince of Naſſau, general of the horſe, accompanied by lieutenant general d'Huby, a Spaniard, and the prince of Birkenfield with his brigadiers; and aſſigned the charge of the left wing, and the main battle, to the prince of Naſſau, governor of Friezeland, and mareſchal de camp, and the lieutenant generals d'Alva and Webbenum. He likewiſe, before the fight began, ſent ſome horſe to line the right wing of the army, which was advantageouſly poſted. But whether none were ſent to line the left, or that thoſe, who were commanded thither did not perform their duty, the enemy, without being perceived, ſlipped ſeveral troops behind a riſing ground and a ſmall wood near the Sambre, who poſted themſelves behind the ſecond line of the left wing. This conſtrained that line to face about, and turn their backs to the firſt; whereby being very much weakened, ſome battalions of the right wing were ſent to ſecure their flank, and aſſiſt them to maintain their ground. Luxemburg no ſooner obſerved that motion, but he told the duke de Mayne, who was then near him, 'See what the enemy are doing; I foretell they will be beaten.' Which being ſaid, he ordered the left wing to be attacked at the ſame time in the front, rear, and flank. The firſt line being already weakened to reinforce the ſecond, was ſoon compelled to give way; upon which the enemy marched on to the ſecond, to fall upon their rear. By this time that line was advanced to make head againſt the cavalry, which they had before them, and which they had driven back in diſorder upon the French infantry; but the enemy having three lines, no ſooner was one overthrown, but freſh battalions renewed the fight, by which means they at laſt repulſed the Dutch, quite tired with the onſets they had already ſuſtained. Prince Waldeck obſerving the left wing in a ſtaggering condition, and that the horſe had, for the moſt part given ground, ſent to their relief the horſe of the ſecond line of the right wing, from whence the foot had already been drawn for the ſame purpoſe, While this was doing on that ſide, the firſt line of the right wing was alſo engaged with the enemy, and had bravely repulſed and routed them ſeveral times, being ſupported by the Spaniſh horſe, who had made themſelves maſters of ten pieces of the enemy's cannon, and kept them a conſiderable time. But the French having three lines on that ſide alſo, and being continually ſupplied with freſh men, the Dutch cavalry was diſperſed and broke to that degree, that the whole body could never be rallied again. Count Flodrop indeed with great difficulty, aſſembled about twelve hundred horſe, after an hour's riding from the field of battle, and brought them on again; but then it was too late, for the infantry was retreated.

From this time, during the whole courſe of the war, the Dutch horſe had the misfortune to be accounted the worſt among the confederates; and indeed, had they behaved themſelves as well as the infantry on this occaſion, the victory would certainly been on their ſide, notwithſtanding the inequality of numbers. As for the foot, never did any troops perform greater wonders; for after they were abandoned by the horſe, they alone ſuſtained the charge of the French cavalry and infantry, and being attacked in front, flank, and rear, all at once, yet remained firm, unbroken, and impenetrable. They let the enemy's horſe approach within piſtol ſhot of them, and made their diſcharge with ſuch an unconcerned and ſteady aim, that the whole ſquadron together ſeemed to ſink under the ground, ſcarce thirty of the whole number eſcaping; and this courſe they ſo accuſtomed themſelves to obſerve, that at length they laughed at their enemies, and challenged them to advance. The French, on the other ſide, were ſo confounded with the execution done upon them, that they fled as ſoon as the Dutch began to preſent their muſkets; nor durſt they any more come near them, but ſuffered them to retreat in good order without offering to purſue them. This unparallelled firmneſs and bravery made the duke of Luxemburg ſay in their commendation, "That they had ſurpaſſed the Spaniſh infantry at the battle of Rocroy," where the Spaniards had greatly ſignalized themſelves; adding with-

withal, "That prince Waldeck ought ever to remember the French horſe, and himſelf never to forget the Dutch infantry." [s]

This action was very bloody on both ſides, the Dutch themſelves owning the loſs of four thouſand ſix hundred men killed upon the place, and a great many wounded; above four thouſand priſoners, and the greateſt part of their artillery taken. The moſt remarkable perſons among the ſlain were the prince of Saxe-Merſburg, the count of Stirum, one of the young counts of Naſſau, the baron de Hyde, and ſeveral colonels, captains, and inferior officers. As for the French, excepting the priſoners and the field of battle, they had no reaſon to boaſt of any advantage, the number of ſlain being at leaſt equal with that of the Dutch. And though prince Waldeck might have committed an error in not avoiding the battle, after the informations, which were given him concerning the conjunction of the French forces; yet it is certain, he did all that could be expected from an experienced general.

The French were not able to draw any advantage from this ſucceſs; for the Dutch repaired their loſſes with admirable diligence, ſo that prince Waldeck being reinforced by the five Engliſh regiments, which were not in the action, eight or nine thouſand men from Hanover, and ten thouſand more of the Biſhopric of Liege, Brandenburgers and Hollanders, under count de Tilly, he joined the elector of Brandenburg with all his forces. By this conjunction the confederate army being reckoned fifty-five thouſand ſtrong, bent their march to Genap, and ſo to Bois-Seigneur-Iſaac. And though Luxemburg had been likewiſe conſiderably reinforced, yet he ſat contented with the glory of having gained a ſignal victory this ſummer, and fortified his camp ſo, as not to be obliged to fight without conſiderable advantage. On the other hand, the States General ſent poſitive orders to prince Waldeck not to hazard another engagement till the fleet ſhould be again at ſea; and this reſtrained the elector of Brandenburg, who, in conjunction with the Dutch, was ſuperior in numbers to Luxemburg. And afterwards, when the ſtates ſuperſeded thoſe orders, he did not think fit to hazard his army. Such is the fate of confederate armies, when under a different direction, that when the one is willing, or at leaſt ſeems to be ſo, the other ſtands off. So there was no further action in Flanders this campaign.

Though the emperor, towards the latter end of the preceding year, was very preſſing with the proteſtant electors to meet at Augſburg, yet neither letters nor meſſages were were able to prevail with them. However, the electoral college being met, together with envoys of ſuch as were abſent, the emperor made a ſpeech to them upon the occaſion, for which they were aſſembled, conſiſting of three principal heads: The firſt was the ſecurity of the empire againſt the deſigns of France: the next, the neceſſity of chuſing a king of the Romans: and, laſtly, he earneſtly recommended to them to caſt their eyes upon his ſon Joſeph, archduke of Auſtria, and king of Hungary, to advance him to that dignity. Whatever the electoral college reſolved in relation to France, they proved unanimous in the choice of his ſon, juſtly ſuppoſing, that there could be no better method for obviating the deſigns of France upon Germany, than to continue the Imperial dignity in the Auſtrian family. Thus archduke Joſeph was choſen and crowned king of the Romans, to the great ſatisfaction of the emperor, and moſt of the empire, and the no leſs diſappointment of the king of France, whoſe enemies ſtill increaſed in this very conjuncture. For the memorial, which the duke of Lorrain preſented to the diet at Ratiſbon towards the cloſe of the laſt year, about his being reſtored to his duchy, was now ſucceeded by a manifeſto from the ſame prince, in which he declared war againſt France, alledging how unjuſt it was in Lewis XIV. to detain his territories from him under frivolous pretences; promiſing to himſelf to enter into Lorrain the approaching ſummer at the head of forty thouſand men, and exhorting all his ſubjects to ſhake off the yoke of France, and all the nobility and gentry to aſſiſt him to regain his ancient patrimony, under the pain of being degraded and deprived of all their privileges. But this brave prince, who in all probability might have given a very conſiderable ſhock to the power of France, upon the road to Vienna, at a ſmall village called Wells near Lintz, was ſeized with a quinſey, which ſoon deprived him of the uſe of his ſpeech, ſo that he was obliged to write down part of his confeſſion; and perceiving himſelf near his end, he wrote the following letter to the emperor:

"I departed from Inſpruck, in order to come and receive your orders; God calls me hence, and I am going to render him an account of a life, which I had devoted to you. I humbly beſeech your majeſty to remember my wife, who is nearly related to you, my children, whom I leave without any fortune, and my ſubjects, who are oppreſſed."

He expired ſoon after, aged forty ſeven years. It was reported, that his death was occaſioned by poiſon, and imputed

[s] The marquis de Feuquieres tells us, that the duke of Luxemburg, by the ſuperiority of his genius over the prince of Waldeck, completed the deciſion of this great battle of Flerus, the ſucceſs of which was owing to the ſeaſonable time, in which the duke ordered the left wing of his horſe to form a motion, of which the enemy could have no knowledge, becauſe it was entirely effected out of their view, though it happened to be made very near them. This was ſuch a maſterly expedient, as could only be conceived by a truly great man, whoſe admirable penetration could ſingle out the critical moment for directing ſuch a motion, and concealing it from the enemy's obſervation; ſince it would have been too hazardous to have attempted it had the enemy diſcovered his proceeding. The prince of Waldeck had drawn up his troops on a tract of land, which roſe a little to his right, and formed a ſlope on the other ſide, which was unobſerved by the extremity of the right wing, and continued in an eaſy declivity to the level, on which the duke of Luxemburg was marching to his enemy. When the front of the French army arrived at the place, where this elevation was high enough to conceal the left wing of their horſe from the prince of Waldeck in the continuation of their march, the duke improved the important moment with a ſurpriſing capacity, and ordered monſieur de Gournai, a very expert officer of the horſe, to take the advantage of the oppoſite ſide, which prevented the enemy from diſcovering the motion he was to purſue, and to pour all the left of his horſe upon the enemy's right flank, with a peculiar caution to order his march ſo, that the right of his left might rejoin the left of the foot, at the inſtant they were preparing to charge the front of the enemy's foot. This motion, which would have proved ſo hazardous, had the enemy diſcovered it, but which decided the battle in favour of the French, was executed with a capacity equal to the judgment that formed it. All the left wing of the French horſe was diſpoſed into a kind of rectangular form on the flank of the enemy's right wing, though they extended to the French line of foot. And thus the Dutch ſaw themſelves aſſaulted in flank by a front equal to that, which they poſſeſſed: when they therefore found their right charged in flank, at the ſame time their centre and left were attacked by the centre and right of the French army, it was impoſſible for the prince of Waldeck to remedy the diſorder on his right; which was ſoon communicated to the centre and left, and ended in their precipitate retreat from the field of battle with the loſs of all their artillery, and the greateſt part of their foot; becauſe the prince had poſted too large a body of infantry in the village of Ligni, and could not draw them out, after they were abandoned by the horſe. "The relation of theſe particulars, adds monſieur de Feuquieres, makes it evident, that a field of battle choſen with great attention by a general, who determines to await his enemy there, can never be ſo level, ſo open, or ſo equal in all the advantages of ſituation, as to prevent a more expert general from improving ſome little conveniences in the diſpoſition of the ground, that frequently afford him an opportunity of bringing the battle to a glorious deciſion. This action may be juſtly ranked among the nobleſt atchievements of the duke of Luxemburg, when we conſider the admirable capacity and profound judgment he diſcovered in the art of war, as well as the peculiar vivacity, with which he accompliſhed his deſigns. This great commander formed in one moment the plan of his march againſt the enemy, and completely executed his whole ſcheme with ſo much vigour, as made it impoſſible for the enemy to avoid the fatal blow he was preparing to give them."

Another French writer, the marquis de la Farre, gives the following account of that battle. He obſerves, that monſieur de Louvois, who was an enemy to the duke of Luxemburg, not being able to hinder that duke from commanding the principal army in Flanders, found means however to procure a detachment of a great part of it to compoſe another for marſhal d' Humieres towards the ſea coaſts, and at the ſame time ſent poſitive orders to the duke, who was between the Sambre and the Maeſe, to paſs the former of thoſe rivers; which expoſed that general to a blow almoſt inevitable, if the prince of Waldeck had been as vigilant a commander as he. But though the prince was an experienced general, he was not very enterprizing; and ſtopping too long at Flerus, which is not above two or three leagues from the Sambre, the greateſt part of the French army was actually paſſed that river, before he ſtirred to oppoſe their paſſage. The firſt body of horſe, which he detached for that purpoſe, was engaged by the gens d' armes, and, after a vigorous fight was purſued till they came in ſight of their own camp. The prince of Waldeck had a great army poſted to conſiderable advantage. But the duke of Luxemburg, who could not avoid repaſſing the Sambre before the enemy, without engaging them, ſpent all the night in preparing to attack them the next day. The front of their main body was covered with a brook, ſo that there was no poſſibility of attacking them except on their left. In this ſituation, the Grand Prior, who was near the duke of Luxemburg, made all his right paſs over, one after another, and fell upon the flank of the left, while we charged their right; which determined the conflict, and routed their cavalry: Yet their infantry rallied again, and made a great fire. The duke of Maine had an horſe there killed under him; and near him monſieur Suſſal, (who was his governor, as he had been alſo to the duke of Vendôme) was ſlain. Some afterwards blamed the duke of Luxemburg for having ſeparated his army in ſight of the enemy, who might have taken advantage of it; but the ground being ſuch, that they could not perceive the ſeparation, "I am (ſays monſieur de la Farre) of opinion, that this general thereby merited great praiſe. This battle happily won was the ſource of all the other good ſucceſs, which France had during this war. The duke of Luxemburg was for marching forward, and making the advantage of this victory; but the orders of the court, or to ſay better, thoſe of monſieur de Louvois, ſuſpended that action; and he was put upon beſieging Charleroy, which made ſo brave and long a defence, that the taking of it at laſt was the only fruit of this battle, which might have had more advantageous conſequences." Memoir. du Regne de Louis XIV. Cap. X.

puted to the court of France. To ſupport this opinion, it was urged, that his death had been mentioned in the papers printed in France, fifteen days before it happened, and that many of the circumſtances, which accompanied it, were likewiſe foretold. And it was affirmed, that one of the firſt miniſters of that kingdom laid a wager, that the duke would never command the Imperial army again. Beſides, it was ſaid, that the Jeſuits of Straſburg having drawn up publicly in their ſchool an horoſcope, which threatened him with death in the ſpace of three weeks, he died fifteen days after; and that the phyſicians, who opened him by order of the emperor, found his body corrupted in ſuch a manner, as could only be the effect of a violent poiſon. To which were added the duke's own ſuſpicions, who was reported to have written to the emperor in theſe terms, "I am dying. I know not, whether I am paying by my death the ordinary debt of nature, or whether I am ſacrificed to the unjuſt and ambitious deſigns of a crown, which has declared itſelf an implacable enemy of my family."

The duke was one of thoſe indolent geniuſes, who never exert themſelves but from mere neceſſity. The melancholy ſituation, in which he ſaw himſelf, when he began to reflect, and the diſgraces, which his delicacy in point of honour drew upon him in France, Poland, Rome, and Auſtria, were but too capable of depreſſing and extinguiſhing the courage of a young prince, who had nothing before him but the moſt gloomy proſpect. For even at Vienna, where his ſervices and alliance with the emperor ought to have put him in a ſituation of diſplaying his abilities, the jealouſy of the miniſters obliged him to contract himſelf, and by a politic indolence conceal his talents and inclinations for war and government. This ſtruck Europe with amazement, upon ſeeing him in his firſt campaigns diſtinguiſh himſelf by actions worthy an old experienced general. But every one recovered from this ſuprize, when they ſaw him maintain and even ſurpaſs the firſt attempts by new victories. Nor was his valour only admired, but the depth and ſolidity of his judgment, and the extent and juſtneſs of his views were likewiſe acknowledged; and nothing contributed more to perſuade people, that France had recourſe to poiſon, to remove ſo formidable an enemy.

His ſudden death, as it damped the rejoicings of the court of Vienna upon the marriage of the princeſs Dorothea Sophia of Neuberg with the prince of Parma; ſo it allayed the ſorrow at Verſailles upon the death of the Dauphineſs, which happened two days after the duke of Lorrain's, though it did not retard the journey of the Dauphin to Straſburg, from whence he put himſelf at the head of the French army, that lay near Landau.

The command of the Imperial army was given to the elector of Bavaria, with whom, at length, joined a body of Saxons headed by the elector himſelf with his two ſons. Theſe four held a conference at Eppinghen, together with the field-marſhals Caprara and Sereni; after which there were great expectations, that the principal part of the army would have fallen upon Hunninghen; bnt there was nothing put in execution on that ſide, nor indeed any where elſe worth relating. For the Imperialiſts having for ſome time encamped in the marquiſate of Baden Durlach, it was thought very ſurprizing, that inſtead of marching on towards the upper Rhine, they fell down on a ſudden towards Mentz; the elector of Saxony at the ſame time being poſted near Phillipſburg, general Dunewaldt commanding a flying camp towards fort Louis, and general Souches keeping his former poſt on Hunninghen ſide. The Dauphin was no ſooner informed of theſe motions, but he paſſed the Rhine at fort Louis to maintain his army in the enemy's country, and that in order of battle, as expecting ſome oppoſition in his march. On the 16th of Auguſt he encamped in the plain of Stolhoffen, having the mountains on one ſide, the Rhine on the other, and a large moraſs before him, being about forty thouſand ſtrong, and in expectation of being conſiderably reinforced. His deſign was to have taken ſome forts, that opened him a paſſage into Wirtembergh, a province yet untouched by either army, and which conſequently would have afforded plentiful ſubſiſtence for his men. The duke of Bavaria prevented the accompliſhment of his project, for returning back with long marches, and joining the Saxons, the two electors marched directly towards the Dauphin, who by hard and cautious marches avoided an engagement; and the rather, becauſe the Imperialiſts were ſuperior to him in force, upon his detaching twelve thouſand of his men towards the Moſelle, to obviate the deſigns of the Lunenburgers and Heſſians, who were got near Coblentz, on purpoſe to paſs the Rhine, and fall on the archbiſhopric of Triers, and ſo drive the French out of their country. And thus ended the campaign on the German ſide without any remarkable action.

An inſurrection happened in Catalonia towards the beginning of this year, which created no ſmall trouble to the viceroy and court of Spain. The pretence was, that the Spaniards kept too great a number of troops in that province, and overcharged it with taxes contrary to it's antient privileges, of which the Catalans were always extremely jealous. The revolt began in this manner; two wealthy countrymen had intereſt enough to draw togther about a thouſand more; and with that body they ſtopt up all the avenues to Barcelona, where the duke de Villa Hermoſa the viceroy reſided; ſeized upon two troops of horſe, that lay in the neighbouring villages, and committed ſome ſpoil. But upon the viceroy's ſending a party of the garriſon of Barcelona againſt them, they immediately fled to the mountains, and from thence in a ſhort time after ſent to beg pardon, which was granted them. This ſedition, which ſeemed entirely extinguiſhed, was only ſuppreſſed for a time to break out in a greater flame, for the rebels upon the firſt ſally had ſhewn themſelves too ſoon, by reaſon the French, who were to have ſupported them, were not within reach to do it; ſo that the Catalans kept fair for a time, 'till they had aſſurance of protection from France, when they threw off their maſks more daringly than before, and increaſed in numbers every day; ſo that the court of Spain was obliged, beſides the forces, that were already in that province, to ſend for more out of Navarre to ſuppreſs them. By this means the rebels were reduced to ſo great neceſſity, that though the duke de Noailles haſtened with all expedition to Perpignan, and uſed all the induſtry imaginable to draw his army together to countenance them, yet they had before in a manner dwindled into nothing. However he reaped this advantage from their revolt, that he anticipated the Spaniards in the field, as he did the year before, when he took Campredon from them, which ſpent them this whole campaign in retaking it, though they could not prevent the demoliſhing of it. Thus the duke de Noailles had the opportunity of taking San Juan de Abadeſſas, a ſmall fort two leagues beyond Campredon, and ſix from Gironne, which encouraged him to proceed: and ſo poſſeſſing himſelf of divers caſtles, that embarraſſed his progreſs, he advanced as far as Foulen, about four ſmall leagues from Gironne, upon which laſt town he ſeemed to bend his thoughts; but finding himſelf not ſtrong enough for ſuch an enterpriſe, and yet being deſirous to take the advantage of the ſlowneſs of the Spaniards, he left Gironne upon the left hand, and advanced near the city of Vich, maintaining his army at the expence of the Catalans, and deſtroying all he could not make uſe of. As for the Spaniards, Auguſt was come before they had between ten or twelve thouſand men together, with which the duke of Villa Hermoſa marched towards the enemy. But the French army being now weakened by a detachment ſent into Dauphiné, Noailles prudently declined fighting, and retired by the way of Rouſillon, and ſo ended the campaign on that ſide.

After this view of the foreign tranſactions which have any relation to king William, as head of the confederacy againſt France; it is time to return to England. The king at his coming from Ireland was ſo little wearied with that campaign, that he intended to have gone over to his army into Flanders. But it was too late, for they were going into winter quarters. Wherefore, he reſolved to hold the ſeſſion of parliament early, that ſo the funds being ſettled for the next year, he might have an interview with the German princes, who intended to meet at the Hague, and concert meaſures for the enſuing campaign.

Accordingly on the 2d of October the parliament met at Weſtminſter, and the king made the following ſpeech to both houſes.

My lords and gentlemen,

"SINCE I laſt met you, I have uſed my beſt endeavours to reduce Ireland into ſuch a condition this year, as that it might be no longer a charge to England. And it has pleaſed God to bleſs my endeavours with ſuch ſucceſs, that I doubt not but I ſhould have been fully poſſeſſed of that kingdom by this time, had I been enabled to have gone into the field as ſoon as I ſhould have done, and as is more eſpecially neceſſary in Ireland, where the rains are ſo great, and begin ſo early.

" I think myſelf obliged to take notice, how well the army there have behaved themſelves on all occaſions, and borne great hardſhips with little pay, and with ſo much patience and willingneſs, as could not but proceed from an affectionate duty to my ſervice, and a zeal for the proteſtant religion.

" I have already made it evident, how much I have preferred the ſatisfaction of my ſubjects before the moſt ſolid advantages of the crown, by parting with ſo conſiderable a branch of it's inheritance. And it is no leſs apparent, that I have aſked no revenue for myſelf but what I have readily ſubjected to be charged to the uſes of the war.

" I did at my departure give orders for all the public accounts to be made ready for me againſt my return; and I have commanded them to be laid before the houſe of commons, by which they will ſee, that the real want of what was neceſſary beyond the funds given, and the not getting in due time that for which funds were aſſigned, have been the principal cauſes, why the army is ſo much in arrear of their pay, and the ſtores both for the navy and the ordnance not ſupplied as they ought to be.

" Now as I have neither ſpared my perſon nor my pains to do you all the good I could; ſo I doubt not, but if you will as chearfully do your parts, it is in your power to make both me and yourſelves happy, and the nation great. And, on the other hand, it is too plain, by what the French have let you ſee ſo lately, that if the preſent war be not proſecuted with vigour, no nation in the world is expoſed to greater danger.

" I hope therefore, there will need no more upon that ſubject, than to lay before you, gentlemen of the houſe of commons, the ſtate of what will be neceſſary for the ſupport of the fleet and armies, which cannot poſſibly admit of being leſſened in the year enſuing; and to recommend to your care the clearing of my revenue, ſo as to enable me to ſubſiſt, and maintain the charge of the civil liſt; the revenue being ſo engaged, that it muſt be wholly applied, after the firſt of November next, to pay off the debts already charged upon it. And therefore a preſent conſideration muſt be had of the arrears of the army, which ſhall likewiſe be laid before you, and for all which I muſt deſire a ſufficient and timely ſupply.

" It is farther neceſſary to inform you, that the whole ſupport of the confederacy abroad will abſolutely depend upon the ſpeed and vigour of your proceedings in this ſeſſion. And here I muſt take notice, with great ſatisfaction, of the readineſs, which my ſubjects of all degrees have ſhewn both in this city, and in their ſeveral counties, by given their aſſiſtance ſo chearfully as they did in my abſence, while the French fleet was upon our coaſts. And beſides this ſo convincing mark of the good inclinations of my people, I have found through all the counties, where I paſſed, both at my going into Ireland, and in my return from thence, ſuch demonſtration of their affection, that I have not the leaſt doubt, but I ſhall find the ſame from their repreſentatives in parliament.

" I cannot conclude without taking notice alſo, how much the honour of the nation has been expoſed by the ill conduct of my fleet in the laſt ſummer's engagement againſt the French. And I think myſelf ſo much concerned to ſee it vindicated, that I cannot reſt ſatisfied till an example has been made of ſuch, as ſhall be found faulty upon their examination and trial, which was not practicable, while the whole fleet was abroad, but is now put into the proper way of being done as ſoon as may be.

My lords and gentlemen,

" I look upon the future well-being of this kingdom to depend upon the reſult of your councils and determinations at this time; and the benefit will be double by the ſpeed of your reſolutions, inſomuch that I hope you will agree with me in this concluſion, that whoever goes about to obſtruct or divert your application to theſe matters, preferably to all others, can neither be my friends, nor the kingdom's."

Both houſes began with addreſſes of thanks and congratulation to the king and queen, in which they ſet forth the ſenſe they had of their great care of their people; of their courage and good government, in the higheſt expreſſions that could be conceived, with promiſes of ſtanding by them, and aſſiſting them with every thing that ſhould be found neceſſary for the public ſervice [t].

The ſame day theſe addreſſes were preſented, the commons, to make good their aſſurances of affection to the government, and their promiſes of aſſiſtance [u], voted, purſuant to an eſtimate laid before them of the next year's charges, a

[t] As theſe addreſſes ſeem not only to expreſs the ſenſe of the houſes, but of the whole nation (except the diſaffected) at that time, the ſubſtance of them is here inſerted. The lords began with their addreſs to the king, wherein they expreſſed, " How extremely ſenſible they were of the great benefit and advantage his late expedition into Ireland had procured to all his ſubjects in general, and alſo the ſucceſs of his arms in that kingdom; which was, under God, owing to his majeſty's perſonal valour and conduct. Wherefore they thought it their duty to return him their humble and hearty thanks for all thoſe ſignal evidences he had given of his extraordinary affection for his people, which had carried him, on ſo many occaſions, to venture a life, that was ſo dear to them, and to deſpiſe all hazards to procure the ſettlement of his kingdoms, the peace and quiet of his ſubjects, and the eſtabliſhment of their religion. And as it was not poſſible but ſo much bravery of mind, ſuch an undaunted courage, and an heart ſo exalted above any apprehenſions in the midſt of all dangers, muſt gain his majeſty the admiration and reverence of all the world, and even of his enemies themſelves, who had felt the effects of ſo great virtues; ſo they did not doubt, but that ſuch extraordinary qualities muſt unite the hearts of all his people in ſuch a tenderneſs, as well as duty, for his royal perſon, as was neceſſary for the finiſhing what his majeſty had ſo gloriouſly begun."

The next day their lordſhips alſo acknowledged, " the great advantage which the nation had received by the eminent reſolution, as well as prudence, which her majeſty had ſhewn in the abſence of the king, and in ſuch circumſtances of difficulty, as would have diſcompoſed a mind, that had not been raiſed above them, as her majeſty had approved her's to be, by this undeniable evidence. And they declared, that her majeſty having preſerved the quiet and peace of the kingdom, by her prudent adminiſtration, againſt the dangers threatened by a powerful enemy, the remembrance of ſuch extraordinary virtue muſt ever dwell in their minds, and engage them in juſtice, upon all occaſions, to expreſs their gratitude, as became her Majeſty's moſt dutiful ſubjects."

The commons likewiſe on the 9th of October repreſented to the king, " their grateful ſenſe of that unparallelled goodneſs and tender affection to his people, which for the reſcuing his kingdom of Ireland from a tyrannous and foreign yoke, and eaſing his ſubjects of this kingdom of the exceſſive charge of a lingering war, had induced his majeſty to undertake an hazardous voyage, and too freely to expoſe to all the dangers of war that invaluable life, upon which the whole proteſtant intereſt, and the common liberty of Europe did ſo much depend. That it was, next under God, to his conduct and example, that they muſt aſcribe the ſucceſs of the expedition, and to which they muſt owe their hopes of the ſpeedy and entire reduction of that kingdom, and of ſeeing themſelves in a condition to make his enemies ſenſible of the ſtrength and power of England under a king, who knew and purſued it's intereſt. They moſt heartily congratulated his majeſty's ſucceſs and ſafe return to his people, who were unanimouſly perſuaded, that their peace, ſecurity, and happineſs, were bound up in his ſafety. And they did in the name of all the commons in England aſſure him, that they would be ever ready to aſſiſt him to the utmoſt of their power; and, as the beſt and trueſt way of expreſſing their gratitude, would endeavour effectually to ſupport his government againſt all his enemies."

In their addreſs to the queen, on the ſame day, they expreſſed the " deep ſenſe they had of that goodneſs, wiſdom, and courage, which her majeſty had manifeſted in the greateſt difficulties and preſſing dangers, during the king's abſence, at a time when a potent enemy was upon the coaſt, when the nation was weakened in that part, which was it's proper ſtrength, and deprived of the ſecurity of his majeſty's preſence. They declared, that the reſolution, which her majeſty ſhewed in the adminiſtration, gave life to her ſubjects, and made them exert a ſtrength and force unknown to the former reigns: That her zeal for the public encouraged them to ſhew ſuch chearfulneſs in their duty, as diſappointed the hopes and deſigns of all the open and ſecret enemies of the government; and that the grateful remembrance of this, which renewed the memory of the moſt happy times, would for ever remain in the hearts of her people, and could never fail to be expreſſed in all inſtances of loyalty and obedience from themſelves and all the commons of England."

[u] This favourable diſpoſition of the commons and the poſture of affairs at that time, will appear from the following original letter of biſhop Burnet to his couſin Mr. Johnſton, envoy extraordinary at the court of Berlin, dated from London, October 14, 1690.

" I have been now a week in town, and have had leiſure and opportunities to inform myſelf of our affairs, and of the temper of people's minds among us; and I muſt freely own to you, that I was never more ſurprized in my whole life than I am, to ſee the houſe of commons in ſuch a temper. All that I know, ſay plainly, they dare not go back into their country, if they do not give money liberally. So they have already voted above four millions for the fleet, the land-army, and the ordnance; and they ſeem to be in a diſpoſition to give what is neceſſary for clearing the revenue of anticipations. The article of the fleet met with no oppoſition; and there were only two noes to that of the land-army, which were Seymour and Clarges. There will probably be a land-tax of eighteen months in the old way of aſſeſſment, but double at one hundred and forty thouſand pounds a month, and a poſt-bill; but how the reſt will be raiſed, is not yet ſo viſible; for they ſeem ſtill extremely averſe to any thing, that looks like an exciſe. In a word, the French fleet, by lying ſo long on our coaſt, as it then did us no harm, ſo now produces ſuch effects, as if we had brought them thither; ſince it has both united and animated the nation to a degree beyond any thing, that the moſt ſanguine could every have promiſed themſelves. And the king's behaviour in Ireland, as well as king James's meanneſs, has made ſo wonderful a change in all men's minds with relation to them both, that we ſeem now not to be the ſame people, that we were a year ago, and the nation ſeems reſolved to ſupport the king in the war, to the utmoſt, to which it can poſſibly ſtretch itſelf. I pray God give us ſuch ſucceſs next year againſt France, as we have had this year in Ireland; and then we may hope quickly to ſee happy days.

" The buſineſs of the earl of Torrington will now be, as I believe, ſpeedily diſpatched; for our houſe has already voted that a peer has no privilege to exempt him from being tried by a court martial. But there is ſome difficulty

ſupply of four millions, (the largeſt ſum that ever had been aſked by a king of England) for the maintenance of the navy and army[w]. The funds propoſed for raiſing this ſum were agreed to and ſettled[x], but proving deficient, it was reſolved, 'That the ſum of one million be raiſed, upon the credit, or by the ſale of the forfeited eſtates in Ireland, and that an addreſs be preſented to his majeſty, that he would be pleaſed to command the commiſſioners in Ireland, to make a return of the names of the perſons in rebellion in that kingdom, and of their eſtates and value thereof; and that the ſame might be tranſmitted to the houſe of commons.' This addreſs was drawn up and reported to the houſe by ſir Thomas Clarges, but upon the queſtion it was rejected. However, it was reſolved, that a bill be brought in for attainting the perſons, that had been in rebellion in England or Ireland, and for confiſcating their eſtates, and applying the ſame to bear the charge of the war. Near ſix weeks paſſed before any progreſs was made in this bill; but it being at laſt preſented to the houſe, a clauſe was brought in to impower the king to grant away a third part of thoſe confiſcated eſtates, to ſuch as had ſerved in the war; and to give ſuch articles and capitulations, to thoſe who were in arms, as he ſhould think fit. But this clauſe was rejected, and upon the bill many petitions were offered, by the creditors of ſome, and the heirs of others, who had continued faithful to the government, and deſired proviſos for their ſecurity. But the houſe ſeeing, that there was no end of petitions for ſuch proviſos, rejected them all, imitating in this too much the parliament, which king James held at Dublin, in which about three thouſand perſons had been attainted without proof or proceſs, only becauſe ſome of them were gone over to England, and others were abſconded or informed againſt in Ireland. At length the bill, with ſeveral amendments, being paſſed, was ſent up to the lords, who thought themſelves bound in juſtice to hear all petitions; upon which the bill was like to be clogged with many proviſos; and the matter muſt have held long. But to ſtop this, the king ſent a meſſage to the commons, and ſpoke to the ſame purpoſe afterwards from the throne to both houſes. He promiſed that he would give no grants of any confiſcated eſtates, but would keep that matter entire, for the conſideration of another ſeſſion of parliament. By this declaration the king intended only to aſſure them, that he would give none of thoſe eſtates to his courtiers or officers; but he thought he was ſtill at liberty to paſs ſuch acts of grace, or grant ſuch articles to the Iriſh, as the ſtate of his affairs ſhould require.

About this time captain James Campbell, a Scots gentleman, brother to the earl of Argyle, aſſiſted by Archibald Montgomery and ſir John Johnſton, forcibly ſeized on Mrs. Mary Wharton, a rich heireſs of about thirteen years of age, and carried her away from her parents in Great Queen-ſtreet, and married her againſt her will. Upon this a proclamation was iſſued for apprehending captain Campbell and his abettors.

Not long before there had been a bill brought into the houſe of commons, to prevent clandeſtine marriages; and it was imagined, that the paſſing of it would have been forwarded by the violence committed by Campbell. But upon conſideration, that this bill was attended with many inconveniencies, and might hinder younger brothers from making their fortunes, it was dropped in ſilence. However, another bill was brought in, for making void the marriage between Mrs. Wharton and Mr. Campbell; which, notwithſtanding the earl of Argyle's petition in his brother's behalf, paſſed through both houſes[y].

As there were no grievances to inflame the houſe, (by which in former reigns the moſt promiſing beginnings of ſome ſeſſions had often miſcarried) great diſpatch had been uſed in granting the ſupplies, for which the king gave them thanks, aſſuring them that he would take care to ſee the money diligently and ſtrictly applied to the uſes for which it was given; and deſiring them at the ſame time, to finiſh with the utmoſt expedition what buſineſs remained to be done, becauſe the poſture of affairs abroad required his preſence at the Hague.

However, ſome began to complain of a miſmanagement of the public money: but the miniſtry put a ſtop to that, by moving for a bill for appointing and enabling commiſſioners for examining into the public accounts, giving them authority to bring all perſons, whom they ſhould have occaſion for, before them, and to tender them an oath to diſcover their knowledge of ſuch things, as they ſhould aſk of them. This was like the power of a court of inquiſition; but how unuſual ſoever ſuch a commiſſion was, it ſeemed neceſſary to grant it for the ſilencing all ſcandalous reports. In the houſe of commons the method of appointing theſe commiſſioners was, that the ſeveral members put into glaſſes at the table the ſeveral liſts of nine perſons names; and the choice fell upon ſir Peter Rich, ſir Thomas Clarges, Mr. Paul Foley, colonel Robert Auſten, ſir Matthew Andrews, ſir Benjamin Newland, ſir Samuel Barnadiſton, ſir Peter Colleton, and Mr. Robert Harley. When the bill was carried up to the houſe of lords, it was moved, that ſince the commons had named none but members of their own houſe, the lords ſhould add ſome of their number. This was done

difficulty in this, whether the commiſſioners of the admiralty have the power of a lord admiral, ſince the act for a court martial ſpeaks only of a lord admiral; and it is probable the matter cannot be legally ſettled without naming a lord admiral pro tempore.

"I do not ſee any other thing, that is like to give the houſe any great diſturbance this ſeſſion; ſo by all appearance, it will be a calm and by conſequence a ſhort one.

"Dr. Sherlock's taking the oaths has very much diſturbed the jacobite party, for they had ſet him up in their thoughts as the chief writer of their party. The biſhops, who had hitherto ſtood out, ſeem ſtill more poſitive than ever; and I make no doubt but that matter will be ſettled as ſoon as the ſeſſion of parliament is at an end. All the accounts we have from Ireland ſeem to aſſure us, that the rebels will be forced to ſubmit long before the winter is done, or periſh for want of all things. There begins to be already both a face of trade and juſtice there, and that Ireland, by the total depreſſion of the Iriſh, will be, within four or five years in a better condition than ever.

"The feebleneſs of the motions of the confederates all this year has much exalted France, but I hope we ſhall ſee another ſcene next year. The king intends to go over to Holland as ſoon as his affairs here will admit of it. I have now told you every thing relating to our affairs, that occurs to me, and have not writ to you as to a miniſter, that muſt lie for his country, but with the plain ſimplicity of truth. I am with all poſſible affection and eſteem, &c.

'The conſpiracy in Scotland has been a baſe and foul one; and I doubt very many have been concerned in it. Every thing is confeſſed and known, though I do not yet hear, that there are legal proofs and diſcoveries, that will be witneſſes. But that matter will be laid open as ſoon as the money bills are in good forwardneſs. There is alſo another diſcovery will be made, of which I know no particular; but I am fully aſſured from good hands, that it will give a full ſatisfaction concerning the impoſture of the pretended prince of Wales.

'The preſbytery of Scotland proceeds with ſo blind a fury, that as they are turning out all the epiſcopal clergy, ſo they will raiſe a flame here, which may obſtruct the king's buſineſs in England, and may very much increaſe the animoſities, that are amongſt us.

'Every body is moſt highly pleaſed with my lord Sidney in Ireland.

'I have now brought Mr. Allix to Saliſbury, who is hard at work upon an edition of the councils, in four volumes.

[w] For the navy and building of new ſhips was granted the ſum of 1,791,695l. and for the maintenance of an army of 69,636 men, the ſum of 2,294,560l.

[x] The money bills were,

1. An act for doubling the duty of exciſe upon beer, ale, and other liquors, during the ſpace of one year, ending November 17, 1691.

2. An act for certain impoſitions on all Eaſt India goods and manufactures, and upon all wrought ſilks, and ſeveral other goods to be imported after the 25th of December, 1690, to November 10, 1695.

3. An act for granting an aid of 1,651,702 l. 18 s.

4. An act for the continuance of ſeveral former acts therein mentioned, for the laying ſeveral duties upon wines, vinegar, and tobacco. The acts continued here, are that of the duties upon wines and vinegar, and that of tobacco and ſugar, both 1 James II. namely,

	£.	s.	d.
For every tun of French wine and vinegar imported	8	0	0
For every tun of Spaniſh wines imported	12	0	0
For every pound of tobacco from our plantations	0	0	3
——— of Spaniſh or foreign tobacco	0	0	6

Theſe duties were granted to king James, from June 24, 1685, to June 24, 1693, and now continued from that time to the 20th of June, 1696.

5. An act for encouraging the diſtilling of brandy and ſpirits from corn, and for laying ſeveral duties on low wines or ſpirits of the firſt extraction, viz.

Every gallon of low wines of the firſt extraction drawn from foreign materials	0	0	8
From brewers waſh or tilt	0	1	0
From drink made of malted corn	0	0	1
From cyder or perry	0	0	3

This act begins December 24, 1690, and was to end December 25, 1695.

6. An act for ſeveral additional duties of exciſe upon beer, ale, and other liquors, for four years, to begin when the act for doubling the exciſe ends.

A ſupply of 570,000 l. was voted to be raiſed on theſe additional duties, for building ſeventeen third rate ſhips of ſixty guns each, beſides the ſhips already provided to be built. Pr. H. C. II. 387.

[y] She afterwards married colonel Bierly, who had a regiment of horſe in king William's ſervice. The aſſiſting his friend coſt ſir John Johnſtone his life, for he was hanged for it, notwithſtanding the great application that was made to the king, and to the relations of Mrs. Wharton to prevent his execution. Oldmixon, p. 54.

Beſides

by ballot; and the earl of Rocheſter having made the motion, the greateſt number of ballots were for him. But he refuſed to ſubmit to this with ſo much firmneſs, that the other lords who were named with him, ſeemed to think they were in honour bound to do the ſame; and therefore as no peer woud ſuffer himſelf to be named, the bill paſſed as it was ſent up.

Many complaints were made of the illegal commitments of perſons ſuſpected of high-treaſon, though there was nothing ſworn againſt them. But the danger was ſo apparent, that the houſe of commons made a precedent for ſecuring a miniſtry, that ſhould do the like upon the like neceſſity, and yet maintained the Habeas Corpus act, for they indemnified the miniſtry for all that had been done contrary to that act.

Great complaints were brought over from Ireland, where the king's army was almoſt as heavy on the country, as the rapparees. There was a great arrear due to them; for which reaſon, when the king ſettled a government in Ireland of three lords juſtices, he did not put the army under their civil authority, but kept them in a military ſubjection to their officers; for he ſaid, that ſince the army was not regularly paid, it would be impoſſible to keep them from mutiny, if they were put under ſtrict diſcipline, and puniſhed accordingly. The under-officers, finding that they were only anſwerable to their ſuperior officers, took great liberties in their quarters, and inſtead of protecting the country, oppreſſed it.

The king had brought over an army of ſeven thouſand Danes, under the command of a very gallant prince, one of the dukes of Wirtemberg; but they were cruel friends, and thought they were maſters. Nor were the Engliſh troops much better. The Dutch were the leaſt complained of. Ginckle, who had the chief command, looked ſtrictly to them; but he did not think it convenient to put thoſe of other nations under the ſame ſevere meaſures. But the pay due for ſome months, being now ſent over, the orders were changed; and the army made ſubject to the civil government. Yet it was underſtood, that inſtructions were ſent to the lords juſtices, to be cautious in the exerciſe of their authority over them; ſo that the country ſtill ſuffered much by theſe forces.

There was an important debate moved in the houſe of lords, by thoſe, who intended to revive the old impeachment againſt the marquis of Carmarthen, namely, 'Whether impeachments continued from parliament to parliament; or whether they were not extinguiſhed by an act of grace.' Some antient precedents were brought to favour this by thoſe, who intended to keep them up; but in all thoſe precedents there had been an order of one parliament to continue them on to the next. For this reaſon they did not come up to the preſent caſe; and how doubtful ſoever it was, whether the king's pardon could be pleaded in bar to an impeachment, yet ſince the king had ſent an act of grace, which had paſſed in the firſt ſeſſion of this parliament, it ſeemed very unreaſonable to offer an impeachment againſt an act of parliament. All this diſcovered a deſign againſt the marquis, who was believed to have the greateſt credit both with the king and queen, and was again falling under an univerſal hatred. In a houſe of commons every motion againſt a miniſter is apt to be well entertained: ſome envy him; others are angry with him; many hope to ſhare in the ſpoils of him; and a love of change, a wantonneſs of mind, make the attacking a miniſter a diverſion to the reſt. This ſcheme was well formed, and fourteen leading men had undertaken to manage the matter againſt the marquis; in which the earl of Shrewſbury had the chief hand, who had a very bad opinion of the marquis, and thought his advices would, in concluſion, ruin the king and his affairs. But a diſcovery being at this time made of lord Preſton's plot, and managed chiefly by the marquis's means, it put an end to the deſigns againſt him for the preſent.

[1690-1] The king being impatient to be at the congreſs in Holland, came January 5, to the houſe of lords, and having paſſed all the bills that were ready, made this ſpeech to both houſes:

My lords and gentlemen,

"HAVING only told you, that it would be neceſſary for me to go into Holland much about this time, I am very glad to find that the ſucceſs of your endeavours to bring this ſeſſion to a happy concluſion has been ſuch, that I am now at liberty to do it. And I return you my hearty thanks for the great diſpatch you have made in finiſhing the ſupplies you have deſigned for carrying on the war, which it ſhall be my care to ſee duly and punctually applied to that ſervice, for which you have given them. And I do likewiſe think it proper to aſſure you, that I ſhall not make any grant of the forfeited lands in England and Ireland, 'till there be another opportunity of ſettling that matter in parliament in ſuch manner, as ſhall be thought moſt expedient.

My lords and gentlemen,

'As I have reaſon to be very well ſatisfied with the proofs you have given me of your good affections in this ſeſſion of parliament, ſo I promiſe myſelf the continuance of the ſame at your returns into your ſeveral countries. And as every day produces ſtill freſh inſtances of the reſtleſſneſs of our enemies, both at home and abroad, in deſigning againſt the proſperity of this nation, and the government eſtabliſhed; ſo I cannot doubt, but that the union and good correſpondence between me and my parliament, and my earneſt and conſtant endeavours on the one hand, joined with the continuance of your zeal and affection to ſupport me on the other, will, by the bleſſing of God, be at all times too ſtrong for the utmoſt malice and contrivance of our common enemies.'

And then the lord chief baron Atkyns ſpeaker of the houſe of lords, declared to both houſes, 'that it was his majeſty's pleaſure, that they ſhould adjourn themſelves unto the 31ſt of March next; and that if his majeſty ſhould think fit, that the parliament ſhould then ſit, he would give them timely notice thereof by proclamation[z].'

On the 15th of November the king ordered a new commiſſion to paſs the great ſeal, conſtituting the lord Godolphin, ſir John Lowther, Mr. Richard Hampden, ſir Stephen Fox, Mr. Thomas Pelham, commiſſioners of their Majeſties treaſury. About a month after, his majeſty diſpoſed of the vacant biſhoprics of Ireland, and appointed ſir Charles Porter to be lord chancellor of that kingdom, and one of the lords juſtices, in the room of lord viſcount Sidney, who was recalled to be made one of the ſecretaries of ſtate on the 26th of December; in the beginning of which month colonel John Cuts was made baron Cuts of Gowran, in the kingdom of Ireland.

On the 30th of the ſame month George William, duke of Zell, eldeſt prince of the houſe of Brunſwick and Lunenburg, was made a knight of the garter; an honour which juſt a year before had been conferred upon the elector of Brandenburg, afterwards king of Pruſſia. And on the 1ſt day of January 1690-1, ſir John Trevor, ſpeaker of the houſe of commons, and firſt commiſſioner of the great ſeal, was admitted into the privy council.

The king having ſettled affairs at home, began his voyage

[z] Beſides the acts mentioned, others paſſed this ſeſſion were:

1. An act for reviving a former act for regulating the meaſures and prices of coals for ſeven years, from December 1, 1690. Sea coals by this act are to be ſold by the chaldron of thirty-ſix buſhels. Other ſorts of coals by the hundred weight Averdupois. The lord mayor of London and the court of aldermen, and the juſtices of peace of the ſeveral counties, or any three of them, are empowered to ſet the prices of coals as ſhall be ſold by retail, as they ſhall judge reaſonable.

2. An act for paving and cleanſing the ſtreets in the cities of London and Weſtminſter, and other places within the weekly bills of mortality, and for regulating the markets therein.

3. An act for raiſing the militia for the year 1691.

4. An act for preventing vexatious ſuits againſt ſuch as acted for their majeſties ſervice in the cauſe of the kingdom. This act was paſſed, becauſe the privy council, and other lords and gentlemen being magiſtrates and officers, had, whilſt the French were upon the coaſt, apprehended ſeveral ſuſpected perſons, and raiſed the militia, otherwiſe than was authoriſed by the laws.

By a private act the proprietors of the water-works in York-buildings were incorporated.

Beſides the acts that were paſſed, there were ſeveral bills, as well as that for the forfeited eſtates in Ireland, which were left unfiniſhed, particularly 'a bill to regulate trials in caſes of treaſon,' which was much talked of in the houſe of commons, and yet was deferred from time to time: another 'to oblige the lords commiſſioners of the treaſury to take the like oaths as the lord treaſurer:' another 'relating to the African trade:' another 'againſt robbers on the highway:' another 'for the ſpeedier determining elections of members of parliament:' another 'to charge the eſtate of the late lord Jeffreys in Leiceſterſhire with the ſum of 14,760l. and intereſt, to Edmund Prideaux:' another 'for regulating and licenſing hackney coaches:' and another 'for the enabling chirurgeons to adminiſter inward medicines in caſes of chirurgery;' which was petitioned againſt by the phyſicians and apothecaries. A bill was alſo brought in 'for reducing intereſt money from ſix, to four per cent.' which after a ſecond reading was rejected.

Theſe

for Holland on the 6th of January, notwithſtanding the rigour of the ſeaſon, and lay that night at Sittingborne; intending to embark the next evening at Margate. But finding, upon his arrival at Canterbury, that the wind was ſet in eaſterly with a hard froſt, he returned to Kenſington on the 9th, and ſeven days after he ſet out again from Whitehall, and embarked at Graveſend, with a numerous retinue under a convoy of twelve men of war, commanded by rear admiral Rooke. On the 18th in the morning, the veſſels that attended his majeſty, being come up with the Goree, he was informed by a fiſherman, that they were within a league and a half of the ſhore, whereupon being weary of the ſea, he left his yacht, attended by the duke of Ormond, the earl of Devonſhire lord ſteward, the earl of Dorſet lord chamberlain, the earl of Portland, the earl of Monmouth, Monſieur Overkirk, and Monſieur Zuleſtein, and went into a ſhallop.

The ſeamen themſelves were afraid, as the froſt had been very ſevere, and the ice near the ſhore was ſo great, as made it dangerous to attempt landing; and all the perſons of quality about his majeſty would have diſſuaded him from that attempt. But nothing being able to move him from his reſolution, they put away from the fleet, and quickly loſt ſight of it. Night came on, and the king remained for eighteen hours expoſed to the injuries of the air and cold, to the mercy of the ſea, and the chance of privateers, having nothing but his cloak to cover him; and the ſea ran ſo high, that he and all his company were waſhed with the waves; tho' neither he nor any of them were the worſe for all this cold and wet weather; and when the ſeamen ſeemed apprehenſive of their danger, he ſaid in a very intrepid manner, 'What are you afraid to die in my company?' At laſt the ſhallop, by break of day, came near the iſle of Goree, where the king went aſhore, and got a little refreſhment in a fiſherman's cottage. Then he went into the boat again, and about two in the afternoon landed at Oranien-Haak, not far from Maeſlandſluys. At Houndſlardyke he was received by Van Opdam, Belard, Witzen, and Uryberg, appointed by the ſtates for that purpoſe; and about ſix in the evening he arrived at the Hague. The States General, the ſtates of Holland, the council of ſtate, the other colleges, the congreſs of foreign miniſters, and all the perſons of diſtinction at the Hague, made their compliments to him upon his ſafe arrival; and becauſe he was come ſo ſuddenly, as to prevent the ſolemn reception that was intended by the magiſtrates of that place, he was prevailed upon to make his public entry on the 26th, which was performed with great ſolemnity, ſeveral triumphal arches having been erected to repreſent his atchievements, and all the burghers appearing in arms with unuſual magnificence. In the evening the fire-works were played, and the cannon diſcharged on the Viverberg oppoſite to his palace, and bonfires lighted through the whole town. Two days after the king went to the aſſembly of the States-General, then to the States of Holland, and laſtly to the council of ſtate: He made a ſpeech to each of thoſe aſſemblies. He told the States-General that the laſt time he was with them, he had declared his intention of going over to England, to deliver that kingdom from the evils with which it was threatened. That God had ſo bleſſed his juſt intentions, that he had met with ſucceſs even beyond his hopes. That the Engliſh having offered him the crown, he had accepted it, as God was his witneſs, not out of ambition, but ſolely to preſerve the religion and laws of the three kingdoms, and to be able to aſſiſt his allies, and eſpecially the United Provinces againſt the power of France. That he could have wiſhed to have aided them ſooner, but was prevented by the affairs of Ireland, which being now in a better condition, he was come to concert meaſures with the allies, and to exerciſe the functions of ſtadtholder. The reſt of his ſpeech conſiſted of expreſſions of his zeal and affection for the republic. He was anſwered with the reſpect and acknowledgement due to a prince, who was looked upon as the father of his country, the deliverer of Europe, the preſerver of the proteſtant religion, and the ſoul of the grand alliance.

After this was opened the moſt glorious congreſs that ever yet appeared of Chriſtian princes and miniſters, who were aſſembled at the Hague, to concert meaſures with king William, for the defence of the liberties of Europe, againſt the encroachments of France.[a] King William in a very pathetical ſpeech repreſented to them, "that the imminent dangers, wherein they found themſelves, ſufficiently diſcovered the errors that had been committed; ſo that he needed not uſe many arguments to ſhew them the neceſſity of taking juſter and better meaſures. That in the circumſtances they were in, it was not a time to deliberate, but act. That the enemy was maſter of all the chief fortreſſes, that were the barrier of the common liberty; and that he would quickly poſſeſs himſelf of all the reſt, if a ſpirit of diviſion, ſlowneſs, and particular intereſt, continued among them: That every one ought to remain perſuaded, that their reſpective particular intereſts were compriſed in the general one. That the enemy's forces were very ſtrong, and that they would carry all things, like a torrent, before them. That it was in vain to oppoſe complaints, and fruitleſs clamours, or unprofitable proteſtations againſt injuſtice.

"That it was neither the reſolution of a barren diet, nor the hopes of ſome men of fortune, ariſing from frivolous foundations, but ſoldiers, ſtrong armies, and a prompt and ſincere union between all the forces of the allies, that muſt do the work; and that theſe too muſt be brought to oppoſe the enemy without any delay, if they would put a ſtop to his conqueſts, and ſnatch out of his hands the liberty of Europe, which he held already under an heavy yoke. And that as for himſelf, he would not ſpare his credit, forces, or perſon, to concur with them in ſo juſt and neceſſary a deſign; and would come in the ſpring at the head of the troops faithfully to make good his royal word, which he had ſo ſolemnly engaged to them."

This ſpeech from a prince, in whom they all confided, had ſo good effect, that they came to a reſolution of employing two hundred and twenty-two thouſand men againſt France; of which the king of England was to furniſh twenty thouſand, and the reſt of the princes and ſtates in proportion.[b]

But notwithſtanding the large quotas promiſed by divers princes and ſtates of Germany, England and Holland were forced to pay them, and to bear the burthen of the war. The congreſs determined likewiſe the operations of the next campaign; and though the duke of Savoy was then reduced very low, king William took ſuch care of him, and both furniſhed, as well as procured him ſuch ſupplies, that his affairs had quickly a more promiſing aſpect. Things were concerted among the princes themſelves, and were kept ſo ſecret, as they did not truſt them to their miniſters; at leaſt, the king did not communicate them to the earl of Nottingham, as he proteſted ſolemnly to biſhop Burnet,

[a] Theſe all aſſiſted at the congreſs. The electors of Brandenburg and Bavaria; the dukes of Lunenberg, of Zell, and of Wolfenbuttle; the landgrave of Heſſe Caſſel; prince Chriſtian Louis of Brandenburg, prince Waldeck; the prince of Naſſau, ſtadtholder of Friesland, the prince of Naſſau Saarbrug, governor of Bois-le-duc, the prince of Naſſau Dillemburg, the prince of Naſſau Idſtein, the duke adminiſtrator of Wirtemberg; the two princes of Anſpach, the landgrave of Heſſe D'Armſtadt, the prince his brother; the duke of Saxe-Eyſenach, prince Philip Palatine, the duke of Zulſback, the prince of Wirtemberg Neuſtadt, the prince of Wirtemberg, and the prince his brother; the duke of Courland, and prince Ferdinand his brother; the prince of Anhalt Zeerbonſt, the landgrave of Homburg, three princes of Holſtein-Beck, the duke of Holſtein, prince of Commerci, the prince Palatine of Birkenfelt; to which we may add the princeſs of Naſſau Friſeland, the princeſs of Radzeville, the counteſs of Soiſſons, the princeſs of Saxe Eyſenach, and other illuſtrious perſons. The moſt remarkable of the counts, were the counts of Horn, Erbauh, Tirimont, de Brocay, de Gryal, d'Arco, de Rivera, de Sanfra, de Lippe, d'Eſpenſe, de Fugger, de Denhof, de Carelſon: with the barons of Pallant, and Spaein; the Rhinegrave and his brother; the marquiſſes of Caſhlemonlayo, and Caſtanaga, governor of the Spaniſh Netherlands; and the generals Chauvert, d'Elwicht, Barfus, d'Autel, Palſi, &c. The embaſſadors and foreign miniſters preſent, were, thoſe from the emperor, the count de Windiſgratz, and Berka, with the chevalier de Campecht; from the king of Spain, Don Emanuel de Colonna; from the king of Denmark, the count of Rebenklau and M. Centhe; from the king of Sweden, the count of Oxenſtern; from the king of Poland, M. Moreau; from the elector of Bavaria, the baron of Boomgarden and M. Prielmeyere; from the elector of Brandenburg, M. Van Dieſt and Smettau; from the elector of Saxony, M. Haxhauſen; from the elector of Treves, the baron de Leyon and M. Champagne; from the elector of Mentz, M. Talberg and Meyers; from the elector of Cologne, the general and baron Beruſaw and M. Soelmaker; from the elector Palatine, M. Hertermans; from the duke of Savoy, the count de Pielat and the preſident de la Tour; from the duke of Zell, M. Zieger; from the biſhop of Munſter, M. de Nort; from the landgrave of Heſſe-Caſſel, the baron Gorts and M. Reppelaar; from the duke of Wolfembuttel, the baron Croſck; from the duke of Hanover, M. Klekk; from the duke of Holſtein Gottorp, M. Tourken; and from the prince of Liege, counſellor Mean. Of king William's own ſubjects, who attended him to this ſolemnity, were the dukes of Norfolk and Ormond, with the earls of Devonſhire, Dorſet, Eſſex, Nottingham, Scarborough, and Selkirk, the biſhop of London, the lord Dramlendrits, the lord Durſley, the earls of Portland and Monmouth, the duke of Schomberg, and his brother count Meinhard, &c.

[b] The emperor was to furniſh twenty thouſand; the king of Spain in Flanders twenty thouſand; the States-General thirty-five thouſand; the duke of Savoy and the troops of Milan twenty thouſand; the elector of Bavaria eighteen thouſand; the elector of Saxony twelve thouſand; the landgrave of Heſſe eight thouſand; the circles of Swabia and Franconia ten thouſand; the duke of Wirtemberg ſix thouſand: the elector of Brandenburg twenty thouſand; the prince of Liege ſix thouſand; the biſhop of Munſter ſeven thouſand; the elector Palatine four thouſand; and the Prince of Lunenberg ſixteen thouſand.

The

when he returned to England. The princes ſhewed the king all the reſpects that any of their rank ever paid to a crowned head; and they lived together in ſuch an eaſy freedom, that points of ceremony occaſioned no diſputes among them, though thoſe are often, upon leſs ſolemn interviews, the ſubjects of much quarrelling, and interrupt more important debates [c].

The congreſs broke up about the beginning of March; but the early and unexpected motions of the French, not only put a ſudden ſtop to king William's journey for England, but likewiſe convinced the confederates of the truth of what he had ſaid to them in his ſpeech, 'that it was not a time to deliberate, but to act;' a maxim which the king of France knew beſt how to practiſe. For on the 5th of March a detachment of French cavalry inveſted the ſtrong city of Mons, before which place his moſt chriſtian majeſty arrived himſelf ſix days after, accompanied by the dauphin, the duke of Orleans, and the duke of Chartres. The next day the trenches were opened; and the beſiegers raiſed large batteries, and with threeſcore pieces of cannon, and five and twenty mortars, made prodigious havock in the town. The garriſon within conſiſted of about ſix thouſand horſe and foot, commanded by the prince de Bergue, who was not wanting in his duty; but notwithſtanding the vigorous reſiſtance of the beſieged, the French were advanced ſo far by the 22d of March, that having filled up the ditch of an imperfect horn-work on the ſouth ſide of the town towards the gate of Barlemont, they boldly aſſaulted that out-work, and after the loſs of a great number of men, began to make a lodgement upon it. Upon this the beſieged, headed by ſome of their braveſt officers, attempted to beat them off, and in effect obliged the workmen, and the grenadiers, that ſupported them, to give way; but at laſt the aſſailants regained their poſt, drove the enemy into the town, and puſhed on the ſiege with ſo much the more vigour, as they were informed, that the king of England was advancing to raiſe it.

The king, upon the news of the ſiege, return from Loo to the Hague, from whence he diſpatched prince Waldeck to Hall near Bruſſels, where the forces, that were drawing together for the relief of Mons, had their general rendezvous. From thence the king went to Breda, having before his departure named the general officers, who were to command in the army; and on the 27th of March arrived at Hall, where though he had an army of near fifty thouſand men, yet he found that, through the neglect of the Spaniards, there was nothing provided for his expedition, not ſo much as even the neceſſary carriages.

[1691] In the mean time the ſiege of Mons was carried on with indifferent ſucceſs; for the French had only gained an horn-work, and there ſtill remained two half-moons for them to take before they could come to the counterſcarp of the place; and in the attack, which they made upon one of theſe half-moons, they were repulſed with conſiderable loſs. But the burghers being terrified by the enemy's bombs, which had burnt part of the town, and their fears being improved by the influence of their prieſts, the principal of them with two abbots went to the governor, and preſſed him to capitulate. The governor, who was confident, that he might hold out eight or ten days longer, having had but three or four men killed during the ſiege, and wanting neither ammunition nor proviſions, refuſed to comply with their demands. Upon this they ſent a drum of their own to beat a parley, and threatened to open the gates, and deliver both him and the garriſon into the beſiegers hands. Things being brought to this extremity, the governor conſented at laſt to capitulate, and ſurrendered the town on very honourable conditions. Whereupon king William immediately left the army, returned to the Hague, embarked for England, and arrived ſafely at Whitehall on the 13th of April.

The chief tranſaction during the king's abſence, was the diſcovery of a plot. Towards the latter end of the year 1689, king James and his popiſh counſellors in Ireland laid the foundation of the Lancaſhire plot, having ſent over commiſſioners into that and other northern counties to raiſe an army, which that king engaged himſelf to head in perſon in Auguſt 1690. But the plot being diſcovered by ſome of the confederates, and ſoon after effectually ſuppreſſed by his defeat at the Boyne; another project was ſet on foot by the jacobites in England, who thought the opportunity of the king's going to the congreſs at the Hague was not to be loſt. They fancied it would be eaſy, in his abſence, to bring about the reſtoration of king James, now that there was ſo ſmall a force left in the kingdom, and the nation ſo incenſed at a burthen of four millions in taxes. The men that laid this deſign were the earl of Clarendon, the biſhop of Ely, the lord Preſton, and his brother Mr. Graham, and Pen the famous quaker.

It was reſolved among them, that to prevent delays, ſome perſons of quality and known abilities ſhould go over to France, to tranſact the affair for the whole party. The lord Preſton, Mr. Aſhton, a ſervant of king James's queen, and Mr. Elliot, were pitched upon for that purpoſe, and to carry letters, from thoſe who had joined in the deſign, to king James and his queen. The biſhop of Ely's letters were writ in a very particular ſtile. He undertook both for his elder brother and the reſt of the family, which was plainly meant of Sancroft and the other deprived biſhops. In his letter to the queen he aſſured her of his and all their zeal for the prince of Wales, and that they would no more part with that than with their hopes of heaven.

The gentlemen thus appointed by the party having hired a veſſel of Mrs. Jane Prat, of Barking in Eſſex, went on board near Battle-Bridge on the 30th of December 1690; but Nicholas Prat, huſband of the woman and owner of the veſſel, being a man zealous for the government, had diſcovered all that he knew, which was only, that he was to carry ſome perſons over to France. The notice of this was brought to the marquis of Carmarthen, and the matter ſo ordered, that lord Preſton, Aſhton, and Elliot, were falling down the river as far as Graveſend, when captain Billop, who had been ordered to attend their motion, came on board on pretence of ſearching for and preſſing ſeamen, and drew the three paſſengers out of the hold, in which they were hid. Lord Preſton left his letters behind him in the hold, together with king James's ſignet; and Aſhton took them up with a deſign to have thrown them into the ſea, but they were taken from him, and both they and their papers were brought to Whitehall.

Lord Preſton's mind ſunk ſo viſibly, that it was concluded he would not die, if confeſſing all he knew would ſave him. Aſhton was more firm and ſullen; and Elliot knew nothing. There was among their papers one, that contained 'the heads of a declaration, to be prepared, in order to be publiſhed when the French have had ſucceſs at ſea, with aſſur-

[c] The following declaration was generally ſaid to have been agreed upon at the congreſs, though ſome of the articles ſeem doubtful: "Since we look upon the union, that is between us, as the work of God alone, it is but reaſonable that we ſhould make a ſolemn proteſtation to him, to deliberate nothing in this aſſembly, but what may be very juſt and equitable. We ſolemnly proteſt before God, that our intentions are, that we will never break off this union, nor make any peace with Lewis XIV, 'till the following articles be executed, to the execution of which we oblige ourſelves for ever.

'I. 'Till he has made reparation to the holy ſee for whatſoever he has acted againſt it; and 'till he has annulled and made void all thoſe infamous proceedings againſt the holy father Innocent XI.

'II. 'Till he has reſtored to each party concerned what he has taken ſince the peace of Munſter; and 'till he has demoliſhed Briſac, and delivered up the country of Ceay to the canton of Bern.

'III. 'Till he has reſtored to the proteſtants all their poſſeſſions and goods; and 'till there be an entire liberty of conſcience throughout the whole extent of the French dominions.

'IV. 'Till the eſtates of the kingdom be re-eſtabliſhed in their antient liberties, ſo that the clergy, the nobility, and the third eſtate, may enjoy their antient and lawful privileges; and 'till the kings, for the future, ſhall be obliged to call together the ſaid eſtates, when they deſire any ſupply, without the conſent of whom they ſhall not raiſe any money, after any manner, or for any pretence whatſoever.

'V. 'Till the tax upon ſalt, that upon the third eſtate, and an infinite number of other unreaſonable taxes and impoſitions, be aboliſhed for ever.

'VI. 'Till he has reſtored to the parliaments their antient and rightful authority; that ſo they might be enabled to diſtribute to every one juſtice freely, and without conſtraint, according to their conſciences.

'VII. 'Till all the towns of the kingdom be re-eſtabliſhed in their antient privileges, and till their revenues be reſtored, which had been taken from them with ſuch violence and injuſtice.

'God, who knows the intention of our hearts, knows that we bear no hatred againſt the French nation; and that we do not aſpire to have the lawful dominions of the kingdom of France. And if all thoſe, who are inhabitants, would join with us, we ſhould ſoon diſpatch this affair without effuſion of blood, and without deſolation of the kingdoms. And we promiſe all thoſe, that ſhall do it, that we will treat them as our particular friends, and preſerve their towns and poſſeſſions, as if they were our own. And as for thoſe, that ſhall not do it, we ſhall look upon them as perſons, that have approved and abetted all theſe perſecutions, burnings, and other devaſtations, that have been made; and we will make them feel, without mercy, thoſe pains and torments, which they have been the occaſion of, that ſo many poor people have ſuffered.

'We were willing, that the whole world ſhould have a perfect knowledge of our reſolutions, particularly the French gentlemen and perſons of honour, who are oppreſſed with the heavy load of the government, and can no longer endure the ſlavery, which they lie under; to the end they may be able to take ſuch meaſures, as may be aſſiſting to us in recovering for them their antient liberty, which has been ſo cruelly and ſo unjuſtly taken from them.'

ances of pardon, and promiſes to preſerve the proteſtant religion and the laws [d].

The moſt important of all was 'the reſult of a conference between ſome lords and gentlemen, both tories and whigs, in which it was undertaken to prove the poſſibility and method of reſtoring king James by a French power, without endangering the proteſtant religion and civil adminiſtration, according to the laws of this kingdom [e].' Beſides theſe there were ſome other papers and letters [f]; and particularly a paper, containing ſhort memorials in lord Preſton's own

[d] The heads of the declaration were as follow:

"That the king will return with a deſign of making an entire conqueſt of his people, is ſo ridiculous as well as difficult, that it needs not to be ſpoken to.

"That the king's declaration be worded in general terms, that he will govern by the laws, that they ſhall be the rule of his actions; that he will endeavour to ſettle liberty of conſcience by law, that whatſoever things were formerly done by him, which occaſioned jealouſies in the minds of his people, ſhall be left to the determination of a parliament, to be formally and regularly called as ſoon as is poſſible.

"That he has given ſufficient evidence of his unwillingneſs to bring an army of ſtrangers into his kingdom, by refuſing the ſuccours the king of France offered him, and which were even ready to be embarked upon the firſt notice of the prince of Orange's intended invaſion.

"That he brings with him ſuch an army only, as is neceſſary for his own defence, and for the ſecurity of his loyal ſubjects, who ſhall reſort to him: that he will diſmiſs them as ſoon as he ſhall have rid the nation of thoſe foreigners, who have invaded it, and trampled upon the laws and liberties of his people.

"The king's large exerciſing his diſpenſing power gave the great alarm to his people, and contributed moſt of all toward a general defection. Yet when that power came to be debated in the laſt convention, there appeared ſo many difficulties in the limiting of it, every body, even the preſent judges, believing it neceſſary, that a diſpenſing power ſhould be in the king, that it was let fall, and that point remains as it was. And without mentioning that or any other particular, the king can be in no danger by leaving all things, which have been the occaſions of jealouſies, to the determination of a parliament, where, beſides the king's profeſſed friends and ſervants, there will not want others, who will be glad of opportunity to ingratiate themſelves."

'The reſult of the conference was as follows:

"I. F. muſt either oblige or conquer us: If the laſt he will find few helps here, but a bloodier reſiſtance than ever the Romans, Saxons, or Normans found, it being incredible, how unanimous and obſtinate that very thought renders the people, ſo that it may make us a heap of ruins, but no nation that can ever help or import any thing to F.

"II. If K. L. deſires to oblige us, and make the work eaſy, that he may be at leiſure to ply the empire or Italy, or to have an advantageous peace, he muſt take off the frightful character we have of him, and ſhew us he has no ſuch deſign, as returning our offended K. a conqueror upon us, but that he can and will be our friend and mediator; upon which terms he will find, that many lords and gentlemen will ſpeedily ſhew themſelves to his ſatisfaction, eſpecially if he makes haſte, and loſes no approaching opportunity.

"III. If he incline to this ſort of ſenſe, he muſt over-rule the bigotry of St. G. and diſpoſe their minds to think of thoſe methods, that are more likely to gain the nation; for there is one ſilly thing or other daily done there, that comes to our notice here, which prolongs what they ſo paſſionately deſire.

"The methods thought upon are theſe:

"Firſt to prevent dangerous and fooliſh intelligence, by forbidding all in that court to write any news hither, and that king James only have his correſpondence, by whom to hear from, and ſpeak to people here; ſince letters ſo often miſcarry, and are filled with nothing but what we ſhould not hear, and what we have, are arguments for the moſt part againſt the king's reſtoration.

"Secondly, ſince there is a great body of proteſtants, that never defected, and that many thouſands are returning, and that they are the natural weight and power of theſe kingdoms, by having the heads, hands, and wealth of their ſide, to the odds and advantage of at leaſt two hundred proteſtants to one catholic; the K. may think of nothing ſhort of a proteſtant adminiſtration, nor of nothing more for the catholics, than a legal liberty of conſcience; for 'much e mutt' is againſt all other notions, to which all private paſſions and artificial frames in government muſt yield or break. He may reign a catholic in devotion, but he muſt reign a proteſtant in government. Cromwell could not, yet on a broader bottom, with a victorious army, ſubſiſt or keep what he had got.

"Thirdly, he muſt give us a model of this at St. G. by preferring the proteſtants that are with him, above the catholics; one being loyal upon leſſies of intereſt, and to tell the nation here what they are to hope for when he comes.

"Fourthly, he muſt give encouragement to lords and gentlemen here to come to him, at leaſt ſeven or nine for a ſtanding council, which will make us here think he is in ſome degree ours again, and that we have a relation to him, and ſome intereſt and ſhare in him, by the men of quality of our own religion, that are with him. This will incomparably facilitate the matter here; nor will they, when they come, come empty, and in their own names, which is ſtill better, and will be more ſatisfactory there.

"Fifthly, to induce this, Engliſh proteſtants ſhould be encouraged by an edict of liberty from the K. of F. to have chapels at their own coſt, in which to worſhip God after their reſpective ways, by which that king will make us reflect upon his conduct towards his huguenots, rather to flow from the hazard he thought himſelf in by their anti-monarchical and reſiſting principles, than a deſire of perſecution.

"Laſtly, all other requiſite meaſures depending upon the acceptance this finds, an anſwer hereunto is impatiently deſired by thoſe, that have diſcouſed the king's buſineſs to this maturity. So ended with an unanimous conſent both tories and whigs upon this occaſion, that are in a way of cloſing in his intereſt."

[e] Namely, 'A liſt of the Engliſh fleet, which the lord Preſton and Mr. Aſhton, were carrying into France.

Rates	Ships	In repair	not	building
1	8	5	3	
2	12	11	1	
3	35	34	1	
4	38	34	4	4
5	14	14		1
6	9	9		
Fireſhips	25	25		8
Bomb veſſels	1	1		
Ketches	1	1		8
	143	134	9	21

"Brought in by admiral Ruſſel to the houſe of commons, December 24th, ninety, the fleet, whereof ſixty Dutch.

"Memorandum, the new ſhips building are expected will be ready to be launched by the end of March."

An alphabet of names for carrying on the correſpondence.

'For Mrs. Anne Ruſſel, to be left with Mrs. Richeſon at the Blue Boar, in Ryder Street near St. James's.

'A ——— the King.
'B ——— the Queen.
'C ——— the Prince of Wales.
'D ——— the Prince of Orange.
'E ——— Canon and the Scots officers.
'F ——— the Duke of Berwick.
'G ——— Duke Tyrconnel.
'H ——— Major General Sarsfield.
'I ——— Lieutenant General Sheldon.
'L ——— King of France.
'M ——— Marſhal Luxembourg.
'N ——— Marſhal Belfond.
'O ——— Duke Powis.
'P ——— Dutcheſs Powis.

'Amſterdam ——— Breſt.
'Rotterdam ——— Dieppe.
'Hague ——— Havre de Grace.
'Brill ——— Dunkirk.
'Harlem ——— Calais.
'Italy ——— England.
'Germany ——— Scotland.
'Spain ——— Ireland.'

The following letters were directed in falſe names, and are moſt of them written under divers cants, as under the colour of trade, law-ſuits, mortgages, &c. yet evidently relate to king James's reſtoration. The two firſt were ſuppoſed to be written by Dr. Turner, biſhop of Ely.

To Mr. Redding.

SIR,

'Though the bearer of this will do us the juſtice to aſſure you, we are as full of duty, as unfeignedly and unconcernedly yours, as yourſelf could wiſh; yet this gentleman has undertaken.—You will forgive the preſumption, if I do myſelf the honour to give you this freſh aſſurance in a few words, which I hope we do by our accounts. I ſhall omit no occaſions, not neglecting the leaſt, and making zealous wiſhes for the greateſt, to ſhew ourſelves ſuch as we ought to be. Sir, I ſpeak in the plural, becauſe I write 'my elder brother's ſentiments as well as my own, and the reſt of the family,' though leſſened in number, yet if we are not mightily out in our accounts, we are growing in our intereſt, that is, in yours. He that delivers this, will, I hope, entirely to your ſatisfaction, repreſent us, and me in particular, as with all the devotion imaginable and unchangeable affection, Yours, God grant the happieſt new year.'

To Mrs. Redding.

'As 'tis impoſſible for me to expreſs that extraordinary great ſatisfaction it gave me this time twelve-months when I had the honour to receive that mark of your favour and goodneſs under your own hand; ſo I have lived in ſome pain for an opportunity to write you my humbleſt acknowledgements and trueſt duty, from which, by the grace of God, I am no more capable of ſwerving, than of renouncing my hopes of heaven. I ſay this in behalf of my elder brother and the reſt of my neareſt relations, as well as for myſelf. You may entirely depend upon us, not only for a conſtant adherence to ſo well choſen a principle, but for our utmoſt activity to promote your intereſts, which are inſeparable from our own. I need come to no particulars by this bearer, who can and will tell you our whole hearts; and I wiſh you could ſee them, how ſincerely they are devoted to your ſervice. God grant you a moſt happy new year, and many, very many, and very happy. Our young maſter hath all our beſt wiſhes: he daily gains more friends, and we get ground of his adverſaries.

'New year's Eve.'

A letter

hand, in which many of the nobility were named g. On the 16th, 17th, and 19th, of January the lord Preſton, and Mr. Aſhton, were brought to their trials at the Old-Bailey.

A letter directed for Mrs. Charlton, Decem. 31. 1690.

'I muſt not let this bearer depart, madam, without aſſuring you of my beſt reſpects. I have written by him to a friend of yours, but depend upon you to give my note credit.

'Though my creditors were no friends to the match, which has been ſo long in treaty, for your relations have been very hard upon me this laſt ſummer, yet as ſoon as I could go ſafely abroad, I purſued the buſineſs, and do beg you to believe, that no endeavours of mine ſhall be wanting to perfect the ſettlement. You once put me in hopes of ſeeing you before this Chriſtmas. Your friends are ſorry for the diſappointment, pray loſe no more time than is of abſolute neceſſity. The bearer will tell you all things may now be eaſily ſettled, if the right way be taken. I long to hear how your young daughter does: ſhe will find many friends, and I hope her portion will be well ſecured. God ſend you a happy new year, and that I may be merry with you before it be far ſpent; and I beſeech you, keep me in the good opinion of your friend. I will always make good what I promiſed to you.'

A letter directed to Mr. Jackſon, Decem. 31, 1690.

'The bearer can give you ſo full an account of all things relating to your eſtate here, that I need not have troubled you at this time, but that I am deſirous to lay hold of any opportunity I think ſafe, to aſſure you of my ſervice; and that I will never quit your intereſt whatever the reſt of the freeholders do. Your adverſary has been ſo hard to his neighbours, that he has extremely diſobliged all the old tenants, and a little matter would redeem the whole eſtate, if you would appear in Weſtminſter Hall yourſelf: the beſt council have a good opinion of your title, and will zealouſly purſue your inſtructions. I only beg you would haſten them to us, and that you will appear yourſelf as ſoon as is poſſible. No time ſhould be loſt and the cauſe may be brought to a final hearing before the end of Eaſter-term, if it be well ſolicited. I heartily wiſh you a happy new year, and I beg you to tell Mr. Charlton, that I long to know wherein I may ſerve him, and that I will follow his directions to the utmoſt, while I live, God keep you and yours.'

A letter without direction.

Decem. 31.

'The interruption of the formet correſpondency had a very ill effect many ways, but for that reaſon no opportunity ought now to be loſt, and I hope this will prove a happy one.

'In trade, as well as in government, ſchemes muſt be laid; for there is no living from hand to mouth any more in commerce than in politics. Lay therefore your deſigns probably, and purſue them diligently, and with vigour; though it be a hazardous time, yet by venturing boldly where venturing is adviſeable, it often returns great profit.

'There is nothing more to be ſaid but to give the bearer fit and full ſeaſons to tell what he knows, both as to the goods fit for our market, and when and where to be ſent. The ſea will quickly grow ſo troubleſome, that unleſs you diſpatch what you intend for us, you will loſe a great opportunity of advantage. I hope the account he has to give of our negotiation here with the merchants, that deal with us, eſpecially thoſe, that have lately brought us their cuſtom, will both encourage a larger trade, and excite the utmoſt diligence. I will ſay nothing of myſelf: it ſhall be enough, that I can live in the good opinion of one I bear ſo great a reverence and affection for. But for this honeſt factor, I muſt own I can hardly ſay enough. Truth and boldneſs are excellent qualities in a ſervant, and he has ſhewn both, as occaſion has required him to ſhew them.

'I have but one word to add, and, pray, take it as the trueſt mark of unalterable reſpect. Chuſe well, but have to do but with a few; for a multitude may give, but can never keep counſel.

'I ſhall, with more impatience than becomes me, wait the reſult of this; and it will be a great mark of goodneſs to let us have the beſt and ſafeſt way.

'Once more, let not the ſeaſon ſpend unprofitably, for a more likely one can hardly come than between this and the firſt of March. Interpret this, I pray, as no private intereſt of my own, or partial motion of any other perſons. It is my ſenſe, my duty, and my friendſhip, which will not let me prevaricate, nor ſuffer thoſe I love and honour to loſe ſo happy and preſſing an occaſion of advantage. With the beſt wiſhes I cloſe up this, and am, &c.'

A letter without direction.

Decemb. 31.

'It is a preſumption incident to thoſe, that are any where upon the ſpot, to think, that they know better than thoſe, that are not, what is fitteſt to be done in any occurrence. This makes me ſay, that now is the time to make large advantages by trading, the ſea being freer than two months paſt, or we can hope it will be two months hence. This gentleman is well inſtructed in our markets, and what the goods are we want, and when and where they ſhall be ſent. It is moſt earneſtly deſired, that this happy opportunity may not be loſt, eſpecially by the late undertakers; and I would not for much they ſhould receive the leaſt diſguſt. They are ſomwhat poſitive in their terms; but they alſo ſay, they will be good and conſtant cuſtomers; and I have more than once ſeen the miſchief of over-rating and over-ſtaying the market. Opportunities are to be uſed; they cannot be given by men.

'The bearer needs nothing from me to recommend him, but he is deſerving in our opinion here, and many will take their meaſures by the uſage he finds there. And indeed the preſſing poſture of our trading affairs will not permit more experiments.

'If the ſeveral parcels arrive not, that have been promiſed, before the 10th of March at furtheſt, (eſpecially the copper and linnen, of which the bearer will be more particular) I am ſatisfied we ſhall loſe this ſummer's profit. I am the more preſſing, becauſe I am well aſſured of what I write; and if ever I judged right, it is upon this occaſion.

'I have ſaid nothing of another gentleman, that takes this opportunity to ſee thoſe parts; but he has ſhewn a zeal and a ſincerity in this affair equal to moſt. Jo. is not yet gone, by a misfortune; but he will follow with a good poſtſcript in this affair. Of myſelf I will ſay nothing. I hope I need not, for nobody, without vanity, can be more ſincerely and affectionately a friend and ſervant to the company than myſelf. I writ at large yeſterday, and cannot write what the hand, that gives this, can ſay; and therefore will write no more, but that with the greateſt reſpect I am, &c.'

A letter without direction.

SIR,

'I vow to you, I do not repine at having loſt all for your ſake, which I got by your favour: but it grieves me extremely, that there is not that left, which can ſecure me from being troubleſome to you; for that is the thing in the world I would not be. I have told my lord my condition. What I deſire of you, he thinks very moderate; I hope you will. Pray, ſir, be not backward in ſettling my little affair, for I have deſerved your care. Your daughter and I muſt ſtarve, if this government can make us. I hope our intereſts are not divided; that is, you have an equal tenderneſs at leaſt for both. If you think fit to ſpeak what I would have you to this bearer, he will give me a juſt account of it. You know he is obliged to be my friend, and I believe him grateful, ſince he ventures ſo boldly for you. He brings with him ſome merry papers. Adieu, for I dare write no more, but pray ſend a meſſenger on purpoſe to me, that I may exactly know what you will do, and would have me do. If you ſend upon no other buſineſs, there will be no danger. Pray, ſir, aſk my lord, and he will tell you, how I have been uſed, and upon what account. I believe you know it not.

Decemb. 29.

'Your daughter is very well, very tall, and very pretty, as I am told.

Another letter without direction.

Decemb. 31, 1690.

'Was my condition more deſperate and uneaſy than it is, I deſire no greater ſatisfacton than to have done my duty to ſo good a maſter. I wiſh it was of more uſe to him; that is not my fault, nor of thoſe I have acted with. Let it be looked into what has been foretold both as to England, Scotland, and Ireland, and ſee, if moſt of it is not come to paſs already, and the reſt will follow, if not prevented. I wiſh it may alſo be conſidered what uſage we have met with from men employed, and how they left your buſineſs and friends. How they managed it, you will know from all hands. Things they could not do, nor durſt not undertake, were better undone, than not done by them, men in this place, and in theſe times, muſt have ſome courage as well as ſenſe to do any thing with the people here. It is not my own ill uſage makes me ſay this, but my concern for one I wiſh the beſt in the world, and will give my proofs of this upon all occaſions. I need not enlarge, ſince all our grievances are known to him, that brings this. For my own part, I will ſtay here ſo long as I can be ſafe, if with never ſo great trouble; but it would be ſome comfort to know men (when driven from hence) may be ſo. Therefore the reports of the people's uſage are terrible, as well as of the indiſcretion of St. Germ. family. We feel the ſmart of it by ridiculous letters falling daily into the hands of the government. Their maſter and miſtreſs are little obliged by it no more than we. If there is any thing, ſir, you do particularly command me, or depend upon me for, let me know it. I cannot undertake much, nor furniſh more. I have ſtill helped every body, and paid to every thing I could; and if a twelvemonth ago my condition was what I then repreſented, you beſt know, if it has been mended. Uſe, and conſidering that of others, makes me grow more contented; and if the proſpect of miſery to us all was any ſatisfaction, that is now plainly ſeen.

'Pray God bleſs us all, by reſtoring every man his own, and you with long life.

'He, that gives you this, hath furniſhed for your uſe to me, &c. two hundred pounds, which I deſire may be repaid.

'I only beg, madam, no ill malicious report may take any place in your thoughts, in regard to me. I value your good opinion, and will endeavour to deſerve it. I can do little towards, but wiſh moſt heartily for your happineſs.

'I know no intereſt, madam, but my maſter's and your's, nor do I think they are to be made two. If you command me in any thing, I will faithfully obey you, as I ever have done him.

'We all depend here upon this bearer's accounts of us and condition, his faith and courage hath been enough experienced.'

g Short memorials in lord Preſton's own hand. This paper conſiſts of many heads and particulars, without order or method, and ſeems to be only memorandums made by his lordſhip, to put him in mind what he was to enlarge upon when he came to France. It was as follows:

'Lady D. two thouſand pounds, and two hundred pounds for ſhop-debts.

'Penſion upon the

'14 — 3 deckt ſhips—Britannia, ad.

'Sovereign out and R ——— James.

'33 3d rates make the 14 and 30, ſixty-ſeven.

'Sundry hoſpitals and fire-ſhips, ſome built on purpoſe proportionable.

'Of the third rates, moſt manned; 14 not mann'd, great ones.

'Reſt in ſome proportion mann'd, not well mann'd, nor will be.

'——— Britannia not out till March; the reſt perhaps in April.

'The French muſt be out in April, and in the Downs. Look in at Spithead to ſecure them.

'The Dutch fleet cannot then join them.

'Carter and others at Portſmouth, the likelieſt men to come to him ——— Dutch fleet 36 ſail, 9 from 70, to 60 guns; ——— 12 from 50 to 60; ——— the reſt betwixt 60 and 70———. Get to it before the conjunction, otherwiſe nothing. To fight in the chops of the channel; not to come ſo high as Beachy. Portſmouth not mann'd above 500.———One Gibſon a Scots pedlar.———Lands beyond South Sea caſtle.———Nothing but pallifadoes about Gofport ——— Jennings or Strickland, or Trevannion comes from St. Malo's in one night ——— Moſt of the gentlemen have done him moſt miſchief; the tarpaulins his beſt friends, which diſpirited ——— Danby deſires to be in the monk, keeps and fortifies Hull ———King not to be on board the fleet———Fooliſh letters from St. G's taken every day in the D. poſt, and read in council ——— About June ——— England 67 great ſhips, Dutch 60 ——— commanded 36 to us, 24 to act by themſelves.———Ruſſel in the Britannia, admiral———Killegrew the blue ——— the duke———Aſhby the Royal James ——— Delaval the Sovereign

Their deſign of going to France, and the treaſonable papers found upon them, were fully proved. Some of them were written in the Lord Preſton's, and ſome in Mr. Aſhton's hand. They alledged in their defence, that ſimilitude of hands was not thought a good proof in colonel Algernon Sidney's caſe. But this was now only a circumſtance: In what hand ſoever the papers were writ, the crime was always the ſame, ſince they were open, not ſealed; and conſequently they knew the contents of them, and thus were carrying on a negotiation of high-treaſon with the king's enemies. They were therefore found guilty and condemned.

Mr. Aſhton would enter into no treaty with the court, but prepared himſelf to die, and was accordingly executed at Tyburn on the 28th of January, the queen having remitted that part of his ſentence which related to his drawing and quartering. He ſuffered with great decency and ſerioufneſs. He left a paper behind him, in which he owned his dependance on King James, and his fidelity to him, and affirmed, that he was ſure the prince of Wales was born of that king's queen; but denied that he knew of the contents of the papers that were taken with him.[h] This made ſome conclude, that his paper was drawn up by ſome other perſon, and too

reign, vice-admiral blue——Carter the vanguard.——Thoſe who ſhall not oppoſe nor reſiſt him, to be pardoned—. Not 21 days coming in, or ſhall not help the P. of O. 600,000l. to the ſtates of Holland——No taxes in his time——and the K. of Fr. will require nothing——Chimney money to be taken away——Not excepting outlaws——Scotland——Let know whether the king will come or not ſoon, and acquaint him the weakneſs of the pr. council.——3 daſhes—or the like F. of——That ſome kind anſwer—Mr Eaſt merchant of Briſtol to be kept till called for William St—from Amſterdam—Alexander—England—George—Scotland—Dorſet, Cornwallis, Montagu, Stamford, Shrewſbury, Macclesfield, Monmouth, Devonſhire——In Feb. the king come to Scotland——Endeavour to unite the epiſc. and preſbyt. parties.—A leſs ſum not interfere with the Fr. K. from Highlanders——campaigns—land at Leith—The Scots army not a French one, 5000 good Swediſh foot; the reputation of a proteſtant ally; two months to ſettle Scotland——A commiſſion given to me from Mr. P——For Fl. hinder Eng. and D. from joining——Two veſſels of 150l. price for Penſilvania, for 13 or 14 months—Ormond and Brandon diſobliged about the guards.

'To have 1200 ſeamen from Denmark and Holland——To ſave Campbell——To be left at the ſhip in ſheets Weſtminſter—Flanders—R——Scots ſhips in Newcaſtle harbour to plague London—The modeſt inquiry, the biſhops anſwer.—Not the chilling of them—But ſatisfying of friends—To tell him, that to protect friends, and as ſoon as foreigners are gone, he will diſmiſs his.——The woman, that was with the king in Ireland, and ſent commiſſion to Stafford, and failing, not to be ſent again: her friends live in Covent-Garden—Private letters not.—Proteſting lords againſt the uſurper; three of five againſt the vacancy of the crown, Beaufort, Newcaſtle, Thanet, Sawyer, Lutwich, Pemberton, Levinz, Winnington, Montagu, Shewer. London clergy the worſt; we have their wiſhes, and they their oaths——K. betrayed by J. Porter: Seymour ſaid it—Lord Nottingham ſays there will be a peace with Fr. and the K. left out——Bring foreigners to drive out foreigners; then diſmiſs them? leave all to free parliament—No juſtices of peace, &c. actually in commiſſion to be criminal.

[h] The paper at large was as follows:

"Mr. Sheriff,

"Having obſerved, that the methods of making ſpeeches at the place of execution were not always attended with the deſigned ſucceſſes; and thinking it better to employ my laſt minutes in devotion and holy communion with my God, I have prepared this paper to leave in your hands, as well to aſſert my principles, as to teſtify my innocency.

"As to my religion, I profeſs by God's grace to die in the faith into which I was baptized, that of the church of England, in whoſe communion (nothing doubting of my ſalvation through the merits of my Saviour) I have always thought myſelf ſafe and happy. According to her principles, and late much eſteemed doctrine (though now unhappily exploded) I have regulated my life, believing myſelf obliged by my religion to look upon my rightful lawful prince (whatever his principles were, or his practices might be,) as God's vicegerent, and accountable (if guilty of mal-adminiſtration) to God only, from whom he received his power, and always believing it to be contrary to the laws of God, the church, and the realm, upon any pretence whatſoever, to take up arms againſt him. And let all the world take notice in this belief I die. But I have more particular obligations to the king, my maſter, whom I had the honour to ſerve, and received many ſignal favours from him for ſixteen years paſt; ſo that gratitude (a thing not much eſteemed at this time) as well as duty and religion, commanded the utmoſt ſervice I could pay him. And when I had theſe conſiderations, that we were born his liege ſubjects; that we had ſolemnly profeſſed our allegiance, and often confirmed it with oaths; that his majeſty's uſage, after the prince of Orange's arrival, was very hard, ſevere, and (I may ſay) unjuſt; and that all the new methods of ſettling this nation have hitherto made it more miſerable, poor, and more expoſed to foreign enemies; and that the religion we pretend to be fond of preſerving, is now much more than ever likely to be deſtroyed; there ſeemed to me no way to prevent the impending evils, and ſave theſe nations from poverty and deſtruction, but the calling home our injured ſovereign, who, as a true father of his country, has (notwithſtanding all his provocations and injuries) a natural love and tenderneſs for all his ſubjects. And I am ſo far from repining at the loſs of my life, that had I ten thouſand, I ſhould rather think myſelf obliged to ſacrifice them all, than omit any juſt and honeſt means to promote ſo good and neceſſary a work. And I adviſe and deſire all my fellow-ſubjects to think of their duty, and turn to their allegiance, before the ſevere judgments of God overtake them for their perjury and rebellion. But certainly the good and intereſt of theſe nations, abſtracted from all other conſiderations, will ere long convince them of the neceſſity of doing it.

"Having thus frankly declared my principles, I know the inference will be, that I have acted accordingly, and conſequently, that I am now juſtly condemned. But, as I ingenuouſly own the inference, ſo I as poſitively deny the conſequence; for whatever my inclinations or actings have been, yet as to the matter I was ſentenced to die for, I declare myſelf innocent. And I will appeal even to the judges themſelves, whether or no, upon my trial, there appeared the leaſt proof, that I knew a tittle contained in the papers. But preſumptions were with the jury thought ſufficient to find me guilty, though I am told I am the firſt man that ever was condemned for high-treaſon upon bare ſuſpicion or preſumption, and that contrary to my Lord Coke's and other eminent lawyers opinions. The knowledge of my own innocency, as to the indictment and charge againſt me, was that that armed me with ſo much aſſurance, and occaſioned my caſting my life upon the firſt twelve men of the pannel, without challenging any. But though I have, I think, juſt reaſon to complain of the ſevere charge given by the judges, and hard meaſure I have received; not to mention my cloſe impriſonment, the haſty and violent proceedings againſt me, nor the induſtry uſed in the return of fitting perſons to paſs upon me; the denying me a copy of the pannel, &c. yet as I beg pardon and forgiveneſs at the hands of God, I do moſt heartily pray for, and forgive them, and all my enemies, all the world, nay even that judge and juryman, who did ſo ſignally (contrary to common juſtice) expoſe themſelves to deſtroy me. But let the will of God be done; I rely wholly upon his mercy, and the merits of my bleſſed Saviour, for ſalvation. I do chearfully and entirely reſign myſelf into his hands, as into the hands of a faithful Creator, in ſure and certain hopes of a happy reſurrection. Bleſs, protect, and ſtrengthen, O Lord God, my good and gracious king and maſter; in thy due time let the virtue, goodneſs, and innocency of the queen my miſtreſs, make all her enemies bluſh, and ſilence the wicked and unjuſt calumnies that malice and envy have raiſed againſt her; make her and theſe nations happy in the prince of Wales, whom, from unanſwerable and undoubted proofs, I know to be her ſon. Reſtore them all, when thou ſeeſt fit, to their juſt rights, and on ſuch a bottom, as may ſupport and eſtabliſh the church of England, and once more make her flouriſh, notwithſtanding the wounds ſhe hath received of late from her prevaricating ſons.

"Forgive, forgive, O Lord, all my enemies; bleſs all my friends; comfort and ſupport my dear afflicted wife, and poor babes; be thou a huſband and a father to them: for their ſakes only I could have wiſhed to live; but pardon that wiſh, O good God, and take my ſoul into thy everlaſting glory." Amen.

JOHN ASHTON.

This paper was immediately followed by an anſwer to it, ſuppoſed to be written by Dr. Edward Fowler, afterwards biſhop of Gloceſter, in which it is obſerved, that there was reaſon to ſuſpect that paper to have been drawn up by another hand than that of Mr. Aſhton; that the uncharitableneſs at leaſt of the paper was unbecoming a perſon going out of the world; that paſſive obedience was not the cauſe of Mr. Aſhton's ſuffering, but the want of it; that king William was our only lawful ſovereign then; that the meaſure of obedience is determined by law; that the revolution is to be juſtified by ſeveral conſiderations; that Mr. Aſhton had no hard meaſure, ſince treaſon was proved upon him. "The ſeverity of the charge, ſays the anſwerer, lay in applying the ſtatute 25 Edw. III. to his fact, which was, a deſign to carry into France a treaſonable ſcheme and project of an invaſion, in order to depoſing the king and queen. This laſt the judges declared had been always held to be high treaſon. All the queſtion then was, whether ſuch a fact were an overt act of ſuch a deſign; and ſo it was left to the jury, whether Mr. Aſhton intended to go over with ſuch a deſign or not. If there be any ſeverity here, it muſt be in the law; and that all thoſe, who ſuffer by a law, are apt to complain of.

"He particularly chargeth that judge and that juryman, who did, he ſaith, ſignally, contrary to common juſtice, expoſe themſelves to deſtroy him. This is a very hard charge from a dying man, and ought to have great evidence to reconcile it to common charity; but he offers none. The jury were to act according to their conſciences; and if they did ſo, how could they expoſe themſelves contrary to common juſtice to deſtroy him? But what evidence doth he give that they did not ſo? Some have told him that he was the firſt man that was ever condemned for high-treaſon, upon bare ſuſpicion or preſumption, and that contrary to my lord Coke, and other eminent lawyers opinions.

The main point as to the jury was, whether they were ſatisfied in their conſciences that Mr. Aſhton intended to go into France with ſuch a deſign. And where the fact lies in the intention, there can be no direct evidence, without ſeeing the heart, but it muſt be gathered from a concurrence of circumſtances ſtrong enough to determine an honeſt man's judgment; and ſuch the jury believed to be in his caſe. My lord Coke's words are on the caſe of treaſon, that 'the compaſſing, intent, or imagination, though ſecret, is to be tried by the peers, and to be diſcovered by circumſtances precedent, concomitant, and ſubſequent, with all endeavour evermore for the ſafety of the king.' It is true he ſaith afterwards, fol. 12. that 'conjectural preſumptions, or inferences, or ſtrains of wit, are not ſufficient,' but there muſt be 'good and manifeſt proof.' Yet ſtill this proof muſt be ſuch as the thing will bear; for there can be no 'direct and plain proof,' of a ſecret intention. Either therefore no man can be juſtly condemned for a ſecret intention, manifeſted by an overt act; or there muſt be ſuch a proof allowed, as is ſufficient to ſatisfy a man's conſcience, although it come not up to plain and direct evidence, as it is oppoſed to the higheſt degree of preſumption.

"But it may be ſaid, that 'the preſumption lies in judging the intention from the overt act; but that overt act muſt be manifeſtly proved.' The overt act in this caſe was 'the carrying over treaſonable papers into France, in order to an invaſion.' The ſole queſtion then was, whether there was manifeſt proof as to theſe papers. That the papers were found about him was manifeſtly proved; and he owns, fol. 110. that 'they were unfortunately found upon him,' but he ſaith, that 'he knew not the importance of them.' It was manifeſtly proved, that he had an extraordinary concernment to have theſe papers thrown overboard, which he ſaith 'was perfectly out of friendſhip;' and whether that was a true anſwer, was left to the conſciences of the jury, who were to judge of this by all the circumſtances antecedent, concomitant, and ſubſequent, by which they concluded him guilty. And I cannot ſee how they went againſt common juſtice therein, eſpecially ſince Mr. Aſhton well knew that one of the moſt material papers taken was of his own hand-writing, not the firſt draught, but the copy, which was ſhewed him in the court; and when it was ſo, he deſired, fol. 106.

BRITISH
13 JY 60
MUSEUM

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Tillotson Arch Bishop of Canterbury.

G. Kneller pinx.t Goldar Sculp.

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Publish'd as the Act directs. March 26 1785.

haſtily copied over by himſelf, without making due reflection on this part of it; for biſhop Burnet compared this paper, which he gave the ſheriff, and which was written in his own hand, with thoſe found about him, and it was viſible, that both were written in the ſame hand.

The lord Preſton went backward and forward; he had no mind to die, and yet was not willing to tell all he knew. He acted a weak part in all reſpects. When he was heated by the importunities of his friends, who were violently engaged againſt the government, and after he had dined well, he reſolved to die heroically. But the next morning the heat went off, and when he ſaw death in full view, his heart failed him. The ſcheme he carried over was ſo fooliſh, ſo ill concerted, and ſo few engaged in it, that thoſe, who knew the whole ſecret, concluded, that if he had got ſafe to the court of France, the project would have been ſo deſpiſed, that he muſt have been ſuſpected as ſent over to draw king James into a ſnare, and bring him into the king's hands. He was therefore pardoned. And as for Mr. Elliot, there being no poſitive proof againſt him, he was not brought to a trial.

Soon after, on the 25th of February 1690-1, the queen iſſued out a proclamation for diſcovering and apprehending Dr. Turner, the late biſhop of Ely, William Penn, the famous quaker, and Mr. James Graham, as accomplices of the lord Preſton and Mr. Aſhton; and the earl of Clarendon was ſeized and committed to the tower on the ſame account; but after ſome months, the king, in regard to that earl's relation to the queen, would proceed to no extremities againſt him, but gave him leave to live confined to his houſe in the country. But the biſhop of Ely, Graham and Penn abſconded.

Four days before the king's arrival, a fire happened at Whitehall, which began about eight o'clock at night, by the negligence of a maid ſervant, (who, to ſave the pains of cutting a candle from a pound, burnt it off, and threw the reſt down careleſsly before the flame was out) at the lower end of the ſtone gallery, in thoſe lodgings which were the ducheſs of Portſmouth's, and burnt very violently till four the next morning; during which time almoſt all the ſtone gallery and buildings behind it, as far as the Thames, were conſumed, and one or two men killed by the buildings that were blown up[i].

The king, after having given the neceſſary orders for the reduction of Ireland, and for fitting out a large fleet which admiral Ruſſel was appointed to command, beſtowed his care on filling the vacant eccleſiaſtical dignities. He had ſuffered the deprived biſhops to continue, now above a year, in their ſees. They all the while neglected the concerns of the church, doing nothing, but living privately in their palaces. Biſhop Burnet had, by the queen's order, moved both the earl of Rocheſter and ſir John Trevor, who had great credit with them, to try, whether, in caſe an act could be obtained to excuſe them from taking the oaths, they would proceed to diſcharge their functions in ordinations, inſtitutions, and confirmations, and aſſiſt at the public worſhip, as formerly. But they would give no anſwer; only they ſaid, that they would live quietly, that is, keep themſelves cloſe, till a proper time ſhould encourage them to act more openly. Upon this all thoughts of this kind were laid aſide. One of the moſt conſiderable men of the party, Dr. Sherlock, upon king James's going out of Ireland, thought, that this gave the preſent government a thorough ſettlement; and in that caſe he thought it lawful to take the oaths, and therefore not only took them himſelf, but publicly juſtified what he had done; which expoſed him to very ſevere reproaches from thoſe, whom he had abandoned. The diſcovery of the biſhop of Ely's correſpondence and engagement in the name of the reſt, gave the king a fair opportunity of filling the vacant ſees, which he reſolved to lay hold of. He judged rightly, that it was of great conſequence both to his own ſervice, and the intereſts of religion, to have the ſee of Canterbury well filled, ſince the reſt would turn upon that. By the choice, which he was to make, all the nation would ſee, whether he intended to proceed with his firſt deſign of moderating matters, and healing the diviſions in religion; or whether he would go into the paſſions and humours of a high party, that ſeemed to court him as abjectly as they inwardly hated him.

Dr. Tillotſon had now been well known to him for two years; his ſoft and prudent councils, and his zeal for his ſervice, had begot both in the king and queen a high and juſt opinion of him. They had both for above a year preſſed him to come into this poſt; and he had ſtruggled againſt it with great earneſtneſs. As he had no ambition nor aſpiring in his temper, ſo he foreſaw what a ſcene of trouble and ſlander he muſt enter into now in the decline of his age. The prejudices, which the jacobites would poſſeſs all people with for his coming into the room of one, whom they called a confeſſor, and who began now to have the public compaſſion on his ſide, were well foreſeen by him. He likewiſe apprehended the continuance of that heat and averſion, which a violent party had always expreſſed towards him, though he had not only avoided to provoke any of them, but had, upon all occaſions, done the chief of them great ſervices, as often as it was in his power. He had large principles, and was free from ſuperſtition. His zeal had been chiefly againſt atheiſm and popery; but he had never ſhewn much ſharpneſs againſt the diſſenters. He had lived in a good correſpondence with many of them, and had brought ſeveral over to the church, by the force of reaſon, and the ſoftneſs of perſuaſion and good uſage, but was a declared enemy to violence and ſeverities on account of differences in religion. He laid before the king all the ill effects, which, as he thought, the promoting him would have on his ſervice; but all this ſerved only to increaſe the king's eſteem of him, and fix him in his purpoſe. Dr. Tillotſon, therefore, though with great uneaſineſs to himſelf, ſubmitted to his command. Dr. Simon Patrick, biſhop of Chicheſter, was likewiſe tranſlated to the biſhopric of Ely, in the room of biſhop Turner, and Dr. Beveridge rector of St. Peter's in Cornhill, was to be promoted to the biſhopric of Bath and Wells, in the room of biſhop Kenn; Dr. Fowler to the ſee of Glouceſter, in the room of biſhop Frampton; Dr. Cumberland to the ſee of Peterborough, in the room of biſhop White; Dr. Moor to the ſee of Norwich, in the room of biſhop Lloyd; and Dr. Grove to the ſee of Chiceſter, void by the tranſlation of biſhop Patrick; and Dr. Sherlock, maſter of the temple, to the deanery of St. Paul's; Dr. Comber to the deanery of Durham, in the room of Dr. Granville; Mr. William Talbot to the deanery of Worceſter, in the room of Dr. George Hickes; and Dr. Woodward to the deanery of Sarum. Not many weeks after their majeſties nominated Dr. John Sharp, dean of Canterbury, to the archbiſhopric of York, in the room of archbiſhop Lamplugh; Dr. Ironſide biſhop of Briſtol, to ſucceed Dr. Herbert Crofts, lately deceaſed, in the biſhopric of Hereford; Dr. John Hall to be biſhop of Briſtol; and Dr. Richard Kidder, dean of Peterborough, to be biſhop of Bath and Wells, Dr. Beveridge having declined that biſhopric[k], ſo that in two years time the king had named fifteen biſhops; and they were generally eſteemed as the moſt learned, the wiſeſt, and beſt

106. 'that the original may be read, and not the copy.' And he had good reaſon for it; for, as far as I can judge upon peruſal of both, it is the very ſame hand, in which this ſpeech was written. But what ſaid Mr. Aſhton to the jury to clear this matter? He ſaith, fol. 129, that 'his hand was not proved to any of the papers, and therefore there was nothing but ſuppoſition, or ſuſpicion againſt him.' It is true, there was no direct and plain proof of the hand, as there was in the caſe of my lord Preſton, and it is a wonder it was omitted, for that would have been plain proof of his 'knowing what was in thoſe papers.'

"However all the other circumſtances put together were a ſufficient proof of his privity to the contents of them. And I wonder how Mr. Aſhton could ſo confidently in his paper 'declare himſelf innocent as to the matter, for which he was ſentenced to die;' when he knew the paper was of his own hand-writing, and plain proof hath been ſince made of his own delivery of it to a third perſon. Can a man be innocent and guilty of the ſame thing?

"The only thing to be taken notice of, which remains, is a reflection on the government for his 'cloſe impriſonment, and the haſty and violent proceedings againſt him.' If there were any thing more than uſual in ſuch caſes, as to his impriſonment, he ought to have mentioned the particulars; for otherwiſe it is to arraign the common juſtice of the nation. As to the haſty and violent proceedings of his trial, it was then told him, that the greateſt advantage he had was in putting off his trial; for by that he knew how 'to lay the papers on my lord Preſton;' which yet could not clear him as to thoſe papers, which were not written with my lord's hand, nor related any ways to him; but one of them was written with his own hand."

[i] During the king's abſence, ſir Robert Cotton of Cambridgeſhire, and Mr. Thomas Frankland were made poſt-maſters general in the room of major Wildman, who was removed by the queen. And ſir Edward Villiers was on the 20th of March, created baron Villiers of Hoo, and viſcount Villiers of Hartford in Kent. He was maſter of the horſe to the queen.

[k] This gave great occaſion to a pamphlet, printed, May 1691, intitled, 'A vindication of their majeſties authority to fill the ſees of the deprived biſhops; in a letter out of the country, occaſioned by Dr. B————'s refuſal of the biſhopric of Bath and Wells. It was afterwards re-printed in 'the collection of ſtate tracts publiſhed on occaſion of the late revolution in 1688, and during the reign of king William III. The author of this piece begins with obſerving, that Dr. Beveridge's refuſal had occaſioned great talk, and different cenſures, as men were divided in their intereſts and opinions; and that though he could eaſily apprehend ſeveral reaſons, which might move wiſe and good men, where there were no greater and more preſſing obligations to the contrary, rather to chooſe an eccleſiaſtical preferment void by death or ceſſion, than by deprivation; yet 'our preſent circumſtances, ſays he, are ſuch, as ought to over-rule all niceties, the miſchief of ſuch a refuſal being ſo intolerable, as nothing can excuſe, much leſs juſtify it, but the abſolute

men, who were in the church. And it was visible, that in all these nominations, and the filling the inferior dignities, which became void by their promotions, no ambition nor court-favour had appeared, but on the contrary men were sought for, and brought out of their retirements, and most of them very much against their own inclinations. They were remarkable for their moderate principles and calm tempers: and their promotions were such a discovery of their majesties designs with relation to the church, that it served greatly to remove the jealousies, which some other steps the king had made, were beginning to raise in the whigs, and very much softened the ill humour, which was spread among them.

On the last day of April the king, in pursuance of his resolution to command in person the confederate army in Flanders, set out from Kensington, embarked at Harwich on the 2d of May, set sail with a fair wind for Holland, attended by a squadron of men of war under rear-admiral Rooke, landed the next day near Maesland Sluice, went from thence to Hounsleardick, and arrived the same evening at the Hague; where we shall leave him for a while, to see how his orders were executed in Ireland.

After both armies had gone into winter-quarters the preceding year, they remained quiet on both sides for a time; and though several designs were formed by each party against the other, yet no considerable action happened between them[1]. The greatest mischief done to the English was by the Irish

solute unlawfulness of succeeding in such preferments, while the deprived bishop lives; which would be very odd for them to pretend, who have submitted to the present government.' He then endeavours to shew, that friendship for the former incumbent is no good reason for refusing; and that such a refusal would give an unpardonable scandal both to the enemies and friends of the government, and to the government itself; and he states the doctor's case in this manner. 'He submitted to the government, and took the oath of allegiance as early as any man; and never, that I heard, had the least scruple about it; and yet this was the time to have been scrupulous, if he would have been so; for it seems a little of the latest, when he is become a sworn subject to king William and queen Mary, to question their authority to make a bishop: and if the former bishops were deprived, and new bishops made, by such an authority as he can swear allegiance to, I cannot understand, that it can be unlawful to accept a bishopric from the hands of those, whom he owns, by his swearing allegiance to them, to have authority to give it; for this is an authority, which belongs to the imperial crown of England. Besides this, Dr. B * * was one of those, who, by commission from the dean and chapter of Canterbury, hath exercised archiepiscopal authority, during the vacancy of the see by the deprivation of the archbishop, as it is expressed in the commission. And I take this to be altogether as unlawful (if either of them were unlawful) to seize upon the authority of the archbishop upon the account of his deprivation, as to take the character, and exercise the authority of a bishop in the see of a deprived bishop. To receive the consecration of a bishop, I suppose, is not the thing he accounts unlawful, nor to exercise the authority of a bishop; and, then there is nothing he can think unlawful but to exercise the authority of a bishop in the see of a deprived bishop. And it seems to me as unlawful for a presbyter to do this, as for a bishop to do it, unless a presbyter may do it without the revenues of the bishopric, but a bishop must not do it with them. But this can be no ecclesiastical scruple, as so great a canonist must needs know; for if the civil power cannot dispose of such temporal matters, it can do nothing.'

The author remarks, that in a Christian nation and government the church is incorporated into the state, and the sovereign power has a supremacy in all ecclesiastical causes; and that this supremacy, though it do not extend to the administration of holy offices or church censures, yet it reaches the persons and external jurisdiction of bishops and the other clergy, and the regulating and ordering the externals of religion; as the making and deposing bishops, when there is just cause for it, belongs to the supremacy; which authority was exercised by the Jewish kings over the high priest himself. That therefore, when a church is incorporated into the state, an offence against the state, is a just reason to depose a bishop from the exercise of his episcopal authority in such a state; especially if such a bishop wholly disowns the authority and government of the state, and refuses to submit to it. State Tracts I. 635—639.

[1] The most remarkable events, as well as the general state of Ireland, will appear from the following extracts of original letters written by Mr. John Pulteney, under secretary to the lord viscount Sidney, to sir William Colt, envoy extraordinary at Hanover.

SIR,

Whitehall, 24 February, 1690--1.

"Yesterday came in nine or ten mails, the last with letters of the 12th instant from Dublin. The news they bring is in substance that Tyrconnel arrived at Limerick about the 14th of January with three frigates and nine vessels laden with provisions, clothes, some arms and ammunition; but that notwithstanding the joy, which this supply occasioned among the Irish, the officers shew but melancholy countenances, looking upon themselves to be but in an ill condition. That since the repulse of the Irish at Fermoybridge, which they attacked the 24th of January last, and were beaten off with the loss of about twenty of their men, they had drawn together again about fourteen troops of horse and dragoons, and fifteen hundred foot, and moved towards Ballimagooly under the command of brigadier Carrol; and that thereupon major-general Tetteau having assembled about seven hundred horse and three hundred foot from Corke and the neighbouring garrisons, marched against the rebels, who would not stand an engagement, but upon the approach of our troops fled in great confusion towards Limerick. That since Tyrconnel's arrival the rebels had been likewise in motion towards Athlone, giving our troops an alarm, as if they intended to attack Mullingar, our principal garrison and magazine on that side; which occasioned the marching thither of colonel Foulke's regiment from Dublin. But the enemy stopped half way between Athlone and Mullingar at a place called Ballymore, and built there a small fort, which they will as soon quit, when our men think it worth their while to march thither. That the rapparees continue to commit great depredations in the country, and are very numerous; but that our parties often meet with them, and generally kill or take as many as they can come up with; and by the measures now taken it was to be hoped they would be soon reduced to a small number. Our parties had likewise had several rencounters with some of the enemy's formed troops with their usual success, killing divers of them, and taking some prisoners; but the particulars are not worth the mentioning here. That the [illegible] had put out two proclamations, one to prevent the robberies [illegible] of the soldiers; for which satisfaction is to be made out of [illegible] in the country, [illegible] according to [illegible] Johnston, [illegible] quires, or any [illegible] the army, and ascertaining all debts due to and from the said army, and examining all accounts of money whatsoever paid unto or disbursed by any person for the use of the army. That lieutenant-general Ginckle had likewise put out a declaration, wherein, after taking notice of the artifices made use of by the pensioners of France to delude the Irish, and to make them obstinate to their ruin, he declares, that an Irish Roman catholic gentleman, that came out of the enemy's quarters, upon humble application to their majesties, had been fully informed of the mercy and indulgence designed to such of the Irish army and inhabitants, as did submit to their government; but that he having been hitherto obstructed to make his message known, the said lieutenant-general had thought fit to take this way of making it public: that he had authority, and was ready to grant reasonable terms to them, who are willing to return to their duty, their majesties not desiring to oppress the Irish either by persecuting them for their religion, ruining them in their estates, or enslaving them in their liberties; their majesties having a greater regard to the preservation of the inhabitants of that kingdom, than to the just resentment, which their behaviour had deserved. Lastly, that the lords justices had held several consultations with lieutenant-general Ginckle, and the rest of the general officers, about the affairs of the army; and making the necessary preparations for an early campaign.'

Whitehall, 6. March, 1690-1.

'This day came in several letters by the common post, of the 3d instant, but all to private persons, and from one and the same hand, which is the mayor of Liverpool, who writes, that a master of a vessel from Dublin, put in there that day, reports, that on the 27th past there happened a very sharp engagement between our army and the rebels near Ballymore, in which we gave them an entire defeat, killing and taking prisoners between five and six thousand of them, and all their bag and bagage, with the loss of about two hundred on our side. That it was reported Sarsfield was mortally wounded; and that general Ginckle was brought to Dublin on Saturday night in a coach sorely wounded. This is the substance of the letters. There were other particulars, which I have omitted, because this account coming but after an odd manner, we must wait for a confirmation of it from a better hand.'

Whitehall, March 10. 1690-1.

'I have nothing to trouble you with this post, but to refer you to yesterday's Gazette, which you will receive from Mr. Le Pin; wherein you will find an account of a late engagement, with a defeat of the rebels in Ireland, which, though small in itself, yet will undoubtedly in its consequences prove very considerable, it being just upon the opening the campaign, and a fresh instance of their not daring to stand against an English force, though never so small. But to let you see, how little reason there is to apprehend any great danger from such an enemy, I cannot but take notice to you of a passage omitted in the Gazette, which is, that they had placed their palisadoes inwards; so that instead of hindering us from falling on them, they were a security to us from their breaking in upon our men. But I doubt not you will easily look upon this as an act of supererogation, or Irish understanding. In fine, that Sarsfield, this mighty hero, is highly dissatisfied; and that there are great factions and discontents amongst them upon the account of the French, and the great necessities and distresses they labour under, we have all the reason in the world to believe, from the frequent accounts we have from deserters and prisoners daily taken from them.'

Whitehall, March 13. 1690-1.

'This day came in letters from Dublin of the 7th instant, which say, that brigadier Stuart from his quarters near Beltarbat went out lately with a party of about seven hundred men towards James town, seventeen miles into the enemy's quarters, upon notice, that two regiments of the rebels were incamped there with fifteen hundred rapparees, and a very great prey of cattle; and that it not been for one of the protected Irish, who gave notice so early of our motion, that colonel Clifford had time enough to join two other regiments, one of horse, and another of dragoons, to their party, we had so surprized them, as in all probability had given them there a greater defeat than the other we lately did near Athlone, whereof the last Gazette gave you an account, and taken their cattle too. But the enemy, though above four times our number, flying before our men, as they came near them, little execution was done, our party killing only nine or ten of the enemy in their flight, without any loss on our side: That the lord justice Coningsby, who has been very ill of a fever, is now upon his recovery: That the Irish give no alarms, nor seem to be in a posture to do it: That a cornet and eight troopers, deserters, who came over from the rebels the day these letters bear date, report the consternation was so great at Athlone, that they shut the gates upon them, and left all to our mercy, and many of them perished: That, pursuant to the king's orders, the regiment of Derry foot commanded by colonel White, colonel Russel's regiment of horse, six troops of colonel Wooseley's regiment of horse, and four troops of the earl of Oxford's regiment, are forthwith to be broke.'

Whitehall, 20. March 1690-1.

'Our last letters from Dublin are of the 15th instant, which bring no account of any particular action in those parts, but in general, that several protestants, and men of very good sense, who made their escape lately from Limerick, do report there are great discontents in that place: that the [illegible]

rapparees, who committed great cruelties and depredations, and then retreated to their bogs and faſtneſſes, where the regular forces could not reach them. Nor were the lords juſtices more ſucceſsful in their attempts to ſuppreſs them, either by offers of mercy to ſuch as ſhould ſubmit to their majeſties obedience, or by propoſing a reward for every head of a rapparee. But now the Engliſh army having taken the field about the beginning of June, the rapparees mixed themſelves with king James's forces, with whom they muſt wait the fortune of war. King William's forces being conſiderably augmented by the addition of thoſe troops, which under Mackay had compleated the reduction of the Scots Highlanders, lieutenant-general Ginckle, commanded in chief, and decamped from Mullingar, and next day came before Ballymore: the marquis de Ruvigny being ſent before with a detachment of horſe and dragoons to poſſeſs himſelf of a paſs between that place and Athlone. The batteries being raiſed, the general ſent a meſſage to colonel Burke, who commanded in the town, 'that if he and the garriſon would ſurrender within two hours, he would ſave their lives, and make them priſoners of war; if not, they were to expect no mercy.' To which the governor made an evaſive kind of anſwer, in hopes of obtaining better terms; but the cannon and bombs having made two breaches, the pontons being put into the water, and all things ready for ſtorming the place, it occaſioned ſo great a conſternation among the enemy, that the ſame evening the garriſon, which conſiſted of ſeven hundred and eighty men, beſides four field-officers, and two hundred and fifty-nine rapparees, laid down their arms, and ſubmitted at diſcretion.

The Engliſh having repaired the damage done to Ballymore, and put that town into a better condition for defence, they marched from thence on the 18th of June, and being joined the ſame day by the prince of Wirtemberg, encamped at Balymony's paſs, whilſt a ſtrong detachment of horſe advanced towards Athlone. On the 19th, very early in the morning, the vanguard marched from Balymony, and beat the enemy from ſeveral out-ditches of the Engliſh town of Athlone on this ſide the Shannon, and lodged themſelves there. The next day a battery of ten 18 pounders having ruined a baſtion near the water-ſide, looking towards Laneſborough, the general ordered an aſſault to be made; which was performed accordingly; and though the Iriſh made conſiderable reſiſtance, yet the Engliſh went on, and kept firing till they came to the breach, which a French captain of grenadiers firſt mounted, throwing his grenade, firing his piece, and ordering his men to do the ſame. His bravery ſo encouraged his party, that though he was killed in the action, yet the Iriſh were ſoon forced to quit their poſt, ſome retiring over the bridge to Connaught ſide, and the reſt leaping into the Shannon, where many were drowned.

After this ſucceſs, batteries were planted againſt the Iriſh town, which being finiſhed by the 22d, the cannon and mortars began to play very briſkly on the north-eaſt ſide of the caſtle, where it was weakeſt, and continued to do ſo the next day, when the pontons came up. The 25th was ſpent in raiſing batteries, one below, and another above the bridge, while a third was erected without the town-wall by the river-ſide, oppoſite to a baſtion, which the Iriſh had made on the other ſide the river. At the ſame time the general was contriving methods to march part of his army over the Shannon, at a ford towards Laneſborough; but that deſign being fruſtrated, he reſolved to force his way through Athlone, and therefore laboured hard to gain the bridge, wherein he found no ſmall difficulty. However, on the 27th in the evening, the Engliſh burnt the wooden breaſt-work, which the enemy had made on the other ſide of the broken arch; and the next morning had laid their beams over, and partly planked them; which a party of the beſieged endeavouring to deſtroy, they were all killed in the attempt. This did not deter another party of ten men from ſetting about the ſame work, which they reſolutely effected, throwing down the planks and beams into the river, notwithſtanding all the firing and ſkill of the Engliſh; which made the general reſolve to carry on the work by a cloſe gallery on the bridge, and to paſs the Shannon the next day; but they met with ſuch oppoſition, eſpecially by having their gallery burnt by the enemy, that the farther proſecution of the attack was deferred for that day. On the 30th a council of war being held, it was warmly debated, whether it were adviſeable to make another attempt, or to draw off. There were not wanting ſtrong reaſons for the latter; but the duke of Wirtemberg, the major-generals Mackay, Talmaſh, Ruvigny, and Tetteau, and colonel Cambon urged, 'That no brave action could be performed without hazard: that the attempt was like to be attended with ſucceſs;' and they proffered themſelves to be the firſt, who ſhould paſs the river, and attack the enemy. Their opinion having prevailed, the detachment drawn out the day before was ordered ſtill to be in readineſs, and the general gave command that they ſhould be brought down by ſix, the uſual hour of relieving the guards, that the enemy might not ſuſpect the deſign; which indeed they did not. All things being ready, the conjuncture favourable, and the ſignal given, captain Sandys and two lieutenants led the firſt party of ſixty grenadiers, all in armour, and twenty abreaſt, ſeconded by another ſtrong detachment of grenadiers, (which were to be ſupported by ſix battallions of foot) and with an unparallelled reſolution took the ford, that was a little to the left of the bridge, againſt a baſtion of the enemies, the ſtream being very rapid, and the paſſage very difficult by reaſon of ſome great ſtones, that were in the river. At the ſame time the Engliſh great and ſmall ſhot began to play from their batteries and works upon thoſe of the enemy on the other ſide, who fired as thick as poſſibly they could upon thoſe who paſſed the river. But at length theſe, by an incredible effort of bravery, forced their way through the enemy's bullets, fire and ſmoke, and having gained the oppoſite bank, the reſt laid planks over the broken part of the bridge, while the others were preparing the pontons. By this means the Engliſh paſſed over ſo faſt, that in leſs than half an hour they were maſters of the town, and poſſeſſed themſelves of the works, that remained entire towards the enemy's camp; the Iriſh being ſo amazed at the ſuddenneſs of the attack, and reſolution of the Engliſh, that they quickly abandoned the place, and fled to the army, though not without conſiderable loſs. The beſiegers had not above fifty men killed in this memorable action, which Mackay and Tetteau, and la Mellioniere conducted with great vigour, and to the good ſucceſs whereof Talmaſh, who went with the grenadiers as volunteer, the duke of Wirtemberg, count Naſſau, and brigadier Bellaſis, greatly contributed by their courage and preſence of mind. It would be difficult to ſhew in hiſtory ſo brave an enterprize, in which a fortified town was attacked acroſs a river by only three three thouſand men, in the face of the enemy's army, that were maſters of all the fords by the intrenchments, which they had caſt before them. And therefore it was but juſt, that general Ginckle ſhould entail on his family the honour of this atchievement by the title, which was afterwards beſtowed on him, of earl of Athlone.

ſum of money, that the lord Tyrconnel brought over with him from France, is applied to no other uſe than the works, and given to deſerters from us; of which ſort there are not any horſe or Engliſh, but of the Daniſh foot above two hundred are lately gone over thither, though they refuſe to take ſervice with the Iriſh, and are therefore to be tranſported to their own country: That the garriſon of Limerick has already begun to open the magazines of the laſt ſeaſon, the old being all ſpent: That they have no expectation of men from France, nor are they making any preparations for taking the field: That Sarsfield and Tyconnel do by no means agree together, the latter having ſent ſeveral times for Sarsfield to Limerick before he would go: That three Daniſh deſerters going towards the enemy were met by four deſerters coming from them; and the three being taken priſoners, and brought back to their quarters, were immediately executed: And, laſtly; that one Daily, a judge in the late king James's time, and others, have been ſecured upon ſuſpicion of deſigning to betray Galway into the Engliſh hands.

Whitehall, 27. March, 1691.

'We have had letters this morning of the 23d from Dublin, which ſay, that upon examination of the murder of colonel Foulke's men, though they had light enough to be verily perſuaded, that all the protected papiſts, who live near the place, where it was committed, were privy to the fact, or at leaſt well pleaſed with it, and that the whole kingdom over they are ready to do the like at the inſtigation of their prieſts that inſenſibly endeavour to weaken us; yet they had been only able to fix this murder upon one man, who was hanged, and at his execution owned, that he had buried them, but would not diſcover any of his accomplices; and on the 22d at night the lords juſtices were informed, that a conſiderable number of Iriſh deſigned to meet within two miles of Dublin, in order to ſome daring reſolution for the reſcue of their friends, who to the number of above eighty were priſoners there on that account; upon which a ſtrong party was ſent out to look after them, but they came back the next morning, without meeting any ſuch number of papiſts, as was mentioned in the information. The carriage of the protected papiſts, who on all occaſions ſhew their implacable hatred to the Engliſh, and contribute all they can to their diſturbance, will at laſt force the government to have recourſe to greater ſeverities than have yet been made uſe of. Theſe letters ſay likewiſe, that the French were ſending over ſome forces to make an attempt upon Cork and Kinſale; but it deſerves no credit, though this, I think, is taken for granted, that the French deſign thither another convoy of proviſions.'

Whitehall, April 3. 1691.

'While I am writing this, in come two packets from Dublin with letters of the 28th and 30th paſt, but without one word of news, except only the daily advantages the militia of that kingdom have over the rapparees, and the progreſs that has been made into the diſcovery of the perſons concerned in the murder of colonel Foulkes's ſoldiers, which is little more than what the Gazette has already given you an account of.'

This

St. Ruth, who commanded the French auxiliaries and the Iriſh army, did not, upon this occaſion, act ſuitable to the reputation, which he had formerly acquired. The Engliſh were no ſooner entered the river, but an expreſs was ſent to him from the town, to which he only made this anſwer, 'That it was impoſſible for the Engliſh to pretend to take a town, and he near with an army to ſuccour it; adding, That he would give a thouſand piſtoles they durſt attempt it.' Sarsfield replied, 'That he knew the enterprize was not too difficult for Engliſh courage to attempt; and therefore preſſed St. Ruth to ſend ſpeedy ſuccours to the town; which that general refuſing to do, and ſtill turning the undertaking to a jeſt, ſome warm expreſſions paſſed between him and Sarsfield, which bred a jealouſy amongſt them, that proved of fatal conſequence not long after. St. Ruth being ſoon convinced, that the Engliſh were in actual poſſeſſion of the place, ordered ſeveral detachments to drive them out again; but then he was ſenſible of a former overſight, in not leveling thoſe fortifications of Athlone, that were next his camp; for now the Engliſh uſed the enemies works againſt themſelves, ſo that they thought it adviſeable to decamp that very night.

General Ginckle having continued at Athlone till he had put it into a poſture of defence, marched on with his army and encamped along the river Suck upon Roſcommon ſide, which was a very good paſs, and which if the Iriſh had ſecured, they would have given the Engliſh a great deal of trouble. But they poſſeſſed themſelves of a far more advantageous poſt, for they lay on the other ſide of Aghrim caſtle, three miles beyond Ballinaſloe, and were extended from the church of Kilcommodon, on their right, to a church called Gourtnapori, about two miles in length. On their left run a rivulet, having ſteep hills and little bogs on each ſide; next to which was a large red bog almoſt a mile over, in the end of which ſtood the caſtle of Aghrim, commanding the way that led to their camp, paſſable for horſe no where but juſt at the caſtle, by reaſon of a ſmall river, which running through a moiſt ground made the whole a moraſs. This moraſs extended itſelf along to the right, where there was another paſs at Urachree, having a riſing ground on either ſide of it; and the Iriſh camp lay along the ridge of an hill, on the ſide of which ſtood two Daniſh forts about half a mile diſtance from the bog below, and this cut into many ſmall incloſures, which the Iriſh lined very thick with muſketeers, and managed a communication between them.—General Ginckle having viewed the enemy's camp, found it very difficult of acceſs; but conſidering that he was now advanced ſo far that he muſt either fight his way through, or retreat with loſs and diſgrace, ordered the army to march the next day towards the enemy. St. Ruth ſuppoſing by the countenance of the Engliſh, that they were reſolved to attack him, made a ſolemn ſpeech to the Iriſh, in which he told them, "How ſucceſsful he had been in ſuppreſſing hereſy in France, and bringing over a vaſt number of deluded ſouls into the boſom of the mother-church. That for this reaſon his maſter had made choice of him before others, to eſtabliſh the church in Ireland on ſuch a foundation, that it ſhould not henceforward be in the power of hell or heretics to diſturb it; and that all good Roman-catholics depended on their courage to ſee theſe glorious things effected. He confeſſed, that matters did not entirely anſwer his expectation ſince he came among them; but that ſtill all might be recovered. That he was informed, the prince of Orange's heretical army was reſolved to give them battle. That now or never was the time for them to recover their loſt honours, privileges, and eſtates of their anceſtors. That they ought now to remember, they were no mercenary ſoldiers; their all being at ſtake, and their deſign to reſtore a pious king to his throne, to propagate the holy faith, and extirpate hereſy. And laſtly, to animate their courage, he aſſured them of king James's love and gratitude, of Lewis the Great's protection, of himſelf to lead them on, of the church to pray for them, and of ſaints and angels to carry their ſouls into heaven." He cloſed his ſpeech with a ſtrict order, "to give quarter to none, eſpecially not to ſpare any of the French heretics in the prince of Orange's army."[m]

He took likewiſe the moſt effectual way poſſible to infuſe courage into the Iriſh, by ſending their prieſts about among them, to animate them by all the methods they could think of; and, as the moſt powerful of all, they made them ſwear on the ſacrament, that they would never forſake their colours.

On Sunday the 12th of July, the Engliſh army early in the morning prepared to advance towards the enemy; but the weather proving foggy, they moved not till about twelve o'clock, which was then done in as good order as the ground would permit. The general at the ſame time having viewed the poſture of the Iriſh, and ſeeing the neceſſity of making himſelf maſter of the paſs of Urachree, ſent a Daniſh captain with ſome horſe to force it; but they not ſucceeding, he ordered two hundred of Cunningham's dragoons to march to certain ditches nigh the ford, to keep the enemy from coming over, and in the mean time the Engliſh army marched forward. By this time it was two of the clock, and the general finding it neceſſary to gain that ford, and the other ways, that led to the right of the Iriſh camp, as the moſt proper means of attacking them, commanded Cunningham's dragoons at the ditch to advance towards a party of the enemy poſted on the other ſide; who upon their approach, with another party that ſuſtained them, all retired behind a hill nearer the camp, where was poſted a greater body. All theſe parties being ſtill reinforced by others, obliged the Engliſh dragoons to retreat; whereupon general Ginckle ordered Eppinger's dragoons to get between thoſe bodies and the enemy's camp. This motion was preſently diſcovered by the enemy, who had the advantage in pouring in ſo many men upon the Engliſh, that they would ſtill have been too hard for the dragoons, had they not been ſeconded by the earl of Portland's horſe, who behaved themſelves here with great bravery.

What was at firſt only a ſkirmiſh, had by this time engaged a conſiderable body on both ſides; yet the enemy retiring in ſome time brought the generals together to deliberate, whether it were not beſt to defer the battle till next morning; which was agreed on ſo far, that their tents were ordered to be ſent for. But when they perceived the enemy to be in ſome diſorder by what had already happened, it was reſolved not to delay the attack, leſt the enemy ſhould march off in the night, and ſo afford no more opportunities for a deciſive action: wherefore by the advice of Mackay, it was agreed to begin the fight on the enemy's right, thereby propoſing to draw part of their ſtrength from Aghrim caſtle, near to which their main body was poſted, that ſo the right wing of the Engliſh might have the eaſier paſſage over to attack their left; and then the whole Engliſh army might have the opportunity to engage, which was otherwiſe impoſſible. This advice had its deſired ſucceſs. About half an hour after four in the afternoon, a party of the Engliſh left wing moved towards the enemy, and by five the battle began. The ditches were ſtrongly guarded by Iriſh muſketeers, and their horſe advantageouſly poſted to ſuſtain them. And here the Iriſh behaved themſelves with undaunted courage, defending their poſts with unparallelled obſtinacy; nor would they ſtir from one ſide, till the Engliſh put their pieces over at the other; and then having lines of communication from one ditch to another, they would preſently poſt themſelves, and flank the Engliſh, which occaſioned great firing on both ſides, and continued on the left almoſt an hour and a half, before the centre and the right wing of the army began to engage.

In the mean time the Engliſh main army advanced, and Mackay and the reſt obſerving ſeveral bodies of the enemy's horſe and foot draw off from the left, and move towards their right, where the Engliſh preſſed them very hard, they laid hold of that advantage, and ordered the foot to march over the bog, which fronted the enemy's main battle. The regiments of Earle, Herbert, Creighton, and Brewer, going over the narroweſt place, where the hedges on the enemy's ſide ran fartheſt into the bog, they had orders to march to the loweſt of the ditches adjoining to the ſide of the bog, and there to poſt themſelves, till the horſe could come about by Aghrim caſtle, and ſuſtain them, and till the other foot had marched over the other bog below, where it was broader, and ſupported by Foulke's and Stewart's regiments. According to theſe orders, Earle's and the other three regiments advanced over the bog, moſt of them paſſing up to the middle in mud and water; and upon their near approach to the ditches, received the enemy's fire. But that did not hinder them from marching to the loweſt hedge, and to drive the Iriſh from thence, and ſoon from hedge to hedge, till they were got very near their main body.

On the other hand, the Iriſh had ſo well ordered the matter, that they had made an eaſy paſſage for their horſe among all thoſe hedges and ditches, by which means they poured

[m] This ſpeech was found afterwards amongſt the papers of his ſecretary, who was killed in the field.—Story's continuation of the wars in Ireland, p. 123.

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in great numbers, both of horſe and foot, upon the Engliſh; which colonel Earle obſerving, animated his men, by telling them, that now their ſafety lay wholly in their courage.—However, being now both flanked and fronted, and expoſed beſides to all the enemy's fire from the adjacent hedges, the Engliſh were forced to quit their ground, and retreat to the bog again with conſiderable loſs; and among others the colonels Earle and Herbert were taken priſoners; Earle, after being twice taken and retaken, got free at laſt; but Herbert was barbarouſly murdered, after quarter given by the Iriſh, when they ſaw he was likely to be reſcued.

While theſe things paſſed on this ſide, colonel St. John's, colonel Tiffin's, the lord George Hamilton's, the French proteſtants in the Engliſh ſervice, and ſeveral other regiments, were marching over below the bog, while the Iriſh lay ſo cloſe in their ditches, that ſeveral were doubtful, whether they had any men at that place or no. But no ſooner were the French refugees and the reſt got within twenty yards of the ditches, but the enemy fired moſt furiouſly upon them, which the other ſuſtained with intrepidity, ſtill preſſing forwards, though they could ſcarce ſee one another for ſmoke, which the wind blew towards them. The battle ſeemed doubtful for ſome time, but now there was reaſon to believe, that victory was leaning on the ſide of the Iriſh; for they had driven the foot in the centre ſo far back, that they were almoſt got into a line with the great guns, planted near the bog, of which the Engliſh had no benefit in that conjuncture, becauſe the Iriſh were intermixed with their own men.

While the infantry was thus engaged, Ruvigny's regiment of French horſe, which had formerly been the duke of Schomberg's, and ſir John Lanier's, being poſted on the right, Lanier's was afterwards drawn to the left, where they did very great ſervice; and the right wing of the Engliſh horſe were in the mean time making the beſt of their way to ſuccour the foot, being ſenſible of their extreme danger, and that all lay at ſtake. The cavalry, beſides the ſhowers of bullets from a body of the enemy's dragoons and foot, that were conveniently poſted under a covert place, was likewiſe obliged to preſs and tumble over a very dangerous paſs; but having bravely ſurmounted all theſe difficulties, they lodged themſelves at laſt in a dry ditch, in the hotteſt of the enemy's fire from Aghrim caſtle, and ſome old walls and hedges adjoining.

The Engliſh foot all this while laboured under very great diſadvantage in the centre; which Talmaſh obſerving haſtened to their relief with ſome freſh men, and gave orders to the broken regiments to halt and face about; which they immediately obeyed, and bravely charged the Iriſh, who had advanced upon them to the centre of the bog, killed above three hundred of them, before they could retreat out of it, and then marched boldly up to their old ground again, from whence they had been ſo lately beaten. At the ſame time Mackay had fallen upon the enemy with a good body of horſe on their left; and among the reſt a French regiment of horſe had forced a regiment of Iriſh Dragoons from an advantageous poſt, and put to flight Tyrconnel's horſe. Whereupon Ruvigny, at the head of the earl of Oxford's regiment of horſe, ſupported by his own, went along the ſide of the bog, and bore down all before him. And now the horſe and foot of the Engliſh right and the Iriſh left being mixed, there was nothing but a continued fire, and a very hot diſpute all along the line, the Iriſh with great reſolution endeavouring to maintain their ditches, and the Engliſh with no leſs bravery to beat them from thence. However, the fight was not much longer doubtful; for though St. Ruth, when he ſaw the Engliſh foot in the centre repulſed, in a bravado told thoſe about him, that he would now beat the Engliſh army to the gates of Dublin; yet ſeeing, with great ſurprize, the regiments of Oxford, Ruvigny, Langſton, and Bierly, together with Leviſon's dragoons, preſſing over towards the caſtle, he ordered a brigade of his own horſe from the right wing to march up to the left; then riding to one of his batteries, and giving orders to the gunners where to fire, and afterwards leading on ſome horſe towards the place, where he ſaw the Engliſh endeavour to go over, he was killed by a cannon-ball, as he rode down the hill of Kilcommodon, the place where the main ſtreſs of the battle was fought, being juſt under the Engliſh camp. His fall put his troops to a ſtand, and his guards drawing off with his corps, many of the reſt drew off alſo; Sarsfield, who ſhould have commanded them, (and who ſince the affair of Athlone, was upon the reſerve with St. Ruth) not knowing the order of battle. The Engliſh obſerving their diſorder, preſſed boldly on, and in a ſhort time drove the enemy to the top of Kilcommodon hill, where their camp had lain; whereupon they began to commit their ſafety to flight, the foot running full ſpeed towards a great bog behind them on their left, and the horſe on the high way towards Loughreagh.

While this was doing in the right wing and centre, thoſe who firſt engaged towards the left, bravely maintained their ground; and though the Iriſh once or twice made themſelves maſters of the chevaux de friſe, that covered the French foot, yet the French abſolutely regained them. However, little happened on that ſide for near two hours; neither did the Daniſh horſe and foot, that were on the left of all, diſturb the enemy as yet, but kept in awe ſeveral bodies of horſe and foot, that faced them on the other ſide of the rivulet. But then perceiving Mackay's battalions in the centre to drive the enemy before them, leſt thoſe bodies that faced them, ſhould fall back to the relief of the flying party, they engaged them very briſkly, and were at firſt received with great reſolution; but the Iriſh being upon the decline, they all fled out of the field, their foot being miſerably ſlaughtered by the Engliſh horſe and dragoons, and their horſe purſued nigh three miles. The night coming on with a thick miſty rain, prevented the Engliſh from getting between them and a very advantageous paſs near Loughreagh, which gave many of them an opportunity to eſcape. However it was computed, that there was no leſs than ſeven thouſand of the Iriſh ſlain upon the ſpot, and of the Engliſh ſix hundred killed, and nine hundred and ſixty wounded, which ſtill makes this victory the more conſiderable, ſince the Engliſh army did not make up above eighteen thouſand effective men; whereas the Iriſh were compoſed of twenty thouſand foot, and five thouſand horſe and dragoons. As for the honour of this great day, general Ginckle himſelf confeſſed, that it was principally owing to the conduct and bravery of monſieur Ruvigny, and to the Oxford and the French regiments of horſe.

The Engliſh lay upon their arms all night, and then after a few days refreſhment, the general marched to Galloway, the moſt conſiderable place now left in the hands of the Iriſh next to Limerick; and having poſted his forces before it, he ſent a ſummons to the garriſon. The lord Dillon, the governor, made anſwer, that monſieur D'Uſſon, who commanded in chief, as well as himſelf, and the reſt of the officers, were reſolved to defend the place to the laſt. But notwithſtanding this reſolution, the Engliſh had no ſooner marched part of the army over the river, and taken the fort, which the Iriſh were building, but the enemy beat a parley, and hoſtages were immediately exchanged. The Iriſh demurring upon the manner of ſurrendry, the general grew impatient, and ſent once or twice to them to come to a ſpeedy concluſion. At laſt lieutenant colonel Bourke, one of the Iriſh hoſtages, was permitted to go in, to whom Talmaſh, being, as was believed, inclined to lay the treaty aſide, and take the town by ſtorm, ſaid, "When they were ready to begin again, give us a ſign by firing a gun into the air." But the other replied, "That they would not fire a gun from within, till they were provoked from without." After ſome time the articles were agreed on, and the town delivered into the hands of the Engliſh. The conſequence of which was the ſubmiſſion of Balderick O'Donnel, with a conſiderable number of men under his command; and not long after the marching of the Engliſh army towards Limerick, which was the only place, that ſtood out, and where Tyrconnel died on the 14th of Auguſt. He had, with a particular view, ſtudied to divert the French from ſending over ſoldiers to Ireland, deſigning, in caſe of new misfortunes, to treat with king William, and to preſerve himſelf and his friends; and now he began to diſpoſe the Iriſh to think of treating, ſince they ſaw, that otherwiſe their ruin was inevitable. But as ſoon as this was ſuſpected, all the military men, who reſolved to give themſelves entirely up to the French intereſt, combined againſt him, and blaſted him as a feeble and falſe man, who was not to be truſted. This was carried ſo far, that, to avoid affronts, he was adviſed to leave the army. He ſtaid therefore all this ſummer at Limerick, where he died of grief, as was believed; but before he died, he adviſed all that came to him, not to let things go to extremities, but to accept of ſuch terms as could be got. And his words ſeemed to weigh more after his death, than in his life-time; for the Iriſh began generally to ſay, that they muſt take care of themſelves, and not be made ſacrifices to ſerve the ends of the French.

On the 25th of Auguſt the Engliſh army reached Limerick

rick, and the ſame day made themſelves maſters of Ireton's and Cromwell's forts, which were now ordered to be called Mackay's and Naſſau's, becauſe gained under thoſe commanders. Two days after Caſtle Connell and Caſtle-Carrick-a-Gunnell ſtanding upon the Shannon three miles below the town, were attacked, and the garriſon of both made priſoners of war. And at the ſame time ſome Engliſh ſhips coming up the river fired ſome ſhot among the Iriſh horſe, that were incamped near the banks; which very much ſurpriſed the enemy, who till then were made to believe, that either the Engliſh had no ſhips there, or elſe thoſe, which they had, would quickly be deſtroyed by the French fleet, which they hourly expected. But though the ſiege was vigorouſly carried on, and that in the mean time the Iriſh abandoned ſeveral ſmall places in the country, and brigadier Leviſon routed many of their parties in the county of Kerry; though the bombs did very great execution upon their camp and within the town, yet on the 17th of September it was warmly debated in a council of war, whether they ſhould proſecute the ſiege, or march over the river, to deſtroy all the enemy's forage in the county of Clare, and then turn the ſiege into a blockade. And it was ſo far carried for the latter, that an engineer was ordered to go with a detachment towards Kilmulock, and fortify that place. But before he got out of the camp, he was countermanded, and a great many paliſadoes were brought into Mackay's fort, as if the army intended to winter there. On the 19th it was reſolved to paſs the river with a great party, either to preſs the ſiege on that ſide, or at leaſt to burn the enemy's forage. The ſame day a battery was raiſed between Ireton's fort and the old church, to flank the Iriſh, in caſe of a ſally from St. John's gate; four mortars were brought from the great battery to Mackay's fort; that place being judged the fitteſt for bombarding, ſince the whole town lay in a line from thence; and orders were given, in caſe of an alarm from the Iriſh troops without, that every regiment ſhould ſtand to their poſts aſſigned them for that purpoſe. On the 22d General Ginckle, who was indefatigable in his buſineſs, paſſed the Shannon over a bridge of boats, with ſtrong detachments of horſe and dragoons, ten battalions of foot, and fourteen pieces of cannon, leaving Wirtemberg, Mackay, and Talmaſh to command on this ſide; and all that morning the enemy continually fired upon them from ſeveral batteries, but without any great harm. In the afternoon a party of Colonel Matthews's dragoons was vigorouſly attacked by a ſtronger detachment of the enemy, till the Engliſh foot coming up, the Iriſh retreated under their cannon. Then all the Engliſh grenadiers, ſuſtained by four regiments of foot, were commanded to aſſault the works, that covered Thomond bridge, being one fort to the right, above a muſket ſhot from the bridge, and another to the left ſomewhat nearer, beſides ſeveral other fortifications, wherein the enemy had poſted above two hundred men. The diſpute was hot and obſtinate for a while, and the attack extremely hazardous, the beſieged plying the aſſailants with their cannon from the King's caſtle, and two or three more batteries, with ſome ſmall ſhot from the wall. However, the Iriſh being undauntedly preſſed upon by the grenadiers, they abandoned their poſts. Upon which a ſtrong detachment was ſent from the town to ſupport them; but the Engliſh went on with that courage and firmneſs, that they beat the enemy notwithſtanding this reinforcement, and purſued them over the bridge to the town. A French major, who commanded at Thomond gate, fearing the Engliſh would enter the town with the runaways, ordered the bridge to be drawn up, and left the whole party expoſed to the fury of their purſuers, who killed ſix hundred of them, and made above one hundred and ſixty priſoners, beſides a great number that were puſhed into the Shannon [n].

Upon this the Engliſh lodged themſelves within ten yards of the bridge, notwithſtanding a high tower, that ſtood near the end of the bridge next to them; and the Iriſh finding now all communication cut off between them and their horſe, and deſpairing of the French ſuccours, began to think of giving up the town. For ſoon after the action colonel Wachop looking out of a tower, called to Scravenmore, and deſired leave to come and ſpeak with him, which was readily granted. After ſome diſcourſe, he deſired the ſame liberty for Sarsfield to ſpeak with Ruvigny; which was likewiſe allowed him, and accordingly both diſcourſed about terms for the ſurrender of the place, and towards evening they returned into the town. The next day Sarsfield and Wachop came out again, and deſired a ceſſation of arms for three days, till they could ſend to lieutenant-general Sheldon, who lay with about fifteen hundred horſe at Six-mile-bridge, in order that they might be included in the general capitulation, which was granted them; and the priſoners in the town were releaſed. On the 26th Sarsfield and Wachop dined with the general; and it being then agreed, that hoſtages ſhould be exchanged in order to a farther treaty, the lord Cutts, ſir David Collier, colonel Tiffin, and colonel Piper were ſent into the town, in the room of the lords Weſtmeath, Evagh, Timelſtown, and Lowth, who remained in the Engliſh camp. The next day the Iriſh ſent out their propoſals, but in ſuch extravagant terms, that general Ginckle was ſo far from granting them, that he returned anſwer, 'That though he was a ſtranger to the laws of England, yet he underſtood that what they inſiſted upon was ſo far contradictory to them, that he could not grant any ſuch thing,' and ſo ordered a new battery to be raiſed; but upon the requeſt of the Iriſh he ſent them twelve articles, which proved to be the ſum of the capitulation. The Iriſh, it ſeems, were ſet on by the French to inſiſt on very high demands, in hopes they would be rejected. But the king had given Ginckle ſecret directions, that he ſhould grant all the demands they could make, that would put an end to that war. This was the reaſon that the articles he ſent them were ſo favourable, that a capitulation was ſoon agreed upon to the great diſappointment of the French, and the no ſmall grief of ſome Engliſh, who hoped this war ſhould have ended in the total ruin of the Iriſh intereſt,

On the 1ſt of October the lords juſtices of Ireland arrived in the Engliſh camp; and after ſome farther conferences with the commiſſioners on the part of the garriſon, and their troops in the county of Clare, the articles for the ſurrender of the city of Limerick, and the caſtles of Roſs and Clare, with all other places and caſtles, that were ſtill in the hands of the Iriſh, were on the 3d of that month finally concluded. The Iriſh were all indemnified and reſtored to all they had enjoyed in king Charles's time. They were alſo admitted to all the privileges of ſubjects, upon their taking the oaths of allegiance, without being bound to take the oath of ſupremacy. Not only the French, but as many of the Iriſh as had a mind to go over to France, had free liberty and a ſafe tranſportation. But Ginckle receiving a letter from a lieutenant colonel in the Iriſh army, wherein he complained, that he was confined for refuſing to go into France, he reſented that violence to that degree, that he immediately ordered four guns to be planted upon Bolls-bridge, ſaying in ſome heat, 'That he would teach the Iriſh to play tricks with him.' Upon this Sarsfield came to the Engliſh camp, and ſome ſharp expreſſions paſſed between him and the general, Sarsfield ſaying at laſt, 'that he was in the general's power.' 'Not ſo, (replied Ginckle) but you ſhall go in again, and do the worſt you can.' However the affair was at laſt compoſed, and the priſoners inlarged; and as many of the Iriſh as were willing to go, were ſhipped off for France, to the number of about twelve thouſand, where, upon their arrival, they were welcomed by a letter from king James, directed to general Sheldon, then the officer in chief with them, the ſubſtance of which was; 'That having been informed of the neceſſities, which forced the lords juſtices, and the general officers of his forces, to ſurrender Limerick, and the other places, that remained to him in the kingdom of Ireland, he would not defer to let him know, and the reſt of the officers, that came along with him, that he was extremely ſatisfied with his and their conduct, and of the valour of his ſoldiers, but moſt particularly of his and their declaration and reſolution to come and ſerve where he was; aſſuring both him and the other officers and ſoldiers, that he ſhould never forget this act of loyalty, nor fail, when in a capacity, to give them, above others, particular marks of his favour. In the mean time he charged Sheldon to inform them, that they were to ſerve under his majeſty's command, and by his commiſſions; and that his brother, the king of France, had already given orders to cloath them, and furniſh them with all neceſſaries, and to give them quarters of refreſhment.'

[n] Among the priſoners was colonel James Skelton, (who died of his wounds,) in whoſe pockets was found a paper with a ſpear's head or wound drawn upon it, and theſe words round it. 'This is the meaſure of the wounds of the ſide of our Saviour Jeſus Chriſt, which was brought from Conſtantinople to the emperor Charmaine in a coffin of goulde, and is a moſt precious reliqie, to the end that he or ſhe that carried the ſame about him, no fire or water, no wind, tempeſt, knaife, launce or ſword, nor the divil cannot hurt him; and the woman with child the day ſhe ſeeth the ſame meaſure, ſhall not die a ſudden death, but ſhall be delivered by———and if any man carie the ſame about him with good devotion, ſhall have the honor and victory of his enemy, the day that any doth read the ſame, or hear it read, ſhall not die an evil death. Amen.' This was ſuppoſed to be the hand-writing of ſome ignorant Iriſh prieſt, and kept poſſibly by the colonel out of devotion. Story's Continuation of the wars in Ireland, p. 225.

Thus

Thus ended the Iriſh war by the ſurrender of Limerick, to the great reputation of general Ginckle, and with ſo much the more glory to the Engliſh, as the Iriſh were ſo powerfully ſupported by the king of France. And it is worth obſervation, that a fleet of men of war and ſtore-ſhips, which the French king had ſent to the relief of Limerick, arrived in Dingle bay but a day or two after the articles were ſigned. Theſe articles were punctually executed; and ſome doubts, that aroſe out of ſome ambiguous words, were explained in favour of the Iriſh; ſo earneſtly deſirous was the king to have all matters compoſed at home, that he might direct his whole force againſt the enemy abroad.

The Engliſh in Ireland, though none could ſuffer more by the continuance of the war than they did, yet were uneaſy, when they ſaw that the Iriſh had obtained ſuch good conditions; and ſome of the more violent among them, who were exaſperated with the wrongs, which had been done them, began to call in queſtion the legality of ſome of the articles. But the parliament of England did not think fit to enter upon that diſcuſſion; nor made they any motion towards violating the capitulation.

General Ginckle came over to England full of honour after ſo glorious a campaign. The parliament was ſo ſenſible of what he had done for the intereſt of the nation, that the houſe of commons ordered lord Caſtleton, ſir Henry Goodrick, and five other members, to thank him and his officers for their great ſervices in the reduction of Ireland. To which the baron replied, 'I acknowledge this diſtinguiſhing honour done me by the houſe of commons, and value it above a triumph. The ſucceſs of their majeſties arms in Ireland, was owing chiefly to the valour of the Engliſh; and I will take care to communicate the vote of the houſe to the officers that ſerved in Ireland, and always endeavour the proſperity of their majeſties and their government.' He was ſoon after made earl of Athlone and baron of Aghrim, and to ſupport his honours had a grant of lands in Ireland, of twenty-ſix thouſand four hundred and eighty acres, which was confirmed by the Iriſh parliament, but which however we ſhall ſee hereafter put into the report of the commiſſioners for the Iriſh forfeitures.

The city of London invited the new earl, with the duke of Wirtemberg, the generals Scravenmore, Lanier, Talmaſh, and Ruvigny, with moſt of the officers then in town, to dine with the lord mayor ſir Thomas Stamp, and entertained them with equal reſpect and magnificence. After all, it muſt be owned, that without detracting from Ginckle, a large ſhare of all that was done, was due to ſome of the general officers, particularly to Ruvigny (who was afterwards made earl of Galway) to Mackay and Talmaſh.

With regard to the affairs of Scotland, they were now brought to ſome temper. Many of the lords, who had been concerned in the late war, came up, and confeſſed and diſcovered all, and took out their pardons. They endeavoured to excuſe themſelves, by alledging, that they had apprehended themſelves to be expoſed to ruin; and that they dreaded the tyranny of preſbytery no leſs than they did popery; and they promiſed, that if the king would ſo balance matters, that the lord Melvil, and his party, ſhould not have it in their power to ruin them and their friends, and in particular, that they ſhould not turn out the miniſters of the epiſcopal perſuaſion, who were yet in office, nor force preſbyterians on them, they would engage in the king's intereſts faithfully and with zeal.

They likewiſe undertook to quiet the Highlanders, who ſtood out ſtill, and were robbing the country in parties; and engaged to the king, that if the epiſcopal clergy could be aſſured of his protection, they would all acknowledge and ſerve him. They did not deſire, that the king ſhould make any ſtep towards the changing of the government, that was ſettled in Scotland; but only requeſted, that epiſcopal miniſters might continue to ſerve in thoſe places, which liked them beſt; and that no man ſhould be brought into trouble for his opinion, as to the government of the church; and that ſuch epiſcopal men, as were willing to mix with the preſbyterians in their judicatories, ſhould be admitted, without any ſevere impoſition in point of opinion. This looked ſo fair, and agreed ſo well with the king's own ſenſe of things, that he very eaſily hearkened to it; though it afterwards appeared, that all this was an artifice of the jacobites to engage the king to diſguſt the preſbyterians, by loſing whom, or at leaſt rendering them remiſs in his ſervice, they reckoned they ſhould ſoon be maſters of that kingdom.

For that party reſolved now to come in generally to take the oaths; but in order to that, they ſent one to king James, to ſhew the neceſſity of it, and the ſervice, which they intended by it, and therefore aſked his leave to take them. That king's anſwer was more honeſt; he ſaid, that he could not conſent to that, which he thought unlawful; but if any of them took the oaths on deſign to ſerve him, and continued to advance his intereſts, it ſhould never be remembered againſt them.

The younger Dalrymple was now made ſecretary of ſtate in conjunction with the lord Melvill; and he undertook to bring in moſt of the jacobites into the king's ſervice; but they entered at the ſame time into a cloſe correſpondence with St. Germains. The truth was, that the preſbyterians, by their violence, and other abſurd practices, were rendering themſelves both odious and contemptible. They had formed a general aſſembly in the end of the former year, in which they very much expoſed themſelves by the weakneſs and peeviſhneſs of their conduct. Little learning or prudence appeared among them; poor preaching, and wretched haranguing, partialities to one another, and violence and injuſtice to thoſe, who differed from them, appeared in all their meetings. And theſe ſo much ſunk their reputation, that they were weaning the nation moſt effectually from all fondneſs to their government. But the falſhood of many, who, under a pretence of moderating matters, were really undermining the king's government, helped in the ſequel to preſerve the preſbyterians, as much as their own conduct did now alienate the king from them.

The events at ſea were not very conſiderable. For the fleets being now of almoſt equal ſtrength on both ſides, the French as cautiouſly avoiding a general engagement, as they eagerly ſought it the year before. Their deſign was to intercept the Engliſh Turkey fleet, which was exceedingly rich; for which purpoſe they hovered a long time about the Iriſh coaſt; and had ſailed from before Kinſale, but a few days, when the Smyrna fleet came all ſafe into that harbour, under a convoy of fourteen men of war, commanded by captain Aylmer, having been held back ſeven weeks by contrary winds in their paſſage from Cadiz. The Engliſh grand fleet all this while kept another courſe, for want of intelligence. But as ſoon as admiral Ruſſel was informed, that the Smyrna fleet was got into Kinſale, he ſteered thither from Cape Clear, and afterwards took all imaginable care, that they might be ſafely convoyed into their reſpective ports; and then ſtood over to Uſhant in queſt of the enemy, whom he underſtood to be returned that way to their own coaſts. The French had orders to avoid an engagement. And though for the ſpace of two months Ruſſel did all he could to come up with them, yet they ſtill kept at a diſtance, and ſailed off in the night.

The ſeaſon being over for action, Ruſſel came into Plymouth in a ſtorm, which was much cenſured, for that road is not ſafe, and the Coronation a ſecond rate, and the Warwick a third rate, were loſt upon the occaſion. Great factions were among the flag-officers, and no other ſervice was done by this great equipment, but that our trade was maintained.

Let us now return to the king, whom we left at the Hague. His majeſty being gone to Loo, diſpatched into Flanders count Solmes, and the earl of Marlborough, to prepare all things againſt his arrival there. Some few days after, the king put himſelf at the head of the confederate army, whither he was followed by the duke of Ormond, the marquis of Wincheſter, and the earl of Eſſex. The French had taken the field earlier than the confederates. Prince Waldeck had not got above eighteen thouſand men together, when Luxemburg with an army of forty thouſand men was marching to ſurpriſe Bruſſels; and at the ſame time the marquis de Boufflers, with another army, came up to Liege. Prince Waldeck poſted his army ſo well, that Luxemburg, believing it ſtronger than indeed it was, did not attempt to break through; in which it was thought he might have ſucceeded.

The king haſtened the reſt of the troops, and came himſelf to the army in good time, not only to cover Bruſſels, but to ſend a detachment to the relief of Liege, which had been bombarded for two days. A body of Germans, as well as that which the king ſent to them, came in time to ſupport thoſe of Liege, who were beginning to think of capitulating. Boufflers therefore drew off, and the French kept themſelves ſo cloſe in their poſts all the reſt of the campaign, that though the king made many motions to try, if it was poſſible,

to bring them to a battle, yet he could not do it°. Having therefore blown up the fortifications of Beaumont, a place which he had made himſelf maſter of, he marched the army towards Acth, from whence he departed the 7th of September for Loo, leaving the forces under the command of prince Waldeck.

The ſame day the confederate army marched from Irknowel to Leuze, and decamped again on the 9th in the morning, advancing towards Cambron; and about eleven o'clock the whole right wing, with the body of foot, and the greateſt part of the horſe of the left wing, had paſſed the little river and defile near Catoire. Luxemburg being informed of this motion, and encouraged by king William's abſence, advanced at the ſame time with the troops of the French king's houſhold, and a ſtrong detachment of his cavalry, making together fifty-five ſquadrons, his ſwift march not being diſcovered by reaſon of a great fog, and charged the rear guard of the allies with great fury. Count Tilly, who commanded in the rear, drew up his men as well as the ſuddenneſs of the attack would permit, and received the ſhock with great bravery, but was ſoon over-powered and put into diſorder. By this time ſeveral of thoſe, that had already paſſed the river, were brought back by the generals Overkirk and Opdam, and forming a ſecond line, gave an opportunity to the firſt to rally. Two battalions were likewiſe poſted behind the hedges adjoining to the defile, who much galled the enemy. Here the conflict was very fierce, till the ſecond line was alſo forced to give way before the enemy; but the cavalry being ſoon rallied by Overkirk, who ſignalized his conduct on this occaſion, the French, who were unwilling to puſh the action too far, for fear of the Dutch infantry, which was alſo marching up, retreated in ſome haſte and confuſion, contenting themſelves with having killed about a thouſand of the confederates, and amongſt them ſome men of great diſtinction, with the loſs of about half the number on their ſide P. And with this action the campaign ended in Flanders; during the courſe of which the king had ſeveral remarkable eſcapes, and particularly, that having once ſtood under a tree for a time, the enemy obſerving it, levelled a cannon ſo exactly, that the tree was ſhot down two minutes after the king was gone from the place. There had likewiſe been an attempt to blow up the artillery by one of the conductors of it. For at the firſt return of the army from Beaumont, on the 11th of Auguſt, about nine at night, two of the carriages belonging to the train of artillery, each laden with twenty-five bombs and a barrel of powder, took fire, by the blowing up of a bomb in each carriage; and in that, which was on the left the powder blew up, and ſet fire to two others, ſo it was amazing, that the whole train was not blown up. But monſieur Goullon, the colonel of it, and the reſt of the officers belonging to it, encouraged their men ſo effectually, that they all threw themſelves in the midſt of the flames, and drew out the two carriages from amongſt the reſt, notwithſtanding the barrel of powder had actually taken fire, and was almoſt ready to blow up, and ſo they put out the fire. If this attempt had ſucceeded, the confuſion, which was in all reaſon to be expected upon ſuch an accident, while the enemy was not above a league from them, drawn up, and looking for the ſucceſs of it, muſt have had terrible effects. For it cannot eaſily be imagined, how much miſchief might have followed upon it in the deſtruction of ſo many as would have periſhed immediately, if the whole magazine had taken fire, as well as in the panic, with which the reſt would have been ſtruck upon ſo ſhocking an accident. By the ſurprize of it the French might have had an opportunity of cutting off the whole army.

The Spaniards had already loſt in Flanders the important town of Mons; but they received a ſtill more ſenſible mortification nearer home. For the duke of Noailles, who commanded the French forces, advancing with part of his army to Belver, to make head againſt the Spaniſh troops, ſent the reſt under the command of lieutenant-general Chazeron to beſiege Urgell in Cardagne. Though the place was not altogether indefenſible, and had, beſides that, a garriſon of fifteen hundred men, and moſt of them diſciplined, yet they baſely ſurrendered it in a little time, and themſelves, both officers and ſoldiers, to be priſoners of war; only the militia were diſmiſſed home. Upon this the court of Madrid ſent ſeveral reinforcements to the duke of Medina Sidonia, vice-roy of Catalonia; however he could not hinder the French from fortifying Belver, nor make any other diverſion; for advancing to attack Prato Melo, moſt of his troops abandoned him. Nor did the Spaniards make a better figure at ſea than on land, ſince they could not prevent marſhal d'Eſtrees from bombarding Barcelona for three days together; which made a terrible deſolation in that city.

Nor were the arms of France leſs proſperous in Italy than Catalonia, at leaſt in the beginning of the campaign. Monſieur Catinat having taken the field early, with a deſign to make himſelf maſter of Nice, inveſted that place on the 3d of March; but before he proſecuted the ſiege in form, he thought fit to detach parties to ſummon Villa Franca, and the forts of St. Auſpice and Montalban, which ſurrendered without any reſiſtance. He met with almoſt the ſame good ſucceſs at Nice; for on the 16th the conſuls of the city ſent their deputies to him, who agreed at a certain hour, and upon a certain ſignal, to receive the French king's troops. The governor, upon notice of their deſign, attempted to make himſelf maſter of one of the gates, in order to prevent it's being put in execution; but the citizens being reſolved to ſecure their houſes from the bombs, immediately took arms, fired upon the governor's detachment, and delivered up the city to the French. The governor of the caſtle, enraged at

° As the proceedings of this campaign might perhaps be cenſured by thoſe who did not conſider the reaſon and circumſtances of things, it will be proper to ſubjoin here a vindication of his majeſty's conduct in it, from an original letter of Mr. John Pulteney, under ſecretary to the lord Sidney, written to ſir William Dutton Colt, envoy extraordinary at Hanover, and dated at the camp at St. Gerard the 27th of Auguſt 1691, N. S. 'It it plain, ſays he, that the French king finding our king intended to put himſelf at the head of the confederate army to be employed in thoſe parts, and knowing his natural temper to puſh, bent his greateſt ſtrength this way; and to give him what mortification he could, ſent a powerful army, little inferior to our's even in number, and conſiſting of the choiceſt of all his troops to oppoſe him; but with orders at the ſame time not to hazard a battle, if it could poſſibly be avoided. Notwithſtanding which our king marches forward, and paſſing the Sambre, breaks in upon their conqueſts, and tries all means poſſible to draw them to a battle, which they ſtill avoid; and any body, who knows this country, and the art of war, as now practiſed, muſt needs own, that it is impoſſible to force them to a battle, without the greateſt diſadvantage and hazard imaginable.

'Wherefore having thus dared them to fight, and ſubſiſted hitherto upon the ſpoils of their conqueſts, the country being near waſted and eat up, it is no wonder, if we are now obliged to draw off, and cloſe the campaign without action. To beſiege ſome town of theirs, that way to provoke them to a battle, was what the king very much endeavoured; but the want of magazines, and ſome neighbouring garriſons to ſupply us with proviſions, Mons being loſt, and the country round about thoſe towns, which lay moſt convenient to be attacked, quite waſted, made it impracticable to be done. Nor will you wonder at the politics of our enemy in avoiding a battle, ſince the loſs of one on their ſide would have laid all Champagne, and conſequently their whole country, up to the very walls of Paris, open to us.'

In another letter, dated at the camp at Enghien, Sept. 10, 1691, N. S. he writes thus to ſir William Dutton Colt. 'Laſt Friday morning we marched from Meſlé, and encamped that night at Bois Seignior Iſaac.—The next day we continued our march, intending to have encamped that night at Hautecroye, with a deſign to have fallen upon the enemy the next day, in caſe they had lain ſtill where we heard they then were. But in our march thither we were informed, that the French were likewiſe on theirs towards Nmove; ſo that we ſhortened our march, and encamped that night at Lembeck near Halle. The French marched that day above eight leagues in the greateſt diſorder and hurry imaginable, being under an apprehenſion (as ſome deſerters and priſoners tell us) leſt we ſhould attack them. And yeſterday we heard they had paſſed the Deindre near Grammont. Whereupon the king finding they would not ſtand, reſolved to give over the chace, and to have gone from the army as to morrow morning for Loo, ſeveral of his majeſty's train being already gone before. But at night thoſe meaſures were altered, and this morning early we marched from Lembeck, and encamped at this place.—We have carried two great points here againſt the French this campaign, though we have had no battle; and that is, to drive them before us, as we have moſt apparently done; and the other, to deſtroy the forage ſo much, that they will not be able to play the ſame trick next ſpring, as they did the laſt, for want of magazines. For laſt ſummer, after the battle of Flerus, they had little or nothing elſe to do but to make them; whereas this year there is not enough left wherewithal to do it.'

P Biſhop Burnet gives the following account of this affair. 'When the time came of going into quarters, the king left the armies in prince Waldeck's hands, who was obſerved not to march off with that caution, that might have been expected from ſo old a captain. Luxemburg, upon that, drew out his horſe with the king's houſhold, deſigning to cut off his rear; and did, upon the firſt ſurprize, put them into ſome diſorder. But they made ſo good a ſtand, that, after a very hot action, the French marched off, and loſt more men on their ſide than we did. Auverquerque, commanded the body, that did this ſervice.'

Mr. John Pulteney, in a letter to ſir William Dutton Colt, dated at Loo, Sept. 14, 1691, O. S. writes thus: 'Yeſterday the king received an expreſs from prince Waldeck, giving an account, that on Tueſday laſt about nine or ten in the morning, as our army was paſſing the river at Catoire, in their march between Leuſe and Cambron, the right being got over, the French taking the advantage of a great miſt, (which hindered our paſſing over by three hours ſo ſoon as otherwiſe we ſhould have done) fell with ten thouſand horſe, amongſt which was the Maiſon de Roi, upon our rear-guards, and killed between four and five hundred men, but were, notwithſtanding that received ſo well by our men, that the French were at laſt forced to retire. There is not as yet any exact account of what particular perſons of note are killed on our ſide or the enemy's, though they pretend to name on our's the little prince d'Anhalt, count de Benthem, and the ſieur Riperca, captain of horſe, and major St. Felix killed or taken priſoners, beſides ſome others of leſs note.'

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the perfidiouſneſs of the burghers, endeavoured to fire their magazine, and played the cannon upon the convents and private houſes, notwithſtanding the threats of the French, that if he ſhot againſt the city, the garriſon ſhould have no quarter.

On the other hand the French made three attacks upon the caſtle, which were carried on with great vigour; and on the 20th one of their bombs ſet the powder-magazine on fire, which ſpread itſelf in a moment through all the caſtle, and blew up not only a good part of it, but killed above five hundred of the garriſon, and about fifty of the beſiegers in their trenches, by the pieces of ſtone and timber that were carried thither. This diſaſter, together with the French being maſters of the covered way, and ſecond incloſure, obliged the governor to capitulate, which he did on the 23d, and, after all, obtained honourable terms.

Immediately after the loſs of this important place, prince Eugene of Savoy went to Vienna to ſollicit ſuccours; and the duke of Savoy repaired incognito to Milan, to confer with the count de Fuenſalida, the governor, and haſten the departure of the troops of that duchy. But beſides the ſlowneſs of the Germans and Spaniards in aſſiſting the duke, another cauſe contributed very much to the ill condition of his affairs. King William and the ſtates of Holland allowed the duke the ſum of one hundred thouſand pounds a year, chiefly for the maintenance of ſeveral regiments of French refugees and Vaudois; which money was moſtly diverted to other uſes by thoſe, who had the management of the duke's affairs, and were in the French intereſt, and inveterate enemies to the proteſtants; ſo that the officers not receiving their full pay, the regiments were left incompleat, and the ſoldiers undiſciplined. To remedy theſe diſorders, and cauſe the war to be effectually carried on againſt France, king William thought proper to ſend duke Schomberg, the marquis de Miremont, monſieur d'Obercan, a Swiſs, and ſome other brave and experienced officers into Piedmont; but before they could reach Turin, the French had made ſuch a conſiderable progreſs, that few places were left in the duke of Savoy's hands beſides his capital. The ſummer was not far advanced, when Catinat made himſelf maſter of Villina; which encouraged him to undertake the ſiege of Carmagnola, a place ſeated in the marquiſate of Saluſſes, and not above nine miles diſtant from Turin. The trenches were opened on the 22d of May, and three attacks carried on with ſo much vigour, that the beſieged, finding themſelves incloſed on all ſides, and without hopes of relief, conſented to march out, the diſciplined men with their arms, the militia without, and to be conducted to Turin. This was no ſooner done, but the marquis de Feuquieres was commanded with a ſtrong detachment of horſe and foot to inveſt Coni, a place defended by nine baſtions and ſome outworks, but principally ſtrong by its ſituation on a ſteep craggy hill, and garriſoned by ſeven hundred Vaudois and French refugees, about five hundred of the militia of Mondovi, and ſome other troops commanded by the count de la Rovere. The duke of Savoy being informed of the enemy's deſign, ordered the regiment of Saluſſes, with ſome other troops, to the number of near three thouſand, to throw themſelves into the place; but Feuquieres having notice of their march, attacked them with great vigour, and being received with no leſs courage, many were killed on both ſides. The iſſue of this encounter was, that part of the relief entered the town, which was preſently inveſted by the French to the number of twelve thouſand men, who proſecuted the ſiege very vigorouſly.

Duke Schomberg arrived at Turin the 8th of June, where he found affairs in a moſt deſperate condition, and the minds of people under the deepeſt conſternation. Carmagnola had been lately taken; Coni was actually beſieged, and given for loſt; monſieur la Hoguette had forced the paſſages of the valley of Aoſta, which gave him entrance into the Verceillois, and the frontiers of the Milaneſe. And the duke of Savoy, inſtead of oppoſing the enemy's career, encamped with his ſmall army on the ſide of the hill of Montcallier, from whence he had the mortification to ſee his towns taken and his palace at Rivoli deſtroyed. Turin was under the apprehenſions of a bombardment, and the removal of the princeſſes, with the court, and all their moſt precious goods to Verceil, had ſtill increaſed the terror of the inhabitants. The emiſſaries of France ſaid aloud, that the duke would be diſpoſſeſſed of all his dominions this campaign: That the confederates entertained him with chimerical ſuccours; and that the king of England, who was his laſt reſource, ſent him only duke Schomberg, with a magnificent retinue, inſtead of real aſſiſtance; and that therefore the beſt way for him was to betake himſelf immediately to his moſt Chriſtian majeſty's mercy. Things being reduced to this extremity, duke Schomberg had a very difficult part to act, eſpecially at a court, and in a country, which he had never ſeen but in printed relations and maps. He therefore employed ſome time in making himſelf acquainted with both, and till then was very reſerved in ſpeaking his thoughts. The firſt thing he judged neceſſary to be done was to revive the drooping ſpirits of the people, by giving life and motion to the army, and ſhewing ſome vigour to the French. He adviſed the duke to order his infantry to deſcend to the foot of the hill, and to extend his horſe to the right between the hill and the Po; and made the colonels of the army ſenſible, that the beſt way to render both officers and ſoldiers briſk and active, was to ſend them often upon parties. And becauſe the French, being uſed to deſpiſe the duke of Savoy's troops, came and foraged even in ſight of his grand guard, Schomberg was of opinion to go and inſult them. Accordingly on the 12th of July the duke of Savoy with the general officers, and about three thouſand horſe, advanced towards the enemy's forage; but upon his approach the French retired, and Catinat did not think fit to ſuſtain his foragers, which might have occaſioned a general engagement. It happened the ſame day, that Schomberg having ſpoke high Dutch to a German officer in the duke's preſence, the duke ſaid, 'that he had once tried to learn that language, but was diſcouraged by the difficulty he found in it;' upon which Schomberg offering to teach him, 'No, my lord, replied he; it is the trade of war I deſign to learn of you.'

In the mean while, though the garriſon and inhabitants of Coni defended themſelves with great reſolution, yet it was not poſſible for them to hold out much longer. It was therefore high time to think of relieving a place the loſs of which muſt be attended with the total ruin of the duke's affairs. And how to do it with moſt ſafety and appearance of ſucceſs, was variouſly debated in a council of war, wherein Schomberg did not content himſelf with ſpeaking his advice, but gave it afterwards to the duke. His opinion was, that monſieur La Hoguette appeared in the valley of Aoſta, with no other deſign than to keep the confederates in ſuſpence, and thereby favour the ſiege of Coni: That as ſoon as the troops of the confederates ſhould begin to move, he would return into the Tarentoiſe: That the duke ought to run where the danger was moſt preſſing, leſt by endeavouring to remedy all, he ſhould remedy nothing: That after all, he could not do better than to fight Catinat, whoſe army was inferior, at leaſt in number, to that of the allies, Feuquieres having carried away ten or twelve thouſand men with him before Coni. That, at the worſt, the confederates could but be beaten, which was ſtill to be preferred before the loſs of Coni, and the reinforcement of Caſal; and that the French, if they ſhould have the advantage, would yet pay dear for their victory; and their army being conſiderably weakened by ſickneſs, deſertion, and their loſſes before Veilanne, Carmagnoli, and Coni, they would not think of any other enterprize that ſummer. The duke and prince Eugene gave ear to Schomberg's opinion; but the marquis De Legonez, lately made governor of Milan, and don Gaſpar Henriquez de Zara, oppoſed it with frivolous reaſons, not daring to ſpeak the true one; which was, that the war was maintained at the duke of Savoy's expence; and that as long as the French were kept out of the Milaneſe, it was policy in the Spaniards not to hazard a deciſive action. However the relieving Coni being of ſo great importance, it was reſolved, that an hundred mules laden with proviſions and ammunition ſhould be ſent thither, under the convoy of twenty two hundred horſe, commanded by prince Eugene. Accordingly that prince ſet out on the 16th of June in the night from the camp, and leaving the French army on the right, marched to the left along the hills, that terminate the plain, that he might reach Coni with leſs danger. The next day, the French made an aſſault upon the place, wherein they were repulſed with great loſs; and towards the evening prince Eugene reached Magliano, a place within ſeven miles of Coni, where he was reinforced by five or ſix thouſand of the militia of Mondovi. Of this Catinat had no ſooner notice, but he ſent an expreſs to monſieur Du Bulonde, who commanded at the ſiege, not to ſtir out of his lines, and to acquaint him farther, that two thouſand five hundred men were on their march to reinforce him, under the command of monſieur Sylveſtre, mareſchal de camp. However Bulonde thought it

convenient to raiſe the ſiege [q] on the 18th of June, and that with ſo much haſte and confuſion, that he left behind him two or three pieces of cannon, three mortars, good ſtore of bombs, powder, warlike utenſils, tents, and proviſions, beſides many of his ſick and wounded men, amongſt whom were five engineers. But, for his reward, he was no ſooner arrived at the camp, but Catinat had orders to put him under arreſt. The French loſt two thouſand five hundred before the place, the preſervation of which was principally owing to the bravery of the French proteſtants in garriſon there, and more particularly to the courage, vigilance, and conduct of colonel Julien, whoſe ſervices the duke of Savoy acknowledged with a preſent of a diamond ring of conſiderable value. The court of France was ſtruck with the utmoſt conſternation upon the news of the raiſing this ſiege, and Louvois himſelf was inconſolable; and going to the king to give an account of it with tears in his eyes, his majeſty anſwered him with great coolneſs, 'You are caſt down for a little matter. It is plainly ſeen, that you are too much uſed to good ſucceſs. For my part, who remember to have ſeen the Spaniſh troops in Paris, I am not ſo eaſily caſt down.'

Immediately after the raiſing the ſiege of Coni, the French troops under monſieur de la Hoguette, according to Schomberg's prediction, abandoned the valley of Aoſta; and Catinat, who was encamped near Carignan, retired with his army towards Villa nova d'Aſti, after having ſent Feuquieres with two thouſand foot, and one thouſand horſe to change the garriſon of Caſale. And if the Germans had come up, or the Spaniards been willing to fight, Schomberg would have prevented the reinforcement of that garriſon, which was already reduced to fifteen hundred men.

Some days after, duke Scomberg applied himſelf to the affairs relating to the forces in Engliſh and Dutch pay. Monſieur Vandermeer, appointed by king William to be their commiſſary and pay-maſter, and the ſeveral colonels, preſented their accounts to the duke, which he examined with great exactneſs, and afterwards made a particular inquiry into the behaviour of the inferior officers. Upon the whole matter, he found in thoſe regiments, not only a great remiſſneſs in the martial diſcipline, but likewiſe other irregularities; which being partly occaſioned by ill pay, the duke gave effectual orders to have that point remedied; and becauſe a captain of Loches's regiment had killed a ſuttler in a riot, and another captain led an infamous life, he cauſed them to be caſhiered. At the ſame time he ordered all the officers in Turin to repair immediately to their reſpective commands, and declared to them, that he expected, that his majeſty's ſervice ſhould be performed with the utmoſt ſtrictneſs of diſcipline. It was no wonder, that theſe troops were ſo diſorderly, there being no body to inſpect them beſides Vandermeer, a man generally hated and deſpiſed; and they would certainly have diſbanded themſelves this campaign, if it had not been for the duke of Schomberg's arrival.

The inglorious retreat of the French from before Coni, gained no ſmall reputation to the duke of Savoy's arms throughout all Italy, and had a particular influence on the reſolution of the conclave, at that time ſitting at Rome for the election of a new pope, in the room of Alexander VIII, who died on the the firſt of February. The affairs of Piedmont had kept that aſſembly in ſuſpence all that time, the Italians fearing to diſoblige the court of France, by filling the papal chair with a perſon in the intereſt of Spain. But the duke of Savoy's late ſucceſs, and the approach of the German ſuccours, raiſed the courage of the Italian cardinals, who, notwithſtanding the oppoſition of the cardinal D'Eſtres, a Frenchman, and his faction, concerted meaſures with the Spaniards and Imperialiſts, in order to get cardinal Pignatelli, a Neapolitan, elected pope [r]. The cardinals Cantelmi and Giudici managed the deſign with that addreſs, that when the French ſpoke of it to Giudici, he ſeemed very cool in the matter, as if he thought it could not ſucceed, ſince Pignatelli would be very unacceptable to the Spaniards, on account of the differences, which formerly happened between him and the viceroy of Naples. This ſtratagem had the deſired effect, and made the French more zealous for him. The Spaniards and Imperialiſts ſeeing the French engaged, concurred with all their voices, ſo that at the ſcrutiny of ſixty one voices, that compoſed the conclave, fifty-three were given for cardinal Pignatelli, who was accordingly choſen pope, being then ſeventy-ſix years and four months old. He poſſeſſed great dignities in the kingdom of Naples, and had been created cardinal in the year 1681, by Innocent XI, in memory of whom he took the name of Innocent XII, and of whoſe inclinations, intereſts, and maxims, he had been a long obſerver.

By this time the German ſuccours, to the number of eighteen thouſand horſe and foot, having joined the duke of Savoy; and the elector of Bavaria being arrived to command them, the French, who not long before threatened no leſs than to beſiege Turin itſelf, were obliged to repaſs the Po, and to ſend ſeveral expreſſes to court to ſolicit a reinforcement. The confederates, on the other hand, having vainly endeavoured to engage Catinat to a battle, bent their thoughts upon retaking ſome of the other places, which they had loſt in the beginning of the campaign. Accordingly prince Eugene inveſted Carmagnola on the 17th of September, and carried on the ſiege with ſo much vigour, that in eleven days the garriſon was forced to capitulate. And becauſe after the firſt taking of this place, the French did not punctually obſerve the articles in relation to the Vaudois, theſe took this opportunity to be revenged; and having waylaid them, took away their arms and part of their baggage. This being obſerved by the Germans, they came in for a ſhare of the booty, ſo that the French were entirely ſtript. Catinat made great complaints of this violation of the martial law; but the confederates anſwered, 'That they were ſorry ſuch things ſhould happen: but that he himſelf had ſet them the firſt example: however, that for the future they would prevent any ſuch diſorders, provided he would do the ſame.'

In the mean time the marquis d'Hocquincourt, with a body of French troops, having laid ſiege to Montmelian, made himſelf maſter of the town without much reſiſtance. But the caſtle ſtill holding out, it was reſolved by the confederates to ſend into Savoy eleven thouſand Spaniards, two thouſand of the refugees, and two thouſand of the duke of Savoy's troops, to the relief of that fortreſs. Theſe detachments were already marching by the valley of Aoſta, when they received counter-orders immediately to join the main army, the confederates having formed a deſign to attack Catinat in his intrenchments. But that enterprize not ſucceeding, the allies bent their arms againſt Carmagnola, which Catinat was ſo far from attempting to relieve, that having quitted Foſſano, Savillana, and Saluſſes, he retreated towards Pignerol, where he had ſtill the mortification to hear that the Vaudois, aſſiſted by the French refugees, had routed three thouſand men, whom he had detached to lay waſte their vallies. However, this did not hinder the council of France from reſolving upon the reduction of the caſtle of Montmelian, whither Catinat was ordered to repair with part of his army. This general arrived before the place on the 6th of November, and after a moſt vigorous ſiege, wherein they had to diſpute as well with the rigours of the ſeaſon, as with the deſperate defence of the garriſon, that fortreſs was at laſt, on the 2d of December, ſurrendered to the French upon honourable conditions; by which means they became entire maſters of all the dutchy of Savoy; the king of France all this while careſſing the princes and ſtates of Italy, by monſieur Cebenac his ambaſſador, leſt growing jealous of his ſucceſſes, they ſhould cloſe in with the confederates, and thereby increaſe the number of his enemies, who in theſe parts began to be too ſtrong for him. The loſs of Montmelian was chiefly imputed to Caraffa, who commanded the Imperial army, and was more intent on raiſing contributions, than in carrying on the war, and croſſed every good motion that was made. Duke Schomberg undertook to relieve the place, and was aſſured, that many proteſtants in Dauphiné, would come and join him. But Caraffa, and even the court of Turin, ſeemed to be more afraid of the ſtrength of hereſy,

[q] The marquis De la Fare, in his 'Memoires and Reflexions ſur les principaux Evenements du Regne de Louis XIV. l. 10.' ſeems to cenſure the attempting this ſiege, which he imputes to the orders of monſieur de Louvois againſt monſieur Catinat's judgment. 'Monſieur Catinat, ſays he, carried on the war in Piedmont with great conduct, courage, and ſucceſs. He won the battle of Staffardo; and it was none of his fault, that we did not afterwards attack and make ourſelves maſters of Turin. But the repeated orders of monſieur Louvois, his relation and benefactor, obliged him, againſt his will, in the latter ſeaſon, to order monſieur Bulonde to lay ſiege to Coni, which he was obliged ſoon after to raiſe. Neither the capacity of monſieur Catinat, which at laſt occaſioned him to be made marſhal of France, nor the voice of the people, were able to hinder the king from ſacrificing him to monſieur Chamillard.'

[r] Biſhop Burnet tells us, that the party of the zealots ſtood long firm to Barbarigo, who had the reputation of a ſaint, and ſeemed in all things to ſet cardinal Barromeo before him as a pattern. But they at laſt were perſuaded to conſent to the choice of Pignatelli, a Neapolitan, who, while he was archbiſhop of Naples, had ſome diſputes with the viceroy concerning the eccleſiaſtical immunities, which he aſſerted ſo highly, that he excommunicated ſome of the judges, who, as he thought, had invaded them. The Spaniards had ſeemed diſpleaſed at this; which recommended him to the French, that they alſo concurred to his elevation.

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than of the power of France; and choſe to let that important place fall into their hands, rather than ſuffer it to be relieved by thoſe, whom they did not like. When the duke of Savoy's army went into quarters, Caraffa obliged the neighbouring princes, and the ſtates of Genoa, to contribute to the ſubſiſtence of the Imperial army, threatening them otherwiſe with taking winter quarters among them; ſo that how ill ſoever he managed the duke of Savoy's concerns, he took care of his own. But upon the complaints made againſt him on all hands, he was recalled, and Caprara ſent to command in his room.

The campaign upon the Rhine was very inconſiderable this year, though on that ſide too the French were rather gainers. Their firſt deſign was to ſurprize the city of Mentz by a treacherous correſpondence, which they held in the place with one of the emperor's commiſſioners, Conſburg, a Weſtphalian; which being prevented by a timely diſcovery, they turned their arms againſt Algeſheim, a town five or ſix leagues from that city, which they carried after ſome reſiſtance, and then retired towards Creutſnach. On the other hand, the imperial army, commanded by the elector of Saxony, with the generals Caprara and Schoning under him, paſſed the Rhine not far from Manheim, where the French had entrenched themſelves, in order to prevent it. But though great things were expected from the Germans, they rather loſt than gained by paſſing that river; for the French, to divert them, croſſed the Rhine alſo at Philipſburg, which, after a warm conſultation in a council of war, obliged the Germans to follow them, though not with that diligence and ſucceſs, but that the others took the town of Portzheim, ſituate in the marquiſate of Baden Dourlach, on a neck of land, that gives entrance into the country of Wirtemberg, which the French had all along a deſign to put under contribution, and had never ſo fair a proſpect of effecting it as at this time. With the taking of this place, and another of leſs conſequence, beſides the ravaging of that part of Juliers, that belongs to the elector palatine, the French ended their campaign that way. And as for the Germans, the execution of their deſign was partly prevented by the death of the elector of Saxony, which happened on the 2d of September, in the 44th year of his age.

The emperor's affairs in Hungary went on ſucceſsfully this year, under the command of prince Lewis of Baden; though he committed an error, which had like to have proved fatal to him. His ſtores lay near him in great boats on the Danube; but upon ſome deſign he had made a motion off from that river; and of which the grand vizir took the advantage, and got into his camp between him and his ſtores; ſo that he muſt either ſtarve, or break through to come at his proviſions.

The Turks not having had time to fortify themſelves in their new camp, he attacked them with ſuch fury, that they were quite routed, and loſt their camp and cannon, and a great part of their army, the grand vizir himſelf being killed [s].

If the court of Vienna had really deſired a peace, they might have had it upon this victory, on very eaſy terms; but they reſolved to be maſters of all Tranſilvania; and, in order to that, undertook the ſiege of Great Waradin, which they were forced to turn into a blockade; ſo that it did not fall into their hands till the ſpring following. The emperor was led on by the prophecies, that aſſured him of conſtant conqueſts, and that he ſhould, in concluſion, arrive at Conſtantinople itſelf; ſo that the practices of thoſe, whom the French had gained about him, had but too much matter to work on in himſelf. Beſides, the news of the total reduction of Ireland, confirmed him in his reſolutions of carrying on the war in Hungary. It was reckoned, that England being now diſengaged at home, would, with the reſt of the proteſtant allies, be able to carry on the war with France. And the two chief paſſions in the emperor's mind being, his hatred of hereſy, and his hatred of France, it was ſaid, that thoſe about him, who ſerved the intereſts of that court, perſuaded him, that he was to let the war go on between France and thoſe he eſteemed heretics, ſince he would be a gainer, which ſide ſoever ſhould loſe; for either France would be humbled, or the heretics be exhauſted, while he ſhould extend his dominions, and conquer infidels. King William, on the other hand, had a ſort of regard and ſubmiſſion to the emperor, which he had to no other prince whatever; ſo that he did not preſs him, as many deſired he ſhould, to accept of a peace with the Turks, that ſo he might turn his whole force againſt France.

Flanders lay expoſed to great danger, where the feebleneſs of the Spaniſh government ſo exhauſted and weakened the whole country, that all the ſtrength of the confederate armies was ſcarce able to defend it. The Spaniards had offered to deliver it up to king William, either as he was king of England, or as he was ſtadtholder of the United Provinces. He knew the bigotry of the people ſo well, that he was convinced it was not poſſible to get them to ſubmit to a proteſtant government; but he propoſed the elector of Bavaria, who ſeemed to have much heat, and an ambition of ſignalizing himſelf in that country, which was then the chief ſcene of the war; and he could ſupport that government by the troops and treaſure, that he might draw out of his own electorate. Beſides, if he governed that country well, and acquired a fame in arms, that might give him a proſpect of ſucceeding to the crown of Spain, in the right of his electreſs, who, if the houſe of Bourbon was ſet aſide, was next in that ſucceſſion. The Spaniards agreed to this propoſal; but they would not make the firſt offer of it to that elector, nor would he aſk it; and it ſtuck for ſome time at this. But the court of Vienna adjuſted the matter, by making the propoſition, which the elector accepted; and was accordingly appointed governor, and the choice of him declared at Madrid in the council of ſtate; which put new life into thoſe oppreſſed and miſerable provinces.

This was the general ſtate of affairs when the king returned to Loo, where having ſpent almoſt two months in the diverſion of hunting, he came to the Hague to ſettle the operations of the war for the enſuing year, and then to return to England. The contrary winds, that detained him there, made him large amends, by bringing over Mr. Henry Furneſe with the agreeable news of the ſurrender of Limerick, for which the king beſtowed the honour of knighthood upon him; and on the 18th of October embarked in the Mary yatch, in the Maeſe, being attended by a ſquadron of men of war, under the command of ſir Cloudeſly Shovel, rear-admiral of the blue; and the next day ſafely landed at Margate, whence he immediately went to Kenſington.

The parliament, which was adjourned to the 31ſt of March, and from thence continued by ſeveral adjournments and prorogations to the 22d of October, being then met, the king made the following ſpeech to both houſes:

My lords and gentlemen,

"I Have appointed this meeting of the parliament as ſoon as ever the affairs abroad would admit of my return into England, that you might have the more time to

[s] The lord Paget, the Engliſh envoy extraordinary to the emperor, in a letter to ſir William Dutton Colt, envoy extraordinary at Hanover, dated at Vienna, 20th Auguſt, 1691, gives the following account of this victory.

'Though I have not leiſure to ſay ſo much as I would, yet I think myſelf obliged to tell you ſhortly, that though a peace with the Turk is not concluded, yet I believe it may now quickly be made. For upon the 19th inſtant prince Lewis fought their army, and beat them ſoundly. The firſt relation of the engagement was brought hither by the prince of Vaudemont, upon Friday the 24th imperfectly. That day the emperor had the particulars of it, which are, that the Turk has loſt twenty five thouſand of his beſt ſoldiers upon the place, beſides ſuch as were killed in the flight and retreat. Many of their moſt eſteemed officers, baſhaws, &c. loſt their lives, amongſt which the grand vizir, the ſeraſkier, the aga of the janiſſaries were the chief. The reſidue of the army is entirely broken; their faicks or great boats diſappear; their ſhattered troops have repaſſed the Save; and the garriſon left in Belgrade, which is not ſtrong, is in great conſternation. All the baggage is taken, and one hundred and fifty four field pieces of braſs, tents, proviſions, and in ſhort all they brought into the field either for ſubſiſtence or parade, is taken by prince Lewis of Baden, who, with his victorious army, (though very much weakened in the conflict, having loſt about eight thouſand good old ſoldiers, and many brave officers, amongſt whom general Souches, the prince of Aremberg, and the prince of Holſtein, killed, are the chief) the general hopes are yet, that the campaign will end in a peace with the Porte.'

In another letter dated at Vienna, Auguſt 23, Sept. 2, 1691, lord Paget writes thus:

'Our court has been ſo taken up with rejoicing for the late important victory in Hungary, that ſcarce any other buſineſs is talked of. And indeed it has mended matters very much on that ſide; and the grand vizir, ſeraſkier, and aga of the janiſſaries are ſaid to be of the number of the ſlain, beſides twenty five thouſand other Turks. On our part are reckoned eight thouſand killed, among whom a great many brave officers. But how all this may diſpoſe them to a peace, I am not yet able to ſay, ſince it is not known, who will ſucceed the grand vizir, if ſlain, and manage the Turkiſh affairs. Deſerters ſay, that they are in great confuſion, and the ſmall remains of their army, aſſembled near Belgrade; which place likewiſe is reported to be in no ſmall conſternation. Prince Lewis, to whoſe excellent conduct and perſonal valour much of the ſucceſs of this action is due, is ſince declared by the emperor, lieutenant-general.'

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conſider of the beſt and moſt effectual ways and means for the carrying on of the war againſt France this next year.

" I am willing to hope, that the good ſucceſs with which it hath pleaſed God to bleſs my arms in Ireland this ſummer, will not only be a great encouragement to you to proceed the more cheerfully in this work, but will be looked upon by you as an earneſt of future ſucceſſes, which your timely aſſiſtance to me, may by God's bleſſing, procure to us all. And as I do not doubt, but you will take care to pay the arrears of that army, which hath been ſo deſerving and ſo proſperons in the reducement of Ireland to a peaceable condition; ſo I do aſſure you, there ſhall no care be wanting on my part to keep that kingdom, as far as it is poſſible, from being burthenſome to England for the future.

" My lords and gentlemen,

" I do not doubt but you are all ſenſible, that it will be neceſſary, we ſhould have a ſtrong fleet next year, and as early at ſea, as we had this ſummer, and I muſt tell you that the great power of France will as neceſſarily require, that we ſhould maintain a very conſiderable army, ready upon all occaſions, not only to defend ourſelves from any inſult, but alſo to annoy the common enemy, where it may be moſt ſenſible to them. And I do not ſee how it is poſſible to do this with leſs than ſixty-five thouſand men.

" I ſhall only add, that by the vigour and diſpatch of your counſels and aſſiſtance to me in this ſeſſion of parliament, you have now an opportunity in your hands, which, if neglected, you can never reaſonably hope to ſee again, not only to eſtabliſh the future quiet and proſperity of theſe kingdoms, but the peace and ſecurity of all Europe."

Both houſes congratulated his majeſty upon his ſafe and happy return, after ſo many hazards, to which he had expoſed his perſon, and upon the ſucceſs of his arms in the reduction of Ireland; and aſſured him, that they would aſſiſt him to the utmoſt of their power in carrying on a vigorous war againſt France, in order to procure an honourable and laſting peace to his own dominions, and to ſecure his neighbours from the injuries and invaſions of the common oppreſſor. Addreſſes were alſo preſented to the queen, to acknowledge her prudent care in the adminiſtration of the government during the king's abſence.

Notwithſtanding theſe profeſſions of the parliament, it ſoon appeared, that a party was avowedly formed againſt the government. They durſt not own it before, while the war in Ireland continued. But now, ſince that was at an end, they began to infuſe into all people, that there was no need of keeping up a great land army; and that the Engliſh ought only to aſſiſt their allies with ſome auxiliary troops, and increaſe their force at ſea. Many perſons, who did not underſtand the ſtate of foreign affairs, were drawn into this notion, not conſidering that if Flanders was loſt, Holland muſt ſubmit, and take the beſt terms they could get; and the conjunction of thoſe two great powers at ſea muſt ſoon ruin our trade, and in a little time ſubdue us entirely. But it was not eaſy to bring all people to apprehend this aright, and thoſe who had ill intentions, would not be beaten out of it, but covered worſe deſigns with this pretence. And this was ſtill kept up as a prejudice againſt the king and his government, that he loved to have a great army about him, and that when they were once modelled, he would never part with them, but govern in an arbitrary way, as ſoon as he had prepared his ſoldiers to ſerve his ends.

Another prejudice had more colour, and as bad effects. The king was thought to love the Dutch more than the Engliſh, to truſt more to them, and to admit them to more freedom with him. He gave too much occaſion to a general diſguſt, which was ſpread among the Engliſh officers and the nobility. He took little pains to gain the affections of the nation; nor did he conſtrain himſelf enough to render his government more acceptable. He was ſhut up all the day long; and his ſilence, when he admitted any to an audience, diſtaſted them as much, as if they had been denied it. The earl of Marlborough likewiſe thought, that the great ſervices which he had done, were not acknowledged nor rewarded as they well deſerved, and began to ſpeak like a man diſcontented. And the ſtrain of almoſt the whole nation was, that the Engliſh were overlooked, and the Dutch the only perſons favoured or truſted. This was national; and the Engliſh being too apt to deſpiſe other nations, and being of more lively tempers than the Dutch, grew to expreſs a contempt and an averſion for them, that went almoſt to a mutiny. It is true the Dutch behaved themſelves well, and regularly in their quarters, and paid for every thing punctually; whereas the Engliſh were apt to be rude and exacting, eſpecially thoſe, who were all this winter coming over from Ireland, who had been ſo long in an enemy's country, that they were not eaſily brought into order; ſo that the common people were generally better pleaſed with the Dutch ſoldiers, than with their own countrymen. But it was not the ſame as to the officers. Theſe ſeeds of diſcontent were carefully managed by the enemies of the government; and by this means matters went on heavily in the houſe of commons. The king was believed to be ſo tender in every point, that ſeemed to relate to his prerogative, that he could not well bear any thing, that was a diminution of it; and he was ſaid to have taken a diſlike and miſtruſt of all thoſe, whoſe notions leaned to public liberty, though thoſe were the very perſons, who were firmeſt to him, and the moſt zealous for him. The men, whoſe notions of the prerogative were the higheſt, were ſuſpected to be jacobites; yet it was obſerved, that many of theſe were much courted, and put into employments, in which they ſhewed ſo little affection to the government, and ſo cloſe a correſpondence with its profeſſed enemies, that it was generally believed they intended to betray it. The blame of employing theſe men was caſt upon the earl of Nottingham, who, as the whigs ſaid, infuſed into the king jealouſies of his beſt friends, and inclined him to court ſome of his bittereſt enemies.

The earls of Rocheſter and Ranelagh were made Privy-councillors. The earl of Rocheſter was reckoned a man of parts, and to have had a good pen, but did not ſpeak gracefully. When he came into buſineſs, and roſe to high poſts, he grew violent, but was thought incorrupt. He had high notions of government, which he thought muſt be maintained with ſeverity. He delivered up his own notions to his party, that he might lead them. He was one of the commiſſioners of the treaſury in the reign of king Charles II. and afterwards lord preſident of the council; but growing weary of a place which procured him neither confidence nor dependance, he was, by the duke of York's intereſt, made lord lieutenant of Ireland. At king James's acceſſion he was made lord-treaſurer, and was one of the eccleſiaſtical commiſſioners. Soon after, for refuſing to turn catholic, he loſt the white ſtaff, and had a penſion of four thouſand pounds a year for his own and ſon's life, beſides two valuable grants. He was one of the managers for a regency in oppoſition to thoſe who were for a king. Queen Mary was ſo poſſeſſed againſt him at firſt, that he in vain endeavoured to recover her favour. But at laſt, by means of biſhop Burnet, the queen laid aſide her reſentment, and by degrees admitted him into a high meaſure of favour and confidence. The biſhop was quickly convinced of his error, for the earl went into an intereſt very different from what he imagined he would have purſued. He was for ſetting up notions of perſecution and violence, which he had promoted in king Charles's time, and talked againſt all favour of diſſenters, profeſſing himſelf an enemy to the preſent biſhops, and their methods of endeavouring to gain them by gentle uſage.

The earl of Ranelagh was a man of great parts, and as great vices. In king Charles's time the revenue of Ireland was in his management, and he was looked upon as one of the ableſt men that iſland had bred, capable of all affairs, even in the midſt of a looſe run of pleaſure and much riot. He had the art of pleaſing maſters of very different tempers and intereſts ſo much, that he continued above thirty years in great poſts. He had been pay-maſter of the army in king James's time, and being fit for the poſt, he was continued in it all this reign. He was likewiſe among thoſe that had voted for a regency.

The taking off parliament-men who complained of grievances, by places and penſions, was believed to be now very generally practiſed. Sir Edward Seymour, who had in a very injurious manner, not only oppoſed every thing, but had reflected on the king's title and conduct, was this winter, to the great mortification of the whigs, brought into the treaſury and the cabinet council. He was a man of great birth, being the elder branch of the Seymour family, and was a graceful man, bold and quick. He had a ſort of pride peculiar to himſelf, and had with it neither ſhame nor decency. He was in king Charles's time the moſt aſſuming

ſpeaker

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ſpeaker that ever ſate in the chair. He knew the houſe and every member in it ſo well, that by looking about he could tell the fate of any queſtion, and accordingly managed matters.

The ſupplies granted for the ſervice of the next year amounted in all to three millions, four hundred and eleven thouſand, ſix hundred and ſeventy-five pounds, for the fleet and army.[t] But the diſpatch of theſe ſupplies was retarded by ſeveral incidental affairs this ſeſſion; particularly the ſettling the conditions on which the charter of the Eaſt-India company was to be confirmed, which took up much time.[u] The amuſement alſo given to both houſes by one William Fuller, was another cauſe of delay to the ſupplies.

The conſpiracy of the papiſts in Lancaſhire to raiſe a rebellion in the kingdom, in order to re-inthrone king James, was atteſted by ſeveral witneſſes, which the Jacobites were ſo dextrous as to take off either by fair or violent means; but nevertheleſs their ſiniſter deſigns being confirmed by the papers taken with the lord viſcount Preſton, and ſeveral other circumſtances, which amounted to a moral demonſtration, ſome perſons of note were ſeized, and ſearch made after others; which brought the buſineſs to be examined before the commons.

At this juncture Fuller, who was then a priſoner in the king's-bench, ſet up for an evidence, and at his own deſire was brought to the bar of the commons, where he produced ſeveral papers, which were peruſed by the houſe; and, according to his prayer, it was reſolved, "that an application be made to his majeſty, that he would pleaſe to give to Mr. Fuller a blank paſs for two perſons, for their ſafe coming from beyond ſea, or any other place, hither, to give their evidence, for their protection, while they were here, and for their ſafe return, if deſired." About ſix weeks after Fuller was ordered to attend the houſe of commons, with the perſons mentioned by him; but he pretending to be ſick, and not able to come abroad, ſeveral members were ordered to repair to him, to ſecure his papers, and to take his information upon oath. The next day Fuller's examination was preſented to the houſe, and read; and he mentioning Mr. James Hayes and colonel Thomas Delaval to be the two witneſſes, which he had informed the houſe of, ſeveral members, attended by meſſengers, were ordered to go to the places directed by Fuller, and bring the ſaid perſons with them. They went, but found no ſuch perſons as had been deſcribed to them; whereupon Fuller was ordered to produce them himſelf, and alſo one Jones; which he not being able to do, the commons unanimouſly declared, "that William Fuller is a notorious impoſtor, a cheat, and a falſe accuſer, having ſcandalized their majeſties and their government, abuſed this houſe, and falſely accuſed ſeveral perſons of honour and quality." And they further reſolved, "that an addreſs be preſented to his majeſty, to command his attorney-general to proſecute the ſaid impoſtor." Fuller was accordingly proſecuted, and ſentenced to ſtand in the pillory; which ignominy he underwent without the leaſt modeſty or concern.

The warm diſpute between the two houſes, raiſed by the bill for regulating trials in caſes of high-treaſon, was a farther interruption of public buſineſs. This bill having been laid aſide by the lords in the preceding ſeſſion, was now again brought in and paſſed by the commons, and ſent to the lords for their concurrence, who added a clauſe to it, "that upon the trial of any peer or peereſs for treaſon or miſpriſion of treaſon, all the peers who have a right to ſit and vote in parliament, ſhould be duly ſummoned to attend twenty days at leaſt before the trial, and ſhould vote at the trial of ſuch peer or peereſs." As it had been the cuſtom for the lord ſteward, for the time being, to ſummon by his ſerjeant at arms a competent number only of peers, to be triers of peers, and as the lord ſteward was appointed by the king's commiſſion, the commons diſagreed to the clauſe, as thinking it an alteration in the conſtitution; which occaſioned ſeveral conferences between the managers of both houſes.[w] But the reſult of all was, that the lords inſiſted upon their clauſes, and the commons adhered to their diſagreement.

The commons having reſolved, that the miſcarriages of the fleet ſhould be inquired into, admiral Ruſſel preſented to the houſe the inſtructions given by the commiſſioners for executing the office of lord high admiral of England; a liſt of the ſhips, and an extract of ſeveral letters and orders touching the proceedings of the fleet during the laſt ſummer's expedition; all which were compared and examined with the copies of the ſeveral orders, that had been iſſued by the commiſſioners of the admiralty to the ſaid admiral, and a liſt of the ſhips, that had been loſt or damaged ſince the year 1688, delivered to the houſe of commons by the lord Falkland from the commiſſioners of the admiralty. And it appearing to the houſe, that in the whole matter the great fault lay upon the admiralty, a committee was appointed to receive their anſwer to the accuſation. The admiral being likewiſe aſked, how he came to lie at the Buoy in the Nore after the fleet was ready, and the wind fair for ſix days together? anſwered, that he did not think himſelf ſtrong enough to go out at firſt, ſince he could not ſail with above fifty ſhips, the Dutch refuſing to go to the blockade before Dunkirk (which was to be maintained) till their complement came

[t] For the fleet (including the ordnance and charge of building one dry and two wet docks at Portſmouth) was granted 1,575,898 l. and for the army of ſixty-four thouſand nine hundred and twenty-four men, 1,935,787 l. To raiſe theſe ſums, 1,651,702 l. was granted upon land; and for the remainder were paſſed an excite upon beer, ale, and other liquors, for one year, and a poll-tax, by which all perſons (except ſuch as received alms of the pariſh, poor houſe-keepers, and their children) were to pay twelve-pence quarterly for one year; all tradeſmen and artificers, having an eſtate of the clear yearly value of three hundred pounds, and upwards, ten ſhillings; all gentlemen or reputed gentlemen, having an eſtate of three hundred pounds or more, as alſo all clergymen and teachers, who had any eccleſiaſtical benefice or contribution to the value of eighty pounds per annum, or upwards, twenty ſhillings; every lord of parliament, either ſpiritual, or temporal the ſum of ten pounds; and all perſons, who refuſe to take the oaths to their majeſties, double the ſums charged by the reſpective heads.

[u] On the 27th of October ſeveral merchants, preſented a petition to the commons againſt the Eaſt-India company; and at the ſame time the Eaſt-India company put another petition in behalf of themſelves; the conſideration of both which was referred to a committee of the whole houſe. About a fortnight after the heads of the complaints againſt the Eaſt-India company were delivered to their governor: to which they having put in their anſwer, the ſame was communicated to the petitioners, and the Eaſt-India company ordered to make their defence on the 20th of November.

Not only the appointed day, but ſeveral others were ſpent in examining the accounts, which ſir Joſeph Horne, the governor of the Eaſt-India company, delivered in, as a ſtate of their ſtock and debts at home and abroad; and in conſidering ſeveral other petitions relating to the Eaſt-India trade, till at laſt the commons agreed to the following reſolutions, on the 17th of December, '1. That a ſum not leſs than 1,500,000 and not exceeding two millions, was a fund neceſſary to carry on the Eaſt-India trade in a joint ſtock. 2. That no one perſon ſhould have any ſhare in a joint ſtock for the Eaſt-India trade exceeding 5000 l. either in his own name, or any other in truſt for him. 3. That no perſon ſhould have above one vote in the ſaid company; and that each perſon who had 500 l. ſtock therein, ſhould have one vote. 4. That the company to trade to the Eaſt-Indies ſhould be obliged to export every year in their trade goods, being the growth and manufacture of this nation, to the value of 200,000 l. at leaſt. 5. That no private contracts ſhould be made, but all goods ſold at public ſales by inch of candle, except ſalt-petre for the uſe of the crown. 6. That the Eaſt-India company be obliged to ſell to the king yearly ſalt-petre refined (the refraction not exceeding four or five per cent. out of one hundred and twelve) five hundred tuns, at the rate of 30 l. per tun. 7. That no lot ſhould be put up at any ſales in the Eaſt-India company at one time, exceeding 500 l. 8. That no perſon ſhould be governor or deputy-governor of the company to trade to the Eaſt-Indies, who had leſs ſhare in the ſtock than 2000l. or committee-man, that had leſs than 1000l. 9. That the election of governor, deputy-governor, and committee for the company to trade to the Eaſt-Indies, be made every year. 10. That all dividends be made in money. 11. That no dividends be made, without leaving a ſufficient fund to pay all debts, and carry on the trade. 12. That a valuation of the ſtock be made every five years by the accomptant of the company upon oath, to be ſeen by all ſuch as are concerned therein. 13. That no ſhips, either with permiſſion or without, for the future, be allowed to go to the Eaſt-Indies, except only ſuch as ſhould be of a company, or be eſtabliſhed by act of parliament. 14. That no by-laws ſhould be binding to the company, but ſuch as were approved by a general court of adventurers, and were not repugnant to the laws of the land. 15. And laſtly, that the joint-ſtock of a company to trade to the Eaſt-Indies be for twenty-one years, and no longer.'

The next day the three following reſolutions were added to the reſt, viz. 'That all perſons now having above the ſum of 5000l. in the ſtock of the preſent Eaſt-India company, in their own or other perſons names, be obliged to ſell ſo much thereof, as ſhould exceed the ſaid ſum of 5000l. at the rate of 100l. for every hundred. That the members of the committee of the Eaſt-India company be obliged to give ſecurity to be approved of by the houſe, that the ſtock and eſtate they now had, ſhould be made good 749,000l. all debts paid. And, laſtly, that (ſecurity being firſt given) an humble addreſs be preſented to his majeſty, to incorporate the preſent Eaſt-India company by charter, according to the regulations agreed upon by the houſe, that the ſame might paſs into an act.' On the 23d of December, ſir Thomas Cooke, ſir William Langhorne, ſir Thomas Rawlinſon, and others, the committee of the Eaſt-India company, delivered in propoſals concerning the ſecurity to be given; which being diſapproved, the ſaid committee was ordered to produce the perſons they propoſed to be ſecurity; which being done accordingly on the 29th of December, the commons, after a long examination of the whole matter, approved of the ſecurity propoſed, and on the 8th of January appointed a committee to prepare and bring in a bill to eſtabliſh an Eaſt-India company, according to the regulations agreed upon by the houſe; but it came to nothing. On the contrary, ſeveral petitions being preſented againſt it, to which the Eaſt-India company did not give ſatisfactory anſwers, the commons addreſſed the king to diſſolve it, and grant a charter to a new company. The king's anſwer was, 'It is a motion of very great importance to the trade of this kingdom; I will conſider of it, and in a ſhort time give the commons a poſitive anſwer.' However, he was pleaſed to confer the honour of knighthood on ſir John Goldſborough, who was going to India in quality of the company's commiſſary-general.

[w] Charles Montague, afterwards earl of Halifax, diſtinguiſhed himſelf at the firſt conference as a manager for the commons. For the lords, were the duke of Bolton, the marquis of Halifax, the earls of Mulgrave, Rocheſter, Nottingham, Monmouth, and Stamford.

up; and that after the ſame was arrived, he then wanted proviſions. And he ſaid, that the reaſon why he ſtaid ſo long in Torbay after the wind ſerved to go out, was for want of orders from the admiralty, notwithſtanding he had ſent ſeveral times to their lordſhips for that purpoſe; it being one of the articles in his inſtructions, that whenever he came into port, he ſhould not ſtir out again but by orders from the admiralty.

On the 12th of November the commons were acquainted, that Mr. Bridges, a member of their houſe, could give an account of an information given him by a captain in their majeſties fleet, that ſir Ralph Delaval had lately taken a French boat going for Ireland, with papers of dangerous conſequence to the government. Whereupon Mr. Bridges was ordered to name the perſon; and he having named the lord Danby, a conference was deſired with the lords upon matters relating to the ſafety of the kingdom. Accordingly the lord Danby attending in his place in the houſe of lords, acquainted them, that he being on board ſir Ralph Delaval's ſhip, when the packet of papers was opened, which had been taken in the French prize, he ſaw, amongſt other papers, a copy of a letter from the earl of Nottingham to ſir Ralph. Whereupon being ordered by the houſe to put what he had then ſaid into writing, and to ſign it, he withdrew, and did the ſame accordingly. Preſently after a packet from ſir Ralph being brought to the earl of Nottingham, while he was in the houſe, he opened it before them, wherein were the papers taken in the ſaid prize; and ſir Ralph in his letter to his lordſhip ſaid the incloſed were all that were taken; which containing, as he thought, nothing of conſequence, he did not ſend them ſooner.

But the copy of the earl of Nottingham's letter not being amongſt them, lord Danby ſaid, there were not all the papers, he being confident he ſaw the abovementioned copy of the earl's letter; and named another captain of the ſaid ſquadron, who, as he believed, ſaw it as well as himſelf. Upon this ſir Ralph Delaval, (who had been ordered to attend the houſe of commons) the other captain, and the maſter of the French prize, were ordered to attend the houſe of lords.—But upon a full examination of the whole affair, it was found, that there was not a copy of any letter from the earl of Nottingham to ſir Ralph Delaval in the packet taken on board the French boat, but only a letter written by his lordſhip to ſir Ralph for ſending up the papers intercepted by him.—Upon this occaſion the commons took into their conſideration the confeſſion and examinations of the lord Preſton and Mr. Crone, which, according to their deſire, the king had ordered to be laid before the houſe.

About this time dr. James Welwood, a Scots phyſician, to ſignalize his affection to the government, employed his pen in detecting and expoſing the ſiniſter deſigns of their majeſties enemies in a weekly paper, intitled, Mercurius Reformatus, or, The New Obſervator. But his zeal having carried him ſo far as to reflect on the proceedings of the commons, that houſe, ever jealous of their privileges, ordered both the author and printer of the ſaid paper to be ſent for in cuſtody of their ſerjeant at arms; from whence they were at laſt diſcharged, after having been reprimanded for their offence. However, dr. Wellwood was fully recompenſed for the trouble and charge of his confinement, being ſoon after made one of the phyſicians in ordinary to his majeſty.[x]

[1691-2] About the middle of January many of the French proteſtants preſented a petition to the commons, praying the conſideration of that houſe in order to their relief. This petition having had but little effect, by reaſon of the multiplicity of affairs, that were depending in that houſe, thoſe diſtreſſed refugees applied themſelves to the king with their caſe in print, and their majeſties declaration of the 25th of April 1689, in their favour; both which the king commanded to be laid before the commons on the 17th of February.

A week after, the houſe conſidered his majeſty's meſſage, and the motion already made for a ſupply to be given towards the relief of the petitioners; but before they came to a reſolution, the king's affairs required their riſing, by a ſudden adjournment, which prevented the paſſing ſeveral bills, that were depending. Among theſe was a bill for aſcertaining the commiſſions and ſalaries of the judges, and to put it out of the king's power to ſtop them. The judges had their commiſſions, during their good behaviour; yet their ſalaries were not ſo ſecured to them, but that they were at the king's pleaſure. But the king put a ſtop to this, and refuſed to paſs the bill; for it was repreſented to him, by ſome of the judges themſelves, that it was not fit they ſhould be out of all dependance on the court; though it did not appear that there was any hurt in making judges, in all reſpects, free and independent.[y]

As the king was deſirous to be early in Holland, he came, on the 24th of February, to the houſe of peers, and paſſing ſeveral bills,[z] cloſed the ſeſſion with the following ſpeech to both houſes.

" My lords and gentlemen,

" I return my hearty thanks to you all for the great demonſtrations you have given me of your affections in this ſeſſion, and for your zeal for the ſupport of the government.

" And I muſt thank you, gentlemen of the houſe of commons in particular, for the great ſupplies you have granted for the proſecution of the war. I aſſure you, I ſhall take care ſo to diſpoſe of the money you have given me for the public occaſions, as that the whole nation may be entirely ſatisfied with the application of it.

My lords and gentlemen,

" I think it proper to acquaint you with my intentions of going beyond ſea very ſpeedily; which I am afraid have been already retarded more than is convenient for the preſent poſture of affairs. And upon that account I think it neceſſary to put an end to this preſent meeting, the ſeaſon of the year being now ſo very far advanced, that it may prove of the laſt ill conſequence to continue it any longer."

Then the parliament was adjourned to the 12th of April, and afterwards prorogued by proclamation to the 29th of May.

The moſt material acts paſſed this ſeſſion were as follow:

1. An act for explaining and ſupplying the defects of the former laws for the ſettlement of the poor. As the poor had been taken care of by the monaſteries, it was neceſſary, after their diſſolution, to make laws about them. Accordingly, by an act of the 43d of Eliz. overſeers of the poor were firſt eſtabliſhed, who were to ſet to work the children of ſuch as could not keep them, to bind them apprentices; a boy to the age of twenty-four, a girl to the age of twenty-one, and to raiſe money for a ſtock of hemp, flax, &c. to employ ſuch as had no means to employ themſelves, and for the relief of the lame, old, and blind, that could not work. This act was continued by the 3d and 16th of Car. I. and by the ſtatute

[x] Several other affairs amuſed the houſe of commons to little purpoſe, as a bill 'for regulating abuſes in elections and returns to parliament,' which was rejected on the 12th of December, without pleading; a bill 'for the better improvement of the woollen manufacture of this kingdom,' which was alſo thrown out before a ſecond reading; a bill 'for the better repair of the harbour of Dover,' which was likewiſe rejected; a bill 'to regulate the hackney-coaches;' another 'to diſcourage the exportation of bullion, and encourage the importation of it, and converting the ſame into the coin of this this realm;' and a third 'to encourage privateers,' wherein no progreſs was made.

[y] The other bills that were depending were as follow.

1. 'A bill for leſſening the intereſt of money,' which the commons had paſſed, and ſent up to the lords for their concurrence.
2. 'For diſabling minors to marry without the conſent of their fathers or guardians, and for preventing clandeſtine marriages,' which the lords had ſent down to the commons.
3. 'For the paying of the army according to the muſters of effective men, puniſhing mutineers and deſerters, and preventing falſe muſters;' to which the lords had made ſome amendments, that occaſioned great diſputes.
4. 'Againſt the buying and ſelling of offices.'
5. 'For the better apprehending of high-way men.'
6. 'To prevent frauds by clandeſtine mortgages.'
7. 'Againſt duelling.'

[z] Acts paſſed this ſeſſion were,

1. An act for abrogating the oath of ſupremacy in Ireland, and appointing other oaths. When the bill was ſent up to the lords, the earl of Nottingham alledged, that it was in ſome parts contrary to the articles of capitulation of Limerick; upon which ſome amendments were made, particularly, that the lawyers of Limerick ſhould not be comprehended in the bill. This occaſioned two conferences between the houſes, the reſult of which was, that the lords at laſt concurred to the bill without their alterations. Pulteney's MS. Letter to Colt. Nov. 17, 1691.
2. An act for taking away clergy from ſome offenders, and to bring others to puniſhment.
3. An act againſt deer-ſtealers.
4. An act for the better repairing the high-ways, and for ſettling the rates of the carriage of goods.
5. An act for relief of creditors againſt fraudulent deviſes.

We

of the 13th and 14th of Car. II. Any poor man coming to ſettle in a tenement under ten pounds a year, may be removed to the place of his laſt ſettlement within forty days. Now by this act of the 3d and 4th of Will. and Mar. the forty days continuance in a pariſh, intended by the 13th and 14th of Car. II. to make a ſettlement, ſhall be accounted from the publication of a notice in writing, which the poor perſon ſhall deliver, of the houſe of his abode, and the number of his family, to the church-warden or overſeer of the poor; which notice is to be read publicly in the church the next Sunday, and regiſtered in a book, under a forfeiture of forty ſhillings to the poor of the pariſh.

2. An act for the encouragement of the breeding and feeding of cattle. By this act from the 1ſt of March 1691, any perſon may export into any part of the world, all ſorts of beef, pork, butter, cheeſe, and candles, free from any impoſition whatſoever.

3. An act for the better aſcertaining the tythes of hemp and flax. As the ſowing of theſe is very beneficial to England, by reaſon of the multitude of people employed in manufacturing them, and as the manner of tything them is exceeding difficult, creating many chargeable and vexatious ſuits; by this act every acre ſown with hemp or flax, is to pay a ſum not exceeding four ſhillings, before the ſame be carried off the ground.

As to the honours and preferments during the laſt year, John George, elector of Saxony, and Charles earl of Dorſet and Middleſex, were made knights of the garter. The earl of Pembroke was made privy-ſeal, and his place of commiſſioner of the admiralty given to lord Cornwallis. The lord viſcount Sidney, one of the ſecretaries of ſtate, was made lord lieutenant of Ireland, ſir John Sommers was made attorney general in the room of ſir George Treby, advanced to the place of chief juſtice of the common-pleas. Sir Rowland Gwin was removed from the place of treaſurer of their majeſties chamber, for words reflecting on the lord viſcount Sidney[a]. The biſhoprick of Lincoln being vacant by the death of Dr. Barlow, was given to Dr. Thomas Tenniſon, who was recommended to the king for his exemplary piety, and moderation towards the diſſenters, whom the king ſtill endeavoured by all gentle methods, to bring over to the church[b].

Some changes were likewiſe made in Scotland, where affairs were put into another method. Lord Tweedale was made lord chancellor of that kingdom, lord Melvill appointed lord privy-ſeal, and moſt of his creatures were laid aſide. But ſeveral of thoſe who had been in Montgomery's plot, were brought into the council and miniſtry. Mr. Johnſton, who had been envoy extraordinary to the elector of Brandenburgh, was called home in February, and made joint-ſecretary of ſtate for that kingdom with the lord Stair. It began ſoon to appear there, how ill the king was adviſed, when he brought in ſome of the plotters into the chief poſts of that government. As this diſguſted the preſbyterians, ſo it was very viſible, that theſe pretended converts came into his ſervice, only to have it in their power to deliver up that kingdom to king James. They ſcarce diſguiſed their deſigns; ſo that the truſting ſuch men was aſtoniſhing to every body. The preſbyterians had very much offended the king; and their fury was inſtrumental in raiſing great jealouſies of him in England. He well foreſaw the ill effects, which this was like to have, and therefore recommended to the general aſſembly to receive the epiſcopal clergy, and to concur with them in the government of the church upon their deſiring to be admitted; and in caſe the aſſembly could not be brought to conſent to this, he ordered it to be diſſolved, without naming any other time or place of meeting. It was not very probable, that there could be any agreement, where both parties were ſo much inflamed one againſt another; and thoſe, who had the greateſt credit with both, ſtudied rather to exaſperate than to ſoften them. The epiſcopal party carried it high; they gave out that the king was now theirs; and that they

[a] We have a very particular account of this affair in the following letters of Mr. Warre, &c. to ſir William Dutton Colt, envoy extraordinary at Hanover.

From Mr. Warre.

Whitehall, April 1, 1692.

"Sir Rowland Gwin acquainted the queen, that my lord Sidney ſold all the places in Ireland. The queen was ſurprized at it, and having taken ſome notice of it to his lordſhip, he earneſtly prayed it might be examined; and ſir Rowland was ordered to attend the council yeſterday, that he might produce his proofs. But I do not hear of any he gave, either then or this morning at the cabinet council; ſo that he is now commanded to attend the council on Thurſday next; and it is not believed he will be able to give any tolerable reaſon for this accuſation; at leaſt hitherto he has not pretended to any more than ſome general reports, no better than coffee-houſe talk; and ſome ſuch excuſe perhaps he may make on Thurſday next."

From another letter of the ſame date.

"I told you in my laſt, that ſir Rowland Gwin had made himſelf an affair with my lord Sidney, of which I can give a fuller account. About ten or twelve days ago, ſir Rowland went to the queen, and pretending a mighty zeal for her ſervice, took upon him to inform her of a great abuſe and corruption in diſpoſing of employments and offices in Ireland, for that they were all ſold to thoſe, that had moſt. The queen aſked him, whether he had acquainted my lord lieutenant with what he told her, that he might inquire into the abuſe, and give a ſtop to it: he anſwered, that his lordſhip was the unfitteſt man in the world to apply to in this matter, for that it was done by his order, and that he received the money. The queen was pleaſed to tell this to my lord Sidney, who reſenting it, as he had reaſon, ſent for ſir Rowland on Wedneſday was ſe'nnight to his houſe, who not imagining the occaſion of it, came to him. Our friend Mr. P. [Pulteney] was ordered by his lordſhip, to be preſent. When ſir Rowland came, my lord let him know what the queen had told him, and deſired to know, what grounds he had for the complaints he had made. Sir Rowland was ſurpriſed and quite out of countenance; he ſaid, he had no ill intention againſt his lordſhip, but only told it the queen as a report he had heard; and that his lordſhip might have an opportunity to juſtify himſelf. My lord told him, that if this had been his aim, he ſhould have come to himſelf firſt, and acquainted him with the ſcandal that was thrown upon him. In ſhort, my lord told him, that he would have the matter examined before the council, and that he ſhould produce his authors. Accordingly, my lord Nottingham wrote him a letter, to let him know, that it was the queen's pleaſure, that he ſhould attend the council yeſterday, to make good his charge againſt my lord Sidney; which method was obſerved by reaſon of his being a member of parliament; for otherwiſe it is probable a meſſenger would have fetched him.

"Yeſterday, when the council were met, we were all big with expectation to ſee what he had to ſay for himſelf; but we were diſappointed, for the buſineſs was not called for. The reaſon I cannot yet certainly learn; all I know is, that ſir Rowland came to the council-door, and deſired to ſpeak with my lord Nottingham, who came to him, and then ſir Rowland went away. We imagine it was to deſire farther time, or to make ſome other excuſe. Whatever it was, he gained that council-day by it; but there is ſince a ſecond and poſitive order ſent him to attend her majeſty in council on Thurſday next. You may believe my lord Sidney is reſolved to puſh the thing, and not let it fall till he has public reparation."

From Mr. Warre.

Whitehall, April 8, 1792.

"Yeſterday, the queen being preſent in council, ſir Rowland Gwin was called in, who as he had done before at the cabinet council, owned he had told the queen, that it was reported that places were ſold in Ireland, but denied to have ſaid, that my lord Sidney took the money for them, as the queen herſelf was pleaſed to declare he had. My lord Sidney gave the board an account likewiſe, that ſir Rowland had not at firſt diſowned the thing to him, but ſaid, he had no ill intention againſt his lordſhip, telling it as a report of the town, and that he would recollect himſelf, and endeavour to produce thoſe he heard it from. Mr. Pulteney, who was then preſent, declared the ſame thing; and Mr. Murray did likewiſe teſtify, that ſir Rowland had owned to them, that he had told the queen of the ſelling of places in Ireland.

"After which ſir Rowland was aſked, if he had any thing farther to ſay; and his anſwer was, 'Not before your lordſhips,' and ſo he went away. And after ſome debate of the matter it was reſolved, that it ſhould be entered upon the council-book, and publiſhed likewiſe in the next gazette, that the report ſir Rowland Gwin had carried to the queen about ſelling places in Ireland, &c. was groundleſs and ſcandalous; and that her majeſty is fully ſatisfied of the falſeneſs of it."

[b] The reſt of the honours and preferments were as follow:

William Harbord, Eſq; was appointed embaſſador extraordinary to the Ottoman port. He embarked the 10th of November 1691, for Holland, to proceed by the way of Vienna to Conſtantinople. The king had received a congratulatory letter from the Grand Seignior, deſiring his mediation for a peace with the emperor. About the middle of February, ſir William Phipps, knt. was appointed governor of the province of Maſſachuſets bay, and commander in chief of all the militia of New-England, and ſir Edmund Andros, knt. governor of Virginia; Benjamin Fletcher, eſq; governor of New York; and Samuel Allen, eſq; governor of New Hampſhire in New-England: the earl of Bedford was made lord lieutenant of the county of Middleſex; and ſir John Lowther, vice-chamberlain of his majeſty's houſhold, and Thomas Pelham, eſq; having reſigned their places, as commiſſioners of the treaſury, the ſame were diſpoſed of, the one to ſir Edward Seymour, and the other to Charles Montague, eſq; who had lately diſtinguiſhed himſelf to great advantage, and ſignalized his zeal for the government, in the houſe of commons.

Two days after the king conferred the honour of knighthood upon Godfrey Kneller, Eſq; principal painter in ordinary to their majeſties. On the 17th of March, Anthony lord viſcount Falkland and Robert lord Lexington were ſworn of the privy-council; and on the 19th, Thomas Coningſby, Eſq; one of the lords juſtices of Ireland, was created a baron of that kingdom, by the title of baron Coningſby of Clanbrazile in the county of Armagh; and about a month after ſir Henry Capel was made baron Capel of Tewksbury, in the county of Glocester. On the 24th of March, Vere earl of Weſtmoreland, took the uſual oaths as joint lord lieutenant of the county of Kent, with Henry lord viſcount Sidney; and Charles lord Lanſdown was ſworn likewiſe joint lord lieutenant of the county of Devon and Cornwall, with John earl of Bath; and in May, Thomas Trevor, Eſq; was made ſolicitor-general.

His

were willing to come to a concurrence with preſbytery, on deſign to bring all about to epiſcopacy in a little time. The preſbyterians, who at all times were ſtiff and peeviſh, were more than ordinarily ſo at this time; they were jealous of the king; their friends were now diſgraced, and their bittereſt enemies were coming into favour. They continued therefore obſtinate, and would abate in no point of their government; upon which the aſſembly was diſſolved. But they pretended, that by law they had a right to an annual meeting, from which nothing could cut them off; alledging, according to a diſtinction much uſed amongſt them, that the king's power of calling ſynods and aſſemblies was cumulative and not privative; that is, he might call them if he would, and appoint time and place; but that if he did not call them, they might meet by an inherent right which the church had, and which was confirmed by law. Therefore they adjourned themſelves. This was repreſented to the king as a high ſtrain of inſolence, that invaded the rights of the crown, of which he was become very ſenſible; and moſt of thoſe, who came now into his ſervice, made it their buſineſs to incenſe him againſt the preſbyterians, in which he was ſo far engaged, that it alienated that party much from him.

About this time likewiſe, a very barbarous maſſacre was committed at Glencoe, which occaſioned great reflections on the king, though it was done without his knowledge, as will plainly appear, when in the courſe of the hiſtory, an account is given of the proceedings of the Scots parliament when this affair was taken into conſideration.

But the moſt remarkable incident which happened in England during this ſeſſion; was the diſgrace of the earl of Marlborough, which had very ill effects. The earl of Nottingham came to him ſome day in January, with a meſſage from the king, telling him, that he had no more uſe for his ſervice, and therefore demanded all his commiſſions [c]. What drew ſo ſudden and ſo hard a meſſage, was not known: for he had been with the king that morning, and had parted with him in the ordinary manner. It ſeemed ſome letter was intercepted, which gave ſuſpicion. It is certain, that the earl thought he was too little conſidered, and had upon many occaſions cenſured the king's conduct, and reflected upon the Dutch [d]. But the original cauſe of his diſgrace, is ſuppoſed by biſhop Burnet, to ariſe from another conſideration, namely, the motion made in parliament for a ſettlement on the princeſs of Denmark, independent of the king, which, as has been obſerved, was imputed to the counteſs of Marlborough, as moſt in favour with the princeſs.

Upon the earl's diſgrace, his counteſs was forbid the court, and the princeſs was deſired to diſmiſs her from her family [e]. But to this ſhe would not ſubmit. She thought ſhe ought to be allowed to keep what perſons ſhe pleaſed about herſelf. And when the queen inſiſted on the thing,

[c] His poſt of lieutenant-general of the infantry was given to major-general Talmaſh, that of colonel of the third troop of horſe guards to the lord Colcheſter, that of colonel of a regiment of fuzileers to the lord George Hamilton, afterwards earl of Orkney, and that of gentleman of his majeſty's bed-chamber to the lord Lanſdown. MS. letter of Mr. Pulteney to ſir William Dutton Colt, from Whitehall, January 22, 1691-2.

[d] It was ſaid that all the reſentment was for the liberty he had taken to tell the king, "that though he had no reaſon to complain, yet many of his good ſubjects were ſorry to ſee his royal munificence confined to two or three foreign lords." The earls of Portland and Rochford, both Dutchmen, are ſuppoſed to be meant. Whereupon the king is ſaid to turn his back without making any anſwer, and ſoon after diſmiſſed him from all his employments; nor was he employed again, or called to council, till after the peace of Ryſwick. Life of the D. of Marl. I. 71.

Monſieur Bernard (in his hiſtorical letters for Feb. 1692. p. 209.) ſays, "It is very difficult to penetrate into the true reaſon of the earl of Marlborough's diſgrace, and you cannot imagine how many different conjectures there are upon this head. You know, that the earl was the favourite of king James, who from a very moderate fortune raiſed him to a condition capable of ſatisfying the moſt ambitious perſon. He was one of the firſt that went over to the preſent king, which gained him the eſteem of all the Engliſh, who loved the proteſtant religion, and the liberties of their nation. His firſt engagements have made ſome perſons ſuſpect, that he might have renewed ſome correſpondence with his old maſter. But it is thought by others, that if this were the caſe, it would have coſt him more than the loſs of his employments. Others are of opinion, that he has had a diſpute with ſome lords of the court, who are in an higher favour than himſelf; and that the king ſeeing him in the wrong, and being apprehenſive that the conſequences of ſuch diſputes might be very inconvenient, has thought proper to remove him. Some are perſuaded that his lady has been in the fault by talking a little too much. Others ſuppoſe, that he has ſhewn ſome diſcontent, becauſe he had not the command of the Engliſh troops conferred on him, and intimated that he thought himſelf not ſufficiently confided in. Others trace the matter higher, and alledge, that after the taking of Cork and Kinſale, where the earl commanded the army, he expected to be made a duke, and maſter of the ordnance, which not being granted him, he has ever ſince ſhewn great diſſatisfaction."

It is alſo ſaid that the king having formed a deſign upon Dunkirk, and communicated it to the earl of Marlborough and two others, found he was betrayed. Upon which, ſending for each of the three perſons ſeparately, he taxed them with breach of truſt. Two denied it, and took their oaths of it, the king himſelf ſwearing them; but the earl of Marlborough refuſing to ſwear, owned at laſt, that he had told it to his wife, who is ſuppoſed to have acquainted her ſiſter the lady Tyrconnel with the ſecret, by whom it was revealed to the king's enemies. The two others intruſted with the ſecret are ſaid to be the marquis of Carmarthen and the earl of Shrewſbury.

[e] This event (ſays the ducheſs of Marlborough, in the Account of her conduct, p. 41.) might perhaps be well accounted for, by ſaying that lord Portland had ever a great prejudice to my lord Marlborough, and that my lady Orkney (then Mrs. Villiers) though I had never done her any injury, except not making court to her, was my implacable enemy. But I think, it is not doubted, that the principal cauſe of the king's meſſage, was the court's diſlike that any body ſhould have ſo much intereſt with the princeſs as I had; who would not implicitly obey every command of the king and queen. The diſgrace of my lord Marlborough therefore, was deſigned as a ſtep towards removing me from about her. The following letter from the queen to her ſiſter, affords grounds for this opinion.

Kenſington, Friday the 5th of Feb.

"Having ſomething to ſay to you, which I know will not be very pleaſing, I chuſe rather to write it firſt, being unwilling to ſurpriſe you; though, I think, what I am going to tell you, ſhould not, if you give yourſelf the time to think, that never any body was ſuffered to live at court in my lord Marlborough's circumſtances. I need not repeat the cauſe he has given the king to do what he has done, nor his unwillingneſs at all times to come to ſuch extremities, though people do deſerve it.

"I hope you do me the juſtice to believe, it is as much againſt my will, that I now tell you, that, after this, it is very unfit lady Marlborough ſhould ſtay with you, ſince that gives her huſband ſo juſt a pretence of being where he ought not.

"I think I might have expected you ſhould have ſpoke to me of it. And the king and I, both believing it, made us ſtay thus long. But ſeeing you was ſo far from it, that you brought lady Marlborough hither laſt night, makes us reſolve to put it off no longer, but tell you ſhe muſt not ſtay; and that I have all the reaſon imaginable to look upon your bringing her as the ſtrangeſt thing that ever was done. Nor could all my kindneſs for you (which is ever ready to turn all you do the beſt way, at any other time) have hindered me ſhewing you that moment, but I conſidered your condition, and that made me maſter myſelf ſo far, as not to take notice of it then.

"But now I muſt tell you, it was very unkind in a ſiſter, would have been very uncivil in an equal, and I need not ſay I have more to claim. Which, though my kindneſs would make me never exact, yet when I ſee the uſe you would make of it, I muſt tell you, I know what is due to me, and expect to have it from you. 'Tis upon that account, I tell you plainly, lady Marlborough muſt not continue with you in the circumſtances her lord is.

"I know this will be uneaſy to you, and am ſorry for it: and it is very much ſo to me to ſay all this to you, for I have all the real kindneſs imaginable for you, and as I ever have, ſo will always do my part to live with you as ſiſters ought. That is, not only like ſo near relations, but like friends. And as ſuch, I did think to write to you. For I would have made myſelf believe your kindneſs for her made you at firſt forget that you ſhould have for the king and me; and reſolved to put you in mind of it myſelf, neither of us being willing to come to harſher ways.

"But the ſight of lady Marlborough having changed my thoughts, does naturally alter my ſtile. And ſince by that I ſee how little you ſeem to conſider what even in common civility, you owe us, I have told it you plainly; but withall aſſure you, that let me have never ſo much reaſon to take any thing ill of you, my kindneſs is ſo great, that I can paſs over moſt things, and live with you as becomes me. And I deſire to do ſo merely from that motive. For I do love you as a ſiſter, and nothing but yourſelf can make me do otherwiſe. And that is the reaſon I chuſe to write this, rather than tell it you, that you may overcome your firſt thoughts; and when you have well conſidered, you will find, that though the thing be hard (which I again aſſure you, I am ſorry for) yet it is not unreaſonable, but what has ever been practiſed, and what you yourſelf would do, were you in my place.

"I will end this with once more deſiring you to conſider the matter impartially, and take time for it. I do not deſire an anſwer preſently, becauſe I would not have you give a raſh one. I ſhall come to your drawing-room to-morrow before you play, becauſe you know why I cannot make one. At ſome other time we ſhall reaſon the buſineſs calmly: which I will willingly do, or any thing elſe that may ſhew, it ſhall not be my fault if we do not live kindly together: nor will I ever be other by choice, but your truly loving and affectionate ſiſter,

M. R.

To this letter the princeſs ſent the following anſwer.

"Your majeſty was in the right to think your letter would be very ſurpriſing to me. For you muſt needs be ſenſible enough of the kindneſs I have for my lady Marlborough, to know, that a command from you to part with her muſt be the greateſt mortification in the world to me; and indeed of ſuch a nature, as I might well have hoped your kindneſs to me would have always prevented. I am ſatisfied ſhe cannot have been guilty of any fault to you. And it would be extremely to her advantage, if I could here repeat every word that ever ſhe had ſaid to me of you in her whole life. I confeſs, it is no ſmall addition to my trouble to find the want of your majeſty's kindneſs to me upon this occaſion; ſince I am ſure I have always endeavoured to deſerve it by all the actions of my life.

"Your care of my preſent condition is extremely obliging. And, if you would be pleaſed to add to it ſo far, as upon my account to recall your ſevere command (as I muſt beg leave to call it, in a matter ſo tender to me, and ſo little reaſonable, as I think, to be impoſed upon me, that you would ſcarce require it from the meaneſt of your ſubjects) I ſhould ever acknowledge it as a very agreeable mark of your kindneſs to me. And I muſt as freely own, that as I think this proceeding can be for no other intent than to give

ſhe retired from the court. There were no doubt ill offices done on all hands, as there were ſome that preſſed the princeſs to ſubmit to the queen, as well as others who preſſed the queen to paſs it over, but without effect. Both had engaged themſelves, before they had well reflected on the conſequences of ſuch a breach, which continued to the end of the queen's life, and was by her carried ſo far, that beſides other leſſer matters, ſhe ordered that no publick honours ſhould be ſhewed the princeſs. The enemies of the government tried what could be made of this to create diſtractions, but the princeſs gave no encouragement to them. So this miſunderſtanding had no other effect, but to give her enemies much ill-natured joy, and a ſecret ſpiteful diverſion.

The king having ſettled affairs at home, embarked for Holland the 5th of March, and arriving the next morning in the Maeſe, landed at Orange Polder, went the ſame day to the Hague, and not long after to Loo.

The King had ſcarce reached Holland before the jacobites began to be elevated with the hopes of their maſter's reſtoration. One Lunt, who was employed to bring over and diſperſe king James's commiſſions, having had the good fortune to be diſcharged from impriſonment, was again entertained in 1691 by the Lancaſhire papiſts to enliſt men, and buy arms, that if the king ſhould be taken off in Flanders, (for which a project was laid, as will hereafter be ſeen) they might be ready for an inſurrection in England, as ſoon as the blow was given. Theſe preparations having ſpent the ſummer of the year 1691, and the campaigns in Flanders being ended, without any news, either of the aſſaſſination or invaſion, Lunt was ſent in November into France, to acquaint the abdicated king, that they were in a condition to receive him, and therefore deſired him to inform them, when his affairs would permit him to make a deſcent into this kingdom. Lunt returned in December following with advice, that king James would be in England the next ſpring; and that in the mean time colonel Parker, and others, ſhould be ſent over with full inſtructions how to put themſelves into a poſture fit for his majeſty's reception; for now the deſcent from la Hogue was reſolved upon.

Parker and Johnſon the prieſt, who in conjunction with ſome few others, had projected the intended murder of the king, and with many the invaſion, landed in England about the latter end of January 1691-2. And thinking the aſſaſſination to be the only means to make the invaſion practicable, and the conqueſt of England eaſy, they communicated this deſign to as many as they could truſt, in hopes, (as Mr. Goodman depoſed before the ſecretary of ſtate) to have done it before the king went to Holland. But they were ſo long in contriving how, by whom, when, and where it was to be done, that the time elapſed before their conſultations came to maturity. However Parker aſſured them that the aſſaſſination-plot would be reaſſumed in Flanders by the ſame perſons, who had undertaken it laſt campaign; which encouraged the jacobites to make preparations for what was to follow, namely the invaſion.

The ſcheme of this deſcent was laid in France, and Parker and others were ſent over to communicate it to the jacobite party here. This Parker did (according to the depoſitions of captain Blaire before the Privy council) by calling their general officers and confederates together, and acquainting them, 'That their old maſter had now obtained of the moſt Chriſtian king thirty thouſand effective men; and that, when the ſpring was a little more advanced, king James, who was already marching into Normandy, would be wafted over with them into England; with aſſurance, that if that number was not great enough to reduce his rebellious ſubjects, France would ſpare him thirty thouſand more.' Therefore he deſired all to be in readineſs with the utmoſt ſpeed and ſecrecy imaginable; and addreſſing himſelf particularly to captain Blaire (at the inſtance of Johnſon the Prieſt) told him, 'That he was going to command in Lancaſhire, but intended to move ſouthward at his majeſty's landing; and therefore deſired the captain to join him, in regard his own men were raw, and the captain's for the moſt part, were all old officers and ſoldiers.'

[1692] In this interval king James's queen being big with child, and drawing near her time, he ſent a letter to ſeveral lords and others of his late privy council, requiring ſuch of them as could poſſibly come, to attend him at St. Germains, to be witneſſes of his queen's labour. The letter was alſo directed to ſeveral ladies, as well as to the wives of ſome commoners, but the invitation was not accepted by any of them [f].

Not long after king James ſent over his declaration, dated at St. Germains, April 20, 1692. to this effect, 'That whereas the king of France, according to his promiſe, had put him into a way of endeavouring his reſtoration, and to that end had lent as many troops, as were abundantly ſufficient to untie the hands of his ſubjects, and to make it ſafe for them to return to their duty, and repair to his ſtandard; and yet purpoſely

give me a very ſenſible mortification, ſo there is no miſery that I cannot readily reſolve to ſuffer rather than the thoughts of parting with her. If, after all this that I have ſaid, I muſt ſtill find myſelf ſo unhappy as to be farther preſſed in this matter, yet your majeſty may be aſſured that, as my paſt actions have given the greateſt teſtimony of my reſpect both for the king and you, ſo it ſhall always be my endeavour, wherever I am, to preſerve it carefully for the time to come, as becomes,

From the Cockpit,
Feb. 6th, 1692.

"Your Majeſty's
"very affectionate ſiſter
"and ſervant,
"ANNE."

To this the princeſs received no anſwer, but a meſſage by the lord chamberlain 'To forbid the counteſs of Marlborough's continuing any longer at the Cockpit.' Upon this the princeſs left the Cockpit, and removed to Sion houſe, which ſhe borrowed of the duke of Somerſet.

[f] The letter was directed not only to privy councillors but to the ducheſſes of Somerſet and Beaufort, the marchioneſſes of Hallifax, the counteſſes of Derby, Mulgrave, Rutland, Brooks, Nottingham, Lumley, and Danby; the ladies Fitz-harding, and Fretchville, and to the wives of ſir John Trevor, ſpeaker, ſir Edward Seymour, ſir Chriſtopher Muſgrave, ſir Thomas Stamp, mayor; ſir William Aſhurſt, and ſir Richard Levett, the two ſheriffs, and laſtly to Dr. Chamberlain, the famous man-midwife. The letter was as follows:

JAMES, R.

"Right truſty and well beloved couſin and counſellor, we greet you well. Whereas our royal predeceſſors uſed to call ſuch of their privy council, as could conveniently be had, to be preſent at the labour of their queens, and witneſſes of the births of their children; and that we have followed their example at the birth of our deareſt ſon James Prince of Wales; however that precaution was not enough to hinder us from the malicious aſperſions of ſuch as were reſolved to deprive us of our royal right; that we may not be wanting to ourſelf, now it hath pleaſed Almighty God, the ſupporter of truth, to give us hopes of further iſſue, our dear conſort the queen being big, and drawing near her time, we have thought fit to require ſuch of our privy council as can come, to attend us here at St. Germains, to be witneſſes to our ſaid conſort the queen's labour. We do hereby ſignify this our royal pleaſure to you, that you may uſe all poſſible means to come with what convenient haſte you can, the queen looking about the middle of May next. And that you may have no ſcruple on our ſide, our dear brother the moſt Chriſtian king has given his royal word and promiſe to you, as we hereby do, that you ſhall have leave to come, and, the queen's labour being over, to return with all ſafety. The iniquity of the times, the tyranny of ſtrangers, and miſled party of our own ſubjects, brought us under the neceſſity of uſing this unuſual way; yet we hope it will convince the world of the truth and candour of our proceedings, to the mortification of our enemies. We, not doubting of your compliance herewith, bid you heartily farewell. Given at our court at the caſtle of St. Germains, the 2d of April, N. S. 1692, and in the eighth of our reign."

This letter was animadverted upon in a pamphlet, printed the ſame year, and intitled, 'The late King James's letter to his privy councillors; with juſt reflections upon it, and upon the pretended prince of Wales; and a ſhort account of the judgment of the Parliament 1 Edw. IV. in confutation of the author of The caſe of allegiance to a king in poſſeſſion; with the reaſons why the ſham birth hath not been publickly expoſed.' The author of this piece obſerves, "That the birth of the pretended prince of Wales would have been leſs ſuſpected, if all the witneſſes, who ſwore materially, were not to be thought parties; if the biſhops had not been ſent to the Tower, as it were on purpoſe to remove the neceſſity of ſending for the then archbiſhop of Canterbury, who had not at that time reſigned himſelf up to the French intereſt; if there had been credible proof of the late queen's having been with child before ſhe was brought to bed; and ſhe had not paſſed the years at which it was uſual for Italian women to bear children."

He takes notice afterwards, 'That ſome men whoſe crimes in former reigns, and profeſſed enmity to the liberties of England, had engaged them in a party, which oppoſed the acceſſion of their majeſties to the imperial throne of this realm, after they had invited his majeſty's arms, and importuned him to take upon him the adminiſtration, raiſed a great clamour upon the ſilence of parliaments in relation of the putative prince of Wales, as if it were a tacit admiſſion, that he was real. But certainly in this the parliaments choſe to ſhew, that the government is ſettled upon ſuch a bottom, as makes it not the leaſt material, whether prince or no prince; well knowing, that the convention, which afterwards became a parliament, upon acting under a legal head, (as did the parliament, which afterwards turned into a convention by the diſpoſal of Richard II. acted with Henry IV.) exerciſed a power, which was veſted in them by the conſtitution of this monarchy, and followed the wiſe examples of Henry VIII. and queen Elizabeth of glorious memory. Henry VIII. though he had baſtardized both his daughters, Mary and Elizabeth, yet ſettled the crown upon them both ſucceſſively, in remainder after his ſon Edward, without taking off the illegitimation of either daughter: whereby he certainly placed the right of their ſucceſſions upon a ſurer foundation, from the authority of the king and ſtates to diſpoſe of the crown, than if he had declared either of the ſiſters to be legitimate. Nor indeed would he have done this without ſhewing at the ſame time that one was illegitimate, the queſtion being, Whether the mother of Mary, or the mother of Elizabeth had full opportunity and power to cauſe the act, which baſtardized her to be repealed, eſpecially after the proteſtant religion was thoroughly ſettled, and that party cruſhed, who held the pope's authority to make good the marriage of Henry VIII. with his brother's wife carnally known by him; yet ſhe wiſely contented herſelf with a title derived from that conſtitution of the monarchy, by virtue of which the crown had been ſettled, rather than to fetch one from heaven by a divine right of birth." State Tracts II. p. 234.

declined ſending over ſuch numerous forces, as might raiſe any jealouſies in the minds of any of his good ſubjects, as if he intended to take the work out of their hands, and deprive them of ſo glorious an action, as the reſtoration of their lawful king (all which troops he promiſed to ſend away, as ſoon as he was put into peaceable poſſeſſion.) Though the thing ſpoke for itſelf, and he did not think himſelf obliged to ſay any more upon the occaſion, than that he came to aſſert his own juſt rights, and to deliver his people from the oppreſſions they lay under; yet conſidering how ſtrangely they were deluded by the prince of Orange's declaration, and to prevent as much as in him lay the ſame for the future, he was willing to look back and take the matter from the beginning. And it could not be forgotten, that as ſoon as he had notice of the prince's intentions to invade him, he put himſelf both by ſea and land into the beſt poſture of defence he was able, and ſeemed to have done the ſame ſo effectually, that though the French king offered him conſiderable ſuccours, he refuſed them, and threw himſelf wholly upon the fidelity of the Engliſh army; and at the ſame time applied himſelf to give reaſonable ſatisfaction to the minds of his good ſubjects, and undeceive them in reſpect to the danger of the intended invaſion. But they perceived it not till it was too late, and the defection grown ſo general, that he was at length neceſſitated to retire into France, in order to avoid the preſent danger, which threatened him, and to preſerve himſelf for better times, and a more happy opportunity, which was then put into his hands.

"Upon what foundation of juſtice or common ſenſe, the prince's faction in England were pleaſed to treat his eſcape out of the hands of his enemies in the ſtile of an abdication, which was never before uſed to ſignify any thing but a voluntary reſignation; but upon which they built ſuch a ſuperſtructure, as to make an ancient hereditary monarchy become elective. He then proceeds to ſhew the miſeries and inconveniencies, which he ſuppoſes had already, and would ſtill attend ſuch unwarrantable proceedings; inſiſts upon the indiſputable title of his only ſon, hoping his queen was then with child of another; ſets forth the calamitous condition of Europe, by reaſon of that war, an end of which there could be no reaſonable proſpect of till his reſtoration; prohibits his ſubjects to pay any taxes to ſupport the preſent uſurpation; and to gain them all over to his ſervice, he declares he would pardon all of them who ſhould return to their duty (except the perſons hereafter named) provided all magiſtrates, upon notice of his landing, made ſome public manifeſtation of their allegiance to him, and ſubmiſſion to his authority.

"And he further declared, that if any of the ſoldiery, who were in the prince's ſervice, ſhould come in to him, they ſhould be pardoned, and have their pay and arrears. He likewiſe promiſed to maintain the church of England, and earneſtly recommended to his parliament the ſettling of liberty of conſcience; and, in a word, to do every thing that might tend to the honour and welfare of the nation."[g]

When Parker went into Lancaſhire, he took with him ſeveral good officers, ſome of whom ſtayed with him in that county, and others he diſpoſed of in Yorkſhire and the biſhopric of Durham. His head-quarters were at Mr. Walmſley's at Dungan-Hall, from whence he iſſued out his orders. And becauſe their arms were, for fear of a diſcovery, hid in woods and grounds, or buried between walls and in cellars and out-houſes, he ordered them all to be taken out, and immediately diſtributed among the officers and inliſted men; while Mr. James Fountaine, as lieutenant-colonel to the lord Montgomery, and colonel Holman, were compleating each a regiment of horſe in London, to join king James at his landing. For by this time that king, with his army of Engliſh, Scots, Iriſh, and French, was at la Hogue, ready to embark for England. And at the ſame time the jacobites here ſent captain Lloyd expreſs to the lord Melfort, to acquaint him that they had corrupted ſeveral of the Engliſh ſea-commanders, particularly rear-admiral Carter,[h] and with that falſe intelligence they tranſmitted to him an exact liſt of the number and rates of the Engliſh fleet, and how long it would be before it was poſſible they could be joined by the Dutch; deſiring him to lay it before his moſt Chriſtian majeſty, and to procure his command to marſhal de Tourville to ſeek and immediately to fight the Engliſh, before they could be reinforced by the Hollanders. Upon the receipt of this meſſage, the lord Melfort applied himſelf to the king of France, who immediately gave his poſitive commands to Tourville to engage the Engliſh fleet, without waiting for the Thoulon ſquadron under Monſ. d'Eſtrees.

The queen being informed of theſe preparations, gave orders for haſtening out the fleet, and putting the militia in readineſs. She ſent over for three regiments of foot, Selwin's, Beveridge's, and Lloyd's, from Holland, under the command of lieutenant-general Talmaſh, which, together with ſome other troops remaining then in the kingdom, formed afterwards a camp near Portſmouth. And to be better

[g] The exceptions were, the duke of Ormond, the marquis of Winchester, the earls of Sunderland, Bath, Danby, and Nottingham, and the lords Newport, Delamere, Wiltſhire, Colchester, Cornbury, Dunblain, and Churchill; the biſhops of London and St. Aſaph; ſir Robert Howard, ſir John Worden, ſir Samuel Grimſtone, ſir Stephen Fox, ſir George Treby, ſir Bazil Dixwell, ſir James Oxendon, dr. John Tillotſon, dean of Canterbury, dr. Gilbert Burnet, Francis Ruſſel, Richard Leviſon, and John Trenchard, Eſquires; Charles Duncomb, citizen of London, ——— Edwards, ——— Stapleton, ——— Hunt, fiſhermen, and all others, who had offered perſonal indignities to him at Feverſham, or 'had an hand in the barbourous murther of Mr. John Aſhton, and of Mr. Croſs, or of any others who had been illegally condemned and executed for their loyalty; and all ſpies, and ſuch as had betrayed his counſels during his late abſence from England.' This declaration was anſwered by dr. W. Lloyd, biſhop of St. Aſaph, in a pamphlet printed in 1692, under the title of 'A ſecond letter to a friend concerning a French invaſion,' in which the declaration lately diſperſed under the title of his majeſty's moſt gracious declaration to all his loving ſubjects, commanding their aſſiſtance againſt the prince of Orange and his adherents, is entirely and exactly publiſhed, according to the diſperſed copies; with ſome ſhort obſervations upon it.

He obſerves, 'That there is nothing in the declaration, which a reaſonable man, who remembered king James's reign, eſpecially the concluſion of it, would have expected in it. If the deſign, ſays he, of ſuch a declaration be to give ſatisfaction to the minds of the ſubjects, it ought at leaſt to have contained as good words, and fair promiſes, as a prince could give. He knew very well what it was that had alienated his ſubjects from him; that they apprehended their laws, their religion, and their liberties, to be in great danger; and could not but know, that he had given them too juſt occaſion for ſuch jealouſies and fears. And it is wonderful that he ſhould think of publiſhing a declaration, and not think fit to give the leaſt ſatisfaction about theſe matters; not to ſay one word about popery and arbitrary power; nor to give any expreſs promiſes that he would remove theſe fears. The only thing he appeals to is the juſtice of his cauſe; and does not think himſelf 'obliged to ſay any thing more upon this occaſion, than that he comes to aſſert his own juſt rights,' &c. But this was not the controverſy between him and his people; they did not diſpute then his right to the crown (though they have ſome reaſon to do it now) and yet were willing to part with him, when he thought fit to leave them; and if he knew what made them ſo, and hoped to return again by their aſſiſtance, and with their good liking, any one but thoſe of his own council would have thought him obliged to ſay ſomething of it.'

He then vindicates the prince of Orange, from the reflections caſt upon him in the declaration, and denies that he afterwards appeared to be any other than his own declaration had repreſented him. 'He came not for the crown, but to reform abuſes, and to ſecure the ſucceſſion, which the right of his princeſs, and his own right and intereſt, the preſervation of the proteſtant religion, and of the liberties of Europe, gave him a right and authority to meddle with. But beſides his expectation, and original intention, he has the crown, which he came not for. He has deceived nobody in it; but if any one be deceived, king James and the people of England have deceived him; the one in leaving the crown, and the other in placing it on his head, where indeed it ought to be, both in right of his princeſs, and for his own merits; for he who ſaves a nation, had he no other claim or title, may very well deſerve to wear the crown, eſpecially when it was with the free conſent of the princeſs, our moſt gracious queen, and upon the deſires of the eſtates of the realm, and ſtill neceſſary to ſave the nation.' He afterwards endeavours to ſhew, that the French king was author of all the preſent wars in Europe. 'Who, ſays he, has been the great diſturber of the peace of Europe, but his moſt Chriſtian majeſty? With whom are all the princes of Europe at war but with him? Who elſe has hindered the ſucceſs againſt the common enemy, and the enlarging the bounds of the Chriſtian empire? Who invited the Turk into Europe? Who encourages him to continue the war after ſo many fatal defeats, which may probably prove the ruin of his whole empire? In a word, what other Chriſtian prince is the great Turk's ally and confederate in this war? And is not this war continued and encouraged by all the power and intereſt of the French king, on purpoſe to diſturb the peace of Europe, that, while the Imperial forces are otherwiſe employed, he may make a prey of his weaker neighbours? Who but the late king could hope to perſuade the world, that to reſtore him to his kingdom is abſolutely neceſſary to the peace of Europe; that before his reſtoration no rational projects of a treaty can be formed in order to a peace? He may be miſtaken in this, for the French king may quickly be glad to make a peace, and leave him and his reſtoration out of the treaty. For things are come to that extremity now, that it is in vain to think of peace, till Lewis the Great be reduced to ſuch a ſtate as to accept it, and unable to break it. And this argument returns upon him; for the peace of Europe is a neceſſary reaſon why he ſhould not be reſtored.'

With regard to king James's promiſes to protect and defend the church of England, the writer obſerves, that this would be a great favour indeed from him, if he ſhould return with a French power. 'But the church of England, ſays he, is protected already by princes, who think it their duty to do it; and we think ourſelves much ſafer in the inclinations of a proteſtant king and queen, than we can be in all the promiſes of a zealous papiſt. And therefore this can be no argument in our caſe, becauſe it offers us a worſe ſecurity for our protection, than what we already have; for it is always great odds on nature's ſide. And yet this promiſe to the church of England ſeems fainter and cooler than ſome he has formerly made; which is all the reaſon we have to expect it will be be better kept, eſpecially there not being the leaſt intimation of the breach of his former promiſes, nor any excuſe made for it.' State Tracts, II. 253.

[h] Carter it ſeems had been applied to by them, and having given the government intimation of it, he was ordered to humour the thing; which he did ſo effectually, that they credulouſly gave into it, to the deſtruction of their plot and their confederate's fleet.

M.

ſecured from the dangers of an inſurrection, ſhe publiſhed a proclamation on the 4th of May, 'commanding all papiſts and reputed papiſts forthwith to depart from the cities of London and Weſtminſter, and from within ten miles of the ſame:' and to provide for the advice and aſſiſtance of a fitting parliament, ſhe publiſhed another proclamation on the 5th of May, requiring the attendance of the members of both houſes on the 24th of May, a day, to which the parliament had been prorogued, declaring, 'That they ſhould on that day meet and ſit for the diſpatch of ſuch weighty and important affairs, as may be requiſite for the ſafety of the kingdom, in a time when it was threatened with a powerful invaſion from abroad.'

In the next place ſhe cauſed a diligent ſearch to be made after ſeveral of the moſt diſaffected perſons, and ordered warrants to be iſſued out againſt them, upon which they withdrawing themſelves from their uſual places of abode, and being fled from juſtice, ſhe publiſhed a proclamation on the 9th of May, to diſcover, take, and apprehend the earls of Scarſdale, Litchfield, Newburgh, Middleton, and Dunmore, the lord Griffin, the lord Forbes, eldeſt ſon of the earl of Granard, James Griffin, ſir John Fenwick, ſir Theophilus Oglethorpe, ſir Andrew Foreſter, colonel Henry Slingſby, James Graham, Mr. Orby, ſecond ſon of ſir Thomas Orby, deceaſed, colonel Edward Sackville, Oliver St. George, ſon of ſir Oliver St. George, major Thomas Soaper, Charles Adderly, David Lloyd, George Porter, ſon of Thomas Porter, deceaſed, and Edward Stafford.[i]

And to be the better guarded, ſhe ordered the militia of Weſtminſter, being two regiments of foot of about fifteen hundred men each, and a troop of horſe to appear in Hyde-park on Monday, May the 9th, under the earl of Bedford, lord lieutenant of Middleſex; and the next day the trained bands of the city of London, in ſix regiments, under the command of the lord mayor and other their reſpective colonels, conſiſting together of about ten thouſand men, were drawn out in the ſame place. Her majeſty was pleaſed to go in perſon among them on both days, and was extremely ſatisfied with the good order they appeared in, and the great zeal and readineſs which they ſhewed for her ſervice. And becauſe a malicious and dangerous report was ſpread abroad, as if ſome of the officers of the fleet were diſaffected to the ſervice, and that the queen had thereupon ordered the diſcharge of many of them from their employments, ſhe commanded the earl of Nottingham to acquaint admiral Ruſſel, that ſhe was ſatisfied that this report was induſtriouſly raiſed by the enemies of the government; and that ſhe repoſed ſo entire a confidence in their fidelity and zeal for their majeſties ſervice, and the defence of their country, that ſhe had reſolved not to diſplace any of them.

Whether any of the ſea-officers were ſtaggering in their duty, is uncertain; but however, it was good policy in the queen to ſend this meſſage; which was no ſooner communicated to them by admiral Ruſſel, but ſir John Aſhby, admiral of the blue; ſir Ralph Delaval, vice-admiral of the red; Mr. Rooke, vice-admiral of the blue; ſir Cloudeſly Shovel, rear-admiral of the red; Mr. Carter, rear-admiral of the blue; and the other commanders of the fleet, unanimouſly ſubſcribed an addreſs, wherein they aſſured her majeſty, 'That they would with all imaginable alacrity and reſolution venture their lives in the defence of their majeſties undoubted rights, and the liberty and religion of their country, againſt all foreign and popiſh invaders whatſoever.' This addreſs being preſented to the queen by the commiſſioners of the admiralty, her majeſty ſaid, 'That ſhe always had this opinion of the commanders; but was very glad this was come to ſatisfy others.' And indeed it was not long before they performed their promiſe; and in the mean time the queen, truſting to their fidelity and reſolution, publiſhed a proclamation the ſame day, declaring, that the parliament ſhould be prorogued from the 24th of May to the 14th of June next, giving this for the chief reaſon; our navy being now at ſea, and joined with that of our allies, and in a readineſs, by the bleſſing of God, to reſiſt and repel the deſigns and attempts of our enemies.

Notwithſtanding theſe precautions, England was at this time in greater danger than, for want of intelligence, was apprehended by the miniſtry. King James with fourteen thouſand Engliſh and Iriſh, and marſhal Belfonds with three thouſand French, were to ſail in April from Cherbourg and la Hogue, and ſome other places in Normandy, and to land in Suſſex, and from thence to march directly to London. They were to bring over only a ſmall number of horſes; for the jacobites undertook to ſupply them with horſes at their landing. The French king, who was at the ſame time to march a great army into Flanders, ſeemed to think the project ſo well laid, that it could not miſcarry; for he publicly ſaid, before he ſet out, that he was going to make an end of the war. And indeed, ſo little care had been taken to procure intelligence, that, if the winds had favoured the French, they themſelves would have brought the firſt news of their deſign. They ſent over ſome perſons, to give their friends notice but a very few days before they reckoned they ſhould be on the Engliſh coaſt. But there happened, for a whole month together, ſuch a ſtormy and contrary wind, that it was not poſſible for them to come out of their ports; nor could marſhal d'Eſtrees come about with his ſquadron from Thoulon ſo ſoon as was expected.

In the beginning of May about forty of our ſhips were on the coaſt of Normandy, and were endeavouring to deſtroy their tranſport ſhips. Upon which, orders were ſent to marſhal Tourville to ſail to the channel, and fight the Engliſh fleet. They had a weſterly wind to bring them into the channel; but then the wind turned to the eaſt, and ſtood ſo long there, that it brought over the Dutch fleet, and alſo brought about our great ſhips. By this means, our whole fleet was joined; ſo that Tourville's deſign of getting between the ſeveral ſquadrons that compoſed it was loſt. The king of France, then in Flanders, upon this change of wind, ſent orders to Tourville not to fight. But the veſſel that carried theſe orders was taken, and a duplicate, ſent by another conveyance, came not to him till the day after the engagement.[k]

Admiral Ruſſel, on the 18th of May, ſailed with the whole fleet, Engliſh and Dutch, towards the coaſt of France, and the day after, about three in the morning, Cape Barfleur bearing S. W. by S. diſtant about ſeven leagues, the ſcouts weſtward of the fleet, which were the Cheſter and Charles gallies, fired ſeveral guns; which ſhips, in a ſhort time after, coming within ſight, made the ſignal of diſcovering the enemy, and lay with their heads northward. Whereupon the fleet was drawn up into a line of battle, and notice given for the rear to tack, that ſo, if the French ſtood northward, we might the ſooner come up and engage; but, the ſun having diſperſed the fog ſoon after four,[l] they were ſeen ſtanding ſouthward, forming their line with the ſame tack, which our

[i] Mr. Warre, in a letter from Whitehall, May 6, 1692, to ſir William Dutton Colt, envoy extraordinary at Hanover, writes thus. 'On Tueſday night laſt warrants were iſſued by the privy council for apprehending ſeveral perſons: Upon which my lords Huntingdon and Marlborough, Mr. Edward Ridley, Mr. Knevett Haſtings, and Mr. Robert Ferguſon, were ſeized; and yeſterday the two lords were committed to the Tower, and the three gentlemen to Newgate, by warrant of the council, for high-treaſon, in abetting and adhering to their majeſties enemies. And my lord Brudenell and my lord Fanſhaw having been ſeized this morning, they are in like manner to be committed to the Tower. And a proclamation is ordered for apprehending the reſt, who are fled from juſtice.'

In another letter of May the 10th he writes thus: 'The biſhop of Rocheſter was taken into cuſtody on Saturday laſt upon ſuſpicion, and is confined to his own houſe. The ſame day colonel Langſtone, colonel Hale, lieutenant-colonel Williams, major Langſtone, and three officers more of the army were ſeized, and are committed to Newgate for high-treaſon.' On the 13th of that month he writes: Yeſterday morning colonel Sackville, mentioned in the proclamation, was taken; and the day before one Wilſon, a known jeſuit, was taken in the park. He has been heard preaching in a preſbyterian meeting in the country, and was ſent to Newgate. That morning Mr. Bernard Howard was committed to the Tower by order of the council.' On the 17th he writes thus: 'Yeſterday morning the lords Dunmore and Middleton, and ſir Andrew Forreſter, were taken in Goodman's Fields, at a quaker's houſe, and in the afternoon were ſent to the Tower.'

[k] Whilſt the jacobites were pleaſing themſelves with hopes of approaching ſucceſs, the firſt diſcouragement they met with was the report of the junction of the Engliſh and Dutch fleets: But this being contradicted the next day, leſt that report ſhould have influence upon the French, they ſent over ſir Adam Blair, to aſſure them, that the Dutch were not yet come up. However, it ſo happened, that, before that gentleman could reach Dover, they had certain news that the fleets had joined indeed; and therefore one Mr. Clark was diſpatched into France to acquaint them with this fatal junction. But Clark was ſo far from gaining credit to his report (ſir Adam Blair averring to the contrary) that he was impriſoned as a ſpreader of falſe news, till ſeveral other expreſſes confirmed his account. Upon this the king of France ſent to Tourville to decline fighting; but theſe counter orders came too late.

[l] Monſieur Du Larrey, in his Hiſtoire ſous Lewis XIV. ſays, that when the fog was diſſipated, Monſieur Tourville was ſurprized to find it was the whole Engliſh and Dutch united fleet, which he was going to engage, whereas before he imagined it was only part of it. But however, conſidering that an haſty retreat would bring his fleet into ſuch a confuſion, as might prove more hazardous than a battle, he continued his orders for the engagement. He himſelf commanded the white ſquadron, conſiſting of ſixteen ſhips in the centre; the marquis d'Amfreville commanded the blue and white of fourteen ſhips in the van; and the rear or blue ſquadron likewiſe of fourteen ſhips was under the command of Monſ. Gabaret; all the fleet conſiſting of ſhips of the firſt and ſecond, according to their way of reckoning in France.

The

ſhips had on board; upon which the admiral cauſed the ſignal for the rear to tack to be taken in, and bore away with his own ſhip ſo far to the leeward, as that every one in the fleet might fetch his wake or grain, and then bringing to, he lay by with his fore-top-ſail to the maſt, that ſo others might have the beſt opportunity of placing themſelves, according as they had been before directed. About eight, our line was indifferently well formed, which ſtretched from ſouth, ſouth-weſt, to north, north-eaſt; the Dutch in the van, the admiral in the center, and the blue in the rear; and by nine the enemy's van had almoſt ſtretched as far ſouthward as ours, their admiral and rear-admiral of the blue (who were in the rear) cloſing the line, and their vice-admiral of the ſame diviſion ſtanding towards the rear of our fleet. About ten they bore down upon us with little wind; and the admiral, who ſtill lay by with his fore-top-ſail to the maſt, obſerving, that monſieur Tourville had put out his ſignal for battle, commanded that this ſhould not be ſpread till the French, who had the weather-gage, were come as near as they thought convenient.

At this time admiral Allemonde, who commanded the Dutch ſquadron, was ſent to tack, and get weſtward of the French as ſoon as any of his ſhips could weather them; and thoſe in the blue (then at ſome diſtance a-ſtern) were ordered to cloſe the line. But the fleets had not been long engaged before it came quite calm, ſo that theſe directions could not poſſibly be complied with.

About half an hour after eleven monſieur Tourville, in the Royal Sun, a ſhip of one hundred and ten guns, brought to, and began the fight with admiral Ruſſel at the diſtance of about three quarters muſket ſhot; in which poſture he lay about an hour and a half, plying his guns very warmly, but then began to tow off in great diſorder, his rigging, ſails, and top-ſail-yards being very much damaged; nor could it be diſcerned, that any great endeavours were uſed to repair the ſame.

About two o'clock the wind ſhifted to the N. W. by W. and in a little time five ſhips of the enemy poſted themſelves three a-head and two a-ſtern of their admiral, and fired very ſmartly, till paſt three; ſo that Mr. Ruſſel, and his two ſeconds Mr. Churchill and Mr. Aylmer had ſix or ſeven ſhips to deal with. About four o'clock there was a thick fog; whereupon all firing ceaſed; but, it clearing up in a little time, the French admiral was diſcovered towing away northward; and our admiral, that he might the better come up with him, ordered all the ſhips of his diviſion to do the like; and there happening a ſmall breeze of wind eaſterly about half an hour after five, the ſignal was made for chaſing, and notice ſent to every ſhip within reach, that the enemy were ſtanding away. At this time many guns were heard to the weſtward; and though the ſhips, which fired, could not be ſeen by reaſon of the fog, it was concluded they were our blue ſquadron, which had, by a ſhift of the wind, weathered the French; but it proved to be the rear-admiral of the red, ſir Cloudeſly Shovel, who was got to windward of monſieur Tourville's own ſquadron, and between him and their admiral of the blue. After they had fired ſome time, the ſhips of both ſides came to anchor, but could not diſcover each other by reaſon of the thickneſs of the weather; and in this ſcuffle captain Haſtings, who commanded the Sandwich, a ſecond rate, was killed, not being able to avoid driving amidſt theſe ſhips of the enemy, by reaſon his anchors were not clear. Things being now in great confuſion, the admiral thought it moſt adviſeable to order the ſhips, which were neareſt him, to chaſe weſtward all night, and let them know he intended to follow the French to Breſt, believing it more proper to do ſo than to anchor; and ſo indeed it proved; for next morning he found himſelf nearer the enemy than thoſe ſhips, which had dropped their anchors [m]. About eight at night there was a firing heard weſtward, which laſted about half an hour, part of our blue ſquadron having fallen in with ſome of the enemy's ſhips in the fog; and in that diſpute rear-admiral Carter was killed, whoſe laſt words to his captain William Wright ſufficiently ſhewed, that there was no reaſon to ſuſpect his zeal to the ſervice, for he recommended it to him to fight as long as the ſhip could ſwim.

It continued foggy with very little wind all night, and it was ſo hazy in the morning, that not any of the enemy's ſhips, and but very few of ours, could be ſeen; but, the weather clearing up about eight, the Dutch, who were to the ſouthward, made the ſignal of ſeeing the French fleet, and ſoon after about thirty-four ſail were diſcovered between two and three leagues off, the wind being then at eaſt north-eaſt; and they bearing weſt ſouth-weſt, our ſhips chaced them with all the ſail they could make, but not in the line of battle, as they did after the fight at Beachy-Head; for the ſignal for a line was taken in, that ſo every ſhip might make the beſt of her way. Between eleven and twelve the wind veered to the ſouth-weſt, when the French crowded away weſtward, and our fleet after them; but near four in the afternoon the tide of ebb being over, both fleets anchored, Cape Barfleur then bearing ſouth by weſt [n]; but they weighed about ten at night, and both plying weſtward, our admiral's fore top-maſt came by the board near twelve, it having been ſhot in ſeveral places. He continued chacing until four next morning, and then, the tide of ebb being over, anchored in forty-ſix fathom water, Cape de la Hogue bearing ſouth by weſt, and the iſland of Alderney ſouth ſouth-weſt; but, by reaſon of his wanting a top-maſt, the Dutch ſquadron, and the admiral of the blue, with ſeveral of his ſhips, got conſiderably to the windward of him.

About ſeven in the morning part of the French ſhips, which had advanced far towards the Race of Alderney, were perceived driving eaſtward with the tide of flood, without ground-tackle to ride by, for they had in the engagement, and the morning after, cut away all their heavy anchors. When they were driven ſo far, as that our admiral judged he could reach them, he made the ſignal for the ſhips neareſt to him to cut and chace, which accordingly himſelf and they did. But ſir John Aſhby, with his diviſion of the blue ſquadron, and ſeveral Dutch ſhips, which were weathermoſt, rid faſt (as Mr. Ruſſel had made the ſign for them to do) to obſerve the motion of the reſt of the French ſhips, which continued at anchor in the Race.

Three of their great ſhips, being under the ſhore, tacked about eleven o'clock, and ſtood weſtward; but, after making two or three ſhort boards, the biggeſt of them, being the Royal Sun, ran on ground, and preſently her maſts were cut away; and in the mean while the other two to leeward, which were the French admiral's ſeconds, plied up to her. This, it was judged, they did becauſe they could not get to windward of the weathermoſt ſhips, nor ſtretch out a-head eaſtward. The admiral obſerving, that many ſhips of our fleet hovered about him, ſent orders to ſir Ralph Delaval, vice-admiral of the red, who was in the rear, to keep a ſtrength with him ſufficient to deſtroy them, and to order the reſt to follow the body of the fleet; which ſervice was effectually performed [o].

About four in the afternoon eighteen of the French ſhips, which were got eaſt-ward of Cape Barfleur, haled in for La

[m] The account which father Daniel gives of this engagement, is in ſubſtance, "That monſieur Tourville attacked the Engliſh corps de battaile with ſo much vigour, that all fled before him, that he maintained the fight the whole day from morning to night, without the loſs of a ſingle ſhip, though he did conſiderable damage to ſeveral of the Engliſh ſhips; and that he made a fine retreat, which would have been as happy as glorious, had not the tide failed him. That his conduct however was ſo much approved, that the king himſelf after honoured him with a marſhal's ſtaff on that account.' Monſieur Fourbin in his Memoirs begins his relation with ſomewhat more modeſty, and muſt be ſuppoſed to know more of it than father Daniel. He tells us, "That the Engliſh expected them in very good order, and ſuffered them to come as near to them as they thought fit. The battle was begun, (continues he) with a great deal of vigour and even with ſome advantage on the ſide of the French; but the wind, which in the beginning of the fight, was in their favour, changed in an inſtant, and was favourable to the Engliſh, they took the advantage of it, and with their van wheeled round the French fleet, and by that means made them be expoſed to two fires at once. As their fleet was far ſuperior to the French (who had but four and forty ſhips) beyond all diſpute the whole French fleet would have been loſt, if they had managed as they might have done. But their ſlowneſs in attacking let the opportunity ſlip out of their hands."

[n] This day the admiral gave an account of the action hitherto, in the following letter, which confirms moſt of the particulars abovementioned.

Cape Barfleur, S. W. diſtance ſeven leagues, May 20, 1692.

"Yeſterday about three in the morning, Cape Barfleur bearing S. W. and S. diſtance ſeven leagues, my ſcouts made the ſignal for ſeeing the enemy. The wind weſterly, the French bore down upon me, and at eleven engaged me, but at ſome diſtance. We continued fighting till half an hour paſt five in the evening; at which time the enemy towed away with all their boats, and we after them. It was calm all day. About ſix there was an engagement to the weſtward of me, which I ſuppoſed to be the blue. It continued calm all night. I can give no particular account of things, but that the French were beaten; and I am now ſteering away for Conquet road, having a freſh gale eaſterly, but extremely foggy. I ſuppoſe that is the place they deſign for. If it pleaſe God to ſend us a little clear weather, I doubt not we ſhall beat their whole fleet. I ſaw in the night three or four ſhips blow up, but I know not what they were. So ſoon as I am able to give a more particular relation, I will not be wanting."

[o] Mr. Boyer tells us, that Sir Ralph Delaval burnt off Cherbourg the Royal Sun, a ſhip of an hundred and four guns, commanded by admiral Tourville; the Admirable, a ſhip of an hundred and two guns, and the Conquerant that carried eighty guns, with three more of leſſer note. But to be more particular, it will be proper to ſubjoin ſir Ralph's own letter to the earl of Nottingham, dated from on board the Royal Sovereign, May the 22d, 1692.

"Be-

Hogue, where our ſhips anchored about ten at night, and lay until near four next morning; at which time the admiral weighed and ſtood in near the land. The flood coming on, he anchored again; but at two in the afternoon got under ſail, and plied cloſe in with La Hogue, where he found thirteen of the enemy's ſhips very near the ſhore [p].

On Monday the 23d of May he ſent in Mr. Rooke, then vice-admiral of the blue, with a ſquadron, fire-ſhips, and the boats of the fleet, to deſtroy thoſe ſhips; but they were got in ſo far, that not any but the ſmall frigates could advance near enough for ſervice. However, the boats burnt ſix of them that night, and about the next morning the other ſeven were ſet on fire, together with ſeveral tranſport ſhips, and ſome ſmall veſſels with ammunition; wherein not only all the officers, but likewiſe the men behaved themſelves with great reſolution and gallantry. Thus at La Hogue and Cherbourg were burnt two ſhips of one hundred and four guns each, one of ninety, two of eighty, four of ſeventy-ſix, four of ſixty, and two of fifty-ſix guns; from which time to the peace concluded in the year 1697, the French did not attempt to engage the Engliſh at ſea, but contented themſelves to prejudice their trade by their ſmaller ſhips of war and privateers [q].

This ſervice being over, the admiral ſailed out of La Hogue bay on the 25th, and ordered ſir John Aſhby, who was returned without doing any execution on the other part of the enemy's fleet, to run with a ſquadron of Engliſh and Dutch along the French coaſt, as far as Havre de Grace, and to look out for thoſe five ſhips, which he had ſeen ſtanding eaſtward. But even in this he had no better ſucceſs than before [r].

The reſolution, with which the French bore down upon our fleet, was not a little ſurprizing; for they were not above fifty ſhips [s], from one hundred and four to fifty-ſix guns; and it was thought by ſome to have occaſioned at firſt ſome jealouſy amongſt the Engliſh; but, if that was really the caſe, it was ſoon blown over, for every one endeavoured to do what he was able. And as for monſieur Tourville's running this hazard, it is attributed to the poſitive orders, which he had from his maſter to fight the Engliſh fleet; which, had he thought fit, he might have avoided, even after [t] they ſaw each other, for he was ſeveral leagues to the windward. And it is ſaid, that, when he called his flag-officers together, they unanimouſly gave their opinions not to engage; but that he at laſt produced an order under the French king's own hand, which ſhewed them the neceſſity there was for their ſo doing [t]. Theſe orders were undoubtedly given him upon a preſumption, that our great ſhips and

"I believe it my duty to acquaint you, that, on the 21ſt inſtant, admiral Ruſſel having made the ſignal for the fleet to cut their cables, I obſerved the French to be forced from the Race of Alderney, (where they anchored) to the eaſtward; and finding, that ſome of them endeavoured for the bay of Cherbourg, I ſtood in for that place, where I found three three-decked ſhips of the enemy's, but ſo cloſe to the ſhore, and within ſome rocks, that it was not ſafe for me to attempt them till I had informed myſelf of the road, they being hawled into ſhoal water. I immediately took my boats, and ſounded within gun-ſhot of them, which they endeavoured to prevent by firing at us. And, that no time might be loſt, I went immediately on board the St. Alban's, where, for the encouragement of the ſeamen, I hoiſted my flag; and having ordered the Ruby, with two fire-ſhips to attend me, I ſtood in with them, leaving the great ſhips without, as drawing too much water. But coming very near, they galled us ſo extremely, and finding the fire-ſhips could not get in, I judged it beſt to retreat without ſhot, and there anchored; and immediately called all the captains, where it was reſolved to attempt them in the morning, with all the third and fourth rates and fire-ſhips. But, after having drawn them into four fathom and half water, I found we could not do our buſineſs, the water being ſhoal. Upon which I ordered three fire-ſhips to prepare themſelves to attempt burning them, going myſelf with all the barges and tenders to take them up, if by the enemy's ſhot they ſhould miſcarry. Indeed I may ſay, and I hope without vanity, the ſervice was warm; yet, God be praiſed, ſo effectually performed, that notwithſtanding all their ſhot, both from their ſhips and forts, two of our fire-ſhips had good ſucceſs by burning two of them. The other by an unfortunate ſhot was ſet on fire, being juſt going on board the enemy. Indeed ſo brave was the attempt that I think they can hardly be ſufficiently rewarded, and doubt not but their majeſties will do them right. The third French ſhip being run aſhore, and obſerving the people on board to go on ſhore by boats full, I ordered the St. Alban's, the Reſerve, and others, to fire upon her, judging it might cauſe them to quit her, and after having battered her for ſome time, I obſerved ſhe made no reſiſtance. I took all the boats armed, and went on board her. I found abundance of men on board, and ſeveral wounded, but no officers; and having cauſed all the people, as well thoſe that were wounded, as others, to be taken out, I ſet her on fire; and, had I not had notice by my ſcouts, that thirty ſhips were ſtanding with us, had ſent all the French on ſhore, who are now very troubleſome to me. The ſhips we ſaw proved to be Sir John Aſhby and the Dutch coming from the weſtward. We are proceeding together to the eaſtward to La Hogue, where I am informed three or four of the enemy's ſhips are; and if ſo, I hope God will give us good ſucceſs. I expect to find the admiral to-morrow, where I hope to hear he has deſtroyed ſome of the enemy's ſhips, having left him in chace of them laſt night, ſtanding to the eaſtward, and pretty near them, as I judged. My Lord, I hope you will excuſe me, if I preſume to pray, you will uſe your intereſt with the queen, that a reward may be given to the three captains of the fire-ſhips, and ſeveral of the others; for greater zeal and greater bravery I never ſaw. I pray your excuſe for being thus tedious and particular. Pray God preſerve their majeſties, and that their arms may be ever crowned with ſucceſs both by ſea and land, ſhall be the prayers and endeavours of, &c.

"P. S. Captain Heath burnt Tourville's ſhip, the Royal Sun, which was the moſt difficult. Captain Greenway burnt the other, called the Conquerant. The Admirable was burnt by our boats; captain Fowlis attempted the Royal Sun, but was ſet on fire by the enemy's ſhot, yet deſerves as well as the others."

[p] Monſieur Fourbin, contrary to the opinion of father Daniel, blames the conduct of his admiral in the latter part of the action. "The General, ſays he, neglecting to improve the advantage, which he had, of eſcaping, reſolved, for what reaſon I could not imagine, to come to an anchor, at the entrance of the Race, inſtead of ſteering off quite, as he ſhould have done, not being in any condition to continue the fight. At laſt an unexpected accident completed our ruin. The ſhip, in which the admiral was, with ſeveral others ſlipped their anchors, and were thereupon driven by the tide upon the enemy. Monſieur de Tourville, who ſaw himſelf in danger, being unwilling to expoſe the whole fleet, which was about to follow him, and which would infallibly have been either taken or ſunk, took down his general's flag. Upon this monſieur de Pannetier, commander of a ſquadron, put up a flag as a ſignal to rally, and thereby ſaved the remainder of the fleet. Thoſe, which followed the general's fate, ran themſelves aſhore at La Hogue, where fourteen of our fineſt men of war were unfortunately burnt. I ſaved mine, though bored through and through, and following the remainder of the fleet, which were in no better condition than myſelf, we made for the road of St. Malo's."

[q] According to a relation, which we find in Kennet, the French loſt five great ſhips in the fight, (which father Daniel however contradicts) one of which was monſieur Gabaret's, admiral of the blue ſquadron, of ninety odd guns; ſo that in the whole one and twenty of their biggeſt ſhips were deſtroyed, beſides the two frigates, and other ſmall veſſels. And, had it not been for the foggy weather, few of the reſt would have eſcaped. On our ſide not one ſhip was loſt, but the fire-ſhips, which were ſpent upon action; and beſides rear-admiral Carter and colonel Haſtings, not one commiſſion-officer.

The Dutch admiral Allemonde gave an account of this action to the States-General in the following letter,

From on board the Prince near Cape Barfleur, June 3, 1692. N. S.

"High and mighty lords,

"Since my two laſt of the 31ſt paſt, and 1ſt inſtant N. S. which gave your high mightineſſes an account of what had paſſed in the defeat of the French fleet, I came to anchor under this cape, where I have been ſince yeſterday in the afternoon with your highneſſes ſquadron, and that of ſir John Aſhby, admiral of the Engliſh blue ſquadron, and ſome other Britiſh ſhips. At my arrival here I was informed by the captain of a French fire-ſhip, who was taken priſoner, that about twelve of the ſhips, which had engaged your highneſſes ſquadron, and to which we had given chace, were got in among the rocks; upon which I prepared to go and deſtroy or burn them. But as I was ready to put my deſign in execution, I found that admiral Ruſſel was giving orders to the ſame purpoſe. I immediately offered him your light frigates and fire ſhips to aſſiſt his ſhips, and immediately gave the neceſſary orders, in caſe he ſhould make uſe of them. But as yet I know not whether thoſe frigates and fire-ſhips were employed or not. All that I can aſſure your high mightineſſes, is, that the ſame day they took a reſolution to deſtroy theſe ſhips; they burnt ſix of the largeſt, being ſhips of three decks; and this day the reſt which remained, the leaſt of which carried ſixty pieces of cannon, incurred the ſame fate, being burnt, with all their ammunition and proviſion, together with ſix other ſmall veſſels, which they had lightened of their guns, to try whether it were poſſible to ſave them, by towing them any higher; ſo that this expedition has compleated the irreparable ruin of the enemy's fleet. I underſtand this day from on board of admiral Ruſſel, that orders are given out to burn the tranſport veſſels, which are in the bay of La Hogue, to the number of three hundred, if it may be done with ſafety. But, I fear, it will be very difficult, becauſe the water is very ſhallow, where thoſe veſſels lie; and great reſiſtance may be made from the land-ſide. I therefore leave the ſucceſs of the deſign to Providence. On the other hand it has been reſolved in a grand council of war to reduce our fleet to fifty or ſixty great ſhips, ſail away to the iſle of Uſhant, and endeavour to take all the enemy's ſhips that ſhall come off, or deſign to go into Breſt, and to ſend the reſt of the men of war, with ſome fire-ſhips to ſcour the coaſts of France, as far as Dunkirk; to ſeek and deſtroy, if poſſible, the ſcattered remnants of the French fleet, that have ſteered their courſe to the eaſt. I am,

"Moſt High and Mighty Lords,

"Yours, &c.

"O. Allemonde."

[r] Biſhop Burnet tells us that Sir John purſued them ſome leagues; but then the pilots pretending danger, he came back; ſo that twenty-ſix of the French ſhips, which, if he had purſued, by all appearance he had deſtroyed, got into St. Malo's. Burnet II. 93.

[s] Father Daniel and monſieur Fourbin ſay, but forty-four.

[t] Father Daniel takes no notice of all this; but on the other hand, ſays, that ſeveral diſappointments, occaſioned by contrary winds, obliged count de Tourville to come to an engagement. What monſieur de Fourbin ſays of this matter may in ſome meaſure clear it up. "The views of France, (ſays he,) and the project of a deſcent into England, were now no more a ſecret. King James was already gone to La Hogue, where he was ready to embark at the head of twenty thouſand men, and waited only the ſucceſs of a battle with the Engliſh, which monſieur de Tourville had orders to give even at a hazard, if occaſion required it. It was indeed neceſſary to run this riſque, in order to make the deſcent ſecure, for there was nothing could be an impediment to it but the Engliſh fleet. It is not to be doubted, but if the Engliſh had been worſted, which probably would have happened, if we had

the Dutch could not poſſibly join ſir Ralph Delaval's and rear-admiral Carter's ſquadrons, then cruiſing on their coaſt, before he might have had an opportunity of coming up with them. And indeed, had not admiral Ruſſel ſailed from the river at the very time he did, contrary to the opinion of the pilots, the winds, which afterwards happened, would have prevented his coming timely to their aſſiſtance; ſo that the enemy might, in all probability, have had equal, if not greater ſucceſs, than we had over them. And here it may be obſerved, that although the confederate fleet was conſiderably ſtronger than the French, yet were the latter beaten by an inferior number; for by reaſon of the calm, and the thickneſs of the weather, it was not poſſible for many of the Dutch ſhips, or of the blue ſquadron, to engage; whereas had they been favoured with clear weather, and a gale of wind, it is very probable, that not ſo much as one of the French ſhips would have eſcaped [u].

It was believed, that if this ſucceſs had been purſued with vigour, conſidering the conſternation, with which the French were ſtruck, upon ſuch an unuſual and ſurprizing blow, the victory might have been carried much farther than it was. But admiral Ruſſel was provoked by ſome letters and orders, which the earl of Nottinham ſent him from the queen, which he thought were the effects of ignorance; upon which he fell into a croſſneſs of diſpoſition, and found fault with every order, that was ſent him, but would offer no advices on his part. And he came ſoon after to St Helen's, which was much cenſured; for though the diſabled ſhips muſt have been ſent in, yet there was no ſuch reaſon for bringing in the reſt, that were not touched. Croſs winds kept them long in port; ſo that a great part of the ſummer was ſpent before he went out again, and the French had recovered out of the firſt diſorder that had quite diſpirited them.

The loſs of the French fleet was ſenſibly felt by king James, who thereupon writ to the king of France, 'That he had hitherto, with ſome conſtancy and reſolution, ſupported the weight of all his misfortunes, ſo long as he himſelf was the only ſufferer; but he acknowledged, that this laſt diſaſter overwhelmed him, and that he was altogether comfortleſs, in relation to what concerned his moſt Chriſtian majeſty, through the great loſs, that had befallen his fleet. That he knew too well, that it was his own unlucky ſtar, which had drawn this misfortune upon his forces, always victorious, but when they fought for his intereſts; which plainly let him ſee, that he no longer merited the ſupport of ſo great a monarch. He therefore intreated his moſt Chriſtian majeſty, no longer to concern himſelf for a prince ſo unfortunate as himſelf, but permit him to retire with his family to ſome corner of the world, where he might ceaſe to obſtruct the uſual courſe of his moſt Chriſtian majeſty's proſperities and conqueſts, and where nothing could more contribute to his conſolation, than to hear of the quick return of all his wonted triumphs both by ſea and land, 'over both your enemies,' ſays he, 'and mine, when my intereſt ſhall no longer be intermixed with your's.' The king of France endeavoured to alleviate his affliction by a kind anſwer, wherein he promiſed never to forſake him in the worſt of his extremities.

The queen was no ſooner informed of the victory, but ſhe ſent thirty thouſand pounds to Portſmouth, to be diſtributed among the ſailors; ordered medals to be ſtruck for tokens of honour to the officers, and cauſed the bodies of admiral Carter and colonel Haſtings to be honourably interred. At the ſame time a deſcent into France was projected, and about ſeven thouſand men, that were encamped near Portſmouth, were ſhipped there, under the command of the duke of Leinſter, who embarked on the Breda. It was intended they ſhould land at St Malo's, Breſt, or Rochefort. Great matters were expected from this expedition; but, to the general ſurprize, in a few days intelligence came that all the tranſports were retuned to St Helen's with part of the fleet. It ſeems, the next day, after the fleets were joined, admiral Ruſſel and the reſt of the commanders went on board the Breda, where the duke of Leinſter's commiſſion was opened; and on the 28th of July a council of war was held on board the general, where it was agreed, that an attempt upon the enemy's ſhips at St Malo's, or at Rochefort, was not then practicable, the ſeaſon of the year being ſo far advanced. The flag-officers likewiſe by themſelves came to a determination, 'That, ſince the land-forces were come to the fleet, ſomething might have been attempted at one of thoſe places with probability of ſucceſs, were not the ſeaſon of the year ſo far ſpent, as not to admit of the fleet's going thither with ſafety.' It was complained, That the earl of Nottingham being ignorant of ſea-affairs, and not conſulting ſeamen, ſent orders which could not be obeyed without endangering the whole fleet. The queen ſent to Portſmouth a committee of privy councillors, the lord ſteward, lord chamberlain, the earls of Nottingham and Rocheſter, and the lords Sidney and Cornwallis, who having given freſh orders to the fleet, and conferred with the generals, returned to London. The ſoldiers, after having lain on board almoſt a month, were, to ſave the ſhame of landing them again in England, ſent over to ſerve in Flanders, where they arrived the 22d of Auguſt. Thus the campaign at ſea, which began ſo glorioufly, ended but poorly.

The common reflection that was made on our conduct, was, that Providence, and the valour of our men had given us a victory, of which we knew not what uſe to make. What was worſe, our merchants complained of great loſſes this ſummer; for the French, having laid up their fleet, let the ſeamen go and ſerve in privateers, with which they watched the motions of our trade: and ſo, by an odd reverſe of things, as we made no conſiderable loſſes, while the French were maſters of our ſea two years before; ſo now, when we triumphed on that element, our merchants ſuffered moſt. The concluſion of all was, Ruſſel complained of the miniſtry, and they complained no leſs of him. The merchants complained of the admiralty; but they, in their defence, ſaid, that there were not ſhips and ſeamen enough both to furniſh out a great fleet, and at the ſame time to ſend out convoys for ſecuring the trade.

As to foreign affairs this campaign, though the elector of Bavaria, who, through the influence of king William, had been made Governor of the Spaniſh Netherlands, had put thoſe provinces in a far better ſtate than formerly, yet that did not hinder the king of France from attemping the ſiege of Namur, one of the ſtrongeſt places in all thoſe parts, both by its advantageous ſituation on the confluence of the Sambre and the Maeſe, and its good fortifications, but principally a caſtle built upon a hill in an angle formed by thoſe two rivers. The French king inveſted the town in perſon, and purſued the ſiege with ſuch vigour and diligence, that, in four days, he made himſelf maſter of all the out-works near St. Nicholas's gate. The garriſon, ſeeing it was in vain to withſtand an army encouraged by the preſence of their ſovereign, ſurrendered the town upon articles, and retired into the citadel.

Upon the news of this ſiege, king William with the confederate army under his command, decamped from Anderleck, marched to Diegom, the next day towards Louvain, and pitched his camp near Bethlem Abbey, from whence he continued his march towards Namur. But, before the king removed, he gave the enemy notice of his late victory at ſea by a triple diſcharge of an hundred and forty pieces of cannon, which were anſwered by as many vollies of ſmall ſhot from the two lines of the army. It is reported, that the French king heard this noiſe with a great deal of unconcern, ſaying, "Here's a mighty ſtir indeed about burning two or three ſhips!" But in fact the conſequence ſhewed, that it was the unhappieſt blow he received during the whole courſe of the war; for thereby his ſea-coaſts remained expoſed to the inſults of the Engliſh, the French not being able after this to ſet out a fleet fit to engage with that of the confederates.

The duke of Luxemburg, who covered the ſiege of Namur with an army of ſeventy thouſand men, upon information, that the king of England moved towards the Mehaigne, marched that way likewiſe, and the two armies, which were almoſt equal as to number (the confederates not exceeding ſeventy-five thouſand men) advanced in ſight of one another, the river only remaining between them. King William poſſeſſed himſelf of all the poſts upon the Mehaigne on his ſide, as Luxemburg did of two villages ſurrounded with ſtrong hedges and thickets on the oppoſite bank. But the confederates had ſuch an entire command of the river by their batteries, that the ſame evening the king ordered the pontoons to be laid over it, in order to attack the enemy the next day. All things were in readineſs for an engagement, but the ſame night, and the ſucceeding days, the weather proved ſo rainy,

hindered their fleets from joining, this project of a deſcent, which fell to the ground, by the blow our fleet received, would have cauſed the Engliſh a great deal of uneaſineſs and pains. But the contrary winds, which laſted for three whole weeks, and hindered our proceeding, gave the enemy time to join their fleets; ſo that inſtead of five and forty ſhips, which they were ſuppoſed to be, the number, after they were joined, amounted to ninety-ſix."

[u] This is Burchet's account, the greateſt part of which is taken from admiral Ruſſel's letter to the earl of Nottingham, dated from Portſmouth, June 2, 1692. See Lettres Hiſtoriques. II. 108.

This

that a ſtop was put to his enterprize[w]. He tried, by another motion to raiſe the ſiege; but, the town having capitulated ſo early, and the citadel lying on the other ſide of the Sambre, he could not come at it.

The moſt remarkable action, before the citadel of Namur, was the taking of Fort William, which was raiſed by that great engineer Coehorn, and defended by himſelf. The French king, being reſolved to carry this work at all adventures, cauſed it to be aſſaulted; and, though all the efforts of his men proved unſucceſsful, yet they returned to the ſtorm the next day. The beſieged, animated by their commander, made an incredible reſiſtance, repulſing twice the aſſailants with great ſlaughter; but at length the latter, with redoubled numbers, made themſelves maſters of the covered way, and cut off the beſieged from their communication with the caſtle.

Coehorn being dangerouſly wounded, the garriſon, who thought themſelves no longer in a condition to hold out, deſired to capitulate; reſerving only ſo much time to themſelves, as to ſend to the prince of Barbanſon, governor of the Old Caſtle, to give him notice of their reſolution, which he readily allowed; and thereupon Fort William, which from this time was called Fort Coehorn, was delivered up to the French.

The conſequence of this loſs was the ſurrender of the citadel of Namur, which, conſidering the ſtrength of the place, and the ſhortneſs of the ſiege, occaſioned ſome reflections on the prince of Brabanſon, whom king William is reported to have ſuſpected, and therefore to have deſired the elector of Bavaria to remove him from his government of Namur; but the French inveſting the place before the elector could comply with the king's deſire, without ſhewing any diſtruſt of the Prince, his electoral highneſs contented himſelf with ordering the count de Thian to accompany him in this ſiege, with particular inſtructions to obſerve his conduct. But the prince of Barbanſon is juſtified by others, who maintain, that he did all that could be expected from a man of honour and courage.

The taking of Namur was reckoned the greateſt action of the French king's life; that, notwithſtanding the depreſſion of ſuch a defeat at ſea, he yet ſupported his meaſures, ſo as to make himſelf maſter of that important place in the view of a great army. On the other hand, king William's conduct, on this occaſion, was much cenſured; for it was ſaid, that he ought to have put much to hazard, rather than ſuffer ſuch a place to be taken in his ſight.

When the citadel of Namur was ſurrendered, the king lay encamped at Melle, where he formed a deſign to ſurprize Mons, which the French took care to diſappoint. From Melle he marched his army to Genap, thence to Noſtredame de Hall, and on the 22d of July over the Seine, when he was joined by eight thouſand Hanoverians. But the king of France, contenting himſelf with the glory of having taken Namur, left the command of his forces to Luxemburg[x], who pitched his camp in an advantageous poſt, covered by a wood and thick hedges, between Enghen, and Steenkirk, where king William reſolved to attack him, upon the information of ſome perſons who were thought to underſtand the nature of the ground, though it was found to be narrower and leſs practicable than the king had been made to believe it was.

Accordingly on Sunday, July the 24th, the army marched early in the morning, the heavy baggage being ordered to repaſs the Seine at Hall. There were ſeveral defiles to paſs, and the ways to be made, which rendered it a tedious march. However about ten o'clock the prince of Wirtemberg with the van-guard, which conſiſted of four battalions of Engliſh foot, two of Danes, and a detachment of Churchill's brigade, advanced towards the enemy, and fell upon them with ſo much vigour, that he drove them from hedge to hedge; poſted himſelf in the wood, that fronted the right wing of their army, and erected two batteries of cannon on little eminences, one on the right, and the other to the left of the wood. Whilſt theſe batteries were playing upon the enemy, the confederate army marched up to the head of the defile (about half an Engliſh mile from the wood) where it opened in a little plain not above half a league over, which terminated upon the right of the wood, and upon ſeveral rows of high trees planted in great order.

Upon the right of this plain there was a farm, which ſoon after the engagement, was ſet on fire by the enemy, to cover by the ſmoke ſeveral of their batteries, that were ordered this way. From the head of the defile, upon the left of the plain, there was a deep hollow way, with high trees and hedges upon the banks of it, which reached as far as the wood, where the van-guard was poſted, and where it branch-

[w] This circumſtance is confirmed by the following extracts of original letters from James Vernon, Eſq; afterwards ſecretary of ſtate, and then in the king's army, to ſir William Dutton Colt, envoy extraordinary at Hanover; which extracts will ſhew likewiſe the motions of the confederate army.

From the camp at Ville on the Mehaigne, the firſt of June, 1692.

'Our army lies ſtill encamped in the ſame place, the low grounds on each ſide of the river lying ſo full of water from the inceſſant rains we have had ever ſince our coming hither, that it is not practicable at preſent to paſs over to attack the enemy.

'The French army lies ſtill in our ſight, though they have removed their camp ſomething backwarder. There were above five hundred ſoldiers, that deſerted from the French on Sunday and Monday laſt; and ſeveral have come away ſince, but not in ſo great numbers ſince the removal of their camp.

'The ſhooting continues ſtill at Namur. The caſtle, we hear, has not yet been attacked, the French plying their batteries hitherto againſt the new fort, where they have made but ſmall advances, ſince we have given them ſo great a diverſion by our being ſo near to them.'

From the camp on the Mehaigne, 5th June, 1692.

'We have nothing at preſent very material, the armies lying ſtill in the ſame places. We have had very beaſtly weather almoſt ever ſince our being here; and the rains ſtill continue; which has made a bog of the land on both ſides the river, and deſtroyed moſt of the bridges we had made, ſo that I ſcarce ſee what we have to do here. I am almoſt afraid we ſhall not be able to ſuccour Namur, though the caſtle holds out ſtill with great bravery; and we hear they have repulſed the enemy with loſs, at ſome aſſaults they have given to their outworks; but they may very well be loſt at laſt, whilſt we are kept at this diſtance from them. They, that know the inconveniencies of paſſing a river, and through defiles, to an enemy, who ſtand ready to receive them, think this a hazardous piece of work, if the difficulties had not been increaſed by ſo much ill weather. I don't find but the French are reckoned ſuperior to us in horſe by at leaſt fifty ſquadrons; and that they have not fewer foot. If nothing elſe be to be done, and that we can ſubſiſt here longer than they do, we may inconvenience them as they march off. About two days ago we ſent out a detachment of forty ſquadrons, which, I hear, are gone towards Huy; but I don't yet know on what deſign. One would think it were now time for the confederates to be doing ſomething on the Rhine and in Savoy; for it is hard to have the whole burthen lie ſo long upon his majeſty.'

From the camp on the Mehaigne, 6 June, 1692.

'His majeſty's army and the French continue ſtill in the ſame camps. The late rains, which we are not yet freed from, have ſpoiled moſt of the bridges we have made over the river, ſo that we muſt be obliged to make them over again. We hear almoſt continual ſhooting from the caſtle of Namur; and we are adviſed by perſons lately come from thence, that the beſieged have behaved themſelves with very great bravery; and that the place holds out ſtill, having hitherto kept the enemy from making any conſiderable advance upon them.'

From the camp at Ramillies, on the Mehaigne, 8 June, 1692.

'On Monday night late, orders were given for the army to march next morning. As ſoon as the French obſerved our intentions to march, they put themſelves into a poſture to do the like; and the armies were both moving about the ſame time and the ſame way, each on their own ſide of the river, and in ſight one of the other all the way. His majeſty brought up the rear of the army that day, which had no diſturbance in its march. The French and we lie again encamped oppoſite one to the other; but they are now nearer to the river than they were before; and we lie with our right ſtretched towards Perwys.——Our army lies ſtill this day; and it is yet uncertain, what we are to do to-morrow, for the orders given hitherto importing only, that the troops ſhould not go out to forage to-morrow, by that is underſtood, that every one is to be in a readineſs to receive what orders ſhall be given.

'Part of the French army were this morning in motion, but it proves only in order to extend themſelves further towards their left wing, that is near to Mazey and Gemblours; ſo that their right wing is now about oppoſite to the middle of their line.

'This morning his majeſty was out with ten ſquadrons of horſe to view the ground as far as the great road on this ſide Perwys.

'This afternoon the earl of Athlone and monſieur d'Auverquerque paſſed the river towards our right with ſeven or eight ſquadrons of horſe, and were near ſome ſquadrons of the enemy, which brought up the rear of thoſe that marched. But his majeſty did not think it fit they ſhould charge them, there being ſome reaſon to ſuſpect, that more French horſe with ſome of their foot might be lying in ambuſcade behind a riſing ground there adjoining; ſo that nothing paſſed, only one of their carabineers, firing his piece at ſome diſtance, ſhot a young gentleman ſon to colonel Boncourt, who was aid de camp to major-general the marquis de Foreſt. The bullet came in by his noſe, and paſſed into his mouth without going further, ſo that it is not doubted but he will recover.'

From the camp at Sombreff, 13 June, 1692.

'On the 10th inſtant, about four in the afternoon, monſieur Luxemburg's army began to decamp, in order to draw near to Namur, and yeſterday our army marched about four leagues to this place, paſſing by that, which was the enemy's camp, while they lay by Gemblours. We ſaw the enemy's camp about a league and a half diſtant, who lie with their left towards Mazey, but our right is extended beyond them towards Flerus.

'Before we left our laſt camp, we had an account, that a party of three hundred horſe and fifty dragoons, paſſing the Sambre at Charleroy, had fallen upon a convoy of the French between Phillipeville and Walcour, going to Namur; and, after routing the enemy, conſiſting of four ſquadrons of horſe, they ſeized one hundred and thirty waggons laden with wine, meal, and oats, which they deſtroyed, and brought away two hundred horſe, and one hundred head of cattle, with ſome priſoners.'

[x] And returned to Paris after his uſual method. For, according to the old Perſian luxury, he uſed to bring the ladies with him, with the muſic, poems, and ſcenes, for an opera and a ball; on which he and his actions were to be ſet out, with the pomp of much flattery.

Biſhop

ed itſelf into two other deep ways, and going through the wood upon the left to the Danes attack, and to that of the guards; and the other upon the right going along the outſide of the wood. Between theſe two laſt were poſted the regiments of ſir Robert Douglas, colonel Fitzpatrick, and colonel O'Farrol.

When the confederate army was come up to the head of theſe defiles, and juſt entring into the ſmall plain, they were ordered to halt, except the Engliſh life-guards, and horſe and dragoons, and the lord Cutt's, lieutenant-general Mackay's, ſir Charles Graham's, and the earl of Angus's regiments; which being interlined with the horſe, were commanded at the ſame time to the right ſkirts of the wood, whilſt the prince of Heſſe's, colonel Lowther's, and the earl of Leven's regiments, were alſo intermixed with the left wing of horſe, and poſted upon the outſide of the wood. Things being thus diſpoſed, and the army continuing in their halt, the prince of Wirtemberg, after he had cannonaded for above two hours, began the attack with the Danes upon the right, which was immediately followed by the other four Engliſh regiments, that compoſed the van-guard, and ſeconded by Cutt's, Mackay's, Angus's, Graham's, Lowther's, the prince of Heſſe's, and Leven's regiments. Never was a more terrible, and at the ſame time more regular firing heard; for during the ſpace of two hours it ſeemed to be continued claps of thunder. The van-guard behaved themſelves with ſo much bravery and reſolution, that though they received the charge of ſeveral battalions of the enemy, one after another, yet they drove them beyond one of their batteries of ſeven pieces of cannon, of which the Danes and the ſecond battallion of the regiment of Engliſh guards poſſeſſed themſelves, and which colonel Whacop, who commanded the Engliſh, would have ſent away, had not the French cut off the traces, and carried away the horſes. Sir Robert Douglas with his firſt battalion, charged ſeveral of the enemies, and beat them off from three ſeveral hedges, and made himſelf maſter of the fourth, when going through a gap to get on the other ſide, he was unfortunately killed upon the ſpot. All the other regiments behaved themſelves with equal bravery, firing muzzle to muzzle through the hedges, they on the one ſide, and the enemy on the other.

The king being made ſenſible of the difficulties, which the van-guard had to encounter, by one of the prince of Wirtemberg's aids de camp, who had already ſent two meſſengers to count Solms, to no purpoſe, his majeſty diſpatched away count Paulin, one of his aids de camp, with poſitive orders to count Solms, who commanded the main body, to ſend more foot to the prince's aſſiſtance. But count Solms (who is ſaid to have been always envious of the Engliſh[y], and who beſides had a particular jealouſy for the prince of Wirtemberg's commanding the attacks, an honour which he would have had himſelf) inſtead of obeying the king's commands, ordered the horſe to march, and the foot to halt, which proved the loſs of the day. For the ground was ſo ſtrait, and the enemy had ſuch hedges, copſes, and ditches to cover them, that there was nothing to do for the horſe; ſo that, when the van-guard began to engage, they had none but part of the infantry interlined with the left wing of the horſe to ſecond them, the body of foot being almoſt a mile in the rear. However, the king made all poſſible diligence to get the infantry up, ordering a brigade to march to the wood, and forming a line of battle in the plain, with ſuch foot as could come up. The eagerneſs of the ſoldiers to follow their royal leader, and to engage the enemy, was ſuch, that they put themſelves in ſome diſorder, and took more time to form their battalions, than could now be conveniently ſpared; ſo that, before they could reach the wood, the van-guard and infantry of the left wing being overpowered by thirty battalions of the enemy, that charged them continually one after another, and by a freſh body of dragoons brought up by Boufflers, they were forced to retreat in great confuſion, and to leave the wood in the enemy's poſſeſſion. The Engliſh life-guards owed their preſervation to the Daniſh foot-guards, and the baron of Pibrack's regiment of Lunenburghers being in diſorder upon the ſkirt of the wood, and the colonel himſelf lying dangerouſly wounded upon the place, ſir Bevil Grenville, who commanded the earl of Bath's regiment, marched up to his relief, receiving the enemy's fire, before he ſuffered any peloton of his battalion to diſcharge once. By this method he lodged himſelf in the hollow way near the wood, ordered his ſerjeants to carry off the baron of Pibrack, and maintained his poſt, till he was commanded to leave it by the prince of Naſſau.

The king, enraged at the diſappointment of the vanguard for want of a timely relief, expreſſed his concern by often repeating theſe words, 'O! my poor Engliſh! how they are abandoned!' Nor would he admit count Solms to his preſence for many months after. And now conſidering, that the fight was not to be renewed without endangering the loſs of the whole army, Luxemburg being conſiderably reinforced by Boufflers, and beſides the night drawing on, the king commanded a retreat, which was performed with admirable order, and without any great diſturbance from the enemy, who never durſt engage the Engliſh in the rear.

In this battle the confederates loſt the brave lieutenant-general Mackay,[z] ſir John Lanier, ſir Robert Douglas, the earl of Angus, and divers other gallant officers, above two thouſand men killed, three thouſand wounded or made priſoners, and ſeveral pieces of cannon. As for the French, excepting the honour of remaining maſters of the field, they had not much reaſon to boaſt of any advantage, having had the prince de Turenne, the marquis de Belleſonds, the marquis de Tilladet, the brigadier Stouppe, the marquis of Firmacon, and ſeveral other officers of diſtinction, and two thouſand private ſoldiers killed, and near as many wounded. Neither had they eſcaped ſo well, had it not been for the chevalier de Millevoix, one of the elector of Bavaria's domeſtics, who had already given, and ſtill endeavoured to give further intelligence to marſhal Luxemburg, of the king's motions and deſigns, for which he was hanged on a tree in the right wing of his majeſty's army.

The author of the memoirs of the reign of Lewis XIV. who is miſtaken in ſtiling Millevoix a ſecretary of king William, ſays, that his correſpondence being diſcovered, he was made to give Luxemburg falſe intelligence, that the confederates would come that day towards the French army to forage: ſo that when the French parties aſſured him, that the whole army of the confederates was advancing, he could not be perſuaded of it, till the brigade of Bourbonnois, which poſſeſſed the hill on the right, was attacked.

About the ſame time, a more infamous criminal than Millevoix was diſcovered, and deſervedly puniſhed. This was the chevalier Grandval. The occaſion was thus: The king's enemies, being unwilling to wait any longer the uncertain fate of war, laid a deſign to aſſaſſinate him in Flanders, the laſt year 1691. The chevalier Grandval, captain of dragoons in the French ſervice, and Anthony du Mont, upon the promiſe of great rewards, undertook to put this horrid deſign in execution, while the king was at Loo; but, miſſing their opportunity, they followed him to his camp in Flanders. From hence, Grandval returned to the French army, and Du Mont, according to the orders given him, entered himſelf into the confederate army, that he might take his opportunity, when the king went to viſit the grand guard on the lines, to ſhoot him behind his back, and then make the beſt of his way to a body of horſe, that Grandval and Parker ſhould have in readineſs, upon a previous intimation, to reſcue and carry him off. But Du Mont, whatever might be the cauſe, after ſome weeks attendance went to the court of Hanover, as one that had forſaken the French ſervice, and the project was laid aſide for that year.

The king of France had loſt two miniſters, one after another; Seignelay died firſt, who had no extraordinary genius, but he knew all his father's methods, and purſued them ſo, that he governed himſelf both by his father's maxims, and with his tools. Louvois did not long ſurvive him. He had more fire, and therefore grew uneaſy at the authority madam de Maintenon took in things ſhe could not underſtand. By this means, he at length was ſo unacceptable to the king, that once, when he flung down his papers upon the floor before him, upon ſome provocation, the king lifted up his cane;

[y] Biſhop Burnet obſerves, 'That this count bore the blame of the errors committed on this occaſion. The Engliſh had been ſometimes checked by him, as he was much diſguſted with their hate and pride: ſo they charged all on him, who had ſome good qualities, but did not manage them in an obliging manner.' II. 97.

[z] Mackay, being ordered to a poſt that he ſaw could not be maintained, ſent his opinion about it, but the former orders were confirmed: ſo he went on, ſaying only, The will of the Lord be done. He was a man of ſuch ſtrict principles, that he would not have ſerved in a war which he did not think lawful. He took great care of his ſoldiers morals, and formed them to be both ſober and juſt in their quarters. He had one ſingular quality: In councils of war he delivered his opinion freely, and maintained it with due zeal; but how poſitive ſoever he was in it, if the council of war over-ruled it, even though he was not convinced by it, yet to all others he juſtified it, and executed his part with the ſame zeal as if his own opinion had prevailed. Burnet.

Biſhop

but the lady held him from doing more. This affront, as was given out, ſunk ſo deep into Louvois's ſpirits, that he died ſuddenly a few days after. Some ſaid of an apoplexy; others ſuſpected poiſon; for a man, that knew ſo many ſecrets, would have been dangerous, if he had out-lived his favour. His death happened juſt after the project was laid for killing the king, a memorandum of which was found among his papers, by his ſon the marquis of Barbeſieux, who had the ſurvivance of his place, and continued in it ſome years; but, as he was young, ſo he had not a capacity equal to the poſt. He reſolved to purſue the project of the aſſaſſination, in which madam de Maintenon concurred, and Luxemburg was truſted with the direction of it. Du Mont having, in the winter, at Hanover, from ſome diſcourſes and practices of his raiſed a ſuſpicion, ſir William Colt, the king's envoy there, gave notice of it. Upon which one Leefdale, a Dutch papiſt, was ſecretly ſent to Paris as a perſon that would enter into the deſign; but in reality went on purpoſe to diſcover it.[a] Grandval and he came back to Flanders in the ſpring, to ſet about it, whilſt king James was preparing to invade England.

In caſe this invaſion failed, the French king did not queſtion but all his deſigns would be accompliſhed by the king's aſſaſſination, to which he chiefly truſted. But Leefdale, as he was going with Grandval from Antwerp to Eyndhoven, brought him into a party that ſeized him, and carried him to Boiſleduc. He was afterwards tried by a court-martial, and ſentenced to be hanged, drawn, and quartered. When he found that Du Mont as well as Leefdale had made a diſcovery of the affair, and that there was full proof againſt him, he confeſſed the whole ſeries of the management without ſtaying to be put to the torture. The king gave orders that none belonging to him ſhould go near Grandval, that there might be no colour for ſaying, that the hopes of life had drawn his confeſſion from him, nor was he ſtrictly interrogated about the circumſtances; but was left to tell his ſtory as he pleaſed, which he did in the following manner, as it is related in the ſentence paſſed upon him by the court-martial, of which the earl of Athlone was preſident.[b]

Whereas Bartholomew de Liniere, knt. ſieur de Grandval, born at Liniere in Picardy, aged about forty-three years, and now a priſoner, hath confeſſed before the grand court-martial, without any conſtraint by pain, or being in irons; and it farther appearing to the ſaid court-martial, that the late marquis de Louvois, in his life-time ſecretary of ſtate to the French king, in the year 1691, entered into an agreement with one Anthony du Mont, about the murther of his majeſty, William III. king of Great Britain, &c. and that the ſaid Du Mont had framed a project, ſetting forth in what manner that deſign might be executed; that he delivered the ſaid project to the ſaid marquis de Louvois; That the priſoner, ſome time before the marquis de Louvois's death, aſking his leave to go ſomewhere elſe, was ordered by the ſaid marquis not to go away, for that he had ſome buſineſs of conſequence to employ him in, which the priſoner ſuppoſes to have relation to the ſaid deſign; but, the marquis de Louvois dying ſome time after, there was no further progreſs then made in the ſaid deſign.

That the marquis de Barbeſieux, ſon of the ſaid marquis de Louvois, as alſo ſecretary of ſtate to the French king, having five days after his father's death found the ſaid project, together with a warrant for thirty piſtoles to be paid to the ſaid Du Mont, among his father's papers, the ſaid deſign was revived again, and the thirty piſtoles were paid accordingly. That the priſoner contracted acquaintance with Du Mont at monſieur Rabenac's houſe, where monſieur Paparel, paymaſter-general to the French king's armies, ſaying one day to monſieur Rabenac (the priſoner being preſent) that, if they had a mind to ſeize the king of England, Du Mont would be a fit perſon for it; Du Mont replied with execrations, that he would carry off his majeſty alive or dead, as he had promiſed to monſieur de Louvois.

That, Du Mont having delivered the ſame or the like project to Monſieur de Barbeſieux, the priſoner, to promote the ſaid deſign, had ſeveral conferences with Monſieur Barbeſieux and Monſieur Paparel; in one of which Monſieur Barbeſieux told the priſoner, that he ſuſpected his father was poiſoned by order of the prince of Orange (meaning his preſent majeſty of Great Britain) and therefore he would be revenged on him. That Monſieur Barbeſieux told the priſoner in another conference, that he ſhould give Du Mont notice, that his majeſty of Great Britain wore a coat of mail; which the priſoner acquainting Du Mont with, he anſwered thereupon, "It is no matter, I'll kill him for all that." That Barbeſieux had ſaid further, he would not ſpeak himſelf with Du Mont, fearing he might be taken priſoner; and, if he ſhould happen then to name him, it might make a great breach in his fortune.

That the priſoner was engaged with one Parker, a colonel belonging to the late king James, to put the ſaid deſign in execution; and that Parker told him he had formed the ſaid deſign with the late marquis de Louvois.

That at laſt the priſoner, with the ſaid Barbeſieux, Paparel, Parker, and Du Mont, agreed upon the manner of executing the ſaid deſign, viz. That the priſoner and Parker ſhould meet at the grand guard of the duke of Luxemburg's army, where they were to have fifteen hundred horſe: That Du Mont ſhould go to the king of England's army, and watch the time, when his majeſty went to viſit the grand guard; and at the ſame time he was to ſhoot his majeſty: That the priſoner and Parker with fifteen hundred horſe were to reſcue and bring him off, the ſaid Du Mont giving timely notice to the priſoner of the intended execution. That, Barbeſieux giving the priſoner orders to accompany Du Mont to Menin, he gave him at the ſame time an order to the duke of Luxemburg for furniſhing the priſoner with ſuch a detachment of horſe, as he ſhould require, and think neceſſary for the deſign.

That the priſoner, by Monſieur Barbeſieux's order, received of Monſieur Paparel eighty louis d'ors; and, purſuant to monſieur Barbeſieux's directions, he gave to Du Mont fifty-five louis d'ors out of that ſum, viz. fifteen piſtoles in ſpecie, and a bill of exchange for four hundred and ſixty livres French money, to be paid at Ghent. That the priſoner accordingly left Paris the 11th of September 1691, and went poſt with Du Mont to Menin: That he defrayed the whole charge of the journey: That Du Mont acquainted him on the way, that Monſieur Barbeſieux had promiſed him an annual revenue of twenty thouſand livres, and to make him a knight of the order of St. Lazarus, in caſe the deſign took effect: That the priſoner, coming to Menin, went to the governor, monſieur Pertuis, as he had been directed by monſieur Barbeſieux, and obtained of him a paſſport for Du Mont, who parted immediately for Ghent, promiſing the priſoner, that according to their agreement he would ſend to him at the grand guard: That the priſoner thereupon went to the duke of Luxemburg's army, and he and Parker continued at the head of the grand guard till the day before the rencounter at Leuze, without hearing from Du Mont.

That, Du Mont going to Hanover, the priſoner had kept a conſtant correſpondence with him about executing the ſame deſign at ſome other opportunity. That the priſoner communicated what letters he received from Du Mont to monſieur Barbeſieux, who gave him directions what anſwers he ſhould return. That the priſoner reſolved with monſieur Barbeſieux, that the deſign ſhould be executed this campaign, anno 1692, which had failed the laſt. That the priſoner had taken ſome meaſures concerning the ſame with monſieur Chanlais, quarter-maſter-general to the French king.

In the mean time one Frederic Aelbreyt Leefdale, heretofore captain lieutenant of a troop of dragoons, in the ſervice of the high and mighty ſtates-general of the united provinces, coming to Paris, was brought acquainted with the pri-

[a] Biſhop Burnet informs us, that monſieur Morel of Berne, the famous medaliſt (who had for ſome years the charge of the French king's cabinet of medals, but being a proteſtant, and refuſing to change his religion, was kept a cloſe priſoner in the baſtile for ſeven years) was ſet at liberty in April this year; and, before he left Paris, his curioſity led him to St. Germains, to ſee king James. He happened both to go and come back in the coach with Grandval; and while he was there, he ſaw him in private diſcourſe with king James. Grandval was full of his project, and, according to the French way, talked very looſely to monſieur Morel, not knowing who he was, but fancied he was well affected to that court. He ſaid there was a deſign in hand, that would confound all Europe; for the prince of Orange (as he called king William) would not live a month. This Morel wrote over to biſhop Burnet in too careleſs a manner, for he directed the letter with his own hand, which was well known at the French court; however, his letter came ſafe. II. 96.

[b] The reſt of the court-martial.

Lieutenant-general Scravenmore.
Lieutenant-general Talmaſh.
The marquis de la Foreſt.
Monſieur de Weede, Count Noyelles, } Majors-general.
Monſieur Zobel, Colonel Churchill, } Brigadiers-general.
Colonel Ramſey, Cornelius Van Won, Richard Elthwayte, } Judge-advocates.

ſoner by the means of one Sterck. That the priſoner, having contracted an intimate familiarity with the ſaid Leefdale, diſcovered the ſaid deſign to him towards the latter end of March laſt 1692, telling him, that an officer, who would ingratiate himſelf in the king's favour, muſt venture at ſomething of conſequence: That he, the priſoner, had concerted the execution of a deſign, upon which his fortune depended: That it was indeed a matter not without hazard, but, the greater the difficulties were, the more would be the honour; encouraging Leefdale to be concerned in it. And, the ſaid Leefdale ſhewing a readineſs to comply with him, the priſoner opened himſelf with greater freedom, and told him, that he was engaged laſt campaign with one Du Mont to aſſaſſinate the king of Great Britain, but it had no effect, by reaſon of his majeſty's leaving the army ſo ſoon; but it was reſolved again to put the ſame in execution this year. That Du Mont by many repeated oaths had ſworn he would do it; yet he, the priſoner, feared, that if he were not preſent, Du Mont would not ſo exactly obſerve his orders, and therefore he was reſolved to go along with Du Mont, aſking Leefdale if he would be of the party; who anſwering that he would, the priſoner diſcourſed to him at large of all the particulars concerning the deſign, and afterwards brought him to monſieur Barbeſieux and Chanlais.

That Chanlais, in one of the conferences held upon that ſubject, told Leefdale, the priſoner being by, that a great reward ſhould be given him, the buſineſs ſucceeding: That Barbeſieux and Paparel had both of them knowledge of the promiſed rewards.

That he, the priſoner, with the ſaid Leefdale and colonel Parker, went to St. Germains on the 16th of April 1692, to ſpeak with the late king James about the ſaid deſign, who had knowledge of it, and to take leave of him before they began their journey. That the priſoner had audience at the ſame time of the ſaid king James, the late queen being preſent; king James telling him, 'Parker has given me an account of the buſineſs: If you and the other officers do me this ſervice, you ſhall never want.' And Parker, the priſoner, and Leefdale, entered into a diſcourſe about this deſign.

That Du Mont's wife delivered to monſieur Barbeſieux ſeveral letters, which ſhe received from her huſband, whilſt he was at Hanover; and, the priſoner continuing his correſpondence with him all that time, he engaged Du Mont by letters, eſpecially thoſe dated the 20th and 25th of April, and the 12th of May laſt, to come from Hanover to a rendezvous at Aden in the country of Raveſtein, in order to take a final reſolution with the ſaid priſoner and Leefdale concerning the manner of executing their deſign; the priſoner preſſing Du Mont to haſten his journey, for fear the king of England ſhould have occaſion to repaſs the ſea; the priſoner adding withal that he ſhould be mad, if he failed in his buſineſs.

That the priſoner, with Chanlais and Leefdale, were agreed in what manner the aſſaſſination ſhould be committed on the perſon of his majeſty, viz. That when the king ſhould ride along the lines, or ſhould go out to take any view; or when the army ſhould decamp, Du Mont ſhould lie in ambuſcade, and, when his majeſty ſhould paſs within an hundred paces of him, he ſhould then fire upon the king. That Chanlais, to whom notice was to be given before of the time, ſhould be with three thouſand horſe at the duke of Luxemburg's grand guard. That the priſoner had told Leefdale, that there would be no danger for him, ſince Du Mont had a ſecret to charm people's eyes; and at all adventures they two would keep with thoſe who followed the king; and when every body was purſuing Du Mont, they ſhould have time to eſcape and ſave themſelves, and carry the account to monſieur Chanlais; and it little concerned them, whether Du Mont ſhould be taken or not, provided they could eſcape themſelves. That the priſoner and Leefdale received their laſt orders from Chanlais, who told them he was going to Mons, and that they ſhould ſtay for him there.

That the priſoner and Leefdale went from Paris the 17th of April laſt, and arrived a few days after at Mons, having waited ſome time for monſieur Chanlais's arrival; and, finding he did not come, they reſolved to go forward to the rendezvous by the way of Bruſſels. That the priſoner, as they were travelling on the way, told Leefdale, that, their deſign taking place, the alliance among the confederate princes would be broken; that the princes concerned would each of them recall their troops; and, the country being thereby left without ſoldiers, the king of France would eaſily make himſelf maſter of it, and king James would be reſtored again.

That the priſoner, with Leefdale, went to the mayor of Boiſleduc, and was apprehended at Eyndhoven.[c]

[c] It will be proper to ſubjoin here ſome extracts of original letters from James Vernon, eſq; then attending the king in Flanders, to ſir William Dutton Colt, envoy extraordinary at Hanover, relating to Grandval and his deſigns.

From the camp at Genap, July 11—21, 1692.

'The three priſoners, who were ſecured at Boiſleduc, being engaged in a deſign againſt the king's perſon, were brought to the army on Friday laſt, and are in the provoſt's hands, in order to the trial of ſome of them. Their names are the chevalier Grandval a Frenchman, Du Mont a Walloon, and the baron de Leefdale a Dutchman.

'Becauſe you have had ſome part in the late diſcovery, I will be a little more particular about theſe three perſons. Grandval is kept in irons, and is the perſon that will be immediately tried. Du Mont, that came from your parts, is in the ſame houſe with him in the cuſtody of the provoſt, but not in the ſame room. He is not chained, but is only guarded by three or four ſoldiers. I have not ſeen him, but I hear he ſpends the day in ſmoking and drinking, and ſeems very deſirous to ſpeak with my lord Portland. I know not whether he will be gratified in it; but, by what I can hear, I am apt to believe, he may have ſomething more to ſay than what he owned at Hanover; and I like him never the better for being ſo long before he brings it out, eſpecially ſince he had thoſe opportunities of doing it both to the duke of Zell and yourſelf. It is well for him he was ſo early in the diſcovery (though he might have been quicker in it too) for, God be thanked, the treaſon would have come out by hands, that were not ſo deeply engaged as his ſeem to be, which I think I may gueſs by the baron de Leefdale's being as it were at liberty.

From the camp at Genap, July 14—24, 1692.

'The general officers appointed to conſtitute a court-martial (whereof the earl of Athlone is preſident) for the trial of the chevalier Grandval, met yeſterday for the firſt time, in order to ſettle all things relating to that trial.'

From the camp at Genap, July 18—28, 1692.

'The general court-martial is ſtill ſitting upon the trial of the chevalier Grandval. On Friday and Saturday laſt his examination was taken, and it remains now only, that the witneſſes be confronted with him.'

From the camp at Lembeck, July 28, Aug. 7, 1692.

'I have the favour of your's of the 18th inſtant, in anſwer to which I muſt acquaint you, that theſe greater matters [the battle of Steenkirk] intervening, have put a ſtop to the proceſs of Grandval, which otherwiſe would have been finiſhed; and now three of the judges are diſabled from attending, viz. Lieutenant-general Mackay, who is killed; and lieutenant-general Lanier and Tetteau are both wounded; ſo that I know not whether it will not be requiſite to fill up their number. As for Du Mont, I cannot but repeat it again, that he is very fortunate to be favoured with the patronage of ſo great a prince, the conſideration of whom will certainly outweigh the ingenuity of his diſcovery and confeſſion, which I wonder ſhould not be more ſincere, ſince nothing could have better become one in his circumſtances. I am afraid, it is too partially ſaid in his favour, that Leefdale concealed the treaſon for a year, for there is no manner of footſteps by any thing, that has appeared, that Leefdale was let into the buſineſs till laſt ſpring, and he diſcovered it as ſoon as ever he got Grandval out of France, if not before; and both their diſcoveries ſeem to be ſo near the ſame time, that I think it hard to ſay which made it firſt. But I am confident the difference in time was ſo little, that neither of them could have notice what the other intended, if there had been any body, that would have meddled to give the advice.

'As for what you write about my lord Portland's ſpeaking with Du Mont, I believe his lordſhip will hardly think it fit for him to make ſuch a viſit, unleſs Mr. Schutz, who has ſeen him, ſhould ſatisfy his lordſhip that it was for the king's ſervice, which, by any thing he has hitherto ſaid in public, I do not ſee any reaſon to believe. Some men are naturally myſterious; ſome are ſo through ignorance, and ſome through guilt, and are loth to appear in their own colours, as long as any cover is to be found. Which of theſe belongs to this gentleman, I am not well enough acquainted with him to determine.'

From the camp at Lembeck, Aug. 1—11, 1692.

'Grandval's trial lay ſilent all laſt week, three of the court-martial being killed or wounded, viz. the lieutenant-generals Mackay, Lanier, and Tetteau; but their places having been ſupplied ſince by major-general Scravenmore, and brigadiers Churchill and Ramſay, this day the trial was made an end of, Grandval in a manner confeſſing all the articles of his accuſation. I believe it will not be long before he is executed. If you have any concern for Du Mont, I can ſatisfy you, that he is not tried at preſent, and I do not know there are any intentions to do it.'

From the camp at Lembeck, Aug. 4—14, 1692.

'The chevalier Grandval being found guilty on Monday laſt by the court-martial, chiefly upon his own confeſſion, for having conſpired againſt the life of his majeſty, he was executed yeſterday morning in the camp, according to the ſentence pronounced againſt him, for his being hanged, drawn, and quartered. A relation of the proceedings is ordered to be forthwith printed.

'As to what you would be informed in, you will have it ſo ſoon in print from Holland, that it will not be worth while to tell it you beforehand, ſince it

Grandval was executed in the camp, on the 13th of Auguſt 1692. He ſuffered with ſome ſlight remorſe, for going into a deſign to kill a king. But, how black ſoever his confeſſions repreſented the court of France, no notice was taken of it: Nor did any of that court offer to diſown or diſprove it, but let it paſs and be forgotten. Yet ſo blind and violent was their party in England, that they reſolved they would believe nothing, that either blemiſhed king James, or the French court.

After the action at Steenkirk, there was little done this campaign. The Engliſh forces that landed at Oſtend, in Auguſt, under the command of the duke of Leinſter, being joined by a detachment from the army, poſſeſſed themſelves of Furnes and Dixmuyde, which they began to fortify, and, putting the country about them under contribution, became very uneaſy neighbours to Dunkirk. The command of theſe places was given to count Horn, who underſtood well the way of making all poſſible advantages by contributions, but was a man of no great merit, and of as little courage. This diſguſted the Engliſh ſtill more, who ſaid, that the Dutch were always truſted and preferred, while themſelves were neglected. They had ſome colour to cenſure this choice the following winter, for, upon the motion of ſome French troops, the count (without ſtudying to amuſe the enemy, or to gain time, upon which much may depend in winter) immediately abandoned Dixmuyde. All he had to juſtify himſelf was a letter from the elector of Bavaria, telling him, that he could ſend him no relief; and therefore ordering him to take care of the garriſon, which was of more importance than the place itſelf. King William greatly reſented this conduct of count Horn, who till then had enjoyed a conſiderable ſhare in his eſteem; and it is probable, that the loſs of it was impreſſed deeply upon the count's mind, for he did not live long after. Thus ended the campaign in Flander; Namur was loſt; the reputation of the king's conducting armies was much ſunk; and the Engliſh were generally diſcontented, and alienated from the Dutch.

Nothing of conſequence was done on the Rhine. There were two ſmall armies which acted ſeparately, under the command of the landgrave of Heſſe-Caſſel, and the mark-

it would fall ſo far ſhort of the relation you have to expect. However, for your preſent ſatisfaction, I muſt tell you, that Barbeſieux, Chanlais, and Paparel will be noted with infamy, for the part they have had in ſo villanous a deſign; and when you ſee the printed account, pray compare it with what you remember of Du Mont's diſcovery, whilſt he was at Hanover; and by that judge of the ſincerity and ingenuity of his confeſſion.

'Grandval died with what may be called great courage or ſtubbornneſs. He ſaid nothing at the gallows, but he left monſieur Barbeſieux a legacy, that will ſtick by him, having the ſame morning, before he went to execution, writ a letter to a friend of his at Paris, deſiring, that monſieur Barbeſieux ſhould be acquainted by the archbiſhop of Rheims, that he loſt his life for having obeyed his orders; which you will ſee publiſhed at large, with many more particulars, that I have not time to mention.'

From the camp at Ninové, Arg. 11,—21, 1692.

'I have received this day the favour of your's of the 5th. By the account you give of the manner, in which Du Mont made his firſt diſcovery, it is plain, how little ingenuity there is in the man, who, in his firſt confeſſion taken at Boiſſeduc, mentions none but the duke of Zell, to whom, he ſays, he diſcovered the buſineſs, as ſoon as ever he had received Grandval's letter of the 20th of April, and had the duke's leave to write an anſwer, that he might draw more letters from Grandval. But whatever he wants of honeſty, he has cunning enough to know what will be of moſt uſe to his purpoſe. I believe he would have ſecured his life either way; and it would have been yet leſs in hazard by a more open and frank confeſſion. I ſuppoſe it will be thought fit he ſhould undergo a trial, for the juſtification of his majeſty's proceedings throughout this whole buſineſs.'

From the camp at Grammon, Aug. 31, 1692.

'As to the buſineſs of Du Mont, I think that is now over, upon his ſending a petition to his majeſty, in which he owns his guilt, and implores his majeſty's mercy as to life, upon the account of his being one of the firſt diſcoverers, ſubmitting himſelf to be diſpoſed of as his majeſty ſhall think fit, in any place of ſafety, and begging, that care may be taken of his ſubſiſting there. Which petition being referred to the council of war, that ſat upon Grandval, for their opinion, they have recommended him as an object of mercy, on account of his diſcovery, and coming hither to teſtify what he knew of this buſineſs; adviſing withal his being kept ſafely in ſome ſecure place with a maintenance, that others may be encouraged by this example rather to rely on the king's clemency, than perſiſt in their damnable deſigns. So you ſee by this proceeding, regard has been had to any promiſes, that might have been made him in Germany upon his firſt diſcloſing the buſineſs; which yet I think he might then, and ſince, have made more fully than he did.'

The letter, which Grandval writ the morning before his execution, was as follows:

Du camp de Halle ce 13, d'Aout 1692.

Mademoiſelle,

'Je vous prie d'aller trouver monſieur L'archevêque de Rheims, avec monſieur Jourduil, & faire connoître au dit ſeigneur Archevêque qu'il m'en coûte la vie pour pour avoir obeï aux ordres de monſieur de Barbeſieux, c'eſt la grace, que vous demande,

Votre Serviteur,

De Grandval.

Voyes monſieur le marquis d'Arſy, qu'il contribue à faire prier Dieu pour moy.

A Mademoiſelle Juré, Rue Trevelle, vis-a-vis de la Rue des deux Eſcus, pres de l'Hotel de Soiſſons, à Paris.

From the camp at Hall, Aug. 13, 1692.

Madam,

'I pray you to go to the archbiſhop of Rheims, with monſieur Jourduil, and to let the ſaid archbiſhop know that it coſts me my life for having obeyed the orders of monſieur de Barbeſieux: Which is the favour deſired of you, by,

Your Servant,

De Grandval.

'Speak to monſieur d'Arſy, that he takes care I be prayed for.

'To Madam Juré in Treville-Street, over-againſt the Street of the Two Crowns, near the Hôtel of Soiſſons at Paris.'

Upon occaſion of this letter, it will not be improper to take notice of a paſſage, that happened ſome days before Grandval's condemnation. A perſon diſcourſing with him in priſon, and obſerving he endeavoured to juſtify himſelf upon the orders, which he had received from the marquis of Barbeſieux, he told him, that, though this was in itſelf a very weak excuſe for being engaged in a baſe action, yet ſtill it might prove ſo much the worſe, as that it was like enough that monſieur Barbeſieux would diſown his having given any ſuch orders, or that he was any way concerned with him in a buſineſs of this nature. To which Grandval replied, 'Let him deny what he pleaſes; yet, if I were put upon it, I would make it appear very plainly; for I have an original paper under monſieur Barbeſieux's own hand, which I have lodged with a friend of mine, who will not part with it to any one but myſelf, and nobody elſe knows with whom I have intruſted it.' State Trials II. 284.

Soon after the diſcovery of this ſhocking attempt, there was publiſhed a piece, intitled, 'Reflections upon the late horrid conſpiracy contrived by ſome of the French court to murder his majeſty in Flanders, and for which monſieur Grandval, one of the aſſaſſins, was executed:' The author of which obſerves, that, beſides the French king himſelf, ſome of the greateſt perſons in France were privy to the deſign, viz. Monſieur Louvois, and his ſon Barbeſieux, miniſters of ſtate; the duke of Luxemburg, marſhal and peer of France, and general of the French army; monſieur Rabenac and monſieur Bedal, embaſſadors; monſieur Paparel and monſieur Chanlais, employed in ſome of the greateſt poſts of the army; madam Maintenon, the French king's miſtreſs. He remarks likewiſe, 'that the carriage of the French court in this affair towards the late king James is a maſterpiece of craft and treachery. Here it is, 'adds he,' that it were almoſt to be wiſhed, that there were a curtain drawn over that part of the ſtage, where this unfortunate prince comes to act ſo unnatural and ſo frightful a part. That any one, that ever filled the Engliſh throne, ſhould be capable of ſo unprincely a revenge as murder, is a very mortifying reflection, and leads us naturally to look back to ſome ſhrewdly ſuſpected events that have fallen out in England of late years, which for ſome reaſons are not now to be inſiſted on. As, in moſt of the tranſactions of this prince's reign, he was impoſed upon by the French king's deſigns, and gave himſelf up to the meaſures given him from France, which proved his ruin; ſo now, when under their protection, they bring him in to cover and own a tranſaction ſo baſe and horrid, that the French king had not the face to appear in it himſelf. They ſo ordered the matter, that Grandval, Parker, and Leefdale ſhould wait upon king James, and receive his approbation of the thing, with promiſes of encouragement; and this is not done till the whole deſign had been fully concerted beforehand. It was fit the murder of the king ſhould paſs in the world as a perſonal revenge of king James, and that the French court ſhould lay it upon the quarrel betwixt thoſe two princes; though at the ſame time they had the chief hand in the contrivance of it, were to reward the inſtruments employed in it, and were to reap the greateſt advantages by it. Whether that unfortunate prince was ſenſible of this trick put upon him, or whether his eager deſire to ſee the king taken off, gave him no leiſure for reflections, it is hard to determine. This is clear, that he thought himſelf no ways obliged to uſe the precautions, that even Barbeſieux had done, ſince that after his ſpeaking to Grandval, according to the words in the printed account, 'he was pleaſed to entertain Parker, Leefdale, and him, all together, on the ſame ſubject;' for in the French copy it is ſaid, 'Qu' alors il a auſſi parlé avec le dit Parker & Leefdale de cette affaire:' At the ſame time he (meaning king James, and not the priſoner Grandval, as in the Engliſh tranſlation) ſpake likewiſe to Parker and Leefdale about that affair.' The treachery of the French court towards king James in this buſineſs is deep and black.

'All the world lays his ruin at the French king's door; and it is to the meaſures he gave him, that he owes the loſs of three crowns. The leaſt amends could be made him for all this, was an honourable retreat in France; yet that this is granted him only on the account of their own intereſt, appears in a great many inſtances, and particularly in the part they bring him in to act in this conſpiracy. If there had been true friendſhip and kindneſs meant him, they would never have put him upon a neceſſity of making himſelf known in ſo foul a deſign to three perſons all at once, but would have at leaſt allowed him the precautions, that Barbeſieux, if not the very ſame, that one of his own rank, thought himſelf obliged to obſerve. But this is not all; in bringing king James to own this buſineſs, the French court did him the laſt offices of an enemy. Inſtead of promoting his reacceſſion to the throne, they did more at one daſh to ſhut it for ever againſt him, than all that his enemies could have thought of. With what horror muſt the Engliſh nation have been ſtruck, to ſee a prince, that had recovered them from the brink of deſtruction, and expoſed his perſon ſo often for their ſake; to ſee him, I ſay, murdered by the bloody hand of a ruffian! And with what execrations and cries for vengeance againſt both the actors and contrivers of ſuch a villany! Could the French ever imagine, that the way for king James to regain the hearts of the three kingdoms, which he had loſt by his endeavouring the ſubverſion of their laws and liberties, was to hire three parricides to murder the only perſon, that had ſecured theſe to them?' The author afterwards informs us, that the jacobites in England were at that time in great expectation of a revolution in their favour. 'At the

grave of Bareith. The French army there was commanded by the duke de Lorge, who advancing in September towards the Rhine, with a great train of artillery, the landgrave and markgrave held a council of war with the reſt of the generals, wherein it was reſolved, that the two armies, which were ſeparated, ſhould now rejoin. This was accordingly done, and the whole German force encamped near Neuſtadt; but in ſome days they ſeparated again, the landgrave marching to beſiege Eberemburg. He had not been gone long, before the markgrave ſent him an expreſs, that the French were moving towards him, which made the landgrave ſend away four thouſand dragoons to the other's aſſiſtance. But, before they and the body of artillery could come up, the duke of Wirtemberg, who was gone before with a body of about four thouſand horſe, and poſted himſelf near Edelſheim, with a deſign to ſtop the march of the French, was by them ſurprized in his camp by the means of a great fog, and charged ſo briſkly, that his men had not time to put themſelves in a poſture of defence. About a thouſand Germans were killed upon the ſpot, and ſeveral made priſoners, and amongſt the latter the duke of Wirtemberg himſelf, who was carried to Paris; whilſt the French lived at diſcretion in his country, and obliged the landgrave, now weakened by the detachment, which he had ſent away to the markgrave of Bareith, and afterwards by another to ſecure Heidelberg, to raiſe the ſiege of Eberemberg. However the landgrave was ſoon after revenged of the French; for they under the command of count Tallard, having beſieged Rhineſield, a place, which would have been of greater importance to them, if they had carried it, the governor made ſo brave a defence, and the landgrave ſuch extraordinay expedition to relieve it, that the French were obliged to abandon the enterpriſe with conſiderable loſs (both from the enemies fire, and the rigour of the ſeaſon) and not without ſome confuſion to the court of France, who had ſent orders to count Tallard, not to beſiege, but take poſſeſſion of the place. The elector of Saxony had likewiſe promiſed to bring an army upon the Rhine; but Schoening, his general, who had great power over him, was gained by the French to break this deſign. The elector complained, that the emperor favoured the circles of Franconia and Swabia ſo much, that he could have no good quarters aſſigned him for his army. And upon this occaſion it was ſaid, that the emperor drew much money from thoſe circles, that they might be covered from winter quarters; and that he applied all of it to the carrying on of the war in Hungary, and ſo left the weight of the war with France to lie heavy on the princes of the empire. This conteſt ran ſo high, that Schoening who was thought the ill inſtrument in it, going for his health to the hot-baths at Dablitz in Bohemia, was ſeized by the emperor's orders; upon which great expoſtulations paſſed between the courts of Vienna and Dreſden.

But though the emperor did, as it were, abandon the empire to the French, he made no great progreſs in Hungary. The Turks laid upon the defenſive, and the ſeaſon was ſpent in motion, without either battle or ſiege. There was ſtill ſome diſcourſe, but no great probability of peace. Two Engliſh embaſſadors dying, the one, ſir William Huſſey, ſoon after his arrival at Conſtantinople, and the other, Mr. Harbord, on his way thither, the lord Paget, his majeſty's embaſſador at the emperor's court, was ordered to go thither to mediate a peace. He found the mediation was in a great meaſure ſpoiled by the Dutch embaſſador before his arrival; for he had been prevailed on by the court of Vienna to offer the mediation of the Dutch upon a very high ſcheme. Comeniek, and the Ukrain, and Podolia, with Moldavia and Walachia, were demanded for Poland; Tranſilvania, with the perſon of count Tekeli, for the emperor: And Achaia and Livadia, as an antemurale to cover the Morea, for the Venetians. The court of Vienna, by offering ſuch a project, reckoned the war muſt go on, which they deſired. The miniſters of the Porte, who were gained by the French to carry on the war, were glad to ſee ſo high a project. They were afraid of tumults; ſo they ſpread this project over the whole empire, to ſhew, on what ignominious terms the mediation was propoſed; and by what they juſtified their going on with the war. But the lord Paget offered the king's mediation upon another project; which was, that every prince was to keep what he was then poſſeſſed of; and Comeniek was only demanded to be razed. If this had been offered at firſt, the Ottoman court durſt not have refuſed it; the people were become ſo weary under a long and unproſperous war. But the vizir ſuppreſſed this, and made it ſtill paſs among them, that the Engliſh preſſed the ſame project, that the Dutch had propoſed; which was the more eaſily believed there, becauſe, how ignorant ſoever they were at that court, they knew well what an intereſt the king of England had in the ſtates. So the war was ſtill carried on there; and ſir William Trumball, who came over to England at this time, told the king, that if, inſtead of ſending embaſſies, he would ſend a powerful fleet into the Mediterranean, to deſtroy the French trade, and ſtop the commerce with Turkey, he would quickly bring that court to other meaſures, or raiſe ſuch tumults among them, as would ſet that empire, and even Conſtantinople itſelf, all in a flame.

With regard to the affairs of Piedmont, the court of France, having brought the Pope to an accommodation, endeavoured through his means to divide the duke of Savoy from the confederacy, and diſpatched monſieur Chanlais to Turin, to made advantageous propoſals to him, but whether in the form, that was afterwards made public, is a myſtery. However there was a writing printed at Paris, wherein the author mentioned all the offers made the duke; though that paper ſeemed chiefly deſigned to render the Italian princes jealous of the Germans, by magnifying the diſorders committed by them in their quarters, and inſinuating, that proteſtants reaped all the advantage of the preſent war;

the ſame time, ſays he, that Grandval and Leefdale take their journey from Paris to Flanders, Parker comes over to England. We have all the reaſon to remember the great hopes our malecontents expreſſed here at that time, and how ſure they ſeemed to be of ſome new revolution. It is true, theſe people are eaſily buoyed up on the leaſt appearances; and every ſmall accident, that ſeems to favour their cauſe, raiſes their hopes beyond all bounds. But about that time ſo much joy and aſſurance was viſible in their very countenances, as ſeemed to proceed from a fixed certainty they had of ſome mighty ſucceſs, which they hoped for in their affairs, that we could not poſſibly dive into. It is true, the French king was in Flanders, and king James was waiting the firſt opportunity of wind and tide to waft over his army into England. But even all this could ſcarce make up more than a probability, much leſs a certainty of ſucceſs. His majeſty was already on the other ſide, and his army was drawing together from all quarters to oppoſe the French. Our fleet was at ſea, and a far braver one it was than the French could poſſibly ſend out againſt us. Whence then could all this confidence proceed? There muſt certainly be ſome other thing in it, than we were then aware of. Parker's coming over at this time, and his correſponding with his friends here, carries with it a ſhrewd ſuſpicion of what we may reaſonably judge was the ground of all this inſolence of the party. It were folly to imagine he ſhould make public among them the deſign then in agitation to murder the king: It was too great a ſecret to be communicated to many. But on the other hand, it is ſcarce to be thought, but that Parker aſſured his friends in general, that there was ſome great and certain event ready then to break forth, that would decide the controverſy; and he might venture to open the ſecret to ſome of the firſt from amongſt them.' The author alſo mentions two remarkable paſſages never before made public, which ſhew king William's generoſity to the French king, and his abhorrence of all aſſaſſinating deſigns. About ten years ago, ſays he, that is, about the year 1682, he received a letter from an unknown hand, who yet gave himſelf a name, in which he offered to deliver Europe from all her fears, by deſtroying the French king. He deſired only a ſafe refuge in Holland, and a ſmall ſubſiſtence, much leſs than he ſhould leave behind him in France. He deſired an anſwer might be writ to him, and left with the poſt-maſter's wife at Paris; and about a week after he writ a ſecond letter to the ſame purpoſe. The firſt letter came to the then prince of Orange at night at Loo, and monſieur Dyckvelt happened to be with him; ſo he ſhewed him the letter, and deſired him to go to the Hague immediately, and deliver that letter to monſieur D'Avaux, who was then the French embaſſador to the ſtates. Monſieur Dyckvelt made ſuch haſte, that he was with monſieur D'Avaux next morning, and gave him the letter (and the ſecond was likewiſe ſent to him). He received it with great acknowledgments of the prince's generoſity, and ſent the letter to Paris. The poſt-maſter's wife, being examined, ſaid, that one had come ſeveral times to call for a letter, but, he not coming again, ſhe was ordered to go about Paris, and ſee if ſhe could know him again. One was taken up who ſhe believed was the perſon, and was put in the Baſtile. He happened to be a proteſtant, which no doubt made the court of France to like the diſcovery the better. But when ſome of the parliament came to examine him, and to confront him with the woman, ſhe, when ſhe viewed him nearly, and heard him ſpeak, owned ſhe was miſtaken, and that he was not the man; ſo after a little while he was diſmiſſed, and came into Holland upon the general perſecution of the proteſtants. By theſe circumſtances it appears, that the court of France believed that this was a real deſign, and no contrivance thrown out to try the prince of Orange's temper. But another inſtance ſhewed, that king William looked on propoſitions of this kind with ſo much horror, that he thought that, which on all occaſions was the moſt ſacred with him, his word, did not bind in this. A few days after he came to the crown, an unknown perſon wrote to Dr. Burnet, that he had a propoſition of great conſequence to make to the king, if he ſhould have his promiſe, that he might do it ſafely. This the king allowed the doctor to do. So he wrote to the perſon by the name and method, that he had given. When he came to the doctor, he told how long he had lived and ſerved in Verſailles, and how he knew all the methods of that court; and at laſt he came to offer to kill the French king. At this the doctor ſtarted up immediately, and ſaid, he thought the king was too well known for any to dare to come to him with ſuch a propoſition. He hoped he himſelf had been alſo ſo well known, that none ſhould have made it by him. He was ſorry, that a promiſe was given of ſafety, but he bid the rogue be gone immediately. When he gave an account of this the next day, the king thought he had carried the matter of the promiſe too far; ſince the promiſe was to be underſtood to relate not to ſuch crimes; and therefore he wiſhed, that the doctor had ſeized on him, and ordered him to be ſure to do it, if ever he could ſet eye on him again.

Biſhop

which argument was not long after effectually improved by the partiſans of France in the court of Savoy. But the German troops now in Italy were too numerous to give any of thoſe petty princes an opportunity to diſturb them, ſuppoſing they had an intention to do it; and as for the duke of Savoy, whatever his true ſentiments were, he appeared firm, and reſolute to carry on this campaign with great vigour. On the other hand, the French, who bent the power of their arms againſt Flanders and Germany, left monſieur Catinat very much inferior to the allies in Piedmont, as deſiring only to defend what they had gained the year before on that ſide. But this they could not do; for, the duke of Savoy having got his army into the field, and diſpoſed of ſeveral parties into the vallies and other places for the better ſecurity of the country, he marched in the month of July at the head of twenty thouſand men into the province of Dauphiné; where, after they had pillaged La Roche, Chantelouve, and ſome other villages, they made themſelves maſters of the caſtle and highlands of Guilleſtre, and ſome other paſſes. In Auguſt all the army croſſed the Durance at Guilleſtre, and moved towards the city of Ambrun, which was ſurrendered upon articles, after a ſiege of about nine days. Here the duke of Savoy found twenty pieces of cannon, and a conſiderable quantity of proviſions; and the city preſently granted him forty thouſand livres contribution, which they borrowed at Grenoble for that purpoſe: beſides which, he ſeized upon ſixty thouſand livres in gold, which was the French king's money, in the hands of the pay-maſter of the troops. And not only the city of Ambrun, but all the neighbouring towns and villages were at the ſame time put under contribution. Here likewiſe duke Schomberg, who commanded the Engliſh forces to the aſſiſtance of Savoy, publiſhed a declaration in the name of king William, inviting people to join him, and aſſuring them, that his majeſty "had no other aim in cauſing his forces to enter into France, than to reſtore the nobility and gentry to their ancient ſplendor, the parliaments to their former authority, and the people to their juſt privileges; and even to grant his protection to the clergy; and in ſhort to cauſe the edict of Nantz to be revived, of which the kings of England had been made guarantees."

Encouraged by this declaration, ſeveral of the French proteſtants, who had been forced to abjure their religion, took this opportunity to make their voluntary recantation before monſieur Dubourdieu, duke Schomberg's chaplain. From Ambrun the army marched directly to Gap, a city upon the frontiers of Provence, whoſe inhabitants opened their gates to prince Eugene of Savoy upon his firſt appearing before it, and readily conſented to pay contribution, to preſerve their houſes from being pillaged and burnt; a treatment, which near eighty caſtles and villages received from the Germans, in retaliation of the barbarities committed by the French in the Palatinate. Not only Grenoble, the capital of Dauphiné, but the neighbouring provinces, and the rich city of Lyons began already to tremble. And indeed never had the allies a fairer opportunity of ſhaking the power of France [d]. But the duke of Savoy's falling ſick of the ſmall-pox, and, what was of more fatal conſequence, the ſpirit of diviſion, which broke out among the generals, not only hindered the deſign, that had been formed of taking Briançon and Quieras, but likewiſe incapacitated them to keep what they had already conquered. Thus having plundered the country, deſtroyed all the proviſions they could not conſume or carry away, and burnt all that refuſed to contribute, they blew up the fortifications of Ambrun, took money to ſave the houſes, and ſo put an end to the campaign. As for the duke of Savoy, he was ſcarce recovered of the ſmall-pox, when he fell into an ague, which reduced him ſo low, that his phyſicians began to deſpair of his life; but at length his youthful conſtitution got the better of his diſtemper.

Beſides the annoying France in her moſt ſenſible part, his Britannic majeſty improved the duke of Savoy's alliance towards the reſtoration of the Vaudois, a people, who juſtly boaſted a purity of faith derived from the primitive ages of the church, and untainted by later ſuperſtitions. But they having loſt all eccleſiaſtical diſcipline through the violence of their late perſecution, and being unable to maintain even a miniſter or ſchool-maſter, monſieur Dubourdieu acquainted Dr. William Lloyd biſhop of St. Aſaph, who about this time was removed to the ſee of Litchfield and Coventry, with their miſerable condition, who repreſenting the caſe to the queen, a fund was eſtabliſhed out of her majeſty's privy-purſe for the maintaining of ten preachers and as many ſchool-maſters in the vallies of Piedmont.

In Catalonia things continued in their former ſtate, the French having attempted nothing on that ſide, by reaſon their forces were ſufficiently diverted another way, and the Spaniards having done as little, from their uſual inactivity and weakneſs.

This year the proteſtant intereſt in Germany was ſtrengthened by the creation of a ninth electorate in favour of the duke of Hanover. That duke, who had been long under the influence of France, had now broken off all commerce with that court, and entered into a treaty, both with the emperor and king William. He promiſed great ſupplies againſt France and the Turk, if he might be made an elector of the empire; in which the king concurred to preſs the matter ſo earneſtly at the court of Vienna, that the emperor agreed to it, in caſe he could gain the conſent of the other electors; which the emperor's miniſters reſolved ſecretly to oppoſe as much as poſſible. The duke quickly gained the conſent of the greater number of the electors; yet new objections were ſtill made. It was ſaid, that, if this was granted, another electorate in a popiſh family ought alſo to be created, to balance the advantage, which this would give to the Lutherans; and it was moved, that Auſtria ſhould be made an electorate. But this was ſo much oppoſed, ſince it would give the emperor two votes in the electoral College, that it was let fall. In concluſion, after a year's negotiation, and a great oppoſition both by papiſts and proteſtant princes (ſome of the latter conſidering more their jealouſies of the houſe of Hanover, than the intereſt of their religion) the inveſtiture was given on the 19th of December 1692, with the title of elector of Brunſwick, and great marſhal of the empire. The French oppoſed this with all the artifices they could employ; and the matter lay long in an unſettled ſtate; nor was he now admitted into the college, it being ſaid that the unanimous conſent of all the electors muſt be had.

The greateſt prejudice the French ſuffered this year was from the ſeaſon; they had a very bad harveſt, and no vintage in the northern parts. England had likewiſe great apprehenſions from a very cold and wet ſummer, deluges of rain continuing till the very time of harveſt. But, when the nation was threatened with a famine, the ſeaſon changed in ſo extraordinary a manner, as to produce a very plentiful harveſt, ſufficient both to ſerve ourſelves, and to ſupply our neighbours abroad, which brought great ſums of money into the kingdom.

In the beginning of September, there was an earthquake felt in moſt places in England, particularly in London; and in many parts of France, Germany, and the Netherlands. The king was then in his camp at dinner, in an old decayed houſe, which ſhaking very much, and every one apprehending it was ready to fall, he was prevailed with to riſe from table, and go out of the houſe; but the ſurpriſe was ſoon over, and he returned to dinner. About two months before, moſt terrible earthquakes happened in Sicily and Malta, which were repreſented as the moſt dreadful, of any men-

[d] Biſhop Burnet tells us, that "If the duke of Savoy had carried on the attempt on Dauphiné with the ſpirit, with which he began it, he had put the affairs of France on that ſide into great diſorder. But he was either ill ſerved or betrayed in it. He ſat down before Ambrun, and beſieged it in form; ſo that a place which he might have carried in three days, coſt him ſome weeks. And in every ſtep he made it appear, there was either a great feebleneſs, or much treachery in his counſels. He made no great progreſs; yet the diſorder, it threw that and the neighbouring provinces into, was very great. He was ſtopped by the ſmall-pox, which ſaved his honour as much as it endangered his perſon. The retreat of his army, when his life was in danger, looked like a due caution. He recovered of the ſmall-pox, but a ferment remained ſtill in his blood, and broke out ſo often into feveriſh relapſes, that it was generally thought he was poiſoned. Many months paſſed before he was out of danger. So the campaign ended there with conſiderable loſſes to the French, but with no great advantage to the duke." II. 100. Monſieur Bernard aſſigns the following reaſons, why the duke did not make a further progreſs in Dauphiné: 1. Becauſe the Spaniſh fleet, which had been promiſed to come and alarm the coaſts of Provence, did not appear there. 2. Becauſe the Spaniſh troops in the duke's army, would not obey him, nor penetrate ſo far as he would have had them, either from a fear of being engaged too far, or a deſire of having a greater ſhare of the booty than they had received. This miſunderſtanding occaſioned a great deal of time to be loſt, and gave the enemy an opportunity of ſtrengthening themſelves, and ſtopping the progreſs of the confederate arms. 3. The ſickneſs of the duke himſelf. 4. and laſtly, The extraordinary vigilance of monſieur Catinat, and the good diſpoſition which he had every where made. This general having learned that the duke had ſome deſign upon Briançon and Jup, took ſuch meaſures with the inconſiderable body of troops under his command, that it was thought impoſſible to penetrate as far as theſe two places through a great many defiles, in which the French were ſtrongly intrenched, and which could not be forced without the loſs of part of the army. The duke therefore and his generals being informed of theſe difficulties, and finding the winter advancing, and the country ſo ruined, that it was impoſſible to ſupport the troops there during that ſeaſon, and conſidering, that they had no place to ſecure themſelves in, if they ſhould be attacked by the enemy, when the mountains ſhould be ſhut up by the ſnow; they thought proper to retire, after they had plundered the country. Lett. Hiſt. II. 405.

tioned in hiſtory. It was eſtimated, that about one hundred thouſand periſhed by them in Sicily. About the ſame time, an earthquake alſo ſhook the iſland of Jamaica, and almoſt totally ruined the town of Port-Royal: ſo that, beſides the damages, no leſs than fifteen-hundred perſons periſhed in it. Theſe were very extraordinary things, which made thoſe that ſtudied apocalyptical matters, imagine the end of the world drew near. But however, theſe diſmal accidents had but little influence on people to reform their manners. The great examples, ſet the nation by the king and queen, were not much followed. The king had publiſhed a proclamation, declaring his reſolution, to diſcountenance all manner of vice and immorality, in all perſons from the higheſt to the loweſt degree; and the queen, in the king's abſence, gave orders to execute the laws againſt drunkenneſs, ſwearing, and debauchery; and ſent directions over England, to all magiſtrates to do their duty in executing them: to which the king joined his authority, upon his return to England. Yet the reformation of manners, which ſome zealous men ſtudied to promote, went on but ſlowly. Many of the inferior magiſtrates were not only remiſs, but were very faulty themſelves, and even diſcouraged thoſe, who endeavoured to have vice ſuppreſſed and puniſhed. It muſt be confeſſed, that the behaviour of many clergymen gave great offence. They had taken the oaths, and read the prayers for the preſent eſtabliſhment: they obſerved the orders for public faſts and thankſgivings, and yet they ſhewed in many places their averſion to the government but too viſibly. In ſome places it broke out in very indecent inſtances, that were brought into courts of law and cenſured. This made many conclude, that the clergy were a ſort of men, that would ſwear and pray even againſt their own conſciences, rather than loſe their benefices, and conſequently were governed by intereſt, and not by principle. The jacobites grew ſtill to be more outrageous, while the clergy ſeemed to be neutrals in the diſpute. And what was, yet, more extraordinary, the government itſelf acted with ſuch remiſſneſs, and ſo few were enquired after or puniſhed, that thoſe who were employed by the king, behaved themſelves in many places, as if they had ſecret inſtructions to be heavy upon his beſt friends, and to be gentle to his enemies. Upon the whole matter, the nation was falling under a general corruption, which was much ſpread among all ſorts of people.

On the 13th of September the queen iſſued out two proclamations; the one for the better diſcovery of ſeditious libellers [e], and the other for the diſcovery and apprehending of highwaymen, and for a reward of forty pounds for every ſuch offender, to the diſcoverers; which encouragement occaſioned the taking of many of theſe robbers, who about this time very much infeſted the roads of this kingdom.

In May this year was detected a ſham plot invented by one Robert Young, who was committed to Newgate till he diſcharged a fine impoſed upon him. One Henry Pearſon, a priſoner in the ſame place for debt, perceiving Young to be very expert in counterfeiting hands, told him, that, if he could contrive a plot, and father it upon the earls of Marlborough and Saliſbury, Dr. Thomas Sprat biſhop of Rocheſter, and ſome others, he might ſoon have money enough to pay his fine. Young gladly accepted the propoſal; but told Pearſon, that nothing could be done in that matter, till he was releaſed, which in a ſhort time was effected. As ſoon as Pearſon was at liberty, he employed one Stephen Blackhead to carry letters between himſelf and Young. By a certain ſtratagem Young happened to procure the earl of Marlborough's hand, which he counterfeited ſo exactly, that it was very difficult to diſtinguiſh the true from the falſe. Afterward he drew up an aſſociation, and affixed to it the hands of the earls of Marlborough and Saliſbury, as alſo ſir Baſil Firebraſs's, the biſhop of Rocheſter's, and the lord Cornbury's, which two laſt were writ by another hand. And, that the more credit might be given to this pretended plot, Young forged ſeveral letters in the earl of Marlborough's name, ſuppoſed to be directed to himſelf, which Blackhead uſed to bring to him again. Blackhead went three times to the biſhop of Rocheſter's houſe at Bromley in Kent, upon a fictitious errand, from a ſuppoſed doctor of divinity, but with no other intent than to convey the forged aſſociation into a ſecret place, where it was afterwards found by the king's meſſengers, who, upon information given by Young againſt that prelate, came firſt to ſecure his perſon, and then to ſearch his houſe. His lordſhip was ſome days under confinement; but upon a ſtrict examination of the whole matter before the council, and the confronting of Blackhead with Young, the forgery was evidently diſcovered, and his lordſhip's innocence made manifeſt.

The earl of Marlborough was likewiſe committed to the Tower upon the accuſation of this Young, on the 5th of May, where he continued till the 15th of the next month, being the laſt day of the term, when he was admitted to bail at the King's-Bench bar, the duke of Shrewſbury, the marquis of Hallifax, the earl of Carbury, and Mr. Boyle being bail for him. On the 24th of October following, being the firſt day of Michaelmas term, his lordſhip appeared again in that court, and inſiſted to be diſcharged, alledging, that he had been committed upon the charge of Young, againſt whom an information of perjury and forgery had been ſince found by the grand jury, and declaring, that he would otherwiſe make his complaint in the houſe of lords. But his bail was ſtill continued by order of that court.

Scotland enjoying now a perfect tranquility, the parliament of that kingdom was very zealous and forward to contribute new levies for the ſupport of their majeſties government. And as for Ireland, the lord Sidney, lord lieutenant of that kingdom, ſo managed affairs, that the parliament there, which began on the 5th of October, made an act, not only of 'recognition of their majeſties undoubted title to that crown,' and another 'for encouragement of proteſtant ſtrangers to ſettle in that kingdom,' but alſo one 'for granting to their majeſties the ſum of ſeventy thouſand pounds, by an additional duty of exciſe upon beer, ale, and other liquors.' After which, on the 3d of November, they were prorogued [f].

The king departed from the camp at Gramont on Friday, September the 7th, having left the command in chief of the army with the elector of Bavaria; and the next day arrived at Breda, and went thence to his houſe at Loo, to divert himſelf a few days with hunting. He then came back to Bruſſels, and held a council of war, wherein he gave orders

[e] Now it was that the Glencoe buſineſs was induſtriouſly noiſed about town and country, and repreſented as bad as the maſſacres at Paris and in Ireland, and as the king's act and deed; but, how juſtly, will hereafter be ſeen. Leſley publiſhed a pretended relation of the fact, in a letter which was greedily ſwallowed by the jacobites, and other enemies of the revolution.

[f] The proceedings of that parliament will appear from the following extracts of original letters from Mr. Richard James, one of the under-ſecretaries of ſtate, to ſir William Dutton Colt, envoy-extraordinary at Hanover.

Whitehall, Octob. 7, 1692.

"This week arrived an expreſs from Ireland with ſeveral bills, that have been prepared by the council there to be preſented to the parliament, which ſat down on the 5th inſtant. They were put into the hands of Mr. attorney-general to conſider of them, who made this afternoon his report to the queen and council here, where the ſaid bills were read, and ſuch amendments being made, as were thought fit, they are ordered to be engroſſed and paſſed under the great ſeal of England, in order to be diſpatched back to Ireland. Theſe bills are eleven in number; the chief of them are for 'granting the aid to their majeſties;' for 'ſettling the militia;' and for 'an indemnity.'

Whitehall, Octob. 11, 1692.

"The council has met ſeveral times to conſider of the bills tranſmitted hither from Ireland, and have, with ſome amendments, approved of theſe that follow: 'An act for granting certain duties to their majeſties; An act for an additional exciſe upon beer, ale, and other liquors: An act for ſettling the militia: An act for puniſhing deſerters and mutineers in the army: An act to encourage proteſtant ſtrangers to come and ſettle in Ireland: An act to prevent vexatious ſuits; and an act about taking affidavits in the country.' The 'act of indemnity,' which was ſent over with the reſt, is ſtill under debate; and the papiſts, who are concerned therein, ſince it cuts off all remainders to the forfeited eſtates, have petitioned the queen, that they may be heard, before the bill be ſent back; and their petition is referred to Mr. attorney-general."

Whitehall, Octob. 21, 1692.

"The letters from Dublin of the 12th tell us, that the parliament had yet done little beſides appointing the committees. That of grievances had fallen upon Mr. Culliford, lately one of the commiſſioners of the revenue there, who, it was believed, would not come off there as he did the laſt winter in England. They had likewiſe queſtioned one Croſs, a gentleman of the county of Cork, for ſeveral things done by him in the late king James's time, and had confined him, and expelled him the houſe, of which he was a member. They have likewiſe ordered their votes to be printed."

Whitehall, Octob. 28, 1692.

"The king came hither yeſterday, being the day appointed for a public thankſgiving; and in the afternoon was preſent at the general council, where two Iriſh bills more were read and approved, viz. one 'to prevent frauds and perjuries;' and another 'to ſettle inteſtates eſtates.' There were two other bills under conſideration, to wit, that for a 'general indemnity;'

for the march of the forces into winter quarters, and went thence to the Hague, where having ſettled his affairs, he embarked on the 15th of October on board the Mary yatch, attended by ſir Cloudeſley Shovel, with ſeveral men of war, and on the 18th landed ſafe at Yarmouth. The next night he lay at ſir John Duke's at Saxmundham, and, on Thurſday the 20th, was met by the queen at Newhall, and about eight the ſame evening their majeſties come to Kenſington, having paſſed through the city of London amidſt the acclamations of the people, and continued illuminations of the houſes, and other demonſtrations of joy for his ſafe return. Two days after the lord mayor, aldermen, and recorder of London attended his majeſty at Kenſington, with a congratulatory addreſs. The king received them very graciouſly, conferred the honour of knighthood upon Salathiel Lovel, eſq. ſerjeant at law, their recorder; and accepted their invitation to dine at Guildhall on the lord mayor's day, ſir John Fleet being then mayor. The entertainment was very magnificent; and the king was pleaſed to confer the honour of knighthood upon John Wildman, William Gore, James Houblon, aldermen; Leonard Robinſon, chamberlain; Rowland Aynſworth, William Scawen, Joſiah Child, and John Touch, citizens. And the ſame honour was conferred ſome days before on Thomas Trevor, eſq. their majeſties ſollicitor general.

On the 10th of October, it had been ordered by the queen in council, that the monthly faſts, appointed by proclamation of the 24th of March, 1691, ſhould be diſcontinued till further order; and a public thankſgiving was ordered for the preſervation of their majeſties and their government againſt the deſigns and attempts of their open and ſecret enemies, particularly for the late ſignal victory at ſea, againſt the French fleet; and for the diſappointment of the barbarous and horrid conſpiracy for taking away his majeſty's life by aſſaſſination.

About this time ſeveral French refugees, ſtudious to promote the intereſt of England, and to weaken France by impairing her manufactures, in conjunction with ſome Engliſh merchants, termed the 'Royal Luſtring company;' and being ſupported by the protection of the earl of Pembroke, whom they choſe their Governor, obtained the king's patent, whereby they were reputed a body politic, having the full and ſole privilege for the making of luſtrings and alamodes in England. On the 26th of October, this patent was read in full committee at their houſe in Auſtin Friars; at which time the company was farther aſſured by their governor of their majeſties ſatisfaction in this undertaking to ſuch a degree, that all other encouragements might be expected for the promoting of it.

On Friday the 4th of November, the parliament met at Weſtminſter, which the king opened with the following ſpeech to both houſes.

My lords and gentlemen,

"I Am very glad to meet you again in parliament, where I have an opportunity of thanking you for the great ſupplies you have given me for the proſecution of this war. And I hope by your advice and aſſiſtance, which have never failed me, to take ſuch meaſures, as may be moſt proper for ſupporting our common intereſt againſt the exceſſive power of France.

"We have great reaſon to rejoice in the happy victory, which by the bleſſing of God we obtained at ſea. And I wiſh I could tell you, that the ſucceſs at land had been anſwerable to it. I am ſure my own ſubjects had ſo remarkable a part in both, that their bravery and courage muſt ever be remembered to their honour.

"The French are repairing their loſſes at ſea with great diligence, and do deſign to augment their land forces conſiderably againſt the next campaign; which makes it abſolutely neceſſary for our ſafety, that at leaſt as great a force be maintained at ſea and land, as we had the laſt year. And therefore I muſt aſk of you, gentlemen of the houſe of commons, a ſupply ſuitable to ſo great an occaſion.

"I am very ſenſible how heavy this charge is upon my people; and it extremely afflicts me that it is not poſſible to be avoided, without expoſing ourſelves to inevitable ruin and deſtruction. The inconvenience of ſending out of the kingdom great ſums of money, for the payment of the troops abroad, is indeed very conſiderable; and I ſo much wiſh it could be remedied, that, if you can ſuggeſt to me any methods for the ſupport of them, which may leſſen this inconvenience, I ſhall be ready to receive them with all the ſatisfaction imaginable.

My lords and gentlemen,

"None can deſire more than I do, that a deſcent ſhould be made into France; and therefore, notwithſtanding the diſappointment of that deſign laſt ſummer, I intend to attempt it the next year with a much more conſiderable force; and ſo ſoon as I ſhall be enabled, all poſſible care and application ſhall be uſed towards it.

"And upon this occaſion I cannot omit taking notice of that ſignal deliverance, which by the good providence of God we received the laſt ſpring, to the diſappointment and confuſion of our enemies deſigns and expectations.

"This has ſufficiently ſhewn us how much we are expoſed to the attempts of France, while that king is in a condition to make them. Let us therefore improve the advantage we have at this time of being joined with moſt of the princes and ſtates of Europe, againſt ſo dangerous an enemy. In this ſurely all men will agree, who have any love for their

nity:' and that for 'eaſing proteſtant diſſenters;' but they are both laid aſide for the preſent. By the firſt a great many perſons are attainted, and the remainders are cut off from all forfeited eſtates; and by the latter a greater liberty is given the diſſenters than what they now enjoy here."

Whitehall, Novemb. 4, 1692.

"Yeſterday came in ſeveral mails from Ireland; the laſt are of the 20th and 24th of laſt month. They bring little news, telling us only, that the two houſes of parliament had paſſed an act for recognition of their majeſties undoubted title to the crown of Ireland, and had under conſideration ſeveral other bills, as alſo the ſtate of the revenue, and ſome grievances, which they complained of; but the letters do not ſay what they were. They had expelled Mr. Farrel the houſe for having adhered to and favoured the Iriſh during the late rebellion, as they had done before to Mr. Crofts of the county of Cork. And my lord lieutenant had ſent a meſſage to them, letting them know, that they ſhould ſit but a fortnight longer, and be then prorogued till the ſpring."

Whitehall, Novem. 8, 1692.

"By the letters from Dublin of the 27th and 30th paſt, we have an account, that the two houſes of parliament there had paſſed an act for granting to their majeſties an additional exciſe upon beer, ale, and other liquors, which may raiſe about twenty-five thouſand pounds. But at the ſame time the commons declared, That it was their undoubted right to prepare and reſolve the ways and means of raiſing money; and that their receiving the ſaid bill of exciſe, which was tranſmitted to them under the great ſeal of England, ſhould not be drawn into precedent for the future. And withall they rejected another bill ſent out of England, for granting certain duties to their majeſties for one year, and ordered it to be entered in their journals, that the reaſon why the ſaid bill is rejected, is, that the ſame had not its riſe in their houſe. And after this they themſelves took into conſideration, how they ſhould raiſe the reſt of the ſupply of ſeventy thouſand pounds, which they had voted to be given for one year towards paying the army. They had likewiſe rejected two other bills tranſmitted out of England, one intitled,

'An act to confirm the acts of ſettlement and explanation and reſolution of the doubts of the lord lieutenant and council upon the ſaid acts;' and the other, 'An act for reverſing the act of attainders, and all other acts made in the late pretended parliament of Ireland.' They had appointed a committee to inquire what laws were going to expire in Ireland, and were fit to be continued; and what laws, that have been made in England, were fit to be made of force in that kingdom; and the ſaid committee had reported ſeveral laws accordingly; among which one was the Habeas Corpus act. They had alſo repreſented ſeveral grievances to the lord lieutenant, to wit, the employing of papiſts in the army; the ſuffering them to go armed; and miſapplying of the forfeitures, &c. Laſtly, they had given his excellency thanks for his care to ſuppreſs the rapparees and tories, whoſe numbers began to increaſe in the north of Connaught, and in the county of Cork. And the houſe of lords had reſolved to write letters to the houſes of the parliament in England, to thank them and this whole kingdom for their kindneſs and aſſiſtance to the Iriſh, when they lately fled into this kingdom from the popiſh perſecution in Ireland. The ſame letters add, that it was believed the parliament would end their ſeſſions the laſt week, and be prorogued till the ſpring."

Whitehall, Novemb. 11, 1692.

"This day came in an expreſs from Ireland, with an account that his excellency the lord lieutenant had on the 3d inſtant prorogued the parliament to the 6th of April next, after having given the royal aſſent to the 'Act of recognition of their majeſties undoubted title to the crown of England; an act for granting an additional exciſe to their majeſties; an act for encouraging proteſtant ſtrangers to ſettle in Ireland; and an act for taking affidavits in the country.' The commons had rejected ſeveral other acts beſides thoſe mentioned in my laſt, to wit, that, 'for ſettling the militia; another for puniſhing mutineers and deſerters, &c.' Which, together with ſome other votes, gave his excellency ſuch diſlike of their proceedings, that he took notice of it in his ſpeech at their riſing, and cauſed a proteſtation to be entered againſt them in the lords houſe, for aſſerting the king's prerogative; and his excellency had likewiſe removed Mr. ſerjeant Oſborne and Mr. ſerjeant Broderick, two leading men in the houſe, from being of the king's council."

The

country, or any zeal for our religion. I cannot therefore doubt but you will continue to ſupport me in this war againſt the declared enemy of this nation; and that you will give as ſpeedy diſpatch to the affairs before you, as the nature and importance of them will admit; that our preparations may be timely and effectual for the preſervation of all that is dear and valuable to us.

"I am ſure I can have no intereſt but what is yours. We have the ſame religion to defend; and you cannot be more concerned for the preſervation of your liberties and properties than I am, that you ſhould always remain in the full poſſeſſion and enjoyment of them; for I have no aim but to make you a happy people.

"Hitherto I have never ſpared to expoſe my own perſon for the good and welfare of this nation; and I am ſenſible of your good affections to me, that I ſhall continue to do ſo with great chearfulneſs upon all occaſions, wherein I may contribute to the honour and advantage of England."

This ſpeech was received with the univerſal approbation which it deſerved. The commons after reading the king's ſpeech, by reaſon of the thinneſs of the houſe adjourned to the 11th of November[f], in order to give their members time to come up; the lords likewiſe adjourned to November the 7th, when a complaint was made by the earls of Huntingdon, Scarſdale, and Marlborough, that they had been lately committed to the Tower by warrants, wherein it was not ſaid, that, that any information was given againſt them upon oath, which they alledged to be required by the law. They complained likewiſe, that the beginning of this Michaelmas term they were continued upon bail, by the court of King's-Bench, though the parliament was then going to meet: which they looked upon as a breach of the privilege of the peerage of England; wherein they were ſeconded by ſome other lords. Theſe two points were debated ſome time, and the opinion of the judges was aſked upon the laſt; and the lord chief juſtice Holt juſtified the proceeding of the King's-Bench. At laſt it was reſolved, that a committee ſhould be appointed to inquire into precedents about this matter, and to make their report on the Wedneſday following; till which time the houſe adjourned; and the committee met on Tueſday accordingly.

The houſe of peers meeting on Wedneſday, November 9th, reſumed the affair of the commitment of the lords to the Tower, and their being continued under bail by the King's Bench. The debate ran chiefly upon the ſecond head; and it was moved, that the recognizances of the ſaid lords, which were taken in the King's Bench, ſhould be removed to the houſe of peers, as being the ſupreme court. But the lord chief juſtice Holt's opinion being aſked, and he acquainting them, that it could not be done, that debate fell. The day following, their lordſhips called before them Mr. Aaron Smith, who was the Solicitor for law affairs; and he was aſked upon oath what witneſſes there were in the firſt place againſt the earl of Huntingdon; to which he anſwered, that he knew of but one. It was then debated whether one witneſs was ſufficient to keep a peer under bail, after he had entered his prayer at the King's Bench to be tried, as the habeas corpus act directs; but they came then to no reſolution upon it.

The houſe of commons met on the 11th according to their adjournment, when a motion was made by ſir Thomas Clarges for an addreſs to his majeſty, that the foreign alliances might be laid before that houſe; which was carried; and the deſign of it was evidently to enter into the conſideration of the part, which the ſeveral confederate princes bore in the war; and whether it was proportionable to that of England.

The next day the peers reſumed the debate concerning the lords who had been committed; and the committee, which had been appointed for that purpoſe, reported an order, declaring, 'That no peer ſhould be continued upon bail, unleſs there were two witneſſes againſt him.' Upon this ſome debate aroſe, but concluded without any determination; and then their lordſhips entered upon the conſideration of the legality of the commitments, but adjourned without coming to any concluſion.

The ſame day there was brought into the houſe of commons a bill for 'regulating trials in caſes of high treaſon;' and they voted thanks to admiral Ruſſel, and the commanders and ſeamen of the fleet, for the late victory at ſea; and ordered, that the lords of the admiralty lay before the houſe copies of the orders by them ſent to the admiral; who was likewiſe ordered to bring copies of thoſe, which he had received; the houſe reſolving to inquire how it came to paſs, that the victory was not purſued.

The next day, November 12, the houſe of lords received a report from their committee, of an order, declaring, that no peer ſhall be remanded to priſon by the King's Bench upon his appearing before them by virtue of the habeas corpus act, after having entered his prayer to be tried as the ſaid act directs, or kept under bail, unleſs there be againſt him two witneſſes upon oath. Hereupon the judges were conſulted, and they were of opinion, that it was not neceſſary in this caſe to have two witneſſes upon oath againſt the priſoner, but that there ought to be two witneſſes in a capacity to be ſworn, ſince it might happen, that one of them was abſent and had not yet had an opportunity to be ſworn. The committee therefore altered their order agreeably to this opinion of the judges; and then it was moved on the 14th of November, and debated ſeveral hours, whether that order ſhould be a ſtanding rule in the journals of the houſe, and at laſt was reſolved in the affirmative by thirty-five voices to twenty-eight. The day following their lordſhips entered again upon the matter of the lords continued under bail, and conſidered in what manner to diſcharge them from their recognizances; and after ſome debate it was intimated as an expedient, that his majeſty would give order for their diſcharge the next day; which put an end to the debate, and they accordingly adjourned to Thurſday, November 17, when they were informed, that theſe lords had been diſcharged the day before by the king's particular command. Upon this a debate aroſe, what entry ſhould be made thereof in their journals for aſſerting the rights and privileges of the peers, wherein they came to no determination, but adjourned the debate to the next day, when they ordered it to be entered upon their journal, that being informed, that his majeſty had given directions for the diſcharge of the lords under bail in the King's Bench, the debate about that matter ceaſed. This debate went off in a bill, that indemnified the miniſtry for thoſe commitments, but limited them, for the future, by ſeveral rules; all which rules were rejected by the commons. They thought thoſe limitations gave a legal power to commit, in caſes where they were obſerved; whereas they thought the ſafer way was to indemnify the miniſtry, when it was viſible they did not commit any but upon real danger, and not to ſet them any rules. Since, as to the committing of ſuſpected perſons, where the danger is real and viſible, the publick ſafety muſt be looked to, and ſuperſede all particular laws,

The commons, on the 12th of November entered upon an inquiry, 1. Why the late victory at ſea had not been purſued? 2. Why the deſcent had not been made? 3. Why care had not been taken to cover the trade, by having convoys and cruiſers in proper ſtations? In anſwer to the firſt, admiral Ruſſel alledged, that nothing had been omitted on his part; and that he gave orders in writing to ſir John Aſhby, preſently after the fight, to purſue the French ſhips, that fled through the Race of Alderney[g]. Secondly, as to the deſcent, he ſaid, That it was ſo late in the year when the land-forces joined the fleet, that it was the opinion of all the ſeamen, that the great ſhips could not ſtand over to St. Malo's, or the other places propoſed, without an extreme hazard, So that the inquiry remaining was, why the land forces embarked no ſooner; of which the commiſſioners of tranſports, victuallers, and officers of the ordnance, were required to give an account as far as related to their ſeveral parts. Laſtly, the commiſſioners of the admiralty were directed to give an account about the convoys.

On the 14th, the commons made an addreſs to the king, in which they acknowledged 'The great affection his majeſty ſhewed to his ſubjects, by taking notice of their bravery and courage, by that ſenſible concern he expreſſed for the charges on his people, and by that tender regard for the preſervation of their religion, liberties, and properties, which muſt ever be remembered with gratitude by all his faithful ſubjects. They likewiſe acknowledged the favour of God,

[f] The proceedings of both houſes in this ſeſſion, are chiefly extracted from a ſeries of original letters, written by Mr. Warre, under ſecretary of ſtate, to ſir. W. D. Colt, envoy extraordinary at Hanover.

[g] Accordingly ſir John Aſhby being examined, November 19, particularly in relation to the French men of war that eſcaped into St. Malo's, he gave an account of the proceedings of the ſhips under his command in and after the engagement; with which the houſe was ſo well pleaſed, that the ſpeaker, by direction of the houſe, acquainted him, 'That the houſe took notice of his ingenious behaviour at the bar, and that he had given an account to the ſatisfaction of the houſe, and was diſmiſſed from farther attendance.' Pr. H. C. II. 410.

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in reſtoring his majeſty in ſafety to his people, after ſo many hazards and dangers, to which he had expoſed his ſacred perſon; that there might be nothing wanting on his part to oppoſe the ambitious deſigns of his enemies, and to maintain the honour of England, and the liberties of Europe. They alſo congratulated his deliverance from the ſecret and open deſigns, which the malice of his enemies had formed againſt him; and aſſured him, that they would always adviſe and aſſiſt him in the ſupporting of his government againſt his enemies.' They preſented at the ſame time their thankful acknowledgments to the queen, 'for her gracious and prudent adminiſtration of the government, whilſt his majeſty was hazarding his royal perſon abroad; and for the bleſſings of peace, which they enjoyed at home under her auſpicious reign, at a time when the greateſt part of Europe was ſuffering the miſerable effects of war. They alſo congratulated, not only the ſignal deliverance, which they received from a bold and cruel deſign, formed and proſecuted for their deſtruction, when it was juſt ready to be executed, but likewiſe the return of her majeſty's fleet with ſo compleat and glorious a victory, as was not to be equalled in any former age; aſſuring her majeſty, that the grateful ſenſe they had of their happineſs under her government, ſhould be always manifeſted in conſtant returns of duty and obedience, and a firm reſolution to do all that was in their power to render her reign ſecure and proſperous.'

On the 14th ſir Edward Seymour delivered to the commons a meſſage from the king in anſwer to their addreſs the laſt ſeſſion, about the Eaſt-India Company, with ſeveral papers relating to that company; namely, a copy of the new regulations drawn up by his majeſty's order, and which the company had refuſed to ſubmit to; and the opinion of the judges thereupon, which the king informed the houſe was the reaſon of his having done nothing in the affair, ſince the judges had declared, that the company muſt have three years notice, and that no company could be ſet up in that time; for which reaſon he left the commons to proceed in that matter as they ſhould think proper.

The next day the commiſſioners of accounts laid before the commons their report about the receipts and iſſues of the public monies; the conſideration of which being deferred to the Thurſday following, the buſineſs of the day was called for, which was to conſider of the king's ſpeech; but it was anſwered, that, ſince his majeſty deſired their 'advice' as well as 'aſſiſtance,' they could not offer the former till they had inquired into the alliances, public accounts, &c. And thereupon it was ordered that the conſideration of his majeſty's ſpeech ſhould be adjourned till the Tueſday following.

On Wedneſday, November 16th, the commons had a debate of two hours, by whom the alliances laid before them ſhould be tranſlated; ſome propoſing, that it ſhould be done by public notaries; others that they ſhould be returned to the ſecretary for that purpoſe; and others, that they ſhould be referred to a committee, in order to be rendered into Engliſh, and theſe laſt prevailed. The next day was ſpent by that houſe in the buſineſs relating to the Eaſt-India company; and, the day following, they read a ſecond time the bill 'for regulating trials in caſes of high treaſon;' upon which a long debate aroſe, whether it ſhould be rejected or committed, many of the members looking upon it as very unſeaſonable at that time, when the enemies of the government were ſo active in plotting againſt it, ſince by this bill the conviction of ſuch offenders would be made much more difficult than it was before; but in concluſion, it was carried upon the queſtion by one hundred and ſeventy againſt one hundred and fifty, that the ſaid bill ſhould be committed to the committee of the whole houſe.

On Wedneſday November the 23d, the commons had a long debate about the foreign generals, on which ſubject ſeveral warm ſpeeches were made, and the count de Solms was particularly named as the chief occaſion of the ill ſucceſs at Steenkirk by not ſending ſuccours, when called for, to ſupport the Engliſh, and as a perſon, who had not treated the Engliſh well. It was at firſt preſſed, that no foreign general ſhould be allowed of upon the Engliſh eſtabliſhment; but that motion would not paſs, though it was reſolved with little oppoſition, that his majeſty ſhould be humbly adviſed to fill the vacancies, that ſhall happen for the future, of general officers in our army with ſuch only as are natives of their majeſties dominions; and that the general of the Engliſh foot be a native of their majeſties dominions. By which vote they propoſed to hinder the coming in of any other foreign generals than were already employed in the ſervice, and to remove count Solms. And it was even moved, that the houſe ſhould deſire the king to confer that command upon lieutenant-general Talmaſh, who, it was ſaid, was a better and more experienced officer; but this motion was not ſeconded, and ſo it fell.

On the 24th of November, the commons reſumed the affair of the Eaſt India company; and reſolved, that there ſhould be a new ſubſcription of a joint ſtock not exceeding two millions, and not leſs than 1,500,000l. to continue for twenty one years. And the day following the ſtate of the war for the enſuing year was laid before the houſe. The land force was the ſame as it was the laſt year, but the naval ſomewhat greater. The whole expence amounted to four millions, two hundred thouſand pounds, to which was added the deficiency of the laſt poll-act, amounting to 750,000l, The eſtimates were read, and the farther conſideration of the ſupply adjourned to the Tueſday following.

The lords, on November the 23d, attended their majeſties with their addreſſes of thanks and congratulation; and on the 28th they reſolved, that his majeſty be humbly adviſed to employ one, who was born their majeſties ſubject, to be general of the Engliſh forces; and the day following they conſidered the miſcarriages of the intended deſcent into France, and after ſome debate reſolved, to make an addreſs to his majeſty, that all orders, letters, &c. relating to the ſame, be laid before them.

On Saturday, November 26th, the committee about the tranſports made their report to the houſe of commons; and after ſeveral warm ſpeeches, it was reſolved, that in regard many of the great affairs of the government have been for the time paſt unſucceſsfully managed by thoſe who had the direction thereof, the houſe ſhould humbly adviſe his majeſty to prevent the like miſchiefs for the future, by employing men of known ability and integrity; this queſtion being carried without a ſingle negative. Some members then repreſented the prejudices which they conceived to ariſe to the public by having all affairs of ſtate paſſed only through the cabinet council; thinking it better to have them conſidered of in the privy council; upon which there was ſome debate, but the motion fell.

On the 28th the commons were employed upon the bill 'for regulating trials in caſes of high-treaſon,' wherein they made ſeveral amendments, the principal of which was, that this act ſhould not take place, nor be of any force, till after the expiration of the preſent war with France; which upon the queſtion was carried by one hundred and ſeventy-five, againſt one hundred and forty; this amendment being thought to anſwer the main objection againſt the bill, of its being unſeaſonable.

The day following they took into conſideration the eſtimates about the fleet. The firſt debate was, whether they ſhould allow of the thirty-three thouſand ſeamen demanded by the admiralty; which ſome would have reduced to thirty thouſand; but it was carried for the whole number; after which they agreed likewiſe to all the particulars of the eſtimate, except that about the two marine regiments, which they did not allow of.

On the 30th of November, the commons went again into a grand committee to give advice to his majeſty. Several ſpeeches were made againſt the ill management of affairs, and the inactivity and want of vigour, that appeared in thoſe, who had the adminiſtration of them; which they imputed to the principles of ſome of them, who at firſt oppoſed the ſettlement of the government, and therefore could not be thought to be ſo zealous for the ſupport of it as was neceſſary in the preſent ſtate of things. And Mr. Arnold went ſo far as to name the earl of Nottingham, though he was not ſeconded. After a long debate the following vote paſſed without any oppoſition, that his majeſty be humbly adviſed, for the neceſſary ſupport of the government, to employ in his councils and management of his affairs, ſuch perſons only whoſe principles oblige them to ſtand by him and his right, againſt the late king James and all other pretenders whatſoever.

The day following, the houſe agreed with the committee about the eſtimates of the fleet for the enſuing year; and then reſolved upon an addreſs to his majeſty, that a liſt of the ſhips deſigned for the next year's ſervice might be laid before them. After this the report was made about the bill 'for regulating trials in caſes of high treaſon,' to which the houſe agreed, and particularly to the amendment, that this act ſhould not take place till after the expiration of the preſent war, which was debated for ſome time, and at laſt carried by one hundred and ſixty-five againſt one hundred and forty. Some clauſes were then offered to be added to the bill, one of which occaſioned a long debate. It was to enact, that it ſhould be high treaſon for any perſon to declare by word or

writing, that their preſent majeſties were not lawful and rightful king and queen of this realm. This was very much oppoſed, as a thing irregular to bring in thus a clauſe for making a new law, and as dangerous to the ſubject to make words treaſon. At laſt it was agreed to lay aſide the clauſe, and that a bill be brought in for the better preſervation of their majeſties perſons and government. But no further mention was made of the other bill 'for regulating trials, &c.' during this ſeſſion.

The houſe of lords, on the 2d of December, reſumed the conſideration of the bill of indemnity, and added to it a clauſe impowering the council, in caſe of an invaſion, to ſecure all ſuſpected perſons, who refuſe to take the oaths, and to give ſecurity for their peaceable behaviour. And on the 6th of that month the earl of Nottingham gave in to their lordſhips an account of all orders and proceedings about the deſcent.

On the 3d of December, the commons proceeded upon the eſtimates about the land-forces; when the lord Ranelagh acquainted them, that, of the fifty-four thouſand demanded by his majeſty, he deſigned, that twenty-thouſand ſhould be left in England, and the reſt employed abroad. Upon this, the firſt debate was, whether they ſhould agree to have twenty-thouſand men kept in England; and it was preſſed to begin with this queſtion; but the managers for the court oppoſed it, and would not ſuffer this ſeparate queſtion, inſiſting to have the whole fifty-four thouſand men put into the queſtion together; which occaſioned a long debate, but at laſt it was agreed, that the ſeparate queſtion about the twenty-thouſand men to be kept in England ſhould be put firſt; which being done, it paſſed without a negative. Then the ſecond queſtion was debated about the thirty-four thouſand men to be employed abroad; which was warmly oppoſed by ſeveral, who were againſt ſending any forces to Flanders, where no advantage was to be expected by the experience of the laſt campaign; at leaſt they were for leſſening the number, ſince the kingdom could not bear ſo great an expence. This debate kept the houſe ſitting till nine at night, when the queſtion being put, it was carried for the thirty-four thouſand men with ſo great a majority, that the oppoſite ſide did not think fit to divide for it. On the 5th they went again into a grand committee to give advice; and after a long debate, and divers angry ſpeeches, they paſſed the two following votes: 1. That the committee was of opinion, that there had been an apparent miſcarriage in the management of the affairs relating to the deſcent the laſt ſummer. 2. That one cauſe of the ſaid miſcarriage, was the want of giving timely and neceſſary orders by ſuch perſons, to whom the management of this matter was committed. The firſt paſſed without any oppoſition; but the laſt, which was plainly levelled at the earl of Nottingham, was carried only by one voice, a hundred and ſixty-five againſt a hundred and ſixty-four. The day following they proceeded upon the eſtimates about the land-forces, and agreed to the allowances demanded for the general officers. But, when they came to the three pounds a day ſet down for Mr. Blaithwait, they would not allow of it, but reduced it to twenty ſhillings, which, upon the queſtion, was carried by about nineteen voices.

The lords, on the 7th of December, had the earl of Nottingham's relation concerning the deſcent read to them, and it was ordered, that the original letters from admiral Ruſſel, and other perſons therein mentioned, ſhould be laid before the houſe. After which a motion was made, that they ſhould proceed jointly with the commons in giving their advice to his majeſty, and to that end it ſhould be propoſed, that a committee might be appointed by either houſe, to meet together, and conſider of heads for the ſame. But, after a long debate, it was reſolved in the negative by a majority of forty-eight againſt thirty-ſix; of the former number were all the lords of the cabinet council, except the lord Steward; all the biſhops preſent, except dr. Watſon, biſhop of St. David's.[h]

[h] Leave having been aſked and given, that ſome lords might proteſt, if the queſtion was carried in the negative, the lords, whoſe names are underwritten, entered their proteſtation in the reaſons following:

1. Becauſe his majeſty, having particularly and expreſsly deſired the advice of his parliament at this time, when he ſo much ſeems to need it, no other method was, or, in our opinions could be propoſed, by which the two houſes might ſo well and ſo ſpeedily be brought to that concurrence, which is neceſſary to render their advice effectual.

2. Becauſe it appears by ſome papers already imparted to this houſe, that ſeveral members of the houſe of commons are concerned in the matters before us, as having been ſo lately employed in his majeſty's ſervice; and we conceive it the eaſieſt, propereſt, and faireſt way of communication between the two houſes, to have ſo great and important a buſineſs tranſacted and prepared in a committee ſo choſen.

3. Becauſe it cannot be expected, that ſo many members of the houſe of commons, from whom we ſhall need information, can in any other manner be here preſent ſo often, though with the leave of the houſe, as will be neceſſary for a ſufficient inquiry into the ſeveral affairs now under conſideration.

4. Becauſe, if the houſe of commons intend alſo to give advice to his majeſty, it is very probable that both houſes of parliament may receive ſuch information ſeverally, as will be thought fit to be communicated as ſoon as poſſible; and we conceive no way of doing that can be ſo proper or ſpeedy as in a committee of both houſes.

5. Becauſe, in a time of ſuch imminent danger to the nation, by reaſon of ſo many miſcarriages, as are ſuppoſed generally to be committed, the cloſeſt and ſtricteſt union of both houſes is abſolutely neceſſary to redeem us from all that ruin, which we have too much cauſe to fear is coming upon us.

Shrewſbury,	Mulgrave,
Stamford,	Cornwallis,
Monmouth,	Vaughan,
Crew,	De Longueville,
Torrington,	Montagu,
Granville,	Bath,
Marlborough,	Macclesfield,
Ayleſbury,	Warrington,
Cholmondely,	Fitzwalter.

Mr. John Hampden publiſhed about this time a remarkable piece, intitled, "Some ſhort conſiderations concerning the ſtate of the nation." He begins it with remarking, that 'perhaps there was not any time in which it was more neceſſary to join heads and hearts for the ſervice of our native country, that ſo a ſafe and effectual method might be agreed upon, to bring the nation through the great and many difficulties it laboured under; and to attain the end, which was propoſed in the late revolution, and in that war, in which it was engaged for the defence of all that was dear to us, againſt thoſe, who were ſworn enemies of our religion and country.' He then conſiders, that the remedying of all the evils, under which the nation laboured, was only to be expected from the parliament; and that, if the parliament ſhould ſeparate what the king had ſo wiſely joined together in his ſpeech, and ſhould either give aſſiſtance without advice, or advice without aſſiſtance, our affairs would be ruined, and the nation undone.

Mr. Hampden next makes ſome reflections upon the ſtate of the nation, and conſiders it as in a ſtate of war, and againſt whom, and for what ends, it was engaged in that war. The perſon againſt whom the war was directed, he tells us, was the French king, who might be ſaid to be in ſome ſort the enemy of mankind, 'the deſign of whoſe whole life had been to eſtabliſh in Europe what they call an univerſal monarchy, which might more properly be called the enſlaving of all Europe, and whoſe hatred to all, that bore the name of proteſtant, was inveterate and invincible.' The ends of the war were both juſt and neceſſary in the higheſt degree; ſelf-defence, the maintenance of our antient free government; the aſſerting our rights and liberties; and, above all, the preſervation of the proteſtant religion againſt popery and idolatry.

Mr. Hampden then conſiders, in what ſtate and condition we were for the carrying on this great war, 'which had already laſted almoſt four years, and was likely to laſt much longer, and at length to end unhappily, if effectual meaſures were not taken by the parliament to manage it in ſuch a way, and for ſuch ends, as were conſiſtent with our ability, preſent condition, and true intereſt.' He proceeds to ſhew, that the nation was not only in a ſtate of war, but alſo in a ſtate of decay and conſuming, and that in many reſpects, as, 1. With reſpect to its ſhipping; it being incredible, what number of ſhips had been loſt ſince the beginning of the war. 2. With regard to its ſeamen; the occaſion of which decay was this, that we had indeed acts of navigation, and one would think our own intereſt ſhould have inclined us ſufficiently to employ our own men in matters of trade: yet there was ſo great opportunity given to employ foreigners by want of convoys, and the breeding of ſeamen being interrupted by the loſs of ſo many of our ſhips, and the giving up the bank-fiſhing, and Newfoundland fiſhing, in a manner entirely to the French, that our trade inſenſibly ſlipt from us, our merchants were diſappointed and undone, and our ſeamen diſcouraged and diminiſhed; in whom notwithſtanding conſiſts the true ſtrength and ſafeguard of this iſland. 3. In the decay of our trade: 'Not to mention again, ſays he, the prodigious number of trading ſhips taken by our enemies, and the diſcouragement of our ſeamen by employing foreigners, it is well known, that all nations now drive on a free trade with France, and we alone are excepted from that benefit; while, on the other hand, we bear three parts in four of the charges of this war. The Swedes, Danes, Portugueſe, Venetians, and others, take off the French goods as openly as ever; and the two former ſupply them with ſhips and naval ſtores. The Spaniards in the Netherlands maintain as open and regular a trade with them as in the time of full peace, without ſo much as a diſguiſe, or the leaſt pretence of a diſguiſe, though we know they cannot ſubſiſt one moment without us; and therefore we may put a ſtop to ſuch abuſes and deſtructive practices whenſoever we pleaſe. Thoſe who know the condition of Denmark, know likewiſe, that we might eaſily have hindered the ſupplies, that have gone from thence to France; but, though that were often adviſed and preſſed, yet nothing could be ever procured to be done. The Dutch, who pretend to be ſo cloſely united with us in intereſt at this time, have private factors every where carrying on a trade with France in the name of other nations; while we alone loſe the benefit of that trade, which the reſt of the allies divide among them. 4. In the loſs and diminution of our treaſure, of which the king takes notice in his ſpeech.' And this proceeded not only from hiring foreigners for convoys, and foreign importers, who carry away the money that ſhould be divided among our Engliſh ſeamen and traders, as was obſerved above, but principally from thoſe vaſt ſums, which were ſent in ſpecie to pay our land-army, little of which ever returned into England again; and that which did was ſo clipped and leſſened, that it would not paſs. '5. In the loſs of our men. I ſhall not, ſays Mr. Hampden, ſay how many lives have been ſpilt for the reduction of Ireland, and how many of them might eaſily have been ſpared, if things had been rightly managed at firſt; nor how many of our braveſt men periſhed in the action at Steenkirk, for want of being ſuſtained as they might and ought to have been.' He then ſhews, that the nation was likewiſe in a ſtate of unſettledneſs in all reſpects, which muſt needs be very dreadful

The ſame day, the commons proceeded upon the buſineſs of the Eaſt-India company, and agreed to the reſt of the regulations, viz. that no man ſhall have above 10,000l. ſtock, nor under 100l. every 500l. to have a vote; and no perſon to have more: the governors to have 5000l. ſtock: the deputy governor 10,000l. The company to export every year of the Engliſh manufactures to the value of 100,000l. and to furniſh the government with 500 tun of ſalt petre yearly at a certain rate. Upon theſe heads the committee reſolved to move the houſe, that a bill might be brought in to ſettle the ſaid trade.

On the 8th of December, the lords went into a grand committee upon giving advice; and, having before them the eſtabliſhment of the ordnance, they found upon it two Dutch officers, colonel Gower, colonel of the Engliſh train abroad, and Mr. Meeſters, keeper of the ſtores at home; and thereupon, after ſome debate, it was reſolved humbly to adviſe his majeſty to remove them both from the ſaid employments. Meeſters having another poſt, that of comptroller of the train abroad, there was not much oppoſition made to the removing him from this; but the queſtion againſt colonel Gower was carried againſt him by forty-one voices againſt thirty-eight. After this there aroſe ſome debate, whether the earl of Nottingham's relation ſhould be referred to a committee of the whole houſe, or to a ſelect committee; and it was reſolved, as his lordſhip himſelf deſired, that it ſhould be conſidered of in a committee of the whole houſe.

The commons were likewiſe the ſame day upon giving advice; and ſir Richard Temple having moved, that in purſuance of the king's ſpeech, they would conſider how to pay the forces abroad, by ſending over Engliſh manufactures, and ſo preventing the exportation of ſo much money yearly; and, this motion being ſeconded, it was reſolved, that a committee ſhould be appointed to conſider thereof. The houſes being then deſirous of riſing, ſir Francis Winnington the chairman was called upon to leave the chair; which, after having put the uſual queſtion, he did accordingly, and the ſpeaker reſumed the houſe. But, as they had omitted in the committee to direct their chairman to report what they had done to the houſe, and to deſire leave to ſit again, no report could be made, and ſo the vote, which they had paſſed in the committee, fell to the ground. But the committee was revived by the houſe, and appointed to ſit again on the Monday following.

On the 9th of December, the commons proceeded upon the eſtimates about the land forces. They had already agreed to the fifty-four thouſand men, to the charge of the general officers, the train, and the tranſports; and now they agreed to give 200,000l. more for hoſpitals and other extraordinary charges, being deſirous to throw theſe together, becauſe in the article about the ſubſidies to the dukes of Savoy and Hanover, and the other, about the three Saxon regiments, it was ſaid, that the king paid two thirds, and the Dutch one, which proportion the houſe was unwilling to allow of, but put the ſeveral ſums together under one general head, though with an abatement of 35,000l. which they thought the eſtimates might very well bear. A motion was then made in behalf of the duke of Wirtemburg and the majors-general Tetteau and La Foreſt, who commanded the Daniſh troops, that their particular pay might be according to the Engliſh eſtabliſhment, and not according to the Dutch, which they were then upon; and this was agreed to in conſideration of their good ſervices. And thus the houſe agreed to the whole ſtate of the war for the enſuing year; their next buſineſs being to conſider of ways to raiſe the funds for the ſame.

In the houſe of lords the ſame day, the earl of Nottingham's relation, with the original papers therein mentioned, were read; and, becauſe there ſeemed to be ſome reflection made therein upon admiral Ruſſel, who was a member of the houſe of commons, their lordſhips appointed a committee to conſider how they might come to ſpeak with the admiral, and to know what he had to ſay in anſwer thereunto.

Their lordſhips likewiſe on the 10th reſumed the conſideration of the earl of Nottingham's relation, and after ſome debate reſolved to appoint a committee to draw up an abſtract of what the earl had farther by word of mouth told the houſe, that more nearly affected admiral Ruſſel, as if he had been wanting in ſeveral things, which were incumbent upon him. The committee thereupon met, and a queſtion aroſe, whether their account ſhould be drawn up as coming from the houſe, or from the earl of Nottingham; and the firſt was reſolved on; and, to prevent all miſtakes and further delays, the earl was deſired to draw up himſelf the ſubſtance of what he had ſaid to the houſe.

Among other advices, which the lords reſolved about this time to give to his majeſty, one was, that, when the Engliſh forces were joined with the Dutch, his majeſty would be pleaſed to give the precedence to the former; and that an Engliſh officer might command all Dutch officers of the ſame rank, though his commiſſion be of a later date. This was grounded upon a treaty, which the earl of Marlborough told the houſe was made at the beginning of the war, and of which he produced a copy, it being anſwered upon the application they made to the king for the treaty, that it could not be found.

The commons on the 10th of December voted a ſupply for the navy of two millions and ninety thouſand pounds, as they had before granted 1,925,000l. for the fleet; which together amounted to above four millions without reckoning 750,000l. for the deficiency of the laſt year's poll-tax, and 600,000l. for the civil liſt. The ſame day they agreed to

dreadful in the midſt of a war.

For, 1. It was entirely unſettled as to the government, the king's title, and the legality of it, being as publicly diſputed, and with as little fear of puniſhment, as any point of natural philoſophy in the ſchools of Oxford, or any moot caſe of law by the ſtudents of the Temple; while others, who pretended to ſubmit to the government, openly renounced and impugned the principles and grounds, upon which it was ſet up by the nation; and would not ſuffer any mention to be made of the original contract broken by king James, nor of that new contract made by king William with this nation, in virtue whereof he was king of England; but wrote books and publiſhed them, one while to prove, that he was king by conqueſt, another while to prove, that he was king by an immediate providence of God, and direction from him; both which were equally deſtructive to the nature of our government, and to all the ends propoſed to be compaſſed in the revolution. Beſides, ſeveral bills and declarations had been offered ſeveral times in parliament for abjuring king James's authority, and declaring king William and queen Mary lawful and rightful king and queen of this realm; but nothing of this kind had been yet brought to perfection. Nor was the nation in an unſettled condition, only in reference to the king's title, but likewiſe to the antient government itſelf, and the time of holding parliaments; for the government could not in any ſort be thought to be ſettled, till the manner and time of calling parliaments, and their ſitting when called, were fully determined, explained, and agreed to. 2. The nation was unſettled as to the quiet enjoyment of our own houſes, from the quartering of ſoldiers in them. 3. From the ſeizing the ſubjects property for tranſport ſhips, without ſettling any fund to pay them. 4. From the want of proper regulations with regard to trials for treaſon. 5. From the want of ſettling a militia. 6. From the decay of trade by the loſs of ſhips for want of convoys.

Mr. Hampden then affirms, That, in the conduct of the war, and the management of affairs at home, in reference to it, 'there was evidently, a vein of treachery run through it from one end to the other.' "How elſe, ſays he, is it poſſible every thing ſhould miſgive and miſcarry, as we ſee it has done? How could all our preparations this year for a deſcent upon France have been foreſlowed and retarded as they were, and our men embarked, only to coſt half a million, and make us ridiculous to the whole world, unleſs the hand of Joab had been in it?——Who can believe, that our victory at ſea this year ſhould not have been farther purſued, if all people employed had been well-intentionated?—How came we to labour under ſuch want of intelligence, even in things, in which it may ſo eaſily be had, and that for ſo little money?——When orders are to be given out for any deſign, there are ſo many delays, upon one pretence or other, that the time of execution is always over before the orders are received. And beſides, they are ſo defective, and in their nature ſo impracticable (as we have lately ſeen in the buſineſs of the deſcent) that it were better none at all ſhould be given. Are there deſigns on foot to join with our enemies, and riſe in favour of them, as there was this ſummer, when the French were coming? Yet nobody is found out or proſecuted, that was concerned in it. Every body knew, that horſes and arms were bought, and ſome were taken. Every county ſaw, that their diſcontented men flocked up to London. Nobody thought the French would either provide to come hither, or ſeek to fight us at ſea, but upon ſome ground of treachery; and yet there could be nobody diſcovered, that had any correſpondence with them. Theſe things are indications ſufficiently plain to any wiſe man, where the bottom of all this miſchief lies. But none are ſo blind as thoſe, who will not ſee."

Mr. Hampden concludes with theſe words: 'All theſe things put together make a conſiderable part of the melancholy and miſerable ſtate of the nation at this preſent time. If it be aſked, what ſhall be done to remove all theſe evils? I ſay, the firſt ſtep towards a cure is well to underſtand our diſeaſe; and, if the parliament can be thoroughly ſenſible of theſe things, and make the king likewiſe ſenſible of them, the very nature of the diſeaſe will of itſelf lead to the proper remedies. Therefore, I am humbly of opinion, that the parliament ſhould begin by a moſt humble, dutiful, and reſpectful addreſs to his majeſty, repreſenting to him the true ſtate of the nation in it's preſent circumſtances, returning thanks in the moſt humble and affectionate manner imaginable for that gracious expreſſion of demanding the advice of the parliament, and aſſuring him, that neither their advice nor aſſiſtance ſhall be wanting for maintaining and defending his perſon and government againſt the attempts of all his enemies; as on their ſide, after what he has ſaid at the opening of this ſeſſion of parliament, they cannot doubt but his majeſty will heartily concur with them in what they ſhall adviſe for his honour, ſafety, and greatneſs, and the good of the nation. After this the parliament will proceed to offer to his majeſty ſuch bills, as may be moſt proper to remedy the grievances of which we complain; and at the ſame time, that they give money for carrying on the war, will adviſe ſuch meaſures as may beſt enable his majeſty to bring down the exceſſive power of France, and at the ſame time to ſecure the happineſs and liberties of the Engliſh nation. If debates are free and clear within doors, ſo as to encourage thoſe without to hope, that there is really a probability of ſomething to be done for the good of the nation, there will be farther propoſals made of ſuch things as are thought moſt proper and neceſſary to be done at this time.'

Biſhop

the report about the East-India trade; and after that read for the first time the bill for the better preservation of the government, in which there was appointed a new oath to be taken by all persons in offices.

The day following, December 12th, the house designed to have proceeded upon the advice to the king; but Mr. Russel informing them, that he heard some papers relating to the last summer's expedition would be sent them from the lords, and desiring, that the farther consideration of this matter might therefore be deferred for some days, it was accordingly adjourned till the Friday following.

On the 13th the commons ordered a bill to be brought in, that no person should for the future be elected a member of parliament, who had any other employment or office of profit; and that no member of the present house should, during his being such, accept of any office or employment. After this they proceeded to the supply, and resolved, that there should be raised four shillings in the pound upon lands and offices.

The house of lords on the 15th had a warm debate about the foreign forces then in England, upon a motion, that his majesty should be humbly advised to send them all away; and at last it was resolved to advise him not to bring any more foreign troops into the kingdom; but that those already here, which were four Dutch and three French regiments might continue.

On Wednesday the 14th, the commons had likewise a long debate about the bill for preserving the government. The main objection against it was, that it made words treason, which would make people unsafe even among their own servants and in their own families; and that the oath to be taken by all persons in offices was, that, 'during their lives,' they should stand by their majesties against king James and all other pretenders; which, it was said, laid an obligation upon people beyond what was in their power to be answerable for. To this it was replied, that any thing, that was thought amiss, might be amended in the committee, but that the scope and substance of the bill was certainly very necessary at that time. But the bill was at last thrown out by two hundred against one hundred and seventy-five, the court party being divided upon it[1]. The next day they took into consideration a project for borrowing a million, and resolved to make it part of the supply. The project was, that ten thousand persons should lend 100l. each: that a fund of 70,000l. should be settled out of the hereditary excise to pay the interest at seven per cent. which was to be divided among the lenders and survivors of them, during their lives, provided that no man should at any time have above 10,000l. per annum.

The next day, December the 16th, they went into a grand committee for giving advice to his majesty, and it was moved, that he should be advised to remove colonel Gower and Mr. Meesters, two Dutch officers, out of the ordnance; which occasioned a debate of above two hours. At last it was said by several generals, that this was a trivial matter, not worth the spending their time about; and that, if they had nothing of more weight to lay before the king, they might go to their dinners. Which motion was so well liked, that the committee adjourned, and the speaker took the chair without appointing any time for their next sitting.

On the 17th the bill 'for ascertaining the fees of officers of justice' was rejected by the commons, being the same which had passed the two houses the preceding session, but was then rejected by the king.

Two days after, the papers given in to the house of lords by the earl of Nottingham, concerning the last summer's expedition, being communicated to the commons at a conference, they were read in that house, when admiral Russel, who thought himself reflected on in them, made answer thereto in his place so much to the satisfaction of the house, that they passed a vote 'that he had behaved himself during the last expedition with fidelity, courage, and conduct;' and ordered, that this vote should be communicated to the lords at a conference the next day. Besides this, there were some warm speeches made in the house; and it was even moved by Mr. comptroller Wharton, that an address should be made to the king to remove the earl of Nottingham; but that motion fell to the ground.

The vote of the house of commons in favour of admiral Russel was communicated to the lords at a conference on the 21st of December, and at the same time the narrative and other papers concerning the last summer's expedition were returned to them; which being reported to the house of lords, some of their lordships observed, that this proceding of the commons seemed to be somewhat irregular and unparliamentary in returning the papers so hastily, without taking any time to consider of them, and it was moved to desire a free conference with them upon it. But it was at last resolved to look into precedents, and appoint a committee for that purpose.

The commons on the 21st went into a grand committee to review the book of rates payable upon goods exported and imported; wherein they made some alterations, though they proceeded no farther than the letter C. And the day following they read for the first time a bill for raising four shillings in the pound upon real and personal estates, which, it was supposed, would amount to two millions; and they passed the bill 'touching free and impartial proceedings in parliament,' which was afterwards sent up to the lords for their concurrence. The design of it was to prevent men, after they were chosen members of parliament, from accepting any places of profit; for, though any person, who was in office already, might be chosen, yet, if he accepted one whilst he was a sitting member, he was to lose his seat in parliament, and to be incapable of being chosen again; but the speaker for the time being was excepted. After this the business of the East-India company should have come on, but a printed paper having been dispersed in the lobby of the house, wherein the chief sticklers against the old company were all named, and recommended as the only fit persons to have the direction of the new company, since they had carried on this affair with great charge and loss of time; and there being among them several parliament-men, one of them made complaint thereof to the house as being designed for a reflection upon them; but the house treated it with contempt, and, being grown cool upon the East-India business, and Mr. Smith, who used to be their chairman, going out of the house to avoid it, the further consideration of the affair was deferred to the 29th of December; which was great encouragement to the old company.

On the 23d the commons were to have received the report from the committee for giving advice to the king; but it seemed, that the house was grown weary of that matter, for it was adjourned fine die.

On the 28th of December the commons made some progress in the money-bill; and the day following, in a grand committee upon the East-India business, went through several regulations, and particularly agreed to that for a new subscription of a stock not exceeding two millions, and not under 1,500,000 l.

In the house of lords the committee appointed to look into precedents, in order to a free conference with the commons upon their late vote concerning admiral Russel, reported some precedents, which came near to the point in question; upon which their lordships on the 30th resolved, to demand such a conference the next day. Accordingly the same day messengers came from the lords to the commons for that purpose; but, it being put to the question, whether they should agree to the free conference desired by the lords, it was carried in the negative by seventy-eight against sixty-one.

The lords on the 31st of December read the second time the bill sent up from the commons 'touching free and impartial proceedings in parliament.' Great endeavours were used to throw it out; but at last it was resolved by a majority of nine voices, that it should be committed to a committee of the whole house.

The same day the commons made some farther progress in the money-bill, as they did likewise on the 2d of January; and the day following went through it to the blanks for the commissioners names, which were to be filled up the next day. They received likewise a message from the lords, that they had appointed eleven of the clock the next morning for the free conference; and thereupon named managers for the same, who were only to hear what the lords had to say to them, and to report it to the house.

[1692-3] The lords were, on the 3d of January, in a grand committee upon the bill 'for free and impartial proceedings in parliament,' and went through it, agreeing to all the clauses of it; but, when it came to be reported to the house, after a long debate, the bill was thrown out by two voices, the majority of proxies, which are not allowed of in a committee, being against the bill.

It is remarked on this bill, that, when the party, that was set against the court, saw they could carry nothing in either house, they turned their whole strength against the present

[1] Bishop Burnet observes, that the king himself was more set on this abjuration of king James, than he had been formerly. II. 103.

parliament to force a diſſolution. They began with giving it the name of an ill ſound, calling it 'the officers parliament,' becauſe many, that had commands in the army, were of it: and the word, that they gave out among the people, was, that we were to be governed by a ſtanding army, and a ſtanding parliament. Then they tried to carry this bill, for rendering all members of the houſe of commons incapable of places of truſt or profit. The truth was, it came to be obſerved, that ſome got credit by oppoſing the government, and, to ſilence them, they were preferred: And then they changed their note, and were as ready to flatter, as before to find fault. This gave a ſpecious colour to thoſe, who charged the court with deſigns of corrupting members, or at leaſt of ſtopping their mouths by places and penſions. Though the bill had paſſed the commons with little difficulty (thoſe in places, having not ſtrength to make great oppoſition, being looked on as parties, and thoſe out of places having not courage to oppoſe it, as it would have looked like recommending themſelves to one) it was however rejected by the lords, ſince it ſeemed to eſtabliſh an oppoſition between the crown and the people, as if thoſe, who were employed by the one, could not be truſted by the other. The earl of Mulgrave exhauſted his eloquence in a celebrated ſpeech on this occaſion [k].

The commons on the 4th of January reſumed the Eaſt India buſineſs, wherein they made ſome further progreſs, and reſolved particularly, by a majority of voices in a thin houſe, that the ſubſcription for a new ſtock ſhould be begun within ten days after the paſſing of the act; which vote did at firſt lower a little the actions of the old company, but they ſoon roſe again to a hundred and thirty, as they were before, upon a belief, that the parliament would not have time to finiſh the buſineſs that ſeſſion.

The lords in their free conference with the commons on the 4th of January repreſented to them, that the houſe of lords did look upon the late vote and proceeding of the commons in returning them the papers about the laſt ſummer's expedition to be irregular and unparliamentary. For having tranſmitted thoſe papers to them for their information in a matter, wherein ſeveral perſons ſeemed to be concerned, their lordſhips expected, that they would not only have duly conſidered of them, but likewiſe have given their lordſhips communication of what they had before them relating to that matter, and which they grounded their vote upon. This was the ſubſtance of what the earl of Rocheſter ſaid, and afterwards gave in writing to colonel Granville; who anſwered, that they had nothing to ſay, but were only to report to the houſe what they had received from their lordſhips [l].

On the 12th of January, the lords reſumed the buſineſs of

[k] In this debate, Sheffield earl of Mulgrave made the following remarkable ſpeech:

"My lords,

"This debate is of ſo great conſequence, that I reſolved to be ſilent, and rather to be adviſed by the ability of others, than to ſhew my own want of it. Beſides, it is of ſo nice a nature, that I, who ſpeak always unpremeditately, apprehend extremely ſaying any thing, which may be thought the leaſt reflecting; though even that ought not to reſtrain a man here from doing one's duty to the public in a buſineſs, where it ſeems to be ſo highly concerned.

"I have always heard, I have always read, that foreign nations, and all this part of the world have admired and envied the conſtitution of this government. For, not to ſpeak of the king's power, here is an houſe of lords to adviſe him on all important occaſions about peace or war; about all things that may concern the nation, the care of which is very much intruſted to your lordſhips. But yet, becauſe your lordſhips cannot be ſo converſant with the generality of the people, nor ſo conſtantly in the country, as is neceſſary for that purpoſe, here is a houſe of commons alſo choſen by the very people themſelves, newly come from among them, or ſhould be ſo, to repreſent all their grievances, to expreſs the true mind of the nation, and to diſpoſe of their money, at leaſt ſo far as to begin all bills of that nature; and, if I am not miſtaken, the very writ for elections ſent down to the ſheriffs does impower them to chuſe; what? Their repreſentatives?

"Now, my lords, I beſeech you to conſider the meaning of that word 'Repreſentative.' Is it to do any thing contrary to their mind? It would be abſurd to propoſe it. And yet how can it be otherwiſe, if they, after being choſen, change their dependency, engage themſelves in employments plainly inconſiſtent with that great truſt repoſed in them? And that I will take the liberty to demonſtrate to your lordſhips they now do, at leaſt according to my humble opinion.

"I will inſtance firſt in the leaſt and loweſt incapacity, they muſt be under, who ſo take employments. Your lordſhips know but too well, what a general careleſſneſs there appears every day more and more in the public buſineſs. If ſo, how is it likely, that men ſhould be as diligent in their duty in parliament, as that buſineſs requires, where employments and a great deal of other buſineſs ſhall take up both their minds and their time? But then in ſome caſes it is worſe, as in commands of the army, and other employments of that kind, when they muſt have a divided duty. For it does admirably become an officer to ſit voting away money in the houſe of commons, while his ſoldiers are perhaps taking it away at their quarters for want of his preſence to reſtrain them, and of better diſcipline among them. Nay, perhaps his troop or regiment may be in ſome action abroad; and he muſt either have the ſhame of being abſent from them at ſuch a time, or from that houſe, where he is intruſted with our liberties.

"To this I have heard but one objection from a noble lord, that if this act ſhould paſs, the king is not allowed to make a captain, a colonel, without diſabling him to ſit in parliament. Truly, if a captain has only deſerved to be advanced for expoſing himſelf in parliament, I think the nation would have no great loſs in the king's letting alone ſuch a preferment.

"But my lords, there is another ſort of incapacity yet worſe than this; I mean that of parliament-mens having ſuch places in the exchequer, as the very profit of them depends on the money given to the king in parliament. Would any of your lordſhips ſend and intruſt a man to make a bargain for you, whoſe very intereſt ſhall be to make you give as much as he can poſſibly? It puts me in mind of a farce, where an actor holds a dialogue with himſelf, ſpeaking firſt in one tone, and then anſwering himſelf in another. Really, my lords, this is no farce, for it is no laughing matter to undo a nation. But it is altogether as unnatural for a member of parliament to aſk firſt in the king's name for ſuch a ſort of ſupply, give an account from him how much is needful towards the paying ſuch an army, or ſuch a fleet, and then immediately give, by his ready vote, what he had before aſked by his maſter's order.

"Beſides, my lords, there is ſuch a neceſſity now for long ſeſſions of parliament, and the very privileges belonging to members are of ſo great extent, that it would be a little hard and unequal to other gentlemen, that they ſhould have all the places alſo. All the objections, that have been made, may be reduced to theſe:

"Firſt, it is told us, that it is a diſreſpect to the king, that his ſervants or officers ſhould be excluded.

"To this, I deſire it may be conſidered, that it is in this caſe as when a tenant ſends up any body to treat for him. Would any of your lordſhips think it a diſreſpect, nay, would the king himſelf think it any, if the tenant would not wholly refer himſelf to one of your own ſervants, or the king's commiſſioners in the caſe of the crown? And if he chuſes rather ſome plain honeſt friend of his own to ſupply his abſence here, will any man blame ſuch a proceeding, or think it unmannerly?

"Beſides, your lordſhips know even this act admits them to be choſen, notwithſtanding their employments, provided the electors know it firſt, and are not deceived in their choice.

"All we would prevent is, that a good rich corporation ſhould not chuſe to intruſt with all their liberties a plain honeſt country neighbour, and find him within ſix months changed into a preferred cunning courtier, who ſhall tie them to their choice, though he is no more the ſame man, than if he were turned papiſt, which by the law, as it ſtands already, puts an incapacity upon him.

"Another objection is, that this act may by its conſequence prolong this parliament, which they allow would be a very great grievance; and yet ſuppoſe the king capable of putting it upon us, which I have too much reſpect for him to admit of; though I am glad, however that is is objected by privy councillors in favour, who conſequently, I hope, will never adviſe a thing, which they now exclaim againſt as ſo great a grievance.

"But pray, my lords, what ſhould tempt the king to ſo ill a policy? Can he fear a freedom of choice in the people, to whoſe good will he owes all his power, which theſe lords ſuppoſe he may uſe to their prejudice? And therefore give me leave to ſay, as I muſt not ſuſpect him of ſo ill a deſign as the perpetuating this parliament, ſo he cannot, he ought not, to ſuſpect a nation, ſo entirely, I was going to ſay, ſo fondly devoted to him.

"My lords, no man is readier than myſelf to allow, that we owe the crown all ſubmiſſion as to the time of calling parliaments according to law, and appointing alſo where they ſhall ſit. But with reverence be it ſpoken, the king owes the nation entire freedom in chuſing their repreſentatives; and it is no leſs his duty, than it is his true intereſt, that ſuch a fair and juſt proceeding ſhould be uſed towards us.

"Conſider, my lords, of what mighty conſequence it may be, that ſo many votes ſhould be free, when upon one ſingle one may depend the whole ſecurity or loſs of this nation. By one ſingle vote ſuch things may happen, that I almoſt tremble to think. By one ſingle vote a general exciſe may be granted, and then we are all loſt. By one ſingle vote the crown may be impowered to name all the commiſſioners for raiſing the taxes; and then ſurely we ſhould be in a fair way towards it. Nay, whatever has happened, may again be apprehended: and I hope thoſe reverend prelates will reflect, that if they grow once obnoxious to a prevalent party, one ſingle voice may be as dangerous to that bench, as a general diſſatisfaction among the people proved to be once in a late experience; which I am far from ſaying by way of threatening, but only by way of caution.

"My lords, we may think, becauſe this concerns not the houſe of lords, that we need not be ſo over-careful of the matter. But there are noblemen in France, at leaſt ſuch as were ſo before they were inſlaved, who, that they might domineer over others, and ſerve a preſent turn perhaps, let all things alone ſo long till the people were quite maſtered, and the nobility themſelves too, to bear them company. So that I never met a Frenchman, even of the greateſt rank (and ſome had ten thouſand piſtoles a year in employments) that did not envy us here for our freedom from that ſlavery, which they groan under. And this I have obſerved univerſally, except juſt monſieur Louvois, monſieur Colbert, or ſuch people, becauſe they were the miniſters themſelves, who occaſioned theſe complaints, and thrived by the oppreſſion of others.

"My lords, this country of ours is very apt to be provoked. We have had a late experience of it; and though no wiſe man but would bear a great deal rather than make a buſtle, yet really the people are otherwiſe, and at any time change a preſent uneaſineſs for any other condition, though a worſe. We have known it too often, and ſometimes repented it too late. Let them not have this new provocation, in being debarred from a ſecurity in their repreſentatives; for malicious people will not fail to infuſe into their minds, that all thoſe vaſt ſums, which have been and ſtill muſt be raiſed towards this war, are not diſpoſed away in ſo fair a manner, as ought to be; and I am afraid they will ſay their money is not given, but taken.

"However, whatever ſucceſs this bill may have, there muſt needs come ſome good effect of it. For if it paſſes, it will give us ſecurity; If it be obſtructed, it will give us warning." Pr. H. L. I. 413.

[l] The earl of Nottingham, it ſeems, had aggravated Ruſſel's errors and neglects very ſeverely. But the houſe of commons juſtified Ruſſel, and gave him thanks over and over again; and remained ſo fixed in this, that, though the lords communicated the papers the earl of Nottingham had laid before them, to the commons, they would not ſo much as read them, but renewed their firſt votes that juſtified Ruſſel's fidelity, courage, and conduct. Burnet II. 103.

giving advice to the king; and it was moved, that his majeſty ſhould be humbly adviſed to demand both the Hollanders and Spaniards cautionary towns, as Oſtend, Newport, Sluyce, &c. which occaſioned a long debate; but the queſtion being at laſt put, whether cautionary towns ſhould be deſired for our troops then abroad, without naming either Dutch or Spaniards, it was carried in the negative by thirty-ſix againſt twenty-four voices.

The commons, on the 11th, had a long debate about the commiſſioners of the admiralty. A motion had been made, that his majeſty be adviſed to conſtitute a commiſſion of the admiralty of ſuch perſons, as were of known experience in maritime affairs; which upon the queſtion paſſed in the negative [m], and now an addreſs was voted, that, for the future, all orders for the management of the fleet ſhould paſs through the hands of the lords commiſſioners for executing the office of lord high-admiral. This was thought to point at the earl of Nottingham. The day following, they paſſed the bill for the land-tax, and ſent it up to the lords.

On the 13th, the lords read the money-bill for the firſt time, and the next day reſolved to add a clauſe, to impower the lords to appoint commiſſioners of their own, to aſſeſs their perſonal eſtates.

The commons the ſame day were in a committee of the whole houſe upon the bill for raiſing a million, but made no great progreſs therein, becauſe ſir John Sommers the attorney-general, who was obliged to attend the houſe of lords on lord Banbury's caſe, who, having committed a murder, claimed his peerage, left the chair, which he did ſomewhat abruptly, not without giving ſome diſguſt to the houſe; and at the ſame time the lords were diſpleaſed likewiſe, becauſe they ſtayed for him; but the perſonal eſteem, which every perſon had for him, was the reaſon, that no notice was taken of it further than the lords appointed a committee to inquire how far the attorney-general is obliged, by his poſt, to attend their houſe.

On the 16th, the money-bill was read the laſt time in the houſe of lords, and paſſed with the additional clauſe, whereby they taxed themſelves; and then they went into a grand committee upon the bill 'for the frequent calling and meeting of Parliaments,' which had been brought in by the earl of Shrewſbury. They agreed, that a parliament ſhould meet every year, and that there ſhould be a new one every three years, and then came to the clauſe, which declares, that, if the king ſhould not order new writs to be iſſued out, the lord chancellor or commiſſioners of the great ſeal ſhould do it by their own authority under ſevere penalties. But this was poſtponed, and they proceeded to the next point, which was, when the preſent parliament ſhould determine; ſome propoſing one, others two, and others again three years; but this debate was adjourned.

The commons ſpent a great deal of time the ſame day upon the bill for raiſing the million, and reſolved to put the project two ways; that is, that thoſe, who ſhould ſubſcribe their money with the benefit of ſurvivorſhip were to have but ſeven per cent, and thoſe, who ſhould ſtand only upon their own lives, fourteen per cent. The day following they were again upon the ſame bill; and, having gone through it, ordered it to be reported the next day.

On the 17th, the lords ſent back the money-bill with the additional clauſe to the commons, who diſagreed 'nemine contradicente' to that clauſe, as an incroachment upon their fundamental rights in the article of given money, and ſent to the lords to deſire a conference thereupon; but their lordſhips making their meſſengers wait a conſiderable time, becauſe they were engaged in a debate upon the lord Banbury's claim of peerage, the houſe of commons, who had nothing to do, and began to be weary with expecting the return of their meſſengers, ſent for them back, and then adjourned.

The day following, the lords in a committee of the whole houſe went through the bill 'for the calling and meeting of frequent parliaments,' and ordered it to be engroſſed. It enacted, that there ſhould be a new parliament every three years, and meet every year; and that the preſent parliament ſhould continue no longer than till the firſt day of January following. They ordered likewiſe a bill to be engroſſed, by which all perſons in offices were to take a new oath, that they would be faithful to their majeſties king William and queen Mary, and aſſiſt them againſt the late king James and all his adherents.

The ſame day the managers for the commons went to a conference with the lords, to whom they repreſented, that the commons had diſagreed to the clauſe added by their lordſhips to the money-bill, as being a notorious incroachment upon the rights of the houſe of commons, to order and ſettle all matters relating to the giving of money, which their anceſtors had been ſo jealous of, that they thought it a diminution of this their fundamental privilege to give their lordſhips any reaſon for the ſupporting of it. The lords having made a report thereof to their houſe, the conſideration of that matter was adjourned till the next day, when their lordſhips, after a long debate, reſolved to recede from the ſaid clauſe which was carried by ſo great a majority, that the houſe did not divide unto it. After this the houſe appointed a committee to draw up reaſons for their quitting this clauſe, to be communicated to the commons the next day, to this effect, that their lordſhips did for the preſent depart from this point purely in conſideration of the preſſing exigency of affairs, being otherwiſe of opinion, that of right they might have inſiſted upon it.

The ill humour, it ſeems, which thus ſhewed itſelf in the houſe of lords, was chiefly managed by the marquis of Hallifax and the earl of Mulgrave. They had drawn in the earl of Shrewſbury, who was very ill pleaſed with the credit, that ſome had with the king, and lived in a particular friendſhip with the earl of Marlborough, whom he thought was both ungratefully and unjuſtly perſecuted. Thoſe lords had all king James's friends, ready to aſſiſt them in every thing that could embroil matters. A great many whigs, who were diſcontented and jealous of the miniſtry, joined with them: But they knew that all their murmurings would ſignify little, unleſs they could ſtop a money-bill. Wherefore, as it was ſettled in the houſe of commons as a maxim, that the lords could not make any alterations in money-bills, they put their ſtrength to carry a clauſe in the land-tax bill, that the peers ſhould tax themſelves. And though, in the way in which the clauſe was drawn up, it could not be defended, yet they did all that was poſſible to put a ſtop to the bill, and with unuſual vehemence preſſed for a delay, till a committee ſhould be appointed to examine precedents. This the earl of Mulgrave preſſed for many hours, with great force of argument and eloquence. He inſiſted much upon the dignity of peerage; and made this which was now propoſed to be ſo eſſential a part of that dignity, that he endeavoured to convince the lords, that, if they yielded to it, they diveſted themſelves of their true greatneſs, and nothing would remain, but the name and ſhadow of a peer, which was but a pageant. But, after all the force of his rhetoric, the lords conſidered the ſafety of the nation, more than the ſhadow of a privilege, and ſo dropped their clauſe.

On the 20th of January, a complaint was made to the commons of a printed pamphlet, lately publiſhed with licence, and ſaid to be written by Charles Blount, Eſq. intitled 'King William and Queen Mary Conquerors,' as containing aſſertions of dangerous conſequence to their majeſties, to the liberties of the ſubject, and to the peace of the kingdom. The houſe therefore, upon examination of the matter, ordered, the next day, the ſaid pamphlet to be burnt by the hand of the common hangman, and that his majeſty be deſired to remove Mr. Edmund Bohun, the licenſer, from his employment, for having allowed the ſame to be printed. It was at the ſame time ſuggeſted, that Dr. Burnet, biſhop of Saliſbury, was the inventor of the notion of their majeſties being conquerors, which he had firſt of all publiſhed in his paſtoral letter. This occaſioned a debate of ſeveral hours, but at laſt it was carried by one hundred and ſixty-two againſt one hundred and fifty-five, that the ſaid 'paſtoral letter' ſhould be burnt by the common hangman. There was likewiſe complaint made by one of the members, of a book written on the ſame ſubject, by Dr. William Lloyd, biſhop of St. Aſaph, intitled 'A diſcourſe of God's ways of diſpoſing of kingdoms;' but that motion fell.

The lords likewiſe took into conſideration the book intitled, 'King William and Queen Mary Conquerers,' and ordered it to be burnt the next morning in the Old Palace-Yard in Weſtminſter, and afterwards paſſed this vote: 'That the aſſertion of king William's and queen Mary's being king and queen by conqueſt, was highly injurious to their majeſties, and inconſiſtent with the principles on which this government is founded, and tending to the ſubverſion of the rights of the people.' This vote they reſolved to communicate to the commons at a conference the next morning, and to deſire their concurrence thereunto; which was given by the latter with the remarkable addition of ſome words, viz. 'injurious

[m] This motion was occaſioned by a conſtant clamour in the city of London, againſt the management of the admiralty with reſpect to convoys and cruizers. One of the lords of the admiralty, being applied to by ſome Barbadoes merchants for convoy, and preſſing him to provide it, he anſwered, they needed not to have given themſelves that trouble; for the Virginia convoy would be ordered to take care of their ſhips.

to their majeſties rightful title to the crown of this realm.' The ſame day their lordſhips paſſed the bill for raiſing a million upon lives, and the commons went through the book of rates, and laid ſeveral new impoſitions upon ſome commodities, that were imported, which they propoſed to give for three years, and thereby to raiſe 500,000l.

On the 25th, the lords read the ſecond time the bill for the new oaths to be taken by all perſons in offices, and after a long debate it was carried by a majority of two voices, there being thirty-eight againſt thirty-ſix that the bill ſhould be committed.

The day following the commons proceeded upon the report of the committee about laying new impoſitions upon ſeveral foreign commodities; and among the reſt they laid 8l. a tun upon French wines, the act of prohibition being expired.

The commons, on the 27th of January, appointed the bill 'for the frequent calling and meeting of parliaments,' to be read the next day, which was accordingly done, and occaſioned a long debate, great endeavours being uſed to throw it out; but it was at laſt carried, that it ſhould be read a ſecond time on the Thurſday following.

On the 31ſt, the lords ſate in Weſtminſter-Hall upon the trial of the lord Mohun, for the murder of Mr. William Mountfort the player, the lord preſident being lord high-ſteward; and after examination of the witneſſes, which laſted till five in the afternoon, their lordſhips withdrew to their own houſe, and, after ſome debate, adjourned the court till the next morning, and ſet a fine of 100l. each upon the lord Faulconberg, lord Newport, lord Lovelace, and lord Leigh, for going away before the houſe was adjourned; which they excuſed the next day on account of their being faint and quite ſpent with ſo long an attendance. On Wedneſday morning, February the 1ſt, the lords met again in their own houſe, and continued together till ſeven at night without going down to the court in Weſtminſter-Hall, ſpending the whole day in ſtating and debating ſeveral points of law, without taking any reſolution thereupon, further than that it was reſolved, that every peer might aſk the judges in open court what queſtion he pleaſed as to points of law; and then they adjourned till the 3d, the day before being Candlemas day, on which the courts of judicature do not uſe to ſit.

On the 2d of February, the commons read the ſecond time the bill 'for the frequent calling and meeting of parliaments,' and committed it.

On the 3d, the lords met in their own houſe, and debated about the queſtions to be aſked of the judges; and about four in the afternoon went down into Weſtminſter-hall, where ſeveral queſtions were aſked the judges in preſence of lord Mohun the priſoner; after which their lordſhips returned to their own houſe, to debate thereupon; and about nine adjourned the court till the next morning, when fourteen of them found the priſoner guilty, and ſixty-nine acquitted him.[n]

The commons, on the 7th of February, went into a grand committee upon the bill 'for the frequent calling and meeting of parliaments,' and divided about the parliament's meeting every year, which was determined in the affirmative by a hundred and ſeventy-one againſt a hundred and ſixty. After which they went through the bill, and made the following amendment, that whereas it was ſaid, that the preſent parliament ſhould determine the 1ſt of January next, they extended it to the 24th of March, or ſooner, as his majeſty ſhould think fit; the deſign of that amendment being, that the parliament might hold another winter ſeſſion, if his majeſty pleaſed. A clauſe was offered to be added to the bill to ſave the king's right of diſſolving and proroguing the parliament; but it was rejected by a majority of ſeven voices, becauſe it was thought to caſt a reflection upon the bill, as if it were derogatory to his majeſty's prerogative; which they would not allow it to be, but only an explanation of the old law.

The next day the commons were again in a grand committee, upon the ways of raiſing the reſt of the ſupply. They reckoned they had already given five millions, viz. two millions by the land-tax; one million by the project for raiſing money upon lives; one million out of the ſtanding revenues; five hundred thouſand pounds by continuing the duties upon wine, vinegar, and tobacco, which were to expire in 1696, for two years longer; five hundred thouſand pounds by the new duties added to the book of rates for four years; and fifty thouſand pounds by the tax they laid of five per cent. upon the Eaſt-India company, and other joint ſtocks; ſo that there remained but three hundred thouſand pounds to be raiſed; for the ſtate of the expence for this year was computed at five millions and three hundred and ſixty-ſix thouſand pounds; namely, one million nine hundred and twenty-ſix thouſand pounds for the fleet; two millions and ninety thouſand pounds for the army; ſeven hundred and fifty thouſand pounds to make good what was borrowed upon the credit of the poll act; and ſix hundred thouſand pounds for the civil liſt.

On the 9th, the bill 'for the frequent calling and meeting of parliaments,' was reported to the houſe of commons; after which they had a long and warm debate, whether it ſhould be read the third time, which was carried in the affirmative by two hundred againſt one hundred and ſixty-one, and ſent back to the lords, who were deſired to concur in the amendments. To this they immediately agreed, and ſent down two of the judges to acquaint the commons therewith.

This bill, by which it was enacted, that a ſeſſion of parliament ſhould be held every year, a new parliament ſummoned every third year, and the preſent parliament diſſolved, within a limited time, was brought in, when the bill for free and impartial proceedings in parliament had failed. It was imagined that a bill from the lords diſſolving a parliament, which ſtruck only at the houſe of commons, the lords being ſtill the ſame men, would upon that ſingle account have been rejected by the commons; but they alſo paſſed it, and fixed their own diſſolution to the 25th of March in the next year, reſerving to themſelves another ſeſſion. The king let the bill lie on the table for ſome time: So that men's eyes and expectations were much fixed on the iſſue of it. But, in concluſion, he refuſed to paſs it; ſo the ſeſſion ended in an ill humour. The rejecting a bill, though an unqueſtionable right of the crown, has been ſo ſeldom practiſed, that the two houſes are apt to think it a hardſhip, when there is a bill denied.[o]

On the 11th of February, a report was made in the houſe of lords by the committee for giving advice to his majeſty; and their lordſhips agreed to the ſeveral heads mentioned above, only with this alteration, that they then allowed colonel Gower to continue in his command over the artillery, though this was carried but by one voice, ſo that their advice was reſolved to be drawn up in the form of an addreſs to the king.

The ſame day the commons were upon the bill againſt mutineers and deſerters, and the day following upon the

[n] In the beginning of February 1692-3, the lord Mohun was indicted for the murder of William Mountfort the player, who, for his good action on the ſtage and good nature in life, was a great favourite of the town. A rakiſh officer had made lewd addreſſes to Mrs. Bracegirdle, the famous actreſs, which ſhe returning with diſdain, the man reſolved to get his will of her by force. Mountfort coming from her lodgings, having ſeen her ſafe home, was attacked by this officer and baſely murdered. The lord Mohun, being preſent when the murder was committed, was apprehended, impriſoned in the Tower, and brought to his trial for it before his peers in Weſtminſter-hall, the marquis of Carmarthen being conſtituted lord high-ſteward. After a trial of ſeveral days he was acquitted.

[o] Biſhop Burnet has the following obſervation upon this bill. The ſtatutes (ſays he) for annual parliaments in king Edward the firſt, and king Edward the third's time, are well known. But it is a queſtion whether the ſuppoſition 'if need be,' falls upon the whole act, or only upon thoſe words, 'or oftener.' It is certain theſe acts were never obſerved; and the non-obſervance of them was never complained of as a grievance. Nor did the famous act, in king Charles the firſt's time, carry the neceſſity of holding a ſeſſion further, than to once in three years. Antiently, conſidering the haſte and hurry in which parliaments ſat, an annual parliament might be no great inconvenience to the nation: But, by reaſon of the ſlow methods of ſeſſions now, an annual parliament in times of peace would become a very inſupportable grievance. A parliament of a long continuance ſeemed to be very dangerous, either to the crown, or to the nation: If the conjuncture, and their proceedings, gave them much credit, they might grow very uneaſy to the crown, as happened in king Charles the firſt's time; or, in another ſituation of affairs, they might be ſo practiſed upon by the court, that they might give all the money, and all the liberties of England up, when they were to have a large ſhare of the money, and were to be made the inſtruments of tyranny, as it was in king Charles the ſecond's time. It was likewiſe hoped, that frequent parliaments would put an end to the great expence candidates put themſelves to in elections; and that it would oblige the members to behave themſelves ſo well, both with relation to the public, and in their private deportment, as to recommend them to their electors at three years end: Whereas, when a parliament was to ſit many years, members covered with privileges were apt to take great liberties, forgot that they repreſented others, and took care only of themſelves. So it was thought that England would have a truer repreſentative, when it was choſen anew every third year, than when it run on to the end of a reign. All that was objected againſt this was, that frequent elections would make the freeholders proud and inſolent, when they knew that applications muſt be made to them at the end of three years. This would eſtabliſh a faction in every body, that had a right to an election; and, whereas now an election put men to a great charge all at once, then the charge muſt be perpetual all the three years, in laying in for a new election, when it was known how ſoon it muſt come round. II. 106, 107.

ſupply,

ſupply, when they reſolved, that credit ſhould be given to the king to borrow as much as the review of the laſt poll came ſhort of 300,000l. which was all that remained to be raiſed.

On the 14th, the commons read the ſecond time the bill for ſeveral new duties on goods imported, and committed it; as alſo the bill for taking the public accounts; into a grand committee on the 17th, on which they went, it was moved, that the commiſſioners of the ſaid accounts ſhould be impowered to examine and ſtate the old debt of the bankers, ariſing from the ſhutting up of the exchequer in the reign of king Charles II. and this motion occaſioned a debate of two hours; but the country gentlemen being jealous, that the deſign of this motion was either to throw the debt upon the parliament, or elſe to obſtruct the bill, rejected it.

The day following the lords finiſhed their addreſs of advice to the king, to which they added, that they humbly adviſed and prayed his majeſty, that the army to be left in England of twenty thouſand men may conſiſt all of their majeſties own ſubjects; and the lords with the white ſtaves were ordered to know his majeſty's pleaſure, when he would be attended by the houſe to preſent the ſaid addreſs. Their lordſhips had ſome debate about the lieutenancy of London; and it was moved, that it might be part of the addreſs to remove out of the lieutenancy ſeveral perſons, who were looked upon not to be well affected to the government; but it was rejected, and they reſolved, that they would conſider of this matter apart; which they did on the 20th, and, after ſome time ſpent therein, the further debate was adjourned ſine die. Upon this occaſion Mr. Wilmore, who had ſuffered very much in the two laſt reigns, diſperſed in the lobby of the houſe ſeveral printed papers, giving very ill characters of divers perſons, who were then in the lieutenancy of London; of which complaint being made to the houſe, their lordſhips, after ſome debate, reſolved by a majority of fourteen voices, that the paper was a ſcurrilous paper; and ordered Wilmore to be taken into cuſtody.

The commons on the 22d of February took into conſideration the ſtate of Ireland, concerning which they examined ſeveral perſons, eſpecially upon theſe heads, 1. The abuſes committed in diſpoſing of the forfeitures, which were either given away, or let out to favourite particular perſons, ſo much under the value, that what was worth 100l. was not let for 20l. 2. The diſorders committed by the forces, who lived upon free quarter, and were very vexatious to the country. 3. The proceedings of the late parliament, and their ſudden prorogation, with a proteſt of the lord lieutenant, for that they had aſſerted their rights with reſpect to preparing heads for money bills. And, 4. The great encouragement given to papiſts and their favourers. The houſe did not enter into any debate upon theſe matters, but ordered that the ſaid perſons ſhould give in writing what they knew of their own knowledge, and what they could make out by other proofs; and that they ſhould lay the ſame before the houſe on the Friday following. And becauſe, in ſpeaking upon the point of forfeitures, they charged Mr. Culliford, who was lately one of the commiſſioners of the revenue in Ireland, with divers miſdemeanors in the management of that truſt, he was ordered to attend the houſe, of which he was a member.

The lords, on the 23d, attended the king with their addreſs of advice, which conſiſted of theſe four heads: 1. That the perſon who ſhould command the Engliſh forces under his majeſty, be born their majeſties ſubject. 2. That the Engliſh officers might have the preference and precedence of all officers in the confederate troops (except thoſe of crowned heads) of the ſame rank and quality, though the commiſſions of the latter be of an older date, according to what was agreed on by a capitulation made in 1678; the contrary practice whereof in the preſent war they conceived to be a great diminution to the crown of England, and a great diſſatisfaction to their majeſties ſubjects. 3. That there be left in England twenty thouſand Engliſh ſoldiers during the year 1693, under the command of an Engliſh general. 4. That his majeſty would be pleaſed to give effectual order for remedying the great abuſes committed by preſſing of men for the fleet; and that he would cauſe ſuch officers, as were guilty thereof, to be caſhiered, and further puniſhed according to law; to which his majeſty returned this anſwer, that he would take it into conſideration. 5. That there may be no foreigners at the board of ordnance, ſince they eſteemed it a prejudice to their majeſties ſervice, and a diſcouragement to their ſubjects.

On the 24th of February, ſir Francis Brewſter, Mr. Stone, and the reſt gave in writing to the commons, what they had before delivered by word of mouth. And the houſe having thereupon reſumed the conſideration of the ſtate of Ireland, after a long debate, which kept them ſitting till ſeven at night, they paſſed this vote without coming to a diviſion, that it appeared by the information given to the houſe, that there had been great abuſes and miſmanagements in the affairs of Ireland; and that an addreſs be made to the king to lay the ſame before him, that they might be remedied for the future; and to pray him, that a ſtate of the forfeitures might be laid before the parliament; and a committee was appointed to draw up this addreſs.

The lords likewiſe, on the 28th of February, entered upon the conſideration of the ſtate of Ireland; and beſides the perſons, who were examined before the commons, the lady Arglas, the biſhop of Meath, ſir Robert Southwell, and Mr. John Pulteney, ſecretary to the lord lieutenant, were ſummoned to attend their lordſhips, and examined accordingly. After which they were ordered to put the ſubſtance of what they had ſaid, in writing. Mr. Pulteney gave their lordſhips a full account of what had paſſed within his knowledge, concerning the proceedings of the late parliament, the forfeited eſtates, and the army; and then the lords adjourned the farther conſideration of this matter till the next day; when they proſecuted the inquiry, and on the 2d of March, after ſome debate, came to this reſolution, That there had been great abuſes and illegal and arbitrary proceedings in the management of affairs in Ireland. By the 'abuſes' they meant the embezzlements of the forfeited eſtates real and perſonal; and by the 'illegal proceedings,' the diſorders committed by the forces, but more particularly they ſeemed to have their eye upon a complaint, that had among others been made to them, that, a little before the reduction of Limerick, a perſon being accuſed of having been concerned in the murder of ſome of colonel Faulkes's ſoldiers quartered at Dublin, the lords juſtices ordered him to be brought before the council, and immediately commanded the provoſt martial to cauſe him to be hanged without any previous proceedings againſt him, either by trial at common law, or before a court-martial.

The commons, on the 28th of February, went into a committee of the whole houſe, upon the bill for prohibiting trade with France, and encouraging privateers, and went through the ſame; and on the 2d of March they preſented to his majeſty their addreſs about the Eaſt-India company; to which his majeſty anſwered, That he would do whatever was in his power for the good of the kingdom, and for the advantage of this particular trade; and that this was a matter, which would require ſome time for him to conſider.

The day following they proceeded upon the review of the quarterly poll-bill; and, on the 7th, were in a committee of the whole houſe, upon the bill for continuing certain impoſitions upon Eaſt-India goods, &c. and went through the ſame. And having finiſhed all the money-bills, they ſent up the laſt to the lords on the 9th of March for their lordſhips concurrence. Among other bills, that had paſſed both houſes, and lay then ready for the royal aſſent, was one for puniſhing mutineers and deſerters, which was to take place on the 10th of March; and therefore their lordſhips reſolved, after ſome debate, on the Tueſday before, that the lords with the white ſtaves ſhould acquaint his majeſty therewith, in order that his majeſty, if he thought proper, might come to the houſe, and give the royal aſſent, on the 9th or 10th, to that and other bills, which were ready, that ſo the bill againſt mutineers might not commence before it was made a law by the royal aſſent, which was thought by ſome not very proper; but his majeſty thought fit to leave this, together with the reſt of the bills to the end of the ſeſſion.

The lords threw out the bill for prohibiting of lotteries, which was ſent them from the commons. The patentees of the Royal Oak Lottery are ſaid to have found means to have this bill ſtopped in the houſe of lords.

On the 9th of March the two houſes waited upon his majeſty ſeverally, and preſented their addreſſes about Ireland.

The heads of that of the lords were as follow:

1. That there had been great abuſes in the diſpoſing of the forfeited eſtates, inſomuch, that of the perſonal eſtates, which amounted to 135,000l. but 10,000l. had been accounted for to the king.

2. That protections had been granted to the Iriſh, not included

included in the articles of Limerick, whereby the proteſtants had been deprived of the benefit of the law againſt them.

3. That the quarters of the army had not been paid, though the ſame was deducted out of the pay of the troops; and that the parliament had made ſufficient proviſion for both.

4. That a mayor had been impoſed for two years together upon the city of Dublin, contrary to their antient privilege and charter.

5. That one Gaffney and ſeveral others, who were accuſed of the murder of ſome of colonel Faulkes's men were executed without any proofs, and one Sweetman, who was the moſt guilty, diſcharged without any proſecution.

To this addreſs the king made this anſwer:

"Your lordſhips may be aſſured, I will, as ſoon as poſſible, take care to remedy all theſe matters."

The commons, in their addreſs, particularized the abuſes and miſmanagements in the affairs of Ireland; which conſiſted,

1. In expoſing the proteſtant ſubjects to the miſeries of free quarters, and the licentiouſneſs of an army, to the great oppreſſion of the people there; which they conceived had been chiefly occaſioned by the want of that pay, which they did hope they had fully provided for.

2. In recruiting his majeſty's troops with Iriſh papiſts, and ſuch perſons, as had been in open rebellion againſt his majeſty, to the great endangering and diſcouraging of his majeſty's proteſtant ſubjects in that kingdom.

3. In granting protections to Iriſh papiſts, whereby proteſtants were hindered from the legal remedies, and the courſe of law was ſtopped.

4. In reverſing out-lawries for high-treaſon againſt ſeveral rebels in that kingdom (not within the articles of Limerick) to the great diſcontent of his proteſtant ſubjects there.

5. In letting the forfeited eſtates at under-rates, to the leſſening of his majeſty's revenue.

6. In the great embezzlements of his majeſty's ſtores in the towns and garriſons of that kingdom, left by the late king James, and in the great embezzlements, which had been made in the forfeited eſtates and goods, which might have been employed for the ſafety and better preſervation of Ireland.

7. In the addition made to the articles of Limerick, after the ſame were finally agreed to, and ſigned, and thereupon the town ſurrendered; which had been a great encouragement to the Iriſh papiſts, and a weakening to the Engliſh intereſt there.

Theſe abuſes they moſt humbly beſought his majeſty to redreſs; particularly, that the ſoldiers might be paid their arrears, and the country their quarters. That no papiſt might be admitted to ſerve in the army. That foraſmuch as the reducing of Ireland had been of great expence to this kingdom, agreeably to his majeſty's gracious aſſurances, no grant might be made of the forfeited lands in Ireland, till there might be an opportunity of ſettling that matter in parliament. That a true account of all forfeitures real and perſonal, and of the ſtores left by the late king James, might be laid before the commons aſſembled in parliament. That no out-lawries might be reverſed or pardons granted to the rebels, but by advice of parliament. That no protections might be granted to the Iriſh. And that the additional article in the capitulation of Limerick, by which ſo wide a paſſage had been opened to the Iriſh papiſts, to come in and repoſſeſs themſelves of the eſtates, which they had forfeited by their rebellion, might be laid before the commons, that ſo the manner of obtaining the ſame, and the prejudices that had been thereby occaſioned to the proteſtant intereſts, might be inquired into. They cloſed this addreſs by ſaying, "That as his majeſty had been pleaſed to give ſuch gracious aſſurances of his readineſs to comply with them in any thing, that might tend to the peace and ſecurity of this kingdom; ſo they doubted not of his majeſty's like grace and favour to that of Ireland, in the ſafety and preſervation whereof this his majeſty's kingdom was ſo much concerned."

To this addreſs the king anſwered,

"I will always have a great regard to what comes to me from the houſe of commons; and what may have been amiſs in Ireland, I will take care to remedy."

By theſe proceedings it was plain, that an ill humour prevailed in both houſes; and that the parties of tory and whig appeared almoſt in every debate, and in every queſtion. In the houſe of lords particularly ſtrong oppoſition was made to every thing that was propoſed for the government. They paſſed many votes, and made many addreſſes to the king, which were chiefly deſigned to load the adminiſtration, and to alienate the king from the Dutch. Their propoſition for a committee of both houſes to conſider the ſtate of the nation, and to give the king advice upon it, was ſuch as had never been offered, but when the nation was ready to break out into civil affairs. This committee, when once begun, would have grown, in a very ſhort time, to have been a council of ſtate, and ſoon have brought all affairs under their inſpection. The commons indeed paſſed the ſupplies, but it was with great ſlowneſs; and thoſe, who could not oppoſe them, yet ſhewed their diſcontent in delaying the bills, and clogging them with unacceptable clauſes. The waſteful method was continued of raiſing money upon remote funds, by which there lay a heavy diſcount on tallies; ſo that above a fourth part was in ſome of them to be diſcounted. However, after their complaints of the admiralty, and of the conduct in Flanders, particularly in the action of Steenkirk, and their voting ſome heads of an addreſs relating to theſe matters, the commons, by a ſecret management, let the whole fall, and thoſe angry votes come to nothing. Though the lords perſiſted in their ill humour, any thing they could do was of leſs moment, when it was not like to be ſeconded by the commons.

Soon after the addreſſes about the Iriſh affairs, the king came to the houſe of peers, and, having given the royal aſſent to ſeveral bills, concluded the ſeſſion with the following ſpeech:

My lords and gentlemen,

"THE large ſupplies which you have given me this ſeſſion, are ſo great teſtimonies of your good affections, that I take this occaſion, with great willingneſs, to return my hearty thanks to you. And I aſſure you, it ſhall be my care to ſee, that that money you have given may be effectually applied to ſuch ſervices, as may be moſt for the honour and intereſt of England.

"I muſt recommend to your care the peace and quiet of the ſeveral counties, to which you are now returning, and doubt not but by your care the ſupply, which you have ſo freely given, will not only be effectually levied, but with the greateſt equality too, and the leaſt uneaſineſs to the people, that is poſſible.

My lords and gentlemen,

"The poſture of affairs does neceſſarily require my preſence abroad; but I ſhall take care to leave ſuch a number of troops here, as may be ſufficient for the ſecurity of the kingdom againſt any attempts of our enemies.

"I ſhall add no more, but that, as I ſhall continue to expoſe my own perſon, upon all occaſions, for the good and advantage of theſe kingdoms; ſo I do likewiſe aſſure you, that my hearty and ſincere endeavours ſhall never be wanting in any other kind, to make this a great and flouriſhing nation."

And then, by his majeſty's command, the parliament was prorogued to the 2d of May.

Among the acts paſſed this ſeſſion were,

1. An act, that the inhabitants of the province of York may diſpoſe of their perſonal eſtates by will. It was the cuſtom before, that the widows and younger children of perſons, dying in that province, were intitled to a part of the goods and chattels of their late huſbands or fathers (called their 'reaſonable part') notwithſtanding any will, or jointure to the contrary.

2. An act for taking ſpecial bails, in the country upon actions and ſuits, depending in the courts of 'king's bench, common-pleas, and exchequer.' By this act, the judges,

by commiſſions under the ſeals of their reſpective courts, may empower perſons, not attornies and ſollicitors, in all the counties of England and Wales, to take recognizances of bails in action, depending in the ſaid courts, as the juſtices and barons uſed to do, for which the perſons impowered ſhall receive 2s. This is a great eaſe and benefit to ſuch as would otherwiſe be obliged to appear in perſon at Weſtminſter.

3. An act for encouraging the apprehending of highwaymen. Every perſon, who ſhall take any robbers upon the highway, ſhall have from the ſheriff, without fee, for every offender 40l. within one month after conviction; and alſo, the horſe, furniture and arms, money or other goods of the robber taken with him.

4. An act to prevent frauds by clandeſtine mortgages. If any perſon ſhall acknowledge judgment, ſtatute, or recognizance, and afterwards mortgage his lands to a ſecond creditor, the mortgager ſhall have no remedy againſt the mortgagee for redemption of the lands. In caſe of a ſecond mortgagee, the mortgager ſhall have no equity of redemption againſt the ſecond mortgagee; and, in caſe of more mortgages than one, the late or under mortgagees ſhall have power to redeem any former mortgages.

5. An act for the better diſcovery of judgments in the courts of law. Particularly all judgments for debt ſhall in every Eaſter term be put into an alphabetical dogget, to be ſearched by all perſons paying for every term's ſearch for judgment againſt one perſon 4d. No judgment, not doggeted, ſhall affect any lands as to purchaſers or mortgagees, or have any preference againſt heirs, executors, or adminiſtrators.

6. An act to prevent malicious informations in the crown-office of the court of King's-Bench. No information to be filed before recognizance is taken from the informer, that he will effectually proſecute ſuch information.

During the ſeſſion of the parliament ſeveral officers of the army, wanting men to compleat their companies, agreed with thoſe, who had warrants to preſs for ſea; who, under pretence of preſſing for the navy, took up great numbers of young men, whom they ſhipped off for Holland, and there forced them into land-ſervice. Among the reſt a ſervant belonging to one of the members of the houſe of commons happened to be thus ſpirited away. Upon which the houſe ordered this grievance to be repreſented to the king, who, in his anſwer, let the houſe know, 'How much he reſented, that his ſubjects ſhould meet with ſuch hard uſage; and that he would take all poſſible care for the future to puniſh the authors of it. And that in the firſt place he had called before him the officers of the army, and given them a ſtrict charge, that they ſhould receive no men, that were impreſſed. And had given orders to the admiralty to examine the preſs-maſters, that had committed thoſe abuſes; and that there ſhould be ſuch exemplary puniſhment inflicted on them, that others ſhould be deterred from doing the like.'

As to the honours and promotions beſtowed by the king in the laſt year, and the beginning of this, the moſt remarkable were as follow:

Sir Henry Capel, brother to the earl of Eſſex, was created, about the middle of April, 1692, baron Capel of Tewkſbury.

On the 30th of December, ſir John Trevor, ſpeaker of the houſe of commons, and firſt commiſſioner of the great ſeal, was made maſter of the rolls, in the room of Henry Powle deceaſed. He had enjoyed that place under king James.

Sir Edward Ward was made attorney-general, which gave ſuch diſguſt to ſir Thomas Trevor the ſollicitor general, who thought he had a right to ſucceed to that office, that he had determined to reſign his own place, and was with great difficulty perſuaded by his friends to continue in it.

At the ſame time ſir John Lowther, Henry Prieſtman, (who had been one of king James's ſea-captains) Anthony lord viſcount Falkland, Robert Auſten, ſir Robert Rich, Henry Killigrew, and ſir Ralph Delaval, were appointed commiſſioners of the admiralty. George Rooke, who was ſoon after knighted on board his ſhip at Spithead, was made vice-admiral of the red; the lord Berkley, vice-admiral of the blue; colonel Matthew Aylmer, rear-admiral of the red; and David Mitchel, rear admiral of the blue.

The king being now poſſeſſed againſt admiral Ruſſel, he diſmiſſed him from his ſervice, and put the command of the fleet into the hands of three perſons, Killigrew, Delaval, and Shovel. Killigrew and Delaval were thought ſo inclinable to king James's intereſts, that it made ſome inſinuate, that the king was in the hands of thoſe, who intended to betray him to his enemies. For, though no exception lay againſt Shovel, yet it was ſaid, that he was put in with the other two, only to give ſome reputation to the commiſſion, and that he was one againſt two; ſo that he could neither hinder nor do any thing. The chief blame of this nomination was caſt on the earl of Nottingham; and of thoſe, who belonged to his office, many ſtories were raiſed and ſpread about, as if there had been among them, beſides a very great remiſſneſs in ſome of the concerns of the government, an actual betraying of all ſecrets and councils. The opinion of this was ſpread both within and without the kingdom; and moſt of the confederates were poſſeſſed with it. But he juſtified not only himſelf, but all his under ſecretaries, and the king and queen ſtill continued to have a good opinion of his fidelity, though they ſaw ſome defects in his judgment, with a great party-heat, that appeared on all occaſions, and even in the ſmalleſt matters.

The king made likewiſe conſiderable alterations in his miniſtry. Every body was now grown weary of the great ſeal's being in commiſſion. It occaſioned the proceedings in chancery to be more dilatory and more expenſive, and there were ſuch exceptions made to the decrees of the commiſſioners, that appeals were brought againſt moſt of them, and they were generally reverſed. Sir John Sommers had now got ſo great a reputation, both in his poſt of attorney-general, and in the houſe of commons, that the king on the 23d of March gave him the great ſeal, with the title of lord-keeper. He was excellently well ſkilled in his own profeſſion, and had an uncommon ſhare of knowledge in all parts of polite and uſeful learning. He had a great capacity for buſineſs, with an extraordinary temper; for he was fair and gentle, perhaps to a fault, conſidering his poſt; and had all the patience and ſoftneſs, as well as the juſtice and equity, becoming a great magiſtrate. He had always agreed in his notions with the whigs, and had ſtudied to bring them to better thoughts of the king, and to a greater confidence in him.

The ſame day ſir John Trenchard was ſworn one of their majeſties principal ſecretaries of ſtate, and of the privy-council. He had been engaged far with the duke of Monmouth, as has been obſerved. He got out of England, and lived ſome years beyond ſea, and had a true knowledge of foreign affairs. He was a calm and ſedate man, and much more moderate than could have been expected, ſince he was a leading man in a party. The bringing him and ſir John Sommers into thoſe poſts was aſcribed chiefly to the great credit, which the earl of Sunderland had gained with the king. He had now got into his confidence, and declared openly for the whigs. This earl, after he was removed from his places by king James, retired into Holland, where he wrote a letter to a friend in vindication of himſelf, which was publiſhed in London, in 1689. He was ſeized at Rotterdam by order of the ſtates, and excepted out of the act of indemnity by the parliament; but it was thought, his detenſion was by colluſion, and that he was apprehended on purpoſe to be formally diſcharged, to make way for his more honourable return to England. However this be, it is certain, that the ſame expreſs that carried the king's letter to the ſtates, on his advancement to the throne, conveyed another for the diſcharge of the earl of Sunderland; and his being excepted out of the pardon, ſeems to have been done purely in compliance to common fame, that he had been deeply concerned in all king James's arbitrary proceedings: For the confidence king William put in him afterwards ſhews he was not diſſatisfied with his conduct at that juncture. Moſt aſſuredly, his advice to king James (from what motive ſoever it flowed) not to accept the offer of a French army, made the way eaſy to accompliſh the revolution.

But as theſe advancements had a conſiderable effect on the whole party, and brought them to a much better opinion of the king, ſo a party came to be now formed, that ſtudied to croſs and defeat every thing. This was led by ſir Edward Seymour, and ſir Chriſtopher Muſgrave; the latter of whom was a gentleman of a good family in Cumberland, whoſe life was regular, and his deportment grave. He had loſt a place in king James's time; for, though he was always a high tory, yet he would not comply with that king's deſigns. He had indeed contributed much to increaſe his revenue, and to offer him more than he aſked; but he would not go into the taking off the teſt. Upon the revolution, the place, out of which he had been turned, was given to a gentleman, who had a good ſhare of merit in it. This alienated him from the king; and he, being a man of good judgment and great experience, came to be conſidered as the head of the party; in which he found his account ſo well, that no offers that were made

him, could ever bring him over to the king's intereſts. Upon many critical occaſions he gave up ſome important points, for which the king found it neceſſary to pay him very liberally [p].

However, the party of the tories was too inconſiderable to have raiſed a great oppoſition, if a body of whigs had not joined with them. Some of theſe had ſuch republican notions, that they were much ſet againſt the prerogative, and thought the king was become too ſtiff in maintaining it. Others were offended becauſe they were not conſidered nor preferred, as they thought they deſerved. The chief of this body of men were Mr. Paul Foley and Mr. Robert Harley, who were both this ſeſſion made commiſſioners for examining and ſtating the public accounts of the kingdom. Foley was a younger ſon of one, who from mean beginnings had, by iron-works, raiſed one of the greateſt eſtates, that had been known in England in that time. He was a learned, though not a practiſing, lawyer, and was a man of virtue and good principles, but moroſe and wilful; and he had the affectation of paſſing for a great patriot, by his conſtant finding fault with the government, and keeping up an ill humour with, and a bad opinion of, the court. Harley was deſcended of an antient and good family, and very eminently learned; much turned to politics, and of a reſtleſs ambition. He was a man of great induſtry and application, and knew forms and the records of parliament ſo well, that he was capable both of lengthening out, and perplexing debates. Nothing could anſwer his aſpiring temper. So he and Foley joined with the tories to create jealouſies, and raiſe an oppoſition.

That, which gave them much ſtrength, was the king's cold and reſerved way. He took no pains to oblige thoſe, who came to him; nor was he eaſy of acceſs. He lived out of town at Kenſington, and his chief confidents were Dutch. He took no notice of the clergy, and ſeemed to have little concern in the matters of the church or of religion. And at this time ſome deiſts were publiſhing books againſt the chriſtian religion in general, as the Socinians were more particularly againſt ſome points of the orthodox faith [q]. Theſe, expreſſing great zeal for the government, gave a handle to thoſe, who were waiting for all advantages, and were careful of increaſing and improving them, to ſpread it all over the nation, that the king, and thoſe about him, had no regard to religion, nor to the church of England.

[1693] In this ſituation were affairs when the king departed for Holland. He went to Harwich on the 25th of March, but the wind proving contrary, he returned to Kenſington, from whence he ſet out again on the 31ſt, and embarking near Graveſend, and being attended with a ſquadron of men of war commanded by admiral Mitchel, arrived ſafely at the Maeſe on the 2d of April, went to the Hague, thence to Loo, and afterwards to the army in Flanders, where the French were this year ſo ſtrong, that their forces exceeded the confederates almoſt by one half at the beginning of the campaign. But the king's diligence, in poſſeſſing himſelf of the camp at Parke near Louvain, entirely broke the French king's deſigns upon Brabant; who was thereby obliged to ſend a ſtrong detachment, under the command of the Dauphin, and the marſhal de Boufflers, into Germany, and return himſelf to Verſailles, without attempting any thing [r].

The French, under the duke of Luxemburg, were all this while encamped at Meldert; and, though their convoys were much diſturbed by the garriſon of Charleroy, yet it ſeemed a trial of ſkill between both armies, which ſhould continue longeſt in their poſts. But at length the French were forced to quit theirs firſt, marching to Heiliſheim, in their way towards the Maeſe; which gave the king an opportunity of ſending a ſtrong detachment under the command of the prince of Wirtemberg, to force the lines, which the French had made to cover their conquered countries from the Scheld to the Lys; and ſo on to the very ſea by Dunkirk.

At the ſame time count Tilly, general of the troops of Liege, was marching with a reinforcement to join the king, of which Luxemburg being informed, marched immediately with a good body of troops to hinder that conjunction; which he did effectually, ſurprizing the count in the hollow way, through which he was marching, and forcing him to retreat to Maeſtricht, leaving near two hundred of his men killed, and all his baggage behind him. Wirtemberg's forcing the lines with good ſucceſs, and raiſing great contributions, did not hinder Luxemburg from laying ſiege to Huy, which made the king advance nearer the country of Liege. But, when he came to Tongres, he was ſurprized to hear, that the caſtle of Huy had capitulated.

Upon farther information that Luxemburg was drawn nearer Liege, the king ſent ten battalions thither, which, with great difficulty, got at length into the place, that now abſolutely rejected the neutrality, which Luxemburg had offered. Though the biſhop was true to the allies, yet there was a faction formed among the capitulars to offer themſelves to the French; but the garriſon adhered to the biſhop; and now, when ſo great an army lay near them, they broke the meaſures which that faction had taken. Luxemburg thereupon made a feint of beſieging Liege, though his real deſign was to attack the king, now encamped at Neerheſpen, ſo much weakened by the ſeveral detachments he had made to reinforce the garriſons of Liege and Maeſtricht, that it was generally computed, that the French were at leaſt thirty-five thouſand men ſtronger than the confederates.

As ſoon as the king had notice of the enemies approach, he got on horſeback with the elector of Bavaria, and chief officers of the army, and finding by the enemy's countenance, that it was the vanguard of their whole army, that was coming to attack him in his own camp, he immediately ordered to arms, and to draw up in battle to expect the enemy.

Moſt of the general officers were for repaſſing the Geet, but the king choſe to take the advantage of the ground he had, and venture a battle, notwithſtanding the great diſproportion of the two armies, rather than expoſe his rear to the enemy's charge. Beſides, the French were now near the large and defenceleſs town of Brabant, which muſt feel the effects of their fury, unleſs they were ſtopped by venturing an engagement; and, as the benefits of a victory were great, ſo, upon the worſt ſuppoſition of the event, the king had ſtill Wirtemburg's victorious army ready to make up the breaches of his own; an advantage, which the enemy had not ſo ready on their ſide. But however, as the king might have ſecured himſelf from all attacks, by paſſing the river, his conduct, in not doing it, was much cenſured, conſidering his ſtrength and the enemy's.

The right of the confederates in this camp was at Heiliſheim and Wangen, upon the river Geet, and reached as far as Neer-Winden, being covered with a ſmall brook, ſeveral hedges, and hollow ways. The elector of Bavaria had his quarters at Wangen; the body of foot and left wing of the horſe reached from thence as far as Dormal, upon the brook of Beck, where Lewe remained in their rear.

As ſoon as the enemy drew up by the confederate camp, the king ordered brigadier Rumſey, with the regiments of O'Farrel, Mackay, Lauder, Leven, and Monroe, to the right of all, to guard ſome hedges and hollow ways upon the right of the village of Lare. The Brandenburg battalions were poſted to the left of this village; and more to the left the infantry of Hanover. Prince Charles of Brandenburg, as major-general, commanding the ſix battalions of Brandenburg, and lieutenant-general Dumont the Hanoverians, with whom he was to defend the village of Neer-Winden, that covered part of the confederates camp, between the right wing of horſe, and their main body. Theſe were afterwards reinforced by the firſt battalion of the firſt regiment of guards, and the ſecond battalion of Scots guards. Upon the left at Neer-Landen the king ordered the firſt battalion of the royal regiment, Churchill's, Selwin's, and Trelawney's, prince Frederic's battalion of Danes, and Fagel's, to poſſeſs this

[p] Mr. Pope, in his epiſtle on the 'uſe of riches,' mentions a ſtory, which confirms the character of ſir Chriſtopher; and in the 'note upon' that epiſtle obſerves, that, "the unſuſpected old patriot coming out of the back door from having been cloſetted by the king, where he had received a large bag of guineas, the burſting of his bag diſcovered his buſineſs there."

[q] The honourable Mr. Robert Boyle, the famous experimental philoſopher, who died in the beginning of the year 1692, left the foundation of a monthly ſermon to convince Atheiſts, Deiſts, and Jews of their errors, and demonſtrate the truth of the chriſtian religion in general, without meddling with any of the points about which the chriſtians are divided into parties and ſects.

[r] The French king had opened the campaign with great pomp in Flanders, coming thither in perſon, accompanied by the ladies of the court, which appeared the more ridiculous, ſince there was no queen at the head of them; unleſs madam de Maintenon was to be taken for one, to whom reſpects were indeed paid with more ſubmiſſion than is commonly due to queens; ſo that what might be wanting in the outward ceremony, was more than balanced by the real authority ſhe poſſeſſed. Burnet, II. 110.

Whether

village, that covered the left to the brook of Beck, where it was covered by the village of Neer-Landen. The ground was open between the villages of Neer-Winden and Neer-Landen; whereupon the king ordered a retrenchment to be made in the night from the one to the other, to cover the body of foot; which was indeed but a ſlight breaſt-work, as may eaſily be judged by the ſhort time they had to make it, and the ſmall number of men who worked about it, being only thirty of each battalion. What remained of the body of the foot was drawn up in one line within this retrenchment to defend it. The dragoons upon the left were ordered to the village of Dormal, to guard that paſs upon the brook of Beck, and from thence the left wing of horſe reached to Neer-Landen, where it was covered by this brook, and from thence turned off to the right behind the body of foot.[*]

The king, who had been on horſeback till late in the evening, not only to give all the neceſſary commands, but to ſee them executed, ordered his coach to be brought to the rear of Stanley's regiment, where he repoſed himſelf about two hours, and early in the morning ſent for Dr. Menard, one of his chaplains, to pray with him in the coach.

By ſun-riſing the French were drawn up within the reach of the confederates cannon, which played upon them with good ſucceſs, and which the French ſuſtained with great reſolution till about ſix of the clock, when they made a motion to draw nearer the king's retrenchments. About eight Luxemburg ordered a ſtrong body of troops to attack the villages of Lare and Neer-Winden, which they did with great fury and various ſucceſs, having gained and loſt theſe poſts more than once; but at length the allies maintained their ground, and here it was the duke of Berwick was taken priſoner by brigadier Churchill. This ill ſucceſs did not diſcourage the French from trying their fortunes againſt the confederates left wing at Neer-Landen. This poſt, indeed, was not a weak one, but it was attacked with a great diſproportion of forces, and the fire was very ſmart on both ſides. The firſt battalion of the royal regiment was, after a ſharp diſpute, forced to retire, but was ſoon after encouraged by the king's preſence (who rode immediately from the right to the left) and ſuſtained by Selwin's, who obſerving a paſſage in this place, where horſe could come upon his rear, ordered trees to be cut down, and to ſtop it up. The houſe, where Hamilton's grenadiers had before been poſted, was likewiſe ſet on fire; and by this time the two regiments above-mentioned being ſupported by prince Frederic's and Fagel's, the enemy, after a ſharp diſpute of about two hours, were entirely beaten off, and purſued quite out of the defile into the very plain, ſo that they attempted this place no more.

Hitherto the ſucceſs of the day was viſibly on the ſide of the confederates; and the French, who continued a faint fire at Neer-Winden, ſeemed as if they deſigned to draw off. But Luxemburg, having ſtill ſeveral brigades of freſh men, reſolved to gain the village of Neer-Winden, and ordered the prince of Conti to make the attack. The enemy had remained maſters of the outermoſt hedges of this village; for, though our rallied forces had made the French give way conſiderably, yet they could not entirely clear the village.—The prince of Conti, with the beſt foot in the French army, charged the confederates ſo vigorouſly, that he obliged them, ſpent as they were by the former encounters, ſoon to yield to him the avenues of Neer-Winden; upon which ſucceſs Luxemburg came to obſerve the paſſages, that led to the confederates camp, for his horſe to march in. As the marſhal de Villeroy was marching with a ſtrong body of horſe this way, count d'Arco, general of the Bavarian Cuiraſſiers, charged them with ſo much vigour, that, notwithſtanding their brave reſiſtance, he repulſed them quite within their foot; the duke de Chartres, who charged with them, narrowly eſcaping being made priſoner. Thereupon the confederates endeavoured to regain once more the poſt of Neer-Winden; and the elector of Bavaria ordered two battalions to charge the enemy in front, whilſt three others ſhould charge them upon their left flank. But the French rallying, and being conſiderably reinforced, the attempt became impoſſible, the Dutch and the Scots guards having ſpent all their ammunition by their continual fire.

The king, who had left Neer-Landen upon the enemy's freſh attempt upon Neer-Winden, led twice the Engliſh battalions to the charge, up to the right of the retrenchment (which was now flanked and under the enemy's command) where they fought with great bravery. In the mean time Luxemburg, who had found a more convenient paſſage for the horſe between the poſts of the king's and Zurbeck's brigades, came in himſelf with the prince of Conti and count de Marſin, into the plain of the confederates camp, with the Carabineers, and ſeveral other regiments; whilſt the marſhal de Joyeuſe paſſed between Neer-Winden and Lare with three brigades. Conti, being joined by the French guards, fell upon the Hanover horſe, and broke them; whilſt part of the enemy's ſecond line of horſe, and the reſerve, came in upon their left along the hedges of Lare. The marquis d'Harcourt, who had been ſent for from Huy with his detachment of twenty-two ſquadrons, came time enough to have his ſhare of the day. He joined theſe, and made his dragoons alight to chace our foot out of the village of Lare. The duke of Villeroy came in upon our right of the retrenchments, which place the Engliſh foot diſputed with undaunted reſolution, till, being overpowered, the French remained maſters of this part of the retrenchment, which they levelled, to make room for a body of horſe to come in.

After the Hanover horſe had been broken, the reſt of the confederate right wing of horſe, being cut off from the body of foot, was ſoon overthrown by the enemy, who now had the opportunity of charging them both front and flank. The elector of Bavaria did what he could to reſiſt the numerous multitude of the enemies horſe, that charged him thus; but, finding it impoſſible, with no ſmall difficulty he retreated over the bridge, and rallied on the other ſide as many of the ſcattered horſe and foot as could get over, to favour the retreat of thoſe, who were ready to paſs. The king did what he could to remedy this diſorder, riding to the left to bring up the Engliſh horſe for the relief of the right wing. But the enemy had now got another body of horſe in our camp commanded by the duke d'Elboeuf. At the ſame time the duke de Montmorency, Luxemburg's ſon, fell upon the right flank of the Dutch horſe, and put them in diſorder before the Engliſh horſe, which were led on by the king, could come up and form their ſquadrons; ſo that they were forced to charge the enemy in the ſame order they rid up to them (and moſt of them had rid as faſt as their horſes could gallop) but that did not hinder them from doing extraordinary ſervice. The king himſelf charged at the head of lord Galway's regiment, which diſtinguiſhed itſelf very much on this occaſion. Colonel Wyndham, at the head of his regiment, charged ſeveral times through and through the enemy's ſquadrons. Colonel Langſton was made priſoner, and the duke of Ormond, having charged at the head of one of Lumley's ſquadrons, received ſeveral wounds, and had his horſe ſhot under him; was reſcued by a gentleman of the French king's guards from the hands of one, who was offering to ſtab him.

The king, ſeeing the battle loſt, ordered the infantry to retreat to Dormal upon the brook of Beck, which poſt had hitherto been kept by the dragoons of the left wing, who had nothing to do this day; and finding that the enemies were ſurrounding him on all ſides, he ordered the regiments of Wyndham, Lumley, and Galway, to cover his retreat over the bridge at Neerheſpen, which he gained with great difficulty. There was now nothing but confuſion and diſorder in the confederates camp; all thoſe who could not get the paſſes for the retreat, being preſſed by the enemy, were forced to throw themſelves into the river, where many were drowned, the earl of Athlone narrowly eſcaping the ſame fate. Lieutenant-genearl Talmaſh brought off the Engliſh foot with great prudence, bravery and ſucceſs, but ſome of the Engliſh life-guards were ſo terrified with the apprehenſion of a purſuing enemy, that they did not think themſelves ſafe till they reached Breda. Sixty pieces of cannon and nine mortars were loſt; but all the baggage had been ſent to Lewe the night before, where it was ſafely brought off in reſpect of the enemy, but generally plundered by our own ſoldiers.

The king in this battle was ſeen every where, acting the different parts of a general and of a private ſoldier. He had ſupported the whole action with ſo much courage, and ſo true a judgment, that it was thought he got more honour that day, than even when he triumphed at the Boyne. He charged himſelf, in ſeveral places, and was in the midſt of the moſt imminent dangers, many being ſhot round about him with the enemies cannon, and himſelf eſcaping no leſs than

[*] Whether it was out of envy to king William, or that he really found ſomething amiſs in the forming this camp, Luxemburg, when he viewed it the next morning, ſaid, "Now I believe Waldeck is dead;" that general being allowed to have been the beſt in his time for incamping.

than three muſket ſhots, one through his peruke which deafened him for ſome time, another through the ſleeve of his coat, and a third, which carried off the knot of his ſcarf, and left a ſmall contuſion on his ſide. In a word, he gained ſo far the reſpect and admiration of his very enemies, that it was a common ſaying among them, "that they wanted but ſuch a king to make themſelves maſters of Chriſtendom." And the prince of Conti, in an intercepted letter to his princeſs, declared, "I ſaw the king expoſing himſelf to the greateſt dangers; and ſurely ſo much valour very well deſerved the peaceable poſſeſſion of the crown he wears." The French king himſelf likewiſe was reported to have ſaid, that Luxemburg's behaviour was like the prince of Conti's, but king William's like marſhal Turenne's.

The French loſt ſo many men, and ſuffered ſo much, in ſeveral onſets they had made, that they were not able to purſue a victory, which coſt them ſo dear. The confederates loſt in all about ſeven thouſand; and among theſe there was ſcarce an officer of note, only the count de Solms had his leg ſhot off by a cannon ball, of which he died in a few hours. By all the accounts that came from France, it appeared that the French had loſt double that number, with at leaſt two thouſand officers killed or wounded; and theſe accounts ſeem to be confirmed by Luxemburg's continuing fifteen days after the battle, at Waren, without attempting any thing. The king's army was in a few days as ſtrong as ever, by recalling the duke of Wirtemburg and the battalions he had ſent to Liege. and ſome other bodies that he drew out of garriſons. The reſt of the campaign paſſed over without any other action; only after the king had left the army, and Luxemburg had been reinforced with ſome troops from the ſea coaſt, and a great detachment under Boufflers from the Rhine, he ſat down before Charleroy. The place was attacked with great fury, but the garriſon made ſuch a vigorous reſiſtance, that, though they had little or no proſpect of relief, yet they held out ſix and twenty days from the opening of the trenches, and then made an honourable capitulation. The country about Charleroy had been ſo eat up, that it was not poſſible to ſubſiſt an army that might have been brought to relieve it.

The French had better ſucceſs and leſs oppoſition in Catalonia, where ſo early as the 29th of May they inveſted Roſes, and carried on the ſiege with that diligence, that they made themſelves maſters of the place in ſeven days. Then they advanced to Barcelona, expecting their fleet, which was to have bombarded it by ſea, while their army attacked it by land. This put all Spain in great conſternation; the deſign of the invaſion was to force them to a ſeparate peace; while they felt themſelves ſo vigorouſly attacked, and ſaw that they were in no condition to reſiſt.

The Dauphin, with a great part of the French army, had been ſent to make head againſt the Germans, who had brought an army together, commanded by the elector of Saxony, the landgrave of Heſſe, and the prince of Baden. The Germans (who had been retarded by ſome diſputes about the command) were ſo ſlow, and the French ſo forward, that the latter paſſed the Rhine about the middle of May at Phillipſburg; and, without any oppoſition, the marquis de Chamilly inveſted the city of Heidelberg. At the ſame time the duke de Lorge croſſed the mountains to oppoſe the prince of Baden, who was not yet in a condition to act but defenſively, ſo that the town was left to defend itſelf. But beſides its natural weakneſs, there was at this time ſuch a diviſion between the garriſon and the townſmen about the money, that was called in, and which the garriſon would have to be current again, that, when the regiment of Sconbeck was ready to enter the place to reinforce the garriſon, the townſmen would not ſuffer them to come in; which gave monſieur de Melac an opportunity to ſeize a redoubt, which commanded that part of the town. In ſhort, the French, on the 21ſt of May, made themſelves maſters of the ſuburbs with little oppoſition, and their grenadiers drove the beſieged with ſo much fury to the caſtle gates, that above ſix hundred of their ſoldiers were left without, who were all put to the ſword. The governor of the caſtle, apprehending the ſame fate, accepted the conditions which de Lorge impoſed upon him, and was contented to be conducted to Wimpel with the reſt of his garriſon, conſiſting of twelve hundred men, two pieces of cannon, and twelve waggons laden with baggage.

The Imperialiſts were no ſooner out of the city, but the French ſet both that and the caſtle on fire, and committed ſeveral other barbarities in the Palatinate, not ſparing ſo much as the tombs of the deceaſed electors. Fluſhed with this eaſy ſucceſs, de Lorge advanced towards the Neckar, with a deſign to attack the prince of Baden, who lay incamped with his army on the other ſide of the river, which the French twice endeavoured to paſs, but were forced to abandon their enterprize with the loſs of near a thouſand men. Some time after the Dauphin in perſon joined the army, which conſiſted of near ſeventy thouſand men; and, having croſſed the Neckar, made a ſhew of attacking the prince of Baden, but found his highneſs ſo well poſted, that he repaſſed the river, without attempting any thing; and having put a garriſon into Stugard, and ſent a detachment into Flanders and Piedmont, he returned in Auguſt to Verſailles.

With regard to the affairs of Italy, the duke of Savoy was no ſooner recovered of his long indiſpoſition, but he put himſelf at the head of the army; which, being conſiderably ſtrong, made the inhabitants of Dauphiné apprehenſive of a worſe irruption into their country than the laſt; but the confederates ſeemed now chiefly to aim at the driving the French out of Italy, by diſpoſſeſſing them of Caſal and Pignerol; neither of which was effected this year. Caſal indeed was blocked up for ſome time, and the fort of St. George carried by aſſault, which compleated the blockade of that place; but things went no farther, and the duke of Savoy, with the main army, laid ſiege to Pignerol, and took the fort of St. Bridget, that covered the place, but paid ſo dear for this poſt, that after all it was debated, whether they ſhould carry on the ſiege, or only bombard the town. Whilſt the allies were thus deliberating among themſelves, Catinat being conſiderably reinforced, deſcended into the plains, and gave the duke ſuch apprehenſions for Turin, that he drew off from about Pignerol, and encamped at Marſaglia, having firſt blown up the fort of St. Bridget. The army was preſently drawn up. The marquis de Leganez commanded the left wing, compoſed of the king of Spain's troops. The duke, and under him the count of Caprara, commanded the right wing; and prince Eugene the main battle, having under him the marquis de la Parelle, and the count de las Torres. As for duke Schomberg, being denied the poſt due to him, he reſolved to fight on foot at the head of his own regiment, like an ordinary colonel. The confederate army, being thus diſpoſed, marched into the neighbourhood of Orbaſſon, from whence they perceived the enemy towards the hills, between Orbaſſon and Pioſaſque.

Early the next day the French advanced towards the confederates, making uſe of the advantage they had in the ground, which was full of woods and vineyards; and ſoon after the cannon began to play on both ſides. About half an hour after eight, the French fell upon the confederates left wing with near twenty thouſand men, without firing a ſhot, having their bayonets at the ends of their fuzees, and their ſwords in their hands. They were received and driven back with great vigour; but, renewing their attack, they took in front and flank the Neapolitan and Milaneſe horſe, who, after having courageouſly withſtood the fury of their enemies, were at laſt overpowered by their numbers, and puſhed upon the German horſe. Theſe, being at the ſame time charged by the little Gendarmerie, were no longer able to maintain their ground, but fell upon the infantry, which was alſo put into diſorder. The ſecond line was brought on to oppoſe the enemy, while the firſt line rallied; but the horſe giving way, the foot was quickly routed.

While things paſſed thus on this ſide, the French were thrice repulſed with great loſs by the confederates main battalia and right wing, till their horſe which had made the left wing give way, attacked the confederates infantry behind and in flank, who had no longer any horſe to cover them, and were at the ſame time attacked by the enemy's foot. All the troops fought with great courage, and the diſpute was deſperate on both ſides. His Britannic majeſty's forces, which were poſted in the main battle, particularly diſtinguiſhed themſelves; and duke Schomberg, their general, was deſired by the count de las Torres, after the enemy's third attack, to take upon him the command, and cauſe a retreat to be made by the body of foot and the right wing. But his grace, reſenting the uſage, which he had met with before, told him, that it was neceſſary firſt to have his royal highneſs's order; and till it came he would bear the enemy's fire; adding, that he found things were gone ſo far, that they muſt now either conquer or die.

The confederates reſiſted the repeated efforts of the enemy with extraordinary reſolution, but were at laſt forced to abandon the field of battle, and to retire with the loſs of the greateſt part of their cannon, and of ſeven or eight thouſand

men. Duke Schomberg, having fought with unparallelled valour, received a wound in his thigh, of which he died not many days after, to the regret of all good and gallant men, for he was of that number in an eminent degree. The honour of the action, but with that the greateſt loſs, fell to the French; for though they carried the victory by their numbers, yet the reſiſtance which they met with was ſuch, that the duke of Savoy gained more in his reputation, than he ſuffered by the loſs of the day. With this ended the campaign in Peidmont.

Nor were our affairs at ſea more fortunate than at land. The Engliſh and Dutch fleet was large and ſtrong, and ſet out early. The joint-admirals were not at firſt reſtrained by any particular inſtructions, but ordered in general only to uſe their utmoſt endeavours to annoy the enemy, and protect the trade. But afterwards they received her majeſty's commands more particularly from the lords of the admiralty, chiefly regarding the ſecurity of a great fleet of merchantmen of near four hundred ſail, Engliſh, Dutch, Hamburghers, &c. Much time was however ſpent, ſeveral councils of war held, and divers repreſentations made, before they could come to a reſolution, what number of ſhips to appoint for the ſpecial convoy, and how far to accompany them with the whole fleet. It was at laſt determined, that the whole fleet, together with the Mediterranean ſquadron, ſhould proceed together thirty leagues weſt ſouth-weſt from Uſhant; and that when the admirals ſpread a blue flag at the main-top-maſt head, and fired three guns, ſir George Rooke, as well as the other convoys, ſhould go forward, according to the orders, which they had received from the lords of the admiralty; but, being come to the height limited, on the 4th of June, they reſolved, in another council of war, to proceed with the Mediterranean ſquadron twenty leagues farther, and then to return to the former ſtation, to take up the cruiſers, from whence it was judged adviſeable to proceed to the rendezvous north-weſt of Uſhant. Sir George Rooke therefore, with twenty-three men of war, and the Turky fleet, left the main body of the fleet on the 6th of June, and, ſteering for the Streights, left by the way the veſſels bound for Bilboa, Liſbon, St. Ubes, and other parts, under the convoy of two men of war. He was unhappy in that, which, upon any other occaſion, would have been a great happineſs; he had a fair and ſtrong gale of wind, ſo that no advice ſent after him could overtake him; nor did he meet with any ſhips at ſea, that could give him notice of the danger that lay before him. Being come, on the 17th, within ſixty leagues of Cape Vincent, he diſcovered part of the French fleet,[t] which made him call a council of war, wherein it was reſolved, that, the wind being freſh northerly, and giving a fair opportunity of haſtening their paſſage to Cadiz, the merchant-ſhips ſhould make the beſt of their way. Upon the diſcovery of the enemy's whole fleet, conſiſting of eighty ſail, commanded by monſieur de Tourville, Rooke being of opinion, that he was too far advanced to think of a retreat, reſolved to puſh for it; but the Dutch vice-admiral Vandergoes bringing to, and letting him know he choſe to avoid fighting, which he thought hazardous; he likewiſe brought to, and ſtood off with an eaſy ſail, that ſo the Duch and the heavy ſhips might work up to the windward; ſending at the ſame time the Sheerneſs with orders to the ſmall ſhips, which were near the land, and could not (as he judged) keep up with the fleet, to endeavour to get along ſhore in the night, and ſave themſelves in Faro, St. Lucar, or Cadiz. About ſix in the evening, the French admiral and vice-admiral of the blue, which had the whole afternoon gained upon the ſquadron, notwithſtanding all the ſail they could make, came up with the leeward and ſternmoſt of the confederate fleet. Theſe were three Dutch men of war, whereof two were commanded by the captains Schryver and Vander Poel, who for five hours together bravely fought, firſt eleven, and then ſeven of the enemy's men of war. They had the good fortune to get clear of the firſt eleven, but were at laſt forced to yield, after having made a moſt obſtinate reſiſtance.[u] The Dutch merchant ſhips immediately tacked, and ſtood in for the ſhore, as the enemy did after them. The admiral ſtood off all night, having a freſh gale at north north weſt; and the next morning fifty-four of the merchant ſhips, with ſeveral men of war, were about him; but of the latter no more than two of thoſe belonging to the Dutch, and one Hamburgher, five ſail of the enemy's ſhips being to the leeward, and two to the windward, which laſt kept ſight of him until it was night. The next day the admiral called the officers of the men of war and merchant-ſhips on board him, to inform himſelf from them what account they could give of the reſt of the fleet, and to adviſe what was beſt to be done for their ſecurity; and at laſt determined to ſail to Madeiras for water, and from thence, either to Cork or Kingſale, at the former of which ports he arrived on the 3d of Auguſt.[w]

[t] The French either were, or feigned to be, at firſt, in as great a ſurprize as the confederates; for they ſtood away with ſeveral of their ſhips, and abandoning others, ſet fire to them. And, though it may have been a decoy to draw them on, yet the great numbers of ſhips might very well make them apprehend it to be the whole body of the Engliſh and Dutch fleets coming upon them. And, indeed, had they come ſo far with them, ſuch an occaſion offered here, which perhaps might not be found again in an age, of deſtroying the whole naval force of France.

[u] The captains being carried on board the French admiral, he aſked Schryver, Whether he was a man or a devil?

[w] The following letter, written by captain Littleton, commander of the Smyrna-factor man of war from Cadiz, contains ſome particulars of this unfortunate affair, not mentioned in other accounts.

"The 26th of June, N. S. ſays he, at nine in the morning, we arrived to the height of Cape Vincent. About two in the afternoon the headmoſt ſailors diſcovered the French, and about four in the afternoon both ſides engaged for ſome time. After this the headmoſt retired, and gave notice the ſame evening to the officer in chief. The 27th in the morning we arrived near Lagos, and our ſhips took a fire-ſhip of the enemy's, which reported, that there were at Lagos eighteen French men of war, with ſome fire-ſhips and merchant-men. About four in the morning two ſhips blew up, or elſe the enemy ſet them on fire themſelves, within cannon-ſhot of the convoy. The commander alſo gave the ſignal of drawing into a line of battle; for till then we deſcried no more than nine and twenty ſail of the enemies. There was no wind ſtirring till ten o'clock, at which time a freſh gale aroſe, and then we diſcovered a greater number of ſhips. The convoy alſo ſteering ſouthward perceived on the one ſide forty ſail under three flags, beſide another ſquadron, which endeavoured to get between us and the coaſts; which the admiral obſerving, gave notice to the merchant-men to make all the ſail they could for the port of Cadiz, while the men of war kept the enemy in play. This deſign was obſerved by the French, who made all the ſail they could to intercept us. But the convoy, having the wind, kept the enemy in play till the evening, and gave time to the nimbleſt ſailers to get hither. Towards five in the afternoon, the eighteen French men of war abovementioned engaged the convoy, and the fight laſted ſome part of the beginning of the night, the reſt of the fleet not being able to come up with them. The 28th in the morning the fight began with greater fury, ſo that about ſeven o'clock our veſſels ſaw four ſhips on fire, not knowing whether French or Engliſh, and the guns were heard till nine, though the event be not yet known. It is to be feared we have loſt ſome men of war, and ſeveral merchants. The engagement happened about ſix miles from Cape St. Mary."

After having given an account of this misfortune from our own writers, let us now hear what the French ſay to it: "The Engliſh and Dutch, ſays Father Daniel, ſuſtaining every day great loſſes from the French privateers, and more particularly by thoſe of St. Malo, had reſolved to ſecure their Smyrna fleet from any inſult, by putting it under a convoy of two and twenty men of war. Advice of this precaution being carried to the king of France, his majeſty ordered the marſhal de Tourville to ſail with ſixty ſhips towards the coaſt of Portugal, and then way-lay the Smyrna fleet. Their ſcouts diſcovered it a few days afterwards; but as they had information the Engliſh were at ſea with a fleet of ninety men of war, which had been ſeen on the coaſt of France, the marſhal, who was not yet joined by the Toulon ſquadron, conſiſting of thirty ſhips, under the count d'Eſtrees, thought fit to detach twenty of his beſt ſailers, to take a view of the Engliſh fleet, and to begin the attack, if they did not find them much more numerous than themſelves, whilſt he would back them with the body of his fleet. They executed the orders given them, and took, at the beginning of the attack, two men of war; after which they burnt, ſunk, or run a-ground upon the coaſt ſixty merchant-ſhips; ſeven and twenty were taken, and the remainder, which could not make their way for England, took refuge at St. Lucar, Cadiz, and Gibraltar. The marquis de Coetlogon, commander of a ſquadron, burnt four ſhips very richly laden at Gibraltar, and carried off thirteen, though they were defended by the batteries of the place, and an eſtacade. If a greater number of men of war had taken the ſame courſe by night, as the ſieurs de Belliſle, Errard, de Chaland, and d'Henri, the Engliſh and Dutch would have ſuſtained a far greater loſs; though, as it was, it amounted, according to the relations of the captains of ſhips, who were taken, to above twenty millions of livres." Monſieur de Forbin, who was in the action, gives us the following account of it in his memoirs: "The king of France's fleet, which conſiſted of ſeventy-five men of war, commanded by the marſhal de Tourville, ſet ſail for the ſtreights of Gibraltar, where the count d'Eſtrees, who was coming with twenty other ſhips from Provence, was to join them. They came to anchor in the road of Lagos on the coaſt of Portugal. I was ſent out for intelligence, with orders ſtrictly to examine whatever came to my view; and particularly, if I ſaw a great number of ſhips, I was to make it my buſineſs to diſcover whether they were merchant-men, or the enemy's ſhips of force. I was accompanied with three other captains, who were ſent on the ſame errand. We ſet ſail together, and in a few days we diſcovered a fleet of the enemy's merchant-men. We found they conſiſted of upwards of a hundred and fifty ſail, of which being well aſſured, we returned with all poſſible haſte to the fleet, to inform the admiral, that it was a fleet of merchantmen, and not men of war. Upon this advice the admiral made ready for ſailing, and ſtretched out (for what reaſon I am at a loſs to ſay) before the wind, to ten leagues diſtance. The next day our whole fleet diſcovered the enemy. The admiral gave orders for the chace, but the enemy took the advantage of the wind which our working the night before had made us loſe, and made off, in ſo much, that we did them very little damage. We took nevertheleſs two of their men of war of ſixty guns; and about thirty of their merchant ſhips, which ran a-ground on the coaſt of Portugal, were burnt: I burnt three of them myſelf, and took a fourth. It was happy for them, that they came off ſo well; for, had it not been for the falſe ſtep I juſt mentioned, their whole fleet would have been loſt."

This

Thus the enemy with great art had drawn the confederate ſquadron and the merchant-ſhips into this misfortune; and if they had purſued the advantage with as much conduct and reſolution, not a ſhip could well have eſcaped them; for the admiral and vice-admiral of the blue were within ſhot of ſir George Rooke, when they tacked and ſtood in for the ſhore after the Dutch; which tacking ſaved the reſt of the fleet, by giving them opportunity to make their eſcape. However, the loſs was very conſiderable, and fell hardeſt on the Dutch; for, beſides four of the greateſt Smyrna ſhips and one Dutch man of war, which monſieur Coetlogon burnt or ſunk at Gibraltar, and ſeven, which he took, monſieur D'Eſtrees took two Dutch men of war, burnt a rich pinnace and an Engliſh man of war, took twenty-nine merchant-men, and deſtroyed about fifty more. The French, inſtead of following Rooke to the Madeiras, tried what they could do upon Cadiz, but found that it was not practicable. They came next to Gibraltar, where the merchants, terrified at the bombs thrown among them, ſunk their ſhips to prevent their falling in their hands. From thence they ſailed along the coaſt of Spain, and burnt ſome Engliſh and Dutch ſhips at Malaga, Alicant, and other places. They hoped to have deſtroyed the Spaniſh fleet; but they put in at Port Mahon where they were ſafe. At length, after a glorious campaign the French came back to Toulon. Thus the voyage was quite loſt, and the diſgrace of it was viſible to the whole world, and very ſenſible to the trading part of the nation.

The appearances were ſuch, that it was generally ſurmiſed, our counſels were betrayed. The ſecretary that attended on the admirals, was much ſuſpected, and charged with many things: But the ſuſpicions roſe high, even as to the ſecretary of ſtate's office. It was ſaid, that our fleet was kept in port, till the French were laid in their way, and was then ordered to ſail, that it might fall into their hands: Many particulars were laid together, which had ſuch colours, that it was not to be wondered at, if they created jealouſy, eſpecially in minds ſufficiently prepared for it. Upon inquiry, it appeared, that ſeveral of thoſe, who, for the laſt two years, were put in the ſubaltern employments, through the kingdom, did upon many occaſions ſhew a diſaffection to the government, and talked and acted like enemies. Our want of intelligence of the motions of the French, while they ſeemed to know every thing that we either did, or deſigned to do, caſt a heavy reproach upon our miniſters, who were now broke ſo in pieces, that they acted without union or concert: Every one ſtudied to juſtify himſelf, and to throw the blame on others: A good ſhare of this was caſt on the earl of Nottingham; the marquis of Caermarthen was much ſuſpected: The earl of Rocheſter began now to have great credit with the queen; and ſeemed to be ſo violently ſet againſt the whigs, that they looked for dreadful things from him, if he came again to govern: For, being naturally warm, and apt to heat himſelf in company, he broke out into ſallies, which were carried about, and began to create jealouſies, even of the queen herſelf.

But, while France was thus triumphing every where over the allies, ſhe had a more dangerous enemy to encounter within her own bowels, famine. This was occaſioned by two bad harveſts that came ſucceſſively one after the other. They had alſo ſuffered much in their vintage, ſo that they had neither bread nor wine. Great diligence was uſed to bring in corn from all parts; and the famous Dubart ſeaſonably brought great quantities from Sweden and Denmark, which he ſafely convoyed into the harbour of France. Strict orders were given by the court for regulating the price of corn, and furniſhing the markets with it. There was alſo a liberal contribution ordered by the French king for the relief of the poor. But, after all poſſible care to alleviate the miſery, great multitudes periſhed for want; and the whole kingdom fell under an extreme poverty: So that all the pomp of thoſe victories could not make them eaſy at home. They tried all poſſible methods for bringing about a general peace; or, if that failed, for a ſeparate peace, with ſome of the confederates: But there was no diſpoſition in any to hearken to them; nor could they engage the northern crowns to offer their mediation. Some ſteps were indeed taken, and a memorial was preſented to king William, by the Daniſh miniſter, wherein ſome offers were made by France not only to the Empire, Spain, and Holland; but likewiſe to England: But, as the demands of the French were ſtill ſo high, that there was no proſpect of a juſt peace, theſe offers were rejected [x].

[x] This memorial was as follows:

London, Decemb. 19. O. S. 1693.

SIR,

The deſolation this preſent war carries into moſt parts of Europe, together with the duty incumbent on a chriſtian king, to apply all the remedies, that lie in his power, to ſo general a calamity, oblige the king of Denmark, my maſter, to impart to your majeſty theſe propoſals of peace, which the moſt chriſtian king has communicated to him. My maſter might have reaſon to decline his offices towards the peace of Europe, and taking upon him ſo important a negotiation, ſince the advances he has already made, as well as the king of Sweden, have not only proved ineffectual, but likewiſe been ſo miſconſtrued, as to render them ſuſpected. Nevertheleſs, it is moſt evident, that without any proſpect of private intereſt (the union of the northern crowns, for the ſecurity of the trade of their reſpective ſubjects, being ſo well eſtabliſhed, and enjoying the privileges of neutrality, that the continuation of the war might very much increaſe the riches of their majeſties dominions) the public welfare of Europe, and the deſire to ſee a juſt and laſting peace reſtored, have prevailed above all other conſiderations. Wherefore the king, my maſter, has repreſented to the moſt chriſtian king, that the propoſals, which he has made hitherto towards a general peace, have been looked upon by the confederates rather as a means to diſunite them, and to cruſh and ſubdue them one after another, than as a mark of his ſincere intentions of ſettling the public repoſe. But his moſt chriſtian majeſty, to remove all manner of diſtruſt, has not only, by repeated proteſtations, aſſured the king my maſter of the ſincerity of his ſentiments in this affair, but has likewiſe delivered a project of a general peace, and added to the conditions, that concern the empire, and which are already known to your majeſty, ſome others relating to the reſt of the allies, which are comprehended in the following heads:

I. That, notwithſtanding the advantages his arms have gained this campaign, no alterations ſhall be made in the conditions his moſt chriſtian majeſty has already offered to the emperor, the princes and ſtates of the empire, and the dukes of Lorrain and Savoy.

II. His majeſty ſhall reſtore to the catholic king the important place of Roſes, that of Belvers, and whatever has been conquered in Catalonia during the preſent war.

III. Towards the forming a barrier in the Low-Countries, which may remove all jealouſy and uneaſineſs from the ſtates of Holland, his moſt chriſtian majeſty ſhall, upon that conſideration, reſtore the places of Mons and Namur to the king of Spain, and cauſe Charleroy to be razed.

IV. His ſaid majeſty ſhall reſtore to the biſhop of Liege the town and caſtle of Huy, and recompenſe him for Dinant and Bouillon, by annexing upon that account to his biſhopric ſuch a portion of the country of Luxemburg, as ſhall be moſt convenient to that biſhop, and judged equivalent by arbitrators.

V. His majeſty conſents, that the treaty of commerce made at Nimeguen with the ſtates be renewed without any alteration.

VI. His majeſty thinks the ſtates of Holland will be glad to obtain ſuch important reſtitutions, and to put an end to the war by a peace ſo advantageous both to Spain and all the allies, eſpecially after the proſperous campaigns of France, which may be ſtill attended with others no leſs ſucceſsful. But that neither Holland, nor any other ſtate of Europe, may have any ground of apprehenſion, that, upon pretence of new rights his majeſty will extend the boundaries of his dominions in the Low-Countries, beyond what ſhall be regulated by the treaty, his majeſty declares, that, in caſe the king of Spain dies without iſſue, he conſents, that the Low-Countries fall to the ſhare of the duke of Bavaria, upon condition, that the emperor makes the ſame declaration. And his majeſty ſhall, as well for himſelf, as for the Dauphin his ſon, confirm the ſaid renunciation by all the formalities neceſſary for that purpoſe, in behalf of his electoral highneſs.

His moſt chriſtian majeſty hopes, that this laſt engagement will, more than any thing beſides, ſecure to the confederates the firmneſs of the peace they ſhall make with him. And he thinks, that, after ſo advantageous propoſals, the world will ſoon know, whether Europe may hope to ſee the public tranquillity reſtored, or whether the preparations of war are to be renewed.

This, ſir, is what the moſt chriſtian king has communicated to the king my maſter, and which his majeſty has commanded me to impart to you. He does in no manner pretend to preſcribe rules to your majeſty, ſince your prudence will beſt judge what is moſt for your glory and intereſt; but however, he thinks theſe propoſals deſerve a ſerious conſideration. And, becauſe there is no mention made of England, the king, my maſter, has made it already his buſineſs to incline the moſt chriſtian king not to inſiſt upon that, which might put a ſtop to the general peace. In the mean time the king, my maſter, thinks it neceſſary, that, in order to advance a work ſo profitable and beneficial to all Europe, a negotiation be ſet on foot. And his majeſty is the more confirmed in this opinion, by reaſon the winter will ſoon be over, and that it is to be feared, leſt by laying till the next campaign an opportunity be given to France, either of enlarging her conqueſts, or by a powerful irruption into Germany, and the ſuperiority of her forces, to divide the confederacy; which would give a juſt pretence to that crown of recalling the offers ſhe has already made, and render a peace very difficult, if not altogether impoſſible. The king, my maſter, does not only offer to become guarantee with all the princes and potentates, that will concur with him, but likewiſe to unite himſelf in particular with your majeſty by a moſt ſtrict and indiſſoluble alliance.

Upon the whole matter, the king, my maſter, is perſuaded, that nobody has more reaſon to contribute to this peace, than your majeſty, ſince it will confirm to you the glory and advantages you have gained during the war; and will beſides make Europe to be eternally beholden to your majeſty for the peace ſhe groans after. If your majeſty thinks, that there is any thing defective, in relation to the ſecurity of the peace, or that wants to be either altered or explained, the king, my maſter, engages to procure to your majeſty all the ſatisfaction imaginable; and, if you are pleaſed to confide in his mediation, he will manage it to your majeſty's entire ſatisfaction. Laſtly, the king, my maſter, has commanded me to aſſure your majeſty, that, being, upon ſeveral accounts, concerned in the proſperity of your royal family, he will, to the utmoſt of his power, promote its intereſt and advantage, and deſires your majeſty to be perſuaded, that all the advances he has made in this affair have no other aim, and are grounded upon no other principle.

Theſe

Affairs in Scotland grew more and more out of joint. Many, whom the king had truſted in the miniſtry there, were thought enemies to him and his government; and ſome took ſo little care to conceal their inclinations, that, when an invaſion was looked for, they ſeemed reſolved to join in it. They were taken out of a plot, which was managed by perſuading many to take oaths to the government, on deſign to betray it; and were now truſted with the moſt important poſts. The preſbyterians began to ſee their error, in driving matters ſo far, and in provoking the king ſo much; and they ſeemed deſirous to recover his favour, and to manage their matters with more temper. The king came likewiſe to ſee, that he had been a little too ſudden in truſting ſome, who did not deſerve his confidence. Duke Hamilton had for ſome years withdrawn from buſineſs; but he was now prevailed with to return to council; many letters were intercepted between France and Scotland: In thoſe from Scotland, the eaſineſs of engaging that nation was often repeated, if no time were loſt; it ſeemed therefore neceſſary to bring that kingdom into a better ſtate.

A ſeſſion of parliament was held there*, which, on the 18th of April, was opened with a ſpeech by the duke of Hamilton, his majeſty's commiſſioner, and another by the earl of Tweedale, the lord chancellor of that kingdom; after which the king's letter was read, which exhorted that aſſembly to union; to which letter they returned a very dutiful anſwer.

On the 25th of that month, the committee, appointed to conſider of the ſecurity of the nation, voted, that four new regiments of foot, and two of horſe, ſhould be immediately raiſed, to make up the forces then ſubſiſting in that kingdom ſix thouſand men, without reckoning thoſe on the Engliſh eſtabliſhment; and that for maintaining them, and defraying other public expences, a ſupply ſhould be given their majeſties of 114,000l. ſterling, to be raiſed in eighteen months.

The parliament was engaged the ſame day in a debate about their abſent members; and as it appeared, that ſeveral had never come to the houſe ſince the convention had been turned into a parliament, and had neither taken the oath of fidelity to their majeſties, nor the aſſurance (which latter was an abjuration of the late king James) it was reſolved and declared, that their places were void; that new elections ſhould be made in their ſtead; and that fines ſhould be ſet upon thoſe abſentees. With regard to other members, who had taken the oath of fidelity, but not the aſſurance, they were ſummoned to appear in parliament by the 15th of May, and to take the aſſurance; and in default thereof, to be dealt with as the others. And laſtly, as the heretors or freeholders of the ſhire of Angus, out of their diſaffection to the government, had hitherto refuſed to chuſe members to be ſent to parliament, it was reſolved, that the ſaid heretors ſhould be cited before the parliament on the 15th of May, to ſhew why they had omitted to chuſe their members.

Secretary Johnſton likewiſe laid before a private committee an information, which he had received of dangerous practices againſt the government, and how the late endeavours to alter the magiſtracy of Edinburgh were concerted by the enemies of the government; and he produced proofs of the ſame, and of the deſigned invaſion the laſt year.

The Scots parliament proceeded to augment their tax, ſo as to proportion it to the maintenance of ſix thouſand three hundred men; to ſupply the magazines of the kingdom with arms and ſtores, and to ſatisfy the country for their arrears of quarters; ſo that the whole ſum then given amounted to 156,000l. to be raiſed in eighteen months, upon theſe branches, viz. 48,000l. by a poll, 45,000l. by an exciſe on beer and malt, and by continuing the ceſs upon land, which was then to laſt ſeven months and an half, to ten months and an half beyond that term, 63,000l.

The committee for the ſecurity of the kingdom, who had before them ſeveral intercepted letters and papers, relating to dangerous deſigns and practices againſt the peace of the kingdom, having made their report to the parliament, it was reſolved, that there were ſufficient proofs to evince, that a deſign was carried on both there and in France, for invading the nation with foreign force; and that, in order thereunto, there were eſtabliſhed correſpondencies and concerts; and that aſſurances had been given both at home and abroad, for effecting ſuch a deſign, which had lately proceeded ſo far, that declarations were concerted for that purpoſe, and the raiſing of men, and naming of officers to command them, were reſolved; as alſo reconciliations made amongſt the different parties of the diſaffected; and the proofs were plain, that the late king James's intereſt was at the bottom of the late debates concerning the elections at Edinburgh; with regard to which, king James had been deſired to interpoſe his authority by letters. In the debate of this vote it was endeavoured to divide it into queſtions, and to ſeparate the latter part, which related to the magiſtracy of Edinburgh, from the former part of deſigns in general; but, the houſe reſerving that upon the previous queſtions by three to one, the main queſtion was carried without any diviſion.

The whole Preſbyterian party in Scotland was now again entire in the king's intereſt. The matters of the church were brought to more temper than was expected. The epiſcopal clergy had more moderate terms offered them; they were only required to make an addreſs to the general aſſembly, offering to ſubſcribe to a confeſſion of faith, and to acknowledge preſbytery to be the only government of that church, with a promiſe to ſubmit to it; upon which, within a fortnight after they did that, if no manner of ſcandal was objected to them, the aſſembly was either to receive them into the government of the church, or, if they could not be brought to that, the king was to take them into his protection, and maintain them in their churches, without any dependence upon the preſbytery. This was a ſtrain of moderation, that the preſbyterians were not eaſily brought to. A ſubſcription, that owned preſbytery to be the only legal government of that church, without owning any divine right in it, was far below their uſual pretenſions. And this act veſted the king with an authority very like that, which they uſed to condemn as Eraſtianiſm. Another act was alſo paſſed, requiring all perſons in any office of the church or ſtate to take, beſides the oath of allegiance, a declaration called 'the Aſſurance,' owning the king and queen to be their righful and lawful ſovereigns, and promiſing fidelity to them againſt king James and all his adherents. This council was alſo empowered to tender theſe, as they ſhould ſee cauſe for it, and to fine and impriſon ſuch as ſhould refuſe them.

When the ſeſſion was near at an end, Nevil Payne was brought before the parliament to be examined, upon the many letters, which had been intercepted. There was a full evidence againſt him in many of his own letters; but he ſent word to ſeveral of the lords, and in particular to the duke of Hamilton, that, as long as his life was his own, he would accuſe none; but that he was reſolved he would not die, ſince he could diſcover enough to deſerve his pardon. This ſtruck ſuch a terror into many of them, whoſe ſons and near relations had been concerned with him, that, he moving for a delay, on pretence of ſome witneſſes, who were not then at hand, a time was given him beyond the continuance of the ſeſſion, by which he eſcaped, and that inquiry was ſuppreſſed.

The ſeſſion ended calmly; but the king ſeemed to have forgot Scotland ſo entirely, that he let three months go over, before he took notice of any of their petitions. And though he had aſked, and had ſupplies for an augmentation of forces, and many had been gained to conſent to the tax by the hope of commiſſions in the troops, that were levied, yet the king did not raiſe any new ones, but applied the ſupply to other uſes. This began to raiſe an ill humour, which had been almoſt quite laid aſide in the whole courſe of this ſeſſion, which was thought a reconciling one. The epiſcopal clergy let ſlip the day prefixed for making their ſubmiſſion to the aſſembly, and did not take the oaths; for which reaſon they could claim no benefit by the acts that had been carried in their favour, not without ſome difficulty. And the law which was intended to ſave them, did now expoſe them to ruin, ſince by it they, not taking the oaths, had loſt their legal rights to their benefices. However, they were ſuffered to continue in them, and were put in hope, that the king would protect them, though it was now againſt law. They were alſo made to believe, that the king did not deſire, that they ſhould take the oaths, or make any ſubmiſſion to preſbytery. And it is certain, that no public ſignification of his majeſty's mind was made to them; ſo that they were eaſily impoſed upon by ſurmiſes and whiſpers; and upon this the diſtractions grew up afreſh. Many concluded there, as well as in England, that the king's heart led him ſtill to court his enemies, even after all the manifeſt reaſons, which he had

* Theſe proceedings are taken from MS. original letters of Mr. James Vernon (under-ſecretary to ſir John Trenchard, ſecretary of ſtate) to ſir William Dutton Colt, envoy extraordinary at Hanover.

to

to conclude, that the ſteps they had made towards him were only feigned ſubmiſſions to gain ſuch a confidence, as might put it in their power to deliver him up.

The earl of Middleton had gone over to France in the beginning of this year; and it was believed, that he was ſent by a great body of men, with a propoſition, which, had he had the aſſurance to have made, and the court of St. Germains the wiſdom to have accepted, might have much increaſed the factions and jealouſies of the nation. It was, that king James ſhould offer to reſign his title in favour of his ſon; and likewiſe to ſend him to be bred up in England, under the direction of a parliament, till he ſhould he of age. But it is not known, whether the earl ever ventured upon this advice; but in another he ſucceeded better. When king James thought the invaſion from Normandy, the former year, was ſo well laid, that he ſeemed not to apprehend it could miſcarry, he had prepared a declaration, of which ſome copies were brought over. He promiſed nothing in it, and pardoned no body by it, but ſpoke in the ſtyle of a conqueror, who thought he was maſter, and therefore would limit himſelf by no promiſes, but ſuch as were conceived in general words, which might be afterwards expounded at pleaſure. This was much blamed, even by his own party, who thought, that they themſelves were not enough ſecured by ſo looſe a declaration; and therefore the earl of Middleton, upon his going over, procured one of another ſtrain, which, as far as words could go, gave all content; for king James promiſed every thing, and pardoned all perſons. His party got this into their hands, and they waited for a fit occaſion to publiſh it to the nation.

A parliament had been ſummoned in Ireland, by the lord Sidney; but they met full of diſcontent, and were diſpoſed to find fault with every thing: and there was too much matter to work upon; for the lord lieutenant was apt to excuſe and juſtify thoſe, who had the addreſs to inſinuate themſelves into his favour: ſo that they were diſmiſſed, before they had brought their bills to perfection. The Engliſh in Ireland thought the government favoured the Iriſh too much; ſome ſaid this was the effect of bribery, whereas others thought it was neceſſary to keep them ſafe, from the proſecutions of the Engliſh, who hated them, and were much ſharpened againſt them. The protecting the Iriſh was indeed in ſome ſort neceſſary, to keep them from breaking out, or running over to the French; but it was very plain, that the Iriſh were ſtill enemies to the Engliſh nation, and to the preſent government: ſo that all kindneſs ſhewed them, beyond what was due in ſtrict juſtice, was the cheriſhing an inveterate enemy. There were alſo great complaints of an ill adminiſtration, chiefly in the revenue, in the pay of the army, and in the embezzling of ſtores. Of theſe, much noiſe was made in England, which (as has been related) drew addreſſes fram both houſes of parliament to the king, which were invidiouſly penned; every particular being ſeverely aggravated. Upon this the king recalled the lord Sidney, (who was made maſter of the ordnance) and put the government of Ireland into three lords juſtices; lord Capel, ſir Cyril Wyche, and Mr. William Duncomb, who had lately been envoy extraordinary in Sweden. When they were ſent from court, the queen did very earneſtly recommend to their care, the reforming of many diſorders, that were prevailing in that kingdom: for neither had the late deſtructive war, out of which they were but beginning to recover themſelves, nor their poverty, produced thoſe effects that might have been expected.

The queen taking into conſideration, that the great ſcarcity and exceſſive price of corn in France, invited the exportation of it from this kingdom thither, whereby not only her enemies were ſupplied, but her own ſubjects might be expoſed to want, ſhe iſſued out a proclamation for preventing the exportation of corn to France, and enhancing the price of it at home; and, becauſe by this further command the poor were like to become ſufferers, ſhe at the ſame time ordered all the laws in force for ſetting them at work to be effectually put in execution.

In October, the king arrived at the Hague from Loo, and prevailed with the ſtates of Holland to agree to the raiſing of fifteen thouſand men for augmenting the land forces; and likewiſe to the addition of a conſiderable number of ſh ps to their navy; for which he thanked them in their public aſſembly. The king, having waited almoſt a month for a fair wind, embarked at laſt on the 28th of October, landed at Harwich on the 29th, and on the 30th arrived at Kenſington.

The parliament being met on the 7th of November, purſuant to the laſt prorogation, the king made the following ſpeech to both houſes:

"My lords and gentlemen,

"I Am always glad to meet you here, and I could heartily wiſh, that our ſatisfaction were not leſſened at preſent, by reflecting upon the diſadvantages we have received this year at land, and the miſcarriages in our affairs at ſea. I think it is evident, that the former was only occaſioned by the great number of our enemies, which exceeded ours in all places. For what relates to the latter, which has brought ſo great a diſgrace upon the nation, I have reſented it extremely; and as I will take care, that thoſe, who have not done their duty, ſhall be puniſhed, ſo I am reſolved to uſe my utmoſt endeavours, that our power at ſea may be rightly managed for the future. And it will well deſerve your conſideration, whether we are not defective both in the number of our ſhipping, and in proper ports to the weſtward, for the better annoying our enemies, and protecting our trade, which is ſo eſſential to the welfare of this kingdom.

"My lords and gentlemen,

"I am very ſenſible of the good affection, wherewith you have always aſſiſted me to ſupport the charges of the war, which have been very great; and yet I am perſuaded, that the experience of this ſummer is ſufficient to convince us all, that, to arrive at a good end of it, there will be a neceſſity of increaſing our forces both by ſea and land the next year. Our allies have reſolved to add to theirs; and I will not doubt, but you will have ſuch regard to the preſent exigency, as that you will give me a ſuitable ſupply to inable me to do the like. I muſt therefore earneſtly recommend it to you, gentlemen of the houſe of commons, to take ſuch timely reſolutions, as that your ſupplies may be effectual, and our preparations ſo forward, as will be neceſſary both for the ſecurity and the honour of the nation."

In anſwer to this ſpeech the commons unanimouſly reſolved, that they would 'ſupport their majeſties and their government,' and grant a ſufficient ſupply for the vigorous proſecution of the war. But the firſt thing they did was to inquire into the miſcarriages of the fleet the laſt ſummer, and to take into their conſideration the preſervation of the trade of the nation. Some time having been ſpent in examining the inſtructions and orders given to the fleet; the number of ſhips for the line of battle, and of the convoys and cruiſers; the admirals, who commanded both, and the reſults of the ſeveral councils of war held by them; the commons reſolved, on the 17th of November, "that it was their opinion, that there had been a notorious and treacherous miſmanagement in the miſcarriage of the Smyrna fleet." Their next inquiry was, "Why the Streights fleet was ſtopped till the main fleet went out?" and then, Why the main fleet did not convoy ſir George Rooke's ſquadron, and the merchant-ſhips, out of danger of the French?" And it being alledged, that the main fleet was not ſufficiently victualled, the commons examined the ſtate of the victualling the fleet at its ſailing from Spithead, and thereupon reſolved, on the 27th of November, "That there was ſufficient beer on board the main fleet, when ſir George Rooke ſeparated, to have convoyed his ſquadron, and the merchant-ſhips out of danger of the Breſt fleet." Two days after the queſtion being put, "That it did appear to that houſe, that the admirals, that commanded the fleet the laſt ſummer, had, on the 11th of May laſt, information, that part of the Breſt fleet was going out to ſea," it paſſed in the negative. And on the 6th of December another queſtion being put, "That the admirals, by not ſending into Breſt, for intelligence, before they left the Streights ſquadron, were guilty of a high breach of the truſt, that was repoſed in them, to the great loſs and diſhonour of the nation," it was likewiſe carried in the negative by a hundred and eighty-five againſt a hundred and ſeventy-five.

The houſe of lords likewiſe took into conſideration this affair, and after hearing the admirals, and reading the letters and orders in relation to it, reſolved, on the 10th of January, "that the admirals, who commanded the fleet laſt ſummer, had done well in the execution of the orders they received;"

though ſome lords entered their proteſt [y]. There was likewiſe a conference between the two houſes on the ſame ſubject [z].

Before this inquiry in parliament, the admirals had been examined at the council-board; but nothing could be made to appear to the prejudice of their honour, only ſome flying reports, which gave occaſion to this order of council on the 25th of October: "Whereas a report has been raiſed and ſpread by Henry Killegrew, ſir Ralph Delaval, and ſir Cloudeſly Shovel, admirals of their majeſties fleet, that the right honourable the lord viſcount Falkland, one of the lords of their majeſties moſt honourable privy-council, did, upon reading a paper at the board, ſtifle ſomething, that was material to their juſtification, the lords of the council having conſidered of and examined into the matter, are ſatisfied, and do declare, that the ſaid report is falſe and ſcandalous; although, upon the ſaid examination it did alſo appear, that ſomething happened, which might miſlead the admirals into that error. And it is ordered in council, that this be printed and publiſhed in the gazette." [a]

A bill 'for the more frequent elections of parliaments' having, after the third reading, been rejected by the commons on the 28th of November, another bill to the ſame purpoſe was ſent down to them by the lords, which being read the third time, was likewiſe rejected.

The commons, having unanimouſly voted a ſupply for the vigorous proſecution of the war, agreed, on the 25th of November, "that the ſum of 500,000l. be raiſed towards the diſcharging the wages due to the ſeamen; and that a farther ſum of two millions be granted to their majeſties, in full, for the maintenance of the fleet, including the ordnance, by reaſon of the revenue now falling ſhort." As for the army, the commons, having examined the offenſive treaties and alliances, which the king was now under with the confederates, and the proportions of forces that the confederates were obliged to make for the carrying on this preſent war, unanimouſly reſolved, on the 20th of December, That the number of the land forces in their majeſties pay be increaſed, by the raiſing ſix new regiments of Engliſh horſe, four new regiments of Engliſh dragoons, and fifteen new regiments of Engliſh foot, to be commanded by officers, who were their majeſties natural born ſubjects: That eighty-three thouſand one hundred and twenty-one men, including commiſſion and non-commiſſion officers, were neceſſary for the ſervice of the year 1694, to be employed in England, and beyond the ſeas: And that the ſum of two millions, five hundred and thirty-five thouſand, five hundred and ninety pounds be granted for the maintenance of the land-forces [b]. They alſo gave 118,000l. to make good the annuity deficiency, and 293,692l. to make good the deficiency of the poll-bill. Thus the ſupplies, given for the ſervice of the year 1694, amounted to near five millions and a half, which were raiſed by a land-tax of four ſhillings in the pound, by two more lives in the annuities, by a further exciſe on beer, and a duty upon ſalt [c].

[y] It was as follows:

1. Whereas by an order of the admiralty, bearing date the 19th of May laſt, the admirals were to direct ſir George Rooke, that, after their parting with him, he ſhould ſteer ſuch a courſe for his paſſage to Cadiz, as ſhould be thought moſt ſafe by a council of war, with relation as well to the Breſt fleet, if gone out to ſea, as the Thoulon ſquadron; it does not appear to us, that there has been any council of war from the 22d of May to the 4th of June, which was the day the ſignals were given for their parting from the Streights fleet; which laſt council of war was not called till after the ſignals for parting were given, and occaſioned by the accident of the Turkey fleet's being becalmed.

2. That though it does appear by the reſult of the council of war the 4th of June, that they had no intelligence where the enemy was; yet notwithſtanding we do not find in that council, it was ſo much as propoſed, how to get intelligence where the Breſt fleet was, purſuant to the order of the admiralty of the 19th.

3 We conceive it to be the duty of an admiral or general to uſe his utmoſt endeavours to diſcover the motions of an enemy, without an order from his ſuperiors, and much more when he has one.

4. Their not ſending one or more good ſailors to find out if the French fleet were ſailed from Breſt, as alſo what courſe they ſteered, ſo as to give intelligence to our main fleet, at a ſtation appointed, before they parted with ſir George Rooke, was, as we conceive, the chief cauſe of the misfortune, that happened to the Turkey fleet.

5. It appears by the admiral's own letters to the Admiralty of the 14th of July and 18th of September laſt, that, at a council of war held on the 22d of May, they were of opinion, that that part of the Admiralty's orders of the 19th, which related to the courſe ſir George Rooke was to ſteer, was unreaſonable and impracticable; yet they did not ſend up to have it explained, though the fleet did not ſail till the 30th. This looks as if they rather deſigned an artificial excuſe for doing nothing, than the diſcharge of the truſt repoſed in them.

6. That ſir George Rooke's narrative, which might have given a farther light to the inquiry into the admirals conduct laſt ſummer, was not allowed to be read.

7. This vote ſeems to approve of the behaviour of the admirals in the laſt ſummer expedition, which differs as we conceive, from the opinion the the greateſt part of Europe has of it, and may be of ill conſequence, by giving our allies no very fair proſpect of better ſucceſs.

8. Becauſe by this vote is prevented any further inquiry into the laſt year's miſcarriage relating to the admirals, if any new matter ſhould ariſe from new evidence; and it may ſtop any proſecution of the king's in caſe he ſhould proceed further in this affair.

Bolton,
Berkeley of Berkeley,
Strafford,
Oxford,
Offulſtone,
Clifford,
J. Bridgewater,
Devonſhire,
Stamford.

Pr. H. L. I. 422.

[z] On the 16th of January a conference having been deſired by the lords, colonel Granville reported from the committee appointed to attend it, that the duke of Bolton managed for the lords, and acquainted them, that the lords having had laid before them by the earl of Nottingham an extract of a letter dated from Paris June 1ſt N. S. received May the 30th O. S. 1693, as follows:

"There are ſixty-eight ſhips, in which there are thirty thouſand one hundred and eighteen men, and four thouſand eight hundred and ſeventy-ſix guns.

"We have news ſince, that this fleet was ſailed, and was out of ſight."

And whereas upon an addreſs to the king, that ſuch lords, as are of the privy-council, may have permiſſion from his majeſty to acquaint the houſe; when the intelligence of the French fleet's ſailing from Breſt was communicated to the admirals of the fleet:

Thereupon ſeveral of thoſe lords informed the houſe, that the ſaid letter was laid before the committee of the council; and, that it was taken for granted, that the intelligence therein was ſent to the admirals of the fleet; but it not appearing clearly, whether it was ſo communicated or not, their lordſhips deſired of the houſe of commons to inquire, by the moſt proper methods, of the members of that houſe, who were of the privy-council, whether this intelligence, of the French fleet's being ſailed out of Breſt, was communicated to the ſaid admirals, and when it was ſo communicated. Accordingly an humble addreſs was voted, that his majeſty would be pleaſed to command, that a copy of the ſaid letter might be laid before the houſe; and likewiſe that his majeſty would permit ſuch members of the houſe, as were of his privy-council, to acquaint the houſe what intelligence was received of the French fleet's ſailing from Breſt, and whether, and when the ſaid intelligence was communicated to the ſaid admirals.

On the 10th of February, Mr. ſecretary Trenchard, according to order, preſented to the houſe of commons an account in writing of the ſaid letter and intelligence; viz. That he believed, the earl of Nottingham did, on May 31, bring to a committee of council a letter from Paris, dated June 1, N. S. and received May 30, O. S. an extract of which the lords had communicated to the houſe; but he did not remember, that this letter was publickly read at the committee: though ſeveral lords might read it ſingly; but that, it remained in the hands of the earl of Nottingham, there being no reſolution taken at the ſaid council, that the ſaid letter ſhould be communicated to the admirals of the fleet. That, to the beſt of his remembrance, a liſt of the French fleet, being part of the ſaid letter, was the ſame day ſent to him by the earl of Nottingham; a copy of which liſt he ſent to the admirals as appeared by comparing it with the papers delivered by them into the houſe. That the ſame day there came a letter from Scilly, dated May 7th, with advice, that the French fleet was ſeen off that iſland; which letter being publickly read at the committee, a copy thereof, together with the above-mentioned liſt, was immediately by two expreſſes ſent to the admirals of the fleet, and were received by them. It was reſolved therefore by the houſe of commons, that the ſame be communicated to the lords at a conference; which was done accordingly. But it does not appear that it was attended with any extraordinary conſequences.

[a] Biſhop Burnet ſays, the inquiry into the conduct at ſea, particularly, with relation to the Smyrna fleet, took up much time, and held long: Great exceptions were taken to the many delays, by which it ſeemed a train was laid, that they ſhould not get out of our ports, till the French were ready to lie in their way, and intercept them; our want of intelligence was much complained of: The inſtructions that the admirals, who commanded the fleet, had received from the cabinet council, were thought ill given, and yet worſe executed; their orders ſeemed weakly drawn, ambiguous, and defective: Nor had they ſhewed any zeal in doing more, than ſtrictly to obey ſuch orders: They had very cautiouſly kept within them, and had been very careful never to exceed them in a tittle: They had uſed no diligence to get certain information concerning the French fleet, whether it was ſtill in Breſt, or had ſailed out: but, in that important matter, they had truſted general and uncertain reports too eaſily: Nor had they ſailed with Rooke, till he was paſt danger. To all this their anſwer was, that they had obſerved their orders; they had reaſon to think the French were ſtill in Breſt; that therefore it was not ſafe to ſail too far from the coaſt of England, when they had (as they underſtood) ground to believe, that they had left behind them a great naval force, which might make an impreſſion on our coaſt, when they were at too great a diſtance from it; the getting certain intelligence from Breſt, was repreſented as impracticable. They had many ſpecious things to ſay in their own defence, and many friends to ſupport them; for it was now the buſineſs of one party to accuſe, and of another to juſtify that conduct. In concluſion, there was not ground ſufficient to condemn the admirals; as they had followed their inſtructions: So a vote paſſed in their favour. II. 125.

[b] Namely, 210,773l. for the office of ordnance, 31,808l. for the pay of the general officers; 11,060l. for levy-money; 40,808l. for the tranſports; 147,000l. for hoſpitals and contingencies; and 1,990,781l. for the pay of the horſe, dragoons, and foot.

[c] For every gallon of foreign ſalt imported, above the former duties 3d. and of Engliſh ſalt 1d. The rates upon beer, ale, and other liquors, were one moiety more than had been granted by the laſt additional duties before. This duty upon liquors was now given for ſixteen years; that upon ſalt for three years. The advances of theſe duties were to be repaid in the ſixteen years by way of annuities for that time. A poll-tax was alſo paſſed; and an act for granting ſeveral rates and duties upon tonnage and poundage of ſhips and veſſels, and upon beer, ale, and other liquors. This exciſe to

The bill for rendering all members of the houſe of commons incapable of places of truſt and profit, which had been brought in the laſt ſeſſion, under the title of a bill 'touching free and impartial proceedings in parliament,' and after paſſing the commons had been rejected by the lords, was now again ſet on foot, and went through the lords as well as the commons; ſo that when the king came to the houſe of peers to paſs the land-tax, it lay ready for the royal aſſent, but the king thought fit to refuſe it. Upon this, the commons, the next day entering into a grand committee on the ſtate of the nation, agreed to the following reſolution, "That whoever adviſed the king not to give the royal aſſent to the act, which was to redreſs a grievance, and take off a ſcandal upon the proceedings of the commons in parliament, is an enemy to their majeſties and the kingdom; and that a repreſentation be made to the king to lay before him, how few inſtances have been in former reigns of denying the royal aſſent to bills for redreſs of grievances; and the grief of the commons for his not having given the royal aſſent to ſeveral public bills, and in particular to this bill which tends ſo much to the clearing the reputation of this houſe, after their having ſo freely voted to ſupply the public occaſions." And a committee being appointed to draw up the repreſentation, it was the day following reported to the houſe, when the two firſt paragraphs being exactly conformable to the vote, were agreed to, but the third rejected, which was as follows:

"We beg, ſir, you will be pleaſed to conſider us as anſwerable to thoſe we repreſent; and it is from your goodneſs we muſt expect arguments to ſoften to them, in ſome meaſure, the neceſſary hardſhips they are forced to undergo in this preſent conjuncture; and therefore humbly beſeech your majeſty, for the removing all jealouſies from your people, (without which the parliament will be unable to ſerve your majeſty, or to ſupport the government) to be pleaſed to follow the courſe of the beſt of your predeceſſors, and direct ſome expedient, whereby your majeſty, your parliament, and people, may reap the fruit deſigned by that bill, to which your majeſty, by ill advice, was pleaſed ſo lately to deny the royal aſſent."

Inſtead of which the following paragraph was agreed to:

"Upon theſe conſiderations we humble beſeech your majeſty to believe, that none can have ſo great a concern and intereſt in the proſperity and happineſs of your majeſty and your government, as your two houſes of parliament; and do therefore humbly pray, that, for the future, you would be graciouſly pleaſed to hearken to the advice of your parliament, and not to the ſecret advices of particular perſons, who may have private intereſts of their own, ſeparate from the true intereſt of your majeſty and your people."

To this addreſs, preſented by the whole houſe, the king was pleaſed to reply:

"Gentlemen, I am very ſenſible of the good offices you have expreſſed to me upon many occaſions, and the zeal you have ſhewn for our common intereſt; I ſhall make uſe of this opportunity to tell you, that no prince ever had a higher eſteem for the conſtitution of the Engliſh government than myſelf, and that I ſhall ever have a great regard for the advice of parliament.

"I am perſuaded, that nothing can ſo much conduce to the happineſs and welfare of this kingdom, as an entire confidence between the king and people, which I ſhall by all means endeavour to preſerve. And, I aſſure you, I ſhall look upon ſuch perſons, as my enemies, who ſhall adviſe any thing, that may leſſen it."

However kind this anſwer appeared, yet, as it was not thought to be direct, the commons proceeded to take it into conſideration, and the queſtion was put, 'That application be made to his majeſty for a farther anſwer,' but it paſſed in the negative by two hundred and twenty-nine againſt twenty-eight.

The Eaſt-India company having, on the 11th of November, 1693, obtained a new charter, whereby they were empowered to raiſe the ſum of ſeven hundred forty-four thouſand pounds, to be added to their general joint-ſtock, the ſubſcription of each perſon not exceeding ten thouſand pounds; ſeveral merchants and others, on the 7th of December, petitioned the commons for erecting a new Eaſt-India company. Upon which the houſe examined the charters of the old company, the books of the new ſubſcriptions, the ſtate of their preſent ſtock, and the petition abovementioned, and after mature deliberation reſolved, on the 19th of January, "That all the ſubjects of England have equal right to trade to the Eaſt-Indies, unleſs prohibited by act of parliament." And this gave occaſion to the creating of a new Eaſt-India company, more to the diviſion of the merchants, than to the benefit of trade.

On the 16th of December the earl of Bellamont having preſented to the commons articles of impeachment againſt Thomas lord Coningſby and ſir Charles Porter, two of the late lords juſtices of Ireland, but the commons after ſeveral debates agreed, "That, conſidering the ſtate of affairs in Ireland at that time, the houſe did not think fit to ground an impeachment againſt the lord Coningſby and ſir Charles Porter for the matters charged upon them," Accordingly, the lord Coningſby and ſir Charles Porter were reſtored to their places in the houſe.

The humour of the nation running at this time upon lotteries, ſome members of the houſe of commons contrived to raiſe that way a million for the government. This deſign having been propoſed to and approved by the houſe, it was reſolved, 1. "That a fund of 140,000l. per annum be raiſed and veſted in their majeſties for the term of ſixteen years, for recompenſing ſuch perſons, as ſhould advance the ſum of one million. 2. That the impoſitions, lately reſolved by the houſe to be laid upon ſalt, be part of the ſaid fund. 3. That, towards the further anſwering of the ſaid 140,000l. per annum, one moiety of the duties of exciſe, granted to their majeſties, by an act made in the ſecond year of their reign, be granted and continued to their majeſties after the monies charged upon the ſaid duties ſhould be ſatisfied. And, 4. That a bill be brought in upon the ſaid reſolutions." Which was accordingly done, and the bill received the royal aſſent.

While the commons were debating of the ſupplies, the commiſſioners, whom they had appointed 'for taking the public accounts,' having laid before the houſe an account of what money had been paid for ſecret ſervice, and to members of parliament, out of the public revenue, it was reſolved, "That the lord viſcount Falkland, a member of that houſe, by begging and receiving two thouſand pounds from his majeſty, contrary to the ordinary method of iſſuing and beſtowing the king's money, was guilty of a high miſdemeanor and breach of truſt; and that he be committed to the Tower of London, during the pleaſure of the houſe." He was two days after diſcharged upon petition.

The king, being impatient for the diſpatch of what buſineſs lay before the parliament, came to the houſe of peers on the 8th of February, and, paſſing ſome bills, made a ſhort ſpeech to both houſes, earneſtly recommending to them the finiſhing of thoſe affairs which they had under their deliberation, and particularly the diſcharging of the debt for tranſport-ſhips, which were uſed in the reduction of Ireland. All the money-bills being paſſed, and the king deſirous of beginning an early campaign, he came again to the houſe of peers on the 25th of April, and cloſed the ſeſſion with this ſpeech:

My lords and gentlemen,

"THE proof you have given of your affection to me, and the zeal you have expreſſed for the government, oblige me to return you thanks before I put an end to this ſeſſion; and, in particular, to thank you gentlemen of the houſe of commons, for the large ſupplies you have provided to carry on the war.

"I will endeavour to do my part; and it is from the bleſſing of God, that we muſt all expect ſuch ſucceſs as may anſwer our deſires.

My lords and gentlemen,

"The poſture of affairs making it neceſſary for me to be abſent for ſome time out of this kingdom, I recommend it to

to be one moiety of the additional exciſe before granted, and expiring in the year 1697. There was alſo an act for duties upon vellum, parchment, and paper for four years. The ſeveral ſtamps were, 40s. 5s. 2s. and 6d. 1s. 6d. and 1d. every ſheet or ſkin uſed, to be ſo ſtamped, and to pay. Another act was for licenſing and regulating hackney and ſtage coaches. By it ſeven hundred hackney coaches to be licenſed, and 50l. to be paid for a licence to be good twenty-one years, beſides 4l. a year each coach; ſtage-coaches to be licenſed but for one year, and to pay 8l. for a licence.

Beſides

you, that in your ſeveral ſtations you be careful to preſerve the public peace."

Then the lord-keeper, by his majeſty's command, prorogued the parliament to the 18th of September following.

The moſt material acts paſſed this ſeſſion were:

1. An act for repealing a clauſe in the ſtatute of 34 and 35 of Henry VIII, by which juſtices of the peace in Wales were limited to eight in each county. By this act as many juſtices may be appointed as the king pleaſes.

2. An act to prevent diſputes and controverſies concerning royal mines. By this act, all proprietors of copper, tin, iron, or lead mines, ſhall hold the ſame, notwithſtanding ſuch mines ſhall be claimed to be royal mines. Only the ore of ſuch mines (except tin-ore in Cornwal and Devonſhire) may be demanded by the king, and all claiming royal mines under him, at the following rates: copper-ore waſhed, 16l. the tun. Tin-ore waſhed, 40s. the tun. Iron-ore the ſame. Lead-ore waſhed, 9l. the tun. In default of payment, the proprietors may diſpoſe of the ore.

3. An act for the relief of the orphans and other creditors of the city of London. The city, it ſeems, by reaſon of ſundry accidents and public calamities, being now become indebted to the orphans and other creditors for principal money and intereſt thereof, in a much greater ſum than they were able to pay, the parliament, on the petition of the lord-mayor, &c. enabled them, by this act, to ſettle a fund for raiſing money, to pay the yearly intereſt at four per cent. for the whole debt. The fund conſiſts of ſeveral branches, particularly, a rent charge of 8000l. a year, upon all the revenues of the city: 2000l. a year upon perſonal eſtates, within the city: 600l. a year, out of the profits of the convex-lights; 4d. a chaldron upon coals: 4s. a tun upon wines, &c.[d] This bill had miſcarried in ſeveral ſeſſions, but now found a very quick paſſage, through the commons, the reaſon of which will but too plainly appear in the next ſeſſion of the parliament.

During the ſeſſion, the town was entertained with the trial of a cauſe in Weſtminſter-Hall. The duke of Norfolk, bearing with impatience the ſuſpected commerce, which Mr. Jermaine had maintained with his ducheſs, had the laſt winter lodged a bill of divorce in the houſe of peers; but their lordſhips, being unwilling to proceed in that affair before there were ſome proofs of the facts made in the courſe of the common law, his grace thereupon brought an action of adultery againſt Mr. Jermaine before the court of King's-Bench. The cauſe was tried on the 24th of November, and, upon a full hearing of many obſcene evidences, the jury found for the plaintiff, and allowed his grace one hundred marks damages, with coſts of court; where the ſlightneſs of the ſatisfaction was almoſt as great a reproach as the crime itſelf.

Towards the middle of November, captain Bembow bombarded St. Malo four days ſucceſſively, though without any great ſucceſs, having only deſtroyed ſome few houſes, and thrown down part of the town-wall. But in the end of February arrived the melancholy news, that a fleet of merchant-ſhips under a convoy of men of war, commanded by ſir Francis Wheeler (who had been ſent the laſt year on a fruitleſs expedition to the Weſt-Indies) having ſailed on the 17th of that month from Gibraltar, up the Streights, met the next day with a moſt violent ſtorm, which continued all that day, and the following night, ſo that on the 19th, about five in the morning, ſir Francis's own ſhip, the Suſſex, was foundered, and himſelf, with all his men, except two Moors, drowned; the Cambridge and Lumley-Caſtle men of war, the Serpent bomb-ſketch, and the Mary ketch, together with the Italian Merchant, the Aleppo Factor, the Great George, and the Berkſhire bound for Turkey, the William for Venice, and the Golden Merchant for Leghorn, all Engliſh, were driven aſhore on the eaſt-ſide of Gibraltar, and moſt of the men loſt. The ſame fate attended three Dutch ſhips richly laden; but rear-admiral Nevill, with two Dutch men of war, had the good fortune to be blown out of the Streights, and put ſafe into Cadiz; as did the reſt of the fleet on the 19th into Gibraltar. This loſs, how great ſoever, was ſoon after repaired, the king having cauſed the men of war on the ſtocks to be finiſhed with extraordinary diligence.

On Sunday, December the 31ſt, prince Lewis of Baden arrived at Graveſend, and on Tueſday he came up the river in the king's barge, and was conducted to the apartment prepared for him at Whitehall. His highneſs continued in England till the 14th of February, during which time he concerted meaſures with the king, and was treated with very ſingular reſpects, and at a great expence, not only by the king, but alſo by ſeveral peers, particularly the duke of Ormond.

On the 22d of November 1693, the king granted to the earl of Abingdon the office of chief juſtice in Eyre on this ſide of Trent, vacant by the death of the lord Lovelace; and appointed the lord viſcount Sidney, maſter of the ordnance, to be colonel of the firſt regiment of foot-guards, in the place of the late duke Schomberg, in whoſe room the duke of St. Albans was ſworn captain of the band of penſioners; and, about the middle of January, the lord Charles Butler, brother to the duke of Ormond, was created lord Butler, baron of Weſton in the county of Huntingdon, and earl of Arran in Ireland. Peregrine Bertie was ſworn vice-chamberlain to his majeſty, upon the reſignation of ſir John Lowther; Ruvigny, who had been ſo inſtrumental in the reduction of Ireland, and for his ſervices created earl of Galway, was at this time, appointed to command the king's forces in Piedmont in quality of lieutenant-general, and to be envoy extraordinary to the duke of Savoy. When old Ruvigny his father died, he offered his ſervice to the king, who unwillingly accepted of it; becauſe he knew that an eſtate, which his father had in France, and of which he ſtill had the income, would be immediately confiſcated: But he had no regard to that, and heartily engaged in the king's ſervice, and was afterwards employed in many eminent poſts, in all which he acquitted himſelf with great reputation, and was alſo deemed a man of eminent virtues, great piety and zeal for religion.

When the king returned to England from the laſt campaign, he plainly ſaw the neceſſity of changing both his meaſures and miniſtry. He expreſſed his diſlike of the whole conduct at ſea, and named Ruſſel for the command of the fleet the next year. He diſmiſſed the earl of Nottingham, and would immediately have brought the earl of Shrewſbury into the miniſtry. But, when that lord came to him, he thought the king's inclinations were ſtill the ſame, that they had been for ſome years, and that the turn, which he was now making, was not from choice, but from force; for which reaſon his lordſhip went into the country. However, the king ſoon after ſent for him, and gave him ſuch aſſurances, that he was again made ſecretary of ſtate, to the general ſatisfaction of the whigs. But the perſon, who had the king's confidence to the higheſt degree, was the earl of Sunderland, who, by his long experience and his knowledge of men and things, had gained an aſcendant over him, and had more credit with him, than any Engliſhman ever had. He had brought the king to this change of counſels, by the proſpect he gave him of the ill condition his affairs would be in, if he did not entirely both truſt and ſatisfy thoſe who, in the preſent conjuncture, were the only party, that both could and would ſupport him. It was ſaid, that, the true ſecret of this change of meaſures was, that the tories ſignified to the king plainly, that they could carry on the war no longer; and that therefore he muſt accept of ſuch a peace, as could be had. This was the moſt pernicious thing, that could be thought on, and the moſt contrary to the king's notions and deſigns; but, they being poſitive, he was forced to change hands, and to turn to the other party. So the whigs were now in favour again, and every thing was done, that was like to put them in good humour. The commiſſion of the lieutenancy for the city of London, on which they had ſet their hearts, much more perhaps than it deſerved, was ſo altered, that the whigs were the ſuperior number; and all other commiſſions over England were much changed. They were alſo brought into many places of truſt and profit; ſo that the king put his affairs chiefly into their hands, yet ſo, that no tory who had expreſſed zeal or affection for the government, was turned out.

The ſame day the parliament was prorogued, the king beſtowed the title of duke on the earl of Shrewſbury; and created the earl of Mulgrave, marquis of Normandy, with the grant of a penſion of three thouſand a year. He was alſo with the lord Durſley ſworn, on the 3d of May, of the privy-council. About the ſame time Henry Herbit was

[d] Beſides theſe bills, ſeveral others were left unfiniſhed, viz. A bill "to regulate trials in caſes of high-treaſon," which the commons had ſent to the lords for their concurrence; a bill 'for the naturalizing of all ſuch proteſtants, as ſhould take the oaths to their majeſties, and the Teſt againſt popery;' a bill 'concerning the forfeitures both in England and Ireland;' a bill 'for regiſtering of wills, &c.' another 'againſt ſtock-jobbers;' and another 'for the encouragement of privateers.'

Biſhop

made baron Herbert of Cherbury, in the county of Salop; Edward Ruſſel, ſir George Rooke, and ſir John Houblon, were appointed three of the commiſſioners of the admiralty. On the 30th of April, the marquis of Caermarthen was created duke of Leeds; William earl of Bedford marquis of Taviſtock, and duke of Bedford; William earl of Devonſhire marquis of Hartington, and duke of Devonſhire; John earl of Clare marquis of Clare, and duke of Newcaſtle; Francis lord Newport, treaſurer of their majeſties houſhold, earl of Bradford in the county of Salop; and lord viſcount Sydney, lord warden of the Cinque Ports, earl of Romney in the county of Kent. On the 2d of May, Sidney lord Godolphin, ſir Stephen Fox, Charles Montague, ſir William Trumball, and John Smith, were appointed commiſſioners of the treaſury.

Mr. Montague, a branch of the earl of Manchеſter's family, had begun, though a young man, to make a great figure in the houſe of commons. He was not only made commiſſioner of the treaſury, but ſoon after chancellor and under-treaſurer of the exchequer. He had great vivacity and clearneſs, both of thought and expreſſion: His ſpirit was at firſt turned to wit and poetry, which he continued ſtill to encourage in others, when he applied himſelf to more important buſineſs. He came to have great notions, with relation to all the concerns of the treaſury, and of the public funds, and brought thoſe matters into new and better methods: He ſhewed the error of giving money upon remote funds, at a vaſt diſcount, and with great premiums to raiſe loans upon them; which occaſioned a great outcry, at the ſums that were given, at the ſame time that they were much ſhrunk, before they produced the money, that was expected from them. So he preſſed the king to inſiſt on this as a maxim, to have all the money for the ſervice of a year, to be raiſed within that year.

Affairs being thus ſettled at home, on Thurſday in the evening, May the 3d, the king and queen went down to Graveſend, where his majeſty embarked about five the next morning, the wind being then fair; but changing ſoon after, the king came on ſhore again at Graveſend about ten; and, for better expedition, went the ſame day with the queen to Canterbury; and on the 6th of May went early thence to Margate, where he embarked on the Fubbs yatch, and ſet ſail about eleven with a fair wind for Holland, being attended by eight Dutch men of war, which came from the Downs. He landed the next day at the Hoek of Holland, over-againſt the Brille, at ſix in the evening, and came about midnight to the Hague, and next morning went firſt into the aſſembly of the States of Holland, and afterwards that of the States-General, and made a ſhort ſpeech in each of them, and received their compliments on his ſafe arrival; and after a few days went to Loo to take the diverſions of that place, till matters were ripe for his going to the army.

About this time a draught of a commiſſion for taking ſubſcriptions for the bank of England, together with a ſchedule containing the draught of a charter for the corporation of the bank, were firſt approved and ſigned by her majeſty on the 8th of June; and the charter, which was to paſs under the great ſeal of England, after the firſt day of Auguſt, if the ſum of 1,200,000l. or one moiety, or more thereof, ſhould be ſubſcribed by that time, or ſooner, if the whole 1,200,000l. ſhould be ſooner ſubſcribed, was accordingly granted towards the middle of July, the commiſſioners having taken ſubſcriptions amounting to that ſum by the 5th of that month. The conſtituting of the bank occaſioned great debates. Some thought a bank would grow to be a monopoly. All the money of England would come into their hands, and they would in a few years become the maſters of the ſtock and wealth of the nation. Others argued for it: That the credit it would have, muſt increaſe trade and the circulation of money, at leaſt in bank-notes. It was viſible that all the enemies of the government ſet themſelves againſt it, with ſuch a vehemence of zeal, that this alone convinced all people, that they ſaw the ſtrength that our affairs would receive from it.

The Dutch often reckon up the great advantages they had from their banks; and they concluded that, as long as England continued jealous of the government, a bank could never be ſettled among us, nor gain credit enough to ſupport itſelf: And upon that they judged that the ſuperiority in trade muſt ſtill lie on their ſide. This, with all the other remote funds that were created, had another good effect: It engaged all thoſe who were concerned in them, to be, upon the account of their own intereſt, zealous for maintaining the government, ſince it was not to be doubted, but that a revolution would have ſwept all theſe away. The advantages that the king, and all concerned in tallies, had from the bank, were ſoon ſo ſenſibly felt, that all people ſaw into the ſecret reaſons, that made the enemies of the conſtitution ſet themſelves with ſo much earneſtneſs againſt it.

The confederate fleet was out early this year; but yet they were neither able to block up that of France in Breſt, nor to fight them at ſea; than which the Engliſh deſired nothing more. The French, on the contrary, induſtriouſly avoided an engagement, and were no ſooner out of the harbour, but they made all the ſail they could towards the Mediterranean, having formed great deſigns againſt Spain, both by ſea and land, this campaign. In order to break their meaſures, and prevent the entire loſs of Catalonia, the king thought fit to ſend his fleet into thoſe ſeas; but before admiral Ruſſel left the coaſt of France, being informed that there was a fleet of French merchant-men in Bertram bay, bound to the eaſtward, he detached captain Pickard and the Roebuck fire-ſhip, either to take or deſtroy them. Theſe orders captain Pickard executed with ſo good ſucceſs, that, of fifty-five ſail, he burnt or ſunk thirty-five, and drove the man of war, that was their convoy, among the rocks, where ſhe ſoon after blew up, with her two ſloops of between ten and fifteen guns.

The ſame good fortune did not attend the deſign, which the Engliſh and Dutch had been long concerting, to deſtroy the harbour of Breſt; the execution of which deſperate attempt was committed to lieutenant-general Talmaſh. On the 5th of June the lord Berkeley, admiral of the blue ſquadron, parted from admiral Ruſſel with twenty-nine men of war of the line of battle, Engliſh and Dutch, beſides ſmall frigates, fire-ſhips, bomb-ketches, and tranſport ſhips; the 7th he came to an anchor between Bertram bay and Camaret (a ſmall neck of land in the mouth of the river of Breſt) notwithſtanding the enemies bombs from Camaret weſtern point, from a caſtle on a high rock in Bertram bay, and from two forts on each ſide of the iſthmus, going into Breſt road.

The ſame day the lord Cutts, and the marquis of Caermarthen, in his own galley, ſtood in a conſiderable way into the bay, and, having taken a view of it amidſt the enemies fire, they returned, and gave the lord Berkeley an account of the poſture of the bay, and the ſituation of the caſtle, which they found very advantageous to defend the landing places.[e] Upon this, it was thought adviſeable that the Monk, a ſhip of ſixty guns, and the Diameten, a Dutch ſhip of equal force, ſhould go in; but the marquis of Caermarthen not believing, that thoſe two men of war would be ſufficient to cover the boats at their landing, nor to aſſiſt their land-forces by playing upon the enemy, who were better prepared and more numerous than was expected, and ready to be ſeconded on all occaſions, by fourteen ſquadrons of horſe. Therefore on the 8th, after a conſultation of the Engliſh and Dutch flags, and the general officers of the land-forces, it was reſolved, that ſix other men of war ſhould be added to the two former,[f] which the marquis undertook to paſs ſo near, as to bear upon the caſtle to the beſt advantage, and to perform thoſe other ſervices, for which they were deſigned.

This was a work of great difficulty and danger; for, no ſooner was the Monk come within reach of the enemies mortars, but they began to play at her from the point des Filettes, and the weſtern point of Camaret. As ſoon as the reſt of the ſhips were got into the bay, they were ſurprized with three batteries more, which they never perceived till they

[e] Biſhop Burnet ſays, that when our fleet came ſo near, as to ſee what preparations were made for the defence of the place, the council of officers were all againſt making the attempt; but that general Talmaſh had ſet his heart ſo much upon it, that he could not be diverted from it. He fancied, that the men they ſaw were only a rabble brought together to make a ſhew, though it appeared very evidently, that there were regular bodies among them, and that their numbers were double to his. Burnet, II. 130.

The famous engineer Vauban, whom the king of France had employed to put Breſt and the places in the harbour, which were likely to be attacked, in a poſture of defence, wrote to that king, before the Engliſh fleet arrived, 'That his majeſty needed to be under no apprehenſions; that he had made all the ſubterraneous paſſages under the caſtle bomb-proof: that he had placed ninety mortars, and three hundred pieces of cannon, in proper places: that all the ſhips were out of the reach of the enemy's bombs, and all the troops in good order: that there were three hundred bombardeers in the place, three hundred gentlemen, four thouſand men, regular troops, and a regiment of dragoons juſt arrived.'

[f] Namely, the Greenwich of fifty-four, the Charles galley of thirty-two, the Shoreham of thirty-two, the Darkenſteyn of forty-four, the Weſep of thirty, and the Wolf of thirty guns.

He

felt their ſhot. But notwithſtanding all theſe difficulties, the marquis poſted the ſhips in ſuch a manner, as gave great aſſiſtance to the land-forces, and did the enemy conſiderable miſchief. For theſe ſhips, as ſoon as they had dropped their anchors in the bay, fired continually upon the French, and forced them to run twice out of Camaret fort.

On the other hand, Talmaſh, with a ſmall number of well-boats, and about nine hundred men, went aſhore in a confuſed manner, under a little rock, on the ſouth ſide of a ſmall bay. Whereupon a detachment of the French marines charged the Engliſh ſo vigorouſly, that they were forced to retire to their boats in great diſorder. It happening, at the ſame time, to be the tide of ebb, moſt of thoſe boats ſtuck faſt, ſo that the men were either miſerably ſlaughtered, or obliged to beg for quarter. The reſt of the boats retreated under the protection of the men of war, which, with incredible labour and hazard, the marquis of Caermarthen brought off, except the Weſep, a ſmall Dutch man of war. Of the land-forces about four hundred were taken priſoners, and as many killed or deſperately wounded. And, as for the loſs ſuſtained at ſea, four hundred men were loſt in the three Engliſh and four Dutch ſhips under the marquis's command. This expedition, which coſt the brave Talmaſh his life,[g] could not but prove unſucceſsful, the French having had time to provide themſelves againſt it, the deſign having been the town talk in London ſome months before it was put in execution.[h]

To revenge this affront, lord Berkeley ſailed towards Dieppe, and on the 12th of July threw one thouſand one hundred bombs and carcaſſes into the town, which ſet it on fire in ſeveral places. The townſmen, deſpairing to quench the flames, began to run away in great conſternation; whereupon two regiments of the militia of Bretagne were ſent to encourage them, but the diſorder was ſo great, and the fire ſo dreadful, that the ſoldiers themſelves fled with the reſt.. If the Engliſh had known what had paſſed, they might in all probability have poſſeſſed themſelves of the place. However, they ſo ruined it, that the greateſt part of the houſes were reduced to aſhes, and ſcarce any left unſhattered.

From Dieppe the fleet, alarming all the coaſt of France, ſailed towards Havre de Grace; and on the 16th of July began to bombard the town, under the direction of captain Bembow, which they continued to do till the next morning, when, the wind blowing hard, they gave over. The 18th towards the evening, the weather being calm, the following night was ſpent in throwing in two hundred and fifty bombs more into the town; but, the wind growing high, the bomb-ketches ſtood off again; and on the 24th the lord Berkeley ſailed from Havre de Grace, leaving it conſiderably damaged. Dunkirk was the place of the greateſt importance, for which reaſon that attempt was purſued in ſeveral ways, but none of them ſucceeded. Theſe bombardings of the French towns ſoon ſpread a terror among all, that lived near the coaſt; batteries were every where raiſed, and the people were brought out to defend their country; but they could do the Engliſh no hurt, while their bombs at a mile's diſtance did great execution. The action ſeemed inhuman; but the French, who had bombarded Genoa, without a previous declaration of war, and who had ſo often put whole countries under military execution, even after they had paid the contributions, which had been laid on them (for which they had protection given them) had no reaſon to complain of this way of carrying on the war, which they themſelves had firſt begun.

The death of the biſhop and prince of Liege, towards the beginning of this year, gave the French a fair proſpect of embroiling the affairs of the confederates on that ſide. For as the death of the elector of Cologne in 1688 had divided the empire of France on account of the two candidates, prince Clement of Bavaria on the one ſide, and cardinal Furſtemberg on the other, and kindled the war, which ſoon after ſpread itſelf over the face of almoſt all Europe; ſo, if the French could have got the cardinal of Bouillon to have been advanced to the principality of Liege, they had great hopes, at leaſt to humble the allies ſo far, as to make them accept the conditions of peace, which the French king had already offered them. But, notwithſtanding the private endeavours of the French faction, and the cardinal of Bouillon's open proteſtations, the major part of the chapter of Liege made choice of the elector of Cologne, and the reſt of the grand maſters of the Teutonic order, to be their prince and biſhop; both which ſent to the emperor and court of Rome to have their reſpective election confirmed. This double return was like to be attended with fatal conſequences; for as the grand maſter of the Teutonic order was no leſs than brother-in-law to the emperor, who in all probability would have eſpouſed his cauſe; ſo his competitor was brother to the elector of Bavaria, whoſe intereſt was ſupported by that of his Britannic majeſty and of the ſtates of Holland. Whilſt both parties impatiently waited the deciſion of the ſee of Rome, the conteſt was determined by the death of the grand maſter, who was carried off by a contagious diſtemper, then reigning in the city of Liege; ſo that the elector of Cologne, in ſome time after, obtained the peaceful poſſeſſion of that biſhopric and principality; which, together with the great power of the allies in Flanders this campaign, made things look with an ill aſpect on the affairs of France.

The confederate army, under the king's command, was encamped at Mont St. André, conſiſting of thirty-one thouſand horſe and dragoons, and fifty-one thouſand foot, all as good troops as ever had been in the field; beſides a body of about ſeven thouſand men, under count Thiant near Ghent. The French were not much inferior in number; but the Dauphin who commanded in perſon, declared, that he had received orders from his father not to ſtir from his camp near Hay, as long as the confederates continued in their's at St. André. However, not being able to ſubſiſt there any longer, he reſolved at laſt to decamp, and though he thought to have concealed his deſign, by ſending out ſeveral detachments of horſe, under pretence of foraging, to reinforce the marquis of Harcourt's body (on the other ſide of the Maeſe) who was to ſeize the advantageous poſt of Pieton: yet the king, who was apprehenſive of it, decamped before him and ſoon gained the poſt of Pieton, where there was not forage for above four days; and being informed of the enemy's march, he moved towards Nivelle, thence to Leſſines; having before ſent orders for baking bread at Ghent and Aeth.

When the army came to Chieire, the elector of Bavaria was detached with a conſiderable body of horſe and foot, and ſome pieces of cannon, to poſſeſs himſelf of a poſt upon the Scheld; and the army followed with an intention to have paſſed the river at Pont Eſperies. But, though the confederates made great expedition to get thither, yet the French made more to prevent them; for, the elector having advanced towards Pont d'Eſcahuſſe, in order to force the paſſage of the river, he found the French, to the number of thirty thouſand, ſo well entrenched on the other ſide, that he did

[g] He was ſhot in the thigh, of which wound he died a few days after, and was much lamented, for he was a brave and generous man, and a good officer, and very fit to animate and encourage inferior officers and ſoldiers. 'But he was much too apt to be diſcontented, and to turn mutinous; ſo that, upon the whole, he was one of thoſe dangerous men that are capable of doing as much miſchief as good ſervice.' A little before his death, he is reported to have ſaid, that as he loſt his life in the performance of his duty to ſo good a prince, he was perfectly eaſy as to that point; but that it was a great trouble to him, that the government had been ſo baſely betrayed. It is ſaid, he knew who were the traitors, and named to a perſon, who ſtood at his bedſide, that he might diſcover them to queen Mary, in the king's abſence, that ſhe might be on her guard againſt thoſe pernicious counſellors, who had retarded the deſcent and given the French time to be prepared for it.—— Oldm. p. 92.

[h] Father Daniel ſays, that the lord Berkeley, came into the bay of Camaret with a ſquadron of ſix and fifty men of war, bombs and other veſſels. General Talmaſh made a deſcent at the head of a battalion of grenadiers, and between eight and nine hundred men, which were landed by a great number of ſhallops. A brisk fire enſued, as well from the Engliſh on one ſide, as from the French batteries and intrenchments on land, on the other. The ſieur de Beroiſe, captain of a French company of marines, obſerving that there was ſome confuſion among the Engliſh troops, ſallied out ſword in hand, at the head of ſixty men, being immediately followed by another company. He defeated the enemy, killed a great number of their men, and purſued them to their ſhallops; into which they threw themſelves in ſuch numbers, that they could by no means get them off.

Upon this the count de Servon, marſhal de Camp, the ſieurs de Vaiſe, brigadier of foot, and du Pleſſis, brigadier of horſe, marched a ſquadron of the regiment of du Pleſſis up to the ſhore, which ſoon obliged the Engliſh in the boats which were ſtranded, to demand quarter. The others, which had not yet made their defence, retreated under favour of the cannon of their ſhips. A Dutch veſſel, which ventured too near the ſhore, ran a-ground, and was obliged to ſurrender. The Engliſh loſt four hundred men in the deſcent, among whom was their general Talmaſh, and forty officers, with five ſoldiers, made priſoners. Many more were drowned; and, a bomb happening to fall into a bomb-veſſel full of ſoldiers, it blew up with all that were in it. This enterpriſe coſt the Engliſh and Dutch two thouſand men. They burnt one of their veſſels in the night, and another of ſixty pieces of cannon was run a-ground. The French, on the contrary, had no more than five and forty ſlain. Monſieur Vauban, who commanded at Breſt, had taken all his precautions with an admirable ſkill, as well with regard to the batteries as the entrenchments, in which was placed a battalion of marines, with ſome other ſoldiers, under the command of the marquis de Langeron.

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LIEUTENANT GENERAL TALMASH.

G. Kneller Pinx.t

Goldar sculp.t

In the Collection of the R.t Hon.ble the Earl of Dysert

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not think it prudent to purſue his enterpriſe. By this haſty march the French cavalry ſuffered much; but that loſs was inconſiderable in compariſon of the advantage, which they gained by hindering the allies from penetrating into French Flanders, where, conſidering their ſtrengtn, they would, in all probability, have made ſome important conqueſt, or at leaſt, ſecured winter quarters.

The king of France was ſo ſenſible of it, that he wrote a letter, which he ordered to be read at the head of the army, wherein he returned thanks, in the firſt place, to the princes of the blood; next to the marſhal Luxemburg, as having a principal ſhare in the conduct; then to the reſt of the marſhals of France, and all the general officers; and laſtly, to all the French and Swiſs infantry, regiment by regiment, acknowledging how much he was obliged to their zeal and incredible diligence.

Whilſt the French were deeply intrenched near Courtray from whence they had ſent ſtrong detachments to cover Ypres, Menin, Berg St. Winox, Furnes, and Dunkirk, the king, finding it impoſſible to attempt any thing on that ſide, reſolved to lay hold on this occaſion, to diſpoſſeſs the enemy of the town and caſtle of Huy. In purſuance of this deſign, the prince Tſerclaes de Tilley paſſed the Maeſe, and inveſted the place with all the horſe and dragoons of the biſhopric of Liege, a party of Brandenburg horſe, and ſome battalions of foot.

The next day arrived ſixteen regiments of foot with the duke of Holſtein Ploen, whom the king appointed to command the ſiege, and at whoſe approach the town immediately ſurrendered. By the 19th of September, the batteries were raiſed againſt the caſtle; and all things being ready for an aſſault by the 27th, the French governor beat a parly, and ſurrendered that fortreſs the next day. By this conqueſt the French were totally expelled out of the biſhopric of Liege, Dinant at that time being a part of France. Thus ended the campaign in Flanders. But the confederates, eſpecially the Engliſh and Dutch, grew weary of keeping vaſt armies, which did nothing elſe than lay for ſome months advantageouſly poſted, in view of the enemy, without any action.

The French, under the command of marſhal Noailles, made a better figure in Catalonia; for, being near thirty thouſand ſtrong, and much ſuperior to the Spaniards, they arrived on the 26th of May on the banks of the river Ter; which they reſolved to paſs, notwithſtanding they found the Spaniards entrenched on the other ſide. Accordingly, having ſounded all the fords that ſame evening they forced their way through; and, after an hour's diſpute, conſtrained the Spaniſh foot to abandon their retrenchments. The Spaniſh cavalry ſhewed a more than ordinary valour and conduct in covering the foot, and at laſt made their own retreat without any great loſs, except that of their baggage, the French not thinking it ſafe to purſue them, becauſe of the narrowneſs of the ways. However, the marſhal de Noailles improved this advantage by laying ſiege to Palamos, a town by the ſea-ſide, about twenty-two leagues from Barcelona, to the ſouth eaſt.

On the 30th of May, the place was inveſted; and, on the 7th of June all things were in readineſs to ſtorm the covered way. This the French grenadiers performed with great reſolution, entered the town at two narrow breaches, plundered it, and put all they met to the ſword. Of thoſe, who were ſaved, all were made priſoners of war; only ſome of the officers, who were moſt wounded, were ſent to Gironne upon their parole; 'not only,' ſaid the French general in his letter to the king his maſter, 'becauſe they ſeemed to deſire, but becauſe he conſidered the terror, that it would ſtrike among the ſoldiers and people.' Marſhal Noailles judged rightly of the matter; for the Spaniards immediately withdrew their garriſon out of St. Felix Quinola, and the caſtle of St. Elome; and, though they pretended to make a ſtout reſiſtance at Gironne, a well fortified town, which the French had beſieged by the 19th of June, yet they ſurrendered it in ten days upon very ignominious terms. From Gironne the French advanced to Oſtalric, a little town upon the road to Barcelona, which they quickly carried without any great reſiſtance, and thereby enlarged their territories twenty miles in extent. But the army, becauſe of the exceſſive heats, beginning now to be ſickly, Noailles put them into quarters of refreſhment, upon the fertile banks of the river Terdera, where they lived as undiſturbed from the Spaniards as if they had been in the middle of France. After they had ſufficiently refreſhed themſelves, they formed a deſign upon Caſtle Folet, a town a little to the weſt of Gironne, which they took having routed a body of country militia, that came to relieve it, and make the garriſon priſoners of war.

Whilſt the French were buſy on this ſide, the Spaniards thought to improve this opportunity by retaking Oſtalric, which they actually beſieged, and carried their point ſo far, that the governor was upon articles of ſurrender, and hoſtages were already exchanged; but, the Spaniards inſiſting, that the Miquelets ſhould be made priſoners of war, the governor in the mean time had notice, that Noailles was marching to his relief; whereupon he redemanded his hoſtages, and refuſed to ſtand to the articles, ſo that the ſiege was immediately raiſed.

Fluſhed with theſe ſucceſſes, the French threatened no leſs than the beſieging of Barcelona, the capital of Catalonia, and the only fortified town of that province in the hands of the Spaniards. The court of Madrid felt their weakneſs, and ſaw their danger ſo viſibly, that they were forced to implore the protection of the Engliſh fleet. The French had carried the beſt part of their naval force into the Mediterranean, and had reſolved to attack Barcelona both by ſea and land, at the ſame time; and, upon their ſucceſs there, to have gone round Spain, deſtroying the coaſt every where. All this was intended to force the Spaniards to accept the offers, which the French were willing to give them. But, to prevent this, admiral Ruſſel was ordered to ſail into the Mediterranean with a fleet of threeſcore great ſhips. He was ſo long ſtopped in his voyage by contrary winds, that the French, if they had purſued their advantages, might have finiſhed the conqueſt of Catalonia. But, as they were reſolved not to hazard their fleet, it was brought back to Toulon, long before admiral Ruſſel could get into the Mediterranean, which was now entirely left to him. However, it was thought, that the French intended to make a ſecond attempt in the end of the year, as ſoon as he ſhould ſail back to England; for which reaſon it was propoſed, that he might lie at Cadiz all the winter, This was an affair of ſuch importance, that it was long and much debated, before it was reſolved on. It was thought a dangerous thing to expoſe the beſt part of our fleet, ſo much as it muſt be, while it lay at ſo great a diſtance from us, that convoys of ſtores and proviſions might eaſily be intercepted. And indeed the ſhips were ſo low in their proviſions, when they came back to Cadiz (the veſſels that were ordered to carry them, having been ſtopped four months in the channel, by contrary winds) that our fleet had not then above a fortnight's victuals on board. Yet, when the whole matter was thoroughly canvaſſed, it was agreed, that our ſhips might both lie ſafe, and be well careened at Cadiz. Nor was the difference in the expence, between their lying there and in our ports, conſiderable. By their lying there, the French were ſhut up in the Mediterranean; ſo that the ocean and their coaſts were left open to us. They were in effect ſhut up within Thoulon; for they, having no other port in thoſe ſeas but that, reſolved not to venture abroad; ſo that now we were maſters of the ſeas every where.

Theſe conſiderations determined the king to ſend orders to admiral Ruſſel, to lie all the winter at Cadiz; which produced very good effects. The Venetians and the grand duke of Tuſcany had not thought fit to own the king 'till then. A great fleet of ſtores and ammunition, with all other proviſions for the next campaign, came ſafe to Cadiz; and ſome clean men of war were ſent out in exchange for others, which were ordered home [1].

Little was done in Piedmont this ſummer: For though the duke of Savoy openly rejected the propoſals made to him from France, after his defeat at Marſaglia, yet a ſecret negotiation was carried on, which rendered him very unactive, and the French careleſs on that ſide. And when it was expected that the confederate army would form the ſiege of Caſale (the ſucceſs of which enterprize was as little doubted of) they contented themſelves with the taking the fort of St. George, whereby that place was more cloſely blocked up. Neither is it worth the while to mention either the ſmall ſucceſſes of the Vaudois in the valley of Pragelas; their routing of ſome Iriſh detachments ſent againſt them in the valley of St. Martin; or their faint irruption into Dauphiné as far as Briançon.

[1] While the fleet lay at Cadiz, captain Killigrew was ſent out with ſix men of war to execute certain orders, and meeting by the way with two ſtout French men of war called the Trident and the Content, they were both taken, but Killigrew loſt his life in the engagement. Burchet, 816.

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The Imperialiſts, headed by prince Lewis of Baden, lying encamped near Hailbron, marſhal de Lorge, with the French army under his command, adventured to paſs the Rhine, and to march towards them in order of battle. The prince, believing the enemy had a mind to fight, went on to meet them. But, the French finding him ſo reſolute, retreated towards Wiſelock, paſſed the Neckar, burnt the town of Laudenburg, and ruined the flat country.

This ſo incenſed the prince of Baden, that, though he was not yet reinforced by the Saxons, he advanced to Wiſelock, an advantageous poſt, of which he poſſeſſed himſelf, after a ſharp rencounter with the enemy, wherein the French loſt three hundred men, and the Germans about half that number. Upon this de Lorge repaſſed the Rhine, and for ſome time the two armies only obſerved one another. At length, the prince of Baden, impatient for action, croſſed the Rhine in his turn; of which the French general was no ſooner informed, but he marched towards Landau.

On the other hand, the prince advanced and made himſelf maſter of ſeveral ſmall places, and of all the paſſes as far as Croon Weſſemburg; and it was confidently expected that now the Germans would either force the French to a battle, or ſecure winter-quarters on that ſide the Rhine. But neither of theſe happened; for in a few days the Imperialiſts repaſſed the Rhine, bringing away with them fourteen thouſand head of cattle; and having deſtroyed a great quantity of forage in the country, and ſome magazines of the French; which put an end to the campaign in Germany.

The campaign ended every where to the advantage of the confederates, though no ſignal ſucceſſes had happened to their arms. At the concluſion of it, the court of France flattered their people with hopes of a ſpeedy end of the war. And ſome men of great conſideration were ſent to try, what terms they could bring the empire or the ſtates-general to. But the French were yet far from offering conditions, upon which a juſt or a ſafe peace could be treated of [k]. The ſtates ſent ſome perſons as far as Maeſtricht, to ſee what powers thoſe ſent from France had brought with them, before they would grant the paſſports, that they deſired. And when they ſaw how limited theſe were, the negotiation was ſoon at an end; or rather, it never began. When the French ſaw this, they diſowned their having ſent any on ſuch an errand, and pretended, that this was only an artifice of the confederates to keep one another and their people in heart, by making them believe, that they had now only a ſmall remnant of the war before them, ſince the French had inſtruments every where at work, to ſollicit peace.

During the king's abſence there was little remarkable in England, but the eminent prudence of the queen in preſerving the peace of the nation; though the jacobites were induſtrious and implacable in their plots againſt the government. Colonel Parker had been committed to the Tower for high-treaſon, and a bill of indictment was found againſt him in Trinity Term; but on Saturday, Auguſt 11th, by a ſtratagem he made his eſcape in the night, and fled from juſtice; and though there was a proclamation for the diſcovering and apprehending of him, with a reward of four hundred pounds for ſo doing, yet he ſafely got to

[k] In this year, 1694, was publiſhed a piece intitled, 'Reflections upon the conditions of peace offered by France; and the means to be employed for procuring of better.' The author begins with obſerving, that 'ſince perſons, who are poſſeſſed with two great opinion of the power of France, and are ignorant of the reaſons that oblige that crown to wiſh to ſee an end of the war, might be apt to imagine, that the conditions of peace, which were propoſed in Sweden by the count d'Avaux, ought not to have been ſo diſdainfully rejected, it might not be amiſs to ſhew, how captious and unjuſt thoſe conditions were, and how neceſſary it was to look upon them as a ſnare, which we ought to be very cautious of falling into; ſince it was certain, that they would have left France in a condition to break the treaty, which it would make with the allies, upon the firſt favourable occaſion, that ſhould preſent itſelf; and it could not be doubted, but our enemies would be ready to renew the war, after the term of ſome few years, and to puſh on their arms with ſo much the more fury, as they ſhould then find fewer obſtacles to their deſigns; if they were not reduced to ſuch reſtitution, as ſhould give us ſecurity, that they would not dare again to violate their words.' He then demonſtrates from a ſeries of facts the unmeaſurable ambition of France; and ſhews the neceſſity of humbling that kingdom. He remarks, that no ſecurity had been offered by it to the allies; and that it was the intereſt of England and Holland to re-eſtabliſh a good barrier in Flanders and Brabant. 'It is a truth,' ſays he, 'of which none can doubt, that the conqueſt of the Low-Countries would put France into a condition of giving laws to all Europe; and it is another truth, that is no leſs evident, that nothing can hinder the French from making this conqueſt upon the firſt occaſion, if we accept of the conditions of peace, which they now offer us. The greateſt of our intereſts then is here concerned, leſt, France being in poſſeſſion of the ports of the Spaniſh Netherlands, and keeping the Hollanders in ſlavery, or at leaſt in an indiſpenſable neceſſity of remaining in a good union with that crown, the French would become abſolute maſters of our commerce; leſt they ſhould oppreſs Germany, Spain, and Italy; whilſt we being ſhut up in our iſland, and out of all communication with the continent, ſhould be ſpectators of that revolution, without being able to hinder it. It is viſible therefore, that the ſafety of England depends upon the preſervation of the Low-Countries. But what ſhall we ſay of the glory of the nation? It is certain, that, if we procure an advantageous peace for the allies, by continuing the war with the ſame vigour, that we have ſhewn hitherto, England will have the honour of having ſaved Europe from chains, and will remain the arbiter of its deſtiny.

'It is the general intereſt of all Chriſtendom to reſettle the houſe of Auſtria in a ſort of equality with France. This equilibrium is neceſſary for the ſecurity of the people, and even for that of the ſovereigns too. But it is the particular intereſt of England to re-eſtabliſh this equality, that ſhe may have the balance in her hand, and turn it to which ſide ſhe pleaſes. This is the only means we can make uſe of, not only to maintain the empire of the ſea, which we have regained the poſſeſſion of in ſo glorious a manner, but even to enable us to decide the ſucceſs of wars, and the conditions of treaties for the future. The nation begins already to recover in Europe the rank which ſhe ought to hold. Our fleets are miſtreſſes of the two ſeas; the ſecurity of our commerce is perfectly re-eſtabliſhed; we have ſeen the French reduced to a neceſſity of letting their maritime towns in the ocean be burnt, while their fleet is ſhut up, and as it were impriſoned in part of the Mediterranea, to avoid the being attacked by ours. We have begun to ſtop the progreſs of their arms in the Low-Countries; and the taking of Huy is not of ſo little importance, but that it opens a way to greater conqueſts, in giving us an opportunity to draw off a great part of our garriſons from Liege and Maeſtricht. Beſides, we may without flattery ſay, that we have a numerous army upon the Rhine, and may expect great things from that prince that commands it. The duke of Savoy will be able to make a more conſiderable diverſion on that ſide, than he hath hitherto done, becauſe he will act in concert with our fleet. And it is to be hoped, that the Turks, diſcouraged by their loſſes, and being convinced that France will ſacrifice them, will at length, by making an accommodation with the emperor, prevent the danger they would be in, if they ſhould be the laſt in making a peace. Add to all this, the extremity to which France finds herſelf now reduced: They are forced to abandon to us the two ſeas; they are under an impoſſibility of augmenting their forces by land; their commerce is abſolutely ruined; their ſubjects diſcontented, and their troops ill paid. In a word, if the allies will but make the beſt of this conjuncture, it ſeems the moſt certain, that they muſt quickly obtain reaſonable conditions of peace, and that Europe may thereby enjoy a ſolid and durable repoſe.'

About the ſame time was publiſhed likewiſe another piece intitled, 'The Engliſhman's choice and true intereſt in a vigorous proſecution of the war againſt France, and ſerving king William and queen Mary, and acknowledging their right.' The author begins with animadverting upon thoſe, who murmured againſt the taxes and the war; and complains, that the king had been too good to his enemies, whoſe falſe pretences in oppoſing his majeſty he expoſes. He then conſiders the ſtate of the war, and obſerves, that there were ſome, who repreſented, that 'our navy might guard our coaſts againſt invaſions; or our militia, and other forces at home might be enough to preſerve us, if the enemies land.' But theſe men, ſays he, cannot but own, that it is much better for England to be at charges in keeping the enemy at a diſtance, than to be the ſeat of war; and that if any one of thoſe allies, whom they undervalue, joined with France, it were ſuch an acceſſion to its power, as the French party here would be very glad of; nor is there any one of them, who would not in ſuch a caſe be as much magnified by that party, as now they are leſſened. But it is evident, that if the French ſhould ſwallow Flanders, (which they had certainly done before now, if it had not been for the confederacy) Holland, which has lately ſet us ſo good an example ſince the battle of Landen, muſt neceſſarily truckle, and their navy be at the command of France. And how could we expect a fleet able to ſecure us againſt both, when hitherto we and Holland in conjunction have done ſo little againſt the naval force of France, excepting that memorable time, when admiral Ruſſel (whoſe victory was by ſome men held a crime) to his eternal honour and glory, ſo well maintained the reputation of the Engliſh nation. If France had no enemy but England, and were at liberty to employ againſt it all their armies in Flanders, upon the Rhine, in Piedmont, in Catalonia, and in their garriſons, (which together amount to near four hundred thouſand men) while ſo many here ſhew themſelves ready to declare for them; what could England hope for, but to be a field of blood? And how could we think, that the French ſwords would be ſheathed, while there were one proteſtant remaining? Nay, when we conſider, how barbarouſly they uſe the people, whom they ſubdue, though of their own religion, without regard to religious houſes or churches, or the ſepulchres of princes, we may believe that the Engliſh papiſts would find little better quarter than others. They, who have had ſuch fatal proofs of the Engliſh valour and enmity to them, would take care never more to be in fear of their antient enemies; nor is it to be thought, that any thing leſs than our total extirpation would ſatisfy them.' The author then juſtifies the preſent ſettlement, expoſes the abſurd conduct of thoſe proteſtants, who were enemies to the government; ſhews, that the jacobites were more inexcuſable than the papiſts, and obſerves, that the former 'magnified the power of France, and the advantage of its way of government to make war, or command peace, and mightily leſſened and reproached the confederates; and that chiefly under a popular maſk of zeal againſt leagues with popiſh princes; which they, good men! are ſo far from, that they are for ſubmitting to the worſt of them without terms. They inſinuate, 'continues he,' as if England bears the charge of a needleſs war, to maintain the dominion of a foreign prince; not conſidering, that the Dutch alone have in their pay one hundred and ſix thouſand, five hundred, and forty men, beſides their allowing twenty-five thouſand gilders a month towards carrying on the war in Piedmont; and are ſo far from being diſcouraged by the late misfortunes from a vigorous proſecution of the war, that they have added fifteen thouſand to their former land-forces, beſides increaſing their navy. And it is a known maxim that the preſervation of Flanders is more for the intereſt of England than of Spain. If Flanders be an acceſſion to France, Holland muſt ſoon follow, and England next. The importance of Flanders is ſufficiently confeſſed by theſe gentlemen, when they would have others believe there is a neceſſity of our truckling to France, upon the taking of a town or two. And yet they are for giving it all up. But any man, who has ſeen the noble towns and large country yet remaining, would think it very well worth the preſerving. Antwerp itſelf, if it were in the French hands, would command the trade of Chriſtendom.' He next refutes the inſinuations of the jacobites againſt the French proteſtants in England, and and againſt the Dutch; and takes notice of their inſolence towards the king; whom they repreſented as no friend to the Engliſh nation.

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France, where his treaſonable deſigns were firſt laid and undertaken [l].

His majeſty having ſpent ſome months in his uſual diverſions at Loo, and then ſettled the public foreign affairs at the Hague, embarked the 8th of November on the William and Mary yatch in the Maeſe, being attended by a ſquadron of men of war under the command of the lord marquis of Caermarthen; and the next day landed at Margate. He lay that night at Canterbury, and was met by the queen at Rocheſter. The day following he came to Kenſington; and on Monday the 12th, the parliament being met at Weſtminſter, the king made the following ſpeech to both houſes:

My lords and gentlemen,

"I Am glad to meet you here, when I can ſay our affairs are in a better poſture both by ſea and land, than when we parted laſt.

"The enemy has not been in a condition to oppoſe our fleet in theſe ſeas; and our ſending ſo great a force into the Mediterranean has diſappointed their deſigns, and leaves us a proſpect of further ſucceſs.

"With reſpect to the war by land, I think I may ſay, that this year a ſtop has been put to the progreſs of the French arms.

Gentlemen of the houſe of commons,

"I have had ſo much experience of your good affection to me, and of your zeal for the public, that I cannot doubt of your aſſiſtance at this time. I do therefore earneſtly recommend to you, to provide ſuch ſupplies, as may enable me to proſecute the war with vigour; which is the only means to procure peace to Chriſtendom, with the ſafety and honour of England.

"I muſt likewiſe put you in mind, that the act of tonnage and poundage expires at Chriſtmas; and I hope you will think fit to continue that revenue to the crown; which is the more neceſſary at this time, in regard the ſeveral branches of the revenue are under great anticipations for extraordinary expences of the war, and ſubject to many demands upon other accounts.

"I cannot but mention to you again the debt for the tranſport-ſhips employed in the reducing of Ireland, which is a caſe of compaſſion, and deſerves relief.

My lords and gentlemen,

"I ſhould be glad you would take into conſideration the preparing ſome good bill for the encouragement of our ſeamen. You cannot but be ſenſible, how much a law of this nature would tend to the advancement of trade, and of the naval ſtrength of the kingdom; which is our great intereſt, and ought to be our principal care."

The parliament was opened with a calmer face than had appeared in any ſeſſion during this reign. The ſupplies that were demanded, amounting to almoſt five millions, were all readily granted [m]. An ill humour indeed appeared in ſome, who oppoſed the funds, that would moſt certainly raiſe the money that was given, upon this pretence, that ſuch taxes would grow to be a general exciſe; and that the more eaſily money was raiſed, it would be more eaſy to continue ſuch duties to a long period, if not for ever; the truth was, the ſecret enemies of the government propoſed ſuch funds, as would be the heavieſt to the people, and would not fully anſwer what they were eſtimated at; that ſo the nation might be uneaſy under that load, and that a conſtant deficiency might bring on ſuch a debt, that the government could not diſcharge but muſt ſink under it.

With the ſupply-bills, as the price or bargain for them, the bill for the frequent meeting and calling of parliaments went on. It was prepared by order of the commons, and brought in by Mr. Harley on the 22d of November, and, in a few days paſſing the houſe, was ſent up to the lords, who gave it their concurrence without any amendment. Four days after, on the 22d of December, the king gave it the royal aſſent. It enacted, that a new parliament ſhould be called every third year, and that the preſent parliament ſhould be diſſolved before the 1ſt of January 1695-6. This act was received with great joy, many fancying that all the other laws and liberties were now the more ſecure, ſince this was paſſed into a law. Men, that intended to ſell their own votes without doors, ſpared no coſt to buy the votes of others in elections. But now it was hoped that men's characters and reputations would be the prevailing conſiderations in the choice of members of parliament, and that our conſtitution, particularly that part of it relating to the houſe of commons, would recover its ſtrength and reputation; which was now much ſunk; for corruption was ſo generally ſpread, that it was believed every thing was carried by that method. But time, and the many additional acts made upon this head, have plainly ſhewn how vain were theſe hopes, and how difficult it is to put an end to the corrupt practices which obſtruct the freedom of elections.

The very day this bill was brought in, died Dr. John Tillotſon, archbiſhop of Canterbury. He was taken with a fit of the dead palſy, while he was in the chapel at Whitehall on a Sunday. He felt it coming on him, but, not thinking it decent to interrupt the divine ſervice, he neglected it ſo long, that all remedies were ineffectual; and he died the fifth day after he was ſeized, on the 22d of November. His diſtemper did ſo oppreſs him, and ſpeaking was ſo uneaſy to him, that though it appeared, by ſigns and other indications, that his underſtanding remained long clear, yet he was not able to expreſs himſelf to others. He ſeemed ſtill ſerene and calm, and in broken words ſaid, He thanked God he was quiet within, and had nothing then to do, but to wait for the will of heaven. His body was buried, at his own deſire, in the church of St. Laurence-Jury in London, where he had been the Tueſday lecturer many years [n]. He was a man of excellent judgment and temper. He had a clear head, with a moſt tender and compaſſionate heart. He was a faithful and zealous friend, but a gentle and ſoon conquered enemy. He was truly and ſeriouſly religious, but without affectation, bigotry or ſuperſtition. His notions of morality were fine and ſublime. His thread of reaſoning was eaſy, clear, and ſolid. He was not only the beſt preacher of the age, but ſeemed to have brought preaching to perfection. His ſermons were ſo well heard and liked, and ſo much read, that all the nation propoſed him as a pattern, and ſtudied to copy after him. His parts remained with him clear and unclouded; but the perpetual ſlanders, and other ill uſage he had been followed with, for many years, moſt particularly ſince his advancement to that great poſt, gave him too much trouble and too deep a concern: It could neither provoke him, nor fright him from his duty; but it affected his mind ſo much that this was thought to have ſhortened his days.

Both king and queen were much affected with Tillotſon's death. The queen for many days ſpoke of him in the tendereſt manner, and not without tears. He died ſo poor, that, if the king had not forgiven his firſt-fruits, his debts could not have been paid: So generous and charitable was he in a poſt, out of which Sancroft had raiſed an eſtate, which he left to his family [o]. Among the prelates that were talked of to ſucceed him, Stillingfleet biſhop of Worceſter, was one. The queen was inclined to him, and ſpoke more than once to the duke of Shrewſbury on that ſubject, and alſo preſſed the king earneſtly for him. But the whigs did generally apprehend, that both his notions and temper were

[l] He had been ſeized on account of the Lancaſhire plot, and knew ſo much of the deſigns of the conſpirators, that they were very buſy to get him out of priſon, being looked upon as the moſt daring and deſperate, as well as the moſt active and bloody of all their agents. While he was in the Tower, a perſon came to him and told him, 'he had brought him liberty, but he muſt have two hundred pounds.' Parker replied, 'You ſhall have three hundred pounds.' And accordingly he had it, as he told Goodman; and by this man's means he got out of the Tower in the night, and from thence to France. Oldm. p. 94.

[m] For the navy, 2,382,712l.
For the army, 2,382,000l.
For the raiſing theſe ſums:
1. The ſubſidy of tonnage and poundage, that was granted to king Charles II. for life, was now continued for five years.
2. A land-tax of 4s. in the pound.
3. Certain rates and duties upon marriages, births, and burials, and upon bachelors and widows, for five years.
The burial of every perſon 4s. and over and above for a duke or ducheſs 50l. marquis 40l. and ſo deſcending gradually through all degrees,
Every child 2s. and over and above for a duke's child 30l. and ſo on through all degrees, as in the burials.
Every marriage 2s. 6d. but every duke over and above 50l. &c.
Every bachelor above twenty-five years of age, and widow, 1s. a year, but every duke over and above 12l. 10s. &c.
4 An act for additional duties upon coffee, tea, and chocolate, towards paying the debts due for tranſport-ſervice, for the reduction of Ireland.
5 An act for certain duties upon glaſs-wares, ſtone and earthen bottles, coal and culm.

[n] Biſhop Burnet preached his funeral ſermon to a crowded audience, in which (as he ſays himſelf) he gave him a character which was ſo ſeverely true, that perhaps he kept too much within bounds, and ſaid leſs than he deſerved.

[o] The queen ſettled 300l. a year upon his widow, who had ſo little proviſion made for her, that the money which was raiſed by the ſale of the copy of Tillotſon's ſermons, publiſhed by Dr. Barker, amounting to 2500l. (the largeſt ſum that had 'till then been given for any copy) was the greateſt part of what was left her.

too high; ſo the perſon moſt approved of by the miniſtry, as well as univerſally well liked by the people, was Dr. Tenniſon, biſhop of Lincoln, who for ſerving the cure of St. Martin's in the worſt time, with ſo much courage and diſcretion, had now many friends, and no enemies. Accordingly he was tranſlated to the ſee of Canterbury on January 10, 1694-5, and had the privilege of recommending Dr. James Gardner to the ſee of Lincoln, which he had reſigned.

About a month after Tillotſon's death, the queen was taken ill, but the next day her illneſs ſeemed to go off. The day following ſhe went abroad; but her illneſs returned ſo heavily on her, that ſhe could diſguiſe it no longer. She ſhut herſelf up in her cloſet that night ſome hours, and, burning many papers, put the reſt in order. After that, ſhe uſed ſome ſl ght remedies, thinking it was only a tranſient indiſpoſition; but it increaſed upon her, and within two days after the ſmall-pox (which then raged about London) appeared with very bad ſymptoms. It is ſaid, the phyſician's part was univerſally condemned, and that her death was imputed to the negligence or unſkilfulneſs of Dr. Ratcliffe. He was called for; and it appeared, but too evidently, that his opinion was chiefly conſidered, and moſt depended on. Other phyſicians were afterwards called, but not till it was too late. The king was ſtruck with this beyond expreſſion. On the ſecond day of her illneſs he paſſed the bill for frequent parliaments, which if he had not done that day, it is very probable he would never have paſſed it.

Never was ſuch a face of univerſal ſorrow ſeen in a court, or in a town, as at this time: All people, men and women, young and old, could ſcarce refrain from tears: On Chriſtmas day, the ſmall-pox ſunk ſo entirely, and the queen felt herſelf ſo well upon it, that it was for a while concluded ſhe had the meaſles, and that the danger was over. This hope was ill grounded, and of a ſhort continuance: for, before night, all was ſadly changed. It appeared, that the ſmall-pox were now ſo ſunk, that there was no hope of raiſing them. The new archbiſhop attended on her; he performed all devotions, and had much private diſcourſe with her: When the deſperate condition ſhe was in was evident beyond doubt, he told the king, he could not do his duty faithfully, unleſs he acquainted her with the danger ſhe was in: The king approved of it, and ſaid, whatever effect it might have, he would not have her deceived in ſo important a matter. And, as the archbiſhop was preparing the queen, with ſome addreſs, not to ſurprize her too much with ſuch tidings, ſhe preſently apprehended his drift, but ſhewed no fear nor diſorder upon it. She ſaid, ſhe thanked God ſhe had always carried this in her mind, that nothing was to be left to the laſt hour; ſhe had nothing then to do, but to look up to God, and ſubmit to his will; it went further indeed than ſubmiſſion; for ſhe ſeemed to deſire death, rather than life; and ſhe continued to the laſt minute of her life in that calm and reſigned ſtate. She had formerly wrote her mind, in many particulars, to the king: And ſhe gave order, to look carefully for a ſmall ſcrutoir that ſhe made uſe of, and to deliver it to the king: And, having diſpatched that, ſhe avoided the giving herſelf or him the tenderneſs, which a final parting might have raiſed in them both.

The day before ſhe died ſhe received the ſacrament, all the biſhops who were attending being admitted to receive it with her. When this was over, ſhe compoſed herſelf ſolemnly to die; ſhe ſlumbered ſometimes, but ſaid, ſhe was not refreſhed by it; ſhe tried once or twice to have ſaid ſomewhat to the king, but was not able to go through with it. Several cordials were given, but all was ineffectual; ſhe lay ſilent for ſome hours: And ſome words, that came from her, ſhewed her thoughts began to break. In concluſion, ſhe died the 28th of December, about one in the morning, in the thirty-third year of her age, and ſixth of her reign.

She was the moſt univerſally lamented princeſs, and deſerved the beſt to be ſo, of any in our age or in our hiſtory. Biſhop Burnet has written an eſſay on her character, in which he affirms nothing is ſaid but what he knew to be ſtrictly true, without the enlargement of figure or rhetoric.[P]

[P] Her character is alſo drawn by Mr. Boyer, in the following manner:

Her perſon was tall and well proportioned; her ſhape, while princeſs of Orange, eaſy and genteel; her complexion light brown, her viſage oval, her eyes quick and lively, and the reſt of her features regular. Her ſtately port and native air of greatneſs commanded reſpect from the moſt confident; but her ſweet and graceful countenance tempered the awefulneſs of majeſty, and her affable temper encouraged the moſt timorous to approach her.

Her apprehenſion was clear and ready, her memory exact, and her judgment ſteady and ſolid: Her ſoul free from all the weakneſſes of her own ſex, and endowed with the courage and ſtrength, that ſeem peculiar to ours. She was neither elated with proſperity, nor dejected by adverſity; and it remains undecided, whether ſhe bore with more temper the ſmiles or the frowns of fortune!

When the neceſſity of affairs called the king out of his dominions, ſhe alone was ſenſible of his abſence, which ſhe fully ſupplied to theſe three kingdoms by her wiſe and prudent adminiſtration. While he went abroad as the arbiter of Europe, to wage a juſt war, ſhe ſtaid at home to maintain peace and adminiſter juſtice. He was to oppoſe and conquer enemies: ſhe to maintain and gain friends. In all this there was an union of their thoughts, and a concurrence in the ſame ends, the ſafety of Europe, the ſupport of the proteſtant religion, and the honour and proſperity of England. An eagerneſs of command was ſo far below her, that never was ſo great a capacity for government joined with ſo little appetite to it; or an authority ſo unwillingly aſſumed, ſo modeſtly managed, and ſo chearfully laid down. It was eaſy for her to reward, for all ſorts of bounty flowed readily from her; but it was much harder for her to puniſh, except when the nature of the crime made mercy become a cruelty, for then ſhe was inexorable.

She had the moſt active zeal for the public, and the moſt conſtant deſire of doing good, joined with ſuch unaffected humility, that the ſecret flatteries of vanity, or ſelf-love, had no power over her. For, when due acknowledgments were made, or decent things ſaid upon occaſions, that well deſerved them, theſe ſeemed ſcarce to be heard, and ſhe preſently turned off the diſcourſe to other ſubjects.

Her piety and virtue were real and unaffected; and the vivacity and ſweetneſs of her temper and converſation ſoftened all thoſe diſagreeable ideas, which the world is too willing to entertain of the ſeverities of virtue, and of the ſtrictneſs of true religion.

She was not content with being devout herſelf, but ſhe infuſed piety into all who came near her; eſpecially thoſe, whom ſhe took into her more immediate care, and whom ſhe ſtudied to form with the tenderneſs and watchfulneſs of a mother. She charmed them with her inſtructions, as ſhe overcame them with her kindneſs. Never was miſtreſs both feared and loved ſo entirely as ſhe was. She ſcattered books of inſtruction round about her, that ſuch as waited might not be condemned to idleneſs, but might entertain themſelves uſefully, while they were in their turns of attendance.

She had a ſublime idea of the Chriſtian religion in general, and a particular affection to the church of England; but an affection, that was neither blind nor partial. She had a true regard to piety wherever ſhe ſaw it, in what form or party ſoever. Her education and judgment led her to the national communion; but her charity was extended to all. She longed to ſee all proteſtants, both at home and abroad, in a cloſe and brotherly conjunction; and few things ever grieved her more, than that the proſpect of ſo deſired an union vaniſhed out of ſight.

Acceſs to her was never obſtructed by ſelf-intereſted ſupercilious domeſtics. She made thoſe her favourites, who made the diſtreſſed theirs. She wondered that the true pleaſure, which accompanied doing good, did not engage princes to purſue it more effectually. Without this ſhe thought, that a private life was the happier as well as the ſafer ſtate. When reflections were once made before her of the ſharpneſs of ſome hiſtorians, who had left heavy imputations on the memory of ſome princes, ſhe anſwered, 'That, if thoſe princes were ſuch, as the hiſtorians repreſented them, they had well deſerved that treatment; and others, who tread their ſteps, might look for the ſame, for truth would be told at laſt.'

Her charity was not confined to her own ſubjects, but extended in a moſt particular manner to multitudes of French exiles, whom the perſecution ſent hither. The ſcattered Vaudois had a ſhare in her bounty; and, when by the king's interceſſion reſtored to their vallies, they were enabled by the queen to tranſmit their faith to their poſterity. She likewiſe took care of preſerving the poor remnants of the Bohemian churches, and formed nurſeries of religion in ſome parts of Germany, which were exhauſted by war. And the laſt great project that her thoughts were working on, with relation to a noble and royal proviſion for diſabled ſeamen at Greenwich, was particularly deſigned to be ſo conſtituted, as to put them in a probable way of ending their days in the fear of God.

She was a perfect example of conjugal love, chaſtity, and obedience. She ſet her huſband's will before her as the rule of her life. Her admiration of him made her ſubmiſſion not only eaſy, but delightful. And it is remarkable, that when Dr. Tenniſon, named to be archbiſhop of Canterbury, went to comfort the king, his majeſty anſwered, 'That he could not but grieve, ſince he had loſt a wife, who in ſeventeen years had never been guilty of an indiſcretion.'

The openneſs of her behaviour was ſubject to univerſal obſervation, but it was under that regularity of conduct, that thoſe, who knew her beſt, and ſaw her ofteneſt, could never diſcover her thoughts further, than as ſhe herſelf had a mind to reveal them; and this ſhe managed ſo, that no diſtruſt was ſhewn in it, nor diſtaſte given by it.

She maintained ſincerity ſo entirely, that ſhe never once needed explanations to juſtify either her words or actions. As ſhe would not deceive others, ſo ſhe avoided the ſaying of any thing, that might give them occaſion to deceive themſelves. And, when ſhe did not intend to promiſe, ſhe took care to explain her meaning ſo critically, that no fruitleſs hopes might be conceived from general words of favour.

Her age and her rank had denied her opportunities for much ſtudy; yet ſhe had read the beſt books in Engliſh, French, and Dutch, the three languages, that were almoſt equally familiar to her. She gave the moſt of her retired hours to the reading of the ſcriptures, and of books relating to them. Next to the beſt ſubjects, ſhe beſtowed moſt of her time on books of hiſtory, eſpecially of the latter ages, and particularly of her own kingdoms, as being the moſt proper to give her uſeful inſtructions. She had a great reliſh, as well as a great love, for poetry, but loved it beſt, when it was converſant about divine and moral ſubjects; and ſhe would often expreſs her concern for the defilement of the Engliſh ſtage.

She had no reliſh for thoſe indolent diverſions, which are too common conſumers of moſt people's time, and which make as great waſtes on their minds, as they do on their fortunes. If ſhe uſed them ſometimes, it was only in compliance with forms, becauſe ſhe was unwilling to ſeem to cenſure others with too harſh a ſeverity.

She gave her minutes of leiſure with the greateſt delight to architecture and gardening. She had no other inclination, beſides this, to any diverſion,

The king's affliction for her death was as great as it was juſt; it was greater than thoſe, who knew him beſt, thought his temper capable of. When ſhe died, his ſpirits ſunk ſo low, that there was reaſon to apprehend that he was following her; for ſome weeks after he was ſo little maſter of himſelf, that he was not capable of minding buſineſs, or of ſeeing company.

There are two things that ſeem to caſt ſome reflection on the memory of queen Mary; her behaviour, when ſhe firſt came to Whitehall, after her father's abdication; and her laſting quarrel with her ſiſter, the princeſs of Denmark. The queen arrived in England the very night before the throne was filled, and appeared ſo very chearful and gay, as if ſhe had not the leaſt concern for what had happened to her father. When ſhe came to her own apartment at Whitehall (ſays the ducheſs of Marlborough, who was then waiting on her) ſhe ran about it, looking into every cloſet and conveniency, and turning up the quilts upon the bed, as people do when come into an inn, and with no other ſort of concern in her appearance but ſuch as they expreſs; a behaviour, which, though at that time the ducheſs was extremely careſſed by her, ſhe thought very ſtrange and unbecoming. For whatever neceſſity there was of depoſing king James, he was ſtill her father, who had been ſo lately driven from that chamber and that bed; and therefore, if ſhe felt no tenderneſs, ſhe ſhould (as the ducheſs obſerves) at leaſt have looked grave, or even penſively ſad, at ſo melancholy a reverſe of his fortune. But biſhop Burnet's account of this incident, entirely clears the queen from the charge of indecency, and want of tenderneſs on ſo moving an occaſion. It had, it ſeems, been given out, that ſhe was not well pleaſed with the late tranſactions, both with relation to her father and the preſent ſettlement. Upon which the prince wrote to her, that it was neceſſary ſhe ſhould appear, at firſt, ſo chearful, that nobody might be diſcouraged by her looks, or be led to apprehend that ſhe was uneaſy by reaſon of what had been done.

This made her put on a great air of gaiety, when ſhe came to Whitehall, and, as may be imagined, had great crowds of all ſorts coming to wait upon her. The biſhop owns, he was one of thoſe who cenſured her in his thoughts. He was of opinion, that a little more ſerioufneſs had done as well, when ſhe came into her father's palace, and was to be ſet on her father's throne the next day. He had never ſeen the leaſt indecency in any part of her deportment before, which made this appear ſo extraordinary, that ſome days after he took the liberty to aſk her, how it came, that what ſhe ſaw ſo ſad a revolution, as to her father's perſon, made not a greater impreſſion upon her? She took this freedom with her uſual goodneſs, and aſſured him, that ſhe felt the ſenſe of it very lively upon her thoughts. But ſhe told him, that the letters which had been ſent her, had obliged her to put on a chearfulneſs, in which ſhe might, perhaps, go too far, becauſe ſhe was 'obeying directions,' and 'acting a part,' which was not very 'natural' to her.

As to the breach between the queen and her ſiſter, the biſhop ſays, it cannot be mentioned without ſome reflections on her memory, and he owns himſelf much troubled to ſee her carry it ſo far. Doubtleſs the queen imagined, the princeſs was in the wrong to ſeek after a parliamentary proviſion, without any previous application to her or the king, and afterwards to refuſe to diſmiſs from her ſervice the lady Marlborough (when the earl her huſband was in diſgrace) though earneſtly deſired, nay, ordered by their majeſties ſo to do; and therefore ſhe might think the princeſs had injured her in not ſubmitting to her will.

However this be, the queen ſaw her not in her laſt illneſs. For though the princeſs, upon news of the queen's indiſpoſition, ſent a lady of her bed-chamber, to deſire that ſhe might be allowed to wait on her majeſty; ſhe received for anſwer the next day, in a letter to the lady that brought the meſſage, that the king and queen had thanked her for ſending and deſiring to come: but it being thought ſo neceſſary to keep the queen as quiet as poſſible, hoped ſhe would defer it.

This deferring the princeſs's coming, (ſays the ducheſs of Marlborough) was only to leave room for continuing the quarrel, in caſe the queen ſhould chance to recover, or for reconciliation with the king (if that ſhould be thought convenient) in caſe of the queen's death. By this delay, the two ſiſters never met; though, (as biſhop Burnet ſays) the queen, when dying, ſent a reconciling meſſage to the princeſs. Be that as it will, upon the death of the queen, the princeſs, by advice of the lord Sunderland and others, wrote the following letter to the king:

SIR,

'I beg your majeſty's favourable acceptance of my ſincere and hearty ſorrow for your great affliction in the loſs of the queen. And I do aſſure your majeſty, I am as ſenſibly touched with this ſad misfortune, as if I had never been ſo unhappy, as to have fallen into her diſpleaſure.

'It is my earneſt deſire, your majeſty would give me leave to wait upon you, as ſoon as it can be without inconveniency to you, and without danger of increaſing your affliction, that I may have an opportunity myſelf, not only of repeating this, but of aſſuring your majeſty of my real intentions to omit no occaſion of giving you conſtant proofs of my ſincere reſpect and concern for your perſon and intereſt, as becomes,

SIR,
Your Majeſty's,
moſt affectionate ſiſter,
and ſervant,
ANNE.'

The king, thinking a reconciliation expedient, now that the princeſs was become the next heir to the crown by the act of ſettlement, conſented that ſhe ſhould wait upon him at Kenſington at a time he appointed, where ſhe was received with extraordinary civility. The perſon, who managed entirely the affair between the king and the princeſs, was the lord Sunderland. He had, before there was any thought of the queen's dying, deſigned to uſe his utmoſt endeavours to make up the breach. He alſo perſuaded his majeſty to give the princeſs St. James's houſe, to which the king added, by way of preſent, moſt of the queen's jewels.

But, notwithſtanding theſe and ſome other favours, the good correſpondence, that appeared between the king and princeſs, was little more than an appearance. They lived indeed in terms of civility, and in formal viſits; but the king did not bring her into any ſhare of buſineſs; nor did he order his miniſters to wait on her, and give her any account of affairs.

ons, that were expenſive; and, ſince this employed many hands, ſhe was pleaſed to ſay, "That ſhe hoped it would be forgiven her." When her eyes were endangered by reading too much, and in all thoſe hours, that were not given to better employments, ſhe wrought with her own hands, and that ſometimes with ſo conſtant a diligence, as if ſhe had been to get her livelihood by it. It was a new ſight (and ſuch a one as was made by ſome the ſubject of raillery) to ſee a queen work ſo many hours a day. But ſhe uſed to ſay, 'That ſhe looked on idleneſs as the great corrupter of human nature: That, if the mind had no employment given it, it would create ſome of the worſt ſort to itſelf.' Her example ſoon wrought on, not only thoſe, who belonged to her, but the whole kingdom to follow it: ſo that it was become as much the faſhion among the ladies of quality to work, as it had been formerly to be idle.

She thought it a barbarous diverſion, which reſulted from the misfortunes, imperfections, or follies of others; and ſhe ſcarce ever expreſſed a more entire ſatisfaction in a ſermon, than in that of archbiſhop Tillotſon againſt evil-ſpeaking. When ſhe thought ſome were guilty of it, ſhe would aſk them, if they had read that ſermon? Which was underſtood to be a reprimand, though in the ſofteſt manner. She had indeed one of the bleſſings of virtue, that does not always accompany it; for ſhe was as free from cenſures, as ſhe was from deſerving them.

In thoſe ſteps of her later years, which, at firſt appearance, ſeemed capable of hard conſtruction, ſhe weighed the reaſons, which ſhe went upon, with great caution and exactneſs. Her inclinations lay ſtrong to a duty, that nature had put her under; but ſhe was determined to accept the crown, becauſe ſhe was perſuaded, that there was no other viſible means left to preſerve the proteſtant religion, not only here, but every where elſe. And, when the famous battle of the Boyne was fought, her concern was equally divided between a father and an huſband.

She received the intimations of approaching death with an entire reſignation to the will of God; and, when in the cloſeſt ſtruggle with that King of terrors, ſhe preſerved a perfect tranquillity. The melancholy ſighs of all, who came near her, could not diſcompoſe her. She then declared, 'That ſhe felt the joys of a good conſcience, and the power of religion, giving her ſupports, which even the laſt agonies could not ſhake.' She received the ſacrament with a devotion, that inflamed as well as melted all, who ſaw it; and then quietly concluded a life, that had been led through a great variety of accidents with a conſtant equality of temper. To ſum up all, ſhe was a tender wife, a kind friend, a gentle miſtreſs, a gracious queen, a good Chriſtian, and one of the beſt of women.

THE

THE

HISTORY

OF

ENGLAND.

BOOK XXV. SECT. II.

From the Death of Queen MARY, to the End of the Reign of King WILLIAM, in 1701-2.

28 WILLIAM III. Alone.

UPON the queen's death, the two houſes ſet an example, that was followed by the whole nation, of making conſolatory and dutiful addreſſes to the king. The lords led the way, and on the 31ſt of December, went in a body to Kenſington, and preſented the following addreſs:

"We your majeſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal in parliament aſſembled, do with inexpreſſible grief humbly aſſure your majeſty of the deep ſenſe we have of the loſs your majeſty and the whole kingdom doth ſuſtain by the death of that excellent princeſs, our ſovereign lady, the queen; moſt humbly beſeeching your majeſty, that you would not indulge your grief upon this ſad occaſion, to the prejudice of the health of your royal perſon, in whoſe preſervation, not only the welfare of your own ſubjects, but of all Chriſtendom is ſo much concerned. We further beg leave, upon this ſad occaſion, humbly to renew to your majeſty, the hearty and ſincere aſſurances of our utmoſt aſſiſtance againſt all your enemies, both at home and abroad, and of all other demonſtrations of the greateſt duty and affection, that can poſſibly be paid by the moſt faithful ſubjects."

To this addreſs his majeſty anſwered: 'I heartily thank you for your kindneſs to me, but much more for the ſenſe you ſhew of our great loſs, which is above what I can expreſs.'

On the ſame day, the king was attended by the houſe of commons, with the like addreſs, which was ſoon followed by addreſſes, from the city and clergy of London; and from moſt of the conſiderable corporations throughout England. He was alſo addreſſed by the diſſenting miniſters, who had loſt in the queen a true friend; in reſpect of her hearty deſire of uniting to the church as many of the proteſtant diſſenters, as could be brought into the ſcheme of a comprehenſion. For few things ever grieved her more, than that the proſpect of ſo deſired an union entirely vaniſhed by the proceedings of the convocation, in 1689.

[1694-5] The queen having lain ſome time in ſtate in her bedchamber at Whitehall, her funeral was performed on the 5th day of March, with ſuch magnificence, as expreſſed the great affection, the nation had for her. Not only her majeſty's houſhold ſervants, but all the judges, ſerjeants at law, lord-mayor and aldermen of the city of London, and, which raiſed that mournful pomp to the higheſt pitch of ſplendor, both houſes of parliament attended the royal corps from Whitehall to Weſtminſter-Abbey, where Dr. Tenniſon, archbiſhop of Canterbury, preached her funeral ſermon [q]. This circumſtance of the two houſes attending could never happen before, ſince death had always diſſolved our parliaments. It is true, the earl of Rocheſter tried, if he could have raiſed a doubt of the legality of this parliament's continuance, ſince it was ſummoned by king William and queen Mary; alledging, that, upon her death, the writ, that ran in her name, ſeemed to die with her. This would have had fatal conſequences, if, in that ſeaſon of the year, all things muſt have ſtood ſtill, till a new parliament could have been brought together. But the act, which put the adminiſtration entirely in the king, though the queen had a ſhare in the dignity of ſovereign, made this cavil appear to be ſo ill-grounded, that no body ſeconded ſo dangerous a ſuggeſtion.

The paſſing the bill 'for the frequent meeting of parliaments,' before queen Mary's death, and even before her being taken ill, was a very ſeaſonable ſtep in the king, ſince he thereby diſpelled the jealouſies, which not only his enemies, but alſo many of his friends began to entertain of the preſent parliament; whereas, had he not given his aſſent to that act, till after the queen's death, people had not failed to ſay, that it had been extorted from him by the neceſſity of his affairs.

Towards the beginning of this ſeſſion of parliament, the popiſh Lancaſhire gentlemen, inſtead of acknowledging the lenity of the preſent government, endeavoured to repreſent the legal proſecution of ſome of their party as a ſtate-trick, and the contrivance of ſome courtiers to enrich themſelves by the ruin of others; and ſubmitted the whole matter to the examination of the houſe of commons. It will be proper therefore to premiſe a brief account of their deſign to ſubvert the government, and of the proceedings againſt them, in order that a right notion may be formed of the grounds of the clamour againſt thoſe proceedings.

On the 15th of June 1694, Lunt, an Iriſhman, (who has already been mentioned) made his diſcovery, and depoſed before ſir John Trenchard, ſecretary of ſtate: 'That he had

[q] This ſermon gave great offence to the diſaffected, who were extremely incenſed at the queen for her conduct towards her father, and Dr. Thomas Kenn, the deprived biſhop of Bath and Wells, wrote a letter to Dr. Tenniſon, dated March the 29th, 1695, upon the occaſion of his ſermon, reproaching him particularly, for not calling upon her majeſty on her death-bed to repent of the ſhare ſhe had in the revolution. And this was a topic inſiſted upon in another pamphlet, printed at that time; to both which an anſwer was publiſhed in 1696, under the title of 'A defence of the archbiſhop's ſermon on the death of her late majeſty of bleſſed memory, and of the ſermons of the late archbiſhop, biſhop of Litchfield and Coventry, biſhop of Ely, biſhop of Saliſbury, Dr. Sherlock, Dr. Wake, Mr. Fleetwood, &c. preached upon that and ſeveral other ſolemn occaſions: Being a vindication of the late queen, his preſent majeſty, and the government, from the malicious aſperſions caſt upon them in two late pamphlets, one intitled,' Remarks on ſome late ſermons, &c. 'the other,' A letter to the author of a ſermon preached at the funeral of her late majeſty queen Mary. The author of the remarks on ſome late ſermons makes the following obſervations: 'That the queen was taken ſick and died, in the ſame month when her father laboured under an 'unnatural rebellion,' and about the ſame hour, that he went from Feverſham; and was cut off in the middle of her days, according to the puniſhment threatened, to the breakers of the fifth commandment.' St. Tr. II. 534. So inveterate were the jacobite clergy againſt the queen, for uſurping (as they called it) her father's throne, that one of them inſulted her memory, with this text, 'Go now ſee this curſed woman and bury her, for ſhe is a king's daughter.'

Taffe

followed the late king James into France, and thence into Ireland: that from Ireland he was ſent into England, with commiſſions from that king to certain gentlemen in Lancaſhire, Cheſhire, &c. to raiſe war againſt king William and queen Mary; that he and George Wilſon, his guide, delivered thoſe commiſſions to whom they were directed; whoſe names he mentioned in his narrative. That, at the inſtance and proper coſts of thoſe gentlemen, to whom he had delivered commiſſions, he bought arms, and liſted and ſubſiſted many for the ſervice of the late king James, in order to an invaſion and inſurrection in that county. That he was twice ſent by thoſe gentlemen into France to the late king, to ſignify their readineſs, and receive his further commands; and, that when he was at London, beſides his employment of buying arms, and liſting ſoldiers, he helped ſome jacobites over into France, and ſecured others, who came from thence, who all of them told him, that generally ſir John Freind furniſhed money for thoſe expeditions, and paid ſubſiſtence-money to them as ſoldiers.' This evidence was confirmed by the teſtimony of George Wilſon, who guided and aſſiſted Lunt in the delivery of king James's commiſſions, and by the depoſitions and affidavits of ſeveral perſons, (ſome at a great diſtance from, and utter ſtrangers to one another) all agreeing in the moſt material circumſtances of the Lancaſhire conſpiracy.

The government being fully informed of the plot, warrants were iſſued out to ſeize the conſpirators; and though, for the greater ſecrecy, the names of the offenders were not put into the warrant at the ſecretary's office by thoſe who drew the warrants, but were afterwards put in by the ſecretaries themſelves, yet, by ſome treacherous correſpondence, the Lancaſhire gentlemen had notice given them of all proceedings at London. Upon this they burnt their commiſſions, buried their arms and other warlike equipage, underground, and moſt of them fled from their habitations. However, through the extraordinary care and diligence of captain Baker, and others employed in the ſervice, ſome of the plotters were apprehended, and arms enough found to convince the world, that there was a treaſonable deſign on foot againſt the government. There was likewiſe found in Mr. Standiſh's cloſet, at the ſearch made at Standiſh-hall, on the 16th of July 1694, the draught of a remonſtrance or declaration, to be printed and publiſhed at king James's landing; which, according to Mr. Croſby's papers, and Mr. Robinſon's depoſitions, was to be attempted very ſpeedily.

As many of the perſons accuſed, as could be apprehended, being brought up to London, and examined, were, ſome of them committed to the Tower, and others to Newgate, where they continued about a month. During this time, their friends and ſollicitors exerted all their ſkill and diligence to take off the king's evidence, both by offering them large ſums of money, as was atteſted by Mr. Baker, Mrs. Hearſt, Mr. Clayton, Mr. Brown, and Mrs. Elliot; and that failing, by finding out perſons, who would repreſent the king's witneſſes under heinous characters, that the jury might give no credit to their depoſitions. Many perſons were practiſed upon, ſome of whom refuſed ſo baſe an action; but others, through great importunities and promiſes of large rewards, were prevailed with to defame the king's evidences, both at Mancheſter, and in the parliament-houſe. But that, which raiſed the great clamour againſt the diſcovery of the plot, was the gaining one Taffe, alias Thomas O'Mullen, an Iriſhman, to the other ſide; which happened in this manner.

In December 1693, Lunt came from France, and being, as he afterwards pretended, troubled in conſcience, for having engaged in the barbarous deſign of aſſaſſinating the king, reſolved to atone for that crime, by diſcovering all he knew, that had been acted, or was then plotting againſt his majeſty. His coming over was made known to Mr. Taffe, a familiar acquaintance of Lunt's wife, and who was repreſented to Lunt as a perſon, that had done ſome conſiderable ſervice to the public [r]. To him Lunt's wife had told, that her huſband was lately come out of France; which made Taffe, who pretended to be zealous for the government, enquire how matters ſtood at St. Germains? adding, that, if Lunt could diſcover any thing, that might be ſerviceable to their majeſties, he would introduce him to a perſon, that would receive his information. Lunt gives credit to Taffe, ſhews his willingneſs to make a diſcovery, and thereupon Taffe brings him to the earl of Bellamont, and vouches for his honeſty. After his lordſhip had heard Lunt's relation, he commanded him to wait on him again in two or three days; which Lunt obeying, and his lordſhip being ſomewhat indiſpoſed, he ſent Lunt with a letter to ſir John Trenchard. Taffe accompanied him thither, and the ſecretary, hearing what Lunt had to diſcover, firſt ſent him into Kent, and afterwards commanded him to put his depoſitions into writing, and bring them to him. Lunt performed it; Taffe heard all the information read, aggravated the crimes, and appeared the moſt forward of any to have the perſons accuſed brought to juſtice; and, pretending to be ſerviceable in knowing the country and people there, he went down into Lancaſhire with Mr. Aaron Smith and Mr. Baker, and aſſiſted the king's meſſengers in ſearching at Standiſh-hall, and other places.

Taffe ſhewed an extraordinary zeal in his majeſty's ſervice, but might have been much more uſeful than he was in finding concealed arms and perſons, if he had made more uſe of his head and leſs of his fingers. The managers of that affair, and the king's meſſengers, quickly perceiving his pilfering practices to be very injurious to the inhabitants, and no leſs ſcandalous to themſelves, were forced to have as watchful an eye upon him, as upon the buſineſs they were employed in; though, notwithſtanding all their care, he committed ſome groſs felonies. Soon after he came to London, he waited on the lord Bellamont, gave his lordſhip an account of what perſons and arms had been ſeized, that ſeveral gentlemen had made their eſcapes, and that others abſconded to ſecure themſelves: Whereupon the lord Bellamont aſked Taffe, If this was the buſineſs, which Lunt had diſcovered? Taffe anſwered, it was, and that Lunt was the main evidence of the conſpiracy; was very well known at the reſpective places, which he had mentioned in his depoſitions; and had done greater ſervice at his being there, if the Lancaſhire gentlemen had not received notice from London of their coming ten days before they came to Standiſh-Hall. This account being given to the lord Bellamont, Taffe addreſſed himſelf to Mr. Aaron Smith and captain Baker, for the reward of his ſervice; but, finding himſelf ſlighted and reprimanded for his ſcandalous behaviour, he grew angry, and reſolved to revenge himſelf upon the government, even to the ſpoiling of the plot. The friends, relations, and ſollicitors of the priſoners were no ſooner acquainted with his deſign, but the bargain was ſtruck, and his terms agreed to: Twenty pounds were paid him in hand, with aſſurance (as was afterwards ſworn in the houſe of lords) of a good annuity for life, to be ſettled in Lancaſhire; and, leſt he ſhould cool, he was immediately ſent into the country to be their counter-evidence, when the trials ſhould commence at Mancheſter.

Having thus gained Taffe, and got from unwary Lunt the names of the king's witneſſes, and the whole matter of the evidence, the next attempt for defeating the whole plan was engaging Ferguſon to write in defence of the Lancaſhire gentlemen, and to aſperſe their accuſers, and this ſtratagem had ſuch a notable effect, that the popiſh mob at Mancheſter animated by reading Ferguſon's paper (which was almoſt in every hand in that county) had reſolved to prevent the trials of the priſoners, by ſtoning the king's evidences to death. But thoſe, who knew they would be acquitted, prevailed with the mob to forbear the execution of that inhuman reſolution till the trials were ended. And indeed, no ſooner were the trials over, and the witneſſes leaving the town, but the mob endeavoured to ſtone them to death, and in ſuch a violent and tumultuous manner, that not only the witneſſes, but a gentleman of the council for the king, the king's proſecutor, and the king's clerk in the crown-office, very narrowly eſcaped with their lives.

The trials began at Mancheſter the 16th of October 1694, where the king's evidence proved, 'That the priſoners at the bar had received commiſſions from the late king James, to raiſe war againſt the preſent government; and to that end had bought arms, liſted and ſubſiſted ſoldiers at their own charge, &c.' It is affirmed, that ſir William Williams, though then one of the council for the king, endeavoured to baffle and confound the king's witneſſes, by aſking them ſeveral frivolous queſtions; but, failing in that, he required Lunt to point at the ſeveral priſoners by name. In doing this, Lunt happened to point at a wrong man, which miſ-

[r] Taffe was an Iriſh prieſt, who had not only changed his religion, but had married in king James's time. He came into the ſervice of the preſent government, and had a ſmall penſion. He was long in purſuit of a diſcovery of the impoſture in the birth of the prince of Wales, and was engaged with more ſucceſs in diſcovering the concealed eſtates of the prieſts and the religious orders, in which ſome progreſs was made. This ſeemed to be ſure evidences of the man's ſincerity, at leaſt in his oppoſition to thoſe, whom he had forſaken, and whom he was provoking in ſo ſenſible a manner. This is mentioned chiefly to ſhew, how little that ſort of men are to be depended on. He poſſeſſed thoſe, to whom his other diſcoveries gave him acceſs, of the importance of this Lunt, and was very zealous in ſupporting Lunt's credit, and in aſſiſting him in his diſcoveries. Burnet, II. 142.

take might be occaſioned by the crowd. However, this gratified the popiſh mob, and raiſed a loud laugh. But their mirth continued not long; for, another of the judges commanding Lunt to touch and name all the accuſed gentlemen with the cryer's ſtaff, he named them all right.

Witneſſes were afterwards produced for the priſoners, but nothing was alledged by them, that could invalidate the king's evidence, except Taffe's teſtimony, who boldly declared, 'That there was no truth in the pretended plot, the whole being a villainous contrivance between himſelf and Lunt;' which ſingle declaration, without any oath, outweighed the teſtimonies of the ten poſitive witneſſes for the king; and thereupon ſir William Williams, the chief manager of the trial, ſat down in the court, and would examine no more witneſſes againſt the priſoners. And ſo, without calling for the reſt of the evidence, the matter was let fall, and, when the judges gave the charge to the jury, it was in favour of the priſoners; ſo that they were acquitted, and thoſe, that were ordered to be tried after them, were all diſcharged without trial.

The whole party triumphed upon this as a victory, and complained both of the miniſters of ſtate and of the judges; and ſir William Williams, being returned to London, repreſented the plot as a wicked and horrible contrivance; upon which the government, in abhorrence of ſuch a deſign, immediately ordered the witneſſes to be proſecuted for a conſpiracy againſt the lives and eſtates of the Lancaſhire and Cheſhire gentlemen. This ſtrange turn being given to the affair, many of the wiſer ſort of thoſe, who were friends to the accuſed gentlemen, and dreaded the conſequence of a further inquiry, adviſed them to ſit down quietly, and leave it to the government to puniſh their accuſers, if they ſaw fit; but ſome lawyers over-ruled this advice, and ſo the Lancaſhire and Cheſhire gentlemen, on the 24th of November, 1694, brought the affair into the houſe of commons.

While this affair was depending, ſeveral witneſſes were procured againſt the king's evidences in parliament, by downright bribery, and by telling them, that they were not to be put to their oaths; and therefore, not being in danger of perjury, might ſafely and confidently tell all the ſtories, that were dictated to them [s]. Indirect means were alſo uſed to aſperſe the earl of Macclesfield, at that time lord lieutenant of the county of Lancaſter, who, being a profeſſed friend to the government, was, of conſequence, thought by the Jacobites their mortal enemy.

The houſe of commons, after ſeveral hearings, ſtrict examinations, and long debates, which continued at the ſeveral appointed times, the ſpace of eleven weeks, on the 6th of February, 'proceeded farther in reading the information and papers delivered into the houſe by Mr. Aaron Smith, touching the late proceedings and trials in Lancaſhire and Cheſhire. Mr. Lunt's information was read; as alſo Mr. Wilſon's and Mr. Womball's; and other papers delivered into the houſe by Mr. Aaron Smith were likewiſe read; among which were ſeveral printed papers. Whereupon the houſe came to the following reſolutions; firſt, That there did appear to the houſe, 'That there was ſufficient grounds for the proſecution and trials of the gentlemen at Mancheſter.' And, ſecondly, That upon the informations and examinations before this houſe, it doth appear, 'That there was a dangerous plot carried on againſt the king and government.' At the ſame time the commons ordered an act of the pretended parliament of Ireland, held in the year 1689, recognizing the late king James, and two proclamations of that abdicated prince, to be burnt by the hands of the common hangman. Beſides this, the houſe, after having given an order for the taking Mr. Standiſh, of Standiſh-hall, in Lancaſhire, into cuſtody, and their meſſenger reporting, that he was not to be found, addreſſed the king to iſſue out a proclamation to apprehend him.

This diſappointment in the houſe of commons was no ſmall mortification to the Jacobites; yet, in hopes of better ſucceſs they laid their complaints alſo before the houſe of peers, where, after examining ſome witneſſes, and many debates, the queſtion being put, 'Whether the government had ſufficient cauſe to proſecute the Lancaſhire and Cheſhire gentlemen?' It was carrried in the affirmative; though the earls of Rocheſter and Nottingham appeared with great zeal on the other ſide, and in concluſion proteſted againſt the vote, by which the lords juſtified the proceedings againſt thoſe gentlemen.

The accuſed gentlemen, notwithſtanding theſe diſappointments, at the next Lancaſter aſſizes in Auguſt 1695, brought on trials upon an information of perjury againſt Lunt, Womball, and Wilſon, three of the king's witneſſes, who were all found guilty; and afterwards indicted for a conſpiracy againſt the lives and eſtates of thoſe gentlemen. But, the gentlemen refuſing to furniſh the king's attorney and ſolicitor-general with witneſſes to prove the pretended perjuries, the proſecution was let fall, and Lunt, Womball, and Wilſon diſcharged.

This deſign of throwing an imputation upon the government failing, another was ſet up againſt the bank, which began to have a flouriſhing credit, and had ſupplied the king ſo regularly with money, and that upon ſuch reaſonable terms, that thoſe, who intended to make matters go heavily, tried what could be done to ſhake the credit of the bank. But this attempt was rejected in both houſes with indignation; it being very evident, that public credit would ſignify little, if what was eſtabliſhed, in one ſeſſion of parliament, might be fallen upon and ſhaken in another.

The moſt remarkable buſineſs of this ſeſſion of parliament was the inquiry into bribery, and the timely check given to the moſt ſcandalous and dangerous corruption, which had lately tainted, not only the agents of the army, and ſeveral members of the houſe of commons, but alſo the ſpeaker himſelf, and crept into his majeſty's privy council. The inquiry into theſe corrupt practices was as accidental as neceſſary. In the account of it, mention is made of the monſtrous ſums of thouſands, and tens of thouſands; yet, at the firſt, the payment of a petty ſum of ten pounds, or leſs, had certainly prevented the diſcovery, the riſe of which was from the juſt complaint of ſome inhabitants of Royſton in Hertfordſhire againſt the abuſes of officers and ſoldiers in exacting ſubſiſtence-money. This coming by petition, before the houſe of commons, and the petitioners, and alſo Mr. Tracey Pauncefort, agent of colonel Haſtings's regiment, and the officers complained of, being heard and examined, it was unanimouſly reſolved, 'That the officers and ſoldiers of the army, demanding and exacting ſubſiſtence-money in their quarters, or upon their march, is arbitrary and illegal, and a great violation of the rights and liberties of the ſubject:' and thereupon ordered, 'That the commiſſioners for taking and ſtating the public accounts do lay before the houſe their obſervations of the abuſes and ill practices committed by the agents of the regiments of the army; and that agent Pauncefort ſhould forthwith lay before the houſe a particular account of all the monies received by him from the earl of Ranelagh, and the times of ſuch receipts ſince the 28th of May laſt; and how he had paid the ſums, and when, and to whom, and what remained in his hands.'

Purſuant to this order, Mr. Harley, from the commiſſioners for taking and ſtating the public accounts, preſented to the houſe their obſervations on the ill practices committed by the agents; which being taken into conſideration, and Pauncefort, upon bringing in his account, being examined, as alſo colonel Haſtings, major Monteal, and ſome other officers and agents, it was reſolved by the houſe, 'That agent Tracey Pauncefort, for neglecting to pay the ſubſiſtence-money to the officers and ſoldiers, that quartered at Royſton, having monies in his hands to do the ſame, be taken into the cuſtody of the ſerjeant at arms attending the houſe.' About a fortnight after Pauncefort was again examined, and refuſing to anſwer to ſeveral queſtions, though required upon pain of being proceeded againſt with the utmoſt rigour and ſeverity, it was unanimouſly reſolved, 'That, by his abſolute refuſal to anſwer to a matter of fact, demanded of him by the houſe, he had violated the privilege, and contemned the authority of the houſe, and the fundamental conſtitution thereof;' for which offence he was immediately committed priſoner to the Tower.

His brother, Mr. Edward Pauncefort, was next brought upon the ſtage, who being ſummoned, and examined by the houſe, it was reſolved, 'That he, for contriving to cheat colonel Haſtings's regiment of five hundred guineas, and for giving a bribe to obtain the king's bounty, be taken into cuſtody.' Then immediately followed Mr. Henry Guy, a member of the houſe, and ſecretary of the treaſury, who, for having taken a bribe of two hundred guineas for procuring the arrears due to a regiment, to be paid, was ſent to the tower, and turned out of his place. Many were the more ſharpened againſt him, becauſe it was believed, that he,

[s] By the late trial, it had manifeſtly appeared, how little the crown gained by one thing, which yet was thought an advantage; that the witneſſes for the priſoners were not upon oath: Many things were upon this occaſion witneſſed in favour of the priſoners, which were afterwards found to be notoriouſly falſe; and it is certain, that the terror of an oath is a great reſtraint, and many, whom an oath might over-awe, would more freely allow themſelves the liberty of lying, in behalf of a priſoner, to ſave his life.

The

as well as Trevor the ſpeaker, were deeply concerned in corrupting the members of the houſe of commons. He had held his place both in king Charles's and king James's time: And the ſhare he had in the ſecret diſtribution of money, had made him a neceſſary man for thoſe methods.

For the redreſs of theſe things, the commons agreed upon a repreſentation to be made to the king, ſetting forth the notorious abuſes, ill practices, and intolerable exactions, of the colonels and their agents, upon the inferior officers and common ſoldiers, which the king promiſed to take all poſſible care to have redreſſed.[t] Accordingly colonel Haſtings was immediately caſhiered, and his regiment given to ſir John Jacob, his lieutenant-colonel.

Some time before, the king in council was pleaſed to order the chief officers of the army to meet twice a week, at the great chamber at the horſe-guards at Whitehall, to receive and examine all informations and complaints, that ſhould be brought before them, of any wrong or injury done by an officer or ſoldier of his majeſty's land forces, in order to redreſs the ſame. And on the 13th of March was publiſhed his majeſty's declaration, for the ſtrict diſcipline of the army, whereby in particular all officers and ſoldiers were forbid to exact or demand ſubſiſtence-money in their quarters, or on their march.

To get a further inſight into the ill practices of the colonels and their agents, Mr. James Craggs, one of the contractors, for the clothing of the army, was ſummoned to attend the houſe of commons; but upon his refuſal to produce his books, and to be examined before the commiſſioners for taking and ſtating the public accounts, thereby obſtructing the inquiry of the houſe into the diſpoſal of the public monies, it was reſolved, 'that he be committed priſoner to the Tower of London.'

Mr. Richard Harnage, another contractor, refuſing alſo to be examined upon oath before the commiſſioners, a bill was ordered to be brought in to oblige Mr. Edw. and Mr. Tracy Pauncefort, Mr. Craggs, and Mr. Harnage, to diſcover how they diſpoſed of the money paid into their hands, relating to the army. A few days after Harnage was likewiſe ordered to be taken into cuſtody.

About the ſame time a loud clamour of bribery was raiſed againſt the commiſſioners for licenſing hackney-coaches; and the houſe of commons having appointed a committee to examine the matter, they made their report to the houſe, 'That ſeveral of the commiſſioners had, by receiving bribes, and by other undue means, acted corruptly and arbitrarily, contrary to the authority and truſt repoſed in them by act of parliament.' Upon which the houſe ordered the committee to diſtinguiſh the commiſſioners, which they accordingly did; and by their report of the 20th of March, Henry Aſhurſt and Walter Overbury, two of the commiſſioners, were honourably cleared; and the others, Henry Killegrew, Henry Villers, and Richard Gee, declared guilty; upon which the houſe reſolved, 'That an addreſs be made to his majeſty, to remove them from the commiſſion for licenſing hackney-coaches;' which was accordingly done, and they were removed.

From theſe ſmall beginnings, a common murmur aroſe, that an univerſal corruption had overſpread the nation; that court, camp, and city, were tainted; nay, the very parliament itſelf infected. The houſe of commons, being awakened by the alarm, reſolved to ſearch into the bottom of the reigning corruption. They began with appointing a committee, to inſpect the books of the chamberlain of London, and of the Eaſt-India company, and impowered them to ſend for perſons and papers.[u]

The inſpection of the chamberlain's books related chiefly to the orphans affair. The city of London had ſeveral years ſolicited in vain, to have a bill paſſed for payment of the debt due to the orphans. This debt grew into a great burden on the city, during the magiſtracy of Moor, Pritchard, North, Rich, and ſome others. Many hundred orphans ſtarved, for want of their portions, which had been put into the chamberlain's hands, on the ſecurity of the city; but, as the exchequer was ſhut up in king Charles's time, ſo the chamber of London was alſo ſhut up, and bankruptcy pleaded to the demand of the diſtreſſed orphans.

When the management of the city affairs fell into better hands, a committee was appointed to inquire into this matter, who, finding that nothing had been done after three years troubleſome ſolicitation, and that ſeveral bills had been brought into the houſe of commons, for the relief of the orphans, but they were always loſt or ſo clogged, that a bill could not paſs through the houſe in a ſeſſion, thought the moſt effectual way, to prevent the ſtarving of theſe orphans, would be to give ſome men of intereſt what they ſhould require; and engage them to do for profit, what they would not do for juſtice. Accordingly, by a proper application and diſpoſal of ſeveral ſums of money, a bill (as hath been related) paſſed in the laſt ſeſſion of parliament, creating a fund for the repayment of the debt owing to the orphans, by the chamber of London. Among the ſums diſtributed on this occaſion, it was found that the chamber had made ſir John Trevor, the ſpeaker, a preſent of a thouſand guineas, for the ſervice he did them in this affair. This was entered in their books, ſo that full proof was made of it. It was indeed believed, that a much greater preſent had been made him, in behalf of the orphans: But no proof of that appeared, whereas what had been taken, in ſo public a manner, could not be hid. This was objected to Trevor, as corruption and a breach of truſt, and upon it he was expelled the houſe; and Mr. Paul Foley was choſen ſpeaker in his room, who had got credit by his integrity and conſtant complaining of the adminiſtration. Mr. John Hungerford, a member of the houſe of commons, was alſo found to have received twenty guineas upon the ſame account, for which he was likewiſe expelled the houſe.[w]

[t] The repreſentation was as follows:

'I. That ſome of the agents had detained the money due to the ſoldiers in their hands, and made uſe of it for their own advantage, inſtead of immediately applying it to the ſubſiſtence of the officers and ſoldiers, for whom they were intruſted.

'II. That by their intolerable exactions, and great extortions, upon the officers and ſoldiers, for paying by way of advance, and by their charging more for the diſcount of tallies, than they actually paid, it appeared, that thoſe who ſerved in his majeſty's armies, notwithſtanding they had a greater pay than is given in any other part of the world, they were yet reduced to inconveniencies and extremities, which ought not to be put upon thoſe, who venture their lives for the honour and ſafety of the nation.

'III. That in particular colonel Haſtings had compelled ſome officers of his regiment to take their clothes from him at extravagant rates, by confining and threatening thoſe that would not comply therewith; by which the authority, that might be neceſſary to be lodged in the colonel over the inferior officers, in ſome caſes was miſapplied, and extended ſo as to promote a private advantage of his own, without any regard to his majeſty's ſervice, or to the diſcipline of the army.

'IV. That colonel Haſtings's agent had preſumed fraudulently to detain five hundred guineas out of a bounty given by his majeſty to the officers of the regiment, under pretence of giving them as a bribe to obtain the ſame, to the diſhonour of his majeſty, and injury to the officers; and had taken two-pence per pound out of the money due to the officers and ſoldiers, for which deduction there being no warrant, the colonel, whoſe ſervant the agent is, was anſwerable.

'V. That colonel Haſtings's agent had refuſed or neglected to give an account of the pay due to the captains of his regiment, and their companies, which tended apparently to the defrauding the officers and ſoldiers.

'VI. That ſome of the agents aſſumed to themſelves the liberty of making great deductions, which ſince they knew not how to juſtify, they endeavoured to cover, by putting them under the ſhelter of the uncertain head of 'contingencies,' which gave them the better opportunity of hiding the frauds and abuſes, that would otherwiſe be more liable to be detected.

'VII. That colonel Haſtings had diſcharged an enſign, by putting another into his room, contrary to the true diſcipline of an army; from which the colonels have no right to exempt themſelves, to enlarge their own authority, to the prejudice of his majeſty's ſervice, and of the officers that ſerve under them.

'VIII. That colonel Haſtings had taken money for the recommending to commands in his regiment, to the great diſcouragement of the officers, who were to ſerve in his majeſty's armies, who ought to be ſuch as deſerved their commands, and not ſuch as paid for them.'

[u] The commiſſioners were, Mr. Paul Foley, ſir Richard Onſlow, Mr. John Pollexfen, ſir John Thompſon, Mr. Foot Onſlow, Mr. Thomas Pelham, ſir Samuel Barnardiſton, the honourable Mr. Thomas Wharton, and Mr. Francis Gwin.

[w] The reader may ſee a large account of this matter in the collection of the proceedings in parliament in 1694 and 1695, publiſhed in the ſecond volume of State Tracts, p. 481. The ſubſtance of which is as follows:

The committee reported, That, having inſpected the chamberlain of London's books, they found an order made by a committee of the common-council for the city of London (appointed to conſider of ways and means for ſatisfying the debts due to the orphans of the ſaid city) and dated the 12th of February 1693-4, by which the chamberlain was directed to pay to ſir John Trevor, ſpeaker of the houſe of commons, the ſum of one thouſand guineas, ſo ſoon as a bill were paſſed into an act of parliament for ſatisfying the debts of the orphans, and other creditors of the ſaid city; which ſum was paid and delivered to ſir John Trevor, on the 22d of June 1694, in the preſence of ſir Robert Clayton and ſir James Houblon. That they obſerved, that the order of the committee of the common-council, which now ſtood dated the 12th of February, was at firſt dated the 13th of February; and that the perſon named therein was put in a different hand. That examining who firſt writ the warrant, Mr. Barrett, the city ſolicitor, owned it was his hand-writing; and at firſt ſaid, that he believed the blank at firſt left therein was filled up with the ſpeaker's name, before the committee ſigned it, becauſe he believed they would not ſet their hands to a blank. But all the committee who ſigned it, and who appeared upon ſummons, declared moſt of them poſitively, that there was a blank for the perſon's name, when they ſigned it; and the reſt being doubtful, Mr. Barrett then ſaid, that the blank might be filled up afterwards, though he could not tell the time: However, he owned he filled it up with another pen. That they found another order of the ſaid committee, dated the 26th of April 1693, directing the chamberlain

One diſcovery making way for another, the committee for inſpecting the Eaſt-India company's books found that there were entries made of great ſums given, for ſecret ſervice done the company, that amounted to 170,000l. and it was generally believed, that the greateſt part of it had gone among the members of the houſe of commons; for the two preceding winters there had been attempts eagerly purſued by ſome for breaking the company, and either opening a free trade to the Indies, or, at leaſt, erecting a new company: But it was obſerved, that ſome of the hotteſt ſticklers againſt the company did, inſenſibly, not only fall off from that heat, but turned to ſerve the company, as much as they had at firſt endeavoured to deſtroy it. Seymour was among the chief of theſe; and it was ſaid, that he had 12,000l. of their money, under the colour of a bargain for their ſaltpetre. Great pains and art was uſed to ſtifle this inquiry; but curioſity, envy, and ill-nature, as well as virtue, will on ſuch occaſions always prevail, to ſet on inquiries. Thoſe, who have had nothing, deſire to know who have had ſomething, while the guilty perſons dare not ſhew too great a concern in oppoſing diſcoveries. Sir Thomas Cooke, a rich merchant, who was governor of the company, was examined concerning that great ſum given for ſecret ſervice; but he refuſed to anſwer. So a ſevere bill was brought in againſt him, in caſe he ſhould not, by a prefixed day, confeſs how all that money had been diſpoſed of.

When the bill was ſent up to the lords, and was like to paſs, he came in, and offered to make a full diſcovery, if he might be indemnified, for all that he had done, or that he might ſay in that matter. The enemies of the court hoped for great diſcoveries, that ſhould diſgrace both the miniſters and the favourites; but it appeared, that, whereas both king Charles and king James had obliged the company, to make them a yearly preſent of 10,000l. that the king had received this but once; and that, though the company offered a preſent of 50,000l. if the king would grant them a new charter, and conſent to an act of parliament confirming it, the king had refuſed to hearken to it. There were indeed preſumptions, that the marquis of Caermarthen had taken a preſent of 5000 guineas, which were ſent back to ſir Thomas Cooke, the morning before he was to make his diſcovery. The lords appointed twelve of their body to meet with twenty-four of the houſe of commons, to examine into this matter; but they were ſo ill ſatisfied with the account, that was given them, by the four perſons who had been intruſted with this ſecret, that by a particular act, that paſſed both houſes, they were committed to the Tower of London, till the end of the next ſeſſion of parliament, and reſtrained from diſpoſing of their eſtates, real or perſonal.

Theſe were proceedings of an extraordinary nature, which could not be juſtified, but from the extraordinary occaſion that was given for them. Some ſaid this looked like the ſetting up a court of inquiſition, when new laws were made on purpoſe to diſcover ſecret tranſactions; and that no bounds could be ſet to ſuch a method of proceeding. Others ſaid, that, when entries were made of ſuch ſums, ſecretly diſpoſed of, it was as juſt for a parliament to force a confeſſion, as it was common in the courſe of the law to ſubpœna a man, to declare all his knowledge of any matter, how ſecretly ſoever it might have been managed, and what perſon ſoever might have been concerned in it. The lord preſident felt, that he was deeply wounded with this diſcovery; for while the act againſt Cooke was paſſing in the houſe of lords, he took occaſion to affirm, with ſolemn proteſtations, that he himſelf was not at all concerned in that matter; but now all had broke out: One Firebraſs, a merchant, employed by the Eaſt-India company, had treated with Bates, a friend of the marquis of Caermarthen's: and for the favour that lord was to do them, in procuring them a new charter, Bates was to have for his uſe five thouſand guineas. But now a new turn was to be given to all this: Bates ſwore, that he indeed received the money, and that he offered it to that lord, who poſitively refuſed to take it: But, ſince it was already paid in, he adviſed Bates to keep it to himſelf: though by the examination, it appeared, that Bates was to have five hundred pounds for his own negotiating the affair: It did alſo appear, that the money was paid to one of that lord's ſervants; but he could not be come at: Upon this diſcovery, the houſe of commons voted an impeachment for a miſdemeanour againſt the lord preſident; he, to prevent that, deſired to be heard to ſpeak to that houſe in his own juſtification; when he was before them, he ſet out the ſervices that he had done the nation, in terms that were not thought very decent; he aſſumed the greateſt ſhare of the honour of the revolution to himſelf; he expreſſed a great uneaſineſs to be brought under ſo black an imputation, from which he cleared himſelf as much as words could do; in the end, he deſired a preſent trial. Articles were upon that brought againſt him; he, in anſwer to theſe, denied his having received the money. But his ſervant, whoſe teſtimony only could have cleared that point, diſappearing, the ſuſpicion ſtuck ſtill on him. It was intended to hang up the matter to another ſeſſion; but an act of grace came in the end of this, with an exception indeed as to corruption; yet this whole diſcovery was let fall, and it was believed too many of all ſides were concerned in it: For, by a common conſent, it was never revived [x].

Whilſt the lords were debating on the duke of Leeds's af-

lain to pay to Paul Jodrell, eſq; the ſum of a hundred guineas, for his pains and ſervice in aſſiſting the orphans bill to paſs in parliament; which ſum was paid him the 22d of June 1694. That in the chamberlain's books were entered ſeveral ſums paid to Mr. Barrett, to defray the charge of drawing the bill, making copies thereof, and of the petitions and orders relating to the ſame; amongſt which payments they found five guineas paid to Mr. Solicitor-general for his advice therein, five guineas to Mr. Harcourt, twenty guineas to Mr. Hungerford, chairman of the grand committee, for his pains and ſervice, and 60l. 9s. to Mr. Jodrell. That they underſtood, that the orphans, for the procuring of this bill, had given bond to Mr. Smith and Mr. Charles Nois, to allow them 12d. in the pound, when the bill was paſſed, for their pains and charges in that matter; which contract being made void in that bill, the court of aldermen were impowered to ſatisfy them for their real expences. That upon this Smith and Nois applied themſelves to the court of aldermen, and got a petition to be ſigned by many of the orphans, that they were willing, notwithſtanding the act of parliament, they ſhould be allowed 12d. in the pound. That the ſaid Nois and Smith brought in a bill to the committee of the common-council of their charges, amounting to 3457l. 16s. but, as was alledged, they pretended to be more than 10,000l. out of purſe; by which argument they got ſubſcriptions to the ſaid petition; in which bill there was charged 1650l. paid to Mr. George Finch, for carrying on the ſaid act. That Mr. Nois and Mr. Smith being examined, they utterly denied that they had given any money to any member of parliament on the account of the ſaid bill, or knew of any to be given; but they were willing to get what they could, having taken a great deal of pains in long ſoliciting the ſame; and that they did ſay, that, notwithſtanding they charged 1650l. to be paid Mr. George Finch, yet they had not paid him any money; but, having delivered up his bond for the 12d. in the pound, they valued his ſhare of the orphans debt to amount to that ſum. That Mr. George Finch, being examined, denied to have received any thing from Mr. Nois and Mr. Smith, or his paying any money to any member of parliament; but wavering in his diſcourſe, and being again aſked if he ever did diſtribute, or knew of any money diſtributed on account of the orphans bill, he ſaid, It was a hard thing to be aſked ſuch queſtions: That however he owned, that upon ſuggeſtion, that there were obſtructions to the bill, which muſt be removed by money, he applied himſelf to ſeveral of the orphans, and received 100l. from Mr. John Chadwick, 200l. from Mr. Harvey, 100l. from Mr. Scott, and 50l. from Mr. Herne, and had a promiſe of 100l. from ſir John Smith, which was not yet paid. And laſtly, they reported, that Mr. Chadwick and Mr. Herne proved the payment of the money to Mr. George Finch, but could give no account what he had done with it.

The commons, having debated and weighed theſe reports, came to this reſolution, "that ſir John Trevor, ſpeaker of the houſe, receiving a gratuity of 1000 guineas from the city of London, after paſſing of the orphans bill, was guilty of a high crime and miſdemeanor.'

Sir John Trevor, abſenting himſelf from the houſe, the commons, on the 14th of March, reſolved to proceed to the election of a new ſpeaker; and ſir Thomas Littleton and Mr. Paul Foley were propoſed. The majority inclined to chooſe Littleton; but Mr. Wharton, comptroller of the king's houſhold, having ſpoken in his behalf, the commons from thence preſumed, that he was altogether in the court intereſt, and thereupon elected Mr. Foley.

On the 16th of March the commons proceeded upon the abovementioned reports, and reſolved, 'That ſir John Trevor, their late ſpeaker, being guilty of a high crime and miſdemeanor, &c. be expelled the houſe.'

Two days after they paſſed another vote, 'That whoſoever ſhould diſcover any money or other gratuity given to any member of the houſe, for matters tranſacted in the houſe, relating to the orphans bill, or the Eaſt-India company, ſhould have the indemnity of the houſe for ſuch gift;' and ordered, that Mr. Charles Nois and ſeveral others ſhould attend the houſe the next day. Mr. Nois attended accordingly, and being examined, it was reſolved, 'That he, having to ſeveral perſons pretended he was out of purſe, or engaged to give great ſums of money to ſeveral members of the houſe, in order to paſs the orphans bill, which, on his examination, he denied to have given or promiſed, had been an occaſion of ſcandal to the houſe and the members thereof.' And thereupon it was ordered, that the ſaid Mr. Nois be taken into the cuſtody of the ſerjeant at arms attending the houſe.

On the 26th of March 1695, it was reſolved by the commons, 'That Mr. Hungerford, one of their members, having received twenty guineas for his pains and ſervice as chairman of the committee of the houſe, to whom the orphans bill was committed, was guilty of a high crime and miſdemeanor; and that he be expelled the houſe.'

[x] In the collection of the proceedings in parliament mentioned in the foregoing note, the reader may likewiſe find an account of the Eaſt-India company's affair, from whence the following extract is taken.

On the 12th of March Mr. Foley reported from the ſaid committee, that, as ſoon as they came to the Eaſt-India houſe, they called for an account of all monies paid for the ſpecial ſervice of the company: upon peruſal of which obſerving, that the greateſt payment was in the year 1693, they ſearched for the orders for the iſſuing of that money, the chief of which were, one dated the 13th of April 1693, and another dated the 24th of November 1693, and another the 22d of January 1693-4: in purſuance of which the ſums of 22,275l. 24,983l. and 30,000l. were ſeverally paid out of the caſh, amounting in all to 77,258l. beſides ſeveral ſmaller ſums, amounting in the whole to 10,144l. which, with the former ſum, made 87,402l. all iſſued out in the year 1693, while ſir Thomas Cooke was governor, and Francis Tyſſen, eſq. deputy governor, for the ſpecial ſervice of the houſe, and obtaining a new charter. That they found by examination of moſt of the perſons preſent:

fair, and the commons proceeding to impeach other perſons concerned in this corruption, the king came to the houſe of peers, and, ſending for the commons, put an end to the ſeſſion with the following ſpeech:

"My lords and gentlemen,

"I Am come to give you thanks for the ſupplies provided for carrying on the war, in which we are engaged, and at the ſame time to conclude this ſeſſion, which cannot be continued longer without manifeſt prejudice to the ends, for which theſe ſupplies are given; the ſeaſon of the year making it ſo neceſſary for me to be abroad, that it were to be wiſhed our buſineſs at home would have allowed me to have been there ſooner.

"I will take care to place the adminiſtration of affairs, during my abſence, in ſuch perſons, on whoſe care and fidelity I can entirely depend; and I doubt not, my lords and gentlemen, but every one of you, in your ſeveral ſtations, will be aſſiſting to them. This is what I require of you, and that you be more than ordinarily vigilant in preſerving the public peace.'

Then the lord-keeper, by his majeſty's command, prorogued the parliament to the 18th of June.

During this ſeſſion, a bill was paſſed for preventing the clipping and counterfeiting the current coin of the kingdom. The ſtate of the ſilver coin was now extremely bad. There were two ſorts of it; the one was milled, and could not be practiſed on: But the other was not ſo, and was ſubject to clipping; and, in a courſe of ſome years, the old money was every year ſo much diminiſhed, that it at laſt grew to be leſs than the half of the intrinſic value; thoſe, who drove this trade, were as much inriched, as the nation ſuffered by it. When it came to be generally obſerved, the king was

preſent at the committees of the Eaſt-India company, where the ſaid orders were made. That the governor in the ſaid committees did only in general, inform what ſums he had diſburſed, without naming the particulars, to whom, or to what ſervice; which ſeveral of them ſaid was a new courſe, ſince ſir Thomas Cooke came to be deputy-governor or governor. That in a ſtate of the company's caſh, dated at the Eaſt-India houſe the 7th of March 1694-5, and drawn up by ſeveral members of the company impowered for that purpoſe, near all the aforeſaid ſums were obſerved to be paid and placed to the company's account of charges general, paid out of cash, viz. in 1688 and 1689, ſir Benjamin Bathurſt governor, and ſir Joſiah Child deputy-governor, 2230l. 14s. In 1690 and 1691, ſir Joſeph Herne governor, and ſir Thomas Cooke deputy governor, 13,532l. 9s. In 1692 and 1693, ſir Thomas Cooke governor, and Mr. Tyſſen deputy-governor, 87,402l. 12s. in the whole 103,165l. 15s. That upon examination of the company's caſh-book, having found that the balance, the 31ſt of October 1694, was 124,249l. they demanded of Mr. Portman the caſhier, if he had the ſame in caſh. That he replied, he had not, but inſtead thereof laid before them in writing, that 90,000l. was lent upon ſir Thomas Cooke's notes (which he produced) with other particulars, which made up the abovementioned balance. That in this note ſir Thomas Cooke owned the receipt of 90,000l. which he had diſburſed and paid for 99,197l. ſtock in the Eaſt-India company for their account; though they did not find any warrant for the ſaid ſum, or any of the ſtock transferred in the company's books for their account, exceeding 18,300l. ſtock the 16th of January 1694-5. The committee of the houſe of commons further reported, that they found a contract, dated the 26th of February 1693, for 200 tons of ſalt-petre, to be brought home in the ſhip Seymour from India, to pay 12,000l. for the ſame, and 25l. freight per tun, beſides all charges here. That 2000l. which was the ſum ſent out to purchaſe the ſalt-petre, was actually paid out of the company's caſh; and that a bond for the remaining 10,000l was given under the ſeal of the company, payable the 31ſt of March 1695, whether the ſaid ſhip arrived in ſafety or not, with this limitation only, that, if 200 ton of ſalt-petre be not laden upon the ſaid ſhip, then to repay in proportion to the want thereof; ſo that the reſult of this contract was, that the company ran the adventure of 12,000l. for that which coſt only 2,000l. and muſt conſequently loſe 12,000l. if the ſhip miſcarried. And, on the other hand, the ſeller got 10,000l. clear, without diſburſing or running the hazard of one penny; and, what is yet more, a certain loſs of 9 or 10,000l. would attend it, if the ſhip arrived in ſafety. That the committee, having examined the members of the company concerning this contract, they owned it to be true. That the 2000l. was paid, and 10,000l. bond given to Mr. Thomas Colſton. That, about the ſame time this contract was made, ſo many of the interlopers, as would ſell their ſhares in the interlopers to the Eaſt-India Company, were allowed their firſt coſt, and 25l. per cent. advance: which was done by giving them credit for ſo much in the Eaſt-India books. That the committee found ſir Samuel Daſhwood, ſir John Fleet, Mr. John Perry, ſir Joſeph Herne, and ſir Thomas Cooke, were preſent at the court of committees, when the orders abovementioned were made; but, they being all members of the houſe of commons, the committee did not think fit to examine them. That the reſt of the committees, who were preſent at making thoſe orders, and moſt of whom had been examined, could give no account of the diſpoſal of the money iſſued out during the time of ſir Joſeph Herne's and ſir Thomas Cooke's government, but only that the ſame was paid for ſpecial ſervice; and that a great part thereof was put into the hands of ſir Baſil Firebraſs: That one of them, viz. ſir Benjamin Bathurſt, ſaid, that ſir Joſeph Herne had the greateſt part of 13932l. 9s. to diſpoſe of; and ſir Benjamin Bathurſt would have called for an account thereof, but ſir Thomas Cooke deſired he would not: That the company's committee of nine had often called upon ſir Thomas Cooke to give an account to whom he had diſtributed the money he received, which he had ſome time promiſed, and afterwards declined to do; ſo that the ſecret of that ſervice, and the placing of that money, lay principally with ſir Thomas Cooke and ſir Joſeph Herne. That, ſir Benjamin Bathurſt finding ſo great a ſum as 30000l. charged for ſecret ſervices, he had ſome warm diſcourſe with ſir Thomas Cooke about it, to know how it was diſburſed; but ſir Thomas refuſed to give him any particulars, and told him, he ſhould remember he was bound by his oath to the company to keep their ſecrets; to which ſir Benjamin replied, 'He was under the ſame obligation to be true to the intereſt of the company.' Sir Benjamin Bathurſt further ſaid, that, about April 1694, underſtanding, that they were in want of money, he looked into the caſh-book; which caſting up, he found a conſiderable ſum in caſh, and, taking ſome perſons with him, diſcourſed ſir Thomas Cooke about it, who ſaid, 'The 90000l. he had received was to gratify ſome perſons, in caſe the bill ſhould paſs.' As for the contract about ſalt-petre, ſir Benjamin Bathurſt ſaid, that it was made by ſir Thomas Cooke and ſir Baſil Firebraſs; but he knew nothing of it till it came into court.

The committee likewiſe reported, that ſir Baſil Firebraſs, being examined, owned he had received upwards of 16,000l. which was for buying ſhares of ſtocks, and which the company had allowed; but ſaid, he knew no ground the committee of nine had to ſay, that a great part of the other ſums were put into his hands. He confeſſed, that he invited ſeveral perſons to come into the company, and offered to lay down money for ſeveral; and that, if they liked it not at the year's end, he would then take it off their hands, which offer he made to 'members of the houſe of commons' among others; and gave an account to the company of his doing ſo, who promiſed to indemnify him. That, concerning the accommodation with 'the interlopers,' the company had a letter from the earl of Nottingham, 'That it was the king's pleaſure, that they ſhould come to an agreement with the interlopers.' That the propoſal to them was 25 per cent, for bringing in their ſtock to the company, and one half of the profit beſides, which one half of the interlopers accepted; but, Mr. Godfrey, and ſome others, ſtanding upon 30 per cent. Mr. Colſton went off with them, and did not come into the company. That Mr. Ward ſaid it was agreed by the interlopers, that only 2000l. ſhould be employed in buying of ſalt-petre: That Mr. Colſton was to have the advantage of it, which he believed was not for Mr. Colſton himſelf, but 'for ſome other gentlemen:' And laſtly, that the original inducement to the leave of the interlopers going out was that agreement with Mr. Colſton.

On the 26th of March, the commons ordered, 'That ſir Thomas Cooke, a member of the houſe, do give an account, how the 87402l. mentioned in the report, was diſtributed; which he refuſing to do, he was thereupon committed priſoner to the Tower of London, and a bill was ordered to be brought in, to oblige him to make the ſaid diſcovery. On the 28th of March, the bill was preſented, received, and read the firſt time; the caſhier of the Eaſt-India Company ordered to produce the warrants for the ſums mentioned, in the report to be paid for ſpecial ſervice or charges general; and the contract for ſalt-petre, offered to the houſe by Mr. Colſton, read and examined. The next day the bill was read a ſecond time, and committed to a committee of the whole houſe, and the caſhier of the Eaſt-India Company produced the warrants, according to order. On the 30th of March, ſir Baſil Firebraſs delivered in an account of the Eaſt-India Company, which was examined, and ſir Thomas Cooke petitioned the houſe, that he might be heard by counſel, before the bill againſt him ſhould paſs; which was granted.

Upon the 2d of April, the commons, in a grand committee, went through the bill, to oblige ſir Thomas Cooke to account, made ſeveral amendments to it, and ordered it to be reported the next day. Accordingly on the 3d of April, Mr. Bridges reported the amendments made to that bill, which were agreed unto, and the bill, ſo amended, ordered to be engroſſed. Upon the 6th of the ſame month, ſir Thomas Cooke's counſel having been heard, the bill againſt him was read the third time, and paſſed, and ſent up to the lords for their concurrence.

At the firſt reading of this bill in the houſe of lords, the duke of Leeds, lord preſident of his majeſty's privy-council, ſpoke vehemently againſt it, having introduced his diſcourſe by a ſolemn proteſtation of his own innocence and diſintereſtedneſs in this matter; which anticipated apology for himſelf, together with the abhorrence of ſo neceſſary a law, began to raiſe great ſuſpicions againſt his grace. On the 13th of April the lords ſent a meſſage to the houſe of commons, to deſire them, that ſir Thomas Cooke, a member of their houſe, and now a priſoner in the Tower, might be permitted and ordered to appear at the bar of the lords, whereupon the commons ordered, that he ſhould attend their lordſhips, as was deſired. Sir Thomas Cooke being brought, upon his petition, to the bar of the lords, declared himſelf ready and very willing to made a full diſcovery, and ſaid, he would have done it before in the houſe of commons, if he could have obtained there an indemnifying vote. Thereupon it being demanded of him, What he would be indemnified from? He anſwered, all actions and ſuits, except from the Eaſt-India Company, whom, if he had injured, he would be bound to ſuffer the ſevereſt puniſhment. He deſired alſo to be indemnified from ſcandalums; and it being aſked him, Whether he meant ſcandalum magnatum? he ſaid, Yes.

He being withdrawn, the duke of Leeds ſtood up, and declared, 'That he was very glad, that gentleman was come to ſuch a temper, as to be willing to diſcover; whereby that bill was prevented, which his grace eſteemed of ſo pernicious a nature.' His grace obſerved to their lordſhips, 'how the commons took care of the reputation of their houſe, in aſking ſir Thomas Cooke, 'Whether he had diſtributed any money among any of their members? Who purged them by a ſolemn proteſtation, that he had not.' His grace therefore thought it reaſonable, that the lords ſhould have ſome regard to themſelves; and moved, That ſir Thomas Cooke might be called in, and aſked, 'Whether he was willing, upon oath, to purge all that ſat there?' This motion being rejected, the lords reſolved, that the bill ſent up from the commons againſt ſir Thomas Cooke ſhould not be proceeded upon, but appointed a committee to draw a bill to indemnify him.

That committee being withdrawn, and having made ſome progreſs, notice came from ſir Thomas Cooke, that he was afraid he might be miſapprehended as to what he had ſaid concerning a diſcovery, in that he ſaid he was willing and ready; for by ready he only meant willing; and that he ſhould need at leaſt four months to make the diſcovery he promiſed. This was highly reſented by ſome of the lords of the committee, who immediately moved, that the committee might riſe and report to the houſe this freſh matter, and the trifling of ſir Thomas Cooke; ſo that the bill deſigned to oblige him to give an account might now proceed. But ſome lords ſoftened this, and ſir Thomas Cooke begging a favourable treatment, and engaging to diſcover within ſeven days, the committee went on with the bill, 'to indemnify him from actions, which he might be liable to, by reaſon of his diſcovery, to whom he had diſtributed ſeveral ſums of money therein mentioned, to be received out of the treaſure of the Eaſt-India company, or for any proſecution for ſuch diſtribution.'

This bill having paſſed both houſes by the 19th of April, his majeſty on the 22d, came to the houſe of lords, and gave his aſſent to it.

As ſoon as the act to indemnify ſir Thomas Cooke was paſſed, the lords,

adviſed to iſſue out a proclamation, that no money ſhould paſs for the future, by the tale, but by the weight, which would put a preſent end to clipping. But Seymour, being then in the treaſury, oppoſed this; he adviſed the king to look on, and let that matter have its courſe: The parliament would in due time take care of it; but, in the mean while, the badneſs of money quickened the circulation, while every one ſtudied to put out of his hands all the bad money; and this would make all people the readier to bring their caſh into the exchequer; and ſo a loan was more eaſily made. The badneſs of the money began now to grow very viſible; it was plain, that no remedy could be provided for it, but by recoining all the ſpecie of England; and that could not be ſet about, in the end of a ſeſſion. The earls of Rocheſter and Nottingham repreſented this very tragically in the houſe of lords, where it was not poſſible to give the proper remedy; it produced only an act, with ſtricter clauſes and ſeverer penalties againſt clippers; this had no other effect, but that it alarmed the nation, and ſunk the value of our money in the exchange; guineas, which were equal in value to twenty-one ſhillings and ſixpence in ſilver, roſe to thirty ſhillings, that is to ſay, thirty ſhillings ſunk to twenty-one ſhillings and ſixpence. This public diſgrace put on our coin, when the evil was not cured, was in effect a great point carried, by which there was an opportunity given to ſink the credit of the government, and of the public funds; and it brought a diſcount of above 40l. per cent. upon tallies.

[1695] After the ſeſſion was over, the affair of the coin was conſidered by the council; and as the late act againſt clipping was far from affording a redreſs of that grievance, it was conſulted what methods ſhould be taken for remedying ſo great an abuſe. Some propoſed the recoining the money, with ſuch a raiſing the value of the ſpecie, as ſhould balance the loſs upon the old money, that was to be called in. This pleaſed ſo many, that it was not eaſy to correct an error, which muſt have had very bad effects in the concluſion, for the only fixed ſtandard muſt be the intrinſic value of an ounce of ſilver; and it was a public robbery, that would very much prejudice our trade, not to keep the value

by a meſſage, acquainted the commons, that they had reſolved to nominate twelve of their houſe to be of the committee of lords and commons appointed by the ſaid act and accordingly nominated,

The Earl of Pembroke,
Lord privy ſeal.
Duke of Shrewſbury,
Earl of Mancheſter,
Earl of Bridgewater,
Earl of Thanet,
Earl of Rocheſter,
Earl of Monmouth,
Earl of Marlborough,
Earl of Torrington,
Lord Viſcount Weymouth,
Lord Cornwallis,
Lord Godolphin.

Whereupon the commons reſolved, that twenty-four of their houſe ſhould be nominated to be of that committee, who were as follow:

Sir John Thompſon,
Sir Richard Onſlow,
Mr. Bridges,
Mr. Charles Montagu,
Mr. Henry Boyle,
Sir Henry Hobart,
Sir Thomas Littleton,
Mr. Hutchinſon,
Mr. Boſcawen,
Sir Thomas Pope Blount,
Mr. Clarke,
Mr. Pelham,
The Hon. Thomas Warton, eſq.
Mr. Harley,
Sir Walter Young,
Sir Chriſtopher Muſgrave,
Sir Edward Abney,
Mr. Chadwick,
Sir Herbert Crofts,
Sir Rowland Gwyn,
Mr. Papillon,
Sir William Cooper,
Mr. Brockman,
Mr. Gwyn.

On the 23d of April, ſir Thomas Cooke appeared before the committee, and, being ſworn, delivered to them in writing his diſcovery of the diſpoſal and application of the ſums of 67,000l. and 90,000l. In the account of the 67,000l. the ſum of 10,000l. was mentioned to be delivered to Francis Tyſſen, eſq. 12,000l. to Mr. Richard Acton, 338l. to Mr. Nathaniel Molyneux, 220l. to ſir John Chardin, 350l. to Paul Docminique, eſq. 382l. to captain John Germain, 1,000 guineas to colonel Fitz Patrick, 545l. to Charles Bates, eſq. and 40,000l. to ſir Baſil Firebraſs; all which forementioned ſums were ſaid to be paid for ſpecial ſervice of the Eaſt-India company, to defray the charges, and acknowledge the pains and ſervices of the aforementioned perſons and their friends, on ſoliciting to prevent a new ſettlement of the Eaſt-India company, and to endeavour the eſtabliſhment of the old; or in conſideration of loſſes they had by the the Eaſt-India ſtock. Beſides 500 guineas paid to the attorney-general, 200 to the ſolicitor-general, and 200 more to Mr. Sambrook, for the great trouble and charges in paſſing the charter, and other affairs relating to the company. As for the ſum of 90,000l. mentioned in the bill, the ſame was ſaid to be laid out in buying Eaſt-India ſtock of ſeveral perſons, for account of the Eaſt-India company.

The original being read by ſir Thomas Cooke, and the committee conceiving it to be imperfect, and not ſuch as the act required, they acquainted him that they expected a more particular account of thoſe matters. Whereupon ſir Thomas Cooke ſaid, 'That as to the firſt ſum of 10,000l. the ſame was paid to Mr. Tyſſen in tallies in November 1692: That he gave him no directions how it ſhould be diſpoſed, but it was in expectation to have the charter of the Eaſt-India company confirmed, and new regulations thereto made. That it was intended for the ſervice of the king. That he could not ſay the king had it; but believed Mr. Tyſſen told him, that he delivered it to ſir Joſiah Child, who delivered it to his majeſty; adding, that it was a 'cuſtomary preſent,' and that in king Charles's and other former reigns, the like had been done for ſeveral years, which by the books of the company might appear. That, as to the 12,000l. next mentioned in the account, that ſum was paid to Mr. Richard Acton about the ſame time, who declared, 'he had ſeveral friends capable of doing great ſervice to the company's affairs, and ſeveral of them would ſpeak with parliament-men.' That he could not particularize who they were, but the end aimed at was to get an act of parliament. That he knew no man beſides Mr. Acton who could give an account, who had that money: That he intruſted it wholly with Mr. Acton, with the privity of ſir Joſiah Child, who recommended Acton as an honeſt and able man, and a perſon capable of doing the company ſervice; the court having given him power as he conceived to diſpoſe of the money by another hand as well as by his own. That the inducements for giving this money were fears of the interlopers going out, and ſubſcriptions for a new company going on; by which they apprehended the company would be ruined. That there was a bill at that time for another Eaſt-India company: and that the king had ſent a meſſage to the houſe of commons to ſettle the Eaſt-India trade. That 10,000l. was advanced by Acton himſelf, and not repaid him in ſome months after; which money he believed Acton paid away the ſame ſeſſion; and that the other 2000l. to Acton was for intereſt, and his pains and expences, which were great. That Acton did ſay, 'He could tell ſome perſons employed in that affair: that he did underſtand, that this money was to be laid out for promoting their affairs in parliament: that he could not ſay to whom it was given, but underſtood it went no further than the houſe of commons; and that he found no good fruit by ſuch diſtribution.' As to the 338l. paid to Mr. Molyneux, ſir Thomas Cooke ſaid, that Mr. Molyneux told him, this money was to be diſpoſed of to the lord Rivers; but ſince his confinement, Molyneux had told him, that my lord never had it, and he had made uſe of it himſelf. As to the thouſand guineas paid to Mr. Fitz-Patrick, deceaſed, that Fitz-Patrick told him he had a great intereſt with the lord Nottingham: that he would try what he could do; and he did not doubt but he might accompliſh great ſervices, provided he might have ſuch a ſum of money: that he believed Fitz-Patrick kept the money himſelf; and that there was a promiſe of a farther ſum, if the intended act of parliament did not paſs. That the 545l. was to be paid to Mr. Charles Bates, when the charter was ſettled, and was paid accordingly in October 1693. That he himſelf had no acquaintance with him; but ſir Baſil Firebraſs told him, that Bates 'had acquaintance with ſeveral lords, and named the marquis of Caermarthen now duke of Leeds.' That, as to the firſt 10000l. paid to ſir Baſil Firebraſs, it was paid to him about November 1693. That it was always his apprehenſion, that ſir Baſil Firebraſs kept it for himſelf, to recompenſe his loſſes in the interloping trade. And as to the ſeveral other ſums, which compleat the further ſum of 30,000l. paid to ſir Baſil, that they were paid at one time, though depending upon ſeveral contracts; and that the reaſon, why the 30,000l. was in ten ſeveral contracts, might be becauſe ſir Baſil might have occaſion to diſtribute it to ſeveral perſons: that as to the ſums paid to ſir John Chardin and Mr. Docminique, he believed they were expended in the company's ſervice; and as to the 382l. to captain Germain, that it was paid him to bring him off from the interlopers, and engage him in the Eaſt-India company's intereſt. Laſtly, as to the 90,000l. ſir Thomas Cooke declared, that it was 99,197l. ſtock bought for 90,000l. of ſeveral perſons for the uſe of the company, to make good the contracts with ſir Baſil, if he ſhould chuſe to accept ſtock: that the ſtock was transferred to ſeveral perſons to the company's uſe; that he was accountable for it; that they had his own obligation for the ſame; that part of the ſtock was transferred to the company; and that the other part was ſold to their uſes, and they had the money.'

Mr. Comptroller Wharton having, on the 24th of April, reported this examination to the houſe of commons, ſome debates aroſe about the ſame, and one of the members informed the houſe, that the earl Rivers proteſted he never received a penny; and though he was now of another houſe, he had the ſame eſteem for the commons as heretofore; and that, according to his lordſhip's motion, the lords had ſent for Mr. Molyneux to be examined. Another member obſerved that, as to all the little ſums, ſir Thomas Cooke knew well to whom they were given; but he could never learn to whom ſir Baſil Firebraſs diſtributed the monies he had received; for ſir Baſil would not give him an account of that matter, though often aſked by him to do it: that, on the other hand, Acton would have told ſir Thomas, but he would not hear him. A third member ſaid, that ſir Thomas Cooke's account contained nothing but generals; not one date, not one time, &c.: that as to the ten thouſand pounds to Mr. Acton, he offered to tell him the particulars, and he was unwilling to hear him, but did not doubt but Acton would give a particular and ſatisfactory account of all diſtributed by him. And yet, in the ſame moment being aſked where and in what condition this Acton was, he declared, 'he was a diſtracted man, and not able to give the houſe any account at all.' A fourth member ſaid, 'No man is innocent, if every man be guilty. We cannot be innocent, if we do not lay our hands on theſe men, that have betrayed us and the company; and, I hope, themſelves. Let us go as far as we can, and then we ſhall not be in fault.' And he moved, that Firebraſs and Acton be ordered to attend the houſe the next day. Another member ſeconded the motion; and likewiſe moved, that they forget not a member of their own, who was accuſed for receiving a conſiderable ſum.

In the midſt of theſe debates, there came a meſſage from the lords, deſiring a conference, which was immediately held; and therein their lordſhips acquainted the commons, that they had ſent for Mr. Acton and ſeveral others, in order to have them examined; that they had intimation, that ſir Baſil Firebraſs was near at hand, and would appear; and that their lordſhips were of opinion, that all future examinations of any of the perſons mentioned in the report of ſir Thomas Cooke's account be had before the committee of both houſes, appointed to receive ſir Thomas Cooke's examination; to which the commons agreed. Accordingly, the committee met the ſame day in the exchequer chamber, and ſir Baſil Firebraſs being interrogated touching his receipt of 40,000l. charged on him by ſir Thomas Cooke, and touching the diſtribution thereof, he depoſed, 'that the firſt 10,000l. was given to him as a gratuity for his loſſes, ſome time before the charter of the Eaſt-India company paſſed: that the ſum of 10,000l. was received by him, by virtue of a contract with ſir Thomas Cooke, for favours and ſervices done: that the ſtock, at the time of the contract valued at 150l. per cent. falling afterwards to 100 per cent. the difference was 30,000l. which they made up to him: that the reaſon of the fall of the ſtock was the ſhips not coming in; and that, if that had not happened, he had gained as much as the 30,000l. paid him: that he was poſitive, that the 10,000l. and 30,000l. were for himſelf, and for the uſe of no other perſon whatſoever, except 500l. paid to Mr. Powell,

of our ſpecie near an equality with its weight and fineneſs in ſilver; ſo that the difference between the old and new money could only be ſet right by the houſe of commons, in a ſupply to be given for that end.

The lord-keeper Sommers did indeed propoſe that, which would have put an effectual ſtop to clipping for the future; it was, that a proclamation ſhould be prepared with ſuch ſecrecy, as to be publiſhed over all England on the ſame day, ordering money to paſs only by weight; but that, at the ſame time, during three or four days after the proclamation, all perſons in every country, who had money, ſhould bring it in to be told and weighed; and the difference was to be regiſtered, and the money ſealed up, to the end of the time given, and then to be reſtored to the owners; and an aſſurance was to be given, that this deficiency in weight ſhould be laid before the parliament, to be ſupplied another way, and to be allowed them in the following taxes. But, though the king liked this propoſition, yet all the reſt of the council were againſt it. They ſaid, this would ſtop the circulation of money, and might occaſion tumults in the markets. Thoſe, whoſe money was thus to be weighed, would not believe, that the difference between the tale and the weight would be allowed them, and ſo might grow mutinous. Therefore they were for leaving the matter to the

Powell, becauſe he had good intereſt among the interlopers, and was inſtrumental in reconciling differences: that he paid no part of the ſaid ſums towards a charter or act of parliament, nor made any promiſe ſo to do, though he had ſeveral diſcourſes with ſir Thomas Cooke about uſing his endeavours to procure a new charter, it being his intereſt ſo to do, after the contracts were made: that he believed ſir Thomas Cooke might deſire him to acquaint him, how he diſpoſed of the money; but that the deponent told him, it was not fair, but contrary to agreement; and that ſir Thomas was not to aſk him what he did with his own.'

Afterwards the committee aſked ſir Baſil, 'What particular ſervice he did, or was to do, for procuring a new charter?' To which he anſwered, 'that he was unwilling to take too much upon himſelf; that he thought he did great ſervice to the company in ſolicitation; but wiſhed he might anſwer to that at ſome other time, being then much indiſpoſed as to his health.'

The next day ſir Baſil Firebraſs, being again examined, farther depoſed, 'that, having had a treaty with Mr. Bates, whom he thought able to do ſervice in paſſing the charter, and to have acquaintance with ſeveral perſons of honour, he gave two notes for 5500 guineas to Mr. Atwell, payable to Mr. Bates, or bearer: that one note was for 3000l. and the other for 2500 guineas: that he put the notes into Bates's hands, who told the deponent, that he would deal with him for himſelf; and if the buſineſs were done, he would keep the notes, elſe deliver them again: that the 2500 guineas were paid after the charter for reſtoring the Eaſt-India company paſſed: the other for 3000 guineas after the charter for regulation paſſed: that he had theſe notes from ſir Thomas Cooke, and was accountable to him for the ſame: that he believed ſir Thomas Cooke knew how theſe notes were to be diſpoſed of; and that he told ſir Thomas Cooke, that Mr. Bates had acquaintance with ſeveral lords, naming the lord preſident and others: that the deponent could not tell whom this money was deſigned for, or what Bates did with it, for that Bates would not deal on ſuch terms of telling names: that Bates introduced him ſeveral times to the lord preſident, who made ſome ſcruples in point of law, which were removed by the attorney-general: that one day laſt week the 5000 guineas were offered by Bates back again to him, Bates ſaying, that this might make a noiſe; that, if ſir Thomas Cooke thought it too much, he would give it him again; that on Tueſday laſt 4400 guineas was brought to this deponent, and that the other 500 guineas were ſtill in Bates's hands: that ſir Thomas Cooke refuſed to take back his money at firſt, but afterwards conſented to it the morning when he was brought up before this committee: that he believed ſir Thomas had a double account; the one made up with this ſum, the other without it: that Bates would have paid back the whole; but ſir Thomas Cooke ſaid, the account would not be even, if the 500 guineas were brought into that account: that this was no part of the 40,000l. before-mentioned to be paid to this deponent; which ſum, he ſaid, he always underſtood to be wholly for his own uſe and benefit: that they found great ſtops in the charters, which they apprehended proceeded ſometimes from my lord Nottingham, and ſometimes from others: that col. Fitz-Patrick received 1000 guineas on the ſame terms as was with others, if the charter paſſed: that he pretended great intereſt with the lord Nottingham, and that he could have information from my lady Derby, how the queen's pleaſure was: that col. Fitzpatrick ſaid, he would try to prevail with lord Nottingham for 5000 guineas upon paſſing the charter, and 5000l. on the act of parliament; but that the earl of Nottingham abſolutely refuſed to take it: that the deponent heard, that a note, ſigned by ſir Joſiah Child and ſir Thomas Cooke, for 50,000l. was lodged in Tyſſen's hands for about a year, to be paid in caſe the act paſſed; and that it was refuſed, as he underſtood, by the earl of Portland, to whom Tyſſen had offered it.'

Mr. Richard Acton being examined before the ſame committee, depoſed, 'that he received the ſums of 10,000l. and 2000l. of ſir Thomas Cooke: that he told ſir Thomas he had friends, who would take pains to do the company ſervice; but they would have 10,000l.: that he had 2000l. for his trouble in attending two ſeſſions; and that, if the bill for the new company had paſſed, he was to have had nothing: that he did not diſtribute the 10,000l. to members, but to thoſe who had intereſt with members: that ſome of them, to whom he gave money to be diſtributed, were Mr. Craggs, with whom this deponent was concerned in clothing the army, (and who had acquaintance with colonels in the houſe, and ſome notrhern members) Mr. Wallis, Mr. Ridley, Mr. Docminique, &c. and that colonel Goldwell and colonel Dean, who were ſince dead, were the only perſons whom he himſelf gave money to.'

The next day, April 26th, the committee of both houſes proceeded upon the examination of the reſt of the perſons mentioned in their report; and Mr. Bates being ſworn, depoſed, 'that ſir Baſil Firebraſs did apply himſelf to him, to uſe his intereſt for obtaining a charter for the Eaſt-India company, the old charter being forfeited; and told him they would be grateful: that the deponent did uſe his intereſt with the lord preſident, who ſaid he would do what ſervice he could: that the lord preſident, had delivered his opinion publicly, for confirming the charter, and thought the forfeiture an hardſhip: that, having received notes for five thouſand five hundred guineas, he told the lord preſident what ſum he had, and would have paſſed it to his lordſhip, but he refuſed it: that thereupon, in regard he could not very well tell money himſelf, he aſked leave of my lord, that his ſervant might tell the money; to which his lordſhip anſwered, he gave leave; and accordingly monſieur Robart received the money: that after monſieur Robart had received it, he brought the ſame to the deponent, in whoſe poſſeſſion it remained till he paid four thouſand four hundred guineas thereof back again to ſir Baſil Firebraſs, which, as he takes it, was upon Monday or Tueſday laſt.' And, being examined again as to the ſame matter, he ſaid, 'that theſe four thouſand four hundred guineas paid back to ſir Baſil were in four bags, with one thouſand one hundred guineas in each, brought to him by monſieur Robart, within a month laſt paſt. As to the 600 guineas remaining of the 5000, he at firſt ſaid he had ſpent the ſame, and being afterwards examined as to the ſame matter, ſaid, they were at home in his ſtudy, but he may have ſpent ſome: that the reaſon why he paid back the four thouſand four hundred guineas was the noiſe, that it made, and that people might think he had not deſerved them: that the whole five thouſand five hundred guineas were for his own private uſe, and that he might have given them to his footman."

Sir Baſil Firebraſs, being once more examined, depoſed, 'That ſir Thomas Cooke and others obſerving him active, and to have intereſt enough amongſt noblemen, applied themſelves to him to endeavour the procuring a new charter. That ſir Thomas Cooke was apprehenſive, that it ſtuck with the duke of Leeds, and told the deponent, that ſome way muſt be found out to the duke. That he thereupon applied himſelf to Mr. Bates, who would not pretend to talk with the duke, but ſaid, the deponent muſt tell him what the company would do. That he told Mr. Bates, he thought a preſent might be made of 2 or 3000l. That Mr. Bates told him, he went to St. James's, and ſaid he had ſpoke with his friend, and that more had been offered by the other ſide; and that at another time Bates ſaid, that 5000l. had been offered him by another hand on the ſame ſide. Upon which the deponent did not come up to the market: that he acquainted ſir Thomas Cooke with this propoſal, who ſaid, if it was inſiſted on, it muſt be done; and ſo it was agreed to offer 5000 guineas; that Bates then ſaid this was nothing to him; he ought not to be employed for nothing: that therefore the deponent was forced to go back to ſir Thomas Cooke for new orders; and ſo 500 guineas were given to him beſide: that at firſt Bates ſaid, that he would undertake no farther than that the duke ſhould not oppoſe, but be ſilent, becauſe he did not know but the duke had engaged himſelf, by having ſpoke on the other ſide: that the deponent did except againſt this, becauſe he would not let the company's money go for nothing; and it would reflect upon him, if nothing appeared to be done for it; that it was then agreed, that, if the duke did act in favour of the company, he ſhould have 2 or 3000 guineas, and Bates 500 guineas to himſelf; that the deponent would have put off Bates's 500 guineas to the laſt, to engage him to take the more pains; but Bates ſaid, his friend would have him have the 500 guineas to himſelf firſt. Sir Baſil produced a copy of Mr. Bates's receipt of a note for 3000 guineas, which he thereby promiſed not to call for till the charter ſhould paſs: the original Mr. Bates had back, when the money was paid, and the deponent had not taken a copy of the counter-note for 2500 guineas. He further ſaid, that, after the charter was paſſed in October, he ſent to Mr. Bates, that he might call for the money; and he called for it in two or three days: that the other note was paid in a week after the paſſing the ſecond charter: that from the time the notes were given they had free acceſs to the lord preſident, and found him eaſy and willing to give the company his aſſiſtance: that Mr. Bates was ſhy, and called it his friend at St James's: that the condition of one draft of a counter-note, which Mr. Bates brought, was worded, in caſe the lord preſident did not aſſiſt the company in paſſing the charter; to which this deponent made an alteration, by putting out his lordſhip's name, and making it not payable, in caſe the charter ſhould not paſs, or to that effect: that, about a week before the money was brought back again, the deponent went to Bates's about it, who then told him, it was all for himſelf: that on ſunday night laſt, or monday, Bates being at his own houſe ſaid, he had not the money by him, but he would fetch it; and that the money he thought was in ſilver; but afterwards told the deponent it was only a miſtake, and he had brought it in gold, which by computation came to the ſame ſum: that when this deponent told him, that ſir Thomas Cooke would not take the whole back, Bates ſaid, he could give no anſwer to it till he had ſpoke with his friend: that on monday laſt five hundred guineas were left at his houſe by Mr. Clive, a friend of ſir John Trevor's, who ſaid he brought it from ſir John Trevor, to whom ſir Thomas Cooke had before paid it with his own hands, under colour of an arrear for four or five years, as he had been commiſſioner of the great ſeal, and that the deponent was preſent, when ſir Thomas Cooke gave it; and there was at another time two hundred guineas ordered to be given to the ſaid ſir John Trevor, as a new year's gift, by ſir Joſeph Hearne: that as to 200000l. of the 300000l. before mentioned, the ſame ſums were not actually paid till ſince Lady-day. And as to the other 100000l. he hath it now in ſtock in the Eaſt-India company: that, as to 5000l. part of the ſaid 30000l. he did deſign one third thereof to Mr. Edward Seymour, one third to ſir John Trevor, and one third to Mr. Guy: that he offered the ſame to Mr. Guy, but the latter told him, they did not deſire to meddle with the ſtock, but would do any ſervice they could to promote the getting of the charter. And ſir Edward Seymour, afterwards meeting with the deponent, chid him for making that propoſal, and told him, if he made any more ſuch proffers, he would never have any thing more to do with him: that the depenent told Mr. Guy, that the advantage to them in paſſing the charter and act of parliament would be worth 100000l. amongſt them: that he intended a diſtribution of the 300000l. in the manner following, viz. to ſir Edward Seymour, ſir John Trevor, and Mr. Guy, 100000l. in caſe the charter and act of parliament paſſed; to the merchants interlopers 100000l. and to himſelf 100000l. That he thought himſelf obliged in honour to pay two thirds of the 5000l. when received, to ſir John Trevor and Mr. Guy; and the other third which he intended for ſir Edward Seymour, he kept for himſelf: that ſir John Trevor did ſome time afterwards give the deponent ſome hints of his expectation."

Sir Joſiah Child, being examined, ſaid, 'He never diſpoſed of 40l. of the company's money to his remembrance, always affecting ignorance in that matter: That he did recommend Mr. Acton, as being an honeſt man, and thought he might do ſervice to the company in parliament, becauſe of his acquaintance. That he did recommend it, that a preſent of 50000l. ſhould be made to the king, if his majeſty would ſo far wave his prerogative, that an

conſideration of the next parliament. So this propoſition was laid aſide, which would have ſaved the nation above a million of money. For now, as all people believed, that the parliament would receive clipped money by tale, clipping went on and became more viſibly ſcandalous, than ever it had been. For which reaſon an effectual ſtop was put to

an act of parliament might be paſſed for ſettling the company; but Mr. Tyſſen told him, the king would not meddle in that matter. That he knew nothing of the 400001. paid to ſir Baſil Firebraſs. That there was a kind of committee of twenty-five perſons, who ſat de die in diem, to deſtroy the company; and that he told ſir Thomas Cooke, that he thought ſir Baſil the fitteſt perſon to divide them.'

Mr. Atwell produced his caſh books, by which it appeared, that on the 9th of October 1693, Mr. Bates had received 5451. 6s. 3d.; on the 10th of that month 2181 l. 5s. and on the 16th of November 3275l. and he ſaid, that the money was paid by order of ſir Thomas Cooke.

Mr. Bates, being again examined, ſaid, he believed the money might be paid as the books expreſſed; and further owned, that he had not 4400 guineas in his houſe on ſunday night laſt, but that the 4400 guineas, which he paid back to ſir Baſil Firebraſs, were brought to him by Monſieur Robart on tueſday morning laſt at eight o'clock.

Mr. Tyſſen being again examined, ſaid, that ſir Thomas Cooke and ſir Joſiah Child gave him a note under their hands for 500001. which was intended to be preſented to the king, if his majeſty would paſs an act of parliament as they ſhould deſire. That he acquainted the lord Portland with the company's intention to make ſuch a preſent, who told this deponent, that the king would not meddle with it. And being aſked, whether he had offered the ſame to the lord Portland, he denied he had ſo done, ſaying, if he had, he muſt never have ſeen his face more. That, when he was examined before the houſe of commons, he did not take it, that the 100001. given to his majeſty was included in the ſum charged upon ſir Thomas Cooke, being before the date of any order for that money.

Mr. Craggs, being examined, gave in an account how he had diſpoſed of and applied 4540l. with which he was charged by Mr. Acton; and denied that he had ever paid any money to any members of parliament.

Mr. comptroller Wharton, on Saturday the 27th of April, made a report to the houſe of commons from the committee of both houſes, of the examinations taken by them; which being read, one of the members ſtood up, and urged the neceſſity of ſearching this matter to the bottom, and to provide laws for the future, to prevent the members of the houſe taking money. That all imaginable endeavours had been uſed to ſuppreſs all diſcoveries. That 100001. had been pretended to be given to the king, and 500001. offered to buy an act of parliament, or gain their charter. That the facts proved themſelves; and that Mr. Bates appeared an unfortunate perſon, whom the care of his friend (the duke of Leeds) and the ſenſe of his oath, had cauſed to make ſuch contradictions. He moved the houſe therefore, that they would put the matter into ſuch a method, as became their juſtice, and as the ſhortneſs of their time would allow. Another member ſaid, that there were never greater and more general inſtances of corruption; he inſiſted on the neceſſity of a ſpeedy remedy, and that it was very fit that the houſe ſhould let the world ſee, that they were in earneſt. He put them in mind of the practices and arts, that had been uſed to ſtop their diſcovery, ſo that what they had was got, as it were by the utmoſt force and conſtraint; at which they could not wonder, when they now found ſo great a man at the bottom. "But there is, added he, no perſon in a poſt ſo high, that this houſe cannot reach; no man's practice or art ſo deep, that this houſe cannot diſcover. Here have been all imaginable endeavours uſed to obſtruct the enquiry. Firſt his majeſty's name was made uſe of at the committees, with hopes, perhaps, that might ſtop any further ſearch; and, if it were made uſe of there, you may reaſonably expect it was made uſe of elſewhere. But that appeared to be ſo far from being a matter of reflection on the king, that ſir Joſiah Child often complained of it, as a rudeneſs to his majeſty, that what other kings had yearly as a preſent, they had not offered to his majeſty in three years. It was indeed, if not a matter of a right, a matter of cuſtom. As for the earl of Portland, who may be named for his honour on this occaſion, when the great ſum of 50,0001. was preſſed upon him, he abſolutely refuſed it, and told them, 'he would for ever be their enemy and oppoſer, if they offered any ſuch thing to him.' Having thus mentioned the innocent, I muſt, continued he, ſay ſomewhat of the guilty. A ſtop having been put, the duke of Leeds muſt be applied to. Certainly there never was a more notorious bribery, and that in a perſon, whom we might have expected to have been free from ſuch a crime, if you reſpect either the greatneſs of his place, or of his former obligation. It is fit to ſpeak plainly on ſuch occaſions: the houſe ought to endeavour to remove ſuch a perſon from the king's council and preſence. What ſecurity can the nation have, when we are bought by and ſold to one another? We have ſeen our deſigns defeated, our attempts betrayed; and what wonder is it? Can any man think it more ſtrange, that our counſels ſhould be ſold abroad, than that charters ſhould be ſold at home? Certainly, a man may reaſonably believe, that he, who will ſell the ſubjects, will ſell the kingdom, if he can have a ſufficient bribe. What prince can be ſafe in ſuch counſels, which are given for private advantage? Several propoſals, ſaid he in the concluſion, may here be offered for remedy. One, that this houſe ſhould addreſs his majeſty, to remove the duke of Leeds; but, with ſubmiſſion, an addreſs is too mean, too low a thing for the houſe to do at this time, and upon ſuch an occaſion. I therefore move, that we may lodge an impeachment, viz. that Thomas duke of Leeds, lord preſident of his majeſty's council, be impeached by this houſe: Or thus, that Thomas duke of Leeds be impeached by this houſe of high crimes and miſdemeanors, and particularly of corruption in taking a bribe of five thouſand guineas, to obtain a charter and regulation for the Eaſt-India company.'

Though this ſpeech was approved of in the main, yet ſome expreſſions in it were thought too reflecting; and another member ſtood up, and ſaid, "He wondered the gentleman who ſpoke laſt, ſhould ſay that, which he hoped he did not believe: that that lord ſhould have ſold our counſels to France." Upon this the other roſe again and ſaid, "It was with ſome uneaſineſs he ſtood up, for he did not take pleaſure to rake into a dunghill: that he was far from ſaying the duke had betrayed our counſels, but argued only from the poſſibility: that it was as reaſonable to believe one as the other; and that, when honour and juſtice were not the rule of men's actions, there was nothing incredible, that might be for their advantage."

Several members ſeconded the motion for an impeachment, adding, "That ſuch actions as theſe were a blemiſh, if not a ſcandal to the revolution itſelf." And it being demanded, By what law it was a crime to take money at court? It was anſwered, "that if there was not a law, it was time there ſhould be a law to prevent it: that the law of God was againſt the duke, and broke by him: that he had taken the oath as a privy-councilior; that juſtice is not to be ſold by the common law: that there were pa liaments to puniſh ſuch crimes:" It was again ſuggeſted, that it ſeemed doubtful, whether there was matter in this report for an impeachment; and therefore, before the houſe went to an impeachment, they ought to put the queſtion upon the report, and ſee whether it be a crime? thereupon ſome of the duke's friends objected, that here was no law, and ſo no tranſgreſſion; and moved for excuſing him. But the queſtion being put, "that there did not appear that there was in the report made from the committee of both houſes ſufficient matter to impeach Thomas duke of Leeds, lord preſident of his majeſty's council, of high crimes and miſdemeanors," it was reſolved in the affirmative; and Mr. Comptroller Wharton was ordered to go up to the lords, and at their bar, in the name of the houſe, and of all the commons of England, to lodge the ſaid impeachment, which in due time they would make good.

About the ſame time, that Mr. Comptroller made the report to the commons from the committee of both houſes, the lord privy-ſeal made the report to the lords; after hearing of which the duke of Leeds ſaid, "that as he had formerly proteſted himſelf to be clear in this matter, ſo he ſtill denied upon his faith and honour, that he was guilty of any ſuch corruptions, as were ſuggeſted againſt him; and that, if the whole truth were laid open, it would tend to his honour and advantage: that he would be very free in telling their lordſhips, now beforehand, all that paſſed, in which he was any way concerned: that Mr. Bates introduced ſir Baſil Firebraſs to him, and that he had conferences with ſir Baſil Firebraſs upon the ſubject of the Eaſt-India company, which he was concerned for: that ſometime after Mr. Bates informed him, that he was to have a ſum of money of ſir Baſil Firebraſs, and deſired his lordſhip to lend him one of his ſervants (Mr. Bates keeping but a footman) to receive the money, and ſo he lent him monſieur Robart: that he knew nothing of the ſum, but afterwards Mr. Bates came to him, and told him, he had received five thouſand guineas; and that in acknowledgment of the many favours he had received from his lordſhip's hands, he humbly deſired him to accept the ſame; which he refuſing, Mr. Bates preſſed him earneſtly to take one half or a quarter; which he ſtill refuſed, declaring he would not touch a penny of them: that however he told him, ſince he had taken them, he thought there was no need of returning them, that they were his own, and wiſhed him good luck with them. And thus, concluded his grace, I was but a ſhadow to Mr. Bates.'

The duke had ſcarce ended his ſpeech, when private notice came to the houſe of lords, that the commons were proceeding to an impeachment againſt him. Whereupon he left the houſe in great haſte, and, going to the door of the houſe of commons, deſired to be admitted to be heard. This being granted, and a chair placed for him within the bar, his grace ſat down, put on his hat, then roſe, uncovered himſelf, and made a ſpeech to the houſe, wherein in the firſt place, 'he thanked them heartily for this favour of hearing him; and then proceeded, declaring his innocence, and that he had attended ſooner, if he had had the leaſt intimation what the houſe was upon: that the occaſion of his coming was from the two votes upon the report from the committee of both houſes: that he had done all he could to be informed of the particulars, but could not: that, hearing of a report, a monſtrous long report, and finding himſelf concerned, he was earneſt to be heard, to the end he might not lie under the diſpleaſure of either or both houſes. He ſaid, it is a bold word, but it is a truth, 'This houſe had not now been ſitting but for me.' That he had been formerly purſued by the houſe in two points, for being for the French intereſt and for popery: that he had, then, if he might have been heard, juſtified himſelf, and hoped he had ſince, and would by all the actions of his life: that one Firebraſs, by the means of Mr. Bates, was introduced to him: that he had long known Mr. Bates; and, if he was not much deceived in him, he could not believe that gentleman would have tranſacted ſuch a matter, if put upon it: that the evidence was but an hearſay, and he hoped they would not condemn on hearſay: that he would not take up their time by entering into particulars: that there was a money part as well as a treaty part: that, as to the money part, much of it was falſe, and what was true he made no ſecret: that he could, and did ſay upon his faith and honour, that neither directly nor indirectly, he never touched one penny of the money: that he obſerved a great deal of pains had been taken to hook him in this matter by a ſide-wind: that this Firebraſs thought his merit would deſerve 10,0001. and 30,0001.: that theſe five thouſand five hundred guineas were no part of the 40,0001.: that the witneſſes were called in by the committee; but that Firebraſs, after his firſt hearing, deſired to be called in again himſelf, contrary to all rules, which ſhewed him at leaſt a very willing witneſs: that he had a thread, which he hoped to ſpin finer, and make it appear, that this was a deſign laid againſt him long before the naming this committee: that warning had been given him ſome time ſince, that this matter would be improved againſt him; and that Firebraſs had been told, he ſhould be excuſed, if he ſhould charge the duke.'

His grace, in the concluſion, ſaid, 'he aſked no favour, but their favourable juſtice; and that no ſevere ſenſe might be put on what would bear a candid one: that, if it might be, the houſe would conſider what was done, or at leaſt preſerve him from cruelty, and not let him lie on the rack, and be blaſted, until a parliament ſhould ſit again; and that, if they would proceed, it might be ſpeedily, for he had rather want counſel, want time, want any thing, than lie under their or the nation's diſpleaſure; and that, if they would not conſider, the matter might be brought to a determination, and that he might at leaſt have their ſpeedy juſtice.'

This ſpeech being ended, and the duke withdrawn, Mr. Comptroller, attended by many members, went up to the lords with the impeachment; and at the ſame time it was propoſed in the houſe of commons, that the articles ſhould be forthwith drawn up; and thereupon the committee, which were joined with the lords, were ordered to withdraw to prepare the ſame.

Afterwards the houſe of commons took the duke's ſpeech into conſideration, and one of the members ſtood up, and ſaid, 'that by this noble duke's ſpeech the point was now, whether the houſe would arraign the committee of both houſes, or go on with the impeachment? That the duke, when he came to the matter, would not enter into particulars, but paſſed it over with excuſe of wanting time: that he made no excuſe as to the facts: that his argument of a contrivance was, that the five thouſand guineas charged on him was no part of the 40,0001. which Firebraſs was to account for: that this was rather an aggravation of the crime; for ſir Thomas Cooke had a double account, one with, and another without the 5000 guineas; which was an indication, that, if there was a contrivance, it was not by the committee, but with ſir Thomas Cooke, to ſtifle the enquiry, and conceal the corruption: that the ſpeedy juſtice of the houſe was to be wiſhed and deſired; and that, if there was ſuch a contrivance, ſuch a thread, as was mentioned by the noble lord, it was not to be doubted but that houſe, where he was impeached, would clear him.'

Another

this miſchief in the next parliament, by recoining all the current caſh of the kingdom.[y]

The ſame day that the parliament was prorogued, the king declared in council that he had appointed,

The archbiſhop of Canterbury,
Sir John Sommers, lord-keeper of the great ſeal,
Thomas earl of Pembroke, lord privy-ſeal,
William duke of Devonſhire, lord ſteward of his majeſty's houſhold,
Charles duke of Shrewſbury, one of his majeſty's principal ſecretaries of ſtate,
Charles earl of Dorſet, lord chamberlain of his majeſty's houſhold,
Sidney lord Godolphin, firſt commiſſioner of the treaſury,

to be lords juſtices of England, for the adminiſtration of the government, during his abſence.

In this a great error was committed, which had ſome ill effects, and was like to have worſe. Though the breach was, in appearance at leaſt, made up between the king and the princeſs of Denmark, ſhe was not now, when the king

Another member moved, 'that a committee might be appointed to withdraw, and conſider what was to be done in order to gratify the noble duke by ſpeedy juſtice; and obſerved, that his friend Mr. Bates's contradicting himſelf, was more than the evidence of Firebraſs: that monſieur Robart was a ſervant of my lord preſident's, and was fled: that Mr. Bates ſaid he kept the money in his houſe: that ſometimes he had ſpent it, ſometimes it was in his cloſet: that he did own the money was not in his houſe on Sunday, but on Tueſday morning monſieur Robart brought it to him, but he would never declare from whom he brought it.'

In the midſt of theſe debates, a meſſage was ſent from the lords, to acquaint the houſe of commons, that it was the opinion of their lordſhips, that the diſcovery made by ſir Thomas Cooke was not ſatisfactory, nor ſo full as to entitle him to the benefit of the act to indemnify him; and that their lordſhips deſired the concurrence of the commons: they thereupon paſſed a vote, as the lords had done, and ſent it up by the lord Coningſby.

On Monday the 29th of April, the lords acquainted the commons, that they had paſſed a bill, intitled, 'An act for impriſoning ſir Thomas Cooke, ſir Baſil Firebraſs, Charles Bates, eſq; and James Craggs, and reſtraining them from alienating their eſtates;' to which they deſired the concurrence of the commons. After the reading of this bill, Mr. Comptroller reported, the articles of impeachment againſt the duke of Leeds, 'for contracting and agreeing with the merchants trading to the Eaſt-Indies, or their agents, for five thouſand five hundred guineas, to procure them a charter of confirmation, and a charter of regulations; which ſum was actually received by the ſaid duke of Leeds, or by his agents and ſervants, with his privity and conſent.' Theſe articles being agreed to by the commons, and by their order ſent to the upper houſe, and read, the duke of Leeds repeated ſeveral things to the ſame purpoſe as formerly, adding, 'that this ſtorm, which was now fallen upon him, was ſome time in gathering, and promoted by a faction and a party, who had only a pique againſt him, and that the king's buſineſs had been delayed on purpoſe: that he had an original letter, which gave him an account of this ſome time before it broke out, and it appeared only levelled againſt him, becauſe none elſe were proſecuted: that there appeared a joy, that they could catch at this, for then they ſtopped; and that ſir Baſil Firebraſs was treated with to diſcover only this part, and ſo he ſhould be excuſed from any farther diſcovery.' His grace concluded, with praying for a copy of the articles of impeachment, and of the report of the committee of both houſes; which was readily granted.

The next day, April 30, the commons were acquainted by a meſſage from the lords, that the duke of Leeds had put in his anſwer, to the articles exhibited againſt him, of which their lordſhips ſent a copy to them. Whereupon the houſe of commons ordered, that the committee, who were appointed to prepare the articles againſt the duke, ſhould conſider of and prepare a replication to his anſwer.

Upon the 1ſt of May, the commons read a third time, and paſſed the ingroſſed bill from the lords, for impriſoning ſir Thomas Cooke, &c. and ſent it up to the lords by ſir Herbert Croſts, who was ordered to acquaint their lordſhips, that they had agreed thereto with ſome amendments. On the other hand, the lords acquainted the commons, that they themſelves were obliged, in juſtice, to put the houſe in mind of the impeachment againſt the duke of Leeds; to which the duke's anſwer having been tranſmitted to them, the lords deſired to know when the commons could be ready with their articles, to the end a certain day might be appointed by the lords for that purpoſe: thereupon the commons ordered, that the duke's anſwer might be referred to the conſideration of the committee, and that they likewiſe conſider what was to be done in that matter, according to the courſe of parliaments.

The duke, upon the 2d of May, complained to the lords of the delay of the houſe of commons, in not replying to his anſwer, alledging, 'that the impeachment was only to load him with diſgrace, and that they never intended to try him. And added, that the party uſed great partiality towards him, and did not intend to inquire after others; and that they ſhewed their partiality and ſpleen in their amendment to the bill for impriſoning ſir Thomas Cooke, ſir Baſil Firebraſs, and others, wherein ſir Baſil Firebraſs was to be bailed, becauſe he was the witneſs againſt his grace.' The ſame day the commons reſolved, 'that the offer of any money, or other advantage, to any member of parliament, for the promoting of any matter whatſoever, depending, or to be tranſacted in parliament, was a high crime and miſdemeanor, and tended to the ſubverſion of the Engliſh conſtitution.' Afterwards Mr. Comptroller reported from the committee of the houſe of commons, 'that it was their opinion, that the proper method to compel witneſſes to come in, and give their evidence upon impeachments, is, in the firſt place, to iſſue out ſummons from the houſe to ſuch witneſſes for their attendance; and that it appeared to them, that monſieur Robart, who is a material witneſs for making good the articles againſt the duke of Leeds, had been ſummoned to attend the committee, but could not be found; and, it not being yet known where he is, they are of opinion, not to make any farther progreſs in the matter referred to them, until they have the farther direction of the houſe.' This reſolution was agreed to by the houſe, and an order made, that monſieur Robart ſhould attend the houſe forthwith, and that he be ſummoned by the ſerjeant at arms.

Upon Friday the 3d of May, a motion being made in the houſe of lords, to read the bill for granting to the king a duty upon glaſs, &c. the duke of Leeds roſe up, and told the lords, 'that it grieved him, that he, who was as much as any man for the diſpatch of the money bills, and never oppoſed any, ſhould now do it. But he hoped the lords would conſider his caſe, not only as his, but as the caſe of any of their lordſhips; for it was in the power of a tinker to accuſe at the end of a ſeſſion, and one might lie under it without any remedy. And ſince the commons, by miſmanagement, had delayed this money-bill for ſix weeks, it would not be of mighty ill conſequence, if it ſhould lie a day or two longer. His grace likewiſe preſſed very earneſtly, that, if the houſe of commons did not reply, the impeachment might be diſcharged; for, if it were not, he might lie under the reproach thereof all his life; adding, that he believed the commons would do nothing in it; for, though they had appointed a committee to meet, yet they met but once, and that for form.'

The ſame day the ſpeaker of the houſe of commons acquainted them, that the ſerjeant at arms had informed him, that his meſſenger had been at the duke of Leeds's, and inquired for monſieur Robart, who was not to be found, and had not been ſeen in his grace's houſe for three days paſt. Whereupon the commons deſired a conference with the lords; which being agreed to, their managers delivered a paper to the lords, importing, 'that the commons would make good the charge againſt the duke of Leeds, and were deſirous, that juſtice be done without any manner of delay; but that, in the preparation of the evidence againſt the duke, their committee met with an obſtruction. That monſieur Robart, who appeared, by the depoſitions before the committee of both houſes, to be a material witneſs, was withdrawn ſince the impeachment was carried up; which had been the reaſon the commons had not yet acquainted their lordſhips, when they could be ready to make good the ſaid impeachment.'

This paper being read in the houſe of lords, it was moved and agreed to without any debate, or any oppoſition made by the duke of Leeds, that an addreſs ſhould be made to the king to iſſue out a proclamation for ſtopping the ports, and ſeizing monſieur Robart; which was accordingly done though the proclamation was not publiſhed till about nine days afterwards.

The duke then roſe up, and blamed the commons for doing an unheard of and unprecedented thing, to charge a man with crimes, before they had all the evidence to make it good. That it was ſtrange they ſhould ſay they wanted a material witneſs, and lay it upon him to produce this witneſs; as if a perſon were obliged more to produce evidence to accuſe himſelf, than to anſwer ſuch queſtions, by which he accuſes himſelf. He then acquainted their lordſhips, that in truth he had ſent monſieur Robart to ſee his daughter Leinſter, who went into the country big with child; and ordered him to call at Minns to ſee his daughter Plymouth, it being in his way to his daughter Leinſter's, whither the meſſenger of the houſe might have known he was gone, if he had aſked. That he had ſent a meſſenger on purpoſe for Robart; that his footman waked him about two of the clock on Sunday morning, to let him know, that Robart was come, and was in the houſe, which was as ſoon as he could poſſibly return. That his lordſhip told the footman he would go to ſleep, and would ſpeak with Robart in the morning, when he uſually called him. But, when he aſked for him in the morning, the footman ſaid he was gone; and upon inquiry he found Robart did not lie or pull off his boots in his chamber. That the footman ſaid, he aſked whether the news was true, that his lord was impeached, and Mr. Bates in priſon; which the footman owned to be true; and that his grace believes, that had frightened Robart. That his chaplain had ſhewn him a letter from Robart, with a deſire to acquaint his grace, that he deſigned for his own country, Switzerland, through Holland; from whence he would write to his grace a true account of all the matter of the five thouſand five hundred guineas to Mr. Bates. That he knew by the manner of his writing, by the temper of the man, and by a particular knowledge he had of him and of the thing, that he would not be ſeen here again in haſte. So that, my lords, ſaid his grace, if this man be inſiſted upon as a material evidence, and that my trial is to be delayed till this perſon is forth coming, when am I likely to be tried? I humbly move your lordſhips, that you will come to ſome reſolution, if this matter be not immediately proceeded upon, ſo that I may be tried before the ending of this ſeſſion, that this impeachment ſhall fall.' To which ſome few lords cried, 'Well moved.'

[The collector of theſe proceedings inquires here, whether monſieur Robart might not have been delivered from the fright he was put into, by hearing the duke was impeached, and Mr. Bates impriſoned, and been wrought upon to come in, and, for his grace's honour and advantage, lay open the whole truth. If the duke had been pleaſed, to put an advertiſement into the Gazette, that he would interpoſe with his majeſty, to obtain a pardon for him (if he was criminal) and give him five thouſand guineas to befriend him, (or ſomething to that effect) and whether ſuch a courſe would not have been of more avail, for ſecuring Robart's forthcoming, and the manifeſtation of the truth and his lordſhip's vindication, than the proclamation for apprehending him, has hitherto been.]

However the lords read and paſſed the bill upon glaſs, &c. and the king came to the houſe, and gave the royal aſſent to ſeveral bills, and amongſt the reſt to the bill for impriſoning Cooke, Firebraſs, Bates, and Craggs, and alſo to an act for the king's moſt gracious free and general pardon, but with the exception of all perſons, who have been or ſhall be impeached in parliament, during this ſeſſion. On the ſame day, the commons, having read the report from the committee of both houſes, were proceeding to impeach other perſons therein mentioned, particularly ſir John Trevor, when they were interrupted by the Black rod, and commanded to attend the king, in the lords houſe, where after a ſhort ſpeech, the king put an end to theſe affairs, by a prorogation to the 18th of June.

[y] There were few remarkable acts paſſed this ſeſſion, beſides what have been mentioned, an act to exempt apothecaries from ſerving offices, or upon juries. Several bills were ſet on foot, but not finiſhed; namely, 'A bill touching free and impartial proceedings in parliament;' which was begun in the houſe of commons, and there rejected after the third reading: 'A bill for regulating trials in caſes of high-treaſon;' which, having paſt the lower-houſe, was amended by the lords, and occaſioned ſeveral further conferences and debates between both houſes: Another bill 'for regiſtering memorials of deeds, conveyances, and wills,' which was obſtructed by the lawyers in the houſe of commons: A fourth, 'for the encouragement of privateers:' A fifth, 'for the encouragement of ſeamen:' A ſixth, 'to diſable perſons from voting in elections of members to ſerve in parliament, who ſhould refuſe to take the oaths to the

was going beyond ſea, ſet at the head of the councils, nor was there any care taken to oblige thoſe who were about her. This looked either like jealouſy and diſtruſt, or a coldneſs towards her, which gave all the ſecret enemies of the government a colour of complaint. They pretended zeal for the princeſs, though they came little to her; and they made it very viſible on many occaſions, that this was only a diſguiſe for worſe deſigns.

At the ſame time that the lords juſtices were appointed, ſir William Trumbal was made ſecretary of ſtate in the room of ſir John Trenchard, deceaſed. Trumbal was a very eminent civilian, and had been by much the beſt pleader in thoſe courts, and was a learned, diligent, and virtuous man. He was ſent envoy to Paris upon the lord Preſton's being recalled. He was there when the edict of Nantz was repealed in 1685, and ſaw the violence of the perſecution, and acted a great and worthy part in harbouring many, in covering their effects, and in conveying over their jewels and plate to England; which diſguſted the court of France, though it was not then thought fit to diſown or recall him for it. He had orders to put in memorials, complaining of the invaſion of the principality of Orange, which he did in ſo high a ſtrain, that the laſt of them was like a denunciation of war. From Paris he was ſent to Turkey, where the French ambaſſador informed him of the ſecret alliance between king James and Lewis XIV. He returned to England in 1692, and was now made ſecretary of ſtate. A few days after William de Naſſau, ſeigneur de Zuleſtein, ſon to the king's natural uncle, was created baron of Enfield, viſcount Tunbridge, the earl of Rochford; and Ford, lord Grey of Werke, was created viſcount Glendale, and earl of Tankerville. The next day, May the 9th, duke Schomberg, the earl of Tankerville, and Peregrine Bertie, vice-chamberlain to his majeſty, were ſworn and admitted of the privy-council.

The marquis of Hallifax died in April this year; he had gone into all the meaſures of the tories, only he took care to preſerve himſelf from criminal engagements; he ſtudied to oppoſe every thing, and to embroil matters all he could; his ſpirit was reſtleſs, and he could not bear to be out of buſineſs; his vivacity and judgment ſunk much in his laſt years, as well as his reputation; he died of a gangrene, occaſioned by a rupture that he had long neglected: When he ſaw death ſo near him, and was warned, that there was no hope, he ſhewed a great firmneſs of mind, and a calm that had much of true philoſophy at leaſt; he profeſſed himſelf a ſincere chriſtian, and lamented the former parts of his life, with ſolemn reſolutions of becoming in all reſpects another man, if God ſhould raiſe him up.

On the 12th of May the king went in the morning from Kenſington to Graveſend, and went aboard the William and Mary yatch about ſix in the evening, attended by the duke of Ormond, the earls of Eſſex and Portland, and other perſons of quality; but, there being little wind, the yatch got no further that night than the buoy in the Nore. The next morning they joined their convoy under the command of ſir George Rooke, and on the 14th the king ſafely landed at Orange Polder, and arrived in the evening at the Hague, where he was received with great acclamations of joy.

The ſeven lords juſtices had no character nor rank, except when four of them were together; and they avoided aſſembling to that number, except at the council-board, where it was neceſſary; and, when they were together, they had the royal authority veſted in them. They were choſen by the poſts, which they were in, ſo that no perſon could think he was neglected by the preference. They were not envied for this titular greatneſs, ſince it was indeed only titular, for they had no real authority truſted with them. They took care to keep within bounds, and to do nothing but in matters of courſe, till they had the king's orders, to which they adhered exactly, ſo that no complaints could be made of them, becauſe they took nothing on them, and did only keep the peace of the kingdom, and tranſmit and execute the king's orders. The ſummer went over quietly at home, for though the jacobites ſhewed their diſpoſition on ſome occaſions, but moſt ſignally on the prince of Wales's birth-day, yet they were wiſer than to break out into any diſorder, when they had no hopes of aſſiſtance from France.

The king having thought fit to call a parliament in Scotland, they met according to their ſummons on the 9th of May. The marquis of Tweedale was his majeſty's commiſſioner, for not only duke Hamilton, but his brother-in-law, the duke of Queenſbury, died the laſt winter. They had been long great friends, but they became irreconcileable enemies. Duke Hamilton had more application, but the other had the greater genius. They were incompatible with each other, and indeed with all other perſons, for both loved to be abſolute, and to direct every thing.

The marquis of Tweedale was early engaged in buſineſs, and continued in it to a great age. He underſtood well all the intereſts and concerns of Scotland; had a great ſtock of knowledge, with an obliging temper, and was of a blameleſs, or rather exemplary life. He had looſe thoughts both of civil and eccleſiaſtical government, and ſeemed to think, that what form ſoever was uppermoſt was to be complied with. He had been in Cromwell's parliament, and had abjured the royal family, which lay heavy upon him. He was, in all other reſpects, the ableſt and worthieſt of the nobility, only he was too cautious and fearful. He was made a privy-councillor in England in 1667, and in 1692, chancellor and marquis of Scotland, and now the king's high-commiſſioner. He came to the parliament attended in the uſual manner; and, his commiſſion being read, the king's letter to the lords temporal and commiſſioners of the ſhires and burghs was read alſo, ſetting forth, 'That the continuation of the war ſtill hindered him from purſuing his reſolution of being amongſt them in perſon, and ſo obliged him to call them together once more in his abſence. That therefore he had appointed the marquis of Tweedale to be his commiſſioner, and to repreſent his perſon and authority among them. That the marquis had given proofs of his capacity and experience in buſineſs, as well as of his fidelity and zeal, by his many and long ſervices to the crown and nation, particularly ſince his being lord chancellor, which would render him very acceptable to them. That his majeſty had fully entruſted him with his mind, and given him powers to paſs all ſuch laws for the good of that his majeſty's antient kingdom, as had been propoſed to his majeſty at this time. That the marquis was to aſk nothing of them in his majeſty's name, but that which the intereſt of the country made neceſſary to be done. That therefore his majeſty need not to mention to them, that the ſubſidies for paying the forces were now expired, and that their peace and ſafety required the renewing of them during the war. That his majeſty was glad of any appearances of a diſpoſition to moderation and union about church matters, and hoped they would encourage and promote it, by removing the ſubjects of differences as much as they could. That he was not unmindful of the letter to him, in the cloſe of the laſt ſeſſion. That the known interruptions which he had had in buſineſs this winter, had been a great hinderance to him; but he was reſolved to do whatever he might for the ſecurity of the government, and the ſatisfaction of his good ſubjects. In the concluſion, his majeſty recommended to them calmneſs and unanimity in their proceedings, not doubting but they would act ſuitably to the confidence he had put in them, in calling them again in his abſence.'

This letter was ſeconded by the high commiſſioner's ſpeech, who told them, 'That his majeſty's tender care and concern for their ſafety and welfare did evidently appear, in minding every thing that might contribute thereto; particularly as to the church, that all differences might be compoſed, it being his majeſty's purpoſe to maintain the preſbyterian government in the church of Scotland, and that the peace and ſecurity of the kingdom againſt foreign invaſion and inteſtine commotion be provided for. That if they found it would tend to the advancement of trade, that an act ſhould be paſſed for the encouragement of ſuch, as ſhould acquire and eſtabliſh a plantation in Africa or America, or any other part of the world, where plantations might be lawfully acquired, his majeſty was willing to declare, that he would grant to the ſubjects of this kingdom, in favour of theſe plantations, ſuch rights and privileges as he granted in like caſes to the ſubjects of his other dominions. And that the judicatories, higher and ſubaltern, be ſo regulated in their proceedings, as that juſtice might be adminiſtered with the greateſt diſpatch and leaſt charge to the people.—That theſe things had taken up ſome part of his majeſty's

government,' which never came to the ſecond reading: A ſeventh, 'for the better diſcovery of bankrupts eſtates,' which was only read twice: An eighth, 'to veſt the forfeited eſtates in Ireland in his majeſty,' wherein as little progreſs was made: A ninth, 'to regulate printing preſſes:' A tenth, 'requiring certain perſons to take the oaths to his majeſty,' which, having paſſed the upper houſe, and been ſent down to the commons, was by them rejected after the ſecond reading: An eleventh, ſent down alſo by the lords, 'for naturalizing foreign ſeamen,' which the commons refuſed to paſs: A twelfth, 'to aſcertain the aſſize of bread:' A thirteenth, 'to oblige James Craggs and Richard Harnage to diſcover how ſome of the monies for clothing the army had been diſpoſed of:' And, laſtly, a bill 'for puniſhing Tracy Pauncefort and his brother Edward Pauncefort, for corrupt practices, which, having been read three times by the commons, was ordered to lie upon the table.

time

London Engravd for Harrison's Edition of Rapin.

GEORGE SAVILE,
Marquis of Hallifax.

the face by Goldar. *I. Bannerman Sculp.*

In the possession of Sr George Savile Bart

Published as the Act directs Decemr 1794.

BRITISH
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time and thoughts theſe months paſt, and had been frequently diſcourſed by him, and then put in the method of inſtructions and directions for his grace's behaviour. That therefore it only remained for them to take theſe weighty affairs into conſideration, and to conſult of the beſt ways and means to enable his majeſty to perfect ſo good deſigns, by granting him ſupplies for maintaining the preſent land forces, and for providing and entertaining a competent naval force, for the defence of the coaſt, and ſecuring of trade. In order to which his majeſty had granted a commiſſion of admiralty for managing the affairs thereof, not omitting to take care for the other unavoidable contingencies of the government, wherein the civil liſt came ſhort. Concluding, that the diſpatch of theſe great affairs with cheerfulneſs and alacrity would perfect a good underſtanding, and perpetuate a confidence between the king and them.'

The earl of Annandale, lord preſident of the parliament, made likewiſe a ſpeech to them on this occaſion. He acknowledged his majeſty's gracious letter, wherein he aſked nothing for himſelf, but only prevented their neceſſary cares for the peace, welfare, and advantage of this kingdom. He took notice of the freſh aſſurances they had of his majeſty's firm reſolution, 'to maintain the preſbyterian government of this church; and ſaid, he hoped the moderation and calmneſs, that ſhould at this time appear in all their proceedings in church-matters would ſatisfy the world, that this is the government moſt agreeable to the temper and inclination of this people, and moſt ſuitable for the intereſt and ſupport of their king, the civil government, and peace of this kingdom.' And in the concluſion he enforced all that had been ſaid, 'by one thing, which did juſtly challenge a more than ordinary zeal and vigour in their duty at this time, which was the ſad and irreparable loſs they had ſuſtained of the beſt of queens; wiſhing they might all of them make this uſe of it, that as now the whole ſovereignty was lodged in his majeſty, it might appear by their actings, that they had doubled their forwardneſs and endeavours to ſerve him; which was the only way now left them to ſhew their juſt ſenſe of their inexpreſſible loſs, and to make it, in ſome meaſure, more ſupportable to his majeſty.'

Theſe ſpeeches had the deſired effect. The parliament ordered an anſwer to his majeſty's letter, and an addreſs of condolence for the death of the queen, to be drawn up, and ſent to his majeſty; and they appointed a committee for the ſecurity of the kingdom, and another for trade. The firſt of theſe committees having made their report concerning the ſupplies to be given to the king, it was unanimouſly reſolved, that the ſum of 1,440,000 pounds Scots be granted for the maintenance of the land forces, and for providing and maintaining cruiſers and convoys for defence of the coaſts and trade; towards the raiſing of which ſum, they made an act for a general poll, another for a ſupply of ſix months ceſs out of the land rents, a third for an additional exciſe, and a fourth for three months ceſs more.

The committee of trade, after ſeveral ſittings, prepared an act, which produced the Weſt-India and African companies, and the Darien enterprize. This act was paſſed, but proved (as will hereafter be ſeen) very fatal to Scotland. It was occaſioned in this manner: The interlopers in the Eaſt-India trade, finding that the company was like to be favoured by the parliament, as well as by the court, were reſolved to try other methods to break in upon that trade: They entered into a treaty with ſome merchants in Scotland, and they had, in the former ſeſſion, procured an act, that promiſed letters patent to all ſuch, as ſhould offer to ſet up new manufactures, or drive any new trade, not yet practiſed by that kingdom, with an exemption for twenty-one years from all taxes and cuſtoms, and with all ſuch other privileges, as ſhould be found neceſſary for eſtabliſhing or encouraging ſuch projects. But here was a neceſſity of procuring letters patent, which they knew the credit that the Eaſt-India company had at court, would certainly render ineffectual. So they were now in treaty for a new act, which ſhould free them from that difficulty. There was one Patterſon, a man of no education, but of great notions, which, as was generally ſaid, he had learned from the Buccaneers, with whom he had conſorted for ſome time. He had conſidered a place in Darien, where he thought a good ſettlement might be made, with another over-againſt it, in the South Sea; and, by two ſettlements there, he fancied a great trade might be opened for the Eaſt and Weſt-Indies, and that the Spaniards in the neighbourhood might be kept in great ſubjection to them; ſo he made the merchants believe that he had a great ſecret, which he did not think fit yet to diſcover, and reſerved to a fitter opportunity; only he deſired, that the Weſt-Indies might be named in any new act, that ſhould be offered to the parliament: He made them in general underſtand, that he knew of a country, not poſſeſſed by Spaniards, where there were rich mines, and gold in abundance. While theſe matters were in treaty, the time of the king's giving the inſtructions to his commiſſioner for the parliament came on; and it had been a thing of courſe to give a general inſtruction to paſs all bills for the encouragement of trade. Johnſtoun told the king, that he heard there was a ſecret management among the merchants for an act in Scotland, under which the Eaſt-India trade might be ſet up; ſo he propoſed, and drew an inſtruction, impowering the commiſſioner to paſs any bill, promiſing letters patents for encouraging of trade, yet limited, ſo that it ſhould not interfere with the trade of England: When they went down to Scotland, the king's commiſſioner either did not conſider this, or had no regard to it, for he gave the royal aſſent to an act, that gave the undertakers, either of the Eaſt-India or Weſt-India trade, all poſſible privileges, with exemption of twenty-one years from all impoſitions: And the act directed letters patents to be paſſed under the great ſeal, without any further warrant for them: When this was printed, it gave a great alarm in England, more particularly to the Eaſt-India company; for many of the merchants of London reſolved to join ſtock with the Scotch company; and the exemption from all duties gave a great proſpect of gain.

But this ſeſſion of the Scots parliament was chiefly remarkable for its ſtrict enquiry into a paſſage, that made a great noiſe in the world. The earl of Broadalbin formed a ſcheme of quieting all the Highlanders, if the king would give twelve or fifteen thouſand pounds for doing it, which ſum was remitted down from England, and this was to be divided among the heads of the tribes or clans of the Highlanders. He employed his emiſſaries among them, and told them that the beſt ſervice they could do to king James was to lie quiet, and reſerve themſelves to a better time; and, if they would take the oaths, the king would be contented with that, and they were to have a ſhare of this ſum, that was ſent down to buy their quiet. But this came to nothing; their demands roſe high; they knew, that the earl had money to diſtribute among them; they believed that he intended to keep the beſt part of it to himſelf. They aſked therefore more than he could give. Amongſt the moſt clamorous and obſtinate of theſe were the Macdonalds of Glencoe, who were believed guilty of much robbery and many murders, and ſo had gained too much by their pilfering war, to be eaſily induced to give it over. The head of that valley had ſo particularly provoked the earl of Broadalbin, (whoſe cows were ſaid to have been ſtolen by Macdonald's men) that, as his ſcheme was quite defeated by the oppoſition, that Macdonald raiſed, ſo he deſigned a ſevere revenge. The King had by a proclamation offered an indemnity to all the Highlanders, who had been in arms againſt him, upon their coming in, by a prefixed day, to take the oaths. The day had been twice or thrice prolonged, and it was, at laſt, carried to the end of the year 1691, with a poſitive threatening of proceeding to military execution againſt ſuch as ſhould not ſubmit by the laſt day of December. All of them were ſo terrified, that they came in; and even Macdonald himſelf went to colonel Hill, governor of fort William at Inverlochie, on the laſt day of December, and offered to take the oaths. But the colonel, being only a military man, could not or would not tender them; and Macdonald was forced to ſeek for ſome of the legal magiſtrates to tender them to him. The ſnows were then fallen, ſo that five or ſix days paſſed, before he could come to a magiſtrate; but on the 6th of January 1691-2, he took the oaths before ſir Colin Campbell of Ardkinlar, ſheriff-deputy of Argyle, at which time, in the ſtrictneſs of law, he could claim no benefit by it. The matter was ſignified to the council at Edinburgh, and ſir Colin had a reprimand for giving him the oaths, when the day was paſſed. This was concealed from the king, and the earl of Broadalbin came to court, to give an account of his diligence, and to bring back his money, ſince he could not do the ſervice for which it was received. He informed againſt Macdonald, as the chief perſon who had defeated that good deſign; and, that he might gratify his own revenge, and render the king odious to all the Highlanders, he propoſed, that orders ſhould be ſent for a military execution on the men of Glencoe. An inſtruction was drawn by ſecretary Stair (dated the 11th of January 1692, and directed to ſir Thomas Levingſton) to be both ſigned and counterſigned by the king, that ſuch as had not taken the oaths by the time limited, ſhould be excluded the benefit of the indemnity, and be deſtroyed by fire and ſword; but

but with this expreſs mitigation, in the fourth article, 'That the rebels may not think themſelves deſperate, we allow you to give terms and quarter, but in this manner only, that chieftains and heritors, or loaders, be priſoners of war, their lives only ſafe, and all other things in mercy, they taking the oath of allegiance; and the community, taking the oath of allegiance, and rendering their arms, and ſubmitting to the government, are to have quarter and indemnity for their lives and fortunes, and to be protected from the ſoldiers.'

After theſe inſtructions there were additional ones given by the king to ſir Thomas Levingſton upon the 18th of the ſame month, ſuperſigned and counterſigned by his majeſty, and the date marked by ſecretary Stair's hand, which bear orders for giving paſſes, for the ſubmiſſion of certain of the rebels; wherein his majeſty judged it much better, that thoſe, who took not the benefit of the indemnity in due time, ſhould be obliged to render upon mercy, they ſtill taking the oath of allegiance; and then added, 'if Maclean of Glencoe and that tribe can be well ſeparated from the reſt, it will be a proper vindication of the public juſtice to extirpate that ſect of thieves.' The king ſigned this without any enquiry about it; for he was apt to ſign papers in a hurry, without examining the importance of them. This was one effect of his ſlowneſs in diſpatching buſineſs; for, as he was apt to ſuffer things to run on till there was a great heap of papers laid before him, ſo then he ſigned them a little too precipitately. But all this while he knew nothing of Macdonald's offering to take the oaths within the time, nor of his having taken them ſoon after it was paſſed, when he came to a proper magiſtrate. As theſe orders were ſent down, ſecretary Stair, wrote many private letters to Levingſton, giving him a ſtrict charge and particular directions for the execution of them. In a previous letter of the date 7th of January, he wrote thus: 'You know in general, that theſe troops poſted at Inverneſs and Inverlochie will be ordered to take in the houſe of Innergairie, and to deſtroy entirely the county of Lochaber, Locheal's lands, Kippoch, Glengarie's, and Glencoe;' and then added, 'I aſſure you, your power ſhall be full enough, and I hope the ſoldiers will not trouble the government with priſoners.' And, by another letter of the 9th of that month, which was written before the inſtructions, he had this expreſſion, 'That thoſe, who remain of the rebels, are not able to oppoſe; and, their chieftains being all papiſts, it is well the vengeance falls there. For my part I could have wiſhed the Macdonalds had not divided; and I am ſorry, that Kippo and Maclean of Glencoe are ſafe.' In another letter of the 11th of January ſent with the firſt inſtructions to ſir Thomas Levingſton, he hath this expreſſion: 'I have no great kindneſs to Kippoch nor Glencoe; and it is well that the people are in mercy. Juſt now my lord Argyle tells me, that Glencoe hath not taken the oath, at which I rejoice. It is a great work of charity to be exact in rooting out that damnable ſect, the worſt of the Highlanders.' In his letter of the 16th of January of the ſame date with the additional inſtructions, though he writes in the firſt part of it, that the king does not at all incline to receive any after the day but on mercy, yet he afterwards adds, 'But, for a juſt example of vengeance, I intreat the thieving tribe of Glencoe may be rooted out to purpoſe.' And to confirm this, by his letter of the ſame date, ſent with the duplicate of the firſt, and additional inſtructions to colonel Hill, after having written, 'that ſuch as render on mercy might be ſaved;' he adds, 'I ſhall intreat you that for a juſt vengeance, and public example, the tribe of Glencoe may be rooted out to purpoſe. The earls of Argyle and Broadalbin have promiſed, that they ſhall have no retreat in their bounds; the paper to Ronoch would be ſecured, and the hazard certified to the laird of Weems to reſet them. In that caſe Argyle's detachment, with a party, that may be poſted in iſland Stalker, muſt cut them off; and the people of Appin are none of the beſt.' But as the execution of the Glencoe men did not immediately take effect, ſecretary Stair, on the 30th of January, wrote two more letters; one to Levingſton wherein he ſaid, 'I am glad, that Glencoe did not come in within the time prefixed. I hope what is done there may be in earneſt, ſince the reſt are not in a condition to draw together to help. I think to hurry (that is to drive) their cattle, and burn their houſes, is but to render them deſperate lawleſs men to rob their neighbours; but I believe you will be ſatisfied it were a great advantage to the nation, that thieving tribe were rooted out and cut off. It muſt be quietly done, otherwiſe they will make ſhift for both their men and cattle. Argyle's detachment lies in Lotrickneel to aſſiſt the garriſon to do all of a ſudden.' The other letter was to colonel Hill, in which he wrote: 'Pray when the thing concerning Glencoe is reſolved, let it be ſecret and ſudden; otherwiſe the men will ſhift you, and better not meddle with them than not to purpoſe, to cut off that neſt of robbers, who have fallen in the mercy of the law, now when there is force and opportunity, whereby the king's juſtice will be as conſpicuous and uſeful as his clemency to others. I apprehend the ſtorm is ſo great that for ſome time you can do but little; but ſo ſoon as poſſible I know you will be at work; for theſe falſe people will do nothing, but as they ſee you in a condition to do with them.'

In February 1691-2, a company was ſent to Glencoe, who were kindly received there, and quartered over the valley, the inhabitants thinking themſelves ſafe, and looking for no hoſtilities. After they had ſtaid a week amongſt them, they took their time in the night, and killed about ſix and thirty of them, the reſt taking the alarm, and eſcaping. This raiſed a great clamour, and was publiſhed by the French in their Gazettes, and by the Jacobites in their libels, to caſt a reproach on the king's government as cruel and barbarous, tho' in all other inſtances it had appeared, that his own inclinations were gentle and mild, rather to an exceſs. The king ſent orders to enquire into the matter; but when the letters, writ upon this buſineſs, were all examined, it appeared, that ſo many perſons were involved in the matter, that his gentleneſs prevailed on him to a fault, and he contented himſelf with diſmiſſing only Secretary Stair from his ſervice. The Highlanders were ſo inflamed with this, that they were put in as forward a diſpoſition as the Jacobites wiſhed for, to have rebelled upon the firſt favourable opportunity. And indeed the not puniſhing this with a due rigour was the greateſt blot in this whole reign, and had a very ill effect in alienating that nation from the king and his government.

As this affair ſtill made a great noiſe, and it was repreſented to the king, that a ſeſſion of parliament could not be managed without high motions and complaints, in ſo crying a matter; and that his miniſters could not oppoſe theſe, without ſeeming to bring the guilt of the blood, that was ſo perfidiouſly ſhed, both on the king and on themſelves: To prevent which, the king ordered a commiſſion to be paſſed under the great ſeal, for a precognition in that matter, which is a practice in Scotland of examining crimes, before the perſons are brought upon their trial. This was looked upon as an artifice to cover that tranſaction, by a private enquiry. However, when it was complained of in parliament, not without reflections, on the ſlackneſs in examining into it, and the committee for the ſecurity of the kingdom made a motion about it, the king's commiſſioner aſſured them, that by the king's order, the matter was then under examination, and that it ſhould be reported to the parliament. Accordingly, the king's commiſſion for that purpoſe being produced, read, and agreed to, it was unanimouſly voted, that the high commiſſioner, ſhould be deſired to tranſmit their humble thanks to his majeſty for his care to vindicate the honour of the government, and the juſtice of the nation, by granting ſuch a commiſſion.

The commiſſioners appointed by the king to enquire into the ſlaughter of the Glencoe men, having ſpent ſome weeks in that affair, on the tenth of June preſented to the parliament private articles agreed in July 1691, between the earl of Broadalbin and major-general Buchan with ſeveral of the Highland clans; as alſo the depoſitions of the laird of Glengairie and colonel Hill, containing informations of high treaſon againſt the earl of Broadalbin; which being read, after ſome debate, an order was made for his proſecution before the parliament, and for his commitment to the caſtle of Edinburgh. In the progreſs of the enquiry, it ſeems, a new practice of the earl of Broadalbin's was diſcovered; for the Highlanders depoſed that, while he was treating with them, in order to their ſubmitting to the king, he had aſſured them, that he ſtill adhered to king James's intereſt, and that he preſſed them to come into that pacification, only to preſerve them for his ſervice, till a more favourable opportunity. This, with ſeveral other treaſonable diſcourſes of his, being reported to the Parliament, he covered himſelf with his pardon; but theſe diſcourſes happened to be ſubſequent to it; ſo he was ſent a priſoner to the caſtle of Edinburgh: he pretended, he had ſecret orders from the king, to ſay any thing that would give him credit with them; which the king owned ſo far, that he ordered a new pardon to be paſſed for him.

On the 24th of June, the commiſſioners gave into the houſe their report of the caſe of the Glencoe men, with their opinion upon it, which was as follows:

"Firſt, that it was a great wrong, that Glencoe's caſe and

and diligence, as to his taking the oath of allegiance on the 6th of January 1692, and colonel Hill's letter to Ardkinlas, and Ardkinlas's letter to Colin Campbell, Sheriff Clerk, for clearing Glencoe's diligence and innocence, were not presented to the Lords of his majesty's privy-council, when they were sent into Edinburgh in the said month of January; and that those, who advised the not presenting thereof were in the wrong, and seemed to have had a malicious design against Glencoe. And that it was a further wrong, that the certificate, as to Glencoe's taking the oath of allegiance, was delate and obliterate after it came to Edinburgh; and that, being so obliterate, it should neither have been presented to, or taken in by the clerk of the council without an express warrant from the council. Secondly, That it appears to have been known at London, and particularly to the master of Stair, in the month of January 1692, that Glencoe had taken the oath of allegiance, though after the day prefixed; for he saith in his letter of the 30th of January to sir Thomas Levingston, I am glad that Glencoe came not within the time prescribed. Thirdly, that there was nothing in the king's instructions to warrant the committing of the aforesaid slaughter, even as to the thing itself, and far less as to the manner of it, seeing all his instructions do plainly import, that the most obstinate of the rebels might be received into mercy upon taking the oath of allegiance, though the day was long before elapsed, and that he ordered nothing concerning Glencoe and his tribe, but that, if they could be well separated from the rest, it would be a proper vindication of the public justice to extirpate that sect of thieves; which plainly intimates, that it was his Majesty's mind, that they could not be separated from the rest of these rebels, unless they still refused his mercy by still continuing in arms, and refusing the allegiance; and that even in that case they were only to be proceeded against in the way of public justice, and no other way. Fourthly, that secretary Stair's letters, especially, that of the 11th of January, 1692, in which he rejoices to hear, that Glencoe had not taken the oath, and that of the 16th of January of the same date with the king's additional instructions, and that of the 30th of the same month, were no ways warranted by, but quite exceeded the king's instructions, since the said latters, without any insinuation of any method to be taken, that might well separate the Glencoe men from the rest, did, in place of prescribing a vindication of public justice, order them to be cut off and rooted out in earnest and to purpose, and that suddenly and secretly, and quietly, and all on a sudden; which are the express terms of the said letters, and, comparing them and other letters with what ensued, appear to have been the only warrant and cause of their slaughter, which in effect was a barbarous murder perpetrated by the persons deposed against. And this is yet farther confirmed by two more of his letters, written to colonel Hill after the slaughter committed, viz. on the 5th of March 1692, wherein, after having said, that there was much talk at London, that the Glencoe men were murdered in their beds after they had taken the oath of allegiance, he continues, 'For the last, I know nothing of it; I am sure neither you, nor any body impowered to treat or give indemnity, did give Glencoe the oath; and to take it from any body else, after the day was past, did import nothing at all. All that I regret is, that any of the sort got away, and there is a necessity to prosecute them to the utmost.' And another from the Hague, the last of April 1692, wherein he says, 'For the people of Glencoe, when you do your duty in a thing so necessary to rid the country of thieving, you need not trouble yourself to take the pains to vindicate yourself by shewing all your orders, which are now put in the Paris gazette. When you do right, you need fear no body. All that can be said, is, that, in the execution, it was neither so full nor so fair, as might have been.'

This report being read, on the 24th of June, together with the depositions of the witnesses, the king's instructions, and the master of Stair's letters, it was voted, 'nemine contradicente, that his majesty's instructions to sir Thomas Levingston and colonel Hill contained no warrant for the execution of the Glencoe men: That the said execution was a murder: That the master of Stair's letter did exceed the king's instructions; and that sir Thomas Levingston had reason to give the orders he had given. On the 2d of July they proceeded upon the same affair, and colonel Hill and lieutenant-colonel Hamilton were called. The former appeared, was examined, and cleared; but the latter not appearing was ordered to be apprehended, and on the 8th of that month voted 'guilty of the murder of the Glencoe men.' Then the house proceeded against the other persons, who were actors therein; and agreed upon an address to his majesty, that he would send them home to be prosecuted, or not, as his majesty should think fit; and that he would take into his princely consideration the case of the Glencoe men. This address was, on the 10th of July, recommended to the king's commissioner, to be transmitted to his majesty, with duplicates of his majesty's instructions, and the master of Stair's letters. At the same time the king's commissioners received the unanimous thanks of the parliament, for laying the discovery of the matter of Glencoe before them, and for their careful procedure in their commission of inquiry; and a new protection was granted to the Glencoe men.

On the 1st of July, the earl of Broadalbin, being brought to the bar of the parliament, in order to his trial, delivered in a petition, praying, that he might be allowed some competent time for bringing of witnesses from remote places, and for recovery of such documents, as he was to make use of for his vindication, both from the secretary's office at London, and his house in the country. The advocates on both sides having been heard upon this petition, it was put to the vote, whether the day for his lordship to give in his defence should be the 8th or 15th of the current month, and it was carried for the 15th; and that in the mean time he might raise letters of exculpation. Then the indictment against him was read, and he remanded to prison. The same day the process of treason, at the instance of the king's advocate, against the earl of Melfort, and others in France, being called, the king's advocate, produced his warrant from the privy-council for raising this process against them, and desired, that it might be recorded. Afterwards the indictment was read, and the king's advocate declared he insisted at that time only against the earls of Middleton and Melfort, and sir Adam Blair, and on that part of the indictment, which recited, that, by the act of parliament in 1693, it was declared treason to be in France after the 1st of August 1693, and therefore craved the indictment might be found to be good in law; which being put to the vote, it was carried in the affirmative. The next day the house passed sentence against the earls of Middleton and Melfort and sir Adam Blair, to forfeit life and fortune, and ordered the rest, who adhered to his majesty's enemies, and were then in France, to be prosecuted before the lords of the justiciary. On the 15th of July, the earl of Broadalbin, being again brought to the bar, begged more time to make his defence, which was granted him till the 25th of the same month; but all the public affairs being happily concluded by the 17th, it was moved and agreed to, that the process of treason against him should be continued till the next session of parliament. After which his majesty's commissioner gave the parliament thanks for their real and hearty compliance with his majesty's demands, recommended to them the preservation of the public peace in their several countries, and adjourned them till the 7th of November following.

It was observable, that a great party came to be formed in this session of a very odd mixture. The high presbyterians and the jacobites joined together to oppose every thing; however, it was not so strong as to carry the majority; but great heats arose among them.

In this session, an act passed, in favour of such of the episcopal clergy, as should enter into those engagements to the king, that were by law required; that they should continue in their benefices under the king's protection, without being subject to the power of presbytery. This was carried with some address, before the presbyterians were aware of the consequences of it; for it was plainly that which they call Erastianism. A day was limited to the clergy for taking the oaths; and, by a very zealous and dextrous management, about seventy of the best of them were brought to take the oaths to the king; and so they came within the protection promised by the act.

In Ireland the three lords justices did not agree long together. The lord Capel studied to render himself popular, and espoused the interests of the English against the Irish, without any nice regard to justice or equity. He was too easily set on by those, who had their own end in it, to do every thing that gained him applause. The other two were men of severe tempers, and studied to protect the Irish, when they were oppressed; nor did they try to make themselves otherwise popular, than by a wise and just administration. For which reason lord Capel was highly magnified, and they were as much complained of by all the English in Ireland. Lord Capel undertook to manage a parliament so, as to carry all things, if he was made lord deputy, and had power given him to place and displace such as he should name. This being agreed to, a parliament was held there, after he had made several removes. It was opened at Dublin on the 27th of August, when his lordship made a speech to both houses,

wherein he told them, 'That many and great were the obligations they owed to his majeſty. That his majeſty had appeared himſelf in their cauſe, fought their battles, and, at his own perſonal hazard, had reſtored them to their religion and eſtates. And, that every thing might concur to make them happy, his majeſty had now called them together in parliament, that by reaſonable and neceſſary laws they might prevent the like dangers for the time to come, and ſecure themſelves and their poſterity upon the beſt and ſureſt foundations. That he doubted not, but they would make ſuitable returns of loyalty and affection to his majeſty, by ſhewing a perfect and forward zeal in ſuch things as tended to his honour and their own advantage.' His excellency then acquainted them, 'That his majeſty's revenue had fallen ſhort of the eſtabliſhment, which had occaſioned great debts to the civil and military liſts. That it was with difficulty, and ſtopping of all manner of payments, but what were abſolutely neceſſary, that the army had hitherto been ſubſiſted. That there were alſo ſeveral other debts due from the crown, a ſtate whereof he had ordered to be laid before the commons, by which they would ſee, what ſupplies were neceſſary for diſcharge of thoſe debts, and for the ſupport of the government. That, for raiſing ſome part of this money, his majeſty had ſent them a bill for an 'additional duty of exciſe,' and he expected from the gentlemen of the houſe of commons, that they would conſider of ways and means for raiſing ſuch other ſums, as were requiſite for his ſervice; aſſuring them, that what money they gave, ſhould be applied to the uſes for which it was given.

'He recommended to them, that they would take ſome care for the rebuilding and repairing of churches in ſeveral parts of their country, that the people, having decent public places of worſhip, might be better inſtructed in their duty to their God, and obedience to their king; urging, that it was a tribute due to Almighty God, for their late preſervation and deliverance; and that it would be one of the beſt means they could think of to preſerve the true eſtabliſhed religion, and to provide againſt future rebellions.' He likewiſe informed them, 'That the lords juſtices of England had, with great application and diſpatch, conſidered and re-tranſmitted all the bills ſent to them. That ſome of theſe bills had more effectually provided for their future ſecurity, than had ever heretofore been done. That in his excellency's opinion the want of ſuch laws had been one of the great cauſes of their paſt miſeries; and it would be their fault as well as misfortune, if they neglected to lay hold on the opportunity now put into their hands by their great and gracious king, of making ſuch a laſting ſettlement, that it might never more be in the power of their enemies to bring the like calamities again upon them, or to put England to that vaſt expence of blood and treaſure, which it had ſo often been at, for ſecuring this kingdom to the crown of England. Concluding with the uſual acknowledgement of his unfitneſs for his great ſtation, and of the great difficulties, which attend it; and aſſurance that he would diſcharge his truſt with ſtedfaſt loyalty to his majeſty's intereſt and ſervice, and with a perfect ſincerity to theirs.'

The lords and commons returned their thanks in their addreſſes to his excellency for his ſpeech, and paſſed this vote, 'That they would, to the utmoſt of their power, ſtand by and aſſiſt his majeſty and his government againſt all his enemies foreign and domeſtic.' After this both houſes proceeded with great unanimity and diſpatch to the conſideration of the matters before them: ſo that the ſupply of 163,325l. that was aſked for the ſupport of the government was granted; all the proceedings and attainders in king James's parliament were annulled; and the great act of ſettlement was confirmed and explained as they deſired [z]. But, though things went on thus ſmoothly in the beginning of the ſeſſion, this good temper in the parliament was quickly loſt by the heat of ſome, who had great credit with the lord deputy. Complaints were made of ſir Charles Porter, the lord chancellor, who was beginning to ſet on foot a tory humour in Ireland; whereas it was certainly the intereſt of that government to have no other diviſion among them but that of Engliſh and Iriſh, and of proteſtant and papiſt. The lord deputy's party moved in the houſe of commons, that the lord chancellor ſhould be impeached; but the grounds upon which this motion was made, appeared to be ſo frivolous, after the chancellor was heard by the houſe of commons in his own juſtification, that he was voted clear from all imputation by a majority of two to one. This ſet the lord deputy and the lord chancellor, with all the friends of both, at ſo great a diſtance from each other, that it put a full ſtop for ſome time, to all buſineſs.

Thus factions were formed in all the king's dominions; and he, being for ſo much of the year at a great diſtance from the ſcene, there was no pains taken to quiet theſe, and to check the animoſities which aroſe out of them. The king ſtudied only to balance them, and to keep up among the parties, a jealouſy of one another, that ſo he might oblige them all to depend more entirely on himſelf.

Such was the ſtate of affairs in the Britiſh dominions. It is time now to turn to the military proceedings abroad, and to conſider how matters ſtood on both ſides before the campaign was opened. When the king of France ſaw in 1691 king William diſengaged from the war in Ireland, and the following year the elector of Bavaria poſſeſſed of the government of the Spaniſh Netherlands, he turned the ſtreſs of his arms that way, in order to break their meaſures, and in two ſucceſſive campaigns made himſelf maſter of the important places of Mons and Namur, before thoſe two princes could collect a ſufficient force to prevent it, But the two next campaigns the French met with more difficulties and a ſtronger oppoſition than they expected from the allies. King William, early poſſeſſing himſelf of the camp of Park in 1693, diſſipated the ſanguine hopes of their court, defeated their deſigns upon Brabant, and forced their king to a ſpeedy return to Verſailles; and the victory they obtained the ſame year at Landen coſt them ſo dear, that by it they loſt in 1694 the ſuperiority, which they had the preceding years over the allies. And, though this laſt campaign was wholly ſpent in obſerving one another, like enemies, whoſe forces, being almoſt equal, endeavour to overmatch the oppoſite party by the advantage of the ground, yet it was concluded to the honour of the confederates by the retaking of Huy, a place, which in time proved of more importance than was at firſt apprehended.

King William being ſenſible, that the power of France was in its decline, and that the allies on the other hand increaſed daily in ſtrength, reſolved to form ſome conſiderable enterprize the following year, either in Flanders, or on the Maeſe, according as the enemy would give him opportunity to put it in execution on either ſide. In order to this, before his majeſty left Holland, he gave directions for the ſetting up and ſtoring of great magazines in ſeveral places, and for making all other neceſſary preparations; and ordered two armies to be early in the field, to keep the French in awe on both ſides, and draw their whole ſtrength on that, for which their jealouſy ſhould be greateſt, and afterwards fall on the other with more probability of ſucceſs. A ſiege in Flanders ſeemed to be attended with leſs difficulty than on the Maeſe, where the only place, that could be attempted was Namur, the ſtrongeſt of all the Low-Countries; and therefore, as moſt people looked upon ſuch an undertaking as altogether impoſſible, ſo the French themſelves turned their greateſt precautions towards Flanders, where they drew a new line from the Lys to the Schelde, before the allies could form a body of troops to oppoſe them. By theſe motions of the enemy, and their not increaſing their forces, it was eaſy to judge, that they would content themſelves to act defenſively this ſummer; not to mention the loſs of their beſt general, the duke of Luxemburg, who died towards the beginning of this year, and whoſe place was but ill ſupplied by the marſhal de Villeroy.

While the French were perfecting their lines, the confederates, who were ſuperior to them by near twenty-thouſand men, formed two great armies in Flanders and Brabant. The firſt, which conſiſted of ſeventy battalions of foot, and eighty-two ſquadrons of horſe and dragoons, moſt Engliſh and Scots, and the reſt Dutch, encamped at Aerſeele, Comeghem, and Wouterghem, between Thieldt and Deynſe, and was to be commanded by the king in perſon, and under him by the old prince of Vaudemont, to whom the king had given laſt winter the command in chief of his infantry, he being the beſt general he had, after the death of prince Waldeck. The lieutenant generals of the foot were the count of Naſſau, ſir Henry Bellaſyſe, and count de Noyelles; and the major generals were colonel Churchill, Ramſay, La Meloniere, and the marquis de Miremont; monſieur Overkirk was general of the horſe, having the marquis de la Foreſt lieutenant-general, and major-general Eppinger under him. Colonel Gore commanded the Engliſh artillery; quarter-maſter general Dopff was to attend the king's perſon; and the general officers, who had accompanied his majeſty from England, were likewiſe to ſerve in this army; which, upon occaſion,

[z] An act was alſo paſt to take away the writ de Hæretico Comburendo. Another to reſtrain foreign education, in order to prevent the growth of popery. Another for ſettling inteſtates' eſtates. And laſtly, an act for diſarming papiſts.

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was to be reinforced by twenty battalions and ten ſquadrons, that lay near Dixmyde, under the command of major-general Ellemberg. The other army conſiſting of ſixteen battalions of foot, and a hundred and thirty ſquadrons of horſe, incamped at Zellich and Ham, on the road from Bruſſels to Dendermond, and was to be headed by the elector of Bavaria, and under him by the duke of Holſtein-Ploen, the Spaniſh and Bavarian generals, the earl of Athlone general of the Dutch horſe, and monſieur Tetteau, general of the ordnance. There was alſo another little army, which was called 'The body of the Maeſe,' which lay incamped towards Bref and Talais on the Mehaigne. This body conſiſted of eighteen battalions of Brandenburgers, and ſeven Dutch; and of ſeventeen ſquadrons of Brandenburg, and fifteen of Liege; the whole commanded by the baron de Heyden, lieutenant-general of Brandenburg, and count de Berlo general of the Liege cavalry, who were to be joined by the reſt of the Brandenburg horſe, wnich came down along the Rhine. On the other hand, the marſhal de Villeroy, who, after Luxemburg's death, commanded the French forces in chief, had drawn his army together at Leuze between Condé Tournay, and Aeth; Marſhal de Boufflers and count Guiſcard, with a body of about twelve thouſand horſe and foot lay incamped about the Sambre; and monſieur Montal, with another ſmall body, lay between Ypres and the fort La Knoque, to obſerve major-general Ellemberg.

This was the poſture of both parties, when the king left Loo, and came to Breda in his way to Ghent; where he was received both by the governor and burghers with the like reſpects, that are uſually paid to a king of Spain. The elector of Bavaria and the duke of Holſtein-Ploen waited upon him at his arrival, being come to Ghent ſome hours before from their army, which by this time had marched to Ninove; and the ſame evening the king went to his army at Aerſeele. Two days after, upon intelligence that Boufflers had paſſed the Sambre, and that Villeroy was come to Eſcanaffe on the Schelde, to deſtroy the forage on this ſide; the king ſent orders to the earl of Athlone to march with forty ſquadrons from the duke of Bavaria's camp at Ninove, to obſerve Boufflers, who was now advanced to Flerus; and having beſtowed the three following days upon the review of his forces, which he found in very good condition, he datached three brigades of horſe commanded by the marquis de la Foreſt to reinforce the elector of Bavaria; and the next day marched his army from Aerſeele, and having ſent all the heavy baggage to Bruges, came and incamped at Becelaer, from whence a party was ſent out, that routed two of the enemies parties, and purſued them to the very walls of Ypres. Villeroy marched at the ſame time from Eſcanaffe, and retired behind the lines between Menin and Ypres, having detatched ten thouſand men to reinforce Boufflers, who was advanced to Pont Eſpierre. The ſame day in the evening the king went to view the enemies lines, and found the main body of their army incamped within them, ſtanding to their arms, as expecting to be attacked. But, though there was little probability of ſucceſs in attempting to force the lines, yet it was highly convenient for the king's project to give the French ſuch umbrage as to oblige them to bring all their forces to defend them. Therefore the body of the Maeſe advanced towards Namur, and the elector of Bavaria marched from Ninove, paſſed the Schelde, poſted himſelf at Kerkhoven near Hauterive facing the new lines, and forced Boufflers to retreat within them.

The king, being informed of the elector of Bavaria's arrival at Kerkhoven, detached General Churchill with eight battalions to join general Ellemberg; and the duke of Wirtemberg marched in the night with colonel Gore, colonel Brown, ten pontoons and eight hundred pioneers, to take upon him the command of that army, and to make an attempt upon fort Knoque, to increaſe the enemies jealouſy for Flanders, and draw their forces more on that ſide. The ſame day the elector of Bavaria made a feint of attacking the new line, and the king went to an eminence to view the enemy; and it being confirmed on all hands, that all their forces were within their lines, he ſent orders to the Baron de Heyden, to advance towards Flanders, with the troops under his command. Upon theſe motions Villeroy detached two brigades from his army, one towards Courtray, the other towards fort Knoque, in attacking which prince Wirtemberg met with great difficulties; and at the ſame time the king ſent freſh orders to the earl of Athlone and the baron de Heyden to confer together, and concert meaſures towards the ſiege, which he had in this thoughts; which ſtopped the march of the latter towards Flanders.

Hitherto the king had not declared his deſign, but had artfully purſued his ſtratagem of drawing all the enemies forces on one ſide, that he might attack the other with leſs oppoſition. This having ſucceeded according to his wiſhes, he directed the earl of Athlone and the baron de Heyden to inveſt Namur; and by an expreſs communicated the whole ſcheme of the ſiege to the duke of Bavaria, who highly applauded the ſame. According to the king's orders, the earl of Athlone, being joined by the Brandenburg troops, left a good body of horſe at Faliſe, and marched with the reſt towards Charleroy. At the ſame time the king, having marched back his army to Rouſelaer, left them there under the command of prince Vaudemont, and attended by a ſtrong guard advanced himſelf towards the Maeſe. Theſe motions, together with the great preparations, which were making at Maeſtricht, Liege, and Huy, put the French in ſuſpence, whether the confederates deſigned to attack Namur or Charleroy; and the marquis d'Harcourt, who had paſſed the Maeſe near Dinant, and who feared moſt for Charleroy, marched again down that river towards Namur; ſo that the earl, being by this time reinforced by a body of horſe and dragoons from the elector of Bavaria's army, commanded by count Tilly, took all the poſts from the Sambre to the Maeſe; whilſt the baron de Heyden with the Brandenburg and Dutch forces inveſted the place between the Maeſe and the Sambre. Another detachment was ordered to ſurround Namur on the Condroz ſide; but their not coming in time, by reaſon of the difficulty of the ground, and the vaſt extent of the circumvallation, gave marſhal Boufflers an opportunity to throw himſelf into the place with ſeveral regiments of dragoons, inſomuch that with this reinforcement the garriſon conſiſted of near fifteen-thouſand men, and moſt of them the beſt troops of France. The king came to the caſtle of Faliſe on the 2d of July, and the next day the elector of Bavaria having brought up the reſt of his army with prodigious expedition, the town and caſtle of Namur were entirely inveſted, and the king diſpoſed the troops into their reſpective quarters, and aſſigned each general his poſt. The Sambre and the Maeſe did naturally divide the army into three general quarters, which were ſubdivided into ſeveral others. The king's quarters reached from the Sambre to the Maeſe towards Brabant; and here incamped twenty-three battalions and a hundred and twenty ſquadrons, under the command of the duke of Holſtein-Ploen, the earl of Athlone, baron Opdam, monſieur Tetteau, count de Tilly, the marquis de la Foreſt, and meſſieurs Warfuzey, Hubert, Itterſum, Saliſch, and Fagel. The duke of Bavaria was poſted between the Sambre and the Maeſe, with twenty-four battalions, twenty ſquadrons, the Spaniſh and Bavarian generals, general Coehorn, and a major-general of Brandenburg. And in the Condroz along the Maeſe, both above and below the town, were incamped the baron de Heyden, with the other Brandenburg generals, and count de Berlo, general of the cavalry of Liege, having ten battalions and ſixty ſquadrons under them. For the communication of theſe quarters three bridges were immediately laid, one on the Sambre, and two on the Maeſe; and of theſe one was above, the other below Namur. The ſame day the king received intelligence, that Villeroy had ſent ſome detachments towards the Maeſe. That prince Wirtemberg, having amuſed the French for ſome time, and finding at length it was impoſſible to hinder the communication of fort Knoque, with the body under monſieur Montal, was retired from before that fort with eleven battalions of foot, and one regiment of horſe, and had joined prince Vaudemont: That the latter, being thus reinforced, had detached major-general Ramſey with fourteen battalions to attend his majeſty: That count de Naſſau was gone the ſame way with eight battalions more; and that he would be followed by the lord Cutts with ten others. The next day the king viewed the avenues to the town, and ordered trees to be cut down in the foreſt of Marlagne, to ſtop the paſſages on that ſide, and cover the retrenchment made on the road. The 5th and 6th of July, both horſe and foot being encamped, the beſiegers worked on the circumvallation under the direction of general Coehorn; and the earl of Athlone, having repaſſed the Maeſe with a hundred ſquadrons of horſe marched towards Pieton, in order to conſume the forage there, and obſerve the motions of the enemy. The count de Berlo followed him with the horſe of Liege, ſo that there remained but little cavalry before the place.

On the other hand the French prepared themſelves for a vigorous reſiſtance, and having lately been ſo conſiderably reinforced, expected no leſs than to defeat all the attempts of the beſiegers. And indeed it muſt be confeſſed, that their preſumption was not altogether groundleſs, if it be obſerved, that Namur had ever been accounted one of the ſtrongeſt towns in the Low-Countries, both by the advantage of it's ſituation, and the addition of it's fortifications, which give it the

the command over two great rivers, and make it the beſt bulwark of Brabant. Beſides this, the place had very much changed it's condition, ſince it fell into the hands of the French king, who never ſpared expence to put his frontiers and conquered cities into the beſt defence they were capable of receiving from art and nature. The town then was quite overlooked by a ſteep hill from the Porte de Fer or Iron Gate, to that of St Nicholas; ſo that, the French having the liberty to bring down their batteries at firſt, to the deſcent of that hill, and to open their trenches at the foot of it near the Maeſe, they made themſelves maſters of it in five or ſix days. But now, to add a very conſiderable ſtrength to this weak part of the town, the French had made a detached baſtion on the aſcent of the hill before St. Nicholas's Gate, all of ſtone-work, with a caſemot upon it bomb-proof; the conterſcarp of free-ſtone, as alſo the covered way, which pointed juſt upon the top of the hill, ſo that no cannon from the plain could bear upon this work; and the allies were neceſſitated to batter it in reverſe from the other ſide of the Maeſe. This was not all; for, upon the right towards the Iron Gate, the beſieged had made three detached baſtions of the ſame work, juſt upon the brow of the hill, and at the foot of the ſame, before the gate; and between the hill and the brook of Werderen they had a fourth, which hindered the avenues between the hills to this gate; The plain upon theſe hills was fortified with a double covered way, both paliſſadoed to defend theſe detached baſtions towards the village of Bouge. And, when the Allies began to inveſt the place, the French were working at a third nearer to the brow of the hill, juſt before theſe works; ſo that the town, which before was but weak, was now by the new fortifications rendered ſo ſtrong, that it held out longer than the caſtle.

This caſtle, the principal ſtrength of Namur, was built upon an hill, in an angle formed by the confluence of the Sambre and the Maeſe, and conſiſted of an irregular fortification, ſuch as the ground could admit of, divided into the old and new caſtle of Terra Nova, and Coehorn, or William's Fort; and this likewiſe received ſuch additions from the French, as to leave it almoſt impoſſible to be attacked the ſame way they took it before. Coehorn Fort fell into their hands, by carrying their trenches round it along the bottom, between it and Terra Nova; which work, being thus embraced, and all manner of communication cut off, was ſoon forced to ſurrender. To prevent the like for the future, the French built a ſtrong ſtone redoubt, juſt upon the top of the hill, between the Coehorn and Terra Nova, with a caſemot upon it bomb-proof; and, as this redoubt commanded all the bottom to the Sambre, ſo it had likewiſe a good covered way, paliſſadoed from the angle of the gorge of the Coehorn, to the brink of the hill upon the Maeſe. Add to this, that they had raiſed a very good half-moon before the curtain of the horn-work of the Terra Nova; beſides their fortifying the Devil's Houſe, that flanked the ſides of the Coehorn towards the Maeſe, with a ſtrong ſtone redoubt; which place, when the Spaniards had it, had but a ſimple retrenchment about it; and yet it held out four or five days. From the upper part of the Coehorn on the ſide of the Maeſe they had made a good covered way, which embraced the abovementioned redoubt, to the edge of the hill upon the Maeſe; and had undertaken a prodigious line cut into the rock all along the top of the hill, near an Engliſh mile in length, terminating upon the edge of the hill towards the Sambre, with two redoubts at each end. The line was finiſhed, and the redoubt towards the Maeſe very forward; but, that towards the Sambre being but juſt begun, they made it up with faſcines, upon the arrival of the Allies before the place. In ſhort, the caſtle was ſo well fortified on the top of the hill, that it would have been a very tedious piece of work to attack it that way; but the weak ſide of the caſtle and Coehorn fort was towards the Sambre and the town, which the French had not ſo much regarded; being ſo confident that the place was impregnable, that they had ſet up this inſcription on one of the gates, 'Reddi quidem, ſed vinci non poteſt,' intimating, that this town might indeed be 'reſtored, but not retaken.'

Namur being thus fortified, and provided beſides with all neceſſaries for many months, with good ſtore of ammunition, one hundred pieces of cannon, twelve mortars, ten thouſand muſkets to ſpare, and a garriſon of twelve thouſand men, commanded by a governor, equally eſteemed by his king and beloved by his ſoldiers, ſeemed to defy the attempts of the beſt appointed and moſt numerous army. But, when Boufflers had thrown himſelf into it with ſeven choſen regiments of dragoons, a great number of volunteers, major-general Megrigny another Vauban, followed by the moſt ſkilful engineers, gunners, miners, and bombardiers of France, and had compoſed an army to defend theſe ramparts, which were thought impenetrable, it was then, that the French and their favourers looked upon the king's enterpriſe as an unparalleled temerity, and doubted not but Namur would be the rock, on which the grand confederacy ſhould ſplit. But all theſe great, and, in appearance, invincible obſtacles were not able to ſhake the king's reſolution; they ſerved only to make him concert effectual meaſures to ſurmount all difficulties, which he did to his immortal glory, the aſtoniſhment of his enemies, and the admiration of all Europe.

The lines of circumvallation being finiſhed, the king, attended by the elector of Bavaria, went, on the 10th of July, early in the morning to the baron de Hoyden's quarters. Here he was met by all the general officers, with whom having viewed the place, all were of the king's opinion, that the attack upon the town ought to be made againſt St Nicholas's gate; and therefore it was reſolved, that the trenches ſhould be opened on the hill de Bouge, and below along the Hermitage, as alſo that in the Condroz ſide between the hill St. Barbe and the river; and that, to favour the opening of the trenches, the baron de Heyden ſhould raiſe a battery of ten pieces of cannon, to batter in reverſe the covered way and detached baſtion before St Nicholas's gate, which faced the attack. Accordingly, the heavy cannon being come up, the trenches were opened the next day without any great diſturbance from the enemy; and the ſame day the lord Cutts arrived in the camp with ſix battalions of foot. The 12th the batteries began to play, and the trenches were ſucceſsfully carried on. On the 13th, prince Vaudemont informed the king, that the French ſeemed to have ſome deſign in Flanders, and that Aeth was moſt in danger. The next day, upon advice, that the marquis d'Harcourt and lieutenant-general Ximenes were in motion, and might eaſily fall upon our convoys on the ſide of the Condroz and Liege, which was unguarded, his majeſty detached twenty ſquadrons of horſe and dragoons towards the plain of St. Severin between Huy and Liege, to obſerve the enemy; and in the afternoon a battery of four pieces of cannon was raiſed from the eminence of Bouge againſt the old tower of Coquelet, which very much incommoded the beſiegers.

The ſame day the king received two letters from prince Vaudemont. By the firſt he was informed that Villeroy had paſſed the Lys at Courtray and Harlebeck; and that, according to common report, he marched againſt the prince; and by the ſecond, that the French general was advanced as far as the river Mandel, and that, the head of his army having been diſcovered towards the mill of Dentreghem, Vaudemont had drawn his forces in battalia, poſted his left near Grammen, the right towards Aerſeele and Caneghem, and began to fortify his camp. The imminent danger, that the prince found himſelf in on this occaſion, and the admirable conduct, with which he extricated himſelf out of it, are paſſages too remarkable to be paſſed over in ſilence, and will therefore juſtify the following digreſſion.

Vaudemont was informed on the 12th of July at night, by a ſignal from the governor of Oudenard, that the head of the enemies army bent their march towards Cordes; which was confirmed to him by an expreſs from the governor of Aeth; and almoſt at the ſame time he received advice from Courtray, that the day before the French had laid bridges over the Lys both above and below that town. On the 13th early in the morning, he had poſitive intelligence, that they were actually paſſing that river; and on the other hand the commanders of the caſtles, which he had garriſoned on the river Mandel, gave him notice, that the enemy was marching directly againſt him. Theſe advices, though different, were yet both true; for twelve thouſand of the enemies horſe made towards Cordes, while the reſt of their army paſſed the Lys, and advanced towards Mandel.

Upon theſe informations Vaudemont gave orders to his army to be in readineſs, by a ſignal of two guns. But, before he made any motion, he reſolved to have a confirmation of the deſigns of the enemy. For as their marching towards Cordes with the greateſt part of the forces might be in order to relieve Namur, whilſt another body advanced towards the river Mandel, only to amuſe him; ſo, if their whole army marched in one body, there were two inconveniences to be feared; either they ſhould fall on the Maritime towns of Flanders, in caſe he marched to the left to prevent the relief of Namur; or that they ſhould gain two days march before him in their way to Namur, if he had made too quick a motion to the right to cover the places of Flanders. Theſe reflections obliged him to ſpend the whole day, being the 13th of July, in obſerving the enemy. He ſuffered them to attack the caſtles of Ingelmunſter and Mulenbeck, which were, each of them,

them, defended by an hundred and forty men, who obliged the enemy to bring down cannon, before they would ſurrender; which made them loſe time, and gave the prince reaſon to judge, that their whole army was marching to attack him. Their vanguard, appearing in the evening at Dentreghem, where his right was poſted, confirmed him in that opinion. He thought fit immediately to change the diſpoſition of his camp, placing his right at Aerſeele, and his left at Grammen next the Lys; and at the ſame time ordered the retrenchments to be made on both ſides. The count de Noyelles, who had the command of theſe works for the center, and the whole left wing, cauſed the general's orders to be executed with ſuch extraordinary diligence, that on the 14th by break of day he had made a very defenſible line. The riſing grounds upon the right of Aerſeele were alſo fortified by ten of the clock in the morning; which done, the artillery was placed in the right flank and in the whole front of the line.

In this poſture, with fifty battalions of foot, and fifty-one ſquadrons of horſe and dragoons, Vaudemont reſolved to expect Villeroy, though the marſhal had double the number, with which he was marching on the 14th of July towards him, and came up early enough to have attacked him. But, whether it was that he found the prince's camp ſo ſtrongly fortified, or that he would not hazard a battle, till Montal had taken his poſt in the rear of the prince's right, to fall upon him there, at the ſame time that the French army ſhould break up againſt the front, he remained in ſight of the Allies that evening, expecting to have attacked them early in the morning, and in a manner to have caught them in a net, by invironing them on all ſides. Vaudemont, being informed of Montal's motion, and finding he had already paſſed the Thielt, wiſely changed his reſolution of fighting, and thought it high time to provide for a retreat. Thereupon with great preſence of judgment he ordered the intrenchments to be perfected every where; ſome advanced houſes to be ſet on fire, leſt the French ſhould poſſeſs themſelves of them in their march againſt him; and the cannon of the left continually to play upon the enemy, to give them occaſion to think, that his deſign was rather to fight than retreat. At the ſame time he ordered the cannon of the right and the front to be drawn off, and to march towards Deynſe, which was done with that ſecrecy, that the enemy did not perceive it; for he had artfully ordered the artillery to be moving from the batteries all the afternoon, ſo that, when it went clear off, the enemy thought it had been but the ordinary motion. Then marched the two lines of foot upon the left along the retrenchments, to cover which the prince ordered a body of horſe to go and poſt themſelves in the retrenchments, as they were quitted by the foot; the latter marching out at the ſame time with their pikes, and colours trailing, to conceal their going off. Neither did the enemy perceive this motion, till the cavalry mounted again and abandoned the retrenchments; by which time the infantry was got into the bottom between Aerſeele and Wourterghem, marching towards Deynſe. While the foot was thus filing off from the retrenchments, the prince ordered monſieur Overkirk, with the right wing of the horſe, interlined with Collier's brigade of foot, to make a line falling towards Caneghem, and extend himſelf from the windmill of Aerſeele, towards Wink, in order to make Montal believe, that this line was deſigned to oppoſe his attempt upon the rear of the prince's right; but his ſecret orders were to march off by Wink to Nivelle, and ſo to Ghent. At the ſame time the foot marched by Wourterghem to Deynſe; the earl of Rochford, who was poſted with the left wing of horſe and two battalions of foot towards the Lys, made the rear-guard towards the line, with a line of foot on the one ſide, and three ſquadrons of Eppinger's horſe upon the other. All this was ſo contrived by the prince from the right to the left, that his army diſappeared all at once; and, ſtill to impoſe the better upon the French, Vaudemont, himſelf, and the duke of Wirtemberg, with ſome other generals, kept in the camp, forming with their own domeſtics and attendants a ſmall body of horſe, with which they followed the army, as ſoon as it was all got off. The French, finding themſelves thus ſtrangely baffled, did what they could to fall upon the rear of the Allies, and particularly Montal endeavoured to attack that body, which was commanded by monſieur Overkirk, whom he overtook with ſome ſquadrons of horſe and dragoons. But, the defiles being advantageous, and brigadier Collier having ordered all the grenadiers of his brigade to the rear of all, to face the enemy from time to time, as they approached, the grenadiers with their fire kept the French at a diſtance, and made good the retreat. Nor had the enemy a much better ſucceſs in their attempt upon the rear of the body of foot, commanded by the count de Noyelles. However, two ſquadrons of their dragoons, putting green boughs in their hats, which was the confederates diſtinguiſhing mark in a day of battle, and ſpeaking ſome French, ſome Engliſh, as if they had been ſome of their own rear-guard, did by that ſtratagem, towards the evening, come up cloſe to their rear, and marched along with them a little way, till they came to a convenient place, when they fired upon them firſt, and then fell in amongſt them with their ſwords, which put the firſt battalion, that was ſet upon, in ſome diſorder; but the other facing about immediately conſtrained them to retire, after they had killed a few men: A loſs, altogether inconſiderable for a retreat, which is ſcarce to be parallelled in hiſtory, and for which king William, in his letter to prince Vaudemont, 'owned himſelf obliged to him: adding, that he had given greater marks of a general conſummate in the art of war, than if he had won a battle [a].'

Vaudemont, having reached Deynſe towards the cloſe of the evening, left in it a gartiſon under brigadier O'Farrel, and then marched as far as the plain of Oyendonck in his way to Ghent, reſolving at firſt to have reſted his army there all night; but having halted a while, and then, as he himſelf afterwards ſaid, calling to mind a maxim of that great general Charles IV. duke of Lorrain, his father, 'That, when an army is upon the retreat, it muſt be ſure to retreat out of the enemies reach,' he decamped again, and by nine of the clock the next morning, the whole army was advanced to Mary-Kirk, under the walls of Ghent, from whence lieutenant-general Bellaſyſe and the marquis of Miremont were detached with twelve battalions, and twelve pieces of cannon, to ſecure Neuport, and the canal of Paſquendal. Their diligence, and the prince of Wirtemberg's coming up to ſuſtain them, with twelve other battalions, and thirty-eight ſquadrons of horſe and dragoons, quite broke the meaſures of Villeroy and Conti, who had already taken quarters in ſight of that place, in order to inveſt it. Villeroy, finding the attack of Neuport too difficult, bent his march towards Dixmuyde, which was garriſoned by eight battalions of foot, and a regiment of dragoons under major-general Ellemberg.

Thus was performed a retreat ſcarce to be parallelled in hiſtory. The military men that ſerved under Vaudemont magnified his conduct very highly, and compared it to any thing that Turenne, or the greateſt generals of the age, had done. In the courſe of the retreat it was once thought he could not get off, and Villeroy's conduct was blamed for not improving the advantage, but it was without cauſe; for Villeroy had not overſeen this advantage, but had ordered the duke of Mayne, the French king's beloved ſon, to make a motion with the horſe which he commanded: and probably, if that had been ſpeedily executed, it might have had ill effects on prince Vaudemont. But the duke of Mayne deſpiſed Villeroy, and made no haſte to obey his orders; ſo the advantage was loſt, and the king of France put him under a ſlight diſgrace for it.

In the mean time, the attacks againſt the town of Namur were carried on with great application; and two or three ſmall ſallies of the beſieged having had no ſucceſs, they reſolved to make another on the 18th of July, about three in the afternoon, with twelve hundred horſe, and four ſquadrons of dragoons. After they had croſſed the Maeſe, they attempted the trenches on the right-hand of the bridge, belonging to that river, took a redoubt, that was unfiniſhed, and only ſtuffed with ſacks of wool, fell upon the beſiegers both in front and flank, and forced them at firſt to give way; but the latter taking freſh courage, and being timely ſupported by ſome Brandenburg horſe, the French were beaten back with the loſs of two hundred of their men; nor was this encounter leſs bloody to the beſiegers. However, the king finding that very day, that the trenches were advanced within fuzee-ſhot of the counterſcarp, he reſolved to ſtorm the advanced works and traverſes that evening an hour before

[a] The king's letter was as follows:

- Couſin,

'You cannot believe how much your letter of yeſterday noon, which I received this morning by break of day, diſturbed me: On the other ſide, how joyful I was upon receipt of the other letter, dated from Mary-Kirk near Ghent, this day at three in the morning. I am much obliged to you, for in this retreat you have given greater marks of a general, conſummate in the art of war, than if you had gained a victory; I abſolutely approve of your conduct upon this occaſion, and I hope it will hinder the enemy from undertaking any more of the ſame nature. Nevertheleſs I ſhall be impatient 'till I know which way they bend their march, ſince this blow has failed them.

'I remain always, &c.'

ſun-ſet, to hinder the enemy from fortifying themſelves any more; and for that purpoſe he ordered, that the battalions that relieved the trenches ſhould ſupport them. Accordingly, major-general Ramſey and the lord Cutts, at the head of five battalions of the foot guards, Engliſh, Scots, and Dutch, began the onſet on the right, being ſuſtained by ſix Engliſh battalions, commanded by brigadier-general Fitz-Patrick; and at the ſame time major-general Saliſch, with eight Dutch and other regiments, and nine thouſand pioneers, inſulted the enemy on the left from the redoubt to the ruined tower of Coquelet; and was to be ſeconded by major-general Heukelom, with ſome Dutch battalions. The horſe-guard was doubled, and all the troops on that ſide had orders to be in readineſs to ſupport the whole attack in caſe of neceſſity; which precaution proved altogether needleſs, by reaſon of the extraordinary valour and intrepidity, which the aſſailants ſhewed on this occaſion. However, the beſieged having brought out eight battalions, a great detachment of dragoons, and all the grenadiers, to defend their retrenchments, the diſpute was obſtinate for two hours, but at laſt the French were beaten back, and purſued to the very gates of the town. The king, who, according to his cuſtom, remained upon the place, during the whole action, was ſo well pleaſed with the bravery and excellent order of his men, that, laying his hand over the duke of Bavaria's ſhoulder, he ſaid to him ſeveral times with tranſport, 'See my brave Engliſh! See my brave Engliſh! And indeed, it muſt be remembered to their immortal honour, that without any ſhelter they advanced boldly and undiſturbed, amidſt ſhowers of great and ſmall ſhot, bombs and hand-granadoes, which by the effect of mines and fougades opened graves for them in ſeveral places, towards an enemy ſecured by retrenchments well paliſſadoed. The confederates loſs in this action mounted to twelve hundred men, either killed or wounded, and that of the French to about as many.

After this ſucceſs, the beſiegers carried on their trenches to the village of Bouge, towards St. Nicholas's gate; the ſame being done alſo on that ſide near the Maeſe, as well above as below, with a deſign to draw two parallels along the river on the ſide next the ſuburbs of Jambe, and oppoſite to the caſtle-bridge. But, the French being apprehenſive of the deſign, they ſet fire to the ſuburbs, which ſomewhat retarded the approaches that general Coehorn had begun. On the 21ſt of July, a battery was finiſhed on that ſide next St. Nicholas's gate, and the trenches advanced an hundred paces towards the rivulet, that runs into the bottom which the French had ſwelled with water, and which was ſecured by a kind of half-moon. Next day they began to play upon a baſtion, and the works before St. Nicholas's gate, from a battery of eighteen pieces of cannon; and on the 23d the Brandenburgers battered the water-ſtop, in order to drain the moat, yet with little effect, becauſe it was lined with large free-ſtone. The great rains which fell about this time, very much incommoded the beſiegers, and interrupted their approaches. However, on the 25th they plied their batteries with ſucceſs, raiſed new ones, ſet on miners to the redoubt of Balart, near St. Nicholas's gate, and the next day forced the captain, who commanded in it, to ſurrender at diſcretion. On the 27th the king went into the trenches, and perceiving that the batteries had made great breaches in St. Nicholas's baſtion, the demi-baſtion of St. Roche, and at the end of the counterſcarp of the town, he diſpoſed all things for the general attack of the firſt counterſcarp, which was performed towards five o'clock that afternoon in this manner: The Engliſh and Scots, commanded by major-general Ramſey and brigadier Hamilton, came out of the trenches to the right, and attacked the point of the foremoſt counterſcarp, which incloſed the ſluice or water-ſtop. The enemy received them with a furious diſcharge, which however did not hinder them from going on briſkly; and, notwithſtanding the dreadful eruption of three or four fougades of bombs, that lay buried in the glacis, which put them at firſt into ſome diſorder, they returned more animated to the charge, and drove the enemy from that counterſcarp. But unluckily, whilſt the workmen were making a lodgment, ſome ſacks of wool took fire, whereby part of the lodgment was conſumed, and the Engliſh expoſed to the ſhot of the counter-guard and demi-baſtion of St. Roche, which they ſuſtained and anſwered with incredible reſolution, till the fire was extinguiſhed, and ſome traverſes caſt up. On the other hand, the Hollanders, ſeeing the Engliſh in ſo hot a place, immediately went up along the Maeſe towards the breach of the counter-guard, and ſo vigorouſly attacked the enemy with their hand granadoes, that the latter thought it ſafer to retreat than to defend themſelves, which very much eaſed the Engliſh. The Dutch lodged themſelves upon the counter-guard; and thus both they and the Engliſh preſerved the foremoſt covered way before St. Nicholas's gate, from the Maeſe to the water-ſtop, with part of the counter-guard. The valour and firmneſs of the confederates infantry in this action, is ſcarce to be parallelled; and it muſt be alſo acknowledged, that the French officers behaved themſelves like men of true courage, expoſing themſelves on the glacis of the counterſcarp and on the breach of the counter-guard, with their ſwords in their hands, in order to encourage their ſoldiers. The enemy did not throw many bombs, but they fired inceſſantly into the trenches with five or ſix pieces of cannon, which killed ſeveral perſons about the king, particularly Mr. Godfrey,[b] deputy governor of the bank of England, who, being come into the camp to wait on the king, about remittances of money for the payment of the army, had the curioſity to ſee this attack.

While this was doing on the town ſide, the elector of Bavaria was not idle between the Sambre and the Maeſe, but commanded an attack to be made towards the abbey of Salſines, where he deſigned to poſt himſelf. This was performed with ſo much vigour, that he not only forced the intrenchments near the Sambre, but made himſelf maſter of the fort of la Balance, near the head of thoſe intrenchments; repulſed four ſquadrons of horſe that came out of the caſtle; laid a bridge over the Sambre; paſſed that river amidſt the enemy's continual fire, and poſſeſſed himſelf of the abbey of Salſines, a poſt of great importance, and which favoured the attack of Vauban's line, that ſurrounded the works of the caſtle.

The elector, reſolving to ſtorm this line, ordered general Coehorn to diſpoſe all things for that purpoſe towards Salſines, and general Fleming to do the ſame on the other ſide of the Maeſe. On the 30th of July, by break of day, the elector, with the Spaniſh and Bavarian generals, and general Coehorn, began the attack towards Salſines, and aſſaulted the intrenchments in flank with about three thouſand foot, ſuſtained by ſome battalions, and one thouſand Spaniſh and Bavarian horſe. Major-general Swerin attacked the line in front with five hundred grenadiers, as many muſketeers, and one thouſand pioneers. And the Brandenburg generals, with five hundred grenadiers ſupported by two thouſand foot, and their grand muſketeers, gens d'armes, and horſe grenadiers, inſulted the enemies flank on the Maeſe ſide. The beſieged at firſt made ſome reſiſtance by the favour of a line of communication of one redoubt and two trenches; but being aſſailed on all ſides, and that too with extraordinary bravery, they were driven to the counterſcarp of Coehorn fort.

Animated with this ſucceſs, the beſiegers purſued thoſe, who fled, as far as the Devil's houſe, where the French had ſeveral cannon laden with cartouches, and about nine hundred men laid flat upon their bellies, who, ſuddenly ſtanding up, poured in vollies of ſhot upon the aſſailants. Theſe received the fire with incredible courage, forced the French to quit the counterſcarp of the fort, and made themſelves maſters of it. However, it being impoſſible for them to lodge themſelves there, they retired in good order. By this brave action, at the expence of about two hundred men killed or wounded, the beſiegers gained a lined redoubt, ſome advanced batteries, and Vauban's retrenchment from the Sambre to the Maeſe, which with immenſe labour the French had cut through the rock, and which they boaſted would coſt the allies five thouſand men before they could take it. This attack on the caſtle ſide, where the king was preſent, being over, he went to view the trenches on the town ſide, and finding that a mine had been ſprung, which had overturned good part of the water-ſtop into the ditch, whereby the water was lower by two feet, he ordered the miners to work on, in order to drain the moat, and all things to be ready to make a lodgment on the demi-baſtion. The two following days the beſiegers battered the works before St. Nicholas's gate with great fury, and threw many bombs, which did conſiderable execution; and particularly one fired by lieutenant-colonel Brown, which ſet on fire the enemies magazine in the demi-baſtion. On the 2d of Auguſt, towards evening, the lord Cutts with two hundred Engliſh grenadiers, and brigadier Dedam with a like number of Dutch, both which were to be ſuſtained by the battalions in the trenches, were ordered to attack the Saillant Angle, and the demi-baſtion, which they performed with great bravery, and, after ſome reſiſtance, a lodgment was made on the ſecond counterſcarp. The cannon having by this time wi-

[b] He was brother of ſir Edmondbury Godfrey, that was murdered in the reign of king Charles II. about the popiſh plot.

dened the breaches, and all things being ready for a general aſſault, count Guiſcard, the governor, demanded to capitulate for the town, which being readily granted, the articles were agreed upon, and ſigned on the 4th of Auguſt by the elector of Bavaria for the allies, and by count Guiſcard for the beſieged. The ſame day the iron gate was delivered to the beſiegers, and on the 6th the French evacuated the town, and retired into the caſtle.

In the mean while Villeroy, having failed in his deſign upon prince Vaudemont, as alſo againſt Newport, marched towards Dixmuyde, and ordered Montal to beſiege it. The town was weak; but, conſidering the ſtrength of the garriſon, it might have held out a fortnight, or at leaſt have ſurrendered with leſs ignominy. But major-general Ellemberg, being a ſoldier of fortune, who had merited his preferment merely by his blunt courage in the open field, was preſently diſpirited, and at a loſs what to do, when he ſaw himſelf cooped up in a place ſurrounded by a royal army; ſo that after a ſlight reſiſtance of thirty-ſix hours, he yielded himſelf and his whole garriſon priſoners of war. Deynſe followed the example of Dixmuyde, and was ſurrendered to the French at diſcretion by colonel O'Farrel, without firing a gun. After the ſurrender of theſe two places, prince Vaudemont did not doubt but the French would advance towards Namur, and therefore deſired to be reinforced, that he might be able to obſerve them. The king ſent him Montigny's Engliſh brigade of horſe, and the two Dutch brigades of Dompre and Rhoe marched towards Bruſſels, whither the brigade of St. Paul was gone before, with orders to join Vaudemont, who deſigned to form an army on that ſide.

Villeroy, having ordered the fortifications of Dixmuyde and Deynſe to be razed, paſſed the river Lys at Wacker, and marched up the lines to the Schelde, which he alſo croſſed at Eſcanaffe, in order to continue his march to Ninove, giving out that he was going to the relief of Namur. Upon advice of this motion, Vaudemont decamped on the 4th of Auguſt from Ghent, and, paſſing the canal at Vilvoerd and the Burnt-bridge, pitched his camp at Dighem, having his own quarters at the caſtle of Beaulieu. The prince ſent to the French to demand the garriſons of Dixmuyde and Deynſe, conſiſting of ſix thouſand men. For, by a cartel ſettled between the two armies, all priſoners were to be redeemed at a ſet price, and within a limited time. But the French, having now ſo many men in their hands, did, without either colour or ſhame, give a new proof of their perfidiouſneſs, and broke the cartel on this occaſion, as they had often done at ſea; and indeed, as often as any advantages on their ſide tempted them to it. They not only refuſed to ſend back the garriſons, according to the agreement, but moſt of the ſoldiers were forced to enliſt themſelves in the French ſervice, or were ſent to Catalonia, and other remote parts. Theſe garriſons might have been ſaved, for if their officers had been maſters of a true judgment or preſence of mind, they might at leaſt have got a favourable compoſition, though the places were not tenable. The governors were at firſt believed to have betrayed their truſt, and ſold the garriſons, as well as the places to the French; but they were tried afterwards, and it appeared, that it flowed from cowardice and want of ſenſe, for which Ellemberg ſuffered death, and O'Farrel was broke with diſgrace.

The French king under pretence of revenging the inſults of the Engliſh fleet, which, under the command of the lord Berkley, had bombarded St. Malo, and ſome other towns on the French coaſt, ſent orders to Villeroy to bombard Bruſſels. Upon the French marching to Enghien with a great number of waggons laden with bombs and fire-works, prince Vaudemont immediately gueſſed their deſign, and would have prevented it, if the town could have been perſuaded, to give him the aſſiſtance that he deſired. Burghers, upon all ſuch occaſions, are more apt to conſider a preſent, though a ſmall expence, than a great, though imminent danger: ſo Vaudemont could not pretend to cover them, unleſs the confederate army, which might be reinforced by the detachment under the earl of Athlone and count Naſſau, ſhould advance and incamp in the plain of Gigot and St. Anne Pee. But, becauſe this could not be done neither, without giving Villeroy an apportunity to poſt himſelf between him and the king's camp at Namur, the prince prudently left the earl of Athlone and count Naſſau, with the forces under their command, between Waterloo and Genap, where the king had ſent them, to oppoſe the enemies paſſage at Brain le Chatteau. In the mean time Vaudemont poſted his infantry on the eminences about Bruſſels, between fort Monterey and the counterſcarp of Ixel, whereby he maintained the communication with the forces at Waterloo; ordered ſeveral battalions to the outworks before the gates of Flanders and Anderleck to ſecure the city; and extended the horſe and dragoons along the canal, to hinder the enemy from paſſing it.

After ſeveral marches and counter marches, the French appeared before Bruſſels on the 13th of Auguſt; and Villeroy, having taken his quarters at Anderleck, wrote a letter to the prince of Berghem the governor, to acquaint him, 'That the king his maſter, ſeeing the prince of Orange had ſent his fleet upon the coaſt of France, to bombard his ſea-port towns, and endeavour to ruin them, without getting any other advantage by it, had thought that he could not put a ſtop to ſuch diſorders, but by uſing repriſals; which was the reaſon, that his maſter had ſent him an order to bombard Bruſſels; and at the ſame time to declare that it was with reluctance his majeſty had put himſelf upon it; and that as ſoon as he ſhould be aſſured, that the ſea-ports of France ſhould be no more bombarded, the king his maſter likewiſe would not bombard any places belonging to the prince, againſt whom he was at war; reſerving nevertheleſs the liberty on both ſides to do it in ſuch places, as ſhould be beſieged. That his majeſty had reſolved upon the bombarding of Bruſſels with ſo much the more pain, as the electreſs of Bavaria was there. That if the governor would let him know in what part of the town ſhe was, the king his maſter had commanded him not to fire there. Concluding, that he ſhould ſtay for his anſwer till five in the evening; after which time he ſhould obey his orders without delay.' The prince of Berghem, after having communicated this letter to the elector of Bavaria, who was come in great haſte to Bruſſels upon this occaſion, ſent an anſwer to Villeroy, 'That the reaſon, which the king of France aſſigned for his orders to the marſhal to bombard Bruſſels, ſolely regarded the king of Great Britain, who was before the caſtle of Namur: That his electoral highneſs would acquaint the king with it, and ſend him an anſwer in twenty-four hours. And as for the conſideration, which his moſt Chriſtian majeſty had for the electreſs, that ſhe was at the royal palace.'

It ſoon after appeared, that Villeroy's meſſage was but an empty compliment; for, inſtead of allowing the governor time to get his Britannic majeſty's anſwer to the French king's propoſal, he began that very evening to fire upon the city with twenty-five mortar pieces, and eighteen pieces of cannon, that ſhot red hot bullets. It was not long before the fire broke out in ſeveral places, eſpecially about the town-houſe. The enemy continued firing without intermiſſion all that night, the day following, and the night after that; during which aroſe a high wind, which would have ſpread the flame through the whole city, if the inhabitants had not prudently blown up ſeveral houſes on the 15th of Auguſt. The ſame day, about noon, the French diſcontinued their firing, and ſoon after drew off towards Enghien. The lower town ſuffered the moſt by the enemy's bombs, and ſeveral houſes near the market-place were quite laid in rubbiſh. The damage was valued at ſome millions; and the electreſs, though ſhe was removed to the ſuburbs beyond the reach of the cannon, was ſo frightened with its continual noiſe that ſhe miſcarried of a boy.

The king, having received advice of the motions of the French army, marched the 10th of Auguſt early in the morning with two troops of horſe guards, the troop of horſe grenadiers, and ſeveral ſquadrons of Brandenburgers, leaving the duke of Bavaria to command the ſiege. The ſame evening he reached Waterloo, and joined the troops commanded by the earl of Athlone, count de Naſſau, and the marquis de la Foreſt; and, having had an interview with prince Vaudemont, returned on the 12th to his camp before the caſtle of Namur, where immediately after his arrival the beſiegers broke ground and carried on their trenches about one hundred and fifty paces before Coehorn fort, towards the Sambre, and made a good lodgment,

Beſides the batteries already erected between the Sambre and the Maeſe, ſome others were ordered to be raiſed, both of cannon and mortars, as well in the ramparts, as in the gardens of the city, in order to batter Terra Nova and fort Coehorn all at once. On the 13th, the beſiegers began to play from no leſs than twelve batteries, when one of their bombs, falling upon the magazine of the Devil's houſe, blew up above a thouſand granadoes charged, ruined a great quantity of arms, and killed and wounded ſeveral perſons. The trenches were carried on with great ſucceſs, though the enemy endeavoured in the night time, both with their great and ſmall ſhot, to diſturb the workmen. But their batteries were ſoon ſilenced by thoſe of the Engliſh, which,

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it is confeſſed on all hands, made ſuch firing, as was never ſeen ſince gun-powder was firſt invented. The cannon and mortars anſwered one another in time, and formed a dreadful harmony; and ſhowers of red-hot bullets and bombs, that poured continually on the caſtle, ſo terrified the enemy, that none of them durſt look out of their ſhelters under ground, but ſuch as were obliged to be upon duty. Boufflers himſelf, being unuſed to this way of fighting, began to wiſh himſelf in the open field, and formed a deſign to break through the confederates camp with his cavalry, but the king, having notice of it, ordered ſtrong guards to be placed at all places, where the Sambre could be paſſed; and, the ſame being done all along the Maeſe by general Fleming, the marſhal muſt now ſhare the fate of his garriſon. However, on the 18th, towards midnight, they made a ſally with two hundred dragoons mounted, and five hundred grenadiers. Of the latter one hundred and fifty made the attack on the right-hand, but were repulſed by the count de Rivera, and the reſt on the left, where lord Cutts had juſt poſted the advanced guard to ſecure the workmen. The dragoons fell upon lieutenant-colonel Sutton, who, being poſted in the plain of Salſines, with about forty fuzileers, let them come on till they were near him; then gave them a round volley, and retreated to his body; but, the dragoons preſſing on him, he commanded his men to give them another volley. The French received it undauntedly, preſſed on, and, if their grenadiers had charged at the ſame time, would doubtleſs have cauſed a great confuſion in the trenches; but the Spaniſh and Bavarian horſe, who were near, fell upon the enemy with ſo much vigour, that they drove them to the very paliſſadoes of the caſtle, killing ſome, and taking others priſoners.

After the bombardment of Bruſſels, Villeroy, being conſiderably reinforced with all the troops, that could be ſpared out of the garriſons, and the forces from the ſea-coaſts, marched directly towards Namur, with an army, as the French themſelves gave out, of no leſs than ninety thouſand men, and with which they confidently boaſted to raiſe the ſiege of the caſtle. Upon the enemies advancing from Enghien to Soignes, prince Vaudemont, in conjunction with the earl of Athlone, and a reinforcement of ten battalions and eighteen ſquadrons, which the prince of Heſſe-Caſſel had brought up from the Rhine, poſſeſſed himſelf on the 8th of Auguſt of the ſtrong camp of Mazy, within five Engliſh miles of Namur. The Frency army being in the mean time come as far as Flerus, they gave the beſieged a ſignal of their approach, by the diſcharge of ninety pieces of cannon, which was anſwered by a great light ſet on the higheſt part of the caſtle. This obliged the king to leave the care of the ſiege to the elector of Bavaria and the duke of Holſtein Ploen, and to repair to the army on the 26th of Auguſt, with a reſolution to oppoſe the French, who ſeemed now fully bent to attack him, being lately reinforced by a detachment from Germany, and other troops, under the command of the marquis d'Harcourt. On the 29th of Auguſt, Villeroy advanced towards the confederates, then ſtill incamped near Mazy, but found them ſo well poſted, that he thought fit to retire in the night without noiſe. The next day he moved along the Mehaigne, extending his right to Perwys and his left to the abbey of Boneffe. Whereupon the king cauſed his army to move towards Oſtin and Long Champ to obſerve them: and ſent orders to the marquis de la Foreſt, who commanded a body of reſerve in the plain of Boneffe, to return to the main army. The enemy perceiving, that the confederates had made a halt on the hill behind Long Champ, ſent ſeveral ſquadrons of the French king's houſhold over the Mehaigne, in order to charge the marquis de la Foreſt, between whom and the French there happened a ſmall ſkirmiſh, as far as a defile, which being ſecured by the dragoons of Dopft, the enemy went no further, but repaſſed the Mehaigne in great haſte. All theſe marches and counter marches of Villeroy, did not hinder the king from detaching the day before three thouſand grenadiers from his army, to be employed in the general aſſault of the caſtle, which he had concerted with prince Vaudemont, the elector of Bavaria, and other general officers.

On the 30th of Auguſt, the day appointed for this memorable action, the beſiegers began early to batter the breaches of Coehorn fort and Terra Nova, and continued till eleven of the clock, when the elector ſent count Horn, accompanied by the earl of Portland, to ſummon the beſieged. The batteries having ceaſed firing, count Horn called to the enemy, and told count de Lamont, commander of the French foot, (who appeared on the next baſtion, attended by the marquis of Gramont and St. Hermine,) that the marſhal de Villeroy, after having been three days in ſight of the confederate army, had thought fit to retire towards the Mehaigne without fighting: That the garriſon could not expect now to be relieved: And that his electoral highneſs, being willing to ſpare the lives of ſo many brave men on both ſides, had charged him to offer honourable terms to count Guiſcard, if he would ſurrender; but that he gave him but a quarter of an hour to deliberate upon the propoſals. Count Lamont took upon him to acquaint count Guiſcard and marſhal de Boufflers with Count Horn's meſſage, and promiſed to bring back a ſpeedy anſwer; but not returning in half an hour, count Horn grew impatient, and told the marquis of Gramont, that he already outſtaid his time, and therefore deſired him to ſend ſome perſon to the governor for an immediate anſwer. A ſecond meſſenger, upon this was ſent away; but he tarrying alſo above a quarter of an hour, and ſeveral officers of the garriſons being come to view the breach of Terra Nova, the earl of Portland did not think it convenient to wait any longer. Thus the parley was broke, and the batteries played inceſſantly againſt the breaches till between one and two, when the general aſſault began in the following manner.

The ſignal being given, lord Cutts[c], at the head of three hundred grenadiers, ruſhed out of the trenches of the ſecond line, which were ſeven or eight hundred paces diſtant from the breach of Terra Nova, where he was commanded to lodge himſelf; and colonel Marſilly marched on his right to poſſeſs himſelf of the line of communication next Coehorn fort. Count de Rivera, major general of the Bavarians, with three thouſand men, marched out of the trenches of the firſt line in order to attack the breaches of Coehorn fort. Major general la Cave advanced to attempt the ſame fort at the point; and major general Swerin marched againſt the Caſotte with two thouſand Brandenburghers. The Engliſh grenadiers under lord Cutts, hurried on by their native ardour, and animated by the example of their leader, and of colonel Windſor, colonel Stanhope, Mr. Thompſon, and ſeveral other Engliſh gentlemen, who expoſed themſelves as volunteers, ran faſter towards the enemy, than they could be followed by the battalions of Coulthorp, Buchan, Hamilton, and Mackay, who moved from Salſines to ſupport them. The grenadiers mounted the breach without oppoſition, the enemy not expecting to be attacked on that ſide by reaſon of the great diſtance of the trenches. But as ſoon as the French ſaw, that thoſe bold adventurers were not ſuſtained, they brought down two thouſand of their beſt foot and dragoons into the ſpace between the Coehorn and the Terra Nova, to fall on the Engliſh in flank and in rear; which obliged them to make a ſpeedy retreat. The beſieged made a ſhew of purſuing them, but by this time, three of the forementioned regiments being come up to their aſſiſtance, the French retired through the breach of Terra Nova, after having ſurpriſed and defeated the five hundred men under colonel Marſilly. The colonel himſelf being wounded was made priſoner, and ſoon after killed by a cannon ball from the beſiegers batteries, with the French officer, who had carried him into the caſtle. The Engliſh, having borne ſix ſeveral diſcharges, had ſeveral men killed and wounded; and among the latter was the lord Cutts himſelf, who received a ſhot in his head, which diſabled him for ſome time.

Whilſt this paſſed on the ſide of Terra Nova, count de Rivera with the Bavarians, inſtead of marching to the left of the platform went a little too much to the right, towards the covered way, which was well paliſſadoed, and thick ſet with muſketeers, who made a terrible fire. Through this miſtake, inſtead of ſtorming the two ſmall breaches of the angle of the platform, according to the ſcheme made for this attack, the Bavarians attempted to force the covered-way before the great breach; whereby they remained expoſed for two hours to the enemies double fire, which killed them abundance of men, and amongſt them count Rivera himſelf, with moſt of the officers of the Bavarian guards.

The lord Cutts, impatient to return to the engagement, could ſcarce ſtay to have his wounds dreſſed. He put himſelf again at the head of his brave countrymen; but finding the aſſault of the Terra Nova not poſſible to be retrieved, and obſerving that the Bavarians, notwithſtanding the loſs of their leader, had fixed themſelves upon the outermoſt retrenchment of the point of the Coehorn next to the Sambre, and maintained that poſt with great obſtinacy, but could not gain any more ground, he reſolved to make good their attack. To effect this, he ordered, that a detachment of two hundred men ſhould be made out of ſuch, as were moſt forward to ſignalize themſelves, whom he ſtill encouraged by

[c] He is ſaid to have deſired that command, which was not then his poſt in turn.

promiſes

promiſes of rewards; that thoſe ſhould be ſuſtained by the regiment of Mackay, and that the other Engliſh forces ſhould rally and follow as ſoon as poſſible. Being come to the place of action, he detached a party of thoſe two hundred choſen men, headed by lieutenant Cockle of Mackay's regiment, whom he ordered to attack the face of the Saillant Angle, next to the breach, ſword in hand, without firing a gun; to paſs the paliſſadoes, and enter the covered-way; and there to make a lodgment, if they found any place capable of it. And at the ſame time he commanded the enſigns of Mackay's regiment to march ſtrait to the paliſſadoes, and place their colours upon them. All this was ſo well executed, that lieutenant Cockle, breaking through the paliſſadoes, beat the enemy from the covered-way, lodged himſelf in one of the batteries, and then turned their own cannon againſt them. On the other hand, whilſt Mackay's enſigns advanced to the paliſſadoes, the Bavarians renewed their attack with undaunted vigour; and ſo this poſt was made good. The troops were already ſo fatigued by an aſſault, that had laſted ſeveral hours, that the beſiegers contented themſelves to have gained the covered-way, before the breach of the Coehorn, and the Saillant Angle towards the Sambre, and to make a lodgment there, without any further attempt upon the breach. However, this ſeaſonable reinforcement, which the lord Cutts brought to the Bavarians, had this further good effect, that it kept the enemy employed in the defence of this moſt important poſt; which very much facilitated major-general La Cave's enterprize upon the covered-way before the ravelin, and upper part of the Coehorn, and ſo up towards the Caſotte, where he lodged himſelf without any conſiderable loſs. On the other hand, major-general Swerin, who commanded the right attack of all before the Caſotte, made up boldly towards the covered-way and retrenchment between the Caſotte and the Maeſe; drove the enemy from their poſts; ſecured all the avenues; and made a very good lodgment all along this covered-way and retrenchment of about three hundred paces; which he extended to the left, turning in towards the Coehorn about a hundred and forty paces more, to join it to that of major-general La Cave, that reached to the ravelin of the Coehorn. Thus, although, for want of a due correſpondence among the ſeveral attacks, either by the failure or miſtake of the ſignals, the beſiegers miſcarried in their deſign of this general ſtorm, which was to have taken the caſtle, with all its prodigious outworks, all at once, yet they were now maſters of one of the greateſt lodgments, that ever was made in one aſſault, being near an Engliſh mile in extent. Such a vaſt lodgment could not be done in a moment; neither could the aſſault, which laſted till evening, be maintained without conſiderable loſs on both ſides. The beſiegers, by their own confeſſion, had two thouſand men killed or wounded, and among them many perſons of note. Count de Rivera; the colonels Coulthorp, Marſilly, and Lindroot; the baron de Heckeren; lieutenant-colonel Fabricius, of du Theil's regiment; and captain Mitchel of the Engliſh guards, were counted among the ſlain; and among the wounded were reckoned the prince of Holſtein Norburgh, and the lord Cutts; the prince of Heſſe-Homburgh; and nine colonels, Eppinger, Zinzenburgh, Caunits, count Horne, count Dona, Luzelburgh, Melun, count de Denhoff, and Hamilton; ſeveral officers of the Engliſh guards, particularly the colonels Winâſor, Stanhope, Evans, Mr. Thompſon (to whom the king gave a company of guards for his bravery); beſides a great many lieutenant-colonels, majors, captains, and ſubaltern officers of other regiments. The loſs of the beſieged in this action did not exceed ſix hundred men either killed or wounded. The elector of Bavaria expoſed himſelf to a degree not to be imagined, riding from place to place, and giving his orders, where the diſpute was moſt obſtinate, ſo that ſeveral perſons were killed and wounded about him. Neither was his electoral highneſs contented to encourage the officers and ſoldiers by his own example, but he animated the firſt by extolling their valour, and the latter by the more powerful incentives of immediate rewards, diſtributing handfuls of gold amongſt them. All the troops of the ſeveral nations behaved themſelves with equal intrepidity; however, it is remarked, that the Engliſh were the moſt bold and preſſing, the Bavarians the moſt firm, and the Brandenburghers the moſt ſucceſsful. In acknowledgment of which ſervice the king wrote with his own hand the following letter to the elector of Brandenburgh, afterwards king of Pruſſia:

"You intereſt yourſelf ſo far in the public good, that you muſt needs receive a particular ſatisfaction in hearing of the ſurrender of the caſtle of Namur, eſpecially conſidering, what ſhare you had in that enterprize, which could not poſſibly have ſucceeded without the aſſiſtance of your troops, whom I cannot enough commend, nor can be leſs pleaſed with the admirable conduct of your generals. They have gained to themſelves the greateſt glory and reputation by this action. And I aſſure you, it is impoſſible for any one to be more ſenſible of an obligation, than I am of that you have laid on me by aſſiſting me in an undertaking of ſuch conſequence, which God has vouchſafed to bleſs, and which, I hope, will be a conſiderable advantage to all the Allies. And you may aſſure yourſelf I ſhall omit no occaſion of giving you effectual proofs of my gratitude.'

The 31ſt of Auguſt was wholly ſpent by the beſiegers in perfecting the lodgment, which they had made the day before, and in preparing all things for a ſecond general aſſault; but the next day, the beſieged having demanded a ceſſation of arms to bury their dead, which was readily granted, the count de Guiſcard came upon the breach a little before the truce was over, and deſired to ſpeak with the elector of Bavaria. The elector having mounted the breach, the count offered to ſurrender the Coehorn fort; but the elector anſwering, that, if he would capitulate, it muſt be for the whole, count Guiſcard replied, that the marſhal de Boufflers commanded in the caſtle, and that he would let him know; and deſired, that in the mean while the ceſſation of arms might be continued; to which the elector having agreed, Boufflers conſented to treat for the whole, and an adjutant was immediately diſpatched, to give the king an account of it at Oſtin. The adjutant met the king with prince Vaudemont, coming to the ſiege in his coach, to give directions concerning a further attack. Upon his arrival hoſtages were exchanged, and propoſitions brought from the caſtle, the chief of which was, that they might have ten days to expect ſuccours. This being denied, the French, after ſome debates among themſelves, were contented to receive ſuch terms, as the elector, with the king's conſent, would grant them, being ſuch as are uſual upon the ſurrender of a ſtrong fortreſs, whoſe garriſon had made a gallant defence. The capitulation was agreed on that very night, and ſigned the next morning; and part of the outworks were given up preſently after to the Allies, the beſiegers having three days more allowed them to evacuate the caſtle. It is remarkable, that Guiſcard obliged Boufflers to ſign the articles, becauſe he had commanded in the caſtle during the ſiege: Whereas the count had only commanded in the Coehorn and the outworks; and that this perhaps was the firſt capitulation, that was ever ſigned by a marſhal of France; which was ſo much more to the honour of the confederate arms, that they took this almoſt impregnable place in ſight of another marſhal of France, who was advanced to relieve it with an hundred thouſand men, but was only a ſpectator of the bravery of the former, and of the conſummate prudence of the king of Great-Britain, under whoſe conduct and direction all was happily atchieved; it being univerſally acknowledged, that no ſiege was ever carried on with more regularity.

The 1ſt of September, the two armies obſerved one another; but the next day Villeroy being informed of the ſurrender of the caſtle of Namur, by a triple diſcharge of all the artillery, and three ſalvos in a running fire along the lines of the confederate army, he retired from his camp at Gemblours, and paſſed the Sambre near Charleroy with great precipitation. Upon advice of this motion the king ordered ſeveral brigades towards Salſines, and a bridge to be laid over the Sambre, to oppoſe the enemy, in caſe they ſhould make any attempt between the Sambre and the Maeſe, whilſt the French garriſon was ſtill in poſſeſſion of the Terra Nova. But it appeared that Villeroy had quite laid aſide all thoughts of fighting; for, having ſent two thouſand men to reinforce the garriſon of Dinant, he marched with the reſt of his army towards the lines near Mons.

On the 5th of September, the day prefixed for the French to evacuate the caſtle, the horſe and foot, that were incamped between the Sambre and the Maeſe, were commanded to make a lane on both ſides from the breach of Terra Nova, through which the garriſon was to march out up the hill, and ſo down again to the Maeſe, to the way that leads to Givet, whither it was agreed they ſhould be ſafely conducted. About ten of the clock in the morning the garriſon, which from fourteen thouſand was reduced to five thouſand five hundred and thirty-eight men, began their march. Marſhal Boufflers's guard de corps went out firſt; then his domeſtics, and next himſelf, with count de Guiſcard, the governor, at the head of the king's and Alfeld's dragoons, as many as were mounted, between eighty and ninety in all. The king was incognito in a coach, and the elector of Bavaria, the landgrave of Heſſe, and the chief officers of the

army on horſeback to ſee them paſs within two hundred paces of the breach, and were ſaluted by the French marſhal and count with their ſwords. This civility was ſcarce over, when monſieur Dyckvelt, accoſted Boufflers with a meſſage, which ſomewhat diſcompoſed his countenance; and, as they were riding up to the top of the hill, monſieur de L'Etang, brigadier of the life-guards, made up to the marſhal, with about twelve of the gentlemen of that corps, and arreſted him in his Britannic majeſty's name, by way of repriſal for the garriſons of Dixmuyde and Deynſe, which, as has been ſaid, were detained and ill treated by the French, contrary to the cartel. The marſhal ſeemed at firſt very much incenſed, alledging, in a broken ſpeech, 'That the laws and cuſtoms of war were violated, and particularly the capitulation lately ſigned by the duke of Bavaria, wherein he was expreſsly mentioned: That the king of France, his maſter, would reſent his treatment of a man of his character, and revenge it to the utmoſt of his power: And that, for his own part, he had defended the place like a man of honour, and did not deſerve it.' To this monſieur Dyckvelt replied, 'The the French king, his maſter, by detaining the garriſons of Dixmuyde and Deynſe, contrary to their capitulation (by which they were made priſoners of war, and conſequently ſhould have been diſcharged within the limited time, paying their ranſom, which was offered) had forced his Britannic majeſty to that way of demanding ſatisfaction for that infraction: That the marſhal's being arreſted was not out of any diſreſpect to his perſon, but rather the contrary; for, when it was propoſed to the king of Great-Britain to detain the whole garriſon by way of repriſal, his majeſty had expreſſed ſo much value of his perſon, that he looked upon him as a ſufficient caution to anſwer for ſix thouſand men, the number of the two garriſons of Dixmuyde and Deynſe; but at the ſame time he had his majeſty's order to offer him his liberty, if he would paſs his word for ſending back the ſaid garriſons, or to return himſelf a priſoner within a fortnight.' To which Boufflers anſwered, 'That he could not paſs his word of honour in a matter, which he could not execute himſelf: That, if he were at the head of fifty-thouſand men, he would not ſuffer himſelf to be arreſted; but now he muſt ſubmit.' Having ſaid this, he put up his ſword, and went back with his domeſtics to Namur, where the earl of Portland gave him a viſit, and told him as from himſelf, 'That he made no doubt of his releaſement upon his parole of honour.' But the marſhal anſwered, 'That, in regard he knew not the reaſons why his maſter detained thoſe garriſons, he could not engage for any thing.' From Namur he was conducted to Maeſtricht, and treated in both places with all the civility and reſpect due to his quality. His confinement was not long; for upon the return of the captain of his guard, whom he ſent to give the French king an account of what had happened, and the marſhal's engaging his word, that the garriſons of Dixmuyde and Deynſe ſhould be ſent back, as ſoon as he himſelf ſhould be ſet at liberty, the king ordered the governor of Maeſtricht to releaſe him, and give him a guard to conduct him ſafe to Dinant.

The taking of Namur was reckoned one of the greateſt actions of the king's life, and indeed, one of the greateſt that is in the whole hiſtory of war. It raiſed his character much, both at home and abroad, and gave a great reputation to his troops: The king had the entire credit of that matter; his general officers having a ſmall ſhare in it, being moſt of them men of low genius, and little practiſed in things of that nature. Coehorn, the chief engineer, ſignalized himſelf ſo eminently on this occaſion, that he was looked on as the greateſt man of the age; and out-did even Vauban, who had gone far beyond all thoſe, that went before him, in the conduct of ſieges: But it was confeſſed by all, that Coehorn had carried that art to a much farther perfection during this ſiege. The ſubaltern officers and ſoldiers gave hopes of a better race, that was growing up, and ſupplied the errors and defects of their ſuperior officers.

The officers were tried and proceeded againſt by councils of war, according to martial law; they were raiſed in the army by ill methods, and maintained themſelves by worſe; corruption had broke into the army, and oppreſſion and injuſtice were much complained of; the king did not approve of thoſe practices; but he did not inquire after them, nor puniſh them, with a due ſeverity; nor did he make difference enough between thoſe who ſerved well, ſold nothing, and uſed their ſubalterns kindly, and thoſe who ſet every thing to ſale, and oppreſſed all that were under them; and, when things of that kind go unpuniſhed, they will ſoon make a great progreſs.

The news of the ſurrender of the caſtle of Namur no ſooner reached England, but it filled the hearts of all the well-affected to the government with great joy; and the king's expreſſing his juſt reſentment for the affront put upon him, by the detaining the garriſons of Dixmuyde and Deynſe, was highly applauded. The lord juſtices having appointed a day of public thankſgiving for the ſucceſs of his majeſty's arms, the ſame was religiouſly obſerved in London, and throughout all England. But, amidſt theſe rejoicings, the diſaffected remained, as it were, thunderſtruck; and indeed their diſappointment was very great; for not only their hopes of ſeeing the confederates attempt upon Namur baffled were defeated, but many of them were ruined by the loſs of conſiderable wagers, which they had laid upon it. Among theſe wagerers was the famous Dr. Davenant.

The king, having left the command of the army to the elector of Bavaria, went to Dieren, and from thence to Loo, his uſual receſs for diverſion and buſineſs; whilſt both armies continued in the field till the 25th of September, and then began to ſeparate. The French king's houſehold returned into their quarters, and moſt of the reſt of his troops retired within the lines. As for the Allies, their forces were diſtributed into ſeveral neighbouring garriſons, except ſome detachments, which marched towards Newport, under the command of the prince of Wirtemberg, for the ſecurity of that place. And thus ended the campaign in Flanders.

Nor was there any action upon the Rhine, where both armies were ſo equal in ſtrength, that they could only lie on the defenſive; neither ſide being ſtrong enough to undertake any thing. M. de l'Orge commanded the French, and the prince of Baden the Imperialiſts. L'Orge was ſinking as much in his health as in his credit; ſo a great body, as has been ſaid, was ordered to march from him to Villeroy, whilſt another equal to that, commanded by the landgrave of Heſſe, came and joined the king's army before Namur.

In Italy, there was nothing done in the field by force of arms: But an affair of great conſequence was tranſacted, in a very myſterous manner; the duke of Savoy, after a very long blockade, undertook the ſiege of Caſal; but he was ſo ill provided for it, that no good account of it could be expected; the king had ſo little hopes of ſucceſs, that he was not eaſily prevailed on to conſent to the beſieging it, but either the French intended to gain the pope and the Venetians, and, in concluſion, that duke himſelf, with this extraordinary conceſſion; or, ſince our fleet was then before Thoulon, they judged it more neceſſary to keep their troops, for the defence of their coaſt and fleet, than to ſend them to relieve Caſal; ſo orders were ſent to the governor to capitulate, in ſuch a number of days, after the trenches were opened: So that the place was ſurrendered, though it was not at all ſtreightened: It was agreed, that it ſhould be reſtored to the duke of Mantua, but ſo diſmantled, that it might give jealouſy to no ſide; and the ſlighting the fortifications went on ſo ſlowly, that the whole ſeaſon was ſpent in it, a truce being granted all that while. Thus did the French give up Caſal, after they had been at a vaſt expence in fortifying it, and had made it one of the ſtrongeſt places in Europe.

The Engliſh fleet was all the ſummer maſter of the Mediterranean. The French were put under great diſorder, and ſeemed to fear a deſcent: for Ruſſel came before Marſeilles and Thoulon oftener than once, and contrary winds forced him out again, but with no loſs. Though it was his opinion, that nothing could be done there, yet the honour of commanding the ſea, and of ſhutting the French within their ports, gave a great reputation to our affairs.

In Catalonia, the French made no progreſs, they abandoned Palamos, and made Gironne their frontier. The Spaniards once pretended to beſiege Palamos, but they only pretended to do it; they deſired ſome men from Ruſſel, for he had regiments of marines on board: They ſaid they had begun the ſiege, and were provided with every thing that was neceſſary to carry it on, only they wanted men; ſo he ſent them ſome battalions; but, when they came thither, they found not any one thing, that was neceſſary to carry on a ſiege, not ſo much as ſpades, not to mention guns and ammunition: So Ruſſel ſent for his men again. But the French of themſelves quitted the place; for as they found the charge of the war in Catalonia was great, and though they met with a feeble oppoſition from the Spaniards, yet ſince they ſaw, they could not carry Barcelona, ſo long as our fleet lay in thoſe ſeas, they reſolved to lay by, in expectation of a better occaſion. We had another fleet in our own channel, that was ordered to bombard the French coaſt; They did ſome execution upon St Malo's, and deſtroyed Grandville, that lay

lay not far from it: They alſo attempted Dunkirk, but failed in the execution; ſome bombs were thrown into Calais, but without any great effect; ſo that the French did not ſuffer ſo much by the bombardment as was expected. The country indeed was much alarmed by it; they had many troops diſperſed all along their coaſt; ſo that it put their affairs in great diſorder, and we were every where maſters at ſea. Another ſquadron, commanded by the marquis of Caermarthen (whoſe father was created duke of Leeds, to colour the diſmiſſing him from buſineſs, with an increaſe of title) lay off from the iſles of Scilly, to ſecure our trade, and convoy our merchants: He was an extravagant man, both in his pleaſures and humours; he was ſlow in going to ſea; and when he was out, he fancied the French fleet was coming up to him, which proved to be only a fleet of merchant ſhips: ſo he left his ſtation, and retired into Milford Haven: by which means, that ſquadron became uſeleſs.

This proved fatal to our trade, many of our Barbadoes ſhips were taken by French cruizers and privateers: two rich ſhips, coming from the Eaſt-Indies, were alſo taken, an hundred and fifty leagues to the Weſtward, by a very fatal accident, or by ſome treacherous advertiſement; for cruizers ſeldom go ſo far into the ocean. And to complete the misfortunes of the Eaſt-India company, three other ſhips, that were come near Galway, on the weſt of Ireland, fell into the hands of ſome French privateers. Thoſe five ſhips were valued at a million, ſo here was great occaſion of diſcontent in the city of London. They complained, that neither the admiralty, nor the government, took the care that was neceſſary for preſerving the wealth of the nation. A French man of war, at the ſame time, fell upon our factory on the coaſt of Guinea; he took the ſmall fort we had there, and deſtroyed it; theſe misfortunes were very ſenſible to the nation, and did much abate the joy, which ſo glorious a campaign would otherwiſe have raiſed; and much matter was laid in for ill humour to work upon.

The king, having ſettled with the States General the ſtate of the war for the next year, embarked in the Maeſe, aboard the William and Mary yatch, and the next day ſafely landed at Margate, being attended in his paſſage by a ſquadron of Engliſh and Dutch men of war, commanded by ſir Cloudeſly Shovel. That night the king lay at Canterbury, and next day came through London and Weſtminſter to Kenſington; the people expreſſing their great joy for his ſafe return, by loud acclamations, illuminations, and bonfires.

The king was no ſooner arrived at Kenſington, but he called a council, wherein it was debated, whether a new parliament ſhould be ſummoned, or the old one be brought together again, which by the law, that was lately paſſed, might ſit till Lady-day. It was urged, that the happy ſtate, which the nation was in, had put all men, except the merchants, in a good temper. None could be ſure, that affairs ſhould be in ſo good a ſtate the next year; ſo that now probably elections would fall on men, who were well affected to the government. A parliament, which ſaw itſelf in its laſt ſeſſion, might affect to be froward, ſince the members, by ſuch a behaviour, might hope to recommend themſelves to the next election. Beſides, if the ſame parliament ſhould be continued, probably the inquiries into corruption would be carried on, which might divert them from more preſſing affairs, and kindle greater heats; all which might be more decently dropped by a new parliament, than ſuffered to lie aſleep by the old one. Theſe conſiderations prevailed, though it was ſtill believed, that the king's own inclinations led him to have continued the parliament one ſeſſion longer; for he reckoned, that he was ſure of the majority. Thus this parliament was brought to a concluſion, and a new one was ſummoned by proclamation to meet at Weſtminſter, the 22d of November.

The late ſucceſs of the king's arms inclined many perſons to chuſe members well affected to him. The Jacobites were ſo decried, that few of them were elected; but many of the ſourer ſort of whigs, who were much alienated from the king, were choſen. Theſe were generally men of eſtates, but many of them young, hot, and without experience.

During the elections for the new parliament, the king made a progreſs to the north, in the courſe of which he ſtudied to conſtrain himſelf to a little more openneſs and affability, than was natural to him: but his cold and dry way had too deep a root, not to return too frequently upon him. He began his progreſs with the diverſions at Newmarket, and where he received the compliments of the Univerſity of Cambridge; and having ſtayed there three days, on the 21ſt of October went to Althorp, in Northamptonſhire, a ſeat of the earl of Sunderland, which was the firſt public mark of the high favour, that earl was in. Whilſt there, he made a viſit to the earl of Northampton at Caſtle-Aſhby, and to the earl of Montague at Boughton, and was ſplendidly entertained at both places. From Althorp he went to Stamford, and in his way took a view of Burghley-houſe without ſeeing the owner; and proceeded to Lincoln, attended by ſeveral of the nobility and a great train of gentlemen, who reſorted from all the neighbouring parts to ſee him; and having heard prayers at the cathedral, he purſued his journey to Welbeck, the duke of Newcaſtle's ſeat in Nottinghamſhire. Here Dr. Sharp, archbiſhop of York, with his clergy waited upon him the 2d of November, and congratulated his happy ſucceſs and ſafe return; expreſſed their gratitude for his care of the church, w[illegible] he ſhewn himſelf truly Defender of the Faith; aſſured him of their fidelity and loyalty; prayed for all bleſſings to attend him; and recommended themſelves to his protection, which his majeſty aſſured them of, and of all other demonſtrations of grace and favour. The next day the king left Welbeck, and came that evening to the earl of Stamford's at Broadgate. On the 4th of November, he went to the lord Brooke's, at Warwick caſtle; from whence he departed the next day, and dined, with the duke of Shrewſbury at Eyefort, arrived in the evening at Burford, and three days after came to Woodſtock [d]. From this place he went on the 9th of November to Oxford, and was met at ſome diſtance from thence by the duke of Ormond, chancellor of that univerſity, the vice-chancellor, and the doctors in their habits, as alſo by the magiſtrates of the city in their formalities; and, the compliments of both being made to him, they proceeded to the eaſt gate of the ſchools, the conduit of the city running all the while with wine. The king alighting paſſed directly to the theatre, where Mr. Charles Codrington, fellow of All-Souls college, and afterwards governor of the Leeward iſlands, ſupplied the place of the univerſity orator, who happened to be indiſpoſed, and expreſſed the public thanks of the univerſity in an elegant ſpeech [e]. The chancellor on his knees made the uſual preſents, of a large Engliſh bible and common-prayer-book, the cuts of the univerſity, and a pair of gold fringe gloves. And becauſe it was expected, that the king would do the univerſity the honour of dining amongſt them, a magnificent banquet was prepared, with great variety of muſic. But, the duke or Ormond having communicated to him, a letter addreſſed to his grace by a nameleſs perſon, and dropped in the ſtreet the day before, wherein information was given of a pretended deſign to poiſon him at this entertainment, the king reſolved neither to eat nor drink, and immediately took coach for Windſor, declaring, as a reaſon of his ſhort ſtay, and his not going to ſee the colleges, 'That this was a viſit of kindneſs, not of curioſity, he having ſeen the univerſity before.' However this abrupt departure of the king might be reſented by the univerſity, they choſe for one of their repreſentatives ſir William Trumbal, ſecretary of ſtate.

The parliament being met the 22d of November, and the commons having choſen Mr. Foley again for their ſpeaker, the king made the following ſpeech to both houſes:

My lords and gentlemen,

"IT is with great ſatisfaction, that I meet you here this day, being aſſured of a good diſpoſition in my parliament, when I have had ſuch full proofs of the affection of my people, by their behaviour during my abſence, and at my return. I was engaged in this preſent war by the advice of my firſt parliament, who thought it neceſſary for the de-

[d] The king lay at Mr. Cary's, an old gentleman of near a hundred years of age, who had been ſervant to James I, Charles I, Oliver Cromwell, Charles II, James II, and was then ſervant to king William; of whom the following ſtory is told. "The king being informed of a humour of his in ſhewing his pictures, deſired to ſee them, and pretending not to know whom they were drawn for, aſked, of the firſt in order, who that was? 'That, replied Cary, was my good old maſter king James I, I ſerved him ſeveral years.' 'Who is the next,' ſays his majeſty. 'That, ſir, replied Cary, is my good maſter king Charles I, he was a good maſter to me, let them ſay what they will of him.' 'Pray who is the next,' the king ſaid. 'Why truly ſir, replied Cary, That is my maſter Oliver Cromwell, he too was my very good maſter; and ſo was the next there, king Charles II; and the next, king James II; and ſo now is your majeſty, whoſe picture there is ſtill room for." Whether the king gave him his picture does not appear, but he was pleaſed at the old gentleman's ſimplicity in his way of ſetting out his pictures, which it ſeems had been all given him.

[e] He was ſon of colonel Codrington, governor of the Leeward Iſlands, of which himſelf was alſo afterwards governor. He was alſo captain of a company of guards, and behaved very gallantly at the ſiege of Namur. He was a man of learning and wit, as well as bravery; the ſame to whom Creech dedicated his Latin edition of Lucretius with notes, and who left a fine library, and ten thouſand pounds in money to his college.

The

fence of our religion, and the preſervation of the liberties of Europe. The laſt parliament with great cheerfulneſs did aſſiſt me to carry it on; and I cannot doubt, but that your concern for the common ſafety will oblige you to be unanimouſly zealous in the proſecution of it. And I am glad, that the advantages which we have had this year, give us a reaſonable ground of hoping for further ſucceſs hereafter.

"Upon this occaſion I cannot but take notice of the courage and bravery, which the Engliſh troops have ſhewn this laſt ſummer, which, I may ſay, has anſwered their higheſt character in any age. And it will not be denied, that, without the concurrence of the valour and power of England, it were impoſſible to put a ſtop to the ambition and greatneſs of France.

"Gentlemen of the houſe of commons,

"I think it a great misfortune, that, from the beginning of my reign, I have been forced to aſk ſo many and ſuch large aids of my people; and yet I am confident you will agree with me in opinion, that there will be at leaſt as great ſupplies requiſite for carrying on the war by ſea and land this year, as was granted in the laſt ſeſſion; the rather, becauſe our enemies are augmenting their troops, and the neceſſity of increaſing our ſhipping does plainly appear.

"The funds, which have been given, have proved very deficient.

"The condition of the civil liſt is ſuch that it will not be poſſible for me to ſubſiſt, unleſs that matter be taken into your care.

"And compaſſion obliges me to mention the miſerable circumſtances of the French proteſtants, who ſuffer for their religion.

"And therefore, gentlemen, I moſt earneſtly recommend to you to provide a ſupply ſuitable to theſe ſeveral occaſions.

"I muſt likewiſe take notice of a great difficulty we lie under at this time, by reaſon of the ill ſtate of the coin, the redreſs of which may perhaps prove a further charge to the nation. But this is a matter of ſuch general concern, and of ſo very great importance, that I have thought fit to leave it entirely to the conſideration of my parliament. I did recommend to the laſt parliament the forming ſome good bill for the encouragement and increaſe of ſeamen. I hope you will not let this ſeſſion paſs without doing ſomewhat in it; and that you will conſider of ſuch laws, as may be proper for the advancement of trade, and will have a particular regard to that of the Eaſt Indies, leſt it ſhould be loſt to the nation. And, while the war makes it neceſſary to have an army abroad, I could wiſh ſome way might be thought of to raiſe the neceſſary recruits, without giving occaſion of complaint.

"My deſire to meet my people in a new parliament has made the opening of this ſeſſion very late; which I hope you will have ſuch regard to, as to make all poſſible diſpatch of the great buſineſs before you, and will call to mind, that by the long continuance of the laſt ſeſſion, we did not only loſe advantages, which we might have had at the beginning of the campaign, but gave the enemy ſuch an opportunity, as might have proved very fatal to us. And I am the more concerned to preſs this, becauſe of the great preparations, which the French make to be early in the field this year.

"My lords and gentlemen,

"I have had ſuch experience of your good affections, and I have ſuch an entire ſatisfaction in the choice, which my people have made of you, gentlemen of the houſe of commons, that I promiſe myſelf a happy concluſion of this ſeſſion, unleſs you ſuffer yourſelves to be miſled into heats and diviſions, which being the only hope our enemies have now left, I make no doubt but you will entirely diſappoint by your prudence and love to your country."

Both houſes in their reſpective addreſſes, with great zeal and unanimity, congratulated the glorious ſucceſs of his majeſty's arms abroad and his ſafe return home; and likewiſe returned thanks for the truſt and confidence, which he repoſed in their affections; aſſuring him, that they would ſupport him againſt all his enemies foreign and domeſtic, and effectually aſſiſt him in the proſecution of the preſent war, in which he was engaged for the ſafety of England and liberty of Europe [f].

Before the proceedings of the parliament are related, it will not be improper to take a view of the difficulties that lay in their way. In defence of the new ſettlement the nation was involved in a very burdenſome war, with a formidable monarch, who, having eſpouſed the quarrel of the late abdicated king James, was uſing his utmoſt endeavours to reinthrone him. But, beſides this open enemy, there was a great deal to fear from the diſcontented at home. For, tho' the body of the nation was infinitely pleaſed with the late revolution, yet a conſiderable number, partly out of principle, partly out of intereſt, were impatient of their deliverance, which, in their opinion, was accompliſhed by unjuſtifiable means. Not only the Roman catholics, but a great number of proteſtants, and ſuch as were the creatures and dependents of the late government, were become enemies of the preſent ſettlement; and by open as well as clandeſtine ways, endeavoured to diſtreſs or ſubvert it. And all methods, which wit and malice could ſuggeſt, were employed to weaken the reputation of the government, and to increaſe the fears of the people. The public miniſters were traduced and expoſed to contempt. The loſſes, which befel the nation, were attributed to treachery or negligence, and highly aggravated; while, on the other hand, the advantages, which the king at any time obtained, were extenuated and ſlighted. The parliament, reſolving to carry on the war with vigour, were obliged to lay great taxes on the people; and, the war continuing ſo long, they could not be inſenſible of the burden. Of this the diſcontented took the advantage, and repreſented in all companies, that the government muſt of neceſſity ſink under its own weight; and theſe heavy taxes, by reducing the nation to extreme poverty, would inevitably prove its deſtruction. They never ceaſed declaiming on this popular ſubject, in hopes to make the people weary of a government, which was repreſented ſo burdenſome; and at laſt perſuade them rather to let in the deluge, than to be at the expence of maintaining their banks.

Beſides the profeſſed adherents to king James's intereſt, there were others, who, though great aſſerters of the late revolution, and averſe enough to a ſecond, yet, from ſome private diſguſts, perſonal quarrels, and diſappointments, grew ſour and uneaſy; and in order to gratify their reſentments, endeavoured to bring the adminiſtration into contempt. They were for breaking the confederacy, and againſt raiſing ſuch large ſums of money for carrying on the war. They were for diſtreſſing the government, but not for overturning it. In ſhort, they were againſt all things, which the known enemies of the preſent ſettlement were againſt, and for all things, which they were for, except the reſtoration of the late king; that is, they were for all means, that could certainly bring about the end, but not for the end itſelf. However, under this plauſible pretence of declaring againſt great taxes, and other popular oppoſitions, they thought to recommend themſelves to their country as great patriots; ſuppoſing, that the character of a patriot was, without diſtinction of times or perſons, to be ever againſt the court; though they could not but be ſenſible, that the preſervation of their religion, laws, and liberties, was inſeparably interwoven with that of the preſent ſettlement; that the face of affairs was ſo far altered by the revolution, that the intereſt of their country was plainly the ſame with that of the court; which appeared as well by the oppoſition that was made to it by all thoſe, whom theſe men themſelves ever looked upon as the greateſt promoters of popery and arbitrary power, as by the principles of liberty, by which the government was firſt ſet up, and without which it could not ſtand.

The French after taking of Namur (a blow which wounded them in ſo ſenſible a part) grew very diffident of the iſſue of the war. They expreſſed by their behaviour and language, how much their hopes of ſubduing England by open force were abated: and they could not but foreſee, that, if king William could appear in the field the next ſummer in the

[f] The ducheſs of Marlborough, in the account of her conduct, (p. 113.) relates a particular, which ſhews that the reconciliation between the king and the princeſs of Denmark was not real. The princeſs, whilſt the king was congratulated upon his taking Namur, ſent him the following letter on that occaſion.

"SIR,

"Though I have been unwilling to give you the trouble of a letter upon any other occaſion, yet, upon one ſo glorious to your majeſty as the taking of Namur, I hope you will give me leave to congratulate your good ſucceſs which don't pleaſe me ſo much upon any other account, as for the ſatisfaction, that I am ſenſible your majeſty muſt needs feel in this great addition to the reputation of your arms. And I beg leave, Sir, to aſſure you, that, as no body is more nearly concerned in your intereſts, ſo nobody wiſhes more heartily for your happineſs and proſperity at home than,

"Your, &c,

"ANNE."

To this handſome compliment the king returned no anſwer.

It

ſame circumſtances, as he did the laſt, it would be very hard, if not impoſſible, for them to oppoſe his arms. To prevent this they had two things to wiſh and promote; one was to embroil the nation's affairs by creating mutinies at home, the other to ruin it's credit, and thereby diſable the king from carrying on the war abroad. The firſt they hoped would be effected by the ill ſtate of the coin; for to attempt it's cure, they judged, would alike produce ſuch inteſtine diſorders, as would prove the ruin of the nation. For this reaſon they engaged their friends in England to exert themſelves with the utmoſt diligence, to aggravate the inconveniencies of not recoining the ſilver money, if that ſhould be neglected; or to embarraſs, as much as they were able, the methods of recoining it, in caſe that ſhould be agreed on, and thereby make it grievous and inſupportable. And in caſe this great buſineſs ſhould, contrary to all probability, be accompliſhed without the confuſion, that was expected to follow, they were inſtructed to leave no arts untried, whereby they might deſtroy the public credit, and particularly that of the Bank of England, which was then the great ſupport of the nation, and was by experience found to be ſo the following ſummer, when it contributed ſo much to the ſupport of the army. If either of theſe deſigns, and much more if both ſucceeded, they were well ſatisfied it would be impoſſible for the king to appear in Flanders the next ſpring in that formidable manner he did the year before. Add to all this, that at this time, though it was plain by the event, that the nation had treaſure enough to ſupport the war, yet the ways of coming at it were grown very difficult. The former parliaments choſe rather to eſtabliſh funds for public ſupplies, than to uſe any methods of raiſing them within the year; divers branches of the king's revenue were by his own conſent ſubjected to great anticipations, and the moſt eaſy and obvious funds were already ſettled, and ſufficiently loaded; ſo that by the continuance of the war it became much harder for this than for the preceding parliaments, to find out ways to defray the charges of it. Such was the poſture of affairs, when this parliament met.

Four days after the meeting of the parliament the bill for regulating trials in caſes of high-treaſon, which had been ſo long purſued, was brought into the houſe of commons, and at laſt carried by the tories. The deſign of it ſeemed to be to make men as ſafe in all treaſonable conſpiracies and practices as was poſſible; it being enacted, 'that all perſons, indicted for high-treaſon, or miſpriſion of ſuch treaſon, ſhall have a copy of the whole indictment, but not the names of the witneſſes, five days at leaſt before they ſhall be tried; and ſhall be admitted to make their defence by council learned in the law, not exceeding two. That no perſon ſhall be indicted or attainted of treaſon, or miſpriſion of treaſon, but by the oaths and teſtimony of two lawful witneſſes, either both to the ſame overt-act, or one to one, and the other to another overt-act of the ſame treaſon, unleſs the party in open court confeſs the ſame, or ſtand mute, or refuſe to plead, or peremptorily challenge above thirty-five of the jury. That where two or more diſtinct treaſons of divers kinds ſhall be alledged in one bill of indictment, one witneſs to one, and another witneſs to another, ſhall not be deemed two witneſſes. That no perſon ſhall be proſecuted for any ſuch crime, unleſs the indictment be found within three years after the offence committed; provided and excepted, that any perſon deſigning or attempting to aſſaſſinate or poiſon the king may be proſecuted at any time, notwithſtanding the ſaid limitation. That all perſons, indicted of ſuch treaſon, or miſpriſion of treaſon, ſhall have copies of the pannel of the jurors, two days at leaſt before their trial, and ſhall have like proceſs to compel their witneſſes to appear for them, as is uſually granted to witneſſes againſt them. That no evidence ſhall be admitted of any overt-act, that is not expreſsly laid in the indictment. And that this act ſhall not extend to any impeachment or other proceedings in parliament; nor to any indictment for counterfeiting his majeſty's coin, his great ſeal, privy ſeal, ſign manual or ſignet.'

All theſe things were in themſelves juſt and reaſonable; and, if they had been moved by other men, and at another time, they would have met with little oppoſition. This act happened to paſs but a few days before the diſcovery of the aſſaſſination-plot, and the benefit of it was claimed and enjoyed by ſome of the conſpirators. It was obſerved, that thoſe members of both houſes, who chiefly promoted it, had been concerned in the illegal proſecutions for treaſon in the late reigns. When the bill was ſent up to the lords, the clauſe ſo often inſiſted on was again added, that to the trial of a peer all the peers ſhould be ſummoned, which was not eaſily carried; for thoſe, who wiſhed well to the bill looked on this as a device to have it dropped by the commons, as no doubt it was, and therefore they oppoſed the clauſe; but, contrary to the hopes of the court, the commons were ſo deſirous of the bill, that, when it came down to them, they agreed to the clauſe, on account of which the ſame bill had been ſo often rejected, and the act received the royal aſſent [g].

The many protections given to the ſervants of parliament-men, and the taking men into cuſtody upon complaints of the breach of thoſe protections, was really become a grievance to the ſubject; and therefore it was ordered, That all protections and written certificates of the members of this houſe be declared void in law, and be forthwith withdrawn and called in, and that none be granted for the future; and that if any ſhould be granted by any member, ſuch member ſhall be liable to the cenſure of this houſe; and that the privileges of their menial ſervants be obſerved according to law; and that, if any menial ſervant ſhall be arreſted and detained contrary to privilege, he ſhall, upon complaint thereof, made to the ſpeaker, be diſcharged by order from him: And that no perſon ſhall be taken into cuſtody upon complaint of any breach of privileges of this houſe, before the matter be firſt examined; which order was not to extend to any breach of privilege upon the perſon of any member of this houſe.

The next thing to be conſidered was the ſupply for the year 1696. The demand was ſtill very high, and there was a great arrear of deficiencies; however all was readily granted, amounting to five millions, twenty-four thouſand eight hundred fifty-three pounds [h], and lodged on funds that ſeemed to be very probable.

Purſuant to that part of the king's ſpeech relating to the civil liſt, and to the diſtreſſed condition of the French proteſtants, the commons alſo ſettled a fund for raiſing 500,000l. for the civil liſt, and 15,000l. a year for the French proteſtants [i].

The ill ſtate of the coin was the greateſt difficulty the nation now laboured under, a miſchief which the laſt parliament had attempted to cure, but which, through the application of too gentle remedies, was become almoſt deſperate. The diſaffected obſerved it with joy, and had their eyes and hopes long fixed on the effects this might produce. The jacobites propoſed to themſelves great matters from the deſtruction of credit and trade, which they doubted not would ſoon be the conſequence of this grievance; which though the friends to the government were fully convinced ought to be redreſſed; yet how to effect it, in ſuch a conjuncture, without bringing the nation into the utmoſt confuſion, was a very difficult taſk.

Purſuant to the clauſe in the king's ſpeech, the commons took the affair of the coin into conſideration, and there were great and long debates about the proper remedies. The firſt queſtion was, Whether it was neceſſary or expedient to recoin the ſilver money? The recoining was warmly oppoſed by the party, who hoped to embroil the matters. They alledged, 'this was no fit conjuncture for it, whilſt the nation was engaged in a burdenſome and doubtful war, by which the kingdom had already greatly ſuffered, and of which it

[g] It is remarkable, that, while this bill was depending in the lower-houſe, the lord Aſhley, afterwards earl of Shaftſbury, and author of the Characteriſtics, who was then a member of that houſe, and very zealous for the bill, and particularly that part of it, which allows council to a priſoner, and prepared a ſpeech in it's behalf, which thoſe, to whom he ſhewed it, thought a very proper one on the occaſion. But, when he ſtood up to ſpeak it in the houſe of commons, the great audience ſo intimidated him, that he loſt all memory, and was unable to proceed. The houſe, after giving him a little time to recover his confuſion, called loudly upon him to go on, when he proceeded to this effect: 'If I, Sir (addreſſing himſelf to the ſpeaker) who riſe only to give my opinion on the bill now depending, am ſo confounded, that I am unable to expreſs the leaſt of what I propoſed to ſay: what muſt the condition of that man be, who without any aſſiſtance is pleading for his life, and under apprehenſions of being deprived of it?' This ſudden turn of wit (which by ſome was imagined to be premeditated, though it really was not) is ſaid to be of ſervice in promoting the bill. Gen. Dict. Hiſt. and Crit. vol. IX. p. 179.

[h]

	£.
For the navy	2,500,000
For two marine regiments,	16,972
For the army conſiſting of 87,440 men, horſe, foot and dragoons,	2,007,881
For the ordinance, &c.	500,000
	5,024,853

[i] The funds for raiſing the ſupplies and civil liſt were,

1. A land-tax of 4s. in the pound.
2. Duties continued upon wine and vinegar, tobacco, Eaſt-India goods, and other merchandizes, from 1698 to 1701.
3. Additional duty upon all French goods, wines 25l. a tun, brandy 30l. a tun, vinegar 15s. a tun, all other French goods 25l. per cent. ad valorem, for the term of twenty-one years.
4. Duties upon low-wines, or ſpirits of the firſt extraction.
5. Duties continued upon ſalt, glaſs-wares, tobacco-pipes, &c.

grew every day more ſenſible. That therefore the people, on whoſe good affection the government ſo much depended, ſhould not be provoked by freſh grievances greater than any they had yet felt, as thoſe would certainly be, that muſt ariſe from the calling in the ſilver coin. That, if this was done, however things might be managed and accommodated at home, it were impoſſible to maintain either the commerce or the war abroad; for neither the merchant could be paid his bills of exchange, nor the ſoldier receive his ſubſiſtence. That this was to lay the ax to the root, and to dig up the foundations of the government. That, if this deſign was proſecuted, trade muſt ſtand ſtill for want of mutual payments; whence ſuch diſorder and confuſion would certainly follow, as would diſcourage and diſhearten the people in the higheſt meaſure, if not drive them to a perfect deſpair, as deſpair would to the moſt terrible extremities. That therefore the recoining the money at this time was by no means to be attempted without hazarding all.'

It was alledged by thoſe of the contrary opinion, at the head of whom appeared Mr. Charles Montague, chancellor of the Exchequer, 'That the miſchief would be fatal, if a preſent remedy was not found out and applied. That, by reaſon of the ill ſtate of the coin, the change abroad was infinitely to the nation's prejudice. That the ſupplies, that were raiſed to maintain the army, would never attain their end, being ſo much diminiſhed and devoured by the unequal change and exorbitant præmium, before they reached the camp. That this was the unhappy cauſe, that the guineas advanced to thirty ſhillings, and foreign gold in proportion. That therefore to the nation's great loſs, not only the Dutch, but indeed all Europe, ſent that commodity to this market, and would continue to do ſo, till the nation ſhould be impoveriſhed and undone by plenty of gold. That we muſt exchange for their gold our goods or ſilver, till at laſt we ſhould have only guineas to trade withal, which no body could think our neighbours would be ſo kind to receive back at the value they were at here. That therefore this diſeaſe would every day take deeper root, infect the very vitals of the nation, and if not remedied, would ſoon become incurable. That our enemies muſt be extremely intimidated by ſo great an action, and would ſooner be induced to agree to honourable terms of peace, in caſe they ſaw us able to ſurmount this difficulty by retrieving the ill ſtate of the coin, on which their hopes of the nation's ſpeedy ruin ſo much depended. And that it would juſtly create a mighty eſteem abroad of the greatneſs and wiſdom of the parliament of England, which was able to conquer ſuch an obſtinate and almoſt inſuperable evil in ſuch a juncture of affairs [k].'

This matter being fully debated, the parliament reſolved to call in and recoin the ſilver money, chuſing to run the hazard of ſome great inconveniencies, by attempting the cure of the diſeaſe, than by their longer neglect of it to expoſe the kingdom to apparent ruin.

The next ſtep was to conſider, 'Whether the ſeveral denominations of the new money ſhould have the ſame weight and fineneſs with the old; or, Whether the eſtabliſhed ſtandard ſhould be raiſed?' This queſtion produced many debates. Thoſe who were for raiſing the ſtandard, alledged, 'That the price of an ounce of ſilver bullion was advanced to ſix ſhillings and three-pence; and therefore the ſtandard ought to be raiſed to an equality. That the raiſing of the ſtandard would prevent the exportation of the coin, which of late had been much practiſed, to the great prejudice of this kingdom. That it would prevent its being melted down; and that thereby people would be much encouraged to bring in their plate and bullion into the Mint.'

The other party, who were for preſerving the old ſtandard, urged, that the worth of money was relative, and to be rated by the meaſure of ſuch goods, labour, advice, ſkill, or other aſſiſtances, as could be purchaſed from another by our parting with it. That the value of money among foreigners, who lived under different municipal laws, was intrinſic, and conſiſted in its weight and fineneſs. That common conſent had given it this value for the common conveniency of ſupplying one another's wants. That the weight and fineneſs was the only worth, that other nations regarded in our coin, as we in theirs; all money being between ſubjects of different governments of no greater value, excepting the workmanſhip, than ſo many pieces of uncoined bullion. That therefore, ſhould our ſtandard be altered, we ſhould ſtill be upon the ſame foot with our neighbours; for, if we were to pay them for their goods, or exchange our money with theirs, whatever denomination we gave our money, they would in their change ever reduce it to an equality with theirs, and proportion the quantity and goodneſs of their commodities to the weight and fineneſs of the money they were to receive for them; ſo that, in reſpect of our foreign commerce, there was no reaſon to alter our ſtandard. That at home, if the ſtandard were raiſed, great confuſions would attend it; the landlord would be defrauded of a great part of his rents, and the creditor of his debts. That the ſeamen and ſoldiers would be wronged in their pay; and many the like injuries and inconveniences would happen. That it was no anſwer to ſay, that they might buy as much goods and conveniencies of life with this coin raiſed above its ſtandard, as they could before, becauſe, by degrees, the ſeller would infallibly raiſe the price of his goods, in proportion to the new raiſed ſtandard; and that of this there was an inſtance before them, all commodities being raiſed in their price, while guineas were paid for thirty-ſhillings. That whereas it was alledged, that the price of bullion was riſen to ſix ſhillings and three-pence, and therefore the ſtandard of the ſilver coin ought to be raiſed likewiſe; it was replied, That it was a thing impoſſible, that the price of ſilver could riſe and fall in reſpect of itſelf; That it was an unchangeable truth, than which no mathematical demonſtration could be clearer, that an ounce of ſilver would ever be worth another ounce of the ſame fineneſs, and no more; allowing ſome inconſiderable diſparity upon the account of the coin, if one ounce be in money, and the other in bullion. That it was true indeed, that the people commonly gave 6s. 3d. for an ounce of bullion; but that they gave only clipped pieces, that had no more than the ſound of ſhillings and pence, but were by no means the things themſelves; that is, they were not the ſtandard ſhillings of due weight and fineneſs, and were no more ſo in the juſt ſenſe of the word, than an ell is an ell, when the third part of it is cut off. That the caſe was ſo plain, that when they demanded of thoſe, who affirmed an ounce of bullion

[k] The ſad ſtate of the money appears from the printed report concerning, 'An eſſay for the amendment of the ſilver coins, London 1695. The author firſt computes all the ſilver money coined in the reigns of Elizabeth, James I, and Charles I.

	l.	s.	d.
The ſilver ſterling monies coined in the reign of Eliz. excluſive of ſome baſe Iriſh monies, amounted to	4,632,932	3	2
The ſilver monies coined in the reign of James I. are computed at	1,700,000		
In king Charles I's reign was coined of ſilver money	8,776,544	10	3
In all	15,109,476	13	5

Then he conſiders, how far this ſum is to be abated.

Firſt, all queen Elizabeth's crowns, half-crowns, groats, quarter-ſhillings, half-groats, three-half-penny pieces, three-farthing pieces, and half-pence, are wholly ſunk.

Secondly, great numbers of her ſhillings and ſixpences are melted down or loſt.

Thirdly, the crowns, groats, two-pences, pence, and half-pence of James I, and Charles I, are quite gone: with many of their half-crowns, ſhillings, and ſixpences. So that he reckons, there was not left above a third part of the whole, coined in thoſe three reigns l. 5,036,492

To this he adds the unmelted coins of Charles II, James II, and king William, which he ſuppoſed to amount to about 563,508

So the whole of the ſilver money clipped and unclipped, hoarded and current, then was 5,600,000

Of this ſum he reckons four millions conſiſted of clipped money, and the remaining million ſix hundred thouſand pounds to be unclipped, and lying in hoards or current in the remote countries.

The author proceeds to compute, how far the clipped pieces may have been diminiſhed in the weight. In order to this, he obſerves, that 1001. ſterling in ſilver, according to the ſtandard of the Mint, ought to be thirty-two pounds, three ounces, one penny-weight, and twenty-two grains Troy. Now there had been brought in promiſcuouſly, in the months of May, June, and July 1695, five hundred ſeventy-two bags, of one hundred pounds each,

	lb.	oz.	pw.	gr.
Which 572 bags, according to the ſtandard, ſhould have weighed, Troy weight,	18,451	6	16	8
But upon examination they weighed only	9,480	11	05	0
Deficiency	8,970	7	11	8
The weight of a hundred pounds ſterling, according to the ſtandard	32	3	1	22
The medium of the weight of each hundred pounds of the clipped money,	16	8	18	00
The medium of the deficiency,	15	6	3	22

Hence it appears, that the current ſilver coinswere diminiſhed near one half, about the proportion of 10, to 22. Conſequently, if there were four millions of clipped money to be re-coined, it would make but about two millions. So there would be a loſs of about that ſum. The real loſs proved to be 2,200,000l. as will be ſeen hereafter.

The preſent ſtandard for gold is twenty-two carats (or half ounces) of fine, and two carats of alloy. For the ſilver, eleven ounces two penny-weights fine, and eighteen penny-weights alloy. So that, in a pound Troy of ſilver, which is coined into ſixty-two ſhillings, there are eighteen penny-weights of alloy; and, in a pound Troy of gold, which is coined into forty-four pounds ten ſhillings, there is one ounce of alloy.

This

to be worth ſix ſhillings and three-pence, whether they meant ſix milled ſhillings and three-pence, they knew not what to reply; for this alteration of the value of bullion was merely in relation to diminiſhed money. And, to make it yet more evident, they urged, that it was matter of fact, that, with five ſhillings and two-pence of new milled money, they could buy as much bullion as they pleaſed; while thoſe who bought it with clipped pieces, paid ſix ſhillings and three-pence. That whereas it was urged, that the raiſing the ſtandard would prevent the exportation of our money, it was anſwered, that there was no other way poſſible to keep our money at home, than by out-trading our neighbours; that is by ſending them more commodities, or of greater value, than thoſe, which we received from them. For if, upon the balance, we were found in their debt, there was no way left but to pay it in coin or bullion; and that therefore, whatever denomination we gave our coin, we muſt be neceſſitated to ſend it abroad, if the commodities we exported could not pay our debts. And that all the other arguments for raiſing the ſtandard would ſink to the ground; in caſe theſe two, on which the reſt were built, had no reaſonable foundation.

After the debates on this ſubject, the commons reſolved to recoin the clipped money, according to the eſtabliſhed ſtandard of the Mint, both as to weight and fineneſs; and to make it more eaſy to the people, they voted a recompence for the deficiency of the clipped money; and that the loſs of ſuch clipped money ſhould be borne by the public, and a fund of 1,200,000l. ſettled for that purpoſe. Accordingly, for raiſing that ſum, a tax for ſeven years was laid upon all dwelling-houſes, except cottages (now called the window-tax) namely, two ſhillings yearly upon each houſe; four ſhillings upon every houſe having ten windows; and eight ſhillings upon ſuch houſes as have twenty windows over and above the two ſhillings.

The parliament was not inſenſible of the inconveniencies that would attend the calling in and recoining of the clipped money, the principal of which would be a ceſſation of payments, and thereupon an interruption of commerce. It was plain, that England could not ſubſiſt, unleſs ſome expedient was found out to ſupport its trade till the new money returned from the Mint; and ſince gold alone was not ſufficient for that purpoſe, to fix upon ſuch an expedient was a very difficult thing. They therefore agreed to call in the money by degrees; that, while ſome denominations of coin were ſuppreſſed, others might be current; hoping, that, before the laſt old money ſhould come in to be recoined, ſo much of the new might circulate from the Mint, as might ſufficiently anſwer the neceſſities of the nation. They reſolved therefore, firſt, 'That a day be appointed, after which no clipped crowns or half-crows, as alſo money clipped within the ring, be allowed in payment, or paſs, except only to the collectors of his majeſty's revenues or taxes, or upon loans or payments into the exchequer. Secondly, That a day be appointed, after which no clipped money ſhould paſs in any payment whatſoever. Thirdly, That a day be appointed for all perſons to bring in their clipped money, to be recoined into milled money; after which no recompence ſhould be made for the ſame.' The next day, an addreſs was ordered to be prepared, to deſire his majeſty to regulate the currency of clipped money, according to the preceding reſolution; which addreſs being drawn up, and reported by Mr. Montague, and afterwards preſented by him to the king, his majeſty cauſed a proclamation to be iſſued out accordingly. It is to be remarked, that the lords had already addreſſed the king to the ſame effect.

The days appointed by the king's proclamation for putting a ſtop to the currency of clipped money were ſo ſhort, that an immediate ſtop was thereby put to trade. This was partly occaſioned by the backwardneſs of the people to receive any old money, though allowed at preſent to paſs, upon an apprehenſion, that at laſt it would be left upon their hands; partly from the ſlowneſs of recoining in reſpect of the people's wants, though otherwiſe diſpatched with all the expedition imaginable in ſo great an affair; and partly by reaſon of the unequal intrinſic value between the new milled money, and thoſe pieces or denominations of the old, which were allowed to be current. For while the hammered money, and pieces not clipped within the ring were permitted to paſs for the preſent neceſſity of trade, nobody was willing to make payments in new money, which ſo much exceeded the old in its intrinſic worth' And therefore the new ſilver money, as faſt as it iſſued from the Mints and Exchequer, was in a great meaſure ſtopped in the hands of the firſt receivers; for none were diſpoſed to make payments in the new ſilver coin at the old ſtandard, when they could do it in clipped pieces ſo much below it. And thoſe, who had no payments to make, kept their new money as medals and curioſities in their cheſts; and there is reaſon to believe, that, at firſt, a great quantity of new money, by the help of the melting-pot, went abroad in ingots to purchaſe gold, which at this juncture was a very profitable commodity in England. Theſe inconveniencies being repreſented to the commons, the houſe in a grand committee conſidered the ſtate of the nation, and how to prevent the interruption of commerce, during the recoining of the clipped monies. After ſome debates on ſeveral days, the commons reſolved, 'Firſt, that the recompence for ſupplying the deficiency of clipped money ſhould extend to all clipped money, which was ſilver, though of a courſer alloy than the ſtandard. Secondly, that the collectors and receivers of his majeſty's aids and revenues be enjoined to receive all ſuch monies. Thirdly, that a reward of five pounds per cent. be given to all ſuch perſons, as ſhould bring in either milled or broad unclipped money, to be applied in the exchange of the clipped money throughout the kingdom. Fourthly, that a reward alſo of threepence per ounce be given to all perſons, who ſhould bring in wrought plate to the Mint to be recoined. Fifthly, that, for the ſooner bringing in the clipped money to be recoined, any perſons might pay in their whole next year's tax of four ſhillings in the pound in clipped money, at one convenient time appointed for that purpoſe. Laſtly, that commiſſioners be appointed in every county to pay or diſtribute the milled and broad unclipped money, and the new coined money, and to receive the clipped money.' Theſe reſolutions were formed into a bill, with a clauſe to prohibit the melting down and exportation of our coin or bullion, and to prohibit the uſe of plate in public houſes; which laſt article proved the beſt expedient to ſupply the Mints with bullion, there being at this time ſcarce any public houſe in England, that had not ſilver tankards and other utenſils of the ſame metal, which the owners choſe rather to carry to the Mint, and turn into ready money, than to keep ſo much uſeleſs and dead ſilver at home[1]

[1695-6.] The lords having made ſeveral amendments to this bill, moſt of which, after ſome debates and conferences between both houſes, were diſagreed to by the commons, the chancellor of the exchequer, according to order, preſented to the houſe another bill 'For remedying the ill ſtate of the coin of this kingdom,' which paſſed both houſes and received the royal aſſent.

Upon a petition to the commons by divers merchants and traders, to deſire that the difficulties and loſſes in their trade and payments, occaſioned by the riſe of guineas, might be taken into conſideration; the houſe firſt ordered a bill to be brought in, 'For taking off the obligation and encouragement of coining guineas for a certain time;' and then proceeded to the lowering their value, wherein they met with ſome oppoſition. The reaſons againſt the ſinking the price of guineas were, that the people were eaſy and pleaſed with it: that abundance of people would be loſers, in whoſe hands the guineas ſhould at laſt be found, which would raiſe great diſturbance and clamour in the nation; that therefore it ought to be conſidered, how far it was fit to incenſe the common people in this juncture of affairs, who had already ſuffered ſo much by the war.

Thoſe, who were for reducing the price of guineas, argued, that there was as great reaſon to bring down guineas, as there was to recoin the ſilver money at the old ſtandard. And here they reckoned up the miſchiefs mentioned before on that head. That however the parliament might be obliged to manage by the neceſſity of affairs, and to ſuffer for a time the guineas to paſs at that exceſſive rate, that in ſome meaſure there might be a currency of money, while the Mints were employed in new coining the ſilver; yet now they were obliged to ſink the price nearer the old ſtandard, that the ſilver money might not be ſtopped and hoarded up as faſt as it iſſued out from the Mints. And that, whatever loſſes and inconveniencies the people might ſuffer by reducing of guineas, yet the miſchiefs that aroſe, and would daily increaſe from not doing it, infinitely overbalanced thoſe on the other ſide. Upon this the commons reſolved to lower the price of guineas; and, that they might do it with leſs grievance and diſquiet to the people, they at firſt reduced them from thirty to eight and twenty ſhillings; afterwards to twenty-ſix, till at laſt a clauſe was inſerted in the bill 'For encouraging the bringing plate to the Mint,' whereby they were ſettled at two and twenty ſhillings, from which they naturally ſunk to their former price of one and twenty ſhillings and ſix-pence. However, it is to be obſerved, that though the parliament lowered the value of the guineas, hoping by that means to

[1] This was grown to ſuch an extravagance that one ale houſe, near the Royal Exchange, had in ſilver tankards, to the value of above five hundred pounds.

bring

bring out the new money into circulation, yet by the artifice and management of ſome men the people were made to believe, that the price of gold would be raiſed at the next ſeſſion; upon which many perſons, who had great ſums of guineas, kept them cloſe in their cheſts. By this means, though the circulation of the new money was a little promoted, yet that of guineas, by which the nation chiefly ſubſiſted, was conſiderably obſtructed; the new ſilver money too, which the people were likewiſe induſtriouſly perſuaded to believe would be advanced in value, when the parliament ſhould come next together, was for that reaſon in a great meaſure hoarded up, to the great damage of commerce.

Another evil aroſe during the recoining of the money, a general loſs of credit which indeed ſhook the ſtate. But this was cured by a ſeaſonable and wiſe remedy, which the parliament applied the next ſeſſion; and on the other hand ſuch diligence was uſed, not only in the Mint of the Tower, but likewiſe in thoſe, which the king cauſed to be ſet up in York, Briſtol, Exeter, and Cheſter, that at laſt this great undertaking of the higheſt difficulty, yet of abſolute neceſſity, was happily accompliſhed, to the immortal honour of the parliament in general, and in particular of Mr. Charles Montague, who had the chief management of this weighty and arduous affair, which was executed with an order and juſtice, and quiet and exactneſs, beyond all men's expectation; ſo that the nation was freed from a great and threatening miſchief, without any of thoſe effects, which were generally apprehended from it, and, in leſs than a year's time, England, that had for ſo many years the worſt money of any nation in Europe, had then the beſt, to the great diſappointment of the jacobites, who had conceived great hopes of throwing the nation into confuſion.

The proceedings in parliament upon another affair gave the king no ſmall uneaſineſs. The 14th of December, the lords, in a conference, communicated to the commons an addreſs to his majeſty, in relation to an act of parliament made in Scotland for erecting a company trading to Africa and the Eaſt-Indies; to which addreſs the commons gave their concurrence; and a committee was appointed to examine, What methods were taken for obtaining that act? Who were the ſubſcribers to that company? And who were the promoters and adviſers of it? Both houſes attended the king with their addreſs, wherein they repreſented to him, 'That, having taken into their conſideration the ſtate of the trade of this kingdom, they found, that, beſides many other diſadvantages and difficulties it now lay under, an act of parliament, which had lately received his majeſty's royal aſſent in his kingdom of Scotland, for erecting a company trading to Africa and the Indies, was like to bring many great prejudices and miſchiefs to all his majeſty's ſubjects, who were concerned in the wealth or trade of this nation. That the ſaid act did provide, "That all ſhips, merchandize, and other effects whatſoever, belonging to that company, ſhould be free from all manner of reſtraints or prohibitions, and of all cuſtoms, taxes, ceſſes, ſupplies, or other duties impoſed, or to be impoſed by act of parliament, or otherwiſe, for the ſpace of twenty one years." And farther, "That the ſaid company, its members, officers, ſervants, or others belonging thereto, ſhould be free, both in their perſons, eſtates, and goods employed in the ſaid ſtock and trade, from all manner of taxes, ceſſes, ſupplies, exciſes, quartering of ſoldiers tranſient or local, or levying of ſoldiers, or other impoſitions whatſoever, during the ſpace of twenty-one years." That by reaſon of the great advantages granted to the Scots Eaſt-India company, and the duties and difficulties, that lay upon that trade in England, a great part of the ſtock and ſhipping of this nation would be carried thither; and by this means Scotland might be made a free port for all Eaſt-India commodities; and conſequently thoſe ſeveral places in Europe, which were ſupplied from England, would be furniſhed from Scotland much cheaper than could be done by the Engliſh; and therefore this nation would loſe the benefit of ſupplying foreign parts with thoſe commodities, which had always been a great article in the balance of their foreign trade. Moreover, that the ſaid commodities would unavoidably be brought by the Scots into England by ſtealth, both by ſea and land, to the great prejudice of the Engliſh trade and navigation, and to the great detriment of his majeſty in his cuſtoms. And that, when that nation ſhould have ſettled themſelves in plantations in America, the Engliſh commerce in tobacco, ſugar, cotton, wool, ſkins, maſts, &c. would be utterly loſt, becauſe the privileges of that nation, granted to them by this act, were ſuch, that that kingdom muſt be the magazine for all commodities, and the Engliſh plantations, and the traffic there, loſt to this nation, and the exportation of their own manufactures yearly decreaſed. That beſides theſe, and many other obſtructions, that the act would unavoidably bring to the general trade of this nation, another clauſe in the ſaid act, whereby "His majeſty promiſed to interpoſe his authority to have reſtitution, reparation, and ſatisfaction made for any damage, that might be done to any one of the ſhips, goods, merchandize, perſons, or other effects whatſoever belonging to the ſaid company, and that upon the public charge;" did ſeem to engage his majeſty to employ the ſhipping and ſtrength at ſea of this nation, to ſupport this new company, to the great detriment even of this kingdom.' To this addreſs the king made anſwer, 'That he had been ill ſerved in Scotland, but he hoped ſome remedies might be found to prevent the inconveniencies which might ariſe from this act.'

Soon after this, the king turned out both the ſecretaries of ſtate in Scotland, and the marquis of Tweedale: and great changes were made in the whole miniſtry of that kingdom, both high and low; particularly the lord Murray, ſon of the marquis of Athol, was made ſecretary of ſtate.

However, this buſineſs did not ſtop here; for the committee appointed by the commons to examine by what methods this act was obtained, having made their report, and delivered a copy of an oath 'de fideli,' taken by the directors of the Scots Eaſt-India company, and of the journal of the proceedings of the directors; and the report, oath, and journal being examined; as alſo the petition preſented to the houſe by the Engliſh Eaſt-India company, it was reſolved, That the directors of the company of Scotland trading to Africa and the Indies, adminiſtering and taking here in this kingdom, an oath 'de fideli,' and under colour of a Scots act of parliament, ſtiling themſelves a company, were guilty of a high crime and miſdemeanor; and that the lord Belhaven, William Paterſon, David Nairne, James Smith, James Cheiſly, William Shepherd, Robert Blackwood, James Balfour, James Fowlis, Thomas Coutts, Abraham Wilmer, Daniel Van Mildert, Robert Williamſon, Anthony Merry, Paul Docminique, Robert Douglas, Thomas Skinner, Hugh Frazer, James Bateman, Walter Stewart, and Joſeph Cohen d'Azevedo be impeached of the ſame. While the impeachments were drawing up, Roderick Mackenzie endeavoured to to ſuppreſs the evidence, which he had given againſt theſe perſons, for which he was ordered into cuſtody, but he made his eſcape; nor could he be apprehended, though the king, at the requeſt of the commons, iſſued out a proclamation for that purpoſe.

When it was underſtood in Scotland, that the king had diſowned the act for the Eaſt-India company, from which it was expected that great riches ſhould flow into that kingdom, it is not eaſy to conceive how great, and how general an indignation was ſpread over the whole kingdom; the jacobites ſaw what a game it was like to prove in their hands; they played it with great ſkill, and to the advantage of their cauſe, in the courſe of many years; and continue to manage it to this day. There was a great deal of noiſe made of the Scotch act in both houſes of parliament in England by ſome, who ſeemed to have no other deſign in that, but to heighten our diſtractions by the apprehenſions that they expreſſed. The Scotch nation fancied nothing but mountains of gold; and the credit of the deſign roſe ſo high, that ſubſcriptions were made, and advances of money were offered, beyond what any believed the wealth of that kingdom could have furniſhed. Paterſon came to have ſuch credit among them, that the deſign of the Eaſt-India trade, how promiſing ſoever, was wholly laid aſide; and they reſolved to employ all their wealth, in the ſettling a colony, with a port and fortifications in Darien, which was long kept a ſecret, and was only truſted to a ſelect number, empowered by this new company, who aſſumed to themſelves the name of the African company, though they never meddled with any concern in that part of the world. The unhappy progreſs of this affair will appear in its proper time.

The loſſes of the merchants gave great advantages to thoſe, who complained of the adminiſtration; their conduct, with relation to our trade, was repreſented as at beſt a neglect of the nation, and of its proſperity. Some, with a more ſpiteful malice, ſaid, it was deſigned, that we ſhould ſuffer in our trade, that the Dutch might carry it from us: and, how extravagant ſoever this might ſeem, it was often repeated by ſome men of virulent tempers. And in the end, when all the errors, with relation to the protection of our trade, were ſet out, and much aggravated, the commons proceeded to conſider the ſtate of the nation in relation to trade, and reſolved, 'Firſt, That a council of trade be eſtabliſhed by act of parliament, with powers for the more effectual preſerva-

tion

tion of the trade of this kingdom. Secondly, That the commiſſioners conſtituting the council be nominated by parliament. Thirdly, That the commiſſioners ſhould take an oath, acknowledging, that king William was rightful and lawful king of this realm; and that the late king James had no right or title thereunto; and that no perſon had any right or title to the crown, otherwiſe than according to the act of ſettlement made in the firſt year of his majeſty's reign, &c.' Of theſe and ten more reſolutions, the firſt and ſecond, with ſome others, were indeed approved; but ſeveral, and eſpecially the fourth, whereby king William was to be acknowledged 'rightful and lawful king,' and which occaſioned a warm debate, were rejected by the houſe. And a bill was ordered to be brought in, upon the reſolutions agreed to; though it was oppoſed by thoſe, who looked on the eſtabliſhment of a council of trade by an act of parliament, as a change of our conſtitution in a very eſſential point. They urged, that the executive part of the government was in the king; ſo that the appointing any council by act of parliament, began a precedent of their breaking in upon the execution of the law, in which it could not be eaſy to ſee how far they might be carried. It was indeed offered, that this council ſhould be much limited as to its powers; yet many apprehended, that, if the parliament named the perſons, how low ſoever their powers might be at firſt, they would be enlarged every ſeſſion; and, from being a council to look into matters of trade, they would be next impowered to appoint convoys and cruizers. This, in time, might draw in the whole admiralty, and that part of the revenue or ſupply, which was appropriated to the navy; ſo that a king would ſoon grow to be a duke of Venice. And indeed thoſe, who ſet this on moſt zealouſly, did not deny, that they deſigned to ingraft many things upon it.

The king was ſo ſenſible of the ill effects, which this would have, that he ordered his miniſters to oppoſe it, as much as poſſibly they could. The earl of Sunderland, to the ſurprize of many, declared for it, as all that depended on him promoted it. He was afraid of the violence of the republican party, and would not venture upon provoking them. The miniſters were much offended with him for taking this method to recommend himſelf at their coſt. The king himſelf took it ill, and declared to biſhop Burnet, that, if the earl went on, driving it as he did, he muſt break with him; and imputed it to his fear. For the unhappy ſteps, which he had made in king James's time, gave his enemies ſo many pretences for attacking him, that he would venture on nothing, that might provoke them. Here was a debate plainly in a point of prerogative, how far the government ſhould continue on its antient bottom of monarchy, as to the executive part; or how far it ſhould turn to a commonwealth; and yet, by an odd reverſe, the whigs, who were now moſt employed, argued for the prerogative, while the tories ſeemed zealous for public liberty; ſo powerfully does intereſt biaſs men of all forms.

Another affair was, about this time, brought before the houſe of commons, which touched the king in a very ſenſible part. The earl of Portland had begged of the king the lordſhips of Denbigh, Bromfield, and Yale, in the county of Denbigh; which, before he went laſt to Holland, he readily granted, not only to him, but to his heirs for ever. The warrant coming to the lords of the treaſury, who were the lord Godolphin, ſir Stephen Fox, ſir William Trumball, and Mr. John Smith, the gentlemen of the county, upon one or two days notice, were heard before their lordſhips. Sir William Williams alledged, 'That theſe lordſhips were the antient demeſnes of the prince of Wales: That the Welſh were never ſubject to any but to God and the king; and that none ſhewed their allegiance more than the Welſh. That on the ſtatute for granting of fee-farm rents, there was a particular exception of the Welſh rents, which imported, that the parliament took the Welſh revenues not to be alienable; yet, upon creation of a prince of Wales, there were miſes of 800l. payable out of thoſe lordſhips to the prince of Wales [m], and, though there were none now, yet he hoped and doubted not but to ſee one of the preſent king's own body.' Sir Roger Puleſton alledged, 'That the revenues of theſe lordſhips did ſupport the government of Wales, by paying the judges and others their ſalaries; and, if given away, there would be a failure of juſtice.' And Mr. Price, afterwards baron of the Exchequer, urged, 'That the grant was of a large extent, being five parts in ſix of one county, which was too great a power for any 'foreign ſubject' to have, and the people of the country too great to be ſubject to any foreigner [n].' Let it be conſidered (added he) 'Can it be for his majeſty's honour or intereſt (when the people hear this, and underſtand it) that he daily gives away the revenues, and more, the perpetuity of his crown-revenues to his foreign ſubjects? Good kings, after a long and chargeable war, were accuſtomed to tell their people, that they ſorrowed for the hardſhips the nation underwent by a long war and heavy taxes; and that now they would live on their own. But it is to be feared, if grants are made ſo large and ſo frequent, there will be nothing for the king or his ſucceſſors to call his own to live upon.' The lord Godolphin having aſked by way of objection, 'Whether the earl of Leiceſter had not thoſe lordſhips in grant to him in queen Elizabeth's time?' Sir Robert Cotton anſwered, 'he believed he could give the beſt account in that caſe. That the earl of Leiceſter had but one of thoſe lordſhips, and that was Denbigh. That he was ſo oppreſſive to the gentry of the country, that he occaſioned them to take up arms, and to oppoſe him; for which three or four of his (ſir Robert Cotton's) relations were hanged; but that it ended not there, for the quarrel was kept ſtill on foot, and the earl glad to be in peace, and to grant it back to the queen; ſince which time it had ever been in the crown.' Then the lord Godolphin ſaid, 'They had offered many weighty reaſons, which ſhould be repreſented to his majeſty.' From the Treaſury the gentlemen of Wales attended the grant to the privy-ſeal, where their reaſons and complaints againſt it were heard and received with great candour. Yet, notwithſtanding all this, the grant being only ſuperſeded, but not recalled, ſir Thomas Groſvenor, ſir Richard Middleton, ſir John Conway, ſir Robert Cotton, ſir William Williams, ſir Roger Puleſton, Edward Vaughan, Edward Brereton, and Mr. Robert Price, addreſſed themſelves by petition to the houſe of commons. Upon this occaſion Mr. Price, a member of that houſe, made a remarkable ſpeech, wherein beſides enlarging on the arguments he had before uſed,

[m] Miſes were certain tollages or tributes, paid at the creation of a prince of Wales. Thus, in the county Palatine of Cheſter, it was a certain tribute, paid by the inhabitants of that county, on the change of every owner of that earldom, for the enjoyment of their liberties. And they have there a Miſe-book, in which every town and village is rated ſo much towards the Miſe.

[n] The other arguments, he made uſe of againſt the grant, were as follow: 'That there were fifty mean lordſhips held under thoſe manors; above fifteen-hundred freeholders; waſtes and commons of many thouſand acres; mines of lead and copper of great value, and that the preſent rents amounted to 1,500l. per ann. beſides other great advantages, which a mighty favourite and a great courtier might make out of this country. That courts were kept in all thoſe lordſhips in the king's name. That all or moſt of the gentlemen of that country were tenants to the king, and ſuitors to this court, and thereby obliged to the king by a double allegiance, that is, as ſubjects and tenants; and, if the king gave away one, it was to be feared, it would leſſen the bounds of the other, ſince it is obſervable, 'That intereſt and property have an aſcendant over duty.' That thoſe manors were formerly lordſhips-marches; that, when William the conqueror had brought England under ſubjection, but could not ſubdue the Welſh country, he gave to the Norman lords ſome neighbouring lands in Wales, and furniſhed them with men and arms; and what ground they could get from the Welſh by inſurrection, or conqueſt, theſe Norman lords were to hold as lordſhips-marches, which were made boroughs or palatinates; and what they got or uſurped by their power, they maintained by ſeverity or oppreſſion. That under theſe vaſſalages the Britons continued until the 27th of Henry VIII's reign, when the ſtatute of Timon was made, and they eſteemed it their happineſs to be under the Engliſh laws and government, none having more eminently ſignalized their conſtant loyalty to their rightful king, than themſelves. But, if his majeſty ſhould think fit to diſunite them by this grant, and put them under a foreign ſubject, it was putting them in a worſe poſture than their former eſtate, when under William the conqueror and his Norman lords. That the Britons were always men of courage and ſincerity, and yet of reſentment. That though Henry IV. and Henry V. were martial princes, and had an hatred againſt the Britons, becauſe they perſevered in their duty to Edward II. who was their 'rightful' though 'unfortunate' king, and made moſt reproachful laws againſt them; yet it was worth remark, that thoſe kings had never peaceable or happy days, till they had reconciled themſelves to thoſe great people. That this is a revenue, that belongs to the prince of Wales; and, in want of ſuch, it veſts in the crown rather an uſufructure than a property, till a prince be created, to whoſe creation the revenue is annexed by theſe, though unuſual words in the law, 'To him and his heirs, who ſhall be kings of England,' by the ſtatute of the 21ſt Jacob. 29. That in the preamble of that ſtatute it was doubted, whether Charles prince of Wales and duke of Cornwall could grant leaſes of the duchy lands for three lives, or any longer than his own life; though the ſtatute adds, he had the inheritance in a ſpecial form of limitation, differing from the ordinary rule of inheritance of the common law; and therefore it was neceſſary to have confirmed in parliament, the uſe that was made of that ſtatute in this caſe. That, if the prince of Wales and duke of Cornwall, who had an inheritance in their revenues, could not grant eſtates without parliament, for any longer time than their own lives; how then could his preſent majeſty, who was our king by 'modern contract,' and had but an eſtate for life in poſſeſſion in the crown by the act of ſettlement, grant away the inheritance and abſolute fee of the principality of Wales? That, if the aid of parliament was neceſſary to help in one caſe, it was more neceſſary in the other. That it was well known in former reigns there had been frequent 'acts of reſumption,' which always paſſed, when the people groaned under the weight of heavy taxes, and the nation in war. That, if that was a reaſon for the legiſlative power to paſs a bill of reſumption, it was ſtill as good reaſon for his majeſty not to grant, ſince the nation was both in a war, and under the heavieſt preſſure of taxes hiſtory bears teſtimony of.'

againſt the grant, (which doubtleſs was unadviſedly made, and the oppoſition to it very juſt in thoſe, that had nothing in view but to ſave thoſe lands from alienation) he took occaſion not only to inveigh againſt the Dutch in general, but to reflect even on the king's perſon, title, and government.

The reſult of this affair was, that the commons unanimouſly preſented the following addreſs to the king.

"WE your majeſty's moſt dutiful and loyal ſubjects, the knights, citizens, and burgeſſes in parliament aſſembled, humbly lay before your majeſty, that whereas there is a grant paſſing to William earl of Portland and his heirs of the manors of Denbigh, Bromfield, and Yale, and divers other lands in the principality of Wales, together with ſeveral eſtates of inheritance enjoyed by many of your majeſty's ſubjects, by virtue of antient grants from the crown.

"That the ſaid manors, with the large and extenſive regalities, powers, and juriſdictions to the ſame belonging, are of great concern to your majeſty and the crown of this realm; and that the ſame have been uſually annexed to the principality of Wales, and ſettled on the princes of Wales for their ſupport: And that a great number of your majeſty's ſubjects in thoſe parts hold their eſtates by royal tenure under great and valuable compoſitions, rents, royal payments, and ſervices to the crown and princes of Wales, and have by ſuch tenure great dependence on your majeſty and the crown of England, and have enjoyed great privileges and advantages with their eſtates under ſuch tenure. We therefore moſt humbly beſeech your majeſty to put a ſtop to the paſſing this grant to the earl of Portland of the ſaid manors and lands; and that the ſame may not be diſpoſed from the crown but by conſent of parliament; for that ſuch grant is in diminution of the honour and intereſt of the crown, by placing in a ſubject ſuch large and extenſive royalties, powers, and juriſdictions, which ought only to be in the crown, and will ſever the dependence, which ſo great a number of your majeſty's ſubjects in thoſe parts have on your majeſty and the crown, by reaſon of their tenure, and may be to their great oppreſſion in thoſe rights, which they have purchaſed and hitherto enjoyed with their eſtates; and alſo an occaſion of great vexation to many of your majeſty's ſubjects, who have long had the abſolute inheritance of ſeveral lands (comprehended in the ſaid grant to the earl of Portland,) by antient grants from the crown."

The king, in anſwer to this addreſs, expreſſed himſelf thus:

Gentlemen,

"I have a kindneſs for my lord Portland, which he has deſerved of me by long and faithful ſervices; but I ſhould not have given him theſe lands, if I had imagined the houſe of commons could have been concerned. I will therefore recal the grant, and find ſome other way of ſhewing my favour to him."

The debates about creating a council of trade by act of parliament were going on, and it probably would have paſt both houſes, when the diſcovery of a conſpiracy turned men's thoughts another way: So that all angry motions were let fall, and the ſeſſion ended with greater advantages to the king, than could otherwiſe be expected.

On the death of the queen, the jacobites began to think that the government had loſt the half of it's ſtrength, and that things could not be kept quiet at home, when the king ſhould be beyond ſea. Some pretended, they were for putting the princeſs of Denmark in her ſiſter's place; but this was only a pretence, to which ihe gave no ſort of encouragement: King James lay at the bottom. And therefore, ſhortly after the queen's deceaſe, they entered upon ſchemes to remove the king likewiſe. The ſame week wherein he had given them the fulleſt and moſt extenſive pardon, that ever was known, they were contriving to ſeize his perſon. For about this time ſeveral meetings and conſultations were held by Mr. Charnock, captain Porter, captain Waugh, major Matthews, Mr. Donelagh, Mr. Goodman, and ſir William Perkins, to ſettle the method of executing this deſign; and the places, where theſe conſpirators, or the greateſt part of them met, were Mr. Goodman's houſe in Brownlow-Street, the chocolate-houſe in St. James's Street, and the Fountain Tavern by the Temple-Gate. And that they might quiet their minds, which it ſeems were not perfectly delivered from all ſenſe of guilt and horror at ſuch a barbarous enterprize, they ſent over to ſollicit the late king James to grant them a commiſſion, which they flattered themſelves would be ſufficient to authorize their attempt, and make it look more like a military action, than a foul murder. But, it ſeems, it was not thought fit to grant any ſuch commiſſion at that juncture, in which things did not perhaps appear ripe enough for their purpoſe; at leaſt, it was ſo delayed, that the conſpirators ſeemed uneaſy to be held ſo long in ſuſpenſe, and therefore reſolved immediately to execute their deſigns, notwithſtanding their expectations of a commiſſion from St. Germain's were diſappointed. And now, however weak and impracticable it might ſeem, they projected a deſign to attack the guards, ſeize the king, and forthwith hurry him to Deal, where a veſſel was to be provided to receive, and thence carry him into France; and, in caſe of reſiſtance, they propoſed to deſtroy him, and then pretend it was done by a random ſhot. In order to this, they proceeded ſo far as to view the ground about Turnham-Green, and to fix on a place proper for their deſign; but they had not time enough to compleat this affair before the king embarked for Flanders, and thereby obliged them to defer their intended villany, till his return in the winter.

But the conſpirators could by no means ſit down ſatisfied with being idle in the mean time, and therefore many meetings and conſultations were held in various places, where it was conſidered and debated, what were the moſt proper and expeditious means of reſtoring James. And it was agreed on at a meeting at the old King's-head in Leadenhall-ſtreet, where were then preſent the earl of Ayleſbury, the lord Montgomery, ſon of the marquis of Powis, ſir John Fenwick, ſir John Friend, Mr. Goodman, captain Charnock, and captain Porter, that a truſty meſſenger ſhould be ſent to St. Germain's, who ſhould perſuade king James to procure eight thouſand foot, a thouſand horſe, and a thouſand dragoons, in order to make a deſcent upon England, with which auxiliary forces the conſpirators, who were then ready to riſe in arms and join them, undertook to ſet the crown again upon king James's head. The perſon choſen for this errand to St Germain's was captain Charnock, who expreſſed his willingneſs to undertake the affair, provided they would let him know what aſſurances he might give that king of their readineſs to ſerve him, in caſe he came with ſuch a power as they demanded. The conſpirators unanimouſly aſſured him, that, if the late king landed, they would ſerve him with two thouſand horſe. Charnock replied, that he would be the meſſenger, but deſired they would give him another meeting, that he might be ſatisfied this was their ſettled reſolution, and ſuch as the late king might depend upon. This was granted, and a ſecond meeting appointed a few days after at Mrs. Mountjoy's houſe in St. James's-Street, where the conſpirators renewed their aſſurances, that they were ready to aſſiſt and join king James with the above mentioned body of horſe, in caſe of an invaſion. Charnock, ſhortly after went over to France, and communicated to king James their requeſt. But whether his friends were diffident of the intereſt and ſtrength of the conſpirators, or whether they were willing to ſee the iſſue of another campaign, ſuppoſing, if it proved ſucceſsful, it would greatly facilitate their invaſion of England; it is certain, the conſpirators were told by king James, that he was ſenſible of their fidelity and ſtedfaſtneſs in his intereſt, for which he thanked them; but as to the aſſiſtance, which they deſired him to procure, his anſwer was, that the French king could not, at that time, ſpare ſo great a number of his troops as they demanded. This anſwer not being ſatisfactory, it was thought neceſſary to ſend over a man of quality, who ſhould preſs the matter with more authority: So the earl of Ayleſbury was prevailed on to go. He was admitted to a ſecret converſation with the French king: and this gave riſe to the invaſion, which, though deferred for this time, was very near being executed the next winter, as will preſently appear [o].

[o] If ſir John Fenwick did not ſlander king James, they at this time propoſed a ſhorter and more infallible way, by aſſaſſinating the king; for he ſaid, that ſome came over from France about this time, who aſſured their party, and himſelf in particular, that a commiſſion was coming over, ſigned by king James, which they affirmed, they had ſeen, warranting them to attack the king's perſon. This, it is true, was not yet arrived; but ſome affirmed, they had ſeen it, and that it was truſted to one, who was on his way hither; therefore, ſince the king was ſo near going over to Holland, that he would probably be gone before the commiſſion could be in England; it was debated among the jacobites, whether they ought not to take the firſt opportunity to execute this commiſſion, even though they had it not in their hands: It was reſolved to do it, and a day was ſet for it; but, as Fenwick ſaid, he broke the deſign; and ſent them word, that he would diſcover it, if they would not promiſe to give over the thoughts of it: And upon this reaſon,

In the mean time the treaſonable commerce went on with St Germain's; for which purpoſe they maintained boats of their own on the coaſts of Kent; all care was taken to ſupport the ſpirits of the party, and all artifices and methods of application were uſed to ſpread a malignant ferment among the people, which might make them uneaſy under the government, and diſpoſe them to a change.

The ſucceſs of king William's arms, at the ſiege of Namur, was ſo far from diſcouraging them from carrying on their conſpiracy, that it ſeemed rather to puſh them on to accompliſh it with greater expedition. For being jealous, that the next campaign might ſtill increaſe the reputation of his majeſty's arms, and diminiſh that of his enemies, they reſolved to haſten the execution of their deſigns; ſo that the fears, which they entertained of the king's ſtill getting greater advantages in the field, ſeemed to have given birth to the intended invaſion and aſſaſſination. In order to accompliſh their ends, great ſtores of arms were bought up and concealed in convenient places; great numbers of horſes were provided to mount their troops, which they had liſted. Officers were appointed, and commiſſions received from king James, by which pretended authority they were to act.

In ſuch a poſture were their affairs at home. In the mean time the negotiation was maintained between the conſpirators and king James. And at this time the French court ſeemed inclined to comply with their deſires, by lending that king a good body of their troops. Meſſengers went to and fro with packets of letters to concert affairs, and to give intelligence of the forwardneſs of the invaſion on the one ſide, and the inſurrection on the other. The time fixed upon to put the deſign in execution was very favourable and encouraging; for now there were few regular troops in England or Scotland, his majeſty's forces being almoſt all employed in carrying on the war againſt the French king in Flanders. And, as for the militia of the country, the conſpirators had thoſe undiſciplined troops in contempt, not imagining, that they could make the leaſt ſtand againſt a veteran army. They believed therefore they could make a deſcent on a weak and almoſt defenceleſs country; neither did they apprehend any oppoſition, that could be made at ſea to prevent their invaſion; for they knew, that a ſtrong convoy was ready in England, and had received ſailing orders to make the beſt of their way to reinforce admiral Rooke at Cadiz, whoſe ſquadron was looked upon as inferior in ſtrength to that of the French then putting to ſea from Toulon.

The French fleet, which had been ſo long ſhut up within Toulon, was now fitting out and ordered round to Breſt. Our fleet, that lay at Cadiz, was only a ſquadron left there by Ruſſel (who was come home with many of the great ſhips) and therefore, not ſtrong enough to fight the French, when they ſhould paſs the ſtreights. But a large fleet was ordered thither, and would have ſailed in December, had it not been kept in our ports, by contrary winds, till February. This was then thought a great unhappineſs, but it appeared afterwards, that our preſervation was chiefly owing to it. However, we were all this while in great pain for Rooke, who commanded the ſquadron at Cadiz, and was like to ſuffer for want of proviſions and ſtores, which this fleet was to carry him; beſides the addition of ſtrength this would bring him, in caſe the Toulon ſquadron ſhould come about. We were only apprehenſive of danger from that ſquadron, little imagining we could be in any at home, till that fleet was brought about. It is true, the jacobites talked and writ now with more than ordinary aſſurance; and advertiſements came from many places, that ſome very important thing was ready to break out. But the king had been ſo accuſtomed to alarms, and reports of this kind, that he had now ſo little regard to them, as ſcarce to be willing to hearken to thoſe, who brought him ſuch advertiſements. He was ſo much ſet on preparing for the next compaign, that all other things were little conſidered by him. But to return to the plot.

It muſt be obſerved, that two ſorts of men, the papiſts, and that kind of proteſtants, who are neareſt to them in principles and affection, were enemies to the king and his government. Now thoſe proteſtants were ſubdivided into two parties, one of which had the lord Melfort for their head, the other the earl of Middleton. The firſt was the hot and violent ſort, who had the papiſts generally on their ſide. Theſe men earneſtly deſired and laboured to bring back king James as an abſolute conqueror, without any capitulation or agreement. The other party, though diſaffected to the government, and very deſirous of that king's return, yet were not tranſported to that extravagant degree of deluſion, as to be willing to ſacrifice their religion, rights, and liberties, to the will of an unlimited maſter; and therefore, in their conferences with the others about the means of reſtoring king James, they always offered ſuch methods and ſchemes, as had a ſhew at leaſt of ſecuring their religion and liberty, in caſe he prevailed; and thoſe, who thus contended for his reſtoration on terms and compoſition, were fiercely oppoſed by the other faction, who ſtill rejected their overtures, and declaimed loudly againſt all limitations propoſed to hinder deſpotic power in their prince. Great heats and animoſities roſe between theſe two parties. The firſt was moſt acceptable to king James and his court; but the laſt were moſt conſiderable for their number and intereſt. To humour therefore the laſt, the earl of Middleton, who was ſent over to St Germain's to manage their affairs, was made ſecretary of ſtate; and the lord Melfort, as if under ſome diſgrace, was ordered to withdraw from court, that the other party might believe, that they had the aſcendency, and that their method of reſtoring king James was beſt accepted and chiefly inſiſted on; though there is ground to conclude, that all this was nothing but artifice and colluſion, the lord Melfort being ſtill in the ſecret of king James, and ſtill correſponded underhand with him. And now by this concerted invaſion and inſurrection it plainly appears, that the violent and bigoted party of the lord Melfort were in the greateſt eſteem; that their ſcheme of bringing back the king without terms was moſt approved; while the others were impoſed on by ſpecious aſſurances, that the terms and limitations, which they offered, were very agreeable, while there was no manner of care taken, after the intended deſcent ſhould be made, and the kingdom over-run by a foreign army, to ſecure either their religion or their liberties.

The former intended invaſions (as hath been related) were always preceded by declarations from king James, promiſing to maintain the conſtitution in church and ſtate, and protect the rights and liberties of the ſubject, and offering pardon for paſt offences, provided he was not oppoſed after his landing. But now the ſcene is changed; no obliging declaration is ſet forth, nor any promiſe of pardon is publiſhed. He no longer pretended to return upon a proteſtant intereſt, but by the power of a foreign army, wholly compoſed of old and experienced troops; no Engliſh nor Iriſh, of whom there were then conſiderable numbers in France, being allowed to ſhare in this enterprize, as being looked upon not ſo proper to be employed in ſubduing their own country; and therefore, whatever that deluded party might imagine, it is evident, that nothing leſs was deſigned, than an entire reduction of theſe kingdoms by a foreign power, the conſequences of which muſt unavoidably have been the utter extirpation of the proteſtant religion, and the irrecoverable ſubverſion of our laws and liberties.

About the beginning of February 1695-6, the duke of Berwick, who was natural ſon to king James, was diſpatched into England to concert affairs with the conſpirators here, and to give them aſſurance, that king James was ready to make a deſcent upon England, at the head of an army; and having diſcharged his commiſſion, and laid the matter ſo well that he thought it could not miſcarry he went back to France, and met king James at St Dennis, who was come ſo far on his way from Paris. He ſtopped there, and, after a long conference with the duke of Berwick, he ſent him firſt to his queen at St Germain's, and then to the king of France, and he himſelf called for a notary, and paſſed ſome act; but it was not known to what effect. When that was done, he purſued his journey, and came poſt to Calais, to ſet himſelf at the head of an army of about twenty thouſand men, that were drawn out of the garriſons which lay near that frontier. At Calais he was met by the marſhal de Boufflers, who came from Flanders to confer with him on this important occaſion, and to give ſuch orders and advice, as he judged neceſſary to render the expedition ſucceſsful.

There came, every winter, a coaſting fleet from all the ſeaports of France to Dunkirk, with all the proviſions for a campaign; and it was given out, that the French intended a very early one this year. So that this coaſting fleet was ordered to be there by the end of January. Thus tranſport ſhips, as well as an army, were brought together in a very ſilent manner; and monſieur Gaberet was come up as high as Calais with a ſquadron of men of war, which, when reinforced by the conjunction of Du Bart's fleet from Dunkirk, was looked upon as a ſufficient convoy.

ſon, he believed, he was not let into the ſecret of the following winter. This his lady told biſhop Burnet from him, as an article of merit to obtain his pardon. But he had truſted to their word very eaſily, it ſeems, ſince he gave the king no warning to be on his guard; and the two witneſſes, he ſaid he could produce to vouch this, were then under proſecution, and outlawed: So that the proof was not at hand, and the warning had not been given as it ought to have been. Burnet, Vol. II. 148.

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This was the poſture of affairs on the other ſide of the water. In the mean time the jacobites on this ſide were ready to take up arms, to receive and aſſiſt king James. The tranſportation of horſe being a matter of great trouble as well as expence, the conſpirators in England engaged to aſſiſt him at their landing with ſeveral regiments of horſe and dragoons; for which purpoſe commiſſions had been ſent over from king James, and delivered to ſeveral of the conſpirators, to empower them to raiſe men, and, as their officers, to command them. In purſuance of this pretended authority, many troops were liſted, and their under officers named. Sir John Friend received a commiſſion for a regiment of horſe, which was very near compleated; his lieutenant colonel, major, and captains being named, and the troops almoſt full. Sir William Perkins had likewiſe a commiſſion for a regiment of horſe, and had engaged a conſiderable number to ſerve him in it. He declared, that his own troop was wholly compoſed of old ſoldiers; and that ſeveral other gentlemen, well experienced in military affairs, had promiſed to follow him as volunteers: colonel Tempeſt, as Charnock told Porter, had a commiſſion for a regiment of dragoons, which was ſaid to be in great forwardneſs; ſir John Fenwick had four troops ready; colonel Parker was to command another regiment, and Mr. Curwin another. There was one more to be raiſed in and about Suffolk, where the malecontents boaſted they had great intereſt. Many commiſſions were delivered to thoſe, who were named for their under officers. King James having ſent them word, that he was ready to make a deſcent, the conſpirators were very diligent in preparing to join him. Some of them took journies into ſeveral parts of the kingdom, to acquaint the diſcontented party, that king James was on the point of invading the nation; and therefore incited them to riſe in arms, to give him aſſiſtance, and to engage as many of their friends, as they had intereſt in, to do the ſame. At the ſame time, the conſpirators in London were very active, and determined to puſh on their deſign to execution.

But, notwithſtanding all theſe preparations, and the various circumſtances that ſeemed to favour the intended invaſion, it was reſolved, to put nothing to the hazard, till they had made their ſucceſs ſure, by the murder of the king; as if no hopes were left for ſubduing him any other way. The aſſaſſination therefore of king William was concerted and agreed upon by the Engliſh court at St. Germain's as a thing of abſolute neceſſity to give ſucceſs to the invaſion, and the next point conſidered was a fit perſon to manage an affair of this nature and conſequence. Colonel Parker, a perſon of a diſſolute life, a hot and reſtleſs temper, and diſtinguiſhed from others by his remarkable and uncommon wickedneſs, was, by bloody principles and inveterate hatred to the king and his friends, qualified above all men for this undertaking. He (as hath been ſaid) almoſt ever ſince the king's acceſſion to the throne, had been carrying on ſome deſign againſt his life, was engaged in one in the year 1691, and after in the ſame year in another with Grandaval and Du Mont, and after that in 1693 with Goodman, Porter, and Charnock. This man, though in great eſteem with the conſpirators, and perfectly qualified for ſuch a work was not fixed upon for this expedition; for, conſidering how well he was known in England, they might juſtly apprehend, that his very being in England might alarm the people, who would preſently imagine, that ſome miſchief was in agitation, whenever that violent man appeared in this country. Sir George Barclay therefore was choſen as the moſt proper perſon to be intruſted with the conduct of this enterprize. He was a native of Scotland, an experienced officer, of known courage, cloſe and reſerved, and of a competent underſtanding; and withal ſuch a furious bigot in his religion, as to believe, that for the propagation of it any the moſt diſhonourable and inhuman actions might lawfully be committed. This gentleman, having received his commiſſion from king James, and and from Mr. Carrol, ſecretary to his queen, had eight hundred pounds to provide men, horſes, and to diſcharge other expences, in conducting and carrying on this conſpiracy; though he afterwards complained of the ſmallneſs of the ſum for accompliſhing of ſo great an undertaking, having firſt given out, that he was gone to Paris to be cured of the foul diſeaſe, left St. Germain's on or about the 10th of December 1695, in order to his embarkation for England. He was brought over, together with major Holmes, by captain Gill, and landed in Romney marſh about the beginning of Jannary following. Upon his arrival at London, he applied himſelf to the perſons, in whom he had reaſon to confide, and ſuch as he had the greateſt aſſurance to believe would be ready to engage in this deſperate deſign. Theſe were Harriſon, alias Johnſon, a prieſt; captain Charnock, captain Porter, and Sir William Perkins. Sir George Barclay had all the encouragement that could be, to impart his deſign to them, who before had ſhewn a forward inclination to attempt the king's perſon.

Theſe were the principal perſons whom ſir George addreſſed himſelf to. To theſe he communicated the buſineſs, which he came over about, that is, the aſſaſſination of the king; and acquainted them, that, as he was ſent by the late king James to conduct and accompliſh this buſineſs, ſo he had brought over with him the king's commiſſion for his warrant and authority. Charnock and Porter were aſſured by him, that he had ſuch a commiſſion, and ſir William Perkins and Harriſon ſaw and read it. He likewiſe acquainted them, that about twenty officers and troopers out of king James's guards were ordered to come over, and were to be employed in this affair, as was obſerved before. Theſe perſons readily complying with this deſign, to facilitate the invaſion and reſtoration of king James, ſir George ſets them immediately to work, to engage as many more bold and deſperate fellows, as would make up a number ſufficient for that purpoſe, which as they judged ought to be at leaſt forty. This the conſpirators chearfully undertook, and with great diligence endeavoured to procure the men, whom he defired. Harriſon demanded of Blaire, who ſometime after viſited him in his lodgings at Somerſet-houſe, whether he knew any ſoldiers or men of courage, for that was their phraſe for ruffians and cutthroats; 'for ſaid he, ſomething may be done in a little time, that may prove an introduction to king James's reſtoration.' Blaire anſwered, that he knew ſome ſuch perſons, but then defired to be informed, how the buſineſs could be effected. The other replied, after ſome diſcourſe about burning the victualling office, to retard the going out of the Engliſh fleet, that he had been told by an able and experienced ſoldier, that with an hundred good horſe he could put an end to the war in a fortnight's time. Blaire anſwered, that then it muſt be done in ſome diſhonourable way, which he durſt not ſo much as harbour in his thoughts. The prieſt perceiving the ſqueamiſhneſs of the ſoldier, ſhrunk up his ſhoulders, and ſo the converſation ended. But, ſome time after, when Blaire objected to the aſſaſſination as a wicked deſign, that had no authority from God or man to ſupport it; Harriſon acquainted him, that there was a ſufficient warrant, and that himſelf had ſeen it; and then demanded of him, if he thought it proper that it ſhould be ſhewn to every body? Blaire replied, That he did not imagine, that ſuch a thing had been in king James's nature, and then took his leave.

However Harriſon attempted Richard Fiſher with more ſucceſs; for having told him, that king James had ſent over a commiſſion by ſir George Barclay to kill the prince of Orange, Fiſher declared his readineſs to embark in this enterprize, and about the 3d of February he was introduced by Harriſon into the company of ſir George Barclay, having firſt defired him, in caſe he knew ſir George, to take no notice of him. Harriſon acquainted ſir George Barclay, that this was the gentleman he promiſed to bring to him; that he might confide in him, and ſpeak freely to him. Upon which ſir George immediately propoſed to him the aſſaſſinating of his Majeſty. Fiſher, without heſitation, conſented, and they preſently entered upon debate about the beſt manner of accompliſhing their purpoſe; and, in order to it, Fiſher took upon him to provide five horſes and arms for himſelf and four more. In the mean time Charnock, Porter, and ſir William Perkins loſt no time, but laboured with great application to engage the number of aſſaſſins, for which they had undertaken. Porter's quota was ſeven men and as many horſes; Charnock's ſix or ſeven; ſir William Perkins undertook for five horſes, three to be mounted by men of his own, and the other two by ſuch men as the conſpirators ſhould procure: then ſir George Barclay ſaid, that Lowick and others, who were lately arrived from France, would likewiſe join with them and compleat the number. And now having ſucceeded in the firſt ſtep, and a ſufficient number being undertaken for, they had many conferences in different places about the beſt way of putting their deſigns in execution.

The places where they met and held their conſultations, were captain Porter's lodgings in Norfolk-ſtreet, the Globe-tavern in Hatton-garden, the Nag's-head in St. James's-ſtreet, the Cock in Bow-ſtreet, the Old-Griffin in Holbourn, the Sun-tavern in the ſtrand, &c. But the place, which ſir George frequented, and whither many of the conſpirators came to receive orders from him, was the Piazza in Covent Garden.

At their ſeveral debates various methods were propoſed of executing their purpoſe. One way ſuggeſted was to attack the guards, and in the mean time to kill the king, as he went on ſome ſunday from Kenſington to St. James's chapel; which was offered one time in this manner, that ſix men on foot ſhould be poſted in the little houſe at Hyde-Park-Gate,

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who ſhould iſſue out, and by ſhutting the gate, make a ſtop, and then the conſpirators might fall on, and attack the guards with ſword in hand. Another time it was propoſed to ſhoot one of the leading horſes, whereby his majeſty's coach might be forced to ſtay in it's paſſage through the gate, and then to aſſault and murder him by one party, while another engaged the guards. Another propoſal was to attempt the king's perſon, when they ſhould be informed that he was gone to Mr. Lattin's houſe at Richmond, a place where the king ſometimes retired for the air and recreation. The reaſon of this propoſal was, that during his ſtay there he was uſually but weakly guarded. At another time they diſcourſed of ſeizing the king in his palace at Kenſington by night, which was to be done by ſecuring the garden with about forty men, who were to be provided with ladders for that purpoſe. Some inſiſted, that their deſign would be beſt effected by laying an ambuſcade near the king's houſe at Richmond, where a number of foot ſhould be poſted, in a neighbouring wood, ready to iſſue forth, and attack him as he paſſed by in his coach, while the reſt of the conſpirators aſſaulted the guards, to prevent their giving him any aſſiſtance.

Though this method was warmly contended for by ſome, and well enough liked by ſir George, yet they were at laſt controuled, and the propoſal was rejected. For the ſcheme which the greateſt part approved, and in favour of which ſir George Barclay did at length declare, whoſe orders the reſt were obliged to obey, and which was at laſt agreed upon among them all, as the final reſult of their debates, was this: They reſolved to attack the king on his return from Richmond in the evening after his hunting, it being his frequent practice to go thither on Saturdays for his diverſion. The place, which they choſe for this bloody buſineſs, was the lane betwen Turnham-Green and Brentford; and the particular part of that lane agreed upon was the end next to Turnham-Green, through which the king uſed to paſs in his return from Richmond.

The execution of their deſign was projected and reſolved upon in the following order: The conſpirators were to be formed into three parties, ſir George Barclay, the commander in chief, was, with a choſen party of eight or ten, to aſſault the coach, by diſcharging a blunderbuſs or muſketoon loaden with ſix or eight balls, and their other fire-arms, to murder the king, and all that were with him in the coach; while the other two parties, of which one was to be commanded by Charnock and Porter, the other by brigadier Rookwood, were to attack the king's guards with ſword in hand on either ſide of the lane. And that they might act with great circumſpection, and be yet further ſatisfied, that this was a proper place, wherein to execute their deſperate deſign, they ſent King, Porter, and Knightly, to ſurvey the place they had fixed upon.

Accordingly, theſe three perſons rid the next day to Turnham-Green, and after having with great attention ſurveyed the place, and the nature of the ground on each ſide the water, they returned to the reſt of the conſpirators, who were then at the Nags-head Tavern in St. James's-ſtreet to impart to them their obſervations. The report they made was ſo pleaſing to the reſt of their company, that they were all confirmed in their opinion, and abundantly ſatisfied in their choice of the ground. Thus had theſe men agreed upon the ſcene, where to act their tragedy, and concerted the manner of effecting it! That their deſign might be carried on and accompliſhed with great caution and ſecurity againſt any contingency, they appointed two orderly men, Chambers and Durant, to lodge near the guards at Kenſington, and to attend conſtantly there, that they might be ready to give the conſpirators notice whenever the king went abroad. Chambers was appointed to bring his intelligence to Charnock, and Durant his to ſir George Barclay. Chambers had orders to advertiſe them when the king, and Durant was to inform them when the guards went forth; and ſir George Barclay and Charnock undertook to convey timely notice to the reſt of the conſpirators, that they might all aſſemble at the time and place appointed, and every man take the poſt aſſigned him.

It was further agreed and reſolved upon for the accompliſhing of their purpoſe, that when they ſhould receive intelligence that the king was gone towards Richmond, to drop out of town by three or four in a company, the better to avoid ſuſpicion, and afterwards, for the ſame reaſon, to diſperſe themſelves in ſmall parties in the ſeveral inns marked out for them about Brentford, and Turnham-Green, and the neighbouring places, where they might be diſpoſed of with the moſt convenience and the leaſt obſervation, and ſo without any alarm and diſturbance might wait for the king's return from Richmond, and then be all ready to execute their deſign. Moreover, care was taken, that, when the king was at Richmond, a truſty perſon ſhould wait at Kew-Ferry, who ſhould give notice, when the guards returned thither to wait for the king, to the end that every man might prepare himſelf, and be in readineſs.

Having thus fixed on the place, provided their men, and agreed on the order and method of executing their conſpiracy, they at laſt appointed the time of doing it; Saturday the 15th of February 1695-6 was the firſt day that was agreed upon; and then, if Durant and Chambers ſhould bring them intelligence from Kenſington, that the king was gone to Richmond, on that morning they determined to make haſte to their poſts appointed at Turnham-Green, and to attack the guards, and aſſault the king at his return.

It was but a few days before the 15th of February, on which day the conſpirators reſolved to execute their deſign, when ſome of them began to reflect with horror upon it, and reſolved to eaſe their unquiet minds, and to prevent the execution of the plot by a timely diſcovery.

The firſt of the conſpirators, who diſcovered the treaſon, was captain Fiſher, who came to the earl of Portland on the 11th of February, and acquainted him with the deſign of taking away the king's life, and named ſeveral of the perſons, who were concerned in it; but he could not then inform the earl, in what manner it was concerted, nor what day was appointed for it. But he aſſured his lordſhip, that, as ſoon as he ſhould be informed more particularly, he would wait upon him, and give him further ſatisfaction. Accordingly, the 13th of February, Fiſher returned, two days after, to the earl, and acquainted him, that the 15th of February was the day agreed upon by the conſpirators to attempt his majeſty's life, and then told him in what manner, and in what place, they intended to do it.

The ſecond, who made the diſcovery, was Mr Pendergraſs, an Iriſh officer, who knew nothing of the affair till Thurſday the 13th of February; for that day he came to London out of Hampſhire, being ſent for by captain Porter, who imparted to him the deſign of aſſaſſinating the king, and endeavoured to engage him in it. Though Pendergraſs was exceedingly ſtartled at ſuch a propoſal, he ſeemed to comply, and promiſed to make one of the party; but, the very next day in the evening, he went to the earl of Portland, not knowing that Fiſher had been with him before on the ſame errand, and told him, that he came to reveal to him an important ſecret, namely, a deſign againſt his majeſty's life. He told the earl that indeed he was a Roman catholic; but that he did not think, that any religion could juſtify ſo great a wickedneſs; and therefore, from principles of chriſtianity and probity, he thought himſelf obliged, by revealing the matter, to prevent the king's falling into the hands of the conſpirators. But he acquainted him at the ſame time, that the conſpirators were his friends; and that from one of them he had received great obligations; and therefore, though he thought himſelf bound in duty and conſcience to make this diſcovery, to preſerve his majeſty's life, yet he likewiſe thought himſelf under obligations of honour and gratitude not to betray his friends; and therefore declared, that his reſolution was not to make known their names, nor to appear an evidence againſt them. He then deſired lord Portland, as he tendered his majeſty's life, to prevail with him not to go to Richmond on the morrow, aſſuring him, that the conſpirators had prepared all things to aſſault him in his return. It ought to be remembered, for the reputation of this gentleman, as to the credibility of his teſtimony, that the meer abhorrence of ſuch a deſign was the only motive, that induced him to make it known to the court.

The king being informed of the diſcovery, which Fiſher and Pendergraſs had made to the earl of Portland, received but little impreſſion from it. He was not eaſily brought to credit theſe informations, till a variety of circumſtances, in which the diſcoveries agreed, convinced him of the whole deſign; and it was with great difficulty, that he was prevailed with by the lord Portland to lay aſide his going to Richmond, that Saturday, and remain in his palace at Kenſington.

The next man, who voluntarily gave information of this conſpiracy, was Mr. de la Rue, a Frenchman, who declared, That he had frequented the company of the conſpirators, and made himſelf intimate with them, on deſign, when this horrible ſcheme was ripe for execution, by a timely diſcovery to defeat it. He applied himſelf to brigadier Leviſon, and acquainted him with the intended villainy ſome few days after. Fiſher and Pendergraſs had been on the ſame deſign with the earl of Portland; but not one of the three was in the leaſt acquainted with the intentions of either of the others, to reveal the conſpiracy. And though de la Rue gave his in-

formation without knowing, that Fiſher and Pendergraſs had done the like; yet his ſtory ſo fully confirmed that of the other two, agreeing exactly with them in all the material particulars, that the king, notwithſtanding his great averſion to believe this plot, which ſo nearly concerned his own life, was, by this concurrent teſtimony of la Rue, at laſt perſuaded of the truth of it.

On Friday, the 21ſt of February, at night, the king admitted Pendergraſs and de la Rue ſeverally into his preſence, and heard them relate what they had told the lord Portland, concerning the conſpiracy. Pendergraſs diſcovered the plot in general, to prevent his majeſty's falling into the hands of the conſpirators; but withal declared, as he had done before to the lord Portland, that it was his ſettled reſolution not to mention names, or, at any time, to become an evidence againſt them. He continued in this reſolution with great ſtedfaſtneſs, till the king uſed ſuch convincing arguments, as prevailed with him to recede from it. The king told him, that he had indeed ſhewn himſelf a man of probity and honour: that he had great obligations to him for the timely care, which he had taken to reveal a deſign, that ſo nearly concerned his life. But he ſhewed him withal, that, unleſs he went further in his diſcovery, and made him acquainted with the names of the conſpirators, he would not put him in a condition of preſerving himſelf againſt them. That the detection of the truth in general might indeed render him ſuſpicious of all men, but would be no ſecurity againſt any, who intended to take away his life; and that the conſpirators might change the method and order of their deſign, as well as the time and place of execution. And therefore that Mr. Pendergraſs, by diſcovering the conſpiracy, while he concealed the names of the conſpirators, would fall ſhort of his own intention, which was to preſerve the king's life; it being impoſſible, that his majeſty could be in ſafety, unleſs the deſperate undertakers of his deſign againſt him were known and ſecured. By this method of reaſoning Pendergraſs was at laſt overcome; and being convinced of the abſolute neceſſity of going further in this diſcovery, to enable the king to provide for his ſafety, he wrote down the names of many of the conſpirators, which he delivered to the earl of Portland, but not till the king had given his honour, that he ſhould not, unleſs he pleaſed, be uſed as an evidence againſt them.

On Saturday, the 15th of February, the conſpirators concluding, that the king, according to his cuſtom, would go to Richmond to hunt, they had prepared all things, and were ready to mount for the execution of their project; but having received an account, that the king did not go abroad that day, they were obliged to wait for another opportunity; and therefore they reſolved to perpetrate their treaſon on the Saturday following.

On Friday, the 21ſt of February, ſir George Barclay, ſir William Perkins, Porter, and Charnock, who were the principal conſpirators concerned in the aſſaſſination, met at the Sun-Tavern in the Strand, where they had a long diſcourſe concerning their diſappointment, the Saturday before. Some of them were afraid, that the ſecret had taken air, and their plot was diſcovered to the government. On the other hand, ſome believed, that the deſign was not revealed, and uſed this argument for their opinion, that, if the buſineſs had been diſcovered, they ſhould not have been there aſſembled, as they then were. Upon which, the diffidence and jealouſy of the others being removed, it was again reſolved, that, if the king went abroad to hunt the next Saturday, they would then endeavour to accompliſh their deſign, in the way and method, which they had fixed upon for the Saturday before.

The ſame Friday in the evening, the conſpirators, who belonged to ſir George Barclay's party, met at the two Black-Poſts in Maiden-Lane, where Harris, King, Richardſon, Caſſels, Maxwell, and Hundford, then were. Captain Counter came to them, and ſaid, that they muſt be ſure to be all in readineſs the next morning; and therefore ordered them by no means to ſtir out. Upon which Caſſels, after having uſed a dreadful imprecation, ſaid, he reſolved to have the plunder of the field, crying out, 'To-morrow is the day, boys!' Upon which King ſaid, if it did not ſucceed on the morrow, he would entertain no further thoughts about it. Hundford demanded, How they ſhould make their eſcape after the execution of their deſign? Caſſels replied, that he muſt keep with the party, to which he was ordered. The like anſwer ſir George Barclay gave to thoſe, who aſked him the ſame queſtion; that is, when they had killed the king, they ſhould keep together till they came to Hammerſmith, and then diſperſe and go into town by ſeveral ways and in ſmall companies, where they would have no need of lying long concealed; for the invaſion would immediately follow, and then they ſhould be at liberty. But, notwithſtanding this, ſome of the conſpirators, who reflected more coolly upon the affair, and the danger that attended it, were diſſatisfied in their minds, that no better proviſion was made to ſecure their retreat.

The next day, being Saturday the 22d of February, which was the ſecond day agreed upon for the execution of the deſign, Porter's party, as they were appointed, came to him to receive their orders. Firſt came de la Rue, and Porter told him, that all parties were ready to march in the afternoon, provided the king went out a hunting; an account of which they expected from Chambers and Durant, who were poſted at Kenſington. Soon after came Cranburn, Keys, Pendergraſs, and King, the laſt of whom belonged to ſir George Barclay's party. Pendergraſs was choſen out of Porter's number to be one of the eight, who, under ſir George, were to aſſaſſinate his majeſty. King came to Porter with a meſſage from ſir George Barclay. Then Porter, taking a piece of paper, wrote down a liſt of his men, which he ſent by Cranburn, whom he called his quarter-maſter, to captain Charnock. After a ſhort ſtay Cranburn returned, and brought back the paper, which he carried, and at the foot of Porter's liſt was added the liſt of Charnock's men, both which made up about eighteen. Then one of the conſpirators told Porter, that he thought their number had been greater, meaning the parties of Charnock and Porter. To which Porter anſwered, that they had been diſappointed of five or ſix. And indeed Kenrick excuſed himſelf upon the account of his arm, which he pretended was broke. Sherburn aſked too many queſtions to be truſted; and Plowden, though he appeared, the Saturday before, did not, according to his promiſe, appear now; and one or two more recommended by Lowick had failed them. Then Porter declared, that theſe men, with thoſe of ſir George Barclay, would make up forty; which King declared were enough of all conſcience to do the buſineſs. Cranburn at his return acquainted them likewiſe, that Chambers, had ſent intelligence to Charnock, that the king was to go out a hunting between ten and eleven o'clock, which was communicated and received with great joy; and then Porter declared that Pendergraſs was to be one of the eight, who were to attack the king's coach; and ſaid aloud, that he had a ſpecial piece for him, that would carry eight balls. Upon which King in a jocoſe manner ſaid to Pendergraſs, 'I hope you will not be afraid of breaking the glaſs windows.' In the mean time major Holmes was very diligent in getting ready ſir George Barclay's party. He ſent Harris to Counter's lodgings, to receive orders; who told him, that he was to be of Rookwood's party; and Rookwood, being at the ſame time there, gave Harris a liſt of names, and told him laughing, that he would make him his Aid de Camp. In the liſt was Harris's own name, the names of Hare, Hundford, and Blackburn, with captain Rookwood's name at the top. Then Rookwood deſired him to get thoſe men ready, which he did accordingly.

All things were now prepared, and the conſpirators ready to mount, and paſs, to avoid obſervation, out of town by two or three in a company, and to quarter in the inns about Turnham-Green and Brentford, where they were billeted, and had orders to wait till the king's return from Richmond, and then to make their attack in the order agreed on. But on a ſudden, to their mortification, notice was given, that the king did not go abroad that day. This account was given by Chambers to Charnock, and the news of it was likewiſe conveyed to Porter and his party. Soon after Keys came to them, who were now gone to dine at the Blue-Poſts in Spring-Gardens, and told them, that the guards were returned, and the king's coaches were come back to the Mews; and that it occaſioned great wondering among the people, that the king ſhould two Saturdays ſucceſſively put off his diverſion of hunting. This ſtruck a ſudden damp and conſternation among the conſpirators, who now concluded their deſign was diſcovered, and every one began to think of providing for his own ſecurity. But, notwithſtanding their danger, they did not part till they had drank ſeveral diſloyal healths. Durant had given the ſame intelligence to ſir George Barclay, who, upon their information, ſent word to his party, that the king, not intending to go abroad that day, there would be no occaſion for their ſervice; and ſoon after ſir George, looking on the deſign at an end, took care to withdraw, and conceal himſelf.

As none of the conſpirators were ſeized that night, they ſoon recovered their fright, and quieted themſelves. But, the next night, a great many of them were taken in their beds, and, the day following, the whole diſcovery was laid before the privy-council.

All this while king James, was waiting at Calais for ſome tidings of that, on which he chiefly depended; for upon the firſt

firſt notice of the aſſaſſination, he was reſolved to have ſet ſail, many regiments being embarked, and the artillery and ſtores ordered on board: ſo near was the matter brought to a criſis, when it broke out by the diſcovery made by the perſons abovenamed. Nay, ſo confident were they in France of a ſucceſsful expedition, that the duke of Orleans urged it as an argument to the duke of Savoy to make his ſeparate peace before the total overthrow of the confederates, which muſt of neceſſity attend the reſtoration of king James. Upon the firſt news of king James's coming to Calais, the duke of Wirtemberg diſpatched one of his aids-de-camp to king William, to give him notice of it, and to acquaint him that the duke had ſtopped all the ſhips in the harbour and canal of Oſtend, as well as of Bruges, in order to tranſport the forces under his command for his ſervice; and that, in caſe he did not quickly hear from him, he would run the hazard of bringing them over. This meſſenger, narrowly eſcaping the French at ſea, got to the Engliſh court on February the 22d; and immediately after the king received other expreſſes from the duke of Bavaria and prince Vaudemont, who were then at Bruſſels. And now it appeared how fortunate it was that the winds had been ſo long at ſouth weſt, and had detained our ſhips in port (which had been much lamented) for by that means we had a great fleet at Spithead ready to ſail: And we had another fleet, deſigned for the ſummer's ſervice in our own ſeas, quite ready, though not yet manned. Many brave ſeamen, ſeeing the nation was in ſuch viſible danger, came out of their lurking-holes, in which they were hiding themſelves from the preſs, and offered their ſervice; and all people ſhewed ſo much zeal, that, in three days, Ruſſel, who was ſent to command, ſtood over to the coaſt of France, with a fleet of above fifty men of war. The French were amazed at this; and, upon it, their ſhips drew ſo near their coaſts, that he durſt not follow them in ſuch ſhallow water, but was contented with breaking their deſign, and driving them into their harbours. King James ſtayed for ſome weeks there. But, as the French ſaid, his malignant ſtar ſtill blaſted every project, that was formed for his ſervice.

The court of France was much out of countenance with this diſappointment; for that king had ordered his deſign of invading England, to be communicated to all the courts, in which he had miniſters: and they ſpoke of it with ſuch an air of aſſurance, as gave violent preſumptions, that the king of France knew of the conſpiracy againſt the king's perſon, and depended upon it; for indeed, without that, the deſign was impracticable, conſidering how great a fleet we had at Spithead; nor could any men of common ſenſe have entertained a thought of it, but with a view of the confuſion, into which the intended aſſaſſination muſt have caſt us.

They went on in England ſeizing the conſpirators; and a proclamation was iſſued for apprehending thoſe that abſconded with a promiſe of a thouſand pounds reward, to ſuch as ſhould ſeize any of them, and the offer of a pardon to every conſpirator that ſhould take any of the reſt. This ſet all people at work, and in a few weeks moſt of them were apprehended [p]. Only Barclay was not found, who had brought the commiſſion from king James, though great ſearch was made for him. For, though the reality of ſuch a commiſſion was fully proved afterwards, in the trials of the conſpirators, by the evidence of thoſe who had ſeen and read it, all written in king James's own hand (ſuch a paper being too important to be truſted to any to copy) yet much pains were taken, to have found the very perſon who was entruſted with it. The commiſſion itſelf would have been a valuable piece, and ſuch an original, as was not to be found any where.

The military men would not engage on other terms; they thought, by the laws of war, they were bound to obey all orders, that run in a military ſtile, and no other: and ſo they imagined, that their part in it was as innocent, as the going on any deſperate deſign, during a campaign. Many of them repined at the ſervice, and wiſhed that it had not been put on them; but being commanded, they fancied that they were liable to no blame nor infamy, but ought to be treated as priſoners of war.

Immediately after the king's proclamation was publiſhed, George Harris, one of the perſons, who was ſent out of France by king James himſelf, to obey the orders of ſir George Barclay, and was actually engaged in the aſſaſſination, ſurrendered himſelf to ſir William Trumball, and confeſſed the double deſign of the aſſaſſination and invaſion, though he was not able to tell the particular circumſtances, that attended them. Among thoſe that were taken, Porter and Pendergraſs were brought in. Porter had been a vicious man, engaged in many ill things; and was very forward and furious in all their conſultations. The lord Cutts, who, as captain of the guards, was preſent, when the king examined Pendergraſs, but did not know his name, when he ſaw him brought in, preſſed him to own himſelf, and the ſervice he had already done; but he claimed the promiſe of not being forced to be a witneſs, and would ſay nothing: Porter was a man of pleaſure, who loved not the hardſhips of a priſon, and much leſs the ſolemnities of an execution; ſo he confeſſed all; and then Pendergraſs, who had his dependance on him, freely confeſſed likewiſe: He ſaid, Porter was the man who had truſted him; he could not be an inſtrument deſtroy him; yet he lay under no obligations to any others among them. Porter had been in the management of the whole matter: So he gave a very copious account of it all, from the firſt beginning. And now it appeared, that Pendergraſs had been but a very few days among them, and had ſeen very few of them; and that he came and diſcovered the conſpiracy the next day after it was opened to him.

When by theſe examinations the matter was clear and undeniable, the king communicated it, in the following ſpeech to both houſes.

My lords and gentlemen,

"I Am come hither this day upon an extraordinary occaſion, which might have proved fatal, if it had not been diſappointed by the ſingular mercy and goodneſs of God; and may now, by the continuance of the ſame providence, and our own prudent endeavours, be ſo improved, as to become a ſufficient warning to us, to provide for our ſecurity againſt the pernicious practices and attempts of our enemies.

"I have received ſeveral concurring informations of a deſign to aſſaſſinate me; and that our enemies, at the ſame time, are very forward in their preparations for a ſudden invaſion of this kingdom; and have therefore thought it neceſſary to loſe no time in acquainting my parliament with thoſe things, in which the ſafety of the kingdom and the public welfare are ſo nearly concerned, that I aſſure myſelf, nothing will be omitted on your part, which may be thought proper for our preſent ſecurity.

"I have not been wanting to give the neceſſary orders for the fleet; and I hope we have ſuch a ſtrength of ſhips, and in ſuch readineſs, as will be ſufficient to diſappoint the intentions of our enemies.

"I have alſo diſpatched orders for bringing home ſuch a number of our troops, as may ſecure us from any attempt.

"Some of the conſpirators againſt my perſon are already in cuſtody; and care is taken to apprehend ſo many of the reſt, as are diſcovered; and ſuch other orders are given, as the preſent exigency of affairs does abſolutely require at this time for the public ſafety.

"My lords and gentlemen,

"Having now acquainted you with the danger, which hath threatened us, I cannot doubt of your readineſs and zeal to do every thing, which you ſhall judge proper for our common ſafety. And I perſuade myſelf, we muſt be all ſenſible how neceſſary it is in our preſent circumſtances, that all poſſible diſpatch ſhould be given to the buſineſs before us."

[p] The conſpirators named in the proclamation were,

James duke of Berwick,
Sir George Barclay,
Major Lowick,
Captain George Porter,
Captain Stow,
Captain Walbank,
Captain James Courtney,
Lieutenant Sherburn,
Brice Blaire,
—— Dinant,
—— Chambers,
—— Boiſe,
George Higgons and his two brothers, ſons to ſir Thomas Higgons,
—— Davis,
Cardell Goodman,
—— Cranburn,
—— Keys,
—— Pendergraſs,
—— Bryerly,
—— Trevour,
Sir George Maxwell,
—— Durant, a Fleming,
—— Knightley,
Lieutenant King,
—— Holmes,
Sir William Perkins,
—— Rookwood.

It is ſaid, that more than one of the conſpirators ſhared the thouſand pounds reward with their friends, who took them for that purpoſe, there not being evidence ſufficient to convict them.

Upon

Upon this the two houſes immediately agreed to wait on the king, that very evening, at Kenſington with this addreſs.

Die Lunæ 24 Feb. 1695.

"WE your majeſty's moſt loyal and dutiful ſubjects, the lords ſpiritual and temporal, and commons, having taken into our ſerious conſideration what your majeſty hath been pleaſed to communicate to us this day, think it our duty, in the firſt place, to give your majeſty moſt humble thanks for having acquainted your parliament with the great danger your ſacred perſon hath been ſo nearly expoſed to, and the deſign of an invaſion from our enemies abroad. We heartily congratulate your majeſty's happy preſervation, and thankfully acknowledge the ſignal providence of God in it; and at the ſame time declare our deteſtation and abhorrence of ſo villainous and barbarous a deſign. And, ſince the ſafety and welfare of your majeſty's dominions do ſo entirely depend upon your life, we moſt humbly beſeech your majeſty to take more than ordinary care of your royal perſon. And we take this occaſion to aſſure your majeſty of our utmoſt aſſiſtance to defend your perſon, and ſupport your government againſt the late king James, and all your other enemies, both at home and abroad; hereby declaring to all the world, that, in caſe your majeſty ſhould come to any violent death (which God forbid!) we will revenge the ſame upon all your enemies and their adherents. And, as an inſtance of our zeal for your majeſty's ſervice, we will give all poſſible diſpatch to the public buſineſs. And we make it our deſire to your majeſty to ſeize and ſecure all perſons, horſes, and arms, that your majeſty may think fit to apprehend upon this occaſion,"

To this addreſs the king anſwered:

"My lords and gentlemen,

"I thank you heartily for this kind addreſs. On my part you may be aſſured, that I will do all, that is within my power, for the conſervation of this kingdom, to which I have ſo many obligations. I will readily adventure my life, for the preſervation of it, and recommend myſelf to the continuance of your loyalty and good affection."

The ſame day the commons ordered a bill to be brought in, to empower his majeſty to ſecure and detain all ſuch perſons, as he ſhould ſuſpect were conſpiring againſt his perſon and government; as alſo a bill, that, whenever it ſhould pleaſe God to afflict theſe realms by the death of his preſent majeſty, the parliament then in being ſhould not be diſſolved thereby, but ſhould continue until the next heir to the crown in ſucceſſion, according to the act of parliament, ſhould diſſolve the ſame; and, if there ſhould be no parliament then in being, that the laſt preceding parliament ſhould immediate convene and ſit. As the parliament thus wiſely provided againſt that confuſion and diſorder, which might happen by the ceſſation of parliaments, and all commiſſions, on the king's deceaſe; ſo nothing could have been imagined more effectual for the ſecurity of the king's life againſt the malice and violence of his enemies; ſince by this means all hopes of eſcape and impunity were cut off, in caſe they ſhould ſucceed in their attempts. They likewiſe voted an addreſs to his majeſty, to deſire him to iſſue his royal proclamation to baniſh all papiſts from the cities of London and Weſtminſter, and ten miles from the ſame; and that he would give inſtructions to the judges going the circuits, to put the laws in execution againſt papiſts and non-jurors. And, as the greateſt teſt of their loyalty, they drew up this form of aſſociation, to be ſubſcribed by all the members.

"Whereas there has been a horrid and deteſtable conſpiracy formed and carried on by papiſts and other wicked and traiterous perſons, for aſſaſſinating his majeſty's royal perſon, in order to encourage an invaſion from France to ſubvert our religion, laws, and liberty; We, whoſe names are hereunto ſubſcribed, do heartily, ſincerely, and ſolemnly profeſs, teſtify, and declare, that his preſent majeſty king William is rightful and lawful king of theſe realms: And we do mutually promiſe to engage to ſtand by and aſſiſt each other to the utmoſt of our power, in the ſupport and defence of his majeſty's moſt ſacred perſon and government, againſt the late king James and all his adherents. And in caſe his majeſty come to any violent or untimely death (which God forbid!) we do hereby further freely and unanimouſly oblige ourſelves to unite, aſſociate, and ſtand by each other, in revenging the ſame upon his enemies and their adherents, and in ſupporting and defending the ſucceſſion of the crown, according to an act made in the firſt year of the reign of king William and queen Mary, intituled, 'An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown."

This aſſociation was the three following days ſigned by all the members, who came to the houſe; and becauſe ſome others had abſented themſelves upon pretence of health or buſineſs, but in reality to avoid ſetting their hands to the aſſociation, it was ordered, on the 27th of February, 'That ſuch members, who had not already, ſhould in ſixteen days ſign it, or declare their refuſal, notwithſtanding their leave to be abſent.' On the appointed day, March 16, the names of ſuch members were called over, as were abſent upon the laſt call of the houſe, and ſeveral of them being ſtill abſent, the ſpeaker was ordered to write to thoſe, who were in the country, and had not ſigned the aſſociation, or declared their refuſal to do ſo, to know what they would do, and return their anſwer by the firſt opportunity; and at the ſame time the clerk of the houſe was ordered to attend ſuch members, as were ill in town, with the aſſociation, in order to their ſigning the ſame, or receiving their anſwer or refuſal. The abſent members ſeeing themſelves ſo preſſed, and the nation at this time in ſo great a ferment againſt the diſaffected, thought it prudent to yield to the times, and either to ſubſcribe the aſſociation, or promiſe to do it upon their firſt coming up to town, though it were againſt their principles to own king William to be 'rightful and lawful' king. However, the aſſociation was on the 3d of April preſented to the king by the commons in a body, with this requeſt, 'That his majeſty would order both that, and all other aſſociations by the commons of England, to be lodged among the records in the Tower, there to remain as a perpetual memorial of their loyalty and affection to his majeſty.' Whereupon the king told them, 'That he took this as a moſt convincing and acceptable evidence of their affection. And, as they had freely aſſociated themſelves for his and their common ſafety, he did heartily enter into the ſame aſſociation, and would be always ready with them, and the reſt of his good ſubjects, to venture his life againſt all, who ſhould endeavour to ſubvert the religion, laws, and liberties of England.' And he promiſed them, that this, and all other aſſociations, ſhould be lodged among the records in the Tower. The next day, the commons made a reſolution, 'That whoever ſhould by word or writing affirm, that an aſſociation entered into by any member of this houſe, or any other perſon was 'illegal,' ſuch perſon ſhould be deemed a promoter of the deſigns of the late king James, and an enemy to the laws and liberties of this kingdom.

The lords reſolved on an aſſociation as well as the commons. The motion was much oppoſed by the earl of Nottingham, as that of the commons had been by ſir Edward Seymour and Mr. Finch. Their objections turned chiefly upon this, that 'rightful and lawful' were words, that had been laid aſide in the beginning of this reign; that they imported one, who was king by deſcent, and ſo could not belong to the the preſent king. They ſaid, that the crown and the prerogatives of it were veſted in him, and therefore they would obey him, and be faithful to him, though they could not acknowledge him their rightful and lawful king. Great exceptions were alſo taken to the word revenge, as not of an evangelical ſound; but that word was ſo explained, that theſe were ſoon cleared. 'Revenge' was to be meant in a legal ſenſe, either in the proſecution of juſtice at home, or of war abroad. And the ſame word had been uſed in that aſſociation, into which the nation entered, when it was apprehended, that queen Elizabeth's life was in danger by the practices of the queen of Scots. At laſt the aſſociation was carried in the houſe of lords, with this difference from that of the commons, that inſtead of the words 'rightful and lawful king,' theſe words were inſerted, 'That king William hath the right by law to the crown of theſe realms; and that neither king James, nor the pretended prince of Wales, nor any other perſon, hath any right whatſoever to the ſame.' This was done to ſatisfy thoſe, who ſaid, they could not come up to the words 'rightful and lawful.' And, the earl of Rocheſter offering theſe words, they were thought to anſwer the ends of the aſſociation, and ſo were agreed to. Ninety-two

ty-two only of the commons, and fifteen of the peers, refuſed to ſign voluntarily.[q]

The aſſociation was carried from the houſes of parliament over all England, and was ſigned by all ſorts of people, very few only excepted. The biſhops alſo drew up a form for the clergy, according to that ſigned by the houſe of lords, with ſome ſmall variation; which was ſo univerſally ſigned, that not above an hundred over all England refuſed it.

Soon after this a bill was brought into the houſe of commons, declaring all men incapable of public truſt, or to ſerve in parliament, who did not ſign the aſſociation. This paſſed with no conſiderable oppoſition; for thoſe, who had ſigned it of their own accord, were not unwilling to have it made general; and ſuch as had refuſed it, when it was voluntary, were reſolved to ſign it, as ſoon as the law ſhould be made for it. This bill was intitled 'a bill for the better ſecurity of his majeſty's perſon and government,' and contained theſe heads: Firſt, 'That ſuch, as ſhould refuſe to take the oaths to his majeſty, ſhould be ſubject to the forfeitures and penalties of popiſh recuſants convict.' Secondly, 'To inflict a penalty on ſuch, as ſhould by writing or otherwiſe declare, that king William was not lawful and rightful king of theſe realms; or that the late king James, or the pretended prince of Wales, or any other perſon, than according to the act of ſettlement of the crown, had any right to the crown of theſe realms.' Thirdly, 'To ratify and confirm the aſſociation entered into by all his majeſty's good ſubjects, for the preſervation of his majeſty's perſon and government.' Fourthly, 'That no perſon ſhould be capable of any office or poſt of truſt, civil or military, who ſhould not ſign the aſſociation.' And, Fifthly, 'That the ſame penalties be inflicted on ſuch as come out of France, as upon thoſe, that go thither.'

About the ſame time an order paſſed in council for reviewing all the commiſſions in England, and for turning out of them all thoſe, who had not ſigned the aſſociation, while it was voluntary; ſince this ſeemed to be ſuch a declaration of their principles and affections, that it was not thought reaſonable, that ſuch perſons ſhould be any longer either juſtices of peace, or deputy-lieutenants.

The ſeſſion of parliament was ſoon brought to a concluſion. A fund was created, upon which the ſum of 2,564,000l. was to be raiſed, which the beſt judges did apprehend was neither juſt nor prudent. A new bank was propoſed, called the land-bank, becauſe the ſecurities were to be upon land: This was the main difference between it, and the bank of England: And, by reaſon of this, it was pretended, that it was not contrary to a clauſe in the act for that bank, that no other bank ſhould be ſet up in oppoſition to it. There was a ſet of undertakers, who engaged that it ſhould prove effectual, for the money for which it was given: This was chiefly managed by Foley, Harley, and the tories; it was much laboured by the earl of Sunderland; and the king was prevailed on to conſent to it, or rather to deſire it, though he was then told by many, of what ill conſequence it would prove to his affairs: The earl of Sunderland's excuſe for himſelf, when the error appeared afterwards but too evidently, was, that he thought it would engage the tories in intereſt to ſupport the government[r].

[1696] The moſt remarkable acts paſſed this ſeſſion, beſides what have been mentioned, are theſe:

A ſevere act was paſſed, for voiding all the elections of parliament-men, where the elected had been at any expence in meat, drink, or money to procure votes. This act was ſtrictly penned. Abuſes in elections were grown to moſt intolerable exceſſes, which threatened even the ruin of the nation.

Another act paſſed againſt unlawful and double returns; for perſons had been often returned, plainly contrary to the vote of the majority; and in boroughs, where there was a conteſt, between the ſelect number of the corporation, and the whole populace, both ſides had obtained favourable deciſions, as that ſide prevailed, on which the perſon elected happened to be; ſo both elections were returned, and the houſe judged the matter. But, by this act, all returns were ordered to be made, according to the laſt determination of the houſe of commons: Theſe were thought good ſecurities for future parliaments. Happy had it been for this nation, if the other act, againſt bribing at elections, had proved as effectual as this was.

An act, for the more eaſy recovery of ſmall tithes, was alſo paſſed for three years, but made perpetual afterwards by queen Anne.

To prevent marriages without licence or banns, an act was paſſed, by which the miniſter, in ſuch caſe, forfeits 100l. and the perſon ſo married, 10l. This was chiefly with a view to ſecure the ſtamp-money. For, upon every licence or certificate of marriage, there was a duty laid of five ſhillings.

It was cuſtomary in Wales, for widows and younger children, to claim a ſhare of their huſbands and fathers effects, called their 'reaſonable part,' notwithſtanding theſe effects were otherwiſe diſpoſed of by will or deed. As this occaſioned great troubles, diſputes, and expences, an act was now paſſed, aboliſhing that cuſtom, and enabling the inhabitants of Wales to diſpoſe of all their perſonal eſtate, as they ſhall think fit.

Though an act was paſſed this ſeſſion, for the further regulating elections of members of parliament, and preventing the irregular proceedings of ſheriffs and other officers elected, and in returning ſuch members: Yet another bill was brought in to regulate elections, which paſſed both houſes, but to which the king refuſed to give the royal aſſent. Upon this, the commons ſhewed ſome reſentment againſt thoſe that adviſed the king not to paſs the bill, and, on the 24th of April, the queſtion was put, that whoſoever adviſed his majeſty, not to give his aſſent to that bill, was an enemy to his country. But, as it was perceived, by the warmth of thoſe that were for the affirmative, that it was intended to make a difference between the king and parliament, a negative was put upon the queſtion by one hundred and forty-nine voices, two hundred and nineteen to ſeventy; however it was ordered, that the ſpeaker ſhould with the votes print the queſtion, together with the names on both ſides[s].

[q] Among the commons, that refuſed to ſign voluntarily, were,

Simon Harcourt,	Mountague lord Norris,
Henry lord Hyde,	Heneage Finch,
John Manley,	James Bertie,
John Tredenham,	William Bromley,
Francis Gwyn,	Sir Chriſtopher Muſgrave,
Sir Edward Seymour,	John Granville,
John How,	Robert Price,
Thomas Brotherton,	William Williams, &c.

See the whole hiſt. in Vol. II. p. 139. Oldm.

The Fifteen Peers were,

Hallifax,	Normanby,	Thanet,
Cheſterfield,	Winchelſea,	Scarſdale,
Craven,	Ayleſbury,	Feverſham,
Nottingham,	Spratt, biſhop of Rocheſter,	
Lord Jefferies,	Watſon of St David's,	Lord Chandos,
Lord Ferrars		

[r] Dr. Chamberlain, the famous man-midwife, is ſaid to have a hand in this project, which inſtead of advancing the landed-intereſt (as was intended) went near to ruin the public credit. The commons reſolved, Firſt, 'That a fund redeemable by parliament be ſettled in a national land-bank, to be raiſed by new ſubſcriptions.' Secondly, 'That no perſon be concerned in the bank of England, and in the national land-bann, at the ſame time.' Thirdly, 'That the duties upon coals and culm, and upon tonnage of ſhips,' (which by ſeveral petitions and otherwiſe the houſe had found to be grievous to the people) 'be taken off from the 17th of March 1696.' Fourthly, 'That for the making up the ſum of 1,724,000l. already voted by the houſe, and the monies to be made good for the duties upon coals and culm, and tonnage of ſhips, reſolved to be taken off, and for diſcharging what the duties upon ſalt were to anſwer from the 17th of March 1696, the ſum of 2,564,000l. to be raiſed upon this perpetual fund, redeemable by parliament.' Purſuant to theſe reſolutions, a bill was brought in, and, when it was committed, inſtructions were given 'to reſtrain the bank from lending money but upon land-ſecurity, or to the government in the exchequer; and to receive a clauſe, that, if the money did not come in by a certain time, his majeſty be enabled to borrow the ſame.' The next day the bank of England preſented a petition againſt this bill, and were afterwards, by order of the houſe, heard by their council, but without ſucceſs; ſo that the houſe went on with the bill, and on the 9th of April reſolved, firſt, that towards the ſupply to be granted to his majeſty, for making up the fund of intereſt of 2,564,000l. the capital ſtock of the intended national land-bank, certain duties upon glaſs wares, ſtone and earthen bottles, granted before to the king for a term of years, be granted to his majeſty, his heirs and ſucceſſors. Secondly, That a duty be laid upon tobacco-pipes: And, Thirdly, That a further duty be laid upon all ſtone and earthen were. Which reſolutions were ordered to be inſerted in the bill for ſettling the national land-bank. Accordingly, the act was paſſed under the title of an act, continuing to his majeſty certain duties upon ſalt, glaſs wares, ſtone and earthen wares, and for granting ſeveral duties upon tobacco-pipes and other earthen wares, for carrying on the war with France, and for eſtabliſhing a national land-bank, and for taking off the duties upon tonnage of ſhips and upon coals. The ſubſcription was to be 2,564,000l. for the intereſt of which at 7 per cent. was to be raiſed, out of the abovelaid duties, 179,480l. This bank was to lend out 500,000l. a year upon land ſecurities, at 3l. 10s. per cent. per annum. In caſe the ſubſcription was not full by the 1ſt of Auguſt 1696, the bank was to ceaſe and determine.

[s] Beſides this bill, there were others that were begun, but not finiſhed, as a bill for 'regulating printing and printing-preſſes.' Secondly, A bill for reverſing a judgment given againſt ſir William Williams, 2 Jac. II. for what he did as ſpeaker of the houſe of commons, and for aſcertaining the rights and freedom of parliaments. Thirdly, A bill for ſettling and regulating the Eaſt-India trade. Fourthly, Another to regulate the trade of Africa. Fifthly, A bill to confirm the earl of Torrington's grant. Sixthly, Two bills to veſt in the crown all forfeited eſtates in England and Ireland, and to vacate all grants made thereof. Seventhly, A bill to prevent ſtock-jobbing. And, Eighthly, A bill for preventing papiſts from diſinheriting their proteſtant heirs.

Three days after, the king came and cloſed the ſeſſion, with the following ſpeech to both houſes.

" My lords and gentlemen,

" YOU have ſhewn ſo great concern for my perſon, and zeal for my government, and have done ſo much for the preſervation of the one, and for the ſtrengthening of the other, by the good laws, which have been made, and by the ſupplies you have provided for the ſeveral occaſions of this year, that the late deſigns of our enemies are, by the bleſſing of God, like to have no other effect, than to let them ſee, how firmly we are united ; and to give me occaſion to acknowledge your kindneſs, and to aſſure you of all the returns, which a prince can make to his people.

" My lords and gentlemen,

" The neceſſity of affairs requiring my abſence out of the kingdom for ſome time, I do earneſtly recommend to you, that in your ſtations you will be aſſiſting to thoſe, whom I ſhall leave to adminiſter the government; and that you will be careful in preſerving the public peace of the kingdom."

Then the lord keeper, by his majeſty's command, prorogued the parliament till Tueſday the 16th day of June.

Thus ended this memorable ſeſſion. After moſt of the conſpirators, who had not fled beyond ſea, were either taken or come in voluntarily, and all the examinations were over, ſome of them were brought to their trials. Mr. Robert Charnock was begun with. He was one of the two fellows of Magdalen-College, who in king James's time had turned papiſt, and was a hot and active agent amongſt them. He was a man of good parts, and, next to ſir George Barclay, was the chief manager and promoter of the intended aſſaſſination. This was ſo fully proved againſt him, that he was found guilty. He ſhewed great preſence of mind, with temper and good judgment, and made as ſtrong a defence as the matter could bear. Endeavours were uſed to perſuade him to confeſs all he knew; for he had been in all the plots from the beginning. His brother was employed to deal with him, and he ſeemed to be once in ſuſpence; but the next time, that his brother came to him, he ſaid, that he could not ſave his own life, without doing that, which would take away the lives of ſo many, that he did not think his own life worth it. This ſhewed a greatneſs of mind, which had been very valuable, had it been better directed. Thus this matter was underſtood at that time. But, many years after, the lord Somers gave biſhop Burnet a very different account of it. Charnock, it ſeems, ſent an offer to the king, of a full diſcovery of all the conſultations and deſigns of his party, and deſired no pardon, but only that he might live in ſome eaſy priſon; and, if he was found to prevaricate in any part of his diſcovery, he would look for the execution of the ſentence. But the king apprehended, that ſo many perſons would be found concerned, and thereby be rendered deſperate, that he was afraid to have ſuch a ſcene opened, and would not accept of his offer. With Charnock were tried lieutenant King, and Thomas Keys, formerly a trumpeter, and lately captain Porter's ſervant, who had little to ſay for themſelves; ſo that, upon a full hearing of the evidence, they were all three found guilty of high-treaſon, and executed at Tyburn on the 18th of March. Before the executioner did his office, the malefactors delivered each a paper to the ſheriffs, wherein they confeſſed the crime which they were accuſed of, but endeavoured to palliate it, and at the ſame time to juſtify both king James, the jacobites, and Roman catholics. Charnock particularly owned, 'That, to facilitate king James's invaſion of England, himſelf and ſome others did agree to attack the prince of Orange, and his guards. That, as for any order or commiſſion of king James's for aſſaſſinating the prince of Orange, he neither ſaw nor heard of any, but had had frequent aſſurances of that king's having rejected ſuch propoſals, when they had been offered. That he had heard, there was a commiſſion arrived for levying of war, which it was natural to believe, if the king was in ſuch readineſs to come over, as was reported; but that he never ſaw it. And, as to what regarded the body of the Roman catholics, he muſt do them the juſtice, that they had no manner of knowledge of this deſign, nor did he believe it was communicated to any other party of ſuch as were reputed the king's friends, but carried on merely by a ſmall number, without the advice, conſent, or privity of any parties whatſoever.' King's paper was to the ſame purpoſe: But the way, that they took to vindicate king James, rather faſtened the imputation more upon him. They did not deny, that he had ſent over a commiſſion to attack the prince of Orange, which, as Porter depoſed, Charnock told him he had ſeen. If this had been denied by a dying man, his laſt words would have been of ſome weight. But, inſtead of denying that, which was ſworn, he only denied, that king James had given a commiſſion for aſſaſſination. And it ſeems, great weight was laid on that word; for all the conſpirators agreed in it, and denied, that king James had given a commiſſion to aſſaſſinate the prince of Orange. This was an odious word, and perhaps no perſon was ever ſo wicked, as to order ſuch a thing in ſo crude a manner. But the ſending a commiſſion to attack the king's perſon was the ſame thing upon the matter, and was all that the witneſſes had depoſed. Therefore their not denying this in the terms, in which the witneſſes ſwore it, plainly implied a confeſſion, that it was true. But ſome, who had a mind to deceive themſelves or others, laid hold on this, and made great uſe of it, that dying men had acquitted king James of the aſſaſſination. Such ſlight colours will ſerve, when people are engaged beforehand to believe as their affections lead them.

The next, who were tried, found guilty, condemned, and executed on the 3d of April for the ſame complicated crime of the aſſaſſination and invaſion, were ſir John Friend, and ſir William Perkins. Friend had riſen from mean beginnings to great credit and much wealth. He was employed by king James, and had all this while adhered firmly to his intereſts. His purſe was more conſidered than his head, and was open on all occaſions, as the party applied to him. While colonel Parker was formerly in the Tower (as has been related) upon information of an aſſaſſination of the king deſigned by him, he furniſhed the money, that corrupted the keepers, and helped him to make his eſcape. He knew of the aſſaſſination, though he was not to be an actor in it. But he had a commiſſion for raiſing a regiment for king James, and he had entertained and paid the officers, who were to ſerve under him. He alſo joined with thoſe, who had ſent over Charnock in May 1695, with the meſſage to king James. Upon all this evidence, Freind was condemned. Sir William Perkins was a gentleman of eſtate, who had gone violently into the paſſions and intereſts of the court in king Charles II's time: He was one of the ſix clerks in chancery, and took all the oaths to the government, rather than loſe his place. He not only conſented to the deſign of the aſſaſſination, but undertook to bring five men, who ſhould aſſiſt in it; and he had brought up horſes for that ſervice, from the country; but had not named the perſons; ſo that this lay yet in his own breaſt. He was not to have acted in the buſineſs himſelf, for he had likewiſe a commiſſion for a regiment, and therefore was to have reſerved himſelf for that ſervice. He had alſo provided a ſtock of arms, which were hid underground, and were now diſcovered. Upon this evidence he was condemned. Great endeavours were uſed both with ſir John Freind and him to confeſs all they knew. Freind was more ſullen, as he knew leſs; for he was only applied to and truſted, when they wanted his money. Perkins fluctuated more; he confeſſed the whole thing, for which he was condemned, but would not name the five perſons, whom he was to have ſent in to aſſiſt in the aſſaſſination. He ſaid, that he had engaged them in it, and therefore could not think of ſaving his own life by deſtroying theirs. He confeſſed, that he had ſeen king James's commiſſion. The words differed a little from thoſe, which Porter had mentioned; but Porter did not ſwear, that he ſaw it himſelf, and only related what Charnock had told him concerning it. Yet Perkins ſaid, they were to the ſame effect. He believed, it was all writ with king James's own hand, he having ſeen his writing often. He owned, that he had raiſed and maintained a regiment, but he thought he could not ſwear againſt his officers, ſince he himſelf had drawn them into the ſervice; and he affirmed, that he knew nothing of the other regiments. He ſent for the biſhop of Ely, to whom he repeated all theſe particulars, and ſeemed much troubled with a ſenſe of his former life, which had been very irregular. The houſe of commons ſent ſome to examine him; but he gave them ſo little ſatisfaction, that they left him to the courſe of the law. His tenderneſs in not accuſing thoſe whom he had drawn in, was ſo generous, that this alone ſerved to create ſome regard for a man, who had been long under a bad character. In the beginning of April, Freind and he were executed together. At their execution, they delivered their confeſſions to the ſheriffs. Sir John Freind, though he denied his knowledge of the invaſion and aſſaſſination, yet ſeemed to own himſelf guilty, in endeavouring to juſtify himſelf by ſaying, 'That the cauſe, he

he ſuffered for, he firmly believed to be the cauſe of God and true religion, and agreeable to the laws of the land, which he had ever heard to require a firm duty and allegiance. That as no 'foreign' ſo neither any 'domeſtic' power can alienate our allegiance; for it was altogether new and unintelligible to him, that the king's ſubjects can depoſe and dethrone him on any account, or conſtitute any, that have not an immediate right to his place; and that, as they ought not to do this, ſo, when it was done, to aſſiſt him in the recovery of his right was juſtifiable, and their duty. He profeſſed himſelf a member of the church of England, which he heartily beſought God almighty to bleſs and preſerve; to deliver this ſinful nation from the guilt of rebellion, blood, and perjury; to comfort the diſtreſſed king, reſtore him to his right, and his miſled ſubjects to their allegiance; and to bleſs his royal conſort and his royal highneſs the prince of Wales, that he might "grow in ſtature and in favour with God and man." Sir William Perkins confeſſed, 'That he was privy to a deſign upon the prince of Orange, but was not to act in it: and he was fully ſatisfied, that very few or none knew of it, but thoſe, who undertook to do it. That he had ſeen a commiſſion from king James to levy war againſt the prince of Orange; but, as for any commiſſion particularly levelled againſt his perſon, he neither ſaw nor heard of any ſuch. That he thought it for his honour to ſay, he was entirely in the intereſt of king James, being always firmly perſuaded of the juſtice of his cauſe, and looked upon it as his duty, both as a ſubject and an Engliſhman, to aſſiſt him in the recovery of his throne, which he believed his majeſty to be deprived of, contrary to all right and juſtice; in which opinion he he took the laws and conſtitution of his country for his guide. And, laſtly, that he died in the communion of the church of England, in which he was educated.' A very remarkable inſtance of the boldneſs of the jacobites, appeared on this occaſion. Freind and Perkins had not changed their religion, but ſtill called themſelves proteſtants; ſo three of the nonjuring clergymen, Mr, Collier, Mr. Snatt, and Mr. Cooke, waited on them to the place of execution; where they all three joined to give them the abſolution of the church, as it ſtands in the office of viſitation of the ſick, and accompanied the ceremony with a ſolemn impoſition of hands. The court was extremely offended at this conduct of theirs, which ſeemed to juſtify the conſpiracy, ſince the dying perſons owned the ill deſigns, in which they had engaged, and expreſſed no ſort of repentance for it. Fourteen of the biſhops therefore, who happened to be then in London, publiſhed a declaration, 'wherein they cenſured the performance of this office of the church, without a previous confeſſion made, and abhorrence expreſſed by the priſoners of the heinous crime, for which they died, as extremely inſolent and without precedent in the manner, and altogether irregular in the thing, being a manifeſt tranſgreſſion of the church's order, and profane abuſe of the authority of Chriſt, ſince Mr. Collier, and Mr. Snatt, and Mr. Cooke muſt either look on the perſons abſolved as impenitents or martyrs.' The lord chief juſtice Holt, likewiſe on the 7th of April, repreſented to the grand jury, in the court of King's-Bench, the pernicious practices of thoſe three abſolving prieſts, and the jury delivered a preſentment againſt them, ſetting forth, That they were enemies to his majeſty and his government, promoters and encouragers of the aſſaſſination and invaſion, and a ſcandal to the church. But though a bill of high miſdemeanour was found againſt them, and Cooke and Snatt were committed to Newgate; yet, through the lenity of this reign, no manner of puniſhment was inflicted on them; and Jeremy Collier, who kept out of the way, with great aſſurance publiſhed ſeveral papers, wherein he endeavoured to juſtify his practice, with reſpect to manner, form, and occaſion.

On the 21ſt of April, brigadier Rookwood, major Lowick, and Mr. Charles Cranburn, three other conſpirators, were brought to their trial, and were the firſt, who had the benefit of the ſtatute made this very ſeſſion, to regulate trials in caſes of high treaſon. But neither the copy of the indictment, which was delivered to them, nor the advantage of being defended by ſir Bartholomew Shower, and two other eminent lawyers did avail them much; for the evidence againſt them was ſo plain and poſitive, that they were all three found guilty, and received ſentence accordingly. Rookwood and Lowick were papiſts; they expreſſed their diſlike of the deſign, but inſiſted on this, that, as military men, they were bound to obey all military orders; and they thought that the king, who knew the laws of war, ought to have regard to this, and forgive them. Great interceſſion was made by ſome noblemen for the life of Lowick, but in vain. Cranburn called himſelf a proteſtant, but was more ſullen than the other two; to ſuch a degree of fury and perverſeneſs had the jacobites wrought up their party. They were all three executed on the 29th of April.

Mr. Knightly and Mr. Cooke (ſon of ſir Miles Cooke, one of the ſix clerks in Chancery) were the two laſt that were tried this year. Knightly confeſſed all, and upon that, tho' he was condemned, he had a reprieve, and was afterwards pardoned. Cooke was tried on account of the intended invaſion; for he was not charged with the aſſaſſination. His trial was conſidered as introductory to that of the earl of Aylesbury (who had been committed to the Tower) for the evidence was the ſame as to both. Porter and Goodman were two witneſſes againſt him. They had been with him at a meeting in a tavern in Leadenhall-Street, where Charnock received inſtructions to go to France with the meſſage to king James. All that was brought againſt this, was, that the maſter of the tavern, and two of his ſervants, ſwore, that they remembered well when that company was at the tavern, for they were often coming into the room where they ſat, both at dinner-time, and after it; and that they ſaw not Goodman there; nay, they were poſitive, that he was not there. On the other hand, Porter depoſed, that Goodman was not with them at dinner, but that he came to that houſe after dinner, and ſent him in a note; upon which he, with the conſent of the company, went out and brought him in. And then it was certain, that the ſervants of the houſe were not in that conſtant attendance; nor could they be believed in a negative, againſt poſitive evidence to the contrary. Their credit was not ſuch, but that it might be well ſuppoſed, that, for the intereſt of their houſe, they might be induced to make ſtretches. The evidence was believed, and Cooke was found guilty, and condemned. He obtained many ſhort reprieves, upon aſſurances, that he would tell all he knew. But it was viſible, that he did not deal ſincerely, and his puniſhment ended in a baniſhment.

As ſoon as the news came to Flanders, that the conſpiracy was happily diſcovered, the king ſafe, and England freed from the apprehenſions of an invaſion, the prince of Vaudemont and the other generals bethought themſelves of making ſome attempt, by way of revenge, upon the French, for their intended invaſion of England. In order to which, having drawn together a body of troops from ſeveral garriſons, the earl of Athlone, and lieutenant-general Coehorn marched from Namur with forty ſquadrons, thirteen battalions, fifteen pieces of cannon, and ſix mortars. While the earl, with the greateſt part of theſe forces, inveſted Dinant, Coehorn advanced with the reſt of the troops and all the artillery to Givet, where the enemy had laid up a large magazine: and, having got his batteries in readineſs by the 16th in the morning, he began to fire into the town with bombs and red-hot bullets, which ſet both the forage and houſes on fire. At the ſame time a detachment of ſoldiers were commanded to enter the town with large flambeaux in their hands; which they performed with great bravery, firing the cazerns and granaries, where the oats and other magazines lay; ſo that the whole town and magazine were entirely conſumed; and all this executed with the inconſiderable loſs of nine or ten men.

Not long after ſir Cloudeſly Shovel ſailed out of the Downs with ſeveral men of war and bomb-veſſels, and being come to Calais on the 3d of April, captain Benbow, notwithſtanding the vigorous oppoſition from the enemies boats and half-gallies, threw between three and four hundred bombs, moſt of which fell in the town, and amongſt the imbarkations in the pier, and ſet fire to the town in three or four places, and and to ſome veſſels in the port. Though the ſucceſs of this bombardment did not anſwer either the expence or expectation of the Engliſh, yet the damage done was not ſo inconſiderable as the French gave out; it being certain that ſeveral houſes were burnt and ſpoiled, beſides the church and convent and ſome part of the cazerns [t].

The republic of Venice was the laſt of the ſtates in Europe, not engaged in the war againſt England, that would acknowledge king William. After Ruſſel had appeared with a great fleet in the Mediterranean, and the republic ſaw a general peace could not be far off, they thought of ſending an embaſſy to London. On the 11th of April this year, arrived, as embaſſadors extraordinary from that ſtate, ſignior Soranzo and ſignior Venier, and, after making a ſplendid entry on the 22d, they had their firſt public audience the 1ſt of May. Soranzo the eldeſt of the embaſſadors was knighted, and, according to the cuſtom on the like occaſion, the king preſented him with his ſword.

[t] It is remarkable, that the French have raiſed a croſs and oratory near a ſhell, which to this day ſticks in the market place at Calais, ſays Boyer, vol. III. p. 172.

Before

Before the king went abroad, he conferred the following honours and preferments.

George Hamilton, third ſon of duke Hamilton, for his military ſervices in Ireland and Flanders, was created earl of Orkney, in the kingdom of Scotland.

Sir John Lowther, on the firſt of May, was created baron Lowther of Lowther, and viſcount Lonſdale in the county of Weſtmoreland; and the ſame day ſir John Thompſon, bart. was raiſed to the dignity of a baron of this kingdom by the ſtile and title of baron Haverſham of Haverſham in the county of Bucks. At the ſame time his majeſty conſtituted ſir Thomas Littleton one of the lords commiſſioners of the treaſury; Mr. Chriſtopher Muſgrave, clerk of the ordnance; and Mr. James Lowther, clerk of the delivery of the ordnance; and conferred the honour of knighthood on Theodore Janſſen, an eminent merchant of the city of London, for the zeal, which he had on all occaſions expreſſed for the government, particularly in the buſineſs of the bank of England. Not long after the lord keeper of the great ſeal of England, or the lord chancellor, the lord preſident of the privy-council, the firſt commiſſioner of the treaſury, or lord treaſurer, the firſt commiſſioner of the admiralty, or lord admiral, the two principal ſecretaries of ſtate, and the chancellor of the exchequer, for the time being, and the earls of Bridgewater and Tankerville, ſir Philip Meadows, William Blaithwayte, John Pollexfen, John Locke, Abraham Hill, and John Methuen, eſquires, were declared commiſſioners of trade and plantations. Mr. Popple was made ſecretary to this board.

On the 1ſt of May, the king declared in council, that he had appointed the ſame perſons to adminiſter the government during his abſence, who had diſcharged that truſt the laſt year. The next day the king went from Kenſington to Margate, and on the 3d of May embarked on board his yatcht for Holland; but, the wind, which was then ſouth ſouth-eaſt, turning in the evening to the eaſtward, and there being an appearance of a ſtorm, he came on ſhore again. Two days after, the wind being more favourable and the weather fair, he went on board the Elizabeth, vice-admiral Aylmer commander, and on the 7th landed at Orange-Polder, and about midnight arrived at the Hague.

The ſummer paſſed over, both in Flanders and on the Rhine, without any action. The diſcovery of the plot, and the proceedings of the parliament upon it, took up ſo much time, that the king could not prevent the enemies taking the field before him. But the common ſcarcity of money kept both armies quiet. All the funds given for this year's ſervice proved defective, but that of the land-bank failed totally; and the credit of the bank of England was much ſhaken. About five millions of clipped money was brought into the exchequer; and the loſs that the nation ſuffered, by the recoining of the money, amounted to two millions, and two hundred thouſand pounds. The coinage was carried on with all poſſible haſte; about eighty thouſand pounds was coined every week: Yet ſtill this was ſlow, and the new money was generally kept up; ſo that, for ſeveral months, little of it appeared. This ſtop, in the free circulation of money, put the nation into great diſorder: Thoſe who, according to the act of parliament, were to have the firſt payments in milled money, for the loans they had made, kept their ſpecie up, and would not let it go, but at an unreaſonable advantage. The king had no money to pay his army, ſo they were in great diſtreſs, which they bore with wonderful patience: By this means, the king could undertake nothing, and was forced to lie on the defenſive. Nor were the French ſtrong enough to make an impreſſion in any place; the king had a mighty army, and was much ſuperior to the enemy, yet he could do nothing; and it paſſed for a happy campaign, becauſe the French were not able to take any advantage from thoſe ill accidents, that our want of ſpecie brought us under; which indeed were ſuch, that nothing but the ſenſe all had of the late conſpiracy, kept us quiet and free from tumults. It now appeared, what a ſtrange error the king was led into, when he accepted of ſo great a ſum, to be raiſed by a land-bank: It was ſcarce honourable, and not very ſafe at any time; but it might have proved fatal at a time, in which money was like to be wanted, which want would have been leſs felt, if paper credit had been kept up: But one bank working againſt another, and the goldſmiths againſt both, put us to great ſtreights; yet the bank ſupplied the king in this extremity, and thereby convinced him, that they were his friends in affection, as well as intereſt.

On the other hand, France was very uneaſy under ſo long and ſo deſtructive a war. The country was exhauſted, and they had neither men nor money. Their trade was ſunk to nothing, and public credit was loſt. The creation of new offices, which always was conſidered as a reſource never to be exhauſted, did not work as formerly. Few buyers or undertakers appeared. The French king's health was thought declining; he affected ſecrecy and retirement; ſo that both the temper of his mind, and the ſtate of his affairs, diſpoſed him to deſire a peace. Accordingly, this ſummer he made ſome ſteps towards it; and the ſtreights, to which both armies were reduced, ſeemed to favour his negotiations. Before the king's arrival at the Hague, monſieur Callieres was ſent with propoſitions to the States, for ſettling the preliminaries of a treaty, at the ſame time that d'Avaux was preſſing the king of Sweden to offer his mediation. The king of France addreſſed himſelf firſt to the Dutch, becauſe he ſuppoſed, that they could not but be weary of a tedious war, which had almoſt ruined their trade, the only ſource of their riches, and even ſubſiſtence, and would therefore ſooner hearken to peace, than either the emperor or the king of England. It is true, the Hollanders had an abſolute dependence upon his Britannic majeſty, not only becauſe he was their Stadtholder, but alſo becauſe, ſince their firſt ſettlement, they always found it, and eſteemed it their intereſt to keep cloſely united to England, in order to maintain a balance between the houſes of Bourbon and Auſtria, and preſerve themſelves from being cruſhed by either. Yet, as the French king was at laſt reſolved to acknowledge king William, (which reſolution he took ſoon after the intended invaſion miſcarried) ſo he believed, that the Dutch would not coldly entertain the propoſals, which he deſigned to make them, ſince, by removing this great obſtacle, the way ſeemed to lie open to a general peace.

The States of Holland finding by the French king's propoſals, and his offers to deliver up ſo many places, that there was room for an honourable and laſting peace, they gave Callieres a favourable reception, but yet refuſed either to grant him a paſſport, except by the concurring allowance of king William, or to treat without his and the conſent of their other allies. This was no more than Callieres expected; for though, at the treaty of Nimeguen, the French plenipotentiaries found a way to draw the Dutch to a ſeparate peace, by making them jealous of the prince of Orange; yet he was perſuaded, that the Hollanders were by this time too ſenſible of their former miſtake, to ſuffer the French to play the ſame game over again. However, Callieres having poſitive orders from his maſter not to acknowledge king William, till he had good aſſurances of the peace, he found out an expedient, which was, that the States and he ſhould not come to a final concluſion; but, if they found reaſon to agree upon any point, that the ſame ſhould be communicated to their allies. To this the Dutch readily conſented; and, amongſt other particulars, demanded, as preliminaries of the treaty, the reſtitution of Lorrain, and of the towns of Straſburg and Luxemburg. Callieres granted both in his maſter's name, but, upon condition, that Lorrain ſhould be reſtored to the duke of that name, on ſuch terms only as had been agreed to at Nimeguen. This was oppoſed by the preſident Canon, who took care of the duke of Lorrain's intereſts in Holland, under pretence, that, when his maſter entered into the grand alliance, the confederates engaged never to conclude a peace, till he had full ſatisfaction done him; urging, that, if the duke's dominions were not reſtored to him, but upon the terms of the peace of Nimeguen, he ſhould rather be a loſer than a gainer by the confederacy, ſince he could have made a better bargain with the French king, before he entered into the war. But as, in moſt alliances, great potentates ſeldom regard the concerns of thoſe petty princes, whom they have engaged in their quarrel, when they have no more need of them; ſo the Allies, after they had ſpoken once or twice in the duke of Lorrain's behalf, did not think fit to inſiſt any longer upon that affair; though Canon gave in ſeveral memorials, which were ſome time ſupported by the imperial miniſters, whoſe maſter was deſirous to prolong the concluſion of the treaty. On the other hand, that ſpirit of chicanery, and injuſtice, that had reigned ſo long in the French court, ſtill appeared in every ſtep that was taken towards a treaty; for they made uſe of equivocal terms in every paper, which was offered in their name. The States-general had felt the effects of theſe in former treaties too ſenſibly, not to be now on their guard againſt them. But the French ſtill returned to them; and, when ſome points ſeemed to be quite ſettled, new difficulties were ſtill thrown in. It was urged by them, that the popiſh religion muſt ſtill continue at Straſburg; and that the king of France could not in conſcience yield that point. It was alſo pretended, that Luxemburg was to be reſtored in the ſame ſtate, in

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G. Kneller Pinxt

Goldar Sculp.

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in which it was when the French took it. Theſe variations did almoſt break off the negotiation; but the French would not let it fall, and yielded them up again. So that it was viſible all this was only an amuſement, and an artifice, by this ſhew of peace, to get the parliament of England to declare for it; ſince, as a trading nation muſt grow weary of a war, ſo the party, which they had among the Engliſh, would join in with the inclination, that was now become general, to promote the peace. For, though our affairs were in all reſpects, except that of the coin, in ſo good a condition, that the nation felt itſelf grow richer by the war, yet, during each campaign, we ran a greater riſque than our enemies did; for all our preſervation hung on the ſingle thread of the king's life, and on that proſpect the party, that were averſe to the government, had great hopes, and acted with much ſpirit during the war, which there was great reaſon to think muſt ſink with a peace.

To make the Spaniards the more willing to put an end to the war, the duke of Vendoſme, who this year commanded the French forces in Catalonia, reſolved to make them feel the power of his maſter's arms, by attacking them in their camp near Oſtalrick. In order to this he paſſed the river Ter, and underſtanding, that the Spaniſh cavalry, commanded by the prince of Heſſe Darmſtadt, had advanced out of the lines to obſerve him, fell upon them with great vigour. The Spaniards, ſeeing none but horſe appear againſt them, reſolutely ſtood their ground, and forced ſome of the French ſquadrons to retire. But, when they ſaw the number of the enemy increaſe, and a ſtrong body of infantry come up to ſupport them, they retreated in very good order under the cannon planted on their lines; where the French, eager of purſuit, met with ſuch a warm reception, as quickly obliged them to retire in their turn. In this action the Spaniards loſt near three hundred men, and the French about two hundred. Both the king and queen of Spain were about this time ſo ill, that, as is uſual upon ſuch occaſions, it was ſuſpected they were both poiſoned. The king of Spain relapſed often, and at laſt remained in that low ſtate of health, in which he ſeemed to be always rather dying than living. The court of France were glad of his recovery, being not then in a condition to undertake ſuch a war, as the Dauphin's pretenſions muſt have engaged them in.

The campaign on the Rhine was ſtill more inconſiderable than that in Catalonia. The French indeed, in the beginning of the ſpring, boaſted their paſſing the Rhine, and forced prince Lewis of Baden to intrench himſelf to avoid an engagement. But now, towards the end of the year, the prince in his turn croſſed the Rhine near Mentz, and, being joined by the Heſſian troops, advanced to Newſtadt, where the French were ſo ſtrongly intrenched, that all he could do was to cannonade them for ſeveral days. It was at the ſame time ſo contrived, that general Thungen ſhould have paſſed the Rhine not far from Philipſburg, in order to have attacked the French in the rear; but they, having notice of that deſign, detached the marquis d'Uxelles to diſappoint it. So that the Germans, after they had got ſome booty, and divers hoſtages for contribution, repaſſed the Rhine towards the beginning of October, and then marched into winter quarters.

The principal affair of this year, in relation to the grand confederacy, was managed in Italy. During the winter the court of France renewed their intrigues with the duke of Savoy, to engage him in a ſeparate peace. The Pope's Nuncio, and the Venetian envoy, ſeconded the deſigns of that crown, their maſters being deſirous of ſending the Germans out of Italy, and taking the duke out of the neceſſity of depending on thoſe, whom they called heretics. The management in the buſineſs of Caſal looked ſo dark, that the lord Galway, the king's general and envoy there, apprehended there was ſomething myſterious under it. But the duke would not own, that he was in any negotiation, till he ſhould have received the advances of money, that were promiſed him from England and Holland; for he was much ſet on heaping up treaſure, even during the war; to which end he had debaſed his coin ſo, that it was not above a ſixth part in intrinſic value of what it paſſed for. He was always beſet with his prieſts, who were perpetually complaining of the progreſs, which hereſy was like to make in his dominions. He had indeed granted a very full edict in favour of the Vaudois, reſtoring to them their former liberties and privileges, which the lord Galway took care to have expreſſed in the moſt emphatical words, and paſſed with all the formalities of law, to make it as effectual, as laws and promiſes can be. Yet every ſtep, that was made in that affair, was merely extorted from the duke by the interceſſion of the king and the ſtates-general, and by the lord Galway's zeal. But the French were grown ſo weary of the war, and found the charge of it ſo heavy, that they made the duke ſuch large and advantageous offers, that he reſolved to accept them, notwithſtanding his ſtrict engagements of honour to the Allies. However he wanted not plauſible reaſons to juſtify his conduct in this point; for though England and Holland had ever punctually paid in the ſubſidies, which they had promiſed, and even ſomething more; yet the emperor and king of Spain were greatly in arrears in their contributions and ſupplies. Indeed the Allies did not fail to aſſure him, that they would procure him conditions at the general treaty, as much, if not more advantageous, than thoſe, which France offered him at preſent. But thoſe were looſe and diſtant promiſes, and theſe of France certain and at hand, and ſupported beſides by threats from that crown to invade the reſt of his country next ſummer with a formidable army. However, though the duke urged the probability of the effects of this threatening, to juſtify his conduct to the Allies; yet it is certain, that a ſtronger motive inclined him to a ſeparate peace, and that was the marriage of his eldeſt daughter to the Dauphin's eldeſt ſon. It was not ſafe to conclude this treaty at Turin, where the duke was narrowly obſerved by the lord Galway; and therefore, to eſcape the ſagacity of that miniſter, he went towards the cloſe of the winter, with a ſmall retinue of his own naming, to our lady of Loretto, concealing a political journey under the pretence of a religious vow. This gave no ſmall umbrage to the lord Galway, who knowing him to be more a ſtateſman than a bigot, and being refuſed to accompany him, ſent ſpies after him. But, notwithſtanding all their vigilance, they could never get the leaſt notice of the treaty of peace, which the duke ſigned at Loretto, by the mediation of the agents of Rome and Venice, and a private meſſenger from the Marſhal de Catinat. By this treaty the French reſtored to the duke all the new conqueſts, which they had made, as alſo Pignerol demoliſhed; gave him four millions of livres towards the reparation of the damages, which he had ſuſtained during the war; engaged to aſſiſt him with eight thouſand foot and four thouſand horſe, to be maintained at the charge of the king of France; and that a marriage between the duke of Burgundy, and the princeſs, his daughter, ſhould be forthwith treated of, to be conſummated as ſoon as they ſhould be of age. As for the princeſs's portion, it was agreed, that the duke ſhould give her two hundred thouſand crowns of gold, towards the payment of which he was to give a diſcharge for one hundred thouſand crowns of gold, which remained due by France to the houſe of Savoy, as a part of the ducheſs royal's portion; and the remainder the French king promiſed to remit, in conſideration of this preſent treaty, of which the pope and Venetians were guarantees, and which was ſoon after ratified in France. [u]

As ſoon as the duke was returned from Loretto, his chief care was to conceal this engagement, not only from the miniſters and generals of the Allies, but even from his own. The marquis de St. Thomas was the only perſon, whom he had entruſted with this important negotiation, and who, in a diſguiſe, had taken many journies to Pignerol, to confer either with count de Theſſé, governor of that place, or with marſhal de Catinat, who came thither incognito upon the ſame account. But becauſe it is almoſt impoſſible for a miniſter of ſtate to abſent himſelf from court, without being miſſed, the marquis de St. Thomas's frequent diſappearing gave no ſmall ſuſpicion to the miniſters of the Allies, who cauſed him to be ſo diligently obſerved, that his clandeſtine journies to Pignerol were at laſt diſcovered. Though this was a convincing proof of the duke of Savoy's holding intelligence with the enemy, yet they managed him very tenderly, and never took notice of the matter. But not long after his return from Loretto, the king, having received information of the ſeparate treaty concluded there, acquainted the lord Galway with it, who immediately communicated this advice

[u] Lambert in his memoirs (I. p. 1.) ſays, it was believed that France cauſed it to be reported, that the duke's pretence, for making a ſeparate peace, was king William's declaring to the count de la Tour, that the giving Pignerol to the duke of Savoy ſhould not be inſiſted on. This was only to cover the true ſpring of that peace, which was negotiated by ſurprize. The ſucceſs of the aſſaſſination-plot, in 1696, was thought ſo certain, that about the time it was to be executed, the court of France ſent a perſon of diſtinction to the duke of Savoy, who repreſented to him, that king William was juſt then killed. That he knew him to be the ſupport of the grand alliance, which would be now entirely broken, and therefore the duke ought to take care of himſelf. That France had a great regard for him, and would grant him advantageous terms. The duke was ſurpriſed at this news, which the other perceiving, told him with an air of aſſurance, that he muſt give an immediate and poſitive anſwer. The duke deſired half an hour to conſider, which being granted, he walked into his cloſet, and, the time being elapſed, he accepted the offers of France.

to the other miniſters of the Allies, and began his expoſtulations with the duke, ſhewing him the principal articles, which he had concluded with France. The duke was extremely ſurprized at this diſcovery, but perſiſted in denying it, till the French, advancing to his aſſiſtance, enabled him to throw off all diſguiſe, without fearing the reſentment of his Allies. For, to cover this defection from the Allies, it was further agreed, that Catinat ſhould draw his army together, before the duke could bring his, to make head againſt him; and that he ſhould be ordered to attempt the bombardment of Turin, that ſo the duke might ſeem to be forced by the extremity of his affairs, to take ſuch conditions as were offered him. Accordingly, towards the end of May, marſhal de Catinat came down from the mountains of Savoy into the plains of Turin, with an army of near fifty-thouſand men, and much ſuperior in number to the confederates. The duke of Savoy ſtill diſſembled; and, as if there had been no intelligence between him and the court of France, under the pretence of defending his places, he put all his own infantry into them, and ſent all the confederates forces to the camp at Montcallier, which he fortified by drawing a line from the Doero to the Po, in order, as was pretended, to ſecure his capital city againg a bombardment.

Of all the officers, in the French army, the marſhal de Catinat alone was acquainted with the treaty, which occaſioned ſome diſputes between him and the grand prior. The duke, the better to cover his deſign, ſent out daily German parties to harraſs the French foragers, which generally returned with advantage. This the grand prior bore with great impatience, and had often deſired leave of the marſhal to charge them, but had ſtill been denied. Provoked by theſe refuſals, and aſcribing the general's conduct either to want of courage or experience, in the height of his zeal for the French king's ſervice, he acquainted him with Catinat's proceedings, in a letter ſubſcribed by moſt of the other ſubaltern generals. The king ſmiled at this information, and ſent an anſwer, that the marſhal had obeyed his orders, and that, in a ſhort time, the event would fully juſtify his conduct. The grand prior queſtioned the king's meaning, of which he had no longer reaſon to doubt, when on the 12th of July, a truce was concluded for a month, and afterwards continued to the 15th of September. The duke of Savoy endeavoured to obtain the conſent of the Allies to this ſuſpenſion of arms; but, though they ſtill refuſed it, yet they behaved themſelves ſo, as if they had in effect accepted it. The duke had demanded ſo much time, that he might, at leaſt with ſome ſhew of honour, diſengage himſelf from his confederates; for, as early as the month of June, he had begun to throw off all diſguiſe; and having communicated to the miniſters of the Allies, the propoſals which France made him, and repreſented the great ſuperiority of the enemies army, he owned his inclination to accept them, palliating his breach of the treaty of confederacy with ſeveral plauſible reaſons. Moreover, he wrote to moſt of the potentates concerned in the grand alliance, to aſk their conſent; but though every one of them poſitively refuſed it, yet he did not ſtop here, but ſigned again openly the treaty, which he had ſecretly concluded ſome months before. The Allies, on their part, left no means untried to bring him back to their intereſt. They made him offers more advantageous than the former; and count Mansfield, whom the emperor had ſent expreſs on this important affair, propoſed a match between the king of the Romans and the princeſs of Savoy, with an augmentation both of troops and ſubſidies. But all the count's eloquence, which he exerted on this occaſion, was to no purpoſe, for the duke remained firm in his former engagement. Prince Eugene, who commanded the Imperial troops, though nearly related to the duke, was extremely provoked at this unexpected change; and prince Commercy, a youth of a violent ſpirit, was ſo enraged at it, that he ſent a challenge to the duke, who would have met him ſword in hand, but was with great difficulty prevented by ſome of his courtiers, who happened to be informed of the challenge. This quarrel was ſoon after made up, and theſe two princes parted very good friends. In this interval, the French hoſtages for the treaty, the count de Theſſé, and the marquis de Bouſole, arrived at Turin, with magnificent equipages; and at the ſame time the count de Tana and the marquis d'Aix, were ſent by the duke to Catinat's camp upon the ſame account.

One of the chief reaſons, which made the duke of Savoy conceal his ſeparate peace with ſo much precaution, was (as has been noted) his deſign of getting the remaining part of the ſubſidies due to him from the confederates. He was particularly informed of a conſiderable remittance from England to Genoa, which he wanted to have had in his own coffers; but, the lord Galway being acquainted in time with his new engagements, he ſtopped that money, of which he afterwards made uſe in the Milaneſe, for the payment of the troops under his command, and of ſome Bavarians and Brandenburghers, which he took into the Engliſh ſervice. It is reported, that ſome of the ſubaltern generals of the Allies had formed a deſign to ſeize on the city of Turin, of which they were already in poſſeſſion; and at the ſame time to ſecure the duke's perſon, in order to force him to break with France. Of this he was informed, but ſeemed little to mind or fear it; for, though he durſt not go to the camp at Montcallier, yet he paſſed and repaſſed daily by the Spaniſh and German guard, as he went out of Turin, and often viewed their incampment on the glacis of that city. After all, ſuch an enterprize might eaſily have been executed, but to go through with it would have been almoſt impoſſible, conſidering the weakneſs of the confederates, and the ſtrength of the French, who, by the help of the inhabitants and the duke's troops, would quickly have made themſelves maſters of all the places in Piedmont, and ſhamefully turned out the intruders. Accordingly, this project was diſdainfully rejected by the lord Galway, and the other generals in chief, who had more wiſdom than to violate the rights of ſovereignty in ſo unwarrantable a manner.

When the news of theſe proceedings reached Flanders, king William was incamped at Gemblours, where preſident de la Tour, the duke of Savoy's envoy, notified to him the ſeparate peace, which his maſter had made with the French king, and that the forces of the Allies were to depart his country within a limited time, or be forced to it by his troops aſſiſted by thoſe of France, but that it was in the power of the confederates to make a neutrality, which ſhould include all Italy, within the ſame time. The king, who was juſtly concerned, that the duke ſhould by letter have excuſed the matter to the emperor, king of Spain, and the electors of Bavaria and Brandenburgh, and not to himſelf, received count de la Tour's meſſage with great coldneſs, and with his uſual reſervedneſs turned the diſcourſe to other ſubjects.

The king of France, in conformity to the treaty, made a a ſolemn reſignation of all manner of pretenſions to Savoy, and the duke's territories, whilſt the troops of the Allies began to retire out of a country, where they were already looked upon as enemies; and to provide for the ſecurity of the Milaneſe, which the French forces, in conjunction with thoſe of Savoy, were to attack, in order to force the Spaniards to accept of the neutrality, that was offered them and the reſt of the confederates. The duke followed them cloſe, and, upon the expiration of the truce, entered the Milaneſe at the head of the French and his own troops, by virtue of his commiſſion of generaliſſimo from the French king; and four days after laid ſiege to Valentia. Thus, by an adventure not to be parallelled in hiſtory, the ſame general commanded two contending armies in one campaign. Nay, it is remarkable, that the duke, before the Allies departed his territories, gave the orders to them, and at the ſame time to the French, both parties acknowledging him for their chief; a ſtrain of policy unknown even to his anceſtors, though they ſhewed themſelves inconſtant enough between the houſes of France and Auſtria upon ſeveral occaſions.

The ſiege of Valentia was rather a political than a formal attack. For though the duke of Savoy, who had all honours paid him as generaliſſimo, was for making a vigorous attempt upon the place, becauſe it was agreed, that all the conqueſts made on the Spaniards ſhould remain in his poſſeſſion; yet, Catinat having private orders from the French king not to obey the duke any further than his intereſt ſeemed to require it, being unwilling to ſuffer a prince, who had been already ſo troubleſome a neighbour to France, to increaſe his power in Italy, he prolonged this ſiege as much as poſſible, in order to give the Allies time to come in and accept the neutrality, which was the chief thing, the French king had in view. Mean while the treaty was carrying on by the prince of Fundi for the emperor, the marquis de Leganez on the part of the Spaniards, the lord Galway for king William, and the marquis de St. Thomas for the duke of Savoy; and many conferences were held, before they could be brought to any concluſion. But though the Savoyards in good earneſt, and the French in appearance, were ſo eager to take Valentia; yet Catinat, for the reaſon beforementioned, having formed the attacks on the ſtrongeſt ſide, and the garriſon, which conſiſted of near ſeven thouſand men, Germans, Spaniards, and French proteſtants, making an obſtinate reſiſtance, the beſiegers, after thirteen days of open trenches, and the loſs of two thouſand men, had made no conſiderable progreſs; when unexpectedly the marqnis de Leganez's meſſenger brought the king of Spain's acceptance of the neutrality of Italy. In this the Spaniards made a haſty ſtep; for, had they ſtaid a little longer, the great and continual rains, which

which began to fall as ſoon as the treaty was ſigned, would certainly have obliged the French to raiſe the ſiege, and forced the duke of Savoy to give them winter-quarters in Savoy. By this treaty it was agreed, 'That there ſhould be a neutrality or ſuſpenſion of arms till a general peace. That the Imperial and French troops ſhould depart out of Italy, and return into their own countries. That in lieu of winter-quarters, which the princes of Italy were otherwiſe obliged to allow the Imperialiſts, they ſhould furniſh them with three hundred thouſand crowns, that is to ſay, one third before their retreat, and the remainder at a time prefixed, upon ſufficient ſecurity: And that, as ſoon as the Imperialiſts ſhould begin to march off with ſome part of their troops, the French proportionably ſhould do the like.' Thus by the intrigues and artful negociations of France was concluded the particular peace of Italy; which undoubtedly was a great ſtep towards a general one, through the advantage, which that court reaped from this neutrality; ſince by it they not only ſaved great ſums of money, but were at liberty to turn their united forces againſt the reſt of the confederates. Indeed an accident, which fell out not long before, ſeemed to embroil the princes of Chriſtendom in new conteſts; and that was the death of John Sobieſki, the third of that name, king of Poland, who died of an apoplectic fit, in the 70th year of his age. His deceaſe, as it uſually happens in elective kingdoms, was attended with much confuſion among his ſubjects, and great animoſities between the competitors for his crown.

Thus ended the war in Piedmont, after it had laſted ſix years. Pignerol was demoliſhed; but the French, by the treaty, might build another fort at Feneſtrella, which is in the middle of the hills, and ſo would not be ſo important as Pignerol was, though it might prove an uneaſy neighbour to the duke of Savoy. The duke's daughter was received in France as ducheſs of Burgundy, though not of the age of conſent: for ſhe was but ten years old.

This year proved alſo fatal to Mary Anne of Auſtria, queen-mother of Spain, who died of a cancer in her breaſt. Her death was as conſiderable a loſs to the confederates in general, as to the Spaniards in particular, conſidering her prevailing influence over the Spaniſh counſels, to make them take ſuch reſolutions, as were conformable to the intereſts of the common cauſe. She was daughter to the emperor Ferdinand III; was born in 1634, and married in 1649 to Philip IV, king of Spain.

Our affairs at ſea went well, with relation to trade. All our merchant fleets came ſafely home, and we made no conſiderable loſſes. On the contrary, we took many of the French privateers; which now gained little in a way of war, that, in ſome of the former years, had been very advantageous to them. Upon the breaking out of the conſpiracy, orders were ſent to ſir George Rooke at Cadiz, to bring home the ſquadron under his command. The Spaniards murmured at this; though it was reaſonable for the Engliſh to take care of themſelves, in the firſt place. Sir George's arrival, the latter end of April, diſſipated the fears that the Breſt and Toulon ſquadrons might join and intercept him. For the Toulon ſquadron had alſo orders to come about; and they got into Breſt and other harbours, before ſir George being joined by ſome other men of war from the Downs, was ready to meet them. He left the French coaſts, and, on the 23d of May, went into Torbay; from whence he ſet out for London, to aſſiſt at the Admiralty-board, having reſigned the command to the lord Berkley. About three weeks after, lord Berkley ſailed towards Uſhant, to inſult the coaſt of France. To that end, he commanded the Burford and Newcaſtle with a fire-ſhip to land on the iſland of Guoy, and at the ſame time ſome ſmall veſſels were ſent along the ſhore. The fleet anchored near Belle-Iſle; and the boats were immediately manned, and ordered to land upon Horeal, one of the iſlands called the Cardinals; which they did, and burnt the town. They had the like ſucceſs on Hodicke, another of thoſe iſlands. Three Engliſh and two Dutch men of war, with the long-boats, and other ſhips, and ſeven-hundred ſoldiers and mariners, were ſent to join the men at Guoy, who, with their aſſiſtance, deſtroyed twenty villages, took as many ſmall veſſels, and killed and carried off one thouſand ſix hundred horſes and black cattle. Mean while ſir Martin Beckman, with the bomb-veſſels, and ten men of war, under the command of captain Mees, arrived before St. Martin's, a trading town on the iſle of Rhee. About two thouſand bombs and carcaſes were fired with ſuch ſucceſs, that the greateſt part of the town was burnt, or miſerably ſhattered. The French, recovering their ſurprize, brought cannon and mortars to the ſhore, and fired upon the Engliſh, who contenting themſelves with the miſchief they had done, ſailed away towards Olonne; where they had but little ſucceſs, through a miſtake in the ſituation of the place. Theſe loſſes, though not conſiderable in themſelves, put the French affairs into great diſtraction; and the charge which they were at, in defending their coaſt, was much greater than ours in attacking it, But it is very probable, that much greater advantages might have been made, if the fleet had not been ſo divided, that faction appeared in every order, and in every motion. Nor did the king ſtudy to remedy this, but rather kept it up, and ſeemed to think that this was the way to pleaſe both parties; though he found, afterwards, that, by all his management with the tories, he diſguſted thoſe who were affectionate and zealous to him; and that the tories had too deep an alienation from him, to be overcome with good uſage. Their ſubmiſſion, however, to him gained their end, which was to provoke the whigs to be froward and uneaſy.

The French thought the miſchief done upon their coaſt to be, in ſome meaſure, repaired by the famous Du Bart, who, with eight men of war, and four privateers, fell in with a great fleet of Dutch merchant ſhips, homeward bound from the Sound, under convoy of ſix or ſeven frigates; and having taken the frigates, and burnt four of them, deſtroyed about thirty merchantmen, and took ſeveral of the reſt. This was the ſtate of affairs at home and abroad this ſummer.

The 8th of September, the parliament of Scotland met at Edinburgh; and the lord Murray, ſecretary of ſtate, and lately created earl of Tullibardine, was appointed the king's commiſſioner. Scotland was now falling under great miſery, by reaſon of two ſucceſſive bad harveſts, which exhauſted that nation, and drove away many of their people; the greateſt number went over to Ireland. The parliament was very thin, to whom the commiſſioner made a ſpeech on the occaſion of their meeting; as did likewiſe the lord Polwarth, chancellor of Scotland. Two days after the king's letter was read, and then all the members ſigned an aſſociation, the ſame in ſubſtance with that in England. They reſolved to give the king a ſupply of 1,440,000l. Scots, to be raiſed by a land-ceſs, and an additional exciſe, for maintaining the ſtanding forces both by ſea and land. And, conſidering the danger this kingdom was in by the late conſpiracy, they ordered an act to be brought in, for ſecuring their religion, lives, and properties, in caſe his majeſty ſhould come to an untimely death; and another for obliging all in public truſt to ſign the aſſociation. Theſe acts being paſſed, which were great checks upon the enemies of the government, the parliament, on the 12th of October, was adjourned to the 8th of December.

On the 30th of May, the lord Capel, lord deputy of Ireland, dying after a long ſickneſs, the council, in purſuance of an act made in the 33d year of king Henry VIII, elected the lord chancellor Porter to be lord juſtice, and chief governor of that kingdom, till the king's pleaſure was known. The Iriſh parliament met at Dublin, the 27th of June, according to their laſt adjournment. In the lords houſe the king's commiſſion was read, appointing the lord chief juſtice Haly to be their ſpeaker; and the commons, at the ſame time, having expelled Mr. Sanderſon, the only member of the houſe, who had not ſigned the aſſociation, adjourned to the 4th of Auguſt; upon which day ſir Charles Porter, lord chancellor, and the earls of Montrath and Drogheda, now appointed lords juſtices and general governors of Ireland, ſignified the king's pleaſure to the parliament, that they ſhould farther adjourn themſelves.

On the 8th of December, ſir Charles Porter was ſeized with a fit of an apoplexy, and died immediately.

The king, being weary of a campaign, that afforded him no opportunity for action, left the army towards the latter end of Auguſt under the command of the elector of Bavaria, and went to his uſual diverſion of ſtag-hunting about his palaces of Dieren and Loo. On the 14th of September he ſet out from Loo, accompanied by the duke of Zell (a prince, whom he ever reſpected as a father, and loved as a brother) and the next day went to Cleves, where he was magnificently entertained by the court of Brandenburg, who were come thither on purpoſe to receive his viſit. Having ſpent two days at this agreeable place, the king and the duke of Zell went back to Loo, where three days after he was followed by the elector of Brandenburgh, in return of his viſit at that court. Having ſtaid three weeks longer at this place, the king went to the Hague, and embatked on board the William

and

and Mary yatcht, attended by a ſquadron of men of war under the command of vice-admiral Aylmer. Two days after he landed at Margate, and arrived the ſame evening at Kenſington.

The parliament after ſeveral prorogations, being met at Weſtminſter on the 20th of October, the king made the following ſpeech to both houſes.

"My lords and gentlemen,

"I Have called you together as ſoon as was poſſible; and I think it a great happineſs that this year has paſſed without any diſadvantage abroad or diſorder at home, conſidering our great diſappointment in the funds given at your laſt meeting, and the difficulties, which have ariſen upon the recoining of the money.

"This is ſo convincing a proof of the good diſpoſition of my army, and of the ſteady affections of my people, that I cannot but take notice of it with great ſatisfaction. Our enemies have not been without hopes, that ſuch a conjuncture might have proved fatal to us. But, as they have failed in thoſe expectations, ſo I am fully perſuaded, that your unanimous proceedings in this ſeſſion will make them for ever deſpair of an advantage from any diſagreement among ourſelves.

"It muſt be confeſſed, that the buſineſs, which you have before you, will be very great, becauſe of the neceſſity of ſupplying former deficiencies, as well as making proviſions for the next year's ſervice.

"And, upon this occaſion, it is fit for me to acquaint you, that ſome overtures have been made in order to the entering upon a negotiation for a general peace. But I am ſure we ſhall agree in opinion, that the only way of treating with France is with our ſwords in our hands; and that we can have no reaſon to expect a ſafe and honourable peace, but by ſhewing ourſelves prepared to make a vigorous and effectual war. In order to which, I do very earneſtly recommend to you, gentlemen of the houſe of commons, that you would conſider of raiſing the neceſſary ſupplies, as well for maintaining the honour of parliaments in making good the funds already granted, as for carrying on the war the next year; which I think ought not to be leſs than what was intended to be raiſed for that purpoſe the laſt ſeſſion.

"I muſt alſo put you in mind of the civil liſt, which cannot be ſupported without your help; and the miſerable condition of the French proteſtants does oblige me to mention them to you again.

"My lords and gentlemen,

"It may deſerve your conſideration, whether there do not ſtill remain ſome inconveniencies relating to the coin, which ought to be remedied. And I hope you will find out the beſt expedients for the recovery of credit, which is abſolutely neceſſary, not only with reſpect to the war, but for carrying on of trade.

"I am of opinion, that there is not one good Engliſhman, who is not entirely convinced, how much does depend upon this ſeſſion; and therefore I cannot but hope for your unanimity and diſpatch in your reſolutions, which at this time are more neceſſary than ever for the ſafety and honour of England."

Whoever was conſulted in forming and drawing up king William's ſpeeches, the wiſdom and ſpirit of them are his own; and there are in them a temper and complacency, which cannot but affect all that heard or read them, let the neceſſity of his affairs oblige him ever ſo often to call upon his parliament for ſupplies, towards carrying on a war in which he engaged by their advice. The difference between this government and that of the princes who reigned immediarely before him, may be conceived in part even by their ſpeeches. The little deference thoſe princes ſhewed to parliaments, on almoſt all occaſions, was a proof of their diſpoſition to get rid of them, and rule without them. whenever it was in their power; as the complacency and temper in king William's ſpeeches were proofs that he looked upon himſelf as the father of his people, who could not well avoid making him ſuitable returns of duty and affection. Accordingly the houſe of commons unanimouſly voted, 'That they would ſupport his majeſty and government againſt all his enemies both at home and abroad; and that they would effectually aſſiſt him in the proſecution of the preſent war againſt France, and that an humble addreſs ſhould be prepared to be preſented to his majeſty purſuant to the ſaid reſolution.' This addreſs, being drawn up by Mr. Mountague, chancellor of the exchequer, was preſented to the king by the whole houſe, on the 23d of October, and was as follows:

"May it pleaſe your moſt excellent Majeſty,

"THIS is the eighth year, in which your majeſty's moſt dutiful and loyal ſubjects, the commons in parliament aſſembled, have aſſiſted your majeſty with large ſupplies for carrying on a juſt and neceſſary war, in defence of our religion, preſervation of our laws, and vindication of the rights and liberties of the people of England, which we have hitherto preſerved, and by the bleſſing of God, upon your majeſty's conduct and good government, will ſtedfaſtly maintain and entail upon our poſterity.

"This hath coſt the nation much blood and treaſure, but the hopes of accompliſhing ſo great and glorious a work have made your ſubjects chearfully ſupport the charge. And to ſhew your majeſty and all Chriſtendom, that the commons of England will not be amuſed or diverted from their firm reſolutions of obtaining by war a ſafe and honourable peace, we do, in the name of all thoſe we repreſent, renew our aſſurances to your majeſty, that this houſe will ſupport your majeſty and your government againſt all your enemies both at home and abroad; and that they will effectually aſſiſt you in the proſecution and carrying on the preſent war againſt France."

To this the king returned the following anſwer:

"Gentlemen,

"The continuance of your zeal and affection is the thing in the world I value moſt; and I will anſwer it by all the ways I can think of, and will make your good, and the ſafety of the nation, the principal care of my life."

Theſe aſſurances of affection on the one ſide, of loyalty on the other, and of mutual confidence in both, being given, the commons entered upon the three great affairs, recommended to them from the throne; namely, the further remedying the ill ſtate of the coin; the providing a ſupply for the next year's ſervice; and the reſtoring of public credit; all which had a near dependence upon each other, and made the difficulties more intricate.

As to the coin, the commons reſolved, that they would not alter the ſtandard of gold or ſilver in fineneſs, weight, or denomination; and becauſe the circulation of guineas had been obſtructed of late, by reaſon of the want of other coin, and the act made the laſt ſeſſion to take off the obligation of coining gold, a bill was paſſed, which received the royal aſſent, for leave to import guineas, and coin gold, at the Mint. While guineas, for want of ſilver money, were current at thirty ſhillings, the Dutch and other foreigners imported as many as they could find into England, and laid them out in the moſt merchantable wares; by this means they made a gain of their guineas, of as much as the then currency of them was above their real value, which was ſo much loſs to the Engliſh, and, to prevent this inconvenience, the bill againſt importing guineas was paſt. But, now that the value of guineas was reduced to little more than the real value, that reaſon againſt bringing them in ceaſed. Two other acts were alſo paſſed; one for the further remedying the ill ſtate of the coin, and the other, for encouraging the bringing wrought plate into the Mint to be coined. By theſe acts, the hammered money and plate were to be received at five ſhillings and four-pence an ounce.

As to the ſupply, the commons having conſidered the ſtate of the war for the year 1697, both in relation to the navy and land-forces, which at their deſire, had been laid before them, they granted the ſum of two millions, three hundred and ſeventy-two thouſand, one hundred and ninety-ſeven pounds, for the maintenance of forty thouſand ſeamen, and of two marine regiments, and for the ordnary of the navy, and the charge of the regiſtry of ſeamen; and the ſum of two millions, five hundred and ſeven thouſand eight hundred and eighty-two pounds, for the maintaining eighty-ſeven thouſand, four hundred and forty men, to be employed in England and beyond the ſeas: and for the extraordinary ſervice of the officers of ordnance, the pay of the general officers, and the charge of the tranſports, hoſpitals, and other contingencies of the war. Beſides which, they voted the ſum of one hundred and twenty-five thouſand pounds for making good the deficiency in recoining the hammered money,

ney, and the recompence to be given for bringing plate into the Mint[w].

To raiſe the ſums granted for the proſecution of the war, the commons had recourſe to the moſt equal of all impoſitions, a general poll-tax, laying a duty upon all perſons according to the true value of their real and perſonal eſtates, profeſſions, employments, &c. So that none were exempt from the tax, but ſuch as received alms; and at the ſame time they laid three ſhillings in the pound upon land[x].

But the great difficulty was to find a way to reſtore public credit. All tallies and funds ſettled by parliament, eſpecially ſuch as were remote, were exchanged for ready money at a very great loſs, and the government was obliged to make exceſſive diſcounts and allowances to bring treaſure into the exchequer. This great loſs of credit, which was like to have proved fatal to our affairs abroad the laſt ſummer, aroſe chiefly from two cauſes: The deficiencies of all the parliamentary funds (particularly the unhappy project of the land-bank, which totally failed, and did not produce one penny of above two millions and an half, with which it was charged) and the recoining of the ſilver. It is eaſy to imagine what ſtreights the nation was in, when the notes of the bank of England, which had been a great help to the public, were diſcounted at twenty, and tallies at forty, fifty, or ſixty per cent. The government had contracted a great debt; and theſe arrears were put upon the funds of the revenue, which had been granted, but for five years, and that term was now expiring. Great numbers of tallies were on funds very remote, and many had no funds at all. Hereby the truſt and good opinion of the people were ſo far loſt, that thoſe few, who had any money to lend, ſhewed the greateſt backwardneſs imaginable to bring it into the exchequer, when they could employ it in ſtock-jobbing to ſo great advantage upon the Royal Exchange; and therefore all loans to the government were procured on exorbitant premiums.

All men were amazed, and wondered what meaſures the parliament would take, in ſuch perplexing difficulties, hardly believing it poſſible to find out any expedient, that could be effectual to repair ſo great a miſchief. The enemies of the government had now the ſatisfaction of ſeeing it ſufficiently diſtreſſed, ſince our affairs could not be more embarraſſed than they were at this juncture. And, as the wiſeſt men without doors were at a loſs how to cure this evil, ſo the malecontents concluded, that it never would be cured, and therefore conſidered the government as deſperate, and triumphed in the expectation of a ſudden revolution. But this parliament, which was principally animated by the wiſdom, ſagacity, and eloquence of Mr. Mountague, chancellor of the exchequer, being fully convinced, that the reſtoration of public credit was a point of the utmoſt importance, inſtead of being diſcouraged by the difficulty of effecting it, were rather excited to undertake the work with greater zeal and application. They were made ſenſible, that one great ſpring of this miſchief, was the deficiencies of ſeveral aids and duties, which neither had been nor ever would be ſufficient to anſwer the principal and intereſt charged upon them, and that theſe dificiencies, and the remoteneſs of the courſe of payments, were the true reaſons, why the owners of ſuch tallies were frequently neceſſitated, for the procuring of ready money to diſpoſe of them at a great loſs; by which means the public credit was extremely weakened, commerce interrupted, and other public and private affairs exceedingly perplexed. The commons therefore came to a reſolution, 'That a ſupply be granted to make good the deficiencies of parliamentary funds;' and afterwards ordered an eſtimate to be laid before them of what ſums were wanting to ſatisfy and diſcharge all the principal and intereſt due on the ſeveral funds, and, the computation being made, the whole amounted to five millions one hundred and ſixty thouſand four hundred pounds. In order to diſcharge this immenſe arrear, the commons continued divers duties ariſing not only by the cuſtoms, but by continued and additional impoſitions; paper and parchments, births and marriages; windows; the ſubſidies of tonnage and poundage, after the day on which they would otherwiſe have expired, to the 1ſt day of Auguſt 1706; and appointed all the monies, which ſhould ariſe, and be brought into the exchequer from any of theſe taxes or duties thus continued, to be the general fund for making good all the deficient ones, by the ſatisfaction and payment of the principal and intereſt due thereupon. And that all occaſion of complaint might be removed, and equal proviſion made for all, the parliament directed, that all monies ariſing from the duties, appropriated for the general fund, ſhould be diſtributed and applied to pay principal and intereſt upon every one of the deficient funds, in proportion to the ſum, of which they were deficient; and that all the money, which ſhould be in ſuch a due proportion diſtributed, ſhould be paid out to all, who were intitled to receive the ſame, in ſuch courſe and order, as if the ſame were monies really ariſing by the reſpective deficient funds, and that without being diverted, miſapplied, or poſtponed. Beſides, to remove all doubts about the ſecurity intended to be given, in caſe, on the 1ſt of Auguſt 1706, or within three months then next enſuing, the whole produce of the ſeveral funds and revenues appropriated for a general fund, together with other grants then in being, ſhould not be ſufficient to diſcharge the ſum of 5,160,400l. intended to be diſcharged, that then what was deficient, ſhould be made good out of ſuch aids or revenues, as ſhould be granted in the next ſeſſion of parliament. Thus in one ſeſſion the parliament not only raiſed a ſupply of above five millions, for the ſervice of the next year, but alſo provided a ſufficient ſecurity for a debt of five millions more. Nor was this all, for the parliament likewiſe took into conſideration, by what means they might ſupport the credit of the bank of England, which was now ready to ſink.

To this end, it was agreed to engraft upon the capital ſtock of the bank 800,000l. more by new ſubſcriptions, at eight per cent. intereſt, to be paid by tallies and bank notes. Accordingly, a million was ſubſcribed and paid in that manner[y]. This expedient came from Mr. Mountague; and though many perſons, who were intereſted in it, could not preſently apprehend the reaſonableneſs of it, yet the advantages, which they afterwards received, fully convinced them, that no other way could have been found to reſtore their loſt credit. For, the value of two hundred thouſand pounds in bank notes being ſunk by the new ſubſcriptions, the reſt, as it was reaſonable to believe they would, began preſently to riſe in worth; and ſo likewiſe did the tallies, after ſo many as amounted to eight hundred thouſand pounds were paid in to enlarge the bank. Upon this the credit of the bank recovered immediately, till in a few weeks their notes, which bore no intereſt, were equal with money, and their bills, that bore intereſt, better than money. And by this means the face of affairs was quickly much changed for the better; credit began to revive, and money to circulate on moderate terms; foreign exchange was leſs to our diſadvantage, and ſoon after to an equality; and whatever hardſhips the people had undergone by reaſon of the war, and the recoining the ſilver money, which could not but occaſion many complaints; yet the greateſt part attributed this to the neceſſity of affairs, and began to hope, both from the proſpect of a peace, and the wiſdom of thoſe at the helm, that they ſhould enjoy more favourable times.

Another evil of no leſs difficulty or importance than the

[w] For raiſing this ſum, a duty of ſixpence per ounce was laid upon all plate, that ſhould not be brought in; and a duty of twenty per cent. upon all paper, paſteboard, vellum, and parchment imported, and 17l. 10s. upon the ſame goods made in this kingdom, or in ſtock, for the term of two years.

[x] A duty of 15s. per cent. was alſo laid upon leather for three years. The old ſubſidy of tonnage and poundage was alſo doubled (dyeing wares excepted) for two years and three quarters, and an additional aid of one ſhilling in the pound upon land.

[y] The proportion was four fifths of the ſubſcriptions in tallies, and one fifth in bank notes, and an intereſt of eight per cent. was allowed, as well for ſuch tallies, that ſhould be brought in to enlarge their ſtock by new ſubſcriptions, as for thoſe tallies, which the company was then poſſeſſed of, provided they did not exceed the value of thoſe bank notes, which ſhould be paid in upon this engraftment on their ſtocks; and, for ſecuring the payment of this intereſt of eight per cent. the additional duty on ſalt was afterwards granted and appropriatad. The time of the continuance of the bank of England they thought fit to extend to the year 1710, and reſolved likewiſe, 'That, before the day were fixed for the beginning the new ſubſcriptions, the old ſtock be made one hundred per cent; and that what ſhould exceed that value, ſhould be divided among the old members. That all the intereſt due on thoſe tallies, which ſhould be ſubſcribed into the bank ſtock, at the time appointed for ſubſcription, to the end of the laſt preceding quarter on each tally, be allowed as principal. That liberty be given by parliament to enlarge the number of bank bills, to the value of the ſum, which ſhould be ſo ſubſcribed, over and above the 1,200,000l. provided they be obliged to anſwer ſuch bills at demand; and, in default thereof, to be anſwered by the exechequer out of the firſt money due to them. That no other bank be erected, permitted, or allowed by act of parliament within this kingdom, during the continuance of the bank of England. That, on ſuch new ſettlement, the bank of England be exempted from all manner of parliamentary taxes. That no act of the corporation ſhould forfeit the particular intereſts of any perſon concerned therein. That proviſion be made for the effectual preventing the officers of the exchequer, and all other officers and receivers of the revenue, by diverting, delaying, or obſtructing the courſe of payments to the bank. That care be taken to prevent the altering, counterfeiting, or forging any bank bills or notes; as likewiſe againſt the defacing, raiſing, or altering any indorſement upon any ſuch bill or note. That the eſtate and intereſt of each member in the ſtock of the corporation be made a perſonal eſtate. And, laſtly, that no contract or agreement, made for any bank ſtock to be bought or ſold, be valid in law or equity, unleſs the ſaid contract be actually regiſtered in the books of the bank within ſeven days, and actually transferred within fourteen days next after the making ſuch contract.'

loſs of credit, and which was one of the cauſes of that loſs, remained ſtill to be removed, the great ſcarcity of money. The parliament, to prevent diſappointments by ſettling funds, which might be deficient, came to a reſolution, 'That the ſupplies for the ſervice of the year 1697 ſhould be raiſed within the year.' But how could above five millions be raiſed within the year, while the ſilver money was called in and recoining; and there was not current coin enough in the nation to anſwer the occaſions of trade, and ſcarcely the conveniencies and neceſſities of life? This vote of parliament ſeeming impracticable, the enemies of the government made themſelves merry with it; and many, even of the king's beſt friends, imagined, that the parliament by this rather expreſſed their zeal and willingneſs, than their ability to ſupport the ſtate, and maintain the preſent ſettlement. But the parliament made money without bullion, and diſtributed great quantity of coin without the help of the Mint. This was done, by authorizing the lords of the treaſury to iſſue out bills from the exchequer at ſeveral times, to the value of above two millions; which bills were firſt appointed to be brought in and ſunk upon the poll-tax. But, before the ſeſſion ended, the parliament being convinced by the firſt collection of that duty, that it would prove very deficient, they appointed the exchequer bills to be brought in on any other of the king's revenues, excepting the land-tax; and allowed an intereſt of ſeven pounds twelve ſhillings a year upon the ſecond iſſuing the bills of the exchequer; whereas at firſt they bore no intereſt. By this the parliament laid a good foundation for paper-money to ſupply the place of our ſilver coin; for ſo many payments were at this time to be made into the exchequer, that, when the people had aſſurance given them, that the exchequer notes ſhould be received back again in the payment of the king's taxes, they were very well ſatisfied to take them, at firſt indeed at a ſmall diſcount, but not long after at an equality. A great number of theſe notes were only for five or ten pounds, which anſwered the neceſſities of commerce among the meaner people, for the common conveniencies of life; and that thoſe, who had advanced money in loans on any part of the king's revenue, might not be obliged to receive it back in notes, that were under the value of money, to ſtrengthen the reputation of theſe bills, the parliament authorized the lords of the treaſury to contract with any corporation or numbers of private men, and to allow them a competent premium, provided they obliged themſelves to exchange thoſe notes for ready money, when tendered to them for that purpoſe: which the lords of the treaſury did accordingly. The credit of the exchequer notes being thus ſecured, they daily roſe nearer to par, till at laſt the exceeded the value of money; and whereas the truſtees, with whom the government had contracted to exchange them, were at firſt allowed ten per cent. as a premium, they were afterwards contented to do it for four. Theſe bills, which the people were ſatisfied to receive, becauſe they knew the exchequer would receive them again as ſo much ready money, ſo well ſupplied the want of money till new coin was iſſued from the Mint, that trade and commerce were maintained, and mutual payments made ſo as anſwer the neceſſities of the government and the people. This project was likewiſe owing to Mr. Mountague, as well as that of recoining the money, which thoſe very men, who envied moſt his ſucceſs in the houſe of commons, and growing power at court, were afterwards contented to call a 'fortunate temerity.'

Whilſt the commons were employed in ſettling the funds for the ſupplies and arrears, they received a meſſage from the king, importing, 'That, his majeſty finding himſelf under great difficulties for want of money to ſupply the occaſions of the civil liſt, he had thought it neceſſary to remind the houſe of that part of his ſpeech, which related to that head, deſiring, that ſpeedy care might be taken to make effectual proviſion for it.' Upon this it was reſolved, that a ſupply of 515,000l. be granted for the ſupport of the civil liſt; to be raiſed by a duty of ſix-pence per buſhel upon malt for three years and a quarter [z].

The great buſineſs of this ſeſſion, which held longeſt in both houſes, was a bill relating to ſir John Fenwick, who had been concerned in the late aſſaſſination and invaſion plot. This affair was of ſuch a nature, that it deſerves to be related in a particular manner. Fenwick, endeavouring to fly over into France under the borrowed name of Thomas Ward, was ſeized at New Romney in Kent with Robert Webber, an attorney, and from thence brought up to London, and, on the 11th of June 1696, committed priſoner to the Tower, and afterwards to Newgate. As ſoon as he was apprehended, he wrote the following letter, with a black-lead pencil, to his lady, but directed to Mrs. Farrar, her woman, at the lady Carliſle's.

"What I feared is at laſt happened. Had I come alone, I had done it; but the other was betrayed from London. It is God's will; ſo we muſt ſubmit. I know nothing can ſave my life, but my lord Carliſle's going over to him (king William) backed by the reſt of the family of the Howards to beg it; and offering, that I will live abroad all his time, where I cannot hurt him; and that I will never draw ſword againſt him. I muſt leave it to you what elſe to ſay. All friends muſt be made; my lord Devonſhire may perhaps by my lady; my lord Godolphin and my lord Pembroke by my lady Montgomery; Mr. Nelſon by the archbiſhop of Canterbury; my lord Arran might engage his brother Selkirk to uſe his intereſt with Keppel. I believe, if my lord Carliſle would go, it were beſt, before my trial; or elſe they will cut me ſhort for want of time. If he can prevail with him for a pardon, he will procure it as well before my trial as after; at leaſt, he may prevail for a reprieve till ſome can come over to him. My lord alſo will have an opportunity to engage Bentinck, (the earl of Portland) and get my lord of Eſſex to join with him. I cannot think what elſe to ſay, but the great care muſt be the jury. If two or three could be got, that would ſtarve the reſt, that or nothing can ſave me. Money, I know, would do it; but alas! that is not to be had, nor ſhall I get enough for counſel. I beg of you not to think of being ſhut up with me: I know it will kill you; and beſides, I have no ſuch friend as you to take care of my buſineſs, though it would be the comfort of my life, the little time it laſts, to have you with me. And I have this only comfort now left, that my death will make you eaſy. My deareſt life, grieve not for me, but reſign me to God's will. You will hear, as ſoon as they bring me to town, where they put me, and then I would have a ſervant or ſomebody with me. I am interrupted, ſo I can ſay no more now. Engage ſir John Lowther, the new lord, who has more intereſt than any body. Let my lord Scarſdale engage Jermaine, to engage Overkirk for me. Speak to my lord Arlington. If my trial could be put off till the king comes back, there would be more opportunity to ſollicit him.' [a] This letter, being delivered to Mr. Webber, the companion of ſir John Fenwick's flight, was intercepted by the mayor of Romney, and brought to the lord juſtices. Sir John, who was ignorant of the miſcarriage, at the firſt examination before their excellencies, denied every thing, which he was charged with. But, the lord juſtices producing this letter, and telling him, 'he was not of the ſame mind, when he wrote it,' ſir John was confounded, and made no reply, being utterly ſilenced by ſuch a confeſſion of his guilt, atteſted under his own hand.

Fenwick's deſign of getting a jury, or making friends to the king for a pardon, being found impracticable, there was another expedient ſuggeſted by the earl of Peterborough, who, though he had been a great inſtrument in the revolution, yet, to gratify his private reſentment, adviſed ſir John to ſet up a counter-plot, by impeaching ſeveral of the king's beſt friends, as guilty of conſpiring againſt him. Accordingly ſir John, in his private treaty with the duke of Devonſhire, deſired an aſſurance of life, upon his promiſe to tell all he knew. But the king refuſed that, and would have it left to himſelf to judge of the truth and the importance of the diſcoveries, which he ſhould make. So, reſolving to caſt himſelf upon the king's mercy, he ſent him a paper, in which, after a bare account of the conſultations among the jacobites (in which he took care to charge none of his own party) he ſaid, that king James and thoſe, who were employed by him, had aſſured him, that the duke of Shrewſbury, the earl of Marlborough, the lord Godolphin, and admiral Ruſſel were reconciled to him, and were now in his intereſts, and acting for him: That the earl of Bath was to betray Ply-

[z] Becauſe the impoſitions already laid did not fully anſwer the ſums voted, the commons reſolved, that towards the ſupply granted for carrying on the war, and for the ſupport of the civil liſt, over and above the duties already payable, a further duty be laid upon all cyder, perry, liquors called ſweets, mum, wine, and upon all goods made of or mixed with wool, ſilk, or hair. And that, for making good the deficiency of the proviſion for payment of the intereſt of the tranſport-debt for the reducing of Ireland, a duty of four pounds per annum be laid upon all hawkers and pedlars for one year; and that every hawker and pedlar, travelling with an horſe, aſs, or mule, ſhould pay four pounds more per annum, for each horſe, aſs, or mule he ſhould ſo travel with.

[a] In this letter ſir John Fenwick pretends to have a very great affection and tenderneſs for his lady, aunt to the earl of Carliſle, mentioned in this letter; but it may well be ſuſpected, that his diſtreſs, and the need of her relations aſſiſtance to get him out of it, if poſſible, had that effect on his paſſion, which was diverted not long before by an amour with Mrs. Laſſels an actreſs, who appeared in mourning, as if ſhe had been his relict after his death.

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mouth into the hands of the French king, and that commiſſary Crawford had ſent over to France a liſt of the forces in England. This was a diſcovery, that could ſignify nothing but to give the king a jealouſy of thoſe perſons; for he did not offer the leaſt ſhadow of circumſtance, either of proof or of preſumption, to ſupport this accuſation. The king not being ſatisfied with this, ſent an order for bringing him to a trial, unleſs he made fuller diſcoveries. He deſired to be further examined by the lords juſtices, to whom he, being upon oath, told ſome more particulars; but he took care to name none of his own ſide except thoſe againſt whom evidence was already brought, or who were ſafe and beyond ſea. Some few others he named, who were in matters of leſs conſequence, that did not amount to high-treaſon. He owned a thread of negotiations, which had paſſed between them and king James, or the court of France. He ſaid, that the earl of Ayleſbury had gone over to France, and had been admitted to a private audience of the French king, in which he had propoſed the ſending over an army of thirty-thouſand men, and had undertaken, that a great body of gentlemen and horſes ſhould be brought to join them. It appeared by his diſcoveries, that the Jacobites in England were much divided; ſome of whom were called 'Compounders,' and others 'Non-compounders.' The compounders deſired ſecurities from king James for the preſervation of the religion and liberties of England; whereas the others were for truſting him upon diſcretion, without aſking any terms, putting all in his power, and relying entirely on his honour and generoſity. Theſe ſeemed indeed to act more ſuitably to the great principle, upon which they all inſiſted, that kings have their power from God, and are accountable only to him for the exerciſe of it. Dr. Lloyd, the deprived biſhop of Norwich, was the only eminent clergyman, who went into this ſcheme; and therefore all that party had, upon Sancroft's death, recommended him to king James to have his nomination for Canterbury. Fenwick put all this in writing, upon aſſurance, that he ſhould not be forced to witneſs any part of it. When that was ſent to the king, all appearing to be ſo trifling, and no other proof being offered for any part of it, except his own word, which he had ſtipulated ſhould not be made uſe of, ſent an order to bring him to his trial. But, as the king was ſlow in ſending this order, ſo the duke of Devonſhire, who had been in the ſecret management of the matter, was for ſome time in the country. The lords juſtices delayed the matter till he came to town; and then the king's coming was ſo near, that it was reſpited till he arrived. By theſe delays ſir John gained his main deſign, which was to practiſe upon the witneſſes. His lady began with captain Porter, who was offered, that, if he would go beyond ſea, he ſhould have three hundred guineas in hand, more to be remitted to him upon his firſt landing in France, with an aſſurance of king James's pardon, and likewiſe an annuity of three hundred pounds a year, of which Fenwick was to pay one hundred. Captain Porter hearkened ſo far to the propoſition, that he drew thoſe, who were in treaty with him, together with the lady herſelf, who carried the ſum, which he was to receive, to a meeting, where he had provided witneſſes, who ſhould overhear all that paſſed, and ſhould, upon a ſignal, come in and ſeize them with the money; which was done and a proſecution upon it was ordered. The practice was fully proved, and the perſons concerned in it were cenſured and puniſhed. So captain Porter was no more to be dealt with. Mr. Cardell Goodman, who had been an actor, was the other witneſs. Firſt, they gathered matter to defame him, in which his courſe of life furniſhed them very copiouſly. But they truſted not to this method, and betook themſelves to another, in which they prevailed more effectually. They perſuaded him to go out of England; and by this means, when the laſt orders were given for Fenwick's trial, there were not two witneſſes againſt him: ſo that by the courſe of law he muſt have been acquitted. The whole was upon this kept entire for the ſeſſion of parliament. Admiral Ruſſel therefore, on the 6th of November, acquainted the houſe of commons, that his majeſty had given leave to lay before them the ſeveral papers, which had been given in by ſir John Fenwick, in the nature of informations againſt himſelf and ſeveral other perſons of quality; and he deſired, that thoſe papers might be read, that ſo he might have an opportunity to juſtify himſelf; or, if he did not, that he might fall under the cenſure of the houſe.

The papers being read, Fenwick was immediately ordered to be brought before the houſe; and, being interrogated by the ſpeaker concerning his inclinations to diſcover the deſigns and practices of the enemies of the government, he anſwered, that he did not know but what he ſhould ſay might hurt himſelf; and therefore deſired, that he might have ſome ſecurity, that his confeſſion ſhould not riſe up againſt him in a court of judicature; adding, that he would not offend either the king or the houſe. The ſpeaker ordered him to withdraw; after which the houſe debated, whether they ſhould acquaint him with their having his papers of informations. But they did not think fit to do it, becauſe they thought theſe papers were a contrivance, and made by others for him; that the beſt way, to get the truth out of him, would be for him to tell his own ſtory; and that, if the houſe ſhould let him know they had thoſe papers, he would only refer to thoſe papers, as he had lately done, when he was examined by the king and council. It was alſo debated, whether there ſhould be any threatening words uſed to him; but they thought that not proper, ſince his confeſſion ought to be free and natural. It was alſo mentioned, whether they ſhould take notice of his majeſty's conſent. But that was not thought fit neither, as being derogatory to the privileges of the houſe. Sir John being called in again, the ſpeaker acquainted him, that, the houſe having conſidered his excuſing his making a diſcovery, they thought he had no reaſon to apprehend, that the king ſhould be angry with him for making any diſcovery to the houſe; this being the proper place to enquire of all things, that relate to the king and government, eſpecially his majeſty's ſafety. That as to what he ſtood upon, that he ſhould not be prejudiced by what he ſhould diſcover there, they took notice he had already, notwithſtanding what he ſaid, diſcovered it to the king and council: That he had no reaſon at all to apprehend, that he ſhould ſuffer any thing, if he made a full and clear diſcovery: That no man, who dealt candidly with this houſe, ever did: That it was in his power to deſerve the favour of the houſe: That it was required by the houſe, that he ſhould make a diſcovery; and that this was the laſt time he was like to be aſked to do it. Sir John inſiſted upon his former excuſes, namely, his fear of the king's diſpleaſure, and of accuſing himſelf; which being once more over-ruled, he then demanded time to recollect himſelf, urging the cloſe reſtraint, which he had been under in priſon, and the badneſs of his memory. To this the ſpeaker made anſwer, that the houſe thought it a matter of great moment to the king and whole nation, that thoſe, who were their enemies, ſhould be diſcovered as ſoon as poſſible; and, this being within his knowledge, the houſe did not think it fit to give him time; but that, if they found by his diſcovery, that he dealt candidly with them, and had told them as much as he knew upon his memory, they would conſider of his requeſt of giving him time for the reſt. Then ſir John addreſſed himſelf in theſe words to the houſe: 'When I firſt ſpoke to the privy councillor, I propoſed to him, whether I might have a pardon without being an evidence againſt any man; and in that caſe, I would ſerve the king ſo as to tell him all I knew. It was upon honour, that I did it to him, and he took the words in writing from me, and ſent them to the king in Flanders. The king's anſwer was, that he made no objection as to my being an evidence, nor his giving me a pardon; but that I could expect no pardon till he knew what I could ſay. Upon that I was encouraged to do what I did for his majeſty's ſervice; and I have found in all my buſineſs ſince, whatever I do or ſay, the anſwer is, "It is not ſatisfactory," and I am where I was. When this was done, there was a meſſage ſent to me from the lords juſtices, that this was not ſatisfactory, and I muſt tell all I know. Now, when a man hath told all he knows, and this muſt be ſtill the anſwer, it is very hard. The king's anſwer was, that I ſhould more fully make good what I had ſaid. I did afterwards explain what I informed that honourable perſon, and ſtill it was not ſatisfactory. I hope I ſhall not find this from this honourable houſe. I am upon my life, and I hope this houſe will conſider of it. I know this houſe is good ſecurity, if I had it, but till I have it, I am under theſe circumſtances, and I may at laſt be told all is not ſatisfactory. I deſire the houſe to conſider of it.' The ſpeaker having preſſed ſir John to make a diſcovery, and finding by all his anſwers, that he did nothing but prevaricate with them, a motion was made for leave to bring in a bill to attaint him of high-treaſon; which after a debate was carried in the affirmative, by an hundred and ſeventy-nine voices againſt ſixty-one. Three days after the bill was preſented to the houſe, and after a long debate of ſeveral hours, the queſtion was put for the ſecond reading, which was alſo carried in the affirmative by a majority of one hundred and ninety-ſix votes againſt one hundred and four. The ſame day the houſe ordered, that ſir John Fenwick ſhould have a copy of the bill, and of the order for reading it eight days after; and that Mr. ſecretary Vernon

ſhould

ſhould then produce the letter written in Kent by ſir John Fenwick, of which he had informed the houſe. The next day the ſpeaker having acquainted the houſe, that he had received a letter from ſir John, wherein he made it his humble petition, 'that he might have the aſſiſtance of his counſel, ſir Francis Pemberton, ſir Thomas Powis, and ſir Bartholomew Shower, and of his ſollicitor, Chriſtopher Dighton,' the commons readily allowed ſir John Fenwick the counſel he deſired; and, after ſome debate, the ſollicitor likewiſe, though it was intimated, that he was a very great jacobite, and was ſuſpected to have been concerned in the eſcape of Goodman. The day before the attainder was to be read a ſecond time, ſir John Fenwick preſented another petition, wherein he prayed to be heard by his counſel againſt the paſſing of the bill. Whereupon the houſe ordered, that he ſhould be allowed two counſel at the bar of the houſe to make his defence. The ſame night William Fuller, the impoſtor, ſent a letter to the ſpeaker of the houſe of commons, importing, 'That no perſon had been more actually engaged with ſir John Fenwick than himſelf, it having been his fortune ſeveral times to bring letters to him from the late king and queen at St. Germain's and to carry his anſwers. That he had alſo been with ſir John at the private conſults of the late king's adherents, ſo that, if he might be ſerviceable in detecting his treaſons, he ſhould be very ready to ſerve the government, and demonſtrate his integrity.' The ſpeaker acquainted the houſe the next day with the receipt of this letter; but Fuller's character was ſo well known to the houſe, that upon a queſtion for reading of it, it paſſed by a great majority in the negative.

This done, ſir John Fenwick was ordered to be brought to the bar; but it being a proceeding of that nature, that none of the ancienteſt members could readily give precedent of, it was neceſſary to ſettle ſome preliminaries, and the firſt queſtion was, Whether the mace ought to lie upon the table, when ſir John Fenwick was in the houſe? or whether the ſerjeant ought not to ſtand by him with it at the bar? Mr. Smith and the chancellor of the exchequer ſaid, that, ſir John being a priſoner, the mace ought to be at the bar; and then no member could ſpeak, but the queſtion muſt be aſked by the chair. And on the other hand Mr. Boyle, Mr. John Howe, ſir Chriſtopher Muſgrave, Mr. Brotherton, Colonel Granville, ſir William Williams, and ſir Thomas Dyke, maintained that the mace ought to be upon the table, becauſe the bill was to be read; that if the mace was not upon the table, their mouths were muzzled: That they were to act in their higheſt capacity as judges, and therefore ought not to paſs a vote, that the judges ſhould not aſk queſtions. After this debate it was carried, that ſir John Fenwick ſhould ſtand with the mace at the bar; and then a queſtion aroſe about the reading of the bill. Some members ſaid, that it could not be read, while the counſel was preſent: Others ſaid, that it was not neceſſary to read it, while ſir John Fenwick was preſent, he having had a copy of it. But at laſt it was thought reaſonable, it being in the nature of a charge upon him, that it ſhould be read to him, when preſent with his counſel. It was alledged, that this was done in the caſe of indictments, when the copies were delivered to the priſoners; and therefore it ſhould be read only as a matter of form, as a charge, to which he was to anſwer; but that it could not be reckoned a ſecond reading, according to the rules of the houſe, the mace being off the table; and ſo it ſhould be read again, when the counſel and the priſoner were withdrawn. Then the ſerjeant took the mace, and brought ſir John Fenwick to the bar; and counſel being admitted for him and for the bill, namely, ſir Thomas Powis and ſir Bartholomew Shower, for the priſoner, Mr. Serjeant Gould and Mr. ſerjeant Lovell, recorder of London, for the bill, the ſpeaker opened the matter; and addreſſing himſelf to ſir John Fenwick, laid before him the heinouſneſs of the crime, 'wherewith he ſtood charged, and how deſtructive it would have been, if it had ſucceeded, to the very being of this kingdom. And therefore, that he might not go unpuniſhed, if he was guilty, they had ordered a bill into the houſe to attaint him for high-treaſon, which had been once read, and would now be read to him at the bar; and then he would hear the evidence againſt him, and have liberty to make his defence. That, though he could not claim any right thereto, the houſe, to ſhew how ready they were to favour him, in giving him any reaſonable help, did allow him counſel to aſſiſt him in it. That he was likewiſe to acquaint thoſe, who were his counſel, that the houſe did reckon their own prudence would ſo guide them, as not to give any juſt offence to this houſe. That they ought not to queſtion the power of parliaments to paſs bills of attainder, when they judge it requiſite, of which the commons are more proper judges than any private perſon: and therefore they did not allow him to debate that point.' This ſpeech being ended, the clerk of the houſe of commons read the bill, importing, 'That whereas ſir John Fenwick was, upon the oaths of George Porter and Cardell Goodman, indicted of high-treaſon, in conſpiring to aſſaſſinate his majeſty's ſacred perſon, and encouraging the French king to invade this kingdom; and having obtained his majeſty's favour to have his trial delayed from time to time, upon his repeated promiſes of making an ingenuous and full confeſſion of his knowledge of any deſign or conſpiracy againſt his majeſty's perſon or government, and of the perſons therein concerned; he had ſo far abuſed his majeſty's great clemency and indulgence, that, inſtead of making ſuch confeſſion, he had contrived falſe and ſcandalous papers as his informations, reflecting on the fidelity of ſeveral noble perſons, divers members of the houſe of commons, and others, only by hearſay, and contriving thereby to undermine the government, and create jealouſies between the king and his ſubjects, and to ſtifle the real conſpiracy. And that whereas Cardell Goodman, one of the witneſſes againſt the ſaid ſir John Fenwick, to prove the ſaid treaſon, lately and ſince the ſeveral times appointed for the trial of the ſaid ſir John Fenwick, at one of which times the ſaid ſir John Fenwick had been accordingly tried, had it not been for the expectation of the ſaid diſcoveries ſo often promiſed by him, was withdrawn, ſo that the ſaid Cardell Goodman could not be had, to give evidence upon any trial: Be it therefore enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, that the ſaid ſir John Fenwick be and is hereby convicted and attainted of high-treaſon, and ſhall ſuffer the pains of death, and incur all forfeitures, as a perſon attainted of high-treaſon.'

The bill being read, and the king's counſel, the ſerjeants Gould and Lovell, having, according to the ſpeaker's directions, opened the evidence, which they had for proving the charge, they were anſwered by the counſel for the priſoner, who alledged, 'That, if the others would only call in evidence to prove the ſuggeſtions of the bill, they were ready to anſwer; but if they called any evidence to prove ſir John Fenwick guilty of the conſpiracy by living witneſſes, they took upon them to ſay they were not ready for that, ſince they did not know whether they ſhould be allowed the liberty of producing witneſſes.' Being ordered to withdraw, the houſe debated the ſame a long time, not without many of the members making large excurſions from the matter in diſpute; which made the lord Cutts riſe and ſay, 'That he thought it a misfortune, that a matter of this nature had held them ſo long; and he conceived it a thing to be wiſhed, that every gentleman, who ſpoke upon this occaſion, would apply himſelf more cloſely to ſubſtance, and leſs to forms. That he meant to forms, conſidered merely as forms, for it ought to be true reaſon, that was convincing to them, and they ought not to tie themſelves up to any forms upon this occaſion, but ſuch as were grounded upon reaſon, That really he had not heard any thing, that fell from any gentleman, that ſhewed his doubt of the nature and aggravating circumſtances of the crime of the priſoner; but that it had conſiſted with the great candour and juſtice of this houſe, to ſhew their favour to the priſoner in allowing him counſel. That, when the counſel ſaid they were unprepared, if they meant they would prepare themſelves for more grounds of difference and chicanery, he would not give them further time. That he could not perceive there was any reality of argument in it, and that there was in reaſoning, as in religion, ſometimes a form without power.' After many other ſpeeches, the ſpeaker read theſe two queſtions: Firſt, 'That the counſel for ſir John Fenwick be confined to make their proof to what was ſuggeſted in the bill:' And ſecondly, 'That ſir John Fenwick be allowed further time.' But neither of theſe queſtions being allowed to be put, he then propoſed, 'That ſir John Fenwick be allowed further time to produce witneſſes in his defence, againſt the charge of high-treaſon; and that he give in a liſt of his witneſſes to the ſpeaker:' Which queſtion was put, and paſſed in the affirmative. Afterwards the ſpeaker put another queſtion, 'That the counſel, in managing the evidence againſt ſir John Fenwick, be allowed to produce evidence touching the allegations in the bill, and the treaſons, for which he ſtood indicted:' Which being likewiſe carried in the affirmative, and ſir John Fenwick acquainted from the chair, that the houſe allowed him three days longer to make his defence, he being withdrawn, the commons reſolved, that the bill for attainting

tainting him of high-treaſon be read a ſecond time, on Monday the 16th of November.

Accordingly, on that day, the houſe proceeded further on this matter. The king's counſel produced their evidence, which was firſt captain Porter, who gave an ample relation of what he knew concerning ſir John's guilt; and who, notwithſtanding the counſel for the priſoner ſtrenouſly oppoſed it, was further examined about his being tampered with by Clancey, in order to take off his teſtimony in relation to the conſpiracy. Then the king's counſel produced the records of Clancey's conviction, and proceeded to Goodman's examination, taken under the hand of ſecretary Vernon, which they deſired might be read. This was ſtrongly objected to by the priſoner's counſel, as a thing not to be allowed, and impracticable, the law requiring perſons to appear, and give their evidence 'viva voce.' Upon this, the houſe entered into a warm debate, but at length it was carried by two hundred and eighteen voices againſt a hundred and forty-five, that Goodman's information ſhould be read; and that, afterwards, ſome of the grand jury ſhould give an account upon what evidence they found the bill of indictment, that was brought in againſt ſir John Fenwick.

The next evidence, that was produced, was the record of the conviction of Mr. Cooke; and, when the counſel on both ſides had ſpoken to it, and the houſe debated the ſame, it was carried by a hundred and eighty-one voices againſt a hundred and ten, that the ſaid record ſhould be read, and the king's counſel allowed to examine witneſſes, as to what was ſworn by Goodman at Cooke's trial. This being over, as alſo ſome queſtions concerning ſir John Fenwick's letter, it was reſolved, That the counſel for the priſoner might, if they had witneſſes to examine on his behalf, do it that night; but that, as to their obſervations, the houſe would give them time till next morning. They, having nothing but a record to produce, accepted of this; and, on the 27th of November, made as good a defence, as their client's cauſe would admit; but at length being withdrawn, and the priſoner ſtill declining to deal more clearly and candidly, in reſpect to his accuſation of ſeveral perſons of quality; it was reſolved, That Mr. ſecretary Vernon ſhould give in his evidence, in reference to ſir John's getting his trial delayed by offers of informations, and that in the preſence of ſir John and the counſel on both ſides.

Here the counſel having nothing to ſay, they were diſcharged from their farther attendance at that time; and, according to the order of the day, the bill being read a ſecond time, and afterwards opened by the ſpeaker, and no members riſing to ſpeak, he aſked, whether he ſhould put the queſtion of commitment? This occaſioned a very long and warm debate about the extraordinary method of proceeding; the power and juſtice of parliaments compared with other inferior courts of judicature, with ſeveral precedents of former bills of attainder, and other arguments, that fell in; but upon the whole matter, towards eleven at night, it was carried by an hundred and eighty-two voices againſt an hundred and twenty-eight, that the bill ſhould be committed. On the 20th of the ſame month, the houſe reſolved itſelf into a committee of the whole houſe, and ſeveral words having been offered as amendments, importing ſir John's being guilty, they were at laſt agreed on to be added to the bill. It was alſo propoſed to the conſideration of the ſaid committee, Whether the lords ſpiritual ſhould ſtand in the enacting part? But, upon looking into ſeveral acts of attainder, it appeared they were mentioned in all of them in the enacting part; and ſo they were left to ſtand in the bill by general conſent.

On the 25th of November, the bill was read the third time, and the debate ran as high as it had done five days before, about the commitment. Mr. Methuen, who ſtood up firſt, took notice, 'That the greateſt part of the former debate had run upon two things; on the one ſide, the inconveniency of bills of attainder, or at leaſt the having them ſo frequent; on the other ſide, that it is neceſſary to have them ſometimes, that no perſons might think they were out of reach, if they could evade the laws, that were made to puniſh ordinary offenders. That he thought both theſe points too general, and that this bill, as every other, ought to have it's fate upon the particular circumſtances of the caſe before the houſe. That whoever gave his affirmative to this bill, ought to be convinced, that ſir John Fenwick was guilty of high-treaſon; and alſo that there are extraordinary reaſons, why the nation did proſecute him in ſo extraordinary a manner. And that he thought neither of thoſe was ſufficient alone. That if, between the indictment and trial, Goodman ſhould have died, and there had been no other reaſon for attainting ſir John Fenwick but only the want of his evidence, he ſhould not have thought it a ſufficient reaſon, though the houſe ſhould have had an opportunity of being informed of this particular evidence, and believed him guilty. That, if ſir John Fenwick did not appear guilty, he did not think any reaſon of ſtate could juſtify this bill, though ſir John had prevaricated, and behaved himſelf to the diſſatisfaction of every body; and therefore he thought there muſt be both theſe. That, the houſe having heard the evidence, he would not repeat it, but rather come to thoſe things, that diſtinguiſhed ſir John Fenwick's caſe; only he muſt take notice, that they had given ſir John liberty to make his defence, and had fully heard him; which had altered the reaſon of a great many precedents cited from the lord chief juſtice Coke and other authors. That what diſtinguiſhed this caſe was the great danger, which the nation was in from this conſpiracy, which he found, by the general opinion of all perſons, was not thought yet at an end; and that there ſeemed likewiſe to be an opinion as general, that ſir John Fenwick could have contributed to their ſafety by a diſcovery. That the next circumſtance was, that ſir John Fenwick knowing the expectation the nation had from him, that he could have contributed to their ſafety, had made uſe of that to put off his trial, and at laſt had made ſuch a paper, as tended to the creating of new dangers. That, by this means, ſir John Fenwick, againſt whom there were two witneſſes, when he was indicted, had delayed his trial, ſo that now there was but one; and there was a violent preſumption, that this perſon was withdrawn by the practices of ſir John Fenwick's friends. That there was in his opinion as great a conſideration as any of theſe; that the public reſentment of the nation for ſuch his behaviour was the only means, which ſir John's practice had left the houſe to prevent the danger, that yet remained; and it ſeemed neceſſary for their ſafety to come the next beſt way to what he would have done for them by his diſcovery. That there had been great doubts raiſed againſt the evidence, which had been given, not ſo much whether it be ſuch evidence, as ought to incline the commons to believe him guilty; but whether it be ſuch as they ſhould hear in the capacity they were in? And whether, after it was found ſuch as it was, that is to ſay, not ſuch as would convict him upon another trial, they might ſo far credit it, as that it ſhould influence them to give their vote for this bill of attainder? That it was ſaid, that the commons were trying of ſir John Fenwick, that they were judges and jury, and they were obliged to proceed according to the ſame rules, though not the method of 'Weſtminſter-Hall, ſecundum allegata & probata.' But that the ſtate of the matter, as it appeared to him, was, that they were in their legiſlative power making a new law for the attainting of ſir John Fenwick, and for exempting his particular caſe from being tried in thoſe courts of judicature, and, by thoſe rules, which they had appointed for the trial of other cauſes; and trying of it themſelves (if they would uſe that word, though improperly) in which caſe the methods differed from what the laws made by themſelves require in other caſes; for this was never to be a law for any other. That, this being the ſtate of the caſe, it quite put the commons out of the methods of trials, and all the laws, that are for limiting rules for evidence at trials in Weſtminſter-Hall and other judicatures; for it muſt be agreed, that the ſame rule of evidence muſt be obſerved in another place, as well as Weſtminſter-Hall, that is, in impeachments; and that it had always been ſo taken. That the notion of two witneſſes being neceſſary had ſo much gained upon ſome members of the houſe, that they had ſaid, That this was required by the law of nature, the univerſal law of nations, nay, by the eternal law of God. That, if it was ſo, there would be no doubt, but it would oblige the commons; but he thought, that the reaſon, why any man deſerves to be puniſhed, is, becauſe he is criminal, let his crime be made evident any way whatſoever; for whatſoever makes the truth evident, is, and is accounted in all laws to be evidence. That the rules for examining whether any perſon is guilty or not, and the evidence, that is allowed as ſufficient, is different in all nations. That the trials in England differ from thoſe of all other nations, not only that the offenders are tried by a jury, which is particular to this nation, but that the witneſſes are to be produced face to face before the perſons accuſed; and beſides they had made laws that there ſhould be two witneſſes in caſes of high-treaſon, wherein they were the envy of all other nations. That the evidence, which is to be given againſt the criminals, differs in the ſame nation, when the offence differs. That there is a difference between the evidence, that will convict a man of felony, and the evidence, that is to convict a man of treaſon;

and that the evidence to convict a man of the same crime has been different in the same nation in different times. That by the common law of England, that evidence was sufficient to convict a man of any crime, which was sufficient to make the jury believe the person guilty. That thus, before the statute of Edward IV, a man might be convicted of treason by one witness, though that statute was made upon great reasons, and appears to be for the public good by the general approbation it has received; but that he did not think in their proceedings here they were bound by it. That some members argued thus: 'Shall we, who are the supreme authority (as we are part of it) go upon less evidence to satisfy ourselves of sir John Fenwick's guilt, than any other court? And shall we resort to this extraordinary way in this case? To this he answered, that, if it did shake the manner of trials below, he should be very unwilling to do it; but he did take it clearly, that it could not make the least alteration in the proceedings of any court, but, on the contrary, he thought there was no stronger argument for their resorting to this extraordinary way, than that of the care and caution, with which their law had provided for the defence of the innocent; for, if they considered all those laws, that had been made for that purpose, it was plain it must have been in the view of their ancestors, that many criminals might by this means escape. That their laws are made for ordinary trials, and for those things, that happen usually; but that there is no government in the world, where there is not resort to extraordinary power in cases, that require it. That the English government indeed had this advantange, that they could keep to rules, which others cannot. That in a very wise government (that of Venice) all the ways of punishing crimes of this nature are extraordinary. That persons are condemned there not only unheard, but before they are legally accused; and that is thought necessary there, which would not be endured here; and yet that government has continued so many hundred years, and no endeavours have been made to alter it, though so many families have suffered by it.

'That the next argument was from the precedent, which the commons were about to make; and that they had been told; 'Whatever the other precedents had been, what they did now would be a precedent for them and their posterity.' To this he replied, That, if this precedent should appear to posterity to be a precedent of an innocent man, or a person, whose guilt was doubted of, or one, whose guilt did not plainly appear; and this bill should be carried by a prevailing party, he did agree it was a very ill precedent. But if the case be, that this precedent would appear to posterity, upon the truth of the thing, to be a precedent made of a man most notoriously guilty; of a man, who had deserved this extraordinary way of proceeding, and this general resentment of the nation; and that nothing could have hindered this man from the common justice of the nation, but his having endeavoured to elude it in this matter; and if it appeared, that the commons would not be put off so, but that their indignation made an example of this man, he should not be sorry it should appear to posterity; but he believed posterity would (as he thought they ought) thank them for it. That, for his own particular, while he was innocent, he should not think his life in danger to be judged by four hundred English gentlemen, and the peerage of England, with the royal assent. That, when he reflected, he could not be of opinion, that the government could have procured a parliament to have passed a bill of attainder against my lord Russel, or Mr. Cornish, or even Mr. Colledge; he did not think all the power of the government could have prevailed to have done that, although they could prevail to have them condemned by the forms of law. That here he saw, that a great many gentlemen had opposed every step of this bill, for making an ill precedent, though these gentlemen did believe in their private consciences, that sir John Fenwick was guilty. That he could not see, that any person could be in danger by such a bill;' and therefore the conclusion, which he made for himself, was, 'That he was convinced in his conscience, that sir John Fenwick was guilty of high-treason; and that there were reasons so extraordinary to support this bill of attainder, that he did not see how any person, who was so convinced, could refuse to give his affirmative to this bill.'

This speech was answered by sir Godfrey Copley, who, after a short preamble, said, 'That it is the custom and law of this nation to require two positive witnesses to prove treason; and though he thought, without the utmost necessity, it was not prudent to deviate from that rule, yet he would not argue from thence, that the commons were tied up to it, it being certain, that the legislative authority, which has power to abrogate all laws now in being, cannot be tied up to any rules of human prescription; but there are the eternal rules of equity and justice, and right reason and conscience; and these he thought are unalterable, and never to be swerved from; and therefore he would take the liberty to see how far agreeable their proceedings were to these rules. That he looked upon it as a fundamental breach of these rules for an accusation to be given in against a man behind his back by he knows not whom, or by any, with whom he is not confronted and brought face to face. That he was one of those, who looked upon sir John Fenwick to be guilty, of which there was a proof by one witness, and to this they had added an indictment, that was proved. But that he thought that to be so far from giving strength to the evidence, that, in his opinion, the injustice, which attended it, made the scales lighter than they were before. For, if any bill or writing sworn behind a man's back may be used as part of evidence, he did by parallel reason argue, that the like may make up the whole at one time or other; and then the information of every two profligate knaves before a secretary of state, or a justice of peace, should be sufficient without any living testimony, to make a man run the hazard of his life. That he was not at all convinced of the necessity of the proceedings; but as he thought those, who brought this matter to the house of commons, wiser than himself, so he would not examine what reason they had to do it, though it was so little agreeable to him, that he wished it had not come thither. That it was not to be supposed, that the government was in hazard by such a man as sir John Fenwick, who was fast in Newgate; neither was it to be expected, that a man, who had been six months in prison, and nobody come to him, might make such a discovery, as might be worth their while. 'But, said he, suppose you had a man of invention and practice, what a spur do you put to it? May not a man of parts, when he has no other way to save himself; may not he form such a plot, as, should it gain belief, might make the best subjects in England tremble?' He added, that it was not for sir John Fenwick's life, that he argued, not thinking it of so great value to deserve so long and solemn a debate in this house, nor the consideration of so great an assembly after this manner; but that, if this method of proceeding be warranted by an English parliament, there is an end of the defence of any man living, be he never so innocent. That he had heard it mentioned, on the other side, that king James attainted (in Ireland) a great number of persons in a catalogue, in a lump. That he was not afraid of what arbitrary princes did, nor an Irish parliament; but he was afraid what should be done here, and was concerned for the honour of their proceedings, that it might be a precedent to a future parliament in an ill reign, to do that, which he was satisfied the commons would not now do[b].'

After these, and many other speeches, the question was put for passing the bill; and, the house dividing upon it, one hundred and eighty-nine were for the bill, and one hundred and fifty-six against it. Being then carried in the affirmative, the bill was sent up to the lords for their concurrence. The lords took a very extraordinay method to force their absent members to come to town. They sent messengers for them, to bring them up, which seemed to be a great breach on their dignity; for the privilege of making a proxy was an undoubted right belonging to that peerage; but those, who intended to throw out the bill, resolved to have a full house.

The bill met with great opposition; and the debates were the warmest, and lasted the longest, of any that had ever been.

The substance of the arguments in the house of lords, brought against this way of proceeding by bill of attainder, was, that the law was all men's security, as well as it ought to be their rule: If this was once broke through, no man was safe: Men would be presumed guilty, without legal proofs, and be run down, and be destroyed by a torrent: two wit-

[b] The rest of the speeches on this occasion may be seen in the proceedings against sir John Fenwick, printed at London 1698. The principal speakers on both sides were these:

For the Bill.		Against the Bill.	
Mr. Montague,	Lord Cutts,	Sir Charles Carteret,	Lord Norreys,
Lord Coningsby,	Sir William Strickland,	Mr. Manly,	Mr. Edward Harley,
Mr. Vernon,	Sir Herbert Crofts,	Mr. Smith,	Mr. Foley,
	Sir Edward Seymour,	Mr. Cowper,	Mr. Harcourt,
		Sir Walter Yonge, &c.	Mr. Robert Harley,
			Mr. Howe, &c.

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neſſes ſeemed neceſſary, by an indiſputable law of juſtice, to prove a man guilty: The law of God given to Moſes, as well as the law of England made this neceſſary: And, beſides all former ones, the law, lately made for trials in caſes of treaſon, was ſuch a ſacred one, that it was to be hoped, that even a parliament would not make a breach upon it. A written depoſition was no evidence, becauſe the perſon accuſed could not have the benefit of croſs-interrogating the witneſs; by which much falſe ſwearing was often detected: Nor could the evidence, given in one trial, be brought againſt a man, who was not a party in that trial: The evidence, that was offered to a grand jury, was to be examined all over again, at the trial; till that was done, it was not evidence. It did not appear, that Fenwick himſelf was concerned in the practice upon Porter: What his lady did, could not be charged on him. No evidence was brought, that Goodman was practiſed on; ſo his withdrawing himſelf could not be charged on Fenwick. Some very black things were proved againſt Goodman, which would be ſtrong enough to ſet aſide his teſtimony, tho' he were preſent; and that proof, which had been brought in Cooke's trial, againſt Porter's evidence, was again made uſe of, to prove, that, as he was the ſingle witneſs, ſo he was a doubtful and ſuſpected one: Nor was it proper, that a bill of this nature ſhould begin in the houſe of commons, which could not take examinations upon oath. Theſe were the arguments uſed by the Lords, as well as the commons, againſt the bill.

On the other ſide biſhop Burnet being convinced, that Fenwick was guilty, and that the method of proceeding by way of attainder, was not only lawful, but, in ſome caſes, neceſſary, and having, moreover by his ſearch into parliamentary proceedings, on ſuch occaſions, when he wrote the hiſtory of the Reformation, ſeen further into thoſe matters than otherwiſe he ſhould ever have done, he thought it incumbent upon him, when his opinion determined him to the ſeverer ſide, to open his reaſons in juſtification of his vote; which he did to this effect:

The nature of government required, that the legiſlature ſhould be recurred to, in extraordinary caſes, for which effectual proviſion could not be made by fixed and ſtanding laws. Our common law grew up out of the proceedings of the courts of law: Afterwards this, in caſes of treaſon, was thought too looſe; ſo the law, in this point, was limited, firſt, by the famous ſtatute in king Edward III's time; and then, by the ſtatute of king Edward the IVth's time, the two witneſſes were to be brought face to face with the perſon accuſed; and the law, lately made, had brought the method of treaſon to a yet further certainty. Yet, in that, as well as in the ſtatute of Edward III. parliamentary proceedings were ſtill excepted. And, indeed, tho' no ſuch proviſion had been expreſsly made in the acts themſelves, the nature of Government puts always an exception in favour of the legiſlative authority. The legiſlature was, indeed, bound to obſerve juſtice and equity, as much, if not more, than the inferior courts; becauſe the ſupreme court ought to ſet an example to all others. But they might ſee cauſe to paſs over forms, as occaſion ſhould require. This was the more reaſonable among us, becauſe there was no nation in the world, beſides England, that had not recourſe to torture, when the evidence was probable, but defective. That was a mighty reſtraint, and ſtruck a terror into all people; and the freeſt government, both ancient and modern, thought they could not ſubſiſt without it. At preſent, the Venetians have their civil juriſdictions, and the Griſons have their high courts of juſtice, which act without the forms of law, by the abſolute truſt, that is repoſed in them; ſuch as the Romans repoſed in dictators, in the time of their liberty. England had neither torture, nor any unlimited magiſtrate in it's conſtitution; and therefore, upon great emergencies, recourſe muſt be had to the ſupreme legiſlature. Forms are neceſſary in ſubordinate caſes; but there is no reaſon to tie up the ſupreme one by them. This method of attainder had been practiſed among us at all times. It is true, what was done in this way at one time, was often reverſed at another; but that was often the effect of the violence of the times, and was occaſioned often, by the injuſtice of thoſe attainders. The attainders of inferior courts were, upon the like account, often reverſed: But, when parliamentary attainders went upon good grounds, though without obſerving the forms of law, they were never blamed, not to ſay condemned. When poiſoning was firſt practiſed in England, and put in a pot of porridge in the biſhop of Rocheſter's houſe, this which was only felony, was by a ſpecial law, made to be high-treaſon; and a new puniſhment was appointed by act of parliament. The poiſoner was boiled alive. When the nun of Kent pretended to viſions, to oppoſe king Henry VIIIth's divorce, and his ſecond marriage; and ſaid, If he married again, he ſhould not live long after it, but ſhould die a villain's death; this was judged in parliament to be high-treaſon; and ſhe and her accomplices ſuffered accordingly. After that, there paſſed many attainders in that reign, only upon depoſitions, that were read in both houſes of parliament. It is true, theſe were much blamed; and there was great cauſe for it: there were too many of them; for this extreme way of proceeding is to be put in practice but ſeldom, and upon great occaſions; whereas many of theſe went upon ſlight grounds, ſuch as the ſuffering ſome paſſionate and indecent words, or the uſing ſome embroidery in garments and coats of arms with an ill intent. But that, which was indeed execrable, was, that perſons in priſon were attainted, without being heard in their defence. This was ſo contrary to natural juſtice, that it could not be enough condemned. In king Edward VIth's time, the lord Seymour was attainted in the ſame manner, only with this difference, that the witneſſes were brought to the bar, and there examined; whereas formerly they proceeded upon ſome depoſitions, that were read to them. At the duke of Somerſet's trial, which was both for high-treaſon and for felony, in which he was acquitted of the treaſon, but found guilty of the felony, depoſitions were only read againſt him; but the witneſſes were not brought face to face, as he preſſed they might be. Upon which it was, that the following parliament enacted, that the accuſers (that is, the witneſſes) ſhould be examined face to face, if they were alive. In queen Elizabeth's time, the parliament went out of the method of law, in all the ſteps of their proceedings againſt the queen of Scots. It is true, there were no parliamentary attainders in England during that long and glorious reign, upon which thoſe, who oppoſed the bill, had inſiſted much; yet that was only, becauſe there then was no occaſion here in England for any ſuch bill. But in Ireland, where ſome things were notoriouſly true, which yet could not be legally proved, that government was forced to have, on many different occaſions, recourſe to this method. In king James I's time, thoſe who were concerned in the gun-powder plot, and choſe to be killed, rather than taken, were by act of parliament attainted after their death which the courts of law could not do, ſince by our law, a man's crimes die with himſelf; for this reaſon, becauſe he cannot make his own defence, nor can his children do it for him. The famous attainder of the earl of Strafford, in king Charles I's time, has been much and juſtly cenſured, not ſo much becauſe it paſſed by bill, as becauſe of the injuſtice of it. He was accuſed for having ſaid, upon the houſe of commons refuſing to grant the ſubſidies, which the king had aſked, 'That the king was abſolved from all the rules of government, and might make uſe of force to ſubdue this kingdom.' Theſe words were proved only by one witneſs, all the reſt of the council, who were preſent, depoſing, that they remembered no ſuch words, and were poſitive that the debate ran only upon the war with Scotland; ſo that though 'this kingdom,' ſingly taken, muſt be meant of England, yet it might well be meant of 'that kingdom,' which was the ſubject then of the debate. Since then the words were capable of that favourable ſenſe, and that both he, who ſpoke them, and they, who heard them, affirmed, that they were meant and underſtood in that ſenſe, it was a moſt pernicious precedent, firſt to take them in the moſt odious ſenſe poſſible, and then to deſtroy him, who ſaid them, upon the teſtimony of one ſingle exceptionable witneſs. Whereas if, upon the commons refuſing to grant the king's demand, he had plainly adviſed the king to ſubdue his people by force, it is hard to tell, what the parliament might not juſtly have done, or would not do again in the like caſe. In king Charles II's time ſome of the moſt eminent of the regicides were attainted, after they were dead; and in king James's time the duke of Monmouth was attainted by bill. Theſe laſt attainders had their firſt beginning in the houſe of commons. Thus it appeared, that, theſe laſt two hundred years, not to mention much antienter precedents, the nation had upon extraordinary occaſions proceeded in this parliamentary way by bill. There were alſo many precedents of this method. And whereas it was ſaid, that an ill parliament might carry theſe too far, it is certain, that the nation, and every perſon in it, muſt be ſafe, when they are in their own hands, or in thoſe of a repreſentative choſen by themſelves. As on the other hand, if that be ill choſen, there is no help for it; the nation muſt periſh, for it is by their own fault. They have already too many precedents for this way of proceeding, if they intend to make an ill uſe of them. But a precedent is only a ground or warrant for the like proceeding upon the like occaſion. Two rules were laid down for all bills of this nature; firſt, that the

the matter be of a very extraordinary nature. Leſſer crimes had better be paſſed over than puniſhed by the legiſlature. Of all the crimes, that can be contrived againſt the nation certainly the moſt heinous one is, that of bringing in a foreign force to conquer us. This ruins both us and our poſterity for ever. Diſtractions at home, how fatal ſoever, even though they ſhould end ever ſo tragically, as ours once did in the murder of a king and in a military uſurpation, yet were capable of a criſis and a cure. In the year 1660, we came again to our wits, and all was ſet right again. Whereas there is no proſpect, after a foreign conqueſt, but of ſlavery and miſery. And, how black ſoever the aſſaſſinating a king muſt needs appear, yet a foreign conqueſt is worſe; it is aſſaſſinating the kingdom; and therefore the inviting and contriving that muſt be the blackeſt of crimes. But as the importance of the matter ought to be equal to ſuch an unuſual way of proceeding, ſo the certainty of the facts ought to be ſuch, that, if the defects in legal proof are to be ſupplied, yet this ought to be done upon ſuch grounds, as make the fact charged appear ſo evidently true, that though a court of law could not proceed upon it, yet no man could raiſe in himſelf a doubt concerning it. Antiently treaſon was judged as a felony ſtill is, upon ſuch preſumptions, as ſatisfied the jury. The law has now limited this to two witneſſes brought face to face. But the parliament may ſtill take that liberty, which is denied to inferior courts, of judging this matter, as an ordinary jury does in a caſe of felony. In the preſent caſe there was one witneſs 'viva voce,' upon whoſe teſtimony ſeveral perſons had been condemned, and had ſuffered; and theſe neither at their trial, nor at their death, diſproved or denied any circumſtance of his depoſitions. If he had been too much a libertine in the courſe of his life, that did not deſtroy his credit as a witneſs. In the firſt trial this might have made him a doubtful witneſs; but what had happened ſince had deſtroyed the poſſibility even of ſuſpecting his evidence. A party had been in intereſt concerned to inquire into his whole life, and in the preſent caſe had full time for it: and every circumſtance of his depoſition had been examined; and yet nothing had been diſcovered, that could ſo much as create a doubt. All was ſtill untouched, ſound, and true. The only circumſtance, in which the dying ſpeeches of thoſe, who ſuffered on his evidence, ſeemed to contradict him, was concerning king James's commiſſion; yet none of them denied really what Porter had depoſed, which was, that Charnock told him, that there was a commiſſion come from king James for attacking the prince of Orange's guards. They only denied, that there was a commiſſion for aſſaſſinating him. Sir John Freind and ſir William Perkins were condemned for the conſultation now given in evidence againſt ſir John Fenwick. They died not denying it. On the contrary they juſtified all they had done. It could not be ſuppoſed, that, if there had been a tittle in the evidence that was falſe, they ſhould both have been ſo far wanting to themſelves and to their friends, who were to be tried upon the ſame evidence, as not to have declared it in the moſt ſolemn mannner. Theſe things were more undeniably certain than the evidence of ten witneſſes could poſſibly be. Witneſſes might conſpire to ſwear a falſehood: but, in this caſe, the circumſtances took away the poſſibility of a doubt. And therefore the parliament, without taking any notice of Goodman's evidence, might well judge Fenwick guilty; for no man could doubt of it in his own mind. The antient Romans were very jealous of their liberty; but how exact ſoever they might be in ordinary caſes, yet when any of their citizens ſeemed to have a deſign of making himſelf king, they either created a dictator, to ſuppreſs or deſtroy him, or elſe the people proceeded againſt him in a ſummary way. By the Porcian law, no citizen could be put to death for any crime whatſoever; yet ſuch regard did the Romans pay to juſtice, even above law, that, when the Campanian legion had perfidiouſly broke in upon Rhegium, and pillaged it, they put them all to death for it. In the famous caſe of Cataline's conſpiracy, as the evidence was clear, and the danger extreme, the accomplices in it were executed, notwithſtanding the Porcian law. And this was done by the order of the ſenate, without either hearing them make their own defence, or admitting them to claim the right, which the Valerian law gave them, of an appeal to the people, yet that whole proceeding was chiefly directed by the two greateſt aſſerters of public liberty, that ever lived, Cato and Cicero. And Cæſar, who oppoſed it on pretence of its being againſt the Porcian law, was for that reaſon ſuſpected of being in the confederacy. It appeared afterwards, how little regard he had, either to law or liberty, though, upon this occaſion, he had made uſe of the one to protect thoſe, who were in a plot againſt the other.

This laſt expreſſion was much reſented by thoſe, who were againſt the bill, as carrying a ſevere reflection upon them for oppoſing it; and indeed the biſhop, though he only offered what reaſons occurred to him to juſtify his voting for the bill, fell under a great load of cenſure on this occaſion.

In concluſion, the bill paſſed by a ſmall majority of ſeven voices only, there being ſixty-eight for it, and ſixty-one againſt it [c].

The bill, ſoon after, received the royal aſſent; and, at the ſame time paſſed an act to attaint ſuch perſons as were concerned in the late conſpiracy, who had fled from juſtice, unleſs they came within a limited time, and alſo for continuing ſeveral others of the conſpirators in cuſtody. Sir John Fenwick made all poſſible application to the king for a reprieve; and as a main ground for that, and, for an article of merit, he alledged, that he had ſaved the king's life two years before. It ſeems, he pretended, that, when the jacobites, after Charnock's return from France, had reſolved to aſſaſſinate the king, before he went to Holland; and had acquainted him with their deſign; that, he aſſured them, he would diſcover it, if they did not promiſe to lay it aſide. But, as this fact could not be proved, ſo it could confer no obligation on the king, ſince he had given him no warning of his danger; and, according to his own ſtory, had truſted the conſpirators words very eaſily, when they promiſed to purſue their deſign no further; which he had no reaſon to do. So that this pretenſion was not much conſidered. But he was preſſed to make a full diſcovery; and, for ſome days, he ſeemed to be in ſome ſuſpenſe, what courſe to take. He deſired to be ſecured, that nothing, which he confeſſed ſhould turn to his own prejudice. The houſe of lords ſent an addreſs to the king, intreating that they might be at liberty to make him their promiſe; and that was readily granted. He then farther deſired, that, upon making a full confeſſion, he might be aſſured of a pardon, without being obliged to become a witneſs againſt any other perſon. To this the lords anſwered, that he had to do with men of honour; and that he muſt truſt to their diſcretion: That they would mediate for him with the king, in proportion as they ſhould find his diſcoveries ſincere and important. His behaviour to the king, hitherto, had not been ſuch, as to induce the lords to truſt to his candour; it was much more reaſonable that he ſhould truſt to them. Upon this, all hopes of any diſcoveries from him were laid aſide; and ſir John Fenwick prepared himſelf to die. He deſired the aſſiſtance of a divine; and the government offered the choice of any clergyman, that had taken the oaths; or, if that would not do, of any of the biſhops, who had diſſented about the bill of attainder; all whom he would not admit. Then three or four non-juring clergymen were offered him; but they would not come to him, pretending a fear that the oaths would be tendered to them. Dr. White, the non-juring biſhop of Chicheſter, was, at laſt, offered him. In this, and ſeveral other matters, biſhop Burnet did him ſuch ſervice, that ſir John wrote him a letter of thanks. He was beheaded on Tower-Hill, on the 28th of January; and died very compoſed, and in a much better temper than was to be expected, for his life had been very irregular. At the place of execution, he delivered a paper, in writing, to the ſheriff; wherein he did not deny the facts that had been ſworn againſt him; but complained of the injuſtice of the procedure; and left his

[c] The lords, who were for the negative (among whom were ſeveral of the king's ſervants and counſellors) entered their proteſt, which they grounded on the following reaſons: 1. Becauſe bills of attainder againſt perſons in priſon, and who are therefore liable to be tried by common law, are of dangerous conſequence to the lives of the ſubjects, and may tend to the ſubverſion of the laws of the kingdom. 2. Becauſe the evidence of grand jurymen, of what was ſworn before them againſt ſir John Fenwick, as alſo the evidence of the petty jury men, was admitted here; both which are againſt the rules of law, beſides, that they diſagreed in their teſtimony. 3. Becauſe the information of Goodman in writing was received, which by law was not admitted, and the priſoner, for want of appearing face to face, as is by law required) could not have the advantage of croſs examining him. And it did not appear by evidence that ſir John Fenwick, or any perſon employed by him, had any way perſuaded Goodman to withdraw himſelf; and it would be of very dangerous conſequence, that any perſon ſo accuſed ſhould be condemned; for by this means a witneſs, who ſhould be found inſufficient to convict a man, ſhall have more power to hurt a man by his abſence, than if he were produced 'viva voce' againſt him. 4. Becauſe, if Goodman had appeared againſt him, he was infamous in the whole courſe of his life, and could not be a good witneſs, eſpecially in caſes of blood. 5. Becauſe in this caſe there was but one evidence, viz. Porrer, and he a very doubtful one. Laſtly, becauſe ſir John Fenwick was ſo inconſiderable a man, as to endangering the peace of the government, that there was no neceſſity of proceeding againſt him in ſo extraordinary a manner.' The year following a pamphlet was publiſhed in juſtification of that bill, under the title of, 'A letter to a friend, in vindication of the proceedings againſt ſir John Fenwick, by bill of attainder, with ſome remarks on his printed paper.'

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thanks to thoſe who had voted againſt the bill. He owned his loyalty to king James, and to the prince of Wales after him; but mentioned the deſign of aſſaſſinating king William, in terms full of horror. The paper was ſuppoſed to have been drawn by biſhop White; and the jacobites were much provoked with the laſt-mentioned paragraph [d].

During Fenwick's affair, a deſign was carried on againſt the duke of Shrewſbury, which, but for its ſingular circumſtances, hardly deſerves to be mentioned. There was one Matthew Smith, nephew to ſir William Perkins. He had been captain of an independent company at Windſor, and commanded all the time of king William's being there, when he firſt came to England. Upon the diſbanding of the independent companies, he received a commiſſion in the duke of Norfolk's regiment; but was ſoon after diſmiſſed the ſervice; which threw him into the diſaffected party. But he pretended, that, when he found, that king James's intereſts were no way to be ſupported, but by invaſions from the French, and by aſſaſſinations of the king, his duty to his country, and the horror of ſuch attempts, made him reſolve, as much as in him lay, to diſappoint ſuch deſigns. Accordingly, he applied himſelf to the duke of Shrewſbury's office, pretending, that he could make great diſcoveries; and that he knew all the motions and deſigns of the jacobites. He ſent many dark and ambiguous letters to that duke's under-ſecretary, which were, more properly, to be called amuſements, than diſcoveries [e]. For he gave only hints and ſcraps of ſtories; and, tho' he had got a promiſe not to be made a witneſs, yet he never offered any other witneſs, nor told where any of thoſe, whom he informed againſt, were lodged, or how they might be taken. He was always aſking more money, and boaſting what he could do, if he were well ſupplied; and he ſeemed to think he never had enough. It is true, before the conſpiracy broke out, he had given ſuch hints, that, when it was diſcovered, it appeared he muſt have known much more of it, than he thought fit to tell. The duke of Shrewſbury acquainted the king with his diſcoveries; but nothing could then be made, either of them or of him. When the whole plot was unravelled, it was manifeſt, from his letters, that he muſt have known more of it, than he would own; but he ſtill claimed the promiſe before made him, that he ſhould not be a witneſs. Upon the whole, therefore, he rather deſerved a ſevere puniſhment, than any of thoſe rewards which he pretended to. He was accordingly diſmiſſed by the duke of Shrewſbury, who thought, that even this ſuſpicious behaviour of his did not releaſe him from keeping the promiſes, which he had made to him. Captain Smith hereupon went to the earl of Monmouth, afterwards earl of Peterborough, and poſſeſſed him with bad impreſſions of the duke of Shrewſbury, and found him much inclined to entertain them. He told him, that he had made great diſcoveries, of which the duke would take no notice; and, becauſe the duke's ill health had obliged him to go into the country two days before the aſſaſſination was intended, he put this conſtruction upon it, that he was willing to be out of the way, when the king was to be murdered. To fix this imputation, he ſhewed the earl the copies of all his letters; all which, but the laſt more eſpecially, had the face of a great diſcovery [f]. The earl of Monmouth carried this to court; and it made ſuch an impreſſion there, that the earl of Portland ſent captain Smith money, and entertained him as a ſpy; but never could by his means, learn any one real piece of intelligence. When this happened, the king was

[d] The paper was as follows:

"Speaking nor writing was never my talent, I ſhall therefore give a very ſhort but faithful account; firſt of my religion, and next what I ſuffer moſt innocently for, to avoid the calumnies I may reaſonably expect, my enemies will caſt upon me when dead, ſince they have moſt falſely and maliciouſly aſperſed me, whilſt under my misfortunes.

"As for my religion, I was brought up in the church of England, as it is by law eſtabliſhed, aad have ever profeſſed it; though I confeſs, I have been an unworthy member of it, in not living up to the ſtrict and excellent rules thereof; for which I take ſhame to myſelf, and humbly aſk forgiveneſs of God. I come now to die in that communion, truſting as an humble and hearty penitent to be received by the mercy of God, through the merits of Jeſus Chriſt my Saviour.

"My religion taught me my loyalty, which I bleſs God is untainted; and I have ever endeavoured in the ſtation, wherein I have been placed, to the utmoſt of my power to ſupport the crown of England in the true and lineal courſe of deſcent without interruption.

"As for what I am now to die, I call God to witneſs, I went not to that meeting in Leadenhall-Street, with any ſuch intention, as to invite king James by force to invade this nation; nor was I myſelf provided with either horſe or arms, or engaged for any number of men, or gave particular conſent for any ſuch invaſion, as is moſt falſely ſworn againſt me.

"I do alſo declare in the preſence of God, that I knew nothing of king James's intending coming to Calais, nor of any invaſion intended from thence, till it was publickly known. And the only notion I had, that ſomething might be attempted, was from the Toulon fleet coming from Breſt.

"I alſo call God to witneſs, that I received the knowledge of what is contained in thoſe papers, that I gave to a great man, that came to me in the Tower, both from letters and meſſages, that came from France; and he told me, when I read them to him, that the prince of Orange had been acquainted with moſt of thoſe things before.

"I might have expected mercy from that prince, becauſe I was inſtrumental in ſaving his life; for, when, about April 1695, an attempt againſt him came to my knowledge, I did partly by diſſuaſions, and partly by delays, prevent the deſign; which I ſuppoſe was the reaſon, that the laſt villainous project was concealed from me.

"If there be any perſon, whom I have injured in word or deed, I heartily pray their pardon, and beg of God to pardon thoſe, who with great zeal have ſought my life, and brought the guilt of my innocent blood upon this nation, no treaſon being proved upon me.

"I return my moſt hearty thanks to thoſe noble and worthy perſons, who gave me their aſſiſtance by oppoſing this bill of attainder, without which it had been impoſſible I could have fallen under the ſentence of death. God bleſs them and their poſterity: though I am fully ſatisfied they pleaded their own cauſe, while they defended mine.

"I pray God to bleſs my true and lawful ſovereigns king James and the queen, and prince of Wales; and reſtore him and his poſterity to this throne again, for the peace and proſperity of this nation, which is impoſſible to proſper till the government is ſettled upon a right foot.

"And now, O God, I do with all humble devotion commend my ſoul into thy hands, the great maker and preſerver of men, and lover of ſouls; beſeeching thee, that it may be always dear and precious in thy ſight through the merits of our Saviour Jeſus Chriſt. Amen."

[e] Theſe letters were publiſhed by Smith himſelf, in 1697, under the title of 'Memoirs of ſecret ſervices.' He begins with minutes of the 2d of September 1694, with the duke of Shrewſbury, informing him that king James deſigned to invade England in the ſpring of the year 1693; but that a difference happened between the jacobites here, which aroſe upon occaſion of that king's declaration of the 17th of April 1693, by which the papiſts were put out of hopes of command, in caſe that king ſhould be reſtored. That this 'Declaration' was obtained by a party called 'Compounders,' who promiſed, upon the granting that declaration, to reſtore king James in a very ſhort time. That this king was very much averſe to the ſigning it; that it was drawn here in England, and carried over by the lord Middleton, who declared, that upon king James's laying aſide the lord Melfort, and his conſenting to the declaration, the Compounders would perform their promiſe. That the French king was wrought upon by the intereſt, which the compounders made with one of his ſecretaries (who was a public enemy to the lord Melfort, and to his way of proceeding) to perſuade king James to ſign that declaration, notwithſtanding his diſinclination to it. That the compounders made ſeveral terms with that king, and ſome of them were to be made 'truſtees,' as they ſtiled themſelves, of the nation, for king James's performance of what he had promiſed in that declaration. That upon this the jacobites divided into factions, the one ſtiled 'Compounders;' the other called 'Melfordians,' who joined with the papiſts to reſtore their king without terms, with ſword in hand. That, upon the Compounders failure of promiſe as to the time of reſtoring the king, he took himſelf to be acquitted from ſtanding to that declaration drawn up by them; and now hearkened to the Melfordians; and, though Melfort was publicly laid aſide, yet he ſtill acted behind the curtain, and nothing was valued, unleſs recommended by him, while Middleton was only the ſhadow of a ſecretary. That, in ſpring 1693, great application had been made to king James to come over, who accordingly gave the Melfordian faction great hopes. That the compounding party, getting knowledge of it, laboured to prevent it, by reaſon that their meaſures were not fully concerted, and therefore ſent to the French king, to let him know, that it would be in vain to do it that ſpring, becauſe the Engliſh fleet was in ſuch readineſs, that they could fit out fifty-eight men of war in a fortnight's time; ſo that the deſign went off with a promiſe to ſtir the year after. That, when Melfort ſeemed to leave all buſineſs, and retire from the court at St. Germain's, every one complimented and waited on him to his coach, except the lord Griffin and David Lloyd, they being great compounders, and of Middleton's faction. That ſir James Montgomery was of the compounding patry, and that they helped him to make his eſcape: for, he being a timorous man, they were afraid of his confeſſing. Then Smith proceeds to make ſeveral diſcoveries, which are much the ſame with thoſe mentioned in the account of the plot. Theſe memoirs were immediately animadverted upon, by Mr. Richard Kingſton in his 'Modeſt Anſwer' to Captain Smith's 'immodeſt memoirs,' wherein he endeavours to ſhew, that theſe memoirs were not written by the Captain, but by Mr. Thomas Brown 'a ſtiff jacobite, and mercenary poet.' That they were publiſhed and diſperſed at the charge of the party, and the letters were ſo altered and interpolated, that they were not the ſame with the originals, ſent to the earl of Shrewſbury, and that the ſubſtance of the memoirs were mere fardles of improbabilities, incongruities and invented falſities.

[f] When Smith complained to the lords, intimating, that the duke of Shrewſbury intended to ſtifle his informations, the houſe ſent to the duke in the country, to know what paſſed between him and Smith, which the duke acquainted them in the following letter to the lord-keeper:

Eyeford, 15 Jan. 1696.

"My lord,

"Having received the commands of the houſe of lords, to lay before their lordſhips what letters I received from one Smith in February laſt, or, in caſe I kept none, then to acquaint the houſe with what I can remember was contained in them, I am very ſorry not to be able ſo fully to comply with their lordſhips directions, as I wiſh I could. For having heard long ſince, that this man did pretend to great merit for his diſcoveries, and, had on ſeveral occaſions, in a very unhandſome manner, complained of me, I did then endeavour to collect what letters he had ſent me, that I might judge how his intelligence appeared, when put together; for, as it came to me, I could make little of it. But I found I could retrieve ſo few, and thoſe generally of an old date, when I had more value for his intelligence than I had afterwards, that I am almoſt certain I have none of thoſe letters left, which their lordſhips deſire to ſee. I ſhall therefore apply myſelf to give them the beſt account of what he did inform me, that is moſt material at this time; which I am the better able to collect, becauſe ſeveral things he

juſt going beyond the ſea; ſo captain Smith's letters were taken and ſealed up by the king's order, and left in the hands of ſir William Trumbull, who was the other ſecretary of ſtate, This matter lay quiet till Fenwick began to make diſcoveries; and, when the earl of Monmouth underſtood, that he had not named himſelf (about which he expreſſed too vehement a concern) but that he had named the duke of Shrewſbury, it was ſaid, that he entered into a negociation with the ducheſs of Norfolk, that ſhe ſhould, by ſir John Fenwick's lady, encourage him to perſiſt in his diſcoveries; and that he dictated ſome paper to the ducheſs, that ſhould be offered to him as an additional one; in which many little ſtories were related, which had been told the king, and might be believed by him; and by theſe the king might have been diſpoſed to believe the reſt of Fenwick's paper. And the whole ended in ſome diſcoveries concerning Smith, which would naturally occaſion his letters to be called for, and then they would probably have great effect. The ducheſs of Norfolk declared, that he had dictated all theſe ſchemes of his to her, who copied them, and handed them to ſir John Fenwick, and that he had left one paper with her. It was ſhort, but contained an abſtract of the whole deſign, and referred to a larger one, which he had only dictated to her. The ducheſs ſaid, that ſhe had placed a gentlewoman, who carried her meſſages to Fenwick's lady, to overhear all that paſſed; ſo that ſhe both had another witneſs to ſupport the truth of what ſhe related, and a paper left by him with her. She ſaid, that Fenwick would not be guided by him, and declared, he would not meddle with contrived diſcoveries. That thereupon the earl of Monmouth was highly provoked: He ſaid, 'that if ſir John would follow his advice, he would certainly ſave him; but, if he would not, he would get the bill to paſs. And indeed, when that matter was depending, he ſpoke two full hours in the houſe of lords, in favour of the bill, with a peculiar vehemence. Fenwick's lady, being much provoked at this, got her nephew, the earl of Carliſle, to move the lords, that her huſband might be examined concerning any advices, that had been ſent him with relation to his diſcoveries; and upon this ſir John told him what his lady had brought him, and thereupon the ducheſs of Norfolk and her confident were likewiſe interrogated, and gave the account, which has been related. In concluſion, captain Smith's letters were read, and he himſelf was examined. This held the lords ſeveral days, for the earl of Portland, by the king's orders, produced all Smith's papers. By them it appeared, that he was a very inſignificant ſpy, who was always inſiſting in his old ſtrain of aſking money, and taking no care to deſerve it.

The earl of Monmouth was, upon the accuſation and evidence above-mentioned, ſent to the Tower, and turned out of all his employments. But the court had no mind to have the matter further examined into; for the king ſpoke to biſhop Burnet, to do all he could to ſoften the earl's cenſure, which he did: the lords were much ſet againſt him, and ſeemed reſolved to go great lengths: to allay that heat, the biſhop, who did not know what new ſcheme of confuſion might have been opened by him, in his own excuſe, put the houſe in mind, that he ſet the revolution on foot, and was a great promoter of it, coming twice over to Holland, to that purpoſe; he then moved, that he might be ſent to the Tower: this was agreed to, and he lay there till the end of the ſeſſion, and was removed from all his places: But that loſs, as was believed, was ſecretly made up to him, for the court was reſolved not to loſe him entirely.

[1697] After Fenwick's buſineſs was over, the parliament, to the great ſatisfaction of the people, took care to remedy a public grievance of long ſtanding. Several places in and about the city of London, which, in the times of the Romiſh ſuperſtition, were allowed as ſanctuaries to criminals and debtors, had, ever ſince the reformation, pretended a privilege to protect the latter; and one of theſe, called White Friars, was become a notorious receptacle of broken and deſperate men, in the very heart of the metropolis, whither they reſorted in great numbers, and, to the diſhonour of the government, and great prejudice of the people, defended themſelves with force and violence againſt the law and public authority. This intolerable miſchief the parliament redreſſed by 'an act for the more effectual relief of creditors in caſes of eſcapes, and for preventing abuſes in priſons and pretended privileged places;' wherein ſuch effectual proviſion was made to reduce thoſe outlaws, that, immediately after the act was publiſhed, they abandoned their poſts to better inhabitants. An act alſo paſſed for the relief of creditors, by which they were enabled to make compoſitions with their debtors, in caſe two thirds, in number and value, did agree: But this act was repealed the next ſeſſion.

Towards the beginning of this ſeſſion, the commons having taken notice of the late miſcarriages of the fleet, ordered, that ſir George Rooke ſhould attend the houſe, to give an account, why the French Toulon ſquadron was not intercepted in going to Breſt? That admiral attended accordingly, and afterwards produced copies both of his journal, and of the orders, which he had received from the admiralty; which being examined, it was ordered, that ſir Cloudeſly Shovel ſhould lay before the houſe copies of all ſuch orders, as he had received, in order to the joining ſir George Rooke. Which being done, and much time ſpent in both houſes about this affair, it did not appear, that either of theſe admirals had failed in their duty.

On the 16th of April, the king came to the houſe of lords, to put an end to this long ſeſſion, and made the following ſpeech to both houſes.

"My lords and gentlemen,

"HAVING given my aſſent to the ſeveral bills you have preſented to me, I am now to return you my hearty thanks for what you have done this ſeſſion, which has been carried on with great prudence, temper, and affection.

"At the opening of the ſeſſion I told you, how ſenſible I was of the difficulties to be ſtruggled with, which were of ſuch a nature, that I will freely own the hopes, I had of your being able to overcome them, were founded only upon the wiſdom and zeal of ſo good a parliament.

"My expectation has been fully anſwered. You entered upon the buſineſs with ſo much chearfulneſs, proceeded ſo unanimouſly, and have at length brought things to ſuch a concluſion, that we may hope to carry on the war with ſucceſs, in caſe our enemies do not think it their intereſt to agree to an honourable peace. And ſo effectual a proviſion being made for ſupplying the deficiencies of former funds (which is the beſt foundation for re-eſtabliſhing of credit) I doubt not, but, in a ſhort time, it will have a very happy effect, to the univerſal eaſe and ſatisfaction of my people.

"The circumſtances of affairs making it neceſſary for me to be out of the kingdom for ſome time, I ſhall take care to leave the adminiſtration of the government, during my abſence, in the hands of ſuch perſons, as I can depend upon."

My

then mentioned fell out ſo true, that I was ſurpriſed how he could know them, and not more, till I underſtood he had his intelligence from one Hewet, a youth, that lived with major Holmes's brother, I think, and was about that time often employed to wait on ſir George Barclay; by which means he had opportunity to gueſs or over-hear particulars, which otherwiſe, I ſuppoſe, he might not be truſted with. I remember in winter Smith wrote very poſitively of an invaſion intended from France, which was to break out at the arrival of the Toulon fleet; and that many gentlemen of quality and officers were ſent from St. Germain's on that deſign. He named ſir Henry Browne, my lord Montague's brother, at one time; at another ſir George Barclay, Holmes, Counter, and others. Then he gave hints of ſome great deſign, which he ſhould ſoon diſcover the bottom of; and afterwards grew more particular, that it was to ſeize the king's perſon, and named Barclay, Charnock, Holmes, and others, as employed in the villainy; and that, at the ſame hour this was to be executed, there was to be a general riſing in all the counties of England. He was different in his accounts about the manner of ſeizing the king. Sometimes Mr. Lattin's lodge near Richmond was to be attacked, and the walls ſcaled by foot, whilſt he was there. Sometimes an attempt of the like nature was to be made at Kenſington houſe; and at other times the king was to be ſet upon going to, or coming from hunting. Near to the day the aſſaſſination was intended, he was very earneſt for money to buy a horſe and equipage; upon which I deſired Mr. Vernon to talk with him, if he knew of his own knowledge any perſon engaged in ſuch a deſign; for, being never able to bring any thing in confirmation of what he aſſerted, from whom he had it, or what time it was to be executed, I ſuppoſed there was no truth in the ſtory; or, if there were, I might poſſibly have ſet him to be engaged in it. He gave Mr. Vernon no ſatisfaction upon diſcourſing with him, but proceeded in his promiſes to him, that nothing could be attempted, but he would give me an account. When the whole was brought to light, and it appeared he was not enough in the ſecret to have prevented it, I intended notwithſtanding to have done ſomething for him, and at his own deſire concealed his name, to give him an opportunity, as he pretended, to apprehend Chambers. In the mean time I had an account, that in very public places he began to threaten that he would complain of me to the Parliament; whereupon I neither thought it ſafe nor decent to have any more to do with him.

"What I received, relating to an attempt on his majeſty's perſon or the invaſion, I always gave the king an account, whilſt I was able to wait on him; but, being much indiſpoſed, I had his majeſty's leave to go into the country for a few days, where I remained, till I was commanded back, upon the happy diſcovery of that horrid deſign.

"This, my lord, is all I can collect to the ſubject their lordſhips were pleaſed to command. I beg the favour it may be communicated to the houſe, and am, &c."

My lords and gentlemen,

"I Have nothing more to aſk of you, but that you carry down the ſame good diſpoſition into your ſeveral countries, which you have expreſſed in all the proceedings of this ſeſſion."

And then the lord keeper prorogued the parliament to the 13th day of May.

Beſides the acts paſſed this ſeſſion, the commons ſent a bill to the lords, limiting elections to future parliaments, that none ſhould be choſen but thoſe who had ſuch a proportion of eſtate or money; the lords rejected it: They thought it reaſonable to leave the nation to their freedom, in chuſing their repreſentatives in parliament: It ſeemed both unjuſt and cruel, if a poor man had ſo fair a reputation, as to be choſen, notwithſtanding his poverty, by thoſe who were willing to pay him wages, that he ſhould be branded with an incapacity becauſe of his ſmall eſtate. Corruption in elections was to be apprehended from the rich, rather than from the poor. Another bill was ſent up by the commons, but rejected by the lords, prohibiting the importation of all Eaſt-India ſilks, and Bengals: This was propoſed, to encourage the ſilk manufacture at home; and petitions were brought for it by great multitudes, in a very tumultuary way; but the Lords had no regard to that.

The houſe of commons taking offence at an advertiſement in the Flying-poſt, tending to deſtroy the credit and currency of the exchequer bills, that were going to be iſſued out, a bill was brought in by Mr. Pulteney, to prevent the publiſhing any news without licence. This bill, in the heat of their reſentment, was read the firſt time, but thrown out before a ſecond reading; becauſe, though they ſaw the miſchiefs of the liberty of the preſs, they knew not where to fix the reſtraint.

As the time for opening the treaty for a general peace drew near, the king appointed the earl of Pembroke, viſcount Villiers, and ſir Joſeph Williamſon, his plenipotentiaries to treat with France; and, in the earl of Pembroke's abſence, ſir Thomas Mompeſſon, ſir Charles Cotterel, junior, and Mr. James Tyrrel were to execute the office of Privy-ſeal.

The lord Galway (created an earl) the marquis of Wincheſter and viſcount Villiers were made lords Juſtices of Ireland; and Mr. Methuen, chancellor of that kingdom, in the room of ſir Charles Porter, deceaſed.

The king to return the compliment of the ſtate of Venice, appointed the earl of Manchеſter his embaſſador extraordinary to the ſtate. The earl had always appeared zealous in the cauſe of liberty, and had, at his own expence, accompanied the king as a volunteer, with a very handſome retinue into Ireland; and was in the battle of the Boyne, at the ſiege of Limerick, and, after the reduction of Ireland, was made captain of the band of yeoman of the Guards. At the ſame time, ſir James Ruſhout was ſent embaſſador to Turkey, and ſir Lambert Blackwell (knighted on that occaſion) envoy to Tuſcany.

About a month before, the earl of Ayleſbury, who (as ſaid before) was committed to the Tower, on account of the late plot, was brought by Habeas Corpus to the court of King's-Bench, and releaſed upon bail; but the lord Montgomery, committed on the ſame account, was denied that favour and remanded to Newgate.

The lord Berkley, of Stratton, who had ſignalized himſelf in ſeveral enterprizes in the channel, died of a pleuriſy and fever, cauſed by hard drinking, in company with ſeveral other nobles, who had alſo like to have ſuffered by it. Upon the lord Berkley's death, his regiment of marines was given to ſir Cloudeſly Shovel.

The earl of Dorſet reſigned the office of lord Chamberlain, which he enjoyed ever ſince the revolution. He was a generous good natured man. He was ſo oppreſſed with phlegm, that, till he was a little heated with wine, he ſcarce ever ſpoke: But he was, upon that exaltation, a very lively man. Never was ſo much ill nature in a pen, as in his, joined with ſo much good nature, as was in himſelf, even to an exceſs; for he was againſt all puniſhing, even of malefactors. He was bountiful, even to run himſelf into difficulties, and charitable to a fault, for he commonly gave all he had about him, whenever he met an object that moved him. But he was ſo lazy, that though king Charles II. ſeemed to court him to be a favourite, he would not give himſelf the trouble that belonged to that poſt. He hated the court, and deſpiſed that king, when he ſaw he was neither generous, nor tender-hearted. He was ſucceeded in his office by the earl of Sunderland, who was ſoon after ſworn of the privy-council, and was now in as great favour, as he had been in the former reigns.

About the ſame time, the lord-keeper Somers was made lord high-chancellor, and baron of Eveſham in Worceſterſhire.

The ſame day, the king appointed a regency during his abſence [g], and, two days after leaving Kenſington, he embarked, the 26th of April, at Margate for Holland, where he arrived the next day.

The great tranſaction of this year was the treaty of a general peace. The chief of the Engliſh plenipotentiaries was the earl of Pembroke. He was a man of eminent virtue, and of great learning, particularly in the mathematics: this made him a little too ſpeculative and abſtracted in his notions. He had great application, but had lived a little too much out of the world, though in a public ſtation: there was ſomewhat in his perſon and manner that created him an univerſal reſpect, for there was no man whom all ſides honoured ſo much as they did him. In this affair were joined with him the lord Villiers and ſir Joſeph Williamſon, as was before ſaid. The plenipotentiaries, named by France, were Harley, Crecy, and Calliers. The firſt difficulty that aroſe was about the place of Congreſs, the emperor propoſing either Mentz, or Francfort, and the Dutch, with moſt of their allies, inſiſting upon a place in Holland. It was expected, that either Maeſtricht, Nimeguen, or Breda, would have been choſen; but, towards the middle of January, Callieres, by his maſter's orders, moved that the plenipotentiaries of the allies, who were now at the Hague, ſhould reſide there, and thoſe of France at Delft, where they were at this time; and that the conferences ſhould be held at a palace belonging to king William, all which was agreed to. This palace was called Newburg-houſe, becauſe a duke of Newburg laid the firſt ſtone when it was building by Frederic Henry, prince of Orange. No place could be more proper for the purpoſe, being ſituated between the Hague and the Delft, cloſe by the village of Ryſwick.

The French were reſolved to have a peace at any rate; not ſo much on account of the difficulties of carrying on the war, the decay of their trade, and their heavy taxes, but chiefly from another motive. The king of Spain's illneſs, and the ſucceſſion to his dominions, to which the French king had an eye, was the principal cauſe of his deſiring a peace. He knew, that as long as the war continued, and the grand confederacy remained entire, his deſign could not be accompliſhed; and therefore he haſtened the concluſion of the treaty, that he might have his hands free to fall upon Spain, the moment his catholic majeſty died, which he might eaſily do before a new league could be formed againſt him. Accordingly, as the king of Spain's ſickneſs increaſed, the French king offered advantageous terms, giving the Allies more than could be expected, conſidering his conqueſts and force; and would have offered ſtill more, if all the Allies had been of the emperor's mind, to require a greater number of reſtitutions.

The intereſts of the emperor were entirely contrary to thoſe of the French king. He had alſo his eye upon Spain, and therefore it no leſs concerned him, that the confederacy ſhould remain, than it did the French king, that it ſhould be broken. Beſides, the emperor had the more reaſon to excite the confederates to purſue the war, as he hoped to be ſoon able to turn more forces againſt France. For he was going to conclude a league with Muſcovy, by which the Czar was obliged to make war with all his force againſt the Turks, and Tartars. He alſo hoped to have a king of Poland of his party, who might annoy the Turks in ſuch a manner, as to force him to a peace. The negotiation of the ſix circles of the Rhine, to have ſix thouſand, and, in caſe of need, twelve thouſand men on foot, was likewiſe in great forwardneſs. For theſe reaſons the emperor was entirely againſt a peace, and did all he could to retard it.

As for England and Holland, they had no other concern in the treaty, but to ſecure their Allies, to ſettle a barrier in the Netherlands, and to get king Willlam acknowledged. Things being

[g] The regents were the archbiſhop of Canterbury, lord chancellor Somers, the earl of Pembroke, the duke of Devonſhire, the duke of Shrewſbury, the earl of Dorſet, the earl of Romney, the earl of Sunderland, and admiral Edward Ruſſel, for whom a patent was preparing to create him baron of Shingey, viſcount Barfleur in Normandy, and earl of Orford, which was accordingly done the 6th of May.

being in this ſtate, after ſeveral debates, the French plenipotentiary Callieres, on the 10th of February, in the name of his maſter, conſented to the following preliminaries:

I. That the treaties of Weſtphalia and Nimeguen ſhould be the baſis of this to be negotiated at Ryſwick.

II. That Straſburg ſhould be reſtored to the empire, in the ſame condition, as the French took it. (But here Borcel and Dychvelt, the Dutch plenipotentiaries, declared to the Mediator, before Callieres, that, whenever the reſtitution of Straſburg was talked of, it was alſo added, 'or an equivalent at the emperor's choice.')

III. That Luxemburg ſhould be reſtored to the Spaniards in its preſent condition. (So likewiſe it was here declared in the ſame manner, 'or an equivalent to be propoſed by Spain to the king of France.')

IV. That Mons and Charleroy ſhould be ſurrendered as they were.

V. That all places taken by the French in Catalonia, ſince the peace of Nimeguen, ſhould be reſtored in the ſame manner.

VI. That Dinant, both the city and caſtle ſhould be given up to the biſhop of Liege, as they were when taken.

VII. That all reunions, ſince the treaty of Nimeguen, ſhould be made void.

VIII. That Lorrain ſhould be reſtored according to the conditions of that treaty; but farther agreed, that in caſe the conditions made in reſpect to that country ſhould not pleaſe, that article ſhould be referred to the general treaty, and that it ſhould be the firſt point debated in the negotiation. Here it was likewiſe farther agreed, that upon concluſion of the peace, the French king ſhould acknowledge the prince of Orange as king of Great-Britain, without any manner of difficulty, reſtriction, condition, or reſerve; but as for other princes, whether they were in the confederacy or not, their pretenſions ſhould be reſerved to the general negotiation under the mediation of the king of Sweden [h].

Some of the miniſters of the Allies, after having conſulted their maſters upon theſe preliminaries, declared, that, as to the firſt article, they fully agreed to it; but, as for Straſburg, they farther inſiſted, that it ſhould be reſtored, with it's fortifications and dependencies, and that no equivalent ſhould be accepted. They allowed of the third, fourth, and fifth articles; only they inſiſted, that not only the city but the county of Luxemburg, and that of Chinay ſhould be given up; as they likewiſe did, that the city and caſtle of Dinant ſhould be yielded, together with the duchy of Bouillon, in the ſame ſtate they were. They owned themſelves alſo ſatisfied as to the ſeventh article concerning the re-unions, but not ſo with the agreement made about Lorrain, which they would have reſtored to the duke it's ſovereign, without any manner of reſtriction.

Before any farther progreſs was made in the treaty, Charles XI, king of Sweden, who had been received as mediator, happened to die [i]. His ſon, the famous Charles XII, who ſucceeded him in his throne, was but fifteen years old, and gave great hopes of being an active, warlike, and indefatigable prince, which his reign did afterwards demonſtrate to the world. This accident was like to retard the negotiations, but, the deceaſed king having appointed by his will the queen and five of the ſenators to adminiſter the government during his ſon's minority, the regents, among whom the queen had two voices, and who had full power to make treaties, and to perform all other acts of ſovereignty, as ſhould be agreed on by the major part of them, ſent immediately expreſſes to ſeveral foreign courts, to acquaint them with their intentions to purſue the mediation begun by the late king for the tranquillity of Chriſtendom; and diſpatched a new commiſſion to monſieur Lillienroot for that purpoſe. Some time before it was agreed by the plenipotentiaries at the Hague, that for the eaſier carrying on the treaty, all ceremonies ſhould be laid aſide; and the titles, which any prince took, be of no conſequence: That the ſeveral miniſters ſhould have free and ſecure correſpondence with the princes their maſters: That in order to this, blank paſſports ſhould be given to each party for the couriers diſpatched by them, as alſo for the pacquet-boats to and from England: And that the powers of the reſpective plenipotentiaries ſhould be on the ſame foot they were at Nimeguen.

In purſuance of the preliminaries, monſieur Lillienroot, the mediator, appointed the firſt conference to be held at Ryſwick, on the 9th of May; and accordingly the Allies being met together in the apartments on one ſide of the palace, the French in the apartments on the other ſide, and the mediator in the middle between both, the Allies and the French ſhewed him their powers, and gave him copies of the ſame, which he communicated to the reſpective miniſters, and left the copies with them. This, and the ſettling part of the ceremonial in order to further proceedings, took up near three hours; and then the conference was adjourned to the 11th of the ſame month; when, being met again in the ſame manner as they did at firſt, the powers of the Allies were by the mediator exchanged with the French embaſſadors. Beſides, they agreed to meet conſtantly on Wedneſdays in the morning, and Saturdays in the afternoon; and that, to prevent inconveniencies, which might ariſe from crowds of attendants, each embaſſador ſhould go thither only with one coach and ſix horſes, two pages, and two footmen. On the 15th and 18th, the mediator and plenipotentiaries met again; but all they did at thoſe two conferences was only to regulate ſeveral points of ceremony; in which, for the moſt part, they followed the rules, that were obſerved at the treaty of Nimeguen.

On the 22d of May, the Imperial plenipotentiaries delivered to the mediator their demands in the name of the emperor and empire; and ſome of the German miniſters, at the ſame time, gave in the particular pretenſions of the princes their maſters. After which the Allies drew up a large deduction in juſtification of their claims; of which however they reſolved to give the French embaſſadors no copy, till they had received the king's orders to propoſe theirs. But, the French plenipotentiaries having declared, that they had nothing to aſk or pretend to, and that they were ready to anſwer the others, the Allies changed their minds; and the French, in the mean while, had ſeveral ſeparate conferences with the Dutch about commerce and a ceſſation of arms.

[h] The other preliminaries were:

IX. That the duchy of Deux-ponts ſhould be reſtored to Sweden.
X. That Philipſburg ſhould be given up to the biſhop of Spire.
XI. That the fort of Kiel, and other fortifications made on the Rhine, ſhould be razed.
XII. That the ſame ſhould be done by fort Louis and Hunninghen.
XIII. That Traerback and Montroyal ſhould be given up; the firſt diſmantled, but upon condition never to be fortified again.
XIV. That the elector Palatine ſhould not only be reſtored to all the electorate, but alſo to the duchies of Simmeren and Lauthern, with the earldom of Manheim; as alſo other places, whereof he had been diſpoſſeſſed to the preſent time.
XV. That the ducheſs of Orleans ſhould not have recourſe to open force to maintain her pretenſions, but might bring her action according to law, in relation to the elector.
XVI. That the caſtle and county of Veldens ſhould be reſtored to their lawful owner.
XVII. That Biſweiler ſhould be given to the count of Hanaw.
XVIII. That the ſeignories of March, Mormoſy, and Dagſtein, and the county of Dagſburg, ſhould be delivered up to the count of Overſtein.
XIX. That the ſeignories of Salms and Valkenſtein ſhould be given up to the prince of Salms, or to their proprietors, ſeeing the ſame was ſtill in queſtion.
XX. That the ſeignories of Lutzenſtein and Altheim ſhould be ſurrendered to their owners.
XXI. That Tweibes ſhould be given up to the houſe of Naſſau.
XXII. That the city and county of Montbeilliard, Harcourt, Bainnont, and Chattelette ſhould be put into the poſſeſſion of the houſe of Wirtemberg.
XXIII. That Germeſheim ſhould be given up to the elector Palatine, notwithſtanding any former treaties to the contrary.
XXIV. That the principality of Orange ſhould be given up to it's ſovereign.

[i] He was a rough and boiſterous man; he loved fatigue, and was free from vice; he reduced his kingdom to a military ſtate, and was ever going round it, to ſee how his troops were ordered, and his diſcipline obſerved; He looked narrowly into the whole adminiſtration; he had quite altered the conſtitution of his kingdom; it was formerly changed from being an elective, to be an hereditary kingdom, yet, till his time, it had continued to be rather an ariſtocracy, than a monarchy; but he got the power of the ſenators to be quite taken away, ſo that it was left free to him, to make uſe of ſuch counſellors as he ſhould chuſe; the ſenators had enriched themſelves, and oppreſſed the people; they had devoured the revenues of the crown, and in two reigns, in which the ſovereign was long in a ſtate of infancy, both in queen Chriſtina's and in this king's time, the ſenators had taken care of themſelves, and had ſtripped the crown. So the king moved for a general reſumption, and this he obtained eaſily of the ſtates: Who, as they envied the wealth of the ſenators, ſo they hoped that, by making the king rich, the people would be leſs charged with taxes; this was not all, he got likewiſe an act of reviſion, by which thoſe who had grants were to account for the mean profits, and this was applied even to thoſe who had grants upon valuable conſiderations; for, when it appeared that the valuable conſideration was ſatisfied, they were to account for all they had received over and above that, and to repay this, with the intereſt of the money, at 12 per cent. for all the years they had enjoyed it. This brought a great debt on all the ſenators and other families of the kingdom, it did utterly ruin them and left them at mercy, and, when the king took from them all they had, he kept them ſtill in a dependence upon him, giving them employments in the army or militia that he ſet up.

After that, he procured of the ſtates of his kingdom an abſolute authority to govern them as he thought fit, and according to law; but even this limitation ſeemed uneaſy, and their ſlavery was finiſhed by another act, which he obtained, that he ſhould not be obliged to govern by law, but by his meer will and pleaſure: So ſucceſsful was he, in the ſpace of five years, to ruin all the families in his kingdom, and to deſtroy their laws and liberties, and that by their own conſent.

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This laſt point the French ſeemed very eager for, and the ſame was much preſſed by the mediator, who, upon the Spaniſh miniſters delivering their grievances, declared, that he was of opinion, that nothing could more contribute to the advancement of the peace, than the agreeing on a truce by common conſent; men's minds being ſo much the leſs compoſed, and fit for a calm negotiation, by how much they were elated or depreſſed by the good or bad ſucceſſes of war. Though this motion ſeemed then to be approved by ſilence, yet other things intervened, which cauſed it to be laid aſide. About the ſame time the Brandenburg embaſſadors ſtrongly inſiſted, that all the names of the confederate princes ſhould be expreſſed, and particularly inſerted in the treaty; and ſome of the Allies took it very ill, that the pretenſions of the empire were propoſed by the emperor's embaſſadors only in his Imperial majeſty's name; to ſilence which complaints it was anſwered, that every one of the Allies was free to propoſe ſeparate articles concerning his own affairs. Whereupon ſeveral princes gave in their grievances to their mediator.

The king of France, foreſeeing that the houſe of Auſtria would inſiſt upon the treaty of the Pyrenees, reſolved to make his laſt efforts in Flanders and Catalonia, to reduce the Spaniards to his own terms, and to advance the prince of Conti to the crown of Poland, not doubting but that warlike prince, who both from inclination and gratitude would ever promote the intereſt of France, would ſoon make the emperor more tractable. The French army was very numerous and formidable this year in the Low-countries; and having, beſides, the advantage of being earlier in the field, than the confederates, both by reaſon of the remoteneſs and ſlow march of the German troops and of king William's indiſpoſition, they boaſted of attacking a no leſs conſiderable place than Namur; but, having reflected upon the difficulties of that enterprize, they were contented to open the campaign with the ſiege of Aeth, a place, which the French had yielded to Spain by the treaty of Nimeguen. There were no leſs than three marſhals of France in that army, Villeroy, Bouffiers, and Catinat; but, Catinat being the greateſt general of the three, it was to him the French king gave the direction of the ſiege, and ordered monſieur Vauban to aſſiſt him in it, whilſt Villeroy and Boufflers ſhould obſerve the confederates. Upon intelligence of the French having inveſted Aeth, king William, who by this time was recovered of his late illneſs, immediately repaired to his army in Brabant, and had an interview with the duke of Bavaria, who commanded another army at hand, to join him upon occaſion. But, beſides the great ſuperiority of the French, which would have made the attempt very difficult, king William openly declared, he would not ſacrifice one man for the relief of a place, which the French would be obliged to give up by the peace. It is true, the king might eaſily have laid ſiege to Dinant, while Catinat was beſieging Aeth; but then Bruſſels had been left expoſed to Villeroy and Boufflers, who had a deſign upon that city; but the king, by a very happy diligence, preventing them, poſſeſſed himſelf of an advantageous camp, about three hours before the French could reach it, by which they were wholly diſabled to execute their deſign. As for Aeth, it was ſo vigorouſly preſſed by the beſiegers, and ſo faintly defended by the governor, for the ſame reaſons which induced king William not to attempt it's relief, that it ſurrendered after twelve days of open trenches.

Not many days after the duke of Vendoſme, who commanded the French forces in Catalonia, inveſted Barcelona both by ſea and land, though he had ſcarce men enough to compleat his circumvallation. This gave the beſieged an opportunity to maintain a free communication with the viceroy of Catalonia, who thereupon took the field with a ſmall body of troops, and ſummoned the Miquelets to join him, in order to raiſe the ſiege. Beſides, the place was defended by a numerous garriſon of ten thouſand diſciplined men, and about five thouſand burghers, who had voluntarily taken up arms; and, to uſe all imaginable precautions for the preſervation of that city, the queen of Spain recommended it to a prince of Heſſe d'Armſtadt, who had ſignalized himſelf, not only at the battle of Aghrim in Ireland, but likewiſe on ſeveral other occaſions, and who, upon changing his religion, was now at the head of the German troops that were ſent into Spain. All theſe difficulties made the world believe, that the poſitive orders of the court of France had engaged their general in an enterprize, which would not turn to his honour. People were confirmed in this opinion by the vigorous and well-timed ſallies of the prince of Heſſe, who diſputed every inch of ground with the enemy, and ſo retarded the advancing of their works, that the duke of Vendoſme wrote to the French king, that, unleſs he was ſpeedily reinforced, he ſhould be obliged to abandon the ſiege inglorioufly. Upon this the French king ordered all the troops in Provence and Languedoc to march that way with all expedition; and, theſe ſuccours arriving in time, the French made a great attack, which laſted from twelve at night till three the next morning. They endeavoured three ſeveral times to paſs the paliſſadoes; but the beſieged repulſed them as often ſword in hand, and purſued them a good way. Had the prince of Heſſe been ſeconded by Don Franciſco de Valeſco, the viceroy, the ſiege had certainly been raiſed; but the viceroy (whether by a fate common to all the Spaniards, or from a jealouſy, that the whole honour would accrue to a ſtranger, if the place ſhould hold out) ſo entirely neglected to do his part, that he was ſurprized, and his ſmall army routed. The French, flushed with this ſucceſs, attacked the outworks, which they had been battering a long while with a great many cannon. This diſpute was obſtinate, and maintained with great courage and reſolution on both ſides; but at laſt the French, by the ſuperiority of their numbers, made themſelves maſters of the covered-way, and afterwards advanced to the attack of two baſtions, which, after having been twice taken and retaken, one of them remained in the poſſeſſion of the aſſailants. The next day, the beſieged endeavoured to recover the baſtion of San Pedro they had loſt, which occaſioned a ſharp encounter. The French were twice beaten from their poſt, but at laſt lodged themſelves again; and, about the ſame time, the enemy ſprung a mine under the baſtion of Portal Nuova with ſo good ſucceſs, that after ſeveral attacks they lodged themſelves there likewiſe. Upon theſe baſtions the duke of Vendoſme raiſed great batteries both of cannon and mortars, from which he fired ſo furiouſly upon the town, that he judged it could not hold out much longer. His conjecture proved true, for though the prince of Heſſe ſtill maintained himſelf on part of thoſe baſtions, and was reſolved to expect the laſt extremity in the caſtle; yet, the court being unwilling to ſuffer that city to be entirely ruined by the enemy, ſince, in all probability, it would ſoon be reſtored by the peace, orders were diſpatched to the prince to capitulate, which he did on very honourable conditions, after nine weeks vigorous reſiſtance; ſo that it remains undecided, whether the duke of Vendoſme gained more glory by taking, than the prince of Heſſe did by defending this place; for which ſervice he was, not long after, made viceroy of Catalonia. By this the French gained a great point. Hitherto the Spaniards, who contributed the leaſt towards carrying on the war, were the moſt backward to all overtures of peace. They had felt little of the miſeries of war, and thought themſelves out of it's reach. But now, France being maſter of ſo important a place as Barcelona, which cut off all their communication with Italy, they became as earneſt for peace, as they had before been averſe to it.

Nor was this all their danger: For monſieur de Pointis, having fitted out a ſquadron of men of war, at the charge of a company, erected by the French king's permiſſion, in order to ſeize the Spaniſh plate-fleet, in the Weſt-Indies, ſet ſail from Breſt (though at that time a ſtrong Engliſh fleet was cruizing off that place) towards the beginning of this year, and in fifty-five days arrived before St. Domingo. Here he was conſiderably reinforced, and being alſo joined by the buccaniers and freebooters in theſe parts, and finding that the galleons were already got to the Havanna, where he could not attack them, he proceeded to put his deſign upon Carthagena in execution. He received no ſmall aſſiſtance in this project from one Venner, an Engliſhman, who had ſerved the Spaniards many years, and who drew for him ſeveral plans of that town; by which Pointis judged, that there was a neceſſity of poſſeſſing himſelf, upon his firſt arrival, of a conſiderable poſt, called 'Noſtra Signora de la Papa;' otherwiſe the Spaniards would have an opportunity to carry off whatever they were deſirous to ſave. In order to this, Pointis, after concerting proper meaſures, went in a canoe to find a proper place for landing the men; but, to his ſurprize, the ſea ran ſo high, though the weather was calm, that there was no poſſibility of landing the boats; and was, himſelf, like to be drowned. Hence he learned, which was confirmed by the relation of the inhabitants, that the ſea, upon all this coaſt, in all ſeaſons, is a natural, invincible rampart; and that Carthagena is approachable only by the lake, which makes the harbour. Finding this attempt impracticable, he bent his efforts againſt the fort of Bocca Chica; of which, in a ſhort time, he made himſelf maſter, notwithanding the difficulties of approaching it, and the cowardice of the buccaniers in his ſervice. The taking of this fort was ſoon followed by the ſurrender of that of St. Lazar; after which Carthagena itſelf was inveſted, both by ſea and land. The place was attacked and defended with a great deal of vigour; but, the Spaniſh ſuccours not coming in

time, and all things being now ready for an aſſault, the garriſon thought fit to agree to a capitulation, whereby they were to march out through the breach with all the uſual marks of honour, and four pieces of cannon; but, for the reſt, that all ſilver without reſerve, ſhould belong to the conqueror; and that ſuch of the inhabitants, as ſtaid behind, ſhould enjoy all they had, excepting their plate.

In purſuance of theſe articles the governor marched out of Carthagena, and Pointis entered it; but though Pointis, according to the agreement, was to have all the ſilver, how to come at it, was no ſmall difficulty. At laſt he bethought himſelf of an expedient, ordering it to be publiſhed, that he would give the tenth to the proprietors of whatſoever they honeſtly brought him and a tenth to them, who ſhould inform him of any perſons, that concealed their effects; to which he added his threats of immediate puniſhment on thoſe who diſobeyed; which had the deſired effect upon the generality of the people. Neither were the churches and religious houſes ſpared, being robbed and rifled of ſeveral maſſy images of gold and ſilver, and other rich ornaments; though, after all, the booty fell much ſhort of Pointis's expectation; for, the town having taken the alarm, before his arrival, all the women of any quality, with their jewels, the nuns, and an hundred and ten mules laden with gold, were gone a great way out of his reach; and how baſely ſoever the buccaniers had ſerved him in the expedition, they had their aſſigned proportion of the ſpoil, with which, nevertheleſs, ſome of them were not ſatisfied [k]. Though the riches had been thus ſent away, they gave it out, that they had found many millions of crowns there, which, at firſt, ſeemed incredible, and was afterwards known to be falſe; yet it was confidently aſſerted, at that time, to cover the reproach of having miſcarried in the attempt, on which they had raiſed great expectations, and to which many undertakers had been drawn in.

The French, not thinking it adviſeable or poſſible to keep this place in their hands, ruined the fort of Bocca Chica, and put out to ſea, ſtanding for Cape Tuberon; when an advice-boat from Petit Guaves informed them, that thirteen Engliſh men of war were arrived at Barbadoes, to look after them. This made Pointis alter his courſe for the ſtreights of Bahama till ſix at night, when he fell in with the Engliſh, who proved to be much ſtronger than he was informed, and who preſently took one of his fly-boats, on board of which there was a conſiderable quantity of ammunition and proviſion. While this was doing, half the Engliſh fleet, which were got within reach of the enemy, ſeemed to decline fighting, till the reſt, to the leeward, could come to the action; which gave the French an opportunity of getting before them. On the other hand, the advanced part of the Engliſh fleet having got the windward of the French, and within leſs than cannon ſhot, Pointis, who ſaw the neceſſity of fighting, gave the ſignal for the engagement. But the Engliſh admiral, Nevill, reckoning there was no ſafety for the French, but to go before the wind for the ſtreights of Bahama, ſlackened his way, propoſing to get ſo much a-head of them, as to hinder their paſſage. Upon this the French, at the cloſing of the night, tacked about, and found the ſucceſs of their working the next day, for they could reckon no more than fourteen ſhips following them in a line, and thoſe not ſo nigh by far as the day before; which made the French continue the ſame road till they got within twenty leagues of Carthagena, and the next day got clear of the Engliſh fleet.

Having made ſo narrow an eſcape, the French ſailed for Newfoundland, and watered at Conception-Bay. From hence they ſteered their courſe to that of St. John's, where lay a ſquadron of Engliſh ſhips, under commodore Norris, which was ſent with ſome land forces to recover Hudſon's-Bay. Theſe ſhips might have fallen upon the French, and would probably have maſtered them, as they were now extremely weakened by ſickneſs. But, as Norris had no certain account of their ſtrength, and being ordered upon another ſervice, he did not think proper to hazard the attacking them; ſo they eſcaped this ſecond danger, as they did afterwards a third from ſix Engliſh men of war, that attacked them in their paſſage from thence into France, where they arrived on the 19th of Auguſt. This was, as they confeſſed, more than themſelves could have expected, conſidering the diſtreſs they were reduced to. On the other hand, not only admiral Nevill died in the Weſt-Indies, but moſt of the other commanders; ſo that of all the captains, who went out, only one returned; and ſuch a mortality had raged among the ſeamen, that there were ſcarce ſailors ſufficient to bring home the ſhips; and, as this ſquadron in the bay of Mexico did very little ſervice, except robbing and deſtroying ſome of the French colonies, ſo that, ſent to Hudſon's Bay found it quite abandoned by the French; ſo that both returned home inglorious.

Theſe things occaſioned the conduct of our affairs at ſea to be much cenſured: However, our admiralty declared themſelves ſatisfied with the account, which the commanders gave of their proceedings. But that board was accuſed of much partiality. On all ſuch occaſions the unfortunate muſt expect to be blamed, and, to outward appearance, there was much room given, either to cenſure the orders, or the execution of them. The king, indeed, owned, that he did not underſtand thoſe matters; and admiral Ruſſel, now made earl of Orford, had both the admiralty and the navy board in great dependance on himſelf; ſo that he was conſidered almoſt as much, as if he had been lord high-admiral. He was too much in the power of thoſe, in whom he confided, and truſted them too far; and it was generally believed, that there was much corruption, as it was certain there was much faction, if not treachery, in the conduct of the marine. Our miſcarriages made people cry, that we muſt have a peace, for we could not manage the war to any good purpoſe; ſince, notwithſtanding our great ſuperiority at ſea, the French conducted their matters ſo much better than we, that we were loſers, even in that element, where we uſed to triumph moſt.

The ſucceſſes of the French in Flanders, Catalonia, and the Weſt-Indies, would in all probability have made them ſole maſters of the peace, and given their embaſſadors a fair occaſion to ſpeak the language of Nimeguen, had not their expectations from Poland been miſerably diſappointed, where a great change of affairs had happened this year. Their king John Sobieſki, after he had long outlived the fame he had got, by raiſing the ſiege of Vienna, died at laſt under a general contempt. He was going backwards and forwards, as his queen's negotiations in the court of France were entertained or rejected: His government was ſo feeble and diſjointed at home, that all their dyets broke up upon preliminaries, before they could, according to their forms, enter upon buſineſs: He was ſet on heaping up wealth, which ſeemed neceſſary to give his ſon an intereſt in the ſucceeding election. And indeed, upon his death, a great party appeared for the prince, notwithſtanding the general averſion to the matter; ſo that he was thought to be the only competitor, that could oppoſe the prince of Conti's advancement to the throne. But the Abbé Polignac, who managed the French king's affairs in Poland, confidently aſſured him, that the prince of Conti would certainly carry the election, if he would but come thither in perſon, and ſend him a ſufficient ſum of money to bribe ſome Palatines, who oppoſed the French intereſt. Upon this encouragement Conti ſet out for Poland; and great remittances were made to the Abbé Polignac, which he laviſhed away with much oſtentation. The Poliſh nobility had reſolved to make no haſte with the election, and plainly ſet the crown to ſale, encouraging all candidates who would bid for it. Their primate, then a cardinal, was the head of the prince of Conti's party, while the emperor did all he could to ſupport the late king's ſon. But when he ſaw, that the French party was too ſtrong for him, he was willing to join with any other candidate. The duke of Lorrain, the prince of Baden, and Don Livio Odeſchalchi, pope Innocent's nephew, were all named; but, theſe being not likely to ſucceed, a negotiation was ſecretly managed with the elector of Saxony, which ſucceeded ſo well, that he was prevailed on to change his religion, to advance his troops to the frontiers of Poland, to diſtribute eight millions of florins among the Poles, and to promiſe to confirm all their privileges, and, in particular, to undertake the ſiege of Camenieck. He conſented to all this, and, at a time when he was not at all ſuſpected of having any thoughts of the crown of Poland, took a journey in the end of the ſpring to Vienna, under the pretence of ſettling matters in relation to the campaign in Hungary, where it was given out he would command the Imperial army again this ſummer. But the event ſhewed, what his real deſign was, though it was carried on with great ſecrecy and addreſs; for all of a ſudden he left Vienna, and this was attended with various reports induſtriouſly ſpread abroad of ſome miſunderſtanding between the emperor and him, of which nobody could aſſign a cauſe. But, when peo-

[k] Pointis ſays, in his account, that they got eight millions of crowns; and the king of France allowed a tenth of the firſt million, and a thirtieth of all the reſt; ſo, of the eight millions, the ſhare of the buccaniers did not amount to above forty thouſand; whereas they expected that the whole eight millions ſhould have been divided but into four parts, and they to have had one, as being a fourth of the army. Pointis's account, p. 68.

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ple ſaw the elector aſſemble a body of his troops, they entertained ſeveral ſuſpicions; and the Brandenburgers ſo far took the alarm, as immediately to gather all the forces they could, to oppoſe any attempt, that might be made that way. The elector's ſudden march towards Silefia and the frontiers of Poland, quickly occaſioned other ſpeculations; and he declared himſelf a candidate a very few days before the election, being ſupported by the Imperialiſts in oppoſition to the French party. His party became quickly ſo ſtrong, that though, upon the firſt appearance at the election, while every one of the competitors was trying his ſtrength, the French party was the ſtrongeſt, and was ſo declared by the cardinal primate, yet, when the other candidates ſaw, that they could not carry the election for themſelves, they united in oppoſition to the French intereſt, and gave over all their voices to the elector of Saxony, by which his party became much the ſtrongeſt, and he was proclaimed the elected king. The cardinal gave notice to the court of France of what had been done in favour of the prince of Conti, and deſired, that he might be ſent quickly thither, well furniſhed with arms and ammunition, but chiefly with money. But the party for the elector of Saxony made more diſpatch; he lay nearer, and had both his money and troops ready; ſo he took the oaths, that were required, and got the change of his religion atteſted by the Imperial court. He made all the haſte he could with his army to Cracow, and was ſoon afterwards crowned, to the great joy of the Imperial party, but the inexpreſſible trouble of all his ſubjects in Saxony. The ſecular men there ſaw, that the ſupporting this elective crown would ruin his hereditary dominions; and thoſe who laid the concerns of the proteſtant religion to heart, were much more troubled, when they ſaw that houſe, under whoſe protection their religion grew up at firſt, now fall off to popery. It is true, the preſent family, ever ſince Maurice's time, had ſhewn very little zeal in that cauſe. The elected king had ſo ſmall a ſhare of religion in himſelf, that little was to be expected from him; nor was it much apprehended that he would become a bigot, or turn a perſecutor. But ſuch was the eagerneſs of the popiſh clergy toward the ſuppreſſing what they call hereſy, and the perpetual jealouſies, with which they would therefore poſſeſs the Poles, were like to be ſuch, in caſe he uſed no violence towards his Saxon ſubjects, as poſſibly might have great effects on him; ſo that it was no wonder, if they were ſtruck with a general conſternation upon his revolt. His electreſs, though a very young perſon, deſcended of the houſe of Brandenburg, expreſſed ſo extraordinary a meaſure of zeal and piety upon this occaſion, that it contributed much to the preſent quieting of their fears. The new king ſent a popiſh Stadtholder to Dreſden, but ſo weak a man, that there was no reaſon to apprehend much from any conduct of his. He alſo ſent them all the aſſurances, that could be given in words, that he would make no change among them.

A very unuſual accident happened at this time, which ſerved not a little to his quiet eſtabliſhment on the throne of Poland. The Muſcovites, after they had been for ſome years under the divided monarchy of two brothers, or rather, of a ſiſter who governed in their names, by the death of one of the brothers, came under one Czar. He entered into an alliance with the emperor, againſt the Turks; and Azoph, which was reckoned a ſtrong place, and commanded then the mouth of the Tanais or Donne, where it falls into the Palus Meotis, after a long ſiege was taken by his army. This opened the Euxine ſea to him, ſo that, in caſe he was furniſhed with men ſkilled in the building and ſailing of ſhips, it appeared, that this might have conſequences, that would very much diſtreſs Conſtantinople; and, in the end prove fatal to that empire. This was the ſtate of the affairs of Peter I, Czar of Muſcovy, when, being ſenſible of the defects of his education, he reſolved in order to correct them, and to qualify himſelf for the great deſigns he was projecting, to go into the world, and be better informed. He intended to make a navigable canal between the Valga and the Tanais, by which he might carry both materials and proviſions for a fleet to Azoph; and, when that communication was opened, he apprehended, that great things might be done afterwards. He therefore intended to ſee the fleets of Holland and England, and to make himſelf as much maſter of that matter as his genius could riſe to. He ſent an embaſſy to Holland to regulate ſome matters of commerce, and to ſee if they would aſſiſt him in the war, which he was deſigning againſt the Turk. When the embaſſadors were ſet out, he ſettled his affairs in ſuch hands, as he truſted to, and with a ſmall retinue of two or three ſervants ſecretly followed his embaſſadors, and quickly overtook them. He diſcovered himſelf firſt to the elector of Brandenburg, who was then in Pruſſia, looking on the diſpute, that was like to ariſe in Poland, in which, if a war ſhould follow, he might be forced to have a ſhare. The Czar intereſted himſelf greatly in the matter, not only by reaſon of the neighbourhood, but becauſe he feared, that, if the French party ſhould prevail, France being in an alliance with the Turk, a king ſent from thence would probably not only make a peace with the Turk, but turn his arms againſt himſelf, which would hinder all his deſigns for a great fleet. The French party was ſtrongeſt in Lithuania; therefore the Czar ſent orders to his general, to bring a great army to the frontier of that Duchy, to be ready to break into it, if a war ſhould begin in Poland; and it was ſaid, that the terror of this had a great effect. From Pruſſia the Czar went into Holland, where, after his embaſſadors had been admitted to an audience with the States-General at the Hague, they had one of king William at Utrecht; which being over, the King and the Czar met in a ſmall gallery, into which they entered both at the ſame time out of the adjoining rooms, and had a long conference about the poſture of affairs, wherein the Czar highly applauded the king's indefatigable endeavours, and conſtant aim to reduce France within its antient limits.

From Holland the Czar went over the next winter to England, where he ſtaid ſeveral months. Biſhop Burnet waited often on him; and was ordered, both by the king and the archbiſhop and biſhops, to attend him, and offer him ſuch informations of our religion and conſtitution, as he was willing to receive. As the biſhop had good interpreters, he had much free diſcourſe with him. He found him a man of a very hot temper, ſoon inflamed, and very brutal in his paſſion. He raiſed his natural heat by drinking much brandy, which he rectified himſelf with great application. He was ſubject to convulſive motions all over his body, with which his head ſeemed to be affected. He wanted not capacity, and had a larger ſhare of knowledge than might be expected from his education, which was but indifferent. A want of judgment, with an inſtability of temper, appeared in him too often and too evidently. He was mechanically turned, and ſeemed deſigned by nature rather to be a ſhip-carpenter than a great prince. This was his chief ſtudy and exerciſe, while he ſtaid in England. He wrought much with his own hands, and made all about him work at the models of ſhips. He told the biſhop, he deſigned a great fleet at Azoph to attack the Turkiſh empire; but he did not then ſeem capable of ſo great a deſign, though his conduct afterwards, in his wars, diſcovered a greater genius in him than appeared at this time. He was deſirous to underſtand our religion, but he did not ſeem diſpoſed to mend matters in Muſcovy. He was indeed reſolved to encourage learning, and to poliſh his people, by ſending ſome of them to travel into other countries, and to draw ſtrangers to come and live among them. How far this character ſuited him will appear, when his actions come in courſe to be mentioned.

From England he went to Vienna, where he purpoſed to have ſtaid ſome time, but was called home, ſooner than he had intended, upon a diſcovery, or a ſuſpicion, of intrigues managed by his ſiſter; but the ſtrangers, to whom he truſted moſt, were ſo true to him, that thoſe deſigns were cruſhed before he came back. But on this occaſion he let looſe his natural fury on all whom he ſuſpected. Some hundreds were hanged all round Moſcow; and it was ſaid, that he cut off many heads with his own hand; and ſo far was he from relenting or ſhewing any tenderneſs, that he ſeemed delighted with it. But, after this digreſſion, it is time to return to the election of Poland.

A fleet was ordered at Dunkirk to carry the prince of Conti to Poland; but an Engliſh ſquadron which lay before that port, kept him in for ſome time. At laſt he got out, and ſailed to Dantzick; but that city had declared for the new king, and therefore would not ſuffer him to land with all thoſe, who came with him, and only conſented to ſuffer himſelf to land with a ſmall retinue. This he thought would not become him; and therefore landed at Marienburg, where he was met by ſome of the chief of his party, who preſſed him to diſtribute the money, which he had brought from France, among them, and promiſed to return quickly to him with a great force. But he was limited by his inſtructions, and would ſee a good force, before he would part with his treaſure. The new king ſent ſome troops to diſperſe thoſe who were coming together to ſerve him; and theſe had once almoſt ſeized on the prince himſelf. But he acted after that with great caution, and would not truſt the Poles. He ſaw

no appearance of any force like to be brought to him, equal to the undertaking; and fearing, leſt, if he ſhould ſtay too long, he might be frozen up in the Baltic, he came back to Dunkirk. Notwithanding this, the cardinal primate ſtood out ſtill. The court of Rome rejoiced at the pretended converſion of the new king, and owned him; but he quickly ſaw ſuch a ſcene of difficulties, that he had reaſon to repent his embarking himſelf in ſuch a dangerous undertaking. However, his election had ſome influence in diſpoſing the French now to be more earneſt for a peace; for, if they had got a king of Poland in their dependence, that would have given them a great intereſt in the northern parts, with an eaſier acceſs, both to aſſiſt the Turks and the malecontents in Hungary.

The news of this election was no ſmall mortification to the French plenipotentiaries at Ryſwick. But the treaty went on, and the French, who had daily conferences with the miniſters of the ſtates-general and others of the Allies, renewed their offer of an equivalent for Luxemburg and Straſburg, which the Imperial and Spaniſh embaſſadors ſtill rejected. About this time, the Dutch plenipotentiaries complained aloud, and with ſome ſort of indignation, of an unjuſt and falſe report, as if their maſters had underhand concluded a peace with France; and, the better to prove their ſincerity, they openly diſſuaded the miniſters of the Allies from conſenting to a truce. To this, however, the miniſters were of themſelves ſufficiently averſe, eſpecially ſince the French had rejected the pretenſions of the Imperialiſts, and Spaniards, being unwilling to anſwer them before the confederates gave their opinions concerning the propoſal, which France had made, that the plenipotentiaries of the Allies ſhould treat on the foundation laid on the 10th of February laſt, and advance no other points, beſides thoſe, that had already been mentioned. The Imperialiſts made anſwer, 'that theſe articles were but preliminary ones, and not abſolute: and that they were allowed of with this condition only, that, in caſe any point were found to be imperfect or faulty, the ſame ſhould be amended by the ſucceeding treaties; and that they were deſirous to know the anſwer of the French as to every point propoſed by the emperor and his Allies. The Spaniards were of opinion, that they ought to keep cloſe to the points, that had been once agreed on; and that to do otherwiſe would only retard the negotiation: That, ſeeing the firſt preliminary point imported, that the treaties of Weſtphalia and Nimeguen ſhould be the baſis of this negotiation, according to the expreſs conſent of the king of France, it was conſequently very evident, that thoſe preliminary poſitions could not be the foundation of all pretenſions, that the allies could have upon France. That, if the preceding treaties had no effect at all, it was to no purpoſe, that they had made choice of a place to confer in; that the mediation of the king of Sweden had been deſired; and that paſſports had been granted. Upon this the French embaſſadors diſpatched a courier to their maſter, on whoſe part the propoſitions of a truce and a free trade were again offered, as being the firſt ſtep towards a peace. But, theſe being ſtill rejected, they now replied to the anſwers made by the Imperialiſts and Spaniards, that they were ſo ſtrictly limited to their inſtructions, that they durſt not exceed or change any thing from the treaty of Nimeguen, as the baſis propoſed by the king their maſter; and that conſequently it was in vain for the allies to require any thing beyond the articles of that treaty. This reply was far from ſatisfying the allies, who gave the French to underſtand by the mediator, that, their laſt declaration being directly contrary to what had been fully regulated, and abſolutely agreed on in the preliminaries, it could have no other tendency, that to break off the treaty, or at leaſt to draw it into length. The mediator himſelf being of the ſame opinion, he laid the full pretenſions of the allies before the French plenipotentiaries, who gave him for anſwer, that the retarding the negotiation ought with more reaſon to be charged upon the allies, the laſt inſtrument, that had been preſented on the emperor's part, being conceived in ſuch articles, which they foreſaw France neither could nor ought to accept; and that the Spaniards, propoſing the Pyrenean treaty for the baſis of this, made the French inſiſt upon that of Nimeguen. To this the mediator replied, That he could not believe, that his moſt chriſtian majeſty was offended, that all the allies had joined together in the laſt anſwer, ſince that affair was common to them all: That they were of opinion, that France would have declared the ſame thing, were ſhe in the ſame condition, Spain found herſelf in, namely, that the peace of the Pyrenees ſhould be renewed in it's full force. At the ſame time the allies offered it as their opinion, that, for the avoiding of theſe difficulties and diſputes, the French ſhould anſwer each of their propoſitions apart; which was at length agreed to.

The laſt inſtruments preſented by the Imperialiſts were not pleaſing to divers of the Allies, who pretended, that they had other juſt complaints to make againſt France, in order to redreſs. The elector of Hanover's plenipotentiary inſiſting, that he ought to have a place in the aſſembly, as an electoral miniſter, occaſioned alſo ſome diſputes; which being left to the deciſion of the mediator, he gave it in favour of that plenipotentiary. Soon after the Imperialiſts and the French gave in, reſpectively, their projects of peace; but, all the articles of the French being drawn, word for word, from the treaty of Nimeguen, the ſame were rejected by the Allies, as being too oppoſite to the intereſt of the empire; and, becauſe there was often mention made of the Allies of France, it being well known, that ſhe had none in the war, unleſs the Turks were meant by it; it was inſiſted upon, that the French ſhould more fully explain themſelves, and give in a clearer plan. On the other hand, the French, in the beginning of July, required the mediator to exhort the Allies to avoid delays, and apply themſelves effectually to the terminating this tedious work. To this the mediator anſwered, That he did not ſee how the Allies retarded the moving of thoſe obſtacles that lay in the way; but that theſe delays were occaſioned by the French themſelves, in ſending thoſe points, that were undecided to Paris, in order to conſult their maſter thereon. That the ſincere intentions of the Allies were manifeſted from their having deſired, that other extraordinary days ſhould be appointed to hold their conferences, which the French, on their part, had declined; and that the Allies were not ignorant of the deſigns of the French court, who had nothing in view but the treaty of Nimeguen. As ſoon as the mediator had given an account of all this to the Allies, they reſolved to conſult together daily, in order to find out a way to ſhorten their buſineſs; and, in the firſt conference, it was concluded, that the French ſhould anſwer to every point in difference, as propoſed by the Allies; which, when the others came to know, they deſired to be informed, according to what manner the allies were willing to decide the firſt point, to the end that, having once ſeen the beginning of the treaty, they might be able to conjecture whether they had power enough to treat and conclude, without any further orders from their maſter. But the French, at the next meeting, inſiſted, that nothing could add a greater weight to this buſineſs, than to treat according to the peace of Nimeguen, and to change ſome articles therein, when there ſhould be occaſion. The mediator, at the requeſt of the allies, replied, That they were not to treat according to the treaty of Nimeguen only, but alſo according to that of Weſtphalia, ſince both together had been reciprocally propoſed and accepted of in the preliminaries; and that, conſequently, the allies required, that the French ſhould form a project, according to thoſe two treaties; to which project the allies would promiſe a ſpeedy anſwer. The French required time to deliberate upon it; which, while they were doing, the Imperial embaſſadors promiſed to thoſe of the electors, that they would ſoon communicate to them all the articles, which they ſhould put forwards, to the end that all differences between them might be adjuſted.

After ſeveral conſultations, the French declared, That they had not ſufficient power to anſwer to the different propoſals of the Imperialiſts; but that they would give in a project to the Spaniards, if they would accept of it, which the mediator acquainted the allies with; adding, that the French ſtill pretended, they had no other power to treat, than according to the treaty of Nimeguen. Whereupon the miniſters of the allies, in a particular conference, came to an unanimous reſolution, never to conſent to it, that treaty being contrary to the intereſts of almoſt all the princes and ſtates, that ſent them. In the mean time the electoral miniſters could not well digeſt the propoſal of the Imperialiſts, that, in dignities and ceſſions, there ſhould be no regard had to any other, except the embaſſadors of the higheſt characters; for they inſiſted, that they ought to be treated with upon an equal foot with the reſt. Then the French declared, that they would uſe the plenipotentiaries of the electors in the ſame manner, as the emperor's miniſters did, and honour the reſt ſo, in all public affairs, as to give no occaſion of complaints. As to the main of the treaty, the Spaniards, at laſt, conſented that the French ſhould give in their plan; to which they would return an anſwer. This they were prevailed with to do, upon an aſſurance from the mediator, that the ſame ſhould be made up of the treaties of Weſtphalia and Nimeguen, he having told the French, that the articles, which they ſhould propoſe, ought to be regulated by thoſe

two

two treaties; by default whereof no advance could be made in the negotiation. Whilſt the French miniſters were buſy about framing their plan, the elector of Brandenburg's plenipotentiary very earneſtly preſſed them to procure a full power to treat with him, in particular, ſince his maſter had formerly declared war againſt France; and the deputies of the circles of Swabia and Franconia inſiſted likewiſe, to have ſatisfaction made them by France, for the damages, which they had ſuſtained, during the war; but all this to little purpoſe.

To quicken the ſlow advances of the treaty, the miniſters of Sweden and Denmark both declared to the French, That their maſters would be conſtrained to join their forces to thoſe of the allies, to cut off, by the ſword, all the unneceſſary difficulties, which France raiſed to protract the negotiations. The treaty, indeed, went on but ſlowly, till Harlay, the firſt of the French plenipotentiaries, came to the Hague; who, as was believed, had the ſecret. He ſhewed a fairer inclination, than had appeared in the others, to treat frankly and honourably, and to clear all difficulties that had been ſtarted before. So that the French, on the 20th of July, gave in their plan of peace, founded on the treaties of Weſtphalia and Nimeguen; the main articles of which, as to the empire, were, 'An offer to make void ſeveral re-unions, made on that ſide, by the chambers of Mentz and Beſancon, and the ſovereign council of Briſac, ſince the treaty of Nimeguen. To reſtore the city of Straſburg, or to give, as an equivalent for it, the city and caſtle of Friburg, and the towns of Briſac and Philipſburg, with the fort of Kiel, in the condition they were at preſent: To demoliſh the fortifications of Hunningen, on the other ſide of the Rhine. To reſtore Lorrain to the duke of that name, in the ſame manner as it was offered at the treaty of Nimeguen, that is, in the ſame condition it was poſſeſſed by duke Charles, in 1670, and the city of Nancy, upon certain conditions; with the demoliſhing of divers places, ſuch as Mont-Royal, Traerback, &c. As for the Spaniards, the French offered to give them the city and country of Luxemburg, and the country of Chinay, or, in lieu of them, ſome other places, hereafter to be named, for which there was a blank left in the plan. That all re-unions, ſince the treaty of Nimeguen, ſhould be made void: That the city and caſtle of Dinant ſhould be delivered to the biſhop of Liege; and that all other places, taken on both ſides, during the war, ſhould likewiſe be reſtored.' The Spaniards ſeemed, in the main, to be ſatisfied with the French conceſſions; but the Imperial miniſters made a tedious, and, as ſome thought, an unreaſonable anſwer to the plan; which the French did not much regard, their chief aim being to ſatsify the reſt, upon what terms they were willing to give them, in order to break the grand alliance, and by that means to preſerve part of their acquiſitions on the Rhine, ſince there was ſo little proſpect of having any thing elſewhere. After the delivery of the plan of peace, the king of France, finding much time ſpent to little purpoſe, by carrying on a treaty in writing, ordered his plenipotentiaries to agree to the propoſals, which the Imperialiſts had made not long before, of treating by word of mouth; and though the 10th of September was the utmoſt the French would give, to accept their offers; yet it is remarkable, that, after their diſappointment in Poland, they began to be more tractable than before.

Upon the 17th of Auguſt, an extraordinary conference was held at Riſwick, which laſted almoſt a whole day, and wherein the method agreed on of treating by word of mouth was firſt put in practice. Not many days after came the news of the taking of Barcelona by the French. This made the Spaniards very uneaſy and very preſſing to have the peace ſigned upon the conditions offered by France; and more eſpecially ſince, by the memorial given in to the mediator on the 1ſt of September, there had been an offer made to reſtore this place alſo to his catholic majeſty upon a ſlight conſideration of a few villages belonging to the chatellany of Aeth to be yielded to the French, for the conveniency of the trade of the inhabitants of Tournay. But, the more condeſcending the French ſeemed to be towards the Spaniards, the ſtiffer they became with the empire, now poſitively inſiſting upon the keeping of Straſburg, and that the emperor ſhould reſt contented with the equivalent, which, they ſaid would be more conſiderable to him, ſince he would have the entire ſovereignty of thoſe towns, that France quitted; whereas Straſburg, if reſtored, muſt have been ſet at its own liberty, as a free Imperial city. If the Imperialiſts were ſtartled at this new project, they were not leſs ſurprized at the ſhort time prefixed by France for their anſwer, which was the 20th of September; after which the French king would no longer be obliged to thoſe offers. This was ſtill the more mortifying to them, ſince they began now to be ſuperior in force to the French, and to act offenſively on the Rhine; not to mention their jealouſies, leſt ſome of the Allies ſhould ſign a ſeparate peace, and leave them out; which occaſioned ſome heats between the confederates.

On the other hand, the French plenipotentiaries were amazed at the profound ſilence of the miniſters of the Allies concerning their laſt memorial. But it ſeems the concluſion of the peace was to be owing to the ſame perſon, who had been the ſoul of the war, king William. For, while the negociations at Ryſwick were going on very ſlowly, it was ſo managed, that the earl of Portland and marſhal Boufflers, when the confederate army was encamped near Bruſſels, and the French army not far from thence, met together four times, by the order of their maſters, and conferred long together [1]. At the laſt of theſe conferences, the two negociators, after they had been ſome time in the open field, retired into an houſe in the ſuburb of Hall, where they had pen, ink, and paper, and in an hour adjuſted ſeveral points, which the plenipotentiaries at Ryſwick would not have agreed upon in a year. The chief ſubject of thoſe conferences was concerning king James. King William deſired to know, how the French king intended to diſpoſe of him, and how he could own him, and yet ſupport the other. The French king would not renounce the protecting him by any article of the treaty; but it was agreed between them, that the French king ſhould give him no aſſiſtance, nor give king William no diſturbance on his account; and that he ſhould retire from the court of France, either to Avignon or to Italy. On the other hand, his queen ſhould have fifty thouſand pounds a year, which was her jointure, ſettled after his death; and that it ſhould be now paid her, he being reckoned as dead to the nation. In this king William readily acquieſced. Theſe meetings made the treaty go on with more diſpatch, this tender point being once ſettled; and, on the 2d of Auguſt, the earl of Portland and marſhal Boufflers ſigned the paper, which they had drawn up ſome days before; upon which the king left the army the next day, and went to Dieren; whence he diſpatched the earl of Portland to the Hague, to acquaint the congreſs, "that, as for what concerned his majeſty and his kingdoms, all matters were ſo adjuſted with France, that this would occaſion no delay in the general peace; and therefore he earneſtly preſſed the other allies, and particularly the emperor, to contribute all in them lay towards concluding ſo great a work."

The interviews between the earl of Portland and marſhal Boufflers occaſioned divers ſpeculations. On the one hand the Jacobites, who, againſt all reaſon, flattered themſelves, that tho' a treaty of peace was carried on in the king's own palace, yet he would be left out of it, ſaw by theſe conferences their hopes entirely baffled; and on the other hand, a great many people, and even ſome of the king's beſt friends, began to ſuſpect, that he had entered into a private agreement with the French king, in favour either of king James or his iſſue, upon account of king William's having the peaceful enjoyment of his dominions during life, and being acknowledged as king of Great-Britain by his moſt chriſtian majeſty; which ill-grounded ſuſpicion was three years after fully removed, by king William's effectually promoting the ſettlement in the proteſtant line. Deeper politicians went farther two years after, and pretended (as will hereafter be ſeen) that, in theſe conferences between the earl of Portland and marſhal Boufflers, the firſt foundation was laid of the famous 'Treaty of Partition;' and it is not improbable, but ſomething of that kind was then propoſed and conſidered.

The day appointed by France being come, when either peace or war was to determine the fate of Chriſtendom, the Engliſh, Spaniſh, and Dutch plenipotentiaries, after a long conference with thoſe of France, having adjuſted all matters remaining in difference between any of them, reſpectively ſigned the treaty a little after midnight, and then complimented each other upon the finiſhing of that important negotiation. The imperial and electoral plenipotentiaries, who, moſt of them, were all the while preſent in the hall, were ſo far from conſenting to what was done, that, on the contrary, they required the mediator to enter a proteſtation, 'That this was the ſecond time, that a ſeparate peace had been concluded with France, (meaning that of Nimeguen for one) wherein the emperor and empire had been excluded; and that the ſtates of the empire, who had been impoſed upon through their own over-credulity, would not, for the future, be ſo eaſily perſuaded to enter into confede-

[1] Some hiſtorians ſay, that the earl of Portland deſired marſhal Boufflers to confer with him; and others, particularly Burnet, ſay, that Boufflers deſired a conference with the earl of Portland.

racies.' The Spaniſh plenipotentiaries, and particularly Don Bernardo de Quiros, by way of excuſe, replied, that he had a long time been made acquainted with his catholic majeſty's pleaſure, not to delay the ſigning of the treaty, which had been agreed upon before; and, if he had obeyed thoſe orders, the French would not have taken Barcelona. But that, having deferred the concluſion of that treaty at the perſuaſion of the Imperial miniſters, he had given the French time to make themſelves maſters of that important place; which ſucceſs emboldened their plenipotentiaries to change their language, and thereby he had himſelf run into the hazard of incurring his maſter's diſpleaſure.

All this while king James made but an indifferent figure in his melancholy retirement at St. Germain's. The French king's promiſe to him, and open declaration to all Europe, that he would never lay down arms till he had reſtored him to his throne, had raiſed this prince's hopes to a great height. But he found by ſad experience, how little the promiſes of ſovereigns are to be relied on, when their own intereſt comes in competition.

After a tedious war, dubiouſly maintained, the French king, being exhauſted both of men and money, thought it prudence to make peace, and reſtore to his neighbours all the conqueſts, which he had made upon them ſince the treaty of Nimeguen; which he was the more inclined to do, in hopes that, having diſarmed and broke the confederacy, he might recover all at the death of the king of Spain, who for many years had been in a declining ſtate of health, and who, at the concluſion of the peace of Ryſwick, was in ſo deſperate a condition, that the French court thought he could not live a month longer. On the other hand, the French king being ſenſible, that a treaty could not be ſet on foot, not only without owning king William, but alſo (as a conſequence of that acknowledgment) without abandoning king James, he did not even inſiſt, that a miniſter from him ſhould be admitted to the conferences at Ryſwick; which propoſal was unanimouſly rejected by the allies; nor would the French plenipotentiaries meddle with that prince's manifeſto. King James's expectation of the French king's protection being thus diſappointed, and he finding, that his pardons as well as his threats had no effect upon his former ſubjects, he was perſuaded to publiſh his manifeſto, containing 'A ſummary account of the reaſons, that ſhould engage the confederate catholic princes to promote his reſtoration, and a proteſtation againſt what was done at Ryſwick as null, in reſpect to the violation of his rights; with another memorial to the ſame purpoſe, addreſſed to the proteſtant confederate princes and ſtates; of which manifeſtoes no notice was taken by any of the allies [m]. As to his friends in England, they were ſo enraged to ſee him abandoned by the French king, that they

[m] They were anſwered in a piece, printed at London, 1705, in quarto, under the title of, 'A memorial, drawn up by King William's ſpecial direction, intended to be given in at the treaty of Ryſwick, juſtifying the revolution, and the courſe of his government; in anſwer to two memorials, that were offered there in king James's name. In the preface we are informed, that, upon king James's preſenting his two memorials, it was thought neceſſary to prepare a memorial, in anſwer to them; which was intended to be given, in king William's name, to all the miniſters, that were then at the Hague. The memorial was, upon this, drawn up, by his majeſty's own direction, he explaining himſelf upon every particular; and the draft was examined by him, and, by his orders, carried to ſome of the worthieſt miniſters, that our nation produced in that age, and carefully reviſed and corrected by them. But when it was reſolved to tranſlate it into Latin and French, in order to the communicating it, his majeſty had advice from the Hague, that king James's memorials were ſo little conſidered there, that the offering an anſwer to them would give them ſome credit; and that, without that, they had none at all. The draft was therefore ordered to be written over again, in another ſtyle; not in his majeſty's name, but as the anſwer of a private hand to thoſe memorials; and ſo to be printed. Yet, before this could be done, another advice came, to let the matter quite alone, and to leave thoſe memorials to ſleep in that neglect, under which they were fallen. The matter reſted upon this; but, theſe papers being drawn up by ſuch an authority, and containing ſuch a full, though ſhort, vindication of the revolution, it was, afterwards, thought proper to publiſh them. The anſwer to the 'firſt Memorial of king James,' begins with obſerving: 'That the king of Great Britain does not wonder to ſee a prince, who has, for ſo long a time, ſought to take away his life, in the blackeſt methods, endeavour, now, likewiſe, to attack his honour, even in the undeceenteſt expreſſions: of which the late memorial is full. The late king, while he was in Ireland, did, himſelf, concert with one Jones, the way of murdering the king. But, ſo tender was his majeſty of the honour of a perſon ſo nearly related to him, that he gave orders to ſuppreſs that matter; though the authentical proofs of it are yet extant, in letters, and other papers, taken in the late earl of Tyrconnel's cabinet. Grandvall's confeſſion is well known; and ſir John Fenwick did lately claim merit, by his diverting another deſign to murder the king, purſuant to a commiſſion, that, though it was not come over, yet was affirmed to be ſigned by the late king. His having laid the deſign of murdering the king, a year ago, and his having ſent over perſons, and a commiſſion, to that effect, have been ſo undeniably proved, that all Europe is ſtill full of horror at it. At ſuch practices, heathens would be aſhamed. The purſuing them, year after year, deſerves ſeverer words, than the king thinks fit to uſe, even after ſuch a provocation; ſuch regard is had to the high birth, and the rank, which that prince once held in the world. The king had the leaſt reaſon to have expected ſuch practices from the late king, becauſe, though he had him ſo long in his power, he did him no hurt, nor put him under any reſtraint. He refuſed to hearken to the advices, that many gave him, of ſecuring his perſon, till a general peace ſhould be made; or, at leaſt, till Ireland ſhould be reduced. Some, who offered thoſe advices, are now in the late king's intereſt, and can, if they pleaſe, inform him of the truth of this matter. The late king himſelf, deſired to be attended by ſome of the Dutch guards, when he went to Rocheſter, and ſent to the count de Solmes, to that effect; who immediately ordered it without any directions from the king, who was not then come to London. When the king knew of it, he ſent orders to thoſe guards to wait about the late king, in what manner he himſelf ſhould command. And it was viſible to thoſe, who were about him, at that time, that he was all the while as much maſter of himſelf, as when he was ſerved by his own guards.' The whole progreſs of affairs, as they paſſed between his majeſty and king James, is laid open, and it is remarked that 'King William did not come to England on deſign to dethrone that king, but declaring a full purpoſe to leave the care and ſettlement of the nation to the parliament. And, when ſome lords were ſent to him by the late king, to aſk him, what it was, that he propoſed, his anſwer was: That he deſired, that the adminiſtration of the government might be brought into a ſtate conformable to the laws then in being; ſo that no perſons who were under legal incapacities, might continue in public offices or truſts; and that a parliament might be called, and ſit in full freedom, both armies being at an equal diſtance from it; that ſo proper remedies might be applied to all the diſtempers, into which thoſe violent councils had thrown the nation. By this, it appeared how the king had adhered to his 'declaration.' During this negotiation, and after the late king had notice given him, what the king's demands were, he, upon reaſons beſt known to himſelf, threw up all, and abandoned the government, and left his army looſe upon the nation, and the rabble upon the city of London, and withdrew himſelf: By which he did all that in him lay to caſt theſe kingdoms into moſt violent convulſions, and expoſed even his own friends to all the hardſhips, that might have been apprehended from enraged multitudes. For, if the providence of God, and the natural gentleneſs of the people of England, had not proved effectual reſtraints, this nation had become a ſcene of fire and blood; which the enemies of this kingdom perſuaded the late king to venture on, rather than to ſtay, and ſuffer a parliament to enquire into the cauſes of the miſeries the nation was fallen under, and to ſecure their religion and property. Upon this, that part of the nation, which had till then adhered to the late king, finding themſelves abandoned by him, deſired, that the king would aſſume the adminiſtration of this forſaken government; which he conſented to do, till a convention of the ſtates ſhould be brought together, to give it a full and legal ſanction. He did take a moſt particular care, that the elections ſhould be carried on with all poſſible freedom, not only without violence and threatnings, but even without recommendations, or any ſort of practice, how uſual, and how innocent ſoever. The like care ſecured their liberty, when they met: Every man argued and voted in the great deliberations, then on foot, both with freedom and ſafety. Nor did the king ſpeak to any perſon, or ſuffer any to ſpeak in his name, to perſuade, much leſs to threaten thoſe, who ſeemed ſtill to adhere to the late king's intereſt. So ſtrict was he in obſerving the promiſes he had made in his declarations. It was thought a remiſſneſs, and hazarding the public too much, to interpoſe or move ſo little in thoſe matters, as he then did. The Convention came to a full reſolution, and judged, that the late king had broke the original contract, upon which this government was at firſt founded, and, after that, had abandoned it; ſo that it was neceſſary for them, being thus forſaken by him, to ſee to their own ſecurity. And, as they judged, that the late king's right to govern them was ſunk, ſo they did not think it was neceſſary or incumbent on them to examine that, which the whole nation, in general, as well as the king, in particular, had juſt reaſon to call in queſtion, concerning the birth of the 'pretended prince of Wales. When the late king had quite diſſolved the tie of the nation to himſelf, they thought they had no further concern upon them to inquire into that matter; and therefore they thought it fit to let it remain in that juſt doubtfulneſs, under which the late king's own method of proceedings had brought it. Beſides that, a particular care had been taken by the late king, to cauſe all thoſe, who had been in the management of that matter, or were ſuſpected of having a ſhare in the artifices about it, to be carried over into France; ſo that it was not poſſible to come at thoſe perſons, by the interrogating of whom truth might have been found out. The king expreſſed no ambitious deſires of mounting the throne. The addreſſes of both houſes, and the ſtate of Europe, which ſeemed deſperate without a mighty ſupport from England, determined him in that matter. But as he can appeal to God for the ſincerity of his intentions, who alone knows them, ſo he has an infinite number of witneſſes, who ſaw and can juſtify his whole conduct in the progreſs of the revolution, if it were fit for him to appeal to them.'

In the anſwer to the 'ſecond memorial' of king James, it is obſerved in juſtification of the revolution, that 'nothing was done in the progreſs of it, but that, which he made inevitable by ſome act or other of his own. It went not upon falſe ſuggeſtions, nor barely upon the pretences of redreſſing particular grievances, or ſome doubtful oppreſſions, much leſs on the ambitious deſigns of his Majeſty, that are ſo often and ſo maliciouſly repreſented as the true cauſes of the revolution. It was the late king's open throwing off the reſtraint of law, and his ſetting about a total ſubverſion of the conſtitution, that drove the nation to extreme courſes. The oaths of allegiance can be underſtood only in the ſenſe limited by law, and ſo they cannot be conceived to bind ſubjects to a king, who would not govern them any longer, unleſs he might be allowed to do it againſt law. A revolution ſo brought about, carries in it no precedent againſt the ſecurity of government, or the peace of mankind. That, which an abſolute neceſſity inforced at one time, can be no warrant for irregular proceedings at any other time, unleſs it be where the like neceſſity ſhall require the like remedies. But, ſince the late king thinks fit to reflect on the oaths of ſubjects, he ought alſo to remember the oath, which he himſelf ſwore at his coronation to defend the church of England, and to maintain the laws; to neither of which he ſhewed any regard in his whole government, but ſet himſelf to overturn both. The many alterations, that have been made in the ſucceſſion to the crown of England, upon occaſions that were neither ſo preſſing nor ſo important as thoſe of late were, ſhould have obliged thoſe, who penned this Memorial, to be more reſerved and leſs poſitive in affirming things ſo contrary to the known hiſtory of this kingdom. Theſe revolutions were confirmed by laws, which were not afterwards upon ſucceeding changes repealed, for they continue ſtill in force; nor was the crown of England ever reckoned to be ſuch a property to thoſe, who held it, that they might uſe or diſpoſe of it at pleaſure, as the Memorial ſeems to ſuppoſe.'

Particularly

could not forbear venting their bitter invectives againſt him, for which ſome of them were committed to priſon and fined, the ſame being a violation of the late treaty between the crowns of England and France [n].

The jacobites were the more confounded at the news of it, becauſe the court of France did, to the laſt minute, aſſure king James, that they would never abandon his intereſts: And his queen ſent over aſſurances, to their party here, that England would be left out of the treaty, and put to maintain the war alone: Of which they were ſo confident, that they entered into deep wagers upon it; a practice little known among us before the war, but it was carried on, in the progreſs of it, to a very extravagant degree; ſo that they were ruined in their fortunes, as well as ſunk in their expectations, by the peace; upon which, it was ſaid, king James's queen made a bold repartee to the French king, when he told her the peace was ſigned: She ſaid, ſhe wiſhed it might be ſuch, as ſhould raiſe his glory, as much as it might ſettle his repoſe.

The moſt melancholy part of this treaty was, that no advantages were gained by it in favour of the proteſtants of France, who were refugees in England, Germany, and Holland. King William having, on all occaſions, declared himſelf their protector, they expected, that he would alſo prove their deliverer, and never conclude a peace with France, without obliging their ſovereign to reſtore them both to their eſtates, and the free exerciſe of their religion in their own country. Upon this preſumption ſeveral conſultations were held in London by the French miniſters, and the moſt conſiderable perſons among the refugees there, wherein it was debated, in what method they ſhould make their applications to the plenipotentiaries at Ryſwick, and upon what terms they ſhould agree to their reſtoration, which ſome among them looked upon as certain. The reſult of theſe aſſemblies being tranſmitted to Monſieur Jurieu, the head of the French refugees in Holland, he, with his uſual zeal for the proteſtant cauſe, addreſſed himſelf to king William, who directed the Dutch plenipotentiaries to open that matter at a diſtance to the French embaſſadors. The Dutch miniſters followed the king's orders; but the French king, to whom this overture was communicated, expreſſing an inſuperable averſeneſs to it, and urging, that, as he did not pretend to preſcribe to king William any rules about his ſubjects, ſo he expected the ſame liberty as to his own, which he looked upon as the great prerogative of a ſovereign; the matter was no farther inſiſted upon. As the caſe of the French proteſtants was no part of the cauſe of the war, ſo it did not appear, that the allies could do more for them than thus recommend them to the French king, who was ſo far engaged in a courſe of ſuperſtition and cruelty, that the condition of the French proteſtants became worſe by the peace; the court being more at leiſure to look after them, and to perſecute them, than they thought fit to do during the war.

Though the Imperialiſts were not a little concerned at the proceeding of their allies, yet they thought it adviſeable to agree to a ceſſation of arms; and expreſſes were immediately diſpatched to the reſpective armies upon the Rhine, to diſcontinue all acts of hoſtility. However, before prince Lewis of Baden had notice of it, he had made himſelf maſter of the caſtle of Eberenburg, and was preparing to lay ſiege to Kirm. But what was ſtill more mortifying to the Imperial miniſters, was, that advice had not come a few days ſooner, of the great victory obtained at Zenta over the Turks, by the emperor's forces, which would, in all probability, have made Spain and the reſt leſs eager to ſign the peace, and the French leſs ſtiff with regard to the Imperialiſts. This victory was obtained by prince Eugene of Savoy, who commanded the Imperial army in Hungary. He was a brother of the count de Soiſſons, who, apprehending that he was not like to be ſo much conſidered, as he thought he might deſerve in France, went and ſerved the emperor, and grew up in a few years, to be one of the greateſt generals of the age.

The grand ſeignior came to command his armies in perſon, and lay incamped on both ſides of the Theiſſe, having laid a bridge over the river; prince Eugene marched up to him, and attacked his camp, on the weſt ſide of the river, and, after a ſhort diſpute, he broke in, and was maſter of the camp, and forced all, who lay on that ſide, over the river: in this action many were killed and drowned: he followed them acroſs the Theiſſe, and gave them a total defeat: Moſt of their Janizaries were cut off, and the prince became maſter of all their artillery and magazines. The grand ſeignior himſelf narrowly eſcaped, with a body of horſe, to Belgrade; this was a compleat victory, and was the greateſt blow the Turks had received, in the whole war. At the ſame time, the Czar was very ſucceſsful on his ſide againſt the Tartarians. The Venetians did little on their part; and the confuſions in Poland made that republic but a feeble ally: ſo that the weight of the war lay wholly on the emperor. But though he, being now delivered from the war with France, was more at leiſure to proſecute this, yet his revenue was ſo exhauſted, that he was willing to ſuffer a treaty to be carried on, by the mediation of England and Holland; and the French being now no longer concerned to engage the Porte to carry on the war, the grand ſeignior, fearing a revolution upon his ill ſucceſs, was very glad to hearken to a treaty, which was carried on all this winter, and was finiſhed the next year at Carlowitz, from which place it takes its name.

Not many days after the concluſion of the truce between the empire and France, ſeveral embaſſadors of the allies waited upon king William at Loo, where it was conſulted what precautionary meaſures could be taken to prevent the violation of the peace lately concluded; and it was whiſpered, that an offenſive and defenſive alliance was entered into, or rather renewed, between the confederates. Now the embaſſadors of the empire happening to complain again, how much they were wronged by a precipitate treaty, they were anſwered, That they ought to impute it to themſelves, as having been often adviſed to put in their demands without delay, and not to retard the negotiation; and that they ſhould not have flattered themſelves, that more advantageous terms could have been obtained, ſince the French ſtill inſiſted upon the firſt, from which they would never recede. The Imperialiſts, ſeeing their expoſtulations had no effect, bent their thoughts upon adjuſting the remaining points in controverſy with France. The principal difference ſeemed to be about Straſburg, and, ſince they could not obtain the reſtoration of it, they inſiſted to have the equivalent for it ſomewhat enlarged; as alſo that, beſides Landau, all the places taken by France on that ſide, ſince the treaty of Nimeguen, ſhould be yielded up, and fort Louis reſigned to the duke of Lorrain. But the French plenipotentiaries anſwered that they had no power to exceed their orders, and therefore could by no means comply with theſe demands.

At length, the emperor conſidering that Briſac and Friburg (the equivalent offered by the French for Straſburg) were places belonging to his hereditary dominions, conſented to the exchange; and all other matters being concerted, and the German princes finding they could ſtruggle no longer, the treaty was ſigned by all, two days before the time limited by France was expired.

A new piece of treachery againſt the proteſtant religion broke out in the concluſion of all. The embaſſadors of the proteſtant princes being met together, at the houſe of the elector of Mentz's plenipotentiary, they named four deputies, who delivered a memorial to the mediator; wherein they demanded that at Straſburg, and other cities of Alſatia, which belonged to France, the Lutheran religion ſhould be tolerated, and enjoy all thoſe rights and immunities, as in the year 1624. To this the French demanded eight days to anſwer. But, what miſunderſtanding ſoever there might be, between the French and Imperial plenipotentiaries, as to other points, they agreed, or rather combined together, to have a clauſe inſerted, in the VIth article of the treaty between the empire and France, that the Roman catholic religion, in the places to be delivered up, ſhould remain in the ſame ſtate, in which it was at that time, without any notice taken of the proteſtants. By this means ſeveral churches were to be condemned, that otherwiſe, according to the laws of the empire, and in particular of thoſe dominions, were to be reſtored to the proteſtants. The elector palatine accepted of this condition very willingly, being bigoted to a high degree: But ſome of the princes, the king of Sweden in particular, as duke of Deux-ponts, refuſed ro ſubmit to it: And a ſtrong declaration was publiſhed by the miniſters of the proteſtant princes againſt this proceeding, as contrary to the laws of the empire, to 'the peace of religion,' in 1555; to the treaty of Weſtphalia, and to the preliminaries of the preſent treaty of Ryſwick. But it was all in vain, for this affair had been ſecretly concerted among the whole popiſh

[n] Particularly Tom Brown, upon which the lord Dorſet wrote thoſe rhymes;

If you order Tom Brown
To be whipp'd thro' the town,
Tate, Southern, and Crown
Their pens will lay down, &c.

This

party, who are always firm to the intereſts of their religion, and zealous for them; whereas the proteſtant courts are too ready to ſacrifice the common intereſt of their religion to their own private advantage. King William was troubled at this treacherous motion; but he ſaw no inclination in any of the allies to oppoſe it with the zeal, with which it was preſſed on the other hand. The importance of the thing, ſixteen churches only being condemned by it, was not ſuch, as to deſerve, that he ſhould venture a rupture upon it. And it was thought, the elector Palatine might, on other accounts, be ſo obnoxious to the proteſtants, and need their aſſiſtance and protection ſo much, that he would be obliged afterwards to reſtore theſe churches thus wreſted from them. The king therefore contented himſelf with ordering his plenipotentiaries to proteſt againſt this, which they did in a formal act, that they paſſed.

By this peace king William concluded the great deſign of putting a ſtop to the progreſs of the French arms, which he had conſtantly purſued from his firſt appearance on the ſtage in the year 1672. There was not one of the allies, who complained, that he had been forgot by him, or wronged in the treaty; nor had the deſire of having his title univerſally acknowledged raiſed any impatience in him, or made him run into this peace with any indecent haſte. The terms of it were indeed ſtill too much to the advantage of France; but the length and charge of the war had ſo exhauſted the allies, that the king ſaw the neceſſity of accepting the beſt conditions, that could be got. It is true, France was more harraſſed by the war, yet the arbitrary frame of that government made their king the maſter of the whole wealth of his people; and the war was managed on both ſides between them and us, with this viſible difference, that every man, who dealt with the French king, was ruined by it; whereas, among us, every man grew rich by his dealings with the king; and it was not eaſy to ſee, how this could be either prevented or puniſhed. The regard, that is ſhewn to members of parliament among us, makes, that few abuſes can be inquired into or diſcovered; and the king found his reign grow ſo unacceptable to his people by the continuance of the war, that he ſaw the neceſſity of coming to a peace. The ſtates-general were under the ſame preſſure; they were heavier charged, and ſuffered more by the war than the Engliſh. The French got indeed nothing by a war, which they had moſt perfidiouſly begun. They were forced to return to the peace of Nimeguen; Pignerol and Briſac, which cardinal Richelieu had conſidered as the keys of Italy and Germany, were now parted with. And all that baſe practice of claiming ſo much, under the head of re-unions and dependencies, was abandoned. The duchy of Lorrain was alſo entirely reſtored. It was generally thought, that the French king intended to live out the reſt of his days in quiet; for his parting with Barcelona made all people conclude, that he did not intend to proſecute the Dauphin's pretenſions upon the crown of Spain after that king's death by a new war; and that he would only try how to manage it by negotiation. The military men in France generally complained of the peace as diſhonourable and baſe; and the whole nation, not entering into the views of their monarch, were ſo little pleaſed with it, that they made very ſevere reflections on meſſieurs Harlay, Crecy, and Callieres, their plenipotentiaries, whom they traduced in their lampoons, which were publicly ſung in Paris, and all over the kingdom of France, whilſt the courage, reſolution, and wiſdom of king William, to which the accompliſhment of that peace was owing, were every where celebrated.

The king, having regulated with the ſtates-general the number of forces, which they thought neceſſary to be kept on foot the next year, embarked for England, on the 13th of November, and the next morning ſafely landed at Margate, and, on the 15th, lay at Greenwich. The day following, he was received by the city of London, in a ſort of triumph, with all the magnificence that he would admit. Some progreſs was made in preparing triumphal arches, but he put a ſtop to it. He ſeemed, by a natural modeſty, to have contracted an antipathy to all vain ſhews; which was much increaſed in him by what he had heard of the groſs exceſſes of flattery, to which the French had run, beyond the examples of former reigns, in honour of their king, who having ſhewn too great a pleaſure in theſe, they had been ſo far purſued, that the wit of that nation was, for many years, chiefly employed in them; for they ſaw, that men's fortunes were more certainly advanced by a new and lively invention in that way, than by any ſervice or merit whatſoever. This, in which the French king ſeemed to be too much pleaſed, rendering him contemptible to better judges, gave king William ſuch an averſion to every thing that looked that way, that he ſcarce bore even with things that were decent and proper.

During the negotiations of peace, eſpecially towards the concluſion of them, the diſcourſe in England was general, what ſhould be done with the army, when the war was over, and almoſt as general was the opinion, that it ſhould be diſbanded. As the king was but too ſenſible how the generality ſtood affected to the keeping up an army, he ordered many of his troops to be diſbanded, and others to be ſent into Ireland, ſoon after the peace[o]. But, perceiving that the French were very ſlow in evacuating the places that were to be reſtored by the treaty, and were not beginning to reduce their forces, he put a ſtop to the diſbanding: and, though he declared what he intended to do, yet he made no haſte to execute it, till it ſhould appear how the French intended to govern themſelves. The king thought it was abſolutely neceſſary, to keep up a conſiderable land force: He knew the French would ſtill maintain great armies; and that the pretended prince of Wales would certainly be aſſiſted by them, if England ſhould fall into a feeble and defenceleſs condition: The king of Spain was alſo in ſuch an uncertain ſtate of health, ſo weak and ſo exhauſted, that it ſeemed neceſſary, that England ſhould be in a condition to bar France's invading that empire, and to maintain the rights of the houſe of Auſtria. But, though he explained himſelf thus in general to his miniſters, yet he would not deſcend to particulars, to tell how many he thought neceſſary; ſo that they had not authority to declare, what was the loweſt number the king inſiſted on.

Papers were writ on both ſides, for, and againſt a ſtanding force[p]: On the one hand, it was pretended, that a ſtanding army was incompatible with public liberty, and, accord-

[o] This was done, purſuant to a plan propoſed by the earl of Galway, as appears from an original letter, written with the king's own hand to that earl.

Loo, Oct. 18, 1697.

The peace being now made and ratified, it muſt be conſidered, what forces to keep on foot. I much approve the project you ſent me, of keeping in Ireland twenty battalions of infantry, four regiments of dragoons, and eighteen troops of horſe, and reducing the pay of the officers. I have imparted this project to none but lord Portland, whom I am going to ſend to England, and with whom you muſt correſpond about this matter, and let me know what public orders will be neceſſary to be given for the execution of this affair. My deſign is, to diſband moſt of the regiments of foot, and dragoons, now in Ireland; and to ſend thither ſome of thoſe that are in Flanders. I alſo intend to ſend thither your regiment of horſe, and the three French regiments of foot, incorporating ſome officers, who have ſerved in Piedmont, of the four regiments which are on the Rhine, and which I am going to reform, and to take all the French proteſtant ſoldiers, and put them into the three abovementioned regiments. Be always aſſured of the continuation of my friendſhip.

W. R.

I think to reduce Wolſeley's regiment to three troops, and yours to ſix, to remove all jealouſy in England.

This letter, and ſeveral others, written in French with the king's own hand (which will all be inſerted in their proper places) are now in the hands of the author, and were found among Mr. Addiſon's papers after his death.

About five weeks after, the king writ the following letter to the earl of Galway.

Kenſington, Nov. 26, 1697.

I refer you to what lord Portland will write to you about the forces, by which you will learn my intentions. I aſſure you, I am very much troubled to find things here run ſo high againſt the poor refugees. This has ſtruck me; but you know, theſe ſorts of things paſs here very eaſily. Be ever aſſured of my eſteem.

W. R.

I hope you'll be able to put an end very ſoon to the parliament of Ireland.

[p] Particularly the following ones. 'An argument ſhewing, that a ſtanding army is inconſiſtent with a free government, and abſolutely deſtructive to the conſtitution of the Engliſh monarchy.' Mr. Trenchard was thought to have the chief hand in this piece, which was printed in 1697, in 4to.

'The ſecond part of an argument ſhewing, that a ſtanding army is inconſiſtent with a free government, and abſolutely deſtructive to the conſtitution of the Engliſh monarchy. With remarks on the late publiſhed liſt of king James's Iriſh forces in France.' Printed in 1697, in 4to.

'A letter balancing the neceſſity of keeping a land-force, in times of peace, with the dangers, that may follow on it.' Printed in 1697, in 4to. This piece has been generally aſcribed to the lord Sommers, but it is doubtful, whether upon ſufficient grounds. It is one of the beſt tracts, which were written on that ſide of the queſtion. The author begins with declaring, that he is far from the thought of a ſtanding army: but that the caſe at that time was, 'Whether, conſidering the circumſtances, that we and our neighbours are now in, it may not be both prudent and neceſſary for us to keep up a reaſonable force from year to year; the ſtate of affairs both at home and abroad being every year to be conſidered in parliament, that ſo any ſuch force may be either increaſed, leſſened, or quite laid aſide, as they ſhall ſee cauſe. If, 'ſays he,' we were in the ſame condition, in which we and our neighbours were an age ago, I ſhould reject the propoſition with horror. But

ing to the examples of former times, the one muſt ſwallow up the other: It was propoſed, that the militia might be better modelled, and more trained; which, with a good naval force, ſome thought, would be an effectual ſecurity againſt foreign invaſions, as well as it would maintain our laws and liberties at home. On the other ſide, it was urged, that, ſince all our neighbours were armed, and the moſt formidable of them all kept up ſuch a mighty force, nothing could give us a real ſecurity, but a good body of regulated troops: Nothing could be made of the militia, chiefly of the horſe, but at a vaſt charge; and, if it was well regulated, and well commanded, it would prove a mighty army; but this of the militia was only talked of, to put by the other; for no project was ever propoſed to render it more uſeful; a force at ſea might be ſo ſhattered, while the enemy kept within their ports (as it actually happened at the revolution) that this ſtrength might come to be uſeleſs, when we ſhould need it moſt; ſo that, without a conſiderable land force, it ſeemed the nation would be too much expoſed. The word, 'ſtanding army,' had an odious ſound in Engliſh ears; ſo the popularity lay on the other ſide; and the king's miniſters ſuffered generally in the good characters, they had hitherto maintained, becauſe they ſtudied to ſtop the tide, that run ſo ſtrong the other way.

The parliament met, on the 3d of December, and the king opened the ſeſſion with the following ſpeech.

"My lords and gentlemen,

"THE war, which I entered into by the advice of my people, is by the bleſſing of God, and their zealous and affectionate aſſiſtance, brought to the end we all propoſed, an honourable peace; which I was willing to conclude, not ſo much to eaſe myſelf from any trouble or hazard, as to free the kingdom from the continuing burden of an expenſive war.

"I am heartily ſorry my ſubjects will not at firſt find all that relief from the peace, which I could wiſh, and they may expect. But the funds intended for the laſt year's ſervice have fallen ſhort of anſwering the ſums, for which they were given; ſo that there are conſiderable deficiences to be provided for.

"There is a debt upon the account of the fleet and the army. The revenues of the crown have been anticipated by my conſent for public uſes, ſo that I am wholly deſtitute of means to ſupport the civil liſt; and I can never diſtruſt you will ſuffer this to turn to my diſadvantage, but will provide for me during my life in ſuch a manner, as may be for my honour, and for the honour of the government.

"Our naval force being increaſed to near double what it was at my acceſſion to the crown, the charge of maintaining it will be proportionably augmented; and it is certainly neceſſary, for the intereſt and reputation of England, to have always a great ſtrength at ſea.

"The circumſtances of affairs abroad are ſuch, that I think myſelf obliged to tell you my opinion, that England cannot be ſafe without a land-force; and I hope we ſhall not give thoſe, who mean us ill, the opportunity of effecting that under the notion of a peace, which they could not bring to paſs by a war.

"I doubt not but you, gentlemen of the houſe of commons, will take theſe particulars into your conſideration in

But the caſe was altered; the whole world, more particularly our neighbours, have now got into the miſtaken notion of keeping up a mighty force; and the powerfulleſt of all theſe happens to be our next neighbour, who will very probably keep great armies; and we may appear too inviting, if we are in ſuch an open and unguarded condition, that the ſucceſs of the attempt may ſeem to be not only probable, but certain. England is an open country, full of plenty, every where able to ſubſiſt an army; our towns and cities are all open, our rivers are all fordable; no paſſes nor ſtrong places can ſtop an enemy, that ſhould land upon us; ſo that the whole nation lies open to any army, that ſhould once come into it.' To this it might be anſwered, 'Can an army be brought together, with a fleet to bring it over, and we know nothing of it? Theſe things require time, and we cannot be ſuppoſed ſo deſtitute of intelligence, as not to know of ſuch preparations. In ſuch a caſe our fleet will cover us, while our militia may be exerciſed, and marched where the danger is apprehended.' 'This, replies the author, may ſeem plauſible, and will no doubt work on ſuch, as do not conſider things with the attention, that is neceſſary. But do we not remember, that we were lately twice almoſt ſurprized; once from la Hogue, and again from Calais? We muſt not expect, that God will always work miracles for us, if we are wanting to ourſelves. If, in a time of war and jealouſy, we were ſo near the being fatally over-run, without either warning or intelligence; it is much more poſſible to ſee ſuch deſigns laid in a time of ſloth and quiet, when we are under no fears nor apprehenſions; and this may be ſo managed, that the notice we may have of it may come too late for us to be able to prevent or reſiſt it. And what will our intelligence ſignify, if we are in no condition, either to hinder the deſcent, or to withſtand the force, that may be ſent againſt us? Abſolute governments, where all depends on the will of the prince, and where men are ruined, who fail either in performing what is expected from them, or in keeping the ſecrecy, that is injoined them, can both contrive and execute things in another manner, than can be conceived by thoſe, who have the happineſs to live in free governments. Troops may have ſuch orders for marches and counter-marches, that thoſe, who are on the place, ſhall not be able to judge what is intended, till it is not poſſible to hinder it. Croſs winds may make this come yet later to thoſe, who have a ſea between them. Orders may be given to many different perſons in many different places, who ſhall know nothing of one another till they meet in a general rendezvous. It is true, we muſt ſuppoſe, that we ſhall have good fleets abroad; but one would not put ſo great a thing as the ſafety of a nation to ſuch a hazard, nor depend upon a ſingle ſecurity, when that is liable to accidents. The ſame wind, that may bring over a fleet and army to invade us, may keep our ſhips in port; ſo that it ſhall not be poſſible for them to look out; or, if they ſhould have a favourable minute to get out, it may ſo ſhatter them, that they ſhall not be able to defend either our ſeas or ports. This may well be ſuppoſed, for it really happened, when the king landed firſt in England: The late king had then a powerful fleet, which, if it could have engaged the Dutch, would have been probably too hard for them, eſpecially conſidering the tranſport fleet, that they guarded. But the eaſt-wind, that brought over the king, kept them in the river, till the Dutch had paſſed them; and, when they got out, a ſtorm ſtopped and ſhattered them ſo, that, without being able to come to any action, they were laid up. And would any man hazard the nation upon ſuch a contingency?' The author then conſiders the laſt thing in reſerve, which is our militia; and obſerves, the difference there is between troops, that have been long trained, who have learned the art, and are accuſtomed to the diſcipline of war, and the beſt bodies of raw and undiſciplined multitudes. The whole method of war is now ſuch, that diſciplined troops muſt prove a very unequal match to much greater numbers of men, who yet perhaps, upon half their practice, might prove too hard for them. I know it will be urged, that our militia may be ſo trained and modelled, as to be made more capable of ſervice than perhaps they are at preſent. This is a work of time, a project, that depends upon ſo many particulars, that may be ſubject to ſo many ſlips in the execution, that it muſt be confeſſed a nation is much expoſed, if its ſafety and preſervation muſt depend upon ſuch uncertainties. We have troops, that have paſſed through a long apprenticeſhip, and to our coſt have learned that unhappy trade, which is now become ſo univerſal, that it is thereby made neceſſary. We muſt either be preſerved by it, or periſh by it. Many gallant gentlemen have broke the courſe of their ſtudies, and the other methods of life they were in. It will not only be a hardſhip put upon them, but it will be the rendering ourſelves naked and defenceleſs, if, after all the reputation, that we have riſen to in war, we ſhould ſink into an unbecoming remiſſneſs in peace, and, upon the remote and uncertain fears of danger, that will probably never happen, expoſe ourſelves to thoſe, which we may certainly look for, as ſoon as we have put ourſelves out of a capacity of reſiſting them.' He then proceeds to the laſt and ſtrongeſt objection, which is, that 'this force will grow upon us, and continue among us, and have ſuch an influence within doors, that it will maintain itſelf in the houſe of commons; or, if that ſhould fail, it will turn them out of doors, and quickly find ways to ſubſiſt, to grow upon the ruins of liberty and property.' 'This, replied he, is a large field, and hiſtory is ſo full of inſtances this way, that it will be eaſy to open copiouſly on the ſubject. From the Prætorian cohorts down to our modern armies, enough can be gathered to give a very frightful repreſentation of a 'ſtanding army.' Who doubts it? But all the rhetoric, that this head will afford, is wrong applied in this caſe. It is not to be ſuppoſed, but that once a year a parliament muſt have this matter a-freſh under conſideration. They will ſee how the ſtate of affairs varies either at home or abroad; and whether the forces are brought under ſuch a management, that there is juſt cauſe of jealouſy. And I leave it to you to judge, whether it is poſſible in ſo ſhort a time ſo to model and influence it, as to prepare them to invade their country, and to deſtroy our conſtitution. What Cæſar, with all his genius, could not work his army to, but, after ten years conduct and ſucceſs, can give ſmall encouragement to others to attempt to bring about in one year. Perhaps you are more afraid of a ſecret influence than of open violence from them. The ſhort of this is, you are afraid the houſe will be corrupted. I confeſs it is hard to anſwer this: Jealouſy is ſtubborn and incurable; melancholy, when it grows to be a diſeaſe, raiſes many imaginary fears. They, who are haunted with that ſullen humour, neither know what they are afraid of, nor why. Poſſible accidents are ever before them; and the thinking of theſe perpetually ruins their health, ſours their humour, and makes them neglect all their preſent and certain concerns, while they are ever dreaming of what will probably never happen. We muſt conſider our preſent danger, and the likelieſt ways of ſecuring ourſelves from it, without amuſing ourſelves with what may poſſibly be brought about at ſome diſtance of time. Our repreſentatives do well to ſecure our conſtitution by the moſt effectual means they can think of; but, after all, we muſt truſt England to an houſe of commons, that is, to itſelf. Whenever the fatal time comes, that this nation grows weary of liberty, and has neither the virtue, the wiſdom, nor the force to preſerve its conſtitution, it will deliver all up, let all the laws poſſible, and all the bars imaginable, be put in the way to it. It is no more poſſible to make a government immortal, than to make a man immortal. I do not deny but ſeveral inconveniencies may be apprehended from a ſtanding force, and therefore I ſhould not go about to perſuade you to it, if the thing did not ſeem indiſpenſably neceſſary to our preſervation. I would not have us venture upon preſent and certain ruin, becauſe that, which muſt preſerve us now from it, may, at ſome time hereafter, have ill effects on our liberty. They cannot be conſiderable, as long as England is true to itſelf; and, whenſoever the nation has loſt that noble ſenſe of liberty, by which it has been ſo long preſerved, it will ſoon make fetters for itſelf, though it ſhould find none at hand ready made'.

'A letter from the author of the argument againſt a ſtanding army, to the author of the balancing letter, printed in 1697, in 4to.'

'Some reflections on a pamphlet lately publiſhed, intitled, An argument, ſhewing that a ſtanding army is inconſiſtent with a free government, &c. printed in 1697, in 4to.

'The militia reformed; or an eaſy ſcheme of furniſhing England with a conſtant land-force, capable to prevent or to ſubdue any foreign power, and to maintain perpetual quiet at home, without endangering the public liberty, printed in 1697-8, in 4to.

'A diſcourſe concerning militias and ſtanding armies, with relation to the paſt and preſent governments of Europe, and of England in particular, printed in 1697, in 4to.

'A ſhort hiſtory of ſtanding armies in England, third edition 1698, in 4to.

'A brief reply to the hiſtory of ſtanding armies in England, with ſome account of the authors, printed in 1698, in 4to.

'An argument, ſhewing, that a ſtanding army, with conſent of parliament, is not inconſiſtent with a free government, &c. London, 1698, in 4to.

'A confutation of a late pamphlet, intitled, A letter balancing the neceſſity of keeping a land-force, &c. London 1698, in 4to.'

ſuch a manner, as to provide the neceſſary ſupplies, which I do very earneſtly recommend to you.

My lords and gentlemen,

"That, which I moſt delight to think of, and am beſt pleaſed to own, is, that I have all the proofs of my people's affection, that a prince can deſire; and I take this occaſion to give them the moſt ſolid aſſurances, that, as I never had, ſo I never will, nor can have, any intereſt ſeparate from theirs.

"I eſteem it one of the greateſt advantages of the peace, that I ſhall now have leiſure to rectify ſuch corruptions or abuſes, as may have crept into any part of the adminiſtration during the war, and effectually to diſcourage profaneneſs and immorality. And I ſhall employ my thoughts in promoting trade, and advancing the happineſs and flouriſhing eſtate of the kingdom.

"I ſhall conclude with telling you, that as I have, with the hazard of every thing, reſcued your religion, laws, and liberties, when they were in the extremeſt danger; ſo I ſhall place the glory of my reign in preſerving them entire, and leaving them ſo to poſterity."

This ſpeech had various effects in the houſe of commons; but no part of it gave more offence than that, wherein the king told them, that in his opinion a ſtanding land-force was neceſſary. The commons carried the jealouſy of a ſtanding army ſo high, that they could not bear the motion, nor did they like the way the king took of offering them his opinion in that point. This ſeemed a preſcription to them, and might biaſs ſome in the counſels they were to offer the king, and be a bar to the freedom of debate: And therefore, as the managers for the court had no orders to name any number, the houſe came to a reſolution of paying off and diſbanding all the forces that had been raiſed ſince the year 1680 [q]. In vain was it urged, that the nation was ſtill unſettled, and not quite delivered from the fear of king James: That the friends of that abdicated prince were as bold and as numerous as ever, and himſelf ſtill protected by the French king, who, having as yet diſbanded none of his troops, was conſequently as formidable as before: That, if the army was entirely diſbanded, the peace, which was obtained at the expence of ſo much blood and treaſure, would be altogether precarious, and not only England, but all Europe lie once more at the mercy of that ambitious monarch an inveterate enemy to king William, the proteſtant religion, and the liberties of Chriſtendom, whom the neceſſity of his affairs, not his inclination, had reconciled. Notwithſtanding theſe and many other arguments, the vote paſſed, which brought the army to leſs than eight thouſand men. The court was ſtruck with this; and then tried, by an after-game, to raiſe the number to fifteen thouſand horſe and foot. If this had been propoſed in time, it would probably have been carried without any difficulty; but the king was ſo long upon the reſerve, that now, when he thought fit to ſpeak out his mind, he found it was too late. So that a force, not exceeding ten thouſand horſe and foot, was all that the houſe could be brought to. This gave the king the greateſt diſtaſte of any thing, that had befallen him in his whole reign. He thought it would derogate much from him, and render his alliance ſo inconſiderable, that he doubted, whether he could carry on the government, after it ſhould be reduced to ſo weak and ſo contemptible a ſtate. He ſaid, that, if he could have imagined, that, after all the ſervice he ſhould have done the nation, he ſhould have met with ſuch returns, he would never have meddled in the affairs of it; and that he was weary of governing a nation, that was ſo jealous, as to lay itſelf open to an enemy, rather than truſt him, who had acted ſo faithfully during his whole life, that he had never once deceived thoſe, who truſted him. This, and a great deal more to the ſame purpoſe, he ſaid to biſhop Burnet; but he ſaw the neceſſity of ſubmitting to that, which could not be helped.

During theſe debates, the earl of Sunderland had argued with many upon the neceſſity of keeping up a greater force. This was in ſo many hands, that he was charged as the author of the counſel, of keeping on foot a ſtanding army; he was therefore often named in the houſe of commons with many ſevere reflections, for which there had been but too much occaſion given during the two former reigns. The tories preſſed hard upon him, and the whigs were ſo jealous of him, that he, apprehending that, while the tories would attack him, the others would defend him but faintly, reſolved to prevent a public affront, and reſigned the office of lord chamberlain, not only againſt the intreaties of his friends, but even the king's earneſt deſire, that he would continue about him. Indeed, upon this occaſion, the king expreſſed ſuch a concern and value for him, that the jealouſies were increaſed by the confidence, which the court ſaw the king had in him. During the time of his credit, things had been carried on with more ſpirit and better ſucceſs than before. He had gained ſuch an aſcendant over the king, that he brought him to agree to ſome things, that few expected he would have yielded to. He managed the public affairs in both houſes with ſo much ſteadineſs and ſo good a conduct, that he had procured to himſelf a greater meaſure of eſteem, than he had in any of the former parts of his life; and the feeble and disjointed ſtate things fell into, after he withdrew, contributed not a little to eſtabliſh the character which his adminiſtration had gained him.

Purſuant to their reſolution, the commons granted a ſupply for diſbanding the army, and ordered the ſum of 250,000l. to be given as a gratuity to ſuch officers and ſoldiers, as were or ſhould be diſbanded [r]. Proviſion was alſo made for half-pay to commiſſion-officers being Engliſhmen; and a bill was ordered to be brought in, that the diſbanded ſoldiers might exerciſe their trade in any town or corporation in the kingdom.

The commons, after having reſolved the diſbanding of the army, under pretence of providing for the ſecurity of the kingdom, ordered a bill to be prepared for regulating the militia, and making them more uſeful; but, as it has been obſerved, this was no more than a pretence, for nothing was done towards ſuch a regulation, nor any act paſſed for that purpoſe.

To raiſe the ſums for diſbanding the army, and paying their arrears, and making good all deficiencies, amongſt other aids, a tax of three ſhillings in the pound was laid upon land, which was to be aſſeſſed on every county, in proportion to the rates of the firſt four ſhillings aid granted in 1691, by which means any future deficiency of this fund was prevented [s]. It was alſo reſolved by the commons, that the fourth part of the clear value of all the beneficial grants from the

[q] The horſe, dragoons, and foot, on the Engliſh eſtabliſhment at the peace of Ryſwick were as follow:

Horſe and dargoons	Troops and Comp.	Commiſ. offic.	Non-com. offic.	Private men.	Total numbers.
Three troops of horſe-guards	3	48	15	600	663
One troop of Dutch guards	1	15	5	200	220
One troop of horſe grenadiers	1	11	20	180	211
Earl of Oxford's regiment	9	40	45	531	616
Earl of Portland's Dutch regiment	9	42	54	603	699
Lumley's regiment	9	40	45	531	616
Wood's	6	28	36	354	412
Arran's	6	28	36	354	412
Wyndham's	6	28	36	354	412
Schomberg's	6	28	36	354	412
Macclesfield's	6	28	36	354	412
Raby's dragoons	8	37	72	480	589
Lloyd's dragoons	8	37	72	480	589
Earl of Eſſex's dragoons	8	37	72	480	589
	86	447	580	5855	6876
Foot.					
Earl of Romney's 3 battalions	28	99	222	2240	2563
Lord Cutt's 2 battalions	14	51	112	1120	1283
The Dutch blue guards, 4 battalions	26	96	208	2366	2670
The earl of Orkney's Scotch regiment	26	88	208	1560	1636
Selwyn's	13	44	104	780	928
Churchill's	13	44	104	780	928
Trelawney's	13	44	104	780	928
Erle's	13	44	104	780	928
Seymour's	13	44	104	780	928
Colt's	13	44	104	780	928
Mordaunt's	13	44	104	780	928
Sir David Collier's	13	44	104	780	928
Sir Charles O Hara's fuſileers	13	46	104	780	930
Collingwood's	13	46	104	780	930
	224	778	1790	15078	17656

Thus, excluſive of the Dutch, the army in England, officers and all, was but horſe and dragoons, 5947
Foot, 14986
Total horſe and foot, 20943

[r] To every foot-ſoldier and non-commiſſioned officer, fourteen days ſubſiſtence.
Six days full pay to each private trooper and non-commiſſioned officer.

[s] Beſides this land tax, a duty was laid upon all coal and culm, over and above the duties already payable. The poll or capitation tax was continued

crown in England and Ireland, and all the forfeited eſtates which had been reſtored by the crown, ſince the reſtoration, ſhould be applied to the uſe of the public. But there were ſo many petitions againſt this, that no progreſs was made in the bill for it.

As it was true, that the revenues of the crown (as the king took notice in his ſpeech) were anticipated for public uſes, the commons did at laſt reſolve to grant what he had ſo earneſtly deſired ever ſince his advancement to the throne, namely, a revenue for life. Accordingly, a bill paſſed for a further ſubſidy of tonnage and poundage, towards raiſing the yearly ſum of ſeven hundred thouſand pounds, for the ſervice of his majeſty's houſhold, during his life. This is now called 'the new ſubſidy,' and is much the ſame with the 'old ſubſidy,' of which an account has been given. It was deſigned to grant for the civil liſt no more than ſix hundred thouſand pounds; but as it had been promiſed at the treaty of Ryſwick, that, king James being now as dead to England, his queen ſhould enjoy her jointure, which was fifty thouſand pounds a year; and, as it was intended to ſettle a court about the duke of Glouceſter, who was then nine years old, to enable the king to bear theſe expences, this large proviſion was made for the civil liſt. But, by ſome great error in the mannagement, though the court never ſpent ſo little, yet payments were ill made, and, by ſome ſtrange conſumption, all was waſted. It is even ſaid, that though the king had thus obtained an encreaſe of 100,000l. to the civil liſt, on account of king James's queen's penſion, and the duke of Glouceſter's houſhold, that he never paid the queen one penny, nor allowed the duke of Glouceſter above 15,000l. a year; nay, ſo frugal was the king, that, though he kept the duke by women's hands, ſome time after the revenue was granted, he refuſed to advance one quarter of this allowance to buy plate and furniture; ſo the princeſs was forced to be at that expence herſelf.

While the commons were raiſing the ſupplies for the next year, the affair of the Eaſt-India trade, which had been depending ſo many years, was revived. The old company having offered to advance 700,000l. at four per cent. for the ſervice of the government, in caſe the trade to India might be ſettled on them, excluſive of all others, the houſe ſeemed inclined to embrace their propoſal; when another number of merchants, of whom ſir John Ward, ſir Francis Eyles, ſir Gilbert Heathcote, and Mr. Samuel Shepherd were the chief, and whoſe ſcheme was approved by Mr. Mountague, chancellor of the exchequer, propoſed to the houſe to raiſe two millions, upon the ſecurity of a good fund, to pay the intereſt at eight per cent. on condition the trade to India might be ſettled on the ſubſcribers, excluſive of all others. They alſo propoſed, that theſe ſubſcribers ſhould not be obliged to trade in a joint ſtock; but, if any members of them ſhould afterwards deſire to be incorporated, a charter ſhould be granted to them for that purpoſe. The houſe judged this new overture, not only to be more advantageous to the government, but likewiſe very likely to ſettle this controverted trade on a better foundation than it was on before. A bill was therefore brought into the houſe, for ſettling the trade to the Eaſt-Indies on thoſe, who ſhould ſubſcribe the two millions, according to the limitations beforementioned, and the following reſolutions [t]: 'Firſt, That every ſubſcriber might have the liberty of trading yearly to the amount of his reſpective ſubſcription, or might aſſign over ſuch his liberty of trading to any other perſon. Secondly, That his majeſty be impowered to incorporate ſuch of the ſubſcribers, as ſhould deſire the ſame. Thirdly, That the powers and privileges for carrying on the Eaſt-India trade ſhould be ſettled by parliament. Fourthly, That the ſubſcribers ſhould enjoy the eight pounds per cent. and liberty of trading to the Eaſt-Indies, excluſive of all others, for the term of ten years, and until the ſame ſhould be redeemed by parliament. Fifthly, That every perſon ſubſcribing five hundred pounds have a vote, and no perſon to have more votes, than one. Sixthly, That all ſhips, laden in the Eaſt-Indies, ſhould be obliged to deliver in England. Seventhly, That no perſon, who ſhould be a member of any corporation trading to the Eaſt-Indies, ſhould trade otherwiſe than in the joint ſtock of ſuch corporation, of which he was a member. Eightly, That five pounds per annum, 'ad valorem,' upon all returns from the Eaſt-Indies, be paid by the importer, to be placed to the account of the ſubſcribers, towards the charge of ſending embaſſadors, and other extraordinary expences [u]. And, ninthly, That over and above the duties now payable, a further duty of one ſhilling and ten-pence per pound weight be laid upon all wrought ſilks imported from India and Perſia, to be paid by the importer.' Againſt this bill, the old Eaſt-India company preſented a petition, to which the commons had ſo much regard, as to offer them to ſettle this trade upon them, if they would accept it on the ſame terms and limitations, on which the others were contented to take it. But the members of the old company, imagining they ſhould be too hard for the new in India, and make them weary of a loſing bargain, rejected the offer. However, the old company at laſt offered to advance the two millions; but it was now too late; for the party was formed againſt them, and their offer had no other effect, but to raiſe a clamour againſt this proceeding, as extremely rigorous, if not unjuſt. For though the king had reſerved a power to himſelf, by a clauſe in the old company's charter, to diſſolve them upon three years notice, and conſequently (it was urged) if ſuch notice was given, no injuſtice was done them, yet the clauſe (it was anſwered) reſerving that power, was to be conſidered only as a threatening, to oblige them to good conduct; and it was not uſual to diſſolve a company, by virtue of ſuch a clauſe, when no fault was objected. The commons, however, paſſed the bill in favour of the new adventurers, whoſe example, after hearing the arguments on both ſides, was followed by the lords. After which the bill received the royal aſſent [w].

nued for one year longer; and a duty laid upon all coals imported from Scotland, or other parts beyond ſea. The duties upon ſtamped vellum, parchment, and paper were doubled: The duties upon coffee, tea, chocolate, and ſpices were continued; as alſo the duty payable by hawkers and pedlars for the term of three years, to commence from the expiration of the preſent duties upon them; a further duty was laid upon ſalt; and the duties upon all luſtrings and alamodes imported were doubled; the time was enlarged for purchaſing annuities upon the ſeveral acts of parliament, for granting the ſame; and laſtly, an act paſſed for raiſing a ſum not exceeding two millions, upon a fund for payment of annuities after the rate of eight per cent per annum, redeemable by parliament.

[t] The fund for paying the intereſt of eight per cent. for theſe two millions was a duty upon ſalt, and an additional duty upon ſtamped vellum, parchment, and paper.

[u] This article refers to a part of the ſcheme propoſed to the miniſtry; which was, that his majeſty would be pleaſed to ſend an embaſſador extraordinary to the great mogul, in whoſe dominions the Eaſt-India company had their chief ſettlements and factories, to notify the eſtabliſhment of this new company, and deſire his protection and favour. The gentleman pitched upon for this employment, was ſir William Norris, member of parliament for Liverpool, who had a very noble allowance for his equipage and table; but the old company, who were in poſſeſſion of the ſettlements and factories, ſo managed matters in India, by their factors and agents, that not only the viceroys on the coaſts, but the emperor himſelf, received very ill impreſſions of the conduct and deſigns of the new company; and when ſir William Norris arrived there, it was three or four months before he could procure the neceſſary paſſes and convoys for the court at Agra, of which at laſt he had audience, but to very little purpoſe, being in no wiſe equal in benefit to the charges of the embaſſy only, and the embaſſador died in his return homewards.

[w] The old company followed the bill to the houſe of lords, where they were heard by their counſel, ſir Thomas Powis and ſir Bartholomew Shower. Thoſe readers, that are deſirous to know more of this matter, may find it in the repreſentation that was made to the lords, to the following effect.

'That this bill invaded their property, and ruined many families. That, in the charters granted them by queen Elizabeth, king James I. king Charles I. and king James II. it was ſuggeſted, that their corporation was for the honour of England, for the increaſe of navigation, and the advance of trade. That the ſaid charter contained a grant of the trade to Eaſt-India to the company, excluſive of all others. That by ſome of them they were conſtituted the lords proprietors of Bombay, and the Iſland of St. Helena. That by theſe grants they were induced to think they had a right in law to the trade, at leaſt that they ſhould have an uncontroverted title to the lands, and that on this preſumption, and relying on the public faith and credit of the great ſeal of England, they had expended above a million in fortifications, and acquired revenues of 44,000l. per annum, and many ſettlements and privileges. That, in the year 1691, the houſe of commons had made a reſolution, 'That the Eaſt-India trade ſhould be carried on in a joint ſtock, excluſive to all others.' That their company was confirmed and ſettled by three charters granted by his preſent majeſty on the 7th of October, and 17th of November 1693, and 28th of September 1694. That, upon the ſecurity of theſe charters, the company conſented to a new ſubſcription. That there was a-new ſubſcribed 744,000l. and the money brought in during the ſitting of the parliament: and that nothing was done, ſaid, or offered againſt his majeſty's charter of regulations; ſo that upon the public faith (at leaſt tacitly given) ſeven hundred and eighty-one new adventurers, of whom many were widows and orphans, did ſubſcribe a large part of their ſubſtance to ſupport this trade, during a hazardous war, for the profit and honour of England: And that the new adventurers thought they might without any hazard ſubſcribe on the ſecurity of a charter, which was ſo plainly deſigned by his majeſty to preſerve the Eaſt-India traffic, then in danger of being loſt. That, on the 10th of June, after the bill now depending before their lordſhips was brought in, the company did agree to ſubmit their preſent ſtock to a valuation of 50l. per cent. viz. 20l. per cent. for their dead ſtock, and 30l. per cent. for their quick ſtock, which they were contented to warrant at the ſaid ſums; and upon theſe terms they offered to open their books for new ſubſcriptions, in order to raiſe the two millions; That afterwards, to aſcertain the payments of the ſaid two millions, they had a general court on the 20th of June, in which they agreed to an immediate ſubſcription by private adventurers of 200,000l. to be paid at the firſt payment, ſubject to make good the ſubſequent payments; which ſubſcription was accordingly made.

Purſuant to this act, the commiſſioners, appointed by the king for taking ſubſcriptions towards the raiſing of two millions, and for ſettling a new Eaſt-India company, laid open their books at Mercers-hall, the 14th of July; and ſuch was the zeal, which people of all ranks, and even foreigners, ſhewed upon this occaſion, that, in two or three days, the whole ſum, and ſomething above it, was ſubſcribed. And, very probably, two millions more had been ſubſcribed, had not the books been ſhut before the diſtant corporations, private men in remote counties, and merchants beyond ſea, could remit their commiſſions for the ſums, which they intended to ſubſcribe. The diſpatch of ſo great a work in ſo few days, after the nation had borne ſo chargeable a war for ſo many years, ſurprized all the world. And as it greatly mortified all thoſe, who were aſſured, that the king would be diſappointed of this ſupply; ſo it gave the neighbouring nations an aſtoniſhing image, both of the opulence of England, and the ſtrength of the government.

However, this proceeding threw the old company, and all concerned in it, into the hands of the tories, which made a great breach and disjointing in the city of London. And it is certain, that this act, together with the inclinations, which thoſe of the whigs, who were in good poſts, had expreſſed, for keeping up a greater land-force, contributed to the blaſting of the reputation, which they had hitherto maintained, of being good patriots, and was made uſe of throughout England by the tories, to diſgrace both the king and them. To this, another charge of an high nature was added, that they robbed the public, and applied much of the money, that was given for the ſervice of the nation, both to the ſupporting a vaſt expence, and to the raiſing great eſtates to themſelves. This was ſenſible to the people, who were uneaſy under heavy taxes, and were too ready to believe, that, according to the practice in king Charles's time, a great deal of the money, that was given in parliament, was divided among thoſe, who gave it. Theſe clamours were raiſed and managed with great dexterity by thoſe, who intended to render the king, and all, who were beſt affected to him, ſo odious to the nation, that by this means they might carry ſuch an election of a new houſe of commons, as that by it all might be overturned. It was ſaid, that, the bank of England, and the new Eaſt-India company, being in the hands of whigs, they would have the command of all the money, and by conſequence of all the trade of England; and this raiſed the great oppoſition to the new company in both houſes of parliament. The king was very indifferent in the matter at firſt; but the greatneſs of the ſum, that was wanted, which could not probably be raiſed by any other project, prevailed on him.

Beſides the Eaſt-India trade, the commons took into conſideration that of the African company, which had long wanted a due regulation. And, upon account of the neceſſity of keeping up forts and caſtles for the defence of Engliſh factories on the coaſt of Guiney, there being no regular go-

made. That it has been the conſtant practice in farms, bargains, and offers of the like nature, not to cloſe with a new propoſal, till the firſt bidder be aſked, whether he is able to advance further? And that, notwithſtanding their charters, and the right they had to the trade, they were early told their propoſal ſhould be oppoſed, though they offered the two millions in queſtion. And laſtly, That the bill allowed foreigners, as well as the king's ſubjects, to ſubſcribe to the two millions, whereby they would be let into the ſecrets and myſteries of this trade, which might produce effects very pernicious to the general intereſt of the nation.' To this the counſel for the new ſubſcribers replied, That, in the recital of their charters the old company, had omitted to give an account of the proviſos inſerted therein, viz. 'That the reſpective kings, that granted them, reſerved a power to make them void upon three years warning.' That the king by his charter could not grant the trade to the Eaſt-Indies, excluſive of all others; and that ſeveral recoveries had been made againſt them at law for proſecuting ſuch a pretended right. That, as the crown has not a power to grant ſuch a right, ſo his preſent majeſty had not in fact granted any ſuch right excluſive. That, when they mentioned the reſolution of the commons in 1691. they omitted their other reſolution, 'That it was lawful for all perſons to trade to the Eaſt-Indies, unleſs reſtrained by act of parliament.' Neither did they take notice of the two addreſſes made by the houſe of commons to the king in 1691 and 1692 to diſſolve the company. That on the 14th of November 1692, ſir Edward Seymour delivered to the commons a meſſage, importing, 'That, his majeſty had required the Eaſt-India company to anſwer directly, whether they would ſubmit to ſuch regulations, as his majeſty ſhould judge proper and moſt likely to advance the trade? And the company having agreed to it, and declared their reſolution in writing, his majeſty had commanded a committee of his privy-council to prepare regulations; which they did, and offered them to the company; but that, notwithſtanding their declaration of ſubmiſſion, they rejected almoſt all the material particulars, ſo that his majeſty finding, that, what poſſibly the houſe of commons might have expected, and indeed was neceſſary to preſerve this trade, could not be perfected by his own authority alone; and that the company could not be induced to conſent to any ſuch regulations, as might have anſwered the intentions of the houſe of commons, and that the concurrence of the parliament was requiſite to make a complete and uſeful ſettlement of this trade, he had directed all the proceedings in this matter to be laid before them, and recommended to them the preparing ſuch a bill, in order to paſs into an act of parliament, as might eſtabliſh this trade on ſuch foundations, as were moſt likely to preſerve and advance it.' It was alſo urged againſt the old company, that, their charter being become void by their non-payment of the tax impoſed upon them by parliament, they obtained a new charter, the 7th of October 1693, by indirect means, having that year paid eighty odd thouſand pounds out of the company's ſtock for ſpecial ſervice. That this charter was conteſted before the queen and council by thoſe they called 'interlopers,' upon the hearing whereof it was unanſwerably proved, that the king had not, by law, a power to grant the trade to ſome perſons excluſive of others, and that the company's affairs were then in ſuch a condition, that it would be a plain cheat to others, that ſhould come in upon their ſtock. That however, law and reaſon failing, they had recourſe to other methods, and great ſums of money were diſtributed (as it was acknowledged before a committee of both houſes of parliament) to get another charter; but that thoſe, who were concerned to adviſe his majeſty in point of law, were ſo juſt to their truſt, as to take care, that no right of trade excluſive of others was granted; and alſo that the company ſhould ſubmit to ſuch alterations, reſtrictions, and qualifications, as the king ſhould make on the 29th of September, 1693, following; and ſo, on the 17th of November 1693, a new charter of regulations was made, and another the 28th of September 1694, wherein, amongſt other things was this proviſo; 'That if it ſhould appear to the king, his heirs and ſucceſſors, that the ſaid two charters, or any other charters heretofore granted, ſhould not be profitable to the king, his heirs, and ſucceſſors, or to this realm; that then and from thenceforth, upon and after three years warning to be given to the ſaid company by the king, &c. the ſame ſhould ceaſe, be void, and determine.' That it appeared by the proceedings of the houſe of commons in 1694, how this charter was obtained; which had more in it of private promiſes than public faith: That it was not to be wondered, that the parliament took no notice of the matter, whilſt the new ſubſcribers paid in their money, when it was conſidered, that, according to ſir Baſil Firebraſs's depoſitions, 'there were ſeveral contracts, ſome to the value of 60,000l. on account of procuring a new charter, and others to the value of 40,000l. on account of procuring an act of parliament. That by ſuch means the matter might be overlooked for a while, but it was not long before the parliament took public notice of it; and, if the greater affairs of the nation had not been ſo urgent, and the ſeſſion been ſo near an end, perhaps the company might have had juſtice done them, and had been paſſed complaining of any imaginary injuſtice done them now. That therefore it was plain, that it was not for the profit and honour of the nation, and to ſupport the trade, that the new ſubſcribers came in; but that they were deluded into it by a charter obtained by indirect ways, and by the hopes of an act of parliament to confirm it, to be obtained in the ſame manner. That the trade would have been much better preſerved, and more to the honour of the nation, if no ſuch underhand practices had been carried on. That if ſome perſons, thinking themſelves to have a greater reach, than others, or being deceived by the old company's making his majeſty believe their ſtock to be worth 750,000l. and by afterwards ſharing 325,000l. of the new ſubſcribers money among themſelves, only the perſons failing them, who promiſed to get an act of parliament, or by loſſes at ſea, or by what other means ſoever it were, happened to fail in their expectation, nobody was anſwerable for it but themſelves; eſpecially ſince they had warning enough by the tranſactions before the council. It was alledged farther, that in the reigns of Edward III. and queen Elizabeth, upon complaint in parliament of patents granted for monopolies, moſt of them were immediately revoked, and the reſt left to the law. That, in king James I's time, an act of parliament paſſed to make void a charter for the ſole trade to Spain, and another againſt all monopolies. That though the patents for ſome trades with joint ſtocks (whilſt the trades, for which they were granted, were in their infancy) have been permitted for the ſettling of a trade, and till the firſt adventurers have reaped ſome reaſonable compenſation for their firſt undertaking and adventures, yet afterwards, when thoſe trades have increaſed and become great, the wiſdom of the nation has always thought fit to open a way for the kingdom to receive a general benefit thereby. That it never was eſteemed a breach of the public faith, or a derogation either from the credit of the great ſeal, or from the honour of our kings, to have their patents annulled by parliament, when the grants were thought by that grand council of the nation not to be profitable, or to be againſt the common right of the ſubject, and that no king or queen thought themſelves bound in honour or conſcience not to paſs an act of parliament to make void ſuch patents. That the king, being buſied in the many arduous affairs of the kingdom, cannot be ſuppoſed to know always what he might legally grant, and is oftentimes deceived in his grants; and for that reaſon they are often annulled by the ordinary courſe of law; and ſo might this company's patent have been; for, all perſons having a right by law to trade to the Eaſt-Indies, unleſs excluded by parliament, the king by his charter could not grant to the company any new right to the trade, beſides the privileges of an incorporated body; but that the commons juſtly bearing an high veneration to his preſent majeſty, who had run ſo great hazards and performed ſo glorious atchievements for the honour and good of the nation, had notwithſtanding taken care in this bill, that nothing ſhould interfere with his majeſty's patent. That by this patent the old company had indeed power to trade to the Eaſt-Indies, and other privileges, but without any expreſs clauſe to exclude others, or any covenant (as was in the former charters from the crown) that his majeſty would not grant licence to others, to trade thither, during the continuance of the ſaid charter; ſo that even, according to the charters themſelves, all other ſubjects of England had a right to trade to the Eaſt-Indies, and many actually traded thither without any hindrance. That, though the old company talked ſo much of their dependence on the ſecurity of their charters, yet they themſelves were convinced, that their right was not well founded, ſince they had formerly laid out ſo much money to get an act of parliament to confirm their charters, and had lately offered to lend 700,000l. to the government, to have the trade to themſelves, excluſive of all others. As to their offering afterwards to raiſe two millions, it was anſwered, That they made no ſuch offer with an intention that it ſhould take effect, but only as an amuſement to gain time, and ſo to baffle the bill; for, when they agreed to ſubmit their ſtock to a valuation of 50l. per cent, they knew very well, that others did not value it, at any thing near ſo much. And as to their ſubſcribing 200,000l. ſubject to make good the ſubſequent payments of the two millions, that it was only to obtain what they had been ſo long aiming at, viz. an act of parliament 'excluſive,' for the ſum of 200,000l. whereby the king would be defeated of a much more conſiderable loan; others delivering in ſubſcriptions for about 1,200,000l. And, laſtly, that the old company heretofore thought it an advantage to admit foreigners into their trade; and that many were actually now in the preſent company, though they were pleaſed to argue againſt it.

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vernment among thoſe barbarous people, on whoſe protection they might ſafely rely, the parliament made a bill to ſettle the company, and to enable them to maintain all ſuch forts, as they now had in their poſſeſſion, or ſhould hereafter purchaſe or erect for the preſervation of their trade; and enacted at the ſame time, that any of the ſubjects of this realm, as well as the company, might, after the 24th of June, trade from England, or after the 1ſt. of Auguſt, from any of his majeſty's plantations in America, to the coaſt of Africa, between Cape Mount and the Cape of Good Hope, both the company and the free traders or interlopers, anſwering a duty of ten per cent. of the value of the goods exported thither from England, or from his majeſty's American plantations, towards the maintenance of the forts and ſettlements.

Notwithſtanding the ſevere laws, that were in force againſt ſuch as tranſport Engliſh wool to foreign parts, who are commonly called Owlers, yet many of them, encouraged by the powerful incentive of gain, continued their clandeſtine practices to the great detriment of the nation, and profit of the French, who had lately ſet up a conſiderable woollen manufacture in Picardy. The parliament therefore, the more effectually to obviate that evil, made many prudent proviſions in an act 'for explanation and better execution of former acts againſt tranſportation of wool, fuller's earth, and ſcouring clay.'

The parliament likewiſe, this ſeſſion, applied themſelves with great diligence to diſcover and puniſh ſuch offenders, who carried on a fraudulent and ſecret commerce with France, and, to the great damage of the 'royal luſtring company' of this kingdom, had, for divers years paſt, ſurreptitiouſly brought in great quantities of French alamodes and luſtrings. The firſt occaſion of this diſcovery was a paſs from the admiral of France for an Engliſh ſhip, that ſerved at once for the owling and ſmuggling trades; which paſs, at the breaking out of the late conſpiracy, was intercepted at the poſt-office, together with all the letters, which at that time were either coming from France, or ſending thither. This paſs had a long time remained uſeleſs in the hands of the ſecretary of ſtate, by reaſon it was granted on a ſuppoſititious name; but the ſame being communicated to Mr. Hilary Renew, an eminent French proteſtant merchant, who was the chief manager and promoter of the luſtring company, and who, upon ſeveral occaſions, had done ſignal ſervices to the government, he, by this help, and other concurring indications, at laſt found out the ſmugglers, and, having cauſed their books to be ſeized, petitioned the houſe of commons, in the name of the royal luſtring company, that theſe books, letters, and other papers, in which the contrivances to ruin the luſtring manufacture in this kingdom appear, might be laid before the houſe and examined. The commons received this petition, and referred the matter to the committee of trade, at the head of which was then ſir Rowland Gwyn, who, with unwearied application and induſtry, made a full diſcovery of the ſmuggling traders, to which they themſelves gave no ſmall handle, by the ill contrived and incoherent metaphors, under which, in their correſpondence with their agents in France, they endeavoured to conceal their unlawful practices; as, for inſtance, when they ſaid, 'That the cart (meaning the ſhip) would not ſet out, becauſe of the contrary winds.' Sir Rowland having made his report of the whole matter to the houſe of commons, it was reſolved on the 20th of April, 'That the manufacture of luſtrings and alamodes, ſet up by the luſtring company, had been very advantageous and beneficial to the kingdom, by employing great numbers of the poor, and preventing the exportation of our coin, for purchaſing of thoſe commodities. That there had been a very deſtructive trade carried on with France, during the war, for importing alamodes and luſtrings contrary to law, whereby the king had been defrauded of his cuſtoms, and our own manufactures greatly diſcouraged. That the ſame veſſels, which imported alamodes and luſtrings, exported great quantities of our wool. That thereby intelligence had been carried into France, during the war, and the enemies of the government had been conveyed from juſtice out of this kingdom (particularly Cardell Goodman) and had frequent opportunities of returning hither to carry on their pernicious deſigns. That by the intercepted letter, wherein the French king's paſſport was incloſed, compared with Mr. John Goudet's hand writing, and the copy of the ſaid letter entered in Mr. Goudet's copy-book of letters, and by Mr. Goudet's ſeal, wherewith the paſſport letter was ſealed, it did appear, that the ſaid paſſport was procured and paid by the ſaid Mr. Goudet and company. That the ſaid paſſport was ſent back, in order to be renewed, the time, for which it was granted, being expired. That Goudet, Longueville, and Barreau were partners, during the time this ſmuggling trade was carried on. That Mr. Stephen Seignoret, Mr. Baudouin, and Mr. Santini were alſo partners, and had imported great quantities of French alamodes and luſtrings. That Mr. Peter de Hearce dealt with ſeveral perſons in France for French ſilks, and other commodities from France, under ſeveral fictitious and counterfeit names. That John du Maiſtre, Peter Baraillau, Diana Maſon, John Auriol, Iſaac Auriol, John Pancier, John Guggier, and ſeveral others, had been concerned in the ſmuggling trade. That a bill be brought in 'For the encouragement of the luſtring company, and the more effectual preventing the fraudulent importation of luſtrings and alamodes, and the exportation of wool and fuller's earth.' That John Goudet, David Barreau, Peter Longueville, Stephen Seignoret, René Baudouin, Nicholas Santini, and Peter de Hearce (to whom were afterwards added John Pierce, John du Maitre, and John Auriol) be impeached before the lords of high crimes and miſdemeanors, and be taken into the cuſtody of the ſerjeant at arms attending this houſe. That the reſt of the ſmugglers be proſecuted by Mr. Attorney-general and Mr. Sollicitor general. And laſtly, that Mr. Hilary Renew, for the great ſervice done this kingdom in promoting the manufacture of alamodes and luſtrings, and diſcovering the fraudulent importation thereof, and exportation of wool, deſerved the countenance and protection of the government: And that a bill for naturalizing him and his family be permitted to paſs this houſe 'gratis.'

The impeached ſmugglers having put in their anſwer to the articles exhibited againſt them, and the committee of the houſe of commons made their replications, a great diſpute aroſe between both houſes of parliament; the lords inſiſting, that the trials ſhould be at the bar of their houſe, where the committee of the commons muſt have ſtood; and the commons, on the other hand, inſiſting upon their having a convenient place appointed for the managers of the impeachments againſt the priſoners, whereby they might be better enabled to make good their charge againſt them. This gave occaſion for a conference, which being ineffectual to accommodate the matter, the commons reſolved, that they would be preſent at the trials, as a committee of the whole houſe, in regard the affair was of great conſequence to the trade of the kingdom. Whereupon the lords acquainted the commons, that they would proceed, on the Monday following, upon the trials at Weſtminſter, where ſeats would be provided for both houſes. All this while the perſons accuſed had conceived no ſmall hopes of impunity from the diſagreement between the lords and commons, but, when they ſaw that matter adjuſted, eight of them confeſſed themſelves guilty. Whereupon the commons went up to the bar of the lords houſe, and their ſpeaker in their name having demanded judgment againſt the offenders, the lords impoſed a fine of ten thouſand pounds upon Stephen Seignoret; of three thouſand pounds on René Baudouin; of fifteen hundred pounds on John Goudet and Nicholas Santini; of one thouſand pounds on Peter de Hearce, John Pierce, and John du Maitre; and of five hundred pounds on David Barreau; and ordered, that they ſhould be impriſoned in Newgate, until they had paid their reſpective fines; and the commons addreſſed the king, that thoſe fines might be appropriated to Greenwich hoſpital, which he ordered accordingly.

Another ſort of offenders were this ſeſſion animadverted upon by the commons, but had the good fortune to eſcape with impunity. The Exchequer bills were at this time of very great uſe in the nation, by ſupplying the ſcarcity of money, during the recoining of the ſilver ſpecies. Now becauſe there was an intereſt of ſeven pounds twelve ſhillings per ann. allowed upon the ſecond iſſuing of theſe bills out of the Exchequer, after they had been paid in, on any of the king's taxes, whereas at their firſt iſſuing out of the Exchequer they bore no intereſt, this encouraged ſeveral of the king's officers, both in the Exchequer, the Cuſtoms, and the Exciſe, to contrive together to get great ſums of money by falſe indorſements on theſe Exchequer bills, before they had circulated about, and been brought into any branch of the king's revenue. The moſt conſiderable perſons, who had carried on this unwarrantable practice, were Mr. Charles Duncomb, receiver-general of the Exciſe; Mr. John Knight, treaſurer of the cuſtoms; Mr. Bartholomew Burton, who had a place in the exciſe-office; and Mr. Reginald Marriot, one of the deputy-tellers of the exchequer; which laſt, to procure his pardon, compounded to accuſe the reſt. Upon a full proof of the matter, Duncomb and Knight, who were members of the houſe of commons, were firſt expelled the houſe, and committed priſoners to the Tower; Burton ſent to Newgate, and bills ordered to be brought in to puniſh them. The bill

againſt Mr. Duncomb, when a fine of near half his eſtate, which was computed at 400,000l. [x], was ſet upon him, quickly paſſed the houſe of commons, notwithſtanding the oppoſition that was made to it, particularly by ſir Thomas Trevor the attorney-general. But, being ſent up to the houſe of lords, and the houſe being equally divided, the duke of Leeds gave his caſting vote for rejecting the bill. But, Mr. Duncomb being ſet at liberty by the order of the houſe of lords, without the conſent of the commons, the latter reſented it to that degree, that they cauſed him to be remanded to the Tower of London, where he continued till the end of the ſeſſion. The bills againſt Knight and Burton had the ſame fate; and ſo all the noiſe this ſort of forgery had made, in town and country, was huſhed on a ſudden, and no more heard of it.

[1698.] The commons, this year, deſigned to apply part of all the forfeited eſtates to the uſe of the public; in order to which, they inquired into the grants made by king Charles II. and king James II. and ordered a bill to be brought in to make them void. Afterwards they examined the grants made by king William in Ireland; and, becauſe a grant was found made to Mr. Raylton, which Mr. Mountague, chancellor of the exchequer, owned to be for his benefit, a warm debate aroſe; and Mr. Mountague's enemies moved, 'That he ſhould withdraw;' which paſſing in the negative, it was reſolved by a great majority, 'That it was the opinion of this houſe, that the honourable Charles Mountague, chancellor of the exchequer, for his good ſervices to this government, did deſerve his majeſty's favour.'

The next day, the commons in a body preſented an addreſs to the king, wherein 'they with great joy and comfort remembered the teſtimonies, which his majeſty had given them of his ſincerity and zeal for the reformed religion as eſtabliſhed in this kingdom; and in particular they acknowledged the late declaration, which his majeſty had made from the throne, "That he would effectually diſcourage profaneneſs and immorality;' which, chiefly by the neglect and ill example of too many, were (like a general contagion) diffuſed and ſpread throughout the kingdom, to the great ſcandal and reproach of the proteſtant religion, and to the diſhonour and prejudice of his majeſty's government. Therefore, in concurrence with his majeſty's pious intentions, they moſt humbly deſired, that his majeſty would iſſue out his royal proclamation, commanding all judges, juſtices of the peace, and other magiſtrates, to put in ſpeedy execution the good laws, that were now in force, againſt profaneneſs and immorality, giving encouragement to all ſuch, as did their duty therein. And, ſince the examples of men in high and public ſtations have a powerful influence upon the lives of others, they moſt humbly beſought his majeſty, that all vice, profaneneſs, and itreligion might in a particular manner be diſcouraged in all thoſe, who had the honour to be employed near his royal perſon, and in all others, who were in his majeſty's ſervice by ſea or land; and that his majeſty would upon all occaſions diſtinguiſh piety and virtue by marks of his favour. They further beſought his majeſty to give effectual orders for the ſuppreſſing all pernicious books and pamphlets, which contained impious doctrines againſt the Holy Trinity, and other fundamental articles of the proteſtant faith, tending to the ſubverſion of the Chriſtian religion; and that his majeſty's proclamation might be ordered to be read at leaſt four times in the year in all churches and chapels, immediately after divine ſervice; and at the aſſizes and quarter ſeſſions of the peace, juſt before the charge is given.' The king's anſwer was, 'That he could not but be very well pleaſed with an addreſs of this nature, and he would give immediate directions in the ſeveral particulars they deſired. But that he could wiſh that ſome more effectual proviſion were made for the ſuppreſſing thoſe pernicious books and pamphlets, which their addreſs took notice of.' And on the 28th of February was publiſhed a proclamation for preventing and puniſhing immorality and profaneneſs; and the houſe of lords, to expreſs their zeal for ſo good a deſign, prepared and paſſed a bill 'for the more effectual ſuppreſſing atheiſm, blaſphemy, and profaneneſs,' to which, after ſeveral conferences, the commons gave their concurrence.

It is remarked, that the diviſions among the clergy, at that time, was one great encouragement to the profane. There were manifeſtly two different parties among them; one was firm and faithful to the preſent government, and ſerved it with zeal; theſe did not envy the diſſenters the eaſe, that the toleration gave them; they wiſhed for a favourable opportunity of making ſuch alterations, in ſome few rites and ceremonies, as might bring into the church thoſe, who were not at too great a diſtance from it. Others took the oaths indeed, and concurred in every act of compliance with the government, but they were not only cold in ſerving it, but were always blaming the adminiſtration, and aggravating misfortunes; they expreſſed a great eſteem for jacobites, and, in all elections gave their votes to thoſe, who leaned that way: At the ſame time, they ſhewed great reſentments againſt the diſſenters, and were enemies to the toleration, and ſeemed reſolved never to conſent to any alteration in their favour. The bulk of the clergy ran this way, ſo that the moderate party was far out-numbered. Profane minds had too great advantages from this, in reflecting ſeverely on a body of men, that took oaths, and performed public devotions, when the reſt of their lives was too public and too viſible a contradiction to ſuch oaths and prayers.

About the ſame time, was formed the 'Society for the reformation of manners,' which took its riſe in the following manner.

In the reign of king James II. the fear of popery was ſo ſtrong, as well as juſt, that many perſons in and about London began to meet often together, both for devotion and for their further inſtruction. Things of that kind had been formerly practiſed only among the puritans and diſſenters; but thoſe were of the church, and came to the miniſters to be aſſiſted with forms of prayer and other directions. They were chiefly conducted by Dr. Beveridge and Dr. Horneck. Some diſliked this, and were afraid it might be the original of new factions and parties; but others thought, that it was not fit nor decent to check a ſpirit of devotion, at ſuch a time. It might have given ſcandal, and it ſeemed a diſcouraging of piety, and might be a means to drive well meaning perſons over to the diſſenters. After the revolution theſe ſocieties grew more numerous, and, for a greater encouragement to devotion, they got ſuch collections to be made, as maintained many clergymen to read prayers in ſo many public places, and at ſo many different hours, that devout perſons might have that comfort at every hour of the day. There were likewiſe conſtant ſacraments every Sunday, in many churches; and there were both greater numbers and greater appearances of devotion at prayers and ſacraments, than had been obſerved in the memory of man. Theſe ſocieties reſolved to inform the magiſtrates of ſwearers, drunkards, profaners of the Lord's day, and of lewd houſes, and threw in that part of the fine, given by law to informers, into a ſtock of charity. From this they were called 'Societies for the reformation of manners,' and were encouraged by ſome magiſtrates, tho' treated roughly by others.

There was alſo about the ſame time another deſign laid, and chiefly managed by an active divine, Dr. Thomas Bray, for propagating the goſpel in foreign parts, by ſending over miſſionaries, catechiſms, liturgies, and other books for the inſtruction of the people, too ignorant and profane, in our Weſt-India colonies and plantations. He had taken great pains to promote this undertaking, and had procured the contributions of many perſons, to inable him to proceed in in the burden and growing expences of it. And, to take all opportunities of eſtabliſhing a fund for this project, upon the ſecond reading of a bill in the houſe of commons, 'for the better diſcovery of eſtates given to ſuperſtitious uſes,' the doctor preſented a petition to the houſe, praying, that ſome part of theſe eſtates might be ſet apart for the propagation of the reformed religion in Maryland, Virginia, and the Leeward Iſlands; or elſe that ſome other proviſion might be made for that purpoſe.

The earl of Macclesfield, to vindicate the honour of his family, was forced now to publiſh the ſhame of his marriage bed, and to prefer a bill in the houſe of lords, to be divorced from his wife. It ſeems his lady, about ten years before, being weary of living with the earl's father, under whoſe care her huſband had left her, during his abſence beyond ſea, retired to her mother the lady Maſon's houſe. The earl, being returned home, and reſenting the ſtep of his lady, which ſhe had made without his privity, inſtead of recalling her, ſuffered her to live in a ſtate of ſeparation; during which, it is no wonder, ſhe was tempted to break her matrimonial vows, ſince her huſband did not perform his. Accordingly, about the end of the year 1696, ſhe was delivered of a daughter. The death of this child, before the earl had heard any thing of the matter, with the belief, that this might be a ſufficient warning againſt liberties that carried ſuch viſible effects with them, reſtrained him from attempting public ſatisfaction; and beſides, at the ſolicitation

[x] He had a little before purchaſed the great manor of Helmeſly in Yorkſhire, of the truſtees for George Villiers late duke of Buckingham, at 95,000l. and paid down the money, when the want of coin was the moſt complained of.

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of his wife's relations, who undertook for her conduct for the future, he conſented to allow her 500l. a year for a ſeparate maintenance. This treaty was ſcarce concluded, when, the earl being informed of his lady's being delivered of another child, he commenced a ſuit in the ſpiritual court for ſuch a divorce, as might be given by that law. But, being diſappointed in his proſecution, through the dilatorineſs of eccleſiaſtical proceedings, he applied himſelf to his peers for a remedy, which nothing but a parliament could give; all the relief, which he could expect from a ſentence in Doctors Commons, being no more than that ſtate of ſeparation, in which he and his lady had long lived. He alledged, That it is evident, that the divine law admits of ſecond marriages in ſuch caſes, and that there had been acts of parliament for them, as well as for baſtardizing ſpurious iſſue: that thoſe canons, which have prohibited ſecond marriages in like caſes, were ſo manifeſtly an effect of the popiſh doctrine of marriage being a ſacrament, and of the avarice of the court of Rome, to get money for diſpenſing with them, that, in the reformation of eccleſiaſtical laws, prepared and intended in the time of Edward VI, in purſuance of an act of parliament of Henry VIII, there was expreſs liberty given by thoſe canons to marry again, which, by virtue of that act of parliament, would have become a general law, or, at leaſt, have occaſioned one. That whatever objection might be againſt ſuch a general law from the temptation, which it might give ill people to ſeek groundleſs diſſolutions of marriages; yet, upon extraordinary caſes, ſuch as this was, ſuch relief had been granted; and, where it had been denied, either the fact had not been fully proved, or the parties had cohabited, or, after the grounds of diſſatisfaction, had been reconciled. That if in ſuch a concurrence of circumſtances, as were in his caſe, he muſt ſtill be thought to have a wife, and the children ſhe had, muſt be looked upon as his, from the common preſumption, till contrary proof, in that they were born within the four ſeas; beſides, that it could not be but too great an encouragement to women, to make an ill uſe of a ſeparate maintenance, which is provided for in moſt marriage ſettlements, it would be a moſt unreaſonable hardſhip upon him, that the ſtanding law, which is deſigned to do every man right, ſhould, by the rigour of the letter, be to him the cauſe of the greateſt wrong; and that, for his wife's fault, he ſhould be deprived of the common privilege of every freeman in the world, to have an heir of his own body, to inherit what he poſſeſſed, either of honour or eſtate; or that his only brother ſhould loſe his claim to both, and have his birthright ſacrificed to the lady Macclesfield's irregular life.

While this affair was depending in the ſpiritual court, the lady Macclesfield inſiſted upon her innocence, and her agents induſtriouſly ſpread a report, that the earl, her huſband, had been ſurprized into a private meeting with her, by a woman of intrigue. But, this ſtory being confuted by the earl's poſitive evidence to the contrary, ſhe gave up that point, and only endeavoured to make her huſband the author of her miſcarriages. She alledged, that the late earl of Macclesfield, her father in law, had turned her out of doors; that the preſent earl, notwithſtanding the obligation ſhe had laid upon him, by petitioning king James for his life,, had maliciouſly ſecluded her from bed and board. And therefore, if the lords thought fit to paſs this bill of divorce, ſhe demanded her fortune to be refunded, both becauſe a divorce diſſolves the whole frame of the marriage contract, and becauſe it were the higheſt injuſtice, that a man, who was guilty of making his wife commit adultery, ſhould be rewarded out of the ſame wife's fortune. This affair occaſioned great debates in the upper houſe; ſome peers repreſenting the danger of granting divorces; and others, amongſt whom Dr. Burnet, biſhop of Saliſbury, ſpoke the longeſt, ſhewing the neceſſity and lawfulneſs of ſuch extraordinary proceedings in ſome particular caſes. Upon the whole matter, the lords paſſed a bill 'for diſſolving the marriage between Charles earl of Macclesfield and Anne his wife, and to illegitimate her children;' but with a proviſo, that the earl ſhould refund her fortune. This bill being ſent down to the commons, the parties concerned were both heard by their counſel; but, notwithſtanding the lady Macclesfield's oppoſition, the bill was read the third time, and paſſed without any amendment, and received the royal aſſent.

On the 21ſt of May, a complaint was made to the commons of a printed book, intitled, 'The caſe of Ireland's being bound by acts of parliament in England ſtated,' written by William Molyneux, of Dublin, a gentleman of eminent parts and learning. In this book the authority of the parliament of England being denied to be binding to Ireland, a committee was appointed to inquire into the author of it, and what proceedings had been in Ireland, that might occaſion it. Upon the report of the committee, it was unanimouſly reſolved, 'That the book was of dangerous conſequence to the crown and people of England, by denying the authority of the king and parliament of England, to bind the kingdom and people of Ireland; and the ſubordination and dependence, that Ireland has and ought to have upon England, as being united and annexed to the Imperial crown of this realm; and that a bill, intitled, 'An act for the better ſecurity of his majeſty's perſon and government,' tranſmitted under the great ſeal of Ireland, whereby an act of parliament made in England was pretended to be re-enacted, and alterations therein made, and divers things enacted alſo, pretending to oblige the courts of juſtice, and the great ſeal of England, by the authority of an Iriſh parliament, had given occaſion and encouragement to the forming and publiſhing the dangerous poſitions contained in this book.' After which, the commons, in a body, preſented an addreſs to the king, wherein, having repreſented the caſe, they humbly beſought him, 'That he would give effectual orders to prevent any thing of the like nature for the future, and the pernicious conſequences of what was paſſed, by puniſhing and diſcountenancing thoſe who had been guilty thereof; that he would take all neceſſary care, that the laws, which direct and reſtrain the parliament of Ireland in their actings, be not evaded, but ſtrictly obſerved; and that he would diſcourage all things, which might in any degree leſſen the dependence of Ireland upon England.' To this the king anſwered, 'That he would take care, that what was complained of, might be prevented and redreſſed, as the commons deſired.'

This ſeſſion likewiſe, upon complaints made, that the woollen manufacture was carried on in Ireland, to the great prejudice of that ſtaple trade in England, the commons took care to ſtop the progreſs of that growing evil. They entered upon a bill for that purpoſe, but it terminated at laſt in an addreſs to the king, importing, 'That being very ſenſible, that the wealth and power of this kingdom do in a great meaſure depend on the preſerving the woollen manufacture, as much as poſſible, entire to this realm, they thought it became them, like their anceſtors, to be jealous of the eſtabliſhment and the increaſe thereof elſewhere, and to uſe their utmoſt endeavours to prevent it. That they could not without trouble obſerve, that Ireland, which is dependent on, and protected by England in the enjoyment of all they have, and which is ſo proper for the linen manufacture, the eſtabliſhment and growth of which would be ſo enriching to themſelves, and ſo profitable to England, ſhould of late apply itſelf to the woollen manufacture, to the great prejudice of the trade of this kingdom, and ſo unwillingly promote the linen trade, which would benefit both nations. That the conſequence thereof would neceſſitate his majeſty's parliament of England to interpoſe, to prevent this miſchief, unleſs his majeſty, by his authority and great wiſdom, ſhould find means to ſecure the trade of England, by making his ſubjects of Ireland to purſue the joint intereſt of both kingdoms. Wherefore they implored his majeſty's protection and favour in this matter; and that he would make it his royal care, and injoin all thoſe, whom he employed in Ireland, to uſe their utmoſt diligence to hinder the exportation of wool from Ireland (except it be imported hither) and for the diſcouraging the woollen manufacture, and the increaſing the linen manufacture in Ireland; to which the commons of England ſhould always be ready to give their utmoſt aſſiſtance.' To this addreſs his Majeſty made anſwer, 'That he ſhould do all that in him lay, to promote the trade of England, and to diſcourage the woollen and encourage the linen manufacture in Ireland.'[y]

Purſuant to this addreſs, the earl of Galway and the other

[y] About this time the king wrote the following letter to the earl of Galway.

Kenſington, July 16, 1698.

Tho' I have largely explained to the chancellor of Ireland my ſentiments about the Iriſh affairs, I am willing however to write to you, to tell you, that it was never of ſuch importance to have at preſent a good ſeſſion of parliament, not only in regard to my affairs of that kingdom, but eſpecially of this here. The chief thing that muſt be tried to be prevented, is, that the Iriſh parliament takes no notice of what has paſſed in this here, and that you make effectual laws for the linen manufacture, and diſcourage as far as poſſible the woollen. Theſe are the two moſt material points you have to accompliſh; and the third is, the neceſſary ſupply for the maintenance of the army, of which you know the importance, and to try to get as much as you can, ſince, after this ſeſſion, I ſhould be very glad not to be obliged, this good while, to have another parliament in Ireland. I have ſent orders for embarking at Oſtend the five French regiments, and inſtead of my own regiment of dragoons of Eppinger, I will ſend you two regiments of foot, which will be much the ſame as to expence. Blaithwayte will write to you about the eſtabliſhment and appointment of the pay of the forces. I muſt tell you, I am well ſatisfied with the chancellor of Ireland. At his firſt coming here to the

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juſtices, in their ſpeech to the parliament in Ireland, September the 27th, recommended to them a bill for encouraging the manufactures of linen and hemp: 'The ſettlement of which, ſaid they, will contribute much to people the country, and will be found more advantageous to this kingdom than the woollen manufacture, which being the ſettled, ſtated trade of England, from whence all foreign markets are ſupplied, can never be encouraged here for that purpoſe; whereas the linen and hempen manufactures will not only be encouraged, as conſiſtent with the trade of England, but will render the trade of this kingdom both uſeful and neceſſary to England. And the houſe of commons in Ireland fell in ſo far with the lords juſtices ſentiments, as to ſay, in their addreſs of thanks to them, 'We ſhall heartily endeavour to eſtabliſh the linen manufacture, and to render the ſame uſeful to England, as well as advantageous to this kingdom. And we hope to find ſuch a temperament, with reſpect to the woollen trade here, that the ſame may not be injurious to England. It was however continually inculcated by the diſaffected, how much more beneficial to that kingdom the woollen manufacture would be than the linen, and what a hardſhip it was upon the people of Ireland, to be deprived of the privilege of working up their own wool, and ſending the cloth where they pleaſed. Theſe ſuggeſtions were induſtriouſly ſpread about, upon all occaſions, by the factious, in order to inflame the minds of the people, and ſo foment diviſions among them, though it was evident, that the Engliſh could not indulge them in that trade, without the ruin of their own at the ſame time.

The city of Londonderry, ſome time before the addreſs, about the woollen affair, preſented a petition to the commons of England, 'ſetting forth their early and ſingular ſervices and ſufferings by the defence of that city againſt a long and cruel ſiege, (which eminently contributed to the deſtroying the deſigns of the enemies of theſe kingdoms;) and ſhewing, that thereby not only the greateſt part of the city and ſuburbs was demoliſhed, but alſo that their diſburſements upon this occaſion, for fortifying, providing arms and ammunition, raiſing and ſubſiſting forces, and other public loſſes, did amount to a very conſiderable ſum of money, of which they gave in an account. And, that as they had willingly expoſed themſelves, and their all, for the public intereſt and ſervice, ſo they had patiently, theſe eight years, lain under their loſſes, in hopes at the end of the war to be ſo conſidered, as they ſhould no longer remain a poor ruinous ſpectacle to all, a ſcorn to their enemies, and a diſcouragement to his majeſty's well affected ſubjects: And praying the commons to recommend their caſe to his majeſty for his royal favour, in order to their relief in the kingdom of Ireland.' Upon this the commons addreſſed the king, that he would be pleaſed to make ſome compenſation to the city of Londonderry, which, for it's eminent ſufferings and ſervices, ſo highly deſerved to have ſome ſpecial mark of his favour, for a laſting monument to poſterity. The king promiſed to take it into conſideration, but nothing was done in the affair, at leaſt at that time.

Not many days after, the king came to the houſe of peers, and, having given the royal aſſent to ſeveral bills, cloſed the ſeſſion with the following ſpeech.

"My lords and gentlemen,

"I Cannot take leave of ſo good a parliament, without publickly acknowledging the ſenſe I have of the great things you have done for my ſafety and honour, and for the ſupport and welfare of my people. Every one of your ſeſſions hath made good this character. The happy uniting of us in an aſſociation for our mutual defence; the remedying the corruption of the coin, which had been ſo long growing upon the nation; the reſtoring of credit; the giving of ſupplies in ſuch a manner for carrying on the war, as did by God's bleſſing produce an honourable peace; and after that, the making ſuch proviſions for our common ſecurity, and towards ſatisfying the debts contracted in ſo long a war, with as little burden to the kingdom, as is poſſible, are ſuch things, as will give a laſting reputation to this parliament, and will be a ſubject of emulation to thoſe, who ſhall come after.

"Beſides all this, I think myſelf perſonally obliged to return my thanks to you, gentlemen of the houſe of commons, for the regard you have had to my honour, by the eſtabliſhment of my revenue.

"My lords and gentlemen,

"There is nothing I value ſo much, as the eſteem and love of my people; and, as for their ſakes I avoided no hazards, during the war, ſo my whole ſtudy and care ſhall be to improve and continue to them the advantages and bleſſings of peace.

"And I earneſtly deſire of you all, in your ſeveral ſtations, to be vigilant in preſerving peace and good order, and in a due and regular execution of the laws, eſpecially thoſe againſt profaneneſs and irreligion."

Then the parliament was prorogued, and two days after diſſolved, having now ſate it's period of three years, in which (as the king ſaid in his ſpeech) great things had been done; the whole money of England was recoined; the king ſecured in his government; an honourable peace was made; public credit was reſtored; and the payment of public debts was put on ſure funds.

The chief conduct of affairs lay now in a few hands. Among theſe the lord Sommers was moſt eminent in the houſe of lords; for, as he was one of the ableſt and moſt incorrupt judges, that ever preſided in Chancery, ſo his great capacity for all affairs made the king conſider him beyond all his miniſters; and he well deſerved the confidence, that the king expreſſed for him on all occaſions. In the houſe of commons, Mr. Mountague, the chancellor of the exchequer, had gained ſuch a viſible aſcendant over all, who were zealous for the king's ſervice, that he gave law to the reſt, which he did always with great ſpirit, but ſometimes with too aſſuming an air. The fleet was in the earl of Orford's management, who was both treaſurer of the navy, and at the head of the admiralty. He had brought in many into the ſervice, who were very zealous for the government; but a ſpirit of impiety and diſſoluteneſs ran through too many of them, ſo that thoſe, who intended to caſt a load upon the government, had too great advantages given by ſome of thoſe. The adminiſtration at home was, otherwiſe, without exception, and no grievances were complained of. Sir William Trumbull had been removed, on the 5th of December 1697, from the poſt of ſecretary of ſtate, which was conferred on Mr. James Vernon, who had formerly been ſecretary to the duke of Monmouth, and ſince the revolution chief clerk to the duke of Shrewſbury, under whom he had for ſeveral years managed all the affairs of the duke's office (which the duke could not attend, becauſe of his ill ſtate of health) and was afterwards advanced to the place of ſecretary to the lords juſtices, during the king's abſence, which employment he had diſcharged to the king's ſatisfaction.

The king, on the 21ſt of the ſame month, having received letters from the king of France and the Dauphin, acquainting him with the duke of Burgundy's marriage, appointed the duke of St. Alban's, one of the lords of his bed-chamber, to return the compliment, who, in a few days, ſet out for France.

The earl of Clancarty, who had married one of the earl of Sunderland's daughters, and who, during the war, had made his eſcape from the Tower of London, and fled into France, preſumed, about this time, to return into England, both under the benefit of the peace, and chiefly under the protection, which he expected from his father-in-law. On the laſt day of December, he arrived at London, and went directly to his lady; but he was not a little ſurprized, when, the next morning, upon information given to the government by his brother-in-law, the lord Spencer, a meſſenger was ſent with a warrant to carry him priſoner to Newgate, as being attainted for high-treaſon. However, the earl of Sunderland interceding for him, the king contented himſelf with baniſhing the lord Clancarty his dominions.

On the 5th of January, through the careleſſneſs of a laundreſs, a fire broke out at Whitehall, by which all the body of the palace, with the new gallery, council-chamber, and ſeveral adjoining apartments, were entirely burnt down; that famous piece of architecture, the banqueting-houſe, for which the king was ſo particularly concerned, that he ſent meſſenger upon meſſenger from Kenſington for it's preſervation, hardly eſcaping the violence of the flames.

Five days after the earl of Portland ſet out on his embaſſy to France, and in eleven days reached the capital city of that kingdom, having in his way thither been received with ex-

parliament, he committed a great overſight, which has got him many enemies, and all the miniſtry here are much incenſed againſt him, as well as the whig-party; but, in Ireland, it is juſt the contrary, it is the tories: So he'll find it hard to behave in ſuch a manner, as not to be involved in difficulties. If bad ſucceſs attends you in the parliament, it is certain that the blame will here be laid on him. I thought it neceſſary to inform you of this circumſtance, that you may take your meaſures accordingly. Be always aſſured of my eſteem.

W. R.

I ſhall ſet out in two days for Holland. I ſend you back the prince of Conti's letter, and approve much of your anſwer to him. I had not an opportunity to let you know it before,

During

traordinary civility and reſpect. Four days after his arrival at Paris, he was magnificently entertained at ſupper by the duke de Grammont, with the marſhals de Villeroy and Boufflers, the dukes of Valentinois, Clerembault, and Roquelaure, count Tallard, whom the French king had named to the embaſſy of England, and ſeveral other perſons of the principal quality in France. And the next day he was admitted to a private audience of the king, as alſo of the Dauphin, the dukes of Burgundy, Anjou, and Berry, monſieur, madame, and the ducheſs of Burgundy, by all whom he was ſeverally received with great marks of diſtinction, and afterwards entertained at dinner by the marquis de Torcy, ſecretary of ſtate for foreign affairs. The duke of St. Albans having had at the ſame time audience of leave, returned to London. It is remarkable, that the duke having brought from France extraordinary rich ſuits of clothes, both for himſelf and his ducheſs, in which they appeared on the princeſs of Denmark's birth-day, the houſe of lords being apprehenſive, that their example would be followed by the reſt of the ladies and courtiers, to the advancement of the French, and the detriment of the Engliſh manufactures, they addreſſed the king to diſcourage the wearing French ſtuffs, and the ſumptuouſneſs of apparel.

On the 27th of February, the earl of Portland made his public entry with ſuch extraordinary ſplendor, as had never been ſeen at the court of France ſince the duke of Buckingham's embaſſy, when he came to demand in marriage for king Charles I. Mary Henrietta of France. He was accompanied by the lords Cavendiſh, Haſtings, Paſton, Raby, and Woodſtock, his ſon, Mr. Fielding, colonel Stanhope, Mr. Charles Boyle, Mr. Prior, ſecretary to the embaſſy, and ſeveral other Engliſh gentlemen; and, attended by a gentleman of the horſe, twelve pages, fifty-ſix footmen, twelve led horſes, four coaches with eight horſes, and two chariots with ſix, was received by the duke of Boufflers, and conducted to the hotel reſerved in Paris for the entertainment of foreign embaſſadors, and through multitudes of ſpectators, who were aſtoniſhed at the grandeur and opulence of the Engliſh. Two days after, he was admitted to his firſt public audience, which, for a diſtinguiſhing mark of honour, he had in the king's bed-chamber, and even within the rails round the bed, where the king ſtood, with the dukes of Burgundy, Anjou, and Berry, his grandſons, and the count de Thouloufe, his natural ſon, the duke d'Aumont, and the marſhal de Noailles. The lord Portland having made his ſpeech in French, and delivered his credentials, the king anſwered him in very obliging terms, both in relation to his maſter and himſelf; and then he preſented to the king the Engliſh noblemen and gentlemen of his retinue; which being over, he had audience of the Dauphin and the reſt of the royal family. And not only in imitation, but by expreſs directions, of the French king, all that court ſhewed the Engliſh embaſſador moſt ſingular marks of honour and reſpect.

Some time after his public audience he went to Verſailles, and ſtaid there four days, being lodged in the hotel de Bouillon. The firſt day he was treated by the marſhal de Boufflers, who, in the afternoon, went with his excellency into the gardens, and ſhewed him the water-works. The next day he was invited to dine with monſieur de Livry, maſter of the king's houſhold; and after dinner had a long converſation with the king in the gardens, the fountains playing all the while. Here it is by ſome thought, that the project for a partition of the Spaniſh monarchy was opened by the French king [z].

King James paſſed his time very indifferently all that while at St. Germain's; for, beſides the honours which were done to the embaſſador of the prince, who poſſeſſed his abdicated throne, and which could not but be a ſenſible mortification to him, he was informed, that the lord Portland inſiſted upon the removing of him to a greater diſtance from the French king's preſence; promiſing, in his maſter's name, to give him and his queen an honourable penſion, which would eaſe that king of the great charge he was at in maintaining him and his family, ever ſince they had taken ſanctuary in his dominions. After the concluſion of the late treaty of peace, wherein his concerns were wholly overlooked, king James ſeemed to be abſolutely abandoned; and therefore concluding, that the earl of Portland's demand would be complied with, he was reſolved to retire to Avignon, and began already to inform himſelf if he could live conveniently there; but he was agreeably ſurprized, when he heard, that the French king would never give ear to the embaſſador's propoſal.

In this interval the earl of Mancheſter being arrived at Paris, in his return to England from his embaſſy to Venice, he and the earl of Portland went to St. Cloud, on the 5th of May, to viſit the duke of Orleans, and in the evening to Verſailles to wait on the king, and were received at both places with great reſpect. Four days after they both had the honour to dine with the Dauphin at Meudon; and the next day the earl of Portland had his public audience of leave of the royal family, king William having named the earl of Jerſey to ſucceed him as embaſſador extraordinary to France. There being a review of the troops of the houſhold in the plain of Archers, where the king, the Dauphin, the young princes of France, and divers perſons of quality were preſent, the embaſſador went thither alſo; but would perhaps have refrained going, if he had known, that king James and the titular prince of Wales had likewiſe been there. The prince, by his father's directions, endeavoured to join converſation with the lord Woodſtock, but the earl of Portland, his father, perceiving it, ordered his ſon to avoid him, as he did himſelf all thoſe who belonged to the court of St. Germain's; though it was reported, that king James had cauſed it to be inſinuated to him, that he never pretended to make his lordſhip anſwerable for the ill uſage, which he received from the perſon, whom he repreſented. At this review king James himſelf did all he could to engage the lord Cavendiſh, and the other Engliſh noblemen, to accoſt him: but they all imitated the earl of Portland, who on the 4th of June went to Verſailles, and had a private audience of the king in his cloſet, where he took his laſt leave; as he did afterwards of the Dauphin, and of the duke and ducheſs of Orleans at St. Cloud. The king ſent the earl the uſual preſent of his picture ſet with diamonds, but with this difference, that the ſtones were worth three times as much as thoſe of other gifts of that kind. Beſides this, he preſented him with all the prints engraved at the Louvre, conſiſting of twelve large folios. In return of which the earl made him a preſent of nine very fine Engliſh horſes, and ſoon after, on the 8th of June, he left Paris, and went to Chantilli, an houſe belonging to the prince of Condé, where he was entertained in a ſplendid manner till the 11th, when he took leave of that prince, and, proceeding on his journey in his return to England, arrived at Kenſington on the 19th.

Thus ended this famous embaſſy, which coſt king William fourſcore thouſand pounds to little purpoſe, it being remarked, that no embaſſador was ever more honoured or leſs ſucceſsful than the earl of Portland, who could obtain nothing, either as to the removal of king James, or in favour of the proteſtants of France, againſt whom the perſecution, which in many places had been interrupted, during the war, began now to rage afreſh with redoubled violence. As for the earl himſelf, he was ſo far from gaining any thing by his embaſſy, that on the contrary he found at his return, that Mr. Keppel was become a great favourite. Keppel was the ſon of Pallant lord of Keppel in Guelderland, by a daughter of Opdan, one of the chief lords of the States of Holland. He was raiſed from being a page of honour into the higheſt degree of favour that any perſon had ever attained about the king. He was now made earl of Albemarle, and ſoon after knight of the garter, and by a quick and unaccountable progreſs he ſeemed to have engroſſed the royal favour ſo entirely, that he diſpoſed of every thing in the king's power. He was a chearful young man, who had the art to pleaſe, but was ſo much given up to his pleaſures, that he could ſcarce ſubmit to the attendance and drudgery, that were neceſſary to maintain his poſt. He never had yet diſtinguiſhed himſelf in any thing, though the king did it in every thing. He was not cold nor dry, as the earl of Portland was thought to be, who ſeemed to have the art of creating many enemies to himſelf, and not one friend. But the earl of Albemarle had all the arts of a court, was civil to all, and procured many favours. The earl of Portland obſerved the progreſs of this favour with great uneaſineſs. They grew to be not only incompatible, as all rivals for favour muſt needs be, but to hate and oppoſe one another in every thing, by which the king's affairs ſuffered much. The one had more of the confidence, and the other much more of the favour. The king had heaped many grants on the earl of Portland, who, upon his return from his embaſſy, could not bear the viſible ſuperiority in favour, that the other was grown up to; ſo he took occaſion, from a ſmall preference, that was given him, in prejudice of his own poſt, as groom of the ſtole, to withdraw from court, and laid down all his employments. The king uſed all poſ-

[z] During his ſtay at Verſailles, there happened a paſſage between Mr. Prior, the ſecretary of the embaſſy, and one of the French king's officers, which deſerves to be related. As the officer was conducting Mr. Prior about the apartments, among other curioſities, he ſhewed him thoſe fine pieces of Le Brun, which repreſent the French king's victories; and aſked him, Whether king William's actions were alſo to be ſeen in his palace? 'No, ſir, replied Mr. Prior, the monuments of my maſter's actions are to be ſeen every where but in his own houſe.'

ſible means to divert him from this reſolution, but without prevailing on him. He conſented to ſerve the king ſtill in his affairs, but he would not return to any poſt in the houſhold; and not long after was employed in the negotiation, ſet on foot for the ſucceſſion to the crown of Spain.

On the 19th of March 1697-8, count Tallard, the French embaſſador, arrived at London, and ſoon after accompanied the king to Newmarket, where he was not a little ſurpriſed to ſee the vaſt concourſe of nobility and gentry, and the great ſums of money loſt or won, at the races.

France reaped but ſmall benefit from the peace as to her commerce, which continued almoſt as dead as in time of war. It is true, ſome Engliſh and Dutch came to Bourdeaux and Roan, in order to take in wine and paper, and brought other commodities to be ſold there. But the tariff not being regulated between all the parties, and the treaty of Ryſwick mentioning only, that, in relation to Holland, it ſhould be put upon the ſame foot, as it was agreed in 1664, which was not yet done; and in reſpect to England, that commiſſioners appointed by both kings ſhould meet at London, three months after the ratification, to determine all differences; this, together with the loſs of at leaſt 20 per cent. by the money, which the French king, to ſupply his preſent neceſſities, had raiſed to an extravagant rate, obliged moſt of thoſe ſhips to return home, without either ſelling or buying any thing. Upon this, the States-General ſent deputies to the king of France to demand the regulation of the tariff, purſuant to the late treaty. But, the trade of Holland being far leſs advantageous to France than that of England, by reaſon the Dutch uſe to import more of their own commodities into that kingdom than they export of the growth of it from thence, and that, on the contrary, the Engliſh were accuſtomed, before the war, to ſend great ſums of money yearly into France, not only for wines, paper, ſtuffs, linen, hats, and ſilks, but alſo for abundance of things of leſs importance, the purchaſe of which could not be made with what they imported thither of the growth and manufacture of England; ſo the court of France at firſt reſolved to keep up the tariff as high as poſſible with the Hollanders, while they deſigned to lower it with the Engliſh. But monſieur Philippeaux d' Herbaut being ſent over hither as commiſſary-general from the French king, for regulating the commerce between the two nations, he found inſuperable difficulties in his commiſſion, not only becauſe of the high duties laid by the parliament on all French goods, and which were already appropriated to ſeveral uſes, but alſo becauſe the Engliſh had by this time learned to be without the commodities of the product of France, ſupplying themſelves, for the moſt part, with wine from Italy, Spain, and Portugal; with linen from Holland and Sileſia; and with paper, ſtuffs, hats, and ſilks, by the manufactures of theſe goods ſet up in England by the French refugees.

About this time the king ſettled the houſhold of the duke of Glouceſter, who was entering the tenth year of his age, and gave manifeſt proofs of an excellent genius. The earl of Marlborough, who was reſtored to favour, was made his governor[a], and at the ſame time ſworn of his majeſty's privy council. The biſhop of Saliſbury was appointed his highneſs's preceptor, having under him Mr. Willis, chaplain to the king, and afterwards biſhop of Durham, and Dr. Prat to aſſiſt him in this function. Biſhop Burnet did all he could to excuſe himſelf, having hitherto had no ſhare in the princeſs's favour or confidence. He was alſo become uneaſy at ſome things in the king's conduct, and, though he conſidered him, as the glorious inſtrument of many great things to the nation, he could not help thinking, he might have carried matters further than he did; and that he was giving his enemies handles to weaken his government. Theſe conſiderations diſpoſed him rather to retire from the court, than to engage deeper in ſuch a conſtant attendance, for ſo many years, as this employment might laſt. But the king would truſt that care with him, and the princeſs gave him ſuch encouragement, that he reſolved not only to ſubmit to this, but to give himſelf wholly up to it. He took to his own province the inſtructing the young prince in the principles of religion, and the rules of virtue, and the giving him a view of hiſtory, geography, politics, and government. At the ſame time, he reſolved to look very exactly to all the maſters, that were appointed to teach him other things.

Scotland was now in a ſort of ferment, occaſioned by the oppoſition their African and Weſt-India company met with in the proſecution of their ſcheme, for ſettling a trade to Africa, and a colony in America. The company had endeavoured by their agents to get ſubſcriptions in England, Holland, and Hamburgh, and had met with encouragement from private perſons in all thoſe places. The Engliſh and Dutch India and African companies took the alarm, and a ſtop was put to the ſubſcription, the Scotch agents were taking. The king was even prevailed with to permit his miniſter at Hamburgh to preſent a memorial to the ſenate againſt it. Upon this the Scots India company laid open their grievances before the parliament (which was now aſſembled at Edinburgh, the earl of Marchmont being the king's commiſſioner) repreſenting, 'That whereas the wiſdom of the king and parliament had thought fit, by two ſeveral ſolemn acts and letters patents under the great ſeal of that kingdom, to eſtabliſh their company with ſuch power, privileges, and immunities, as were needful to encourage any ſuch new undertaking in that nation, and particularly to raiſe a joint ſtock in ſuch manner, as they ſhould think fit; and, for that end to infranchiſe ſuch foreigners, as would become partners with them, and to enter into treaties of commerce with any in amity with his majeſty for that effect; that thoſe of their number, who were then intruſted with the management of that affair, did think it moſt natural to make the firſt offer of ſharing their ſaid privilege with their countrymen, and other neighbours in England, as living under the ſame monarchy; and that they not only readily embraced the offer, but in nine days ſubſcribed 300,000l. ſterling, as the one half of the capital ſtock then propoſed, and actually paid in the firſt fourth part thereof, part in ſpecie, part in bank notes, payable upon demand. That both houſes of parliament of England taking umbrage at thoſe proceedings, had not only jointly addreſſed his majeſty for fruſtrating the ends of the ſaid acts, but the houſe of commons had alſo appointed a committee to examine what methods were taken for obtaining the ſaid acts of parliament for eſtabliſhing their company; who were the ſubſcribers thereunto, and who were the promoters and adviſers thereof; with power to ſend for perſons, papers, and records: And that purſuant thereto the ſaid committee had given orders to ſummon not only the Engliſh ſubſcribers, but even ſome perſons reſiding then in Scotland, as by the ſaid addreſs, votes of the houſe of commons, and copy of the ſaid ſummons did appear. By all which, together with ſome other meaſures then taken, their friends in England were, to their great loſs, diſappointment, and retardment, forced to relinquiſh the enterprize. That, notwithſtanding that diſcouragement, not only moſt of the nobility, gentry, and merchants, and the whole body of the royal boroughs, had, upon the inducement and public faith of the ſaid acts of parliament and letters patents, contributed as adventurers in raiſing a far more conſiderable joint ſtock, than any was ever before raiſed in the kingdom for any public undertaking or project of trade whatſoever; which made it of ſo much the more univerſal a concern to the nation. But they had alſo all the promiſing hopes of foreign aid, that their hearts could wiſh, eſpecially at Hamburgh, where the merchants of that city entered into contract with their deputies, to join at leaſt 200,000l. ſterling with them; till, to their great ſurprize and loſs, the Engliſh miniſters there had, under pretence of a ſpecial warrant from his majeſty, put a ſtop thereto, by giving in a memorial to the ſenate of that city, not only diſowning the authority of the acts of parliament and letters patents, but alſo threatening both ſenate and inhabitants with the king's utmoſt diſpleaſure, if they ſhould countenance or join with them in any treaty of trade or commerce; which memorial they prayed might, for the better information of his grace and the eſtates, be read in parliament. That, after the memorial was by the ſenate tranſmitted to the 'commerci' or body of merchants of that city, they, to aſſert their own freedom, had adviſed and prevailed upon their (the Scots) deputies and agents, who were there for ſome days to open books in the merchants hall, where for ſome days they ſigned conſiderable ſums, purſuant to their contract, though under condition to be void, if they ſhould not procure ſome declaration from the king, that might render them ſecure from threatenings and other inſinuations contained in the memorial. That as the reaſonable (nay, and unqueſtionable) proſpect, which they had of a powerful aſſiſtance from Hamburgh, and ſeveral other places (if not obſtructed) had induced them to prepare a far greater equipage at firſt, than otherwiſe they would have done; ſo the rendering theſe meaſures abortive had not only weakened their ſtock, leſſened their credit, retarded their firſt expedition, and diſheartened many of their partners at home, but even ſlackened their reſolution and power from

[a] When the king delivered the young prince to him, he ſaid, 'My lord, teach him but to be, what you are, and my nephew cannot want accompliſhments.' profe-

London, Engrav'd for Harrison's Edition of Rapin.

WILLIAM DUKE of GLOUCESTER.

G Kneller Pinx.t

Goldar Sculp.t

At Kensington Palace.

Publish'd as the Act directs Jan.y 22. 1785.

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profecuting, at that time, ſeveral other branches of foreign and domeſtic trades and improvements, which they had in view, if they had not met with ſuch obſtructions and diſcouragements from time to time. That, though their company was more immediately and ſenſibly touched in many reſpects by ſuch proceedings than any other, yet they humbly conceived alſo, that 'the honour and independency of the nation,' as well as the credit and authority of the parliament, was ſtruck at through their ſides. That they could not as countrymen, and in duty to that collective power, which gave their company firſt a being, but inform his grace, his majeſty's high commiſſioner, and the eſtates of parliament, of the premiſes, to the end that the great-council of the nation (then aſſembled) might do therein, as they in their profound wiſdom and diſcretion ſhould think fit. That, as to what concerned their company in particular, they ſhould humbly beg leave to ſuggeſt farther, that, the ſhips being then at ſea on their intended voyage, the former treatment, which their company met with in England and elſewhere, might give them juſt grounds to ſuſpect, that, if either through multiplicity of public affairs, or otherwiſe howſoever, his grace and the eſtates of parliament ſhould neglect the taking preſent notice of ſuch umbrage, the enemies of their company would be thereby encouraged either directly or indirectly to purſue their former deſigns of ruining (if poſſible) all their meaſures. Therefore they deſired his grace and the eſtates of parliament, to take the premiſes into their ſerious conſideration, to vindicate their company's reputation abroad, by ſupporting the credit of the acts of parliament and letters patents, by which the ſame was eſtabliſhed, and wherein the honour of the nation was ſo much concerned: To take effectual meaſures for repairing the great loſs and damages, which they had already ſuſtained through the unwarrantable treatment above-mentioned, as well as for preventing the like for the time to come, and withal to continue to them the privileges and exemptions mentioned in the acts of parliament and letters patents, for ſome longer time, in conſideration of the time already elapſed without improvement, by reaſon of theſe obſtructions.'

The parliament, having maturely weighed this petition, thought fit, by way of addreſs, humbly to repreſent to his majeſty, on the 5th of Auguſt, 'That having conſidered a repreſentation made to them by the council-general of the company trading to Africa and the Indies, which mentioned ſeveral obſtructions, that they met with in the proſecution of their trade, particularly by a memorial preſented to the ſenate of Hamburgh, by his majeſty's reſident in that city, tending to leſſen the credit of the rights and privileges granted to the company, by an act of the then preſent parliament: They therefore laid before his majeſty the whole nation's concern in that matter; and they did moſt earneſtly intreat, and moſt aſſuredly expect, that his majeſty, in his royal wiſdom, would take ſuch meaſures, as might effectually vindicate the undoubted rights and privileges of the company, and ſupport the credit and intereſt thereof: And as they were in duty bound to return his majeſty moſt hearty thanks for the gracious aſſurance his majeſty had been pleaſed to give them, of all due encouragement for promoting the trade of that kingdom; ſo they were thereby encouraged humbly to recommend to the more eſpecial marks of his royal favour the concerns of the company, as that branch of their trade, in which they and the nation, which they repreſented, had a more peculiar intereſt.'

The company having thus engaged the parliament to eſpouſe their intereſt, they ſeconded their addreſs by a petition to the king, dated the 10th of Auguſt, and importing, 'That whereas the parliament had, by their addreſs, been pleaſed to recommend the concerns of the company to his majeſty, for ſupporting the credit and intereſt thereof, which had already ſuffered in a great meaſure, by reaſon of the ſeveral obſtructions, which they had met with in the proſecution of their trade, particularly by a memorial given in to the ſenate of Hamburgh, by his majeſty's miniſter there; theſe encouraged them, with all humility, to lay before his majeſty, that, as the memorial was given in to the ſenate of Hamburgh in a moſt ſolemn and public manner, ſo they humbly conceived, that the effects thereof could not be taken away, but by ſome intimation made to the ſenate, that they might enter into commerce with them as freely and ſecurely in all reſpects, as they might have done, before the giving in of the memorial. That, in conſideration of the damages ſuſtained by the company, his majeſty would be pleaſed, for their encouragement, as a gracious mark of his royal favour, to beſtow upon them the two ſmalleſt of the frigates then lying uſeleſs in Brunt-Iſland Harbour: And that in regard of the time loſt, by reaſon of theſe obſtructions, his majeſty would be graciouſly pleaſed to continue the privileges granted by act of parliament to the company of being cuſtom-free for ſuch longer time, as his majeſty ſhould think fit."

This affair occaſioning great heats and diſcontents in the parliament, the commiſſioner put a ſtop to their proceedings, towards the beginning of September, and adjourned them to the 5th of November.

During this interval, there being two letters ſent from Mr. Stevenſon, the company's agent at Hamburgh, to the court of directors of the company, concerning the Hamburgh memorial, this occaſioned another letter from the directors of the company to the lord Seafield, who was appointed ſecretary of ſtate, wherein they declared, "That they had, by order of the council-general of their company, the copies of two letters received from their company's agent at Hamburgh to his lordſhip; upon the reading whereof the day before, at a meeting of the council-general, they were not a little ſurprized at the contents, conſidering the many repeated aſſurances they had formerly by letters and word of mouth, and even in parliament, that the king had given orders to his miniſter at Hamburgh, with relation to the memorial given in to the ſenate of that city againſt their company: But, after ſome reaſoning thereupon, and conſidering how far his lordſhip's frank undertaking, when in Scotland, as well as the ſtation he was in, did engage his beſt endeavours to procure the company juſtice, and vindicate the company's rights in that matter, they had ordered them, the (court of directors) to tranſmit the ſaid copies to his lordſhip, and expected his lordſhip's anſwer to that and their late petition to his majeſty, before they remonſtrated any further with relation thereunto." Upon this the ſecretary acquainted the court of directors, by a letter ſent to ſir John Schaw, their preſident, 'That he would take the firſt convenient opportunity he could have, to repreſent the matter to the king; but could not yet expect to have it, his majeſty being very much employed in the affairs of the Engliſh parliament.'

The king having appointed the lords juſtices to govern in his abſence, of whom the earl of Marlborough was one, he ſet out the 20th of July for Holland, where he landed the next day. Before his departure from England, news came from Spain, that their king was dying. This alarm had been often given before, but it came much quicker now. The French, upon this, ſent a fleet to lie before Cadiz, which came thither at the time that the galleons were expected home from the Weſt-Indies; and it was apprehended, that, if that king died, they would have ſeized on all that treaſure. A fleet was ſent from England thither to ſecure them; but it came too late to have done any ſervice, if it had needed. This was much cenſured; but the admiralty excuſed themſelves, by ſaying, that the parliament was ſo late in fixing the funds for the fleet, that it was not poſſible to be ready ſooner than they were. The king of Spain recovered for that time, but it was ſo far from an entire recovery, that a relapſe was ſtill apprehended. When the king therefore went to Holland, he left ſealed orders behind him, of which ſome of his miniſters declared, they knew not the contents till they were opened. By theſe the king ordered ſixteen thouſand men to be kept up. For excuſing this, it was ſaid, that, though the parliament had, in their votes, mentioned only ten thouſand land-men, to whom they had afterwards added three thouſand marines, and had raiſed only the money neceſſary for that number, yet no determined number was mentioned in the act itſelf. And therefore, ſince the apprehenſion of the king of Spain's death made it adviſeable to have a greater force ready for ſuch an accident, the king reſolved to keep up a force ſomewhat beyond that which the houſe of commons had conſented to. The leaving theſe orders ſealed made the whole blame to be caſt ſingly on the king, as it ſkreened the miniſters from a ſhare in this counſel: And miniſters have been more than once known to put the advices, that they themſelves gave, in ſuch a manner on their maſter, that, in executing them, the kings have taken more care to ſhelter their miniſters, than to preſerve themſelves.

The king, upon his arrival at Holland, having aſſiſted at the aſſembly of the ſtates-general, and given audience to ſeveral public miniſters, particularly to the envoy of Lorrain, who notified to him the marriage of the duke his maſter, with mademoiſelle, daughter of the duke of Orleans, he went to Loo, attended by the earls of Eſſex, Portland, and Selkirk, and ſeveral other perſons of quality. He had not been long there, before he was waited upon by count Tallard, who had orders not to ſuffer him to cool upon the propoſal made by the

the French king to the earl of Portland, concerning the ſucceſſion of the crown of Spain; which overture king William had communicated to the lord chancellor Sommers before he left England. The French embaſſador having preſſed him for an anſwer, the earl of Portland, by the king's order, wrote a letter to Mr. ſecretary Vernon, wherein it was mentioned, that, count Tallard having declared, that an accommodation might be found in relation to the Spaniſh ſucceſſion, the king had founded France upon the conditions; which were in ſubſtance, that the electoral prince of Bavaria ſhould have the kingdom of Spain, the Indies, and the Low Countries, and all that depended upon the Spaniſh dominions, except Naples and Sicily, Sardinia, the province of Guipuſcoa on this ſide of the Pyrenees, Fontarabia, and St. Sebaſtian, Final, and the places in Tuſcany, of which Spain ſtood poſſeſſed; in conſideration of which, France was abſolutely to renounce the right which it pretended to the ſucceſſion of Spain. And as for Milan, it was to be given to the archduke Charles, the emperor's ſecond ſon.

At the ſame time the king himſelf ſent the following letter to the lord chancellor Sommers:

"I Imparted to you, before I left England, that in France there was expreſſed to my lord Portland ſome inclination to come to an agreement with us, concerning the ſucceſſion to the king of Spain; ſince which count Tallard has mentioned it to me, and has made ſuch propoſitions, the particulars of which my lord Portland will write to Vernon, to whom I have given orders not to communicate them to any other beſides yourſelf, and to leave to your judgment to whom elſe you would think proper to impart them; to the end that I might know your opinion upon ſo important an affair, and which requires the greateſt ſecrecy. If it be fit this negociation ſhould be carried on, there is no time to be loſt, and you will ſend me the full powers under the great ſeal, with the names in blank to treat with count Tallard; I believe this may be done ſecretly, that none but you and Vernon, and thoſe to whom you ſhall have communicated it, may have knowledge of it, ſo that the clerks, who are to hold the warrant and the full powers, may not know what it is. According to all intelligence, the king of Spain cannot outlive the month of October, and the leaſt accident may carry him off every day. I received yeſterday your letter of the 9th; ſince my lord Wharton cannot at this time leave England, I muſt think of ſome other to ſend embaſſador to Spain; if you can think of any one proper, let me know it, and be always aſſured of my friendſhip."

W. R.

Mr. ſecretary Vernon having ſent the earl of Portland's letter to the lord Sommers, who was then at Tunbridge for the benefit of the waters, the chancellor immediately returned the letter to Mr. Vernon, and deſired him to communicate the contents of it to the earl of Orford, Mr. Mountague, and the duke of Shrewſbury; which he thought 'the beſt way of executing the king's commands; at the ſame time letting them know, how ſtrictly his majeſty required, that it ſhould remain an abſolute ſecret;' which caution made Mr. Vernon impart it to the Duke of Shrewſbury only, as he afterwards acquainted my lord Sommers.

Some time after Mr. Montague and Mr. Secretary Vernon going down to Tunbridge, the lord chancellor and they debated this important affair; and his lordſhip wrote a letter to the king, dated the 28th of Auguſt, acquainting him with the reſult of their conſultation.[b] But, before this letter reached the king, the firſt treaty of partition was ſigned. The perſons commiſſioned by king William, were the earl of Portland and ſir Joſeph Williamſon, who was afterwards winked at when this affair came under the conſideration of the parliament, while the lord Sommers, for his faithful advice, was impeached. By this treaty it was agreed:

I. That the peace of Ryſwick ſhould be confirmed.

II. That in conſideration of the ill ſtate of the king of Spain's health, and for preſerving the public peace, in caſe the ſaid prince ſhould die without iſſue, the kingdom of Naples and Sicily, with the places then depending upon the Spaniſh monarchy, ſituated on the coaſt of Tuſcany, or the adjacent iſlands, comprehended under the name of Santo Stephano, Porto Hercole, Orbitello, Telamone, Portolongo, Piombino, the marquiſate of Final, the province of Guipuſcoa, particularly the towns of Fontarabia and St. Sebaſtian, and eſpecially the Port Paſſage; and likewiſe all places on the French ſide of the Pyrenees, or the other mountains of Navarre, Alava, or Biſcay, on the other ſide of the province of Guipuſcoa, with all the ſhips and gallies, and other appurtenances belonging to the gallies, ſhould be given to the Dauphin, in conſideration of his right.

III. That the crown of Spain, and the other kingdoms and places both within and without Europe, ſhould deſcend to the electoral prince of Bavaria, of whom his father, the elector, was to be a guardian and adminiſtrator till he came of age.

IV. That the duchy of Milan ſhould be reſtored and allotted to archduke Charles, the emperor's ſecond ſon.

This treaty was to be communicated to the emperor and the elector of Bavaria by king William and the States-general; and, if they did not agree to it, then the proportion of the party not agreeing ſhould remain in ſequeſtration, till

[b] The lord Sommers's letter was as follows:

S I R,

"Having your majeſty's permiſſion to try if the waters would contribute to the re-eſtabliſhment of my health, I was juſt got to this place when I had the honour of your commands; I thought the beſt way of executing them would be to communicate to my lord Orford, Mr. Montague, and the duke of Shrewſbury (who, before I left London, had agreed upon a meeting about that time) the ſubject of my lord Portland's letter, at the ſame time letting them know how ſtrictly your majeſty required, that it ſhould remain an abſolute ſecret.

"Since that time Mr. Montague and Mr. Secretary are come down hither, and upon the whole diſcourſe three things have principally occurred, to be humbly ſuggeſted to your majeſty.

"Firſt, That the entertaining a propoſal of this nature ſeems to be attended with very many ill conſequences, if the French did not act a ſincere part; but we were ſoon at eaſe, as to any apprehenſion of this ſort, being fully aſſured your majeſty would not act but with the utmoſt nicety, in an affair wherein the glory and ſafety of Europe were ſo highly concerned.

"The ſecond thing conſidered was the very ill proſpect of what was like to happen upon the death of the king of Spain, in caſe nothing was done previouſly towards the providing againſt that accident, which ſeemed probably to be very near: The king of France having ſo great a force in ſuch a readineſs, that he was in a condition to take poſſeſſion of Spain, before any other prince could be able to make a ſtand. Your majeſty is the beſt judge whether this be the caſe, who are ſo perfectly informed of the circumſtances of parts abroad.

"But, ſo far as relates to England, it would be want of duty not to give your majeſty this clear account, that there is a deadneſs and want of ſpirit in the nation, univerſally ſo, as not at all to be diſpoſed to the thought of entering into a new war, and that they ſeem to be tired out with taxes to a degree, beyond what was diſcerned, till it appeared upon the occaſion of the late election; this is the truth of the fact, upon which your majeſty will determine what reſolutions are proper to be taken.

"That which remained was the conſideration what would be the condition of Europe, if the propoſal took place: Of this we thought ourſelves little capable of judging, but it ſeemed, that, if Sicily was in the French hands, they will be entirely maſters of the Levant trade; that, if they were poſſeſſed of Final, and thoſe other ſea-ports on that ſide, whereby Milan would be entirely ſhut out from relief by ſea, or any other commerce, that duchy would be of little ſignification in the hands of any prince; and that, if the king of France had poſſeſſion of that part of Guipuſcoa, which is mentioned in the propoſal, beſides the ports he would have in the Ocean, it does ſeem he would have as eaſy a way of invading Spain on that ſide, as he now has on the ſide of Catalonia.

"But it is not to be hoped, that France will quit its pretences to ſo great a ſucceſſion, without conſiderable advantage; and that we are all aſſured, your majeſty will reduce the terms as low as can be done, and make them, as far as is poſſible in the preſent circumſtances of things, ſuch as may be ſome foundation for the future quiet of Chriſtendom; which all your ſubjects cannot but be convinced is your true aim. If it could be brought to paſs that England might be ſome way a gainer by this tranſaction, whether it was by the elector of Bavaria, (who is the gainer by your majeſty's interpoſition in this treaty) his coming to an agreement to let us into ſome trade to the Spaniſh plantations, or in any other manner, it would wonderfully endear your majeſty to your Engliſh ſubjects.

"It does not appear, in caſe this negociation ſhould proceed, what is to be done on your part, in order to make it take place: Whether any more be required than the Engliſh and Dutch ſhould ſit ſtill, and France itſelf to ſee it executed. If that be ſo, what ſecurity ought to be expected, that if, by our being neuters, the French be ſucceſsful, they will confine themſelves to the terms of the treaty, and not attempt to make further advantages of their ſucceſs,

"I humbly beg your majeſty's pardon that theſe thoughts are ſo ill put together: Theſe waters are known to diſcompoſe and diſturb the head, ſo as almoſt totally to diſable one from writing: I ſhould be extremely troubled, if my abſence from London has delayed the diſpatch of the commiſſion one day. You will be pleaſed to obſerve, that two perſons (as the commiſſion is drawn) muſt be named by either of them. I ſuppoſe your majeſty will not think it proper to name commiſſioners that are not Engliſh, or naturalized, in an affair of this nature.

I pray God give your majeſty honour and ſucceſs in all your undertakings.

I am, with the utmoſt duty and reſpect,

S I R,

Your majeſty's moſt dutiful and

moſt obedient ſubject and ſervant.

P. S. The commiſſion is wrote by Mr. Secretary, and I have had it ſealed in ſuch a manner, that no creature has the leaſt knowledge of the thing, beſides the perſons named."

things

things could be brought to an accommodation: And in caſe the electoral prince of Bavaria ſhould come to inherit his ſhare, and yet die before his father without iſſue, the elector was to ſucceed him in thoſe dominions, and his heir after him. The duchy of Milan likewiſe, upon the archduke's refuſal to accept it, was to be ſequeſtered to, and governed by the prince of Vaudemont, and after him by his ſon, prince Charles of Vaudemont.

Soon after the concluſion of this treaty, the king took a review of the Dutch troops near Arnheim, and then went to Zell, to viſit the duke of that name. Here he was received with extraordinary reſpect as he had been at all places, through which he paſt in his way thither, and waited upon by ſeveral neighbouring princes and princeſſes, particularly the electreſs of Hanover, with the electoral prince and princeſs his ſiſter. Mr. Stepney, envoy extraordinary to the elector of Brandenburg, attended the king likewiſe with letters from that prince; and, at his return to Loo, the duke of Bavaria came to pay his acknowledgments to him for the care he had taken of his intereſt in the late treaty of partition.

Whilſt the French king was negotiating the treaty of partition, the marquis d'Harcourt, his embaſſador in Spain, was playing another ſort of game at Madrid. The queen of Spain, who was nearly related to the king of the Romans, and conſequently entirely in the intereſt of the houſe of Auſtria, foreſeeing the deſigns of the French king, had early concerted meaſures with d'Harrach, the Imperial miniſter, to diſappoint them. She had not only got her creatures into the council, but likewiſe procured the vice-royalty of Catalonia to be beſtowed on the prince of Heſſe d'Armſtadt, and the government of Milan on prince Vaudemont, who had both upon many occaſions ſignalized their zeal for the German intereſt. It was propoſed to make prince Eugene viceroy of Navarre, but the oppoſition that met with in the Spaniſh councils, not only prevented it, but gave too plain indications of the influence of France in the council of Spain. The duke of Medina Celi was now viceroy of Naples, and it was thought adviſeable to continue him there, by reaſon of his being one of the moſt conſiderable grandees of Spain, and moſt beloved of the people, and who conſequently might obſtruct the deſigns of the German party, if he came home diſguſted. This was the ſituation of the Spaniſh affairs, when the French embaſſador arrived at Madrid. His inſtructions were, if he ſaw no poſſibility to get the ſucceſſion of that kingdom ſettled upon one of the Dauphin's ſons, he ſhould endeavour at leaſt to hinder it from devolving on any of the emperor's children, on whom it was ſettled by the will of Philip IV, the king of Spain's father. To add weight to the embaſſador's inſtances, and awe the Spaniards into a compliance, he cauſed ſixty thouſand of his beſt troops to file off towards the frontiers of Catalonia and Navarre, and ſent a conſiderable number of his ſhips of war and gallies into ſeveral ports of Spain. The marquis d'Harcourt followed his inſtructions with great application. He told thoſe, whom he found inclinable to act in concert with him in ſo important an affair, that Philip IV. had exerted his power too far, in diſpoſing of his crown againſt the laws of nature and the conſtitution of the realm. That the ſucceſſion lawfully belonged to his daughter's children, and not to his relations four degrees removed. That the Dauphin, ſon to Maria Thereſa, the preſent king of Spain's ſiſter, had three: And, if the Spaniards would fix their eyes upon the ſecond of them, the duke of Anjou, to be their king, he being ſtill as pliable as wax, they might eaſily mould him to the cuſtoms and manners of their country: That, if they were averſe to this overture, the electoral prince of Bavaria being grandſon of a daughter of Spain, the king of France would rather approve of him to ſucceed in the Spaniſh monarchy, than any of the emperor's children; unleſs, as the Poles had done, to cut off the pretenſions of foreign princes, they would chuſe a ſovereign among themſelves; in which the king of France would protect them, ſince he never intended to unite Spain to his own kingdom, but only to keep it from falling into the hands of the houſe of Auſtria, which was already grown too powerful by the late conqueſts in Hungary. The queen of Spain having a watchful eye upon the French embaſſador, who made it his buſineſs to thwart her deſigns in favour of the emperor, ſoon diſcovered his practices; and therefore, under pretence that the air of Madrid was prejudicial to the king's health, ſhe carried him to Toledo, without allowing any foreign embaſſador to follow him hither. Harcourt quickly penetrated into the deſign of the queen's journey, and judged very rightly, that, being there ſole miſtreſs of the king, ſhe might eaſily prevail with him to ratify king Philip the IV's will. He was confirmed in this apprehenſion by count Harrach's being no more to be ſeen at Madrid; and, ſuppoſing he was gone to Toledo, he went immediately thither himſelf, under pretence of a memorial, which he pretended to have received from his maſter, with poſitive orders not to communicate it to any beſides his catholic majeſty. The queen was extremely ſurprized at the unexpected arrival of the French embaſſador, and cauſed the king to acquaint him, that he had left the cardinal of Corduba (one of the queen's creatures) at Madrid, to take care of foreign affairs, during his abſence, to whom he might have communicated his memorial, and that he only came thither to recover his health, and not to trouble himſelf with buſineſs. This pretended memorial was, it ſeems, to offer to the king of Spain the French king's aſſiſtance to raiſe the ſiege of Ceuta, which the queen was too wiſe to let the king accept, ſince by that means the French would have got, what ſhe was endeavouring to prevent, a footing and intereſt in Spain. Harcourt, after this unſucceſsful journey, bethought himſelf of another ſtratagem, and, being returned to Madrid, ſo powerfully worked upon the ambition of cardinal Portocarrero, that he engaged him in the intereſt of France.

While theſe things paſt in Spain, the French were not leſs buſy to ſtrengthen themſelves, by an alliance with the crown of Sweden, which at length was concluded at Stockholm on the ninth of July. It was declared in the ſecond article, that 'the aim and intention of this treaty was to preſerve and ſecure the common peace by ſuch means, as ſhould be judged moſt proper and convenient.'

In this manner did the French king amuſe the foreign courts with his pretended endeavours to preſerve the tranquility of Europe, when he was meditating how to break it, upon the firſt news of the king of Spain's death, which was hourly expected at the court of France. For, to ſay nothing of the motions of his land and naval forces, already mentioned, he cauſed a great camp to be formed at Compiegne, the pretence of which was to inſtruct the duke of Burgundy in the art of war; but which gave no ſmall umbrage to the neighbouring princes and ſtates, who looked upon it as deſigned to make a ſudden irruption into the Spaniſh Netherlands. However, the unexpected recovery of the king of Spain's health, as it diſappointed the hopes of the French king, ſo it diſpelled the fears of the reſt, at leaſt for this year.

King William's journey to Zell gave the court of France as much uneaſineſs as the camp at Compiegne gave the allies, though it is certain, the king's chief view was to cement the union of the princes of Germany by a match between the king of the Romans and the princeſs of Hanover, which was now agreed on, and ſoon after compleated; and by removing the apprehenſions, which ſome members of the empire were under, of the growing power of the emperor; which the king did effectually, in concert with the ſtates-general, by putting a ſtop to the Hungarian war, which had continued for above fifteen years. The armies on both ſides were indeed conſiderable in number and ſtrength this ſummer; but yet there ſeemed no great diſpoſition in either for action, but rather an inclination in the contending parties to ſet up a treaty under the mediation of the lord Paget, the Engliſh, and Mr. Colliers the Dutch embaſſador; who towards the middle of Auguſt arrived in the Turkiſh camp near Belgrade, and by their good offices the place of conference was agreed upon to be between Peterwaradin and Salankemen; the emperor's and the confederate miniſters being to reſide at Carlowitz, the Sultan's at Salankemen, and the mediators between the two places. It was on the ſeventh of November when the mediators delivered to the Turkiſh plenipotentiaries the preliminary articles, which were in ſubſtance, that each party ſhould retain what he poſſeſſed. And the five following days were ſpent in preparing matters, upon which they were to enter into conference. And now there aroſe a great diſpute about precedency. The Turks inſiſted upon the firſt place, which was claimed by the emperor's embaſſadors, next to whom the Poliſh plenipotentiary demanded to ſit; which was refuſed by the Ruſſian and all the reſt, except the Venetian, who inſiſted upon the ſeat next to the Engliſh. This diſpute had like to have had very ill conſequences, if Maurocordato, one of the Turkiſh plenipotentiaries, had not found out the following expedient. He propoſed the erecting of a round building, with as many doors as there were embaſſadors, each door looking towards the country from whence they ſeverally came, and that tents ſhould be placed round the building, from whence on the firſt day of conference, the embaſſadors ſhould come forth with an equal pace, and enter the room, all at the ſame time, and, ſaluting one another, take the ſeat

next to them. The mediators ſecretaries, and thoſe of the Imperial embaſſy, were placed behind; and the Turkiſh ſecretary ſate down before the floor. The conference was opened with the pronouncing of theſe words, 'God grant an happy peace,' and laſted from half an hour after ten till three in the afternoon, when the mediators and plenipotentiaries went out in the ſame order, as they entered. The conferences were renewed in the ſame manner the three ſucceſſive days with good ſucceſs. But ſome debates ariſing about the giving up of Teckely and the Holy Sepulchre, the diſmantling of Caminieck, and the ſurrendering of another place upon the Black Sea; beſides the quitting of Azoph to the Muſcovites; and chiefly about the regulation of the limits between the two empires and the Venetian and Turkiſh territories; the plenipotentiaries ſent expreſſes to their reſpective maſters, which waſted a great deal of time. However at length the Imperialiſts and Poles concluded their part of the treaty, on the 26th of January 1698-9, and perhaps would have done it ſooner, but in ſome ſort of compliance with the Venetians, who did not ſign theirs till the middle of the next month. As for the articles between the Czar of Muſcovy and the Sultan, they contained only a truce for two years, and ſo were ſoon agreed upon and ſigned, on the 25th of December 1698. By this peace the emperor preſerved his late acquiſitions, and greatly enlarged his territories. The Poles had the important place of Caminieck reſtored to them with other advantages. The Muſcovites were gainers by the keeping of Azoph. And the Venetians had all the Morea, and ſeveral fortreſſes in Dalmatia, yielded up to them. So that it was computed, that the Turks loſt the beſt half of their dominions in Europe. Thus the long war between the emperor and the Turks, which had brought both ſides by turns very near the laſt extremities, was at laſt concluded by the direction and mediation of the king of England.

By this time the new king of Poland having brought the cardinal primate, who had all along adhered to the prince of Conti, to acknowledge his title, and compoſed the troubles of Lithuania, a univerſal peace ſeemed now to be ſettled throughout Chriſtendom.

There was now a parliament choſen, and the elections fell generally on men, who were in the intereſts of the government. Many of them had indeed ſome popular notions, which they had imbibed under a bad government, and thought they ought to keep them under a good one. So that thoſe who wiſhed well to the public, apprehended great difficulties in managing them. The king himſelf did not ſeem to lay this to heart ſo much as was fitting. He ſtaid long beyond ſea; and croſs winds hindered his return to England ſo ſoon as he had intended; upon which the parliament was prorogued for ſome weeks after the members were come up. Even this ſoured their ſpirits, and had too great a ſhare in the ill humour, that appeared among them.

The king arrived in England, the 3d of December; and, the parliament being met three days after, and the commons having choſen ſir Thomas Littleton for their ſpeaker, the ſeſſion was opened by the king with the following ſpeech:

My lords and gentlemen,

"I Have no doubt but you are met together with hearts fully diſpoſed to do what is neceſſary for the ſafety, honour, and happineſs of the kingdom; and that is all I aſk of you.

"In order to this, two things principally ſeem to require your conſideration.

"The one is, what ſtrength ought to be maintained at ſea, and what force kept up at land for this year. All that I ſhall obſerve to you on this head, is, that the flouriſhing of trade, the ſupporting of credit, and the quiet of the people's minds at home, will depend upon the opinion they have of their ſecurity. And, to preſerve to England the weight and influence it has, at preſent, on the councils and affairs abroad, it will be requiſite, Europe ſhould ſee, you will not be wanting to yourſelves.

"The ſecond thing I ſhall mention to you, as of great conſequence, is the making ſome farther progreſs towards a diſcharging the debts which the nation has contracted, by reaſon of the long and expenſive war. In this the public intereſt, as well as juſtice, is concerned; and I think an Engliſh parliament can never make ſuch a miſtake, as not to hold ſacred all parliamentary engagements.

"Gentlemen of the houſe of commons,

"I do earneſtly recommend theſe things to you, that you may provide ſuch ſupplies, as you ſhall judge neceſſary for theſe ſeveral occaſions.

My lords and gentlemen,

"I think it would be happy, if ſome effectual expedient could be found for employing the poor, which might tend to the great increaſe of our manufactures, as well as remove a heavy burden from the people.

"I hope alſo you will employ your thoughts about ſome good bills for the advancement of trade, and for the future diſcouragement of vice and profaneneſs,

"The things I have mentioned to you being of common concern, I cannot but hope for unanimity and diſpatch."

It appears by this ſpeech, how neceſſary the king thought it to keep up a good naval and land force. For though he had taken meaſures to ſecure the Spaniſh ſucceſſion, and preſerve the tranquillity of Europe; yet he was apprehenſive, that, if England was entirely diſarmed, it would be too great a temptation to the ambition of France, to break through all treaties and engagements, in order to invade the monarchy of Spain, but the commons were ſo far from being of the king's mind, that they highly reſented his keeping up an army beyond the votes of the laſt parliament, without duly conſidering the occaſion for his ſo doing; and this reſentment was increaſed by the king's own management in the affair. The miniſters repreſented to him, that they would carry the keeping up a land force of ten or twelve thouſand, but that they could not carry it further. He ſaid, ſo ſmall a number was as good as none at all; therefore he would not authoriſe them to propoſe it. On the other hand, they thought they ſhould loſe their credit with their beſt friends, if they ventured to ſpeak of a greater number. So that, when the houſe of commons took up the debate, the miniſtry were ſilent, and propoſed no number; upon which thoſe, who were in the contrary intereſt, named ſeven thouſand men; and accordingly it was reſolved, "That all the land forces of England, in Engliſh pay, exceeding ſeven thouſand men (and thoſe conſiſting of his majeſty's natural born ſubjects) be forthwith paid and diſbanded; and that all the forces in Ireland, exceeding twelve thouſand men (and thoſe natural born ſubjects, to be maintained by that kingdom) be likewiſe forthwith diſbanded." They ordered a bill to be brought in upon theſe reſolutions, which was eagerly purſued, and ſoon brought to perfection. This gave the king great uneaſineſs; for, by theſe reſolutions, not only the army was to be reduced to an inconſiderable number, but that number was to conſiſt of natural born ſubjects, by which means the Dutch guards (of whom the king was entirely fond) were to be ſent away, as well as the regiments of the French refugees were to be caſhiered. The king ſeemed not only to lay this much to heart, but even to ſink under it. He tried all that was poſſible to ſtruggle againſt it, when it was too late; it not being ſo eaſy to recover things in an after game, as it was to have prevented this miſunderſtanding, which was like to ariſe between him and his parliament. It was ſurmiſed, that he was reſolved not to paſs the bill, but that he would abandon the government, rather than hold it with a force, that was too ſmall to preſerve and protect it. Yet this was conſidered only as a threatening, ſo that little regard was had to it. However it appears from an original letter of the lord chancellor Sommers to the duke of Shrewſbury, that the king had actually formed ſuch a deſign; from which no remonſtrances, which that lord could then uſe, could prevail on him to deſiſt. For his majeſty was reſolved to go to the parliament, on the 4th of January, and to make the following ſpeech:

"I Came to this kingdom, at the deſire of this nation, to ſave it from ruin, and to preſerve your religion, your laws, and liberties; and for that end I have been obliged to maintain a long and burdenſome war for this kingdom; which, by the grace of God, and the bravery of this nation, is at preſent ended in a good peace; under which you may live happily and in quiet, provided you will contribute to your own ſecurity, in the manner I had recommended to you at the opening of the ſeſſions. But ſeeing, to the contrary, that you have ſo little regard to my advice, and that you take no manner of care of your own ſecurity, and that you expoſe yourſelves to evident ruin, by diveſting

diveſting yourſelves of the only means for your defence, it would not be juſt nor reaſonable, that I ſhould be witneſs of your ruin, not being able to do any thing of myſelf, it not being in my power to defend and protect you, which was the only view I had in coming into this country. Therefore, I am obliged to recommend to you to chuſe and name to me ſuch perſons, as you ſhall judge moſt proper, to whom I may leave the adminiſtration of the government in my abſence; aſſuring you, that, though I am at preſent forced to withdraw myſelf out of the kingdom, I ſhall always preſerve the ſame inclination to its advantages and proſperity. And when I can judge, that my preſence will be neceſſary for your defence, I ſhall be ready to return, and hazard myſelf for your ſecurity, as I have formerly done; beſeeching the great God to bleſs your deliberations, and to inſpire you with all that is neceſſary for the good and welfare of the kingdom."

[1698-9] By what means the king was diverted from executing this reſolution, does not appear; but the bill for reducing the army paſſed with ſome oppoſition in the houſe of commons; and in the houſe of lords a feeble attempt was made againſt it, but this was rather a reproach than a ſervice to the government, it being faintly made, and ill defended. When the bill was ready, the king came, on the 1ſt of February, to the houſe of lords, and, inſtead of the foregoing ſpeech, made that which follows; wherein, he ſhews his reaſons for paſſing the diſbanding-bill, and at the ſame time expoſtulates a little upon the hardſhip of it [c].

My lords and gentlemen,

"I AM come to paſs 'the bill for diſbanding the army,' as ſoon as I underſtood it was ready for me.

"Though in our preſent circumſtances there appears great hazard in breaking ſuch a number of the troops; and though I might think myſelf unkindly uſed, that thoſe guards who came over with me to your aſſiſtance, and have conſtantly attended me in all the actions, wherein I have been engaged, ſhould be removed from me; yet it is my fixed opinion that nothing can be ſo fatal to us, as that any diſtruſt or jealouſy ſhould ariſe between me and my people, which I muſt own would have been very unexpected, after what I have undertaken, ventured, and acted for the reſtoring and ſecuring of their liberties.

"I have thus plainly told you the only reaſon, which has induced me to paſs this bill; and now I think myſelf obliged, in diſcharge of the truſt repoſed in me, and for my own juſtification, that no ill conſequences may lie at my door, to tell you as plainly my judgment that the nation is left too much expoſed.

"It is therefore incumbent upon you to take this matter into your ſerious conſideration, and effectually to provide ſuch a ſtrength, as is neceſſary for the ſafety of the kingdom, and the preſervation of the peace, which God has given us."

Though the commons could not be diverted from their purpoſe, by the king's reaſons for paſſing the bill, nor by his repreſentation of the dangerous conſequences of it, they preſented however an addreſs of thanks, ſetting forth, "How ſenſible they were of the difficulties he had undertaken, and the labours he had ſuſtained, and the hazards he had run, in reſcuing them from popery and arbitrary power, reſtoring their liberties, and giving peace and quiet to all Chriſtendom: They returned him their moſt hearty thanks for his moſt gracious ſpeech, in which he had expreſſed ſo great a regard for the good will and affection of his people, and had given ſo undeniable proof of his readineſs to comply with the deſires of his parliament. And, as his majeſty had ſhewn a moſt tender and fatherly concern for the ſecurity and ſafety of his people, ſo they aſſured him, that he ſhould never have reaſon to think the commons were undutiful or unkind to him, but that they would upon all occaſions ſtand by and aſſiſt him in the preſervation of his ſacred perſon, and ſupport of his government, againſt all his enemies whatſoever." His majeſty, in anſwer to this, told them, "That he took their addreſs very kindly: That he was fully ſatisfied of their duty and affection, and had no doubt but they would always act in the manner they had expreſſed upon this occaſion."

The lords alſo preſented an addreſs of thanks for the diſbanding act, and for the gracious expreſſions in his ſpeech, "That it was his majeſty's fixed opinion, that nothing could be ſo fatal to them, as that any diſtruſt or jealouſy ſhould ariſe between his majeſty and his people: As likewiſe for his care and concern for the ſafety of the kingdom, upon all occaſions; aſſuring his majeſty, that at all times, for the ſafety of the kingdom, and the preſervation of the peace, which God has given them, they would aſſiſt and defend his majeſty againſt all his enemies both at home and abroad."

The king thanked the lords for their addreſs: and finding that both houſes concurred in the ſame opinion as to the diſbanding of the army, he gave effectual orders for reducing it to the number of ſeven thouſand men, to be maintained in England, under the name of guards and garriſons. But, by reaſon that cavalry is more ſerviceable upon any ſudden exigency, than infantry, the king took care, that, of theſe ſeven thouſand, four thouſand were horſe and dragoons, and three thouſand were foot. The bodies were alſo reduced to ſo ſmall a number of ſoldiers, that it was ſaid, we had now an army of officers; but this model was much approved by proper judges as the beſt, into which ſo ſmall a number could have been brought.

This great reform gave the king much concern; but what touched him very ſenſibly was the neceſſity of ſending away his Dutch guards, a regiment, which had faithfully attended his perſon from his earlieſt years, followed his fortune every where, and to which, beſides inumerable other ſignal ſervices, he owed his victory at the famous battle of the Boyne. With theſe the king had the utmoſt regret to part; and therefore, as he hoped the paſſing the diſbanding-act had ſoftened their minds, he made an attempt for keeping theſe guards by ſending the lord Ranelagh with the following meſſage to the commons, all of his own hand-writing:

"William R.

"His majeſty is pleaſed to let the houſe know, that the neceſſary preparations are made for tranſporting the guards, who came with him into England; and that he intends to ſend them away immediately, unleſs, out of conſideration to him, the houſe be diſpoſed to find a way for continuing them longer in his ſervice, which his majeſty would take very kindly."

Upon reading this meſſage, the queſtion was put, That a day be appointed to conſider of it; but it was carried in the negative, and reſolved, that an addreſs ſhould be preſented to his majeſty, repreſenting the reaſons, why the houſe could not comply with his meſſage. The addreſs was accordingly delivered, wherein they repreſented, "That the paſſing the late act for diſbanding the army gave great ſatisfaction to the ſubjects; and his majeſty's readineſs to comply with the punctual execution of it would prevent all occaſions of diſtruſt and jealouſy between him and his people. That it was an unſpeakable grief to them, that his majeſty ſhould be adviſed to propoſe any thing in his meſſage, to which they could not conſent with due regard to that conſtitution, which his majeſty came over to reſtore, and had ſo often expoſed his royal perſon to preſerve; and did in his gracious declaration promiſe, that all thoſe foreign forces, which came over with him, ſhould be ſent back. That in duty therefore to his majeſty, and to diſcharge the truſt repoſed in them, they craved leave to lay before his majeſty, that nothing conduceth more to the happineſs and welfare of this kingdom, than an entire confidence between his majeſty and his people, which could no way be ſo firmly eſtabliſhed, as by intruſting his ſacred perſon with his own ſubjects, who had ſo eminently ſignalized themſelves on all occaſions, during the late long and expenſive war."

The king's anſwer to this addreſs was as follows, "Gentlemen, I came hither to reſtore the antient conſtitution of this government. I have had all poſſible regard to it ſince my coming; and I am reſolved, through the courſe of my reign, to endeavour to preſerve it entire in all the parts of it. I have a full confidence in the affections of my people, and I am well aſſured they have the ſame in me; and I will never give them juſt cauſe to alter this opinion.

"As to my ſubjects who ſerved during the war, I am an eye witneſs of their bravery, and of their zeal for my perſon and government; and I have not been wanting to expreſs my ſenſe of this to my parliaments, as well as upon other occaſions. I have all the reaſon to truſt and rely upon them, that a prince can have; and I am ſatisfied there is not one man among them capable of entertaining a thought that what was propoſed in my meſſage proceeded from any diſtruſt of them.

[c] The title of the bill was, An Act for granting an aid of 800,000l. for the effectual diſbanding of the army.

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" It ſhall be my ſtudy, to the utmoſt of my power, to perform the part of a juſt and a good king; and, as I will ever be ſtrictly and nicely careful of obſerving my promiſes to my ſubjects, ſo I will not doubt of their tender regards to me."

But this anſwer could not move the commons from their reſolutions; ſo that the Dutch guards were ſoon after ſhipped off for Holland [d].

In carrying theſe points, many hard things were ſaid againſt the court, and againſt the king himſelf. It was ſuggeſted, that he loved not the nation; that he was on the reſerve with all Engliſhmen, and ſhewed no confidence in them; but that, as ſoon as the ſeſſion of parliament was over, he went immediately to Holland. And it was ſaid, this was not to look after the affairs of the ſtates, which had been more excuſable; but that he went thither to enjoy a lazy privacy at Loo, where, with a few favourites, he hunted and paſſed away the ſummer in a way, that did not much raiſe his character. It is certain, the uſage, which his majeſty had met with of late, put his ſpirits too much on the fret; and he neither took care to diſguiſe that, nor to overcome the ill humour, which the manner of his deportment, rather than any juſt occaſion given by him, had raiſed in many againſt him.

At the ſame time that the army was thus reduced, there was a large proviſion made for the ſea, greater than was thought neceſſary in a time of peace. Fifteen thouſand ſeamen, with a fleet proportioned to that number, was thought a neceſſary ſecurity, ſince we were made ſo weak by land. For the maintenance of this fleet, and for diſbanding the army, and other neceſſary occaſions, a ſupply was granted of 1,484,015l. to be raiſed by a tax of three ſhillings in the pound upon all lands, penſions, offices, and perſonal eſtates.

One of the conſequences of diſbanding the army was a more viſible concourſe of the jacobites and papiſts about the town and court, in ſo bold and inſolent a manner, that the commons took notice of it; and, upon that occaſion, preſented the following addreſs to the king on the 21ſt of February:

" WE your majeſty's moſt dutiful and loyal ſubjects, the commons in parliament aſſembled, having obſerved the great concourſe to this city of papiſts and other diſaffected perſons, who have not owned your majeſty to be lawful and rightful king of theſe realms, and the boldneſs they aſſume from your majeſty's unexampled clemency, not only to keep horſes and arms contrary to law, but alſo to frequent all public places of reſort near your two houſes of parliament, and even to approach your royal palaces, whereby they may have opportunities to perpetrate any wicked attempt againſt your royal perſon, on the ſafety and preſervation whereof our religion and liberties, and the peace and welfare, not only of theſe kingdoms, but of all Europe, do in a very great meaſure depend.

" And having alſo conſidered the many plots and conſpiracies againſt your majeſty's perſon and government, but eſpecially the late horrid intended aſſaſſination, contrived and carried on, not only by papiſts (whoſe religion and intereſt might lead them to it) but even by ſuch, who at their death (to the great ſcandal of our religion) profeſſed and owned themſelves to be members of the church of England, which chiefly (under God) owes its preſervation and defence to your majeſty, and whoſe doctrines are directly oppoſite to all ſuch inhuman and treaſonable practices.

" And having alſo certain information, that great numbers of popiſh prieſts, and jeſuits, within this city and parts adjacent, intrude themſelves into the preſence of ſick and dying perſons, with deſign to prevail upon them, in their weakneſs, to be reconciled to the church of Rome; and daily endeavour to prevert and ſeduce from their allegiance your majeſty's good ſubjects, in poiſoning them with their wicked and damnable doctrines and principles; and that they have imported great quantities of popiſh books, and keep ſchools to breed up and inſtruct children in the Romiſh ſuperſtition and idolatry.

" We therefore hold ourſelves obliged, for quieting the minds of your good ſubjects, and in duty to your majeſty, humbly to beſeech your majeſty, that you will be graciouſly pleaſed (in order to ſuppreſs ſuch practices of the reſtleſs and notorious enemies of your government) to iſſue out your royal proclamation for removing all papiſts and others, who diſown your majeſty's government, from the city of London and parts adjacent, according to the laws; and that the laws may be put in execution againſt them in ſuch a manner, that their wicked deſigns may be effectually diſappointed."

To this addreſs his majeſty made anſwer, 'That he would take care, that the laws ſhould be put in execution according to their deſire,' and in order to this he cauſed a proclamation to be publiſhed on the 2d of March.

Theſe complaints of the growth of popery were not without reaſon; for, upon the peace of Ryſwick, a great ſwarm of prieſts came over to England, not only thoſe, whom the revolution had frighted away, but many more new men, who appeared in many places with great inſolence; and it was ſaid, that they boaſted of the favour and protection, of which they were aſſured. Some enemies of the government began to give it out, that the favouring that religion was a ſecret article of the peace; and ſo abſurd is malice and calumny, that the jacobites began to ſay, that the king was either of that religion, or at leaſt a favourer of it: Complaints of the avowed practices and inſolence of the prieſts were brought from ſeveral places, and thoſe were maliciouſly aggravated by ſome who caſt the blame of all on the king. Theſe complaints, being continued the next ſeſſion, produced a remarkable act againſt the papiſts, of which an account will be given in its place.

The old Eaſt-India company preſented a petition to the commons, praying, 'That their caſe might be taken into conſideration; and that the houſe would make ſome proviſion, that their corporation might ſubſiſt for the reſidue of the term of twenty-one years, granted by his majeſty's charter: That the payment of the five pounds per cent. by the late act for ſettling the trade to the Eaſt-Indies might be ſettled and adjuſted in ſuch a manner, as it might not remain a burden upon the petitioners: And that ſuch further conſiderations might be had for the petitioners relief, and for the preſervation of the Eaſt-India trade to England, as ſhould be thought meet.' The commons, having taken this petition into conſideration, on the 27th of February, ordered a bill to be brought in thereupon; which bill was rejected, on the 9th of March, before it came to a ſecond reading.

Some in the houſe of commons, it is ſaid, began to carry things to a great height, and to aſſert that they were not bound to maintain the votes, and to keep up the credit of the former parliament; and they tried to ſhake the act, made in favour of the new Eaſt-India company: This was ſo contrary to the fundamental maxims of our conſtitution, that it gave cauſe of jealouſy, ſince this could be intended for nothing, but to ruin the government: Money raiſed by parliament, upon bargains and conditions that were performed, by thoſe who advanced it, gave them ſuch a purchaſe of thoſe acts, and this was ſo ſacred, that to overturn it muſt deſtroy all credit for the future, and no government could be maintained that did not preſerve this religiouſly.

The commons took likewiſe into conſideration the ſtate of

[d] The king writ the following letter to the earl of Galway, a little before this.

Kenſington, Jan. 27. 1698.

I received ſome days ago a letter from you without date, by which I ſee you are uneaſy at the proceedings of the parliament here againſt the foreigners. I think you have too much cauſe to be ſo; though, as yet, nothing has paſſed about you, and I have good reaſon to hope you will be left undiſturbed. At leaſt, you may be aſſured, I ſhall do my utmoſt, that nothing be done to your prejudice; ſatisfied, as I am, with your conduct, and uſeful, as you are, for my ſervice. So you may be ſure, that I will not recall you, unleſs I am forced to it, which I hope will not be the caſe. It is not to be conceived, how people here are ſet againſt the foreigners. You will eaſily judge on whom this reflects. I deſign very ſhortly to ſend into Ireland five regiments of foot, and two of horſe, and ſoon after three more of foot, eight in all. I will ſend you, in a few days, orders to diſband Woolſey's regiment of horſe, and nine regiments of foot, intending to keep only thoſe of Hanmer and Hamilton. I deſign alſo, when the parliament riſes, to ſend you your regiment of horſe, and the three French regiments, and perhaps Miramont's dragoons; but that muſt be very ſecret, though I much fear my deſign is already ſuſpected here. I am in doubt whether I ſhall ſend likewiſe into Ireland Eppinger's regiment. All this together would amount to eighteen battalions of foot, three regiments of horſe, and five of dragoons, reckoning Eppinger's for two; and this would be in a manner agreeable to your project, and, according to my calculation, the expence no greater; but, if it ſhould be, ſomething muſt be retrenched, of which I ſhould be glad to know your ſentiments. You will eaſily perceive how neceſſary it is, that all this be kept ſecret. I thought it requiſite to give you early notice of my intention, that you might take your meaſures accordingly; mine muſt be regulated according as things go in the parliament, of which there is no being ſure, till the ſeſſion is over. There is a ſpirit of ignorance and malice prevails here beyond conception. Be always aſſured of my friendſhip.

WILLIAM R.

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the navy; and, after an examination of the preſent and paſt management of the maritime affairs, they drew up and preſented to the king an addreſs, concerning certain miſmanagements, which were of no great importance [e].

It was evident, that this addreſs was chiefly levelled againſt the earl of Orford, who was both treaſurer of the navy, and one of the lords commiſſioners of the admiralty, and who had got too much by his late expedition in the Mediterranean, and done the government too ſignal ſervices, not to lie open to the inquiry of ſome well-meaning, and to the envy of many diſaffected perſons. The earl therefore, foreſeeing the ſtorm gathering againſt him, thought it prudence to reſign all his places and retire. However it ought to be remembered in juſtice to him, that what he got in the Streights, was only by the preſents he received from the ſtates, whom he protected; for it was confeſſed by his very enemies, that a fleet was never better taken care of, nor more timely provided, than that, which he, with ſo much reputation, commanded. And beſides it is moſt certain, that he charged the king in his books with much leſs a day for every man, than the uſual allowance of the navy [f].

[1699] This ſeſſion ended on the 4th of May, when the king made the following ſpeech to both houſes:

"My lords and gentlemen,

"AT the opening this parliament I told you my opinion was, that you were come together with hearts fully diſpoſed to what was neceſſary for the ſafety, honour, and happineſs of this kingdom; and, having nothing elſe to recommend to you, I had reaſon to hope for unanimity and diſpatch.

"You have now ſat ſo many months, that the ſeaſon of the year, as well as your particular affairs, make it reaſonable you ſhould have a receſs. I take it for granted you have finiſhed all the bills, which for the preſent you think requiſite to be paſſed into laws; and I have given my aſſent to all you have preſented to me.

"If any thing ſhall be found wanting for our ſafety, the ſupport of public credit, by making good the faith of the kingdom, as it ſtands engaged by parliamentary ſecurities, and for diſcharge of the debts occaſioned by the war, or towards the advancing of trade, the ſuppreſſing of vice, and the employing of the poor, which were all the things I propoſed to your conſideration, when we met firſt, I cannot doubt but effectual care will be taken of them next winter, and I wiſh no inconvenience may happen in the mean time."

Then the lord chancellor prorogued the parliament to the firſt of June.

During this ſeſſion, there was great talk of the lewdneſs of the ſtage, and not without reaſon, for both players and plays were ſo profane, that they were become a ſcandal to the nation. There had lately been publiſhed a book, intitled 'A ſhort view of the ſtage,' by Jeremy Collier, the ſame that had abſolved ſir William Perkins, at Tyburn. In this work, he made a collection of the moſt lewd and profane paſſages in ſome modern plays, as ſir John Vanbrugh's, Mr. Congreve's, and others, whoſe authors could more eaſily defend the writing of comedies, which Collier declaimed againſt, than vindicate what they had written in the paſſages he quoted. His book had a great run, and was cried up by the religious part of the town. And indeed, it was hardly poſſible for immorality and profaneneſs to be effectually reſtrained, while they were acted over with ſo much indecent liberty upon the ſtage. The ordinary plays, inſtead of anſwering the good old deſign of expoſing vice, and recommending the charms of virtue, were debauched with the wrong images of things, and with a language bordering upon impious and obſcene. This licentious vein had grown into a faſhion under the rejoicings of king Charles II. and was now continued to pleaſe the vitiated palate of the gay and looſe people, that frequented the play-houſes for want of religion and buſineſs. The king, who rarely or never went to thoſe places of diverſion, was honeſtly informed of the ſcandal given to them; and therefore to put ſome check upon their liberty and lewdneſs, he commanded the following order to be ſent to both play-houſes.

His majeſty being informed, that, notwithſtanding an order made in June 1697, by the earl of Sunderland, then lord chamberlain of the houſehold, to prevent the profaneneſs and immorality of the ſtage, ſeveral plays had lately been acted, containing expreſſions contrary to religion and good manners. And whereas the maſter of the revels had repreſented, that, in contempt of the ſaid order, the actors did neglect to leave out ſuch profane and indecent expreſſions, as he had thought proper to be omitted: Therefore it was his majeſty's pleaſure, that that they ſhould not hereafter preſume to act any thing in any play, contrary to religion and good manners, as they ſhould anſwer at their utmoſt peril. At the ſame time the maſter of the revels was commanded not to licenſe any plays containing irreligious or immoral expreſſions, and to give notice to the lord chamberlain, if the players preſumed to act any thing, which he had ſtruck out.

Towards the end of March, the earl of Warwick and lord Mohun being ſeverally indicted for the murder of captain Richard Coote, were tried by the houſe of peers, in a court prepared for that purpoſe, in Weſtminſter-Hall; the lord chancellor of England being conſtituted lord high-ſteward upon this occaſion, and the court being opened with the uſual ceremonies, the trial of the earl of Warwick came on firſt, and laſted till late in the evening; when the peers adjourned to their own houſe, and, after ſeveral debates, the lords temporal, only, returned to the court in Weſtminſter-Hall; where they delivered their judgments, 'ſeriatim,' upon their honours; and unanimouſly acquitted the earl of the murder, but found him guilty of manſlaughter. The next day came on, in like manner, the trial of the lord Mohun; who was acquitted of the murder by the unanimous ſuffrages of the peers then preſent [g].

On the 14th of May, the earl of Jerſey, lately returned from his embaſſy to France [h], was appointed ſecretary of ſtate, in the room of the duke of Shrewſbury. The duke, by a fall from his horſe, was rendered incapable to undergo the fatigue of the ſecretary's place; but he accepted of that of lord chamberlain of his majeſty's houſhold; and, accordingly, in October following, the key and white ſtaff were delivered to him by the king. He afterwards went to France and Italy for change of air, and married an Italian lady Adelaida Palleotica, of Bologna. The earl of Mancheſter was appointed embaſſador extraordinary to France; and the earl of Pembroke being declared lord preſident of the council, the privy ſeal was given to the lord viſcount Lonſdale. On the laſt day of May, the king appointed the lord chancellor, the lord preſident of the council, the lord privy ſeal, the lord ſteward of the houſhold, the earl of Bridgewater, firſt commiſſioner of the admiralty, the earl of Marlborough, the earl of Jerſey, and Mr. Montague, to be lords juſtices of England, during his abſence. The day after, the king went from Kenſington to Margate; where he embarked for Holland, and on the 3d of June, landed at Orange Polder; from whence he went to the Hague.

[e] The articles were,

"That the Streights ſquadron, not ſailing till September laſt, was prejudicial to England, and a great miſmanagement.

"That the order made by the commiſſioners of the admiralty, the 12th of September 1695, giving Henry Prieſtman eſq. an allowance of ten ſhillings a day from the date of his commiſſion, as commander in chief before Sallee in the year 1684, till the Bonadventure was paid off, over and above his pay as captain of the ſaid ſhip, was very unreaſonable, and a miſapplication of the public money.

"That the victualling any of his majeſty's ſhips by others than by the victuallers appointed for that ſervice, or their agents, was contrary to the courſe of the navy, and might be of ill conſequence.

"That many new and unneceſſary charges had, in an extraordinary manner, been introduced into the navy, which was a great miſmanagement.

"That the deductions of poundage taken by the pay-maſters of the navy for ſlop-clothes, dead-men's clothes, tobacco, cheſt at Chatham, chaplain and ſurgeon, were without warrant, and ought to be accounted for.

"That it was inconſiſtent with the ſervice of the navy for the ſame perſon to be one of the commiſſioners for executing the office of lord high admiral and treaſurer of the navy at the ſame time.

"And that the paſſing any account of monies impreſſed for the contingent uſes of the navy, without regular vouchers, or ſuch other proof as the nature of the ſervice would admit, either, with or without a ſign manual, was contrary to the rules and methods of the navy, and of dangerous conſequence.

"All which they begged leave to lay before his majeſty, deſiring, that he would be graciouſly pleaſed to take effectual care, that the miſmanagements herein complained of might be prevented for the future."

[f] He was ſo popular, that in the former parliament, when he was a commoner, he was knight of the ſhire for Middleſex, knight of the ſhire for Cambridge county, and burgeſs for Portmouth, an honour, without example, in the rolls of parliament.

[g] The caſe was thus: The lords Warwick and Mohun, and the captains French and Coote, with Mr. Dockwra and Mr. James, being at a tavern, a quarrel aroſe; and they all went in chairs to Leiceſter-Fields, between one and two o'clock in the morning; and a duel was fought in the dark, three againſt three; in which Coote was killed by French, as was ſaid. The main evidence againſt the lord Warwick was, that his ſword was bloody, and French's was not.

[h] The earl of Jerſey obtained leave for the ducheſs de la Force, a proteſtant, to quit France; where, upon the death of her huſband, ſhe was thrown into a nunnery at Evreux, in Normandy, and had endured fourteen years perſecution, with great conſtancy. She came over with the counteſs of Jerſey, and lived here to a very great age.

The commons of England having voted, That twelve thouſand men ſhould be maintained in Ireland, the parliament of that kingdom applied themſelves to find the neceſſary funds to anſwer the charge; and, on the 26th of January, an act paſſed for raiſing 120,000l. on all lands, tenements, and hereditaments in Ireland. This being done, the parliament was prorogued; and, ſeven months after, a new commiſſion, conſtituting the duke of Bolton, the earl of Berkeley, and the earl of Galway, lords Juſtices of Ireland, was opened, and read in council, and theſe two earls having been ſworn in the uſual manner, were complimented by the council, and ſeveral other perſons of quality [i].

All this while the Scots company were under no ſmall uneaſineſs: But, notwithſtanding the ſeveral repulſes, which they had met with in England, their court of directors, towards the beginning of the year, beſides the letters formerly mentioned ſent another to the lord Seafield, ſecretary of ſtate, to put him in mind of his promiſe, touching their petition, and the parliament's addreſs to the king. To which he wrote an anſwer on the 7th of February: "That he had preſented their petition to the king, and was commanded to let them know, That, there being accounts, that the ſhips belonging to the company, were arrived on the coaſts of America, and the particular deſign not being communicated to his majeſty, he therefore delayed to give an anſwer, till he received certain information of their ſettlement." The company having this intimation from the king, their council-general wrote a letter to him, importing; "That they had arrived ſafe at their intended port, within a league of the Golden Iſland, on the coaſt of Darien; and, after having treated aboard the ſhips with the natives, who were always owned to be proprietors of that part of the coaſt, their men had, at the requeſt, and with the conſent of the natives, landed on the 4th of November 1698, and taken poſſeſſion of an uninhabited place, never before poſſeſſed by any European whatever; and that, in purſuance of the treaty, the chief men and leaders of the natives had joined with, and taken commiſſion from the council. That they thought it their duty, at their firſt meeting, to give his majeſty an account thereof; and likewiſe, that by letters from the council, bearing date at New Edinburgh in Caledonia (the name given to their new ſettlement) the 28th of December, they were poſitively informed, that the French had a deſign upon all that coaſt, or at leaſt to make a ſettlement ſomewhere thereabouts. And they humbly conceived, that the firm ſettlement of their colony in thoſe parts might be a means of preventing, or at leaſt leſſening the evil conſequences, that might ariſe to his majeſty's kingdoms and dominions every where, by the ſettlement of any powerful foreign neighbour upon any part of that coaſt. And that, as they were always bound thankfully to acknowledge his goodneſs for granting them thoſe privileges and his letters patents, by which their company was eſtabliſhed; ſo they did in all humility confidently expect his royal favour and protection, as having, in all the ſteps of their conduct, through the whole courſe of that affair, ſtrictly obſerved the conditions required by the act of parliament and letters patents: And they referred that, together with the contents of their laſt petition, to his royal conſideration, to give ſuch directions therein, as to his wiſdom ſhould ſeem meet and expedient."

The news of the Scots ſettlement at Darien alarmed moſt of the nations of Europe, who had plantations in the neighbourhood. And it was no wonder, that the Spaniards in particular complained loudly of it. It lay ſo near Porto Bello and Panama on the one ſide, and Carthagena on the other, that they could not think they were ſafe, when ſuch a neighbour came ſo near the center of their empire in America. The French king alſo complained of this, as an invaſion of the Spaniſh dominions, and offered the court of Madrid a fleet to diſlodge the Scots.

The marquis of Canales, the Spaniſh embaſſador in England, likewiſe preſented the following memorial to the king: "The king, my maſter, being informed from ſeveral places, and laſtly, from the governor of the Havanna, of the inſult and attempt of ſome Scots ſhips, provided with men, and other things requiſite, who are endeavouring to ſettle themſelves in his dominions in America, and particularly in the province of Darien, his majeſty has received theſe advices with great diſcontent, as a mark of diſregard, and a breach of the alliance between the two crowns (which his majeſty has hitherto, and always will religiouſly obſerve, and from which ſo many advantages have accrued to his majeſty and his ſubjects) from which alliance his majeſty did not expect theſe ſudden inſults of his majeſty's ſubjects, and that in a time of peace, without any occaſion or pretence, in the very heart of his dominions. All that the king deſires is, that it be repreſented to his majeſty how very ſenſible he is of theſe hoſtilities and unjuſt proceedings, againſt which he will take proper meaſures." [k]

It was further urged by the Spaniards, that they were once poſſeſſed of Darien; and, though they found it too unhealthy to ſettle there, yet the right to it belonged ſtill to them; and conſequently, that the ſeizing of it was a breach of treaty, and a violent poſſeſſion of their country. In anſwer to this, the Scots aſſerted, that the nations of Darien were never conquered by the Spaniards, and were by conſequence a free people. They alledged, that they had purchaſed of thoſe natives leave to poſſeſs themſelves of that place; and that the Spaniards had abandoned the country, becauſe they could not reduce the natives; ſo that the pretenſion of the firſt diſcovery was made void; and then, the natives being left to themſelves, it was lawful for the Scots to treat with them.

It was given out, that there was much gold in the country; and the Scots were ſo full of hopes from this project, that a fund was raiſed for carrying it on, greater than, as was thought, that kingdom could ſtretch to. Four hundred thouſand pounds ſterling was ſubſcribed, and a fourth part was paid down; and afterwards ſeventy thouſand pounds more were brought in; and a national fury ſeemed to have tranſported the whole kingdom upon this project.

The jacobites went into the management with a particular heat. They ſaw the king would be much preſſed from Spain. The Engliſh nation apprehending, that this would be ſet up as a breach of treaties, and that upon a rupture their effects in Spain might be ſeized, grew alſo very uneaſy at it. Upon which it was thought, that the king would in time be forced to diſown the invaſion, and to declare againſt it; and in that caſe the jacobites hoped to have inflamed the kingdom with this, that the king denied them his protection, while they were only acting according to law; and this, they would have ſaid, was contrary to the coronation oath, and ſo they would have thought they were freed from their allegiance to him. The jacobites having this project, did all that was poſſible to raiſe the hopes of the nation to the higheſt degree. The Engliſh plantations grew alſo very jealous of the new colony; and feared, that the double proſpect of finding gold, and of robbing the Spaniards, would draw many planters from them into this new ſettlement; and that the buccaniers might run into them: For by the Scots act, this place was to be made a free port; and, if it was not ruined, before it was well formed, they reckoned it would become a ſeat of piracy, and another Algiers in thoſe parts. Upon theſe grounds the Engliſh nation inclined to declare againſt this, and the king ſeemed convinced, that it was an infraction of his treaties with Spain. Orders therefore were

[i] A letter at this time from the king to the earl of Galway, ſhews how much he was chagrined at the late proceedings.

Kenſington, Jan. 1, 1699.

I have not writ to you all this winter, by reaſon of my vexation at what paſſed in the parliament, and becauſe of the uncertainty I was under to know what to ſend you. It is not poſſible to be more ſenſibly touched than I am, at my not being able to do more for the poor refugee officers, who have ſerved me with ſo much zeal and fidelity. I am afraid the good God will puniſh the ingratitude of this nation. I could hardly get the eſtabliſhment of Ireland paſſed, as it will be ſent you: There are retrenchments, which I was forced to make, though I like them not; and, doubtleſs ſome of them muſt be changed. The duke of Bolton ſeems pleaſed with you, but not with the chancellor. I have this day diſpatched a new commiſſion for the lords juſtices of Ireland, by joining with the duke of Bolton, and you, the earl of Berkeley; who is an eaſy man, and will be agreeable to you. I am perfectly ſatisfied with your conduct; and hope now you will be left undiſturbed, ſince, in the laſt parliament nothing was ſaid of you, though you were much threatened. I fear, the commiſſion given here by the commons, for the inſpection of the forfeitures, will give you a great deal of trouble, and me no leſs, the next winter. Aſſuredly, on all ſides, my patience is put to the trial. I am going to breathe a little beyond ſea, in order to come back as ſoon as poſſible. I think it for my ſervice to change the commiſſion of the treaſury in Ireland, where, I doubt, the revenue is not well managed; of which it is neceſſary that you let me know your ſentiments immediately. The eſtabliſhment of the next year muſt abſolutely be reduced, that my ordinary revenue may ſerve to pay it; and a parliament in Ireland muſt not be thought of ſo ſoon. Of this you ought inſtantly to conſider; and take your meaſures for the future. Be always aſſured of my friendſhip.

WILLIAM R.

[k] Monſieur Colonna, marquiſs de Canales, was very unacceptable to the king upon many accounts, and particularly for taking upon him to walk in the room with his hat on, while the king was at dinner, directly contrary to the cuſtom of the Britiſh court. Accordingly, he was told either to pull off his hat, or forbear coming to court. He choſe to abſent himſelf rather than ſubmit. Lambert I. p. 23.

ſent,

ſent, but very ſecretly, to the Engliſh plantations, particularly to Jamaica, and the Leeward Iſlands, to forbid all commerce with the Scots at Darien. Accordingly, proclamations were publiſhed at Jamaica, Barbadoes, New York, and New England, in his majeſty's name, ſtrictly commanding all his ſubjects, that they ſhould not preſume, on any pretence whatſoever, to hold any correſpondence with the Scots at Darien, nor give them any aſſiſtance of arms, or ammunition, or proviſions, or any other neceſſaries whatſoever.

Whilſt in Scotland all men were full of hopes that their new colony ſhould bring them home mountains of gold, theſe proclamations came to their knowledge, and were complained of as acts of hoſtilities and violations of the common rights of humanity. It is true, the proclamations had a great effect on the colony, though otherwiſe it was too weak and ill ſupplied, as well as too much divided within itſelf, to have ſubſiſted long. Thoſe, who had firſt poſſeſſed themſelves of it, were forced to abandon it. Soon after they had gone from it, a ſecond recruit of men and proviſions were ſent thither from Scotland. But one of their ſhips unhappily took fire, in which they had the greateſt ſtock of proviſions; and ſo theſe likewiſe went off. And, though the third reinforcement, that ſoon followed this, was both ſtronger and better furniſhed, yet they fell into ſuch factions among themſelves, that they were too weak to reſiſt the Spaniards, who, feeble as they were, yet ſaw the neceſſity of attacking them; and they, finding themſelves unable to reſiſt the force, which was brought againſt them, capitulated; and with that the whole deſign fell to the ground, partly for want of ſtock and ſkill in thoſe, who managed it, and partly by the baſeneſs and treachery of thoſe, whom they employed.

The conduct of the king's miniſters in Scotland was much cenſured in the whole progreſs of this affair, for they had connived at it, if not encouraged it, in hopes that the deſign would fall of itſelf; but now it was not ſo eaſy to cure the univerſal diſcontent, which the miſcarriage of this deſign to the impoveriſhing of the whole kingdom, had raiſed, and which now began to ſpread like a contagion among all ſorts of people.

King William, having received the compliments of the foreign miniſters, and other perſons of quality, on his ſafe arrival in Holland, aſſiſted at the aſſembly of the States-General, and at that of the ſtates of Holland, and given inſtructions to Mr. Hill, whom he had appointed his envoy extraordinary to Savoy, to make his compliment of congratulation to that court upon the birth of the prince of Piedmont (which had been notified to him in England by count Maſſey) he ſet out for Loo, at which palace, and that of Dieren, he ſpent moſt part of the ſummer in his uſual diverſions of hunting and ſhooting.

About the latter end of Auguſt, the ſtates of Holland, out of their regard for the king's preſervation, publiſhed a placart, requiring, that all ſuch perſons, as had been declared rebels in England, ſhould immediately depart their dominions. And a few days after the king reviewed the Dutch forces incamped near Arnheim, and then returned to Loo, to entertain his boſom friend the old duke of Zell, who was come thither to make him a viſit with a numerous retinue.

The duke of Zell ſtaid about two months with the king at Loo, and, during the king's reſidence there, the earl of Portland, the French embaſſador count Tallard, and the grand penſionary of Holland, had frequent conferences about the affair of the Spaniſh ſucceſſion. There being alſo good reaſon to be apprehenſive of a rupture between the two northern crowns, his majeſty ſent inſtructions to monſieur Opdam, the Dutch embaſſador in Sweden, to uſe his utmoſt endeavours to prevent it, which were however ineffectual. About the middle of October, the king came to the aſſembly of the ſtates, and having ſettled the ſtate of the Dutch army and fleet for the enſuing year, he embarked for England, October 16, landed at Margate the next day, lay that night at Canterbury, and on the 18th arrived at Kenſington.

This year died the marquis of Wincheſter, whom the king had created duke of Bolton; he was a man of a ſtrange mixture; he had the ſpleen to a very high degree, and affected an extravagant behaviour; for many weeks he would take a conceit not to ſpeak one word; and at other times he would not open his mouth, till ſuch an hour of the day, when he thought the air was pure; he changed the day into night, and often hunted by torch-light, and took all ſorts of liberties to himſelf, many of which were very diſagreeable to thoſe about him. In the end of king Charles's time, and during king James's reign, he affected an appearance of folly, which afterwards he compared to Junius Brutus's behaviour under the Tarquins. With all this, he was a very knowing, and a very crafty politic man; and was an artful flatterer when that was neceſſary to compaſs his end, in which generally he was ſucceſsful. He was a man of a profuſe expence, and of a moſt ravenous avarice to ſupport that; and, though he was much hated, yet he carried matters before him with ſuch authority and ſucceſs, that, he was, in all reſpects, the great riddle of the age.

This ſummer ſir Joſiah Child died; he was a man of great notions as to merchandize, which was his education, and in which he ſucceeded beyond any man of his time; he applied himſelf chiefly to the Eaſt-India trade, which by his management was raiſed ſo high, that it drew much envy and jealouſy both upon himſelf and upon the company. He had a compaſs of knowledge and apprehenſion unuſual to men of his profeſſion. He was vain and covetous, and thought too cunning, though he ſeemed to be always ſincere.

A few days after the king's return, Mr. Mountague, having a view to the auditor's place, reſigned his ſeat at the treaſury-board, and was ſucceeded as chancellor of the exchequer by Mr. John Smith, and by Mr. Hill, now returned from Savoy, as one of the lords of the treaſury.

Many expected to ſee a new parliament; for the king's ſpeech at the end of the former ſeſſion look'd like a complaint, and an appeal to the nation againſt them; he ſeemed inclined to it, but his miniſters would not venture on it; the diſſolving a parliament in anger has always caſt ſuch a load on thoſe, who were thought to have adviſed it, that few have been able to bear it; beſides, the diſbanding the army had rendered the members, who promoted it, very popular to the nation; ſo they would have ſent up the ſame men, and it was thought that there was little occaſion for heat in another ſeſſion. And therefore, the parliament being met the 16th of November, the king addreſſed himſelf to both houſes in the following manner:

"My lords and gentlemen,

"I Hope you will not think I have called you out of your countries too ſoon, if you conſider, that our common ſecurity requires a farther proviſion ſhould be made for the ſafety of the kingdom by ſea and land, before we are at the end of what was granted for that purpoſe the laſt ſeſſion. And, when you enter upon this buſineſs, I believe you will think it neceſſary to take care of the repairs of the ſhips and of the fortifications, without which our fleet cannot be ſafe, when it is in harbour.

"I cannot omit to put you in mind of another matter, in which ſo great a number of my ſubjects is concerned, and wherein the honour of the kingdom, and the faith of parliaments, is ſo far engaged, that our future ſecurity ſeems to depend upon it; I mean, 'the making good the deficiencies of the funds,' and the diſcharging the debts contracted by reaſon of the war.

"And till we may be ſo happy to ſee the public debts paid, I ſhall hope no ſeſſion will end without ſomething done towards leſſening them. While I am ſpeaking to you on this head, I think myſelf obliged to mention, with a very particular concern, a debt, which is owing to the prince of Denmark, the ſtate whereof I have ordered to be laid before you.

"Gentlemen of the houſe of commons,

"Theſe are things of ſuch importance, that I muſt earneſtly recommend them to your conſideration, and deſire you to provide the neceſſary ſupplies.

"My lords and gentlemen,

"There is nothing I ſhould more rejoice in, than that I were not under the neceſſity of ſo often aſking aids of my people. But as the reaſon of it is evident, becauſe the funds, formerly applied to defray the public expence, are now anticipated for payment of the debts of the kingdom; ſo it is my ſatisfaction, that you all ſee, that nothing of what is demanded, is for any perſonal uſe of mine. And I do faithfully aſſure you, that no part of what is given ſhall be diverted from any purpoſe, for which it is deſigned.

"I believe the nation is already ſenſible of the good effects of peace, by the manifeſt increaſe of trade, which I ſhall make it my buſineſs to encourage by all means in my power. Probably, it might receive an advantage, if ſome good bill were prepared for the more effectual preventing and puniſhing unlawful and clandeſtine trading, which does not only tend to defraud the public, but prejudices the fair merchant, and diſcourages our own manufactures.

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" The encreaſe of the poor is become a burden to the kingdom; and their looſe and idle life does, in ſome meaſure, contribute to that depravation of manners, which is complained of, I fear, with too much reaſon. Whether the ground of this evil be from defects of laws already made, or in the execution of them, deſerves your conſideration. As it is an indiſpenſable duty, that the poor, who are not able to help themſelves, ſhould be maintained; ſo I cannot but think it extremely deſirable, that ſuch, as are able and willing ſhould not want employment; and ſuch, as are obſtinate and unwilling, ſhould be compelled to labour.

" My lords and gentlemen,

" I have a full aſſurance of the good affections of my people; which I ſhall endeavour to preſerve, by a conſtant care of their juſt rights and liberties; by maintaining the eſtabliſhed religion; by ſeeing the courſe of juſtice kept ſteady and equal; by countenancing virtue, and diſcouraging vice; and by declining no difficulties nor dangers, where their welfare and proſperity may be concerned. Theſe are my reſolutions; and I am perſuaded that you are come together with purpoſes, on your part, ſuitable to theſe of mine. Since, then, our aims are only for the general good, let us act with confidence in one another; which will not fail, by God's bleſſing, to make me a happy king, and you a happy, flouriſhing people."

This excellent ſpeech was ſo far from removing (as it was hoped) the ill impreſſions, which the diſſatisfaction the king had expreſſed upon the proceedings of the commons, when he parted with them laſt, had left in their minds, that it ſerved rather to encreaſe them. The commons, notwithſtanding their diſbanding the forces, would not ſuffer the leaſt intimation of their want of confidence in the king; and grew angry at their being thought to have given any occaſion to ſuch a ſuſpicion: Inſtead, therefore, of an addreſs of thanks, they preſented a ſort of remonſtrance, ſetting forth; " That, being highly ſenſible, that there was nothing more neceſſary for the peace and proſperity of the kingdom, for the quieting people's minds, and diſappointing his enemies deſigns, than a mutual and entire confidence between him and his parliament; they did eſteem it their greateſt misfortune, that, after having ſo amply provided for his and the government's ſecurity, both by ſea and land, any jealouſy or miſtruſt had been raiſed of their duty and affection to him and his people: And begged leave to repreſent to him, That it would greatly conduce to the continuing and eſtabliſhing an entire confidence between him and them, that he would ſhew marks of his high diſpleaſure towards all, that ſhould preſume to miſrepreſent their proceedings to him; and they, on their part, being duly ſenſible of his conſtant concern to maintain their civil and religious rights, in defence whereof he had ſo often expoſed his perſon, would do all they could to prevent and diſcourage all falſe rumours and reports, reflecting on his majeſty's government, whereby to create any miſunderſtanding between him and his ſubjects." To this the king returned the following anſwer:

" Gentlemen, my parliaments have done ſo great things for me; and I have, upon all proper occaſions, expreſſed ſo great a ſenſe of their kindneſs; and my opinion has been ſo often declared, that the happineſs of any Engliſh king depends upon an entire correſpondence between him and his parliament, that it may not ſeem ſtrange for me to aſſure you, that no perſon has ever yet dared to go about to miſrepreſent to me the proceedings of either houſe. Had I found any ſuch, they would immediately have felt the higheſt marks of my diſpleaſure. It is a juſtice I owe, not only to my parliament, but to every one of my ſubjects, to judge of them by their actions: And this rule I will ſteadily purſue. If any ſhall attempt, hereafter, to put me upon other methods, by calumnies, or miſrepreſentations, they will not only fail of ſucceſs, but ſhall be looked upon and treated by me, as my worſt enemies.

" Gentlemen, I am pleaſed to ſee by your addreſs, that you have the ſame thoughts of the great advantages, which will enſue to the kingdom from our mutual confidence, as I expreſſed to both houſes at the opening of this ſeſſion. I take very kindly the aſſurance you give me, of uſing your utmoſt care and endeavours to prevent and diſcourage all falſe rumours and reports reflecting upon me and my government; and I faithfully promiſe you, that no actions of mine ſhall give you a juſt ground for any miſunderſtanding between me and my people."

As thoſe, who oppoſed the king, were reſolved to force a change of miniſtry upon him, they ſought all occaſions for this, and imagined they had found a good pretence, in the following affair.

In the beginning of the year 1695, the earl of Bellamont was made governor of New York; and the king at that time did him the honour to ſay, that 'he thought him a man of reſolution and integrity, and, with thoſe qualities, the more likely than any other he could think of to put a ſtop to the growth of piracy;' with which that province and the reſt of the American colonies were remarkably infeſted, for which reaſon he intended to put the government of New England alſo into his hands. Upon this all perſons, who had concerns in New York, made their application to him; and among others colonel Robert Levingſton, a man of a conſiderable eſtate and fair reputation, who had ſeveral employments in the province of New York; on which account, as well as that of other matters, which he had then depending before the council and the treaſury, he had frequent acceſs to him. Bellamont taking occaſion to mention to him the ſcandal, which lay upon New York, in reſpect to the encouragement, which pirates found there, Levingſton confeſſed, there was too much ground for the complaint; and that, if ſome ſpeedy and effectual courſe was not taken to ſuppreſs theſe enormities, ſo many perſons would be drawn into the guilt, that it would become very difficult to maſter them. He then propoſed to him to employ captain William Kidd lately come from New-York in a ſloop of his own, who had told him he knew moſt of the principal pirates, and their places of rendezvous, and would undertake to ſecure moſt of them, in caſe he might be employed in one of the king's ſhips, a good ſailor, of about thirty guns and one hundred and fifty men, ſince, though the pirates were many in number, yet they had at that time no ſhips of conſiderable force. Levingſton repreſented Kidd as a bold honeſt man, and one he believed fitter than any other to be employed on that occaſion. The earl of Bellamont acquainted the king with this propoſal, which was thought neceſſary to be immediately conſidered, becauſe ſeveral informations upon oath were then come to the ſecretary of ſtate of ſeveral veſſels gone and going from Bermudas, New York, Rhode Iſland, &c. under the command of Thomas Too, William Maze, John Ireland, Thomas Wake, and others, all of them pirates, who had made ſeveral piratical voyages, and returned with great wealth. The king conſulted the admiralty on this occaſion; but the war employing all the king's ſhips, which were in a condition for ſervice, and the great want of ſeamen, notwithanding the preſs, and all other means uſed, together with the remoteneſs of the voyage, and the uncertainty of meeting with the pirates, or taking them, though they might be found out, occaſioned, after ſome deliberation, the laying aſide of this project. Levingſton however would not give it over, but propoſed to the earl of Bellamont, that, if perſons of conſideration might be induced to join in the expence of buying and fitting out a proper ſhip, he had ſuch an opinion of Kidd's capacity and good meaning, and ſo great a deſire that ſome ſtop might be put to thoſe piracies, that he would himſelf be one of the undertakers, and that he and Kidd would be a fifth part of the charge; Kidd, as he alledged, being a ſettled inhabitant at New York, where he had a competent eſtate, and had married a wife with a good fortune, by whom he had a child: That he lived regularly, and his good behaviour might be depended upon with aſſurance, becauſe, if he did otherwiſe than as his duty would oblige him, he had no place to go to, for he had acted ſuch things againſt the French ſince the war, that he durſt never truſt himſelf to them. But, as the ſtrongeſt argument, that could be made uſe of for truſting Kidd, the colonel offered to be bound for the faithful execution of his commiſſion. All this the earl made known to the king, who highly approved of the deſign; and, to encourage it, was pleaſed to conſent, that the perſons, who engaged, ſhould have a grant of what Kidd ſhould take from the pirates as far as it might belong to them, except a tenth, which was reſerved to ſhew, that the king was a partner in the undertaking. Upon this encouragement the earl of Bellamont propoſed it to the lord chancellor Sommers, the duke of Shrewſbury, the earl of Romney, and the earl of Orford, ſir Edmund Harriſon, and others, who agreed to his propoſal of 6000l. expence, of which Levingſton and Kidd were to be a fifth part. The whole management of the affair was left to the earl of Bellamont. The commiſſion granted to Kidd had nothing in it, contrary to law, or different from the conſtant form of commiſſions of that kind, of which there had been a great number. There was a power to fight with and ſeize pirates, in order to bring them to a legal trial; but not a word of treating with them, or pardoning them; yet this was given out by the old Eaſt-India company, and that Kidd

was

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EDWARD RUSSEL.
EARL of ORFORD.

C.Kneller Pinx.t *. Goldar Sculp*

In the Collection of Tho.s Walker Esq.r

Published as the Act directs Sept.r 23. 1784.

as a notorious pirate, where he had received a commiſſion om the admiralty as a privateer, before he was employed y theſe noble adventurers, of whom he never ſaw the duke f Shrewſbury or the lord Sommers. He was introduced to e earl of Orford by the earl of Bellamont, and to the earl of omney by colonel Hewetſon, which was all he knew of em. He had no inſtructions public or private from any of e adventurers, except ſailing orders from the earl of Bellaont, by which he was directed to purſue the letter of his ommiſſion.

Purſuant to the orders, which Kidd had received from he earl of Bellamont and ſir Edmund Harriſon, he ſailed n the Adventure Galley from Plymouth, in April 1696, to New York, and in his way took a French prize. From hence he went to Madeira, thence to Bonaviſta, and St. Jago, rom whence he proceeded to Madagaſcar, and from thence e cruiſed at the entrance of the Red Sea; but, effecting othing, he ſailed to Calicut, and took a ſhip of a hundred nd fifty tons; the maſter of which, and three or four of his rew, were Dutchmen, the reſt Moors; and this ſhip he carried to Madagaſcar [l]. From thence he ſailed again, and bout five weeks after he took the Quedagh Merchant of four hundred tons; the maſter of which was one Wight an Engliſhman. She had on board two Dutch mates and a French gunner; the crew were all Moors; in all about ninety perſons. This ſhip he carried to St. Mary's near Madagaſcar, nd there he ſhared the goods with his crew, forty ſhares to his own uſe. Here ninety of his crew, who were a hundred nd fifty-one in all, left him, and went on board the Mocha frigate, an Eaſt-India company ſhip, which had turned pirate, nd then lay there. Kidd and the reſt of his men burnt the Adventure Galley at St. Mary's, and they all went on board the Quedagh Merchant, and ſailed for the Weſt Indies. Being denied ſuccour at Anguila and St. Thomas's, he ſailed to Mona, lying between Porto Rico and Hiſpaniola, and there, by the means of one Bolton got ſome proviſions from Curacoa. He bought a ſloop of Bolton, in which he loaded part of his goods, and left the Quedagh Merchant, with the reſt of the goods, in truſt with Bolton, and ſeventeen or eighteen men in her. In this ſloop he touched at ſeveral places, and diſpoſed of a great part of his goods, and at laſt came to Boſton in New England, where the earl of Bellamont ſeized him, and what goods he had left; for he had pretended, that the Quedagh Merchant, being manned with Moors, was a lawful prize, though there was no proof, that the commander and his crew had committed any piracies on the Engliſh or any European, or indeed Indian nation. The earl of Bellamont, by letters of the 8th of July, 1699, ſent notice of Kidd's being taken to the ſecretary of ſtate, and to the council of trade; tranſmitted the informations againſt him, together with his examinations, and a particular account of all his own proceedings in relation to Kidd and other pirates; and preſſed, that immediate care might be taken in England, to ſend for them in order to their trial, taking notice, that in New England there was no law to puniſh piracy with death; and that in thoſe parts the people were ſo favourable to pirates, by reaſon of the wealth they brought and diſperſed among them, that little juſtice could be expected. He likewiſe deſired orders with reſpect to the goods, which he had ſecured. Upon this advice the lords juſtices directed the admiralty immediately to diſpatch away one of the king's ſhips to fetch Kidd and the other pirates in ſafe cuſtody, together with their effects. The admiralty appointed the Rocheſter man of war for that ſervice, which had her orders accordingly, and ſailed for Boſton with other ſhips under her convoy; but, the Rocheſter being diſabled by a ſtorm from continuing the voyage, and forced back, it was preſently reported, that it was all colluſion between the miniſters and adventurers, who had no mind that Kidd ſhould be brought to England, for fear of his making diſcoveries, that the duke of Shrewſbury, the lord chancellor Sommers, &c. were turned pirates; ſince to be partner with pirates is the ſame thing as being pirates themſelves. So heavy a load was caſt on the miniſtry, chiefly on him who was at the head of the juſtice of the nation; it was ſaid, he ought not to have engaged in ſuch a project; and it was maliciouſly inſinuated, that the privateer would not have turned pirate, in confidence of the protection of thoſe who employed him, if he had not ſecret orders from them for what he did. Such black conſtructions are men, who are engaged in parties, apt to make of the actions of thoſe, whom they intend to diſgrace, even againſt their own conſciences: So that an undertaking, that was not only innocent but meritorious, was traduced as a deſign for robbery and piracy. This was urged in the houſe of commons as highly criminal, for which all, who were concerned in it, ought to be turned out of their employments; and a motion was made, the 6th of December, that the letters patents granted to the earl of Bellamont and others, of pirates goods, were diſhonourable to the king, againſt the law of nations, contrary to the laws and ſtatutes of the land, invaſive of property, and deſtructive of trade and commerce; but it was rejected by a great majority.

The next attempt was to remove the biſhop of Saliſbury from being preceptor to the duke of Glouceſter. Some objected his being a Scotchman; and others remembered his paſtoral letter, which had been ordered to be burnt. So an addreſs to the king for that purpoſe, was moved, the 13th of December; but this motion was likewiſe loſt by the ſame majority, that had carried the former vote [m].

Mean while, the ſupply for the ſmall army and fleet was ſettled, and a fund was given for it. Thoſe who had reduced the army, thought it needleſs to have ſo great a force at ſea; ſo on the 21ſt of December, it was reſolved, that ſeven thouſand men ſhould be the complement for ſea-ſervice the next year. This was moved by the tories, and the whigs readily gave way to this reduction, becauſe the fleet was now in another management; the earl of Orford, with his friends, being laid aſide, and a ſet of tories brought into their places [n].

The great buſineſs of this ſeſſion was the affair of the forfeited eſtates in Ireland. Among the complaints againſt the court, one was, that the king had given grants of theſe eſtates. It has been remembered, that a bill being ſent up by the commons, attainting the Iriſh that had been in arms, and applying their eſtates to the paying the public debts, leaving only a power to the king, to diſpoſe of the third part of them, was like to lie long before the lords; many petitions being offered againſt it; upon which the king, to bring the ſeſſion to a ſpeedy concluſion, had promiſed that this matter ſhould be kept entire, till their next meeting: But, the next ſeſſion

[l] The pirates had made a ſort of ſettlement on the iſland of Madagaſcar, under Henry Avery, who, thinking himſelf not well uſed in the Engliſh ſea ſervice, had turned pirate. This man had not only taken and robbed a large ſhip belonging to the Mogul, on board of which was an Indian princeſs and a great treaſure, but he committed ſeveral other piracies. The Eaſt-India company, fearing reprisals from the Mogul, repreſented the neceſſity of deſtroying thoſe pirates, who were thus harboured in Madagaſcar. Avery and his companions falling out, and being almoſt left alone, he got a paſſage to England, and as ſome ſay to Ireland. He had intruſted the remains of the plunder which he brought with him, with a perſon who cheated him of ſo much of it, that he died of want. The lords juſtices of England, hearing of his arrival in 1696, iſſued out a proclamation for apprehending this famous pirate. His father was a Devonſhire man, and lived near Biddeford, where he had a ſmall eſtate. His mother and ſiſter were both there, when the proclamation was read for his apprehenſion, and it was ſaid, he had preſented his ſiſter with the pearl necklace, he had taken from the Indian princeſs, which ſhe afterwards ſold.

[m] About this time biſhop Burnet publiſhed a noted work, of which he gives the following account: I publiſhed, this year, an expoſition of the thirty-nine articles of religion: It ſeemed a work much wanted, and it was juſtly to be wondered at, that none of our divines had attempted any ſuch performance, in a way ſuitable to the dignity of the ſubject: For ſome ſlight analyſes of them are not worth either mentioning or reading. It was a work that required ſtudy and labour, and laid a man open to many malicious attacks; this made ſome of my friends adviſe me againſt publiſhing it; in compliance with them, I kept it five years by me, after I had finiſhed it: But I was now prevailed on by the archbiſhop and many of my own order, beſides a great many others, to delay the publiſhing it no longer. It ſeemed a proper addition to the hiſtory of the reformation, to explain and prove the doctrine, which was then eſtabliſhed. I was moved firſt, by the late queen, and preſſed by the late archbiſhop to write; I can appeal to the ſearcher of all hearts, that I wrote it with great ſincerity and a good intention, and with all the application and care, I was capable of; I did then expect, what I have ſince met with, that malicious men would employ both their induſtry and ill-nature, to find matter for cenſure and cavils; but, though there have been ſome books writ on purpoſe againſt it, and many in ſermons and other treatiſes have occaſionally reflected, with great ſeverity, upon ſeveral paſſages in it, yet this had been done, with ſo little juſtice or reaſon, that I am not yet convinced, that there is one ſingle period or expreſſion, that is juſtly remarked on, or that can give me any occaſion, either to retract, or ſo much as to explain any one part of that whole work; which I was very ready to have done, if I had ſeen cauſe for it. There was another reaſon, that ſeemed to determine me to the publiſhing it at this time, namely, the growth of popery.

[n] The commons laid a duty on Iriſh hops, on Eaſt-India goods, and continued the duties on French goods and wines, towards raiſing the ſupply; and ordered a clauſe in one of the money bills, for the importing cuſtom-free a certain quantity of paper for printing Dr. Alix's Eccleſiaſtical Hiſtory. They reſolved, that a ſupply be granted to his majeſty towards the payment of his proportion of the debt owing to the prince of Denmark, and the monies to be raiſed to be laid out in this kingdom, and ſettled upon the prince and princeſs, and their iſſue, according to their marriage-agreement. That an addreſs be preſented to his majeſty, that he would uſe his endeavours to procure other princes and ſtates to pay their proportions of the ſaid debt. They agreed upon a ſupply for the coinage, for circulating exchequer-bills one year longer, for making good the deficiencies of the three ſhillings in the pound in the eighth year of his majeſty's reign, and of the duty on ſtamped paper and parchment, granted in the ſame ſeſſion of parliament; of the malt-tickets and quarterly poll granted in the next year, for paying off the tranſport debt, and for payment of the debt due to the navy, and ſick and wounded ſeamen.

going over, without any proceeding in it, the king granted away all theſe confiſcations: it being an undoubted branch of the royal prerogative, that all confiſcations accrued to the crown, and might be granted away at the pleaſure of the king: it was pretended, that thoſe eſtates came to a million and a half in value. Great objections were made to the merits of ſome, who had the largeſt ſhare in thoſe grants; attempts have been made, in the parliament of Ireland, to obtain a confirmation of them, but that which Ginckle, who was created earl of Athlone, had, was only confirmed; now it was become a popular ſubject of declamation, to arraign both the grants, and thoſe who had them: Motions had been often made, for a general reſumption of all the grants, made in this reign; but, in anſwer to this, it was ſaid, that, ſince no ſuch motion was made, for a reſumption of the grants made in king Charles the ſecond's reign, notwithſtanding the extravagant profuſion of them, and the ill grounds upon which they were made, it ſhewed both a diſreſpect and black ingratitude, if, while no other grants were reſumed, this king's only ſhould be called in queſtion. The court party ſaid often, let the retroſpect go back to the year 1660, and they would conſent to it, and that which might be got by it would be worth the while. It was anſwered this could not be done after ſo long a time, that ſo many ſales, mortgages, and ſettlements had been made, purſuant to thoſe grants; ſo all theſe attempts came to nothing. But, in the laſt ſeſſion, a more effectual method was taken. A commiſſion was given, by act of parliament, to ſeven perſons named by the houſe of commons, to inquire into the value of the forfeited eſtates in Ireland ſo granted away, and into the conſiderations upon which thoſe grants were made. Accordingly, theſe commiſſioners, namely the earl of Drogheda, Francis Anneſley, John Trenchard, James Hamilton, Henry Langford, ſir Richard Leving, and ſir Francis Brewſter, went over to Ireland, and affected great zeal in the execution of theit truſt. They proceeded like inquiſitors, and did readily believe every thing that was offered them, which tended to inflame the account; as they ſuppreſſed all that was laid before them, which contradicted their deſign of repreſenting the value of the grants very high, and of ſhewing how undeſerving thoſe were who had obtained them. They repreſented the confiſcated eſtates to be ſuch, that, out of the ſale of them, above a million and a half might be raiſed. The commiſſioners diſagreed in ſome points. So the report was delivered on the 15th of December to the houſe of commons, by four only of the ſeven commiſſioners; the other three, namely, the earl of Drogheda, ſir Richard Leving, and ſir Francis Brewſter, had refuſed to ſign it, becauſe they thought it falſe and ill-grounded in ſeveral particulars, of which they ſent over an account to both houſes; but no regard was had to their memorial, nor was any inquiry made into their objections to the report. Theſe three were looked on as men gained by the court; and the reſt were magnified as men that could not be wrought on, nor frightened from their duty. The ſpecious propoſal of raiſing ſo large a ſum as a million and a half, towards diſcharging the public debts, ſo took with the houſe, that no complaint againſt the proceedings of the commiſſioners could be hearkened to, and all the methods uſed to diſgrace the report, had the quite contrary effect; and the hatred into which the favourites were fallen, among whom, and their creatures, the grants were chiefly diſtributed, made the motion go the quicker. When therefore the report was peruſed by the commons, they reſolved, that a bill ſhould be brought in for applying all the forfeited eſtates in Ireland, and grants thereof, ſince the 13th of February 1688, to the uſe of the puhlic [o]. All oppoſition to this was looked upon as a courting of the men in favour; nor was any regard paid to a motion for reſerving a third part, to be diſpoſed of by the king, which had been in the bill that was ſent up eight years before to the lords. When this was moved, it was anſwered, that the grantees had enjoyed thoſe eſtates ſo many years, that the mean profits did ariſe to more than a third of their value. As the party for this bill apprehended that many petitions would be offered to the houſe, which the court would probably encourage, on deſign, at leaſt, to retard their proceedings, they, to prevent this, that the bill might not be clogged with too many clauſes, paſſed a vote of a very extraordinary nature, That they would not receive any petition from any perſon whatſoever, concerning the grants, adding at the ſame time, that they would conſider the great ſervices performed by the commiſſioners appointed to inquire into the forfeited eſtates [p].

[o] The report conſiſts of ninety articles, the chief of which are theſe:

	Acres.
The number of acres in the ſeveral counties, belonging to the forfeited perſons, are - -	1,060,792
Theſe being worth 211,623l. a year, at ſix years purchaſe for a life, and at thirteen years, for the inheritance, come to the full value of - - -	l. 2,685,130
Out of theſe lands, the eſtates, reſtored to the old proprietors, by the articles of Limerick and Galway, are valued at 724,923l. and thoſe reſtored by royal favour, at 260,863l. after theſe and ſeveral other allowances, the groſs value of all the eſtates forfeited ſince the 13th of February 1688, and not reſtored, amounts to - -	1,699,343

The number of grants and cuſtodiams, ſince the battle of the Boyne, under the great ſeal of England, are 76, ſome of the principal of which are mentioned, namely,

	Acres,
To the lord Romney, three grants of - -	49517
To the earl of Albermarle, two grants of - -	108,633
To William Bentinck (lord Woodſtock) - -	135,820
To the earl of Athlone (occaſioned by the parliament of Ireland)	26,480
To the earl of Galway - - - -	36,148
To the earl of Rochford, two grants of - -	30,512
To the lord Coningſby, - - - -	5,966
To colonel Guſtavus Hamilton, for his ſervices in wading through the Shannon and ſtorming Athlone, at the head of the Engliſh grenadiers, - - -	5,582
To ſir Thomas Pendergraſs, for diſcovering the aſſaſſination-plot, - - - -	7,082

It is alſo obſerved, that ſeveral of the grantees had raiſed great ſums of money, by the ſale of their lands amounting, in all, to 68,155l. particularly, the earl of Athlone (his grant being confirmed by act of parliament) had ſold to the amount of 17,684l. the lord Romney, 30,147l. and the earl of Albermarle, 13,000l.

In theſe and moſt other articles, the commiſſioners all agreed; but a difference aroſe amongſt them on account of king James's private eſtate, granted to him when duke of York. This eſtate three of the commiſſioners, and particularly Leving, would not allow to be forfeited, and conſequently ought not to be reported. Whilſt they were debating this matter, Mr. Arthur Moore, member of the houſe of commons, ſent them a letter of his own private motion, wherein he directed them, 'to make a ſeparate article of the lady Orkney's grants, becauſe that might reflect upon ſome body,' meaning the king. Mr. Montague chancellor of the Exchequer, having learned the contents of Moore's letter, and being zealous to vindicate the king's honour, which he thought was ſtruck at in that letter, complained of it to the houſe. Being preſſed to tell his author, he at firſt excuſed himſelf, alledging, that he was under a private obligation not to reveal what had paſſed in private converſation; but the houſe inſiſting upon it, he named Mr. Methuen, lord chancellor of Ireland, who was alſo a member of the houſe; but he denied poſitively that he had ever mentioned any ſuch thing. The houſe therefore reſolved on the 15th of January, "That the ſaid report was falſe and ſcandalous;" and a motion being made, 'That the four commiſſioners for Iriſh forfeitures, who ſigned the report preſented to the houſe, had acquitted themſelves in the execution of that commiſſion with underſtanding and integrity,' a warm debate aroſe thereupon, which was adjourned to the next day, when the commons reſolved, 'That the four commiſſioners had acquitted themſelves in the execution of their commiſſion with underſtanding, courage, and integrity: that ſir Richard Leving had been the author of the groundleſs and ſcandalous aſperſions caſt upon the four commiſſioners. And that ſir Richard Leving be committed priſoner to the Tower of London for his offence. However, after all, this eſtate was placed at the end of the report, in a different manner from the reſt. We ſhall conclude (ſay the four commiſſioners who ſigned the report) by laying before your honours another grant of a conſiderable value, which we are apprehenſive does not fall within the letter of our inquiry; but ſince the benefit of ſome forfeited leaſes or holdings are therein granted, we chooſe rather to lay the whole grant before you, than be thought deficient in executing any part of our duty, or what might be expected from us.

A grant under the great ſeal of England, dated the 30th of May, 1695, paſſed to Mrs. Elizabeth Villers, now counteſs of Orkney, of all the private eſtates of the late king James (except ſome ſmall part in grant to the lord Athlone) containing 95,649 acres, worth yearly 25,995l. 18s. value 337,943l. There is payable out of this eſtate 2000l. a year, to the lady Suſannah Bellaſis for her life, and 1000l. a year to Mrs. Godfrey for her life, and almoſt all the old leaſes determine in May 1701, and then the eſtate will anſwer the values above mentioned.

This report was ſigned by Anneſly, Trenchard, Hamilton, and Longford. The other three refuſed to ſign it, upon account of this and ſeven other articles of the ninety. They gave their reaſons for it, in a letter to the lord chancellor, November 1699, and in another to the ſpeaker; but the houſe would not hear it read, becauſe the other four commiſſioners, whoſe conduct was complained of in the letter, had not ſet their hands to it.

The report was likewiſe animadverted upon, in a tract intitled, Jus Regium, or the king's right to grant forfeitures, &c. This author brings down the value of the forfeitures, to 780,000l. out of which he deducts all the debts and incumbrances, with three years profits of the lands for the expences of the truſt, and allows, that they will yield 500,000l. in Ireland. He gives an inſtance of the commiſſioners over-valuing the lands in the private eſtate of king James, being a grant to him, when duke of York, of all the eſtates of the Regicides. Inſtead of 95,649 acres, he reduces them to 78,915, and the yearly value of them from May 1701, when all the old leaſes are determined, to 8,489l. inſtead of 25,965l. ſubject to the annuities abovementioned, beſides 10,000l. in arrear to the lady Bellaſis: there had been 9,887l. received for fines, out of this eſtate, by Mr. Broderick and Mr. Pooley, which are loſt to the tenants by the reſumption: the author, in the ſame manner, examines all the then grants, and ſhews, that the commiſſioners were deceived both in the number of acres, and value of the eſtates. St. Tracts II. 709—773.

[p] Accordingly, on the 7th of March, the commons reſolved, that the ſum of 1000l. be paid to the earl of Drogheda, Francis Anneſly, John Trenchard, James Hamilton, Henry Langford, and to James Hooper ſecretary to the commiſſioners; and the ſum of five hundred only to ſir Richard Leving and ſir Francis Brewſter, in conſideration of their expences; which ſums were ordered to be paid out of the Iriſh forfeitures.

After this on the 18th of January, it was farther reſolved by the commons, that the adviſing, procuring, and paſſing theſe grants had occaſioned great debts upon the nation, and heavy taxes upon the people, and highly reflected on the king's honour; and that the officers and inſtruments, concerned in the ſame, had highly failed in the performance of their truſt and duty. Then it was voted, that this reſolution ſhould be preſented to the king, in the form of an addreſs, which was accordingly done on the 21ſt of February, to which the king, five days after, returned this anſwer.

Gentlemen,

"I was not only led by inclination, but thought myſelf obliged in juſtice, to reward thoſe who had ſerved well, and particularly in the reduction of Ireland, out of the eſtates forfeited to me, by the rebellion there.

"The long war by which we were engaged, did occaſion great taxes, and has left the nation much in debt; and the taking juſt and effectual ways for leſſening that debt, and ſupporting public credit, is what in my opinion, will beſt contribute to the honour, intereſt, and ſafety of this kingdom."

[1700] The commons were ſo provoked with this anſwer, that they reſolved, that whoſoever had adviſed it, had uſed his utmoſt endeavours to create a miſunderſtanding and jealouſy between the king and his people. They then proceeded on the bill of reſumption, which being finiſhed, they paſſed, the 2d of April. In juſtification of their proceedings, they ordered the report of the commiſſioners for the Iriſh forfeitures to be publiſhed; "and that the reſolution of the 18th of January laſt; the reſolution of the 4th of April 1690, relating to the forfeited eſtates; his majeſty's ſpeech to both houſes, the 5th of January 1690-1; the addreſs of the houſe to the king, the 15th of February laſt; his majeſty's anſwer thereunto, the 26th of the ſame February; and the reſolution of the houſe thereupon; and laſtly, the addreſs of the houſe of commons of the 4th of March 1692-3, and his majeſty's anſwer thereunto, be alſo re-printed with the report;" and they reſolved, "That the procuring or paſſing exorbitant grants by any member now of the privy-council, or by any other, that had been a privy-councillor, in this or any former reign, to his uſe or benefit, was a high crime and miſdemeanor."

In the bill of reſumption little regard was ſhewn to the purchaſes made under thoſe grants, and to the great improvements made by the purchaſers or tenants, which were ſaid to have doubled the value of thoſe eſtates. However, that ſome juſtice might be done both to purchaſers and creditors, thirteen truſtees were named, in whom all the forfeited eſtates were veſted, and they had a very great and uncontrolable authority lodged with them, of hearing and determining all juſt claims, relating to thoſe eſtates, and of ſelling them to the beſt purchaſers; and the money, to be raiſed by this ſale, was appropriated to pay the arrears of the army [q]. Among all the caſes, that of the earl of Athlone's was the moſt ſingular. The houſe of commons had been ſo ſenſible of his good ſervice in reducing Ireland, that they had made an addreſs to the king, to give him a recompence ſuitable to his ſervices. And the parliament of Ireland was ſo ſenſible of their obligations to him, that they confirmed this grant of between two and three thouſand pounds a year. He had ſold it to thoſe, who thought they had purchaſed under an unqueſtionable title; yet all that was now ſet aſide, no regard being had to it; ſo that this eſtate was thrown into the heap. Some exceptions were made in the bill in favour of ſome grants, and proviſion was made for rewarding others, whom the king, as they thought, had not enough conſidered. Great oppoſition was made to this by ſome, who thought, that all favours and grants ought to be given by the king, and not originally by an houſe of parliament; and this was managed with great heat, even by ſome of thoſe, who concurred in carrying the bill. In concluſion, it was, by a new term, as well as a new invention, conſolidated with the money-bill, that was to go for the pay of the fleet and army; and, under the title of a bill, for granting an aid to his majeſty, by the ſale of the forfeited and other eſtates and intereſts in Ireland, and by a land-tax in England, for the ſeveral purpoſes therein mentioned, was carried up to the houſe of lords, which by conſequence they muſt either paſs or reject. The method that the court took in the houſe of lords to oppoſe it, was to offer ſome alterations, which were indeed very juſt and reaſonable: but ſince the commons would not ſuffer the lords to alter money-bills, this was in effect to loſe it. The court, upon ſome previous votes, found they had a majority among the lords; ſo, for ſome days, it ſeemed to be deſigned to loſe the bill, and to venture on a prorogation or a diſſolution, rather than paſs it. The bill being ſent down with ſome alterations to the commons, they not only diſapproved them, but began to fly out into high votes both againſt the miniſters and favourites, and ordered a liſt of the privy council to be laid before them. There were ſeveral conferences between the two houſes, in which the lords ſtrongly inſiſted on their amendments. The commons were ſo exaſperated at this, that they ordered the lobby of their houſe to be cleared of all ſtrangers; the back-doors of the ſpeaker's chamber to be locked up; and that the ſergeant ſhould ſtand at the door of the houſe, and ſuffer no members to go forth; and then proceeded to take into conſideration the report of the Iriſh forfeitures, and the liſt of the lords of the privy council; and a queſtion was moved, "That an addreſs be made to his majeſty to remove John lord Sommers, lord chancellor of England, from his preſence, and councils for ever," but it was carried in the negative by a greater majority, than had appeared at the beginning of the ſeſſion.

The lord Sommers, during theſe debates, was ill; and the worſt conſtruction poſſible was put upon that; for it was ſaid, that he adviſed all the oppoſition, which was made to the bill in the houſe of lords, but that, to keep himſelf out of it, he feigned that he was ill; though his great attendance in the court of chancery, the houſe of lords, and at the council table, had ſo impaired his health, that every year, about that time, he uſed to be brought very low, and diſabled from buſineſs. The king ſeemed reſolved to venture on all the ill conſequences, that might follow the loſing this bill, though they would probably have been very fatal. As far as could be judged, either another ſeſſion of that parliament, or a new one, would have baniſhed the favourites, and begun the bill anew, with the addition of obliging the grantees to refund all the mean profits. Many in the houſe of lords, who in all other things were very firm to the king, were for paſſing this bill, notwithſtanding his earneſtneſs againſt it, ſince they apprehended the ill conſequences that were likely to follow, if it were loſt. Biſhop Burnet was one of theſe; and the king was much diſpleaſed with him for it. The biſhop ſaid, that he would venture his majeſty's diſpleaſure, rather than pleaſe him in that, which he feared would be the ruin of his government; not apprehending at that time, what injuſtice lay under many of the clauſes in the bill, which appeared afterwards ſo evidently, that the very ſame perſons who drove on the bill, were convinced of them, and redreſſed ſome of them in acts that paſſed in ſubſequent ſeſſions [r].

The king became ſullen upon all this, and upon the many incidents, that are apt to fall in upon debates of this nature. He either did not apprehend in what ſuch things might end, or he was not much concerned at it. His reſentment, which was much provoked, broke out into ſome inſtances, which gave ſuch handles to his enemies, as they wiſhed for; and they improved thoſe advantages, which his ill conduct gave them, with much ſpite and induſtry, ſo as to alienate the nation from him. It was once in agitation among the party, to make an addreſs to him againſt going beyond ſea; but even that was diverted with a malicious deſign. Hitherto the body of the nation retained a great meaſure of affection to him. This was beginning to diminiſh by his going ſo conſtantly beyond ſea, as ſoon as the ſeſſion of parliament

[q] On the 26th of March, the commons, having conſidered of the number, qualifications, and manner of chuſing the truſtees for the bill of Iriſh forfeitures, reſolved, 'That the number of truſtees be thirteen: that no perſon be a truſtee, who had any office of profit, or was accountable to his majeſty, or was a member of this houſe: and that the truſtees be choſen by ballotting.' Two days after, the ſeveral members having given in liſts of thirteen perſons names, which were put into claſſes, the majority fell upon Francis Anneſly, James Hamilton, John Baggs, John Trenchard, James Iſham, Henry Langford, James Hooper, ſir Cyril Wyche, John Cary, ſir Henry Sheres, Thomas Harriſon, ſir John Warden, William Fellowes, and Thomas Rawlins. The two laſt having equal voices, one of them muſt have been left out; but the houſe being informed, that ſir John Warden was a baron of the Exchequer in the county palatine of Cheſter during his life, at a yearly ſalary from the crown, it was reſolved, that ſir John Warden was not capable of being a truſtee in the bill, and ſo the other two ſtood.

[r] The biſhop ſays, if he had rightly underſtood that matter in time, he would never have given his vote for ſo unjuſt a bill. He only conſidered it as an hardſhip put on the king, many of his grants being thus made void, ſome of which had not been made on good and reaſonable conſiderations, ſo that they could hardly be excuſed, much leſs juſtified. He thought the thing was a ſort of force, to which it ſeemed reaſonable to give way at that time, ſince the king's friends were not furniſhed with an equal ſtrength to withſtand it. But, when he ſaw afterwards, what the conſequences of this act proved to be, he firmly reſolved never to conſent again to any tack to a money-bill, as long as he lived.

The

was ended, though the war was now over. Upon this it grew to be publickly ſaid, that he loved no Engliſhman's face nor his company. His enemies therefore reckoned that it was fit for their ends to let that prejudice increaſe in the minds of the people, till they might find a proper occaſion to ingraft ſome bad deſigns upon it.

The ſame day that the motion was made againſt the lord chancellor Sommers, the commons reſolved, 'That an addreſs be made to his majeſty, that no perſon, who was not a native of his dominions, except his royal highneſs prince George of Denmark, be admitted to his majeſty's councils in England or Ireland.' But, before this addreſs could be preſented, the king came the next day to the houſe of peers, and, after paſſing the bill about the forfeited eſtates, with ſeveral others, commanded the earl of Bridgwater, who was ſpeaker of the houſe in the abſence of the lord Sommers, to prorogue the parliament to the 23d of May. Thus ended a ſeſſion, by the proceedings of which men of all ſides were put into a very ill humour [s].

Among the acts of this ſeſſion a very remarkable one paſſed againſt the papiſts. A complaint being made by the clergy of Lancaſhire, of the growth of popery, and a petition offered for more effectual methods to put a ſtop to it, a bill was propoſed, that obliged all perſons educated in that religion, or ſuſpected to be of it, who ſhould ſucceed to any eſtate before they were of the age of eighteen, to take the oaths of allegiance and ſupremacy, and the teſt, as ſoon as they came to that age; and, till they did it, the eſtate was to devolve to the next of kin, that was a proteſtant; but was to return back to them, upon their taking the oaths. All popiſh prieſts were alſo baniſhed by the bill, and were adjudged to perpetual impriſonment, if they ſhould again return into England; and the reward of an hundred pounds was offered to every one, who ſhould diſcover a popiſh prieſt, ſo as to convict him.

Thoſe, who brought this into the houſe of commons, hoped, that the court would have oppoſed it; but the court promoted the bill; ſo, when the party ſaw their miſtake, they ſeemed willing to let the bill fall: and when that could not be done, they clogged it with many ſevere and ſome unreaſonable clauſes, hoping that the lords would not paſs the act; and it was ſaid, that, if the lords ſhould make the leaſt alteration in it, they, in the houſe of commons, who had it ſet on, were reſolved to let it lie on their table, when it ſhould be ſent back to them. Many lords, who ſecretly favoured papiſts, on the jacobite account, did, for this very reaſon, move for ſeveral alterations; ſome of theſe importing a greater ſeverity; but the zeal againſt popery was ſuch in that houſe, that the bill paſſed without any amendment, and it had the royal aſſent. Biſhop Burnet, notwithſtanding his principles for toleration, and againſt perſecution for conſcience-ſake, was for this bill. He had always thought, that, if a government found any ſect in religion incompatible with its quiet and ſafety, it might, and ſometimes ought to ſend away all that ſect, with as little hardſhip as poſſible. This act hurt no man that was in the preſent poſſeſſion of an eſtate; it only incapacitated his next heir, to ſucceed to that eſtate, if he continued a papiſt; ſo the danger of this, in caſe the act ſhould be well looked to, would put thoſe of that religion, who are men of conſcience, on the ſelling their eſtates; and, in the courſe of a few years, might deliver us from having any papiſts left among us. But this act wanted ſeveral neceſſary clauſes, to inforce the due execution of it; the word, 'next of kin,' was very indefinite, and the 'next of kin' was not obliged to claim the benefit of this act, nor did the right deſcend to the remoter heirs, if the more immediate ones ſhould not take the benefit of it; the teſt, relating to matters of doctrine and worſhip, did not ſeem a proper ground for ſo great a ſeverity; ſo this act was not followed nor executed in any ſort; but here is a ſcheme laid, though not fully digeſted, which on ſome great provocation, given by thoſe of that religion, may diſpoſe a parliament to ſuch clauſes in a new act, as may make this effectual.

The duke of Norfolk, taking advantage of the precedent made the laſt year, in the caſe of the earl of Macclesfield, lodged a bill in the houſe of peers, 'to diſſolve his grace's marriage with the lady Mary Mordaunt, and to enable him to marry again,' which in a few days paſt both houſes, notwithſtanding the oppoſition of the ducheſs of Norfolk [t].

The ſeſſion being ended (as was obſerved) ſo much to the diſſatisfaction of all parties, the leaders of the tories ſeemed reſolved to puſh a change of miniſtry. They began with inſinuating to the favourites the neceſſity of the king's removing the lord Sommers, who, as he was conſidered as the head of the whigs, ſo his wiſe counſels, and his modeſt way of laying them before the king, had gained him a great ſhare of his eſteem and confidence; and it was reckoned, that the chief ſtrength of the party lay in his credit with the king, and in the prudent methods he took to govern the party, and to moderate that heat and thoſe jealouſies, with which the king had been ſo long diſguſted, in the firſt years of his reign. Every method had been tried for his removal. He had, in the firſt place, been particularly charged in the houſe of commons, for turning many gentlemen out of the commiſſion of

[s] The king writ the following letter to the earl of Galway, ſoon after the prorogation of the parliament.

Hampton-Court, May 11, 1700.

It is a good while ſince I writ to you laſt. The reaſon is, that being always uncertain of the iſſue of the laſt ſeſſion of parliament, I was unwilling to anſwer any of your letters. You may judge, what vexation all their extraordinary proceedings gave me, and I aſſure you, your being deprived of what I gave you with ſo much pleaſure, was not the leaſt of my griefs. I hope, however, that I ſhall be in a condition to acknowledge the good ſervices you have done me, and you may depend upon it, I ſhall earneſtly ſeek occaſions ſo to do. It ought to be ſome ſatisfaction to you, in the juſt reſentment of what concerns you, that nobody could blame your conduct; on the contrary, all appeared ſatisfied with it, and the vote, which paſſed in anger the laſt day, concerns you but indirectly. And I can aſſure you, that you was in no way the occaſion of it. There have been ſo many intrigues, in this laſt ſeſſion, that, without having been on the ſpot and well informed of every thing, it cannot be conceived. It will be impoſſible for me to continue the commiſſion of the lords juſtices in Ireland, as it is at preſent; ſo I have reſolved to ſend thither the duke of Shrewſbury as viceroy, and that you command the army under him. Do not think that this will be a degradation, nobody here will take it to be ſo, and I know that every one wiſhes it, and believes it abſolutely neceſſary for my ſervice. I am fully perſuaded, as I hope, that you will not refuſe to accept of this command, nor relinquiſh my ſervice. I aſſure you, I never had more occaſion, than at preſent, of perſons of your capacity and fidelity. I hope I ſhall find opportunities to give you marks of my eſteem and friendſhip, and I would not engage you in this, were I not aſſured that no hurt can happen to you from it: But I know it will meet with a general approbation, and doubt not your friends will ſay the ſame, and I am glad to tell you, you have a great many and among all parties.

WILLIAM R.

The duke of Shrewſbury refuſing to go to Ireland, there was no change made in the government, till the king's return from Holland.

[t] The duke had applied to the houſe of lords, in the year 1694, for a divorce, which occaſioned great and long debates; and on which biſhop Burnet thus remarks: In the latter ages of popery, when marriage was reckoned among the ſacraments, an opinion grew to be received, that adultery did not break the bond, and that it could only intitle to a ſeparation, but not ſuch a diſſolution of the marriage, as gave the party, that was injured, a right to marry again. This became the rule of the ſpiritual courts; though there was no definition made about it, before the council of Trent. At the time of the reformation, a ſuit of this nature was proſecuted by the marquis of Northampton: The marriage was diſſolved, and he married a ſecond time; but he found it neceſſary to move for an act of parliament, to confirm this ſubſequent marriage: In the reformation of the eccleſiaſtical laws, that was prepared by Cranmer and others, in king Edward's time, a rule was laid down, allowing of a ſecond marriage, upon a divorce for adultery. This matter had lain aſleep above an hundred years, till the preſent duke of Rutland, then lord Roos, moved for the like liberty. At that time a ſceptical and libertine ſpirit prevailed, ſo that ſome began to treat marriage, only as a civil contract, in which the parliament was at full liberty to make what laws they pleaſed: and moſt of king Charles's courtiers applauded this, hoping that the king might be divorced from the queen. The greater part of the biſhops apprehending the conſequence the lord Roos's act might have, oppoſed every ſtep that was made in it; though many of them were perſuaded, that, in the caſe of adultery, when it was fully proved, a ſecond marriage might be allowed. In the duke of Norfolk's caſe, as the lady was a papiſt, and a buſy jacobite, ſo a great party appeared for her. All that favoured the jacobites, and thoſe who were thought engaged in lewd practices, eſpouſed her concern with a zeal that did themſelves little honour. Their number was ſuch, that no progreſs could be made in the bill, though the proofs were but too full, and too plain. But the main queſtion was, whether, ſuppoſing the matter fully proved, the duke of Norfolk ſhould be allowed a ſecond marriage? The biſhops were deſired to deliver their opinions, with their reaſons: All thoſe who had been made during the preſent reign, were of opinion, that a ſecond marriage in that caſe was lawful, and conformable, both to the words of the goſpel, and to the doctrine of the primitive church: and that the contrary opinion was ſtarted in the late and dark ages; But all the biſhops, that had been made by the two former kings, were of another opinion, though ſome of them could not well tell why they were ſo. Here was a colour for men who looked at things ſuperficially, to obſerve that there was a difference of opinion between the laſt made biſhops, and thoſe of an elder ſtanding. From which they inferred, that we were departing from the received doctrine of our church; and upon that topic, the earl of Rocheſter charged us very vehemently. The bill was let fall at this time. An act paſſed this ſeſſions for continuing the old Eaſt-India company a corporation. The company, finding that their friends prevailed in the houſe of commons, took the opportunity of getting a bill brought in their favour; which, notwithſtanding the oppoſition of the new company, and the endeavours of the court, paſſed both houſes, and received the royal aſſent.

Another incident happened this ſeſſion. The Rev. Mr. Stephens, preaching before the houſe of commons, on the 30th of January, inſtead of aggravating, ſeemed to vindicate the putting king Charles to death, and endeavoured to perſuade his auditors, that the obſervation of that day ſhould be aboliſhed. This produced, inſtead of thanks, an order, that, for the future, no perſon ſhould preach before the houſe, that was not a dean or doctor of divinity.

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JOHN LORD SOMERS.

G. Kneller Pinx.t *Geldar Sculp.t*

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the peace [u]. This was much aggravated, and raiſed a very high complaint againſt him; but there was no juſt cauſe for it: When the deſign of the aſſaſſination and invaſion, in the years 1695 and 1696, was diſcovered, a voluntary aſſociation was entered into, by both houſes of parliament, and that was ſet round the nation: In ſuch a time of danger, it was thought, that thoſe, who did not enter voluntarily into it, were ſo ill affected, or at leaſt ſo little zealous for the king, that it was not fit they ſhould continue juſtices of the peace: So an order paſſed in council, that thoſe, who had ſo refuſed, ſhould be turned out of the commiſſion: He had obeyed this order, upon the repreſentations made to him, by the lords lieutenants and the 'cuſtodes rotulorum' of the ſeveral counties, who were not equally diſcreet: Yet he laid thoſe repreſentations before the council, and had a ſpecial order for every perſon that was ſo turned out. All this was now magnified, and it was charged on him, that he had adviſed and procured theſe orders; yet this could not be made ſo much as a colour to proceed againſt him, a clamour and murmuring was all that could be raiſed from it. This method not having produced any great effects, another had been tried. It had been endeavoured to raiſe a diſſatisfaction againſt him by appeals from many of his judgments, yet very few of them received alteration, and his character was raiſed inſtead of being hurt by theſe attacks [w]. After theſe and other methods of ſhaking lord Sommers's credit had failed, the tories now ſtudied

[u] With a view to him, it was that a bill was ſet on in the houſe of commons, 'qualifying juſtices of the peace;' and a committee appointed 'to inſpect the commiſſions of the peace and commiſſions for deputy-lieutenants, as they now ſtand, and as they were for ſeven years laſt paſt.' This committee having made their report to the houſe, that not only many perſons diſſenting from the church of England, but men of ſmall fortunes, and who conſequently had an entire dependence on the court, were put into thoſe places, the commons on the 26th of March reſolved, 'That an addreſs be made to his majeſty, that it would much conduce to the ſervice of his majeſty and the good of this kingdom, that gentlemen of quality and good eſtates be reſtored and put into the commiſſions of the peace and lieutenancy; and that men of ſmall eſtates be neither continued nor put into the commiſſions." Which addreſs being preſented the king by the whole houſe, he told them, "That he was of opinion, that men of the beſt quality and eſtates were moſt proper to be intruſted in the commiſſions of the peace and lieutenancy; and that directions ſhould be given accordingly,'

[w] Among theſe appeals, one caſe in particular, commonly called the bankers caſe, which had given occaſion to clamour, becauſe of the extenſive conſequences following the determination in regard to the property of large numbers, was brought before the houſe of lords, the final reſort both in law and equity. It is well known in what manner king Charles had mortgaged the whole revenue of the crown to the bankers for an immenſe debt, and paid intereſt at the rate of 8 per cent, while thoſe who intruſted the bankers received only 7 per cent. In the year 1672, the Exchequer payments were ſtopped, and multitudes ruined. About five years after, he granted his letters patent to all perſons concerned for the annual penſion of 6 per cent, out of the hereditary exciſe, given by parliament inſtead of the wards and liveries 12 Ch. II. and upon the principal ſums due to them, on delivering up their ſecurities, and accepting proportionable aſſignments in ſatisfaction of their debts. The payments were made regularly by virtue of thoſe letters patent down to Lady-day 1683, and then no more iſſued for the remainder of king Charles's reign, the whole reign of king James, and for three quarters of a year from after the revolution, when a ſuit was inſtituted in the court of Exchequer, praying the aid of it to enforce the payment of the arrears and growing ſums, at the receipt, agreeable to the terms of the letters patent. The two principal queſtions ſtated in the arguments were,

1. Whether the grants made by king Charles II, of the annual ſums of the hereditary exciſe to the goldſmiths, their heirs and aſſigns, were effectual in law, and did charge this revenue, in time of his ſucceſſors.

Whether the remedy, purſued by the parties in the cauſe, was warranted by the law or courſe of the Exchequer? The chief baron and two others were of opinion with the bankers in both theſe points. Baron Lechmere differed in both.

Upon this judgment, a writ of error came before the lord keeper in the Exchequer chamber, who called the judges to his aſſiſtance. It was ſolemnly argued by each of them. And they all agreed as to the firſt, that the letters patent were binding in law: That the king has power to alien or charge thoſe revenues, of which he is ſeized in fee, without an act of parliament: That the cuſtom of exciſe was purchaſed by him, for a valuable conſideration, that is, accepted in lieu of the profits ariſing from the wards and liveries. As to the objection, that this power of alienating may be a prejudice to the people, the law entertains no ſuch diſhonourable thoughts of the king, as to ſuppoſe, he will act wrong in the things ſubmitted to his power. That the objection is repugnant to the conſtitution of the government. Suppoſe the realm ſhould be in preſent danger of invaſion, if the king could not raiſe money by alienating his revenue, the nation muſt periſh; and therefore, kings of England have formerly borrowed ſeveral ſums of money, by mortgaging their lands. That it has been the conſtant uſage of our princes to reward deſerving miniſters out of the crown revenues, which proceeds on the great maxim, that rewards is one of the main pillars of government. As to the diſtinction taken between the alienating the antient demeſne lands derived to the king, either by deſcent or purchaſe, and this revenue of exciſe ſettled by parliament, and therefore unalienable, it was ſaid, the law reſtrained not the king from aliening any ſpecies of his revenue: That the land in antient demeſne ſeemed moſt appropriate to the king's uſe of all his revenues, becauſe they had ſeveral privileges relating to the king; as not to be impleaded out of the manor, to be free of toll for all things concerning their ſuſtenance and huſbandry, not to be impannelled on any inqueſt; and yet even theſe were alienable: That what reaſon can be aſſigned, why ſome eſtates ſhould be aliened, and ſome not? Why may not the king as well alien theſe eſtates, as they might formerly the flowers of his crown, a county palatine with royal rights? An eſtate, ſettled on a ſubject by act of parliament, is ſubject to his alienation, why not in the caſe of the king? It appears in fact, that all the monaſtery lands given by act of parliament, and that by general words, as in this law which ſettled the hereditary exciſe, were aliened by the king. So the cuſtoms have always been granted and charged in like manner, without controverſy. As to the objection that the exciſe was given inſtead of unalienable inheritances, as wards, liveries, and purveyances, it was ſaid, that it did not appear how the nature of one kind of inheritance could affect another. But even theſe were in effect alienable, becauſe they might have been releaſed, as were ſometimes ſervices 'in capite.' That 'Forteſcue, de Laudibus Legum Angliæ,' expreſsly diſcourſing of the reſtraints laid upon the crown, would not have omitted to mention the unalienable nature of the revenue, if this point had not been clearly admitted. Eſpecially as there were ſo many grants made in Henry VIth's time, and ſo many acts of reſumption, which are a demonſtration that thoſe grants could not be revoked but by act of parliament.

To the ſecond point, all the judges, except Treby, chief juſtice, and Lechmere, were of opinion, that the remedy was legal, and they relied entirely upon two precedents in Plowden's commentaries, ſir Thomas Wroth's caſe, and ſir H. Neville's caſe, in the Exchequer; upon which thoſe proceedings had been formed. The one was the demand of an annuity, granted to ſir Thomas Wroth by Henry VIII, out of the treaſury, in the hands of the treaſurer of the court of augmentations, under the ſeal of that court: The other, of a rent charge iſſuing out of the lands, ſubject to the ſurvey of the ſame court, and payable there. Judgment had been given for the parties in like manner, as in the preſent caſe.

My lord chief juſtice Treby applied himſelf to ſhew, that theſe two caſes were founded upon particular reaſons, and not upon the common law, or courſe of the Exchequer. By the ſtatute 27 Henry VIII. c. 27. all lands purchaſed, or to be purchaſed by Henry VIII, were put under the juriſdiction of that court; that the lands, in ſir H. Neville's caſe came within this ſtatute; and by an act paſſed 1 Mary, and the queen's letters patent ſubſequent, this court and all its powers were united to that of the Exchequer. That it proceeded in a ſummary way, and partly in nature of a court of equity.

Baron Lechmere ſaid in the Exchequer, that lord Hale had formerly declared, theſe precedents were not to be urged as precedents of the juriſdiction of the Exchequer, in things properly and originally of its own cognizance.

Lord chief juſtice Holt endeavoured to anſwer this reaſoning, firſt, by ſhewing, from a determination in Dyer, 4 Elizabeth, that the court of augmentations was never united to the Exchequer, and that queen Mary, ſubſequent to the act in the firſt of her reign, having by her letters patent of one day diſſolved that court, and, by her letters patent of the next, united the ſame to the Exchequer; the ſecond letters patent came too late, and were void. Conſequently, there was no acceſſion of power to the Exchequer, and the revenues of the court of augmentations fell naturally under its government; and, therefore, ſir Thomas Wroth, and ſir H. Neville, came to the court of Exchequer, as to an original court of revenue. Secondly, that, admitting it to be true, the court of augmentations was united, yet it did not appear, that the court of augmentations had any eſpecial powers, to give relief to grantees of annuities and rents; that the act, by which it was erected, made it a court of record and a court of revenue, to ſuch and ſuch lands: Whence it ſeemed to follow, that in the court of augmentations, as of wards and ſurveyors, ſuch relief was given by a right incident to it, as a court of revenue; and in imitation of what the Exchequer, the old court of revenue, could do before, by common law.

Lord Sommers delivered his opinion in the month of June 1696, and confined his reaſonings entirely to the ſecond queſtion. He ſet himſelf very elaborately to ſhew that the remedy purſued by the parties was illegal, and might be attended with the utmoſt danger to the diſpoſal of the public revenue, and treaſure of the crown, of which the law has always had a ſuperlative care, as that on which the ſafety of the king and kingdom muſt in all ages depend. To the firſt argument of lord Holt, he anſwered, that the ſtatute 1 Mary, c. 10. did impower the queen to diſſolve the court of augmentations, and to unite the court ſo diſſolved, to that of the Exchequer by letters patent, both parts of which power ſhe literally purſued. That on a ſubject of philoſophy, or ſpeaking of the natural exiſtence of things, it would be abſurd to ſay, what it annihilated one day, ſhall have yet ſuch an exiſtence as to be united to any thing the day following. But ſpeaking on a legal ſubject, where fictions and relations and concluſions have place, nothing could be of more eaſy or obvious conception. He ſaid, every thing ought to be expounded favourably in ſupport of the queen's intention, in following the expreſs directions of an act of parliament: and that the ſtatute 1 Elizabeth, c. 4. did, fully and in terms, declare the validity of this union. To the ſecond he anſwered, both from undoubted maxims of law, and accurate deductions of precedents; he ſhewed, that anciently the barons of the exchequer did at no time before the union of the courts of augmentations, and firſt fruits, both erected by Henry the VIIIth, give relief to grantees of rents or annuities in this manner, immediately upon application to them. That the party uſed previouſly to apply to the king by petition of right, and the treaſurer and barons were authoriſed by the great or privy ſeal, or by ſpecial indorſement upon the petition, giving them power to examine into the demand; but even their determination had no other effect than that of a certificate, nor could enforce the payment. The warrant for the payment, to be made at the receipt of the exchequer, muſt be obtained from the king, under the great or privy ſeal. Therefore this juriſdiction could not be originally incident, in notion of law, to a court of revenue as ſuch. That the court of exchequer, indeed, after the transfer of the powers of the augmentations and firſt fruits, did exerciſe them to the ſeveral purpoſes, and in reſpect of the lands, before under the ſurvey of thoſe courts. From whence the inference was plain, not that thoſe courts in exerciſing theſe powers purſued the courſe of the exchequer, but the exchequer, in taking a new courſe after the union, did act according to their manner, and ſupply their place. That, had it not been ſo, the erection of thoſe courts had been vain at firſt, becauſe the exchequer could have done the buſineſs as well. He then ſhewed, in what manner Henry the VIIIth, affecting power, and having great deſigns, endeavoured to get ſome parts of the revenue more immediately under his private and perſonal direction, than the old regular conſtitution of the exchequer would allow. To that end, he procured acts of parliament in different years of his reign, erecting the court of general ſurveyors, the court of firſt fruits and tenths, and the court of augmentations. The firſt and laſt of theſe, in the 38th year of his reign, were incorporated; and, in the firſt of queen Mary, were annexed to the exchequer. He proved that ſuch a juriſdiction, as that now contended for, was unknown to every author who

to get it infuſed into the king, that all the hard things, that had been of late put on him by the parliament, were occaſioned by that hatred that was borne to his miniſters; and that, if his majeſty would change hands, and employ others, matters might be ſoftened and mended in another parliament. With this the earl of Jerſey endeavoured to poſſeſs the earl of Albemarle; and the uneaſineſs the king was in, diſpoſed him to think, that, if he ſhould bring in a ſet of tories into his buſineſs, they would ſerve him with the ſame zeal, and with better ſucceſs, than the whigs had done; and he hoped to throw all upon the miniſters, that were now to be diſmiſſed.

The firſt time that the lord Sommers recovered ſo much health, as to come to court, the king told him, That it ſeemed neceſſary for his ſervice, that he ſhould part with the ſeals; and he wiſhed, that he would make the delivering them up his own act. Upon this, the lord Sommers took the liberty to ſpeak freely to the king, in words to this effect; That he very well knew what his enemies aimed at, by their abuſing and perſecuting him as they had of late done: The ſeal was his greateſt crime; and, if he quitted that, he ſhould be forgiven; but, knowing what ill uſe would be made of it, if it were put into their hands, he was reſolved, with his majeſty's permiſſion, to keep it in defiance of their malice, and to ſtand all the trials they ſhould put upon him, with the ſupport of his innocence, and the hopes of being ſerviceable to his majeſty: He feared them not; and did not doubt, but, if his majeſty would be as firm to his friends as they would be to him, they ſhould be able to carry whatever points he had in view for the public welfare, in a new parliament. The king ſhook his head a little, as a ſign of his diffidence, and only ſaid, 'It muſt be ſo[x].' However, the lord Sommers perſiſted in refuſing to deliver up the ſeals as his own act. All his friends had preſſed him not to offer them, ſince that ſeemed to ſhew fear or guilt. He begged therefore the king's pardon, if in this he followed their advice; but he told his majeſty, whenever he ſhould ſend a warrant under his hand, commanding him to deliver them up, he would immediately obey it. The order was accordingly brought by lord Jerſey on the 17th of April 1700, and upon it the ſeals were ſent to the king. Thus the lord Sommers was diſcharged from this great office, which he had held ſeven years with a high reputation for capacity, integrity, and diligence. His being thus removed was much cenſured by all, but thoſe who procured it. Our princes uſed not to diſmiſs miniſters, who ſerved them well, unleſs they were preſſed to it by a houſe of commons, that refuſed to give money, till they were laid aſide. But here a miniſter, who was always vindicated by a great majority in the houſe of commons, when he was charged there, and who had ſerved both with fidelity and ſucceſs, and was indeed cenſured for nothing ſo much as for his being compliant with the king's humour and notions, or at leaſt for being too ſoft or too feeble in repreſenting his errors to him, was removed without a ſhadow of complaint againſt him. This was done with ſo much haſte, that thoſe, who had prevailed with the king to do it, had not yet concerted, who ſhould ſucceed him. They thought, that all the great men of the law were aſpiring to that high poſt, ſo that any one, to whom it ſhould be offered, would certainly accept it; but they ſoon found they were miſtaken; for, what by reaſon of the inſtability of the court, what by reaſon of the juſt apprehenſions men might have of ſucceeding ſo great a man, both the lord chief juſtice Holt[y], and the attorney-general Trevor, to whom the ſeals were offered, excuſed themſelves. It was term time, ſo that a vacancy in that poſt put things in ſome confuſion. A temporary commiſſion was granted to the three chief judges, to ſit in the court of Chancery; and, on the 21ſt of May, the ſeals were at laſt given, with the title of lord-keeper, to ſir Nathan Wright, one of the king's ſerjeants at law, in whom there was nothing equal to the poſt, much leſs to him, who had lately filled it. The king's inclinations ſeemed now turned to the tories, and to a new parliament. It was for ſome time in the dark, who had the confidence, and gave directions to affairs; and thoſe, who looked on, were often diſpoſed to think, that there was no direction at all, but that every thing was left to take its courſe, and that all was given up to hazard.

Beſides the affairs of England, the remonſtrances of the Scots India company extremely perplexed the king. Upon news of their ill ſucceſs at Darien, for want of aſſiſtance from the Engliſh plantations, a petition for a preſent ſeſſion of parliament was immediately ſent about the kingdom, and was ſigned by many thouſands. This was ſent up by ſome of the chief of their nobility, whom the king received very coldly: Yet a ſeſſion of parliament was granted them, to which the duke of Queenſbury was ſent down commiſſioner. Great pains were taken, by all ſorts of practices, to be ſure of a majority; great offers were made them in order to lay the diſcontents, which ran then very high; a law for a 'habeas corpus,' with a great freedom for trade, and every thing, that they could demand, was offered, to perſuade them to deſiſt, from purſuing the deſign upon Darien. The court had tried to get the parliament of England to interpoſe in that matter, and to declare themſelves againſt that undertaking. The houſe of lords was prevailed on to make an addreſs to the king, repreſenting the ill effects that they apprehended from that ſettlement: But this did not ſignify much, for, as it was carried in that houſe by a ſmall majority of ſeven or eight, ſo it was laid aſide by the commons. Some were not ill pleaſed to ſee the king's affairs run into an embroilment, and others did apprehend, that there was a deſign to involve the two kingdoms in a national quarrel, that, by ſuch an artifice, a greater army might be raiſed; ſo they let the matter fall. Nor would they give entertainment to a bill which the lords paſſed, and ſent up to them about the union of the two nations, under the title of a bill, 'for authorizing certain commiſſioners of the realm of England to treat with the commiſſioners of Scotland, for the weal of both kingdoms.' To this bill the commons refuſed to give their concurrence. The managers in that houſe, who oppoſed the court, reſolved to do nothing that ſhould provoke Scot-

had written on the court of Exchequer, unwarranted by the oath of the barons, by any authorities in the law books, by any records or ſtatutes. That it ſuppoſed a direct abſurdity in the conſtitution of the court, becauſe it inveſted them with a power of commanding their ſuperior officers: That to ſay they can command the treaſurer by their judgment, when that very judgment is under the review and correction of the treaſurer, who is co-ordinate in the exchequer chamber with the lord chancellor, is a manifeſt inconſiſtency. He ſaid, it contradicted ſacred and received principles of law, 1. That no part of the king's treaſure can be iſſued, but by warrant under the great or privy ſeal; for which reaſon the law has placed ſuch a guard upon them, as to make the counterfeiting of them high-treaſon. 2. That, when once money is paid into the receipt of the Exchequer, no court has power to intermeddle with it. In the laſt place, he relied much on the inconvenience, no inconſiderable argument in law. That the barons of the exchequer cannot, as ſuch, be connuſant of the neceſſities of the ſtate; and though they were, and knew them to be ever ſo preſſing, they can only act according to one rule: and, if the king's treaſure muſt be iſſued by warrant under their ſeal, on the demand and application of the ſubject, a penſion granted upon no conſideration, or a very ill one, might perhaps be paid out of the money which ought to be employed, and poſſibly was provided by parliament, for ſetting out a fleet, reſiſting an invaſion, or ſuppreſſing a rebellion. That to deny the king the power of ordering the payments out of his own coffers, was to deny him that which is in every ſubject's power. It is to take from him the judgment of public neceſſities, or at leaſt the means of relieving them.

This argument of lord Sommers was printed in the year 1733, and is much admired for the inimitable elegance of the ſtile and method, and for its comprehenſion and learning. It may be added, that it is not only eſteemed one of the fineſt performances in the law, but has ſatisfied very able lawyers of the legality of his judgment; ſo that the publication of it did as much juſtice to his integrity, as honour to his parts. It is ſaid, that, in the making of it, the ſearch of records and precedents coſt him 700l. After this debate and conſideration of the matter, he reverſed the judgment of the court of exchequer on his own opinion, ſupported by that of chief juſtice Treby, who was one of the greateſt men of his time, and baron Lechmere, who had been an able practiſer in the exchequer above ſixty-years, againſt the opinion of all the reſt.

On the 6th of December 1699, there was an appeal from the determination to the houſe of lords, and, after hearing council and the ſentiments of the judges, a day was ſet apart for debating it. Lord Sommers, with his uſual modeſty and candour, opened his reaſons to the houſe, and ſome lords, in an unprecedented manner called upon Holt, chief juſtice, to anſwer him, though a peer of their own body, and chancellor. But Sommers, not daunted by that peculiar circumſtance, replied upon Holt with great ſpirit and energy. The judgment however was reverſed on the 23d of January, and a proteſt entered. No liberate or warrant for payment iſſued upon this reverſal; but in the ſame ſeſſion an act paſſed to apply the revenue of exciſe, as a ſecurity for 820,000l. and a weekly payment of 3,700l. to the civil liſt, on account of the neceſſity of affairs, ſubject, at the ſame time, to the charge of an annual payment of three per cent. on the whole principal due to the bankers, from and after the 26th of December 1705, which principal was made redeemable on payment of a moiety. This caſe, in reſpect of the unhappy perſons who had intruſted the bankers with their money, deſerved all that compaſſion, with which it was popular to treat it in thoſe times; but the bankers had made an unjuſt and extorſive profit from the crown, and the iniquitous extravagance of king Charles's court had been the ſource of the calamity. 5 Mod. Rep. p. 29. Lord Sommers's argument in the banker's caſe, p. 19.

[x] A gentleman, who had this from the lord Sommers's own mouth, told it to Mr. Oldmixon.

[y] Mr. Prior, in a letter to the earl of Mancheſter, dated at Hampton-Court, May 2. 1700, and printed among Mr. Cole's memoirs, page 126, ſays thus: My lord chief juſtice Holt, having been here to-day, and with the king in private, has given people occaſion to ſay, that he has refuſed the ſeals. If it be ſo or not, I cannot ſay, but as yet the ſeals are not diſpoſed of.

However,

land, or take off from the king any part of the blame and diſcontent, which ſoured that nation [z]. On the contrary, it was given out, in order to raiſe the national diſguſt ſtill higher, that the oppoſition, which the king gave to the Scots colony, flowed neither from a regard to the intereſts of England, nor to the treaties with Spain, but from a care of the Dutch, who from Curacoa carried on a coaſting trade among the Spaniſh plantations with great advantage; which, it was ſaid, the Scots colony, if once well ſettled, would draw wholly from them. Theſe things were ſent about Scotland with great induſtry. The management was chiefly in the hands of jacobites. Neither the king nor his miniſters were treated with the decencies, that are ſometimes obſerved, even after ſubjects have run to arms. The keeneſt of their rage was pointed at the king himſelf. Next him the earl of Portland, who had ſtill the direction of their affairs, had a large ſhare in it. In the ſeſſion of the Scotch parliament, in order to make the affair of Darien a national concern, it was voted, 'That the colony of Caledonia in Darien was a legal and rightful ſettlement, and that the parliament would maintain and ſupport the ſame.' Upon that, the ſeſſion was for ſome time diſcontinued. When the news of the total abandoning of Darien was brought over, it cannot be well expreſſed, into how bad a temper this caſt that body of that people. They had now loſt almoſt two hundred thouſand pounds ſterling upon this project, beſides all the imaginary treaſure, which they had promiſed themſelves from it. The nation was therefore raiſed into a ſort of fury upon it; and, in the firſt heat, an addreſs was ſent about the kingdom for hands, repreſenting to the king the neceſſity of a preſent ſitting of the parliament, which was drawn in ſo high a ſtrain, as if they reſolved to purſue the effects of it, by an armed force. It was ſigned by a great majority of the members of parliament, and the ferment in men's ſpirits was ſo raiſed, that few thought it could have been curbed, without breaking forth into great extremities [a].

This addreſs being preſented to the king by the lord Roſs, who, with ſome others, was deputed by the parliament for that purpoſe, his majeſty told them, 'That he could give no anſwer at that time to their petition, but they ſhould know his intentions in Scotland.'

The addreſſers, finding that the parliament was further adjourned by proclamation, and not knowing how ſoon it might be allowed to ſit, framed the draught of a ſecond national addreſs, to be ſigned by the ſeveral ſhires and boroughs throughout the kingdom: But, while the ſame was carried on, his majeſty writ a letter, directed to the duke of Queenſbury, and the privy-council, which letter was publiſhed in the manner of a proclamation, and wherein the king declared, "That, if it had been poſſible for him to have agreed to the reſolve offered to aſſert the right of the African company's colony in America, though that method ſeemed to him unneceſſary, yet his majeſty had from the beginning readily done it, at the earneſt deſires of his miniſters, and for his people's ſatisfaction, all other conſiderations ſet apart; but, ſince that things were much changed, his majeſty being truly ſorry for the nation's loſs, and moſt willing to grant what might be needful for the relief and eaſe of the kingdom, he aſſured them, that he would be ſo ready to concur with his parliament, in every thing that could be reaſonably expected of him, for aiding and ſupporting their intereſts, and repairing their loſſes, that his good ſubjects ſhould have juſt grounds to be ſenſible of his hearty inclinations to advance the wealth and proſperity of that his majeſty's ancient kingdom. That his majeſty was confident, that that declaration would be ſatisfying to all good men, who would certainly be careful both of their own preſervation, and of the honour and intereſt of the government, and not ſuffer themſelves to be miſled, nor give any advantage to enemies and ill deſigning perſons, ready to catch hold of any opportunity, as their practices did too manifeſtly witneſs. Concluding, That his majeſty's neceſſary abſence had occaſioned the late adjournment, but, as ſoon as God ſhould bring him back, he was fully reſolved his parliament ſhould meet."

While the parliament was ſitting, there was a ſecond treaty of partition concluded between England, France and Holland. The former treaty, made in favour of the electoral prince of Bavaria, was entirely defeated by his death. That young prince ſeemed marked out for great things, and had all the promiſing beginnings that could be expected in a child of ſeven years old, when he fell ſick, and was carried off the third or fourth day of his illneſs; ſo uncertain are all the proſpects, and all the hopes that this world can give. Now the Dauphin and the emperor were to diſpute, or to divide this ſucceſſion between them; ſo a new treaty was ſet on foot: It was generally given out, and too eaſily believed, that the king of France was grown weary of war, and was reſolved to paſs the reſt of his days in peace and quiet; but that he could not conſent to the exaltation of the houſe of Auſtria; yet, if that houſe was ſet aſide, he would yield up the Dauphin's pretenſions; and ſo the duke of Savoy was much talked of, but it was with the proſpect of having his hereditary dominions yielded up to the crown of France: But this great matter came to another digeſtion a few months after.

The king and the ſtates general ſaw the danger, to which they would be expoſed, if they ſhould engage in a new war, while the nation was yet under the vaſt debts that the former had brought upon it. The king's miniſters in the houſe of commons aſſured him, that it would be a very difficult thing to bring them to enter into a new war for maintaining the rights of the houſe of Auſtria. During the debates concerning the army, when ſome mentioned the danger of that monarchy falling into the hands of a prince of the houſe of Bourbon, it was ſet up for a maxim, that it would be of no conſequence to the affairs of Europe, who was king of Spain, whether a Frenchman or a German; and that, as ſoon as the ſucceſſor ſhould come within Spain, he would become a true Spaniard, and be governed by the maxims and intereſts of that crown; ſo that there was no proſpect of being able to infuſe into the nation an apprehenſion of the conſequence of that ſucceſſion. The emperor had a very good claim; but, as he had little ſtrength to ſupport it by land, ſo he had none at all by ſea; and his treaſure was quite exhauſted by his long war with the Turks. The French drew a great force towards the frontiers of Spain, and they were reſolved to march into it upon that king's death. There was no ſtrength to oppoſe them, yet they ſeemed willing to compound the matter. But they ſaid, the conſideration muſt be very valuable, that could make them deſiſt from ſo great a pretenſion; and both the king and ſtates thought it was a good bargain, if, by yielding up ſome of the leſs important branches of that monarchy, they could ſave thoſe in which they were moſt concerned, which were Spain itſelf, the Weſt-Indies, and the Netherlands. The French ſeemed willing to accept of the dominions in and about Italy, with a part of the kingdom of Navarre; and to yield up the reſt to the emperor's ſecond ſon, the archduke Charles. The emperor entered into the treaty, for he ſaw he could not hope to carry the whole ſucceſſion entire; but he preſſed to have the duchy of Milan added to his hereditary dominions in Germany. The expedient that the king propoſed, was, that the duke of Lorrain ſhould have the duchy of Milan, and that France ſhould accept of Lorrain inſtead of it. He was the emperor's nephew, and would be entirely in his intereſts. The emperor did not agree to this, but yet he preſſed the king not to give over the treaty, but to try if he could make a better bargain for him; and above all things recommended ſecrecy; for he well knew how much the Spaniards would be offended, if any treaty ſhould be owned, that might bring on a diſmembering of their monarchy. For, though they were taking no care to preſerve it in whole or in part, yet they could not bear the having any branch torn from it. The king reckoned, that the emperor, with the other princes of Italy, might have ſo much intereſt in Rome, as to ſtop the pope's giving the inveſtiture of the kingdom of Naples; and, which way ſoever that matter might end, it would oblige the pope to ſhew great partiality, either to the houſe of Auſtria, or the houſe of Bourbon, which might occaſion a breach among them, with other conſequences, that might be very happy to the whole proteſtant intereſt. Any war that might follow in Italy,

[z] However, ſome time before a complaint was made to the houſe of commons of a printed book, intitled, 'An inquiry into the cauſes of the miſcarriage of the Scots colony at Darien,' and the houſe, having examined the ſaid book, reſolved, 'That it, highly reflecting on the honour of his majeſty, and both houſes of parliament, and tending to create jealouſies and animoſities between the two kingdoms of England and Scotland, was a falſe, ſcandalous, and traiterous libel;' ordered it to be burnt by the hands of the common hangman, and addreſſed his majeſty to iſſue out his royal proclamation, for the diſcovering and apprehending the author, printer, and publiſher of the ſaid libel: Which proclamation was publiſhed accordingly.

[a] In this addreſs they complained, 'of their having been interrupted by a ſudden adjournment, while they were debating a motion concerning their colony at Darien, which they conceived was not agreeable to the 40th act of the 11th parliament of king James VI, wherein it is enacted, "That nothing ſhould be done or commanded, which might directly or indirectly prejudice the liberty of free voting, and reaſoning of the eſtates of parliament." That by a ſubſequent adjournment of twenty days, the parliament was not permitted to come to any reſolution in the preſſing concerns of the nation, which they could not think conſiſtent with that article of their claim of right, whereby it was declared, "That for the redreſs of all grievances, ſtrengthening and preſerving of the laws, parliaments ought to be frequently called and allowed to ſit, and the freedom of ſpeech and debate ſecured to the members." Wherefore they earneſtly entreated his majeſty, that he would be pleaſed to allow his parliament to meet on the day to which it was then adjourned; and to ſit as long as might be neceſſary for redreſſing the grievances of the nation.'

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would be at a great diſtance from us, and in a country that we had no reaſon to regard much: Beſides, that the fleets of England and Holland muſt come, in concluſion, to be the arbiters of the matter.

Theſe were the king's ſecret motives for entering into the treaty; moſt of which he communicated to biſhop Burnet. Accordingly the treaty was ſigned at London and the Hague; the Engliſh plenipotentiaries being the earl of Portland and Jerſey. By this treaty that of Ryſwick was ſolemnly confirmed; and, in caſe his catholic majeſty ſhould die without children, the Dauphin was to have, for himſelf and his heirs, the kingdom of Naples and Sicily, and alſo the iſlands on the Italian coaſt belonging to Spain, namely, St. Stephano, Porto Hercole, Orbitello, Telamone, Porto Longone, and Piombino, the city and marquiſate of Final, and the province of Guipuſcoa. The Dauphin was likewiſe to have the duchies of Lorrain and Bar; and the duchy of Milan was to be given to the duke of Lorrain and his heirs, in lieu of Lorrain and Bar; but the county of Bilche was to remain in ſovereignty to the prince of Vaudemont. The archduke Charles was to have, for himſelf and his heirs, the kingdom of Spain, and all that belonged to it, in and out of Europe. The emperor was to have three months time given him to come into this treaty: And, in caſe the archduke ſhould die without children, the ſucceſſion was to go to ſome other child of the emperor, to whom he ſhould be pleaſed to give it, except him, who ſhould be emperor or king of the Romans: And this part of the monarchy of Spain was alſo never to go to the prince who ſhould be either king of France, or Dauphin [b]. What reception this treaty met with from the princes and ſtates, to whom it was offered, will hereafter be ſhewn; and alſo what a moſt perfidious uſe of it was made by the French, to alienate the Spaniards from their allies, and obtain a will in favour of the duke of Anjou; though both the French king and Dauphin had bound themſelves not to accept any will, teſtament, or donation, contrary to the treaty: The original of which, ſigned by the Dauphin, biſhop Burnet has in his hands. No mention was made of this treaty, during the ſeſſion of parliament; for, though the king was generally believed, yet, as it was not publickly owned, no notice could be taken of bare reports: And nothing was to be done, in purſuance of this treaty, during the king of Spain's life.

The king, that he might give ſome content to the nation, ſtayed at Hampton-Court till July, before he went abroad. On the 14th of May, he beſtowed the garter on the earl of Albemarle; which, 'tis pretended, gave great offence. The ſame honour was alſo conferred on the earl of Pembroke, lord preſident of the council. Towards the latter end of June, the earl of Jerſey was made chamberlain of the houſhold; which had been ſome time vacant, by the duke of Shrewſbury's reſignation. The earl of Romney was made groom of the ſtole, and the earl of Carliſle one of the lords of the bedchamber. Soon after this, the king, having nominated the lords juſtices to govern in his abſence [c], ſet out for Holland.

About three weeks after his arrival there, he received the ſurpriſing and melancholy news of the death of the duke of Glouceſter, which was in a great meaſure occaſioned by the ſolemnity of his birth day, on the 24th of July. After the ceremony was over, the duke found himſelf fatigued and indiſpoſed, and the next day he was very ſick, and complained of his throat. The third day he was hot and feveriſh. Next morning, after bleeding, he thought himſelf better; but in the evening, his fever appearing more violent, a bliſter was applied to him, and other proper remedies adminiſtered. The ſame day a raſh appeared on his ſkin, which increaſing the next day, more bliſters were laid on. In the afternoon the fever growing ſtronger, his highneſs fell into a delirium, which continued till his death. He paſſed the night, as he did the preceding, in ſhort broken ſleeps and incoherent talk. On the 29th, the bliſters having taken effect, and the pulſe mending, the phyſicians, who attended him, thought it probable, that he might recover; but about eleven at night, he was on a ſudden ſeized with a difficult breathing, and could ſwallow nothing, ſo that he expired before midnight, being ten years and five days old. He was the only remaining child of ſeventeen, whom the princeſs of Denmark had borne, ſome to the full time, and the reſt before it. She attended him, during his ſickneſs, with great tenderneſs, but with a grave compoſedneſs, that amazed all who ſaw it; and ſhe bore his death with a reſignation and piety, that were indeed very ſingular. Biſhop Burnet had been truſted with his education now two years, and the duke had made an amazing progreſs. He had read over part of the ſcriptures with him, and had explained things that fell in his way, very copiouſly, and was often ſurprized with his queſtions, and the reflections that he made. He came to underſtand things relating to religion beyond imagination. The biſhop went through geography ſo often with him, that he knew all the maps very particularly. He explained to him the forms of government in every country, with the intereſt and trade of that country, and what was both good and bad in it; and acquainted him with all the great revolutions, that had been in the world, and gave him a large account of the Greek and Roman hiſtories, and of Plutarch's lives. The laſt thing the biſhop explained to him was the Gothic conſtitution, and the beneficiary and feudal laws. He talked to his highneſs of theſe things at different times near three hours a day. This was both eaſy and delightful to him. The king ordered five of his chief miniſters to come once a quarter, and examine the progreſs he made; and they ſeemed amazed both at his knowledge, and the good underſtanding that appeared in him; for he had a wonderful memory, and a very good judgment. His death gave a great alarm to the whole nation. The jacobites grew inſolent upon it, and ſaid, that now the chief difficulty

[b] The ſecret article of this treaty, inſerted by Mr. Cole, in his "Memoirs of the Affairs of State," p. 113. was as follows:

"His Britannic majeſty, his moſt Chriſtian majeſty, and the lords the States General, having a deſire to prevent a war which might be occaſioned by the death of the king of Spain without children, have agreed on a treaty about the ſucceſſion; which was ſigned at London the 21ſt of February, O. S. and at the Hague the 25th of March, 1700. N. S. And, as it is ſaid in the fourth article of the ſaid treaty, That the duchies of Lorrain and Bar ſhall be yielded to the Dauphin, in exchange for the duchy of Milan, which ſhould be given to the duke of Lorrain; and, as the two kings and the States General think that nothing is more proper for the ends propoſed, they will make uſe of all their intereſts, either jointly or ſeparately, to engage the ſaid duke of Lorrain to conſent to it.

"But, as it is neceſſary to determine who ſhall be the prince, to whom the duchy of Milan ſhall be committed, and what ſhall be given to the Dauphin for reparation, in the room of the duchies of Lorrain and Bar, if againſt all likelihood, the duke of Lorrain would not give his conſent to this exchange, notwithſtanding the good offices and continual applications repeated, during the life of the king of Spain, or to the time hereunder agreed to, after his death; the ſaid two kings and the States General, abovenamed, have agreed, that, in that caſe, his Britannic majeſty and the States General ſhall chuſe one of theſe alternatives, at the end of the ſaid term, after the death of his catholic majeſty, that is, to conſign the duchy of Milan into the hands of the elector of Bavaria, to enjoy it for him, his children, males or females, his heirs, ſucceſſors and deſcendants, males or females, born, or to be born, for ever, in entire property and full poſſeſſion: ordering, in exchange, Navarre to the Dauphin, to enjoy it, he and his children, males and females; his heirs, ſucceſſors, or deſcendants, born, and to be born, in entire property, and full poſſeſſion; or, inſtead of Navarre, the city and duchy of Luxemburg, and the county of Chiny. Or elſe to give the duchy of Milan to the duke of Savoy, to enjoy it, for his children, males and females, his heirs, ſucceſſors, and deſcendants, males and females, born, and to be born, in entire property and poſſeſſion; ordering in exchange, for the ſhare of the Dauphin, the city of Nice, the valley of Barcelonetta, and the duchy of Savoy, to enjoy it in perpetuity, and full poſſeſſion, he, his children, heirs, ſucceſſors, and deſcendants, males, or females, born, and to be born.

"Moreover, the two kings, and the States General have agreed by this ſecret article, that, though it is not ſaid in the ſeventh article of the ſaid treaty, ſigned at London the 21ſt of February, and at the Hague the 25th of March 1700, that a prince ſhall be agreed on, to whom the ſaid portion of the moſt ſerene archduke ſhall be given, in caſe the emperor and the king of the Romans will not ſubſcribe to the ſaid treaty after the term of three months ſhall be expired, to be counted from the day on which it ſhall be notified to him: Nevertheleſs, the emperor ſhall be allowed to ſubſcribe, during two months, to be reckoned from the day on which the death of his catholic majeſty ſhall be made known to him by his Britannic majeſty, his moſt Chriſtian majeſty, and the lords the States General. But, in caſe his Imperial majeſty refuſes to enter into it in the time above-named, the two kings and the States General ſhall agree, at the end of the time above appointed, on a prince, to whom the ſaid portion ſhall be given, and the remainder of what is in the ſaid ſeventh article, from which what is abovesaid does not derogate, ſhall be punctually executed.

"It is further agreed, that, if the moſt ſerene archduke ſhould go into Spain, or enter into the duchy of Milan, though it is ſaid in the eighth article of the ſaid treaty, to which this ſecret article refers, that he cannot go thither before the death of his catholic majeſty, but by the common conſent of the two kings and the States General; his Britannic majeſty and the States General engage themſelves to uſe all their poſſible endeavours and might, and even to come to acts of hoſtility, if it be neceſſary: In ſhort, to take all convenient meaſures, in concert with his moſt Chriſtian majeſty to oblige his catholic majeſty and the Spaniards, to ſend him back out of Spain, or out of the duchy of Milan, without any delay.

"This article ſhall have the ſame force as if it had been, word for word, inſerted in the treaty, to which it refers, and ſhall be enregiſtered by the parliament of Paris, immediately after the death of his catholic majeſty without children."

[c] Namely the archbiſhop of Canterbury;
Sir Nathan Wright, lord-keeper;
The earl of Pembroke, lord preſident of the council;
Viſcount Lonſdale, lord privy-ſeal;
The duke of Devonſhire, lord-ſteward;
The earl of Bridgwater, firſt commiſſioner of the admiralty;
The earl of Marlborough, governor of his highneſs the duke of Glouceſter;
And the earl of Tankerville, firſt commiſſioner of the treaſury.

The

was removed out of the way of the prince of Wales's ſucceſſion.

Soon after this, the houſe of Brunſwick returned the viſit, which the king had made them laſt year, and the eyes of all the proteſtants in the nation turned towards the electreſs dowager of Hanover, who was daughter of the queen of Bohemia, and the next proteſtant heir, all papiſts being already excluded from the ſucceſſion. Thus of the four lives, that the nation had in view, as their chief ſecurity, the queen and the duke of Glouceſter were carried off on the ſudden; and of the two, that remained, the king and the princeſs of Denmark, as there was no iſſue, and little hopes of any by either of them, ſo the king, who at laſt was a man of a feeble conſtitution, was now falling under an ill habit of body; his legs being much ſwelled, which ſome thought was the beginning of a dropſy, while others thought it was only a ſcorbutic diſtemper.

The ſtate of things at that time gave a melancholy proſpect. The nation was falling under a general diſcontent, and a diſlike of the king's government. And the king, on his part, ſeemed to grow weary of them, and their affairs; and, partly by the fret from the oppoſition he had of late met with, partly from his ill health, he was falling, as it were, into a lethargy of mind. The adminiſtration of the government was now almoſt wholly engroſſed by the houſe of commons, who muſt ſit once a year, and as long as they thought fit, while the king had only the civil liſt for life. The act for triennial parliaments kept up a ſtanding faction in every county and town of England; while luxury, vanity, and ambition increaſed daily; and animoſities were come to ſuch a height, as to afford diſmal apprehenſions. Few ſeemed to have a right notion of the love of their country, and of a zeal for the good of the public. The houſe of commons, how much ſoever its power was advanced, yet was much ſunk in its credit; very little of gravity, order, or common decency appeared among them. The balance lay chiefly in the houſe of lords, who had no natural ſtrength to reſiſt the commons.

A league had been formed in the north to cruſh the young king of Sweden, and invade his dominions on all ſides at once. The elector of Brandenburgh was to fall into Pomerania, and the king of Denmark to attack Holſtein, whilſt the king of Poland invaded Livonia, which was antiently a fief of the crown of Poland. The miniſter of Sweden, before the king went abroad, preſſed him to make good his engagements with that crown. For, purſuant to the league, the Poles were now beſieging Riga. The firſt attempt of carrying the place by ſurprize miſcarried. Thoſe of Riga were either over-awed by the Swediſh garriſon that commanded there, or they apprehended, that the change of maſters would not change their condition, unleſs it were for the worſe; for which reaſon they made a greater ſtand than was expected, and, in a ſiege of above eight months, very little progreſs was made. The firmneſs of that place made the reſt of Livonia continue fixed to the Swedes. The Saxons made great waſte in the country, and ruined the trade of Riga. The king of Sweden, being obliged to employ his main force elſewhere, was not able to ſend them any conſiderable aſſiſtance. The elector of Brandenburgh lay quiet without making any attempt; as likewiſe did the princes of Heſſe and Wolfembuttle. The two ſcenes of action were in Holſtein, and before Copenhagen. The king of Denmark found the taking the forts that had been raiſed by the Duke of Holſtein, an eaſy work; they were ſoon carried and demoliſhed [d]. He beſieged Toninghen next, which held him longer. Upon the Swedes demand of the auxiliary fleets, that were ſtipulated both by the king and the ſtates, orders were given for equipping them in England, and likewiſe in Holland. The king was not willing to communicate this deſign to the two houſes, and try if the houſe of commons would take upon themſelves the expence of the fleet. They were in ſo bad a humour, that the king apprehended, that ſome of them might endeavour to put an affront upon him, and oppoſe the ſending a fleet into the Sound; though others adviſed the venturing on this, ſince no nation can ſubſiſt without alliances ſacredly obſerved. And this was an antient one, lately renewed by the king; ſo that an oppoſition, in ſuch a point muſt have turned to the prejudice of thoſe, who ſhould move it. Soon after the end of the ſeſſion, a fleet of thirty ſhips Engliſh and Dutch was ſent to the Baltic, commanded by ſir George Rooke, which arrived in the Sound on the 20th of July. The Danes had a good fleet at ſea, much ſuperior to the Swedes, and almoſt equal to the fleet ſent from hence. But, as it was their whole ſtrength, they would not run the hazard of loſing it. They kept at ſea for ſome time, having got between the Swedes and the fleet of their allies, and ſtudied to hinder their conjunction. When they ſaw that could not be done, they retired, and ſecured themſelves within the port of Copenhagen, which is a very ſtrong one. The Swedes, with their allies, came before that town, and bombarded it for ſome days, but with little damage to the place, and none to the fleet. The duke of Lunenburgh, together with the forces, that the Swedes had at Bremen, paſſed the Elbe, and marched to the aſſiſtance of the duke of Holſtein. This obliged the Danes to raiſe the ſiege of Toninghen, and the two armies lay in view of one another for ſome weeks, without coming to any action. Another deſign of the Danes alſo miſcarried. A body of Saxons broke into the territories of the duke of Brunſwick, in hopes to force their army to come back to the defence of their own country: But the duke of Zell had left things in ſo good order, that the Saxons were beat back, and all the booty, that they had taken, was recovered.

In the mean time king William offered his mediation, and a treaty was ſet on foot; and, as he did not approve of ſir George Rooke's bombardment of Copenhagen, ſoon after he had received the news of it, he directed Mr. Blaithwayte to write to that admiral from Loo, not to commit any further hoſtilities againſt the town or ſhipping. The king of Denmark propoſed, that the king of Poland might be included in the treaty, but the Swedes refuſed it; and, as the king was not guarantee of the treaties between Sweden and Poland, ſo he was not obliged to take care of the king of Poland. The treaty proceeding but ſlowly, this made the king of Sweden apprehend, that he ſhould loſe the ſeaſon, and be forced to abandon Riga, which began to be ſtraitned; and therefore to quicken the treaty, he reſolved on a deſcent in the iſle of Zealand. This was executed without any oppoſition, the king of Sweden conducting it in perſon, and being the firſt who landed. He ſhewed ſuch ſpirit and courage in his whole conduct, as raiſed his character very high. It ſtruck a terror through all Denmark; for now the Swedes reſolved to beſiege Copenhagen. This brought the treaty to a concluſion between Denmark, Sweden, and Holſtein, about the middle of Auguſt. The old treaties were renewed, and a liberty of fortifying was reſerved for Holſtein under ſome limitations; and the king of Denmark paid the duke of Holſtein two hundred and ſixty thouſand rix-dollars for the charge of the war. The peace being thus made, the Swedes retired back to Schonen, and the fleets of England and Holland returned home. The king's conduct in this whole matter was highly applauded: He effectually protected the Swedes, and yet obliged them to accept of reaſonable terms of peace. The king of Denmark ſuffered moſt in honour and intereſt. It was a great happineſs, that this war was ſo ſoon at an end; for, if it had continued, all the North muſt have engaged in it; and, as the chief ſtrength of the proteſtant religion lay there, ſo that intereſt muſt have ſuffered much, which ſide ſoever had come by the worſt in the progreſs of the war; and it was already ſo weak, that it needed not a new diminution.

Some days after the ſigning of the treaty, lieutenant general Bannier, who commanded in the town of Toninghen, while it was beſieged by the Danes, waited on the king at Loo, being ſent by the duke of Holſtein, in acknowledgment of his protection. And, about ſix weeks after, the king of Poland's reſident at the Hague, preſented a memorial to the States-general, full of aſſurances of friendſhip from the king his maſter, and acquainting them, that what induced him to put off the bombarding of Riga, when every thing was in readineſs for executing that deſign, was chiefly the conſideration of the loſs which divers merchants, ſubjects to the king of England, and the States General, would have ſuffered thereby. The king wrote to the Czar of Muſcovy, upon the occaſion of the differences between him and the crown of Sweden, to preſs him to an accommodation, and to offer his mediation for that purpoſe.

The treaty for dividing the Spaniſh monarchy (which began now to be publiſhed) had given riſe to a very important ſeries of negotiations; which were carried on with great ſecreſy and addreſs, during the courſe of this ſummer [e]. It is needleſs to remind the reader of the motives, that induced

[d] The old king of Denmark dying about the end of the ſummer 1699, the duke of Holſtein (who had married the king of Sweden's ſiſter, and depended on aſſiſtance from thence) had built ſome new forts in that Duchy. This the young king of Denmark complained of, as contrary to the 'Condominium,' which he and the duke have in that duchy; ſo entered into the league againſt Holland and Sweden.

[e] Prince Ferdinand of Bavaria, who by the firſt partition treaty, was to have been king of Spain, dying at Bruſſels, in February, 1698-9, the earl

the contracting parties to ſign this treaty; or of the nature of its contents, as both have been already related: But when, purſuant to one of the articles, it came to be offered, jointly, by the miniſters of England, France, and Holland, to the reſt of the powers of Europe, the reception it met with was none of the moſt favourable. The greateſt part returned general and dilatory anſwers. The Italian ſtates were unwilling to ſee the French in poſſeſſion of Naples, and the ſtates Del Preſidi. Thoſe of Germany were, from motives of fear, or intereſt, unwilling to diſoblige the Houſe of Auſtria. Brandenburg expected the title of king from the authority and good offices of the Imperial court. Saxony and the Northern crowns were taken up with their own quarrels; which the peace of Travendal had by no means accommodated. Some thought the duke of Savoy under engagements at Vienna; but it ſeems moſt probable that he reſolved to defer making terms for himſelf, till the treaty took place; and was not without hopes, that, upon the emperor's refuſal, he ſhould be nominated

of Portland began, ſoon after this, to treat about a new partition treaty, in favour of the archduke Charles; and the king ſent the earl of Jerſey into France, with inſtructions to negotiate this ſecond treaty: But, that earl, being ſoon recalled, the earl of Mancheſter was appointed to ſucceed him: From whoſe papers, publiſhed by Chriſtian Cole, Eſq. the following extracts are taken; which will give us light into the ſecret hiſtory of the ſecond partition treaty.

Alexander Stanhope, Eſq. the Engliſh envoy extraordinary at Madrid, to the earl of Mancheſter.

Madrid, Aug. 27. 1699.

A paper, ſent me this evening, from Don Antonio de Ubilla ſecretary of the 'Diſpacho Univerſal,' a copy of which was incloſed, gives me an unexpected opportunity of beginning my correſpondence with an office that concerns, or, by the contents, is ſuppoſed to concern your excellency's negotiations in that court.

Copy of the paper above-mentioned.

Don Antonio de Ubilla kiſſes the hands of don Alexander Stanhope, envoy extraordinary of his Britannic majeſty, and lets him know, that the king his maſter, having been frequently informed by his miniſters in the north, of the ſtrong informations and evident proofs, which they have, by different advices and accidents, that the Engliſh, Hollanders, and French, in conſequence of what was laſt year concluded and ſtipulated at Loo, are now again forming new treaties for the ſucceſſion of this crown, and for dividing it: Which notices have been corroborated by other ways; ſo that they are public over all Europe: It would be againſt his dignity to diſſemble, and take no notice of them. The king, his maſter, thinks it inexcuſable, not to oppoſe what might produce ſuch irreparable inconveniencies, if it came to be put in execution; and has ordered his miniſters, in the courts of France, England, and Holland, to make known to thoſe princes and governments the juſt ſentiments his majeſty has of thoſe advices, unheard of before, in in the life of any king, and more improper in that of his majeſty; which conſiſting, at preſent (by the divine mercy, and for our happineſs,) in only thirty-eight years of age, we may naturally promiſe ourſelves, and eſpecially from his moſt high providence, that he may give his majeſty the important ſucceſſion, which we hope for from him, by the affectionate prayers and vows of his vaſſals: It cauſing a juſt wonder and grief, that they doubt before-hand, of ſo great a poſſibility, by reaſon of any opinions, taken up from the ſlight complaints, and the affliction of his kingdoms and ſubjects, and the impreſſions, that ſeem to diſturb the general tranquility, which we now enjoy: When, on the other hand, it is not to be believed, from the righteous and pious mind of his majeſty, that he lives ſo unmindful of his obligation, and values ſo little the love and ſecurity of his vaſſals, if God (by his ſecret and ſovereign judgments) would chaſtiſe us, by taking away his life (which, we hope, he will not ſuffer) without granting him the benefit of a ſucceſſion, his affairs will not be left, without a due reflection on what is moſt juſt, and moſt important for the public tranquility; and ſo, that nobody ſhall be able to find fault with his juſtice, or his foreſight. For which reaſons his majeſty has ordered his aforeſaid miniſters to make inſtances, and uſe their diligence to cut off thoſe negotiations; weighing the ill effects which they now produce; and, what their continuance may produce. And, that the complaint of his majeſty, and the orders he gives to his miniſters abroad, to notify to the princes, at whoſe courts they reſide, be, at the ſame time, made public, he has lately ordered, that it be made known to the miniſters here. For this reaſon does don Antonio de Ubilla communicate it to don Alexander Stanhope, by order of his maſter, that he may alſo give notice to his Britannic majeſty, aſſiſting, with his prudent repreſentations, this juſt and honeſt purpoſe; that ſo the univerſal quiet may be maintained: and that he may quit the ſcandal of this negotiation, which, it is feared, will be an unhappy motive of kindling a voracious flame of a new war: Which, being once lighted, will be difficult to be extinguiſhed, either by the greateſt force, or the moſt dextrous and moſt powerful mediation: And he remains obedient to don Alexander Stanhope, with all affection.

The earl of Mancheſter, to the earl of Jerſey.

Paris, Sept. 30, 1699.

The Spaniſh embaſſador is endeavouring to get a private audience of the king. The firſt matter, he is to repreſent, is in relation to ſome tranſactions at Loo. The declararion of his king makes alſo great diſcourſe here. The ſtate of affairs at St. Germains continues much the ſame it was. They are ſtill pleaſing themſelves with hopes the nation will recall him, at laſt; though the greateſt proſpect they ſeem to have, is the death of the king of Spain; which might, again, renew the war.

The earl of Mancheſter, to Mr. Yard.

Paris, Octob. 7, 1699.

They write from Loo, that the Spaniſh embaſſador has delivered to all the lords juſtices a memorial relating to the ſucceſſion of the crown of Spain, which his majeſty reſents very much.

Mr. Yard, to the earl of Mancheſter.

Whitehall, Octob. 28, 1699.

I believe the king's directions will be ſignified to the Spaniſh embaſſador, to-morrow, to leave the kingdom. Indeed, the paper, he gave about, was very inſolent, and appealing to the parliament; ſo that the king could do no leſs. Mr. Stanhope is recalled at the ſame time.

Remonſtrance preſented in French, by the marquis de Canales, embaſſador from the king of Spain, to the lords juſtices.

In the firſt place, The king, his maſter, having been certainly informed, that his majeſty, king William, the Hollanders, and other powers (in purſuance of what they treated and ſtipulated, laſt year, at Loo) are now actually framing new treaties about the ſucceſſion of the crown of Spain; and (what is more deteſtable) contriving its diviſion and repartition: His majeſty orders his extraordinary embaſſador, reſiding in this kingdom, to make known to the lords juſtices of England the reſentment, which theſe unheard-of proceedings create in his majeſty, eſpecially during the life of a monarch, who is of ſo fit an age to expect (for many years) an heir, ſo much deſired by all nations, that, without a deteſtable avarice, no one would ſuffer himſelf to be carried away with the ambition of uſurping the dominions of others.

That, if this were not contrary to the law of nature, no nation or government would be ſafe againſt the machinations of the ſtrongeſt and moſt malicious; whereas, reaſon, and not force, ſets bounds to nations.

That, if it were lawful for foreigners to concern themſelves about the ſucceſſion of kings and ſovereigns, there would be no ſtatutes or municipal laws to be obſerved; nor would any laws be free from the outrages of others, more eſpecially thoſe of the crown of England.

That, if watches were ſet upon the indiſpoſitions of ſovereigns, no health would be conſtant, no life ſecure, while both depend on the hand of the Almighty, who is the arbiter of life, death, and empires.

That the impreſſions, which one kingdom makes upon another, to tempt the allegiance of the ſubjects, and excite their minds to inſurrections, are an offence, and breach of the good faith, which ought to be obſerved among Chriſtians, and more particularly among allies and friends.

That it ought not to be preſumed, of any prince or nation, and ſtill leſs of the king of the Spaniſh nation, that they are ſo negligent, as not to take proper meaſures, upon future and unexpected accidents (if this ſhould happen) to ſecure the public peace, and the repoſe of Europe, which has been the aim of the king and nation for ſo many ages, as it is now and always will be.

That, if there is not a ſpeedy end put to theſe proceedings and projects, there will doubtleſs break out a direful and univerſal war over all Europe, difficult to be ſtopped when it is deſired, and ſo much the more prejudicial to the Engliſh, as they have but juſt felt the effects of innovations, and of the late war. This matter is ſo worthy of conſideration, that it is not doubted but it will be thought ſo by the parliament, the nobility, and the whole Engliſh nation, which has never been wanting in prudence and foreſight.

The ſame nation muſt conſider their own particular intereſts, and their commerce and treaties with the Spaniſh king and nation; the alteration, diviſion, and partition of which would neceſſarily be very detrimental to them; and all this may be prevented by deſiſting from the project in hand, and by not promoting innovations, deſtructive at all times to empires and kingdoms.

That the embaſſador extraordinary of Spain will manifeſt to the parliament, in the next ſeſſions, the juſt reſentment which he now expreſſes, in the ſame manner as his maſter has cauſed it to be ſhewn to all the public miniſters of the kings, princes, and ſtates, that reſide at the court of Madrid.

The tranſlation of the paper ſent to the Spaniſh embaſſador, and which was written in French by Mr. ſecretary Vernon, and dated, the 30th of September 1699.

His majeſty having ſeen the paper, which the ſecretary of the embaſſy of Spain has lately delivered, by order of your excellency, to the lords juſtices of the kingdom; his majeſty thinks the contents ſo inſolent and ſeditious, that, in reſentment of ſo extraordinary a proceeding, and which can by no means be juſtified by the law of nations, he orders, that you go out of his dominions preciſely in eighteen days, to be counted from this notification; and that you keep in your houſe till your departure. I am alſo ordered to let you know, that theſe are the orders of his majeſty, that no writing be any more received from you or any of your domeſtics.

Mr. Stanhope to the earl of Mancheſter.

Madrid, Nov. 5, 1699.

By the incloſed copy of the complaint I have made here againſt the marquis de Canales's proceedings, your excellency will judge I have ſeen his inſolent and ſeditious paper. They readily received mine, which I much doubted they would not; and it was ſent within an hour hither from the eſcurial to the council of ſtate. This was the day before yeſterday in the morning, and they have been in cloſe conſults ever ſince. I have advices from ſeveral hands, and ſome from perſons of the firſt rank, that the reſolution will probably be moderate; and that they will diſown their embaſſador, ſo far at leaſt as to the brutality of his expreſſions, and it may be as to the ſubſtance, now they find the world generally cry out againſt the folly as well as inſolence of it; though I am ſatisfied he had orders to do the thing, but not in that manner. This makes me willing to give them time to bethink themſelves before they run headlong into miſchiefs, againſt which they are ſo ill provided, and it is a latitude my order allows me. Beſides that if I can prevent a breach, and procure his majeſty humble ſatisfaction, I ſhall believe I do both him and my country good ſervice.

The

the next. The Swiſs cantons, being applied to, declined giving their guaranty. In ſhort, of all the princes, to whom it was communicated, not one appears to have come into it, but the king of Portugal.

The two princes more immediately concerned in its operation, viz. the emperor and king of Spain, loudly declared againſt it from the beginning. The former, ſoon after the concluſion of it was notified to him, returned for anſwer, "That he was aſtoniſhed, that any diſpoſition ſhould be made of the Spaniſh monarchy, during the life-time, and without the conſent of the preſent poſſeſſor; and, that contrary to juſtice and a decorum, himſelf, who was the rightful heir to the whole, was to be compelled to accept a part of it within the ſpace of three months, under the penalty of forfeiting his ſhare to a third perſon not yet named. That, however, he could take no final reſolution till the return of a courier from Madrid, who was to bring him an account of the king of Spain's ſentiments, on an affair of ſuch conſequence to both

The Engliſh tranſlation of Mr. Stanhope's paper to Don Antonio de Ubilla, delivered at the Eſcurial, the 3d of November 1699, N. S.

Don Alexander Stanhope, envoy extraordinary of the king of Great Britain, kiſſes the hands of Don Antonio de Ubilla, and ſays, that he has orders from the king his maſter, immediately to paſs to the royal knowledge of his catholic majeſty the juſt motive of complaint given him by a paper, which the ſecretary of the marquis de Canales, by order of his maſter, delivered to the lords juſtices of England in London, of which the adjoined is a true copy, and from whoſe contents, beſides the rude and provoking language, it is manifeſt the deſign of it was to ſtir up ſedition in his kingdoms, by appealing to the parliament and people of England againſt his majeſty; which is to own them ſuperiors to his royal perſon, than which nothing can be more abſurd and contrary to the conſtitution of the government of the kingdom of England; and is what the ſaid marquis de Canales, embaſſador from his catholic majeſty, neither ought nor could be ignorant of, after ſo many years reſidence in it. Notwithſtanding which the paper is full of contumelious terms to his majeſty's perſon, making uſe of ſeveral artifices, of inſinuations and threats, purpoſely to breed a miſunderſtanding and diſſention betwixt his majeſty and his ſubjects; an attempt, which no ſovereign prince can ſuffer in his dominions: And therefore the king of Great Britain, his maſter, found himſelf neceſſitated to ſtop, as ſoon as poſſible, a miſchief, which by the induſtry of the marquis went on ſpreading itſelf daily, by ordering he ſhould be required to go out of his kingdoms, and finally, the ſaid paper, being both in words and ſubſtance, affrontive to the majeſty and ſacredneſs of kings, the king of Great Britain, his maſter, doth not believe it poſſible, that the marquis writ or publiſhed it by the orders of his catholic majeſty, but on the contrary perſuades himſelf, that this his reſentment will be much to his royal ſatisfaction, as made for the common cauſe of all kings; and that don Alexander Stanhope will hope, that don Antonio de Ubilla paſs all this to the royal knowledge of his catholic majeſty, whom God preſerve, remaining don Antonio's moſt humble and affectionate ſervant.

Madrid, the 2d of November 1699, N. S.

Mr. Stanhope to the earl of Mancheſter.

Nov. 12, 1699, N. S.

The next day after my laſt, which was November 5, I had certain notice from ſeveral hands, the king had taken his reſolution of ordering me to be gone; whereupon at midnight I diſpatched to the Eſcurial my agent, with the paper, of which the incloſed is a copy. The ſecretary of the Deſpacho Univerſal, don Antonio de Ubilla, would not receive, but was willing to hear the contents by word of mouth, and that was as much as I deſired. Two days after, the conductor, or maſter of the ceremonies, came to order me in the king his maſter's name to be gone out of the Spaniſh dominions within eighteen days, and not to ſtir out of my houſe till I ſhould begin my journey. Your excellency has the anſwer I gave my conducter in the ſame ſheet with the former. I have every day ſince ſollicited my paſſports, being ready to be gone whenever they give them me; and am told the reaſon of the delay is to know by next poſt, whether any paſſports, and in what form they were given to the marquis de Canales in London, that they may exactly imitate the ſame with me.

The tranſlation of Mr. Stanhope's paper to Don Antonio de Ubilla, expreſſing the king his maſter's orders to return home, and deſiring his catholic majeſty's paſſports.

Don Alexander Stanhope, envoy extraordinary from the king of Great Britain, kiſſes the hands of don Antonio de Ubilla, and ſays, that having already repreſented to his catholic majeſty, whom God preſerve, the motives, that neceſſitated the king, his maſter, to ſend the declaration, he lately did, to the marquis de Canales; and don Alexander Stanhope having no other orders but to return to his majeſty's royal preſence, as ſoon as poſſible, he communicates this to don Antonio de Ubilla, that he may pleaſe to put it into the knowledge of his catholic majeſty, whom he beſeeches at the ſame time, with all humble ſubmiſſion, to order ſuch paſſports to be given him, as will be neceſſary for ſuch a voyage; and don Alexander Stanhope remains don Antonio de Ubilla's moſt humble and affectionate ſervant.

Madrid, November 6, 1699.

Mr. Stanhope's anſwer to the conductor of embaſſadors, when he came with a meſſage from the king to order him to leave the Spaniſh dominions in eighteen days, and not ſtir out of his houſe, till he ſhould begin his journey.

You will pleaſe to tell his catholic majeſty from me, that I will punctually comply in all that you have intimated to me by his royal order, becauſe in ſo doing I ſhall obey the orders of the king my maſter, as his catholic majeſty cannot but have been informed by don Antonio de Ubilla, to whom I communicated it two days ago by my ſecretary at the Eſcurial, deſiring at the ſame time paſſports neceſſary for my voyage; that I am glad to ſee their two majeſties minds ſo unanimous, and deſire they may continue the ſame in all other matters.

The ſubſtance of the earl of Mancheſter's audience of the French king at Verſailles, on Sunday, Nov. 15. 1699.

SIR,

The king my maſter having found, that monſieur de Tallard was, by his inſtructions, obliged to quit Holland before he ſigned the treaty, which was projected with your majeſty, relating to the ſucceſſion of Spain; his majeſty has ordered me to deſire this private audience, to aſſure you, ſir, that the king continues in the ſame ſentiments he was always of in regard to that treaty. Your majeſty knows very well the good offices employed by the king my maſter, to make the Imperialiſts enter into it. He has alſo done all he could to make the ſtates like it. His majeſty continues to act as he did. As to what concerns the king's ſigning it, he cauſed the earl of Jerſey to come into Holland expreſsly for this end; and I doubt not, but the count of Tallard will have told your majeſty, how often the king my maſter has offered himſelf to ſign it, to ſhew, that he was ready to do all that depended on him. Your majeſty will give me leave to be a little long, in telling how this affair has paſſed, that ſo your majeſty may have it perfectly cleared up, that there is no alterarion in the intention of the king my maſter. The buſineſs was propoſed to the ſtates of the province of Holland, as to thoſe, who were the moſt intereſted in it; for it was not apprehended, that any obſtacles ſhould be met with elſewhere, if the conſent of that province was had. That was alſo the beſt way to make the ſecret of this affair leſs apt to be divulged.

Sir, If it has been repreſented to you, that the king my maſter might have made uſe of the credit he has with the ſtates, to cauſe this treaty to be concluded; I will own, that the king has a great deal of credit in that country. But this credit does always conform itſelf to the manners and cuſtoms of the country; and, though the ſtates had found no objection, the buſineſs could not have been ended without the conſent of every city, which could not be had in leſs time than a month or three weeks, as the penſionary and the earl of Portland have given count Tallard to underſtand. But, whilſt his orders did not give him leave to wait for the concluſion of the affair, the king my maſter hopes, that your majeſty will renew your orders to monſieur de Tallard, or will ſend orders to monſieur de Bonrepos, to endeavour to remove all obſtacles, that ſo the project of the treaty may have its effect.

The French king's anſwer.

I own I was a little ſurprized, that the affair was not finiſhed at the expiration of the time, and before the king your maſter did ſet out for England. I am ſatisfied with the aſſurances, which you now give me from him, that he continues ſtill in the ſame intention; and I hope he will ſtill continue to contribute all he can with the ſtates. As for me, I am ſtill of the ſame mind, and I act withthe ſame ſincerity. I will ſoon ſend monſieur de Tallard with the neceſſary inſtructions.

When I ſaid, 'That the reaſon the ſtates of Holland were not ſooner acquainted with it, was, that it could not be propoſed to them, till it was known, whether the Imperialiſts would come in or no;' the king ſaid, 'They have had time enough given them, and even too much.' As to count Tallard's having orders to come away, the king took no notice of it, nor that he had been informed of every ſtep. Upon my ſaying, 'Monſieur Tallard has been informed of all that has been done in this affair, and has even ſeen all the letters, which Mr. Hop wrote to the penſionary; and, it being firſt propoſed to the province of Holland, it ſeemed that he was ſatisfied in theſe points,' I took occaſion to ſee, if monſieur de Bonrepos had any orders, ſaying, 'That the king my maſter is deſirous that your majeſty ſhould be informed by monſieur Tallard, or monſieur de Bonrepos, of all that paſſes; and even the ſtates will always have a great regard for all that comes from your majeſty.' The king anſwered, 'In this affair I confided only in monſieur de Tallard; and I know very well, that the king your maſter has more credit than I in Holland on this occaſion.' When I ſaid, 'That the king had recommended it to the care of the penſionary, and that we hoped, that the difficulties were ſuch as might be ſurmounted.' The king anſwered, 'That he hoped ſo too; and that he imagined, that ſomebody would come from the ſtates into England; and that the treaty would be ſigned there.' The king ſaid alſo, 'As you know, I have it under the hand of the king your maſter, as he has it under mine.' Then I ſaid, 'I have alſo, ſir, particular orders to tell your majeſty from the king, that as he has acted on this occaſion with an open heart, and with all poſſible ſincerity; ſo he will continue to act on all other occaſions that may be able to contribute to the ſtrengthening the friendſhip and good correſpondence with your majeſty.' The king anſwered, 'You may aſſure the king, your maſter, that I will do the ſame.'

Mr. Prior ſet out, on the ſaid 15th of November 1699, with this account of the audience, for London.

The earl of Mancheſter to the earl of Jerſey.

Paris, Nov. 21, 1699.

The ſame day Mr. Prior left this place, I went to Verſailles, and had my audiences, where paſſed what is uſual on ſuch occaſions. The king expreſſed himſelf in very obliging terms, mentioning the great deſire he had to continue the good correſpondence, that is now ſo well eſtabliſhed; and that he did again repeat to me what he had formerly aſſured me of, &c. I made monſieur de Torcy a viſit, where I took occaſion to diſcourſe of what had paſſed in my private audience. I knew he expected it, and was alſo willing to find out his ſenſe of the matter. He ſaid, That the king had acquainted him with it: That I had fully explained the whole proceeding to his majeſty: That monſieur de Tallard was to ſet out on Monday next. He did ſtill ſeem to inſiſt on the great credit our king had with the ſtates, and, laughing, ſaid, he wondered I ſhou d leſſen it. I told him, I did own the ſtates had always ſhewn a great regard to every thing, that was propoſed by his majeſty: That the aſſurances, I had given the king, were, that he had recommended it, and would continue to do it; ſo that nothing would be wanting on his part: That, though there were great hopes of a good concluſion, yet, till it was agreed to by the ſtates, it was more than could be ſaid, that they would certainly do it. On the whole, I find the court impatient till it is done, by ſaying, No time was to be loſt: That the king of Spain's

of them." In this anſwer, the imperial court perſiſted with little variation, except that their refuſals became ſtronger and ſharper, the more they were preſſed; and ſometimes they pretended, what they could not believe, that Charles II. was in a fair way of recovery, and might have poſterity of his own. This was the language of their public memorials; but the courts of Harrach and Kaunitz, the principal miniſters of Leopold, talked in a higher and more confidential ſtile to the French embaſſador, the marquis de Villars. They expreſſed, in their private conferences, the ſtrongeſt reſentment at the conduct of the maritime powers, not unmixed with terms of diſreſpect towards king William, and inſinuations, that domeſtic factions had rendered his government weak and contemptible. They aſſured him, that their maſter would put every thing to hazard, rather than accept a treaty, which muſt reduce him to an abſolute dependence on England and Holland, for the preſervation of Spain and the Indies in his family, and, at the ſame time, robbed him of the Milaneſe.

Spain's life was very uncertain: That, by the laſt account they had, he was ill again. I waited on monſieur de Tallard this morning, and his diſcourſe was much the ſame. He gave me to underſtand, that, though monſieur de Bonrepos would ſeem to be concerned in this affair, he was not: That he hoped to find all things ready at his return into England, which would be on Saturday next: That he had all the duty imaginable for the king: That his intentions were and always would be, to endeavour to continue a good underſtanding between our maſters. To which I replied, as was proper on ſuch an occaſion, 'I hope monſieur de Tallard will be ſo juſt, as to give it the ſame turn in England, he does here.'

The earl of Mancheſter to the lord chancellor Sommers.

Paris, Decemb. 8, 1699.

As to the affair, that paſſed in Holland this ſummer, I cannot ſee why the ſtates ſhould make any difficulty, ſince the year before they did agree to a propoſal of that nature; and the ſame reaſon does ſtill continue, unleſs they were deſirous to ſee firſt the ſucceſs of their tariff there, which was yeſterday ſettled and exchanged.

The houſe of Auſtria will never agree to any thing till it is too late. Beſides, they think our intereſt is ſo much concerned, that we ſhall at all times procure them ſome conditions; and, on the other ſide, the fear they have of diſobliging Spain makes them ſo very cautious, as not to come into any propoſal whatever. I muſt confeſs, I am impatient to ſee the concluſion of this matter. For, in caſe it has not the effect we always propoſed, I ſhall be ſorry it has gone ſo far: And I know this court will be much diſſatisfied with us, and may be with ſome reaſon. All I have acted in it has ſucceeded as was deſired.

The earl of Mancheſter to the earl of Jerſey.

Paris, December 23, 1699.

I was this day with monſieur de Torcy.—He took notice, that the affair of Spain was ſtill depending, and not agreed to, which might be a great prejudice to this king, ſince they had now a good opportunity of turning matters to their advantage, the queen of Spain being diſſatisfied with the court of Vienna. He did not mention the occaſion, but I fancy it is ſomething in relation to the counteſs of Berlips. All I ſaid was, that I was aſſured, that the king my maſter would contribute all he could to bring that matter to a good concluſion. He anſwered, that the king was fully ſatisfied of it.

Count Zinzendorf had an audience of the king this day, having juſt received a courier with the news, that the queen of the Romans was brought to bed of a daughter. The king told him, as he ſays, in a very obliging manner, that he had given orders to monſieur de Villars to take his audience of the archduke in the manner the emperor ſhould think fit. So that at preſent this court ſeems deſirous to oblige the emperor as much as they can.

The earl of Mancheſter to the earl of Jerſey.

Paris, Decem. 31, 1699.

I never ſee monſieur de Torcy, but he ſpeaks to me of the great affair. On Tueſday laſt I was there: I found him appearing a little more concerned: He ſaid, that matters were ſtill under ſuch uncertainties, that they could not tell what to depend on: That he did not find, that this affair was any way advanced: That the king of Spain had been indiſpoſed again ſince his return to Madrid, and might die of a ſudden, which probably would produce a new war in Europe, in caſe thoſe meaſures, that were propoſed, were not firſt agreed to. I could give him no other anſwer, than that I believed he was ſatisfied nothing would be wanting on the king my maſter's part; and that I believed monſieur de Tallard was acquainted with what paſſed. He ſaid he believed not; for that he had aſked an audience of the king, but could not have it, by reaſon the king was to go to Hampton-Court; and that at that time there arrived three poſts from Holland. I told him, that I did not doubt but monſieur de Tallard had told him how eaſy of acceſs the king was: that I had ſeen him ſpeak to the king about buſineſs, even without ſo much as aſking an audience, or acquainting the ſecretary of ſtate with it. I ſaid, as for myſelf, that I thought, if monſieur de Tallard had not left Holland ſo ſoon, it might have facilitated this affair. To which monſieur de Torcy anſwered, that they had nothing to do with the ſtates, having only treated with the king of England: That monſieur de Bonrepos was come to Paris, ſo that they had no embaſſador there, ſeeming to inſiſt very much on this point, that it was not in the leaſt their buſineſs: That ſeveral months were paſſed ſince the time they had reaſon to believe this matter would have been finiſhed, &c. I cannot tell but he expected ſome light from me, or it may be monſieur de Tallard is uneaſy, and has made them ſo. I found by monſieur de Tallard, the night before he went from hence, that he thought by Chriſtmas this matter would certainly be ended. He ſaid, in caſe it had a good concluſion, he ſhould be very glad to ſtay in England; if not, he hoped he ſhould be recalled, and ſome other ſhould be ſent. It may be, that this court was of the ſame opinion; and that, finding the contrary, it makes them doubtful of what the ſucceſs will be. Monſieur de Torcy nevertheleſs did not ſeem to make any doubt; he only ſaid, that in caſes of this nature time was not to be loſt.

The earl of Mancheſter to the earl of Jerſey.

Paris, Jan. 6. 1700.

I am in hopes the grand affair goes on well, ſince monſieur de Torcy diſcourſing yeſterday with me, as he generally does, told me, that the penſionary of Holland had told monſieur de Bonrepos that the province of Zealand had given their conſent; and, there being ſince ſome time paſt, as is hoped we ſhall ſoon know the ſucceſs; which will make this court eaſy. Monſieur de Torcy pretends they have propoſals of treaties from all parts, but that the king does much more deſire and ſeek that with the king of England than any other. Monſieur de Torcy has received by an expreſs a letter from monſieur de Tallard of the 30th of December N. S. which is two days freſher than ours. He ſeemed much better ſatisfied than the time before.

The earl of Jerſey to the earl of Mancheſter.

Whitehall, Jan. 11-12, 1700.

The great affair is come to a good concluſion; the province of Holland, having conſented to it, except ſome little reſerve, which will be of no conſequence. Your excellency will be pleaſed, as you may occaſionally diſcourſe with monſieur de Torcy, to let him know this; which may prevent any thing, that Tallard may repreſent otherwiſe, on this ſubject.

The earl of Mancheſter to the earl of Jerſey.

Paris, Jan. 27, 1700.

I was, yeſterday, with monſieur de Torcy; who had received an expreſs from monſieur de Tallard, with news, That the affair was concluded: that the only difference that remained, at preſent, was, That the ſtates would have their part ſigned in Holland; and monſieur de Torcy did not well know how this could be done, the French king having no miniſter there. I found monſieur de Torcy very well pleaſed; and, in caſe that matter is not otherwiſe agreed on, I could perceive, that would be no obſtruction; but the French king would ſend a perſon into Holland.

The earl of Mancheſter to the earl of Jerſey.

Paris, March 31, 1700.

The treaty is come from Holland, though the counterpart be not yet, becauſe, as monſieur de Torcy ſaid, they could not tell, but the courier might have been ſtopped in Flanders; ſo they would not ſend them together. It does begin to take air, and count Zinzendorf has ſome notice of it, having diſcourſed to me of the ſeveral heads. I have been far from giving him any light into that matter; only ſo far, as I have often ſaid before, when I found him alarmed at the illneſs of the king of Spain: that I thought it would be happy for Europe, if there could be a compromiſe; but that that would very much depend on the emperor. He ſaid, I might be aſſured the emperor would agree to any thing, that was reaſonable. I avoided, always, going any further, without orders; though I cannot ſee, but he will be ſoon informed of this whole matter, whenever it is again propoſed at Vienna.

——— I do believe, this court will do what they can, in order to a peace in all parts. The reaſon why I think ſo, is, becauſe monſieur de Torcy ſays, It would be neceſſary, that moſt of the princes in Europe conſented to what is agreed on in England; which cannot be ſo well done, if they are in war one with another.

The earl of Mancheſter to the earl of Jerſey.

Paris, May 8, 1700.

I deſired monſieur de Torcy would let me know, when he would mention the late treaty to the emperor's miniſter; and what meaſures they intended to take, that I might act conformable to them: He ſaid, he ſhould take no notice of it to him, till next Tueſday ſevennight: That they would ſend orders to monſieur de Villars (with a copy of the treaty) to communicate it to the emperor; and to ſend back the courier at the expiration of eight days, in caſe he had no anſwer, and to declare, that this king ſhall look upon it as a refuſal: That, leſt the emperor might engage the pope, the French embaſſador at Rome is to communicate it alſo, and to deſire it may be kept a ſecret: That they think proper to act in the ſame manner with the republic of Venice, and they will impart it to their embaſſador here about the ſame time they mention it to the emperor's miniſter. As for Spain, they thought it not yet proper. He ſaid, they ſhould now ſee the ſucceſs of this great affair, and the king would have the honour of it, and the caſe was extremely changed in two years: That the king had now all the obligations and intereſt to wiſh for the life and welfare of our king, aſſuring me of the great concern he was under ſometime this winter, when they heard from monſieur de Tallard, that he was a little indiſpoſed. This, I take it, is not unlikely, it being plainly their intereſt; elſe I ſhould not eaſily be perſuaded of their good intentions. I wiſh it was ſo elſewhere.

The earl of Mancheſter to the earl of Jerſey.

Paris, May 19, 1700.

Yeſterday monſieur de Torcy acquainted the emperor's miniſter of the whole affair. He ſeemed mightily ſurprized, and complained much of the proceedings of our king, taking notice of the many engagements that have been made between his maſter and him. To which monſieur de Torcy anſwered, That he thought he had no reaſon to complain, after what had paſſed on that ſubject

They threw out frequent overtures, that his imperial majeſty was willing to take up with the Dauphin's ſhare of the partition, or to concert a new one with Lewis XIV, which ſhould coincide better with their reſpective intereſts. But whether theſe offers were deſpiſed at Verſailles, or the ſincerity of them ſuſpected, the marquis de Villars received no other inſtructions in anſwer to them, than that the king did not think it right to admit any alteration, without the conſent of his allies. The emperor's obſtinacy in rejecting the treaty, amazed all thoſe, who were acquainted with his circumſtances. His troops, if compleat, did not amount to ſeventy thouſand men; but, for want of recruits, they were far ſhort of that number. He was indebted between twenty and thirty millions of florins; and his chamber of finances had ſcarce credit enough to ſupply him with neceſſaries. It was generally believed, that he placed his chief reliance on the chapter of accidents, or on what the ſuperſtition of his family, or adulation of it's partizans, have ſtiled the miracle

at Vienna, and that the emperor had been informed of every thing, that was now agreed to: that this matter was not of a new nature, for that there had been a ſecret treaty between the emperor and France concerning the ſucceſſion of Spain in 1668. When I ſaw monſieur de Torcy, he told me all that had paſſed, and I was glad to hear of this ſecret treaty, that being a good argument to monſieur de Zinzendorf, as you will find afterwards. He ſoon took notice of it to me, and began much in the ſame manner as with monſieur de Torcy. I told him, I wondered to ſee him ſo much ſurprized, ſince for ſome time he always aſſured me, there was ſuch a matter in agitation, and that it was concluded: that, if he would conſider a little, he would be convinced, that the king had not only conſidered the intereſt of Europe, but in particular that of the emperor: that what might be very doubtful, and even not likely to be obtained by a war, might now be ſecured by a peace if they pleaſed. He ſaid, What faith can be expected, if the Pyrenean treaty, and the renunciation, that France made, was not valid? To this I anſwered, That I believed that the emperor did not take it to be a full deciſion in relation to Spain; elſe he would not have made a ſecret treaty with France in 1668, wherein he yielded much more, as I was informed. I then proceeded to ſhew him the ſituation of affairs. I repreſented the power of France, the intereſt they have in Italy, as alſo in Spain; and beſides what he had often told me, that it was feared, that the Spaniards would declare themſelves for a prince of France; that I was of opinion, that he himſelf would think at laſt, that this was the only way to prevent it, and that they had it now in their power. Upon the whole matter he ſeemed partly convinced, and he begins now to think, that the king could obtain no better conditions, and that the only difficulty, that will remain, is what relates to Milan. I left him to judge, whether he thought the princes of Italy would be contented, that either France or the emperor was maſter there. After this diſcourſe he went again to monſieur de Torcy, and deſired a copy of the treaty, which he ſaid he would ſend him, and then made him ſome propoſals as from himſelf, that he might be the better able to inform his maſter; which he afterwards acquainted me with, and which I ſend your lordſhip in his own words, as well as I can remember them. He is now ſo apprehenſive leſt Spain ſhould declare for France, as you will ſee by the queſtions he aſked monſieur de Torcy, that he will do what he can for the treaty; and it is thought he is very well with the emperor. He ſends this day an expreſs to Vienna, and, I think, one to count Harrach in Spain, as does alſo the Spaniſh embaſſador, whom monſieur de Torcy has acquainted with the treaty, and given him a copy of it. He only ſaid, that it was a matter above his underſtanding, but he would not fail to inform his maſter of it. The Venetian embaſſador is alſo acquainted with it; and monſieur Calliere goes this week to the duke of Lorrain to notify it to him. So your lordſhip will judge it will not be long a ſecret.

Count Zinzendorf aſked monſieur de Torcy of his own accord, after the agreement betwixt England, France, and Holland had been ſhewn him:

'1. Whether France will conſent to the arch-duke's going into Spain, during the life of his catholic majeſty?'

Monſieur de Torcy's anſwer:

'France does conſent to it, on condition that the emperor does accept the conditions.'

'2. Whether, in caſe the Spaniards would make choice of a French prince within the given term of three months, it be agreed not to give ear to the propoſals of Spain?

'Yes, it is agreed.'

'3. That the ceſſion of the kingdom of Naples ought, in my opinion, to be underſtood as only to the deſcendants of queen Mary Tereſa; and that it is by no means to be incorporated with the crown nor the houſe of France?

'That this will be made eaſy, and that there will be no difficulties about it.'

'4. Whether there was any room to hope, that France would change or accommodate ſome thing in the treaty?'

'That the king was in ſo good a diſpoſition, that he would come into any thing; and that this treaty was not of that nature, that nothing could be changed in it, ſo it be done by the common conſent of England, France, and Holland.'

The earl of Jerſey to the earl of Mancheſter.

Hampton-court, May 13, 1700, O. S.

I have your letter of the 19th, and laid it before the king. His majeſty approves of what has been ſaid to count Zinzendorf, concerning the treaty, only as to the ſecond query:

'Whether, in caſe the Spaniards would make choice of a French prince within the given term of three months, it be agreed not to give ear to (attendre) the propoſals of Spain?

A. 'Yes it is agreed.'

'The ſenſe of theſe words is it not this? That, though the Spaniards ſhould, within the three months, propoſe to make choice of any prince of the houſe of Bourbon, yet the French ſhall not in that caſe hearken to ſuch a propoſition, but ſhall adhere to what is literally preſcribed in the treaty. Your lordſhip will ſee, in diſcourſing with monſieur Zinzendorf, if he does not underſtand it thus; and take care, that it be ſo explained to monſieur de Torcy, as to leave no room for any difficulty.'

The earl of Mancheſter to the earl of Jerſey.

Paris, May 26, 1700.

I have acquainted your lordſhip already, that the only diſcourſe we have here is concerning the treaty with England, and I have made ſome enquiry, which way it could come to be ſo ſoon public; and it happened thus: The king ſent for monſieur on Thurſday laſt, and informed him of it, and even of the particulars, ſaying it was no longer a ſecret, for he had informed moſt of the princes of Europe of it. This was ſufficient to make it known, and it was certainly deſigned ſo. It does occaſion different opinions, tho' I find, that the more they conſider, the more they approve of it. The Italian miniſters were the moſt alarmed by what the French are to have in Italy, with the ſeveral ports, which makes them maſters there whenever they pleaſe. But the chief point is, that all theſe places are annexed to the crown of France. They ſay, if they were to go to a younger ſon, that might make all that matter eaſy. We are to ſee here monſieur de Torcy to-morrow, the court being ſtill at Marly, and then I ſhall be better able to give you an account how affairs ſtand. I hear the Spaniſh embaſſador does act very prudently, and has ſoftened the matter as much as poſſible to the court of Spain.

The earl of Mancheſter to the earl of Jerſey.

Paris, May 29, 1700.

I never fail, when the Miniſters here ſpeak of the king, to aſſure them of the particular eſteem he has for his moſt chriſtian majeſty, &c. and I had yeſterday a good opportunity of repeating it at a conference I had with monſieur de Torcy about the treaty, &c. I am of opinion, that the emperor's miniſter here will preſs that matter at the court of Vienna, he being more convinced than ever, that it is for his maſter's intereſt to agree to it; and monſieur de Torcy did own to me, that he found him much altered ſince the laſt time he ſaw him: and he told me of the propoſitions he had made him, and which I have already acquainted you with. The courier, which was ſent to monſieur de Villars, is expected back every day, and will give us ſome light as to which way this will turn. The duke of Lorrain has acceded, but it is at preſent a ſecret, as monſieur de Torcy ſays, becauſe he is willing to keep meaſures with the emperor, as you will be told by monſieur de Tallard, if he has not told you already.

The earl of Mancheſter to the earl of Jerſey.

Paris, June 2, 1700.

I had the honour of your's of May the 13th, and am ſenſible the ſecond propoſition of monſieur de Zinzendorf might have been plainer by the word 'ecouter' inſtead of 'attendre;' but I was willing to keep his own words, not having then diſcourſed with monſieur de Torcy: though I now find his anſwer went further, and on that query he ſaid, 'provided the emperor within the term of three months ſigned and ratified; elſe they ſhould not think themſelves obliged.' This he added, in order to leave him in more doubt, which he thought was proper at preſent; though he ſaid it was not very likely the Spaniards would now be more their friends; and beſides, this king would keep ſtrictly to what is preſcribed by the treaty. I afterwards talked to monſieur Zinzendorf, who underſtands it in your lordſhip's ſenſe, and I did explain to him further what monſieur de Torcy had told me concerning that matter. At firſt he did not entirely agree to it, though there was little difference, ſo that there can be no ill conſequence from it; and this matter is ſo ſettled, that I hope the king will approve of it.

Monſieur de Torcy made ſome excuſe to me, and ſaid the time would not permit them to conſult firſt with the king in relation to the duke of Lorrain, and told me, they had ſent a project to be ſigned by him, and it was not convenient to let this matter cool: That ſome conditions were ſent, but ſuch as would cauſe no diſputes: As, 1. That the duke is not to quit Lorrain till he is in poſſeſſion of Milan. 2. That Milan ſhould go to his heirs and family, as Lorrain now does. 3. That the Dauphin ſhould renounce all his claim. 4. That they would not agree with the emperor till the inveſtiture from him was ſettled, if neceſſary, in relation to Milan. Monſieur de Tallard has a copy of this project; and, when it is ſigned, which will be very ſoon, it will be neceſſary, that the king and the States general ſhould ſign an act to confirm the ſame. Monſieur de Villars has communicated the treaty to the emperor, who declared in general terms, that he was very much inclined to the peace of Europe. By the couriers, which he was to ſend eight days after, he will explain that matter further. Monſieur de Torcy ſays, they have an anſwer from the French embaſſador at Rome, and the pope ſeems to approve of the treaty. After this he ſaid, it would be very convenient, England and France ſhould always act in concert in the affairs of Europe: and let fall ſome words, as if he underſtood there was a treaty on foot between England, the emperor, Denmark, and Poland: That the Daniſh miniſters had made ſeveral offers in England, &c. I told him, I thought there was nothing of that nature, and it was not very likely, becauſe we ſent our fleet to aſſiſt Sweden, which was in a manner declaring againſt Denmark and Poland: That I ſuppoſed their miniſter here had made propoſals to this court, at leaſt it was ſaid ſo. But, ſince the aſſurances he had given me, that no alliance or treaty ſhould be made with them, till matters were compoſed, without communicating it to the king my maſter, I was entirely ſatisfied, and I hoped he would be ſo likewiſe, reports of this nature being generally ſpread to create miſunderſtandings.

of the houſe of Auſtria. But the true ſpring of his refuſal was, that, in June this year, the king of Spain made a diſpoſition in favour of his ſecond ſon, which they knew at Vienna, and yet took no meaſures to render it effectual, by marching troops into Italy, or ſending the young archduke with a ſufficient force into Spain; both which ſchemes had been in agitation.

The affairs of Spain were all this ſummer in a terrible ferment. The king had frequent returns of his illneſs; and it was expected, that every relapſe would carry him off. The adminiſtration was in a moſt infeebled and disjointed ſtate; the nobility ſplit into factions; the people mutinous and diſcontented. On the firſt knowledge of the treaty, they appeared highly incenſed, that three foreign powers ſhould undertake to transfer their allegiance, and parcel out their dominions. They conſidered a partition as the greateſt diminution of the ſplendor and ſtrength of the Spaniſh monarch. The grandees, in particular, could not endure to be deprived of ſo many lucrative governments; and it was the univerſal cry, that France alone could maintain their ſucceſſion entire, and recover them out of the calamity, to which they were reduced. It is the common opinion, that the ſeeds of this great revolution were laid by the capacity and addreſs of the marquis d'Harcourt, during his embaſſy at Madrid in

The ſecret treaty of 1668, was ſigned by the father of count Averſperg, who is now with you. The emperor then conſented, that France ſhould have Naples and Sicily, all Flanders and the Philippine iſlands. Count Zinzendorf ſays he was baniſhed for that reaſon.

The earl of Mancheſter to the earl of Jerſey.

Paris, June 9, 1700.

The courier, which monſieur de Villars was to ſend back from Vienna eight days after his arrival, is come back. Monſieur de Villars writes, that he had diſcourſed with count Caunitz; that he was preſſed to ſtay ſome days before he ſent back the courier; that, when they found he could not do it, they let him know, that the emperor would, in ten days time, give him a poſitive anſwer; and that he would not take any meaſures with Spain; and they believed it would be ſuch an anſwer, as he would think worth ſending by another expreſs. So they think here, this matter is in a good way. He told me further, that the duke of Lorrain deſired an explanation concerning the ſovereignty of Bich, which, by the treaty, is to go to the prince of Vaudemont; that the duke had reaſons to think he had no right to it at preſent, and therefore whatever he ſigned would not prejudice his title, till the treaty took place. This we have allowed him, and they underſtand that the prince of Vaudemont is to have the ſovereignty, when the exchange is made. Monſieur de Torcy took notice to me again, that the French king would act in nothing without conſulting the king, and he ſuppoſed he was fully ſatisfied of it, and that he approved of what had been done. I thought it proper to aſſure him of it, &c. It is certain, the credit and reputation of the king was never ſo great here, as it is now. Though I can never be perſuaded they love him, yet I am confident they eſteem him, and deſire his friendſhip. I muſt tell your lordſhip, all agree, that the duke of Savoy is rightly ſerved. His miniſter here is very uneaſy.

Mr. James Creſſet to the earl of Mancheſter.

Hamburg, June 14, 1700.

The late league concerning the Spaniſh ſucceſſion makes a great noiſe in the world. If the emperor be pleaſed, it is no great matter what others ſay or do.

Mr. Paul Methuen to Mr. Abraham Stanyan.

Liſbon, June 15, 1700.

We are likely to have a more buſy ſcene of affairs than has been uſual; for, the laſt day of May, there arrived a courier in eleven days from Verſailles to the French embaſſador; which is an extraordinary diligence. The day after his arrival, the embaſſador deſired a ſecret audience of the king, which being granted, he remained an hour in private with him, nobody being in the room but the king and himſelf; during which he ſhewed him the treaty in French, that was ſigned by the earls of Portland and Jerſey, count de Tallard, count de Briord, and eight Dutch plenipotentiaries, for the dividing the Spaniſh monarchy between the archduke and the Dauphin, if the king of Spain ſhould die without any children. After he had ſhewed the treaty, and explained the contents of it, he made a ſpeech to invite him into it, ſetting out his maſter's great kindneſs ſhewed to the king of Portugal on this occaſion, in giving him ſo ſudden notice of what concerned ſo nearly the intereſt of this kingdom. The embaſſador received no anſwer from the king at his audience; ſo he diſpatched back the courier to give his maſter an account, that he had obeyed his orders; and four days after he ſent one of his ſervants poſt with the anſwer he received from the duke of Cadaval, his commiſſary, which was, that, this being a buſineſs of great conſequence, it required ſome time to conſider of it; and that in the mean time the king returned his moſt Chriſtian majeſty thanks for this particular demonſtration of his kindneſs, and aſſured him, that nobody could deſire more earneſtly than he, whatſoever was for the good and peace of Chriſtendom. By this anſwer it ſeems probable, that the king of Portugal will not take any reſolution of being comprehended in the treaty, until he ſees what the emperor does; and that, in order to it, he will wait for count Wallenſtein, who has been ſome time at Madrid, and is expected here in a few days, the king's barges being already gone to wait for him on the other ſide of the river.

The earl of Mancheſter to the earl of Jerſey.

Paris, June 16, 1700.

I find the French deſign very ſoon to communicate the treaty in all parts, ſa monſieur de Torcy ſays, ſince England ſays there is no occaſion of deferring it, eſpecially in thoſe parts of Germany, where the king has no miniſters; but, where he has, it is neceſſary they ſhould all act at the ſame time. The French intend and think it convenient to do it to the prince of Heſſe-Darmſtadt and the duke of Saxe-Gotha, who were forgot. As for the elector of Hanover and Bavaria, they leave that to us, the elector of Hanover not being yet owned as ſuch by this court. The French miniſter at Mantua is to have orders to communicate it there and at Parma, &c. And they have given their order for Turin. The duke of Lorrain has not yet ſigned, though he pretends he will. He has called a council of twelve perſons, ſince which he has deſired many explanations from this court to what concerns his own country, that ſo they may have the ſame privileges when under France. Some are allowed, but he deſires alſo not to be a guarantee of the treaty, which deſire is of ſuch a nature, that it cannot be agreed to. We ſhall ſoon find, whether all this is not to gain time, and to ſee what the emperor will do.

Mr. Robert Sutton to the earl of Mancheſter.

Vienna, June 19, 1700.

Underſtanding, that it would not be unacceptable to your excellency to know what meaſures the emperor takes in relation to the treaty newly concluded with France, I could not but rejoice at an occaſion of doing your lordſhip any pleaſure, and take the liberty to acquaint you, that the emperor has not hitherto taken any reſolutions touching the treaty. All that has been declared is, that the emperor, for reaſons very well known, thought himſelf obliged to communicate with Spain, which is the party moſt concerned in his opinion, and that afterwards he would return an anſwer; which perhaps we may be forced to wait for till towards the end of the term allowed him. In the mean time your excellency will eaſily judge the agreements to be very unwelcome to this court. Some of the miniſters do not hide their high diſlike of it. But nevertheleſs, though they do not explain themſelves, I believe it is paſt a doubt, that the emperor will at length enter into it. The neceſſity of it is very clear, and will be often repeated to them.

Mr. Stanhope to the earl of Mancheſter.

Hague, June 24, 1700.

Here is a perfect good underſtanding between the French embaſſador, the count de Briort, and me. I diſpatched two days ago by his courier copies of the late treaty about the Spaniſh ſucceſſion to our miniſters at Hamburg, Copenhagen, Sweden, and Berlin, to be communicated to thoſe princes, with inſtructions to endeavour to perſuade them to approve and enter into the guarantee for executing it. I am told your excellency has done the ſame to Mr. Methuen in Portugal.

The earl of Mancheſter to the earl of Jerſey.

Paris, June 26, 1700.

The court being at Marly, monſieur de Torcy came on Thurſday laſt to Paris, and in the conference I had with him, he told me, that the duke of Lorrain had himſelf ſigned the treaty with monſieur de Calliere, and at the ſame time had wrote to the French king, that, notwithſtanding he did not inſiſt on the ſeveral explanations, and the propoſals he had made, yet he hoped they would be granted him. The chief point, and which he deſires moſt, is, that he may not be looked upon as a guarantee, ſince he had neither troops nor money to maintain it, in caſe of a war. Beſides, to act againſt the emperor, he thought, was what in gratitude he ought not to do. It was not proper to allow him this, as I take it, for very good reaſons, ſince it would have been an example to others to make the ſame difficulty, and eſpecially to thoſe, who have not the ſame advantage by this treaty. Yet it is explained to him, that it is not expected he ſhall give any other aſſiſtance than a free paſſage through his country, in the ſame manner as he is already obliged to do by the treaty of Ryſwick. He alſo conſents to ſend ſome full power to ſign it at the Hague, as I underſtand the king deſires. Moſt of the other things he deſires, and of which I think I formerly acquainted you, relate to his own country, when it ſhall be ſubject to France, and moſt of this is granted him. It was well he did not ſtay for an anſwer from Vienna; for, as I perceive, there is but little inclination there to agree to the treaty, as it is now; for, I take it, you will ſee them play another ſort of game. Monſieur de Zinzendorf's courier is returned, and he told me, that his orders were to aſſure me, that his maſter was as much inclined as any body to preſerve the peace of Europe: but, as the treaty was communicated in Spain, he could not come to any reſolution, till he had heard from thence. I did perceive there was ſomething more, and eſpecially ſince I ſaw him ſo impatient to ſee monſieur de Torcy, which he did preſs very much; and he ſaw him on Tueſday at a houſe near Marly, where he told him, he had orders from the emperor to offer the Dauphin, inſtead of what he was to have in Italy, the Weſt-Indies. Monſieur de Torcy ſaid (as he tells me, and I cannot but think this court will act ſincerely) that the propoſition was of ſuch a nature, that he did not think it proper to acquaint the king with it, neither could he imagine that England and Holland could agree to it. To which monſieur Zinzendorf anſwered, That France was able to maintain it by their fleets and troops, if they would accept of it. When he found this would not do, then he propoſed, as from himſelf, that France ſhould have Sardinia and Luxemburg, in lieu of Lorrain, and the emperor Milan. This was as extraordinary as the other. At laſt he ſaid, it was impoſſible for the emperor to agree to the ninth article, viz. That the kingdom of Spain ſhall never deſcend to any one, who ſhall be at the ſame time emperor or king of France, &c. After ſome further arguments, that paſſed, monſieur de Torcy aſked, Whether the emperor would ſign the treaty, in caſe this article was ſuppreſſed? He could not ſay any thing poſitively to that. I cannot tell but France would be eaſy enough in this alteration; but I take it to be againſt the intereſt of Europe to have it ſo. When monſieur de Torcy acquainted me with this, I told him, that what he had propoſed, was, in my opinion, of great conſequence, and was very unlikely to be agreed to by whoever

1698; and that he found means to gain over the cardinal Portocarrero, the marquis de Monterey, and de los Balbazes, beſides ſeveral others of the principal nobility, lawyers, and men of note in Spain. However this may be, it is certain, the miſmanagements of the preſent reign, and the rapacious and violent carriage of the queen Mariana, aunt to the arch-duke Charles, had entirely alienated the hearts of the whole nation from the Germans; and that they were diſpoſed to receive with open arms a grandſon of Lewis XIV, provided they were aſſured of never becoming a province to France. Nor did the reflection, that a prince of the Auſtrian line muſt owe his chief ſupport to heretics, carry a ſmall weight along with it in the minds of a ſuperſtitious people. Portocarrero for the repoſe of the king's conſcience, which ſometimes ſuggeſted to him the unnatural part he was about to act, in depriving his own family of their juſt rights, adviſed him to conſult the pope on this momentous point of regulating the ſucceſſion. Innocent XII, who was firmly attached to France, after taking the opinion of a college of cardinals, determined againſt the validity of queen Maria Tereſa's renunciation, as being founded on compulſion, and contrary to the fundamental laws of the Spaniſh monarchy; and exhorted his catholic majeſty to make his will in favour of one of the French king's grandſons, by which he would effectually con-

whoever might approve the treaty. Spain might then poſſibly be joined to the Empire, &c. He did own it would have difficulties, and ſaid, the French king would not hearken to any propoſal but by common conſent. I muſt take notice to your lordſhip, that monſieur de Villars was only acquainted with the firſt propoſition, viz. that of the Indies, and even that was not communicated to Mr. Hop. I have not taken any notice of all this matter to monſieur de Zinzendorf, nor do I intend it; though monſieur de Torcy ſaid, I might as to the firſt propoſal, he having declared he made it by order. Monſieur de Torcy then told me, that the treaty had been communicated to the king of Portugal, who talked of it, as if he never could conſent to it; and accordingly the French miniſter there ſent away on the 4th inſtant the courier. When the king perceived this, he ſoon changed his mind, and ſo another was diſpatched, by whom he agrees entirely to the treaty on the following conditions.

1. If the emperor does not conſent within the time limited, that then he may be one in the naming of another prince.

2. That he may have two places yielded to him, that formerly belonged to Portugal; One was Alcantara, but I do not remember the other.

3. That, if he be attacked by reaſon of the treaty, thoſe, who are concerned in it, ſhall be obliged to aſſiſt him.

Monſieur de Torcy did ſeem to think it was worth granting him theſe terms, ſince it was the only way to engage him heartily in it; and, as for the firſt article, there would be ſtill three againſt one. The ſame courier brought letters from Madrid with this account, that the council, that had been aſſembled upon the notification of the treaty, where the king was not preſent, had agreed, that the beſt advice they could give the king, was, that he ſhould declare a prince of France for his ſucceſſor; the count d' Aguilar being the only one that did not conſent to it: that the queen had preſſed the king to diſapprove this reſolution, which he would not do; and that as yet he had not declared himſelf. The count de Harrach had diſcourſed with ſeveral of them, and eſpecially with the cardinal Portocarrero, and others, whom he thought in the emperor's intereſt; and they all anſwered, that it was the only advice they could give their king.

This matter is not yet public here, Monſieur de Torcy thinks it proper, that our envoy in Switzerland ſhould have orders to ſpeak privately to ſeveral of the chief of them, and ſay, it is expected they do give leave to any troops to paſs their country in caſe of a war, this king intending to give the ſame inſtructions to monſieur de Puyſieux, and order him to ſay, that they were to obſerve the ſame method our king had done, and not to mention this matter in public.

The earl of Mancheſter to Sir Lambert Blackwell, envoy at Florence.

Paris, July 3, 1700.

I have received the incloſed from my lord Jerſey, and have taken this way of ſending it you by a courier, who brings orders of the ſame nature to the French envoy. I ſuppoſe you will find you are to act jointly, and to take your meaſures together. It is in relation to the late treaty with France concerning the ſucceſſion of Spain. I cannot tell how acceptable it will be to the great duke.

The earl of Mancheſter to the earl of Jerſey.

Paris, July 7, 1700.

I ſuppoſe the pacquet was gone before your's of the 20th of June came to Whitehall, becauſe it came by itſelf, and I did not receive it, till I was returned from Verſailles, ſo that I could not diſcourſe with monſieur de Torcy concerning thoſe matters. He told me however, as to what you write in relation to the ninth article, that he had mentioned it to monſieur de Zinzendorf, who had promiſed to ſend immediately a courier to Vienna, for he had no poſitive orders to ſay, that this was the only point the emperor inſiſted on. M. de Zinzendorf alſo took notice of it to me, and ſays he will do what lies in his power. I muſt tell your lordſhip, that he does what he can to be well here, and endeavours to procure merit to himſelf both with the emperor and this court.

The earl of Mancheſter to the earl of Jerſey.

Paris, July 8, 1700.

Monſieur de Torcy has aſked me, if the king approved of the manner, in which they have communicated the treaty. I ſaid I had no reaſon to think otherwiſe. This may be occaſioned by what monſieur de Zinzendorf may have ſaid to him, for he has as good as told me, that in England it was not liked, that the treaty ſhould be made ſo public. Monſieur de Zinzendorf is of opinion, that the king of Spain will never declare for a prince of France, but rather for the arch-duke. This we ſhall now ſoon ſee. The Spaniſh embaſſador has as yet received no orders, and carries himſelf in the ſame manner as he did before the treaty.

The earl of Mancheſter to Mr. Sutton at Vienna.

I am obliged to you for your letting me know what thoughts they have where you are concerning the treaty, and I find you write much the ſame with what they have here from thence. I cannot but think the emperor will judge ſo well of his own intereſt as to accept it at laſt, eſpecially, when he ſees Spain is inclined to ſettle the whole ſucceſſion on a prince of France, which I ſuppoſe you have heard of. All the council, except count d'Aguilar, were of opinion, that the beſt advice they could give the king, at this juncture of affairs, was for him to declare the duke of Anjou his ſucceſſor. I cannot tell but this may make ſome alterations at your court, and bring them to a ſpeedy reſolution. I am told, that count Caunitz is ill, and that this makes the affairs not ſo well as otherwiſe they would.

Mr. Sutton to the earl of Mancheſter.

Vienna, July 10, 1700.

As to the treaty of regulation of the Spaniſh ſucceſſion, I have only to acquaint your lordſhip, that this court will not return any poſitive anſwer yet. They have received newly a courier from Spain, but will not diſcover what diſpatches he has brought, and conceal their intentions as much as they can till the return of their own courier from Madrid, alledging, they can ground nothing upon the advices they have hitherto received thence. However, it may be preſumed, that they will accept the treaty, though it be very diſpleaſing to them. They take no viſible meaſures to prevent the execution of it; from whence one may reaſonably conclude, they ſee the neceſſity of admitting it; and one cannot wonder at their managing the affections of the Spaniards.

P. S. I thought not to conceal from your excellency, that it appears pretty plainly, that this court would abſolutely reject the treaty, if they had any hopes of bettering themſelves: But, eſteeming the buſineſs irrecoverably concluded on our ſide, and not knowing how to remedy it, they are likely to turn their thoughts more upon the ways of preſerving what is allotted them, than upon catching at the ſhadow, and leaving the ſubſtance, eſpecially if the Spaniards will comply therewith.

The earl of Mancheſter to the earl of Jerſey.

Paris, July 17, 1700.

The laſt time I ſaw monſieur de Torcy, he told me (which he ſaid was forgot) that it would be proper that I ſhould have orders to take notice of the treaty concerning the ſucceſſion of Spain, to thoſe Italian miniſters, that come from courts, where our king has none, and to deſire their maſters to enter into the treaty, as France has already done, as a means to ſecure the peace of Europe. I ſaid I had no orders, but that I would write about it. As to Modena, I thought it was not proper for me to take notice of, which he agreed in; ſo that there are Savoy, Venice, Mantua, and Genoa. I intend to ſpeak again to monſieur de Torcy, and have a further explanation.

I ſend you a letter from monſieur d'Hervaert, who has communicated the treaty: Monſieur de Torcy tells me, that it is thought, that the Swiſs Cantons will hardly enter into the Guaranty, but they may conſent to have troops raiſed in their country, in caſe of a war. On that occaſion, he ſaid alſo, that he had ſent to the French embaſſador in Portugal a copy of the treaty to be ſigned by that king, in the manner it was agreed to in England. He tells me, that the duke of Savoy anſwered with great profeſſions, but in general terms, when the treaty was communicated to him. That the French embaſſador there had now orders to let him know, that, the king his maſter had reaſon to hope he might have had a more poſitive anſwer from him, eſpecially ſince there was a diſcourſe, as if he had made a treaty with the emperor: Which, as he did not believe, ſo it was neceſſary ſuch diſcourſes ſhould be diſcouraged, and that the world ſhould ſee the contrary. That, as for monſieur de la Tour's going to England, the French king was glad, that he took all the ways to cultivate the friendſhip of the king of England. This will certainly put him on ſome difficulties how to explain himſelf.

Mr. John Robinſon to Mr. Secretary Vernon.

Malmo, July 7-18, 1700.

I have ſeen a letter from the king of Spain to the king of Sweden, giving him an account of the treaty made about the ſucceſſion to his dominions; but only adding, that it is a matter of great importance, and that he (the king of Spain) is deliberating upon it. They intend, I think, to anſwer, that the king of Sweden will do ſo too.

The earl of Mancheſter to the earl of Jerſey.

Paris, July 23, 1700.

Monſieur de la Tour is here; and, as ſoon as he has waited on this king, he intends for Holland. I have ſeen him; and, by his diſcourſe, I find he does not think to go into England, when the king returns; though the Savoy embaſſador, here, told me, That he was to reſide there; and ſo he told this court. It will depend much on the ſucceſs of what he goes about; and, I muſt tell you, that it occaſions many conjectures here, eſpecially, ſince it is known, that the duke of Savoy has, of late, ſent many expreſſes to Vienna, which this court does not like: And, I have reaſon to think, it will preſs him to declare, what his intentions are; it being his misfortune to be ſo well known,

tribute to the propagation of the faith, and the repoſe of Chriſtendom. As ſoon as this infallible deciſion was procured, the cardinal of Toledo redoubled his efforts, to perſuade his maſter to act in conformity to it; who accordingly ſigned his teſtamentary diſpoſition, in the beginning of October, N. S.

With regard to the conduct of the French king, whilſt this tranſaction was depending, it is too extraordinary not to be a little inſiſted on. Some have thought, and not without ſufficient grounds of probability, that in the propoſal and concluſion of this partition, his ſincerity ought to be unqueſtioned; and that he really conſidered it at that time as more for the immediate intereſt of his crown, to annex to it for ever thoſe dominions, which were to be given him as an equivalent for the Dauphin's pretenſions, than to put his grandſon in poſſeſſion of the whole monarchy. But the emperor's unexpected refuſal of his concurrence, the abhorrence, which the Spaniards ſhewed for being diſmembered, and, above all, a perſuaſion, that England would not renew the war, induced him to break through his engagements, by accepting the will. We muſt however confeſs, that it has been the more prevailing opinion, that his moſt Chriſtian majeſty meant only to deceive and amuſe from the beginning, and made uſe of what was his own propoſition, as an argument to perſuade

known, that it will be hard for him to play the ſame game over again. His embaſſador, here, is much dejected; and, at the laſt conference I had with monſieur de Torcy, he was ſeen to come from him in great diſorder. It was eaſy to imagine, that this was occaſioned by what I have mentioned to you.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, July 24, 1700.

As to the affairs of the North, I cannot ſee, but this court is as deſirous as we to accommodate them, at leaſt, in outward appearance, they are ſo: Beſides, I take it to be their intereſt, ſince the king of Denmark is willing to enter into the treaty concerning the ſucceſſion of Spain.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, July 28, 1700.

Monſieur de la Tour leaves this place in a few days; and you are not like to ſee him in England; neither does he propoſe to ſtay above three weeks in Holland. His buſineſs there is to lay before the king the great debts, that are due from the king of Spain to the duke of Savoy. He had an audience from this king; and aſſured him, That his maſter has no engagements with the emperor; nor does he in the leaſt diſpute the right of the Dauphin. I find this court is ſatisfied, now, with his going; and will be glad to help him; though, if he acts otherwiſe, they will ſoon find him out.

The earl of Mancheſter to Mr. Blathwayt.

Paris, July 30, 1700.

The letters from Spain of the 17th bring nothing very conſiderable; only, that the great men there are ſtill inclined for a prince of France, that ſo their monarchy may not be divided. The king of Spain has his health better than ever, as they pretend.

The earl of Mancheſter to Mr. Sutton.

Paris, July 30, 1700.

I had the favour of your's, of the 16th; and, I find, that, where you are, matters are ſtill uncertain. The emperor muſt now ſoon come to ſome reſolution. His courier, that went to Spain, paſſed, lately, here, in his return to Vienna; and, it is thought, that, in caſe the king of Spain is not inclined to declare the archduke his ſucceſſor, the emperor will ſign the treaty. I am of opinion, that the reſolutions of Spain, whatever they be, will not ſignify much, they being not in a condition to ſupport them: And it is certain, that the great men, there, are almoſt all for a prince of France, for the whole ſucceſſion; and they would not have the monarchy divided; and think, if the French would accept it, they are able to maintain it better than the emperor. I wiſh your court [of Vienna] may ſee ſo well their intereſt, as not to loſe this opportunity, by putting it out of the power of the king, our maſter, to help them; which muſt certainly be the conſequence, if they do not accede.

Sir Lambert Blackwell to the earl of Mancheſter.

Florence, July 30, 1700.

I wrote to your excellency, the 23d, adviſing what paſſed at my audience with the great duke; and, at midnight (after the poſt was diſpatched) I received from cavalier Montemagni, ſecretary of ſtate, a few lines; bringing me his highneſs's anſwer. Copies of both I incloſe, by which your excellency will find the great duke expreſſes himſelf very much obliged to his majeſty; but ſeeks to gain time, by his general anſwer, without mentioning, whether he will, or not, inter into the guaranty of the treaty: My opinion being, that his highneſs is willing firſt to know, what the emperor and Venetians reſolve; and accordingly will take his meaſures. I do likewiſe ſend your excellency a copy of his highneſs's anſwer to the French envoy; being much to the ſame purpoſe, which the envoy diſpatched to his moſt Chriſtian majeſty, by a courier extraordinary; and till the return (which, he tells me, may be in fifteen days) will move no farther. I muſt alſo wait his majeſty's commands; though I intended to let the ſecretary of ſtate know, that my hopes were, his highneſs would have been more particular.

Mr. James Creſſet to the earl of Mancheſter.

Hamburg, July 30, 1700.

Your excellency plainly ſees the tricking of the Daniſh court, in ſhuffling the king our maſter into a mediation, to elude the force of his guaranty. Count Chamilly juggles to ſerve the court, where he reſides; which ſubſiſts only upon poor ſhifts and lyes. If our Spaniſh treaty cannot find better and ſurer ſupports than at Copenhagen, I ſhall be ſorry for it. Your excellency may pleaſe to acquaint the French miniſtry (if you think fit) That, notwithſtanding all the confidence the Daniſh court has in their embaſſador, the count Chamilly, it has made a myſtery to him of a letter lately ſent from the king of Spain to the king of Denmark, upon the ſubject of our late treaty: And this matter came out by accident, at ſupper, at my houſe, two nights ago; where I had only count Chamilly and the Spaniſh miniſter.

Monſieur d'Hervaert to the earl of Mancheſter.

Berne, Aug. 1, 1700.

You have ſeen, by my laſt letter to my lord Jerſey, which I took the liberty to ſend you unſealed, what I had done, purſuant to the orders of the king, about the treaty of ſucceſſion of Spain, which you had the goodneſs to ſend me. I communicated it, in conjunction with M. de Puyſieux, to the cantons aſſembled by their deputies; he and I having invited them to enter into it, and to ſubſcribe the guaranty. Their anſwer was ſuch as we foreſaw; that is, the deputies promiſed, that each would make a report to its ſovereign. It is eaſy to judge, that they will endeavour to gain as much time as they can. As the diet is finiſhed, we can have no poſitive anſwer from the Cantons; but, at another, which muſt be called on purpoſe: And we intend to puſh for it, when we ſhall think it a fit time. If we cannot perſuade them to engage themſelves, in form, in the guaranty for the execution of the treaty, we flatter ourſelves, that we ſhall, at leaſt, obtain, that they will not permit that the troops, which the emperor might ſend to oppoſe it, ſhall paſs. At this we work with all our might: that is, M. de Puyſieux and I; as alſo M. de Valkenier; who is arrived in Switzerland within theſe eight days, to aſſiſt us, by order of the States General, his maſters.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Aug. 11, 1700.

An expreſs arrived yeſterday from Madrid, in his way to Vienna. He brings no further account of the queen of Spain's being with child; yet count Harrach had complimented her upon the report; which, ſome think, he might as well have let alone. Her anſwer to him was, That God would do what he pleaſed. I find, that, in Spain, they are reſolved to court the king, our maſter. Schonenberg has been admitted to an audience of the king; and what paſſed, in relation to Canales, in England, will be forgot, and another will be named. Don Quiros is certainly ordered to return to the Hague. All this matter has been brought about by the queen: and it is ſaid, that our king has wrote to her; which has produced this good effect. In ſhort, the Spaniſh embaſſador here takes all occaſions to oblige me; which I return in the ſame manner. They find it their intereſt to be well with England.

The earl of Mancheſter to Mr. Blathwayt.

Paris, Aug. 13, 1700.

The emperor's envoy has received a courier from Spain; whom he diſpatched the ſame day, for Vienna. He aſſures me, That monſieur Schonenberg has had an audience of the king of Spain: That don Quiros has orders to go to the Hague; and that they will take no further notice of the affair of monſieur de Canales, but intend ſoon to name an embaſſador to the king. The only meaſure, they ſeem to have taken, is to put themſelves in a poſture of defence.

Mr. Methuen to the earl of Mancheſter.

Liſbon, Aug. 15, 1700.

This goes by a courier, which the French embaſſador ſends, to give his maſter an account, that he has concluded a treaty of guaranty with this court; by which the king of Portugal is obliged to maintain the late treaty of repartition, and the execution of it.

Aug. 18, 1700.

I have been forced to break open my letters, to acquaint your lordſhip, that the French embaſſador told me, poſitively, he had ſigned the treaty, the 15th; yet he did not, having obſerved, juſt as he was going to ſign, that the Portugueſe had, in one of the articles, inſerted a clauſe, by which they might afterwards pretend, that they were not obliged to make war on the emperor, or Spain, until they began it. This occaſioned a diſpute between the embaſſador and the Portugueſe commiſſioners; but all was, at laſt, accommodated to the ſatisfaction of the embaſſador, and the treaty ſigned this evening.

Mr. ſecretary Vernon to the earl of Mancheſter.

Whitehall, Aug. 5, 1700, N. S.

I received, yeſterday, your excellency's letter, of the 11th inſtant. That the Spaniards are ſo obliging, of late, does not proceed from his majeſty's having writ to them; but, I rather think, they are endeavouring to create jealouſies and ſuſpicions between us and France; and that they have a mind to have a miniſter here, next winter, to blow the coals in parliament, if he can, and to perſuade people to find fault with the treaty about the ſucceſſion

Charles II, to leave the duke of Anjou his ſole heir. Let this be as it will, the treaty was no ſooner ratified, than his miniſters at foreign courts co-operated with thoſe of England and the States-general, in puſhing the acceptance of it; and when king William, having received ſome intelligence of Harcourt's negotiation, expoſtulated with him upon it by letter, the French king not only denied his knowing any thing of the matter, but declared under his own hand, in a letter to the king, that, though a will ſhould be made in favour of his family, he would take no advantage of it, but adhere to the partition. Nay further, when count Zinzendorf, the imperial miniſter at Paris, demanded in a memorial, What part France would act, in caſe Spain ſhould voluntarily place a grandſon of the French king on the throne? Monſieur de Torcy returned anſwer in writing, that it would by no means be liſtened to: And to the very laſt moment the court of Verſailles expreſſed, in all their ſteps, a fixed reſolution of adhering to the treaty.

When the ſecret of the partition was divulged in England, it was preſently writ and talked into an unpopular meaſure, though viſibly the only one, that could be taken to prevent a new war, in which the nation then ſeemed unwilling or unable to engage. The different cenſures it underwent were, that ſo important an affair ought not to have been concluded without the advice of parliament: That it was contrary to the firſt ſeparate article of the alliance: That, unleſs concerted with the king of Spain, it was unjuſt in the contrivance, and hazardous in the execution: That the terms,

to their dominions: But, I ſuppoſe, we ſhall be very well contented, that the peace of Europe may be preſerved upon theſe terms.

The report of the queen of Spain's being with-child, I conceive, is the more cheriſhed, that it may give the emperor a pretence for returning no anſwer, whether he will come into the late treaty, or not. The three months, propoſed for his declaring himſelf, are, now, near expired; and we hear nothing more from Vienna, but that a certain courier, they expect from Madrid, is not yet arrived. In the mean time, we hear, the French ſquadrons, under the command of Neſmont and Pointi, are like to join. One would be glad to know what they are deſigned for. It is ſaid, they will winter at Cadiz, if they do not make themſelves maſters of Gibraltar.

Mr. Sutton, to the earl of Mancheſter.

Newſtadt, Aug. 17, 1700.

I am ſorry to acquaint your excellency, that the reſolution we have ſo long expected from the emperor, in relation to the treaty for regulating the ſucceſſion of Spain, is not ſuch as was deſired. Count Harrach has, to-day, acquainted the M. de Villars, and monſieur Hop, ſeparately, That he was commanded by the emperor, to impart to them, for their maſters information, that his Imperial majeſty, conſidering the king of Spain to be in good health, and of ſuch an age, that he might very well, with the bleſſing of God, hope for iſſue of his own, did not think it becoming, eſpecially him, that was his uncle, to make a diviſion of his ſucceſſion. He added to the M. Villars, That the emperor hoped this anſwer would not interrupt the good intelligence between himſelf and his moſt Chriſtian majeſty; and that he would not proceed to the nomination of a third, which would but embroil matters the more: That, when the ſucceſſion happened to fall, the emperor thought it juſtly belonged to him; and, after the extinction of the male line of the houſe of Auſtria, to the duke of Savoy, according to Philip the IVth's will. He told monſieur Hop alſo, That the emperor deſired to continue in a good underſtanding with the king and the States-General. I cannot ſee count Harrach to-night; but ſhall, doubtleſs, receive the ſame anſwer from him to-morrow. If there be any thing different in it, I will acquaint your lordſhip with it, by the firſt opportunity. Your excellency is much abler than I am, to judge of the conſequences of the emperor's reſolution. He certainly reckons upon the friendſhip of the Spaniſh court; but, althongh he be ſure of it, I cannot ſee how it will anſwer the expectation he may have of it; or, what other means he has, to hinder the performance of the agreement already made.

The earl of Mancheſter, to Mr. Blathwayt.

Paris, Aug. 20, 1699.

In the conferences I had with monſieur de Torcy, he told me what had paſſed at the audience, which the Spaniſh embaſſador had ſome days ago. The ſubſtance of it was to diſſuade the king from proceeding any further in the treaty concerning the ſucceſſion. He ſaid, that the king his maſter was like to live a long time; that his health was better than ever it was; that he had named no perſon to ſucceed him, nor would he. The king anſwered, that nobody wiſhed more for his maſter's health than himſelf: That all men are mortal: That he had no other deſign in what he had done but the peace of Europe. The Spaniſh embaſſador diſcourſed afterwards with monſieur de Torcy, who took notice to him, that the reſolutions, that were taken in Spain about ſuppreſſing all penſions, were in order to maintain a conſiderable number of forces, which might create jealouſies, eſpecially if they were foreign troops. To which he anſwered, that they had been long enough the jeſt of Europe, by having their affairs in ſo ill a condition; that every man was maſter in his own country, &c. I find by monſieur de Torcy, that the French are apprehenſive, that the emperor's troops are to go to Milan and Naples; and he ſaid it had been already propoſed to the republic of Venice to paſs twenty thouſand men through their territories; and, if ſo, he thought it would be neceſſary, that the French troops, that are near Catalonia, ſhould have orders to march to the frontiers of Spain; not that he believed there would be any occaſion of proceeding further, but that this would be ſufficient to hinder the Germans from going into Italy. This he deſired the king ſhould know. I am ſatisfied, that there is ſomething of this nature in hand by what monſieur Zinzendorf lets fall ſometimes in his diſcourſes. Monſieur de Torcy ſaid, that they intended to preſs for the emperor's anſwer concerning the treaty, and that it would be convenient we ſhould do it alſo.

The earl of Mancheſter to the earl of Jerſey.

Paris, Aug. 27, 1700.

Monſieur de Torcy acquainted me yeſterday with the anſwer the emperor has given to monſieur de Villars. He refuſes to enter into a treaty concerning the ſucceſſion of Spain, as long as the king of Spain lives; and hopes they will not proceed to the naming of another prince, which may have ill conſequences, and oblige him to take meaſures to defend his right. He ſaid, had he ſeen me in the morning, he ſhould have complained very much of the coolneſs and indifference they ſhewed in Holland in this affair. That though monſieur de Tallard did aſſure them, the emperor had concerted with Spain that his troops were to march into Italy; yet it was not thought fit to take any meaſures to prevent it; but that, by the letter he juſt then received from monſieur Tallard, he ſees and tells me, that the king our maſter does agree, that both in Spain and Vienna their miniſters ſhall have orders to declare againſt it. This court does intend to preſs the duke of Savoy to enter into a treaty with France, if he is not already engaged with the emperor. It cannot be his intereſt to have the German troops ſo near him; and, in caſe he refuſes France, it will be demonſtration; that he is acting otherwiſe than he has aſſured them.

Mr. Robinſon to the earl of Mancheſter.

Helſingburg, Aug. 25. 1700, O. S.

The acceſſion of this crown [of Sweden] to the treaty about the Spaniſh ſucceſſion goes very ſlowly forward, and theſe miniſters ſeem to think the circumſtances of their affairs ought to excuſe them at preſent from taking part in it, ſince the emperor has ſo many ways to incommode them, eſpecially while the war, the king of Poland has begun againſt them, continues. They ſeem much perſuaded, that their friends will not preſs them to expoſe themſelves, but rather firſt help them to a ſtate of ſafety, and then they ſhall be in a condition to make returns.

The earl of Mancheſter to the earl of Jerſey.

Paris, Sept. 17, 1730.

Yeſterday I ſaw monſieur de Torcy. I do find by him, that they are well ſatisfied with the proceedings in Holland in relation to the great affair, and I do like the propoſal to engage thoſe, that will not enter into the guaranty to be neuter. I did hear from other parts, that the French miniſters were uneaſy, and of opinion, that we did not act fairly: but I aſſure you, that they have no ſuch thoughts here at preſent.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Sept. 18, 1700.

I can now aſſure you, that this court is entirely ſatisfied with the proceedings in Holland, in relation to the treaty, and there are no grounds for what is ſaid in other parts. I do not doubt but that there are too many, that would have it otherwiſe; but I am of opinion, that it is not in their power to effect it.

Monſieur Schonenberg to the earl of Mancheſter.

Madrid, September 23, 1700.

I do not doubt but your excellency is informed of the anſwer of this court to the laſt memorial of the French envoy extraordinary, to make it change its reſolution of receiving any Imperial or other foreign troops into its domains in Italy; as I have alſo repreſented on the ſame ſubject, by expreſs order as well of the king our maſter, as the lords the States General, they have, almoſt word for word, anſwered to it in the ſame manner; that is to ſay, in ſhort, that they pretend here to be at liberty, and under pretence of recruiting the foreign troops, who ſerve in the Spaniſh pay, to introduce them, when they ſhall judge it to be proper. The ſaid court plunges itſelf more and more into ſtrange diſorders, in regard to the ſucceſſion. The king and queen are abſolutely for the Imperial court; and on the other hand the council of ſtate runs blindly and head-foremoſt in favour of the duke of Anjou, flattering themſelves, that his moſt catholic majeſty will embrace this affair. In the mean while every thing grows worſe and worſe; many deliberations and conſultations, but no good reſolutions. The king keeps his bed ſince yeſterday, by reaſon of a new flux, &c.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Sept. 25, 1700.

Here is a courier arrived from Madrid to the French court. He alſo brought letters from Mr. Schonenburgh, which I have ſent forward. The French miniſter there having given a memorial, as was agreed in Holland, to the court of Spain, in order to diſſuade his catholic majeſty from receiving the emperor's troops, or any foreigners in Italy, or in his other dominions; the anſwer was, that at preſent the king did not ſee any occaſion of recruiting his foreigners, that were in his ſervice; but, when he did, he ſhould follow the example of the king his maſter, and other princes.

The earl of Mancheſter to Mr. Methuen.

Paris, Octob. 3, 1700.

All things are very quiet here, and will continue ſo, unleſs the meaſures, which Spain may take with the emperor, occaſion the contrary; which, I take it, is not their intereſt; and I hope, that the declaration, that has been made at Madrid and at Vienna, will prevent it. I hear your neighbours are very angry with what the king of Portugal has done. I wiſh others were as well convinced, that it is the only means to preſerve the peace of Europe, and I am ſatisfied they will at laſt.

which France had obtained, were prejudicial to the intereſts of this country, and deſtructive of the balance of power, as the poſſeſſion of Naples and the Tuſcan ports muſt ſubject Italy to their yoke, and render our Levant and Mediterranean trade precarious, and to be carried on at their diſcretion; whilſt the ceſſion of Guipuſcoa afforded them another inlet into the heart of Spain upon any rupture.

The almoſt extinguiſhed hopes of the jacobites began to revive on this occaſion, and upon the ſad event of the duke of Glouceſter's death. As they knew, whatever tended to create a general diſlike to the king's meaſures muſt be of ſervice to their cauſe, they were the forwardeſt to inflame the minds of the people, and had a book ſent to the preſs againſt the treaty, in which all thoſe, who were ſuppoſed to have had an hand in it, were ſeverely treated. Mr. Graham, lord Preſton's brother (as the earl of Mancheſter wrote over from Paris) was diſpatched to St. Germain's by ſir Chriſtopher Muſgrave, and others of the tory party, with a propoſal to get the ſucceſſion ſettled on the pretended prince of Wales, and to aſſure king James, that a vote would be propoſed in the houſe of commons, not to ſupport the crown in the execution of the treaty.

Such was the perplexed and melancholy ſituation of affairs, when the king left Loo to embark for England, where he arrived the 18th of October, not a little chagrined at the difficulties, in which he found himſelf involved, and which had a viſible effect both on his health and temper.

Before his return, he made good his declaration to the Scots, in allowing their parliament to meet on the 28th of October, and ſent them a letter from Loo, containing in ſubſtance, 'That, having adjourned their parliament on account of his going beyond ſea, he then promiſed what he was now ready to make good to them, at this meeting. That he had conſidered their addreſs in 1698, in behalf of the African company, and would comply with their deſires, in relation to that national concern; and moreover do all elſe, that could be required for maintaining and advancing the peace and welfare of their kingdom. He likewiſe promiſed to give his royal aſſent to all acts for better eſtabliſhing the preſbyterian government, preventing the growth of popery, ſuppreſſing vice and immorality, encouraging piety and virtue, preſerving and ſecuring perſonal liberty, regulating and advancing trade, and eſpecially for retrieving the loſſes, and promoting the intereſts of the African and Indian companies. He alſo promiſed to encourage manufactures, and aſſent to whatever elſe ſhould be offered for clearing and ſecuring property, ſtrengthening and facilitating the adminiſtration of juſtice, reſtraining and puniſhing crimes, preſerving peace and quietneſs, &c. He next aſſured them of his great concern, for not being able to aſſert the company's right of eſtabliſhing a colony at Darien, without diſturbing the peace of Chriſtendom, and bringing that antient kingdom into an inevitable war, without hopes of aſſiſtance. With theſe plain reaſons he doubted not but they would be ſatisfied; and therefore, recommending to them unanimity, and the raiſing of competent taxes for their defence, he concluded, with only acquainting them further, that he had thought fit to continue the duke of Queenſberry high commiſſioner; and bid them heartily farewell.'

It muſt be obſerved, that, during the interval between the two ſeſſions of parliament, came the news to Scotland of the entire ſurrender of their ſettlement at Darien [f]. This occaſioned the company to repreſent to the parliament, the firſt day of their ſeſſion, 'That, for want of due protection abroad, ſome perſons had been encouraged to break in upon their privileges even at home.' This repreſentation was ſeconded with a national addreſs to the king upon that ſubject, whoſe anſwer was, 'That he could not take farther notice of it, ſince the parliament was now met; and he had made a declaration of his mind for the good of his people, with which he hoped all his faithful ſubjects would be ſatisfied.'

Though people were in ſo bad a humour, that much practice was neceſſary to bring them into any temper; yet after ſome heats about the miſcarriage of the Darien affair, the ſeſſion, in concluſion, ended well. After having ſate about three months, the parliament came to this reſolution, 'That in conſideration of this great deliverance by his majeſty, and, in that, next under God, their ſafety and happineſs depended wholly on his preſervation and that of his government, they would ſupport both to the utmoſt of their power, and maintain ſuch forces, as ſhould be requiſite for thoſe ends.' Accordingly an act paſſed for keeping on foot three thouſand men, till the 1ſt of December 1702, and another for a land tax to maintain thoſe troops; which done, the commiſſioner produced the king's letter, wherein it was deſired he might have eleven hundred men on his own account to the firſt of June following; which was readily complied with, and then they were prorogued to the 6th of May. The troops, that were ordered to be broke, were ſent to the States, who were now increaſing their force. This ſeſſion was chiefly managed by the duke of Queenſberry and the earl of Argyle, and, in reward of it, the one had a garter, and the other was made a duke.

In October the pope died; and at the ſame time all Europe was alarmed with the deſperate ſtate of the king of Spain's health. When the news came to the court of France, that he was in the laſt agony, monſieur de Torcy the French ſecretary of ſtate, was ſent to the earl of Mancheſter, the Engliſh embaſſador there, deſiring him to let the king his maſter know the news, and to ſignify to him, that the French king hoped, that he would put all things in readineſs to execute the treaty of partition, in caſe it ſhould be oppoſed; and in his whole diſcourſe, he expreſſed a fixed reſolution in the French councils to adhere to it. A few days after that, the news came of the king of Spain's death, and of his will, declaring the duke of Anjou, ſecond ſon of the Dauphin, the univerſal heir of the Spaniſh monarchy; and, in caſe that duke ſhould die without children, or ſhould inherit the crown of France, then the whole Spaniſh monarchy ſhould go to the duke of Berry; and if the ſame ſhould happen to him, then the archduke Charles and his heirs were to inherit; and that monarchy was at laſt limited to the duke of Savoy and his heirs. The will likewiſe recommended, that the duke of Anjou ſhould marry one of the archducheſſes. It is not yet certainly known by what means this was brought about, and how the king of Spain was drawn to conſent to the will, or whether it was a mere forgery, made by cardinal Portocarrero, and ſome of the grandees, who partly by practice and corruption, and partly for ſafety, and that their monarchy might be kept entire (they imagining, that the power of France was far ſuperior to all, and that the houſe of Auſtria would not be able to engage in its intereſts) had been prevailed on to prepare and publiſh this will; and, to make it more acceptable to the Spaniards, among other forfeitures of the crown, not only the ſucceſſor's departing from what they call the catholic faith, but even his not maintaining the immaculate conception of the virgin, was one [g].

[f] The Spaniards had, ſome time before, routed the Scots, and retaken what the latter had poſſeſſed themſelves of by articles of capitulation, ſigned by Mr. Gibſon, Mr. Vetch, and others, of the Caledonian council and ſettlement; which were, 1. 'That the Scots ſhould have liberty to retire, with their ſhips and effects, unmoleſted. 2. That the priſoners, on both ſides, ſhould be exchanged. 3. That, if any ſhips came thither, in ſix months, they ſhould have leave to anchor in the harbour, and the privilege of wood, water, and proviſions, if they needed them.' Thus ended the affair of Darien.

[g] The circumſtances of the death and will of the king of Spain, will appear from the following extracts of M. Cole's memoirs.

The earl of Mancheſter to Mr. Secretary Vernon.

Paris, Octob. 9, 1700.

I am of opinion, that we ſhall now ſoon ſee matters of great importance tranſacted all over Europe; becauſe it is expected, that, in a few days, we ſhall hear, that the king of Spain is dead. They have, at court, received a courier from Madrid; and, on the 26th of September, the king was ſo ill, he having continual vomitings, and a great looſeneſs, that his phyſicians believed he could not live a week. Laſt night, late, the emperor's envoy was with me, who had juſt received news of the 30th, by an expreſs. His letters mention, That the king had received the ſacrament, the extreme unction, &c. and that he had taken leave of the queen, &c. ſo they deſpaired of his life: But, on the day this was wrote, there was ſome little hopes of him, his looſeneſs having abated. He told me, he was then going to Fontainbleau. It is certain, that the whole council of Spain, and even thoſe that were creatures of the queen, who is entirely for the houſe of Auſtria, are all for the duke of Anjou. They flatter themſelves, that the French king will accept this offer. I hope the emperor, before it is too late, will ſee it his intereſt to ſign the treaty.

The earl of Mancheſter to the earl of Jerſey.

Paris, Octob. 11, 1700.

Monſieur de Torcy told me, that they had an expreſs from Spain, with letters of the 26th of laſt month; and that the king of Spain was ſo extreme ill, that his phyſicians thought he could not live eight days. That, thereupon, they had diſpatched a courier to monſieur de Villars, with orders to acquaint the emperor with it, and to let him know, That, as they had not yet named a ſucceſſor, ſo it would be neceſſary to know his further reſolutions, ſince the caſe might ſoon happen, which would oblige them to take ſuch meaſures, as would be proper, in caſe the emperor did not think fit to ſign the treaty. Monſieur de Torcy made an excuſe, that the time did not permit the firſt concerting with the king; that, elſe, it would have been done; though he did not ſee any difficulty but that his majeſty would approve of it. He deſired I would write; which I aſſured him I would not fail to do: And then I took notice of the augmentation of their forces, which will amount to twenty-ſix thouſand

As ſoon as the news came to Rome, it quickened the intrigues of the conclave, ſo they ſet up cardinal Albano, a man of fifty-two years of age; who, beyond all men's expectation, was choſen pope, and took the name of Clement XI. He had little practice in affairs, but was very learned; and in ſo critical a time, it ſeems, a pope of courage and ſpirit, not ſunk with age into covetouſneſs or peeviſhneſs, was thought the fitteſt perſon for that ſee. France had ſent no excluſion to preclude him, not imagining he could be thought on. At firſt, the French court did not ſeem pleaſed with the choice, but it was too late to oppoſe it; and therefore they reſolved to gain him to their intereſts, in which they ſucceeded beyond what they then hoped for.

When the court of France had notice ſent them of the king of Spain's will, real or pretended, they ſeemed to be at a ſtand for ſome days; and the letters wrote from the ſecretary's office gave it out for certain, that the king would adhere to the partition treaty. But madam de Maintenon had an unſpeakable fondneſs for the duke of Anjou; ſhe therefore prevailed with the Dauphin to accept of the will, and ſet aſide the treaty; and ſhe engaged monſieur de Pontchartrain to ſecond this. They being thus prepared, when the news of the king of Spain's death came to Fontainbleau, where the court was at that time, a cabinet council was called within two hours after, which met in madam de Maintenon's lodgings, and ſate about three hours. Pontchartrain was for ac-

thouſand foot. There is to be alſo one of the horſe; but the number is not yet declared. I ſaid, That I heard, that monſieur de Neſmond was to remain at Cadiz. He ſaid, As to the firſt, that, as affairs ſtood, it was convenient; but, as for the latter, monſieur de Neſmond had orders to return to Toulon. There was alſo a courier ſent to monſieur de Tallard, who will already have informed you of all this matter. I returned to Paris the ſame day; where I found the emperor's envoy at my houſe. He had received a courier from Madrid of the 30th; which confirms the ſame news of the king; but ſays much more, that he had received the ſacraments, and had taken leave of the queen, &c. That all about him took it for granted, he could not live: Yet, in a poſtſcript, they write, That that night they had ſome little hopes, his looſeneſs, which had been very violent, had been abated. He went ſtrait to Fontainbleau, and is very uneaſy, and the more ſo, becauſe all of the council of Spain are entirely for the duke of Anjou: Cardinal Portocarrero and count of Aguilar, who are in the queen's intereſt, being alſo for it; and they flatter themſelves, that the offer will be accepted with France. There is no courier arrived ſince; though, at this place, the only diſcourſe is, that the king of Spain is dead. I am of opinion, that we ſhall ſoon hear it. I hope your lordſhip will ſend me what directions his majeſty thinks proper, in caſe this ſhould happen, that I may act accordingly.

Monſieur Schonenberg to the earl of Mancheſter.

Madrid, Octob. 21, 1700.

It ſeems, that the 8th has been the day we call, here, critical in ſickneſs, becauſe that was properly the time, that the king gave probable proofs of mending. In effect, his looſeneſs is ſo much abated, ſince that time, that his health is grown better, daily; ſo that, if no relapſe, or unforeſeen accident, comes acroſs, the phyſicians judge, unanimouſly, that he is abſolutely out of danger. In the mean while, his majeſty ſuffered himſelf to be perſuaded, when he was in the higheſt of his illneſs, that is, on the 3d inſtant, to ſign a teſtamentary diſpoſition, in favour of the ſecond ſon of the Dauphin: But, ſince he is better, he ſhews ſuch indignation againſt thoſe, who, under pretence of conſcience, perſuaded him to make this ſtep, that he is grown diffident of all his miniſters; inſomuch that he has even recalled the power given to the ſecretary of ſtate, for the univerſal diſpatches, relating to the moſt preſſing affairs; which he had truſted, during the greateſt violence of his illneſs, to three or four counſellors of ſtate, in conjunction with the ſaid ſecretary, his majeſty not thinking it proper to confide in thoſe who inſpired him with a reſolution to make a will.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Octob. 22, 1700.

We have, this day, letters from Madrid of the 8th, by the ordinary poſt. The Spaniſh embaſſador has one, of the 9th; and his Depeche is ſigned by the king himſelf, as ſeveral others were, that are ſent into Italy. I ſuppoſe, this was done, to convince them, the more, that he was in a way of recovery: But you will find, by the incloſed, that there is little hopes of it. We have had no courier, of late, which, ſince that time, would have come, in caſe of any alteration. That, which occaſions the greateſt diſcourſe, is, his will; which he ſigned on the 3d. By all the letters, it is thought in favour of one of the princes of France; and, as to the perſons concerned, and, who were witneſſes to it, it is certain, they have been ever that way diſpoſed, to prevent their monarchy's being diſmembered. Some letters do alſo ſay, That, ſince that, the queen has prevailed with him to add a codicil: That ſome, that were named for the regency, are changed; at leaſt, the queen ſeemed, after that, very eaſy. In ſhort, theſe are all conjectures; and I am of opinion, that it will not be known, what it contains, till the king's death.

The emperor's envoy is gone to Paris, to meet count Averſberg, in his way to Spain, who, it is believed had ſome further inſtructions; and, it may be, in caſe the king of Spain was dead, the emperor has given orders to declare, he accepts the treaty, though with ſome alterations. I cannot but think, that he has no other way to take, unleſs he has a mind to loſe the whole. We ſhall, now, ſoon ſee, how our parliament will behave in this affair.

Mr. Stanhope to the earl of Mancheſter.

Hague, Octob. 22, 1700.

The king arrived here laſt night.——His majeſty queſtioned me this morning what news of the king of Spain. I had not then received your advices, but anſwered him to the ſame purpoſe, by what don Quiros had communicated to me. He intends to embark for England on Wedneſday next, if wind and weather permit; though it is probable, an expreſs, with what we fear from Spain, may keep him here ſome days longer, that being the important affair now on foot in Europe; yet whether in order to that, his majeſty's preſence here, or in England, be of greater concern, I ſhall ſubmit to greater ſtateſmen to determine. Don Quiros ſets a good face on a bad game; ſays the militias of Spain, in the memory of men, made the prince of Condé, as great a captain as the marquis d'Harcourt, raiſe the ſiege of of Fontarabia with diſhonour, though he had fifty thouſand men all regular troops; and he promiſes himſelf no leſs bravery from the preſent Spaniards in a cauſe, where their honour, as well as their monarchy, is at ſtake. This way of reaſoning ſeems to us very extraordinary; and I am obliged at the ſame time to do him juſtice, in ſaying he has as little of that rodomontade humour, as any of his countrymen I have ever known.

Monſieur Schonenberg to the earl of Mancheſter.

Madrid, Octob. 22, 1700.

After having ſent my diſpatches of the 21ſt inſtant to the poſt, I juſt now learn, that the catholic king, angry at thoſe, who were preſent at the ſigning of the former will in favour of a ſecond ſon of the Dauphin, made them all come before his royal perſon, and he has ſigned another will, that was cloſed up. Some ſay, that it was only a codicil relating to the firſt teſtamentary diſpoſition, &c.

The earl of Mancheſter to the earl of Jerſey.

Fontainbleau, Octob. 24, 1700.

We have been expecting every day to hear the death of the king of Spain; but your lordſhip will ſee by the incloſed, that he is rather better, it being the beſt account that is come. I have had none from Mr. Schonenberg this poſt, which I wonder at. The Spaniſh embaſſador has a letter ſigned by the king himſelf, as others that were ſent into Italy. Notwithſtanding all this, monſieur d'Harcourt ſet out yeſterday for Catalonia, and the troops are marching on that ſide. Monſieur la Prata, chief engineer under monſieur de Vauban, went ſome days before. The emperor's envoy is gone to Paris to meet count Averſberg in his way to Spain. I found by him, that he was in hopes to have ſome further inſtructions. I do not know what they mean at Vienna, for all letters do agree, that the will, which the king of Spain has made, is in favour of a prince of France for the whole ſucceſſion. Whether we ſhall agree to that, is another queſtion, if France was willing to accept of it. I ſuppoſe you have had work enough with the count de la Tour. His maſter would fain find his account in this affair, as I perceive by his miniſter; and the common report is, that he would give Savoy to France in lieu of Naples, which they will hardly perſuade them to with all their rhetoric.

[While king William was at Loo, the count de la Tour, the duke of Savoy's miniſter, came with a ſecret commiſſion from his maſter. Don Bernardo de Quiros imagined it was to try to get the duke named in the room of archduke Charles. But the truth was, that the duke, having learnt by the treaty of Partition, that he had no part in it, thought to reap ſome advantage from thence. For this reaſon, he had ſent la Tour to the court of France to complain, as he did, that, notwithſtanding his conſanguinity, the moſt Chriſtian king had done nothing for him. At the ſame time la Tour made a propoſition, with an offer, if it was accepted, that the duke ſhould guaranty the treaty. The propoſition was, that the duke would reſign to France the duchy of Savoy with all its pretenſions, in exchange for the kingdom of Naples. The anſwer of the French court was, that his propoſition ſhould be conſidered, but it muſt alſo be laid before the other allies, England and Holland. This la Tour did, but without ſucceſs. One of the principal reaſons of its being rejected by king William and the States, was, that, the king of France having Savoy, with all its pretenſions, juſt and unjuſt, he would be better able to aſſert them than the duke; and by that means, Geneva and the country of Vaca, where the proteſtant religion is profeſſed, might be in danger. Beſides, it was not diſagreeable to give the duke ſome mortification, for having, after his peace with France, cauſed a ſpeech to be made to king James, which ſeemed directly contrary to that which la Tour had made at London, upon the king's advancement to the throne. Lambert, vol. I. p. 120.]

Mr. Sutton to the earl of Mancheſter.

Vienna, Octob. 26, 1700.

There is no anſwer given to the new invitation made by the contracting parties to the emperor to come into the treaty of diviſion, before which it cannot be ſaid poſitively what his Imperial majeſty will conclude upon. Your excellency judges very juſtly, that it appears to be his intereſt to accept the offer, when the condition of his affairs is conſidered; but his having refuſed it before, and the king of Spain being in ſome meaſure recovered, make it probable, that he will anſwer again in the negative.

Nevertheleſs it is inviſible what meaſures are taken to fence off the blow. It is true, there have been many conſultations, but either nothing is concluded in them, or no concluſion executed. And yet one ſees very little emotion in the Imperial family at the alarming news of the king of Spain's deſperate illneſs, which would perſuade one, that they very leiſurely expected another miracle to be wrought in their favour. If the offer be made them after the king of Spain's death, perhaps the ſeeing themſelves evidently unable to withſtand the execution of the treaty may force them to yield to it, though their averſion to it be ſo great, that it muſt be a great ſtreſs to bring them to it. They have rather choſen hitherto to abandon themſelves to providence and chance. They ſeem to flatter themſelves, that their ſteadineſs will make ſome impreſſion, and procure them fairer offers. The duchy of Milan, the marquiſate of Final, and the 'Stato delli Preſidii,' would in all likelihood buy their conſent; and they would rejoice heartily at the bottom to ſee them added to the archduke's ſhare, to which they would join themſelves the duchy of Mantua after the duke's death. I am afraid they are not likely to be gratified in their deſire; but they ſeem to think, that, rather than

cepting the will, and the reſt of the miniſtry for adhering to the treaty. But the Dauphin joined, for accepting the will, with an air of poſitiveneſs, that he had never aſſumed before; ſo that it was believed to be done by concert with the king, who was reſerved and ſeemed more inclined to the treaty. In concluſion, madam de Maintenon ſaid, What had the duke of Anjou done, to provoke the king to bar him of his right to that ſucceſſion? And upon this all ſubmitted to the Dauphin's opinion, and the king ſeemed overcome with their reaſons.

Though the matter was reſolved on, yet it was not publiſhed till five days after. For then the French king, ſending for the duke of Anjou into his cloſet, ſaid to him in the preſence of the marquis des Rios: 'Sir, the king of Spain has made you king. The grandees demand you, the people wiſh for you, and I give my conſent. Remember only you are a prince of France. But I recommend to you to love your people, to gain their affection by the lenity of your govenment, and render yourſelf worthy of the throne you are going to mount.' All the princes of the blood came to congratulate the new king; but, however, the duke of Orleans, the king of France's only brother, and his ſon the duke of Chartres, proteſted againſt the will, becauſe the archduke was put next in the ſucceſſion to the duke of Berry; whereas they alledged, that the duke of Orleans and his heirs ought to come before him, as younger ſon of Anne of Auſtria, whoſe renunciation could be of no more force than that of Maria-Tereſa. However, this was no obſtruction to the new king's ſetting out for Spain, which he accordingly did on the 4th of December, accompanied by his two brothers, who went with him as far as the frontiers of that kingdom [h].

An expreſs of the king of France's accepting the will being ſent to the count de Briord at the Hague, he immediately went to the penſionary, and, purſuant to the orders he had received, told him, that his maſter, taking taken into conſideration the preſent ſituation of affairs, and ſeeing the emperor had not acceded to the treaty, nor but few of the northern princes, and that the king of England was uneaſy at Sicily being in the hands of the French, he had, after two days mature deliberation, reſolved to yield to the deſires of the Spaniards, and give them the duke of Anjou for king. My maſter (added he) is very ſenſible he ſhall be a great loſer by it; but he had rather renounce the advantages which would accrue to his crown by the treaty of partition, than give occaſion for a war to the diſturbance of all Europe; and therefore hopes his reſolution will be approved, as being conducive to the public tranquility. The penſionary was ſtruck with this, and made ſtrong but fruitleſs remonſtrances againſt

than enter into a chargeable war, his moſt Chriſtian majeſty will enlarge their portion. Your lordſhip will be more eaſily and better informed, than I, of what diſpoſition there may be hitherto.

Your excellency will obſerve by the following account, in what condition this court is to oppoſe the execution of the treaty. They have diſcourſed a good while of remounting and recruiting their troops, and give out, that they have money ready for it. I can ſcarce believe, they have money ſufficient for remounting according to their own reckoning, and a great part of the colonels will not undertake the work at the rates the court offers. Yet it is ſaid that aſſignations are delivered to ſome of them. Their troops would amount to ſeventy thouſand men, if they were complete; but they are far from it, and the cavalry half diſmounted. They cannot diſpenſe themſelves from having near thirty thouſand men in Hungary and Tranſylvania. Their places upon the Rhine are very thinly garriſoned, and will never be well furniſhed or repaired, though there be ſome artillery paſſed by from Buda towards Briſac. They have no forces near Italy, and very few within a great diſtance of it in quarters. The emperor is between twenty and thirty millions of florins in debt, and pays extravagant intereſt. It has been diſcourſed, that the hereditary countries would take the payment of the debts upon them. I do not find any certainty thereof; but, if it ſhould happen, there muſt be a term of years allowed for it, and they will ſcarce be able to give the emperor any further aid. The chamber of Finances is in ſo bad a reputation, that they have no credit, and have had much ado for a long time to ſupply the emperor's neceſſities. I do not hear of any recruits, that are yet making, though I hearken after it: but peradventure in two months they may begin to make them, and they muſt begin ſome time, otherwiſe they will ſhortly have no troops at all. In fine, my lord, it is apparent, that, whenever the king of Spain comes to die, this court will be found unprepared to make any great reſiſtance, as I believe any body, that is acquainted with the preſent conſtitution thereof, would eaſily own. But they will preſume things cannot go worſe for them, than according to the diſpoſition of the treaty. They now hold daily conferences. We ſhall ſhortly ſee the reſult of them. I have aſked audience three days together, and cannot yet have the honour to have one to deliver the king's orders.

The earl of Mancheſter to the earl of Jerſey.

Paris, Nov. 3, 1700.

Before I left Fontainebleau, I was with monſieur de Torcy, who, I find, is well ſatisfied with the proceedings in Holland. I muſt own, that, during my ſtay there, the king took all occaſions to oblige me. You know already, that monſieur Calliere is gone to the duke of Lorrain. The duke of Savoy has declared, that he will not act againſt the treaty. His embaſſador here is now more in hopes than ever, that his maſter will have ſome advantage in the Partage; but I found by monſieur de Torcy, that the French king was ſatisfied with the diviſion already made, and yet he would conſent to any reaſonable alteration, if that was to make the king, our maſter, eaſy. This was meant in relation to our trade in the Levant; and, I ſuppoſe, that monſieur de Tallard has already told you as much. He arrived here on Monday, late at night; and, the next morning, I was to wait on him. He expreſſed a great ſenſe of the king's favours to him: That he was juſt going to Fontainebleau, to give the king, his maſter, all the aſſurances imaginable of the friendſhip of the king, and of the States General; which he could do with great truth. In ſhort, he ſeemed extremely pleaſed.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Nov. 3, 1700,

Here are letters from Madrid of the 22d paſt, by an expreſs; which ſay, That, on the 21ſt, the king of Spain made a new will in favour of the archduke: That he called on thoſe, that were preſent, and had perſuaded him in his ſickneſs, to make the former in favour of the ſecond ſon of the Dauphin; and ſhewed a very great diſlike to what they had done, ſigning, in their preſence, another. This laſt action has ſtill increaſed the factions and diſcontents here.

Mr. Methuen to the earl of Mancheſter.

Liſbon, Nov. 4, 1700.

The 13th of the laſt month I received by an expreſs which came from Paris to the French embaſſador, his majeſty's commands to propoſe to the king of Portugal the forms or projects of the two acts of acceſſion and admiſſion, for his being comprehended in the guaranty of the treaty of repartition, that of acceſſion to be ſigned by the king of Portugal, and that of admiſſion by his majeſty. I have at laſt prevailed with the king of Portugal to ſign that of acceſſion, which will be ſent to England by the ſame expreſs, which carries this; ſo that the king of Portugal will be guarantee of the treaty for the diviſion of the Spaniſh monarchy, without any particular treaty or convention with England or Holland for that purpoſe.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Nov. 6, 1700.

The account we have from Fontainebleau is, that the king of Spain is very weak, and extreme ill again, and not like to live any time. The laſt will, which he made, and which I have already given you an account of, is kept here as a very great ſecret, and there is no mention made of it at court, though I am ſatisfied it was the occaſion of ſending an expreſs. There may be reaſons for concealing it till they ſee what the emperor will do.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Nov. 9, 1700.

We have now news, that the king of Spain died the 1ſt inſtant between two and three of the clock in the afternoon, which the incloſed will inform his majeſty of. The cardinal Portocarrero was declared, by a commiſſion under the privy ſeal, chief governor during his illneſs; and by the teſtament, which they have ſince opened, he is continued. He ſent monſieur de Blecourt a copy. The ſubſtance of it is, That whereas the king of Spain was ſatisfied, that the intention and deſign of the renunciation, which the late queen of France, &c. made, was only in order to prevent the union of the two monarchies in one perſon; and whereas the Dauphin has ſeveral ſons, to whom in conſcience the ſucceſſion does belong; he does therefore appoint and declare the duke of Anjou his heir. In caſe he ſhould die without children, or inherit the crown of France, then to the duke of Berry, and, if the ſame ſhould happen to him, then to the archduke and his heirs: And he limits it at laſt to the duke of Savoy and his heirs. He does alſo recommend to the emperor and the king of France a marriage between the duke of Anjou and one of the archduchеſſes, in order to keep up the ſame good underſtanding, that is at preſent.

The queen finding, that ſhe had no part in the government, is fallen very ill. I waited upon monſieur de Torcy, who gave me an account of theſe matters, and I did endeavour to learn what meaſures they intended to take. The king ordered a council immediately, and I believe you will ſoon ſee monſieur de Tallard. I can ſee they are very well pleaſed here with all theſe circumſtances; and, what effect they will have, time muſt ſhew; though I am of opinion, that they will keep firm to the treaty, as that is moſt for their advantage.

Monſieur Zinzendorf aſſures me, that he has no private directions concerning the emperor's accepting the treaty, in caſe of the news of the death of the king of Spain, as it was thought. I have had ſome diſcourſe with him, and he is ſatisfied now, that there is no other party for the emperor to take, and he does intend to write as much. He is very apprehenſive leſt France ſhould now preſs the naming of another, as by treaty they may, the time being elapſed.

[h] This account may be compared with the following letter.

The earl of Mancheſter to the earl of Jerſey.

Paris, Nov. 12, 1700.

I am juſt come from Fontainebleau, where I received yours of October 28, concerning the duke of Savoy; but I muſt now acquaint you, that there is an end of our treaty. This morning I was with monſieur de Torcy, who began with ſaying, that he did not doubt I was ſenſible, that ſince they had an account of the king of Spain's death, and the diſpoſition he had made by his will, great difficulties muſt have ariſen: That the king had well conſidered the occaſion and the intent of the late treaty with England, &c. which was to prevent a war in Europe. That the emperor not having ſigned, and the duke of Savoy actually refuſing to accept of Naples and Sicily; that there having appeared diſcontentments both in England and Holland againſt the French being maſters of thoſe two kingdoms, in relation to the trade of the Levant: beſides that none of the princes, that the treaty has been communicated to, have promiſed more than a bare neutrality; the king could not but

it to count Briord. The reaſon of the count's ſpeaking of king William's uneaſineſs about Sicily, was, becauſe the king, before his departure for England, had propoſed the giving it to the elector of Bavaria, for fear (ſaid Briord) the parliament might be diſguſted, if it remained to France, on account of the Levant trade, which might be obſtructed by it.

The day after this notification, the States-General met earlier than uſual to conſider of it, but came to no reſolution, becauſe they wanted to know king William's intentions. However, after many conſultations, they ſent orders to Heemſkerke, their embaſſador at Paris, to repreſent in a memorial, that they did not expect the reſolution which his moſt Chriſtian majeſty had taken of accepting the king of Spain's will, contrary to the late treaty; and hoped, that as the time of the emperor's acceding was not yet expired, and as they had, upon news of the king of Spain's death, renewed their inſtances to him, his majeſty would take the matter into conſideration again, and adhere to the treaty in every article. To this memorial a very long anſwer was ſent to the States, which was alſo diſpatched with the king of France's reſolution to all the courts of Europe, the ſubſtance whereof was, That the king of France conſidered chiefly what was the principal deſign of the treaty, namely, to maintain the peace of Europe; and therefore, to purſue this, he departed from the 'words' of the treaty, but adhered to the 'ſpirit,' and chief intent of it. This infamous excuſe, for ſo notorious a breach of faith, ſeemed to be an equivocation of ſo groſs a nature, that it looked like the invention of a jeſuit confeſſor, adding impudence to perjury. With this anſwer the king of France ſent a letter to the States, wherein he told them, that the peace of Europe was ſo firmly eſtabliſhed by the king of Spain's will in favour of his grandſon, that he did not doubt their approbation of his acceſſion to the Spaniſh crown. To this letter the States did not return an anſwer till the 8th of December, wherein they hoped, that his majeſty would conſider, that they could not immediately declare upon an affair of ſo great moment, without conſulting their reſpective provinces. Beſides, it was a matter which concerned in common both themſelves and his Britannic majeſty, and conſequently they could not act without his concurrence. This letter being delivered to the king of France by monſieur Heemſkerke, he replied, That the States did well to wait for the reſolution of their provinces, according to the conſtitution of their government, and hoped their reſolution would be agreeable to his wiſhes. In the mean time, he ſhould be ready to concur in whatever the States ſhould deſire, for the ſecurity of the Spaniſh Netherlands.

Theſe fair words were by no means ſatisfactory to the States, eſpecially when they conſidered the haughty expreſſions in the long anſwer, not fit to be uſed in a ſovereign ſtate. Soon after don Bernando, the Spaniſh embaſſador, received a letter from the new king for the States, dated December 18, at Poictiers. When this letter was offered to the States, the preſident of the week made ſome ſcruple to receive it, and deſired the embaſſador to ſtay a few days before he delivered it. But, being told that it was ordered to be immediately preſented, the preſident received it, adding, that it muſt not be thought ſtrange, if the States did not anſwer it ſo ſoon as expected. [i]

During theſe tranſactions at the Hague, the Spaniards ſeeing themſelves threatened with a war from the emperor, who declared againſt the treaty and will, and apprehending that the empire, together with England and the United-Provinces, might be engaged to join in the War, and being unable to defend themſelves, delivered all into the hands of France. And upon that, both the Spaniſh Netherlands, and the duchy of Milan, received French garriſons; the French fleet came to Cadiz; a ſquadron was alſo ſent to the Weſt-Indies; ſo that the whole Spaniſh empire fell now, without a ſtroke of the ſword, into the French power. All this was the more formidable, becauſe the duke of Burgundy had then no children; and, by this means, the king of Spain was in time likely to ſucceed to the crown of France. And thus the world ſaw the appearance of a new univerſal monarchy, like to ariſe out of this conjunction.

The king of Spain wrote to all the courts of Europe, giving notice of his acceſſion to that crown; only he forgot England. And it was publickly given out, that he had promiſed the pretended prince of Wales, that, in due time, he would take care of his intereſts. The king and the States-General were much alarmed, when they beheld the French poſſeſſed of the Spaniſh Netherlands. A great part of the Dutch army lay ſcattered up and down in thoſe garriſons, more particularly in Luxemburg, Namur, and Mons; and theſe were now made priſoners of war. Neither officers nor ſoldiers could own the king of Spain, for their maſters had not yet done it. At this time, the French preſſed the States very hard to declare themſelves. A great party in the States were for owning him, at leaſt in form, till they could get their troops again into their own hands, according to capitulation. Nor were they then in a condition to reſiſt the impreſſion, that might have been made upon them from the garriſons in the Spaniſh Guelder, who could have attacked them before they were able to make head. The States therefore came to a reſolution of owning the king of Spain,

but think there was a neceſſity of accepting what the will of the king of Spain declared in favour of the duke of Anjou. Then he read to me the motives, which he had drawn up, that I might the better inform his majeſty. I deſired he would let me take the copy, which I ſend your lordſhip, and moſt, that paſſed, is contained in it. You may eaſily imagine I had little to ſay, when he told me of the reſolution the king had taken. It is certain, that the proceedings of the emperor have put them in ſome meaſure on this neceſſity, for monſieur de Torcy obſerved to me, that, if the king had refuſed, the archduke had then a double title, viz. that of Philip IV. and that of the late king's will: And he could not tell but the Spaniſh embaſſador had orders to ſend word to Vienna, that, the moment the emperor conſented to the treaty, the duke of Savoy had a good title; and his humour is ſo well known, that we are ſure he would not let ſlip ſuch an opportunity; and then there muſt have been a war, not likely to be ſoon ended, whatever the ſucceſs would be: That the whole kingdom muſt be conquered, the Spaniards being entirely againſt dividing their monarchy. That the ſhips, we and Holland were to furniſh, would not be ſufficient for ſuch a war: That it was very doubtful, whether England and Holland would engage themſelves in a greater expence; which muſt neceſſarily be the conſequence. That it was certain, that the treaty was more advantageous to France, and was what the king could have wiſhed. He then ended, ſaying, That the king hoped, that the ſtrength of theſe reaſons would ſo far prevail with the king, our maſter, that there might be ſtill the ſame good underſtanding as ever, which was ſo neceſſary for the good and quiet of Europe. I made no other anſwer, than that I would faithfully acquaint the king with what he ſaid to me, by order, on this ſubject. I only aſked him, if I might have a copy of the will. He ſaid, he would firſt aſk the king, and then ſend it me. It will now, be ſeen public. I have already acquainted Mr. ſecretary Vernon with the ſubſtance of it; but, for fear my ſervant, whom I diſpatched on the 9th, ſhould not be arrived, I now repeat, that the diſpoſition of the will is in favour of the duke of Anjou, and his heirs, &c.

The account of the king of Spain's death came on Tueſday, the 9th, about one o'clock in the afternoon; and, at three, there was a council in madam de Maintenon's lodgings; at which ſhe was preſent, with the chancellor, the duke de Beauvillier, and monſieur de Torcy. The Dauphin was out a hunting. The next morning, there was another council, in the ſame manner, when the Dauphin was preſent. Monſieur Blecourt had ſent a copy of the will, which the regents had given him. On the 10th, the Spaniſh embaſſador received a courier, with orders to notify the king's death. He had a letter alſo for this king, ſigned by the regents: and the queen's name was firſt. He went ſtrait to monſieur de Torcy; and, that night, there was another council, where the matter was determined as I ſuppoſe. On the 11th, the Spaniſh embaſſador had a private audience, when the will was read all over, to the king, who declared, he accepted it. Soon after this, the Spaniſh embaſſador ſent a courier for Spain; and there is no doubt, but, as ſoon as he arrives, the duke of Anjou will be proclaimed. I did perceive, that this would be their reſolution; but monſieur de Torcy did not explain himſelf to me, till this morning. The king will not declare it till on monday next, when he will be at Verſailles; and, I believe, the duke of Anjou will, ſoon after that go for Spain. Monſieur de Tallard deſired me to let you know, That he ſhould have ſent the account of the king of Spain's death, as he promiſed; but that I did. He tells me, he has orders to be ready; and ſays, he ſhall ſoon be in England. I think, he ought to go. As to what is to be judged at this court, by their looks, I did perceive, that, the moment this reſolution was taken, the king was very civil; but looked always much concerned, whenever I came near him.

It is, without diſpute, by the queen's ſigning, that ſhe has been all along in the French intereſt, whatever ſhe ſeemed to the emperor's miniſter. And, if the preſent poſture of affairs is conſidered, as ſhe was hated by all, this was the only way to ſave herſelf; and it was ſo managed, that, in June laſt, the king of Spain ſigned a will in favour of the archduke; which was ſent to Vienna. That made the emperor proceed as he did. Beſides, they have never obliged her in any thing ſhe deſired. The king of Spain cancelled that, and made this on the 2d of October. Monſieur Zinzendorf told me this in diſcourſe; and he would not believe what he ſees, now, to be poſſible; though he does not yet know, that the French king has accepted the will.

I cannot tell what reſolution the king will take; and I am far from giving any opinion, though, if your lordſhip will permit me, I cannot ſee but we muſt acquieſce. You are ſenſible of the poſture of our affairs, and of the diſcontent there was in England againſt the treaty, inſomuch that my lord Portland, and all, that were concerned in it, were the next ſeſſion to be ſacrificed, if poſſible. I am ſatisfied, that this was the deſign; whether the Parliament will approve of it, is what I cannot ſay. I muſt deſire of your lordſhip, that you ſend my inſtructions in French, eſpecially if I am to have an audience of the king, that ſo I may make uſe of the ſame expreſſions, which I will punctually obſerve. This is ſo nice a matter, and of ſo great a conſequence, that you will forgive me, when I declare it.

It is obſervable, that, not long after the king of France's accepting the will, he cauſed letters patents to be regiſtered in the parliament of Paris, to preſerve to the king of Spain, his grandſon, his right to the crown of France, in caſe the duke of Burgundy, his elder brother died without heirs. Theſe letters were given in December; but were not ſealed till January, nor regiſtered till the 1ſt of February: they were, ſays Lambert, (I. 338.) not only contrary to the renunciation of Maria Tereſa, but may moreover, one day, occaſion diſputes, to ſet aſide the famous, but trifling renunciations, made at the peace of Utrecht.

[i] While the States were thus delaying to declare themſelves, an accident happened, by which they gained ſome time. Briord, after a public audiance, having invited to dinner, according to cuſtom, ſome of the members

and accordingly wrote a letrer that ſame day to the French king for that purpoſe. This being done, their battalions were ſent back, but they were ill uſed, contrary to capitulation, and the ſoldiers were tempted to deſert their ſervice; yet very few could be prevailed on to do it.

There was at this time a black appearance of a new and diſmal ſcene. France was now in poſſeſſion of a great empire, for a ſmall part of which they had been in wars (broke off indeed in intervals) for above two hundred years; while England, who ought to have protected and defended the reſt, was, by wretched factions and violent animoſities, running into a feeble and disjointed ſtate. The king indeed, upon the news of the French king's reſolution to accept the will, and recede from the treaty, was full of indignation to find himſelf ſo much abuſed, but he appeared quite the contrary. Inſomuch, that his cold and reſerved manner, upon ſo high a provocation, made ſome conclude, that he was in ſecret engagements with France; and that he was reſolved to own the new king of Spain, and not to engage in a new war.[k] This ſeemed ſo different from his own inclinations, and from

of the States-general, and the entertainment laſting a good while, he wanted to make water. But thinking it uncivil to riſe from table on that account, he brought upon himſelf a ſtoppage of urine, which was like to have killed him. Surgeons were ſent for from Amſterdam, but, the indiſpoſition continuing, an expreſs was diſpatched to Verſailles, and count d'Avaux was ſent to carry on the negociations. However, by this means above a month was gained, for d'Avaux did not come till Feb. 6. N. S.

k. The reader may ſee the progreſs of affairs in this remarkable period, in the following extract from Mr. Cole's memoirs.

The earl of Mancheſter to Mr. Secretary Vernon.

Count Zinzendorf had an audience of the king ſoon after the ceremony of declaring the duke of Anjou king of Spain. That was appointed before he knew of this: It was to acquaint the king, That the queen of the Romans was brought to-bed of a prince. He made all the haſte he could to Paris, to let me know, that the duke of Anjou was declared. I fear, the emperor may thank himſelf; for it is probable, that he might have prevented it. He tells me, that he has news, by a courier, that the emperor's troops are marching for Italy; but I do not always rely upon his news: We ſhall ſoon hear, if it be ſo.

I do aſſure you, there is great joy at St. Germain's. The late king goes, this day, to wait on the duke of Anjou. I was, laſt night, at monſieur's, who is at Paris, where I found lord Melfort; who gave himſelf other airs, than he uſed to do.

I am juſt now told, that an offer is made to the elector of Bavaria, to continue in the government of the Netherlands, during his life; and that this new king of Spain will confirm it to him.

The earl of Mancheſter to Mr. Secretary Vernon.

Paris, Novem. 20, 1700.

Since my laſt, there is another courier arrived to the Spaniſh embaſſador, with the entire will; for, before, they had only an abſtract. There is alſo a codicil, which was added to the will on the 21ſt of October; and relates only to the queen's dowry, which was but three hundred thouſand ducats, and, now, it is four. She has the choice of Naples, Milan, Sicily, or Flanders; where ſhe is to govern with a council; which the new king has power to appoint. There are ſome letters, which ſay, That count de Harrach, the emperor's miniſter, has made a proteſtation againſt the will, both as to the matter and manner; where he alledges, that the king's hand was guided.

The earl of Mancheſter to Mr. Secretary Vernon.

Paris, Novem. 27, 1700.

My being at Fontainbleau was the reaſon of my being ſo ſoon informed of the intentions of the court. They could not well do otherwiſe than tell me; for, when we had the news of the king of Spain's death, I preſſed monſieur de Torcy to tell me what meaſures they would keep, in relation to the treaty. He anſwered me, from time to time, in a doubtful manner, which gave me reaſons to ſuſpect what was doing: So, at laſt, he had orders to acquaint me with it. Beſides, he ſaid, it was proper, that the king ſhould know it, otherwiſe, than by the public news.

Mr. Secretary Vernon to the earl of Mancheſter.

Whitehall, Nov. 18, 1700. O. S.

I have received your excellency's letter, of the 24th inſtant, N. S. and have laid it before his majeſty; but the king has not given me any thing, in command, at preſent to write to you. Their reſolutions are taken; therefore his majeſty may be allowed to conſider a little, what may be the conſequence of ſo ſudden a change in that court; as likewiſe to expect, what are the ſentiments of other princes and ſtates, who are equally concerned in the preſervation of the peace of Europe, and the preventing the balance of power from being broken, by the uniting too many dominions under any one prince; which was the juſt foundation of the late treaty. But, how does it yet appear, that the ſecurity of Europe is better provided for, by a prince of France being made king of Spain? Or, what care is taken to ſatisfy the world therein?

The earl of Mancheſter to Mr. Secretary Vernon.

Paris, Decem. 1, 1700.

I was very much in doubt about my going to Verſailles, till I received yours of the 4-14 inſtant, which determined me. I had a very good excuſe becauſe all, that go there now, have put their coaches in mourning, and mine are not yet done. They do already ſay at court, that, till I had orders to compliment the duke of Anjou, I do well not to appear there. I did find by the Dutch embaſſador, who went yeſterday for an anſwer to a memorial he had given in by order of the States, that monſieur de Torcy did intimate to him as much, as for himſelf.

The duke of Anjou is to ſet out on ſaturday next. I cannot tell but it may be deferred; and, if ſo, I ſhall be under ſome difficulties. Monſieur de Tallard was with me. He talks of going, but he has as yet no orders. I am ſtill of opinion, that you will not ſee him very ſoon, unleſs the king our maſter does ſignify his conſent to what has paſſed here.

The prince of Vaudemont has proclaimed the duke of Anjou, and has writ to the Spaniſh embaſſador here to aſſure the king of his fidelity, and he hopes he ſhall receive his orders before he goes for Spain, which he will punctually obſerve. The Savoy embaſſador has received orders to compliment him on his acceſſion to the throne, which he did yeſterday. The emperor's envoy has no orders as yet; and they do here not ſeem to value what the emperor can do. I am nevertheleſs told for certain, that a marriage will be propoſed to the emperor for one of the archdutcheſſes, according to the deſire of the late king of Spain, by his will. If that is not accepted, then they will marry him to a daughter of the duke of Savoy, who is about thirteen years old.

They begin to ſay here, that, as for Holland, if they are diſſatisfied, the king of Spain ought to bring them to obedience, as formerly belonging to that monarchy. And, if we diſpute, the little gentleman at St. Germain's is to be made uſe of. I wiſh that may not be the conſequence at laſt, though we ſhould act otherwiſe.

The earl of Mancheſter to Mr. Stanhope.

Paris, Dec. 3, 1700.

The duke of Anjou ſets out to-morrow for Spain.—We hear as yet of no propoſals to make the Dutch ſecure; and I believe there is no thought of it; ſince they ſeem to ſay, that this will depend on Spain, and not on them. Monſieur de Bedmar has been here, and was at Marly. I am told, that the French king aſſured him, that, if there was occaſion for his aſſiſtance in Flanders, he would ſend what troops they deſired. I cannot think, that the elector of Bavaria will keep the government long, notwithſtanding what he has done, neither will the Dutch troops be permitted to ſtay there. Whatever propoſals will be made to the States, they will come from the French embaſſador at the Hague, and I hope you will let me know what ſteps he makes—I fear that the affairs of Europe are in a very ill condition, and that in a few years France will be maſter of us all. There goes a report about Paris, that I have aſked an audience of the king, which he denied me, becauſe I did not acknowledge the duke of Anjou. You will do well to let every body know, that there is no ſuch thing, and that I have no orders of that nature. What I had to ſay was much the ſame with what the Dutch embaſſador ſaid, and I only acquainted monſieur de Torcy with it, and did not give it in writing.

The earl of Mancheſter to Mr. Secretary Vernon.

Paris, Dec. 4, 1700.

I take it for granted, that the duke of Anjou is to ſet out this morning.———I intend to go to court on Tueſday next, and ſee what is doing.—I do take all the care I can to behave myſelf as prudently as is poſſible at this juncture, ſince all perſons eyes are upon me; which I conceive is right, whatever the king's reſolution may be at laſt. But it is impoſſible to prevent idle diſcourſes here. I ſuppoſe you will hear, that I had aſked an audience of the king; and was refuſed, by reaſon I had not complimented the new king of Spain. There was no ground for this; you know very well, that I had no occaſion of doing it; having received no orders of that nature: Yet I am of opinion, that this might poſſibly have happened, if I had, and that there will be ſoon a declaration, that thoſe miniſters, whoſe maſters do not own the duke of Anjou, will not be received here. Their way has always been to carry things high. Not that I think, that they are in a condition of doing it, were other princes united.

Yeſterday I received the incloſed from monſieur Schonenberg to the king. What he acquaints me with is not worth taking notice of; but I am told from other hands, that there are a great many Spaniards diſſatisfied, and who do not approve of the conduct of the regents. The queen does not come to the council; perhaps this is only, that the houſe of Auſtria may have a better opinion of her. The count de Harrach has entered a proteſtation; as has alſo the pope's nuncio, in relation to Naples; and, his pretence is, that the king, dying without children, it reverts to the pope, as his fief. Both theſe proteſts I have ſent you, with the French king's letter, in anſwer to thoſe of the Spaniſh regents. The ſtyle is worth obſerving. I am told, that orders are given for a fleet to be ſet out. It is not yet known of what number of ſhips it is to conſiſt. Some of the forces, that were towards Bayonne, have orders to march this way.

The earl of Mancheſter to Mr. Secretary Vernon.

Paris, Dec. 8, 1700.

I can now aſſure you that monſieur de Tallard takes his leave of the king, to-morrow, and will be ſoon in England. I did perceive by monſieur de Torcy, that he has a letter to the king; ſo that a little time will ſhew what we are to expect. I did not enter into diſcourſe on that ſubject, nor on the late proceedings of theirs; and it is to no purpoſe. The leſs I ſay, the better, unleſs I do it by order. What aſſurance Europe will have of it's ſecurity, I cannot tell, unleſs what they ſay here will be thought ſufficient, viz. that the French king will end his days in peace, and that his ambition is now ſatisfied. Here is arrived a courier from Madrid: the letters ſay, That they had proclaimed the duke of Anjou; and that there were ſhewn great expreſſions

all the former parts of his life, that it made many conclude, that he found himſelf in an ill ſtate of health, the ſwelling of his legs being much increaſed, and that this might have ſuch effects on his mind, as to make him leſs warm and

ſions of joy in all parts. They have alſo the ſame account from Naples. We ſhall ſoon ſee what the emperor thinks of all this matter. It is certain, this might have been prevented, if he had accepted the treaty. And, as it is, it may be very fatal to England, even without remedy. We are not united enough at home, to expect any good; and, I fear that thoſe, that diſapproved of the late treaty, will ſoon have reaſon to wiſh it had took place. My being in France has not given me a better opinion of their ſincerity, or good inclination towards us: And I cannot ſee, let this matter turn which way it will, that there is any occaſion for the king to be at the expence of an embaſſador, here; neither do I believe that monſieur de Tallard will ſtay long with you.

Mr. Stanhope to the earl of Mancheſter.

Hague, Dec. 10, 1700.

A courier was laſt night diſpatched by the ſtates to Paris, with their anſwer to the king's haughty letter. The anſwer contains, after ſuch thanks as he expects, that his majeſty knows very well the nature of their conſtitution to be ſuch, that they can take no new reſolutions, eſpecially in matters of this great importance, without communicating them firſt to their provinces; which they are more indiſpenſably obliged to obſerve in this caſe, becauſe the treaty of partage was in a moſt ſolemn manner communicated to, and approved, and ratified by, them; and therefore they cannot lay the treaty aſide, but with the ſame eſſential formalities it was made: that they would immediately communicate his majeſty's letter to their provinces, and hoped he would pleaſe to allow them ſo much time, as till they could know their own minds about this weighty affair, ſeeing it was impoſſible for them to take any reſolution of themſelves. Something I hear was mentioned of the king, as their ſtadtholder, whom they muſt alſo conſult: the ſame in ſubſtance was ſent laſt night by the States agent, both to the French and Spaniſh embaſſadors, here: this expedient will probably, give them a little more time to conſider what they do: they ſeem to be grown much cooler, and more moderate, than they were at the firſt news, when they talked of nothing but war; and I am now verily perſuaded, the party, acknowledging the new king, will ere long, prevail, by a great majority. One ſaid to me, to-day, They would have been pleaſed, if their embaſſador at Paris had done it, tho' without orders; for then they had been at liberty to have owned or diſowned his action, according as they found it ſuited their intereſt afterwards. The emperor's court makes a great noiſe, and talks of ſending an army into the Milaneſe early in the ſpring: But little is to be expected from a prince ſo irreſolute, and whoſe finances are in ſo lamentable a diſorder; beſides that, the German name, by their barbarous actions in the laſt war in Italy, is become much more odious than the French; and, beſides that, their unreaſonable project, of reviving his antiquated pretenſions to the imperial fiefs, has made all there fear, and conſequently hate, the nation.

While things are in this uncertain condition between this State, and France, and Spain, nothing can be moved on either ſide about the Dutch troops in Flanders. It would be moſt natural to expect the propoſals from the French, rather than Spain; becauſe they are jealous of the French, and not of Spain: But, in diſcourſe with the French embaſſador on the ſubject, he told me, If theſe people had any thing to move concerning it, they ought to addreſs themſelves to the king of Spain; for it no way concerned the king, his maſter.

The earl of Mancheſter, to Mr. Secretary Vernon.

Paris, Dec. 11, 1700.

I cannot tell from whence they have, at St. Germain's, an apprehenſion, that the prince of Wales will be carried away into England, with his own conſent; and, upon this, they have increaſed his guards; whereas, formerly, he had ſix, he has now fourteen. They think their game ſo very ſure, that there is no occaſion he ſhould make ſuch a ſtep. Beſides, the changing of his religion will never be ſuffered; and they have lately declared they would rather ſee him dead.

Juſt as I had wrote this letter, count Zinzendorf came to me, and told me, He had received orders to go to court, now the duke of Anjou is gone, as he uſed to do. He is to repreſent to monſieur de Torcy the right the emperor conceives he has to the crown of Spain. He alſo tells me, that the count de Goes, at the Hague, has full inſtructions; and that there is an envoy named for England, who will be ſoon there. In ſhort, I do perceive the emperor is willing, now, to do any thing the king ſhall like—Count Zinzendorf ſays alſo, That orders are given for the troops to march towards Italy and the Rhine.

The earl of Mancheſter to the earl of Jerſey.

Paris, Dec. 15, 1700.

Monſieur de Tallard is now with you, which will bring this great affair to a point. I cannot perceive, that he has orders to make any propoſal in relation of what may make England and Holland ſecure; and I am unwilling to make any ſteps that way, in order to find out what their thoughts are here, till I am a little informed of the opinion the king is of, and in what manner he could wiſh this would end. Some pretend, that they will give all the aſſurances, that can be deſired; but I take it, that we ſhould, if poſſible, have ſomething more ſubſtantial. To others they ſay, that what relates to Flanders, is not in their power, but what propoſals are to be made, muſt be made to Spain, which cannot be done, till we acknowledge the new king. Here is a diſcourſe, as if Spain would exchange Flanders for Rouſſillon, or ſome other place near them. It is not improbable, but this may be done in time, though at preſent they know their intereſt too well to give ſuch jealouſies, as this would do. The emperor's late proceedings, and the account, that he is ſending forces into Italy, have made the French take the reſolution of ſending count de Teſſe to Milan. He is declared general of the French forces, and goes away poſt on Saturday next. Twenty-five battallions, and three thouſand horſe, are marching with all diligence towards Savoy. It is ſaid, count Teſſe is to ſee in what condition affairs are there, and to concert with prince Vaudemont; whom, as I believe, they begin to miſtruſt, notwithſtanding what has paſſed. There is no doubt but he is to aſk the duke of Savoy for leave to paſs though his country; ſo that now he muſt explain himſelf, and they are not ſorry it happens ſo. Monſieur Zinzendorf was yeſterday at Verſailles. He had orders to acquaint monſieur de Torcy, that the emperor had received a letter from the States-General, jointly with their confederates, the kings of England and France, whereby they ſtill invite him to ſign the treaty, and ſay, that he had yet time to do it: That monſieur de Villars had, notwithſtanding this, declared, that his maſter had accepted the will, and that the duke of Anjou was king of Spain, which was a ſort of contradiction. The anſwer, which monſieur de Torcy made him, was, That he did not know what the States may have done, but that the king had no part in it: That he knew what had paſſed here in relation to the duke of Anjou, and that the king was reſolved to ſupport him with all his forces, which he did not doubt but was eaſy to do. This was the ſubſtance of what monſieur de Torcy told me. Count Zinzendorf did only ſet out the right of the emperor to Spain, by the will of Philip IV, the renunciation of France, and ſeveral treaties. There is no doubt but that the anſwer he had to all this was in very high terms, which I think could not have been expected otherwiſe.

Monſieur de Schonenberg to the earl of Mancheſter.

Madrid, Dec. 16, 1700.

The marquis of Harcourt is returned hither ſince Monday laſt. They careſs him extremely, and it is certain, that his commiſſion extends itſelf to affairs of more impotance, than the regulating only what relates to the reception of the new king. It ſeems, that thoſe, who have the greateſt credit in the Junta of the regency (that is to ſay, the cardinal Portocarrero and his adherents) have made a vow to abandon the fate of the monarchy to the arbitration and the good-will of France. Who would have thought, two years ago, that the Spaniards ſhould become ſo cordially tractable on this article? Thus it is true, that political maxims are no leſs ſubject to variation than other affairs. In the mean while, this court has ſent orders to the government of the Netherlands, ordering all, without exception, abſolutely to obey every thing, that his moſt Chriſtian majeſty ſhould judge proper to order the new king to do. Orders are alſo ſent to tranſport into the Milaneſe the few troops, that remain in Catalonia; and it is reſolved to raiſe fifteen hundred men in Italy, to be tranſported to Flanders, whence they will, no doubt, endeavour to remove the foreign troops, to put the French in their places.

It is almoſt inconceivable how much animoſity the ill intentioned at this court ſhew againſt England and the United provinces; but we have reaſon to hope, that the perfect union of thoſe two proteſtant powers (ſo abſolutely neceſſary in the preſent conjuncture) will diſſipate the ill deſigns of their implacable enemies.

What is moſt ridiculous in theſe indiſcreet miniſters is, that the monarchy is ſo generally decayed, that of themſelves they can do nothing; ſo that, if they ſhould come to be attacked by very moderate forces, they would be every way expoſed to irreparable loſſes, and eſpecially in America. It is true, that they would be ſafe under the proteſtion of France; but, in order to make them ſecure every way, as powerful as that crown is, it would be obliged to exhauſt itſelf.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Dec. 18, 1700.

The Dutch embaſſador had yeſterday his audience. The king's anſwer was, that he waited with impatience for the laſt reſolution of the States, which he hoped would be comfortable to what he ſo much deſired, the peace and quiet of Europe; and that he might aſſure his maſters of his friendſhip, which he would be glad to continue to them. Monſieur de Torcy told him afterwards, that the king was ready to give the States all the aſſurances they could deſire, in relation to their ſecurity. I am told, that the French embaſſador at the Hague has the like orders. It is certain, that here they are not for war, if it can be avoided; and that is not to be doubted, ſince they cannot hope for any advantage by it more than they have. They ſeem to value but little what the emperor can do, yet they are reſolved to take right meaſures in caſe of the worſt. The poſture of affairs at Vienna is ſuch, that, if the princes of Italy were not reſolved to oppoſe the Imperialiſts, yet they would not be in a condition to march theſe three months; but it ſeems, there is ſuch hatred againſt them there, by reaſon of their proceedings in the late war, that I find by all the Italian miniſters, that they like French troops better than Germans; ſo that I cannot ſee, but the great preparations, that are now talked of, will come to nothing. The emperor would be glad, that others would undertake his cauſe.

The envoy of the great duke had on Thurſday laſt a public audience, to congratulate the king on the duke of Anjou's acceſſion to the crown of Spain.

I have your's of the 2d, and I ſhall take what care I can to inform you of what orders are given in relation to the fitting out of a fleet. There is no doubt, but they are taking their meaſures, to have it in readineſs; and they ſay here, that we are doing the ſame.

Mr. ſecretary Vernon to the earl of Mancheſter.

Whitehall, Decemb. 10, 1700.

I now ſend you back Mr. Chetwynd, his majeſty having thought it proper, that he ſhould bring you the incloſed letter for monſieur Schonenberg; which his majeſty would have you ſend to Madrid, by the quickeſt and ſafeſt way you can think of. I ſend you the letter unſealed, that you may ſee it contains the copy of an inſtruction, which his majeſty gives Dr. Aglionby, who is appointed to carry his majeſty's anſwer to the letter, that his majeſty received, the laſt week, from the regency of Spain, notifying the king's death, and the diſpoſition he made of the crown. He is ordered to go by the way of the Groyne, and, I believe, will ſet forwards to-morrow. His majeſty would be glad, that he might reach Madrid, before the king of Spain's arrival there, it being of conſequence, that no time ſhould be loſt in executing theſe inſtructions. But, ſince he may be delayed by contrary winds, his majeſty has thought fit, that a copy of the inſtructions ſhould be ſent directly, and with ſpeed, to Mr. Schonenberg, that he may, in the mean time, make his majeſty's intentions, of living in his former friendſhip with Spain, rightly underſtood

active, leſs diſpoſed to involve himſelf in new troubles; and that he might think it too inconſiderate a thing to enter into a new war, that was not likely to end ſoon, when he ſele himſelf in a declining ſtate of health. But the true ſecret of

derſtood, and uſe his endeavours, either to keep them in, or bring them to the ſame diſpoſition towards us.

Now your excellency ſees, what will be his majeſty's conduct towards Spain, if he meets with ſuitable returns from thence; his majeſty would have it ſerve as an inſtruction to you, how to govern yourſelf in the converſations you may have an opportunity for with the Spaniſh embaſſador, reſiding at Paris, or with ſuch of the grandees, as are coming thither from the regency, to prevent their taking any ill impreſſions, in relation to his majeſty and his kingdom. But you will defer acquainting him with what his majeſty has now ordered, ſince it may be doubted, what uſe he would make of ſuch an information in that court. It ſeems fit likewiſe, that nothing be ſaid of the particulars to the emperor's miniſter.

——Monſieur Tallard took occaſion to tell me yeſterday, That he never intended to ſtay in England above three months. Thoſe will be expired in March next; and therefore, about February, he hoped to have orders to return home; but his maſter would ſend another to ſupply his place, and ſuch a one, as ſhould be agreeable to his majeſty. He touched upon the alterations, that had happened ſince his being here laſt, as to their accepting the will. He ſaid, The reaſons for it were contained in a memorial ſent into Holland; which he did not doubt but I had ſeen, and he could repeat them all by heart, if it were neceſſary. He did repeat moſt of what ſhewed the neceſſity of accepting the will, thereby to prevent the emperor's and the duke of Savoy's having a new title to the crown of Spain. He ſaid, if the emperor thought of invading Milan, his pretenſions would be unjuſt, ſince they had the original grant, by which Charles V. conferred that duchy upon Philip II. and his heirs, as well females as males. I aſked him, whether, if the emperor thought he had a right to Milan, and would aſſert it, that that ought to give jealouſies of diſturbances in parts far remote from it, and whether that would occaſion the marching of French troops into Flanders. That we were ſurprized to hear of meſſages ſent to the elector of Bavaria, to tell him, that the French troops ſhould march into Flanders, whenever he thought it neceſſary. I aſked if Holland had given any occaſion for it, or whether they imagined any alarm could come from thence. All he anſwered to it was, that he had not heard of any ſuch meſſages or orders. I told him, that the advantages, which accrued to France and Spain by the accepting the will, were viſible; but what had others to rely upon, who ſaw their treaty laid aſide, from whence they promiſed themſelves a proſpect of peace and tranquillity? His anſwer was, that Spain would remain as it has been, and they might have the ſame conteſts with them hereafter, as they had formerly. But his maſter loſt by complying with the will, but was ſatisfied, that juſtice had been done to his family, and the preſerving of peace was all he aimed at.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Decem. 22, 1700.

I was yeſterday at Verſailles, and I continue to go as I did formerly. I know they are a little ſuſpicious of what we are doing, and will be more ſo in caſe monſieur de Tallard believes all that is ſaid at London. I did take notice to monſieur de Torcy, in general words, of the change of the ſcene of Europe in a little time: That all princes would now be obliged to begin again, and to take meaſures conformable to the preſent poſture of affairs. He could not but allow it; but ſtill he was of opinion, that the peace of Europe was much more ſecured by this alteration. When I mentioned Portugal, he ſaid they could not think themſelves in any danger, ſince the king had ordered his miniſter there, as ſoon as he accepted the will, to aſſure the king of Portugal, that he was ready to enter into a league offenſive and defenſive with him.

By this you will ſee they are before-hand with any propoſal or offer the emperor can make. As to Holland, the French embaſſador there will have given them aſſurances; but you may rely on what I acquaint you, that it will be on condition, that their troops leave Flanders, which they will not admit here on any terms; and I am apt to think, that they will be ingenuous enough to own it. Yet at the ſame time they will ſend no French troops, but in defence of the country, in caſe the new king of Spain deſires it. They will, if poſſible, make the States declare themſelves before the meeting of our parliament. There is nothing ſtirring at St. Germain's. They now diſown and are aſhamed of what I told you concerning the prince of Wales.

Mr. ſecretary Vernon to the earl of Mancheſter.

Whitehall, Decem. 3, 1700.

Count de Tallard at his audience delivered his letter to the king, ſaying very little at the preſenting of it, and then ſtood ſilent. The king ſaid ſomething to him about his own inclinations to preſerve the peace of Europe, in manifeſting whereof he might perhaps have advanced too far; but he was very deſirous, that all the world ſhould be ſatisfied of his diſpoſitions towards the public tranquillity. I underſtand the embaſſador's anſwer was to this effect, That his maſter had the ſame inclinations to peace, and thought he had given proof of it by accepting the king of Spain's will. His majeſty ſeemed not to underſtand how that could be made out, and the embaſſador proceeded no farther, but only made a compliment on his own account, how much he valued the honour of returning hither again, to aſſure his majeſty of his profound reſpects, and ſo took his leave, and went immediately back to London. His majeſty had not opened the letter, while the embaſſador was with him, it not being uſual, but, reading it afterwards, he finds it is there ſaid of the embaſſador, 'That he will explain diſtinctly the juſt reaſons, that have obliged us to prefer the public tranquillity to our private intereſts, by accepting, as we have done, the will of the late catholic king, in favour of the king our grandſon.' And therefore his majeſty ſeems a little ſurpriſed, that he did not enlarge further at his audience, or deſire ſome other time for the doing it.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Decem. 25, 1700.

A perſon of diſtinction is come here from prince Vaudemont; his name is Colmonero. It is thought, that he brings an account of the affairs at Milan, and of the march of ſome of the emperor's troops towards Italy. Whereupon fixteen battalions are ordered thither, who are to embark, the eighth of next month this ſtile, at Antibes.——All the forces, that were in Catalonia and towards Bayonne, are marching into Dauphiné. The army that is intended for Italy, is to conſiſt of ſixty battalions, and eighty ſquadrons of horſe; four lieutenant-generals, and ſix major-generals. The two firſt of the lieutenant-generals are to embark with theſe ſixteen battalions. It is ſaid, that the whole army will amount to forty thouſand men, if there be occaſion. There is no doubt but they will ſend what they can, ſince they may by theſe means not only oppoſe the Imperialiſts entering into Italy, but they may attack them in their country.

I was yeſterday to make a viſit of ceremony to monſieur de Chamillard. I was willing to know his thoughts a little on what has happened, by way of diſcourſe, which cannot have any conſequences. His expreſſion, as to Holland, was, that he owned it was very difficult to prevent people's fears of what may happen hereafter; but that in great meaſure it may be done by making of leagues offenſive and defenſive with each other, &c. and that the king would contribute all he could towards it. It is certain, that at preſent they do not deſire to break with England. What they will aim at, here, is the ſending the Dutch troops out of Flanders; and I am ſatisfied that is their deſign: ſo that it is very proper, that monſieur de Tallard ſhould be brought to explain himſelf on that ſubject. His coming ſo abruptly to Hampton-Court, before he had an anſwer from you, ſhews the nature of the man. But beſides, as they ſuſpect what we are doing, ſo I ſee they are here in the laſt impatience to know our reſolutions; and there is not a time I go to Verſailles, that they do not expect I ſhould ſay ſomething of that matter.

Mr. Secretary Vernon to the earl of Mancheſter.

Whitehall, Dec. 16, 1700, O. S.

Count Tallard has not been at court ſince his audience on Wedneſday, nor have I ſeen him, or heard from him, ſince I made him my viſit that day. I do not know whether he has taken any thing amiſs; that he can have no reaſon for it, you will judge by the accounts I have ſent you. If you find therefore, that the accounts he has writ into France are different from what I ſent you laſt poſt, you will endeavour to make things rightly underſtood, that we may not fall into coldneſſes upon being miſapprehended. But this reſerved humour, M. de Tallard ſeems to be in, looks as if he had writ ſomething home, upon which he expected further orders.

The earl of Mancheſter to Mr. Secretary Vernon.

Paris, Dec. 29, 1700.

Monſieur de Torcy mentioned to me the project of a league between England, France, Spain, and Holland, for the ſecuring of Flanders; and any other prince may come into it. Monſieur Lelienroot had made this propoſal; and the king, here, is ready to conſent to it, and give all ſort of aſſurances, that can be deſired; and he hoped, I had, or would acquaint the king with the diſpoſition they were in, to contribute towards the public peace. I ſaid, That it could not be doubted, but the king had the ſame deſire and concern for the peace of Europe, which was manifeſt by the treaty; and it was plain, that he could have no other proſpect. As to the propoſal of monſieur Lelienroot, I knew nothing of it; but, I ſuppoſe, the meaning of it was, that all things, in Flanders, ſhould remain as they are. Then he explained himſelf, and ſaid, That, as the king did not intend to ſend any troops there, ſo it could not be expected, that the Dutch ſhould ſtay there, except only ſuch as belong to the king of Spain. I have long perceived, that this was their deſign; I only ſaid, that I thought Spain could never apprehend any thing, from the Dutch troops remaining there, though I could not tell, but it might give apprehenſions to others, if they were removed. He would have argued the matter, but I avoided it. I am confident that, if in Spain it ſhould be approved of, it will be oppoſed here: Yet, if the emperor can make any head, ſo as to be able to give them trouble, and Portugal ſhould be diſſatisfied, as, I hear, they are, I cannot but think they may be brought to what terms we pleaſe.

Monſieur Schonenberg to the earl of Mancheſter.

Madrid, Dec. 30, 1701.

The affairs, here, continue to repreſent a lively image of the inconſtancy of human affairs, the regency of Spain doing all that it can to draw on it the yoke of France; but, provided England and Holland keep firm, there may be means found to make them return to their true intereſt, and to maintain the new king in a convenient independency.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Jan. 1, 1701.

I cannot in the leaſt complain of Monſieur de Torcy. He is extremely civil to me; but, in general, there is a mighty ſhyneſs, of which I take no ſort of notice, and do as I uſed to do. All things move, here, as the king takes notice of them; and, ſince the accepting of the will, he has never ſpoken a word to me, though I continue to make my court every Tueſday.

I am told, That the French king has wrote again to the States, to declare themſelves, by ſuch a time; elſe he ſhall look upon them, as taking meaſures with the emperor, and act accordingly, to prevent their deſigns. By what I perceive of things, this was not ſo preremptory, as it was ſaid; though, that they will preſs the States, is not to be doubted. I am informed, juſt now, That an expreſs is come from Madrid; and that the regents have deſired the French king to accept the generalſhip of the monarchy of Spain; and, that they have ſent orders to all the viceroys, governors, &c. in all parts, to obey his orders, punctually, in all matters whatſoever. If this be true, as it is very probable, one may judge what will be the conſequence.

Mr. Secretary Vernon to the earl of Mancheſter.

Whitehall, Dec. 23, 1700, O. S.

Your excellency's letter, of the 29th inſtant, arrived yeſterday; and, as ſoon as I had decyphered it, I laid it before his majeſty, being then at Hampton-

this unaccountable behaviour in the king was ſoon diſcovered.

The earl of Rocheſter was now ſet at the head of affairs, and was to bring the tories into the king's ſervice. He was himſelf declared lord-lieutenant of Ireland [1]; and, that the moſt eminent man of the whigs might not oppoſe them in the new parliament, they got Mr. Montague, now auditor of the Exchequer to be made a baron. He took the title of Hallifax, which was ſunk by the death of that marquis without iſſue-male. The lord Godolphin was made firſt commiſſioner of the treaſury; the lord Tankerville lord privy-ſeal, in the room of the lord Lonſdale deceaſed; and ſir Charles Hedges, one of the judges of the admiralty, was appointed one of the principal ſecretaries of ſtate, in the room of the earl of Jerſey.

The tories had continued, from the king's firſt acceſſion to the throne, in a conſtant oppoſition to his intereſts. Many of them were believed to be jacobites in their hearts, and they were generally much againſt the toleration, and violent enemies to the diſſenters. They had been backward in every thing, that was neceſſary for carrying on the former war; they had oppoſed taxes as much as they could, and were againſt all ſuch as were eaſily levied, and leſs ſenſibly felt by the people; and were always for thoſe, that were moſt grievous to the nation, hoping, that, by theſe heavy burthens, the people would grow weary of the war and of the government. On the contrary, the whigs, by ſupporting both, were become leſs acceptable to the nation. In elections their intereſt was much ſunk; every new parliament was a new diſcovery, that they were become leſs popular; and the others, who were always oppoſing and complaining, were now cried up as the patriots. In the three laſt ſeſſions, the whigs had ſhewn ſuch a readineſs to give the king more force, together with a management to preſerve the grants in Ireland, that they were publickly charged as betrayers of their country, and as men, who were for truſting the king with an army. In ſhort, they were accuſed of too ready a compliance with the humours and intereſts of courts and favourites, and were therefore generally cenſured and decried. And now, ſince they had not ſucceeded to the king's mind, ſome about him poſſeſſed him with this, that either they would not, or could not ſerve him. In ſome of them indeed, their principles lay againſt thoſe things, whereas the tories principles naturally led them to make the crown great and powerful. It was alſo ſaid, that the great oppoſition made to every thing, which the king deſired, and the difficulties, that had been of late put upon him, flowed chiefly from the hatred borne to thoſe, who were employed by him, and who had brought in their friends and creatures into the beſt poſts. And they were now ſtudying to recover their loſt popularity, which would make them cold, if not backward, in complying with what the king might deſire for the future. The whigs alſo began to complain of the king's conduct, of his minding affairs ſo little, of his being ſo much out of the kingdom, and of his ill choice of favourites: and they imputed the late miſcarriages to errors in conduct, which they could neither prevent nor redreſs. The favourites, who thought of nothing but to continue in favour, and to be ſtill ſafe and ſecure in their credit, concurred to preſs the king to take other meaſures, and to turn to another ſet of men, who would be no longer his enemies, if they had ſome of the beſt places ſhared among them. And, though this method had been almoſt fatal, when the king had followed it ſoon after his acceſſion to the crown, yet there ſeemed to be leſs danger

Hampton-Court. His majeſty commanded me to acquaint you, That he does not know what monſieur de Lelienroot's project is, any further, than the account you give of it; nor does he know upon what grounds he propoſes it; but he ſuppoſes it ariſes from monſieur Lelienroot, or monſieur Palmguiſt, without any directions from the king of Sweden.

His majeſty approves of what you replied to monſieur de Torcy, upon his explaining, That it was the intention of that court, not to allow of the continuance of the Dutch troops in Flanders. If theſe methods are purſued, it will be hard to make it underſtood, that they are meant to free people from their jealouſies and apprehenſions.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Jan. 8, 1701.

I had the favour of your's, on Decemb. 23. I take it, that the propoſals, which monſieur Lelienroot makes, are of himſelf, and not by order; and that monſieur Palmguiſt does the ſame thing here. They might have their ends in it, for the ſervice of their maſter; but the ſucceſs, the king of Sweden has had lately, may be, will put an end to all thoſe projects.

Mr. ſecretary Vernon to the earl of Mancheſter.

Whitehall, Dec. 30, 1700, O. S.

Count Wratiſlaw, the emperor's envoy, arrived here on Saturday laſt. He goes, to-morrow, to Hampton-Court, where his majeſty has appointed him a private audience. I hear, he already begins to diſcourſe of both the emperor's pretenſions, as well to the Spaniſh ſucceſſion, as to the fief of Milan; and that they are publiſhing a manifeſto at Vienna, in maintenance of each of thoſe titles; and are reſolved to juſtify them, though they ſtand alone in the defence of them; but, they ſay, they cannot fall alone, ſince their ruin muſt draw others after them.

His majeſty is not very well; his appetite abates, and his legs are more ſwelled; but it chiefly ariſes from great thoughtfulneſs, in relation to the public.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Jan. 12, 1701.

I cannot but think, by the proceedings of the regents of Spain, that they are reſolved to have the French king for their king; and that the duke of Anjou is to have only the name. There is another expreſs come from them, by which they acquaint this king, That they have ſent orders to their miniſters in all courts, to act in concert with the French, and to obey the orders, which the French king ſhall ſend them; and to let them know, that Spain ſhall be included in whatever treaty France ſhall think fit to make; and that they may ſign it, without ſtaying for further orders from them. It is certain, that this king ſaid, on this occaſion, that he was Le premier miniſtre du Roy d'Eſpagne: I am of opinion, that the uſe he will make of this power, is, that he will ſhew all Europe, that, whoever intends to keep any meaſures with Spain, it muſt be by the means of France, or, at leaſt, with their approbation. Beſides, having ſuch a power, the French troops may poſſeſs themſelves of what places they pleaſe. So that there is ſome reaſon to fear, that, in caſe things ſhould begin to look like a war, the Dutch troops in Flanders may paſs their time ill. I am ſatisfied, that the French will avoid doing any thing of this nature, as long as they can, in hopes of preventing a war; and the meaſures, they now ſeem to take, are ſuch, that they may not be eſteemed the aggreſſors, but rather on the defenſive. They are too ſenſible of the condition of France, where there are no means left to raiſe any conſiderable ſum, but by a capitation, which is already ſigned; but, unleſs there be occaſion, it will not be levied. It is a very hard tax on the people, eſpecially when all other impoſitions remain as they were, during the late war, with an augmentation of five millions of livres for this year. The lottery, which, it was thought, would have ſucceeded, comes to nothing.

It is now thought, here, that the war in Italy is certain; and this court endeavours to perſuade the pope, and the reſt of the princes of Italy, to form a league againſt the emperor; for, ſay they, without ſomething of that nature is done, that country will, in all likelihood, be the ſeat of war.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Jan. 15, 1701.

There is nothing now left to make the great union betwixt France and Spain complete, but the ſettling their trade; and it is ſaid, that all the impoſitions on the produce of Spain will be taken off here, as the like will be done there, in relation to the produce of France. Several other regulations are conſidering of; and there is no doubt but France will find their account. The great point will be, whether France can furniſh them with commodities proper for the Indies. If ſo, we may greatly ſuffer.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Jan. 19, 1701.

I often meet the Spaniſh embaſſador, and I obſerve your directions. I do not in the leaſt take notice to him of what his majeſty's intentions are. He began to talk with me yeſterday at Verſailles, and aſked me, whether we would break with them; making many profeſſions, that whatever had paſſed, yet in Spain they had the ſame deſire to cultivate and increaſe, if poſſible, the friendſhip with his majeſty. I told him, that I did not know, but that there might be the ſame deſire on the king my maſter's part; but that he muſt allow, that the late proceedings of the regents cannot but have given great jealouſies to Europe, and the regents had acted, as if they were deſirous of being in a manner tributary to France, which would be alſo of fatal conſequence to themſelves at laſt. His anſwer was natural enough: He ſaid, what would you have them do, whilſt they are threatened with war from all parts, and are not in a condition to help themſelves? But, if there was any diſpoſition on our ſide to continue the antient good underſtanding, we ſhould ſoon ſee another effect. This he ſpake in a manner as if he had orders for what he ſaid; and that, if I doubted, he might venture to give it under his hand, that they would renew all treaties, &c. I find, that even here they are ſo apprehenſive of a general war, if England ſhould engage itſelf, that they will, I am ſatisfied, conſent to almoſt any thing to prevent it, even to leave the Dutch troops in Flanders, rather than fail. Theſe matters are proper to be tranſacted in Spain, where there may be ſome faith ſtill left. I am of opinion, that I partly know the propoſals monſieur Wratiſlaw will make; but I cannot ſee the emperor is able to perform his part; and it is ſaid, that prince Lewis of Baden is not for having the emperor engage in a war.

[1] The king writ the following ſhort letter, to the earl of Galway, a little before the earl of Rocheſter's promotion.

Loo, Aug. 15, 1700.

It is ſome time ſince I received your letter of the 13th of July, in which you deſire to know on whom I have caſt my eyes for the government of Ireland; and, as I am ſure that what I write you will be ſecret, I ſcruple not to tell you, that I intend to give it to lord Rocheſter, and to declare it at my return to England; but he will not go to Ireland till the next ſpring. You will eaſily conceive the reaſons of it. I ſhall expect your thoughts of a matter that concerns you, and you may always rely on my friendſhip.

William R.

in trying it now, than was formerly. The nation was in full peace; and it was commonly ſaid, that nobody thought any more of king James, and therefore it was fit, for the king's ſervice, to encourage all his people to come into his intereſts, by letting them ſee how ſoon he could forget all that was paſt. Theſe conſiderations had ſo far prevailed with him, that, before he went out of England, he had engaged himſelf ſecretly to them. It is true, the death, firſt of the duke of Glouceſter, and now of the king of Spain, had very much changed the face of affairs, both at home and abroad; yet the king would not break off from his engagements.

It might have been expected, that, when ſuch a new unlooked-for ſcene was opened, the king ſhould have loſt no time in bringing his parliament together, as ſoon as poſſible. It was prorogued to the 20th of November; and the king had ſent orders from Holland to ſignify his reſolution for their meeting on that day. But the miniſters, whom he was then bringing into his buſineſs, had other views. They thought they were not ſure of a majority in parliament for their purpoſes, and therefore prevailed with the king to diſſolve the parliament; and, after a ſet of ſheriffs were appointed, fit for the turn, a new parliament was ſummoned to meet on the 6th of February.

The man, on whoſe management of the houſe of commons, the new miniſtry depended, was Mr. Robert Harley, the heir of a family, which had been hitherto the moſt eminent of the preſbyterian party. His education was in that way; but he, not being conſidered at the revolution, as he thought he deſerved, had ſet himſelf to oppoſe the court in every thing, and to find fault with the whole adminiſtration. He had the chief hand both in the reduction of the army, and in the matter of the Iriſh grants. The high party truſted him, though he ſtill kept up an intereſt among the preſbyterians; and he had ſo particular a dexterity that he made both the high church party and the diſſenters depend upon him, ſo it was agreed, that he ſhould be ſpeaker.

All this while the new miniſters talked of nothing but negotiations, and gave it out, that the French king was ready to give all the ſecurity, that could be deſired, for maintaining the peace of Europe. At this time the emperor ſent over to England count Wratiſlaw, to ſet forth his title to the Spaniſh monarchy, ſettled on his houſe by antient entails, often repeated, and now devolving on him, by an undoubted right, ſince by the renunciation made by the late queen of Spain (as was ſtipulated by the treaty of the Pyrenees, and then made by her in due form) this could not be called in queſtion. But the new miniſters were ſcarce civil to the count, and would not enter into any conſultations with him. But the Dutch, who were about the king, and all the foreign miniſters, ſpoke in another ſtile. They ſaid, that nothing but a general union of all the powers in Europe could hinder the conjunction of the two monarchies. So, by what thoſe, who talked often with the king, gave out, it came to be ſoon known, that the king ſaw the neceſſity of a new war, but that he kept himſelf in a great reſerve, that he might manage his new miniſters and their party, and ſee if he could engage them to concur with him.

It will not be improper to cloſe the relation of this year, with which the century ends, with an account of the king of Sweden's glorious campaign. He made all the haſte he could to relieve Livonia, where not only Riga was for ſome months beſieged by the king of Poland, but Narva was alſo attacked by the Czar, who hoped, by taking it, to get an entrance into the Baltic: The Czar came in perſon againſt it, with an army of one hundred thouſand men: Narva was not provided for a ſiege: It had a ſmall garriſon, and had very poor magazines, yet the Moſcovites attacked it ſo feebly, that it held out beyond all expectation, till the end of the year. Upon the king of Sweden's landing at Revel, the Saxons drew off from Riga, after a long ſiege at a vaſt charge. This being done, and Riga both opened and ſupplied, that king marched next to Narva; the Czar, upon his march towards him, left his army in ſuch a manner, as made all people conclude, he had no mind to hazard his perſon; the king marched through ways, that were thought ſo impracticable, that little care had been taken to ſecure them; ſo he ſurprized the Muſcovites, and broke into their camp, before they apprehended he was near them; he totally routed their army, took many priſoners, with all their artillery and baggage, and ſo made a glorious entry into Narva. This is the nobleſt campaign that we find in any hiſtory; in which a king, about eighteen years of age, led an army himſelf againſt three kings, who had confederated againſt him, and was ſucceſsful in every one of his attempts, giving great marks, both of perſonal courage and good conduct in them all.

[1700-1] On the 6th of February, the parliament met, but was prorogued to the 10th, when the commons were directed by the king to chuſe a ſpeaker. Sir Thomas Littleton had been ſent for by the king, who told him, that he thought it would be for his ſervice, that he ſhould give way at that time to Mr. Harley's being choſen into that office; which Sir Thomas acquieſced in, and accordingly abſented himſelf from the houſe on the day of election, when Mr. Harley, being the firſt perſon propoſed for ſpeaker, and afterwards ſir Richard Onſlow named by others, the former had two hundred and forty-nine votes for him, againſt one hundred and twenty-five in the negative. The next day, the king made the following ſpeech to both houſes:

My lords and gentlemen,

"OUR great misfortune, in the loſs of the duke of Glouceſter, has made it abſolutely neceſſary, that there ſhould be a further proviſion for the ſucceſſion to the crown in the proteſtant line after me and the princeſs. The happineſs of the nation, and the ſecurity of our religion, which is our chiefeſt concern, ſeems ſo much to depend upon this, that I cannot doubt but it will meet with a general concurrence; and I earneſtly recommend it to your early and effectual conſideration.

"The death of the late king of Spain, with the declaration of his ſucceſſor to that monarchy, has made ſo great an alteration in the affairs abroad, that I muſt deſire you very maturely to conſider their preſent ſtate; and I make no doubt, but your reſolution thereupon will be ſuch, as ſhall be moſt conducing to the intereſt and ſafety of England, the preſervation of the proteſtant religion in general, and the peace of all Europe.

"Theſe things are of ſuch weight, that I have thought them moſt proper for the conſideration of a new parliament, to have the more immediate ſenſe of the kingdom in ſo great a conjuncture.

"I muſt deſire of you, gentlemen of the houſe of commons, ſuch ſupplies, as you ſhall judge neceſſary for the ſervice of the current year; and I muſt particularly put you in mind of the deficiencies and public debts, occaſioned by the late war, that are yet unprovided for.

"I am obliged farther to recommend to you, that you would inſpect the condition of the fleet, and conſider what repairs or augmentations may be requiſite for the navy, which is the great bulwark of the Engliſh nation, and ought, in this conjuncture moſt eſpecially, to be put in a good condition; and that you would alſo conſider what is proper for the better ſecurity of thoſe places, where the ſhips are laid up in winter.

"The regulation and improvement of our trade is of ſo public a concern, that I hope it will ever have your ſerious thoughts; and, if you can find proper means of ſetting the poor at work, you will eaſe yourſelves of a very great burden, and at the ſame time add ſo many uſeful hands to be employed in our manufactures, and other public occaſions.

"My lords and gentlemen,

"I Hope there will be ſuch an agreement and vigour in the reſolutions you ſhall take upon the important matters now before you, as may make it appear we are firmly united among ourſelves; and, in my opinion, nothing can contribute more to our ſafety at home, or for our being conſiderable abroad."

As ſoon as the parliament was opened, it appeared, that the French had a great party in it. It is certain, great ſums came over this winter from France; the packet-boat came ſeldom without ten thouſand Louis d'Ors; it often brought more. The nation was filled with them, and in ſix months time a million of guineas were coined out of them. The merchants indeed ſaid, that the balance of trade was then ſo much turned to our ſide, that, whereas we uſed to carry over a million of our money in ſpecie, we then ſent no money to France, and had at leaſt half that ſum ſent over to balance the trade. Yet this did not account for that vaſt flood of French gold, that was viſible in the nation. And, upon the departure of monſieur de Tallard, the French embaſſador, whoſe place was ſupplied by monſieur Pouſſin, with the character only of ſecretary, a very viſible alteration was found in the bills of exchange. For which reaſon

reaſon it was concluded, that great remittances had been made to that embaſſador, and that theſe were diſtributed among thoſe, who reſolved, to merit a ſhare in that wealth, which came over ſo copiouſly beyond the example of former times.

Upon the view of the houſe it appeared evidently, that the tories were a great majority; yet they, to make the matter ſure, reſolved to clear the houſe of a great many, who were engaged in another intereſt. Reports were brought to them of elections, that had been ſcandalouſly purchaſed by ſome, who were concerned in the new Eaſt-India company. Inſtead of drinking and entertainments, by which elections were formerly managed, now a moſt ſcandalous practice was brought in of buying votes, with ſo little decency, that the electors engaged themſelves by ſubſcriptions to chuſe a blank perſon, before they were truſted with the name of their candidate. The old Eaſt-India company had driven a courſe of corruption within doors with ſo little ſhame, that the new company intended to follow their example, but with this difference, that, whereas the former had bought the perſons, who were elected, they reſolved to buy elections. Sir Edward Seymour, who had dealt in this corruption his whole life-time, and whom the old company was ſaid to have bought before at a very high price, brought before the houſe of commons the diſcovery of ſome of the practices of the new company. The examining of theſe took up many days. In concluſion, the matter was ſo well proved, that ſeveral elections were declared void; and ſome of the perſons ſo choſen were for ſome time kept in priſon, after they had been expelled the houſe. In theſe proceedings great partiality appeared; for, when in ſome caſes corruption was proved clearly againſt ſome of the tory party, and but doubtfully againſt ſome of the contrary ſide, that which was voted corruption in the whigs, was called the giving alms in the tories.

A deſign was laid in the houſe of commons, to open the ſeſſions with an addreſs to the king, that he would own the king of Spain. The matter was ſo far concerted that they had agreed on the words of the vote, and ſeemed not to doubt of the concurrence of the houſe. But Mr. Monkton oppoſed it with great heat, and among other things ſaid, that, if this vote was carried, he ſhould expect, that the next vote would be for owning the pretended prince of Wales. Upon this occaſion it appeared, how much popular aſſemblies are apt to be turned by a thing boldly ſaid, though the conſequence is ever ſo remote; ſince the connexion of theſe two points lay at ſome diſtance; for the iſſue of the debate was quite contrary to that, which was deſigned, and the addreſs was laid aſide.

On the 14th, upon reading the king's ſpeech, the conſideration of it was adjourned till the next day; but in the mean time the houſe came to this reſolution, 'That they would ſtand by and ſupport his majeſty and his government, and take ſuch effectual meaſures, as may beſt conduce to the intereſt and ſafety of England, and the preſervation of the proteſtant religion.' This reſolution was preſented to the king by the whole houſe, on the 17th of February, to which he gave them this anſwer:

"I thank you for this addreſs, and your ready concurrence to thoſe great ends therein mentioned, which I take to be extremely important to the honour and ſafety of England; and I aſſure you, I ſhall never propoſe any thing but what is for our common advantage and ſecurity. Having this occaſion, I think it proper to acquaint you, that yeſterday I received a memorial from the envoy extraordinary of the States-General, a tranſlation whereof I leave with you. As to the firſt part of it, I think it neceſſary to aſk your advice; and as to the latter part, I deſire your aſſiſtance."

In this memorial, mentioned by the king, the States-General acquainted his majeſty, 'That they having conſidered, that their delay of owning the duke of Anjou for king of Spain was ſubject to malicious interpretations, as if their aim had been only to gain time to put themſelves in a warlike poſture, they thought themſelves obliged to acknowledge the duke of Anjou without any condition, reſerving to themſelves to ſtipulate, in the negotiation ready to begin, the neceſſary conditions to ſecure the peace of Europe; in which negotiation they are firmly reſolved to do nothing without the conſent of his majeſty and the other powers intereſted in the maintenance of the peace, as they have expreſsly declared to the embaſſador of France. That therefore they prayed him to ſend to his miniſter at the Hague, neceſſary inſtructions and orders to act conjointly in this negotiation, and that nothing be concluded but wherein England and Holland may equally find their ſecurity, and which at the ſame time may tend to ſtrengthen the public tranquillity. But as it may happen not to be poſſible to agree with France and Spain on reaſonable conditions, and that, the negotiation being interrupted, they may be ſuddenly attacked by the numerous troops, which France has ordered to move towards their frontiers, their envoy is to repreſent to his majeſty the urgent neceſſity they ſhould have, in ſo great a danger, of the aſſiſtance of England, and to deſire him to get the ſuccours, ſtipulated by the treaty, in readineſs, that they may rely on them, if occaſion required."

The next day, this memorial was communicated to the houſe of lords. And the commons, upon report of the king's anſwer to their addreſs, reſolved, "That an humble addreſs be made to his majeſty by ſuch members, as are of his privy-council, that he will pleaſe to cauſe the treaty between England and the States-General of the 3d of March 1677, and all the renewals thereof ſince that time, to be laid before the houſe." Which being done by Mr. ſecrerary Hedges; the houſe reſolved, "That an humble addreſs be made to his majeſty, that he will pleaſe to enter into ſuch negotiations, in concert with the States-General of the United-Provinces, and other potentates, as may moſt effectually conduce to the mutual ſafety of theſe kingdoms, and the States General, and the preſervation of the peace of Europe; and giving him aſſurances of ſupport and aſſiſtance, in performance of the treaty made with the States-General the 3d of March 1677."

It is obſerved, that the deſiring the king in this addreſs to enter into a new alliance with the States for our mutual defence, and for the preſervation of the peace of Europe, was not carried without much difficulty; thoſe words being conſidered, as indeed they were, an inſinuation towards a war.

The addreſs was preſented, the day following, by the whole houſe, when the king made them this anſwer: "Gentlemen, I thank you heartily for the advice you have given me, and your unanimous reſolution to ſupport and aſſiſt me in making good the treaty mentioned in your addreſs; and I will immediately order my miniſters abroad to enter into negotiations in concert with the States-General and other potentates, for the attaining of thoſe great ends, which you deſire. Nothing can more effectually conduce to our ſecurity, than the unanimity and vigour you have ſhewn on this occaſion. And I ſhall always endeavour, on my part, to preſerve and encreaſe this mutual truſt and confidence between us."

On the 17th of February, Mr. ſecretary Vernon communicated to the commons by his majeſty's orders a letter, which came to London not deſignedly, as is ſuppoſed, in the French mail. This letter, was dated the 18th of February, N. S. and was written by the earl of Melfort to his brother the earl of Perth, then governor to the pretended prince of Wales. It contained his ſchemes to ſet on foot another invaſion, and diſcovered that he held a cloſe correſpondence with the earl of Arran, now duke of Hamilton. Melfort urged in it many arguments, to get the earl of Middleton diſcarded, and recommended himſelf, as much fitter to be truſted.

This letter was alſo communicated to the houſe of lords, who ordered it to be printed [m], and the next day preſented an addreſs to the king, "Humbly returning their thanks and

[m] This letter was as follows:

My deareſt brother,

Since I promiſed to put in writing what we had not time to talk fully of, I am ſet down to it in the morning, that my letter may be ready for the meſſenger, if any call. I told all that I had heard at Verſailles, and the favourable audience I had of madam Maintenon; for which I beg it of you to return my moſt humble thanks to the queen, and beg her to be ſo good, as to thank madam Maintenon, and know of her, what can be done in that matter: It will be a great charity in the queen. I told you, among other things, the great fleet the king intends to put out this ſummer; the orders being given, and the money ready, the ſtores full, and every one concerned active in their ſtation. There is no doubt, but this fleet will be maſter of the ſea for ſome time, if not for all the ſummer; becauſe the Dutch dare not ſtir, till the Engliſh be ready: and they have long debates, yet, before they can be in a condition to act, if they have the will; and it is a queſtion, if they will have it at all. The king never had ſo favourable a conjuncture, if he can perſuade this king, that his affairs are really in the circumſtances they are in; but there is the difficulty. The king and queen have more authority with the king and with madam de Maintenon, than any other in the world can have; but that is not all. There ſhould be ſome one, acceptable to the miniſters, who ſhould lay before them thoſe proofs their majeſties cannot enter into the detail of, and explain the reaſons, make plans and memoirs, by their majeſties approbation, to convince them of the neceſſity, and ſhew the eaſineſs of reſtoring the king, the glory it brings their kingdom, and the advantage

acknowledgments to his majeſty for his concern expreſſed in his ſpeech for the proteſtant religion, and his care for it's preſervation, by recommending to their conſideration a further proviſion for the ſucceſſion to the crown in the proteſtant line. They added, that, being deeply ſenſible of the weight of what his majeſty had further recommended to them, they could not but deſire he would be pleaſed to order all treaties made by him, ſince the late war, to be laid before them, that they might thereby be better enabled to give their advice. They likewiſe requeſted his majeſty to engage in ſuch alliances abroad, as he ſhould think proper for preſerving the balance of Europe, aſſuring him, that they would readily concur with whatever ſhould be conducive to the honour and ſafety of England, preſervation of the proteſtant religion, and the peace of Europe. Next they humbly thanked his majeſty for communicating the earl of Melfort's letter to them, and deſired he would be pleaſed to order the ſeizing of all horſes and arms of papiſts, and other diſaffected perſons, and have thoſe ill men removed from London, according to law; but eſpecially they deſired he would pleaſe to give directions for a ſearch to be made after arms and proviſions of war mentioned in the letter. Laſtly, they requeſted, that ſuch a fleet might ſpeedily he fitted out, as his majeſty in his great wiſdom ſhould think neceſſary for the defence of himſelf and kingdoms." His majeſty thanked their lordſhips for this addreſs, and 'for the concern they expreſſed in relation to the common ſecurity both at home and abroad;' and told them, 'he would give the neceſſary orders for thoſe things they deſired of him, and take care for fitting out ſuch ſhips, as in that conjuncture ſhould be neceſſary for their common ſafety.'

Among other inconveniencies occaſioned by the diſſolution of the laſt parliament, and delay of the ſeſſion, which was the conſequence of it, one was, that the allotted time for circulating Exchequer bills was ſo near elapſed, that the credit of thoſe bills muſt neceſſarily ſink, unleſs ſome effectual remedy were provided, which the ſhortneſs of the time ſeemed not to allow. However ſuch diligence and diſpatch was uſed, that, on the 26th of February, 'a bill for renewing the bills of credit, commonly called Exchequer bills,' was brought into the houſe, and on the 6th of March ſent up to the lords; and on the 13th paſſed the royal aſſent.

The king having earneſtly preſſed the parliament to provide for the ſucceſſion of the crown after himſelf and the princeſs of Denmark, the commons took the ſame into conſideration, and on the 3d of March reſolved, "That for the preſerving the peace and happineſs of this kingdom, and the ſecurity of the proteſtant religion by law eſtabliſhed, it is abſolutely neceſſary, a further declaration be made of the limitation and ſucceſſion of the crown in the proteſtant line, after his majeſty, and the princeſs, and the heirs of their bodies reſpectively. And that further proviſion be firſt made for the ſecurity of the rights and liberties of the people."

The new miniſters ſpoke for this reſolution with great zeal; from which their friends made inferences in their favour, that certainly men, in the intereſts of France, would not promote a deſign ſo deſtructive of all they drove at. This was ſo little of a piece with the reſt of their conduct, that thoſe, who were ſtill jealous of their ſincerity, looked on it as a blind to cover their ill deſigns, and to gain them ſome credit; for they could not but ſee, that, if France was once poſſeſſed of the power and wealth of Spain, our laws and every thing that we could do to ſupport them, would prove but feeble defences. The manner, in which the motion of the ſucceſſion was managed, did not carry in it great marks of ſincerity. It was often put off from one day to another, and it gave place to the moſt trifling matters. At laſt, when a day was ſolemnly ſet for it, and all people expected, that it would paſs without any difficulty, Mr. Harley moved, that ſome things previous to that might be firſt conſidered. He obſerved, that the haſte the nation was in, when the preſent government was ſettled, had made them go too faſt, and overlook many ſecurities, which might have prevented much miſchief; and therefore he hoped they would not now fall into the ſame error; ſince nothing preſſed them at preſent. He moved then, that they would ſettle ſome conditions of government, as preliminaries, before they ſhould proceed to the nomination of the perſon; that ſo they might fix every thing that was wanting, to make their ſecurity compleat. This was popular, and took with many; and it had ſo fair an appearance, that, indeed none could oppoſe it. Some weeks were ſpent upon it. Suſpicious people thought, this was done on deſign to blaſt the motion, and to offer ſuch extravagant limitations, as ſhould quite change the form of the government, and render the crown titular and precarious. At laſt theſe preliminaries were agreed on:

I. That whoever ſhall hereafter come to the poſſeſſion of this crown, ſhall join in communion with the church of England, as by law eſtabliſhed.

II. That, in caſe the crown and Imperial dignity of this realm ſhall hereafter come to any perſon not being a native of this kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories, which do not belong to the crown of England, without the conſent of parliament.

III. That no perſon, who ſhall hereafter come to the poſſeſſion of the crown, ſhall go out of the dominions of England, Scotland, or Ireland, without conſent of parliament.

IV. That, from and after the time, that the further limitation by this act ſhall take effect, all matters and things relating to the well governing of this kingdom, which are properly cognizable in the privy council, by the laws and cuſtoms of the realm, ſhall be tranſacted there, and all reſolutions taken thereupon ſhall be ſigned by ſuch of the privy council, as ſhall adviſe and conſent to the ſame.

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tage to religion. How this will be done, their majeſties are wiſe enough to conſider; and I think, it is not a ſubject fit for me to enter upon; but their friendſhips, in general, who know not the half of what I know, in this matter, think, that it will not be well done by a proteſtant miniſter, lazy in his temper, an enemy to France by his inclination, tainted with commonwealth principles, and againſt the king's returning, by any other power, than that of the people of England, and upon capitulation and terms; who is ſuſpected of giving aid to the compounders, if not worſe. That Mr. Carril is qualified, nobody doubts, but in ſociety with the other. Thoſe, who muſt be inſtrumental, will not truſt him as they ought; ſo that, ſo long as the other is within diſtance of penetrating the affairs, they will never be ſecure. And yet the king has no ſuch game to play, as by theſe very perſons, who are thus diffident; namely, the true church of England party, the catholics, and the earl of Arran; and I ſhall ſay ſomething of every one of them.

The king cannot but be ſenſible, that the true church of England party, and their principal head, now the biſhop of Norwich, has been ſilent for a long time; and their majeſties may remember, what weight the court of France laid upon their joining the king (I mean the non-ſwearing clergy) in caſe of a landing. Therefore all arts ſhould be uſed, without delay, to get them to enter into a correſpondence again; and every impediment ought to be removed, I ſay, without exception. And though, ſometimes, it is of hard digeſtion for ſovereigns, who ought to be obeyed, without reſerve, to yield to the humours of ſubjects, yet prudence ſhould teach them, when they cannot, without injuring their affairs, do what they would, to do what they can; and remember the fable of the dog, who loſt the ſubſtance, by catching at the ſhadow. Aſſurances from the non-jurors, the ſoundeſt and moſt venerable part of the Engliſh church, would be of great uſe, at this time, to perſuade to undertake this great affair; for, beſides their own example, at landing, and their preaching and writing to the people, that their religion was in no danger, it is moſt certain, they know better than any other can do, what the church of England, in general, would do for the king's ſervice; and they, being to run all the hazard, would be better believed at the French court, than any other, as I found by experience.

As to the catholics, and other aſſociates with them, unfortunately for the king, they were thought to have too much inclination for me, and ſo have been reckoned as uſeleſs to the king. And I muſt beg leave to ſay, that undertaking was the beſt feather in his wing: and was moſt juſtly thought ſo by him, and the court of France, even to that degree, that they pretended, if this, and the other article, concerning the clergy, could be made appear, they would concur with the king to invade England. They conſiſted of ſeven regiments of horſe and dragoons; their arms, trumpets, kettle-drums, ſtandards, &c. were all ready, and are yet in ſurety. Their men were all liſted, and their officers choſen, and they had twenty horſes to a troop; which troops lying at a diſtance, in a horſe-country, twenty horſes would ſoon have mounted the reſt. Thoſe who could not divine the greatneſs and uſe of their undertaking, blamed the raſhneſs of it; and even ſome churchmen have not been diſapproved, for endeavouring undutifully (becauſe contrary to the king's written orders) to break the deſign. But I deſire you, now, for all this, to believe, that you have not ſuch an argument to uſe to the court of France, as this. And, if you can make it appear, as it might have been, ſome years ago, I ſhould have very good hopes of this ſummer's work; nay, let the king have what other hopes, even promiſes, you pleaſe, from the court of France, this is to be put into the circumſtances it was in. For, if there will ever be a landing in England, to purpoſe, it muſt be before they can be armed; and they cannot be armed, before the parliament come to a reſolution concerning the war; and, conſidering the few troops in England, ſuppoſe theſe men to be no better than militia, what a diverſion would it be? It is not neceſſary for me to ſay any more of this article, till I know whether their majeſties have as good an opinion of this undertaking, as I have. If ſo, I ſhall ſhew what I think is to be done in it; if otherwiſe, I ſave the pains. As to the earl of Arran, it would be of great uſe to have an underſtanding with him. He will have none, where Middleton can pry. His all is at ſtake, and he ought to be wary with whom he ventures to deal. I think it better for the king's ſervice, that the court party prevailed, in the manner they have done, in the parliament of Scotland, than that the country party ſhould have got their will. Oppoſition ſwells the water to a flood; and ſo long as the country party is not diſcouraged, they gain more ground in the kingdom, than they loſe in the government; ſo that the diſaffection of the government will increaſe; and one may judge of the nation, in general, which is of another temper, than this pretended parliament, or, rather, Preſbyterian rabble, in repreſenting the nation. For, ſince even in it there is ſuch a ſtruggle againſt the government, what would there be in a free parliament, which the prince of Orange durſt never hazard to call? The nation, then, at leaſt, a great part of it, being diſaffected to this government, it is of great conſequence, that the earl of Arran may know what to do, in caſe of an invaſion of England; or, in caſe he and his friends be obliged, for ſelf-preſervation, to riſe in their own defence. The army, who are

V. That after the limitation ſhall take effect, no perſon born out of the kingdom of England, Scotland, or Ireland, or the dominions thereunto belonging, although he be naturalized, or made a denizen (except ſuch as are born of Engliſh parents) ſhall be capable to be of the privy council, or a member of either houſe of parliament, or to enjoy any office or place of truſt, either civil or military, or to have any grant of lands, tenements, or hereditaments from the crown to himſelf, or to any others in truſt for him.

VI. That no perſon, who has an office or place of profit under the king, or receives a penſion from the crown ſhall be capable of ſerving as a member of the houſe of commons.

VII. That after the limitation ſhall take effect, judges commiſſions be made, 'quamdiu ſe bene geſſerint,' and their ſalaries aſcertained and eſtabliſhed. But, upon the addreſs of both houſes of parliament, it may be lawful to remove them.

VIII. That no pardon under the great ſeal of England be pleadable to an impeachment by the commons in parliament.

The king was alarmed at theſe proceedings, for almoſt every article implied a reflection on him and his adminiſtration, chiefly that of not employing ſtrangers, and not going out of the kingdom. As theſe, as well as moſt of the other articles, were unacceptable to the king; ſo many, who had an ill opinion of the deſign of thoſe, who were now at the helm, began to conclude, that the delays were affected, and that theſe limitations were deſigned to raiſe diſputes be-

are, and ever were, well affected, are to be gained by money; and a little goes a great way with them. The diſbanded troops will be engaged, and the officers are well inclined. The places of ſtrength would be ſecured, and ſuch as can be put in defence, without expences, fortified. To do all this, at leaſt, ſuch a part of them, as can be begun with, a ſmall ſum will ſerve; and he ought to have hopes of it, and of the command.

'Theſe being only heads to be diſcourſed of, and much to be ſaid of every part, it is not to be thought, that this letter can carry a final concluſion; for it may be, upon diſcourſe, I might change my mind, or be more confirmed in it, and ſee further. This makes me inſiſt, again, to you, upon two things, as appearing, to me, abſolutely neceſſary to put things upon a right foot. The firſt is, the removing of all impediments out of the way, and ſending all ſuſpected perſons to Champagne or Burgundy, according to their guilt. And the ſecond is of the laſt uſe, both to their majeſties and the prince; which is, the eſtabliſhing of ſuch a number, under no qualifications, to talk of their affairs, in their majeſties preſence; with whom we can freely converſe, and propoſe what may be for their majeſties ſervice.

As for the firſt; it will be for the king's reputation, both at the courts of Rome, and France, and with all his true friends in England, for many reaſons. As for the ſecond, it is according to ſcripture, 'In the multitude of counſellors there is ſafety.' Nothing is ſo dangerous, as to determine what will do, and then hear reaſons againſt it, and imitate the deaf adder, 'who hearkens not to the voice of the charmer, let him charm never ſo ſweetly.' Reaſons, againſt a reſolution taken, offend; and, the more force they have, they offend the more; whilſt, before the reſolution be taken, reaſon has it's effect, and the determinations are not the effect of humour and faction, but of prudence and juſtice. If in any thing I fail, I'll ſwear it is want of underſtanding, and not of will. And I beg, that their majeſties may be perſuaded, that it is no humour nor vanity, but their ſervice, I have in view; who am,

My deareſt Brother,

Moſt humbly your's.

There are ſome remarkable circumſtances, relating to this letter, in Mr. Cole's memoirs; as will appear from the following extracts.

Mr. ſecretary Vernon to the earl of Mancheſter.

Whitehall, Feb. 17, 1700, O. S.

I cannot but mention one expreſſion in the letter, viz. 'That this opportunity muſt be improved, now the court of France is diſſatisfied with the prince of Orange, for his treacheries diſcovered in their hands.' His majeſty does not know what they ſhould mean by it, unleſs it ariſes from the letters Jolly brought, which his majeſty knows nothing of. You know all that we have ſent to Spain; which is aſſurances of friendſhip, if they have the ſame diſpoſition on their ſide, and to exhort them to preſerve their liberty. If this be an offence, it is impoſſible to avoid it, with France. I ſuppoſe, you will hear a good deal of this letter, and that the parties concerned will not well like, that it is come hither, and made thus public.

Mr. ſecretary Vernon to the earl of Mancheſter.

Whitehall, Feb. 20, 1700, O. S.

I ſend you, incloſed, the earl of Melfort's letter, printed by order of the houſe of lords. I ſuppoſe, there will be no queſtion made at St. Germain's, whether the letter be genuine, or not; at leaſt, monſieur de Tallard does not call that in doubt, though he ſeems much offended at the letter's being communicated to the lords and commons. He endeavoured to ſpeak with me on Monday night, but I was gone to Kenſington; and, upon his writing to me, next morning, that I would appoint him a time, when he might ſpeak with me, I went to him. He was full of expoſtulation, of the letter's being carried to the two houſes, by my lord chamberlain and myſelf, as if it were done to create an animoſity between the two nations, and to give the alarm, That the French had formed a deſign to invade England; whereas this appeared to be only a chimerical notion of Melfort, who (as he often repeated) was 'un fou & un extravagant;' that he was baniſhed from the court of king James, and had nothing to do in the court of France; that his waiting upon madam de Maintenon was only to get two of his daughters put into the nunnery of St. Cyr; that he had no acceſs to the French miniſters, but was ſpinning cobwebs of his own; and there ought to have been no occaſion taken, from thence, to create jealouſies and miſunderſtandings. That the French had ſhewn their diſpoſition to live in friendſhip with England; and he thought care ought to be taken, on our ſide, not to give any grounds to believe, that we were picking a quarrel with them; and this he thought neceſſary to tell one, as a matter that deſerved attention.

I told him, The letter contained ſomething, that might appear notional, and like a project of his own; but other parts of it laid down facts, that it extremely concerned us to provide againſt; ſuch as the fitting out a fleet in France, that was likely to be maſter of the ſea this ſummer; that we could make no proviſion for our ſafety, but in parliament; and therefore it was fit they ſhould be acquainted with our danger, and that the proofs of it ſhould be laid before them. That, in France, they could diſpatch every thing 'dans le cabinet.' We had not ſo ready a way, in England, but

what we did muſt be publicly, and 'dans le marché.' Whoever had ſuppreſſed ſuch an advice, here, might juſtly have expected an accuſation of treaſon againſt him.

He ſaid, He did not diſown, but they were fitting out ſhips to ſea; but they did it upon the preparations making in Holland, where they were at work, night and day, as well Sundays, as other days, to get out their fleet: therefore, they could not do leſs, in France; but they were not fitting ſo many ſhips, as was repreſented; and that they had no thoughts of being at ſea theſe three or four months.

I told him, I ſhould be glad there might be no occaſion for any fleets coming out on either ſide. I was ſure, all that we aimed at was, to be on the defenſive: and I ſhould be much better pleaſed, and think it more our intereſt, to be diſarming of ſhips than arming them. As to the character he gave my lord Melfort, of 'fou & intenſé,' when we ſaw him treated as ſuch in France, we ſhould be willing to have the ſame opinion of him; till then, we could not but remember what an inſtrument he had been, in promoting the intended aſſaſſination and invaſion, and muſt be concerned, that he is bringing himſelf again into play, upon the ſame bottom; and, by his way of writing, at leaſt, one muſt ſuſpect, that he is admitted into converſations with the French miniſters. It ſeemed very extraordinary, that he ſhould preſs the improving this opportunity, now the court of France had reſentments, upon the diſcovery of ſome treachery they thought his majeſty guilty of. He ſaid, this was a pure fiction of Melfort's. I told him, I was glad to hear them ſay ſo; and his majeſty was very well ſatisfied, that he had given no occaſion for any one's having ſuch hard thoughts of him. I aſked him, once or twice, whether he knew of any diſcovery of this kind? He ſaid, he never heard any thing like it, and there was no ſuch thing, in reality.

In concluſion, he ſaid, that people ought rather to appeaſe jealouſies on both ſides, than inflame them. I told him, he could contribute a great deal towards it, and, I hoped, he would make uſe of his power. What I could do, in any caſe, would be inconſiderable; but no endeavours of mine ſhould be wanting to remove miſunderſtanding, and ſo ſecure the public peace.

The earl of Mancheſter to Mr. ſecretary Vernon.

I am glad, that the letter of my lord Melfort is fallen into your hands. Certainly, it will open people's eyes, in England; and thoſe, that ſeem to doubt, that they have ſuch thoughts here, have reaſons for it. The only hopes they have now left, at St. Germain's, are, that they are to be reſtored by a French power, in a ſhort time; and the intrigues, carried on in Scotland, are too apparent to be doubted on.

The expreſſion, in the letter, which you mention, muſt mean what was found in the pacquet of Mr. Jolly, which he grounded on the reports, at Paris; and this went ſo far, that they ſaid, there was a deſign to poiſon the king of Spain. This ſhews how little the French court truſts any of them, elſe they would have been better informed. There can have been nothing in monſieur Schonenberg's letter, but an anſwer to the inſtructions, he had; whereby we might have ſeen in what diſpoſition they were, in relation to us, &c. As for Spain's depending on France, I have often ſhewn to monſieur de Torcy, what jealouſy that might and does give to Europe. But he always aſſured me, that it was not the king's intention, though, at preſent, he could not but aſſiſt them, they not being in a condition to help themſelves: that ſo that matter can have no ill effect, &c.

I believe, this court will be very angry with lord Melfort; for it is plain, by ſeveral accounts, and particularly by monſieur de Tallard's printing M. d'Avaux's memorial, they are not willing to break with us; though I ſtill admire at their proceedings in Flanders.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, March 9, 1701.

I had not your letter of February 10, till I came from Verſailles, where I found, that a courier of monſieur de Tallard was arrived the day before with the reſolutions of the parliament, and a copy of lord Melfort's letter. The conference I had with Monſieur de Torcy was much the ſame with what you had with the count de Tallard, his diſcourſe turning in the ſame manner, that the expoſing this letter was only to create and excite animoſities in the nation: That it ſhewed a deſire of breaking with France: That he had ſent for lord Melfort, who was with him this morning; and did own, that he had wrote a letter of that date, and that it was loſt, which he believed gave occaſion for the framing of this: That he had mentioned ſomething in it of madam de Maintenon, whom he had ſeen about his private affairs; but he denies almoſt all that is in the letter. As for that of the biſhop of Norwich, he could have no grounds to ſay it, ſince he hardly knew him, and he was ſatisfied of the contrary. As for lord Arran, he was convinced he was not in king James's intereſt; that he was rather ſetting up for himſelf, as having ſome pretence to the crown of Scotland. In ſhort, I found his opinion was, that it was contrived only to frame a deſign to incenſe the nation, and to break with France, &c. He ſaid, that I was ſenſible how little credit lord Melfort had at this court, or at St. Germain's. He read the letter to me, as alſo a paper cried about the ſtreets of London of a new plot or conſpiracy of France againſt England. The anſwer I made him was, that by my laſt letter I had ſome account of this letter: That, by as much as I knew of it, I did not in the leaſt doubt but they were lord Melfort's thoughts, and wrote by him;

tween the two houſes, by which the bill might be loſt. When ſome time had been ſpent in theſe preliminaries, it came to the nomination of the perſon to the ſucceſſion, after the king and the princeſs of Denmark, and their heirs; ſir John Bowles, who was then diſordered in his ſenſes, and ſoon after quite loſt them, was ſet on by the party, to be the firſt, who ſhould name the electreſs dowager of Brunſwick; which ſeemed to be done to make it leſs ſerious, when moved by ſuch a perſon. He was, by the forms of the houſe, put into the chair of the committee, to whom the bill was committed. The thing was ſtill put off for many weeks. At every time, that it was called for, the motion was entertained with coldneſs, which ſerved to heighten the jealouſy. The committee once or twice ſat upon it, but all the members ran out of the houſe with ſo much indecency, that the contrivers ſeemed aſhamed of this management. There were ſeldom fifty or ſixty at the committee; yet in concluſion the bill paſſed, and was ſent up to the lords, where it was expected that great oppoſition would be made to it. Some imagined, that the act was only an artifice, deſigned to gain credit to thoſe, who were ſo ill thought of over the nation that they wanted ſome colourable thing to excuſe their own proceedings. Many of the lords abſented themſelves on deſign. Some little oppoſition was made by the marquis of Normandy; and four lords, the earls of Huntington and Plymouth, and the lords Guilford and Jefferies, proteſted againſt it [n]. Thoſe who wiſhed well to the act, were glad to have it paſſed any way, and ſo would not examine the limitations that were in it. They thought it of great importance to carry the act, and that, at another time, thoſe limitations might be better conſidered. Thus the act paſſed, and the king ſent it over by the earl of Macclesfield to the electreſs, with the garter. It was reckoned a great point carried, that there was now a law in favour of a Proteſtant ſucceſſor; for it was evident, that a ſtrong party was formed againſt it, in favour of the pretended prince of Wales. He was now paſt thirteen, bred up with a hatred both of the religion and conſtitution of England, in an admiration of the French government; and yet many, who called themſelves Proteſtants, ſeemed fond of ſuch a ſucceſſor; a degree of infatuation, that might juſtly amaze all who obſerved it, and ſaw the fury with which it was promoted.

In the mean time, the ſettlement of the ſucceſſion was a great ſubject of diſcourſe and alarm abroad. Thoſe Popiſh princes, who were deſcended from the blood-royal of England, and were more nearly related to the crown than the princeſs Sophia, were offended at being ſtruck off from their remote hopes, and preſumptive right. But the perſon more immediately concerned, as being higheſt in blood, after the king and princeſs Anne, was the ducheſs of Savoy, daughter to the late ducheſs of Orleans, and grand-daughter to king Charles I. who therefore ordered count Maffey, embaſſador from Savoy, to make a proteſtation of her right, to this effect: 'That Anne of Orleans, ducheſs of Savoy, &c. princeſs of the blood-royal of England, by the royal princeſs of Great-Britain, Henrietta her mother, put ſo high a value upon that prerogative, that ſhe gladly made uſe of the opportunity, that then offered, to ſet it forth before the eyes of the whole Engliſh nation, as an evidence, ſhe drew from thence, of having a right to that auguſt throne. That therefore being informed, that it had been reſolved in the parliament, that, being the only daughter of the late princeſs royal, Henrietta her mother, ſhe was the next in ſucceſſion after his majeſty, William III, and the princeſs Anne of Denmark, according to the laws and cuſtoms of England, which always preferred the neareſt to the remoteſt line. That her title being thus notoriouſly known and indiſputable, ſtood in need of no farther proof. However, that ſhe thought fit to proteſt againſt all reſolutions and deciſions contrary thereto, in the beſt and moſt effectual manner, that might be practiſed in ſuch a caſe; wherein ſhe complied rather with cuſtom than neceſſity, becauſe ſhe had ſo great an idea of the wiſdom and juſtice of the king and parliament, that ſhe had no cauſe to fear they would do any thing prejudicial to her and her children..'

This Savoy proteſtation ſeemed to be an affront to king James, his queen, and the pretended prince of Wales; ſince the ducheſs of Savoy vouchſafed not to take the leaſt notice of them, but ſubſtituted herſelf immediately after the princeſs of Denmark, and thereby appeared to confirm the juſt ſuſpicions of the pretender's birth.

The king being very ſolicitous to defend the ſtates of Holland from the inſults and approaches, that were made upon them by the French in Flanders, and, if poſſible, to reſtore and preſerve the balance of Europe, ſent inſtructions

but at the ſame time I was ſatisfied, that the French court was far from taking ſuch meaſures. That, as to the communicating it to the parliament, if he knew our conſtitution, he would know, that it was impoſſible to do otherwiſe in this conjuncture, when greater preparations by ſea and land were never known to be made than are actually making now in France, which was no ſecret, nor did I believe, that there was any deſire, that it ſhould be ſo. That he muſt forgive me, if I thought lord Melfort was not ſo deſpicable a perſon, ſince I ſaw him often at court, which, here eſpecially, is no ſign of it, ſince men of that character were not permitted to approach ſo near the king. That, not having yet my letters of the laſt poſt from England, I could not tell what effect it had cauſed; but that my opinion was ſtill, that we were far from deſiring a war; neither could it be our intereſt; unleſs we were obliged to it for our own ſecurity, and conſequently that of Holland. I alſo took notice of the expreſſion of the diſcovery of ſome treachery, which the king was ſuppoſed to be guilty of, and which I did not underſtand, unleſs it meant the extravagant reports, that were at Paris, of letters found, which my ſervant, who was drowned, brought from Madrid; and I did not doubt but he knew the ſubſtance of them very well, and was convinced of the contrary of the reports. I told him alſo, that the proceedings of the viceroy of Navarre in opening the letters, and ſending them to Madrid, could not be any ways juſtifiable, ſince he could eaſily ſee, that they were directed to a public miniſter reſiding at the court of France. He did own, he could not tell the meaning of that expreſſion, ſince the king was far from having any ſuch thoughts. He ſeemed to know nothing of the letters, but he had heard of this accident; but he condemned very much the opening of them. I ſaid further, that as for the paper cried about the ſtreets, I did believe it was not done by order; that they printed what they pleaſed in England, though, if the authors were diſcovered, they were liable to be puniſhed. Becauſe it is not ſent to me, I am of opinion it is ſuch a paper, as we have often at London; but I do aſſure you, it makes more impreſſion here than the letter. Endeavours are uſed to make it to be believed, that it was forged only to ſerve a turn, as they ſay has been the cuſtom at the beginning of parliament. This muſt reflect on the honour of his majeſty; and I did venture to ſay to monſieur de Torcy, that, in caſe it could be ſuppoſed ſuch a letter was forged, I did not doubt but I might produce the original, if there was any occaſion. I wonder he did not mention to me what had paſſed between you and monſieur de Tallard. In ſhort, I am told, they take it for granted, that we ſhall enter into a war; and, as I happened to come a little later to Verſailles yeſterday than uſual, the court had it, that we had declared war; but when they ſaw me, it ſoon put a ſtop to that report.

Mr. Secretary Vernon to the earl of Mancheſter.

Whitehall, March 3, 1701, O. S.

I have your excellency's letters of the 5th and 9th to acknowledge. The firſt arrived late on Thurſday, and the other this morning. They have been both laid before his majeſty. I cannot but ſmile at the turn my lord Melfort gives to his letter, that he ſhould own his having loſt the letter he writ about that time, and think to impoſe upon any body, that gave occaſion to the forging of another. Monſieur de Tallard (as I acquainted you) made no doubt but it was his letter, and I imagine monſieur de Torcy thinks ſo too. My lord Seafield being newly come up from Scotland, I ſhewed him the original letter, this morning: He is well acquainted with lord Melfort's hand-writing and ſeal, and knows both to be genuine.

As to the printed paper, that was ſent to monſieur de Torcy, of the diſcovery of a new French plot upon England, I know nothing of it, nor have I met with any body that has ſeen it. I ſuppoſe it muſt be ſome Grub-ſtreet writer; and thoſe, you know, print any ſtuff, to get a penny; and their news dies as ſoon as it comes out: Therefore I wonder monſieur Torcy ſhould lay ſtreſs upon ſuch unknown, unauthorized pieces, which he knows creep out daily on both ſides, and are not taken notice of by either. It is not a fair charge upon us, that we ſeek occaſion to ſtir up animoſities, and to pick quarrels with them. For my part I ſhould be glad they would ſhew us the way, how they are to be avoided with any reaſonable ſecurity to ourſelves and neighbours.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, March 16, 1701.

Lord Melfort is ſent to Angiers. The court of France concerted with that of St. Germains firſt. Lord Middleton is not a little pleaſed.

The earl of Mancheſter to Mr, Secretary Vernon.

Paris, March 19, 1701.

Lord Melfort was ordered to Angiers by a Lettre de Cachet, yet ſome will have it, that he has underhand had aſſurances, that he ſhall be reſtored, when affairs will admit of it.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, March 23, 1701.

What I mentioned firſt to monſieur de Torcy, was to know, whether he ſtill doubted of lord Melfort's letter. He ſaid, not in the leaſt, and that his wife had owned it. The excuſe he made was, that the confuſion he was in, and its being read to him in French, made him think, that there was ſomething added; but that he ſince found it otherwiſe, and thereupon he was baniſhed. The uſe I made of this was to ſhew him thoſe ſuſpicions they had, that it was done to inflame the nation againſt France, could no longer remain; neither could I learn any thing about ſuch a paper as count Tallard ſent, and was cried about the ſtreets.

[n] Lamberty ſays, (I. 499.) Six lords came to the count de Briançon, and propoſed to him, that the duke of Savoy ſhould deliver up one of his ſons to be educated in England in the Proteſtant religion; declaring, that, in that caſe, the act for the Hanover ſucceſſion ſhould never paſs. But the duke refuſed to conſent to it.

to

to Mr. Stanhope, envoy extraordinary to the States, to enter into negotiations with the miniſters of France and Spain, purſuant to the addreſſes of both houſes. According Mr. Stanhope, after concerting matters with the States, delivered in propoſals to the count d'Avaux, the French embaſſador at the Hague, importing, that the king, his maſter, and the States General, had, on the 25th of March 1700, concluded a treaty of Partition with the French, to prevent a new war, which they had all the reaſon to apprehend, in caſe the king of Spain ſhould die without iſſue; and that among other things, the principal aim of the contractors was to preſerve peace, and particularly in thoſe parts; but it was evident, that, though his moſt Chriſtian majeſty had thought fit to accept the will of the late king of Spain, going in this manner off from the Partition, yet nevertheleſs his Britannick majeſty muſt not loſe the effect of that treaty; that is to ſay, the peace and general tranquility; and that particular ſecurity muſt be given him, by ſome equivalent or otherwiſe. That for this end Mr. Stanhope had orders to propoſe the following points and articles.

That his moſt Chriſtian majeſty ſhall, in a certain time limited, as ſhort a one as can be agreed on, withdraw all his troops out of the Spaniſh Netherlands, without leaving any there; and that he ſhall not be allowed the ſending any thither; but that hereafter no troops ſhall be kept in the Spaniſh Netherlands (except in the places of ſecurity, which will be mentioned in the following article,) but Spaniards, Walloons, or thoſe of other ſubjects of the monarchy of Spain exclusively, under the oath, and in the pay of Spain, and no troops of his moſt Chriſtian majeſty, directly or indirectly; yet it ſhall nevertheleſs, be permitted to the king of Great Britain, and the States General, to ſend troops for the defence of the Netherlands, whenever they ſhall be lawfully required.

That, for the particular ſecurity of his Britannic majeſty, the cities of Oſtend and Nieuport, with their ports, caſtles, and citadels, and all the forts and fortifications thereunto belonging, ſhall be given up to the excluſive care of his majeſty; all in the condition which they are now in, with a power to put in what garriſon he pleaſes, either of his own troops, or of his allies, that he may deſire for that uſe, and what troops he ſhall think fit, whilſt France or Spain ſhall not be permitted to put the leaſt garriſon, or to build behind, or about theſe cities, ports, and fortreſſes, any other forts, lines, or fortified works, or to do any thing, that might cauſe a prejudice to the guarding of theſe cities and fortreſſes, and hinder its effect.

That his Britannic majeſty may augment, diminiſh, and change the garriſons of theſe cities and fortreſſes, as often as he ſhall think fit, and ſend thither proviſions, ammunition, arms, materials for fortifications, and in general, all that may be fit and neceſſary for the uſe of the garriſons and fortifications, without any hindrance by ſea or by land, directly or indirectly.

That his majeſty ſhall have the full power and authority over theſe cities, ports, caſtles, and fortifications, where he ſhall have ſuch his garriſons and commanders, as he ſhall think fit; ſaving, and without prejudice to the other rights and revenues of Spain over and in theſe caſtles.

That, beſides, his Britannic majeſty ſhall have liberty to fortify and repair the fortifications of theſe cities, ports, and fortreſſes, as he ſhall think proper; and in general to do all that he ſhall find neceſſary for their defence. That no kingdoms, provinces, cities, lands, or places belonging to the crown of Spain, within as well as out of Europe, and particularly no cities, places or lands of the Spaniſh Netherlands, ſhall be allowed to be yielded or transferred, nor be able to devolve or come to the crown of France, by donation, purchaſe, exchange, contract of marriage, ſucceſſion by will, or inteſtate, nor by any other title that can be; and that they ſhall not be liable to be ſubjected to the power or the authority of his moſt Chriſtian majeſty in any manner.

That the ſubjects of his Britannic majeſty ſhall keep and enjoy all the privileges, rights, immunities, and other advantages, in the dominions and kingdoms of Spain, as well within as out of Europe, and by conſequence alſo in the Spaniſh Netherlands, both in regard to their navigation, commerce, and liberty of the ports, and every thing elſe, which they did enjoy, or ought to have enjoyed, at the death of the late king of Spain, and that thus every thing whatever, except that, about which it ſhall be otherwiſe agreed in the treaty to be made, ſhall be left in the condition in which it was at the death of the late king of Spain.

That all the treaties of peace and commerce, and other conventions, between England and Spain ſhall be renewed in the manner it ſhall be agreed on together, as far as it ſhall be changed by the treaty, that ſhall be made.

That, beſides this, the ſubjects of his Britannic majeſty ſhall enjoy, in the kingdoms, dominions, cities, places, bays, and harbours of the crown of Spain, within and without Europe, the ſame privileges, rights and franchiſes, as alſo all the immunities and advantages, which the ſubjects of his moſt Chriſtian majeſty, or of any other prince or potentate enjoy, as well as thoſe which ſhall be granted to any of them, and which they ſhall hereafter enjoy.

That it ſhall be promiſed ſolemnly, on the part of France, and of Spain, that this ſhall be exactly performed in all theſe points in general, and in each in particular.

That the treaty, to be made on this ſubject, ſhall be guaranteed by ſuch kings, princes, and potentates, which the one or the other of the contractors ſhall deſire to do it, and that in the ſtrongeſt manner they ſhall think fit.

All this to be done, with a reſerve, to enlarge on theſe points in the negotiation, as much as ſhall be found neceſſary, to clear up their true ſenſe and intention, as alſo to prevent all ſorts of diſputes.

Theſe propoſals were the ſame they ſeconded by others from the States General, which agreed with them in every thing material, except that inſtead of Nieuport and Oſtend, which were demanded by king William, as cautionary towns, the ſtates required to have thoſe of Venlo, Ruremond, Stevenſwaert, Luxemburg, Namur, Charleroy, Mons, Dendermonde, Damme, and St. Donas, with all their appurtenances.

The French embaſſador, after hearing both theſe propoſals read, ſeemed greatly ſurprized, ſaying, that as he expected the king of England and States General would demand to have the French troops withdrawn out of the Spaniſh Netherlands, ſo he came prepared to give ſatisfaction in that article, by aſſuring, that it ſhould be done as ſoon as the king of Spain ſhould have forces of his own to guard the country: But, as to the other articles, they were ſuch as could not be higher, if his maſter had loſt four battles; ſo that it was impoſſible he could give them any other anſwer for the preſent, than that he would tranſmit them to the king, as he did the ſame night. He added, that it ſeemed as if the ſtates reſolved to have war, and confirmed the advices he had from the French miniſter at Vienna, that they had lately concluded and ſigned a league with the emperor. From this charge the Dutch deputies cleared themſelves, by abſolutely denying, that there was any ſuch treaty, and alledging that it was notorious to all the world how much the ſtates were inclined to peace, when they might have it with ſecurity, which was all they aimed at by theſe propoſals.

The French, ſeeing theſe demands of the Engliſh and Dutch run ſo high, and being reſolved to offer no ſecurity for the peace of Europe, but the renewal of the treaty of Ryſwick, ſet all their engines at work in England, to involve us into ſuch contentions at home, as ſhould both diſable us, from taking any care of foreign affairs, and make the reſt of Europe conclude, that nothing conſiderable was to be expected from England. In this they were but too well ſeconded by the parliament, as will preſently appear.

On the 18th of March, the king ſent a meſſage to the commons by Mr. ſecretary Hedges, importing, 'That his majeſty having directed Mr. Stanhope, his envoy extraordinary and plenipotentiary at the Hague, to enter into negotiations in concert with the States General, and other potentates, for the mutual ſecurity of England and Holland, according to an addreſs of their houſe to that effect; and that Mr. Stanhope having tranſmitted to his majeſty copies of the demands made by himſelf and the deputies of the ſtates, upon that ſubject, to the French embaſſador there; his majeſty had thought fit to communicate the ſame to the commons; it being his intention to acquaint them from time to time with the ſtate and progreſs of theſe negotiations, into which he had entered, purſuant to their addreſs.'

When this meſſage was conſidered by the commons on the 21ſt of March, and the propoſals of Mr. Stanhope and the Dutch deputies to the French embaſſador were read, they reſolved, that the treaty of partition be read likewiſe; which being done, they voted, 'That an humble addreſs be preſented to his majeſty, to return the thanks of this houſe for his gracious meſſage, wherein he is pleaſed to communicate his royal intentions to acquaint this houſe from time to time with the ſtate and progreſs of thoſe negotiations, into which his majeſty has entered purſuant to the addreſs of this houſe: And alſo to lay before his majeſty the ill conſequences of the treaty of partition (paſſed under the great ſeal of England, during

during the fitting of parliament, and without the advice of the ſame) to this kingdom and the peace of Europe, whereby ſuch large territories of the king of Spain's dominions were to be delivered up to the French king.'

When this addreſs was preſented to the king, he ſomewhat reſented the unkindneſs of it, and thought there was much more reaſon to complain of the perfidious breach of the treaty, than of the making of it: However, without taking any notice of that part of the addreſs, he returned the following anſwer: 'That he was glad, that they were pleaſed with his communicating to them the ſtate of the negotiations he had entered into; and that he ſhould continue to inform them of the progreſs, that ſhould be made in them; and be always willing to receive their advice thereupon, being fully perſuaded, that nothing could contribute more effectually to the happineſs of the kingdom, and the peace of Europe, than the concurrence of the parliament in all his negotiations, and a good underſtanding between him and his people.'

But the lords had, before this, on the 17th of March, entered upon the conſideration of the partition treaty, the debate being begun by Sheffield marquis of Normandy, and the reſt of the tories. This they managed with great dexterity, while the matter was as much neglected by the king, who went that day to Hampton Court, where he ſtaid ſome time. By this means no directions were given, and thoſe, who had been concerned in the treaty, were involved in great difficulties, before the court was aware of it. The king either could not prevail with his new miniſters to excuſe the treaty, if they would not juſtify it; or he neglected them ſo far, as not to ſpeak to them at all about it. Thoſe, who attacked it, ſaid they meant nothing in that but to offer the king advices for the future to prevent ſuch errors, as had been committed in that treaty, both as to matter and form. They blamed the giving ſuch territories to the crown of France, and the forſaking the emperor. They alſo complained of the ſecrecy, in which the treaty was carried on, it not being communicated to the Engliſh council or miniſtry, but privately tranſacted by the earls of Portland and Jerſey. They blamed likewiſe the putting the great ſeal, firſt to blank powers, and then to the treaty itſelf, which, the king's new miniſters ſaid, was unjuſt in the contrivance, and ridiculous in the execution [o].

[o] The treaty was likewiſe treated with great ſeverity of language in the books and pamphlets of that time. Davenant, in his 'Eſſay upon the Balance of Power,' repreſents, that the authors of the treaty 'knew well enough, that it muſt bring difficulties almoſt inſuperable upon any future miniſtry. They could not,' ſays he,' but foreſee, that the prodigious increaſe of power and ſtrength, which the partition treaty, had it taken effect, gave to the French, would to the laſt degree have alarmed all the thinking men of England. Did not Naples, and the influence they would have had upon Milan, entirely ſubject Italy to their dominion? If, with the ports they have already on the ſouthern coaſt of France, they had likewiſe had Sicily, had they not been maſters of the Levant-trade? And was not the province of Guipuſcoa a hook in the very throat of Spain? Had they not by this triple league in one inſtant more cities, people, and kingdoms, than probably they could have obtained by the ſword attended ſtill with victory in the courſe of a hundred years? But the emperor did not acquieſce in it. Portugal temporiſed, but would poſſibly have declared againſt it, if any ſtrong alliance had been formed. The conclave began to tremble. Venice did not think it ſafe; and all the princes and ſtates of Italy began to find it high time to enter into alliances for their common preſervation. Of all this, war muſt have been the conſequence.' Dr. Drake in his 'Hiſtory of the laſt Parliament,' endeavours to ſhew, that the late king of Spain's will was the product of the partition treaty; and that, if France had abode by that treaty, the balance of Europe had been as effectually broken, as it was by their acceptance of the king of Spain's will. Under this ſecond head he remarks, that 'the poſſeſſion of Naples and Sicily, and all the Spaniſh dependencies on the coaſt of Tuſcany, with the adjacent iſlands, Santo Stephano, Porto Hercole, Orbitello, Telamone, Porto Longone, Piombino, Final, with the marquiſate belonging to it, Fontarabia, St. Sebaſtian, with the whole province of Guipuſcoa, &c. gave the French ſuch a number of good harbours in the Mediterranean, that the advantages of them, improved with their uſual application and judgment, muſt have made them in a ſhort time abſolute maſters of the Mediterranean, and, in conſequence of that, of the ocean alſo. How far this would have gone towards that univerſal monarchy, which France ſo paſſionately longs for, the meaneſt capacity may judge. By this means, the Pope, the Tuſcan, the Genoeſe, and the Spaniard, had been directly locked up; not a ſhip belonging to any of them durſt have peeped out of harbour without a French paſs. The Spaniſh flota would conſtantly and inevitably have been at their mercy; for all their commerce with the Weſt-Indies muſt neceſſarily have ceaſed, and the king of Spain, how much ſoever he might have ſtomached it inwardly, muſt have lain as ſtill as King Log, while the French played at leap-frog over him. The leaſt ſhow of reſentment would have furniſhed him with a pretence to ſeize on the treaſures of the Weſt-Indies, and, like a kind neighbour, to have conveyed the galleons into their own harbours.'

The treaty was alſo animadverted upon, in a pamphlet, intitled, 'An account of the debate in town concerning peace and war, in letters to a gentleman in the country,' the third letter of which is directly againſt the partition treaty, the reaſons for which are repreſented as merely plauſible, but not ſolid; that it was a diſingenuous one; that great ſervices were done to France by it; that it was carried on without the confederates; that the parliament was not conſulted in it; that the balance of Europe was loſt by it; that the archduke ſhould have been ſent into Spain, which would have prevented that treaty; that the treaty produced the will of the king of Spain; and that the Spaniards complained of the treaty.

However, the treaty had ſome advocates in print, and particularly the author of 'two letters to a friend concerning the partition treaty,' republiſhed in the 'third volume of the State Tracts, p. 184. Biſhop Burnet had ſome hand in theſe 'letters,' in the former of which the occaſion of the treaty is thus ſtated: 'We and the Dutch had got through a war at a vaſt charge, and with infinite danger. We ſaw the weakneſs of Spain in the buſineſs of Barcelona. There was no reckoning on them as capable of making a ſtand, if the king of France were freed from a war, ſince, when that preſſed him on all hands, yet with a ſmall army he could at his leiſure take that important place. Had Spain any intrinſic ſtrength to reſiſt, there was time enough given them to have brought it all together. If, I ſay, France then with ſo ſmall a body made ſuch a conqueſt, what could be expected from Spain, when the French king ſhould ſend his whole ſtrength againſt them? A fleet before Cadiz, and two ſmall armies marching in through Catalonia and Navarre, might have found it hard to ſubſiſt, but not to conquer Spain. The emperor abandoning all other thoughts, had during the laſt war purſued his advantages againſt the Turks, and thereby had both exhauſted his own ſtrength, and diſguſted his allies. And, on the concluſion of the peace of Ryſwick, he had ſhewed ſo great an inclination to ruin hereſy at any rate, and ſo little regard to the honour of a prince to whom he owed ſo much, that this with ſome other things (which I love not to remember, becauſe I hope that court will grow wiſer) had given ſo juſt a diſcontent, that few ſeemed willing to engage in a new war for him and his family. And his councils were ſo dilatory and uncertain, that, inſtead of preſſing the renewal of a general alliance upon the concluſion of the peace, he ſeemed not to regard it, when preſſed thereto. We here were ſo weary of taxes, and ſo jealous of a ſtanding army, that we brought down our land-force, firſt to twelve thouſand, and then to ſeven. Our fleet kept proportion to our army. The Dutch did not diſarm ſo faſt; yet they had no force to ſpare; and, to be ſure, they would unwillingly engage in the quarrel deeper than we did. While the debates concerning the army were on foot, the ill health of the king of Spain was not forgot to be mentioned; and the danger of the progreſs, that the French might make, if we were reduced to ſuch an incapacity of protecting the Spaniards, was often repreſented, but was often rejected with indignation, as an artifice of the court to get an army kept up. Things being in ſuch a ſtate, might not the king think, that what was left for him to do, was to make the beſt bargain he could?' The author then proceeds to ſhew, that, how bad ſoever the partition might be, it ſeemed ſtill more deſirable to yield up ſome parts of the Spaniſh monarchy, than to let France conquer it, or rather take it all. Spain itſelf, the Weſt-Indies and Flanders, were the branches of that monarchy, in which we were chiefly concerned; and, while theſe were kept entire in the ſame hands, our intereſts were pretty ſafe. It is known, that, what advantage ſoever the Spaniſh grandees may make of the dominions in and about Italy, Spain itſelf is not the ſtronger or richer for them, but much to the contrary. It is true, their intereſts at Rome are fortified by them; but we are little concerned in thoſe. It was not to be imagined, that France, which had made ſo much noiſe with their pretenſions to that ſucceſſion, and (how ſlight ſoever they may be) had involved all Europe in war upon yet ſlighter, and that ſaw how near they were of conquering ſo feeble an enemy, and ſo weak a rival, would let all this go for nothing. They did not fear a new alliance againſt them; they knew well the temper both of the Engliſh and Dutch. They therefore pretended to the Italian dominions. If the king had been in condition to have talked roundly to them, certainly that had been both the wiſeſt and beſt method. But thoſe, who ſeem, now, the moſt inflamed againſt the partition treaty, know, in their conſciences, that they themſelves would never have engaged in a new war, if the dominions in Italy, much leſs if the duchy of Milan had been the only point in debate. I leave it to you to judge what a parliament would have ſaid, if they had been called, and had found the French king in poſſeſſion of, perhaps, all the Spaniſh monarchy (as, no doubt, by what we have ſeen, he would ſoon have been upon the death of the king of Spain) if they had diſcovered, that offers had been made to have compounded for that whole ſucceſſion, by yielding up the dominions in Italy, but that the king and his miniſters had rejected the propoſition. I doubt not, but then we ſhould have had impeachments upon impeachments; and the ſuſpicions of ſelling and betraying the world into the hands of the French, would have carried ſuch characters of probability, that we would, in reverſe of ſir Bartholomew Shower's ſubtle diſcovery, have concluded who they were, that were the inſtruments of France, and ſuppoſed them to have been for later ſervices.' The author then proceeds to ſhew, that the dominions in Italy, though very valuable, yet, no naval power belonging to them, were not, now, ſo conſiderable as they had been ſome years before; nor was it certain, that, notwithſtanding the partition treaty, they would have been a ſure acceſſion to the crown of France, which, perhaps, would have found as much oppoſition to it, as ſhe was like to receive now to her taking poſſeſſion of the whole. He next remarks, That king William did not build much upon the faith and honour of the French king, but might imagine, that age had qualified that unquiet ſpirit, which had given the world, ſo much diſturbance. "He might think, that a bigotted prince would, above all things, deſire to have the papacy under his protection, that is to ſay, at his mercy. He would, perhaps, chuſe rather to have the dominions, that were yielded to him by the treaty, which he might expect, without the trouble and charge of a war, of which it is not eaſy to ſee the end: A lady, that has great credit with him, might be known to be fond of this acceſſion of empire, both as laying a great obligation on the ſucceſſion, and as ſecuring the quiet and life of one, in whom ſhe has ſo particular an intereſt: A miniſtry compoſed of ſuch young perſons, as might hope to outlive their monarch, for all his immortality, would probably conclude, that it would be more meritorious, in another reign, to have extended the empire of France, than to have raiſed a younger ſon of France, ſo as, perhaps, he might be able, one day, to diſpute matters with his eldeſt brother. Upon one, or more, of theſe reaſons, or perhaps, upon much better, the king might have reckoned, that the treaty would have been better ſtood to by the French, without relying ſo entirely upon a faith, that had been ſo often given, and ſo ſeldom kept." He ſhews likewiſe, that his majeſty had other things to depend on; as, particularly, that it was reaſonable to think, that the emperor would have come into the treaty, though it had been only with this deſign, that, by his ſon's being in poſſeſſion of the beſt part of the Spaniſh monarchy, he might thereby be the better enabled to lay claim, and ſtruggle for the reſt. "Was it reaſonable to think, that a prince, who had no naval force, would have maintained a diſpute in oppoſition to all the naval power of the world, united againſt him? and, could a prince of ſuch exhauſted revenue hope to ſucceed, in competition againſt a court, ſo dextrous in all the methods of it, and ſo well furniſhed with all that was neceſſary for making it moſt effectual? The emperor's conduct, in this matter, had been ſo unaccountable, in being ſo inactive to prevent it, that there was no reaſon to ſuſpect his not ſubmitting to the partition treaty, when he ſaw it could not be helped. The king might likewiſe truſt, ſomewhat, to the virtues and to the vices of the Spaniards. They have had an antipathy to the French, of above

To all this it was anſwered, that, there not being a force ready and ſufficient to hinder the French from poſſeſſing themſelves of the Spaniſh monarchy, which they were prepared for, the emperor had deſired the king to enter into a treaty of partition, and had conſented to every article of it, except that which related to the duchy of Milan. But the king, not thinking that worth the engaging in a new war, had obtained an exchange of it for the duchy of Lorrain. The emperor did not agree to this, yet he preſſed the king not to break off the treaty, but to get the beſt terms he could for him; and, above all things, he recommended ſecrecy, that ſo he might not loſe his intereſt in Spain, by ſeeming to conſent to this partition. It is certain, that, by our conſtitution, all foreign negotiations were truſted entirely to the crown: That the king was under no obligation by law to communicate ſuch ſecrets to his council, or to hear, much leſs was he obliged to follow, their advice. In particular it was ſaid, that the keeper of the great ſeal had no ſort of authority, to deny the putting it, either to powers for a treaty, or to any treaty which the king ſhould agree to. That the law gives no direction in ſuch matters, and he could not refuſe to put the great ſeal to any thing, for which he had an order from the king, unleſs the matter was contrary to law, which had made no proviſion in this caſe. They inſiſted moſt on the

above two hundred years ſtanding. The Spaniards have never, before this time, been guilty of betraying their country. A fidelity, without example, has long ſupported a ſinking monarchy; and ſo it might have been ſtill depended on. And their coming ſo tamely under a French yoke, is a thing that was ſo little looked for, that, till all ſaw it, none could believe it. Upon all theſe accounts it might ſeem reaſonable enough for the king to imagine, that the treaty would have been ſtuck to, without an abſolute confidence in the virtues of the Chriſtian king. And, after all, as the king of Spain had lived beyond all men's expectations, ſo the king might have hoped, that he might languiſh out yet a few years more; and then the revenue of the crown of England would have been cleared of all anticipations, and, in the mean while, the French king would have been obliged to keep ſuch meaſures, as would have ſecured us from all attempts, and have ſunk the hopes of a treacherous party among ourſelves, who had ſet up their reſt upon the greatneſs of France, and begin now to revive their dead hopes, which ſeemed quite withered by the peace of Ryſwick, and by the ſeeming friendſhip between our court and that of Verſailles." In the Second Letter, the author conſiders the objections made to the 'juſtice' and to the wiſdom of the treaty. It was ſaid to be unjuſt in itſelf, as being a diſpoſition of the dominions of a third perſon, then alive, made by a confederacy of two ſtrangers, with one of the pretenders to the ſucceſſion, without the conſent of the other; and as being inconſiſtent with the ſeparate article of the grand alliance, made in 1689, whereby the States General ſtipulated with the emperor, to aſſiſt him in taking the ſucceſſion of the Spaniſh monarchy, in caſe of the then king of Spain's death without iſſue. For the better conceiving the force of the objections and the anſwers, it will be proper to ſtate the ſeveral pretenſions to the ſucceſſion. Philip the third had iſſue, beſides his ſon Philip the fourth, three daughters; Anna, the eldeſt, married to Lewis XIII, father of Lewis XIV; Margaret, the ſecond, married to the emperor, Ferdinand III, father of the reigning emperor; and Catherine, married to the duke of Savoy. Philip the Fourth had iſſue, beſides the laſt king of Spain, dead without iſſue, two daughters; the eldeſt, Maria Thereſa, married to Lewis XIV, who had iſſue, the Dauphin; the other, Margaret, married to the then emperor, by whom ſhe had iſſue only Maria Antonietta, firſt wife to the elector of Bavaria, and they had one child, the late electoral prince, born in 1691, and who died the 6th of February 1698. Upon the ſeveral marriages of the two Infantas with Lewis XIII, and Lewis XIV, ſolemn renunciations were made of all claims to the ſucceſſion of the Spaniſh dominions, by them or their deſcendants. Thoſe renunciations the houſe of Auſtria inſiſted upon as valid, and ſo their claim took place. The French pretended to object to their validity, and claimed the ſucceſſion, as if nothing had paſſed to bar them. This being the caſe, it appears, that the firſt treaty of partition was not liable to the objection of want of proper parties; for, as the French king and the Dauphin entered into it, ſo the elector of Bavaria, in behalf of his ſon, in whom at that time the whole right of the houſe of Auſtria was indiſputably lodged, was not only conſenting, but promoted it. And this firſt treaty had a very good conſequence; for, as ſoon as the tranſaction took air, it not only occaſioned the king of Spain to make a will, by which he declared the electoral prince his univerſal heir, but it made the emperor to acquieſce in it, who, till that time, was vigorouſly ſoliciting, by his miniſter at Madrid, for a will in favour of the archduke. As to the ſecond treaty, it appears, by the powers, which are in print, that it began in Holland, by a joint negotiation of the emperor's plenipotentiary, with thoſe of England, France, and the States General; but, the emperor not thinking it fit to appear a party in ſuch a negotiation, for reaſons which were obvious enough, the treaty was afterwards concluded without him. "To ſay it was unjuſt for that reaſon, is, at the ſame time, to ſay, the ſeparate article of the grand alliance was unjuſt, for that was diſpoſing of the dominions of a king then living, by an agreement of two ſtrangers, with one only of the pretenders. As the emperor was no party to this laſt treaty, ſo France was no party to the firſt. If it was conſiſtent with juſtice for the king of England and the ſtates to agree, that one of the pretenders ſhould have the whole, without any privity or conſent of the other, or of Spain; how could it be unjuſt (as to the nature of the contract) to enter into an agreement with one, only, of the pretenders, for diſtributing the ſucceſſion among all that claimed? When controverſies ariſe between ſovereign princes, there is no judicature to determine of the right; and they are at liberty to refuſe to ſubmit to a mediation, which is often hard to bring about, becauſe both parties muſt agree in the mediators. Controverſies of this ſort, would never have an end, but in the ruin of one of the parties, and, perhaps, of neighbouring nations, in the conſequence, unleſs other princes and ſtates may, by a proper interpoſition, in ſuch a manner as they think moſt agreeable to the juſtice and to the good of their own ſubjects, oblige all the pretenders to recede from extremities, and in caſe of obſtinacy, on any ſide, to aſſiſt thoſe, who are willing to yield, for the ſake of peace. This has been the approved practice of all ages. A well founded apprehenſion of an unreaſonable increaſe of power, in a neighbouring prince, has been always held to be a juſt ground of making war: It may be better defended to be a juſt reaſon to prevent it by treaty. An acceſſion of the entire Spaniſh dominions, either to the emperor (whoſe claim was for himſelf and his lineal deſcendants,) or to France, muſt, unqueſtionably, have formed a power extremely terrible to the reſt of Europe. It was, therefore, neceſſary to think of dividing the ſucceſſion, or turning it out of the direct line, for the common ſecurity of chriſtendom. Princes are bound to provide for the ſafety of their ſubjects, by all reaſonable ways: If the moſt eligible cannot be arrived at, they muſt purſue ſuch methods as are practicable. It was viſible, the French king was reſolved not to acquieſce in the renunciations: His flatterers had abſolutely hardened him in the opinion, that all thoſe ſolemn acts were inſignificant; and, to make good theſe ſentiments, he had not only employed his lawyers, but his arms, in the diſpute, for many years. This the emperor well knew; nay, it is expreſly declared in the 'ſeparate article of the grand alliance:' So that, when the accident happened, the war was inevitable: and the accident was expected every day. No care had been taken to form the neceſſary alliances, on the concluſion of the treaty of Ryſwick; nothing was determined, as to the Spaniſh ſucceſſion; no proviſion for ſecuring any thing ſtipulated by the grand alliance. On the contrary, ſome things had paſſed, at that time, which neceſſarily made a ſtrangeneſs between the emperor and the proteſtant princes. No arguments were omitted to draw him into new meaſures, in order to make the 'ſeparate article of the grand alliance' ſignificant and effectual. And it was highly reaſonable to inſiſt upon terms, when it was ſo freſh in memory, where the burden of the laſt war lay. But, by reaſon of the very ſlow meaſures of the court of Vienna, and the particular intereſts, which the emperor thought himſelf under the neceſſity of managing with the court at Madrid, nothing had been done, or was likely to be done, on that ſide; and, at the ſame time, the ſubjects of England and Holland ſeemed neither willing, nor able, to enter into a new war. France did not only continue armed, as during the war, but was at vaſt expence in buying horſes for remounting their cavalry, and liſting the ableſt men, as faſt as they were diſbanded by the confederates. Without a treaty, a war was inevitable, or rather, France was maſter of all, without a war. This was the unhappy neceſſity, under which the king and the ſtates found themſelves. And, in ſuch circumſtances, where was the injuſtice to accept of the contract of the French king and the Dauphin, to content themſelves with a part only of the vaſt ſucceſſion, and ſuch a part, as would not only be at leaſt inconvenient to the parties contracting, but to the general liberty and ſecurity of Europe, rather than leave him in circumſtances to ſeize the whole, or, at leaſt, to take the immediate poſſeſſion of thoſe parts, which would neceſſarily and ſuddenly endanger the trade and ſafety of the Engliſh and the Dutch? Upon the foot of this treaty, the king and the ſtates acquired an explicit and direct right to compel the French king to acquieſce in the ſhare allotted to him, which perhaps was wanting before. For though Spain, in reſpect of the ſeveral renunciations and ſolemn acts, had an expreſs right to oppoſe the future pretences of France to any part of that ſucceſſion, yet it was not plain, that, by renewing his claim, he violated any league with England and Holland, which would be the caſe after his entering into that treaty. There is another very conſiderable thing to juſtify this treaty, if it be true, as it has been affirmed, that, during the tranſactions in Holland in the ſummer 1699, the emperor's miniſters, though they declared they could not make themſelves parties to an agreement for diſmembering of the Spaniſh monarchy, which would wholly ruin their affairs at Madrid, yet they did not expreſs any great averſion to be ſeemingly forced to ſome reaſonable terms. It has not often been known, that a deliberate act of three ſovereign powers, made upon very weighty grounds, has been ſo frankly called 'unjuſt.' The emperor has not found cauſe to give it that hard name; nay, the French themſelves, who have violated this treaty in the moſt open and ſhameleſs manner, and want to the higheſt degree an excuſe for breach of faith, and had a good one, if the treaty was unjuſt, yet they have never called it by that name, but have contented themſelves to take up the wretched pretence, that, by breaking the league, they have purſued the ſpirit and meaning of it." The Author then proceeds to juſtify the wiſdom of the treaty, and to ſhew, that it was the only means left to prevent the impending deſtruction of Europe; and that, in the making of it, the intereſt of the houſe of Auſtria was ſincerely eſpouſed, and a ſolicitous care uſed, that the balance of Europe ſhould not be entirely broken, and at the ſame time England and Holland did not neglect themſelves, but made ſuch a diſtribution, as might be leaſt prejudicial to their intereſt. "The three things, ſays he, which they were principally obliged to take care of, were their ſecurity, their trade, and the common intereſt of the proteſtant religion. In order to this, they were firſt to take care of the barrier in Flanders, for making good whereof ſo much money had been ſpent, and ſo much blood had been ſhed, it being demonſtrably plain, that, if France was poſſeſſed of the Spaniſh Netherlands, it was not poſſible for the Dutch to bear long the expence of ſupporting themſelves; and when they fell a prey to France (notwithſtanding the vain diſcourſes we heard not long before) England was not likely to be free any great while.

"The ſecond thing, which concerned both nations highly, was the preſerving the trade of Spain, and the uſe of her ports.

"The third thing, which concerned England and the Dutch not a little, was to keep the Weſt-Indies, and the trade thither, in the condition they then ſtood. For it will not be denied, if ever France can appropriate to itſelf the trade of Spain, and the management of the Spaniſh Weſt-Indies, ſhe will ſoon be miſtreſs of the world.

"Theſe were the things to be firſt looked after, and for theſe the treaty did fully provide. It is not to be denied but that the Turkey trade was of great conſequence to both nations, and the trade of Italy not inconſiderable, eſpecially, to Holland; and it were to be wiſhed, that every thing could have been entirely gained: But, when that was impoſſible, the moſt weight was to be laid on what was of the greateſt conſequence.

"—— The treaty of partition, if it had been ſtood to, had placed Spain, the Weſt-Indies, the Netherlands, and Milan in ſuch hands, as France could expect no ſincere aſſiſtance from. What real addition of power Naples and Sicily would have brought to her, is not ſo plain. France is a compleat united ſtrength. Whether ſhe would have been ſtronger by the poſſeſſion of two remote countries, whoſe natives have the utmoſt hatred to the French, experience only would have ſhewn. Italy would have been alarmed to the laſt degree, to find the French taking poſſeſſion of ſo large a part of it, which it could not be poſſible to prevent, conſidering the power and preparations of France. But this would not have been the firſt time, that the French had got to be maſters of Naples and Sicily, and yet were not able to hold them. Certain it is, the court of Rome would have found itſelf obliged to ſet all its engines on work to prevent the eſtabliſhing of that ſlavery, which was

other ſide upon the concluding a treaty of this importance, without communicating it firſt to the privy council. During this debate, ſome lords having ſpoke very reflectingly on the French king, the earl of Rocheſter animadverted upon them, alledging, that all men ought to ſpeak reſpectfully of crowned heads; and that this duty was more particularly incumbent on the peers of a kingdom, who derive all their honour and luſtre from the crown. This was ſeconded by another earl, who ſaid, That the king of France was not only to be reſpected, but likewiſe to be feared. To whom another lord replied, That he hoped no man in England needed to be afraid of the French king; much leſs the peer, who ſpoke laſt, who was too much a friend to that monarch, to fear any thing from him. Thus ended the firſt day of the debate [P].

The earl of Portland apprehending, that this might fall too heavily upon him, got the king's leave to communicate the whole matter next day to the houſe, when he told them, that he had not concluded the treaty alone, but had, by the king's order, acquainted ſix of his chief miniſters with it, who were the earls of Pembroke and Marlborough, the viſcount Lonſdale, the lord Somers and Halliſax, and ſecretary Vernon. Upon which theſe lords, being likewiſe freed by the king from the oath of ſecreſy, informed the houſe, that the earl of Jerſey having in the king's name called them together, the treaty was read to them; and that they excepted to ſeveral things in it, but they were told, that his majeſty had carried the matter as far as was poſſible, and that he could obtain no better terms. That therefore when they were thus aſſured, that no alterations could be made, but that every thing was ſettled, they gave over inſiſting on particulars; and only adviſed, that his majeſty might not engage himſelf in any thing, that would bring on a new war, ſince the nation had been ſo uneaſy under the laſt. This was carried to the king, and that, a few days after, he told ſome of them, that he was made acquainted with their exceptions; but, how reaſonable ſoever they were, he had driven the matter as far as he could. The earl of Pembroke ſaid to the houſe of lords, he had offered the king thoſe advices, that he thought were moſt for his ſervice, and for the good of the nation; but that he did not think himſelf bound to give an account of that to any other perſons. He was not the perſon aimed at; for which reaſon there was nothing ſaid, either againſt him, or the earls of Marlborough or Jerſey. Upon this the debate went on. Some ſaid, this was a mockery, to aſk advice when there was no room for it. It was anſwered, that the king had aſked advice of his privy council, and they had given it; but that, ſuch was the royal prerogative, that it was ſtill free to him to follow it or not, as he ſaw cauſe.

In concluſion, after three days debate, the houſe of lords reſolved to ſet out this whole matter in an addreſs to the king, complaining both of the partition treaty, and of the method, in which it had been carried on. The lord Wharton moved an addition to the addreſs, that, whereas the French king had broke that treaty, they ſhould adviſe his majeſty to treat no more with him, or rely on his word, without a real ſecurity. This was much oppoſed by all thoſe, who were againſt engaging in a new war: They ſaid, all motions of that kind ought to come from the houſe of commons, who only could ſupport ſuch an advice, which did in effect engage us in a new war; nor could they lay the blame on the breaking of a treaty, which they were reſolved to condemn. They alſo excepted to the words 'real ſecurity' as ambiguous; but the majority of the houſe agreed to it, for there was ſuch treachery in the French negotiations, that they could not be relied on without a good guarantee, and the pledge of ſome ſtrong places. It now plainly appeared, that the deſign was to ſet on the houſe of commons to impeach ſome lords, who had been concerned in the partition treaty; for it was moved to ſend the addreſs to the commons for their concurrence, but that was not carried.

The addreſs was to this effect: 'That their lordſhips, having conſidered the treaty of the 21ſt of February, or the 15th of March 1700, made with the French king, together with the ſeparate and ſecret articles, which his majeſty had been pleaſed to communicate to them, did moſt humbly repreſent to him, that, to their great ſorrow, they found the matters thereof to have been of very ill conſequence to the peace and ſafety of Europe; for that, beſides the occaſion it might have given to the late king of Spain, to have made his will in favour of the duke of Anjou, if that treaty had taken effect, the prejudice to his majeſty and his ſubjects, and indeed to all Europe, by the addition of Sicily, Naples, ſeveral ports of the Mediterranean, the province of Guipuſcoa, and the duchy of Lorrain, had been not only very great, but contrary to the pretence of the treaty itſelf, which was to prevent any umbrage that might have been taken, by uniting ſo many ſtates and dominions under one head. That, by all the informations they had had of that fatal treaty, they could not find, that the verbal orders and inſtructions (if any were given to his majeſty's plenipotentiaries) were ever conſidered in any of his majeſty's councils; or that the draught of that treaty had ever been laid before his majeſty, at any meeting of his council, much leſs that it was adviſed or approved of by any council or committee of council. Wherefore they thought themſelves bound in duty to his majeſty, and juſtice to their country, moſt humbly to beſeech him, that, for the future, he would be pleaſed to require and admit, in all matters of importance, the advice of his natural born ſubjects, whoſe known probity and fortunes might give him and his people a juſt aſſurance of their fidelity to his ſervice: and that, in order thereunto, he would be pleaſed to conſtitute a council of ſuch perſons, to whom his majeſty might be pleaſed to impart all affairs both at home and abroad, which might any way concern him and his dominions. For as intereſt and natural affection to their country would incline them to wiſh the welfare and proſperity of it much more than others, who had no ſuch ties upon them; and as their experience and knowledge of their country would alſo render them more capable than ſtrangers, of adviſing his majeſty in the true intereſts of it; ſo they were confident, that, after ſuch large and repeated demonſtrations of his ſubjects duty and affection, his majeſty could not doubt of their zeal in his ſervice, nor want the knowledge of perſons fit to be employed in all his moſt ſecret and arduous affairs. And that, ſince it appeared the French king's accepting of the king of Spain's will was a manifeſt violation of that treaty, they humbly adviſed his majeſty, in future treaties with that prince to proceed with ſuch caution, as might carry a real ſecurity.'

This addreſs being carried by the lord-keeper alone to Ken-

inevitably coming upon them. They would be diſcerning enough to ſee, that from that hour the French king became peaceably ſettled in the poſſeſſion of Naples and Sicily, the pope muſt ſink in his character, and would be no more than a French biſhop. The reſt of the catholic world would hardly conſider him as a common father, who could be made and unmade at the pleaſure of France. Without pretending to prophecy, one may ſay literally, that heaven and earth would have been moved upon this occaſion. The church would have drawn out all her forces ſpiritual and temporal; and, beſides the influence ſhe would always have upon the Italian princes and ſtates, which is avowedly not little, they themſelves are quick-ſighted enough to ſee, what different figures the princes of France make in this age from what they made heretofore, and to learn caution from ſo ſignificant examples. Beſides the pope's remonſtrances would have had the more authority as well as vigour, from the ſcandalous appearance it would have had to the whole world, that France, in conjunction with two heretic powers, ſhould diſpoſe of the fiefs of the church. The emperor would undoubtedly have been ſolicited by all ſorts of arguments to aſſiſt the church, and aſſert the liberty of Italy; and, how far he might have been able to reſiſt, might not be difficult to gueſs. All the catholic princes of Germany were at liberty to act as the conjuncture invited them. The Italians would not have apprehended any thing from Spain; they would have underſtood eaſily, which way the archduke's wiſhes would go. The duke of Lorrain's affection to the houſe of Auſtria is ſo well known, that it is certain the French could have depended on nothing from Milan in his hands. And though the late chancellor in his letter ſaid, 'That, if the treaty ſhould take place, and Milan could not be relieved by ſea, it would be of little ſignification in the hands of any prince,' we ſee he was miſtaken, and that very powerful reliefs might be ſent by land to Milan, and the emperor and empire might always have an open way into Italy through that country. The king of France would have been cautious to have left his frontier naked towards Flanders, when in poſſeſſion of a prince of the houſe of Auſtria, or to have left the Rhine unguarded, when the pope would be ſure to have a prevailing power with the eccleſiaſtical electors, and the other catholic princes of the empire. This would have been the higheſt ſecurity to the proteſtant intereſt, for which certainly we were above all other things concerned. Italy would have been the ſcene of the war, where upon all accounts we ought to wiſh it, and not only as being the moſt remote from us. The apprehenſion of a catholic league, which is no chimera, and which it is to be juſtly feared may be the immediate conſequence of a ſettled peace among the popiſh powers, when the zeal of the emperor, as well as of the French king, is conſidered, would have been far removed. In ſuch a ſtate of things we could apprehend nothing to our trade, not even in the Mediterranean. All parties would have found it reaſonable to be courting the great naval powers of the world. We might be neuter, if we thought fit, or might have made our own terms. We were not bound to take any other ſhare in the war than we pleaſed; for, though we ſtood obliged to ſee the treaty executed, yet in the utmoſt ſtrictneſs that was all. We were not bound to maintain the reſpective parties in poſſeſſion: We might have enjoyed the advantages of peace, or we might have otherwiſe found our advantages in return for our aſſiſtance, in caſe we choſe to give it to either ſide."

[P] There was ſo great warmth in the debates of the commons concerning this treaty, that more than one of the members broke in upon common decency and good manners to a high degree. Seymour, Bolles, and others compared the dividing 'another man's kingdom to robbing on the highway.' It was called a 'felonious treaty,' which, as the report then was, the king ſo highly reſented, that he dropped an expreſſion, ſignifying, that, if the diſparity of their condition had not reſtrained him, he would have demanded the ſatisfaction of him, which all gentlemen have a right to demand of one that gives the lie.

The

ſington, who there found two or three of the lords in waiting, to make a ſhew of a houſe, it was preſented, on the 24th of March, to his majeſty, who anſwered, 'That it contained matter of very great moment; and that he would always take care, that all treaties, he made, ſhould be for the honour and ſafety of England.' The king ſeemed to bear this cenſure of the treaty with his uſual coldneſs: And the new miniſters continued ſtill in his confidence, but he laid the matter much to heart. Now he perceived the error he had fallen into, by the change he had made in the miniſtry. It was plain, they reſolved to govern him in every thing, and not to be governed by him in any one thing.

[1701] On the 31ſt of March, the king acquainted the commons, 'That having received an account from Mr. Stanhope, his envoy, at the Hague, that the French embaſſador there had declared, that the king his maſter had no other anſwer to return to the demands of the States-General, than that he was ready to renew the treaty of Ryſwick, it being all the ſecurity the States were to expect; and that he had no orders to give any anſwer to his majeſty's envoy; but, if his majeſty had any thing to demand, it might be done by his embaſſador at Paris, or the French miniſter at London; and that he had no command to treat with any but the States. And his majeſty having alſo received two reſolutions of the States, and a memorial from their envoy in England, relating to the ſhips they were ſending to join his majeſty's fleet, and the ſuccours they deſired might be haſtened to them, by virtue of the treaty of March 3. 1677; his majeſty had thought fit to communicate the whole to that houſe, that they might be particularly informed of the preſent ſtate of affairs abroad, where the negotiations ſeemed to be at an end, by the poſitive anſwer the French embaſſador had given to the States, which his majeſty recommended to the ſerious conſideration of that houſe, as a matter of the greateſt weight and conſequence, and deſired they would give him ſuch advice upon it, as might be for their own ſecurity, and that of the States-General, and the peace of Europe.'

The commons, having taken this meſſage into conſideration on the 2d of April, reſolved unanimouſly, 'That the humble advice of this houſe be given to his majeſty, to deſire, that his majeſty will be pleaſed to carry on the negotiations in concert with the States-General, and take ſuch meaſures therein, as may moſt conduce to their ſafety; and that his majeſty would purſue the treaty made with the States-General, the 3d of March, 1677; and to aſſure him, that they would effectually inable him to ſupport the treaty of 1677.' By this treaty made by king Charles with the Dutch, England was bound to aſſiſt them with ten thouſand men, and twenty ſhips of war, if they were attacked. Though the king knew what the commons meant by confining him to the treaty of 1677, and ſpeaking in general terms of his providing for their ſecurity, namely, to evade his deſire of forming a confederacy for a new war, without which he foreſaw France would never yield up any part of the Spaniſh monarcy; he returned, however, to their reſolution of advice, this ſoft anſwer, 'That, according to their advice, he had given orders to his envoy at the Hague to carry on the negotiations in concert with the States-General, and to take ſuch meaſures therein, as might conduce to their ſecurity. He thanked them for the aſſurance they had given, that they would effectually inable him to ſupport the treaty of 1677; and told them, that he would purſue the ſame, as they adviſed; and he did not doubt, but the readineſs, which they had ſhewn upon this occaſion, would very much contribute to the obtaining ſuch a ſecurity, as was deſired.'

Though the commons could not, upon this occaſion, be carried farther than to adviſe the king to purſue the treaty of 1677; the houſe of lords, however, addreſſed him to enter into leagues offenſive and defenſive with the emperor and other princes and ſtates, who were intereſted againſt the conjunction of the French and Spaniſh monarchies. This coldneſs and uncertainty in the Engliſh councils gave the French great advantages, in their negotiations both in Germany and Portugal. They tried the courts of Italy, but without ſucceſs; only the duke of Mantua conſented, that they ſhould make a ſhew, as if they had ſurprized him, and ſo force him to put Mantua into their hands. The pope and the Venetians would not declare themſelves. The former favoured the French, as the latter did the emperor, who began the war with a pretenſion on the duchy of Milan, as a fief of the empire, that devolved on him; and he was making magazines, both in Tirol and at Trent. The French ſeemed to deſpiſe all he could do, and did not apprehend, that it was poſſible for him to march an army into Italy. Both the king and the States-General preſſed him to make that attempt. The elector of Bavaria and ſome of the circles had agreed to a neutrality this year; ſo that there was no hope of doing much upon the Rhine; and the French were making the Italians feel, what inſolent maſters they were like to prove. This produced a general uneaſineſs among them, which determined the emperor to ſend an army into Italy under the command of prince Eugene. England was all this while very unwilling to engage; yet, for fear we ſhould at laſt ſee our intereſt ſo clearly, that we muſt have fallen into it, thoſe, who were practiſed on to embroil the nation, ſo that we might not be in a condition to mind foreign affairs, ſet on foot a deſign to impeach the former miniſtry.

In the mean time, a letter written in Latin came to the king from the king of Spain, giving notice of his acceſſion to the crown [q].

This letter was delivered by Torcy on the 19th of April, N. S. to the earl of Mancheſter at Paris, who deſired him, as count Tallard had left England, to tranſmit it to his maſter. It was dated, the day after king Philip entered into Spain; but the date and the letter were viſibly written at different times. The king ordered the letter to be read in the cabinet-council on the 13th of April; where there was a ſhort debate concerning it, but it was never brought into any further deliberation there. The earl of Rocheſter ſaw, that the king ſeemed diſtruſtful of him, and reſerved to him in the matter, and was highly offended at it. He and the reſt of the new miniſtry preſſed his majeſty to own the king of Spain, and to anſwer the letter; and, ſince the Dutch had done ſo, it ſeemed reaſonable, that the king ſhould likewiſe do it. They prevailed at laſt, but with much difficulty. The thing was kept ſecret, and was not communicated to the privy council or to the two houſes; nor did the king ſpeak of it to any of the foreign miniſters. The Paris Gazette gave the world the firſt notice of it. This, being carried in ſuch a manner, ſeemed the more ſtrange, becauſe his miniſtry had ſo lately condemned a former one, for not communicating the partition treaty to the council, before it was concluded; and yet had, in a matter of great conſequence, ſo ſoon forgot the cenſures, which they had thrown out ſo liberally upon the ſecrecy with which that matter had been tranſacted. [r].

[q] The tranſlation of the letter is as follows.

"Philip by the grace of God, king of Spain, both Sicilies, &c. to the moſt potent prince and lord William king of Great Britain, &c. Our moſt dear brother and couſin, health and proſperity. Moſt ſerene and potent prince, moſt dear brother and couſin; ſince we are, after perfecting of our journey, arrived at this court, and have there taken poſſeſſion of all the kingdom and dominions belonging to the crown of Spain, we will not delay giving your majeſty notice of it, and to aſſure you at the ſame time, that nothing is more deſired by us than the cultivating of a mutual friendſhip with your majeſty and your crown, that ſo we may by real ſigns let your majeſty ſee the inclination of our mind, and that we may alſo in this imitate the examples of the moſt ſerene kings, our predeceſſors, always mindful of the welfare of the Chriſtian world. Thus may the moſt good and great God bleſs your life with his grace."

Your majeſty's moſt loving brother,

Given at our palace of Buen-Retiro, the 24 of March, 1701.

Philip, King.
Joſeph M. de la Puerta.

[r] His majeſty's letter to the king of Spain was likewiſe in Latin, and the tranſlation of it is as follows:

"William the third, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, &c. to the moſt ſerene and potent prince, the lord Philip the fifth, by the ſame grace, king of Spain, both Sicilies, Jeruſalem, India, &c. Archduke of Auſtria, duke of Burgundy, Brabant, and Milan, earl of Hapſburg, Flanders, Tirol, &c. our moſt dear brother and couſin, greeting. Moſt ſerene and moſt potent prince, brother, and couſin, we have received your majeſty's letter of the 24th of March laſt, which was for many reaſons very acceptable to us, as well becauſe it gave us notice of your happy arrival in your kingdom of Spain, and of your coming to the poſſeſſion of it, and taking upon you the government of the dominions thereunto belonging; as becauſe you have aſſured us, that your majeſty hath a mind, that the moſt ancient friendſhip and correſpondence betwixt the two crowns ſhall remain inviolable. We have indeed willingly embraced this opportunity to congratulate your majeſty, on your happy acceſſion to the crown of Spain, and to certify to you how much we value you; and how great a deſire we have, that your majeſty ſhould know, that we will, with great application, do all that we can, that the mutual union ſubſiſting betwixt us by treaties and friendſhip be cloſer united, and that the advantage of both nations may every day be more and more promoted and flouriſh; which we hope will alſo end in the advantage and proſperity of all Europe. For the reſt, we recommend your majeſty to the care and protection of Almighty God. Given at our palace at Kenſington, the 17th of April, in the year of our Lord 1701, and of the 13th of our reign."

Your majeſty's moſt loving brother and couſin,

William R.

James Vernon.

This

The earl of Mancheſter, having received an account from Mr. ſecretary Vernon of his majeſty's anſwer to the king of Spain's letter, informed Torcy, the French miniſter, of it; and took notice of it to the Spaniſh embaſſador, who did not know before, that his maſter had wrote to king William. But the emperor's miniſter at Paris, ſoon hearing what had paſſed, expreſſed great ſurprize to the earl of Mancheſter, and ſaid, that this ſtep would diſcourage the emperor's friends. The earl anſwered, that it was no more than what the States-General had done, and that he ſaw how the empire itſelf was divided.

Mr. Stanhope likewiſe complimented the Spaniſh embaſſador at the Hague, upon the recognition of the king of Spain by king William, while monſieur d'Avaux, the French embaſſador at the Hague, preſented an amuſing memorial to the States-General, ſetting forth, 'That having tranſmitted their reſolution of the firſt of April to his maſter, wherein they deſired the negotiations might be reſumed, in conjunction with the king of England's envoy, for maintaining the peace of Europe, and providing for their own ſecurity; and that their lordſhips having at the ſame time declared, they wiſhed nothing ſo much, as that thoſe negotiations might be brought to a ſpeedy and good concluſion with his maſter; to whom he had given an account of the anſwer he gave their lordſhips concerning the admittance of the Engliſh envoy, and he had entirely approved the ſame, and was pleaſed with the aſſurances given by their lordſhips of the deſire they had to preſerve the peace. And, as his majeſty continued in the reſolution of maintaining the public tranquility, he would conſent to every expedient, that might conduce towards ſecuring the common good and repoſe of Chriſtendom; and that, in order thereunto, his majeſty had no ſooner been acquainted with their lordſhips deſign of renewing the conferences, but he had commanded his embaſſador to reſume the ſame, and continue at the Hague.'

Notwithſtanding this ſpecious declaration, the deſign of the French politics was ſtill to keep out the Engliſh envoy, and to engage the States to treat ſeparately. The Dutch deputies immediately apprehended their meaning by the ambiguity of the memorial, and therefore preſſed count d'Avaux to explain himſelf, letting him know at the ſame time, that the States would not enter into any negotiation with France, but in conjunction with England, their intereſts in this caſe being inſeparable; and that they muſt inſiſt upon a poſitive anſwer to that point, eſpecially now that his Britannic majeſty's owning the king of Spain had removed the principal objection, that was before inſiſted upon againſt treating with the miniſters of England. The French embaſſador, to delay his anſwer, deſired time to ſend for new inſtructions to court, which they appeared no way forward to ſend him; their deſign being to draw the buſineſs into a conſiderable length; which gave them opportunity to ſtrengthen themſelves daily on the frontiers of Holland, and to ſecure the Milaneſe.

Two or three fruitleſs conferences paſſed at the Hague, wherein the French embaſſador was ſtill attempting to draw in the States to treat alone, without the concurrence of England, which they would by no means agree to. His majeſty in return did all that lay in his power to aſſiſt them; for which end he ſent the three Scots regiments, retained in his own pay in Scotland, over into Holland. When the States had procured all poſſible ſupplies and reinforcements by their money and intereſt from princes abroad, and had exerted their power to the utmoſt at home, they wrote a letter to the king, to inform him how matters ſtood with them, and to deſire the troops to be ſent over to their aſſiſtance without delay, as ſtipulated by the treaty of 1677 [a]. Upon which the king, on the 8th of May, ſent this meſſage to the houſe of commons.

"William R.

"HIS majeſty having lately received an account from Mr. Stanhope of the preſent poſture of affairs in Holland, and likewiſe a letter from the States-General, which

[a] This letter was as follows (Cole, p. 379.)

SIR,

After the proteſtations, which we have made to your majeſty, in our laſt letter, of the 23d of April, not to enter into any negotiation with France, but in concert with England, we have thought fit to aſk of the count d'Avaux, embaſſador extraordinary of his moſt Chriſtian majeſty, if he was inclined and authorized to re-enter into the negotiation, in the manner it was begun, in conjunction with the miniſter of your majeſty; as you may ſee, by our reſolution of the 2d of this month, here annexed. Count d'Avaux having ſent this to his moſt Chriſtian majeſty, preſented us, after the return of his courier, with the memorial, of which we join likewiſe a copy to this letter. We have immediately communicated it to Mr. Stanhope, envoy extraordinary from your majeſty, and, after having concerted with him about it, we found in the ſaid memorial, certain obſcurities, which made us doubt of its true ſenſe: For that reaſon, we thought it neceſſary to ſhew the count d'Avaux the letter, which we did ourſelves the honour to write to your majeſty, on the 23d of April laſt, and our engagements to take no meaſures in the negotiation, but in concert with you. The count d'Avaux anſwered our deputies, That he was come hither only to treat about means to preſerve the general peace, and to eſtabliſh our particular ſecurity: That, if we concert on this with your majeſty, he had nothing to ſay againſt it; and that he was contented, that your majeſty's envoy ſhould aſſiſt at the conferences to be held about this; but that he was not at all authorized to enter into a negotiation with us, about the intereſts of England, which were to be treated of elſewhere. Upon this, our deputies repreſented, That, in the conferences about a general peace, your majeſty was equally concerned with us: That our ſecurity could not, by any means, be ſeparated from that of England: That the two nations had, in this, a common intereſt; and that we could not but look upon your majeſty as a principal party concerned, as much as we, in the preſent negotiations, without our injuring your majeſty. But, notwithſtanding ſeveral inſtances of our deputies, and all the reaſons they could alledge, count d'Avaux perſiſted in the forementioned anſwer, ſaying, That he had no other orders: That he would ſend our reſolution (of which your majeſty will here ſee the copy) to the court of France, without giving the leaſt hopes of an anſwer conformable to our ſentiments. Upon the report, which has been made to us, we have judged, that thus they would ſeparate the intereſts of England from thoſe of our republic. We look upon them as inſeparable; and, as it is a plain caſe that they are ſo, we could draw no other concluſion from this proceeding, but that, on the ſide of France, there was a deſign to end the conferences, and to conſent to none of the ſecurities demanded, which are ſo neceſſary to the preſervation of the kingdoms of your majeſty, and of our republic. We are obliged to give your majeſty notice of all this. We proteſt, that, our intereſts being the ſame with thoſe of your majeſty, in this negotiation, and inſeparable one from the other, we ſhall not ſuffer them to be divided in any manner. In the mean while, ſir, we cannot but repreſent to your majeſty the preſſing occaſion we have to be aſſiſted, without loſs of time, if we will prevent the ruin we are threatened with, and the apparent danger, in which we are. You know to the bottom, the ſtate of our affairs; and you can eaſily judge, if it be poſſible, in the ſituation in which we are, to reſiſt forces ſo much ſuperior, as thoſe of France are. It is that which made us deſire, with ſo much earneſtneſs, the execution of the treaty, which received the approbation of the parliament, in the year 1678, betwixt king Charles II. of glorious memory, and this ſtate. We repeat, now, our moſt earneſt inſtances to have quickly the ſtipulated ſuccours, and the entire execution of the ſaid treaty. We flatter ourſelves, that your majeſty will make a ſerious reflection on the condition in which we are, particularly after the poſitive aſſurances, which you have given us, that the reſolutions of your parliament were to intereſt themſelves vigorouſly in our preſervation, and to aſſiſt us in the neceſſity, in which we are, by furniſhing the ſuccours we are agreed about. We will tell you, ſir, in what condition France puts itſelf; and your majeſty will judge, by that, if our fear, which re-animates our demands, be ill-founded. France, not contented with having taken poſſeſſion of all the places in the Netherlands, that remained to Spain, has thrown into them, and cauſes, actually every day, formidable forces to march thither. They draw a line from the Scheldt, near Antwerp, to the Maeſe. They are going to begin to draw ſuch a line according to our advices, from Antwerp to Oſtend. They ſend a numerous artillery into the places, that are neareſt to our frontiers. They make, with great diligence, many magazines in Flanders, in Brabant, in Guelderland, and at Namur, which they fill up with all ſorts of ammunition for war and ſubſiſtence, beſides the great ſtores of forage, which they gather from all parts. They build forts under the cannon of our places. Beſides they have worked, and work ſtill, continually to draw the princes, that are our friends, from our intereſt, to make them enter into their alliance, or to engage them to a neutrality, at leaſt. In ſhort, by intrigues and diviſions in the empire, they make our friends uſeleſs, and increaſe thoſe of France. Thus we are almoſt ſurrounded, on all ſides, except on the ſide of the ſea. See here, ſir, without any diſguiſe, the true ſituation, to which we find ourſelves reduced, without adding any thing to what is fact. This makes us hope, that, as your majeſty underſtands our affairs perfectly well, you will agree with us, that at preſent our condition is worſe, than it was during the late war, and worſe than if we were actually at war; whilſt they make forts under the cannon of our ſtrong places, and lines along our frontiers, without our being able to hinder it, as we might do, if we were at war.

Theſe reaſons oblige us to put ourſelves in a ſtate of defence, more than if we were actually attacked, by overflowing our country, and even to cut the dikes, to ſecure our frontiers. We are forced to employ theſe means and all thoſe we could bear in an open war: ſo that our ſubjects ſuffer, already, more than they did, during the laſt war. Hitherto, the winter has ſerved us as a ſort of ſecurity. That ſeaſon is over, and we are at the brink of being invaded and overturned every moment, if we do not get prompt ſuccours. We promiſe ourſelves, ſir, that it will come from your ſide, eſpecially, ſince it has pleaſed your majeſty to aſſure us, that your parliament had taken reſolutions, that were favourable for us. As our neceſſity is preſſing, we pray you to conſider well the extremity in which we are, and the impoſſibility of avoiding our entire ruin, and the overthrow of our republic, if we are left in this condition. We believe, ſir, that the intereſts of England are ſo ſtrictly united with ours, that we would ſooner expoſe ourſelves to all hazards, than ſuffer, that they ſhould be ſeparated, or take any meaſures, but in concert with your majeſty. It is quite unneceſſary to repreſent to you, that the preſervation of your own kingdoms ought to induce you to prevent our ruin, whilſt we believe their loſs to be inſeparable from ours. The reaſons, ſir, are better known to you, than to us, as well as the fatal conſequences, to which we are expoſed, by leaving us in this condition. This convinces us, that your majeſty will direct every thing by your conſummate wiſdom, and the good intentions of your parliament, in ſuch a manner, as to ſhew to all Europe, that nothing is more advantageous to it, than the alliances with England and its friendſhip. As for us, we expect, without delay, the accompliſhment of the above-named treaty: And, we pray God, ſir, to preſerve the ſacred perſon of your majeſty, in long health, and your dominions in a flouriſhing proſperity.

Your majeſty's very humble ſervants,

Hague, May 13, 1701.

The States General of the United Provinces of the Netherlands.

J. Van Wicher.

By their order, F. Fagel.

The

is of the greateſt importance. And his majeſty, who has ſo perfect a knowledge of their country, being entirely convinced of the hardſhips of their preſent condition, and the great preſſures they now lie under, which are particularly expreſſed in their letter, has thought it abſolutely neceſſary to communicate the ſame to this houſe; that the expectations the States have of preſent aſſiſtances from his majeſty, may more fully appear. And his majeſty does not doubt, but this houſe will be ſo juſtly ſenſible of thoſe immediate dangers, to which they ſtand expoſed, as to take the ſame into their moſt ſerious and effectual conſideration; it being moſt evident, that the ſafety of England, as well as the very being of Holland, does very much depend upon your reſolution in this matter."

This meſſage was conſidered the next day, and the commons reſolved, "That they will effectually aſſiſt his majeſty to ſupport his allies, in maintaining the liberty of Europe, and will immediately provide ſuccours for the States-General, according to the treaty of the 3d of March 1677." This reſolution being preſented to the king by the whole houſe, May the 10th, he gave them the following anſwer:

"Gentlemen,

"I Return you my hearty thanks for the ready aſſurances you give me of providing immediate ſuccours for the States-General, and for the zeal you expreſs for the common cauſe. I know nothing, that can be more effectual for its ſupport both at home and abroad than the unanimous concurrence, which you have ſhewed upon this occaſion. And it will be a particular ſatisfaction to me, in my time, to revive the glory, which the Engliſh nation has formerly had, of maintaining the liberty and balance of Europe."

The king likewiſe communicated the letter from the States General to the houſe of lords, who, on that occaſion, preſented this addreſs on the 14th of May:

"WE your majeſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal in parliament aſſembled, return your majeſty our moſt humble thanks, for communicating to us the letter from the States-General to your majeſty. It gives us an opportunity (with great ſatisfaction) to repeat to your majeſty the aſſurances of our duty, and zeal for your ſervice. And we take this occaſion further to aſſure your majeſty, we are very ſenſible of the great and imminent danger, to which the States-General are at preſent expoſed. And we do perfectly agree with them in believing, that their ſafety and ours are ſo inſeparably united, that whatſoever is ruin to the one, muſt be fatal to the other. And we humbly deſire your majeſty will be pleaſed, not only to make good all the articles of any former treaty to the States-General, but that you will enter into a ſtrict league offenſive and defenſive with them, for our common preſervation; and that you will invite into it all princes and ſtates, who are concerned in the preſent viſible danger, ariſing from the union of France and Spain. And we further deſire your majeſty, that you will be pleaſed to enter into ſuch alliances with the emperor, as your majeſty ſhall think fit, purſuant to the ends of the treaty of 1689. Towards all which, we aſſure your majeſty of our hearty and ſincere aſſiſtance, not doubting, but, whenever your majeſty ſhall be obliged to engage for the defence of your allies, and the ſecuring the liberty and quiet of Europe, Almighty God will protect your ſacred perſon in ſo righteous a cauſe; and that the unanimity, wealth, and courage of your ſubjects will carry your majeſty, with honour and ſucceſs, through all the difficulties of a juſt war. And in the laſt place, with great grief, we take leave humbly to repreſent to your majeſty, that the dangers to which your kingdoms and your allies have been expoſed, are chiefly owing to the fatal counſels, that prevented your majeſty's ſooner meeting your people in parliament."

To this the king returned the following anſwer.

My Lords,

"I thank you for all the expreſſions you make of your duty and zeal to my ſervice, and the concern you ſhew for the imminent danger, to which the States-General are at preſent expoſed. I ſhall take into conſideration your deſires to me, of entering into new meaſures with them and other princes and ſtates, for our common preſervation. And you may be ſure, it ſhall be always my care to make ſuch alliances with our neighbours, as may tend to our own and their greateſt ſecurity; which will be the moſt effectual means to raiſe the honour of the Engliſh nation, in our days, to the reputation it hath maintained in any former times."

The deſign of impeaching the former miniſtry was now beginning to be executed. The handle for bringing it about was given by the earl of Portland. When he was excuſing his own part in the partition treaty, he ſaid, That, having withdrawn himſelf from buſineſs, and being at his country-houſe in Holland, the king ſent for him, deſiring him to enter upon that negotiation. Upon this, he wrote to ſecretary Vernon, to aſk his advice, and the advice of his other friends, whether it was fit for him to meddle in that matter, ſince his being by birth a foreigner ſeemed a juſt excuſe for not engaging in an affair of ſuch conſequence. To this the ſecretary anſwered, that all his friends thought he was a very proper perſon to be employed in the treaty, ſince he had known the progreſs of all thoſe treaties, and the perſons who were employed on that occaſion; and he named the lord Sommers among thoſe who had adviſed this. The earl of Portland had miſtaken this circumſtance, which did not belong to the laſt partition treaty, but to that of the year before in favour of the electoral prince of Bavaria. The houſe of commons hearing of this, required ſecretary Vernon to lay before them that letter, with his anſwer to it; for the earl of Portland ſaid, that he had left all papers relating to that matter in Holland. The ſecretary ſaid, he had received no ſuch letter in the year 1699; but that led them to enquire farther, and they required him to lay before them all the letters he had, relating to both the treaties of partition. He anſwered, that thoſe were the king's ſecrets, writ in confidence by the perſons whom he employed. But as in ſuch a caſe a houſe of commons will not be put off, and a denial rather raiſes in them more earneſtneſs in following their point; it was replied, that the king had diſpenſed with the oath of ſecrecy, when he ordered all matters to be laid before them; and they would admit of no excuſe. The ſecretary upon this went to the king, and told him, ſince theſe were his ſecrets, he was ready to expoſe himſelf to the indignation of the houſe, and to refuſe to ſhew his letters. But the king anſwered, that his refuſing to do it would not only raiſe a ſtorm againſt himſelf, from which he could not protect him, but likewiſe occaſion an addreſs to the king, to order him to lay every thing before the houſe, which, in the ſtate that things were in then, he could not deny. The ſecretary, upon theſe orders given him at two different times, carried all the letters, and laid them before the houſe of commons. It appeared by theſe, that he had communicated the treaty to the king's miniſters, who were in town, about the end of Auguſt 1698: That lord Sommers being then at Tunbridge, he went to him; and that he had communicated the project both to the earl of Orford and lord Hallifax. Several objections were made by them to many parts of the treaty, which were mentioned in the ſecretary's letters; but, if better terms could not be had, they thought it was more eligible to conclude the treaty, than to leave the Spaniſh monarchy to be over-run by France, or to involve Europe in a new war. Lord Sommers had alſo put the great ſeal to blank powers for concluding this treaty. When all this was read, thoſe, who were ſet on to blow up the flame, moved the houſe to impeach ſome of the miniſters, who had been concerned in this tranſaction; yet in this they proceeded with ſo viſible a partiality, that though the earl of Jerſey had ſigned the treaty, and had been embaſſador in France, and ſecretary of ſtate, while the partition treaty was negociating; yet he, having joined himſelf to the new miniſtry, was not queſtioned about it. The party ſaid, that he had been too eaſily drawn into it, but that he was not in the ſecret, and had no ſhare in the councils that projected it.

On the firſt of April the houſe of commons reſolved, 'That William earl of Portland, by negociating and concluding the treaty of partition, (which was deſtructive to the trade of this kingdom, and dangerous to the peace of Europe) is guilty, and ſhall be impeached, of high crimes and miſdemeanors.' And they ordered ſir John Leviſon Gower to go up to the lords, and at their bar to impeach the earl, and to acquaint their lordſhips, that they will in due time exhibit particular articles againſt him. They then appointed a committee to draw up articles of impeachment[t]; and deſired a conference with the lords, at which the commons delivered this paper to the lords:

[t] The committee were as follow:

Mr. Finch,
Sir Chriſtopher Muſgrave,
Sir John-Leviſon Gower,
Col. Granville,
Sir Godfrey Copley,
Sir Thomas Powys,
Lord Mordaunt,
Sir Humphry Mackworth,
Sir Bartholomew Shower,
Mr. Howe,

'It appearing by your lordſhips journal, that your lordſhips have received information of ſome tranſactions between the earl of Portland and Mr. ſecretary Vernon relating to the partition of the Spaniſh monarchy; the commons, having the ſaid matter under their conſideration, deſire your lordſhips will be pleaſed to communicate to the commons what information your lordſhips have had of any tranſactions relating to any negotiations or treaties of partition of the Spaniſh monarchy, by letter or otherwiſe. And the commons are fully aſſured, that your lordſhips will readily concur in aſſiſting them in this inquiry, which they conceive abſolutely neceſſary for the ſafety and honour of this kingdom, and the preſervation of the peace of Europe.'

Upon this, the lords ordered to be delivered to the commons the two Latin commiſſions of powers granted to the earls of Portland and Jerſey, for negociating the treaties; one dated the 1ſt of July 1699, and the other on the ſecond of January 1700, with the paper of the earl of Portland's relating to his correſpondence with ſecretary Vernon about the firſt treaty.

But, though the earl of Portland was impeached firſt, the chief deſign was againſt the earl of Orford, and the lords Sommers and Hallifax. Their enemies tried again what uſe could be made of captain Kidd's buſineſs, who had been taken, and brought over. He was examined by the houſe of commons, but either he could not lay a probable ſtory together, or ſome remnants of honeſty, raiſed in him by the near proſpect of death, reſtrained him. He accuſed no perſon of having adviſed or encouraged his turning pirate. He had never talked alone with any of the lords, and never at all with lord Sommers. He ſaid, he had no orders from them, but to purſue his voyage againſt the pirates in Madagaſcar. All endeavours were uſed to perſuade him to accuſe the lords: He was aſſured, that, if he did it, he ſhould be preſerved; and, if he did it not, he ſhould certainly die for his piracy [n]; yet this could not prevail on him to charge them; ſo that he, with ſome of his crew, were hanged on the 23d of May 1701, there appearing not ſo much as a colour to faſten any imputation on thoſe lords. However, their enemies tried what uſe could be made of the grant of all that captain Kidd might recover from the pirates, which ſome bold and ignorant lawyers affirmed to be againſt law. This matter was therefore, for the fourth time, debated in the houſe of commons; and the behaviour of thoſe peers in it appeared ſo innocent, ſo legal, and, in truth, ſo meritorious, that it was again let fall. The inſiſting ſo much on it ſerved to convince all people, that the enemies of theſe lords wanted not inclinations, but only matter to charge them, ſince they made ſo much uſe of this. But ſo partial was a great part of the houſe, that the dropping this was carried only by a ſmall majority. When one deſign failed, another was ſet up.

It was pretended, that by Vernon's letters it was clearly proved, that the lord Sommers had conſented to the partition treaty; ſo a debate coming on in the houſe of commons concerning that, lord Sommers deſired he might be admitted to give an account of his ſhare in it. Some oppoſition was made to this, but, as it had been always granted, it could not be denied him. He had obtained the king's leave to tell every thing: So that, when he appeared before the houſe, he told them, the king had writ to him, that the ſtate of the king of Spain's health was deſperate; and that he ſaw no way to prevent a new war, but to accept of the propoſition, which the French made for a partition. That the king ſent him the ſcheme of this, and ordered him to communicate it to ſome others, and to give him both his opinion and theirs concerning it, and to ſend him over powers for a treaty, but in the moſt ſecret manner poſſible. Yet his majeſty added that, if he and his other miniſters thought that a treaty ought not to be made upon ſuch a project, then the whole matter muſt be let fall, for he could not bring the French to better terms. Lord Sommers upon this ſaid, that he thought it was the taking too much upon himſelf, if he ſhould have put a ſtop to a treaty of ſuch conſequence. If the king of Spain had died before it was finiſhed, and the blame had been caſt on him for nor ſending the neceſſary powers, becauſe he was not ordered to do it by a warrant in full form, he could not have juſtified that, ſince the king's letter was really a warrant, and therefore he thought he was bound to ſend the powers that were called for, which he had done. But at the ſame time he wrote his own opinion very fully to his majeſty, objecting to many particulars, if there was room for it, and propoſing ſeveral things, which, as he thought, were for the good and intereſt, of England. That ſoon after the powers were ſent over by him, the treaty was concluded, to which he put the great ſeal, as he thought he was bound to do; and that in this, as he was a privy councillor, he had offered the king his beſt advice, and, as he was a chancellor, he had executed his office according to his duty. That as for putting the ſeal to the powers, he had done it upon the king's letter, which was a real warrant, though not a formal one; that he had indeed deſired, that a warrant in due form might be ſent him for his own ſecurity; but he did not

Mr. Bridges,
Sir Edward Seymour,
Dr. Davenant,
Sir William Coryton,
Mr. Conyers,
Mr. Gwyn,
Mr. Bromley,
Mr. Harley,
Sir Joſeph Tredenham,
Sir Thomas Meers,
Mr. Brotherton,
Mr. Hammond,
Mr. St. John,
Mr. Bertie,
Mr. Dolben,
Mr. Attorney General,
Sir Rowland Gwyn,
Mr. Harcourt,
Mr. Winnington,
Mr. Scobel,
Mr. Paget,
Mr. Tredenham.

[n]. The author of the 'Full account of the proceedings, in relation to captain Kidd' publiſhed in 1701, and re-printed in the third volume of the 'State tracts, during the reign of king William,' has the following paſſage in his ſecond letter: 'Kidd was a fellow, whoſe actions did not only ſhew, that death muſt needs be terrible to him, but that he was not like to ſtick at any thing, upon the account of conſcience, to avoid it; and therefore, probably, would ſet himſelf to work, as ſoon as he ſaw his certain danger. This is not a mere conjecture, but it is proved by ſir Edward Seymour's ſo greedily laying hold of that information, which he made to the houſe, on Monday, March 31. viz. That he had a letter from Kidd, wherein he deſired to be brought up, having ſomething to ſay to the houſe. His manner of opening it, and the warmth with which it was ſeconded by a well-ſpoken gentleman, whoſe tongue, the earl of Bellamont ſays, in one of his letters, is as foul and corrupt as his breath, raiſed every one's expectations; and you may be ſure, Kidd was ſent for immediately. But, being come, and heard, the poor creature had nothing to ſay, which, in any ſort, anſwered the expectations of thoſe, who gave the information, or were ſo forward to ſend for him, and thereupon he was remanded. Sir Edward Seymour had ſuch indignation at his diſappointment, that he declared, The fellow was a fool, as well as a rogue; and that he would never credit what he ſhould ſay hereafter. To ſpeak the truth, it was no fault of that gentleman's that Kidd ſaid no more to the purpoſe. He watched his bringing up, and preſently got to him, alone, in the room where he was kept. Their converſation, through God's mercy, was quickly interrupted. Two worthy merchants, who heard that ſir Edward Seymour was alone with Kidd, had ſo much ſenſe of his behaviour throughout that whole matter, and ſo juſt an abhorrence of ſuch a practice, that they ruſhed immediately into the room, and put an end to the privacy. But, if there be a curioſity of knowing what paſſed in that little time it laſted, the miſtreſs of the tavern at Charing-Croſs, where Kidd ſtayed a little while, and he was carried back to Newgate that morning, and the keeper, who took care of him, and drank with him, are both alive, and can tell what Kidd naturally related of that ſhort conference, ſoon after it was over. I think I ought to tell you, how ſir Edward Seymour came to make this miſtake in procuring Kidd to be ſent for thus fruitleſsly, that you may the better ſee his zeal to make ſomewhat more than he could find. For though he told the houſe he had a letter from Kidd, that was but a mending the ſtory, to give the more expectation of what was to come, and therefore you will obſerve care was taken to omit any mention of a letter in the printed votes.' The fact was thus: 'When Kidd was brought up the firſt time, he became indebted to one Kiſtdale a coffee-man, near the houſe of commons, in ſeven or eight ſhillings. The coffee-man and his ſon went to him to Newgate, on the Sunday, to demand the debt; and, drinking together, Kiſtdale ſaid to Kidd, You are a fool to be hanged for any body, and you may certainly ſave yourlife, if you can ſay any thing againſt the lord Orford, and the lord Sommers. Kidd replied, I will hang for no body, and I am reſolved to ſpeak all I know. Kiſtdale and his ſon went immediately with this ſtory to ſir Edward Seymour, and upon that he founded the information he gave the houſe, which he called the receiving a letter; whether the coffee-man acted by order in talking ſo to Kidd, or whether he only gueſſed whether he ſhould be welcome with a bad ſtory, I know not. Sir Edward Seymour little knew himſelf, when he ſaid he would never credit Kidd again. He was ſo unwilling to let this matter end without more prejudice and reflection, on thoſe whoſe ruin he wiſhed, that ten days after, he and his good natured friend were engaged in bringing another yet more impertinent ſtory before the houſe. He informed them that Kidd, ſince his being in Newgate, had been in ſome other place beſides the houſe of commons; this occaſioned a new examination of all the keepers of Newgate. But there alſo followed a diſappointment, it proving to be a ridiculous as well as a falſe tale, and ended in the confuſion of thoſe whoſe malice and deſire to oppreſs innocence could never end. The ſtory is as follows: One Symmonds, who had been formerly an officer in the marine regiments, and lives now as he can, told ſir Edward Seymour and Mr. John Howe, that one Stockdale told him, that the firſt time Kidd was brought up to the houſe, as he was going back to Newgate, he was carried to the lord Hallifax's houſe in Weſtminſter. Stockdale ſaid, he ſaw him there, together with that lord and the lord Sommers; incredible ſtupidity and effrontery! My author proceeds, if you would know the quality of this Stockdale, he is a poor fellow that waits at an ale-houſe at Charing-Croſs, to be ſent on errands, but was brother to a maid ſervant in my lord Hallifax's family; by pretence of which, he uſed very often to get victuals there, and ſo knew the way into the houſe. Upon the examination of theſe two fellows, procured by Seymour and Howe, it appeared it was not poſſible the tale ſhould be true, becauſe all that day hundreds of people followed Kidd wherever he went, ſo that this interview muſt have been a very public one. If the gentlemen, who thought fit to give this notable information to the houſe of commons, had not been blinded with malice, they muſt have ſeen the folly of it. Was it probable that one of thoſe lords, who was wholly unconcerned in the buſineſs of Kidd, ſhould ſo unneceſſary deſire his company at his houſe on ſo remarkable a day? Or was it poſſible to believe, that the other of theſe lords, who certainly thought himſelf not a little fortunate, that Kidd upon his examinations had declared he had never ſeen him, would begin an acquaintance with him at that time? I have told you that this third enquiry vaniſhed into ſmoke; and I cannot forbear obſerving to you, that it ended without any cenſure or indignation expreſſed againſt thoſe who continued to act a part ſo ſhamefully malicious.'

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think it became him to endanger the public, only for want of a point of form, in ſo critical a time, wherein great diſpatch was requiſite. Having finiſhed what he had to ſay, the ſpeaker aſked him the queſtion, which had been reſolved before his admiſſion, 'Who had informed him, that there was a debate in the houſe about him?' To which he anſwered, 'That he was ſtrangely ſurprized at a queſtion, that he never knew was put to any man, that came to deſire the favour of being heard; and that, if that queſtion was aſked to bring the leaſt prejudice to any man in England, ho would not only be content to lie under the cenſure of the houſe, but ſuffer the worſt thing that might befall him upon earth, rather than do adiſhoneſt thing.' He then withdrew, but came back immedately, and deſired to leave with the houſe the king's letter to him, and the copy of his anſwer; which, he acquainted the houſe, he had leave to lay before them. His defence of himſelf was ſo full and clear, that it was believed, if, upon his withdrawing, the queſtion had been quickly put, the whole matter had been ſoon at an end, and the proſecution let fall. But his enemies drew out the debate to ſuch a length, that the impreſſion which hisſpeech had made was much worn out; and, the houſe ſitting till it was paſt midnight, they at laſt carried this reſolution by a majority of ſeven or eight, 'That John lord Sommers, by adviſing his majeſty, in the year 1698, to the treaty of partition of the Spaniſh monarchy, whereby large territories of the king of Spain's dominions were to be delivered up to France, is guilty of a high crime and miſdemeanor.' And the houſe ordered Mr. Simon Harcourt to go up to the lords, and impeach him. Immediately after they reſolved, 'That Edward earl of Orford, and Charles lord Hallifax, be, for the ſame reaſons, impeached of high crimes and miſdemeanors.' Accordingly, the general impeachment was brought up the next day againſt all three, to the bar of the houſe of lords.

The commons were very ſenſible, that thoſe impeachments muſt come to nothing, and that they had not a majority in the houſe of lords to judge in them as they ſhould direct. They reſolved therefore on a ſhorter way, to fix a ſevere cenſure on the lords, whom they had thus impeached. They voted an addreſs to the king, for removing them from his council and preſence for ever; which was preſented by the houſe, on the 23d of April in theſe terms.

Moſt gracious Sovereign,

"WE your majeſty's, moſt dutiful and loyal ſubjects, the commons in parliament aſſembled, do humbly crave leave to repreſent to your majeſty the great ſatisfaction we have from our late inquiry concerning the treaty of partition, made in the year 1698, (on which the treaty of 1699 was founded) to ſee your majeſty's great care of your people and this nation, in not entering into that negotiation without the advice of your Engliſh counſellors: And finding, that John lord Sommers, on whoſe judgment your majeſty did chiefly rely in that ſo important affair, did, in concert with Edward earl of Orford, and Charles lord Hallifax, adviſe your majeſty to enter into that treaty, of ſo dangerous conſequence to the trade and welfare of this nation; and who, to avoid the cenſure, which might juſtly be apprehended to fall on thoſe who adviſed the ſame, endeavoured to inſinuate that your majeſty, without the advice of your council, entered into that treaty, and under your ſacred name to ſeek protection for what themſelves had ſo adviſed; of which treatment of your majeſty, we cannot but have a juſt reſentment. And, that they may be no longer able to deceive your majeſty, and abuſe your people, we do humbly beſeech your majeſty, that you will be pleaſed to remove John lord Sommers, Edward earl of Orford, and Charles lord Hallifax, from your council and preſence for ever; as alſo William earl of Portland, who tranſacted theſe treaties, ſo unjuſt in their own nature, and ſo fatal in their conſequences to this nation and the peace of Europe. And we humbly crave leave, upon this occaſion, to repeat our aſſurances to your majeſty, that we will always ſtand by and ſupport your majeſty, to the utmoſt of our power, againſt all your enemies both at home and abroad."

To this addreſs the king returned this anſwer:

"I am willing to take all occaſions of thanking you very heartily for the aſſurances you have frequently given me, and now repeat, of ſtanding by and ſupporting me againſt all our enemies both at home and abroad; towards which nothing, in my opinion, can contribute ſo much, as a good correſpondence between me and my people. And therefore you may depend upon it, that I will employ none in my ſervice, but ſuch as ſhall be thought moſt likely to improve that mutual truſt and confidence between us, which is ſo neceſſary in this conjuncture, both for our own ſecurity, and the defence and the preſervation of our allies."

Such an addreſs had never gone along with an impeachment before. The houſe of commons had indeed begun ſuch a practice in king Charles the ſecond's time. When they diſliked a miniſter, but had not matter to ground an impeachment on, they had taken this method of making an addreſs againſt him; but it was a new attempt to come with an addreſs after an impeachment. This was puniſhing before trial, contrary to an indiſpenſible rule of juſtice, of not judging before the parties were heard. The houſe of lords ſaw, that this made their judicature ridiculous, when, in the firſt inſtance of an accuſation, application was made to the king for a cenſure, and a very ſevere one, ſince few miſdemeanors could deſerve a harder ſentence. Upon theſe grounds the lords prevented the commons, and ſent ſome of their body to the king with this counter-addreſs:

"WE your majeſty's moſt loyal and dutiful ſubjects, the lords ſpiritual and temporal in parliament aſſembled, beg leave to repreſent to your majeſty, that the houſe of commons have ſeverally impeached, and at the bar of our houſe, William earl of Portland, John lord Sommers, Edward earl of Orford, and Charles lord Hallifax, of high crimes and miſdemeanors.—We do moſt humbly beſeech your majeſty, that your majeſty will be pleaſed not to paſs any cenſure upon them, until they are tried upon the impeachments, and judgment be given according to the uſage of parliament, and the laws of the land."

The king made no other anſwer to this addreſs, than by letting the names of the impeached lords continue ſtill in the council-books, contrary to the addreſs of the commons. As this ſeemed to be a refuſing to grant what they had deſired, though it was but a piece of common juſtice, it was complained of, and it was ſaid, that theſe lords had ſtill great credit with the king. The commons had, for form ſake, ordered a committee to prepare articles of impeachment, but they intended to let the matter lie dormant, thinking that what they had done already, had ſo marked thoſe lords, that the king could not employ them any more; for that was the chief thing they aimed at.

Accordingly, the impeachments lay long neglected in the houſe of commons, and probably would have been dropped, if the lords concerned had not moved for a trial. On their motion, on the 5th of May, a month and five days after the impeachment of the earl of Portland, and twenty-one days after that of the other three lords, the houſe of lords, to quicken the proceedings of the commons, ſent them a meſſage to put them in mind, that, as yet no particular articles had been exhibited againſt the impeached lords; which, after impeachments had been ſo long depending, was due in juſtice to the perſons concerned, and agreeable to the methods of parliament in ſuch caſes. Upon this articles were framed againſt the earl of Orford, and, on the 9th of May, were ſent up to the lords by colonel Bierly, who, by order of the commons, demanded that the earl ſhould give ſecurity to abide the judgment of the houſe of lords; but, after inſpecting the journals, the commons were told that there was no precedent of giving any ſuch ſecurity upon an impeachment of high crimes and miſdemeanors.

In the articles, the earl was charged for taking great grants from the king; Kidd's buſineſs was objected to him; he was alſo charged for abuſes in managing the fleet, and victualling it, when it lay on the coaſt of Spain, and for ſome orders he had given, during his command; and in concluſion, for his adviſing the partition treaty. And, in ſetting this out, the commons urged, that the king, by the alliance made with the emperor in the year 1689, was bound to maintain his ſucceſſion to the crown of Spain, which they ſaid was ſtill in force; ſo the partition treaty was a breach of faith, contrary to that alliance; and this paſt current in the houſe of commons, without any debate or enquiry into it; for every thing was acceptable there, that loaded that treaty, and theſe lords: But they did not conſider, that by this they declared, they thought the king was bound to maintain the emperor's right to that ſucceſſion; yet this was not intended by thoſe, who managed the party, who had not hitherto given any countenance

nance to the emperor's pretenſions: So apt are parties to make uſe of any thing, that may ſerve a turn, without conſidering the conſequences of it.

The earl of Orford put in his anſwer in four days; he ſaid he had no grant of the king, but a reverſion at a great diſtance, and a gift of ten thouſand pounds, after he had defeated the French at la Hogue, which he thought he might lawfully accept of, as all others before him had done: He opened Kidd's matter, in which he had acted legally, with good intentions to the public, and to his own loſs: His accounts, while he commanded the fleet, had been all examined and were paſt; but he was ready to wave that, and to juſtify himſelf in every particular, and he denied his having given any advice about the partition treaty; this was immediately ſent down to the commons; but they let it lie before them, without coming to a replication, which is only a piece of form, by which they undertake to make good their charge [w].

On the 19th of May, after another quickening meſſage from the lords, articles of impeachment were next ſent up to the peers againſt the lord Sommers, by Mr. Harcourt, and the demand for giving ſecurity to abide by their lordſhips judgment was repeated.

In theſe articles the two partition treaties were copiouſly ſet forth, and it was laid down for a foundation, that the king was bound to maintain the emperor's right of ſucceſſion to the crown of Spain; lord Sommers was charged, for ſetting the ſeals, firſt to the powers, and then to the treaties themſelves; he was alſo charged, for accepting ſome grants, and the manner of taking them was repreſented as fraudulent, he ſeeming to buy them of the king, and then getting himſelf diſcharged of the price contracted for; Kidd's buſineſs was alſo mentioned, and dilatory and partial proceedings in Chancery were objected to him. He put in his anſwer in a very few days: In the partition treaty, he ſaid, he had offered the king very faithful advice, as a councillor, and had acted according to the duty of his poſt, as chancellor; ſo he had nothing more to anſwer for: As for his grants, the king deſigned him a grant to ſuch a value; the king was not deceived in the value; the manner of paſſing it, was according to the uſual methods of the treaſury, in order to make a grant ſure, and out of the danger of being avoided. Kidd's buſineſs was opened, as was formerly ſet forth; and as to the court of Chancery, he had applied himſelf wholly to the diſpatch of buſineſs in it, with little regard to his own health or quiet, and had acted according to the beſt of his judgment, without fear or favour [x].

A copy of the lord Sommers's anſwer was, with great diſpatch, ſent down to the commons, and upon that they were at a full ſtand. At the motion of the earl of Orford, the lords, four days before, had alſo acquainted them, that the houſe had been deſired by the earl, that a day might be appointed for his ſpeedy trial; but, finding no iſſue joined by replication of the houſe of commons, they thought fit to give them notice of it. The ſame day they likewiſe put the commons in mind of the articles againſt the earl of Portland and lord Hallifax, and that the delay was not only a hardſhip to the perſons concerned, but very unuſual. Notwithſtanding theſe meſſages, the replication to the earl of Orford's anſwer, though framed and ingroſſed, was never ſent up to the lords; and no articles were drawn againſt the earl of Portland, which was repreſented to the king as an expreſſion of their reſpect to him. Nor was it till the 14th of June, that the articles againſt lord Hallifax were ſent up to the lords by Mr. Bruges, which ſhall be mentioned here to end this matter at once. The commons charged him for a grant that he had in Ireland, and that he had not paid in the produce of it, as the act concerning thoſe grants had enacted: They charged him for another grant, out of the foreſt of Dean, to the waſte of the timber, and prejudice of the navy of England: They charged him, for holding places that were incompatible, being at the ſame time both a commiſſioner of the treaſury, and auditor of the exchequer; and, in concluſion, he was charged for adviſing

[w] If the reader deſires a larger account of the articles and anſwer, it is as follows:

I. That in a long and expenſive war the earl had procured from his majeſty grants of ſeveral manors, meſſuages, &c. as alſo exorbitant ſums of money:

To which the earl anſwered, "That, he having for ſeveral years rendered to the king his utmoſt ſervice and duty, as a good and loyal ſubject, his majeſty was graciouſly pleaſed, upon ſeveral occaſions, to take notice of the ſame, and out of his wonted bounty was pleaſed to give him two grants, one a reverſionary grant for years of ſome houſes; the other a grant of the remainder of a groſs ſum amounting to about two thouſand pounds a year for five years."

II. That in breach of the truſt repoſed in him, whilſt he was commander in chief of the navy in or near the Streights of Gibraltar, he did receive great ſums of the public money, which he converted to his own private uſe, and unlawfully procured a privy-ſeal to diſcharge him from accounting to the public for the ſame. To which he anſwered, by denying the facts, and ſaying, "That he did make up, and upon oath paſs his accounts for the monies impreſſed to him, and hath his 'quietus eſt' in due courſe of law upon the ſame."

III. That he received from the king of Spain and others conſiderable ſums of money, and great quantities of wine, oil, and other proviſions for the fleet, for which he ought to have accounted; but that he converted the ſame to his own uſe; and, for ſecuring himſelf from rendering any account, he poſſeſſed divers great offices, inconſiſtent, and deſigned as checks one upon the other. To which the earl anſwered. "That whatever he received from the king of Spain, or any others, for the fleet, was duly delivered and diſtributed amongſt the officers and ſeamen; and he denied, that he enjoyed any offices inconſiſtent, or which ought to be checks one upon the other."

IV. That he hath clandeſtinely, contrary to the law of nations, ſold ſeveral veſſels taken under pretence of prize, without condemnation, and converted the money to his own uſe. To which he anſwered by denying the fact, and ſaying, "That he did from time to time give orders, that the prizes taken ſhould be carefully preſerved without embezzlement, and duly proceeded againſt, and the product anſwered as the law directs."

V. That he, preſiding in the commiſſion for executing the office of lord high admiral of England, had diſcouraged and rejected the requeſt and propoſal of the Eaſt-India company for ſuppreſſing piracies in the South Seas: and had procured a commiſſion for one William Kidd, who had committed divers piracies and depredations on the high ſeas, being thereto encouraged through the hopes of being protected by the high ſtation and intereſt of the ſaid earl. To which he anſwered, "That he did never diſcourage or reject the company's requeſt, unleſs it were by telling them, that the admiralty by law could not grant the ſame: And as to the matter of Kidd, his commiſſion was according to law, and his expedition intended for the public good and ſervice; and, if he had committed any piracies, he is anſwerable for the ſame, he never being ordered or encouraged by the ſaid earl ſo to do."

VI. That, while the kingdom was under an apprehenſion of an immediate invaſion from France, he, preferring his hopes of gain to himſelf, to the ſafety of the public, did order captain Steward, commander of the Ducheſs, to put on board captain Kidd a great number of able ſeamen, to the prejudice of the public ſecurity, and to the endangering the Ducheſs, if ſhe had been attacked by the enemy, to which he anſwered "That the men taken from on board the Ducheſs were but ſome of the very perſons, that were juſt before taken from on board of captain Kidd, and returned by their own conſent again, not being above twenty in number, and that when all fears of an invaſion were over."

VII. That, during the war, he did by miſrepreſentations procure an order for his majeſty's ſhip the Dolphin, to be employed in a private voyage for the advantage of himſelf and others concerned with him. To which he anſwered, "That what was done therein, was done after the peace was concluded, and by his majeſty's command, at the inſtance and requeſt of other perſons, contrary to his opinion."

VIII. That, during the time of his commanding the navy, he did, thro' neglect, and in contempt of orders, unneceſſarily hazard and expoſe the fleet, and loſe the opportunities of taking or deſtroying the French ſhips, and ſuffer them to return ſafe into their own harbours. To which he anſwered, "That he is not guilty of any neglect or omiſſion of his duty herein, nor did expect in this particular to be charged therewith, conſidering his faithful ſervices rendered againſt the French fleet."

IX. That he did in concert with other falſe and evil councillors, adviſe the king in the year 1698, to enter into one treaty for dividing the monarchy and dominions of Spain; in purſuance whereof, in 1699, another treaty was entered into for the like purpoſe; Both which treaties were prejudicial to the intereſt of the proteſtant religion all over Europe, ruinous to the trade of England, and diſhonourable to the king and the nation. To which he anſwered, "That he does deny, that he did adviſe his majeſty to enter into the treaty of partition; and, ſo far as he was any ways acquainted therewith, he objected to and gave his opinion againſt the ſame." Pr. H. C. III. 147.

[x] The following extract gives a larger account of this affair:

I. That John lord Sommers, well knowing the moſt apparent ill conſequences, as well as the injuſtice of the partition of the Spaniſh monarchy, did adviſe his majeſty to enter into a treaty for it, and did ſo far encourage and promote the ſame, that the ſaid treaty was concluded and ratified in 1698, under the great ſeal of England, then in cuſtody of the ſaid lord Sommers. To which his lordſhip anſwered, by a full and plain account of all the ſteps of that treaty, referring himſelf to the letters on that ſubject between the king and him, "wherein, as he conceived, he had fully and faithfully diſcharged his truſt, and the duty incumbent on him."

II. That, for the more effectual carrying on the ſaid treaty, commiſſions were prepared, amended, enlarged, or altered, by the lord Sommers, without any lawful warrant for his ſo doing, whereunto, without communicating the ſame to the reſt of the then lords juſtices of England, or adviſing with the privy council, he did preſume to affix the great ſeal of England, with a blank for commiſſioners names, to be afterwards inſerted.

III. That, having affixed the great ſeal without lawful warrant, in hopes of concealing that evil and moſt dangerous practice, after he had ſettled the ſaid commiſſions, he uſed his endeavour to procure a warrant to be tranſmitted to him for affixing the great ſeal, that it might not be known, but that he had it in due time. To which ſecond and third articles he anſwered, 'That having received his majeſty's expreſs commands to ſend his majeſty full powers under the great ſeal, for negotiating the ſaid treaty, with blanks for his majeſty's commiſſioners names, he thought it ſufficient warrant for him ſo to do. And that he did afterwards deſire his majeſty, that a particular warrant for ſigning the ſaid commiſſion might be ſigned and returned; not that he doubted his majeſty's ſaid letter to be a ſufficient warrant, but for that ſuch warrant would be more proper to be produced, if occaſion ſhould require.'

IV. That, contrary to the duty, he affixed the great ſeal of England to the ratification of the ſaid treaty in 1698, not having communicated the ſame to the reſt of the three lords juſtices, or adviſed with the privy council, leaving one entire blank ſheet, and many other blanks in the ſaid ratification, with an intent to be afterwards filled up by other perſons beyond the ſeas. To which he anſwered, 'That, Mr. ſecretary Vernon having prepared, by his majeſty's commands, the inſtruments for ratification, with blanks therein, he did affix the

the two partition treaties. He was as quick with his anſwer as the other lords had been: He ſaid, his grant in Ireland was of ſome debts and ſums of money, and ſo was not thought to be within the act, concerning confiſcated eſtates; all he had ever received of it was four hundred pounds; if he was bound to repay it, he was liable to an action for it; but every man was not to be impeached, who did not pay his debts, at the day of payment. His grant in the foreſt of Dean was only of the weedings; ſo it could be no waſte of timber, nor a prejudice to the navy; the auditor's place was held by another, till he obtained the king's leave to withdraw from the treaſury; as for the firſt partition treaty, he never once ſaw it, nor was he ever adviſed with in it; as for the ſecond, he gave his advice very freely about it, at the ſingle time, in which he had ever heard any thing concerning it; this was ſent down to the commons, but was never ſo much as once read by them [z].

As it would be too tedious to relate the meſſages from the lords to the commons, preſſing the trials of the impeached lords, and the anſwers of the commons evading it on account of formalities, the ſubſtance of the whole, from biſhop Burnet and others, is inſerted as follows.

the great ſeal, which he conceives and is adviſed he might lawfully do, not communicating the ſame, becauſe he had his majeſty's command, that the ſaid treaty ſhould be kept ſecret.'

V. That, in the year 1699, another treaty of partition was concluded and ratified under the great ſeal, then in the cuſtody of the ſaid lord Sommers, evidently deſtructive to the trade of this realm, diſhonourable to his majeſty, highly injurious to the intereſt of the proteſtant religion, and manifeſtly tending to diſturb the general peace of Europe, by altering the balance of power therein, and ſtrengthening France againſt the good friends and allies of our ſovereign lord the king. To which he anſwered, 'That he had not any knowledge of the ſaid treaty, or any tranſaction in order thereunto, ſave only that a draught of the ſaid treaty was read over in the preſence of divers lords of the privy council (whereof he was one) to which draught he, as well as others then preſent, did make ſeveral objections; but they were afterwards informed by his majeſty's plenipotentiaries for tranſacting the ſaid treaty, who were then alſo preſent, that the ſaid treaty was ſo far perfected, that nothing could then be altered therein; and his majeſty afterwards, by his warrant, requiring the ratifying of the ſaid treaty under the great ſeal, he did affix the great ſeal to ſuch ratification, being as he conceives, obliged ſo to do.'

VI. That whereas, by the laws and uſages of this realm, all commiſſions under the great ſeal, for the making any treaty or alliance, ought to be inrolled and entered on record in the court of chancery, he, the ſaid lord Sommers, not minding the duty of his office, did not in any manner inroll or enter on record any of the ſaid commiſſions or ratifications. To which he anſwered, 'That he conceives it was not incumbent upon him as lord chancellor, to ſee the commiſſions or ratifications inrolled, the ſame being prepared and brought to the great ſeal, by the ſecretaries of ſtate, ready ingroſſed, and when ſealed, taken away by them, and the original treaties remaining in their cuſtody: But the care of inrolling the ſame, if neceſſary, (doth as he conceives) belong to the prothonotary of the court of chancery.'

VII. That the ſaid lord Sommers, contrary to his oath as lord chancellor of England, did paſs many great, unreaſonable, and exorbitant grants, under the great ſeal, of divers manors, lordſhips, and lands, &c. belonging to the crown of England; and did adviſe, promote, and procure divers like grants of the late forfeited eſtates in Ireland, in contempt of the advice of the commons of England. To which he anſwered, 'That he doth acknowledge he did paſs ſeveral grants to divers perſons of ſeveral lands, tenements, and hereditaments belonging to his majeſty in right of the crown of England; but that, before any of them came to the great ſeal, the ſame were regularly paſſed through the proper offices, and brought with ſufficient warrants for the great ſeal; and he believes more conſiderable grants have paſſed in the like number of years in moſt of his predeceſſors times; and conceives, and is adviſed, that, being required by his majeſty, by warrant, to paſs the ſame, he ought ſo to do; and denies that he did ever adviſe, promote, or procure any grant to be made to any perſon whatſoever, of any forfeited eſtate in Ireland, or did procure any act or bill prepared for confirming any ſuch grant in the parliament of Ireland, to be approved of in the privy council in England; and ſaith, that what bills of this nature were remitted under the great ſeal of England, to be paſſed into laws in Ireland, the ſame were firſt approved and paſſed in the privy council in England, according to the uſual form in ſuch caſes; and, being ſo approved, were by order of council, ſent to the ſaid lord Sommers, who was by the ſaid order required to affix the great ſeal thereto.'

VIII. That he did not only receive and enjoy the fees, profits, and perquiſites belonging to the great ſeal, but had received an annual penſion from the crown of 4000l. and had further begged and procured for his own benefit many great, unreaſonable, and exorbitant grants of revenues belonging to the crown of England. To which he anſwered, 'That the annual penſion or allowance of 4000l. had been allowed to ſeveral of his predeceſſors; but he denied, that he did ever beg or uſe any means to procure any grant whatſoever for his own benefit; but that what his majeſty was pleaſed to give him, proceeded from his majeſty's own motion, and of his mere bounty, and as his majeſty was pleaſed to declare upon that occaſion, as an evidence of the gracious acceptation of the ſaid lord Sommers's zealous endeavours for his ſervice.'

IX. That, in order to procure a grant of fee-farm rents, he did enter into ſeveral treaties, and had many communications with the auditor of the rates, and with the clerk of the truſtees for ſale of the ſaid rents, and contracted and agreed with them, as a reward for their diſcovery, one full fourth part of all ſuch rents ſo diſcovered.

X. That, notwithſtanding the ſaid pretended contracts, there was not any ſum of money really paid, but the contracts and payments were colourably and fraudulently contrived in deceit of his majeſty, and eluſion of the acts of parliament. To which ninth and tenth articles he anſwered, 'That after his majeſty had given directions to the lords of the treaſury for granting fee-farm rents to the benefit of him and his heirs; his majeſty's intended bounty would have been loſt, without information could be gained of ſuch particular rents; and therefore application was made to the ſaid auditor and clerk, as the moſt likely to give information therein; but they refuſed to give any account of ſuch rents, unleſs they might have near a fourth part for ſo doing; which the ſaid lord Sommers did, as he conceives he lawfully might, comply with. And there was not any ſum of money paid, as the conſideration of the grants of the ſaid rents, but the contracts were made, and the payment diſcharged, without any deceit of his majeſty, or eluſion of the acts of parliament.'

XI. That many rents ſtanding in charge for payment of penſions, ſtipends, ſalaries, annuities, alms, and allowances for ſchools, churches, bridges, &c. and many quit-rents of manors united and annexed to the caſtle of Windſor, for ſupport of the ſame, and maintenance of the officers, ſervants, and attendants in the ſaid caſtle, were conveyed by the ſaid truſtees, through the direction and power of the ſaid lord Sommers, contrary to the true intent and meaning of the ſaid acts of parliament, to the great vexation and oppreſſion of many of his majeſty's good ſubjects, and creating many new and unreaſonable charges on the other revenues of the crown. To which he anſwered, 'That ſome things might be inſerted by miſtaken informations, and not out of any deſign; but he denied, that as to his knowledge, or belief, any of the ſaid rents were ever united or annexed to the caſtle of Windſor, for any purpoſe whatſoever; or that any oppreſſion or vexation hath happened; and little or no new charge to the crown.'

XII. That by the direction of the ſaid lord Sommers, the perſons in whoſe names the purchaſes were made, did ſurrender ſeveral of the ſaid rents to them granted, amounting to the yearly value of 347 l. 11 s. 5 d. on ſuggeſtion of wrong conveyance, and procured other rents of the yearly value of 391 l. 0 s. 3 h. to be allowed by way of reprize, as if the ſaid rents ſo ſurrendered had been really and bonâ fide purchaſed. To which he anſwered, 'That the truſtees for ſale of the fee-farm-rents, by warrant of the commiſſioners of the Treaſury, did grant divers other rents, amounting to 391 l. 0 s. 3 h. in lieu and reprize of the 347 l. 11 s. 5 d. having appeared to be granted before, or not grantable by the ſaid truſtees, or not leviable on ſurrenders of ſuch rents, which he conceives might be and was lawfully done.'

XIII. That in the year 1695 the ſaid lord Sommers, being then lord keeper, procured a commiſſion to be granted to one William Kidd, a perſon of evil fame and reputation, and ſince that time convicted of piracy; and in a grant from his majeſty of ſhips, veſſels, and goods, to be taken by the ſaid William Kidd, unto Richard earl of Bellamont, Edmund Harriſon, merchant, Samuel Newton, gentleman, and others, the name of the ſaid Samuel Newton was uſed in truſt, and for the only benefit and advantage of the ſaid lord Sommers. To which he anſwered, 'That the ſaid William Kidd, had from his majeſty a commiſſion for preventing the piracy of others, and to apprehend certain pirates, and bring them to a legal trial; the granting of which commiſſion was then apprehended to be neceſſary for the preſervation of trade and navigation. He does admit, that there was a grant to the earl of Bellamont, Edmund Harriſon, Samuel Newton, and others, and that Samuel Newton was named by, and in truſt for, the ſaid lord Sommers, of ſhips and goods taken by the ſaid William Kidd, with account to be duly made to the uſe of his majeſty of a clear tenth part, whereby the public might have received benefit, had the ſaid Kidd faithfully diſcharged the truſt; which he failing to do, the owners of the ſaid ſhip have loſt all their expences, and had not received any benefit of his majeſty's ſaid grant.'

XIV. That the ſaid lord Sommers, to the great oppreſſion of the ſubject, and contrary to Magna Charta, and divers good ſtatutes of this realm, and in manifeſt breach and violation of his oath, as lord high chancellor of England, hath, in ſeveral cauſes depending before him, by many extraordinary methods and unwarrantable practices for ſeveral years, delayed proceedings in the ſaid cauſes; and by colour of his office hath made divers arbitrary and illegal orders, in ſubverſion of the laws and ſtatutes of this realm, and hath, of his own authority, reverſed judgments given in the court of Exchequer, and without calling before him the barons of the Exchequer, to hear their informations, and the cauſes of their judgments, as the ſtatutes in thoſe caſes expreſsly direct; aſſuming thereby to himſelf an arbitrary and illegal power; and hath declared and affirmed in public places of judicature, that particular ſubjects might have rights and intereſts, without any remedy for recovery of the ſame, unleſs by petition to the perſon of the king only, or to that effect: Which poſition was highly dangerous to the legal conſtitution of this kingdom, and abſolutely deſtructive to the property of the ſubject. To which he anſwered, 'That he did not delay any proceeding in any cauſe or cauſes depending before him, as chancellor of England, longer or otherwiſe than as the circumſtances and juſtice of each cauſe required, but did, to the very manifeſt impairing of his health, conſtantly apply himſelf to the diſpatch of the cauſes depending before him; and he denied, that he ever did make, by colour of his office, any arbitrary or illegal order, to the ſubverſion of any law or ſtatute of this realm, or did ever aſſume to himſelf any judgment given in the court of Exchequer, otherwiſe than as is warranted and allowed by the law, and in the preſence of the barons of the court of Exchequer, who were always preſent in the court of Exchequer chamber, when their judgments were examined, as the ſtatute in ſuch caſe directs; nor did ever deliver in any court of judicature, or other place whatſoever, any poſition whatſoever dangerous to the legal conſtitution of the kingdom, or deſtructive to the property of the ſubject.' Pr. H. C. III. 150.

[z] The articles againſt the lord Halliſax, and his anſwers more at large, were as follow:

I. That whereas it was the continued ſenſe of the commons of England, that it was highly reaſonable, that the forfeited eſtates of rebels and traitors in Ireland ſhould be applied in eaſe of his majeſty's faithful ſubjects of the kingdom of England, the ſaid lord Halliſax preſumed to adviſe, paſs, or direct the paſſing a grant to Thomas Railton, Eſq. in truſt for himſelf, of ſeveral debts, intereſts, &c. amounting to 13,000l. or thereabouts, accruing to his majeſty, from attainders, outlawries, or other forfeitures, in Ireland. To which he anſwered, 'That he did accept the ſaid grant, as it was lawful for him to do, without breach of his duty, and the truſt repoſed in him; which grant hath ſince been taken away by act of parliament; and he hath not made clear thereof, as yet, above 400l.'

II. That he has not repaid into the receipt of his majeſty's exchequer, in Ireland, the ſum of 1000l. which he had actually received to his own uſe, out of the profits of the forementioned grant, which he ought to have ſo repaid, by virtue of the 'act for granting an aid to his majeſty, by ſale of the forfeited eſtates in Ireland.' To which he anſwered, 'That he gave direction, after the ſaid act paſſed, to his agents in Ireland, to do, in relation to the money received, as ſhould be adviſed by counſel there; by whom his agents were adviſed, that the ſaid monies, being received out of the mean profits which were remitted by that act, were not within the firſt mentioned clauſe in the ſaid act.'

III. That, in the time of a tedious and expenſive war, he did adviſe, procure, and aſſent, not only to the paſſing of divers grants to others, but did obtain and accept of ſeveral beneficial ones for himſelf; which practices were a moſt notorious abuſe of his majeſty's goodneſs, &c. To which he anſwered, 'That he ſerved his majeſty faithfully in his ſtations, and his majeſty graciouſly accepted of his ſervice; and, as a mark of his royal favour, did

The lords had reſolved to begin with the trial of the earl of Orford; becauſe the articles againſt him were the firſt that were brought up; and, ſince the commons made no replication, the lords, according to clear precedents, named a day for his trial, and gave notice of it to the houſe of commons: Upon this, the commons moved the lords, to agree to name a committee of both houſes for ſettling the preliminaries of the trial, and they named two preliminaries; one was, that the lord, who was to be tried, ſhould not ſit as a peer; the other was, that thoſe lords, who were impeached for the ſame matter, might not vote in the trial of one another: They alſo acquainted the lords, that the courſe of their evidence led them to begin with the lord Sommers. The lords judged their laſt demand reaſonable, and agreed to it; but diſagreed to the other. They conſidered themſelves as a court of juſtice, and, how great ſoever the regard due to the houſe of commons might be, in all other reſpects, yet in matters of juſtice, where they were the accuſers, they could only be conſidered as parties. The king, when he had a ſuit with a ſubject, ſubmitted to the equality of juſtice; ſo the commons ought to pretend to no advantage over a ſingle perſon, in a trial; a court of juſtice ought to hear the demands of both parties pleaded fairly, and then to judge impartially; a committee named by one of the parties, to ſit in an equality with the judges, and to ſettle matters relating to the trial, was a thing practiſed in no court or nation, and ſeemed contrary to the principles of law, or rules of juſtice: By theſe means, they could at leaſt delay trials, as long as they pleaſed, and all delays of juſtice are real and great injuſtices. This had never been demanded but once, in the caſe of the popiſh plot; then it was often refuſed; it is true, it was at laſt yielded to by the lords, though with great oppoſition; that was a caſe of treaſon, in which the king's life and the ſafety of the nation was concerned; there was then a great jealouſy of the court, and of the lords that belonged to it; and the nation was in ſo great a ferment, that the lords might at that time yield to ſuch a motion, though it derogated from their judicature: That ought not to be ſet up for a precedent for a quiet time, and in a caſe pretended to be no more than a miſdemeanour; ſo the lords reſolved not to admit of this, but to hear whatſoever ſhould be propoſed by the commons, and to give them all juſt and reaſonable ſatisfaction in it. The chief point in queſtion in the year 1679, was, how far the biſhops might ſit and vote in trials of treaſon; but, without all diſpute, they were to vote in trials for miſdemeanours; it was alſo ſettled in the caſe of the lord Mordaunt, that a lord tried for a miſdemeanour was to ſit within the bar; in all other courts, men tried for ſuch offences came within the bar; this was ſtronger in the caſe of a peer, who by his patent had a ſeat in that houſe, from which nothing but a judgment of the houſe, for ſome offence, could remove him: They indeed found that, in king James the firſt's time, the earl of Middleſex, being accuſed of miſdemeanors, was brought to the bar; but, as that proſecution was violent, ſo there had been no latter precedent of that kind, to govern proceedings by it: There had been many ſince that time, and it had been ſettled, as a rule for future times, that peers tried for ſuch offences were to ſit within the bar. The other preliminary was, that peers, accuſed for the ſame offence, might not vote in the trials of others: The lords found that a right of voting was ſo inherent in every peer in all cauſes, except where himſelf was a party, that it could not be taken from him, but by a ſentence of the houſe; a vote of the houſe could not deprive him of it; otherwiſe a majority might upon any pretence deny ſome peers their right of voting, and the commons, by impeaching many peers at once, for the ſame offence, might exclude as many lords as they pleaſed from judging: It was alſo obſerved, that a man might be a judge in any cauſe, in which he might be a witneſs; and it was a common practice to bring perſons, charged with the ſame offence, if they were not in the ſame indictment, to witneſs the facts, with which they themſelves were charged, in another indictment. And a parity of reaſon appeared in the caſe of lords, who were charged in different impeachments, for the ſame facts, that they might be judges in one another's trials. In concluſion therefore the lords, on the 12th of June, came to the following reſolutions, which were ſent down to the commons.

1. That no lord of parliament impeached for high crimes and miſdemeanours, and coming to his trial, ſhall upon his trial, be without the bar.

2. That no lord of parliament, impeached of high crimes and miſdemeanors, can be precluded from voting on any occaſion, except in his own trial.

Upon theſe points many meſſages paſſed between the two houſes with ſo much precipitation, that it was not eaſy to diſtinguiſh between the anſwers and replies. The commons ſtill kept off the trials by affected delays; and it was viſible, that, when the trials ſhould come on, they had nothing to charge theſe lords with: So the leaders of the party ſhewed their ſkill in finding out excuſes to keep up a clamour, and to hinder the matter from being brought to an iſſue. The main point that was ſtill inſiſted upon, was, a committee of both houſes to ſettle preliminaries; ſo according to the forms of the houſe it was brought to a free conference.

The day before the free conference, the king coming to the houſe of peers to paſs the bill of ſucceſſion, took occaſion to make the following ſpeech to both houſes:

My lords and gentlemen,

"I return you my hearty thanks for the care you have taken to eſtabliſh the ſucceſſion to the crown in the proteſtant line. And I muſt not loſe this occaſion of acquainting you, that I am likewiſe extremely ſenſible of your repeated aſſurances of ſupporting me in ſuch alliances, as ſhall be moſt proper for the preſervation of the liberty of Europe, and for the ſecurity of England and Holland. Your ready compliance with my deſires, as to the ſuccours for the States-General, is alſo a great ſatisfaction to me, as well as a great advantage to the common cauſe. And as I have nothing ſo much at heart as the preſervation of the liberty of Europe, and the honour and intereſt of England, ſo I make no doubt of attaining thoſe great ends by the bleſſing of God, and the continuance of your chearful concurrence."

My lords and gentlemen,

"The ſeaſon of the year makes it neceſſary to have a ſpeedy receſs; and the poſture of affairs abroad does abſolutely require my preſence, for the encouragement of our allies, and for the perfecting of ſuch alliances, as may be moſt effectual for the common intereſt. And therefore I muſt recommend a diſpatch of the public buſineſs, eſpecially of thoſe matters, which are of the greateſt importance."

The commons, interpreting this ſpeech as an approbation of their proceedings in reſpect to their conteſts with the lords, preſented an addreſs of thanks for his majeſty's being pleaſed to approve of their proceedings, and aſſured him, they would ſupport ſuch alliances as he ſhould think fit to make, in conjunction with the emperor and the States-General, for the peace of Europe, and for the reducing the exorbitant power of France. So, without any further interruption, they re-

make, for his benefit, ſuch grants, as are mentioned in the precedent and ſubſequent articles, and none other. And, as to other perſons, he only, in conjunction with the other commiſſioners, did ſign ſeveral warrants and dockets for ſuch grants, as his majeſty was pleaſed to direct.'

IV. Whereas, by common law, and other ſtatutes, the king's foreſts ſhould be preſerved, the ſaid lord Hallifax, not regarding the laws and ordinances of this realm, nor his duty to his majeſty and the public, had procured a grant to Henry Segar, gent. in truſt for himſelf, of the ſum of 14,000l. of ſcrubbed beech, birch, holly, &c. under colour whereof, ſappling oaks, and many tons of well grown timber, had been cut and fallen, and ſold and diſpoſed of for his benefit. To which he anſwered; 'That his majeſty, out of his grace and favour, did grant, in truſt for him, the ſum of 2000l. per ann. to be raiſed by the fall of ſcrub-beech, birch, &c. for the ſpace of ſeven years; which grant was not prejudicial to any timber growing in the ſaid foreſt: And if any abuſe were, in cutting the woods, he conceives he is not anſwerable for the ſame, it being done by the direction of his majeſty's ſurveyor-general, and other his majeſty's officers.'

V. That he, the ſaid lord Hallifax, did grant, or procure to be granted, to his brother Chriſtopher Mountague, Eſq; the place and office of auditor of the receipts, and writer of the tallies, in truſt for himſelf; ſo that he the ſaid lord was, in effect, at the ſame time, one of the commiſſioners of the treaſury, chancellor of the Exchequer, and auditor of the receipts, and writer of the tallies, and enjoyed the profits of the ſaid ſeveral offices, which were manifeſtly inconſiſtent, and ought to have been a check to each other. To which he anſwered; 'That the grant of the ſaid office was done at his deſire and requeſt, becauſe he intended, in a ſhort time after, to leave his own employment and places in the treaſury, and to obtain a ſurrender from his ſaid brother of the ſaid office, and procure a grant thereof to himſelf; which has been ſince done, and, he conceives, was lawful for him to do.'

VI. That the ſaid lord Hallifax, well knowing the moſt apparent evil conſequences, as well as the injuſtice of the partition of the Spaniſh monarchy, did yet adviſe his majeſty to enter into a treaty for it, and did encourage and promote the ſame. To which he anſwered, 'That he never ſaw the ſaid treaty, nor heard the ſame read, or does as yet know the articles or agreement it contains; and denies, that he ever adviſed his majeſty to enter into or make the ſaid treaty, or was ever conſulted upon any clauſe or article thereof, or ever encouraged or promoted the ſame. That, as he remembers, Mr. ſecretary Vernon did at one time ſend for him, and diſcourſe with him and others, upon an intimation, that was given by a letter from the earl of Portland, as he remembers, that the French king was diſpoſed to commence a ne-

turned to their diſputes with the lords.

The free conference began the 13th of June. In it the lord Haverſham, ſpeaking to the point, of lords being partial in their own caſes, and therefore not proper judges, ſaid, that the houſe of commons had plainly ſhewed their partiality, in impeaching ſome lords for facts, in which others were equally concerned with them, who yet were not impeached by them, though they were ſtill in credit, and about the king, which ſhewed, that they thought that neither the one nor the other were guilty [a]. The commons thought they had now found an occaſion of quarrelling with the lords, which they were looking for; ſo the lord Haverſham's expreſſions were inſtantly objected to by ſir Chriſtopher Muſgrave, and the managers for the commons immediately withdrew from the conference, [b] though they were told by the duke of Devonſhire, as they were going, that the lord Haverſham had no authority from the houſe of lords, to uſe any ſuch expreſſions towards the commons.

This affair being reported to the commons by Mr. Harcourt, the houſe immediately reſolved, 'That John lord Haverſham hath, at the free conference this day, uttered moſt ſcandalous reproaches and falſe expreſſions, highly reflecting upon the honour and juſtice of the houſe of commons, and tending to the making a breach in the good correſpondence between the lords and commons, and to the interrupting the public juſtice of the nation, by delaying the proceedings on impeachments: And that the ſaid lord Haverſham be charged before the lords for the ſaid words; and that the lords be deſired to proceed in juſtice againſt him, and to inflict ſuch puniſhment upon him, as ſo high an offence againſt the houſe of commons does deſerve.' And ſir Chriſtopher Muſgrave was ordered to carry this charge and reſolution to the lords.

In the mean time the lords ſent a meſſage to the commons, to acquaint them, 'That they had been informed by their managers, that ſome interruption had happened at the free conference, which their lordſhips were concerned at, becauſe they wiſhed, that nothing ſhould interrupt the public buſineſs; and therefore deſired the commons to come again preſently to the free conference; which they did not doubt would prove the beſt expedient to prevent the inconvenience of a miſunderſtanding upon what had paſſed.'

But the commons, inſtead of coming to the conference, ſent up ſir Chriſtopher Muſgrave, who acquainted the lords, as he ſaid, with what had happened at the conference, and read the words ſuppoſed to be ſpoken by the lord Haverſham, concluding, 'Theſe were the words ſpoken by John lord Haverſham, [c]. He then read the reſolutions of the commons, with relation to that lord.

The commons had now got a pretence to juſtify their not going further in the trials, and they reſolved to inſiſt upon it. When therefore they were again preſſed by the lords to renew the free conference, they returned for anſwer, 'That it was not conſiſtent with their honour to renew the conference, until they had reparation, by their lordſhips doing juſtice upon lord Haverſham, for the indignity offered to the houſe of commons.' At the ſame time it was, that the articles againſt lord Hallifax were ſent up as has been related.

Upon this, lord Haverſham offered himſelf to a trial, and ſubmitted to any cenſure, that the lords ſhould think he had deſerved; but inſiſted that the words muſt firſt be proved, and he muſt be allowed to put his own ſenſe on them; the lords ſent this to the commons, but they ſeemed to think that the lords ought to have proceeded to cenſure him in a ſummary way, which the lords thought, being a court of judicature, they could not do, till the words were proved, and the importance of them diſcuſſed. Upon the commons refuſal to renew the conference, the lords likewiſe came to a reſolution, to inſiſt not to have a committee of both houſes concerning the trial of the impeached lords. They then proceeded to ſet the day for the trial of lord Sommers, and a meſſage was ſent to acquaint the commons, that the trial would be on Tueſday the 17th of June, at ten of the clock in Weſtminſter-Hall. To remove the obſtacle of the lord Haverſham's affair, they alſo told the commons, that all things were preparing to bring that matter to a ſpeedy judgment; and they likewiſe put them in mind of articles againſt the earl of Portland.

Inſtead of returning anſwers to theſe meſſages, the commons refuſed to appear, and ſaid, they were the only judges, when they were ready with their evidence, and that it was a mockery to go to a trial, when they were not ready to appear at it [d]. There were great and long debates upon this in the houſe of lords: the new miniſtry, and all the Jacobites, joined to ſupport the pretenſions of the commons: every ſtep was to be made by a vote, againſt which many lords proteſted; and the reaſons given, in ſome of their proteſtations, were thought to be ſo injurious to the houſe, that they were by a vote ordered to be expunged, a thing that ſeldom happens.

When the day appointed for the trial came, the lords entered upon a debate, and the queſtion was put, 'Whether the houſe ſhould go this day into the court in Weſtminſter Hall, in order to proceed upon the trial of the lord Sommers,

a negotiation upon ſome general terms, that were then mentioned, to prevent a war, in caſe of the king of Spain's death, who was then reported to be very ill: and afterwards the ſaid matter was diſcourſed between the ſecretary, and the then lord chancellor, and the ſaid lord Hallifax, at Tunbridge-wells, when and where the ſaid lord Hallifax made ſeveral objections to the ſame; and denies, that he gave any opinion to encourage or promote the ſaid treaty, or ever afterwards was informed of any one particular relating to it, or was ever conſulted or adviſed upon any clauſe or article of it, or was ever after told or informed, that the ſaid negotiation or treaty did go on or proceed; and ſaith, that not being adviſed with, or any ways knowing of the ſaid treaty or negotiation (except as aforeſaid) he could not diſſuade or obſtruct it's taking effect; and ſaith, as he cannot tell what the effects of the treaty might have been, if the ſaid treaty had been obſerved, ſo he conceives and inſiſts, that he is not nor ought to be anſwerable for the ſame.' Pr. H. C. III. 167.

Burnett obſerves here, when, by theſe articles and the anſwers to them, it appeared, that after all the noiſe and clamour that had been raiſed againſt the former miniſtry (more particularly againſt the lord Hallifax) for the great waſte of treaſure, during their adminiſtration, that now, upon the ſtricteſt ſearch, all ended in ſuch poor accuſations; it turned the minds of many, that had been formerly prejudiced againſt them. It appeared, that it was the animoſity of a party at beſt, if it was not a French practice, to ruin men, who had ſerved the king faithfully, and to diſcourage others, from engaging themſelves ſo far in his intereſts, as theſe lords had done. They ſaw the effect that muſt follow on this: And that the king could not enter upon a new war, if they could diſcourage from his ſervice all the men of lively and active tempers, that would raiſe a ſpirit in the nation, for ſupporting ſuch an important and dangerous war, as this now in proſpect was likely to prove.

[a] The lord Haverſham's ſpeech was reported by Mr. Harcourt, who ſaid, that his lordſhip uſed theſe or the like expreſſions. 'One thing there is, though I cannot ſpeak it, becauſe I am bound up by the orders of the houſe; yet I muſt have ſome anſwer. This is as to the lords voting in their own caſe. It requires an anſwer, though I cannot go into the debate of it. The commons themſelves have made this precedent: for in theſe impeachments, they have allowed men guilty of the ſame crimes, to vote in their own houſe; and therefore we have not made any diſtinction in our houſe, that ſome ſhould vote and ſome not. The lords have ſo high an opinion of the juſtice of the houſe of commons, that they hope juſtice ſhall never be made uſe of as a maſk for any deſign. And therefore give me leave to ſay (though I am not to argue it) it is a plain demonſtration, that the commons think theſe lords innocent; and I think the propoſition is undeniable; for there are ſeveral lords in the ſame crimes, in the ſame facts; there is no diſtinction. And the commons leave ſome of theſe men at the head of affairs near the king's perſon, to do any miſchief, if their perſons were inclined to do it; and impeach others, when they are both alike guilty, and concerned in the ſame facts. This is a thing I was in hopes I ſhould never have heard aſſerted, when the beginning of it was from the houſe of commons.' Pr. H. C. III. 165.

[b] This was not uſual, and in a caſe not long before, where a member of the houſe of commons having ſaid what was much more liable to exception, than it could be pretended what lord Haverſham ſaid, was, ſome of the commons ſaying, that he had no direction from the houſe for what was ſaid, the lords ſtaid out of the conference, and complained of the words afterwards.

[c] Sir Chriſtopher Muſgrave had no warrant to ſay as he did, 'Theſe were the words', &c. for Mr. Harcourt in his report only ſays, 'He uſed theſe or the like expreſſions.' See note above.

[d] The commons, inſtead of appearing at the trial, ſent up to the lords, on the 17th of June, the following reaſons for their non-appearance.

'The commons, in this whole proceeding againſt the impeached lords, have acted with all imaginable zeal to bring them to a ſpeedy trial; and they doubt not but it will appear by comparing their proceedings with all other upon the like occaſions, that the houſe of commons have nothing to blame themſelves, but that they have not expreſſed the reſentment their anceſtors have juſtly ſhewed upon much leſs attempts, which have been made upon their power of impeachments.

'The commons, on the 31ſt of May, acquainted your lordſhips, that they thought it proper, from the nature of the evidence, to proceed in the firſt place upon the trial of the lord Sommers. Upon the firſt intimation from your lordſhips, ſome days afterwards, that you would proceed to the trial of the impeached lords, whom the commons ſhould be firſt ready to begin with, notwithſtanding your lordſhips had before thought fit to appoint, which impeachment ſhould be firſt tried, and affixed a day for ſuch a trial, without conſulting the commons, who are the proſecutors; the commons, determining to expedite the trials to the utmoſt of their power, in hopes of attaining that end, and for the more ſpeedy and eaſy adjuſting and preventing any differences, which had happened, or might ariſe previous to, or upon, theſe trials, propoſed to your lordſhips at a conference the moſt parliamentary and effectual method for that purpoſe, and that, which in no manner intrenched upon your lordſhips judicature, that a committee of both houſes ſhould be nominated, to conſider of the moſt proper ways and methods of proceeding upon impeachments, according to the uſage of Parliament.

'In the next meſſage to the commons, upon Monday the 9th of June, your lordſhips thought fit, without taking the leaſt notice of this propoſition, to appoint Friday then following for the trial of the ſaid lord Sommers; whereunto, as well as to many other meſſages and proceedings of your lordſhips upon this occaſion, the houſe of commons might have juſtly taken very great exceptions; yet, as an evidence of their moderation, and to ſhew their readineſs to bring the impeached lords to ſpeedy juſtice, the commons inſiſted only on their propoſition for a committee of both houſes to ſettle and adjuſt the neceſſary preliminaries to the trial; particularly, Whether the impeached lords ſhould appear on their trial at your lordſhips bar as criminals? Whether being under accuſations of the ſame crimes, they ſhould ſit as judges on each other's trial for thoſe crimes, or ſhould vote in their own caſes, as it is notorious they have been permitted by your lordſhips to do in many inſtances, which might be given, to which particulars your lordſhips have not yet given a dire&

according to the order of the day'? Which was reſolved in the affirmative, though ſeveral lords proteſted againſt it [e]. A meſſage was then ſent to the commons, to acquaint them, that their lordſhips were going. The other impeached lords having aſked leave to withdraw, and not ſit and vote in the trial, a queſtion was propoſed, 'Whether the earl of Orford and the lord Hallifax may withdraw at the trial of the lord Sommers?' This was much oppoſed by ſome lords, becauſe the giving ſuch leave ſuppoſed, that they had a right to vote; but it was reſolved in the affirmative. And, after ſome other things of form; the lords adjourned into Weſtminſter-Hall, where the articles of impeachment againſt the lord Sommers, and his anſwers were read, and, the commons not appearing to proſecute, their lordſhips adjourned to their houſe, and entered into a long debate concerning the queſtion, that was to be put. The judges told them, that according to the forms of law, it ought to be 'guilty or not guilty.' But thoſe of the Tory party ſaid, as it was certain, that none could vote lord Sommers guilty; ſo, ſince the commons had not come to make good the charge, they could not vote him not guilty; and therefore, to give them ſome content, the queſtion agreed on to be put was, 'That John lord Sommers be acquitted of the articles of impeachment againſt him, exhibited by the houſe of commons, and all things therein contained; and that the impeachment be diſmiſſed?' That being ſettled, the lords returned to Weſtminſter-Hall, and, the queſtion being put, fifty-ſix voted in the affirmative, and thirty-one in the negative; and the lord-keeper declared, that the majority was for acquitting him. Then the lords adjourned to their houſe, and made an order for his being acquitted, and the impeachment to be diſmiſſed.

Upon this the commons paſſed ſome high votes againſt the lords, and, to juſtify their refuſal to appear at the trial, reſolved, 'That the lords have refuſed juſtice to the commons upon the impeachment againſt the lord Sommers, by denying them a committee of both houſes, which was deſired by the commons as the proper and only method of ſettling the neceſſary preliminaries, in order to the proceeding to the trial of lord Sommers with effect; and afterwards, by proceeding to a pretended trial of the ſaid lord, which could tend only to protect him from juſtice, by colour of an illegal acquittal. Againſt which proceedings of the lords, the commons do ſolemnly proteſt, as being repugnant to the rules of juſtice, and therefore null and void. That the houſe of lords, by the pretended trial of John lord Sommers, have endeavoured to overturn the right of impeachments lodged in the houſe of commons, by the ancient conſtitution of this kingdom, for the ſafety and protection of the commons againſt the power of great men, and have made an invaſion upon the liberties of the ſubject, by laying a foundation of impunity for the greateſt offenders. That all the ill conſequences, which may at this time attend the delay of the ſupplies given by the commons for the preſerving the public peace, and maintaining the balance of Europe, by ſupporting our allies againſt the power of France, are to be imputed to thoſe who, to procure an indemnity for their own crimes, have uſed their utmoſt endeavours to make a breach between the two houſes.'

The lords went as high in their votes againſt the commons, and the ſame day ſent this anſwer to their meſſage: 'The lords do acquaint the commons, that they might have known, by the records of the houſe of lords, that the lords had proceeded to the trial of the lord Sommers on Tueſday laſt, being the day appointed; and, the commons not appearing to maintain their articles againſt the ſaid lord, the lords had by judgment of their houſe, acquitted him of the articles of impeachment againſt him, exhibited by the commons, and all things therein contained, and had diſmiſſed the ſaid impeachment.

'And the lords had appointed Monday next for the trial of the earl of Orford, on which day they would proceed on the trial.

'The commons ſtill preſſing for a committee of both houſes, which their lordſhips could never conſent to for the reaſons already given, their lordſhips could infer nothing from their perſiſting in this demand, than that they never deſigned to bring any of their impeachments to a trial.

'As to the lord Haverſham, his anſwer was now before

[e] a direct anſwer, though put in mind thereof by the commons. Your lordſhips at a conference, having offered ſome reaſons, why you could not agree to a committee of both houſes, to adjuſt the neceſſary preliminaries, the commons thereupon deſired a free conference, and your lordſhips agreed thereunto; at which, it is well known to many of your lordſhips, who were then preſent, what moſt ſcandalous reproaches and falſe expreſſions, highly reflecting upon the honour and juſtice of the houſe of commons, were uttered by John lord Haverſham, whereby the commons were under neceſſity of withdrawing from the ſaid free conference; for which offence the commons have, with all due regard to your lordſhips, prayed your lordſhips juſtice againſt the lord Haverſham, but have as yet received no manner of ſatisfaction.

'The commons reſtrain themſelves from enumerating your lordſhips very many irregular and unparliamentary proceedings upon this occaſion; but think it is what they owe to public juſtice and all the commons of England, whom they repreſent, to declare ſome few of thoſe reaſons, why they peremptorily refuſe to proceed to the trial of the lord Sommers on the 17th of June.

'Firſt, becauſe your lordſhips have not yet agreed, that a committee of both houſes ſhould be appointed for ſettling the neceſſary preliminaries, a method never until this time denied by the houſe of lords, whenſoever the commons have thuoght it neceſſary to deſire the ſame.

'Secondly, ſhould the commons (which they never will do) be contented to give up thoſe rights, which have been tranſmitted to them from their anceſtors, and are of abſolute neceſſity to their proceedings on impeachments; yet, whilſt they have any regard to public juſtice, they never can appear as proſecutors before your lordſhips, till your lordſhips have firſt given them ſatisfaction, that lords impeached of the ſame crime ſhall not ſit as judges on each other's trials for thoſe crimes.

'Thirdly, becauſe the commons have as yet had no reparation for the great indignity offered to them at the free conference by the lord Haverſham. The commons are far from any inclination, and cannot be ſuppoſed to be under any neceſſity of delaying the trial of the lord Sommers. There is not any article exhibited by them in maintenance of their impeachment againſt the lord Sommers, for the proof whereof they have not full and undeniable evidence, which they will be ready to produce, as ſoon as your lordſhips ſhall have done juſtice upon the lord Haverſham; and the neceſſary preliminaries in order to the ſaid trial ſhall be ſettled by a committee of both houſes.

'The commons think it unneceſſary to obſerve to your lordſhips, that moſt of the articles, whereof the lord Sommers ſtands impeached, will appear to your lordſhips to be undoubtedly true from matters of record, as well as by the confeſſion of the ſaid lord Sommers in his anſwer to the ſaid articles; to which the commons doubt not but your lordſhips will have a due regard, when his trial ſhall regularly proceed.'

The lords ſent their anſwer to this meſſage, June the 20th, in theſe words:

'The lords, in anſwer to the meſſage of the commons of the 17th inſtant, ſay, the only true way of determining, which of the two houſes has acted with the greateſt ſincerity, in order to bring the impeached lords to their trials, is to look back upon the reſpective proceedings.

'The lords do not well underſtand what the commons mean by that reſentment, which they ſpeak of in their meſſage. Their lordſhips own the houſe of commons have a right of impeaching; and the lords have undoubted power of doing juſtice upon thoſe impeachments, by bringing them to trial, and condemning or acquitting the parties in a reaſonable time. This power is derived to them from their anceſtors, which they will not ſuffer to be wreſted from them by any pretences whatſoever.

'Their lordſhips cannot but wonder, that the commons ſhould not have propoſed a committee of both houſes much ſooner, if they thought it ſo neceſſary for the bringing on the trials; no mention being made of ſuch a committee from the 11th of April to the 6th of June, although, during that interval, their delays were frequently complained of by the houſe of lords.

'The manner, in which the commons demand this committee, the lords look upon as a direct invading of their judicature; and therefore, as there never was a committee of both houſes yielded to by the lords, in caſe of any impeachment for high crimes and miſdemeanors; ſo their lordſhips do inſiſt, that they will make no new precedent upon this occaſion. Many impeachments for miſdemeanors have in all times been determined without ſuch a committee. And if now the commons think fit, by any unprecedented demand, to form an excuſe for not proſecuting their impeachments, it is demonſtrable where the obſtruction lies.

'As to the preliminaries, which the commons mentioned in particular, as proper to be ſettled at ſuch a committee, they have received the reſolutions of the houſe of lords therein, by their meſſage of the 12th inſtant; from which (being matters entirely relating to their judicature) their lordſhips cannot depart.

'As to the laſt pretence the commons would make to ſhelter the delaying the trials, from ſome expreſſions, which fell from the lord Haverſham at the free conference, at which offence was taken, their lordſhips will only obſerve;

'Firſt, That they have omitted nothing, which might give the commons all reaſonable ſatisfaction of their purpoſe to do them juſtice in that matter, ſo far as it is conſiſtent with doing juſtice to that lord; and alſo to preſerve all good correſpondence with them; as appears by the ſeveral ſteps they have taken.

'Secondly, That this buſineſs has no relation to the trial of the impeached lords; and therefore their Lordſhips cannot imagine, why the commons ſhould make ſatisfaction and reparation againſt the lord Haverſham a neceſſary condition for the going on with the trials, and at the ſame time find no difficulties in proceeding on other buſineſs.' Pr. H. C. III. 169—175.

[e] This proteſt was thought ſo injurious to the houſe, that it was ordered to be expunged; but it was as follows:

'We do conceive it very improper to proceed to this trial, before the preliminaries are adjuſted, eſpecially ſince ſome of thoſe preliminaries are ſuch, as in our opinion are eſſentially neceſſary to the adminiſtration of juſtice.

'And after ſuch a proteſtation of the commons, as they have ſent to us againſt the proceedings to a trial, and which we conceive is founded upon juſtice, and the reaſonable method of parliament, we apprehended our proceeding now to this trial may tend to the diſappointment of all future trials on impeachments.'

Somerſet,	Denbigh,
H. Londin.	Warrington,
Normanby,	Tho. Rofenſ.
Rocheſter,	Hunſdon,
Carnarvon,	Weſton,
Marlborough,	Godolphin,
La Warr,	Jefferies,
Oxford,	Northumberland,
Dartmouth,	T. Jermyn,
Weymouth,	Derby,
Jonath. Exon.	Thanet,
Scarſdale,	Peterborough,
Nottingham,	Lexington,
Feverſham,	Howard,
Plymouth,	Cholmondeley,
Abingdon,	Guildford.

This

the houſe of commons, and the lords reſolved to do juſtice in that matter.'

The commons on the ſame day, the 20th of June, having ordered, that none of their members ſhould appear on the Monday following, at the pretended trial of the earl of Orford, upon pain of incurring the utmoſt diſpleaſure of the the houſe, they adjourned to Tueſday morning. But the lords continued ſitting, and, having ſent a copy of the lord Haverſham's anſwer [f] to the commons, they reſolved, on the 21ſt of June, 'That, unleſs the commons charge againſt that lord ſhall be proſecuted by them againſt him with effect, before the end of the ſeſſion, the lords would declare and adjudge him wholly innocent of the charge.' And on Monday, June the 23d, it was reſolved by their lordſhips, That the reſolutions of the houſe of commons, in their votes of the 20th inſtant, contained moſt unjuſt reflections on the honour and juſtice of the houſe of peers, and were contrived to cover their affected and unreaſonable delays in proſecuting the impeached lords; and manifeſtly tended to the deſtruction of the judicature of the lords, to the rendering trials on impeachments impracticable for the future, and to the ſubverting the conſtitution of the Engliſh government; and that therefore, whatever ill conſequences might ariſe from the ſo long deferring the ſupplies for this year's ſervice, were to be attributed to the fatal counſel of the putting off the meeting of a parliament ſo long, and to the unneceſſary delays of the houſe of commons.

Then the lords adjourned to Weſtminſter-Hall, and, after two proclamations made for ſilence and proſecution, the articles of impeachment againſt Edward earl of Orford were read, and alſo his anſwer to thoſe articles; and, after taking the ſame methods as in the trial of the lord Sommers, his lordſhip, by unanimous votes (the lords on the other ſide withdrawing) was acquitted of the articles, and the impeachment was diſmiſſed:

The next day, being the laſt of the ſeſſion of the parliament, this order was made by the lords:

'The houſe of commons not having proſecuted their charge, which they brought up againſt John lord Haverſham, for words ſpoken by him at a free conference the 13th inſtant, the charge ſhall be and is hereby diſmiſſed.

'The earl of Portland being impeached by the houſe of commons of high crimes and miſdemeanors the firſt of April laſt, the impeachment is hereby diſmiſſed, there being no articles exhibited againſt him.

'The houſe of commons having impeached Charles lord Hallifax of high crimes and miſdemeanors on the 15th of April laſt, and on the 14th day of this inſtant June exhibited articles againſt him, to which he having anſwered, and no further proſecution thereupon, the impeachment and articles are hereby diſmiſſed.

'The houſe of commons having impeached Thomas duke of Leeds of high crimes and miſdemeanors on the 27th of April 1695, and on the 29th exhibited articles againſt him, to which he anſwered, but the commons not proſecuting, the impeachment and articles are hereby diſmiſſed.'

Each houſe ordered a narrative of the proceedings to be publiſhed [g]; and they had gone ſo far in their votes againſt one

[f] This anſwer was very long, and may be ſeen in the Proceedings of the Houſe of Commons (III. 174.) That part of it, which relates to his reflecting on the partiality of the commons, in his ſpeech at the free conference, was as follows:

That the nature of that conference was, that it ſhould be free: The occaſion of it, becauſe either houſe apprehended the other to be in an error; and the end of it, that each ſide may urge ſuch facts, as are true, and ſuch reaſons as are forcible to convince. That one article of impeachment againſt John lord Sommers was, that the treaty of Partition of 1699 was ratified under the great ſeal, which then was in the cuſtody of the ſame lord, then lord chancellor of England. That the commons on the 1ſt of April 1701 reſolved, that the earl of Portland, by negociating and concluding the treaty of Partition, was guilty of an high crime and miſdemeanor; and, purſuant thereto, lodged an impeachment againſt him in the houſe of peers. Which vote and impeachment could not have reference to any treaty, other than the treaty of Partition of 1699, the treaty of 1698 not being before the houſe of commons till after the time of that vote and impeachment. And yet the earl of Jerſey, who was then ſecretary of ſtate and privy councillor, and actually ſigned the ſaid treaty of 1699, as a plenipotentiary with the lord Portland, ſtands unimpeached, and continues at the head of affairs, being lord chamberlain near his majeſty's perſon, and in his preſence and councils, without complaint. That the earl of Orford and the lords Sommers and Hallifax are ſeverally impeached for adviſing the treaty of Partition of 1698; and yet Mr. ſecretary Vernon, who then was ſecretary of ſtate and a privy councillor, and acted in the promoting of the treaty of Partition of 1698, ſtands unimpeached, and ſtill continues one of the principal ſecretaries of ſtate. And ſir Joſeph Williamſon, who was then a privy councillor, and tranſacted and ſigned the treaty of Partition of 1698, as a plenipotentiary, ſtands unimpeached. That the lord Hallifax is impeached, for that he, being a commiſſioner of the treaſury, aſſented to the paſſing of ſeveral grants from the crown to ſeveral perſons of lands in Ireland: And yet ſir Edward Seymour, ſir Stephen Fox, and Mr. Pelham, who, being ſeverally lords commiſſioners of the treaſury, did ſeverally aſſent to the paſſing of divers like grants from his majeſty of lands in Ireland, ſtands unimpeached. That in the impeachments againſt the earl of Orford and lord Sommers, one of the articles againſt them is, for procuring a commiſſion to captain Kidd, and likewiſe a grant under the great ſeal of the ſhip and goods of certain perſons therein named, to certain perſons in truſt for them; and yet other lords, equally concerned in procuring the ſaid commiſſion and grant, ſtand unimpeached. That the ſaid Mr. ſecretary Vernon, ſir Edward Seymour, ſir Stephen Fox, and Mr. Pelham, notwithſtanding their being parties in the ſame facts charged in the ſame reſpective impeachments, have been permitted to ſit and vote in the houſe of commons touching the ſaid impeachments, and the matters thereof. That, theſe facts being true, and publicly known, the conſequences reſulting therefrom (as the lord Haverſham apprehended) are undeniable, viz. That the doing of the ſame thing by two perſons in equal circumſtances cannot be a crime in one, and not in the other. That the commons had no reaſon to inſiſt, that the lords ſhould not permit that in their members, which the commons had firſt permitted, and continued to permit, and ſo begun the firſt precedent in their own members. That it muſt be thought that the impeached lords (notwithſtanding the facts alledged in the impeachments) are innocent of danger to the king, when the lord Jerſey and Mr. ſecretary Vernon, who are reſpectively concerned in the Partition treaties, are permitted, without complaint, to be at the head of affairs, and in the king's preſence, and of his councils, as not dangerous. That the word innocent, uſed in the words ſpoken by the ſaid lord Haverſham, can extend no further than to ſuch matters, as were done by the impeached lords of the ſame nature with what was done by thoſe unimpeached. All which facts being true, and the conſequences obvious, the ſaid lord being ready to prove the ſame, he inſiſts, that the words, ſpoken by him at the ſaid free conference, were not ſcandalous or reproachful, nor falſe or reflecting on the honour or juſtice of the houſe of commons, but were ſpoken upon a juſt occaſion given, in anſwer to ſeveral expreſſions, that fell from the managers for the commons, remote (as he conceives) from the matter in queſtion, and reflecting on the honour and juſtice of the houſe of peers, and in maintenance and defence of the lords reſolutions and judicature, and conformable to the duty he owes to the ſaid houſe. And the ſaid lord humbly demands the judgment of their honourable houſe therein. And the ſaid lord Haverſham denies, that he ſpoke the words ſpecified in the ſaid charge, in ſuch manner and form, as the ſame are therein ſet down. And having thus given a true account of this matter, and it being true and indiſputable, that ſome lords in this houſe, equally concerned in facts, for which other lords are impeached by the houſe of commons, are ſtill near the king's perſon, in the greateſt places of truſt and honour, unimpeached; and alſo that ſeveral members of the houſe of commons, equally concerned in the ſame facts, for which ſome lords are impeached, do however remain unimpeached; the ſaid lord thinks, ſuch a truth could never have been more properly ſpoken, in the maintenance and defence of your lordſhips judicature and reſolutions; and inſiſteth, that what he had ſaid at the free conference was not any ſcandalous reproach, or falſe expreſſion, or any way tended to make a breach in the good correſpondence between the lords and commons, or to the interrupting the public juſtice of the nation, by delaying the proceedings on the impeachments, as in the ſaid charge alledged, but agreeable to truth, in diſcharge of his duty, and in the defence of the undoubted right and judicature of this houſe.

Haverſham.

[g] It may not be improper to ſubjoin here ſome remarks concerning thoſe proceedings, extracted from a MS. written by a very conſiderable perſon of that time.

'The Partition treaty, ſays he, was no ſooner publiſhed, but it appeared, that the French embaſſador, Monſieur Tallard, had formed a ſtrong party here againſt it, and had engaged Dr. Davenant to write againſt it. It was not enough for the French court to reſolve on breaking it, but, to complete the perfidy, it muſt die with infamy. At the firſt opening of the ſeſſion, addreſſes were made to the king from the houſes for all the treaties, that had been made ſince that at Ryſwick. This was done on the 12th or 13th of February, two or three days after the opening of the ſeſſion. The tranſlating and copying theſe went on ſo ſlowly, that they were not brought to the houſe of lords before the 26th of February. This delay was ſo uneaſy to thoſe, who were longing for an occaſion to diſcharge their engagements to thoſe, who had merited well at their hands, as well as to gratify their reſentments, by falling on that treaty, and on all concerned in it, that, I am told, on two or three occaſions they complained of it, yet by ſome ſecret but powerful charm all men were ſo reſtrained, that, from the 26th of February to the 20th of March, no notice at all was taken of it; but on the 20th the train was fired, and all was ſoon in a flame. I cannot certainly tell you what was the occaſion of this great patience and long ſilence, after ſome had ſhewn an eagerneſs, that ſeemed not very governable. I will only tell you what happened at that time at the Hague. After the French had poſſeſſed themſelves of the Spaniſh Netherlands, and found the States were not very eaſy in their neighbourhood, they deſired to treat with them, and know what would ſatisfy them. The States inſiſted upon the engagements given by the Partition treaty, and complained of the violation of it, and aſked ſuch ſecurities, as they thought neceſſary. The king ordered his miniſter to join with them in the like complaints and demands. Theſe were given in on the 8th of March; and as ſoon as the French embaſſador had an account of it, immediately the matter of that treaty was fallen on in the houſe of lords, while very few among them knew any thing of the negociation at the Hague, which was not communicated to them by the king till four days after. But ſome perhaps had better intelligence. The treaty then ſet on foot at the Hague was to have this diſgrace put upon it, that the Partition treaty, on which it was to be founded, was to be condemned. Some, that had been concerned in it, had advertiſements ſent them from the court of France of their danger; by all which the French party hoped, that the king himſelf, and ſuch as had been concerned in the matter, would be prevailed on to let that treaty be forgotten, and become more favourable to the French intereſt, if it were but to ſave themſelves from the ſtorm, that was otherwiſe ready to break out on them. I can affirm nothing in this matter, but, if you will lay all this together, you will acknowledge there is ground enough for jealouſy. So long a ſilence, and then the falling on the treaty in that critical minute, could not happen by chance without ſome ſecret and unperceived direction. But, by what accident or order ſoever it might be, this matter was taken up by the lords, and ſeverely arraigned firſt by thoſe, who value themſelves upon their finding fault with every thing that is done, becauſe they have not the doing of it; and though ſome of theſe had once a very friendly application of a Spaniſh proverb made to them, that 'he, whoſe houſe is of glaſs, ſhould throw no ſtones;' yet good nature and zeal for the public are too ſtrong to be long reſtrained, though it happens now and then, that they are put in mind of ſome things, that, though they are pardoned, will not eaſily be forgotten. But that, which ſeemed very ſtrange, and was a very extraordinary piece of of courtſhip, was that thoſe, who are moſt in the king's confidence, and feel the beſt effects of it, fell upon the treaty in a moſt particular manner. Words

another, that it was believed, they would never meet again. The proceedings of the lords had the general approbation of the nation on their ſide. Moſt of the biſhops adhered to the impeached lords, and their behaviour, on this occaſion, was much commended. The violence, as well as folly of the party, loſt them much ground with all indifferent men, but with none more than with the king himſelf, who found his error in changeing his miniſtry at ſo critical a time; and he now ſaw, that the tories were at heart irreconcileable to him; in particular, he was extremely uneaſy with the earl of Rocheſter, of whoſe imperious and intractable temper he complained much, and ſeemed reſolved to diſengage himſelf quickly from him, and never to return to him any more. He thought the party was neither ſolid nor ſincere, and that they were actuated by paſſion and revenge, without any views with relation to the quiet of the nation, and affairs abroad.

The violent proceedings of the commons, and their ſlowneſs with relation to foreign affairs, had not only diſpleated the king, but given a general diſguſt to the nation, and particularly to the city of London, where foreign affairs, and the intereſt of trade were generally better underſtood; the old Eaſt-India company, though they hated the miniſtry that ſet up the new, and ſtudied to ſupport this houſe of commons, from whom they expected much ia-

not very decent, if applied to the actions of the meaneſt ſubject, were employed to lay out the ridiculouſneſs, the injuſtice, the treachery and barbarity of the treaty, as things fit to give horror. Now ſince, what ſhare ſoever the late miniſtry might be ſuppoſed to have had in it, yet it was well known, that it was chiefly of the king's own deſigning, therefore though it is certain, that a parliament of England may with a due firmneſs, as well as with juſt reſpect, repreſent to the king ſuch errors, as he may fall into; yet a decency of ſtyle was but ſuitable, eſpecially in men bred in courts, and accuſtomed enough to a more 'ſubmiſſive dialect in former reigns.' This might have been expected from thoſe, who know, that the king thought it no leſſening of himſelf to own, that he believed he had made the beſt bargain poſſible, all circumſtances conſidered. This was not all; thoſe, who attacked the treaty, five or ſix in a ſtring, did all of them ſay, they meant not to find fault; that they had no other deſign but to amend what had been amiſs, and to prevent the like errors for the future. They did not intend to fall upon any one perſon, not ſo much as to a reprimand: All they meant was to have errors corrected, and to have things put in a better method.

While the debate went on, upon this foot, and that all thoſe, who were known to have a ſhare in the confidence, went into cenſuring the treaty, thoſe, who could not help the having other thoughts of it, could not of the ſudden know what was fit to be done. Many thought it was concerted at court to let the treaty be cenſured; and that all the ill humour raiſed upon it was to evaporate in ſome angry votes, without carrying the matter further. No intimations had been given, that the king deſired the thing might be better underſtood, before it ſhould be condemned The king was that day at Hampton-Court; ſo no application could be made to him; for, let men talk what they will of freedom in debate, there ever was, and ever will be, and ought to be, great regard had to our princes with relation to matters of ſtate. Not that the king's mind ought to have any influence on men's arguing or voting; but it is certain, that in many caſes men may reſolve to be paſſive in ſome of the king's concerns, when they think he intends to be ſo himſelf. They may reaſonably conclude, that he is willing to let ſome things go, at ſome times, that he may thereby put his people in better humour, in order to the gaining other things, that are of more conſequence. This is ſo frequently practiſed, that he muſt be a great ſtranger to the methods of managing a ſeſſion of parliament, who had not obſerved it almoſt in every ſeſſion. And this was the caſe in the houſe of lords upon this occaſion. No body was ſooner in their reflections on that decried treaty than thoſe, who were moſt in the confidence. Every man declared that no further uſe was to be made of the votes, that were propoſed for condemning it, but to offer good advice to the king for better conduct in future negotiations. Some, who intended to have excuſed, if not juſtified, the treaty, were prevailed on to ſay nothing; not ſo much out of caution, not to go againſt the ſtream, but becauſe they had no mind to ſeem more concerned in maintaining the honour of the king's treaties, than he was himſelf. They thought their oppoſition would ſignify little, and paſs for officiouſneſs and court-flattery. So they gave way, and the votes paſſed without contradiction. This point was no ſooner gained, than ſome of thoſe very perſons, who had made the fulleſt proteſtations of their having no intention to carry the matter further, immediately laid off the maſk; for you know, in parliamentary proceedings all men are not equally exact in performing what they promiſed, when they have once carried the point they aimed at. Theſe arts are ſo familiar to ſome, that, inſtead of being out of countenance, they value themſelves upon their dexterity at them. So it happened here. This is the true account of that matter, without any diſguiſe. The lords, ſince accuſed for it, did indeed offer ſuch an account of the ſhare they had in the treaty in the year 1699, that it was impoſſible to lay any blame on them for it; and the lord Sommers, whoſe health was out of order the firſt two days, in which this was before the lords, when he came to the houſe, gave ſo clear an account of the ſhare, that himſelf had in it, that there were not two in the whole houſe, who did not ſeem entirely ſatisfied with his behaviour in that matter. This was ſignified by ſhouts and acclamations, that were raiſed higher, and continued longer, than ſome, who had ſat long there, had ever obſerved before. If thoſe lords had known, that the king deſired, that right ſhould be done him in defending both his honour, juſtice, and wiſdom, as they were concerned in that treaty, they, who have often hazarded themſelves much further in his ſervice, would not have been wanting in that piece of duty and reſpect. But it was generally believed at that time, that the king was leſs concerned in that matter, than it has been apprehended he was afterwards, when the ſtroke was ſtruck, and could not be retrieved. Indeed a new ſcene opened ſoon after that, when it was ſuggeſted by the lord Wharton, that, what ſenſe ſoever the houſe might have of the partition treaty, yet ſince, to the obſervation of all Europe, the French king had broke it, it was fit to make that a paragraph of the addreſs, that the king, in all future treaties with that crown, ſhould not truſt to verbal aſſurances, but demand a real ſecurity. This was ſo conformable to the foot, upon which the king and the States did give in the memorials at the Hague, and was ſo contrary to the deſigns of the French, who intended to offer no other ſecurity but the renewing the treaty of Ryſwick, that it was no wonder, if men gained by the French gold ſhould have oppoſed it. But it ſeemed very ſtrange to ſee ſo great an oppoſition made to it by men, that muſt be preſumed incapable of corruption, and who are eſteemed ſteady to their country; yet as there are odd accidents that happen ſometimes, but that lie ſo far out of the way, that no account can be given of them; ſo this drew on, I cannot tell how, a debate of many hours, and of much heat. If Verſailles had dictated the arguments, they could not have choſen them better, or wiſhed them to have been more dexteroufly managed; though I am ſure you are not capable of letting this paſs upon you, as if thoſe great men were ſubject to the common frailty of loving for ready money. Therefore I will take no more pains to ſecure you from it. The vote was carried, and it was followed by a proteſt, on which I will make no reflections, for the perſons are 'above.' I muſt only obſerve one thing more, that votes are gene-

rally conceived in plain and ſimple terms; but, when addreſſes are to be made purſuant to them, rhey are enlarged in fuller expreſſions; and that was not wanting in this addreſs; much rhetoric was employed: The partition treaty was called that fatal treaty, and was heavily loaded; but the laſt paragraph, concerning a 'real ſecurity' to be demanded from France, was ſet down in the bare words of the vote, without the leaſt enlargement, how much ſoever ſome, who penned it, love the beauties of eloquence. Yet that was too tender a point to be touched with a rough hand; an addition of any weighty words might have been made a pretence to a diſcount by thoſe, who will have pennyworths for their money.'

The reader will undoubtedly be pleaſed to find here another paper from the ſame hand, never yet printed, concerning the conduct of the miniſtry and of the leading men in the houſe of commons during this ſeſſion, with reſpect to foreign affairs. 'It is well known, ſays he, that a few days before the king came over, which was in the beginning of November, he had ordered Mr. Blathwayte to write two poſt-days, one after another, to the lords juſtices, to prepare a proclamation giving notice, that the parliament was to meet to do buſineſs on the 18th of November. The king came over himſelf before this was to be publiſhed, and he ſoon after had the news of the king of Spain's will, and of his death, which was quickly followed with a declaration, that the French king did accept of the king of Spain's will: And therefore did not think fit to ſtand to the partition treaty. The king had a parliament current, and ready to meet in a few days, as he had intended it ſhould before this great turn of affairs. But the parliament was put off to a further day, and upon the hopes, and, as is ſaid, upon the undertakings of ſome, all was put off till the new ſheriffs were pricked; and, ſoon as they were fixed in their ſervice, the writs went out for a new parliament, ſummoned the 6th but prorogued to the 10th of February. Here was one parliament diſſolved, and another called, and by this means three months were loſt, which upon ſuch a great turn is a matter of no ſmall conſequence. England ſeemed uncertain or aſleep. This gave the French no ſmall encouragement, and was a great diſheartening to the emperor and the States. In all this time it is poſitively ſaid, that the new miniſtry preſſed the king vehemently to own the king of Spain. This is certain, that both they and their friends ſaid, in all companies, and on all occaſions, that it was no matter, who was king of Spain; the king of Spain muſt know his own intereſt; he muſt be governed by Spaniſh councils; and they muſt be true to their ancient allies, the Engliſh and the Dutch, for that was to be true to themſelves. They ſaid England was not for a war, and indeed not capable to go into one, while they were under ſo great a debt. They ſpared not to ſay, that the king was not for a war; and that he knew it was impracticable. They ſpoke of the emperor as a prince not capable of doing any thing, and for whom we were to have no regard. All this while the king was on a great reſerve, and was told, as has been very confidently reported ſince, that, if he ſhewed any inclination to a war, that would raiſe jealouſies, which would very much obſtruct all buſineſs; and therefore it was neceſſary for his affairs, that he ſhould not diſcover his own thoughts of things. This well-meant reſervedneſs of the king's was at the ſame time given out to flow from his own averſion to engage in the emperor's quarrels; but that he was ſtill in ſecret treaties and engagements with France.

'While they and their agents were infuſing theſe things into all, that came up, but, chiefly into the parliament-men, the citizens of London ſaw clearly that the leaſt ill effect of the union of France and Spain muſt be the ruin of the trade of England, and ſpake openly of the neceſſity of a war; and it was ſurmiſed, that the old miniſtry were likewiſe for a war; and many began to ſpeak it openly, that, as it ſeemed inevitable, that we muſt engage in a war, ſo this could not be managed but by a miniſtry, that was both zealous and reſolute, and that was poſſeſſed of the eſteem and confidence of the nation, chiefly of the city, who would never make the advances of money, that muſt be neceſſary in a war, unleſs they truſted the miniſtry. Whiſpers were ſet about, that the king retained a juſt ſenſe of thoſe, who had helped him through his former war, and might think they would be uſeful to him in this. This, with the French practices, raiſed the ſtorm againſt them by thoſe, who reſolved to conduct matters after their own way, and to keep them from a poſſibility of returning again into favour.

'As ſoon as the ſeſſion was opened, it was reſolved to carry a vote in the houſe of commons for an addreſs to the king to own the new king of Spain, though they knew, that he had not yet owned the king, or given notice of his acceſſion to that crown: But the honeſt zeal of Mr. Monkton, and others, had a happy effect. This was ſtopped, to the no ſmall grief of thoſe, who had taken much pains in it, and, no doubt, expected to be well rewarded for it. The ſtream run another way, and then it appeared, that, how much ſoever the prejudices of ſome had been wrought upon, yet the bulk of the houſe were ſtill true Engliſhmen; yet, they retained ſo good an opinion of ſome men, that had got too much credit among them, that things were ſuffered to cool, and the houſe was diverted to other matters, that can never be managed with temper. The houſe, indeed, declared for an alliance with the Dutch, and for a fleet; but, it was ſo long before they could be brought to declare for an alliance with the emperor, that, if the French had not deſpiſed all he could do, more, perhaps, than they do now, and, if they had not depended on the ſtrength of their intereſt here, they would have, perhaps, made ſuch offers to the emperor, as might have prevailed on him, when he had ſo little reaſon to hope for any concurrence from us. The king received frequent meſſages from the States, repreſenting the extremities, to which they were driven, of which, ſome were written in ſuch moving ſtrains, that few read them without feeling impreſſions of great tenderneſs. But there was a ſtupid apathy ſomewhere, that could not be wrought on: And when by the intercepting the earl of Melfort's letter to his brother, we all ſaw how confident thoſe of St. Germain's were of their affairs, yet Sir Edward Seymour, Sir T. M. and others, looked on that but as a court-artifice, and had not

vour; yet they, as well as the reſt of the city, ſaw viſibly, that firſt the ruin of trade, and conſequently the ruin of the nation, muſt certainly enſue, if France and Spain were once firmly united. So they began openly to condemn the proceedings of the commons, and to own a jealouſy, that the Lewis d'ors, ſent hither of late, had not come over to England for nothing. This diſpoſition, to blame the ſlowneſs in which the commons proceeded with reſpect to affairs abroad, ſpread itſelf through all England, and more eſpecially in Kent. Thoſe of that county, in a diſlike of the conduct of the commons ſent up the following petition to that houſe:

'WE the Gentlemen, juſtices of the peace, grand jury, and other freeholders, at the general quarter ſeſſions of peace at Maidſtone in Kent, deeply concerned at the dangerous eſtate of this kingdom, and of all Europe; and conſidering, that the fate of us and our poſterity depends upon the wiſdom of our repreſentatives in parliament, think ourſelves bound in duty humbly to lay before this honourable houſe the conſequences, in this conjuncture, of your ſpeedy reſolution, and moſt ſincere endeavour, to anſwer the great truſt repoſed in you by your country.

'And in regard, that from the experience of all ages it is manifeſt, no nation can be great or happy without union; we hope, that no pretence whatſoever ſhall be able to create a miſunderſtanding among ourſelves, or the leaſt diſtruſt of his moſt ſacred majeſty, whoſe great actions for this nation are writ in the hearts of his ſubjects, and can never, without the blackeſt ingratitude, be forgot.

We moſt humbly implore this honourable houſe to have regard to the voice of the people, that our religion and ſafety may be effectually provided for; that your loyal addreſſes may be turned into bills of ſupply; and that his moſt ſacred majeſty (whoſe propitious and unblemiſhed reign over us we pray God long to continue) may be inabled powerfully to aſſiſt his allies, before it is too late.'

This petition was ſigned by the deputy-lieutenants there preſent, above twenty juſtices of the peace, all the grand-jury, and other freeholders, and was boldly delivered to the houſe of commons on the 8th of May; and William Colepepper, Thomas Colepepper, David Polhill, Juſtinian Champney, and William Hamilton, eſquires, being called in, owned the petition at the bar, and their hands to the ſame. They then withdrew, and, the petition being read, the houſe reſolved, 'That the petition was ſcandalous, inſolent, and ſeditious, tending to deſtroy the conſtitution of parliaments, and to ſubvert the eſtabliſhed government of theſe realms.' And then ordered, 'That all thoſe gentlemen ſhould be taken into cuſtody, as guilty of promoting the petition.' And on the 14th of May, the houſe being informed, that Mr. Thomas Colepepper had made his eſcape, and that the reſt of the perſons committed were like to be reſcued, ordered them to be delivered priſoners to the Gate-houſe, and agreed to addreſs his majeſty, to iſſue his proclamation for apprehending Mr. Colepepper, and for putting out of the commiſſions of peace and lieutenancy ſuch others, as were in any of the ſaid commiſſions. But Mr. Colepepper made a voluntary ſurrender of himſelf, and was confined with his neighbours [h].

not ſo much regard to it, as to order the printing of it, though the lords conſidered better of it. It was long before the houſe could ſee through the artifices of thoſe, who miſled them. The ten thouſand men, agreed to by old treaties to be ſent to the Dutch, could not be eaſily obtained: The matter was long delayed; and that the French intereſt might be ſerved one way, when another failed, five thouſand of theſe were to be drawn out of Ireland; but particular care was taken, that no new bodies ſhould be raiſed in their ſtead, that ſo Ireland might be left ſo naked, that there might be, perhaps, a new diverſion given us on that ſide, unleſs that is provided by the prudent management and great temper of the lord lieutenant.

'In this ſlow method were things carried on, to the diſcouragement of all Europe, who reckoned we were a ſold nation; or, that we could be no more depended on.

'I could here run out into a long digreſſion, to ſhew you the various methods their party have taken in this, as well as in former ſeſſions, to blaſt the public credit; the effect of which was well foreſeen by thoſe who laboured it. They knew, the breaking of credit muſt, for the future, hinder all advances of money; and this muſt have been fatal, eſpecially if we had engaged in a war. But I may, perhaps, entertain you with this on another occaſion. One particular only I will mention here. The credit of Exchequer notes was a noble contrivance, to furniſh us with near three millions of paper-money, till they ſunk gradually, as was projected in the firſt deſign. Pains were taken, in particular, to blaſt this; yet 50,000, as all the bankers ſaid, was ſufficient to keep up their credit. But thoſe, who had a mind to make the ſupply as little effectual as was poſſible, moved, that one ſhilling in the pound ſhould go towards the quicker ſinking of them; and, ſince it muſt have been looked on as indecent to lay on more than three ſhillings in the pound, while we were not actually engaged in a war, by applying one of theſe to this effect, there were only two left, to anſwer the public occaſions, while yet the nation was to be poſſeſſed with this appearance of their zeal, by their giving three ſhillings in the pound. It is true, they voted a full proportion of ſeamen for a good fleet; but even this was ſpoiled in the management. It is certain, that, in every appearance of war, we ought to be well guarded with a good fleet: But a fleet, that was to ply up and down in the channel, was only a defence to ourſelves, who were in no danger of being attacked. Three or four thouſand marines would have looked as if we intended to act offenſively with our fleet, and muſt have ſtruck terror all over both the French and the Spaniſh, and have put them to no ſmall charge to have ſecured themſelves. But, for this very reaſon, every motion, that way, was rejected; ſo, though it had been too bare-faced not to have ſet out a good fleet, yet care was taken, that neither the Spaniards, nor the French, ſhould ſuffer from it, not ſo much as to be diſturbed with any apprehenſions about any part of it, except that, which was neceſſary to be ſent to ſecure our plantations. The reſt was to be an uſeleſs piece of pomp, only to conſume ſo much of our ſtock, but was not to be furniſhed ſo as to be able to do our neighbours much hurt. All this was ſo ordered, that every thing went on very ſlowly, that ſo the French might have time to practiſe upon all the courts of Europe, in which their chief topic was, that it was in vain to rely on England: They had many good friends there, who would retard all their reſolutions, and ſo work on the animoſities, that were among the different parties, that inſtead of thinking to ſecure themſelves, they were now only ſet on ruining thoſe who had hitherto, with much zeal and great ſucceſs, ſupported the preſent government. The proceedings here made, that this was eaſily believed; and that, with ſome of thoſe ſecret arguments, that were employed here, has proved ſo effectual, that a great many of the circles and princes of the empire incline to a neutrality, and has had no ſmall effect on the king of Portugal; ſo well have our delays ſerved to carry on the deſigns of France. The emperor's miniſter was ſo ill uſed, that he was often upon the point of giving all for gone, and of going home; and, tho' the king uſed all poſſible methods to perſuade him to ſtay, yet he was ſo much diſcouraged, that he was often ſaying, he feared, his giving his maſter any hopes from hence would be fatal to him. In concluſion, the ſenſe of the city, and of the whole nation, diſcovered itſelf ſo evidently, that it broke all theſe men's meaſures. The greateſt part of the houſe, who had unhappily relied too much upon them, began to ſuſpect their conduct; and a fear of receiving the moſt public affronts, that the nation ever put upon a houſe of commons, forced them, in concluſion, though not without great and viſible reluctance, to come to reſolutions becoming a parliament of England, was more owing to other accidents, than to the honeſty of the managers. In one reſpect, ſome of them were honeſt, for they oppoſed them to the laſt, even to the forfeiting their own credit with moſt of their party. One advantage our friends had to let the king ſee they were not diſpoſed to quarrel with any thing he did, though it was viſibly the effect of their counſels, who deſigned their ruin. The king had aſſured both houſes, that he would acquaint them with the whole progreſs of the negotiation; yet an incident happened of great conſequence, in which they carried their deſigns, without adviſing, either with council, or parliament. The king of Spain, after long deliberation about it, at laſt, wrote to the king. By the date, and other circumſtances, it appeared, that Mr. Harley knew, why he moved the houſe to leave the matter of owning the king of Spain to the king. This was a thing of ſuch conſequence, that one would have thought it deſerved to be well conſidered, at home, and to be communicated to our allies, abroad, before it was done. But ſo imperious are ſome men in their advices, that a return was made to the letter, and the ſecret was truſted to the court of France, who publiſhed it in a very indecent manner, to the ſurprize of all Europe. Now, I leave it to you to judge, what complaints the other ſide would have made, if they had diſcovered ſuch a proceeding in the old miniſtry; and, you will ſoon ſee, with what advantage they could have fallen on this ſtrange ſtep, ſo oddly made; yet, ſo tender they were of the king, and ſo unwilling to find fault, when his honour was already engaged, that they choſe rather to let this go, than to perplex the king's mind, as well as his affairs, with new complaints.'

[h] The committing of theſe gentlemen is juſtified by Dr. Drake, in his 'Hiſtory of the laſt Parliament,' who aſſerts, 'That the commons had been wanting in their duty to the people, whoſe repreſentatives they are, if they had tamely put up ſuch an inſult upon their authority, without ſhewing their reſentment, and thereby deterring others from following an example of ſo dangerous conſequence.' And he cites a paſſage from Colonel 'Algernon Sidney's diſcourſe of government,' C. 3. § 44. p. 451, 454. upon the point of petitioning; whence he obſerves, 'It is plain, that the Kentiſh Petitioners were guilty not only of miſbehaviour and ill manners to the houſe, but of a notorious violation of the rights of the people, in aſſuming to themſelves a power, which belonged to the whole; and therefore the houſe could not, without breach of truſt, paſs over uncorrected ſuch uſurpations upon the whole commons, and ſuch affronts upon their repreſentatives, with whom their authority was lodged.'

On the other ſide, the Kentiſh gentlemen were vindicated in a piece, printed in 1701, and reprinted in the third volume of the 'State tracts during the reign of King William,' and intitled,' Jura Populi Anglicani: or, the ſubjects right of petitioning ſet forth; occaſioned by the caſe of the Kentiſh Petitioners. With ſome thoughts on the reaſons, which induced thoſe gentlemen to petition; and of the commons right of unpriſoning.' The author of this piece obſerves in his preface, 'That it was a melancholy reflection to conſider how univerſal a diſſatisfaction the management of the houſe of commons had this (laſt) ſeſſion cauſed in the people of England; and that among thoſe, who arraigned their proceedings, there were none, who did not make the treatment of the five gentlemen, who preſented the Kentiſh petition one article of impeachment againſt them; and that the moſt intelligent part of the people had been free in ſaying, that the puniſhment of them plainly demonſtrated very extraordinary deſigns, and muſt be allowed, even by men of candour and ſenſe to give juſt grounds for all the jealouſies and ſuſpicions, that had been entertained.' He then obſerves, 'That it was not to be wondered at, that the impriſonment of the Kentiſh Petitioners ſhould have the voices of the major part of the houſe of commons, when (beſides the great inclination diſcovered by the ſpeaker) 'Sir Edward Seymour, Sir Bartholomew Shower, Mr. John Howe, Mr. Hammond, Mr. Harcourt,' and others, preſſed violently for it. What ſo many leaders in the party contended earneſtly for, could not but have the approbation of thoſe, who voted as conſtantly with them, as if they thought it both their duty and intereſt ſo to do. But, though that was the act of the greater part, it was not of the whole houſe of commons. All thoſe worthy and honourable members, who have always firmly adhered to his majeſty's intereſt, who have aſſociated for him, who have given perpetual demonſtrations of their enmity to France and the abdicated family, and heartily deſired to have all thoſe things done, which the Kentiſh Gentlemen petitioned for, were averſe to this, as they were to other fatal proceedings, which yet they had not power to prevent.' He then endeavours to ſhew, that the 'Houſe of Commons are not repreſentatives of the whole people of England, and that the Houſe of Lords are no leſs repreſentatives of the people of England than they.' He obſerves, that the 'Tory party' had governed the Houſe of Commons the laſt ſeſſion. 'If we conſider

This impriſonment of the Kentiſh petitioners did but enflame thoſe people, who were before diſpleaſed with the proceedings of the commons, and gave occaſion to a piece, ſuppoſed to be drawn by Daniel de Foe, intitled, 'A memorial from the gentlemen, freeholders, and inhabitants of the counties of——in behalf of themſelves and many thouſands of the good people of England, and ſigned Legion.' This was ſent to the ſpeaker with a letter, charging and commanding him, in the name of two hundred thouſand Engliſhmen, to deliver it to the houſe of commons[1]. The memorial began with a preamble upon this maxim, 'That whatever power is above law, is burdenſome and tyrannical, and may be reduced by extrajudicial methods.' Then it charged the houſe with illegal and unwarrantable practices in fifteen particulars, of which the three firſt were as follow: 'I. To raiſe funds for money, and declare, by borrowing clauſes, that whoſoever advances money on thoſe funds, ſhall be reimburſed out of the next aids, if the funds ſhall fall ſhort; and then give ſubſequent

conſider the men, ſays he, and compare what they have done with the pretended principles of their party, it will hardly ſeem odder to ſee Sir Edward Seymour bring in a bill to prevent bribery; or Mr. John Howe exclaim againſt exorbitant grants; or ſir Chriſtopher Muſgrave violent either againſt grants or a ſtanding army; or to find them, who diſcovered a plain inclination to quiet France in the poſſeſſion of all the Spaniſh dominions, quarrel at the treaty of Partition for giving France too much; than to ſee them aſſume the name of Tories. Is not Robin Harley a ringleader in this Tory party? Is not his brother Edward a leading member? Does not he attend all ordinances, and as conſtantly every week-day frequent the ſervice of the church (for his is a church party) in St. Stephen's chapel, as he does the conventicle every Lord's-day? Are not the Foleys, Winningtons, St. Johns, H—y of Weymouth, B—ſton, Ha—n, R—yb, and others of that leaven, members of this fraternity? It is methinks hard to ſay how a faction blended with ſuch a number of names noted for their inveteracy to the true Tory principles, can be called a Tory party? Nothing ſure, but mere neceſſity and want of men to ſerve ſome great deſign, could make them, who pretend to be genuine Tories, and conſequently muſt hate a comprehenſion, and love to keep their party pure and unmixed, herd with a ſet of men ſo odious to them. But upon ſecond thoughts the wonder will not ſeem ſo great: whatever differences might formerly have been between them, it will upon a fair examination now appear, that there is a great agreement in their principles, and that thoſe, who keep up their faction by retaining the name of Tories, and running down Whigs, have nothing but the bare name of their party, and are that very thing, which they run down. This will be very evident to any one who will but take a ſhort view of what they have done, and compare the loyalty of their behaviour with their loyal principles.

Formerly the Tory doctrine was, that the king was the breath of our noſtrils; that we failed in our allegiance to him, and deſerved not the name of loyal ſubjects, unleſs we valued his life more than our own, and would do all that lay in our power to preſerve him and his government, by ſhewing an inclination to deſtroy his enemies. Is this the temper and ſpirit of our preſent times? Are not ſir Edward Seymour, ſir Chriſtopher Muſgrave, and forty more, at this very time members of the houſe of commons, and of this Tory party, who, when the conſpiracy againſt the king was diſcovered, and an army lay ready to invade us, refuſed the voluntary aſſociation, which was reckoned the beſt expedient to preſerve the king's life, and prevent the ruin of this kingdom? Formerly Tories reckoned it an act of duty and loyalty to repoſe an entire confidence in the king, and to deſire, that he might be gratified, as with every thing elſe, ſo particularly with ſuch an army as he deſired. And in the late reign, when the army conſiſted of nineteen thouſand men, and the king had no other occaſion for them but to terrify and afflict his own ſubjects, ſir Chriſtopher Muſgrave was pleaſed to ſay in the houſe of commons, 'It was a deplorable thing, that the king ſhould have no better army.' Was it not that good old loyaliſt, and the men of that party principally, who reduced his preſent majeſty to the allowance of ſeven thouſand men, and were the cauſe of all the calamities that have been occaſioned by it? In the reign of king Charles II. when that gentleman had grants from the king, it would have ſeemed no leſs a prodigy in theſe kingdoms, to ſee a Tory houſe of commons offer to intermeddle with the king's grants, as they have done, and make it an article of impeachment againſt a great miniſter, to take a grant from the crown, than to ſee a church party, who have told us, that the king is Chriſt's vicegerent, and head of the church here upon earth, and that he has an uncontroulable right to diſpoſe, as he pleaſes, of thoſe fees, with which the crown has endowed the church, offer to deſtroy the king's right, by bringing in a bill to prevent the tranſlation of biſhops from one ſee to another. This bill deſigned no great favour to the king or the hierarchy; yet ſir John Packington, who brought it into the houſe, muſt be thought a loyaliſt and true ſon of the church, becauſe he tells churchmen that he is ſo. Though it was a bill for the better ſecuring the Proteſtant religion, yet there are but few Proteſtants, I believe, concerned, that it is adjourned (as the neceſſary methods for ſecuring our religion are) to another ſeſſion of parliament. If it be the next ſeſſion tacked to a money-bill (as the Jacobites ſay it will be) then we ſhall ſee the Proteſtant religion as well ſecured, as ſome people would have it, who now turn the methods of ſecuring it into jeſt and ridicule. I could heartily wiſh that there were no other inſtances but thoſe I have here mentioned, of the ill treatment, which both the monarchy and hierarchy have had from this loyal church party (as they would fain be reputed) whoſe practices of late have been the plain reverſe of what they formerly profeſſed. Have not they arraigned the king's power in making treaties, which was never diſputed in any former reign, no not by thoſe demagogues in the reign of king Charles I. whoſe memories and practices they pretend to hate? Have not they pulled down one principal pillar and ſupport of the monarchy, by creating a diſtruſt between the king and his people, by repreſenting men unfit for the ſervice of the public, and excluding them from having any thing to do in the election of their repreſentatives, who are in places of truſt under the king? Have they not deſtroyed our very conſtitution, and made our government plainly popular, under their ſole management and direction? Is it not a popular government, and a very intolerable one, where they have uſurped the power of the king and the lords, and broken in upon the rights of the people, by taking the execution and legiſlation upon themſelves, and puniſhing contrary to law? Have not they aſſumed the power of the king, both executive and legiſlative, when they are grown to that exorbitancy of power, that they expect he will do whatever they require of him, though it be to puniſh ſome, who have long toiled in the ſupport of his government, and turn out others from places of public truſt, who have appeared with a warm and extraordinary zeal in his and their country's ſervice; when they take upon them to cenſure and condemn what he does, though it be profitable to us and our friends, and his undoubted right and prerogative to do it; when, to prevent the miſchief and confuſion, in which his enemies would involve his kingdoms, he has been forced to give the royal aſſent, where he knew it would not only hurt many of his friends, but a very great number of his good and loyal ſubjects, and be of very ill conſequence to his affairs abroad? Have they not invaded and uſurped the power of the lords, by endeavouring to deſtroy their juriſdiction, by tying them to new rules and methods in their judicature, and forcing their aſſent to laws, by tacking of clauſes, and leaving with them, together with the bill, all the ill conſequences that ſhould attend the rejecting it; which is plainly threatening them with the wrath and reſentment of the nation, impoſed on and incenſed by them? Have they not been highly injurious to the people, and invaded their rights, by taking the execution of the laws upon them, which belongs not to their province, and impriſoning ſuch numbers of their fellow-commons, as they have done this ſeſſion? It muſt be very extraordinary aſſurance, that can make a party, which has not only thus arraigned the actions of his majeſty, and been a conſtant clog upon the wheels of this government, but has likewiſe uſurped his power, and brought in an arbitrary popular government, aſſume the name of loyaliſts, and call others turbulent ſeditious republicans. If we would judge right between the two contending parties, we ought to conſider their actions, and not the names and characters they themſelves aſſume or give one to another. If it be evident, that the Tories have been highly prejudiced againſt his majeſty's government; if they have uſurped upon the crown, and deprived it of many of its juſt rights; and the Whigs have borne a conſtant affection to the king, and endeavoured to continue him in poſſeſſion of all his rights and prerogatives: if, in ſettling the ſucceſſion in the Proteſtant line, Tories have not only diſcovered a perfect averſion to the act, and uſed artifices to elude it, but likewiſe framed that new bill of rights which was not contrived to recommend the crown, and make it amiable to the ſucceſſors; and the Whigs, on the other hand ſhewed themſelves both eager to have the crown ſettled, and unwilling to have ſuch a breach made in the prerogative; then it will be evident, that the Whigs loyalty is greater than the Tories; or that the object they have placed it upon, makes it more agreeable to us, and apter to promote our happineſs and tranquillity. If Tories be of thoſe loyal principles they boaſt of, and the object be the abdicated family; if it be this loyalty of their principles, and the regard they have to the intereſt of that family, that has made them uneaſy to the king, and downright republicans under his government, true Engliſhmen will find but little reaſon, as things now ſtand, to admire their principles, or run into their party. The caſe in ſhort is thus: To this loyal Tory party (as they would be eſteemed) we find all thoſe attached, whoſe principles imbibed in the late reigns make them firmly adhere to the intereſt of king James. Here we find all thoſe in a manner, who were againſt the abdication, and recognition, who would not allow his preſent majeſty to be rightful king, and refuſed to enter into the aſſociation to preſerve him and his government. In this party are all thoſe likewiſe, whom either the love of money, or of the St. Germain family, or popery, has reconciled to the French intereſt. It is moſt certain, that there is not a man in the houſe engaged in any of theſe intereſts, who is not one of this party; and as certain it is, that all the papiſts, friends of king James and the French king, without doors, applaud their proceedings, and own, that they are fairly repreſented by them. From this account then it will appear, that the parties are truly and properly to be diſtinguiſhed into thoſe, who are for the Jacobite or French intereſt (for it is impoſſible to ſeparate them) and thoſe who are for our preſent ſettlement, or the true intereſt of England.'

The author having made theſe remarks in his preface, begins his diſcourſe with obſerving, that England has moſt reaſon of all other countries, to be apprehenſive of the growing power of France, 'when we conſider our ſituation, the affairs of commerce and religion, and the intereſt not only of the abdicated family, but of their great protector likewiſe, among us:' That theſe apprehenſions were the ground of the diſcontents and reſentments expreſſed by the people againſt their repreſentatives in the houſe of commons, from a ſuſpicion of a much greater inclination in that houſe to continue than to deſtroy the union of power by the ſettlement of France and Spain in one family, and that they gave occaſion to the Kentiſh petition; the preſenters of which being impriſoned by the houſe of commons, he inquires into theſe three points: I. 'What power that houſe has to impriſon: II. The ſubjects right of petitioning: III. What reaſon the gentlemen, juſtices of the peace, and grand jury of the county of Kent had to offer that petition, when they did.' With regard to the firſt point, he obſerves, that the repreſentatives of the people have no power above law; that the liberty of the people is taken care of by both common and ſtatute law; the former abhorring impriſonment, and never allowing it, unleſs when men have been guilty of force, and rendered themſelves enemies to the community; and the latter having frequently injoined, that it ſhall not be inflicted, unleſs by indictment, or ſuch due proceſs as the law requires. He affirms, that the power aſſumed by the houſe of commons was an invaſion of the legal rights of the people; and that the power of that houſe to impriſon extends only to their own members. As to the ſecond point, he ſhews, that the ſubjects right of petitioning is agreeable to nature, and confirmed by the ſtatute law of the land, and juſtified by the votes of the houſe of commons in 1685. With regard to the laſt point, he obſerves, that the reaſons, which the Kentiſh gentlemen had to petition, were the increaſing greatneſs of France, and the breaches which had been made in the proteſtant religion, ſince the beginning of the laſt age, with juſt ſuſpicions, that French gold had an influence on the management of public affairs.

[1] The letter was as follows:

Mr. Speaker,

'The incloſed memorial you are charged with, in behalf of many thouſands of the good people of England.

'There is neither 'Popiſh, Jacobite, ſeditious, court or party-intereſt' concerned in it; but honeſty and truth.

'You are commanded by two hundred thouſand Engliſhmen, to deliver it to the H—— of C——s, and to inform them that it is no banter, but ſerious truth; and a ſerious regard to it is expected; nothing but juſtice and their duty is required, and it is required by them, who have both a right to require, and power to compel, viz. the people of England.

'We could have come to the houſe ſtrong enough to oblige them to hear us, but we have avoided any tumult, not deſiring to embroil, but to ſave our native country.

'If you refuſe to communicate it to them, you will find cauſe in a ſhort time to repent it.'

To R——t H——y, Eſq:
S—r to the H— of C—s.

funds, without transferring the deficiency of the former, is a horrible cheat on the ſubjects, who lent the money, a breach of public faith, and deſtructive to the honour and credit of parliaments. II. To impriſon men, who are not of your own members, by no proceedings but a vote of your own houſe, and to continue them in cuſtody 'ſine die,' is illegal, a notorious breach of the liberty of the people, ſetting up a diſpenſing power in the houſe of commons, which your fathers never pretended to; bidding defiance to the 'Habeas Corpus' act, which is the bulwark of perſonal liberty; deſtructive of the laws; and betraying the truſt repoſed in you; the king being at the ſame time obliged to aſk you leave to continue in cuſtody the horrid aſſaſſinators of his perſon. III. Committing to cuſtody thoſe gentlemen, who, at the command of the people (whoſe ſervants you are) came in a peaceable way to put you in mind of your duty, is illegal and injurious: deſtructive of the ſubjects liberty of petitioning for redreſs of grievances, which has by all parliaments before you been acknowledged to be their undoubted right.' After enumerating twelve other particulars [k], the memorial proceeds to a claim of right under ſeven heads, of which the three former run thus: 'We do hereby claim and declare, I. That it is the undoubted right of the people of England, in caſe their repreſentatives in parliament do not proceed according to their duty and the people's intereſt, to inform them of their diſlike, diſown their actions, and to direct them to ſuch things, as they think fit, either by petition, addreſs, propoſal, memorial, or any other peaceable way. II. That the houſe of commons ſeparately, and otherwiſe than by bill legally paſſed into an act, have no legal power to ſuſpend or diſpenſe with the laws of the land, any more than the king has by his prerogative. III. That the houſe of commons have no legal power to impriſon any perſon, or commit him to cuſtody of ſerjeants, or otherwiſe (their own members excepted) but ought to addreſs the king to cauſe any perſon, on good ground, to be apprehended; which perſon, ſo apprehended, out to have the benefit of the 'Habeas Corpus' Act, and be fairly brought to a trial by due courſe of law.' After other claims [l] it concludes, 'Thus, gentlemen, you have your duty laid before you, which it is hoped you will think of. But if you continue to neglect it, you may expect to be treated according to the reſentments of an injured nation; for Engliſhmen are no more to be ſlaves to parliaments than to kings. Our name is Legion, and we are many.'

The commons were extremely incenſed at this memorial, but could not deſcend to a particular cenſure of it. It was thought ſufficient, that a complaint was made to the houſe, of endeavours to raiſe tumults and ſeditions, in order to diſturb the public affairs; and a committee was appointed to draw up an addreſs to be preſented to his majeſty, humbly to lay before him the endeavours of ſeveral ill diſpoſed perſons, to raiſe tumults and ſeditions in the kingdom, and humbly beſeech him, that he would provide for the public peace and ſecurity.

But the Kentiſh gentlemen, who lay in priſon till the prorogation of the parliament, were much viſited and treated as confeſſors; for a deſign had been laid to get addreſſes of the ſame nature with theirs from all parts of England, and eſpecially from the city of London. The miniſters repreſented to the king, what an indignity this would be to the houſe of commons; and that, if he did not diſcourage it, he might look for unacceptable things from them; and that it might rather diſcourage than give heart to his Allies, if they ſhould ſee ſuch a disjointing, and both city and country in an oppoſition to the houſe of commons. Some went in his majeſty's name to the eminent men of the city, to divert it; yet with all this it came ſo near, for ſuch an addreſs in common council, that the lord mayor's vote turned it for the negative.

As, by theſe proceedings, a diſpoſition to a war, and to a more hearty concurrence with the king, appeared to be the general ſenſe of the nation, it had a great effect on the houſe of commons, and drew from them the addreſs beforementioned. Whereby they deſired the king to enter into ſuch alliances with the emperor and other ſtates, as were neceſſary for the ſupport of us and our allies, and to bring down the exorbitant power of France. It is true, this was oppoſed with great zeal by thoſe, who were looked upon as the chief conductors of the jacobite party; but many, who had in other things gone along with them, thought this was the only means left to recover their credit with the people; for the current ran ſo ſtrong for a war, that thoſe who ſtruggled againſt it, were conſidered as little better than public enemies. The commons alſo were from hence induced to ſettle good funds for a million and a half. Indeed, one of theſe funds was very unacceptable to the king; it was obſerved that the allotment for the civil liſt did far exceed the ſum that was deſigned, which was only 600,000l. and that, as king James's queen would not take her jointure, ſo, by the duke of Glouceſter's death, the charge on it was now leſs than when it was granted; ſo they took 3700l. a week out of the exciſe, and, upon an aſſignation made of that for ſome years, a great ſum was raiſed: This was very ungrateful to the court, and the new miniſters found it no eaſy thing to maintain, at the ſame time, their intereſt with the king and their party.

There was alſo a very good act paſſed this ſeſſion concerning the privilege of parliament. Peers had, by law, a cuſtom and privilege for themſelves and their ſervants, during the ſeſſion, and at leaſt twenty days before and after. Of late they had reckoned forty days before and after, in which neither they nor their ſervants could be ſued in any court, unleſs for treaſon, felony, or breach of the peace. The houſe of commons had alſo poſſeſſed themſelves of the ſame privilege, but with this difference, that the lords pretended theirs was a right, not ſubject to the order of the houſe of lords; whereas the commons held, that their privilege was ſubject to the authority of their houſe. Of late years ſeſſions were long, and continued by intermediate prorogations, ſo that the whole year round was a time of privilege. This made a great obſtruction in the courſe of juſtice, and none who were ſo protected could be ſued for debt. The abuſe was carried farther by the protections which ſome lords gave, or rather ſold to perſons who were no way concerned in their affairs; but, when they needed this ſhelter, they had a pretended office given

[k] Theſe were:

'VI. Proſecuting the crime of bribery in ſome to ſerve a party, and then proceed no further, tho' proof lay before you, is partial and unjuſt, and a ſcandal upon the honour of parliaments.

'VII. Voting the treaty of Partition fatal to Europe, becauſe it gave ſo much of the Spaniſh dominions to the French, and not concern yourſelves to prevent their taking poſſeſſion of it all. Deſerting the Dutch, when the French are at their doors, till it be almoſt too late to help them, is unjuſt to our treaties, and unkind to our confederates, diſhonourable to the Engliſh nation, and ſhews you very negligent of the ſafety of England, and of our proteſtant neighbours.

'VIII. Ordering immediate hearings to trifling petitions, to pleaſe parties in elections; and poſtpone the petition of a widow, for the blood of her murdered daughter, without giving it a reading, is an illegal delay of juſtice, diſhonourable to the public juſtice of the nation.

'IX. Addreſſing the king to diſplace his friends upon bare ſurmiſes, before the legal trial or article proved, is illegal, and inverting the law, and making execution go before judgment, contrary to the true ſenſe of the law, which eſteems every man a good man, till ſomething appears to the contrary.

'X. Delaying proceedings upon capital impeachments, to blaſt the reputation of the perſons, without proving the fact, is illegal and oppreſſive, deſtructive to the liberty of Engliſhmen, a delay of juſtice, and a reproach of parliaments.

'XI. Suffering ſaucy and indecent reproaches upon his majeſty's perſon to be publicly made in your houſe, particularly that impudent ſcandal of parliaments, J—n H—w, without ſhewing ſuch reſentments as you ought to do, the ſaid J—n H—w ſaying openly, 'That his majeſty had made a felonious treaty to rob his neighbours;' inſinuating, 'That the Partition treaty' (which was every way as juſt as blowing up one man's houſe to ſave another's) 'was a combination of the king to rob the crown of Spain of its due.' This is making a Billingſgate of the houſe, and ſetting up to bully your ſovereign, contrary to the intent and meaning of the freedom of ſpeech, which you claim as a right, is ſcandalous to parliaments, undutiful and unmannerly, and a reproach to the whole nation.

'XII. Your S—r exacting the exorbitant rate of 10l. per diem for the V—s, and giving the printer encouragement to raiſe it on the people, by ſelling them at 4d. per ſheet, is an illegal and arbitrary exaction, diſhonourable to the houſe, and burthenſome to the people.

'XIII. Neglecting to pay the nation's debts, compounding for intereſt, and poſtponing petitions, is illegal, diſhonourable, and deſtructive of the public faith.

'XIV. Public neglecting the great work of reformation of manners, though often preſſed to it by the king, to the great diſhonour of God, and encouragement of vice, is a neglect of your duty, and an abuſe of the truſt repoſed in you by God, his majeſty, and the people.

XV. Being ſcandalouſly vicious yourſelves, both in your minds and religion, lewd in life, and erroneous in doctrine, having public blaſphemers, and impudent deniers of our Saviour's divinity among you, and ſuffering them unreproved and unpuniſhed, to the infinite regret of all good chriſtians, and the juſt abhorrence of the whole nation.'

[l] A fourth claim was: 'That if the houſe of commons, in breach of the laws and liberties of the people, do betray the truſt repoſed in them, and act negligently, or arbitrarily, and illegally, it is the undoubted right of the people of England to call them to an account for the ſame, and by convention, aſſembly, or force, may proceed againſt them, as traitors and betrayers of their country.' Then they demanded in the name of themſelves and all the people of England;

'1. That all the public juſt debts of the nation be forthwith paid and diſcharged.

'2. That all perſons illegally impriſoned, as aforeſaid, be either immediately diſcharged, or admitted to bail, as by law they ought to be; and the liberty of the ſubject recognized and reſtored.

'3. That J—n H—w aforeſaid be obliged to aſk his majeſty's pardon for his vile reflections, or be immediately expelled the houſe.

'4. That the growing power of France be taken into conſideration, the

them, that was a bar to all arrests. After many fruitless attempts to regulate these abuses, a bill was brought into the house of commons, that took away all privilege against legal prosecutions in intermediate prorogations, and did so regulate it during the sitting of parliament, that an effectual remedy was provided for a grievance, that had been long and much complained of. These were the only popular things that were done by this parliament, the rest of their proceedings shewed both the madness and fury of parties.

The misunderstanding between the two houses was so great, that there was hardly any public bill passed without amendments and conferences. The last contest was about a bill sent up by the commons, for appointing commissioners to examine and state the public accounts. To this bill the lords having made some amendments, the commons refused to consent to them, insinuating in their reasons, that there had been immense sums of the public money imbezzled by those that had the management of it. 'Many millions (say they) have been given to his majesty by the commons, for the service of the public, which remain yet unaccounted for [m].' To interrupt these disputes, the king, without taking any notice of them thought proper to put an end to the session of parliament on the 24th of June, when he made the following speech to both houses:

"My lords and gentlemen,

"THE session being now come to a conclusion, I must return you my hearty thanks for the great zeal you have expressed for the public service, and your ready compliance with those things, which I recommended to you at the opening of this parliament. And I must thank you, gentlemen of the house of commons, in particular, both for your dispatch of those necessary supplies, which you have granted for the public occasions, and for the encouragements you have given me to enter into alliances for the preservation of the liberty of Europe, and the support of the confederacy; in which, as it shall be my care, not to put the nation to any unnecessary expence; so I make no doubt, that whatsoever shall be done during your recess, for the advantage of the common cause in this matter, will have your approbation at our meeting in the winter.

My lords and gentlemen,

"I shall conclude with recommending to you all the discharge of your duties in your respective counties, that the peace of the kingdom may be secured by your vigilance and care in your several stations."

Then the lord-keeper, by his majesty's command, prorogued the parliament to Thursday the 7th of August.

Thus ended the session of parliament, which had the worst aspect of any that had sate during this reign. The new ministers pressed the king to turn out some of the whigs who were in employments, the lord Haversham in particular, who was in the Admiralty: But the king could not be prevailed with to do any thing; yet he kept himself so much on the reserve, that, when he went out of England, it was not certainly known, whether he intended to dissolve the parliament or not. The state of the king's health very ill consisted with his uneasiness at the opposition to his measures at home, and his concern for the success of his negociations abroad. He was thought to conceal his ill opinion of his own decaying constitution, even from his most favoured confidents, to prevent its taking air, which would have been fatal in the forming the intended confederacy, the princes entirely depending on his wisdom, courage, and zeal for the common cause. To provide against accidents, he gave the command of the troops that were ordered to Holland (making in all ten thousand men) to the earl of Marlborough, and appointed him to be plenipotentiary to the States-General, as knowing him to be equally qualified for council and action. On the 28th of June, the king nominated, to be justices in his absence, the archbishop of Canterbury, sir Nathan Wright lord-keeper, the earl of Pembroke, first commissioner of the admiralty, the duke of Devonshire, the earl of Jersey, and the lord Godolphin. Three days after, the gentlemen who were imprisoned for delivering the Kentish petition, being discharged of course at the end of the session, were splendidly entertained at Mercers-Hall, at the charge of the citizens, being accompanied by several of the nobility and gentlemen of the first rank. They were likewise very honourably received, upon their return into their own country.

This year died suddenly Henry Howard duke of Norfolk, who had been educated a papist, but leaving the church of Rome about the time of the Popish plot, continued to his death firm to the church of England, and had been a zealous promoter of the revolution. His place of earl-marshal was conferred on the earl of Carlisle, during the minority of his nephew, the lord Thomas Howard's eldest son (who succeeded the duke in his honour and estate) if at the age of eighteen he should conform to the church of England.

On Tuesday the first of July, the king embarked at Margate, and on the Thursday following arrived in the Maese, and went that night to the Hague. The next day he received the compliments of the embassadors and other foreign ministers, and of the courts of justice, and council of Brabrant; and in the afternoon went to the assembly of the States General, to whom he addressed himself in this manner:

High and Mighty Lords,

"I ALWAYS come into this country with joy, but more especially in this dangerous conjuncture of affairs, because I foresee my presence will be necessary for the service

succession of the emperor to the crown of Spain supported, our protestant neighbours protected, as the true interest of England and the protestant religion require.

'5. That the French king be obliged to quit Flanders, or that his majesty be addressed to declare war against him.

'6. That suitable supplies be granted to his majesty for the putting all those necessary things in execution, and that care be taken that such taxes as are raised be more equally assessed and collected, and scandalous deficiencies prevented.

'7. That the thanks of the house may be given to those gentlemen, who so gallantly appeared in the behalf of their country with the Kentish petition, and have been so scandalously used for it.'

[m] The proceedings of the house of commons in this bill are vindicated by Dr. Drake, in his 'History of the last parliament begun at Westminster the 10th day of February 1701.' But on the other side were published, 'Some remarks on that bill, and on the proceedings thereon in both houses, printed in 1701, and inserted in the 'third Volume of the State tracts during the reign of king William.' The writer of these remarks first considers the six several acts for constituting such commissioners since the revolution, and what had been done by them; and then shews, how it was managed to lay the loss of the last bill upon the house of lords, and the reasons why the lords might not be willing to agree to that bill; and signifies the several amendments which they made in it. He observes likewise, that the lords might determine upon the characters of the commissioners named by the commons, as well as upon their business. 'Suppose then, says he, that one was known to have no estate to subsist on, and therefore could not afford to serve for nothing: Another to be too fond of his practice, to sacrifice it all to the public without a prospect of advantage: Another to have too much value for his wit, to venture the dulling the edge of it upon hard and crabbed accounts. Suppose that some lords knew the story of a certain gentleman's getting, by great solicitation, a pretended security of 10,000l. from his friend, when there was not sixpence due to him, nor he worth 100l. in the world, in order by that deceit to procure himself a wife. Suppose that other lords might think it ominous to see a new bill of accounts with a certain gentleman's name in it, and presently apprehend another assassinating year; and remember, who refused to act in the former commission, after Charnock's conspiracy was discovered, and subscribing the association made necessary to qualify him for acting. Suppose it to be known, that none of these commissioners were eminent for skill in accounts; might not these, or other better reasons, move the lords to dislike the bill for the sake of the commissioners?' The author remarks likewise, that the commissioners appointed in 1700 had stated the whole expence of the late war to amount to forty-one millions; 'in which, says he, they sufficiently exposed one of the commissioners named in that part of the bill, which was disagreed to by the lords; Dr. Davenant, who had before in print pretended, that, upon a nice calculation, the expence amounted to upwards of sixty millions. A mistake of nineteen millions is no small one, if men are so charitable to call it a mistake. But, whether this was his ignorance, or his ill meaning, either of them was a good ground for the lords not to agree to such a man's being intrusted as a commissioner to take this account again.' He afterwards takes notice, that all that part of the bill which related to the commissioners for stating the debts of the army, navy, and transport-ships, which was indeed the whole act that passed the preceding year, was passed by the lords without alterations; 'and therefore, if any public or private inconvenience should arise by the not continuing of that law, the blame will in no sort fall upon the lords, who passed it as it came to them, and returned the bill to the commons with all possible expedition. It was sent up to the lords on the 18th, and ordered to be returned to the house of commons on the 23d of June.' He then represents the unparliamentary proceedings of the commons upon the lords amendments. 'If, says he, the house of commons remained unsatisfied with any of the lords amendments, the known and only parliamentary method to set such a matter right was by desiring a conference, at which they might offer their reasons to the lords for disagreeing to their amendments, in order to convince them of the reasonableness of quitting them. To leave this method is to decline all parliamentary correspondence; for the two houses, after any difference in opinion, can never be brought to be of a mind (though both should be desirous to agree) unless by conferences. It cannot be denied, but the commons had time enough to have delivered their reasons to the Lords, to incline them to wave their amendments, if they had been pleased to take that natural course. But, instead of desiring a conference, and offering their reasons there, a vote without a precedent, was made, to print their reasons; which was offering them to the people, instead of offering them to the lords. Well-meaning men may be puzzled to think what construction ought to be put on this proceeding. The reasons, when printed, might have an effect on people without doors, but could not possibly have an effect towards passing the bill; suppose them to be strong enough to satisfy every individual lord, that he ought to wave the amendments; yet, for want of their being proposed at a conference, the lords could not, by the methods of parliament, desist from the amendments. If it should be said, that some men had less regard to the passing the bill, than to get a point of popularity at that time, it would not be easy to give a solid answer to such a reflection.'

of

of the State. I was in hopes, and desired to have passed the rest of my days in repose and peace; and, after the end of my days, to have left this state in a quiet and flourishing condition. To which end I have always laboured, particularly after the conclusion of the last peace. But since there have happened such great alterations in the affairs of Europe, that we know not what will be the disposal of Divine Providence concerning them. Nevertheless I can assure your High Mightinesses, that, whether affairs may be accommodated without coming to further embroilments, or whether we must be obliged to take arms again, I persist in the same affection and the same zeal, which I ever had for the service and prosperity of these provinces; and will contribute, as far as lies in my power, whatever may tend to advance the welfare of this State, the maintenance of their liberties and religion, and their particular security, as well as that of Europe. I am overjoyed to find all things still in a quiet condition; which, next to the blessing of the Almighty, must be ascribed to the speedy and unanimous resolution of your High Mightinesses, to put yourselves in a posture of defence. I am persuaded, that the respective Confederates will contribute strenuously towards it; which I look upon as the only means to prevent a war; or, in case of a rupture, to defend the State from the danger that threatens it. It is a great satisfaction to me, that I can assure your High Mightinesses, not only of my affection, but of the whole English nation; and that they are ready to assist this State, and strongly to contribute towards their defence, and to whatever may tend to the common security: and this is what your High Mightinesses may be fully convinced of. I hope the great God will bless the means which you have made use of, either by way of negociation, or by force of arms, in case of a rupture, to attain the end proposed; that is to say, reasonable security for the common cause, and particularly the preservation of this State in their liberties and religion. There is nothing which I wish with more fervency; and I will contribute towards it whatever lies in my power. This is what I thought necessary to say at present; only that I desire the continuance of your High Mightinesses affection and amity."

To this the States-General returned an answer to this effect: 'That they thanked his majesty with all their hearts for the honour he had done them to come again into their assembly; and at the same time time testified their inexpressible joy to see his happy arrival. That they were sensible how much his majesty's presence was necessary among them, in such a difficult conjuncture, to settle affairs in a good condition, and so to preserve them, with the assistance of God, out of the great confidence which they all had, from the highest to the lowest, in his majesty's prudence and extraordinary abilities. That they were extremely obliged to his majesty, and most heartily thanked him for his persevering in his kind inclinations for their repose and tranquillity. That they were fully convinced, that, since the last treaty of peace, his majesty's care and application had tended to the preservation of the said peace and the public tranquillity. That they were overjoyed, that their conduct, since the strange mutations in general affairs, had met with his majesty's approbation. And in regard the State was was in so much danger, that their religion and liberties lay at stake, they were resolved to use all possible means for the preservation of those inestimable pledges. That they could not omit to thank his majesty for his assurances, not only in his own, but in the name of the English nation, in favour of themselves and the common cause, well knowing, how much they might rely upon a people, whose courage and valour had gained so much reputation in the world. That they were always of opinion, that their interests were inseparable from those of England. In the mean time, they most ardently besought the Almighty to bless his majesty and his councils, and to grant him long life, health, and strength, that he might be able to continue his cares for the public good and the welfare of his own kingdoms and their States; assuring him of their perseverance in that amity and high esteem, which they have always had, and ever shall be bound to have of his majesty, so long as their State endures.'

After this, the king went to view the frontier garrisons, and, returning to the Hague, found, that count d'Avaux had delivered a letter from the French king to the States, accompanied with a memorial of his own, to notify his being recalled home. The letter was as follows:

"Most Dear Great Friends, Allies, and Confederates,

"WE have thought fit to recall the count d'Avaux, our embassador extraordinary to you, seeing the little fruit those conferences have produced, which you desired of us; and which you have since often interrupted. We are not the less inclined to the establishing of the peace, as he will further declare his intentions to you before his departure. Nothing remains for us but to assure you, that it still depends on you to receive marks of our ancient friendship for your republic, and of our desire to give you proofs thereof upon all occasions. So we pray God, that he may have you, most dear great friends, allies, and confederates, in his holy keeping. Given at Versailles, the 18th of July 1701."

Your Good Friend, Ally, and Confederate,

LEWIS.

Colbert.

The memorial, which accompanied this letter, contained in substance. "That his excellency was in hopes, that their lordships would have had that confidence in his master's affection and his desires of peace, that would have dissipated those vain fears, which the advancement of his grandson to the throne of Spain had infused into them, and that he should return to the king, his master, with the satisfaction of having been employed in preventing the new troubles that threatened Europe. Which hope was confirmed, when, by their acknowledging the lawful rights of the king of Spain, they wrote to congratulate him, and seemed thereby to disown the injustice of foreign pretensions, whatever they might persist in demanding for themselves; so that all things seemed to be in a fair way towards settling of peace, when the proposals made by your High Mightinesses and the king of England's envoy gave occasion to judge, that war rather than peace would be the fruit of that strict union, which the conformity of proposals denoted between that prince and your High Mightinesses. They protested, that their excessive demands were the effects of a just fear, grounded on the king's power. But if that fear, so lively expressed in their letter to the king of Great Britain, during the sitting of the parliament, were real, and that they had no other end in representing them than to prevent them, the means of doing it were in their own hands; there was no need of making all those preparations for the greatest war. That their lordships had desired the conferences, and it depended upon them to render them useful. But their lordships had again delayed the conclusion of them, by demanding the admission of the king of England's envoy into the conferences. Which, if he opposed for some time, it was out of his sincere desire to remove all obstacles, which the enemies to peace are continually laying in the way. Nor did his majesty believe their lordships would so easily have insisted upon the pretended satisfaction to be given to the emperor, confounding the interests of other princes with their own, and set themselves up for arbitrators between the houses of France and Austria; that so wise a republic should, in favour of the house of Austria against France, resolve to break these treaties, which they had looked upon as the confirmation and seal of their sovereignty; that they should engage themselves, at the expence of their provinces, their countries, and their wealth, to support foreign interests, when, a little before, they had acted quite the contrary, by acknowledging the king of Spain.

"That his excellency should abuse his master, should he write to him, that any success was to be expected from the conferences. That his master had too discerning a judgment, after the king of Great Britain's envoy had declared, that his master would never depart from the interest of the emperor; that he would not enter into any proposals of accommodation, unless satisfaction were given to that prince; that the ties between their lordships and the king of Great Britain were too strict, and had too well made known their blind submission to the sentiments of that monarch, and no doubt that they had already taken a resolution to make the same declaration to the most Christian king's embassador. Indeed they had done it already beforehand, by declaring, 'That the commissioners should not continue the conference without the intervention of the English envoy;' so that, if he should exclude himself, the conferences were suspended; and therefore it would be to no purpose for the most Christian king's embassador, sent only for the sake of those conferences, to continue any longer at the Hague; where, if he has not the satisfaction to fulfil his majesty's intentions in establishing a durable peace between him and the United Provinces, yet it will be some consolation to him, that he had made known his majesty's desire to contribute whatever depends on him, to prevent a rupture of the public peace. That he has taken arms in the defence of his grandson only; and that, if it had been

been his deſign to make new conqueſts, he might have done it, when his forces, upon the frontiers of their republic, afforded him the means to have made his advantage of their weakneſs. He concluded with wiſhing, that their lordſhips, convinced by his majeſty's conduct of the ſincerity of his intentions, would, while it was yet time, take ſuch reſolutions, as might be conformable to their true intereſts."

To this memorial the States-General returned an anſwer, which was to this effect:

'That they were obliged to the moſt Chriſtian king, for ſending hither the count d'Avaux as his embaſſador extraordinary. They wiſhed, that ſufficient means might have been found in the conference, to have obtained a general peace, and reaſonable ſecurity for themſelves, and that he had tarried till that had been done. They were troubled, that he ſhould be recalled before thoſe things were effected; and ſo much the more, that the cauſe of it ſhould be imputed to their conduct. That, upon his moſt Chriſtian majeſty's ſignifying to them, that he accepted the will of the late king of Spain inſtead of the treaty of Partition, they gave him their reaſons, why they could not come to a ſpeedier reſolution in that affair; and, as ſoon as their conſtitution would allow it, they offered to enter into a conference with any that his majeſty ſhould think fit to appoint. That they appointed deputies accordingly to treat with the count d'Avaux, and, in compliance with his majeſty, owned the new king of Spain, that they might remove all occaſions of delays, and give a convincing proof of their deſire to preſerve the grand peace. They cannot apprehend, how they ſhould obſtruct the ſame by the intervention of the king of Great Britain, who was one of thoſe concerned in the treaty of Partition; or by the intervention of any other potentate, who has an intereſt in preſerving the general peace. That they had not thereby owned the juſtice or injuſtice of the pretenſions of a third party, nor ſeparated their intereſts from any, who are concerned in the general peace. That, ſince his majeſty's miniſters had repreſented to them, that the end of the treaty of Partition might be as well attained by the acceptation of the will, the count d'Avaux might make propoſals for the general peace, and their particular ſecurity; and, he excuſing himſelf, and deſiring propoſals from them, they had, in concert with his majeſty of Great-Britain, delivered him propoſals. They cannot comprehend, why the effect of that union betwixt them and the ſaid king ſhould be rather war than peace, ſince his majeſty of Great-Britain has, on all occaſions, given ſufficient proofs of his inclinations to peace. That they were ſtrictly united with him by alliances, many years ago, for their mutual ſecurity. That he was one of the chiefeſt parties in the treaty of Partition; and that they declared, before their propoſals were communicated, that they thought his conſent neceſſary, as well for thoſe reaſons, as for his private relation to their republic; and no objection was then raiſed againſt it. They were ſorry to ſee the king of France had returned no anſwer to their propoſals; which though they had heard to be called exceſſive, no body had undertaken to prove them ſuch. That the general peace could not be preſerved without ſatisfaction to the emperor, whoſe pretenſions were ſo far owned by the king of France himſelf in the treaty of Partition, that it was agreed how the ſame ſhould be ſatisfied. That therefore there was nothing in this article of their propoſal, that could be called exceſſive; and what they had demanded for their own ſecurity, was not equal to what they had before the death of the late king of Spain, or to what they had acquired by the treaty of Partition. That their forces were not grounded alone on their own private ſentiments, but on the opinion of their allies, who had not ſcrupled to ſend them the aſſiſtance they were obliged to by their alliances. That, had it been in their power to extricate themſelves out of their difficulties, without arming, ſeeking new alliances, and drowning their country, they would certainly have done it. That the difficulties raiſed about admitting the Engliſh envoy was not from them, but from the count d'Avaux, and not chargeable upon them for the reaſons before mentioned. That the king of France had reaſon to think they would inſiſt on ſatisfaction to the emperor, ſeeing that was the firſt of their propoſals, which the king of France himſelf thought juſt and neceſſary. That they had given no cauſe to think, that they preſumed to ſet up as umpires betwixt France and Auſtria, or to determine, which of the two laſt kings of Spain had a right to alter the laws of the ſucceſſion to that crown; but deſired his majeſty to remember, that, he himſelf, as well as the king of Great Britain and the States, thought a war would be unavoidable, if, upon the death of the late king of Spain, either he or the emperor ſhould inſiſt upon the pretenſions of their families to the ſucceſſion; and therefore they entered into the treaty of Partition. That their owning the king of Spain could not be judged to be a ſtep contrary to this, ſince it did not hinder giving reaſonable ſatisfaction to the emperor: And the king of France ought to be convinced, that they would do nothing to the detriment of their provinces, commerce, or riches, but what was abſolutely neceſſary to their preſervation. They had done nothing, that could be conſtrued a breach of the treaties, which confirmed and ſealed their ſovereignty, and did not well apprehend the meaning of that aſſertion: Their provinces were always free and ſovereign: Their anceſtors ſpent their lives and fortunes to aſſert their freedom; and they reſolved to do the like. They were ſorry to hear, that the count d'Avaux expected no ſucceſs from the conferences, becauſe of the Engliſh envoy's declaring, that ſatisfaction muſt be given to the emperor. They owned, that the king of Great Britain and themſelves thought it reaſonable to treat of ſatisfaction to that prince; and that the emperor ſhould, in order thereunto, be invited into the negotiation. That the States did not blindly follow the king of Great Britain's ſentiments, but had a great deference for his advice, becauſe they were perſuaded, that he was wholly inclined to preſerve peace, and convinced, that he ſought nothing but the welfare of their republic. That, if the conferences were ſuſpended upon that account, they ſhould look upon it as a great misfortune: But, if the king of France had thought fit to let them continue, and to allow ſatisfaction to the emperor, they had hopes of a good concluſion. That they had been obliged indeed to arm, but did not begin to do it, till they ſaw their barriers in the Spaniſh Netherlands, that coſt them ſo much blood and treaſure, poſſeſſed by French troops, their own forces detained, and great preparations of war made there. That their jealouſy was beſides conſiderably increaſed by the ſtrict union, that appeared every day between France and Spain, though the treaty of Partition was made for this, among other reaſons, to prevent jealouſies from the union of too many States. That they had endeavoured, by all poſſible means, to preſerve friendſhip; but, if they muſt contrary to their own inclination, enter into a war, they have no cauſe to blame themſelves for it, and therefore hoped, that God would protect them.'

Thus all the pretenſions of the French, to give the States a reaſonable ſecurity, went off with the count d'Avaux; who yet was willing to retire without any open breach, and therefore took his leave of the States in very obliging terms, accepted from them the preſent of a gold chain and medal, and left his ſecretary behind, under colour of renewing the negotiations, when he had made a report of them to his maſter. But the States underſtood the artful receſs of the embaſſador, and therefore daily augmented their army with the troops arrived from Ireland, and with other auxiliary forces, and were indefatigably at work on the fortifications of their frontiers.

An alliance was now formed between the kings of Great Britain, and Denmark, and the States General [n]. Great pains were likewiſe taken to mediate a peace between Sweden and Poland. The court of France, as well as that of Vienna, tried it; both ſides hoping, that Sweden, if not Poland, might enter into their intereſts. The French reckoned, that Denmark and Sweden could never

[n] It was ſigned at Copenhagen, the 15th of June, 1701, and the chief articles were:

7. The king of Great Britain and the States-General promiſe to pay to the king of Denmark three hundred thouſand crowns a year, during the war.

8. The king of Great Britain promiſes to pay the arrears, due on the convention in 1689, to the ſeven thouſand Danes.

10. The king of Denmark ſhall ſend three thouſand horſe, one thouſand dragoons, and eight thouſand foot to the aſſiſtance of the king of Great Britain and the States-General, immediately after the treaty is ſigned; and they ſhall take the oath to the king and the States, as the ſeven thouſand did, to the king. The king and the States ſhall pay levy money, for an horſeman eighty crowns, a dragoon ſixty, and a foot-man thirty; one half as ſoon as the troops are marching, and the other, when they are arrived on the frontiers. Their pay ſhall be the ſame as that of the States, and be diſtributed by the Daniſh commiſſaries, to commence from the day of their march.

11. If a regiment or company happen to be ruined, the king and the States are to recruit them, and to reſtore them to the ſame condition they were in before; and the recruit money is to be paid to the Daniſh officers at the end of the campaign.

12. If the king of Denmark ſhould be in any wiſe attacked, the king of England and the States-General ſhall ſend his forces back with ſpeed, giving them one month's pay; and the like ſum, when they ſhall be ſent home after the peace; and they ſhall ſend the king of Denmark the ſuccours agreed on by the ſecret article of the treaty in 1690.

13. Succours may be demanded by any of the parties, if he is attacked by force

be on the ſame ſide; and therefore, when they found they could not gain Denmark, they tried a mediation, hoping to get Sweden into an alliance with them; but all attempts for a mediation proved unſucceſsful. The dyet of Poland was ſuſpended, and their king, being delivered from them, reſolved to carry on the war. The Spaniards, and the ſubjects of their other dominions, began to feel the inſolence of the French very ſenſibly; but nothing was more uneaſy to them than the new regulations which they were endeavouring to bring in, to leſſen the expence of the court of Spain. The grandees were little conſidered, and they ſaw great deſigns, for the better conduct of the revenues of the crown, likely to take place every where, which were very unacceptable to them, who minded nothing ſo much as to keep up a vaſt magnificence, at the king's coſt. They ſaw themſelves much deſpiſed by their new maſters, as there was indeed great cauſe for it; ſo that they ſeemed well diſpoſed to entertain a new pretender[o].

The emperor's army was now got into Italy. The entrance towards Verona was ſtopped by the French; but prince Eugene entered by Vicenza; and, when the reinforcements and artillery came up to him, he made a feint of paſſing the Po near Ferrara; and, having thus amuſed the French, he paſſed the Adige near Carpi[p], where a body of five thouſand French lay, whom he routed, and obliged the French to retire to the Mincio. He followed them, and paſſed that river in their ſight, without any oppoſition[q]. The French army was commanded by the duke of Savoy, with whom were marſhal Catinat and the prince of Vaudemont, governor of Milan. Theſe differed in opinion; the duke of Savoy was for fighting; Catinat and prince Vaudemont againſt it. But marſhal Villeroy was ſent thither with orders to fight[r]. Catinat, who was the beſt general the French had left, looking on this as a diſgrace, retired and languiſhed for ſome time; yet he recovered. There were many ſmall engagements of parties ſent out on both ſides, in which the Germans had always the advantage. Yet this did not diſcourage Villeroy from venturing to attack them in their camp at Chiari; but they were ſo well entrenched, and defended themſelves with ſo much reſolution, that the French were forced to draw off with great loſs; about five thouſand of them being killed, whereas the loſs of the Germans was inconſiderable. Sickneſs likewiſe broke in upon the French, ſo that their army was much diminiſhed; and after this they were not in a condition to undertake any thing. Prince Eugene lay for ſome time in his camp at Chiari, ſending out parties as far as the Adda, who meeting often with parties of the French, had always the advantage, killing ſome and taking many priſoners. For many months that prince had no place of defence to retire to; his camp was all; ſo that a blow given him there muſt have ruined his whole army. Towards the end of the campaign he poſſeſſed himſelf of all the Mantuan territories, except Mantua and Goits. He blocked them both up; and, when the ſeaſon obliged the French to go into quarters, he took all the places on the Oglio, and continued in motion the whole winter following. The French had no other enemy to contend with, and therefore poured in their whole force upon him. He was then but a young man, and had little aſſiſtance from thoſe about him, and none at all, during the ſummer, from the princes and ſtates of Italy. For the pope and Venetians pretended to maintain a neutrality, though, upon many occaſions, the pope ſhewed a great partiality to the French. The people indeed favoured the prince, ſo that he had good

force of arms, without his having firſt uſed force againſt the aſſailant.

14. This alliance ſhall continue ten years from the ſigning thereof, and the alliances of 1690 and 1696 are renewed by this.

Abſtract of ſome of the ſecret articles of the treaty.

1. If the ſuccour, which Denmark is to ſend to the king of England and the States, ſhould not be ſufficient, that king promiſes to ſend four thouſand men more, three months after demand.

2. If Denmark ſhould be attacked, and the ſuccour, mentioned in the ſecret articles of the treaty of 1690, ſhould not be ſufficient, the king of Great Britain and the States promiſe to aſſiſt him with all their forces, as Denmark will in the like caſe aſſiſt them.

5. The king of Great Britain and the States will endeavour, that the duke of Holſtein may conform himſelf to the treaty of Travendale, and maintain a good friendſhip with Denmark, while he ſends ſo many troops out of his own dominions.

7. The king of Great Britain and the States are content, that the emperor ſhall have two thouſand out of the twelve thouſand men, which Denmark will make good to them, in ſix months after the ſigning of this treaty.

10. In caſe of a war, his Daniſh majeſty ſhall not be obliged to enter into it, but be reputed to have made good his alliance by ſending the ſuccours of ſixteen thouſand men, and ſo putting this treaty in execution.

The earl of Mancheſter, in a letter from Paris, July 2d 1701, to ſecretary Vernon, writes thus concerning the treaty.

'The Daniſh envoy here owns the treaty, that we and the States have made with Denmark; tho' I find at the ſame time, that the diſputes between the king of Denmark and the duke of Holſtein are as great as ever. I can aſſure you, that if this court had come up to 150,000 livres more, Denmark would have ſigned a treaty with them; and it is to be feared, that this court will ſtill find ſome means to make that with us ineffectual, either by dealing underhand with Denmark, or elſe by engaging the king of Sweden not to make peace with Poland, which perhaps is not difficult; and I am told that overtures of that nature have been already made. I can tell you, that a treaty was lately near agreed on by the miniſters with Poland; but it broke off upon the point of advancing a conſiderable ſum of money, which here they deferred doing, in hopes that the treaty would not be neceſſary; and now it is believed, that the king of Poland will engage with the emperor.'

'Monſieur Schonenberg, in a letter to the earl of Mancheſter from Madrid, July 14th 1701, writes as follows:

'It is not to be conceived how great a horror the Spaniards entertain of a foreign government, which threatens them very nearly, and holds them already, as one may ſay, by the neck. The murmurs and diſcontents are univerſal: every body grows impatient; the court as well as the city, the clergy, the nobility, and the third eſtate. In a word, all the ſtates and kingdoms of this monarchy ſigh after liberty. Yet no body dares to ſtir, fearing to be ſooner overwhelmed than ſuccoured. Among all the Spaniards, the cardinal Portocarreo and his cabal are perhaps the only perſons, that attach themſelves deſperately to the French party; and it looks as if thoſe gentlemen had made a vow to ſacrifice Spain to it, and to engage all Europe in their fall.'

The ſame gentleman, in another letter to the earl from Madrid on the 28th of July 1701, has this paſſage: 'There is ſo general a want of money here, that they find it very difficult even to find any for the moſt common neceſſities. This makes them fear, that they ſhall not find enough for the expence of the king's journey towards Arragon and Catalonia. They have aſked the clergy for a free gift, and advance from the farmers and comptrollers of the royal rents; but the one and the other cry out mercy. In a word, ſcarcity and miſery reign univerſally; and the will of the late king Charles the ſecond of happy memory will coſt France dear; for unleſs they open their coffers to repair the horrible emptineſs of the Spaniſh finances, this court cannot ſupport itſelf, and the leaſt war will overwhelm it. The murmurs, which are cauſed by ſo univerſal a decay, go ſo far, that they have thought it neceſſary to inſpire the Spaniards with fear, by putting ſome ſtrangers in priſon, who are ſaid to have talked too freely. The duke of Arcos, one of the firſt grandees of Caſtile, has himſelf put into the king's hands a repreſentation, by which he makes excuſes, that he cannot equal himſelf to the dukes and peers of France. The young courtiers dreſs themſelves in the French faſhion to pleaſe the king, who has ſhewn, that he deſires it.

'The habits for the archers or life-guards, as alſo thoſe of all the livery-men, are come out of France; and that livery is the ſame with that of the houſe of Bourbon; ſo that the livery of the antient kings of Bourbon is baniſhed.'

[p] The earl of Mancheſter in a letter to Mr. Blathwayte from Paris, July 18, 1701, writes thus:

'We have an account here by an officer, who arrived out of Italy on the 16th that there had paſſed a conſiderable action between the Imperialiſts and the French at Carpi, where monſieur de St. Fremont was poſted with four regiments of dragoons, a regiment of horſe, a battalion or two of foot, and ſome pieces of cannon. Prince Eugene, having amuſed the French by paſſing ſome troops over the Po, they little expected to have heard of him in this place; but he has acted, as they all agree, very much like a general. The canal Blanco, was between them. He made a ſhew, as if he would paſs; ſeveral of his men went into the canal, to try if it was fordable: There they continued firing at the French. Whilſt this was doing, he made two bridges at a good diſtance from his troops above and below. When this was done, he withdrew his troops, as if all was over; but ſoon after he marched a conſiderable body of troops over both places with cannon, &c. and then fell on monſieur de Fremont, and entirely defeated his troops, making himſelf maſter of the poſts of Carpi, the baggage, the cannon, &c. The chevalier d'Albert, ſon of the duke de Chevreuſe, and colonel of dragoons, as alſo monſieur de Charbon, a perſon of diſtinction, are killed: Monſieur d'Eſtrades is dangerouſly wounded, twenty-five other officers are killed, and the reſt fled for it. Prince Eugene was there in perſon, and received a ſlight wound. They ſay here that he was poſted at Carpi upon the Adige when the expreſs came away, with fifteen thouſand men; and there is nothing between him and monſieur de Catinat, who is poſted at St. Pietro near Lagnago, and they are ſeven miles diſtant from each other. Monſieur de Catinat has ordered all his troops to join him from Rivoli, &c. They are very uneaſy at Verſailles, it being thought, that prince Eugene will attack the French army, which has no way of avoiding a battle, but by retiring over the Mincio. It is not known what loſs the Germans had.'

[q] The earl of Mancheſter in a letter to ſecretary Vernon from Paris, Auguſt 10, 1701, has this paſſage.

'I believe the account of prince Eugene's march will very much ſurpriſe you, as it does moſt people here. On Monday laſt arrived here a courier from prince Vaudemont. The letters are of the 3d. On the 28th paſt, ſix hundred German horſe marched over the Mincio at St. Lionne between Peſchiere and Borghetto, where the French were poſted. Monſieur de Catinat would not believe that they intended to paſs there; but, prince Eugene having made his bridge for the foot, and the river being fordable in many places, ten thouſand horſe paſſed, and the next day the whole army, and they continued their march to Deſenzano. Upon this, M. de Catinat held a council of war on horſeback, to reſolve, whether they ſhould advance, and give battle; but they were ſoon informed, that prince Eugene was no longer there, and that he was gone towards Breſcia; and, having got two days march before them, the prince of Vaudemont and count Teſſe, with moſt of the horſe and dragoons, made all the haſte they could, and were come to Piceghitone in the Cremonele upon the Adda. The duke of Savoy and M. de Catinat, with the reſt of the army, had paſſed Caneto upon the Oglio, and were expected that night at Cremona. It was thought, that their intention was to get, if poſſible, to the Adda, to cover the Milaneſe; prince Eugene was paſſed the Oglio, and it is believed he would ſoon be at Canonica upon the Adda. The duke of Savoy was, as ſoon as he came to the army, of opinion to paſs the Mincio, and give battle, but that was not agreed to.'

[r] He arrived in the French army in Italy on the 22d of Auguſt; and, as the earl of Mancheſter obſerves in a letter to Mr. Blathwayte, on the 26th of that month, held a council of war, 'and there declared, that he had orders to march directly to the enemy, and give them battle. He made bridges over the Oglio near Urago, and on the 28th at night the whole army was in march, conſiſting of ninety-two ſquadrons and ſixty-nine battalions; the reſt of the troops having been ordered to Como, Cremona, &c.'

and ſeaſonable intelligence brought him of all the motions of the French; and in his whole conduct, he ſhewed both a depth of contrivance, and an exactneſs in execution, with all the courage, but without any of the raſhneſs of youth.

His attempt in January following upon Cremona had almoſt proved a deciſive one. Marſhal Villeroy lay there with ſix or ſeven thouſand men, and commanded a bridge on the Po. Prince Eugene had paſſed that river with a part of his army: The Princeſs of Mirandola drove out the French, and recovered a gariſon from them. The Duke of Modena put his country into his hands, and gave him Berſello, the ſtrongeſt place of his dominions. The Duke of Parma pretended, that he was the Pope's vaſſal, and ſo put himſelf under the protection of his holineſs. Prince Eugene would not provoke the pope too much, and therefore only marched through the Parmeſan. Here he laid the deſign of ſurprizing Cremona with ſo much ſecrecy, that the French had not the leaſt ſuſpicion of it. The prince put himſelf at the head of a body, that he brought from the Oglio, and ordered another to come from the Parmeſan at the ſame time to force the bridge. He marched with all ſecrecy to Cremona; and, at the ſame time, thro' the ruins of an old aqueduct, he ſent in ſome men, who got through, and forced one of the gates; ſo that he was within the town before marſhal Villeroy had an apprehenſion of an enemy being near him. He wakened on a ſudden with the noiſe, got out into the ſtreet, and there he was taken priſoner. But the other body did not come up exactly at the time appointed; by which means an Iriſh regiment ſecured the bridge; and thus the deſign, that was ſo well contrived, and ſo happily executed in one part, failed. Prince Eugene had but four thouſand men with him, ſo that, ſince the other body could not join him, he was forced to march back; which he did without any conſiderable loſs, carrying marſhal Villeroy and ſome other priſoners with him. In this attempt, though he had not an entire ſucceſs, yet he gained all the glory, to which the ambition of a military man could aſpire, ſo that he was looked upon as the greateſt and happieſt general of the age. He went on enlarging his quarters, ſecuring all his poſts, and ſtraitening the blockade of Mantua, and was in perpetual motion during the whole winter. The French were ſtruck with this ill ſucceſs. More troops were ſent into Italy, and the duke of Vendoſme went to command the armies there.

The duke of Savoy was preſſed to ſend his forces thither; but he grew cold and backward. He had now gained all that he could promiſe himſelf from France. His ſecond daughter was married to king Philip, and was ſent to him to Barcelona, where he met her. That king fell into an ill habit of body, and had ſome returns of a feveriſh diſtemper. He had alſo great diſputes with the ſtates of Catalonia, who, before they would grant him the tax, that was aſked of them, propoſed, that all their privileges ſhould be confirmed to them. This took up ſome time, and occaſioned many diſputes. All was ſettled at laſt; but their grant was ſhort of what was expected, and did not defray the charges of the king's ſtay in the place. A great diſpoſition to revolt appeared in the kingdom of Naples, and it broke out into ſome feeble attempts, that were ſoon maſtered, and the leaders of them taken and executed, who juſtified themſelves by this apology, that, till the pope granted the inveſtiture, they could not be bound to obey the new king. The duke of Modena was a ſevere governor, both on his maſter's account and on his own: Some of the Auſtrian party made their eſcape to Rome and Verona. They repreſented to the emperor, that the diſpoſition of the country was ſuch in his favour, that a ſmall force of ten thouſand men would certainly put that kingdom wholly into his hands. Orders were therefore ſent to prince Eugene to ſend a detachment into the kingdom of Naples; but, though he believed a ſmall force would ſoon reduce that kingdom, yet he judged that ſuch a diminution of his own ſtrength, when the French were ſending ſo many troops into the Milaneſe, would ſo expoſe him, that it would not be poſſible to maintain a defenſive war with ſuch unequal force. Yet repeated orders came to him to the ſame effect; but in oppoſition to thoſe he made ſuch repreſentations, that at laſt it was left to himſelf to do what he found ſafeſt and moſt for the emperor's ſervice. Upon this the matter was laid aſide, and it ſoon appeared, that he had judged better than the court of Vienna; but this was, by his enemies, imputed to humour and obſtinacy, ſo that, for ſome time after that, he was neither conſidered nor ſupported, as his great ſervices had deſerved. This might ariſe from envy and malice, which are the ordinary growth of all courts, eſpecially of feeble ones; or it might be the practice of the French, who had corrupted moſt courts, and that of Vienna in particular, ſince nothing could more advance their ends, than to alienate the emperor from prince Eugene; which might ſo far diſguſt him, as to make him more remiſs in his ſervice.

The confederate fleet of England and Holland, commanded by Sir George Rooke, gave terror this ſummer to moſt of their neighbours, though they continued merely on the defenſive; while the French had many ſquadrons in the Spaniſh ports (the uſe of which were refuſed to our fleet) and in the Weſt-Indies.

In the north, the war went on ſtill. The king of Sweden paſſed the Duna, and fell upon an army of tha Saxons, that lay on the other ſide over againſt Riga, and routed them ſo entirely, that he became maſter of their camp and artillery. From thence he marched into Courland, where no reſiſtance was made. Mittau, the chief town, ſubmitted to him. The king of Poland drew his army into Lithuania, which was much divided between the Sophia's and Oginſki's; ſo that all thoſe parts were falling into great confuſion. The court of Vienna pretended, that they had made a great diſcovery of a conſpiracy in Hungary. It is certain, the Germans acted the maſter very ſeverely in that kingdom, ſo that all places were full of complaints; and the emperor was ſo beſieged by the authors of thoſe oppreſſions, and the proceedings were ſo ſummary upon very ſlight grounds, that it was not to be wondered, if the Hungarians were diſpoſed to ſhake off the yoke, when a proper opportunity ſhould offer itſelf; and it is not to be doubted, but the French had agents among them by the way of Poland, as well as of Turkey, that ſo the emperor might have work enough at home.

This was the ſtate of affairs of Europe this ſummer. Several negotiations were ſecretly carried on; the elector of Cologne was entirely gained to the French intereſt, but reſolved not to declare himſelf, till his brother thought fit likewiſe to do it. All the progreſs, that the French made with the two brothers this ſummer was, that they declared for a neutrality, and againſt a war with France. The dukes of Wolfembuttle and Saxe-Gotha were alſo engaged in the ſame deſign. They made great levies of troops beyond what they themſelves could pay, for which it was viſible, that they were ſupplied from France. By this means there was a formidable appearance of great diſtractions in the empire. An alliance was alſo projected by France with the king of Portugal. His miniſters were in the French intereſt, but he himſelf inclined to the Auſtrian family. He for ſome time affected retirement, and avoided the giving audience to foreign miniſters. But, as he ſaw no good proſpect from England, and being preſſed to an alliance with France, his miniſters obtained leave from him to propoſe one, on terms of ſuch advantage to him, that it was not expected they would be granted, and ſo it was hoped this would run into a long negotiation. But the French were as liberal in making large promiſes, as they were perfidious in not performing them; for the French king agreed to all that was propoſed, and ſigned a treaty purſuant to it, and publiſhed it to the world[1]. Yet the king of Portugal denied, that he had conſented to any ſuch project; and he was prevailed upon with ſuch difficulty to ſign the treaty, that, when it was brought to him, he threw it down, and kicked it about the room. At laſt however he conſented; but it was generally thought, that, when he ſhould ſee a good fleet come from the allies, he would obſerve this treaty with the French, as they have done their treaties with all the reſt of the world.

During the courſe of theſe things, king William applied himſelf to the perfecting the alliances, which he was negociating abroad, and particularly that between the emperor,

[1] The earl of Mancheſter in a letter to ſecretary Vernon from Paris of the 13th of July 1701, writes thus:

'I have juſt now received a letter of the 21ſt paſt, from Mr. Methuen. The treaty betwixt France and Portugal was ſigned the 18th, and the next day he had an audience of the king, and a conference with the ſecretary of ſtate: but he could not get them to own, whether it was ſo or no. All they declared was, that they had done nothing to prejudice the treaty between England and that crown. I was in hopes to get a ſight of this treaty, but there is no copy come; only the original, for this king. There is ſome myſtery ſtill in that matter; but, ſince it is printed in the French gazette, as a league offenſive and defenſive, Portugal ſhould be made to explain that matter.' And Mr. Methuen, in a letter to the earl of Mancheſter from Liſbon of the 27th of September 1701, has the following paſſage: 'The 19th inſtant arrived here in Caſcaes road his majeſty's ſhip the Lynn, diſpatched to me by ſir George Rooke, with inſtructions from his majeſty; upon the receipt of which, I preſently demanded an audience of the king of Portugal, and it was appointed me the next morning at ten of the clock. I was almoſt two hours with the king, during which time having ſaid every thing to him, that I thought likely to make him ſenſible of his paſt errors and true intereſt, I concluded with acquainting him, that, it being abſolutely neceſſary for the king my maſter to be fully informed concerning the contents of the late treaties he had made with France and Spain, I deſired, that a true copy of them ſhould be communicated to me, together with a declaration of his final reſolution, how he intended to act, in caſe a war ſhould break out between England and France; adding, that I expected an immediate and poſitive anſwer, being reſolved not to detain the king's ſhip above four and twenty hours. The arrival of

England, and Holland, which was concluded at the Hague on the 7th of September [t]. This treaty was framed in the nature of propoſals, upon which France might come in; and accordingly the ſame were communicated to the Spaniſh embaſſador; otherwiſe it was agreed to have ſatisfaction given to the houſe of Auſtria, in relation to the Spaniſh ſucceſſion, to recover Flanders out of the hands of the French; and that the Engliſh and Dutch ſhould keep whatever they ſhould conquer in the Weſt-Indies. This laſt article, ſo advantageous to England, was owing to the advice which the lord Sommers had formerly given to the king, when the Partition treaty was in agitation.

But to return to the affairs at home. In Ireland, the truſtees for the Iriſh forfeitures went on to hear the claims of the Iriſh, and in many caſes they gave judgment in their favour. But now it began to appear, that, whereas it had been given out, that the ſale of the confiſcated eſtates would amount to a million and a half, it was not like to riſe to the third part of that ſum. In the mean while, the truſtees lived in great ſtate there, and were maſters of all the affairs of that kingdom. But no propoſitions were yet made for the purchaſing of thoſe eſtates.

During the king's abſence the nation was in a great ferment, which was increaſed by many books, that were written to expoſe the late management in the houſe of commons and the new miniſtry, the earl of Rocheſter in particular, who was thought the promoter of all violent motions; and ſeveral tracts were publiſhed, to ſhew the dangers to be apprehended from the growth of the power of France, and the fatal conſequences of a treaty with that kingdom [u]. The few books, that appeared in defence of the conduct of the new miniſters, were ſuch wretched performances, that ſome were tempted to think, that they were written by men, who perſonated the being on their ſide, on deſign to expoſe them.

The earl of Rocheſter delayed his going to Ireland very long. He perceived, that the king's heart was not with him, and was very uneaſy at it; as, on the other hand, the king complained much of his intractable temper and imperious manner, and, by his intercourſe with him, the king came to ſee, that he was not the man he had taken him for; that he had no large nor clear notions of affairs abroad; and that, inſtead of moderating the violence of his party, he inflamed them; ſo that he often ſaid, that the year, in which he directed his councils, was one of the uneaſieſt of his whole life. The earl, finding the king's coolneſs towards him, expoſtulated with him upon it, and ſaid, he could ſerve him no longer, ſince he ſaw he did not truſt him. The king heard this with his uſual flegm, and concluded upon it, that he ſhould ſee him no more. But Mr. Harley made the earl a little more ſubmiſſive aud compliant. After the king was gone beyond ſea, the earl alſo went into Ireland, where he uſed much art in obliging people of all ſorts, diſſenters as well as papiſts; yet ſuch confidence was put in him by the high-church party, that they bore every thing at his hands. It was not eaſy to behave himſelf towards the truſtees for the Iriſh forfeitures, ſo as not to give a general diſtaſte to the nation, for they were much hated, and openly charged with partiality, injuſtice, and corruption. That, which gave the greateſt diſguſt in his adminiſtration there, was his uſage of the reduced officers, who were upon half-pay, a fund being ſettled for that by act of parliament. They had been ordered to live in Ireland, and to be ready for ſervice there. The earl called them before him, and required them to expreſs, under their hands, their readineſs to go and ſerve in the Weſt-Indies. But, they not complying with this, he ſet them a day for their final anſwer, and threatened, that they ſhould have no more appointments, if they ſtood out beyond that time. This was repreſented to the king as a great hardſhip put upon them, and as done on deſign to leave Ireland deſtitute of the ſervice, that might be done by ſo many gallant officers, who were all known to be well affected to the preſent government; upon which the king ordered a ſtop to be put to it.

We are now come to the laſt period of the life of king James II. He had led, for above ten years, a very

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of the frigate, her remaining at the Caſcaes, my demands, and the little time I gave them, put this king and his miniſters into a great conſternation; for they ſuppoſed, that our fleet lay ſome where near the coaſt, expecting the return of the frigate with my anſwer; and this conſternation made them very uneaſy, which made me hope, that they would at laſt take ſome vigorous reſolution in our favour. But my hopes were ſoon defeated by the news I received by an expreſs from Caſcaes the ſame night, that Monſieur Chateaurenault appeared off with his ſquadron, which proved too true; for he came into this river the next day; and, the Portugueſe having plucked up their ſpirits, the ſecretary of ſtate ſent me an anſwer in writing, 'That the king of Portugal lay under no other obligation by his treaties with France and Spain, than thoſe, which he had communicated to me already, as alſo to Mr. ſecretary Vernon by his envoy in England; and that the king had no reaſon to change any thing, that had been ſtipulated with the moſt Chriſtian king, who had always been his good friend and ally.' Monſieur Chateaurenault's ſquadron conſiſts of fourteen men of war, five fire-ſhips, and one hoſpital, which are now come up the river, and lie all before the city. Three of the ſhips are of three decks, and from ninety to a hundred guns; moſt of the others carry from fifty to ſixty. This laſt ſtep being made to crown the reſt of their follies, I cannot think any thing can bring theſe people to their ſenſes again but a miracle, or popular tumult; the laſt of which is much more likely to happen than the firſt; for every body ſeems diſſatisfied at the preſent ſituation of affairs, excepting two or three of the miniſters.'

[t] It contained the following articles:

1. There ſhall be a perpetual and inviolable friendſhip between the emperor, the king of Great-Britain, and the States-General.

2. The allies think nothing more effectual for eſtabliſhing the general peace, than the procuring ſatisfaction to the emperor in the Spaniſh ſucceſſion, and ſufficient ſecurity for the dominions and commerce of the allies.

3. The allies ſhall employ two months time from the day of exchanging the ratifications, to obtain, by amicable means, the ſaid ſatisfaction and ſecurity.

4. But, if that cannot be obtained within the time limited, they engage to aſſiſt one the other with all their forces, according to the ſpecification to be agreed on in a particular convention.

5. The confederates ſhall, among other things, endeavour to recover the Spaniſh Netherlands, to be a barrier between Holland and France, as likewiſe the duchy of Milan, &c. for the emperor's ſecurity; and alſo the kingdoms of Naples and Sicily, and the lands and iſlands upon the coaſt of Tuſcany, belonging to the Spaniſh dominions.

6. The king of Great-Britain and the States may ſeize what lands and cities they can, belonging to the Spaniards in the Indies, and keep them.

7. In a war, the confederates ſhall faithfully communicate their deſigns to one another.

8. No party ſhall treat of peace, truce, &c. but, jointly with the reſt, they ſhall prevent the union of France and Spain under the ſame government, or the French poſſeſſing the Spaniſh Indies. The ſubjects of the king of Great-Britain and the States ſhall enjoy all the privileges of trade, which they had before the death of the late king of Spain.

9. At the making of peace, the confederates ſhall provide for the maintaining the trade of the Engliſh and the Dutch to the dominions taken from the Spaniards: and likewiſe ſecure the States by a barrier.

10. They ſhall at the ſame time agree about the exerciſe of religion in the places acquired.

11. They ſhall aſſiſt one the other with all their forces, if the French king, or any one elſe, ſhould invade any one on account of this alliance.

12. After a peace, there ſhall remain a defenſive alliance between theſe allies, for the maintaining of the ſaid peace.

13. All kings, princes, and ſtates, that pleaſe, may enter into this alliance, but the empire ſhall be particularly invited, and the confederates may jointly or ſeparately invite whom they pleaſe.

14. This treaty ſhall be ratified by all the confederates within ſix weeks or ſooner.

[u] One of theſe tracts was intitled, 'The dangers of Europe from the growing power of France: With ſome free thoughts on the remedies, and particularly on the cure of our diviſions at home, in order to a ſucceſsful war abroad againſt the French king and his allies.' But the moſt conſiderable treatiſe upon this ſubject is thought to come from the hand of the lord Sommers himſelf, and was called 'Anguis in Herba:' Or, 'The fatal conſequences of a treaty with France: Wherein it is proved, that the principles, whereby the French king governs himſelf, will not allow him to obſerve any treaty longer than it is for his intereſt to break it. That he has always aimed at the union of the crowns of France and Spain ſince the Pyrenean treaty. That notwithſtanding his pretenſions to the contrary, ſuch is his deſign at this day. And that nothing can prevent it, but to reduce his power to ſuch a degree, as may perfectly break his meaſures.' This, as well as the piece above mentioned concerning 'the dangers of Europe,' is inſerted in the third volume of the State-tracts during the reign of king William III, and was re-printed at London in 1711 in 8vo. The author begins with obſerving, that there are three things abſolutely neceſſary to de done by thoſe, who aim at univerſal empire: 1. They muſt conceal their true deſign, leſt all their neighbours ſhould unite to deſtroy them, as common enemies and plagues to mankind: 2. They muſt divide their neighbours as much as poſſible in their counſels at home, and in their foreign intereſts in relation to one another: And, 3. That they never make a peace but of neceſſity, nor obſerve it longer, than till it become more profitable for them to break it than to keep it. Theſe being both in facts and reaſon the plain, neceſſary, and undeniable conſequences of aiming at univerſal empire, it is eaſy to be obſerved, 1. That whoever makes that his aim, cannot 'bona fide' be of any religion, whether natural or revealed; and of conſequence ſuch a prince is not to be bound by arguments or obligations deduced from any religion. 2. That all thoſe moſt groſsly deceive themſelves, who treat with ſuch a prince, out of a proſpect, that he will religiouſly and 'bona fide' obſerve the treaty; for that would ſtand in his way between him and his great deſign of empire. The neceſſary conſequence from theſe truths is, that, whenever providence ſhall ſo far ſecond the prudence of the meaſures of thoſe ſtates and powers, that are neighbours to ſuch a prince, as that an alliance can be formed of ſtrength ſufficient to be able to reduce ſuch an aſpirer to terms of moderation and equality, they are indiſpenſably obliged to make uſe of that force to reduce him to thoſe terms of moderation and equality, and never treat with him upon any other foot: For otherwiſe the princes and governors of thoſe ſtates and powers, with all thoſe who give them contrary advice, become anſwerable before God and man for that miſery and ruin, that ſhall afterwards fall upon ſuch ſtates, either through ignorance or treaſon of their governors or councils. He then remarks, that it is evident the French king had all along aimed at the empire of this part of the world, from his invaſions of France and Franche Compte, in 1666 and 1668, and of Holland, Flanders, Franche Compte, and Germany, from the year 1672 to the treaty of Nimeguen; his treatment of the empire and Spain, after the peace of Nimeguen had diſarmed them, and rendered them incapable of oppoſing him, by thoſe great advantages it gave him over them; and his placing his grandſon upon the throne of Spain, by which laſt ſtep France raiſed

unactive life in France. After he had, in ſo poor a manner, abandoned firſt England, and then Ireland; he had entered into two deſigns for recovering the crowns, which he may be ſaid more truly to have thrown away than loſt. The one was broke by the defeat of the French fleet at ſea before Cherburg, in the year 1692: the other ſeemed to be laid with more depth, as well as with more infamy, when an army was brought to Dunkirk, and the deſign of the aſſaſſination was thought ſure; upon which it was reaſonably hoped, that the nation muſt have fallen into ſuch confuſions, that it would have been an eaſy prey to an army ready to invade it. The reproach, that ſo black a contrivance caſt upon him, brought him under ſo much contempt, that even the abſolute authority of the French court could hardly prevail ſo far, as to have common reſpect paid him after that [w]. He himſelf ſeemed to be the leaſt concerned in all his misfortunes; and, though his queen could never give over meddling, yet he was the moſt eaſy when he was leaſt troubled with thoſe airy ſchemes, upon which ſhe was employing her thoughts. He went ſometimes to the monaſtery of La Trappe, where the poor monks were much edified with his humble and pious deportment [x]. Hunting was his chief diverſion; and for the moſt part he led a harmleſs, innocent life, being ſtill zealous about his religion [y]. In the beginning of this year, he had been ſo near death, that it was generally thought the decline of it would carry him off. He went to Bourbon in April, where he continued till the latter end of May, but had no benefit of the waters there. In the beginning of September he fell into ſuch fits, that it was concluded he could not live many days. The French king came to ſee him, and ſeemed to be much touched with the ſight, and repeated to him what he had before promiſed to his queen,

raiſed itſelf to the higheſt pitch of grandeur, and threatened the deſtruction of the remaining liberties of Europe and the Proteſtant religion. He afterwards remarks, that union at home was the beſt means to prevent the deſigns of the French king: That no accommodation can be made with him, but what muſt be deſtructive to Europe: That the leaving Milan and Flanders in his hands would infallibly ſecure to him the univerſal empire of Europe: That the duke of Anjou holding Spain would be under the French power, it being his intereſt to give all advantages to France, and particularly in point of trade, while England and Holland would not be able to reſent it: That the Spaniſh trade would greatly increaſe the French ſhipping: That France, by poſſeſſing of Gibraltar, would command the trade of the Streights; and that the ſeizing of Guipuſcoa would ſecure the kingdoms of Naples and Sicily. He next ſhews, that the poſſeſſion of the duke of Anjou is the poſſeſſion of France, and that the French king always aimed at the union of the two crowns of France and Spain, not thinking himſelf in the leaſt obliged by the renunciation made by his queen at the Pyrenean treaty, and never deſigning to obſerve it, even at the time when he was ſolemnly ſwearing the contrary at the altar. That however his meaſures for uniting thoſe crowns were broke by the revolution, and he was obliged by the treaty of Reſwick to reſtore all that he had taken in Catalonia and Flanders during the war, together with Luxemburg, the county of Chiny, Courtray, which he had taken ſince the peace of Nimeguen, and almoſt all his re-unions; and was driven out of Italy, having loſt Caſal during the war, and upon the peace of Savoy forced to reſtore his conqueſts, together with Pignerol, which had been in the hands of France ſince the year 1631.

He explains the deſigns of the treaty of partition, in which king William and the States-General had been deceived by the infidelity of the French king, who after all rejected that treaty. He remarks, that the duke of Anjou muſt enjoy both crowns, if the duke of Burgundy ſhould die childleſs, though contrary to the king of Spain's will. That England and Holland ought to declare to the world, that they begin the war upon the foot of turning the duke of Anjou out of the whole Spaniſh ſucceſſion, ſince nothing could ſo entirely reconcile the Spaniards to the intereſt of the houſe of Auſtria and the deſigns of her allies, as ſuch a declaration, or would ſo effectually deſtroy the credit, that France might ſtill have preſerved in Spain; for, though the houſe of Auſtria governed Spain for near two centuries, yet they loſt their intereſt there, when it was once known, that the Spaniſh ſceptre could not be continued longer in that family, without diſmembering her empire; while France, her immemorial enemy, offered to preſerve her monarchy entire, provided ſhe would receive the duke of Anjou for her king. 'This ſingle motive outweighed all other conſiderations; ſhe forgot her inbred antipathy to the French nation, and her friendſhip and obligations to the family of her former Kings. She accepted his moſt chriſtian majeſty's offer, tho' ſhe could not but foreſee, that a French king would neceſſarily make her own dependent on that of France. But the ſcene of affairs is much altered ſince that time. The exhauſted ſtate of France, the great confederacy formed againſt her, and the ſucceſs of the emperor's arms in Italy, ſufficiently declare to all the world, and to Spain itſelf, that France cannot preſerve her monarchy entire. The confederates can do it, if they are willing. France has taught us how the affections of that people are to be gained. Let us turn her own arts againſt her; nor can we fail to reap the greateſt advantages from ſuch a reſolution, whenever England and Holland ſhall think it a proper time to land an army in Spain upon this foot. Beſides, Spain will hereby recover her former independence. But, if we begin a war upon the foot of dividing her monarchy, we make an inſeparable union of intereſts between Spain and the duke of Anjou; and, in this caſe, we muſt expect to meet with the laſt efforts of an incenſed and deſperate nation.' He then ſhews, that 'all expedients to ſecure the trade of England and Holland are ridiculous, except that one of turning the duke of Anjou out of Spain. When this ſhall be effected, the reſt of the monarchy, except Flanders and Milan, that are garriſoned by French troops, muſt follow the fortune of their head. If we turn the duke of Anjou out of Spain, the houſe of Auſtria will be able to make us a good compenſation for the charges of the war; but, without that, we muſt expect no return for our expences. We know they cannot repay us in money; they can give us little or no advantage in our trade. And, for cautionary towns, I know none they could give us, that would be worth our acceptance, except Oſtend and Newport. But, inſtead of repaying us any part of our expence, theſe garriſons would be a perpetual charge to us, beſides the jealouſy that troops maintained there might create in the people of England. Moreover, the fate of Tangier and Dunkirk ought to make us ſenſible, that thoſe garriſons will be more ſecure, if we put the houſe of Auſtria in a condition to protect them, by making the archduke king of Spain, than if we kept them in our hands.' He aſſerts then, that 'it is either a malicious or an ignorant ſurmiſe to ſay, that, if the archduke were king of Spain, the houſe of Auſtria would become too powerful. The dominions of both branches of the houſe of Auſtria were united in the perſon of Charles V, who was great both for his wiſdom, courage and military conduct. The kingdom of Spain was then at leaſt four times more powerful than at this day. He was abſolutely maſter of the ſeas. The Duchy of Burgundy, with the ſeventeen provinces, were entire in him. Yet, notwithſtanding all thoſe advantages, he was barely a match for France. If his ſon Philip II. put France very hard to it, we muſt not attribute that to the power of Spain, but to the civil wars of France; but, as ſoon as Henry IV. had appeaſed the civil wars, and ſettled the diſtracted condition of the kingdom, the ſuperiority of France quickly appeared; and all the world allows that both the branches of the houſe of Auſtria could not have prevented ſome fatal blow, that he was preparing to ſtrike, had not a ſudden and violent death ſtopped his deſigns. Since that time France has taken from them a great part of Flanders, the duchy of Burgundy, the country of Rouſſillon, and ſome other places on the frontiers of Spain, and has made conſiderable conqueſts on the ſide of Germany. Spain is greatly diſpeopled, and her maritime power entirely loſt. And, ever ſince the time Guſtavus Adolphus broke the power of the German branch of the houſe of Auſtria, we find that both branches united have made no tolerable balance againſt France; the experience of which has coſt us and all Europe very dear the continuance of of the two laſt wars. Surely then it would be very extravagant, if, in order to make a balance in Europe, we ſhall take away from the weight of the houſe of Auſtria, which before was very much too light, and add to the weight of France, that was already exorbitantly great. And this muſt be the caſe, unleſs we turn the duke of Anjou out of the whole.'

[w] His friends had generally repreſented him as incapable of conſenting to ſo ſhocking an attempt, as that of aſſaſſinating King William. But it is evident, from an original letter of his, in the archbiſhop's library at Lambeth, printed in the firſt volume of ſecretary 'Thurloe's ſtate papers,' p. 666, that he was not averſe to the employing of Roman Catholics in ſuch a deſign againſt 'Oliver Cromwell,' even though they demanded, as a reward for it, a toleration of their religion in England. The letter is as follows:

Paris, May, 14, 1655.

'There is a propoſition has been made to me, which is too long to put in a letter, ſo that I will, as ſhort as I can, let you know the heads of them. There are four Roman Catholics, that have bound themſelves in a ſolemn oath to kill Cromwell, and then to raiſe all the catholics in the city and the army, which they pretend to be a number ſo conſiderable, as may give a riſe for your recovery, they being all warned to be ready for ſomething that is to be done, without knowing what it is. They demand ten thouſand livres in hand; and when the buſineſs is ended, ſome recompenſe for themſelves, according to their ſeveral qualities, and the ſame liberty for catholics in England, as the proteſtants have in France. 'I thought not fit to reject this propoſition,' but to acquaint you with it, becauſe the 'firſt part of the deſign ſeems to me to be better lay'd and reſolved on,' then any 'I have known' of that kind; and for the defects of the ſecond, it may be ſupply'd by ſome deſigns you may have to join it. If you approve of it, one of the four, intruſted by the reſt, will repair to you, his charges being borne, and give you a full account of the whole matter. In the mean time, he deſires, in his own name and theirs, that you would let but one or two, whom you muſt truſt, know it, and enjoyn them ſecrecy. This is all I can ſay of it at this time.'

[x] Father Brettonneau, the jeſuit, in his 'Abridgment of the life of king James II, extracted from an Engliſh manuſcript of the reverend father Francis Sanders, of the ſociety of Jeſus, and confeſſor to that king,' tells us that the king never miſſed going to 'La Trappe' once a year. He would ſtay there three or four days, and ſpend them in long meditations and ſpiritual conferences with the abbot and his confeſſor, whom he took with him. He aſſiſted at the choir-hours, except at night: He eat nothing but eggs, raiſins, and other pulſe, unleſs he was indiſpoſed. But he was never ſo infirm, but he would dine once with the religious in the refectory, where no meat nor fleſh is ever ſerved up. The king wrote likewiſe this account of his retirement there:

'Foraſmuch as it has pleaſed the divine goodneſs, graciouſly to touch my heart, when I was at La Trappe, more ſenſibly than ever; I have ſince, by the aid of the ſame grace, done my utmoſt to reform and amend my life. At firſt, I went thither, partly out of curioſity, to ſee, if the deſcription, which had been made me of this holy place, and the accounts I had read of it in England, were anſwerable to the idea I had formed of it; and partly to know, if the abbot, who firſt began this reform, merited the praiſes and commendations, that were given him. I was brought thither by an old friend of mine, the marſhal de Bellefont, for which I thanked him as long as he lived. I found, that I ſucceeded by degrees in the deſire, which I had of leading a better life. After I had been there about two or three days (which, I thank God, I continued to do every year, ſince my return from Ireland) I perceived I had made a conſiderable improvement; for I began to have a more perfect knowledge of the vanity of human grandeur. I was very well convinced, that nothing ought to be more paſſionately deſired than the 'love of God;' and that it is the duty of every good chriſtian to mortify himſelf, eſpecially ſuch a wretch as I am, who have lived ſo many years in an almoſt continued ſtate of ſin, till at laſt it has pleaſed thee, O my God, out of thine infinite mercy, to call me back to thyſelf by thy fatherly corrections.'

[y] Father Brettonneau tells us, 'That the king's confeſſor, after he had the honour to ſerve him, and be near his perſon nine years, thought he might ſafely affirm, that, in the moſt reformed ſtate of chriſtianity, and the moſt virtuous and pious ſouls, it is very rare to find more unſpotted intentions, a more exact watchfulneſs, and a greater delicacy and tenderneſs of conſcience with reſpect to the leaſt faults and the ſmalleſt imperfections.' The ſame writer likewiſe obſerves, 'That his ſelf-abhorrence and holy confuſion for his ſins inſpired him with ſuch a ſpirit of mortification, as would have carried him too far, if his confeſſor had not oppoſed it, and moderated his auſterities. He kept very ſevere faſts and would upon certain days bind his body with a very ſharp-pointed iron chain. His ſelf-diſcipline was very rigorous; and withal he took ſuch care to conceal thoſe exerciſes of penance, that, having once by chance left his inſtrument of diſcipline in a place, where the queen found it, he ſo bluſhed upon that occaſion, that her majeſty never ſaw him

that he would, in caſe of his death, own the pretended prince of Wales as king of England. King James died on Friday the 16th of September, N. S. with great marks of devotion, and was interred in the church of the Engliſh Benedictines, in the ſuburbs of St. James at Paris, in a private manner, and without any ſort of ſolemnity, as he had deſired.

He was a prince that ſeemed made for greater things, than will be found in the courſe of his life, more particularly of his reign: he was eſteemed, in the former parts of his life, a man of great courage, as he was quite through it a man of great application to buſineſs: he had no vivacity of thought, invention, or expreſſion: but he had a good judgment, where his religion or his education gave him not a biaſs, which it did very often: he was bred with ſtrange notions of the obedience due to princes, and came to take up as ſtrange ones of the ſubmiſſion due to prieſts: he was naturally a man of truth, fidelity, and juſtice: but his religion was ſo infuſed in him, and he was ſo managed in it by his prieſts, that the principles, which nature had laid in him, had little power over him, when the concerns of his church ſtood in the way: he was a gentle maſter, and was very eaſy to all who came near him: yet he was not ſo apt to pardon, as one ought to be, that is the vicegerent of that God, who is ſlow to anger, and ready to forgive: he had no perſonal vices but of one ſort: he was ſtill wandering from one amour to another, yet he had a real ſenſe of ſin, and was aſhamed of it: but prieſts know how to engage princes more entirely into their intereſts, by making them compound for their ſins, by a great zeal for holy church, as they call it. In a word, if it had not been for his popery, he would have been, if not a great, yet a good prince. Burnet ſays, that, by what he once knew of him, and by what he ſaw him afterwards carried to, he grew more confirmed in the very bad opinion which he was always apt to have, of the intrigues of the Popiſh clergy, and of the confeſſors of kings. King James was undone by them, and was their martyr, ſo that they ought to bear the chief load of all the errors of his inglorious reign, and of its fatal cataſtrophe. As he was dying, he ſaid nothing concerning the legitimacy of his ſon; on which ſome made ſevere remarks; while others thought, that, having ſpoke ſo often of it before, he might not reflect on the fitneſs of ſaying any thing concerning it in his laſt extremity. He recommended to him firmneſs in his religion, and juſtice in his government, if ever he ſhould come to reign. He ſaid, that, by his practice, he recommended Chriſtian forgiveneſs to him, for he heartily forgave both the prince of Orange, and the emperor. The naming of the emperor, it was believed, had been ſuggeſted to him by the French, in order to render the emperor odious to all thoſe of his religion.

Upon his death it was debated in the French council what was fit to be done, with relation to his pretended ſon, whom the king had promiſed him to acknowledge as king of England, at the perſuaſion of Madam Maintenon, whom king James's queen had engaged for that purpoſe. The miniſtry adviſed the French king to be paſſive, to let him aſſume what title he pleaſed; but that, for ſome time at leaſt, his majeſty ſhould not declare himſelf. That this might be ſome reſtraint on king William, whereas a preſent declaration muſt precipitate a rupture. But the dauphin interpoſed with ſome heat for the preſent owning him king. He thought the king was bound in honour to do it: That he was of the blood, and was driven away on the account of his religion. Upon this orders were given to proclaim him at St. Germain's. His own court, it ſeems, was going about it, when a difficulty, propoſed by the earl of Middleton, put a ſtop to it. He apprehended, that it would look very ſtrange, and might provoke the court of France, if among the titles that of France ſhould be uſed; and it might diſguſt their party in England, if it were omitted: ſo that piece of ceremony was not performed [z].

Soon after this, the king of Spain owned the Pretender as

him in ſuch a confuſion in her life. Notwithſtanding all which, he did not yet mortify himſelf to his mind. All the penances of this life ſeemed too light and eaſy for him. This made him aſk his confeſſor a queſtion, which has ſomewhat very particular in it, and ſhews the extreme deſire he had to ſatisfy the divine juſtice. 'Conſidering the life I have led (ſaid he in a queſtion which he had ſet down in writing) and ſeeing my age and condition will not let me practiſe all the penances and mortifications which are neceſſary to expiate my ſins, and to teſtify my repentance of them to God, ought I not, reverend father, to be content to have my pains in purgatory prolonged, and to lay out what I had deſigned to obtain the Divine mercy with, to have thoſe pains abridged, in charities for the relief of the poor, and prayers for the dead?' His confeſſor could not enough admire the principles which had inſpired him with ſuch a ſentiment; but preſently convinced him, that it carried him a little too far, and that one cannot deſire to ſee God too ſoon.'

[z] The circumſtances of his laſt illneſs and death, and the proclaiming the Pretender king, will beſt appear from the following extracts of the earl of Mancheſter's letters.

To Mr. Blathwayt.

Paris, Sept. 5. 1701.

King James was taken on Friday laſt with fainting fits, which returned upon him yeſterday. He was then ſo ill, that they gave him the extreme unction, and he was thought a dying. There is a report that he is dead, but I do not believe it; though by the accounts I have he cannot live twenty-four hours. I do therefore expect every moment the news of his death. I do not think of ſending a courier till I ſee how the court of France will act, and whether they will own the P. prince of Wales. By what I can learn they are undetermined at preſent what to do, and whether they ſhall ſuffer thoſe of St. Germain's to proclaim him. I will take care to inform his majeſty of every ſtep that is made.

To Mr. Secretary Vernon.

Paris, Sept. 7. 1701.

On Sunday laſt king James had again ſeveral fainting fits, which laſted ſo long, that they thought him dead; but they brought him at laſt to himſelf. He received the extreme unction, and ſeems much reſigned. 'He exhorted my lord Middleton, and the reſt of his Proteſtant ſervants, to embrace the Romiſh religion, and deſired the P. prince of Wales to keep his faith, ſhewing him of how little value a crown was in compariſon to his ſalvation. In ſhort he continued long on this ſubject, and told the curate of St. Germain's, that he would be buried in their church with only an inſcription J. K. of England. The phyſicians cannot tell what his diſtemper is. They think, that an impoſthume is broke, for a great deal of corruption and blood comes continually from him. Yeſterday he had another fit, which laſted an hour. The French king and the whole court have been to take their leave of him; but he was not dead laſt night, though none expect he can recover. I know ſo much, that, as ſoon as he dies, the P. prince will take upon him the title of king of England, and he will be owned as ſuch by thoſe of St. Germain's. I am in doubt, whether the court of France will own him ſo ſoon. As ſoon as I hear how this court acts on this occaſion, I intend to ſend an expreſs to his majeſty for inſtructions and orders.'

To Mr. Blathwayt.

Paris, Sept. 9, 1701.

King James is ſtill alive, but without any hopes of recovery. He ſeems much reſigned, and has exhorted the lords Middleton and Griffin, and the reſt of his Proteſtant ſervants, to embrace the Romiſh religion. I hear the latter is extremely uneaſy, becauſe the king of France was preſent, and took notice of him, and ſaid, that he hoped he would conſider what king James had ſaid to him. This will have the greater effect, becauſe if he ſhould not change, it is uncertain, whether the French court will have any ſuch regard for him, as it has had hitherto. They talk much of what king James ſaid to the P. prince to keep ſtedfaſt to his religion, and not depart from it on any account whatſoever. I can tell you, that, the moment king James dies, the other will take the title of king of England, and will be owned as ſuch by thoſe of St. Germain's. The French king is now at Marly, and at his return he goes to Fontainebleau: ſo it may be eaſily contrived not to ſee the P. prince till his return. The queen will be in a convent at Chaliot till the king is buried, and the P. prince at the duke of Lauſun's at Paris, and after that they will return to St. Germain's. I doubt not but the French will call him 'Roy d'Angleterre.'

To Mr. Secretary Vernon.

Paris, Sept. 14. 1701.

It was expected that king James would have died laſt night, but he was alive this morning, though they expect he will expire every moment, being dead almoſt up to his ſtomach, and he is ſenſible of no pain. The king of France was there laſt night, and did declare, that he would own the P. prince for king of England immediately. This he ſaid before ſeveral people, and I have it from ſuch good hands, that I hardly doubt it.

To Mr. Blathwayt.

Paris, Sept. 16, 1701.

We have ever ſince Tueſday laſt been expecting to hear of the death of the late king. His grand diſtemper now is a lethargy, and he is often thought dead, though with cordials, &c. they keep him up without any hopes of recovery. The king of France was that day to ſee him, and then he declared publicly, that he would own the P. prince for king of England, and ordered the captains of the guards to pay him the ſame honours they did to the late king James. This is what his majeſty may rely upon. I know, that ſome of the foreign miniſters took notice of it yeſterday to M. de Torcy, who ſaid, that there was nothing in that contrary to the treaty of Ryſwick. I cannot tell how they will explain this here, but certainly it cannot be underſtood ſo; and it ſhews at leaſt, that this court does not intend to keep any meaſures with his majeſty. There is now in the preſs an edict to prohibit all trade with England; but, that it may not look like a declaration of war, they do permit the bringing in of beer, cyder, glaſs-bottles, and wool. Notice is already ſent to all the ſea-ports, and, after the firſt of November next, no perſon is to wear any of the manufactures of England under ſevere penalties.

To Mr. Secretary Vernon.

Paris, Sept. 17, 1701.

The late king James died yeſterday between three and four o'clock in the afternoon; and the P. prince was immediately proclaimed king of England by the title of James the Third. I do not hear, that there was any other ceremony than that, after he had taken the title of king, thoſe of St. Germain's kiſſed his hand, and treated him with majeſty. After that the French complimented him, and did the like. What was done in the town was in a tumultuous manner, by crying, 'Long live king James the third,' &c. I do not doubt but before now the king of France and the reſt of the court have complimented him, all that matter having been ſettled beforehand. He continues at St. Germain's, but the queen is come to Chaliot, a convent

king of England, as likewiſe did the pope and the duke of Savoy; and the king of France preſſed all other princes to do it, in whoſe courts he had miniſters, and prevailed on the pope to preſs the emperor and other Roman Catholic princes to acknowledge him, though without effect. The king of Portugal's anſwer to the French miniſter upon this occaſion was, that he was reſolved to maintain a friendſhip and good correſpondence with his moſt Chriſtian majeſty, and to obſerve religiouſly all his alliances with him; but that he could not reſolve upon a thing of that nature, which might be attended with dangerous conſequences. The king of Denmark likewiſe made the ſame refuſal.

King William was no ſooner informed of this proceeding of the king of France, but he diſpatched a courier to the king of Sweden, as a guarantee of the treaty of Ryſwick, to give him an account of this manifeſt violation of it; and on the ſame day ſent an expreſs to the earl of Mancheſter, his embaſſador ar Paris, to order him to return to England, without taking his audience of leave. Upon which his excellency wrote the following letter to the marquis de Torcy, ſecretary of ſtate for foreign affairs.

SIR, Paris, Octob. 2, 1701.

'The king my maſter, being informed, that his moſt Chriſtian majeſty has owned another king of Great-Britain, does not believe, that his honour and his intereſt permit him to keep any longer an embaſſador with the king your maſter; and has ſent me orders to retire immediately; of which I do myſelf the honour to give you notice by this letter, and I do aſſure you at the ſame time, that I am, &c.'

This letter being communicated to the French king, who was then at Fontainebleau, he aſſembled his council, to deliberate upon an anſwer, which Monſieur de Torcy returned the ſame day in the following terms:

My Lord,

'I can add nothing to what I had the honour to tell you eight days ago, about the ſincere deſire which the king has always had to preſerve the peace with the king your maſter, confirmed by the treaty of Ryſwick. As to me in particular, I only pray you to be perſuaded, that, in whatever place you are, you will find nobody who is more truly than I ſhall be all my life-time yours, &c.

The French king likewiſe juſtified his conduct in owning the Pretender by the following manifeſto, which he diſperſed in all the courts of Europe.

'The king of England dying at St. Germain's on the 16th of September 1701, the prince of Wales immediately took the title of king, which belonged to him as ſon and heir of the late king his father. His moſt chriſtian majeſty made no difficulty of owning him under that title; and, even ſome time before the death of the king of England, his moſt chriſtian majeſty had aſſured him, that he would do ſo: As his majeſty had always treated him as prince of Wales, the conſequence is natural to ſtile him king of England, as ſoon as the king his father died. No reaſon oppoſes this, when there is no engagement to the contrary; and it is certain, there is none in the treaty of Ryſwick. The fourth article of that treaty declares only, that his moſt chriſtian majeſty ſhall not diſturb the king of Great Britain in the peaceable poſſeſſion of his dominions; nor aſſiſt with troops, or ſhips, or any other ſuccour, thoſe, who ſhall attempt to diſturb him. His moſt chriſtian majeſty's intention is to obſerve punctually this article; and it is certain, that the title of king of England, which the prince of Wales could not diſpenſe with taking upon himſelf, will not procure him any other aſſiſtances from his moſt chriſtian majeſty, than what the late king his father received ſince the treaty of Ryſwick, which were merely for his ſubſiſtence, and the alleviation of his misfortunes. The generoſity of his moſt chriſtian majeſty would not allow him to abandon either that prince or his family. He is no judge between the king of Great Britain and the prince of Wales. He cannot determine againſt the latter, by refuſing him a title, which his birth gives him. In a word, it is ſufficient, if his moſt chriſtian majeſty obſerves exactly the treaty of Ryſwick, and adheres ſtrictly to the terms of that treaty, at a time, when the conduct of the king of Great Britain and the ſtates general, the ſailing of their fleets, the ſecret aſſiſtance, which they give the emperor, the declarations, which they make in favour of that prince, the troops, which they are raiſing in all parts, might be regarded with much greater reaſon, as a real contravention to treaties.

'Beſides, it is not a new thing to give to children the titles of kingdoms, which the kings their fathers have loſt, though the princes, who give thoſe titles, are at peace with thoſe who are in poſſeſſion of thoſe kingdoms. Hiſtory furniſhes many examples among the kings of Naples and thoſe of Navarre. Laſtly, the kings of Poland of the houſe of Vaſa, having loſt the kingdom of Sweden, were treated by France as kings of Sweden till the peace of Oliva, at the ſame time that there was the ſtricteſt alliance with king Guſtavus and queen Chriſtina. I do not believe it to be neceſſary to cite theſe examples, ſince no perſon can conteſt, that his majeſty's conduct in this point is juſt, worthy of his genero-

near Paris. I do not find, that the late king is much regretted at St. Germain's, ſince the French king has promiſed, that all things there ſhall remain on the ſame foot they were. I ſhall not give my opinion, and I do take it, that none are ſo proper to judge about this as the lords juſtices, ſince it does not only regard the honour of his majeſty, but alſo that of the nation; but I believe this is the firſt precedent of a king, who has owned another king; and whilſt his embaſſador is at court, he owns another again with the ſame titles. I know they ſay here, that there is nothing in this contrary to the treaty of Ryſwick, which they explain by their not intending to aſſiſt him in recovering his crown, at leaſt during the life of his majeſty; but I thought treaties between princes extended to them and their ſucceſſors; but that I ſuppoſe they will pretend to obſerve, ſince they have named a ſucceſſor. The foreign miniſters are extremely ſurpriſed, and ſay they could not have believed what they now ſee.

tend, that there is nothing in all this contrary to the treaty of Ryſwick; which notion they explain by their not intending to aſſiſt him in recovering the crown, at leaſt not during the life of his preſent majeſty. I thought treaties extended to the princes and their heirs and ſucceſſors; but even there I ſuppoſe they are right, as having named the ſucceſſor. I aſſure you, moſt of the French are ſurpriſed at this proceeding; but it is generally ſaid, that the French king has wrote to his majeſty, to ſhew the neceſſity he was under, and that M. de Torcy has ſpoke to me, whom I have not heard a word from; and therefore I do not believe the other. I cannot ſee what can be ſaid to palliate this matter. I do not intend to appear at court till I have his majeſty's orders, which I imagine will be rather to return to England. We ſhall ſee now, whether any of the foreign miniſters will compliment the P. prince. I ſuppoſe the Spaniſh embaſſador will, which I take it is in our power to reſent in the like manner.

To Mr. Blathwayt.

Paris, Sept. 19, 1701.

I have already acquainted the lords juſtices (ſince I believe his majeſty will come to no reſolution till they have given their opinion) that the late king died on the 16th in the afternoon, and that immediately the P. prince was proclaimed king of England by the title of James the third. There was no other ceremony than that the queen waited on him, and treated him as king; after that thoſe of St. Germain's kiſſed his hand, and the French complimented him. What was done in the town was done in a tumultuous manner. Some ſay there was a herald, an Iriſhman. Lord Middleton, &c. did not appear, becauſe they could not tell how the title of France would be taken here, had they done it in form. Lord Middleton brought the ſeals to him, which he gave him again. Others did the like. I am told, that, before the French king made this declaration, he held a council at Marly, where it took up ſome time to debate, whether he ſhould own him or no; or, if he did, whether it ought not to be deferred for ſome time. The ſecret of all this matter is this, that in ſhort, there was a perſon, that governs here, who had ſome time ſince promiſed the queen, that it ſhould be done; ſo that whatever paſſed in council was only for form's ſake. The French king came to St. Germain's, and aſſured the queen and the P. prince, that he would own him as ſoon as the king was dead. Upon which the queen told him, that it would be a great conſolation to the late king, if his majeſty would tell him as much; which he did, and then his ſervants were called in, to whom he declared the ſame. To-morrow the French king goes to St. Germain's to make the P. prince the firſt viſit as king. The queen is now at a convent at Chaliot; but ſhe returns to-morrow to St. Germain's, where ſhe will continue. The body of the late king is brought to the 'Engliſh Benedidictines,' where it will be expoſed for forty days, and then left there till a proper opportunity of carrying it for England. I do hear, that at court they pre-

To Mr. Secretary Vernon.

Paris, Sept. 21, 1701.

I did not go to Verſailles yeſterday, for I thought it not proper till I had his majeſty's orders; and I am confident, that there are none here, if they dare to own their opinion, but they muſt ſay, that I am in the right. I think I ſhould have made a worſe figure than count Zinzendorf did, when he was preſent whilſt the duke of Anjou was declared king of Spain. I was ſatisfied, that the whole diſcourſe would be of their new 'Roy d'Angleterre,' and of the French king's going to make him the firſt viſit at St. Germain's, which he did that day. He ſtaid but a little with him, giving him the title of majeſty. He was with the queen a conſiderable time. The reſt of the court made their compliments the ſame day. I am told, that M. de Torcy declares, that this does not any way alter the intentions of the king from obſerving the treaty of Ryſwick, and he alledges ſeveral examples in the like caſes. He ſeemed concerned, that I was not there; and he did deſire one to let me know, that he ſhould be at Paris on Friday, and that he would either wait on me, or be glad to ſee me. I intend to ſee him, and to hear what he will ſay, and then I ſhall acquaint you with it. I have had a very difficult part to act, and I cannot but ſee this will make it worſe.

To Mr. Secretary Vernon.

Paris, Sept. 24, 1701.

I have ſeen Monſieur de Torcy, who did endeavour to put the beſt colour on this laſt proceeding. His chief aim was to ſhew me, that there was nothing in this contrary to the treaty of Ryſwick; and I could perceive, that the French king was brought to do it at the ſollicitation of the queen at St. Germain's. It is certain, that Monſieur de Torcy, as well as the reſt of the miniſtry

fity, conformable to treaties, and to what he has done for the late king of England, ſince he ſought an aſylum in France.'

But this manifeſto could not paſs on the world, ſince the owning the pretender's right was a plain declaration, that France would aſſiſt him in claiming it, whenever the ſtate of their affairs would allow of it. However, monſieur Pouſſin, who had been ſecretary to monſieur de Tollard, and was left by him in England to manage the affairs of his court there, offered to preſent this manifeſto to ſecretary Vernon, who refuſing to receive it, he cauſed the ſubſtance of it to be publiſhed under the title of, 'The French king's reaſons for owning the pretended prince of Wales king of England,' ſuppoſed to be communicated in a letter from Paris to a friend in London. Theſe reaſons were ſuppreſſed by the command of government, and monſieur Pouſſin ordered to leave the kingdom by a limited time; though, a night or two before his departure, a thing happened, which made a great deal of noiſe; for he was found at ſupper at a public tavern, with three members of the houſe of commons, who were zealous oppoſers of the court, 'Mr. Anthony Hammond, Mr. John Tredenham, and Dr. Charles Davenant.' This gave an alarm of ſecret correſpondence; and, though they excuſed themſelves upon accident and common civility, yet they fell under great odium; and with others of their party were branded by the name of Pouſſineers, in a paper called the 'Black Liſt'.[a]

The conduct of the French court gave an univerſal diſtaſte to the whole Engliſh nation: All people ſeemed poſſeſſed with an high indignation upon it, to ſee a foreign power, that was at peace with them, pretend to declare, who ought to be their king. Even thoſe, who were perhaps ſecretly well pleaſed with it, were yet, as it were forced, for their own ſafety, to comply with the general ſenſe of the reſt in this matter. The city of London began with an addreſs, which was preſented to the lords juſtices, in which they expreſſed, 'That they were deeply ſenſible, how much they were in duty bound, highly to reſent that great indignity and affront offered to his majeſty by the French king, in giving the title of king of England, Scotland, and Ireland, to the pretended prince of Wales, contrary to his majeſty's moſt juſt and lawful title, and to the ſeveral acts of parliament for ſettling the ſucceſſion to the crown in the proteſtant line. That by this it was apparent, that he deſigned, as much as in him lay, to dethrone his majeſty, to extirpate the proteſtant religion out of theſe his majeſty's kingdoms, and to invade their liberties and properties, for the maintaining whereof his majeſty had ſignalized his zeal by the often hazarding his precious life. They therefore aſſured his majeſty, that they would at all times, and upon all occaſions, exert the utmoſt of their abilities, and contribute whatever lay in their power for the preſervation of his perſon, and the defence of his juſt rights, in oppoſition to all invaders of his crown and dignity.'

This addreſs being tranſmitted to the king in Holland, his majeſty gave ſpecial directions to the lords juſtices, to acquaint the lord mayor and aldermen with the great ſatisfaction he had upon the receiving it. According to this precedent, numerous addreſſes came from all parts of the kingdom. A great diverſity of ſtile appeared in theſe addreſſes; ſome avoided to name the French king, the prince of Wales, or the act of ſettlement, and only reflected on the tranſaction in France in general ſoft words. But others carried the matter farther, encouraging the king to go on in his alliances, promiſing him all faithful aſſiſtance in ſupporting them; and aſſuring him, that, when he ſhould think fit to call a new parliament, they would chuſe ſuch members, as ſhould concur in enabling him to maintain his alliances. This raiſed the diviſions of the nation higher.

The king having finiſhed his alliances, and eſpecially that between England, Holland, and the empire, began to prepare for his return; but was detained at the Hague above a month by a ſevere indiſpoſition, which was concealed as much as poſſible, becauſe the very news of his ſickneſs would have been an obſtruction to the intereſts of Europe: and, if his death had happened at that time, it muſt have occaſioned great confuſion in England, and other parts. The king be-

miniſters, was againſt it; and only the Dauphin and madam de Maintenon, whom the queen had prevailed with, carried this point; which I am ſatisfied they may have reaſon to repent of. It begins to appear already, ſince I can aſſure you, that, if I take my leave, it will cauſe an univerſal conſternation here. I ſee, that they are in no condition to ſupport a war, and the affairs of France were never in ſo ill a poſture. I told him my mind very freely, and there is ſo much to ſay on this ſubject, that he could not anſwer me. I ſaid, that it was ſuch a precedent, as might come home to them at laſt: That there were others, who pretended to the crown of Spain, as well as the preſent king, and I left him to judge how that would be liked, if we ſhould act as they do. It is not neceſſary to repeat all that paſſed; but, when I take myſelf to be in the right, I am apt enough to ſpeak plain. I found him very calm, and even concerned. Without doubt they expect I ſhall be recalled; and they will be ſorry, if it ſhould happen ſo at laſt. I told him I would wait his majeſty's orders, and till then I could ſay nothing to this matter: That I ſuppoſed I ſhould have them ſoon, and then I would acquaint him with them. He ſaid, he hoped to ſee me at Fontainebleau. He entered on the ſubject of the negotiation, and how the peace would ſet all right. I told him, that it was viſible, what difficulties there have been in relation to the emperor; and that there was no occaſion for creating new ones, which might oblige us to take ſuch meaſures, as poſſibly we might otherwiſe not take. I know, that the king ordered Monſieur de Torcy to ſoften this matter to me as much as he could. I have thought of laying this whole conference, which laſted an hour, before his majeſty; though there is no relying on what this court ſays or does, after what we have ſeen. I am afraid of even giving my opinion; and it would be better, if I could have the honour to relate this to his majeſty by diſcourſe; though I fear there never will be any treating with this court without great vigour and reſolution, and with ſword in hand.

To Mr. Blathwayt.

Paris, Sept. 26, 1701.

I have ſeen Monſieur de Torcy, who did endeavour to put the beſt colour on the late proceedings. The will of the late king James is opened, but not yet publiſhed; but I hear it is to be printed. What I have learned of it is, that the queen is made regent; the French king is deſired to take care of the education of the P. Prince: That, in caſe he be reſtored, the queen is to be repaid all that ſhe has laid out of her own: That all other debts, which they have contracted ſince they left England, and what can be made out, ſhall be paid: That the new king ſhall not take any revenge againſt his father's enemies, nor his own: That he ſhall not uſe any force in matters of religion, nor in relation to the eſtates of any perſons whatſoever. He recommends to him all thoſe that have followed him. I am told, that lord Perth is declared a duke, and Caryl a lord. I do not doubt but we ſhall hear of ſeveral new titles and garters. Certainly there ought to be ſome ſtop put to all this, elſe we ſhall not know where we are.

To Mr. ſecretary Vernon.

Paris, Sept. 28, 1701.

I have received yours of the 11th, and am much obliged to their excellencies for the repreſentation they have made to his majeſty. I am confident, that the king will be of that opinion, ſince they are ſo. I was unwilling to preſs this matter, leſt conjectures might have been made to my diſadvantage; though I hope it is apparent, that the only aim I have is his majeſty's ſervice, and the honour of the nation. I am ſatisfied, that this court will contrive matters ſo, that it cannot be long before they will oblige me to be gone. Their actions ſhew, there is nothing now left but that. The owning the P. Prince, is againſt the fourth article of the treaty of Ryſwick, if words can mean any thing; and the prohibition of our commerce is againſt the fifth article of the ſame treaty. But theſe are ſmall matters to what you would have ſeen, had it been in their power. The only ſatisfaction we have is, that all Europe muſt be convinced, that his majeſty is not for engaging them in a war, if it can be prevented; but you know already my opinion. The will of the late king will be printed, and I hope to ſend it to you by the next poſt. There are to be great numbers ſent into England, ſo that poſſibly you may have it before me. Lord Middleton is declared earl of Monmouth by this will; Lord Perth is to be a duke by an old patent; but they ſay lord Middleton will not take his new title. There are ſeveral other lords made, but not yet declared; ſo that the houſe of lords will be well filled at their return. We ſhall ſoon hear, that ſome garters are diſpoſed of. It is a comical ſcene, and I hope it will end ſo. I find M. Pouſſin is a very pleaſant gentleman: I could ſend you many ſtories of him from hence. I am glad he is at laſt puzzled about our fleet. They are very uneaſy about it here, and would fain known what we intend to do with it.

To Mr. ſecretary Vernon.

Paris, Octob. 1. 1701.

Laſt night arrived here a meſſenger from Loo. Mr. Blathwayt acquaints me, that his majeſty, having conſidered the proceedings of this court, does order me to return to England forthwith, without taking leave. I am only to let Monſieur de Torcy know the reaſons, why his majeſty does not think it for his honour, nor ſervice, to continue longer any embaſſador or other miniſter here. I propoſe to ſet out in leſs than ten days, and I do deſire their excellencies the lords juſtices will order a yacht for me at Calais. I cannot but think this reſolution is right, and I am glad it is taken; though, in relation to myſelf, I could have wiſhed there had been no occaſion for it, that ſo I might have left this court in a better manner.

To Mr. Blathwayt.

Paris, Octob. 4. 1701.

Mr. Collins, the meſſenger, arrived here on the 30th paſt with his majeſty's orders; and the next day I received a duplicate of them by the poſt. On the 2d inſtant, I acquainted Monſieur de Torcy with them, in the manner you had directed me, and I have incloſed his anſwer. I have ſome reaſon to think, that the court was a little ſurprized, though they might reaſonably expect ſuch reſentment. You will ſee, that monſieur de Torcy refers me to the conference I had with him before he went to Fontainebleau, of which I have already informed you. I muſt own, that they are much civiler on this occaſion, than I expected they would have been; and I have great obligations to Monſieur de Torcy, who has, on all occaſions, ſhewed himſelf extreme kind to me, and even in this caſe he expreſſes it. He will procure me paſſports for my goods, elſe I ſhould not have known what to do. I intend to ſet out for England by the 10th.

[a] The ſtory is thus related by a writer of their own party, ſuppoſed to be Dr. Davenant, in a piece intitled, 'Tom Double returned out of the country: Or, the true picture of a Modern Whig, ſet forth in a ſecond dialogue between Mr. Whiglove and Mr. Double.' He tells us, p. 48, 49. that Mr. Hammond and Mr. Tredenham had agreed to ſup together that night. About ſeven in the evening Mr. Hammond and one Mr. Awberry, a perſon of good ſubſtance and credit in the city, came to give Dr. Davenant a viſit at Gray's-Inn.

gan now to conſider his illneſs as a preſage, that he had not long to live; and was ſo ſenſible of his declining ſtate, that he told the earl of Portland, 'That he found himſelf ſo weak, that he could not expect to live another ſummer;' but charged him, at the ſame time, 'to ſay nothing of it till he was dead.'

The king at laſt embarked towards the beginning of November, and landed at Margate on the 4th of that month; and the firſt thing, that fell under debate, upon his return, was, whether the parliament ſhould be continued, or diſſolved, and a new one called. Some of the leading men of the former parliament had been ſecretly aſked, how they thought they ſhould proceed, if they ſhould meet again? Of theſe, whilſt ſome anſwered doubtfully, others ſaid poſitively, that they would begin where they had left off, and would inſiſt on their impeachments. The new miniſtry ſtruggled hard againſt a diſſolution, and, when they ſaw the king reſolved on it, ſome of them left his ſervice. This convinced the nation, that the king was not in a double game, which had been confidently given out before, and was too eaſily believed by many. The parliament being firſt prorogued till the 13th of November, a proclamation was publiſhed on the 11th of that month for diſſolving it, and ſummoning another to meet at Weſtminſter on the 30th of December. The heats in elections increaſed with every new ſummons; and this was thought ſo critical a conjuncture, that both ſides exerted their full ſtrength [b]. Moſt of the great counties and the chief cities choſe men, who were zealous for the king and government [c]; but the rotten part of our conſtitution, as an eminent author ſtiles the ſmall boroughs, were in many places wrought on to chuſe bad men. However, upon the whole, it appeared, that a clear majority was in the king's intereſts.

The parliament being met, according to their ſummons, on the 30th of December, the king came to the houſe of peers, and ſent for the commons to whom the lord-keeper ſignified his majeſty's pleaſure, that they ſhould forthwith proceed to the choice of a ſpeaker, and preſent him the next morning. The competition for that office lay between Mr. Robert Harley and ſir Thomas Littleton. The king and council inclined to ſir Thomas; but Mr. Harley was elected

Inn. The doctor propoſed to them ſupping at a tavern in Holbourn; but Mr. Hammond anſwered, he was engaged to meet Mr. Tredenham at the other end of the town, and deſired the doctor and Mr. Awberry to be of their company, but Mr. Awberry ſaid he had buſineſs in the city. So they went together without him, and in the way made a viſit, where they ſtaid till near nine of the clock. From thence they went to Mr. Tredenham's lodgings, who had left word he was at the Blue Poſts in the Hay-market; whom accordingly they found there with D. Bernardino, the Spaniſh conſul, whom he had met in the Park, and, being an old acquaintance, had propoſed ſupping with him. In a quarter of an hour ſupper came in: When the meat was actually upon the table, it ſeems monſieur Pouſſin came to that houſe, and inquired for D. Bernardino. The drawer fetched out Bernardino to him, who told monſieur Pouſſin he was at ſupper there with Mr. Tredenham, who had a general acquaintance with monſieur Pouſſin, they having lodged in the ſame houſe together. Upon which D. Bernardino brought monſieur Pouſſin into the room; but, ſeeing two ſtrangers there, he made an apology, and ſat down. They ſupped in a ground-room, the door being all the while open, and two waiters attending; and after three quarters of an hour's ſtay at moſt, as ſoon as ſupper was ended, the company ſeparated.

[b] There was publiſhed upon this occaſion a pamphlet in 4to, intitled, 'The Candidates tried: Or, a certain way how to avoid miſtakes in chuſing members for the enſuing parliament:' The author of which begins with obſerving, 'That there is no perſon in the leaſt acquainted with the preſent poſture of affairs, but muſt ſee, that upon the choice of a good or ill houſe of commons depends the happineſs or miſery of this nation; and therefore it is, that our moſt gracious king has, by diſſolving the laſt parliament, given his people an opportunity of chuſing ſuch perſons, as may inable his majeſty, in conjunction with his allies, to reſtore the balance of Europe. How neceſſary this is to be, I need not, 'ſays he,' mention, ſince nothing can be plainer, than that if Spain and the Spaniſh Weſt-Indies, or Flanders, remain in the power of France, the nation is irrecoverably loſt; and that, if we miſs this opportunity, we cannot in all human probability expect another. And conſequently an ill choice at this juncture is ſuch an error, as can never be retrieved. Therefore it is highly neceſſary to offer ſome marks, whereby perſons of the meaneſt capacities may diſtinguiſh their friends from their enemies; thoſe, that pretend to be ſo, from thoſe, that are really ſo.' He then ſhews, that, as the nation was divided into two parties, known in former reigns by the names of Whigs and Tories, ſo it was plain, that the papiſts, the ſwearing and the non-ſwearing Jacobites, agree in applauding and ſupporting the latter, and in reviling and oppoſing the former. And therefore thoſe, who were not otherwiſe capable of diſcovering the nation's friends from its enemies, could not well be miſtaken, if in all elections they went counter to the Jacobites, and oppoſed the party they eſpouſed. To ſhew that it was reaſonable to act thus, he examines what grounds the Tory party had given the Jacobites to be ſo much in love with them, and by conſequence for the well-wiſhers to the government and the proteſtant religion, not to confide in them. 'Have not theſe,' ſays he, 'good reaſons for their kindneſs, ſince the party, eſpecially their leaders, have all along ſhewn their diſaffection to the preſent eſtabliſhment? How could they declare themſelves fuller for what they call the right line than by oppoſing the abdication, the recognition, not allowing his majeſty to be rightful king, and againſt entering into an aſſociation to preſerve his majeſty and the government, when in moſt imminent danger? They owe them eternal gratitude for oppoſing all ſuch equal and eaſy methods for raiſing money as would have kept us out of debt, on pretence leſt the king, whoſe ambition and delight it was to head armies, might, by the eaſe the people found in paying them, be tempted to perpetuate the war, or elſe the nation might be induced to continue them in time of peace. By which means we run into land-banks and other deficient funds, which deſtroyed credit, and plunged the nation in immenſe debts. The party, not content herewith, were againſt recoining the money, though it is evident, that not doing of it would have brought us into confuſion. Afterwards they not only oppoſed its going by weight till recoined, but obliged the nation to make good all that was clipped, or to be clipped, by ſuch a time, of which none had any advantage but the traders in money, who, of all men, did not deſerve ſuch a favour. Neither was this all, but they were for raiſing the ſilver coin; and when they could not carry that, they fought it out to the laſt for keeping up the price of guineas. What could the Jacobites deſire more, ſince that very thing (had it proved ſucceſsful) would have been of moſt fatal conſequence? It is certain the French king depended very much on this project; for, when he found the nation, notwithſtanding the counter-aſſurances given him by his creatures, had overcome all the difficulties relating to the re-coining of the money, he deſpaired of bringing about his deſigns by a war, but hoped to do it more effectually in a time of peace by the jealouſies, diviſions, and animoſities he could ſet on foot by the help of his party here.' He then proceeds to obſerve, that the Jacobites could not be miſtaken in their men,' when thoſe, that were moſt inſtrumental in the late reigns to carry on their villainous deſigns, are the leading men of that party now; and, the more they were concerned in promoting Popery and ſlavery at home, and abroad in depreſſing of Holland, and exalting of France, the more they are careſſed; as if that, and a violent oppoſition to the preſent conſtitution, joined with an implacable hatred to all its friends, were the qualifications that moſt recommended them to head the party. 'He then expoſes their conduct in endeavouring to ſave ſir John Fenwick, when they were convinced in conſcience, that he was guilty; and, though they had pretended to abandon their former Tory principles, this was only a ſcheme of diſſimulation the better to effect their deſigns, and to ingratiate themſelves with the people. That, with regard to the act of ſucceſſion, 'though they could not have oppoſed it openly, without putting off the maſk, and it muſt have gone down, whether they would or not, having the weight of the nation with it, yet they did what they could to ſhew their diſlike of it, by treating it with an air of contempt and ridicule, and their putting ſir John Bowles in the chair, and conſtantly running out of the houſe as ſoon as he had taken it, was no ſign they intended it any great honour. In a word, their conduct was ſuch, that the lords, though they deſigned ſeveral amendments, durſt not truſt the bill down again, for fear it might occaſion the loſing it, and ſo immediately paſſed it.' He is very full likewiſe in ſhewing how great friends the Tory party, in the two houſes, and thoſe in the miniſtry, had been to France, by their conduct upon the French king's making his grandſon king of Spain, and in many other inſtances.

[c] The city of London and the borough of Southwark delivered to their members remarkable papers of inſtructions. That from the city was as to follows:

'Gentlemen,

'We earneſtly deſire and charge you, our repreſentatives, that in the approaching parliament you heartily purſue the engagements made to his majeſty in the addreſs of this city, and other loyal addreſſes from all parts of the kingdom. To this purpoſe we expect, that, to the utmoſt of your power, and without loſs of time, you endeavour to put his majeſty into a condition to maintain his undoubted right and title to the crown, and to vindicate his and the nation's honour: To enable him in this critical juncture to provide for the ſecurity of his kingdoms; to appear at the head of the proteſtant intereſt; to make good his alliances, and, in conjunction with his allies, ſo to reduce the French king, that it may be no longer in his power to diſturb and oppreſs the reſt of Europe.

'In order to theſe good ends, we deſire you diligently to labour to preſerve an entire good correſpondence between the two houſes of parliament and hinder the purſuing of private piques and animoſities; to take care of our trade, ſupport public credit, make good the deficiencies, and to have ſpecial regard to the royal navy. And ſo God proſper your undertakings.'

That from the borough of Southwark give ſo diſtinct and conciſe a recapitulation of the affairs of Europe, that it is more remarkable than the other.

'Gentlemen,

'It is notorious, that for more than forty years the French king hath affected univerſal monarchy; that he has conſtantly purſued the ſame by all methods of violence, rapine, and injuſtice; and that he has no otherwiſe regarded his oaths, treaties, and religion, than as ſo many ſolemn cheats to catch and inſnare all that have depended on him.

'To inable himſelf to marry the Infanta of Spain, he, by oath, renounced any title to that crown for all the iſſue of that marriage; yet he hath made the invalidity of that renunciation the ground-work of every one of his wars with the king of Spain.

'By the Pyrenean treaty, he ſtipulated with that king to give no aſſiſtance to his enemy the king of Portugal; yet preſently after diſpatched ſo many troops to the aſſiſtance of that prince, as reduced the Spaniſh monarchy to a degree of weakneſs, from which it hath never ſince recovered.

'He lulled the Spaniard aſleep with repeated promiſes of friendſhip; and then, without giving him any time to prepare for his defence, carried his conqueſts over the greateſt part of Flanders, and was prevented only by the triple alliance of England, Holland, and the king of Sweden, from reducing of the remainder of that province.

'To the everlaſting diſhonour of the late king Charles II. he diſengaged that prince from ſo neceſſary an alliance, and preſently after invaded the ſeven United Provinces with all his forces; and could give no better reaſon for a bloody war, which reduced thoſe flouriſhing ſtates almoſt to utter ruin than that he had been ill ſatisfied with their conduct.

'To break a powerful confederacy againſt him, he made the peace of Nimeguen, by which conceſſion was made to him of almoſt all his conqueſts in that war; and immediately after invaded the empire himſelf, to aſſiſt his infidel confederate.

'The peace of Ryſwick gave an end to that war, and a balance to Europe, till the French king, by colour of a will ſurreptitiouſly gained from the late king of Spain, in favour of the duke of Anjou, has poſſeſſed himſelf of the Spaniſh monarchy, contrary to his own renunciation and the Pyrenean treaty. Flanders and Milan he hath inveſted with his own troops, while the duke of Anjou

by a majority of fourteen voices. The king opened the parliament with the beſt ſpeech that he, or perhaps any other prince, ever made to his people [d].

My lords and gentlemen,

"I promiſe myſelf you are met together full of that juſt ſenſe of the common danger of Europe, and the reſentment of the late proceedings of the French king, which has been ſo fully and univerſally expreſſed in the loyal and ſeaſonable addreſſes of my people.

"The owning and ſetting up the pretended prince of Wales for king of England, is not only the higheſt indignity offered to me and the nation, but does ſo nearly concern every man, who has a regard for the Proteſtant religion, or the preſent and future quiet and happineſs of his country, that I need not preſs you to lay it ſeriouſly to heart, and to conſider what future effectual means may be uſed, for ſecuring the ſucceſſion of the crown in the proteſtant line, and extinguiſhing the hopes of all pretenders, and their open and ſecret abettors.

"By the French king's placing his grandſon on the throne of Spain, he is in a condition to oppreſs the reſt of Europe, unleſs ſpeedy and effectual meaſures be taken. Under this pretence, he is become the real maſter of the whole Spaniſh monarchy; he has made it to be entirely depending on France, and diſpoſes of it, as of his own dominions, and by that means he has ſurrounded his neighbours in ſuch a manner, that, that though the name of peace may be ſaid to continue, yet they are put to the expence and inconveniencies of war.

"This muſt affect England in the neareſt and moſt ſenſible manner, in reſpect to our trade, which will ſoon become precarious in all the variable branches of it; in reſpect to our peace and ſafety at home, which we cannot hope ſhould long continue; and in reſpect to that part, which England ought to take in the preſervation of the liberty of Europe.

"In order to obviate the general calamity, with which the reſt of Chriſtendom is threatened by this exorbitant power of France, I have concluded ſeveral alliances, according to the encouragement given me by both houſes of parliament, which I will direct ſhall be laid before you, and which, I doubt not, you will enable me to make good.

"There are ſome other treaties ſtill depending, that ſhall be likewiſe communicated to you as ſoon as they are perfected.

"It is fit I ſhould tell you, the eyes of all Europe are upon this parliament; all matters are at a ſtand, till your reſolutions are known; and therefore no time ought to be loſt.

"You have yet an opportunity, by God's bleſſing, to ſecure to you and your poſterity the quiet enjoyment of your religion and liberties, if you are not wanting to yourſelves, but will exert the antient vigour of the Engliſh nation, but I tell you plainly, my opinion is, if you do not lay hold on this occaſion, you have no reaſon to hope for another.

"In order to do your part, it will be neceſſary to get a great ſtrength at ſea, and to provide for the ſecurity of our ſhips in harbour; and alſo that there be ſuch a force at land, as is expected in proportion to the forces of our allies.

Gentlemen of the houſe of commons,

"I do recommend theſe matters to you with with that concern and earneſtneſs, which their importance requires. At the ſame time I cannot but preſs you to take care of the public credit, which cannot be preſerved but by keeping ſacred that maxim, That they ſhall never be loſers, who truſt to a parliamentary ſecurity.

"It is always with regret, when I do aſk aids of my people; but you will obſerve, that I deſire nothing, which relates to any perſonal expence of mine; I am only preſſing you to do all you can for your own ſafety and honour, at ſo critical and dangerous a time; and am willing, that what is given, ſhould be wholly appropriated to the purpoſes for which it is intended.

"And, ſince I am ſpeaking on this head, I think it proper to put you in mind, that, during the late war, I ordered the accounts to be laid yearly before the parliament, and alſo gave the aſſent to ſeveral bills for taking the pnblic accounts, that my ſubjects might have the ſatisfaction to know, how the money given for the war was applied; and I am willing that matter may be put in any further way of examination, that it may appear, whether there were any miſapplications and miſmanagements; or whether the debt, that remains upon us, has really ariſen from the ſhortneſs of the ſupplies, or the deficiency of the funds.

"I have already told you, how neceſſary diſpatch will be for carrying on that great public buſineſs, whereon our ſafety, and all that is valuable to us depends. I hope, what time can be ſpared will be employed about thoſe other very deſirable things, which I have ſo often recommended from the throne; I mean, the forming ſome good bills for employing the poor, for encouraging trade, and the further ſuppreſſing of vice.

My lords and gentlemen,

"I hope you are come together determined to avoid all manner of diſputes and differences; and reſolved to act with a general and hearty concurrence for promoting the common cauſe, which alone can make this a happy ſeſſion.

"I ſhould think it as great a bleſſing as could befal England, if I could obſerve you as much inclined to lay aſide thoſe unhappy fatal animoſities, which divide and weaken you, as I am diſpoſed to make all my ſubjects ſafe and eaſy as to any, even the higheſt offences committed againſt me.

"Let me conjure you to diſappoint the only hopes of our enemies by your unanimity. I have ſhewn, and will always ſhew, how deſirous I am to be the common father of all my people. Do you, in like manner, lay aſide parties and diviſions. Let there be no other diſtinction heard of amongſt us for the future, but of thoſe who are for the Proteſtant religion, and the preſent eſtabliſhment, and of thoſe, who mean a Popiſh prince, and a French government.

Anjou is forced to govern the reſt of that monarchy, as viceroy to his grandfather, both to obtain his ſupport, and for fear of being excluded from a better kingdom.

'He has exalted himſelf upon this good ſucceſs, and has already named a viceroy for more countries, by giving the title of his majeſty's kingdoms to the pretended prince of Wales. Our condition muſt be very miſerable, if we are to be governed by the diſcretion of a king, who hath deſtroyed the proteſtants of his own kingdom by the ſword, fire, and gallies: We cannot hope to be uſed with greater tenderneſs than his own ſubjects.

'Nevertheleſs, we cannot doubt but his repeated ill ſucceſs in Italy, the vaſt debts of his crown, increaſed by his prodigious expences among his confederate princes, will oblige him to offer a treaty, that he may ſave by a peace, a conſiderable ſhare of the Spaniſh monarchy, rather than loſe the whole by a war. And we had reaſon to be afraid, that the diviſion of the two houſes of parliament, the animoſities of thoſe men, that have oppoſed the Settlement, the Recognition and Aſſociation, and the Great Authority of others, who, in former reigns, had always given countenance for the French invaſions, might oblige his majeſty to hearken to ſuch a peace, as France would pleaſe to give him.

'But we hope, gentlemen, that the diſſolution of the parliament has put an end to the diviſion of the two houſes; and we have that aſſurance of your integrity and moderation, that you will do nothing to revive the ſame diviſion. It is indeed very popular and very juſt to be ſevere with ſuch miniſters, as have betrayed the commonwealth. But, when the lords, ſo conſiderable a part of the legiſlative power, have eſpouſed the innocency of any perſon, we hope you will either give credit to their authority, or defer your reſentments during our common danger. We are aſſured, that you will neither join with the enemies of the king, nor with the advocates of France, to hang upon the wheels of the government.

'We beſeech you, gentlemen, not to be amuſed with the offers of any treaties from the French king; or, for the ſake thereof, to defer any ſupplies, that ſhall be convenient, before he ſhall have given entire ſatisfaction to the emperor for his right to the Spaniſh monarchy, and to his majeſty for the affront put upon him and his people, by giving the title of his kingdoms to the pretended prince of Wales. We hope you will be ready upon all occaſions to addreſs the king, that he will never enter into any treaty with France, which ſhall not effectually ſecure to his people their religion and commerce.

'We beſeech you, gentlemen, that, ſetting aſide all other buſineſs, you will be ſo early and ſo liberal in your ſupplies to his majeſty, to ſupport his great alliances, that France may have no hopes, nor her enemies any fears of the neutrality of England. That other princes, like thoſe of Savoy, Portugal, and Cologne, may not make ſeparate treaties for themſelves with the common enemy of Europe.

'We beſeech you, gentlemen, to be careful of the credit of the government, and to join your votes with ſuch as ſhall be for the moſt ſpeedy and moſt eaſy methods of raiſing money; that the blame of buying every thing for the king at exceſſive prices may not be caſt upon the miniſters, which has been moſt juſtly due to the diſtance or inſufficiency of thoſe funds, which parliament have given.

'Above all, gentlemen, we conjure you to be moſt tender of the perſon of his majeſty; that no indignity may be offered to a prince born for the good of Europe; to diſtinguiſh between one that ſits upon his throne, and ſends generals abroad to make ſlaughters and deſolation among his neighbours, and a king, who has ſo liberally and ſo generouſly expoſed his life for the liberty of his country againſt this common enemy.'

[d] 'The lord Sommers is ſuppoſed to have aſſiſted in framing this ſpeech, which was ſo acceptable to the well-wiſhers of the revolution, and their friends abroad, that it was printed with decorations in Engliſh, Dutch, and French, and hung up in frames in almoſt every houſe in England and Holland, as his Majeſty's laſt legacy to his own and all Proteſtant people.

" I will only add this; if you do in good earneſt deſire to ſee England hold the balance of Europe, and to be indeed at the head of the Proteſtant intereſt, it will appear by your right improving the preſent opportunity."

[1701-2] This wiſe and affectionate ſpeech was extremely grateful to both houſes, and they were very unanimous in their thanks for it. The lords began the new year with expreſſing, 'That they had heard with all imaginable ſatisfaction his majeſty's moſt gracious ſpeech, for which they returned their moſt humble and hearty thanks. And though the ſeveral particulars, which his majeſty was pleaſed to recommend to them, were of the higheſt importance; and they would loſe no time in proceeding to the conſideration of them with great duty to his majeſty; yet they could not defer expreſſing their juſt reſentments of the proceedings of the French king, in owning and ſetting up the pretended prince of Wales for king of England, and other his majeſty's realms and dominions; which they took to be the higheſt indignity, that could be offered to his ſacred majeſty and this kingdom. And they aſſured his majeſty, they were ſo ſenſible thereof, that they were reſolved to aſſiſt his majeſty to the utmoſt of their power in defending his ſacred perſon and government from all attempts whatſoever, that ſhould be made either from his open or ſecret enemies. And, that no enemies to their religion and country might ever hope to proſper in their attempts againſt them, when, to their great unhappineſs, it ſhould pleaſe God to deprive them of his majeſty's protection, they further declared their reſolutions to aſſiſt and defend, to the utmoſt of their power, againſt the pretended prince of Wales, and all other pretenders whatſoever, every perſon and perſons, who had right to ſucceed to the crown of theſe realms, by virtue of theſe two acts of parliament, intitled, 'An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown; and, 'An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject.' And they concluded with their earneſt prayers to almighty God, for his majeſty's long and happy reign over them.'

Their lordſhips ordered all ſuch, as were willing, to ſign this addreſs, which was entered into their books. This was without a precedent, and yet it was promoted by thoſe, who as was thought, hoped, by ſo unuſual a practice, to prevent any further proceedings on that head.

To this addreſs his majeſty made this anſwer, " I heartily thank you for your very ſeaſonable addreſs, and for all your kind expreſſions of duty to me in it; and I recommend to you to take into your ſpeedy conſideration the other matters mentioned in my ſpeech, and doubt not but that your reſolutions will be for the honour and ſafety of the kingdom.'

The commons likewiſe, on the 5th of January, 'returned their moſt humble and hearty thanks to his majeſty for his moſt gracious ſpeech, and humbly craved leave to aſſure him, that they would ſupport and defend his lawful and rightful title to the crown of theſe realms againſt the pretended prince of Wales, and all his open and ſecret abettors and adherents, and all his majeſty's enemies whatſoever: And that they would inable him to ſhew his juſt reſentment of the affront and indignity offered to his majeſty and this nation by the French king, in taking upon him to declare the pretended prince of Wales king of England, Scotland, and Ireland: And that they were firmly and unanimouſly reſolved to maintain and ſupport the ſucceſſion to the imperial crown of this realm, and the dominions and territories thereunto belonging, in the proteſtant line, as the ſame was ſettled by an act, declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown, and further provided for by an act of the laſt parliament, intitled, 'An act for the further limitation of the crown, &c.' And they declared, that, for the better effecting the ſame, they would, to the utmoſt of their power inable his majeſty to make good all thoſe alliances his majeſty had made or ſhould make, purſuant to the addreſſes and advices of his moſt dutiful and loyal commons of the laſt parliament, for the preſerving the liberties of Europe, and reducing the exorbitant power of France.'

To this addreſs the king returned the following anſwer:

Gentlemen,

" I give you hearty thanks for this addreſs, which I look upon as a good omen for the ſeſſion. The unanimity, with which it paſſed, adds greatly to the ſatisfaction I receive from it. So good a ſtep, at your firſt entrance upon buſineſs, cannot but raiſe the hopes of all, who wiſh well to England and the common cauſe. I can deſire no more of you, than to proceed as you have begun; and I depend upon it. For, when I conſider how cheerfully and univerſally you concurred in this addreſs, I cannot doubt but every one of you will ſincerely endeavour to make it effectual in all the parts of it."

The lords having taken into conſideration the dangerous ſtate of Europe, more eſpecially ariſing from the duke of Anjou's poſſeſſing the crown of Spain, which made in effect a conjunction with France, and ſo muſt inevitably overthrow the balance of power, unleſs timely prevented by ſtrong alliances of other ſtates and princes, the 6th of January preſented a ſecond addreſs to the king, wherein they made ſo true and ample a repreſentation of the French king's unjuſt and violent proceedings, that it greatly helped to confirm every one in their juſt abhorrence of them, and their zeal to have him reduced to reaſon [e].

To bring the houſe of commons into more effectual meaſures for eſpouſing and ſupporting the cauſe of a new war, the king commanded Mr. ſecretary Vernon to lay before them the copies of the treaties of the grand alliance, viz. 1. The treaty between himſelf, the king of Denmark, and the States General, June 15, 1701. 2. The ſecret articles of that treaty. 3. The treaty between the emperor, his majeſty, and the States-general, Sept. 7, 1701. 4. A convention between his majeſty and the States-General, Sept. 26th, 1701. 5. The treaty between his majeſty and the States-General, Novemb. 11, 1701. All which were ſo well approved, that the houſe immediately reſolved, that a ſupply be granted to his majeſty; and that whoever ſhould advance or lend to his majeſty's exchequer the ſum of ſix hundred thouſand pounds, for the ſervice of the fleet, ſhould be repaid the ſame with intereſt at ſix per cent. out of the firſt aids to be granted this ſeſſion: And that whoſoever ſhould advance the further ſum of fifty thouſand pounds, for the ſubſiſtence of the guards and garriſons, ſhould be repaid in like manner.

They then took the ſtate of the navy into conſideration, and ordered the commiſſioners of the admiralty to lay before that

[e] This addreſs was as follows:

'We your majeſty's loyal and dutiful ſubjects, the lords ſpiritual and temporal in parliament aſſembled, are highly ſenſible of what we owe to almighty God for the great deliverance he hath wrought for us by your majeſty. We are highly ſenſible of his mercies in preſerving you hitherto in ſo many public and private dangers, to which your ſacred perſon hath been expoſed; and we hope the ſame providence will carry your majeſty through the great work, which ſeems reſerved for you, the reducing the exorbitant power of France, and maintaining the balance of Europe.

'All true Engliſhmen, ſince the decay of the Spaniſh monarchy, have ever taken it for granted, that the ſecurity of their religion, liberty and property, that their honour, their wealth, and their trade, depend chiefly upon the proper meaſures to be taken from time to time in parliament againſt the growing power of France. But it is their peculiar bleſſing in your majeſty's reign, to have a prince upon the throne, who not only agrees with them in this opinion, but who, in the frequent parliaments aſſembled, is ever reminding them of this their greateſt concern; and who, to compleat their happineſs, is always ready, with the hazard of his perſon, to ſupport his ſubjects and allies, againſt their common enemy.

'And we eſteem it a further good fortune, in the time of public danger, that the French king has taken thoſe meaſures, which will make it impoſſible for him to impoſe any more upon the world by treaties ſo often violated. Neither can he hope any longer to cover his ambitious deſigns, or juſtify his uſurpations under the ſpecious pretences of peace.

'Your majeſty has ſo juſtly repreſented the danger, to which Europe is expoſed by the French king's placing his grandſon on the throne of Spain; your majeſty is ſo juſtly ſenſible, that under that pretence he is become abſolute maſter of the whole Spaniſh monarchy; and we are ſo well apprized of the dangerous conſequence of this bold attempt, that we think it moſt proper to aſſure your majeſty in your own words, that we are under the higheſt impatience, that ſpeedy and effectual meaſures may be taken againſt the undoubted ambition of the French king.

'And as the placing his grandſon upon the throne of Spain is, viſibly to the whole world, the cauſe of all thoſe dangers mentioned in your majeſty's ſpeech, and of the breach of the balance of power of Europe, which the people of England are ſo deeply engaged to preſerve; ſo we humbly conceive the remedy is as apparent as the diſeaſe; and that your majeſty, your ſubjects, and allies, can never be ſafe and ſecure, till the houſe of Auſtria be reſtored to their rights, and the invader of the Spaniſh monarchy brought to reaſon.

'To conclude, ſir, as we humbly addreſſed your majeſty laſt parliament to enter into alliances with the emperor, the States of Holland, and other princes and ſtates, willing to unite againſt the power of France; ſo we take the liberty at this time to aſſure you, we are willing and zealous to lay hold of this opportunity, which the bleſſing of God and your majeſty's care have put into our hands; reſolving to make our utmoſt efforts for our own ſecurity and the ſupport of our allies; deſiring of your majeſty to reſt aſſured, that no time ſhall be loſt, nor any thing wanting on our part, which may anſwer the reaſonable expectations of our friends abroad; not doubting but to ſupport the reputation of the Engliſh name, when engaged under ſo great a prince in the glorious cauſe of maintaining the liberty of Europe.

His majeſty, in anſwer to this addreſs, declared, 'That he was extremely pleaſed to find the juſt ſentiments their lordſhips had of the preſent ſtate of affairs, and their readineſs to do their part in this great conjuncture; and he hoped, that their joint endeavours would be ſucceſsful for reſtoring the balance of Europe, and eſtabliſhing the common ſecurity.

houſe

houſe a ſtate of the fleet, and condition of each reſpective ſhip, and place, where they are; with a ſtate of the debt, of the navy, and an eſtimate of what was neceſſary for the extra repairs of it: And, to encourage the people with the hopes of making good all former deficiencies, they ordered an account of the debts of the nation unprovided for, both principal and intereſt, to be laid before them. And further, to juſtify the diſpoſal of public funds, they ordered the ſpeaker to write to two of the truſtees for the forfeited eſtates in Ireland to attend the houſe, and lay before them a full account of their proceedings in execution of that act. But what gave the greateſt vigour to a war abroad and unity at home, was, that on the 9th of January they reſolved unanimouſly, that leave be given to bring in a bill, for ſecuring of his majeſty's perſon, and the ſucceſſion of the crown in the Proteſtant line and extinguiſhing the hopes of the prince of Wales, and all other pretenders, and their open and ſecret abettors. And the next day they further reſolved, that an humble addreſs be preſented to his majeſty, that he would be graciouſly pleaſed to take care, that it be an article in the ſeveral treaties of alliance between his majeſty and other potentates, 'That no peace ſhall be made with France, until his majeſty and the nation have reparation for the great indignity offered by the French king, in owning and declaring the pretended prince of Wales king of England, Scotland, and Ireland:' They agreed at the ſame time, 'That the proportion of land-forces to act in conjunction with the forces of the allies, for making good the alliances, be forty thouſand men, and forty thouſand more for ſea ſervice.' Theſe were the numbers the king by the alliances was obliged to furniſh, and all was conſented to in every particular; though ſome angry men ſhewed much rancour againſt the king, and tried to croſs every thing that was propoſed, both as to the quota's of the troops, and as to the ſtrength of the fleet.

The commons began a bill for the attainder of the prince of Wales, to which, though it could not be oppoſed, much leſs ſtopped, many ſhewed a coldneſs, and abſented themſelves on the days, on which it was ordered to be read. It was ſent up to the lords, and paſſed that houſe on the 20th of February, with an addition of an attainder of the queen, who acted as queen regent for him. This was much oppoſed; for no evidence could be brought to prove the allegation; but the fact was ſo notorious, that it paſſed, and the bill was ſent down again to the commons. It was excepted to there as not regular, ſince but one precedent in king Henry VIII's time was brought for it; and in that the commons had added ſome names, by a clauſe in a bill of attainder ſent down to them by the lords; and as this was a ſingle precedent, ſo it ſeemed to be a hard one. For, attainders by bill being the greateſt rigours of the law, the ſtretching of that ought to be avoided. It was therefore thought more proper to attaint her by a bill apart than by a clauſe in another bill, to which the lords agreed, and ſo the bill againſt the pretended prince of Wales paſſed. The lords alſo paſſed a new bill attainting the queen, but that was let ſleep in the houſe of commons.

The matter, that occaſioned the longeſt and warmeſt debates in both houſes, was an act for abjuring the pretended prince of Wales, and for ſwearing to the king, by the title of 'rightful' and 'lawful' king, and his heirs, according to the act of ſettlement. This was begun in the houſe of lords, and the firſt deſign was, that the oath ſhould be voluntary, it being only to be tendered to all perſons, and their ſubſcription, or refuſal to be recorded, without any other penalty. This was vehemently oppoſed by all the tory party, at the head of whom the earl of Nottingham ſet himſelf. Thoſe, who argued againſt it, ſaid, that this government was firſt ſettled with another oath, which was like an original contract, and that it was unjuſt and unreaſonable to offer a new one. There was no need of new oaths, as there was no new ſtrength got by them. Oaths relating to men's opinions had been always looked upon as ſevere impoſitions. A voluntary oath ſeemed to be by its nature unlawful; for we cannot ſwear lawfully, unleſs we are required to do it. To all this it was anſwered, that in antient time the oath of allegiance was ſhort and ſimple, becauſe then it was not thought, that princes had any right other than what was conveyed to them by law. But of late, and indeed very lately, new opinions had been ſtarted of a divine right, with which former times were not acquainted; ſo that it was neceſſary to know, who among us adhered to theſe opinions. The preſent government was begun upon a comprehenſive foot, it being hoped, that all parties might have been brought to concur in ſupporting it. But the effects had not anſwered expectation: Diſtinctions had been made between a king 'de jure' and a king 'de facto;' by which men plainly declared, with whom they believed the right was lodged. This opinion muſt, whenever that right comes to be claimed, oblige thoſe, who hold it, to adhere to ſuch claimants. It ſeemed therefore in ſome ſort neceſſary, that the government ſhould know, on whom it might depend. The diſcrimination made by ſuch a teſt, was to be without compulſion or penalty; no hardſhip was put on any perſon by it. Thoſe, who refuſed to give this ſecurity, would ſee what juſt cauſe of jealouſy they gave, and would thereby be obliged to behave themſelves decently and with due caution. When a government tendered an oath, tho' under no penalty, that was a ſufficient authority for all to take it, who were ſatisfied with the ſubſtance of it. While therefore there was ſo great a power beyond ſea, that eſpouſed ſo openly the pretenſions of this young man, and while there were juſt grounds to ſuſpect, that many at home favoured him, it ſeemed very reaſonable to offer a method, by which it ſhould appear, who obeyed the preſent government from a principle, believing it 'lawful,' and who ſubmitted only to it as a proſperous uſurpation. About twenty lords perſiſted in their oppoſition to this bill, thoſe, who were for it, being thrice that number. But in the houſe of commons, when it appeared how the lords were inclined, they reſolved to bring in a bill that ſhould oblige all perſons to take this abjuration. It was drawn by ſir Charles Hedges. All employments in church and ſtate were to be ſubject to it. Some things were added to the abjuration, ſuch as an obligation to maintain the government in king, lords, and commons, and to maintain the church of England, together with the toleration for diſſenters. Mr. Finch offered an alteration to the clauſe abjuring the prince of Wales, ſo that it imported only an obligation not to aſſiſt him; but, though he preſſed this with unuſual vehemence in a debate, that he reſumed ſeventeen times in one ſeſſion, againſt all rules, he had few to ſecond him in it. The debate, whether the oath ſhould be impoſed or left free, held longer. It was carried but by one vote to impoſe it. The party choſe that, rather than have it left free; for they reckoned, that the taking any oath, which ſtrengthened the government, of their own accord, did not ſuit with their other principles. But, to help the matter with a ſhew of zeal, they made the clauſe, which impoſed it, very extenſive, ſo that it comprehended all clergymen, fellows of colleges, ſchool-maſters, and private tutors. The clauſe of maintaining the government in king, lords, and commons, was rejected with great indignation, ſince the government was only in the king; the lords and commons being indeed a part of the conſtitution, and of the legiſlative body, but not of the government. This was a direct republican notion, and uſed to be condemned as ſuch by the ſame perſons, who now preſſed it. It was further ſaid, that, if it appeared, that our conſtitution was in danger, it might be reaſonable to ſecure it by an act and an oath apart; but ſince the ſingle point, that required this abjuration, was the French king's declaring, that the pretended prince of Wales was king of England, it was not fit to join matters foreign to that in this oath. Upoo the ſame reaſon, the clauſe in favour of the church, and of the toleration were alſo laid aſide. The deſign of this act was to diſcover to all both at home and abroad, how unanimouſly the nation concurred in abjuring the pretended prince of Wales. But here was a clauſe to one part of which (the maintaining the church) the diſſenters could not ſwear; and even the more moderate men of the church, who approved well of the toleration, yet might think it too much to ſwear to maintain it, ſince it was reaſonable to oblige the diſſenters to uſe their liberty modeſtly, by keeping them under the apprehenſion of having it taken away, if it was abuſed by them. One addition was offered to make it equally penal to compaſs or imagine the death of her royal highneſs the princeſs Anne of Denmark, as it is to compaſs or imagine the death of the king's eldeſt ſon and heir, which was admitted without any debate or ſhadow of oppoſition. The tories pretended great zeal for her highneſs, and gave it out, that there was a deſign to ſet her aſide, and to have the houſe of Hanover to ſucceed the king immediately; though it could never be made appear, that any motion of this kind had ever been either made or debated, even in private diſcourſe, by any of the whole whig party. Great endeavours were uſed, and not altogether without effect, to infuſe this jealouſy into the princeſs, and into all about her, not without inſinuations, that the king himſelf was inclined to it. When this clauſe was offered, its being without a precedent gave handle enough to oppoſe it; yet there was not one word ſaid in oppoſition to it in either houſe, all agreeing heartily in it. This ought to have put an end to the ſuſpicion; but ſurmiſes of that kind, when raiſed on deſign, are not ſoon parted with.

The commons, after a long delay, ſent up the bill for abjuring

abjuring the pretended prince of Wales. In the houſe of lords the tories oppoſed it all they poſſibly could; and, as it was a new bill, the debate was entirely open. They firſt moved for a clauſe, excuſing the peers from it. If this had been received, the bill would have been certainly loſt, for the commons would never have yielded to it. When this was rejected, they tried to bring it back to be voluntary. This motion was thought a ſtrange inconſiſtency in thoſe, who had argued againſt even the lawfulneſs of a voluntary oath; but it was viſible, that they intended by it only to loſe or at leaſt to delay the bill. When this was over-ruled by the houſe, not without a mixture of indignation in ſome againſt the movers, they offered next all thoſe clauſes, which had been rejected in the houſe of commons, with ſome other very ſtrange additions, by which they diſcovered both great weakneſs and an inveterate rancour againſt the government; but all the oppoſition ended in a proteſt of ſeveral peers againſt the bill, when it paſſed on the 14th of February [f].

The public intereſt was now ſo viſible, and the concurrent ſenſe of the nation ran ſo vehemently for a war, that even thoſe, who were moſt averſe to it, found it convenient to put on the appearance of zeal for it. The city of London was more united than it had been at any time during this reign; for the two companies that traded to the Eaſt-Indies, ſaw, that their common intereſt required they ſhould come to an agreement; and, though men of ill deſigns did all they could to obſtruct it, yet in concluſion it was happily effected. This made the body of the city, which was formerly much divided between the two companies, fall now into the ſame meaſures. But thoſe, who intended to defeat all this good beginning of the ſeſſion, and to raiſe a new flame, ſet on debates, that muſt have embroiled all again, if they had ſucceeded in their deſigns. They began with complaints of ſome petitions and addreſſes, that had reflected on the proceedings of the laſt houſe of commons, and particularly of the Kentiſh petition [g]. However, it was carried againſt them, that it was the undoubted right of the people of England to petition or addreſs the king, for the calling, ſitting, or diſſolving of parliaments, and for the redreſſing of grievances: and that every ſubject, under any accuſation, either by impeachment or otherwiſe, had a right to be brought to a ſpeedy trial. Not diſcouraged at this, they went on to complain, that the lords had denied them juſtice in the matter of the late impeachments. This bore a long and hot debate in a very full houſe: but it was carried, though by a ſmall majority, that juſtice had not been denied them. After this, the party gave over any farther ſtruggling, and things were carried on with more unanimity.

The houſe had a multiplicity of other buſineſs before them; as the produce of the cuſtoms; the Quaker's bill; the more effectual puniſhing of vagrants; the number, and charge, and condition of the forces to be filled up and raiſed for ſea and land; the affair of the abuſes committed in the king's brew-houſe at St. Catharine's; the apothecaries bill; the care of regulating collections; the examination of ſtories related by William Fuller, the impoſtor; and of a letter ſent to the ſpeaker from one Dr. Stringer, pretending the diſcovery of a plot againſt the government; with other intervening affairs; notwithſtanding which, the houſe proceeded vigorouſly in the more important buſineſs of the nation; for, on the 3d of February, they reſolved, That a ſum not exceeding three hundred and fifty-two thouſand pounds be granted to his majeſty, for the maintaining of guards and garriſons, and for providing for officers upon half-pay. And, to quicken the allies, as well as to ſupport the king, they reſolved at the ſame time, 'That an humble addreſs be preſented to his majeſty, that he would be graciouſly pleaſed ro interpoſe with his allies, that they may increaſe their quota's of land-forces to be put on board the fleet, in proportion to the numbers his majeſty ſhall have on board his fleet.' To which his majeſty anſwered, 'That he would do it.' When they had ſettled the ſums appropriated to the ſeveral uſes of the war, they agreed, on the 7th of February, to another addreſs to the king, 'That he would provide for the half-pay officers in the firſt place, in the recruits and levies to be now made.' To which he anſwered, 'That it was always his intention.'

His majeſty, to encourage the diſpatch of public affairs, came to the houſe of peers, and gave the royal aſſent to a bill, which had miſcarried in the laſt parliament, entitled, 'An act for the appointing commiſſioners to take, examine, and determine the debts due to the army, navy, and the tranſport ſervice, and alſo an account of prizes taken during the war.

Before this, the king had thought proper to make ſeveral advancements and removals; Charles, earl of Carliſle, was appointed firſt lord commiſſioner of the treaſury, in the room of the lord Godolphin; and the earl of Radnor was ſworn of the privy-council, as was the earl of Burlington. The earl of Mancheſter was made one of the ſecretaries of ſtate, in the room of ſir Charles Hedges; the earl of Pembroke was declared lord high-admiral, while the duke of Somerſet ſucceeded him as lord-preſident of the privy-council.

The king had likewiſe framed a ſcheme to reduce the exorbitant power of France. He had, before he left Holland, concerted meaſures with the Pruſſian and Dutch generals for the ſiege of Keyſerſwaert, a place, which the elector of Cologne had put into the hands of the French. The elector of Hanover was at the ſame time to fall on and diſarm the princes of Wolfembuttle, who, in the heart of the empire, had raiſed troops with French money, and ſent for a general of that nation to command them. The king of the Romans and prince Lewis of Baden were to beſiege Landau; and the emperor had engaged to ſend a powerful ſupply to prince Eugene, to enable him to attack in form the city of Mantua, which he kept cloſely blocked up, and the conqueſt of which muſt very probably be attended with the total ruin of the French intereſt in Italy. Beſides theſe deſigns, his majeſty was and now laying another, both more glorious in the execution, extenſive in its conſequences, with the prince of d'Armſtadt and the duke of Ormond, and that was, the beſieging Cadiz both by ſea and land; upon the taking of which place, the prince of d'Armſtadt had aſſured the king, that the admiral

[f] This proteſt was as follows: 1. We conceive, that no new oath ſhould be impoſed upon the ſubject, foraſmuch as thoſe, eſtabliſhed by an act made in the firſt year of the reign of his majeſty and the late queen Mary, were, together with our rights and liberties, aſcertained in that act under the terms of our ſubmiſſion to his majeſty, which were enacted to ſtand, remain, and be the law of this realm for ever; and which, we conceive, do comprehend and neceſſarily imply all the duty and allegiance of the ſubject to their lawful king.

2. And much leſs ſhould any new oath be impoſed upon the lords, with ſuch a penalty as to loſe their ſeats in parliament, upon their refuſing it; ſuch a penalty being, in ſome meaſure, an intrenchment upon our conſtitution, and expreſsly contrary to the ſtanding order of this houſe made the 30th day of April 1675.

3. And, if ſuch an infringement of the rights of peers might be admitted, yet, in a matter of ſo great importance to all the peers, we conceive, that in juſtice they ſhould all have had notice of this matter, and been eſpecially ſummoned to have attended the houſe upon ſo great an occaſion; which has not been done, though it was moved and humbly deſired on behalf of the abſent lords.

4. And, if any further evidence of the ſubjects fidelity were, at this time, neceſſary to be required, we conceive a new oath is no ſuch evidence, nor any additional ſecurity to the government; becauſe thoſe who have kept the oaths, which they have already taken, ought in juſtice to be eſteemed good ſubjects; and thoſe, who have broken them, will make no ſcruple of taking or breaking any others, that ſhall be required of them. And conſequently this new oath may be of dangerous and pernicious conſequence to the government, by admitting ſuch ill men, who do not fear an oath, into the greateſt truſts, and who, under the ſpecious pretence and protection of this new oath, which is to free them from ſuſpicion, will have greater opportunities of betraying their king and their country.

5. If a new oath were neceſſary, as we conceive it is not, yet the words of this oath are ſo very ambiguous, and have been ſo differently conſtrued by ſeveral lords, who have declared their ſenſe of them, that this may become a ſnare to men's conſciences, or tend to overthrow the obligation of an oath, by allowing men liberty to take it in their own ſenſe; whereas this, as all other oaths, ought to be taken in the ſenſe of the impoſer, which hath not been declared in this caſe, though we earneſtly preſſed it, and though it has been done in other caſes of the like nature.

6. And we conceive, that it neceſſarily follows from hence, that this oath can be no bond of union among thoſe who do take it; nor any true mark of diſtinction between the friends and the enemies of this government; and therefore repugnant to the very nature of a teſt.

Winchelſea, Nottingham,
Denbigh, Scarſdale,
Guildford, Stawell,
Craven, Jeffreys.
Weymouth, Pr. H. L. II. 34.
Plymouth,

[g] In the controverted election at Maidſtone, between Thomas Bliſſe and Thomas Culpepper, eſquires, it was reſolved, 'That the latter had been not only guilty of corrupt, ſcandalous, and indirect practices, in endeavouring to procure himſelf to be elected a burgeſs, but likewiſe, being one of the inſtruments in promoting and preſenting the 'ſcandalous, inſolent, and ſeditious petition, commonly called, the Kentiſh Petition,' to the laſt houſe of commons, was guilty of promoting a ſcandalous, villainous, and groundleſs reflection upon that houſe, by aſperſing the members with receiving French money, or being in the intereſt of France; for which offence he was ordered to be committed to Newgate, and to be proſecuted by his majeſty's attorney-general. The houſe alſo reſolved on the 26th of February, 1. That, agreeable to the opinion of a committee appointed to conſider of the rights, liberties, and privileges of their houſe, to aſſert, that the houſe of commons is not the only repreſentative of the commons of England, tends to the ſubverſion of the rights and privileges of the houſe of commons, and the fundamental conſtitution of the government of this kingdom. 2. That to aſſert, that the houſe of commons have no power of commitment, but of their own members, tends to the ſubverſion of the conſtitution of the houſe of commons. 3. That to print or publiſh any books or libels, reflecting upon the proceedings of the houſe of commons, or any member thereof, for or relating to his ſervice therein, is a high violation of the rights and privileges of the houſe of commons. Pr. H. C. III. 188.

of

of Caſtile, and ſeveral other grandees of Spain, with all their dependents, would declare for the houſe of Auſtria. The firſt three of theſe projects were ſucceſsfully executed, but the other two miſcarried, as will be ſeen in their proper places.

Soon after this ſeſſion was opened, the earl of Rocheſter wrote to the king, and aſked leave to come over; which was ſoon granted him: but, when he ſignified this to the council of Ireland, the whole board joined in a requeſt to him, that he would lay before the king the great grievances under which the whole kingdom lay, by the proceedings of the truſtees for the forfeited eſtates, who ſtretched the authority which the law gave them, in many inſtances, to the oppreſſing of the nation. The earl ſeemed uneaſy at the motion, but promiſed to lay it before the king, which he did at his coming over. Soon after that, petitions were ſent round all the counties of Ireland, and ſigned by many, repreſenting both the hardſhips of the act, and the ſevere methods taken by the truſtees in executing it. It was thought, that all this was ſet on ſecretly by the court, in hope that ſome temper might be found in that matter, ſo that the king's grants might again take place in whole or in part. The houſe of commons was moved to proceed ſeverely againſt the promoters of theſe petitions; yet the complaining of grievances had been ſo often aſſerted to be a right of the ſubject, that this was let fall. But, ſince no perſon appeared to juſtify the facts ſet forth or ſuggeſted in thoſe petitions, they were voted falſe and ſcandalous; and this ſtopped a further progreſs in that method. The heat, with which that act had been carried, was now much qualified; and, the truſtees having adjudged ſo many claims in favour of Iriſh Papiſts, ſhewing too manifeſt a partiality for them, and having now ſat two years, in which they had conſumed all the rents that aroſe out of the confiſcated eſtates, the houſe was applied to for their interpoſition by many petitions relating to that matter. This was the more neceſſary, becauſe, as has been related, when that act was paſſing, they had made a vote againſt receiving any petition relating to it. The thing had now loſt much of the credit and value that was ſet upon it at firſt; and, though the ſame party ſtill oppoſed the receiving any petitions, yet the current was now ſo ſtrong the other way, that they were all received, and in a great many cauſes juſtice was done, yet with a manifeſt partiality in favour of Papiſts; it being a maxim among all, who favoured king James's intereſts, to ſerve Papiſts, eſpecially thoſe whoſe eſtates were confiſcated for adhering to him. One motion was carried, not without difficulty, in favour of thoſe, who had purchaſed under the grantees, and had made great improvements, that they ſhould be admitted to purchaſe, with an abatement of two years value of the eſtates. The earl of Athlone, whoſe caſe was very ſingular, having ſold his grant to men, who had reaſon to think they had purchaſed under a ſecure title, a ſpecial clauſe was offered in their favour; but the party had ſtudied ſo far to inflame the nation againſt the Dutch, that in this the votes were equal, and, the ſpeaker's vote being to turn the matter, he gave it againſt the purchaſers. Many bills were brought in relating to Iriſh forfeitures, which took up the greateſt part of this ſeſſion.

The king being very ſenſible, that the Proteſtant ſucceſſion would not be ſo eaſily ſettled in Scotland, where it might be retarded, on purpoſe for a claim to an independence on the crown of England, and that nothing was more ſeaſonable at this juncture, than an union of the two kingdoms, wrote the following letter to the houſe of commons, being diſabled from coming to the houſe of peers by a fall from his horſe two days before:

William R.

"HIS majeſty, being at preſent hindered by an unhappy accident from coming in perſon to his parliament, is pleaſed to ſignify to the houſe of commons, by meſſage, what he deſigned to have ſpoken to both houſes from the throne. His majeſty, in the firſt year of his reign, did acquaint the parliament, that commiſſioners were authorized in Scotland to treat with ſuch commiſſioners as ſhould be appointed in England, of proper terms for uniting the two kingdoms, and at the ſame time expreſſed his great deſire of ſuch an union. His majeſty is fully ſatisfied, that nothing can more contribute to the preſent and future ſecurity and happineſs of England and Scotland, than a firm and entire union between them; and he cannot but hope, that, upon a due conſideration of our preſent circumſtances, there will be found a general diſpoſition to this union. His majeſty would eſteem it a peculiar felicity, if, during his reign, ſome happy expedient for making both kingdoms one, might take place; and is therefore extremely deſirous, that a treaty for that purpoſe might be ſet on foot; and does, in the moſt earneſt, manner, recommend this affair to the conſideration of the houſe."

The immediate occaſion of this meſſage was a motion, which the earl of Nottingham had made in the houſe of lords, when the act of abjuration was agreed to; who ſaid, that though he had differed from the majority of the houſe in many particulars relating to it, yet he was ſuch a friend to the deſign of the act, that, in order to the ſecuring a proteſtant ſucceſſion, he thought an union of the whole iſland was very neceſſary; and that therefore they ſhould conſider how both kingdoms might be united. But in order to this, and previous to it, he moved, that an addreſs ſhould be made to the king, that he would be pleaſed to diſſolve the parliament now ſitting in Scotland, and to call a new one, ſince the preſent parliament was firſt a convention, and then turned into a parliament, and was continued ever ſince, ſo that the legality of it might be called in queſtion; and it was neceſſary, that ſo important a thing as the union of both kingdoms ſhould be treated in a parliament, againſt the conſtitution of which no exception could lie. This motion was warmly oppoſed; for that nation was then in ſuch a ferment, that the calling a new parliament would have been probably attended with bad conſequence: For which reaſon that project was let fall, and no progreſs made upon the king's meſſage.

The king ſeemed all this winter in a fair way of recovery: he had made the royal appartments in Hampton-Court very noble; and he was ſo much pleaſed with the place, that he went thither once a week, and rode often about the park. But on the 21ſt of February riding from Kenſington, as he was putting his horſe to the gallop, the horſe fell, and he, being then very feeble, fell off, and broke his right collar-bone. Upon this accident, he was carried to Hampton-court, where the bone was ſet by Monſieur Ronjat, ſerjeant-ſurgeon to the king, who, having felt his pulſe, told him, that he was feveriſh, and that any other perſon in his condition would be let blood. The king anſwered, as for that, he had now and then had a head-ach, and ſome ſhivering fits for a fortnight paſt, and had that very morning a pain in his head before he went out a hunting. In the afternoon the king finding himſelf eaſy, contrary to advice, returned to Kenſington, and ſlept almoſt all the way in his coach. He came to Kenſington about nine at night, with his right arm tied up, and, as he entered the great bed-chamber, he ſaw Dr. Bidloo, to whom he ſaid, 'I have got a hurt in my arm; pray come, and ſee it:' And ſoon after added to this effect: 'I was riding in the park at noon, and while I endeavoured to make the horſe change his walking into a gallop, he fell upon his knees. Upon that I meant to raiſe him with the bridle; but he fell forwards on one ſide, and ſo I fell with my right ſhoulder upon the ground. It is a ſtrange thing, for it happened upon a ſmooth level ground. Ronjat ſays, there is a little bone broken, and indeed I feel ſome pain towards my back.' At the ſame time he pointed with his left hand to the ſhoulder-blade, ſaying, 'There, there.' Dr. Bidloo, finding his pulſe in good order, diſſuaded him from bleeding; and, after viewing the affected part, told him, that the right channel-bone was broke obliquely, a little below its juncture with the ſhoulder-blade. Then the king aſked, if it was well ſet? And, the Doctor anſwering No, he ſaid to Ronjat, 'Juſtify yourſelf, Monſieur Ronjat, is it well ſet?' Ronjat replied, 'It was well ſet; but that the jolting of the coach, and the looſening of the bandage, had occaſioned a diſunion.' After the fracture was taken care of, the king went to bed, and ſlept the whole night ſo ſoundly, that the gentlemen, who ſat up with him, ſaid, they did not hear him complain ſo much as once.

The king ſeemed in a fair way of doing well till Sunday, March the 1ſt, a defluxion fell upon his knee, which was a great pain and weakneſs to him, and thought to be a very ill ſymptom. He took it as a warning for the diſpatch of public affairs, and therefore the next morning this meſſage was ſent from the houſe of peers to the commons:

Mr. Speaker,

'The king hath granted a commiſſion under the great ſeal for paſſing the royal aſſent to thoſe bills, which have been agreed to by both houſes of parliament; and, the lords commiſſioned by the king, do deſire, that this houſe would preſently come up with their ſpeaker, to be preſent at the paſſing thereof.' Then the ſpeaker with the houſe went up, and the lord-keeper acquainted both houſes, that his majeſty, by an unhappy accident, had been prevented from coming in perſon, and had granted a commiſſion to ſeveral peers for

paſſing the bills therein mentioned; and then the royal aſſent was given by commiſſion to theſe and ſome other bills:

'An act for the attainder of the pretended prince of Wales of high treaſon.'

'An act that the ſolemn affirmation and declaration of the people, called quakers, ſhall be accepted, inſtead of an oath in the uſual form.'

On the 3d of March, the king had a ſhort fit of an ague, which he regarded ſo little, that he ſaid nothing of it; and the next day he ſeemed ſo well recovered of the lameneſs in his knee, that he took ſeveral turns in the gallery at Kenſington; but at length, finding himſelf tired and faint, he ſat down on a couch, and fell aſleep, which probably occaſioned that ſhivering fit, which ſoon after ſeized him, and which turned to a fever, accompanied with vomiting and a looſeneſs. Upon this, the king thought proper to ſend for Sir Thomas Millington, who attended him to the laſt moment; as did alſo Sir Richard Blackmore, Dr. Hutton, Dr. Hannes, Dr. Brown, Dr. Laurence, Sir Theodore Colladon, Dr. Bidloo, and others of that faculty, who adminiſtered ſeveral remedies to him, that gave him great relief. He continued indifferently well till the 5th, when his vomiting and looſeneſs returned ſo violent upon him, that he refuſed to take any ſuſtenance till two o'clock the next morning, when he drank a cup of chocolate, and ſoon after took a ſleeping-draught, which had that good effect, that he reſted for three hours after. In the forenoon he took ſome broth and a cordial, and found himſelf ſomewhat eaſier, though exceſſively weak. His mind was ſo fixed upon the public intereſt, that he immediately ordered another commiſſion for paſſing the malt and abjuration bills, that were ready for his aſſent; and, becauſe he was now ſo weak, that he could not write his own name, a ſtamp was prepared, for his ſigning the commiſſion, which, according to form, muſt be ſigned by the king, in the preſence of the lord-keeper and the clerks of the parliament. They came to the king when his fit began, and ſtaid ſome hours before they were admitted. In the mean while, ſome of the houſe of commons moved for an adjournment, though the lords had ſent to deſire them not to adjourn for ſome time. By this means the party hoped, that the bill of abjuration would be loſt. But, as it was contrary to all rules to adjourn, when ſuch a meſſage was ſent to them by the lords, they waited till the king had ſigned the commiſſion, by which the royal aſſent was given to the abjuration-bill in the laſt day of the king's life [h].

On the ſame day, about five in the morning, the earl of Albemarle, who had been ſent over to Holland to put things in readineſs for an early campaign, arrived at Kenſington, and immediately went to wait upon the king, who, being willing at that time to be retired, bid him go and take ſome reſt, and come to him ſome hours after. The earl attended accordingly, and gave ſo good an account of the poſture of affairs in Holland, that, if matters of that kind could have wrought on the king, it muſt have revived him; but the coldneſs, with which he received it, ſhewed how little hopes were left. Soon after he ſaid, 'Je tire vers ma fin, (I draw towards my end.)'

In the evening an extraordinary council was called, before whom the phyſicians appeared frequently; and at laſt acquainted them by Sir Thomas Millington, that all their hopes, under God, depended upon the uſe of thoſe remedies, which they had already preſcribed, and upon his majeſty's taking ſome little ſuſtenance. Upon this the duke of Devonſhire, and ſeveral other noblemen, deſired Dr. Bidloo to preſs him to take ſomething. Accordingly Dr. Bidloo ſpoke to him in Dutch, and he made anſwer, 'Lift me up, and I will take as much as I can of what is thought proper.' Then he took ſome of Ralegh's cordial, with the julep, and ſoon after ſome hot claret. About the ſame time he thanked Dr. Bidloo for the great care he had taken of him, adding to this effect, 'I know that you and the other learned phyſicians have done all that your art can do for my relief; but, finding all means ineffectual, I ſubmit.' About three o'clock on Sunday morning he called again for Dr. Bidloo, and complained to him, that he had had a bad night, and could not ſleep. Upon that he ſat up, and leaned on him, ſaying, 'I could ſleep in this poſture: Sit nearer me, and hold me ſo for a little time.' In this poſture he ſlept about half an hour, and, when he awaked, ſaid, 'You can bear me up no longer.' Then he was held up by Mr. Freeman on the right ſide, and Mr. Sewell on the left, both of them having pillows in their arms. Soon after the phyſicians gave notice, that they were apprehenſive he had not long to live.

The archbiſhop of Canterbury and the biſhop of Saliſbury attended him from Saturday morning, and did not leave him till he died. The archbiſhop prayed ſome time with him on that day; but he was then ſo weak, that he could ſcarce ſpeak, but gave him his hand, as a ſign, that he firmly believed the truth of the chriſtian religion, and ſaid, he intended to receive the ſacrament. His reaſon and all his ſenſes were entire to the laſt minute. About five on Sunday morning he deſired the ſacrament, and went through the office with great appearance of ſerioufneſs, but could not expreſs himſelf. The lords of the privy-council, with many of the nobility and gentry, attended in the adjoining apartments, and ſeveral of them were called in at times, to whom he ſpoke a little, and then they withdrew. Amidſt all their tears the king did not betray the leaſt concern or fear of death, but laboured to ſpeak with eaſe and chearfulneſs; and particularly when he talked a little to lord Overkirk, he raiſed his voice, whom he thanked for his long and faithful ſervices. He took leave of the duke of Ormond and others, and delivered to the lord Albemarle the keys of his cloſet and ſcrutore, telling him, that 'he knew what to do with them.' After ſeven o'clock, he took Dr. Bidloo by the hand, and, breathing with great difficulty, aſked him, 'If this could laſt long?' The Doctor anſwering No, he aſked again, 'How long?' To which the Doctor replied, 'An hour, or an hour and a half; though you may be ſnatched away in the twinkling of an eye.' After that, while the doctor was feeling his pulſe, the king took him again by the hand, ſaying, 'I do not die yet; hold me faſt.' Having taken a little of the cordial portion, he faintly enquired for the earl of Portland, who immediately came to him, and placed his ear as near as he could to the king's mouth; but, though his lips were ſeen to move, his lordſhip was not able to hear any diſtinct articulate ſound; ſo the king took him by the hand, and carried it to his heart with great tenderneſs. He was often looking up to heaven in many ſhort ejaculations. Between ſeven and eight o'clock, he began to rattle in his throat, when the commendatory prayer was ſaid for him; and, as it ended, he expired in the arms of Mr. Sewell, one of the pages of the back-ſtairs, in the fifty-ſecond year of his age, having reigned thirteen years and one month wanting five days. As ſoon as the breath was out of his body, the lords Lexington and Scarborough, who were then in waiting, ordered Ronjat to take off from the king's left arm a black ribbon, which tied next to his ſkin a gold ring with ſome hair of the late queen Mary, which ſhewed the tender regard he had for her memory.

Two days after the royal corps was opened [i] and embalmed, and having lain for ſome time in ſtate at Kenſington, was interred with all the magnificence, which a private funeral could admit of, on Sunday night, April the 12th, in a vault in Henry VII's chapel in Weſtminſter-Abbey; and in the beginning of May, a will, which was made October 18th, 1695, and depoſited in the hands of monſieur Schuylemberg, was opened at the Hague, whereby it appeared, that he had appointed his couſin, the prince Friſon of Naſſau, eldeſt ſon of prince Caſimir Naſſau, ſtadtholder of Friſeland, his ſole and univerſal heir, and the States General his executors, without mentioning either the king of Pruſſia, the prince of Naſſau Siegen, or the princeſs of Anhalt, who all claimed a right to his ſucceſſion. But, by a codicil annexed to that will, the lordſhip of Breevert, and a legacy of two hundred thouſand guilders were given to the earl of Albemarle.

Thus lived and died king William III. He had a thin and weak body; his hair brown, and his conſtitution delicate. He had a Roman eagle noſe, bright and ſparkling eyes, a large front, and a countenance compoſed to gravity and authority. All his ſenſes were critical and exquiſite. He was always aſthmatical; and, the dregs of the ſmall pox falling on his lungs, he had a conſtant deep cough. His behaviour was ſolemn and ſerious, ſeldom chearful, and but with a few. He ſpoke little and very ſlowly, and moſt commonly with a diſguſting dryneſs, which was his character at all times, except in a day of battle; for then he was all fire, though without paſſion, and was every where, and looked to every thing. He had no great advantage from his education. De Witt's diſcourſes were of great uſe to him; and he being apprehenſive of the obſervation of thoſe, who were looking narrowly into every thing he ſaid or did, had brought himſelf under an habitual caution, that he never could ſhake off, though in another ſcene it proved as hurtful, as it was then neceſſary to his affairs. He ſpoke Dutch, French, Engliſh, and German equally well; and he underſtood the La-

[h] This bill was intitled, 'An act for the further ſecurity of his majeſty's perſon, and the ſucceſſion of the crown in the proteſtant line, and extinguiſhing the hopes of the pretended prince of Wales, and all other pretenders, and their open and ſecret abettors.

[i] The phyſicians and ſurgeons, who were ſummoned by the privy-council to aſſiſt at and examine the diſſection, made this report;

1. Upon

tin, Spaniſh and Italian, ſo that he was well fitted to command armies compoſed of ſeveral nations. He had a memory, that amazed all about him, for it never failed him. He was an exact obſerver of men and things. His ſtrength lay rather in a true diſcerning and a ſound judgment, than in imagination or invention. His deſigns were always great and good; but it was thought he truſted too much to that, and did not deſcend enough to the humours of his people, to make himſelf and his notions more acceptable to them. This in a government, that has ſo much of freedom in it as ours, was more neceſſary than he was inclined to believe. His reſervedneſs grew on him, ſo that it diſguſted moſt of thoſe, who ſerved him; but he had obſerved the errors of too much talking more than thoſe of too cold a ſilence. He did not like contradiction, nor to have his actions cenſured; but he loved to employ and favour thoſe, who had the arts of complaiſance; yet he did not love flatterers. His genius lay chiefly to war, in which his courage was more admired than his conduct. Great errors were often committed by him, but his heroical courage ſet things right, as it animated thoſe, who were about him. He was too laviſh of money on ſome occaſions both in his buildings and to his favourites; but too ſparing in rewarding ſervices or in encouraging thoſe, who brought intelligence. He was apt to take ill impreſſions of people, and theſe ſtuck long with him; but he never carried them to indecent revenges. He gave too much way to his own humour almoſt in every thing, not excepting that, which related to his own health. He knew all foreign affairs well, and underſtood the ſtate of every court in Europe very particularly. He inſtructed his own miniſters himſelf, but he did not apply enough to affairs at home. He tried how he could govern us by balancing the two parties one againſt another, but he came at laſt to be perſuaded, that the tories were irreconcileable to him; and he was reſolved to try and truſt them no more. He believed the truth of the Chriſtian religion very firmly, and he expreſſed an horror at atheiſm and blaſphemy; and though there was much in both at his court, yet it was always denied to him, and kept out of ſight. He was moſt exemplarily decent and devout in the public exerciſes of the worſhip of God; only on week days he came too ſeldom to them. He was an attentive hearer of ſermons, and was conſtant in his private prayers, and in reading the ſcriptures, and, when he ſpoke of religious matters, which he did not often, it was with a becoming gravity. He was much poſſeſſed with the belief of abſolute decrees, becauſe he did not ſee, how the belief of providence could be maintained upon any other ſuppoſition. His indifference as to the forms of church-government, and his being zealous for toleration, together with his cold behaviour towards the clergy, gave them generally very ill impreſſions of him. In his deportment towards all about him, he ſeemed to make little diſtinction between the good and the bad, and thoſe who ſerved well, or thoſe who ſerved him ill. He loved the Dutch, and was much beloved among them; but the ill returns he met with from the Engliſh nation, their jealouſies of him, and their perverſeneſs towards him, had too much ſoured his mind, and had in a great meaſure alienated him from them, which he did not take care enough to conceal, though he ſaw the ill effects this had upon his buſineſs. He grew in his laſt years too remiſs and careleſs as to all affairs, till the treacheries of France awakened him, and the dreadful conjunction of the French and Spaniſh monarchies gave ſo loud an alarm to all Europe; for the watching over the French court, and the oppoſing of their practices, was the prevailing paſſion of his whole life. Few men had the art of concealing and governing paſſion more than he had, yet few men had ſtronger paſſions, which was ſeldom felt but by inferior ſervants, to whom he uſually made ſuch recompences for any ſudden or indecent vents he might give his anger, that they were glad every time it broke upon them. He was too eaſy to the faults of thoſe about him, when they did not lie in his way, or croſs any of his deſigns; and he was ſo apt to think, that his miniſters might grow inſolent, if they ſhould find, that they had much credit with him, that he ſeemed to have made it a maxim to let them often feel, how little power they had even in ſmall matters. His favourites had a more entire power, but he accuſtomed them only to inform him of things, but to be ſparing in offering advice, except when it was aſked. It was not eaſy to account for the reaſons of the favour, that he ſhewed in the higheſt inſtances to two perſons beyond all others, the earls of Portland and Albemarle, they being in all reſpects men, not only of different, but even of oppoſite characters. Secrecy and fidelity were the only qualities, in which it could be ſaid, that they did in any ſort agree: he appeared to be a perſon raiſed up by God to reſiſt the power of France, and the progreſs of tyranny and perſecution. The ſeries of the five princes of Orange, that was now ended in him, was the nobleſt ſucceſſion of heroes, that we find in any hiſtory; and the thirty years, from the year 1672 to his death, in which he acted ſo great a part, carried in them ſo many amazing ſteps of a glorious and diſtinguiſhing providence, that in the words of David he might be called, 'The man of God's right hand, whom he made ſtrong for himſelf.' After all the abatements, that may be allowed for his errors and faults, he ought ſtill to be reckoned among the greateſt princes, that our hiſtory, or indeed any other can afford.

This is the character of king William, as drawn by biſhop Burnet, who had occaſion to know him well, having (as he ſays himſelf) obſerved him very carefully in a courſe of ſixteen years. To this character ſhall be added the following account of the ſame prince, penned and communicated by a perſon, extremely well verſed in the affairs of thoſe times.

To draw a character, with any tolerable degree of propriety and truth, is far from being an eaſy undertaking. The difficulty encreaſes from a variety of particulars, and many appearances of ſtrong contradictions. This is evidently the caſe of the prince, of whom I ſhall preſume to offer a free and impartial account.

He came into the world, and ſtruggled thro' life with many and perpetual inconveniencies and diſadvantages. The father, dying immediately after his attempt on Amſterdam, produced many misfortunes to the ſon, with regard both to his education and intereſt. Indolence and averſion to buſineſs, which requires confinement, are great misfortunes to a prince; and they are conſequences of not being under the reſtraints proper to form the mind to knowledge. Without attention and careful deliberation, how can any thing be well performed in the great ſcenes of life?

In his long minority, power and the conduct of affairs had been in the hands of the ſure enemies of the Orange family; but under theſe diſadvantages, when he was not above ſixteen or ſeventeen years of age, he gave an inſtance of prudence, caution, and wiſdom, worthy the experience of the oldeſt and ableſt miniſter of ſtate. The fact is ſo very remarkable, that it deſerves a particular relation. De Witt, having taken him under his government and tuition, in order to be maſter of all his actions and motions, removed all his old ſervants, and placed others about him in whom he could confide. One young man, who had conſtantly attended him from a child, and was his valet de chambre, at the earneſt requeſt of the prince, was ſuffered to continue in his ſervice. But De Witt took care, at the ſame time, to engage him in his intereſt. The

1. Upon viewing the body before the diſſection, the following appearances were remarkable. The body in general was much emaciated. Both the legs up to the knees, and a little higher, as alſo the right hand and arm, as far as the elbow, were conſiderably ſwelled. There was likewiſe on the left thigh near the hip, a bladder full of water as big as a ſmall pullet's egg, reſembling a blain.

2. Upon opening the belly, the guts were found of a livid colour, and the blood contained in their veſſels black. The gut, called Ilion, had in ſome placet the marks of a ſlight inflammation. The ſtomach, pancreas, meſentery, liver, gall, bladder, ſpleen, and kidneys, were all ſound, and without fault.

3. In the thorax or cheſt we obſerved, that the right ſide of the lungs adhered to the pleura, and the left much more; from which, upon ſeparation, there iſſued forth a quantity of purulent or frothy ſerum. The upper lobe of the left ſide of the lungs, and the part of the pleura next it, were inflamed to a degree of mortification: And this we look upon as the immediate cauſe of the king's death. From the ventricles of the heart, and the greater blood-veſſels ariſing out of them, were taken ſeveral large, tough, fleſh-like ſubſtances of the kind called Polypus. The heart itſelf was of the ſmaller ſize, but firm and ſtrong.

4. Upon laying bare the right collar bone, we found it had been broken near the ſhoulder and well ſet. Some extravaſated blood was lodged above and below the fracture.

5. The brain was perfectly ſound, and without any ſign of diſtemper.

6. It is very rare to find a body with ſo little blood as was ſeen in this, there being more found in his lungs, than in all the parts beſides put together.

Phyſicians preſent.

Sir Richard Blackmore,
Dr. Hannes,
Dr. How,
Dr. Lawrence,
Profeſſor Bidloo, &c.
Sir Theodore Colladon,
Dr. Harel,
Dr. Hulton,
Sir Thomas Millington,

Surgeons preſent:

Mr. Bernard,
Mr. Gardiner,
Mr. Cowper,
Mr. Ronjat, &c.

prince

prince had a conſtant, but very ſecret, correſpondence with the Engliſh court, in matters that concerned his own views and intereſt. On the receipt of letters from thence, he uſually put them into his waiſtcoat pocket. The valet, when his highneſs was in bed and aſleep, took out the letters, copied them for the penſionary, and carefully replaced the originals. This continued ſome time, till De Witt, talking with the prince upon his affairs, and warning him againſt intrigues inconſiſtent with their government, and dangerous to his highneſs, let fall expreſſions, from which the prince inferred his having ſeen ſome of his ſecret letters from England. He took not the leaſt notice to any one of what had happened, but, when he went to bed, feigning ſleep, he ſaw the faithleſs operation of his valet, without the leaſt notice or motion. He continued to conceal the diſcovery, but took care, in his ſubſequent letters to England, to write in ſuch a manner, and to receive ſuch anſwers for his waiſtcoat-pocket, for the treacherous uſe of his ſervant, and De Witt's information, as by degrees removed his jealouſies, and kept him ever after in a falſe ſecurity relating to the prince's tranſactions and correſpondencies abroad. When the prince had overcome all his difficulties, and was made ſtadtholder, he coolly let his valet know what great ſervice he had done, while he was intending to betray him. After this confounding explanation, he was immediately diſmiſſed from his ſervice: but the prince notwithſtanding gave him a place for life about an hundred a year at Breda.

When he entered into public life, moſt of his friends and aſſiſtants were men diſtinguiſhed only by noiſe and zeal. Circumſtances as importantly unhappy attended him in England. The marquis of Halifax, the earl of Danby, ſir Edward Seymour, and ſeveral others, had been eminently uſeful in the contrivance and execution of the Revolution, and in fixing the government. Neglects and diſappointments under king James, and great expectations from the new ſettlement, were the chief motives of their behaviour. They could have no ſenſe of civil and religious liberty, nor real concern for its intereſts either at home or abroad, the whole of whoſe lives had been ſpent in bold and conſtant endeavours for its ſubverſion. But though, in the diſtribution of places, they had their full proportion, yet, becauſe all their views were not anſwered, they quickly conceived bitter diſguſts, and infuſed their temper into all their dependents; but continued in place, in order more effectually to diſtreſs and diſturb. Thus they had many opportunities of fatally adviſing in home and foreign affairs. They hated the king, and endeavoured to make him odious for his moderation and good temper in matters of religion; and yet they flattered, and pretended zeal for his honour. They laboured with too much ſucceſs in giving him diſguſts to thoſe, who were his friends both by principle and inclination; and engaged him to confide in, and employ thoſe, whoſe enmities to him were unalterable.

The avarice and rapaciouſneſs of foreign favourites was another very great misfortune. In order to ſilence the clamours of enemies, ſome of the chief of the Tories, particularly Danby, were liberal partakers in the crown-lands. Such proceedings could not fail to be matter of grief and offence to the beſt friends of the government. The king's regards to a favourite lady, not many weeks after the queen's deceaſe, were publiſhed to the world by a moſt profuſe and prodigious grant. This lady's influence and management in general are known; but many particulars have not been repreſented, and many can never be produced to light. She engaged perſons of the firſt rank to enter into buſineſs. She offered the Tories, by way of bargain for her Iriſh grants, to have lord Sommers removed, whoſe diſgrace, as well as that of the earl of Portland, was chiefly owing to her addreſs. Her brother, the earl of Jerſey, was a zealous and known Jacobite, and yet had all ſorts of honour and truſts. A great variety of particulars might be added, but the reflections, which ariſe from what has been mentioned, are ſufficient to our purpoſe.

A military life was moſt agreeable to his genius; but here his diſadvantages and diſtreſſes were perpetual. He came to the reſcue of his country in the loweſt and moſt dejected ſtate. His firſt performances are therefore to be regarded as the moſt glorious particulars of his conduct. His principal ally, the Spaniard, only gave him vain promiſes and aſſurances, for they were every where feeble and unprepared.

After he came to England, in how many ways was he embarraſſed? The unreduced and unſettled ſtate of Ireland gave the enemy great advantages on the continent. The court of Vienna only attended to the war in Turkey; every thing elſe was neglected. The German troops had no exiſtence but in pompous liſts publiſhed before the campaign. The part, which the elector of Bavaria afterwards acted openly, ſeems to give credit to the ſuſpicions which were then entertained. Some traitors belonging to him were diſcovered, but perhaps not the principal. The king, for the ſupport of the wars, had the name and ſound of great ſupplies, but effectual ſervices were very different from theſe appearances. The funds were inſufficient, and the difficulties in raiſing money immediately were inſuperable. When a little more vigour both at home and abroad began to open to us better views, the diſorderly ſtate of the coin defeated all the fair appearances.

The conduct of the treaty of Ryſwick fell into the hands of the incapable or diſaffected. After the peace, the king was on terms of diffidence and diſtruſt with all his capable friends; which the diſcontented, the diſaffected, and the eager for popularity improved into the fatal reduction of the army. When the long-dreaded event of the death of the king of Spain happened, he was found in the hands of thoſe whoſe enmity was immoveable. They treated France with eſteem and reſpect, while his allies endured all the effects of their inſolence and pride.

With regard to his military abilities and ſkill, the world has been greatly divided in their opinion. The Tories, while he was alive, prevailed in the obtaining places for themſelves, by aſſurances of their peculiar regards to regal power; but, after his deceaſe, they took the firſt opportunity of ſtigmatizing him as a warrior; as appeared from their dividing ſo ſtrongly for the word 'retrieved.' His courage, bravery, and reſolution, were unqueſtionable; his conduct, temper, and ſkill, are not ſo generally allowed. Something of this kind will ever be ſuppoſed in a commander, who fails of ſucceſs in almoſt every enterprize. Victory ſcarce ever attended him, except in the paſſage of the Boyne. He expelled the French from moſt of the fortreſſes belonging to the Dutch, but was far from making any effectual oppoſition to their progreſs in the Spaniſh Netherlands; and they acquired, in a few years, towns and territories, which have contributed to their ſtrength and riches, in an amazing and terrible manner.

In his political and civil management, true ſkill and reſolution ſeem to have been much wanting. Perpetual changes of perſons and parties were notorious throughout his reign. Thoſe, who were againſt all engagements, and all aſſurances of the fidelity of his ſubjects, and who, in important ſtruggles, oppoſed the owning him as lawful and rightful king, after ſuch repeated indignities, were preferred to his ſure and moſt ſincere friends. The Convention Parliament, to which he owed his all, was diſſolved; the betrayers of corporations, and the tools of arbitrary power in the two former reigns, were protected and preſerved; while his zealous adherents were delivered up to contempt and diſgrace. In return for this aſtoniſhing preference, the city of London choſe ſuch of the members as were then alive, who had been impoſed on them by king James, who had delivered them from the incumbrance of all their privileges. The new ſenate placed one at their head, who was of a malevolent and corrupt temper, and had been ready and willing to perform for the abdicated monarch, the moſt profligate and deſperate ſervices. With regard to the coin, the king followed the miſchievous and diſtreſſing advice of Seymour, and rejected the ſafe and ſalutary councils of Sommers. Plottings and treaſons of the moſt bloody and barbarous kind were repeated by great numbers of people of all ranks; and yet all poſſible methods were uſed to preſerve from puniſhment the guilty; and the leaders in ſuch managements continued to be taken into his councils and confidence.

An effectual oppoſition to France, ſeemed to employ his moſt ardent wiſhes and endeavours; but meaſures quite oppoſite were purſued. The whole winter after the peace of Ryſwick, he did not once confer either with lord Sommers, or any of thoſe who ſerved with inclination and affection. The earl of Rocheſter, and his adherents, though in the higheſt poſts, after the infamous proceedings of Lewis XIV. with regard to the Spaniſh ſucceſſion, recommended that king's being treated with reſpect in the houſe of lords, and reſented ſome juſt freedoms. The earl of Jerſey, who is ſaid to have often avowed to the king his affection for St. Germain's, was ſent embaſſador to France; and, inſtead of duly obſerving and reſenting the perfidy and indignities of that court, his buſineſs was to cultivate an intereſt with king James.

But at laſt the king was ſenſible of theſe errors, and, juſt before his death, reſolved to bring again into his ſervice the true friends to himſelf, and to the liberty and intereſts of his kingdom.

Pride and neglect were imputed to him by the great commanders, with whom he was concerned in military affairs, who

who thought themſelves treated with too great a coldneſs and reſerve. As he had nothing of the eaſy and affable in his manner, this is ſaid to have offended the elector of Bavaria, and to have occaſioned great prejudice to the common cauſe. To his firſt conceptions of what was proper to be done, he adhered in a determined manner; and no counſels, except what were agreeable to theſe, were regarded.

Such in this world are the parts, which enter into the compoſition of the eminent and diſtinguiſhed. However, the great name which we have ſo freely placed in the moſt impartial light, deſerves, on many accounts, to be remembered with gratitude and honour.

He had juſt views of the horrid conſequences of the unreſtrained progreſs of the power of France. With great integrity and vigour, he therefore made it the buſineſs of his life to oppoſe all its miſchievous motions; nor did he faint or grow weary in the glorious and difficult toil. He had an enemy, who was ever well prepared and provided; while his own ſituation was quite different. He was often baffled and diſappointed, and rarely attended with triumphant ſucceſs. However, the preſervation of Europe from abſolute ſubjection, may juſtly be aſcribed to his endeavours. He knew in what a ſcandalous and mercenary manner his two predeceſſors had ſurrendered themſelves to the will and pleaſure of the enemy; nor was he ignorant of the weak and corrupt condition of many other ſtates. But, though thus diſcouraged, the offer of the ſovereignty of the greateſt part of his country could not ſeduce him from the common cauſe. This is ſufficient to ſilence the accuſations of his enormous love of power.

As he proved himſelf the friend of the liberties of Europe, and preſerved its free ſtates from being the oppreſſed provinces of an univerſal monarchy, ſo equally ſincere was his zeal for the religious rights of mankind. He had a juſt abhorrence of popiſh tyranny and uſurpation on conſcience. The bitterneſs and envyings amongſt proteſtants gave him great concern; and he wiſhed for an effectual cure of theſe evils, and contrived the moſt proper meaſures. Uniformity in opinions and practices is not to be compaſſed: therefore mutual forbearance, and reſtraining the ſeveral parties and profeſſions among Chriſtians from injuring one another, ever had his conſtant attention. The religious notions, which education and a habit of thinking had fixed, gave him no averſion to thoſe who oppoſed his ſentiments. In his days, and by his means, the firm and conſiſtent foundations were laid, of what is truly valuable in civil or religious affairs. Before his time, avowing the rights of mankind, in a full and conſiſtent manner, was criminal or diſgraceful: as they had power and opportunity, the ſeveral parties of Chriſtians oppreſſed and injured one another.

An unthinking and ungrateful world is only delighted with hurry and miſchief, and has therefore no ſenſe of it's moſt valuable benefactors. But thoſe, who will reflect and conſider, muſt acknowledge a more real friend to human beings never appeared in this part of the earth. To him we owe the aſſerting and ſecuring our moſt important immunities and privileges. To him the intellectual world is indebted for the full freedom of debating all ſubjects, and of avowing and defending their ſentiments.

The appearances of providence for his ſafety and preſervation were many and very affecting. No life was ever more eminently expoſed in the day of battle, nor did his many diſadvantages abate his ardour: Far from declining, he ſought opportunities. His enemies, not ſatisfied with the ſeveral chances thus offered, by many vile and dark methods, attempted his deſtruction both at home and abroad.

From an immature birth he derived a weak and feeble conſtitution; but a vigorous mind carried him through a perpetual ſucceſſion of cares and labours. Conſidering an accidental hurt befalling a decayed and waſted frame, his days were prolonged beyond all expectation. His laſt work compleated his good deſigns for conveying to us the great and valuable bleſſing of the proteſtant ſucceſſion. Had he been cut off in any of the periods of his glorious ſtruggle for our happineſs and the welfare of Europe, the miſeries and miſchiefs, which muſt naturally have followed, would ſurely have equalled all the ſuggeſtions of the blackeſt and moſt melancholy imagination. But the unthinking part of the world, becauſe wholly delivered, have not been, nor ever will be, duly ſenſible.

Henry IV. of France, and queen Elizabeth, are perpetually produced as inſtances of ſuperior princely merit. How truly king William not only equalled but excelled them, in the really glorious qualities of a great and good governor, might eaſily be made appear. On a careful examination, his difficulties and diſtreſſes will be found greater than theirs; and his faults, and miſmanagements, leſs enormous and more excuſable.

Before the concluſion of this reign, it will be neceſſary briefly to relate ſuch eccleſiaſtical matters, as have been purpoſely omitted, that the narration of the civil affairs might not be interrupted.

And here it may not be improper to premiſe an account of the riſe and progreſs of our religious differences, from the reformation to the time of the revolution.

When Chriſtendom was over-run with the ſuperſtitious and abſurd doctrines and practices of the church of Rome, and ſuch things were eſtabliſhed, as contradicted not only the ſcriptures, but the reaſon, underſtanding, and very ſenſes of men, then it was that ſeveral reformers aroſe in different parts of Europe, and ſeparated from a church ſo overwhelmed with corruption and error. It was laid down as a maxim, that the ſcriptures are the ſole rule of faith, wherein all things neceſſary to ſalvation are ſo plainly revealed, that every man may judge for himſelf, and needs not an infallible guide in matters of religion. Upon this foundation, 'Infallibility, tranſubſtantiation, indulgencies, worſhip of ſaints and angels,' with a numerous train of the like abſurdities, were attacked, and proved to be repugnant to the goſpel. But the misfortune was, that, in the progreſs of the reformation, the principle on which it was grounded was entirely forgot; inſtead of reſtoring Chriſtianity to it's primitive ſtate, as contained in our Saviour's laſt inſtructions to his apoſtles, 'That repentance and remiſſion of ſins ſhould be preached in his name to all nations:' Inſtead of adhering to this plain and rational ſcheme of the goſpel, St. Auſtin's doctrines were made the ſtandard of religion, and ſuch ſyſtems were framed, as were as unintelligible to reaſon, and as difficult to be proved by ſcripture, as the tenets of that church from which the reformers had ſeparated. They were not content with ſaying, that by the ſin of our firſt parents all mankind are ſufferers; that effects of it are tranſmitted to all their poſterity, namely, 'Loſs of paradiſe, labour and toil, ſorrow in conception, ſubjection to ſickneſs, diſeaſes and all the calamities of life;' and finally, to the greateſt of all natural evils, 'death itſelf.' They were not ſatisfied with aſſerting, that man, ſince the fall, is prone to evil, too eaſily led aſtray by the force of example, education, prejudice, and temptation; and that, when the world lay buried in wickedneſs, God ſent his ſon to quicken men to a ſenſe and practice of their duty, by the aſſurance of pardon, for his ſake, of paſt offences upon repentance and amendment of life; by the promiſe of everlaſting happineſs to well-doers, and by the threatening of future puniſhment to all evil-doers, according to their reſpective deſerts. Not content with this, the reformers, copying after St. Auſtin, declared, that Adam was the repeſentative of all mankind, conſequently not only 'the effects,' but alſo 'the guilt,' of his ſin is transferred on all his deſcendants, who are thereby obnoxious both 'to death, and eternal damnation.' That, ſince the fall, how free ſoever 'the will' may be as to civil affairs, it is ſo far enſlaved as to religious matters, that man is totally unable of himſelf to think a good thought, or to do a good action [k]. That God, before the foundations of the world were laid, ſecretly decreed 'to ſave' a certain number of perſons, whom he has unconditionally choſen out of loſt mankind. That, as Adam's ſin is imputed to all his poſterity, ſo the righteouſneſs of Chriſt is imputed to 'the elect,' for whom only he died. That to 'the elect' is given both 'a preventing grace,' that they may have a good thought, and 'an aſſiſting grace,' to inable them to put it in practice. That in this ſtate of grace 'the elect' will certainly perſevere, and cannot finally fall from it. That the reſt of mankind, for want of this 'efficacious and irreſiſtible grace,' remain in a ſtate of curſe and damnation [l].

Such were the doctrines that at firſt more generally prevailed among the reformers, with this difference only, that ſome (thence called Supralapſarians) aſſerted, that God decreed Adam's ſin, and the damnation, as well as ſalvation, of ſuch as ſhould be moſt for his own glory; whilſt others (thence ſtiled Sublapſarians) affirmed, that, Adam having ſinned freely, God decreed to ſave a certain number, and left the

[k] As the papiſts held, that men were able not only to perform their duty, but even to do works of ſupererogation, or more than were neceſſary for ſalvation; ſo the reformers ran into the other extreme, and aſſerted, that man of himſelf can do no work acceptable to God.

[l] The Pelagians (ſo called from Pelagius) think there is no need of any other grace but that of pardon, and deny both the preventing and aſſiſting grace. The Semipelagians think, that an aſſiſting grace is neceſſary, but that the firſt turn of the will to God is the effect of a man's own choice.

reſt in their fallen ſtate, without any farther determination about them.

In the progreſs of the reformation, ſome of the doctrines began to be ſoftened. Arminius, divinity-profeſſor at Leyden, and his followers (from him called Arminians, and Remonſtrants or Univerſaliſts) declared, that God decrees not abſolutely any perſon to be ſaved or damned, but conditionally, or according to what he foreſaw they would do: That Chriſt did not die only for a particular number whom God intended to ſave, but for all men; ſo that every one is intitled to the benefit of his death, who rejects not the goſpel-terms of faith and repentance: That grace, or the aſſiſtance given to inable them to do their duty, is not irreſiſtible, but the efficacy of it comes from the freedom of the will, which either may, or may not, co-operate with it as it pleaſes; and conſequently, that the perſeverance of thoſe, to whom ſuch grace is given, is not certain, but they may finally fall away from that ſtate [m].

The two chief branches of the reformation are the Lutherans and Calviniſts, ſo called from their founders Luther and Calvin. The Lutherans, though at firſt they were followers of St. Auſtin, and even denied the freedom of the will, altered their opinion in time, and eagerly came into the Arminian ſcheme of 'conditional decrees [n],' whilſt the Calviniſts cloſely adhered to St. Auſtin's doctrines of 'abſolute and nconditional predeſtination,' as before explained.

Theſe two branches differ alſo in their notions of the Euchariſt. The Lutherans hold, that, 'together with' the bread and wine, the 'real body and blood of Chriſt' is diſtributed. The Calviniſts ſay that, under the bread and wine, the body of Chriſt is 'really, tho' ſpiritually,' received. Here again, if the bible had been adhered to, this ſubject of diſpute had beed avoided; for from the words of the primitive inſtitution, neither a real, nor a ſpiritual, preſence can be inferred. Both parties avow the principle of perſecution [o]; and, on account of their religious differences, ſuch animoſity reigns between them, that they refuſe to hold communication with each other, and, in many places, will not allow a mutual toleration [p]. When the Arminian ſcheme began to ſpread in Holland, and to be favoured by the government as more rational in itſelf, and more intelligible by the people than the Calviniſtical, the Predeſtinarian party, who were moſt prevalent there, grew outrageous at the progreſs of the Arminian doctrines, and called the authors of them devils and plagues, animating the magiſtrates to extirpate and deſtroy them, and utterly refuſing to enter into any treaty of reconciliation. They never ceaſed till they had leave to hold a national ſynod at Dort in 1618, from which all the Arminian divines being expelled, their tenets were condemned, and the Predeſtinarian or Calviniſtical doctrines more firmly eſtabliſhed.

The reformers made great alterations in the diſcipline, as well as in the doctrine, of the church of Rome.

The hierarchy was entirely demoliſhed, and epiſcopacy every where (except in a few 'Lutheran dioceſes') wholly aboliſhed. Biſhops and preſbyters are affirmed to be the ſame in ſcripture, and all ſuperiority of the one over the other being denied, and a parity aſſerted, the eccleſiaſtical government is (by the Calviniſts at leaſt) lodged in the hands of 'Preſbyters, Lay-Elders, and Deacons.'

In Scotland the reformation was alſo ſettled after the Calviniſtical or Geneva-model, both as to doctrine and diſcipline, and epiſcopacy not only rooted out, but declared to be repugnant to the word of God.

In England a middle courſe was ſteered. Though the articles of religion are a plain tranſcript of St. Auſtin's doctrine in the controverted points of 'Original ſin, predeſtination, juſtification by faith alone, efficacy of grace, and good works,' yet are they compoſed with ſuch a latitude and ſuch additional cautions, as that they may be taken in an Arminian as well as Calviniſtical ſenſe. For inſtance, in the article of predeſtination it is not expreſſed, whether God's decree was 'abſolute or conditional;' and therefore, though the authors very probably meant, that the decree was abſolute, yet the remonſtrants may ſubſcribe to it in a conditional ſenſe. However this be, of the thirty-nine articles, the moſt rigid Calviniſt can give his aſſent to all, except three relating to the diſcipline of the church. For though the doctrine of the church of England, as it ſtands in the articles and homilies, agrees with that of the Calviniſts, yet the diſcipline is entirely different. The hierarchy, or church-government by biſhops, prieſts, and deacons, is preſerved in England, and declared to be apoſtolical: The biſhops are held to be of a ſuperior order to the prieſts, and to have the ſole power of ordination. The Engliſh reformers thought proper alſo to retain the popiſh eccleſiaſtical habits or veſtments, the 'ſurplice, hoods, &c.' and alſo ſome of the ceremonies, as the croſs in baptiſm, ring in matrimony, kneeling at the ſacrament, &c. The liturgy or common-prayers were chiefly taken from the offices of the church of Rome, and certain reſponſes were added to engage the attention of the people, who before had no concern in the public devotions which were uttered in an unknown tongue.

It happened in queen Mary's reign, that great numbers of the reformed, upon the reſtoration of property, fled beyond ſea, and were kindly entertained by the proteſtant ſtates in Germany, Switzerland, and Geneva, who allowed them churches for their public worſhip. Among theſe were five biſhops, as many deans, ſome archdeacons, and above fifty eminent preachers and doctors, and of noblemen, merchants, &c. above ſeven hundred. Many of theſe exiles, returning home in queen Elizabeth's reign, brought with them a great liking of the diſcipline and worſhip of the reformed churches abroad, and uſed their utmoſt endeavours to cauſe the church-diſcipline to be reduced to a nearer conformity with the Calviniſtical plan. They alledged, that the ſcriptures are a ſtandard of diſcipline as well as doctrine: That the form of government, appointed by the apoſtles, was, like the 'Jewiſh Sanhedrim,' ariſtocratical, and to be adminiſtered by paſtors, elders, and deacons: That this form was deſigned as a pattern for the churches of all ages, not to be departed from, on account of any cuſtoms of the papacy or practice of the earlier ages, unleſs warranted by the Bible. They objected to the act of ſupremacy, as giving too much power to the crown in matters of religion. They ſaid, that Chriſt and no other was the ſole law-giver and head of the church: That the direction of religious matters was by God's ordinance committed to the church-officers: That the civil magiſtrate might call a council of his clergy, and be there in perſon or by deputy, but not a 'Moderator or Judge:' That it was his province not to make ordinances or determine controverſies, but to ſee the decrees of the clergy executed, and to puniſh the contemners. They declaimed againſt thoſe habits, rites, and ceremonies, which were uſed by papiſts, inſiſting that thoſe things, which were left indifferent by the ſcriptures, ought not to be made neceſſary by any human law, and that ſuch rites as had been abuſed to idolatry, and tended to lead men back to ſuperſtition, were no longer indifferent, but to be rejected as unlawful. They, who were thus for carrying on the reformation farther than the eſtabliſhment, were by their adverſaries termed puritans.

Theſe were told, that, in the affairs of church-government, not only the ſcriptures, but the practice of the church, for the firſt four or five centuries, was to be regarded: That therefore the later corruptions of the papacy, from the time the pope uſurped the title of univerſal biſhop, were only to be rejected, and thoſe things left ſtanding, which could be traced much higher; ſuch as archbiſhops, biſhops, prieſts, and deacons: That every prince had authority to correct all abuſes of doctrine and diſcipline within his own territories, and that things indifferent, ſuch as 'rites, ceremonies, habits, &c.' might be ſettled by the command of the civil

[m] There were ſome that went farther. They denied the certain foreknowledge of future contingencies, and therefore they thought the decrees of God, from all eternity, were only general; that ſuch as believe and obey the goſpel ſhall be ſaved, and that ſuch as live and die in ſin ſhall be damned; but that there were no ſpecial decrees made concerning particular perſons, theſe being only made in time, according to the ſtate in which they are. They thought alſo, that man is by nature ſo free and ſo entire, that he needs no inward grace; ſo they deny a ſpecial predeſtination from all eternity, and do likewiſe deny inward aſſiſtances. Theſe, from Socinus their founder, are called Socinians, and alſo Unitarians, from their aſſerting the ſupremacy of the father, and denying the received doctrine of the Trinity.

[n] When Luther began to form his opinions into a body, he clearly ſaw, that nothing did ſo plainly deſtroy the doctrine of merit and juſtification by works as St. Auſtin's opinions: He found alſo in his works very expreſs authorities againſt moſt of the corruptions of the Roman church; and being of an order that carried his name, and by conſequence accuſtomed to read and reverence his works, it was no wonder if he, without a ſtrict examining of the matter, eſpouſed at firſt all his opinions, though, before he died, he is reported to have changed his mind; for Melancthon, who had been of the ſame opinion, as to the freedom of the will, did retract it, and was not blamed for it by Luther.

[o] Luther allowed of perſecution as far as baniſhment; but Calvin thought it lawful to put heretics to death. Beza publiſhed a treatiſe in favour of perſecution, which was tranſlated into Dutch by Bogerman, preſident of the ſynod of Dort.

[p] It may here be obſerved, that one ſtanding cauſe of their not holding communion with one another, is, that both parties have taken care to inſert their peculiar tenets and doctrines into the offices of their public worſhip. For inſtance, there is ſcarce a Calviniſtical prayer, but what ſuppoſes abſolute predeſtination and election, partial redemption, total inability of man to any thing that is good, efficacy of grace, final perſeverance, or ſome other controverted point, by which means a Lutheran or Arminian cannot join in it, without ſtraining the words to their own ſenſe, which is ſometimes hardly to be done.

magiſtrate, and in ſuch caſes it was the indiſpenſable duty of all ſubjects to obſerve them.

Hence it appears, that both parties agreed in the neceſſity of uniformity of public worſhip, and of calling in the ſword of the civil magiſtrate for the ſupport of their ſeveral ſchemes, but differed about the ſtandard of this ſame uniformity, one party aſſerting, 'It was the queen's ſupremacy and the laws of the land;' the other, 'The decrees of provincial and national ſynods,' allowed and inforced by the magiſtrate. Neither party thought of admitting liberty of conſcience and freedom of profeſſion, which ſeems to be the right of every man, as far as is conſiſtent with the peace of the government.

From this principle of non-toleration both parties in their turns, when they had the civil power in their hands, failed not to oppreſs one another. The puritans were the firſt ſufferers. The controverſy began about the habits, (which had been objected againſt in the reign of Edward VI.) ſeveral refuſing biſhoprics or other preferments, on account of the veſtments and ceremonies, and great numbers being deprived for not uſing them. Queen Elizabeth, jealous of her eccleſiaſtical power, and fond of pomp and ſhew in the externals of religion, was ſo far from granting the leaſt indulgence in theſe matters, that ſhe inſiſted on a ſtrict uniformity as well in diſcipline as doctrine. The puritans, rather than comply, ſubmitted to ſuſpenſions and deprivations, the number of which in her reign amounted to ſeveral thouſands. Penal laws were multiplied and rigorouſly executed. Non-compliance with, or ſpeaking, or acting, againſt the liturgy, was for the third offence perpetual impriſonment, with loſs of preferment to a clergyman, and forfeiture of goods and chattels to a layman. Abſence from church was firſt puniſhed with 12d. a Sunday, afterwards with 20l. a month, and laſtly with impriſonment without bail; and, unleſs a declaration of conformity was made in three months after conviction, with perpetual baniſhment; and, in caſe any returned, they were to ſuffer death without benefit of the clergy. During theſe proceedings, though the puritans in general were unwilling to forſake the eſtabliſhed church, and therefore evaded the force of theſe laws by coming to church, when the prayers were almoſt over, and receiving the ſacrament where it was adminiſtered with ſome latitude; yet others reſolved to ſeparate from it, and to aſſemble, wherever they could, to worſhip God in their own way. The Browniſts (ſo called from Robert Brown their paſtor, educated in Corpus Chriſti college Cambridge) formed the firſt ſeparate congregation; but they were quickly forced to leave the kingdom and retire to Holland, where Mr. Robinſon, paſtor of the church at Leyden, firſt ſtruck out the 'Congregational or independent' form of church-government [q]. Part of this church, tranſplanting themſelves at length into America, laid the foundation of the colony of New-England.

Here was the beginning of the ſeparation, whereby people of the ſame country, of the ſame religion, and of the ſame judgment and doctrine, parted communion, on account of a few habits and ceremonies, which by degrees begot unſpeakable miſchiefs to the nation, and in the end proved the deſtruction of the conſtitution both of church and ſtate. A ſtrong inſtance of the weakneſs, perverſeneſs, and ſuperſtition of mankind! How weak muſt it be to part with a livelihood and embrace poverty, rather than wear a ſurplice or ſquare cap! How perverſe to inforce the uſe of ſuch things againſt conſcience! How ſuperſtitious to believe it of any conſequence to religion, to uſe or diſuſe them! Had theſe external things been left as indifferent in their practice as they are in their nature, there had been probably no ſchiſm in the church, nor civil war in the ſtate. For, though the puritans had many other objections to the eſtabliſhed diſcipline, they would doubtleſs have remained in the church, if the uſe of the habits had been diſpenſed with. But the queen's reſolution, not to indulge them, drove many into an actual ſeparation, which widened the breach. For the controverſy, which had been chiefly confined to the habits and a few ceremonies, began to open into ſeveral conſiderable branches, and particlarly the hierarchy was attacked. The puritans were alſo divided, and a new diſpute aroſe concerning 'The neceſſity of a ſeparation from the eſtabliſhed church.'

Soon after the acceſſion of king James, the canons of the church were eſtabliſhed by the king and convocation. By theſe canons all were declared to be ipſo facto excommunicated, that affirmed, the church of England not to be a true and apoſtolical church, or the liturgy to be corrupt, or the rites and ceremonies to be antichriſtian, or that ſeparated from the church, and pretended that any ſect of miniſters and layperſons, may make rules, orders, and conſtitutions, without the king's authority. Thus the puritans found themſelves in a worſe condition than ever, excommunication (the conſequences of which are terrible) being added to ſuſpenſions and deprivations [r]. Things were in this ſtate, when a great turn happened in the doctrine of the church. The Arminian or remonſtrant tenets (which had been condemned by the ſynod of Dort) began to ſpread in England. They were eſpouſed by the court and the univerſities [s]. The Calviniſtical ſenſe of the articles was diſcouraged, and injunctions were publiſhed againſt preaching upon 'Predeſtination, election, efficacy of grace, &c.' whilſt the Arminians were ſuffered to inculcate their doctrines. As Arminianiſm was firſt embraced by thoſe who were for exalting the prerogative above law, all that adhered to the ſide of liberty, or to the Calviniſtical ſenſe of the articles, though ever ſo good churchmen, were branded by the court with the name of Puritans. Hence the diſtinction of State or Doctrinal-Puritans, and Diſcipline-Puritans or Diſciplinarians. By this means the Puritants acquired great ſtrength, for the bulk of the people and clergy were at once confounded with them. At the head of the Arminians was Laud, and of the Doctrinal Puritans, archbiſhop Abbot.

When king Charles I. came to the crown, the ſtate of the controverſy between the church and the puritans was entirely changed. In the reigns of king James and queen Elizabeth, the puritans were almoſt all for the preſbyterial government, but, from the time that Arminianiſm prevailed in the church, the whole body of Calvaniſts came to be called Doctrinal puritans. There was no mention for any years before the civil wars of the old Book of diſcipline, (framed by the Puritans in queen Elizabeth's reign) but ſeemed to unite in a moderate epiſcopacy [t], and the controverſy ran upon 'The Doctrinal Articles, upon the reduction of epiſcopal power, and upon innovations in the church.' For Laud inſtead of indulging the puritans, widened the breach between them and the church, by introducing many new and pompous ceremonies in the public worſhip. Theſe not only made terms of conformity more difficult, but were inforced both upon the clergy and laity with all the terrors of the High-commiſſion, to the ruin of many families, and the raiſing very great diſturbances in many parts of the kingdom. Upon theſe proceedings great numbers tranſplanted themſelves and families into America, and gave birth to a ſecond colony in New-England, that of Maſſachuſet's bay [u].

[q] In the year 1616, Mr. Jacob, (who, after conferring with Robinſon, embraced his ſentiments of church diſcipline) ſet up the firſt Independent or Congregational church in England. Some time after, ſome of the moſt rigid, being diſſatisfied about the lawfulneſs of infant-baptiſm, choſe Mr. Jeſſe their miniſter, who laid, in 1640, the foundation of the firſt Baptiſt congregation in England. The Browniſts increaſed in ſuch a manner, that in 1592, ſir Walter Raleigh declared in the parliament houſe, that there were no leſs than 20,000 divided into ſeveral congregations, in Norfolk, Eſſex, and about London. They had now at their head, Smith, Jacob, and Ainſworth, the rabbi of the age. Copping and Thacker, two of their miniſters, were condemned and put to death for non-conformity, in 1583. The Browniſts did not differ from the church in any doctrinal points; but were ſo rigid and narrow in points of diſcipline, that they not only maintained the diſcipline of the church of England to be antichriſtian, but renounced communion with all other reformed churches, except ſuch as ſhould be of their model.

[r] In the reign of king James, two perſons were burnt for hereſy; one was Bartholomew Legate, an Arian; he was well verſed in the ſcriptures, and of an unblameable converſation. The king himſelf and ſome biſhops conferred with him, but could not convince him of his errors. After having lain ſome time in Newgate, he was convened before biſhop King in his conſiſtory at St. Paul's, who, with ſome other divines and lawyers, declared him an obdurate heretic, and certified the ſame into chancery by a ſignificat, delivering him up to the ſecular arm. Whereupon the king ſigned a writ de Hæretico comburendo to the ſheriffs of London, who brought him to Smithfield, March 18, 1612, and in the midſt of a vaſt concourſe of people burnt him to death. A pardon was offered at the ſtake, if he would recant, but he refuſed it. The next month Edward Wightman, of Burton upon Trent, was convicted of hereſy by biſhop Neile, and was burnt at Lichfield, April 11. He was charged in the warrant with the hereſies of Arius, Cerinthus, Manichæus, and the Anabaptiſts.—There was another condemned to the fire, but the conſtancy of the other two moved ſuch compaſſion in the ſpectators, that it was thought bettter to let him linger out a miſerable life in Newgate. Fuller, B. X. 63, 64.

[s] The Predeſtinarian controverſy was began in 1595, in queen Elizabeth's reign, by Barret, fellow of Caius college, Cambridge, who preached againſt Calvin's doctrine of predeſtination, &c. for which he was cenſured by the univerſity, and forced to retract in St. Mary's church. He was afterwards ſent to Lambeth, and examined before archbiſhop Whitgift; who enjoined him to confeſs his errors, and not teach the like doctrines for the future; but he choſe rather to quit the univerſity. This gave occaſion for the famous Lambeth-articles, in which the Calviniſtical ſenſe of predeſtination, election, and the other controverted points is ſtrongly aſſerted; and to which the ſcholars in the univerſity were ſtrictly enjoined to conform.

[t] That is, inſtead of a biſhop governing alone a dioceſe of five hundred or a thouſand pariſhes by his chancellor, commiſſaries, officials, and other eccleſiaſtical officers, they were for a biſhop or ſtated-preſident over a diſtrict of ten or twelve pariſhes, who jointly, with the parochial miniſters, ſhould manage affairs of his diſtrict.

[u] It is ſaid, there were eight ſail of ſhips at once, in the ſpring of 1638, in the river of Thames, bound for New-England, and filled with Puritan families, among whom (according to Bates and Dugdale) were Oliver Cromwell, afterwards Protector, John Hampden, Eſq; and Mr. Arthur Haſelrigge, who,

The church was now in the heighth of it's ſplendor, epiſcopacy was declared to be of apoſtolical, and conſequently of divine inſtitution, and the preſbyterial government though challenging the title of 'Chriſt's kingdom and ordinance,' to have no foundation in ſcripture, nor in the practice of the church for fifteen hundred years. The clergy were all obliged, on pain of deprivation, to ſwear that 'They approved the doctrine and diſcipline of the church, and would never conſent to alter the government of it by archbiſhops, biſhops, deans, and archdeacons, &c.' The churches were adorned with paintings, images, altar-pieces, &c. and, inſtead of communion-tables, altars were ſet up, and bowings to them and the ſacramental elements enjoined. The predeſtinarian doctrines were forbid, not only to be preached, but to be printed, and the Arminian ſenſe of the articles was encouraged and propagated.

On the other hand the puritans loudly complained of theſe innovations, and taxed the authors of them with a deſign to introduce popery. The more ſeverely they were uſed, the more they increaſed and continued to do ſo, till the meeting of the long parliament in 1640, when the affairs of religion took a new turn.

This parliament being compoſed chiefly of State and Doctrinal Puritans, one of their reſolutions was, 'To redreſs the grievances of the church.' They began with cenſuring the authors of the late innovations, and voted them down. A ſolemn proteſtation was drawn up for all to ſubſcribe, that 'They would maintain the true reformed religion, expreſſed in the doctrine of the church of England, againſt all popery and popiſh innovation, &c.' The high-commiſſion court and ſtar chamber were aboliſhed. The votes and temporal juriſdiction of the biſhops were taken away; and afterwards, in complaiſance to the Scots, a bill paſſed both houſes for the utter aboliſhing all archbiſhops, biſhops, their chancellors and commiſſaries, deans, chapters, archdeacons, canons, prebends, &c. Thus the diſcipline of the church was voted away, and no other was erected in it's room till ſeveral years after. In this interval, the clergy were permitted to read more or leſs of the liturgy, as they pleaſed, and to govern their pariſhes according to their diſcretion. The veſtments were left indifferent, ſome wearing them, and others, in imitation of the foreign proteſtant churches, making uſe of a cloak. The puritan clergy, being zealous Calviniſts, and having been prohibited for ſome years from preaching againſt the Arminians, now pointed all their artillery againſt them, and inſiſted upon little elſe in their ſermons but 'Predeſtination, juſtification by faith alone, ſalvation by free grace,' and the inability of man to do that which is good. Moral duties were too much neglected, and from a ſtrong averſion to Arminianiſm, theſe divines made way for Antinomianiſm, running from one extreme to the other, till at laſt ſome of them were loſt in the wild mazes of enthuſiaſtic dreams and viſions, and others, from falſe principles, pretended to juſtify the hidden works of diſhoneſty. In the mean while, the Preſbyterians were labouring the eſtabliſhment of their form of church-government as 'the diſcipline of Jeſus Chriſt,' but in vain; for the parliament, inſtead of complying with a petition to that end, voted it ſcandalous. Nor could they ever obtain the power of 'the keys, excommunication, &c. for which they were continually applying to the parliament. It is true, by an ordinance of Auguſt 19, 1645, the preſbyterian church government became the national eſtabliſhment, as far as an ordinance of the parliament could make it; and, by another of Sept. 1, 1646, epiſcopacy was aboliſhed, and the church-lands alienated for payment of the public debts. Notwithſtanding all this, though the hierarchy was deſtroyed, and the beſt, if not all the livings of the kingdom diſtributed among them, the preſbyterians were not ſatisfied. For it muſt be obſerved, that the Preſbyterian government was more narrow than the Epiſcopal, and allowed not a liberty of conſcience, but claimed a civil as well as eccleſiaſtical authority over men's perſons and properties. Conſequently they were ſtill diſcontented, for want of Church-power to cruſh the Sectaries, as they termed all that diſſented from them. Of theſe the independents were the chief, whoſe opinion it was, that every congregation had power to chuſe or ordain their paſtor, and jointly with him to manage their religious concerns without Claſſical or Synodical aſſemblies, and conſequently they were for univerſal toleration. Theſe two points, independency of congregations (from whence they were called Congregationaliſts) and toleration were the conſtant ſubjects of diſpute between them and the preſbyterians, who were profeſſed enemies to both. The preſbyterians inſiſted upon a ſtrict uniformity in worſhip and diſcipline, and bitterly inveighed againſt toleration, which they called the Great Diana of the independents. Not content with having their form of government made the national eſtabliſhment, they were continually ſoliciting the parliament for 'a coercive power,' in order to perſecute all that differed from them. On the other hand the independents, who multiplied daily, and the anabaptiſts (who differed from them in little elſe but infant baptiſm) were as ſtrenuous for toleration and liberty of conſcience, declaring no opinions or ſentiments of religion are cognizable by the magiſtrate any farther than they are inconſiſtent with the peace of the civil government. Little did the preſbyterian divines think, that in leſs than twenty years all their artillery would be turned againſt them: That they ſhould be excluded the eſtabliſhment by an act of epiſcopal uniformity, and reduced to the neceſſity of pleading for that indulgence, which they now denied others. Their thoughts were entirely engroſſed with 'covenant-uniformity and the divine right of their preſbytery,' which, after all, the parliament would never admit in the extent they deſired.

During theſe proceedings, the epiſcopal clergy felt in their turn the effects of non-tolerating principles. By an ordinance of the 23d of Auguſt 1645, the directory was enjoined to be read openly in all churches, under the penalty of forty ſhillings, and whoever ſpoke or acted againſt it was to forfeit from five to fifty pounds. The uſe of the common-prayer-book was forbid, not only in any church or place of public worſhip, but even in any private place or family, under the penalty of five pounds for the firſt offence, ten for the ſecond, and for the third a year's impriſonment. The covenant was impoſed upon them, and whoever refuſed to take it was ejected. Several thouſands of the parochial clergy loſt their livings, after the civil wars were begun; ſome left them, and fled over to the king's party; others were deprived by the committees of the counties, and the reſt for refuſing the covenant. About two hundred maſters and fellows of colleges in Cambridge, beſides inferior ſcholars, were expelled that univerſity; and about nineteen or twenty heads of colleges, beſides fellows, were expelled at Oxford: but nothing ſhews how far the governing preſbyterians in thoſe days would have carried the uſe of their power, if it had been ſupported by the ſword of the civil magiſtrate, than the ordinance againſt blaſphemy and hereſy, which, perhaps, is one of the moſt ſhocking laws to be met with. This ordinance is dated May 2, 1648, and ordains, among other things, that whoever affirms, That there is no God: That God is not omnipreſent, almighty, &c. That the Father is not God, the Son is not God, the Holy Ghoſt is not God, or that theſe three are not one eternal God, or that Chriſt is not God equal to the Father: That the Godhead and Manhood of Chriſt are not diſtinct natures: That the death of Chriſt is not meritorious: That Chriſt is not riſen: That there is no reſurrection or a future judgment: That the ſcriptures are not the word of God, &c. ſhall ſuffer death as in caſe of felony. And that whoever ſays, that all men ſhall be ſaved: That man by nature hath free will to turn to God: That man is bound to believe no more than by his reaſon he can comprehend: That the baptiſm of infants is unlawful, &c. ſhall upon conviction be committed to priſon, till he find ſureties that he will not publiſh or maintain the ſaid error or errors any more. This ordinance was a comprehenſive engine of cruelty, and would have incloſed great numbers, if it had not been laid aſide by the influence of the army, till it was voted to be determined [x]. The preſbyterian government, which, by the former ordinance, had not been abſolutely eſtabliſhed, was at laſt ſettled without limitation of time, by an ordinance of June 21, 1648. This was done without laying any penalty on recuſants, or ſuch as did not come to the ſacrament, or ſubmit to their diſcipline; which was the utmoſt length that preſbytery obtained in the kingdom. And therefore, when afterwards many ſectaries ſprung up, as ſeekers [y], ranters [z], qua-

who, ſeeing no end to theſe oppreſſions, were determined to ſpend the remainder of their days in America; but by an order of council, dated May 1, 1638, the ſhips were ſtopped, and the paſſengers commanded to be put on ſhore; and to prevent the like for the future, the king prohibited all maſters and owners of ſhips to carry any paſſengers to New-England, without a ſpecial licence from the privy-council. Upon which great numbers went and ſettled in Holland.

[x] In this ordinance, Papiſts, Arminians, Antinomians, Arians, Socinians, Anabaptiſts, Quakers, and the other Sectaries would have been included, if the confuſion of the times had not hindered the Preſbyterians from putting it in execution.

[y] Theſe taught, 'That the ſcriptures were uncertain: That preſent miracles were neceſſary to faith: That our miniſtry is null, and without authority; and our worſhip and ordinances unneceſſary or vain,' the true church, miniſtry, ſcripture, and ordinances being loſt, for which they were 'ſeeking.' The papiſts hatched and actuated this ſect. Some of them were real papiſts, and others infidels.

[z] Theſe made it their buſineſs, as the Seekers, to ſet up the 'light of nature,

kers [a], Behmenists [b],) whose doctrines were almost the same, though they differed in name) all declaring against a settled ministry, and for the guidance of the light within; and the Independents (who were equally enemies of the episcopal and presbyterian uniformity) came to be so far masters, as to hold the Presbyterians in a sort of subjection [c], the Presbyterians turned to the thoughts of restoring king Charles II. and joined with the Episcopalians in that affair, upon the king's declaration of liberty to tender consciences, and that no man should be disquieted or called in question for differences of opinion, which did not disturb the peace of the kingdom. When the king was restored, some moderate episcopal men thought of an union with the Presbyterians. But the more politic part of them knew, that all their ancient power and revenues would be restored to them, and none suffered to share with them, but such as were entirely of their mind and way. The Presbyterians, who were possessed of most of the great benefices in the church and in the universities, were in hopes of favour, not only from the king's declaration, but upon ten or twelve of their divines being made the king's chaplains in ordinary. By this means they had easy access to his majesty, and, intending to improve it to the common good, waited upon him with the lord Manchester, recommending to his serious consideration the union of his subjects in religious matters, which he had now a most happy juncture for effecting, and begging, that only things necessary might be the terms of union, and that the true exercise of church-discipline might be allowed. The king declared himself highly pleased with their inclinations to agreement, but told them, that this agreement could not be expected to be compassed, but by abating something on both sides, and therefore desired them to offer some proposals about church-government, that being the main difference, and 'to set down the most they could yield to.' Hereupon they declared, They could not pretend to speak for, or oblige others, and therefore what they did must signify but the minds of such as were present. The king told them, It should be so taken. Then they begged, that, at the same time that they offered their concessions, the brethren on the other side might also bring in theirs, containing the utmost they could yield on their side, in order to concord. And the king promised it should be so.

In about three weeks time they agreed to a paper of proposals, in which they offered to allow of the true ancient presidency in the church, with a due mixture of presbytery, and proposed that bishop Usher's reduction of episcopacy should be the ground-work of an accommodation. As to the liturgy, they desired that a new one might be compiled, or the old reformed; and begged that kneeling at the sacrament might not be imposed, and the surplice, cross in baptism, and bowing at the name of Jesus rather than Christ, might be abolished. The ministers waiting on the king with their proposals, he treated them very respectfully, told them he was well pleased that they were for a liturgy, and yielded to the essence of episcopacy, and promised them, that the places, where the old incumbents were dead, should (as they desired) be confirmed to the possessors.

As they expected to meet (according to the king's promise) some divines of the other side, and to see their proposals, it much disappointed them to find none of them appear. After some time of waiting for the compliances of the episcopal divines, they at length received a sharp answer, reflecting on their proposals, in which Usher's reduction was rejected as a heap only of private conceptions, the liturgy was applauded as unexceptionable, but a revisal was agreed to in case the king thought fit; and, as for the ceremonies, not one could be parted with. It is very remarkable, that, when the Puritans in 1641 would have been satisfied with Usher's scheme for the reduction of episcopacy, they could not obtain it from the king and bishops; that afterwards, when the king offered the same scheme at the treaty of the Isle of Wight, the parliament and Puritan divines would not accept it, for fear of breaking with the Scots. And now when the Presbyterian ministers presented it to king Charles II. as a model with which they were satisfied, both the king and bishops rejected it with contempt, and would not suffer it to be debated [d].

Shortly after, instead of the diocesans concession, the ministers were told, that the king would put all that he should grant them into the form of a declaration, and they should see it before it was published. Accordingly on a day appointed it was read by the chancellor before the king, several noblemen, and some divines of both sides. Each party was to speak to what they disliked, and the king to determine how it should be. There were various altercations about prelacy, and re-ordination, and the particulars of the declaration. When the whole was perused, the chancellor drew out another paper, intimating, that the king had also been petitioned by the Independents and Anabaptists for liberty, and therefore he read an additional part to the declaration to this purpose, 'That others also be permitted to meet for religious worship, so be it they do it not to the disturbance of the peace; and that no justice of peace or officer disturb them.' This being designed to secure liberty to the Papists, there was a general silence upon the reading it. The bishops thought it a nice point, and said nothing. The Presbyterians were afraid to speak against it, lest all the sects should look upon them as the causers of their sufferings. But at length Mr. Baxter, fearing their silence might be misinterpreted, said, 'As they humbly thanked his majesty for his declared indulgence to themselves, so they distinguished the tolerable party from the intolerable: for the former, they humbly craved just lenity and favour; but for the latter,

ture, under the name of 'Christ in men,' and to dishonour and cry down the church, scriptures, ministry, worship, and ordinances; and called men to hearken to Christ within them. But, withal, they conjoined a cursed doctrine of libertinism, which brought them to abominable filthiness of life. They taught, as the Familists, 'that God regardeth not the actions of the outward man, but of the heart: And to the pure, all things are pure, even things forbidden.' The horrid villanies of this sect soon put an end to it.

[a] The Quakers, who (as Calamy says) were the Ranters reversed, turned from horrid profaneness and blasphemy, to a life of extreme austerity. Their doctrines were mostly the same with the Ranters. They make the light which every man hath within him a sufficient rule; and consequently, the scripture and ministry are set light by. They speak much for the dwelling and working of the spirit in us, but little of justification, pardon of sin, and reconciliation with God through Jesus Christ. They pretend their dependence on the spirit's conduct against set times of prayer, and against sacraments, scriptures, and ministry. They will not have the scripture called the word of God. Their principal zeal lieth in railing at ministers, as hirelings, deceivers, and false prophets, and in refusing to swear before a magistrate, &c. Their chief leader, James Neyler, had his tongue bored through as a blasphemer, by the parliament. Many Franciscan friars and other papists have been proved to be disguised speakers in their assemblies. But afterwards William Penn, their leader, undertook the reforming the sect, and set up a kind of ministry among them.

[b] The opinions of the Behmenists were much like those of the Quakers, they being for the sufficiency of the light of nature, and a dependence on revelations. But they were fewer in number, and of much greater meekness than the rest of the sectaries. They had their name from Jacob Behmen, in whose writings their doctrine is to be seen at large.

[c] The Presbyterians were so rigid in point of uniformity, as that, in the treaty of the isle of Wight, they would not allow the king liberty to have the common-prayer read privately in his family. Upon which the army, whose favourite point was liberty of conscience, was justly incensed against them, and said, if Presbyterian conformity should take place, what must the Independents and sectaries expect, since the king himself was thus used by them? What have we been fighting for, if, after all the hazards we have run to set up Presbytery, we must be banished our country, or driven into corners? Thus the rigid uniformity of the Presbyterians threw the army upon the desperate measures of assuming the sovereign power; bringing the king to justice: setting aside the covenant, and erecting a commonwealth.

[d] Usher's reduction of episcopacy consisted of the four following articles:

I. In every parish the rector, or the incumbent pastor, together with the church-warden and sidesmen, may every week take notice of such as live scandalously in that congregation; who are to receive such several admonitions and reproofs, as the quality of their offence shall deserve; and, if by this means they cannot be reclaimed, they may be presented unto the next monthly synod, and in the mean time be debarred by the pastor from access unto the Lord's table.

II. Whereas by a statute in the 26th of Hen. VIII. (revived in the 1st of queen Elizabeth) suffragans are appointed to be erected in twenty-six several places of this kingdom, the number of them might very well be conformed unto the number of the several rural deaneries, into which every diocese is subdivided; which being done, the suffragan (supplying the place of those, who in the ancient church were called Chorepiscopi) might every month assemble a synod of all the rectors, or incumbent pastors, within the precinct, and according to the major part of their voices conclude all matters that should be brought into debate before them. To this synod the rector and church-wardens might present such impenitent persons, as by admonition and suspension from the sacrament would not be reformed; who, if they would still remain contumacious and incorrigible, the sentence of excommunication might be decreed against them by the synod, and accordingly be executed in the parish where they lived. Hitherto also all things that concerned the parochial ministers might be referred, whether they did touch their doctrine or their conversation: as also the censure of all new opinions, heresies, and schisms, which did arise within that circuit, with liberty of appeal, if need so require, unto the diocesan synod.

III. The diocesan synod might be held once or twice in the year, as it should be thought most convenient; therein all the suffragans, and the rest of the rectors or incumbent pastors, or a certain select number out of every deanery within that diocese might meet; with whose consent, or the major part of them, all things might be concluded by the bishop or superintendent (call him which you will) or in his absence by one of the suffragans, whom he should depute in his stead to be moderator of that assembly. Here all matters of greater moment might be taken into consideration, and the orders of the monthly synods revised, and (if need be) reformed. And, if here also any matter of difficulty could not receive a full determination, it might be referred to the next provincial or national synod.

IV. The provincial synod might consist of all the bishops and suffragans, and such of the clergy as should be elected out of every diocese within the province. The primate of either province might be the moderator of this meeting (or in his room some one of the bishops appointed by him) and all matters be ordered therein by common consent, as in the former assemblies. This synod might be held every third year, and, if the parliament do then sit, both the primates and provincial synods of the land might join together, and make up a national council; wherein all appeals from inferior synods might be received, all their acts examined, and all ecclesiastical constitutions, which concern the state of the church of the whole nation, established.

ſuch as Papiſts and Socinians, they could not make their toleration their requeſt.' To this the king ſaid, 'There were laws ſufficient againſt the Papiſts.' Baxter replied, 'They underſtood the queſtion to be, Whether thoſe laws ſhould be executed or not?' Upon which the matter was dropped. At length the declaration came out ſo amended, as that it was fitted to be an inſtrument of concord and peace, if ſettled by a law; and ſo the diviſion might have been healed, upon the alteration of the liturgy, as the declaration promiſed [c].

But, after all, the declaration had no effect, except only a year's ſuſpenſion of the law that afterwards took place; nor as to church-government were any of the conceſſions put in execution.

However, purſuant to a promiſe in the declaration, that the liturgy ſhould be reviewed, a commiſſion was granted to certain perſons (twelve of a ſide, with nine aſſiſtants to each ſide) to meet for that purpoſe at the Savoy. At the firſt meeting, inſtead of an amicable conference, it was inſiſted upon by the biſhops, that the miniſters ſhould bring all their exceptions at one time, and all their additions at another. Accordingly the exceptions were drawn up, and in ſome time offered to the biſhops; and Baxter alone undertook to frame a 'new liturgy,' which was generally approved by the miniſters.

This liturgy (called the reformed liturgy) being preſented with a petition to the biſhops, they, after ſome delay, ſent the miniſters a paper of reaſonings againſt their exceptions, without any abatements or alterations at all worth the mentioning. An anſwer to which was alſo drawn up. But it is very probable, that neither this anſwer, nor 'the reformed liturgy' were ever read by the biſhops and doctors, who were preſent at the meetings. So that it ſeems, before they knew what was in them, they were reſolved to reject the papers of the miniſters. After many debates, a diſpute was at laſt agreed on, to argue the neceſſity or no neceſſity of altering the liturgy. Three of a party were choſen on each ſide, to manage the diſpute, which was done in writing; and the ſole argument handled was, 'The ſinfulneſs of injoining miniſters to deny the communion to all that dare not kneel.' This diſpute was drawn out to a great length, and ended in exclamations againſt one of the diſputants, for aſſerting, That a thing, not evil in itſelf, may have accidents ſo evil, as may make it a ſin to him that ſhall command it. As if it followed from thence, nothing may be commanded, for fear of thoſe evil accidents, in caſes where the commander cannot be chargeable with any hand in them. Whereas his meaning was, That whenever the commanding or forbidding of a thing indifferent is like to occaſion more hurt than good, and this may be foreſeen, the commanding or forbidding it is a ſin.

Thus ended the diſpute at the Savoy, and all endeavours for reconciliation upon the warrant of the king's commiſſion.

Notwithſtanding theſe diſcouragements, endeavours were uſed to get the king's declaration paſſed into a law, but, when it came to the trial, it was rejected; and ſo the declaration did not only die before it was executed, but all attempts for union were at an end. Nay, a rigorous act was brought in for uniformity, by which all, who did not conform to the liturgy by the 24th of Auguſt, St. Bartholomew's day, in the year 1662, were deprived of all eccleſiaſtical benefices, without leaving a diſcretional power with the king in the execution of it, and without making proviſion for the maintenance of thoſe who ſhould be deprived: A ſeverity neither practiſed by queen Elizabeth, in the enacting her liturgy, nor by the parliament in ejecting the royaliſts, in both which, a fifth part of the benefice was reſerved for their ſubſiſtence. Indeed, while the bill was depending, the miniſters, ſtill interpoſing, as they had opportunity, were poſitively promiſed by ſome in great places, that the king would grant that by indulgence, which had been denied in the way they deſired it; and that care ſhould be taken, that the king ſhould have power reſerved to him, to diſpenſe with the act to ſuch as deſerved well of him at the reſtoration, or whom he pleaſed. But when the act paſſed (by a very few votes) all their great friends left them in the lurch; and when, afterwards, upon encouragement from men in power they drew up a petition for indulgence, they were threatened with incurring a præmunire by ſo bold an attempt, though they had worded it ſo cautiouſly, that it did not extend to the papiſts. During this interval, the preſbyterians were under great perplexities. They had many meetings, and much diſputing about conformity. Reynolds accepted the biſhopric of Norwich, but Calamy and Baxter refuſed the ſees of Lithfield and Hereford. At length, the appointed day came, when about two thouſand miniſters fell under the parliamentary deprivation; whereas, had the terms of the king's declaration been ſtood to, it is affirmed, not above three hundred would have been deprived. This raiſed an outcry over the nation, tho' few of the epiſcopal party were troubled at it, or apprehenſive of the ill effects ſuch a ſeverity was like to have. Here were men much valued, ſome on better grounds, others on worſe, who were now ignominiouſly caſt out, reduced to great poverty, provoked by ſpiteful uſage, and thrown upon thoſe popular practices, that both their principles and circumſtances ſeemed to juſtify, of forming ſeparate congregations, and of diverting men from the public worſhip, and from conſidering their ſucceſſors as the lawful paſtors of thoſe churches in which they had ſerved.

Thus, inſtead of healing the religious differences, it was reſolved to widen them, by making the terms of conformity much ſtricter than before the war [f]. All perſons were obliged to ſubſcribe an unfeigned aſſent and conſent to all and every particular, contained in the book of common prayer: And all, who had not epiſcopal ordination, were made incapable of holding any benefice. Inſtead of Indulgence or Comprehenſion, an act paſſed, declaring any meeting for religious worſhip, at which five were preſent more than the family, to be a Conventicle. And every perſon above ſixteen, that was preſent at it, was to lie three months in priſon, or to pay five pounds for the firſt; ſix months for the ſecond, or twenty pounds; and for the third offence, was to be baniſhed to any plantation except New-England, or pay a hundred pounds. During the plague, ſome nonconformiſts preaching in the empty pulpits, as well as in other places, a ſevere act paſſed in the parliament at Oxford, requiring all ſilenced miniſters to take an oath, declaring it unlawful, on any pretence whatſoever, to take arms againſt the king, or any commiſſioned by him, and that they would not at any time endeavour an alteration in the government of the church or ſtate. Such as refuſed this oath were not to come within five miles of any city or corporation, or of the church where they had ſerved. In 1668, a project of a comprehenſion for the preſbyterians, and of an indulgence for the independents, and the reſt, was prepared by Bridgman and Wilkins, conſiſting chiefly of thoſe things that the king had promiſed by his declaration in 1660; but this was exclaimed againſt by the church-party, and the houſe of commons was then ſo poſſeſſed againſt the nonconformiſts, that, when it was known that a bill was ready to be offered to the houſe for that end, a very extraordinary vote paſſed, that no bill to that purpoſe ſhould be received. After ſtruggling ſeveral years under theſe difficulties, the diſſenters had a little reſpite by the

[c]. This declaration was dated October 25, 1660, wherein the king thus expreſſes himſelf, 'When we were in Holland, we were attended by many grave and learned miniſters from hence, who were looked upon as the moſt able and principal aſſertors of preſbyterian opinions, with whom we had as much conference, as the multitude of affairs, which were then upon us, would permit us to have: And, to our great ſatisfaction and comfort, found them perſons full of affection to us, of zeal for the peace of the church and ſtate, and neither enemies (as they have been given out to be) of epiſcopacy or liturgy; but modeſtly to deſire ſuch alterations in either, as without ſhaking foundations, might beſt allay the preſent diſtempers, which the indiſpoſition of the times, and the tenderneſs of ſome men's conſciences, had contracted. For the better doing whereof, we intended upon our firſt arrival in theſe kingdoms, to call a ſynod of divines: And in the mean time publiſhed in our declaration from Breda a liberty to tender conſciences. We need not profeſs the high eſteem and affection we have for the church of England, as it is eſtabliſhed by law. Nor do we think that reverence in the leaſt degree diminiſhed by our condeſcenſions, not peremptorily to inſiſt upon ſome particulars of ceremony, which, however introduced by the piety, devotion, or order of former times, may not be ſo agreeable to the preſent; but may even leſſen that piety and devotion, for the improvement whereof they might be firſt introduced, and conſequently may be well diſpenſed with. And we have not the leaſt doubt, but the preſent biſhops will think the preſent conceſſions now made by us, to allay the preſent diſtempers, very juſt and reaſonable, and will very chearfully conform themſelves thereunto:' Of theſe conceſſions, this was the ſubſtance: 'The king declared his reſolution to promote the power of godlineſs, to encourage the exerciſes of religion both in public and in private, to take care that the lord's day ſhould be applied to holy exercies, without unneceſſary divertiſements; and that inſufficient, negligent, and ſcandalous miniſters, ſhould not be permitted in the church. That no biſhops ſhould ordain, or exerciſe any part of juriſdiction, which appertains to the cenſures of the church, without the advice and aſſiſtance of the preſbyters, and neither do, nor impoſe any thing, but what was according to the known laws of the land; that chancellors, commiſſaries, and officials, ſhould be excluded from acts of juriſdiction, the power of the paſtors in the ſeveral congregations reſtored, and a liberty granted to all the miniſters to aſſemble monthly, for the exerciſe of the paſtoral perſuaſive power, to the promoting of knowledge and godlineſs in their flocks. That the miniſters ſhould be freed from the ſubſcription required by the canon, and the oath of canonical obedience, and receive ordination, inſtitution, and induction, and exerciſe their function, and enjoy the profits of their livings, without being obliged to it: And that the uſe of the ceremonies ſhould be diſpenſed with, where they were ſcrupled.'

[f] It had at firſt been reſolved, when the biſhops were reſtored to their power and revenues, inſtead of uſing means to bring in the diſſenters, to ſeek the moſt effectual methods for caſting them out, and bringing in a new ſet of men into the church. The king was pleaſed with this deſign, though from a different

king's declaration for ſuſpending the execution of all penal laws, both againſt papiſts and non-conformiſts. Great endeavours were uſed by the court to perſuade them to make addreſſes upon it, but few were ſo blind as not to ſee it was chiefly deſigned for the ſake of the papiſts. However, the preſbyterians, with Dr. Manton at their head, came and thanked the king for it, which offended many of their beſt friends. But this indulgence laſted not long; for the houſe of commons, alarmed at this ſtep in favour of popery, voted the king's declaration illegal, and paſſed the teſt-act, by which it was enacted, that no man ſhould bear any office or place, who did not take the oath of allegiance and ſupremacy, and receive the ſacrament, according to the uſage of the church of England. This act, though intended againſt the papiſts, affected alſo the non-conformiſts; however, the friends of the preſbyterians did not oppoſe it, that an effectual ſecurity againſt popery might not be prevented. For this reaſon it was, that, when the deſigns of the court for popery were not fully diſcovered, the ſame houſe of commons, that had paſſed ſuch ſevere acts againſt the diſſenters, voted the bringing in a bill in their favour, which however was, after a ſecond reading, dropped in the committee. Though this bill was not finiſhed, the prudent behaviour of the non-conformiſts on this occaſion did ſo ſoften their adverſaries, that no more votes or bills were offered againſt them. On the contrary, a bill paſſed both houſes for repealing the ſevere act in queen Elizabeth's reign againſt the puritans; but on the day of prorogation, when the king came to paſs the bills, the clerk of the crown, by the king's particular order, took this bill from the table, and it was no more heard of. However, the commons, in the morning before they were prorogued, paſſed two extraordinary votes, That the laws againſt popiſh recuſants, ought not to be executed againſt proteſtant diſſenters, and, That it was the opinion of the houſe, that the laws againſt the diſſenters ought not to be executed. Though this ſhewed the ſenſe of the commons, yet, inſtead of being a kindneſs to the non-conformiſts, it raiſed a ſtorm againſt them, and after the diſſolution of the parliament they were perſecuted afreſh. Orders and directions were ſent from the king and council-board to ſuppreſs all conventicles, and the laws againſt them were rigorouſly executed. Many miniſters were impriſoned, and they and their hearers fined. This perſecution continued all the reſt of the reign of king Charles II; and, when king James aſcended the throne, it was ſtill continued, till the king, to carry on his deſign for the introduction of popery, iſſued out a declaration for liberty of conſcience to all perſons of what perſuaſion ſoever. The church-party, perceiving that popery was advancing with large ſteps, inſtead of any longer exclaiming againſt the diſſenters, thought proper to lay aſide their reſentments, and join them in promoting the revolution. The biſhops declared in their petition to the king, that their refuſal to read his declaration of indulgence, did not proceed from any want of due tenderneſs to diſſenters, in relation to whom they were willing to come to ſuch a temper as ſhould be thought fit, when that matter ſhould be conſidered in parliament and convocation. Accordingly it was hoped, by the moderate of all parties, that our religious differences would, in great meaſure, have ceaſed at the revolution, by the union of ſuch proteſtant diſſenters with the church, as expreſſed an inclination towards it: But the proceedings of the firſt convocation in 1689 (of which a large account has been given) ſoon put an end to theſe hopes. The king was ſo far from obtaining a comprehenſion, that the removal of the ſacramental teſt (originally intended againſt the catholicks) and the admiſſion of all his proteſtant ſubjects into places of truſt, were rejected by the parliament. All that could be done for the diſſenters was the act of indulgence, whereby they were excuſed from all penalties for their not coming to church, and for going to their public meetings. This, indeed, was a valuable privilege, as it put an end to all perſecution in matters of conſcience, and ſecured to them the firſt and chief right of human nature, of following the dictates of conſcience, in the ſervice of God.

The non-juring biſhops and clergy, perſiſting in their refuſal to take the oaths to the government, were depoſed, and their vacant dignities filled up in 1691. Upon this, great conteſts aroſe, and a ſchiſm began to be formed in the church. One ſide aſſerting, that the ſtate could not deprive biſhops of their epiſcopal character, whilſt the others maintained, that princes had power entirely to depoſe them. Theſe conteſts between the two parties in the church were carried on with great warmth, when archbiſhop Sancroft died in 1693. He died in a ſtate of ſeparation from the church; and yet he had not the the courage to own it in any public declaration: For, neither living nor dying, did he publiſh any thing concerning it: His death ought to have put an end to the ſchiſm, that ſome were endeavouring to raiſe upon this pretence, that a parliamentary deprivation was never to be allowed, as contrary to the intrinſic power of the church; and therefore they looked on Sancroft as the archbiſhop ſtill, and reckoned Tillotſon an uſurper; and all that joined with him were counted ſchiſmatics; they were willing to forget, as ſome of them did plainly condemn, the deprivations made in the progreſs of the reformation, more particularly thoſe in the firſt parliament of queen Elizabeth's reign, and the deprivations made by the act of uniformity, in the year 1662: But, from thence, the controverſy was carried up to the fourth century; and a great deal of angry reading was brought out on both ſides, to juſtify or condemn thoſe proceedings. But arguments will never have the better of intereſt and humour: Yet now, even according to their own pretenſions, the ſchiſm ought to have ceaſed; ſince he, on whoſe account it was ſet up, did never aſſert his right; and therefore that might have been more juſtly conſtrued a tacit yielding it.

Whilſt a ſchiſm was thus forming in the church, the diſſenters were no leſs divided about doctrinal matters, and ſuch heats aroſe among them, as juſtly expoſed them to cenſure. Many papers paſſed between the two parties, called Preſbyterian and Congregational, in order to a renunciation of Arminianiſm on one hand, and Antinomianiſm on the other, but to little purpoſe. Some independents were raiſing the old Antinomian tenets, as if men, by believing in Chriſt, were ſo united to him, that his righteouſneſs became theirs, without any other condition, beſides that of their faith: So that, though they acknowledged the obedience to his laws to be neceſſary, they did not call it a condition, but only a conſequence of juſtification. In this, they were oppoſed by moſt of the preſbyterians, who ſeemed to be ſenſible, that this ſtruck at the root of all religion, as it weakened the obligation to a holy life [g]. The preſbyterians had been alſo engaged in diſputes with the anabaptiſts. They complained, that they ſaw too great a giddineſs in their people, and ſeemed ſo ſenſible of this, and ſo deſirous to be brought into the church, that a few inconſiderable conceſſions would very probably have brought the bulk of them into our communion: But the greater part of the clergy were ſo far from any diſpoſition this way, that they ſeemed to be more prejudiced againſt them than ever [h]. The churchmen and diſſenters being thus both engaged at once (though in different ways) neither ſide could much inſult the other.

In 1695 there was a great conteſt in the church about the doctrine of the trinity. It ſeems, the Socinians had got conſiderable ground in England ſince the revolution. Many books were printed againſt the trinity, which were diſperſed by

a different view; for he was in another and deeper laid deſign for introducing popery, to which he intended to make the heat of the epiſcopal party ſubſervient. It was thought that a toleration was the only method for ſpreading popery over the nation; and nothing could make a toleration for popery paſs, but the having great bodies of men put out of the church, and put under ſevere laws, which ſhould force them to move for a toleration, and ſhould make it reaſonable to grant it to them; and it was reſolved, that whatever ſhould be granted of that ſort ſhould be ſo comprehenſive as to include the papiſts. Hence the papiſts were inſtructed to oppoſe all propoſitions for a comprehenſion, and animate the church-party to maintain their ground againſt all ſectaries. At the ſame time they ſpoke of toleration, as neceſſary both for the peace of the nation and encouragement of trade. The king being thus reſolved on fixing the terms of conformity to what they had been before the war, without making the leaſt abatement or alteration; it is plain, the Savoy conference, and the other appearances of moderation, were never intended to have any effect. The church-party, out of their old animoſity to the preſbyterians for what they had done during the war, helped to carry on the king's deſigns, till his declaration of univerſal indulgence plainly diſcovered his intentions.

[g]. Mr. Aſgil, a member of parliament, publiſhed a book, grounded on their notions, on which he had grafted a new and wild inference of his own, that, ſince true believers recovered in Chriſt all that they loſt in Adam, and our natural death was the effect of Adam's ſin, he inferred, that believers were rendered immortal by Chriſt, and not liable to death: And that thoſe who believed, with a true and firm faith, could not die. This was a ſtrain beyond all that ever went before him, and, ſince we ſee that all men die, the natural conſequence that reſulted from this was, that there neither are, nor ever were, any true believers.

[h]. The quakers had likewiſe a great breach made among them by one George Keith, a Scotch-man, educated at Aberdeen. He had been thirty-ſix years among them; he was eſteemed the moſt learned man that ever was in that ſect; he was well verſed both in the Oriental tongues, in philoſophy, and mathematics; after he had been above thirty years in high eſteem among them, he was ſent to Penſilvania (a colony ſet up by Penn, where they are very numerous) to have the chief direction of the education of their youth. In thoſe parts, he ſaid, he firſt diſcovered that which had been always either denied to him, or ſo diſguiſed that he did not ſuſpect it; but being far out of reach, and in a place where they were maſters, they ſpoke out their mind plainer; and it appeared to him, that they were deiſts, and that they turned the whole doctrine of the chriſtian religion into allegories; chiefly thoſe, which relate to the death and reſurrection of Chriſt, and the reconciliation of ſinners to God, by virtue of his croſs: He, being a true chriſtian, ſet himſelf with great zeal againſt this, upon which they grew weary of him and ſent him back to England. At his return, he ſet himſelf to read many of their

Thomas Firmin (a noted citizen of London) over the nation, and by him diſtributed freely to all who would accept them. By this means it became a common topic of diſcourſe, to treat all myſteries in religion as the contrivances of prieſts, to bring the world into a blind ſubmiſſion to them. Prieſtcraft grew to be another word in faſhion, and the enemies of religion vented all their notions under the cover of theſe words. But, while theſe pretended much zeal for the government, thoſe, who were at work to undermine it, made great uſe of all this; they raiſed a great outcry againſt Socinianiſm, and gave it out that it was like to over-run all; for archbiſhop Tillotſon, and ſome of the biſhops, had lived in great friendſhip with Firmin, whoſe charitable temper they thought it became them to encourage.

Many divines undertook to write in this controverſy, but they did not all go in the ſame method, nor upon the ſame principles. Dr. Sherlock engaged in the controverſy; he was a clear, a polite, and a ſtrong writer, and had got great credit in the former reign, by his writings againſt thoſe of the church of Rome; but he was apt to aſſume too much to himſelf, and to treat his adverſaries with contempt; this created him many enemies, and made him paſs for an inſolent haughty man; he was at firſt a jacobite, and, while, for not taking the oaths, he was under ſuſpenſion, he wrote againſt the Socinians, in which he took a new method of explaining the trinity; he thought there were three eternal minds, two of theſe iſſuing from the father, but that theſe were one, by reaſon of a mutual conſciouſneſs in the three to each others thoughts: This was looked on plain tritheiſm; but all the party applauded him and his book. Soon after that, an accident of an odd nature happened.

There was a book drawn up by biſhop Overall, fourſcore years ago, concerning government; in which, it's being of a divine inſtitution was very poſitively aſſerted; it was read in convocation, and paſſed by that body, in order to the publiſhing it, in oppoſition to the principles laid down, in that famous book of Parſons the jeſuit, publiſhed under the name of Doleman; king James the firſt did not like a convocation entering into ſuch a theory of politics; ſo he wrote a long letter to Abbot, who was afterwards archbiſhop of Canterbury, but was then in the lower houſe; biſhop Burnet had the original, writ all in his own hand, in his poſſeſſion; by it he deſired, that no further progreſs ſhould be made in that matter, and that this book might not be offered to him for his aſſent: Thus that matter ſlept, but Sancroft had got Overall's own book into his hands; and, in the beginning of this reign, he reſolved to publiſh it, as an authentic declaration, that the church of England had made in this matter; and it was publiſhed, as well as licenſed by him, a very few days before he came under ſuſpenſion, for not taking the oaths: But there was a paragraph or two in it, that they had not conſidered, which was plainly calculated, to juſtify the owning the United Provinces to be a lawful government: For it was there laid down, that, when a change of government was brought to a thorough ſettlement, it was then to be owned and ſubmitted to, as a work of the providence of God; and a part of king James's letter to Abbot related to this. When Sherlock obſerved this, he had ſome conferences with the party, in order to convince them by that, which he ſaid had convinced himſelf. Soon after that he took the oaths, and was made dean of St. Paul's; he publiſhed an account of the grounds he went on, which drew out many virulent books againſt him; after that they purſued him with the clamour of tritheiſm, which was done with much malice, by the very ſame perſons, who had highly magnified the performance, while he was of their party: So powerful is the biaſs of intereſt and paſſion, in the moſt ſpeculative and the moſt important doctrines.

Dr. South, a learned but an ill-natured divine, who had taken the oaths, but with the reſerve of an equivocal ſenſe, which he put on them, attacked Dr. Sherlock's book of the trinity, not without wit and learning, but without any meaſure of chriſtian charity, and without any regard, either to the dignity of the ſubject, or the decencies of his profeſſion. He explained the trinity in the common method, that the deity was one eſſence in three ſubſiſtencies; Sherlock replied, and charged this as Sabellianiſm; and ſome others went into the diſpute, with ſome learning, but with more heat. A fellow of Univerſity college in Oxford, in a public ſermon, preached Dr. Sherlock's notions, and aſſerted, 'That there were three diſtinct minds and ſubſtances in the trinity; and alſo, 'That the three perſons in the trinity are three diſtinct minds or ſpirits, and three individual ſubſtances.' The friends of Dr. South making complaint of theſe words, the heads of the colleges, Nov. 25, 1695, cauſed them to be cenſured by a ſolemn decree in convocation, wherein they were declared to be 'falſe, impious, and heretical,' and all perſons, under their inſtitution or care, were required to affirm no ſuch doctrine, either by preaching or otherwiſe. When Sherlock's book was firſt publiſhed, it met (as was ſaid) with a general applauſe; and Firmin was told, that, if it did not reclaim him from his hereſy, it would riſe up in judgment againſt him. But, when the Oxford decree came abroad, his former abettors entirely deſerted him: And now ſaid, univerſities ſpeak but ſeldom, and by way of authority; but, as they interpoſe but rarely, it is always with certainty. Thus the ſame perſons who had boaſted of his book (not only as orthodox, but) as unanſwerable, now turned about, and as much approved the Oxford decree. Sherlock (who uſed to ſay, 'I am ſure I am right') quickly publiſhed his examination of this decree, wherein he ſays, 'theſe decreeing and hereſy-making heads of colleges have condemned the true catholic faith, the Nicene faith, and the faith of the church of England.' Adding, in the ſame page, 'three divine perſons, who are not three diſtinct minds and ſubſtances, is not greater hereſy than it is non-ſenſe.' As Sherlock wrote againſt the Oxford cenſure with the higheſt ſtrains of contempt, ſo the Socinians triumphed not a little upon all this, and in ſeveral of their books divided their adverſaries into real and nominal trinitarians; Sherlock was put into the firſt claſs; as for the ſecond claſs, they pretended, it had been the doctrine of the weſtern church, ever ſince the fourth Lateran council [i].

The ill effects that were like to follow, on thoſe different explanations, made the biſhops move the king to ſet out the following injunctions for unity in the church, and purity of faith, concerning the trinity, which were to be publiſhed in the ſeveral dioceſes:

'I. That no preacher whatſoever, in his ſermon or lecture, do preſume to deliver any other doctrine concerning the bleſſed trinity, than what is contained in the holy ſcriptures, and is agreeable to the three creeds, and the thirty-nine articles of religion.

'II. That, in the explication of this doctrine, they carefully avoid all new terms, and confine themſelves to ſuch ways of explication, as have been commonly uſed in the church.

'III. That care be taken in this matter, eſpecially to obſerve the fifty-third canon of this church, which forbids public oppoſition, between preachers; and that, above all things, they abſtain from bitter invectives, and ſcurrilous language againſt all perſons whatſoever.

'IV. That the foregoing directions be alſo obſerved by thoſe who write any thing concerning the ſaid doctrine.'

With theſe injunctions, archbiſhop Teniſon alſo ſent forth his circular letters, containing many rules and orders for general obſervation.

This put a ſtop to thoſe debates, as Firmin's death put a ſtop to the ſpreading of Socinian books [k].

their books, and then he diſcovered the myſtery, which was formerly ſo hid from him, that he had not obſerved it: Upon this, he opened a new meeting, and by a printed ſummons he called the whole party, to come and ſee the proof that he had to offer, to convince them of theſe errors: Few quakers came to his meetings, but great multitudes of other people flocked about him: He brought the quakers books with him, and read ſuch paſſages out of them, as convinced his hearers, that he had not charged them falſly: He continued theſe meetings, being ſtill, in outward appearance, a quaker, for ſome years; till having prevailed as far as he ſaw any probability of ſucceſs, he laid aſide their exterior, and was reconciled to the church, and took holy orders.

[i] For the better underſtanding theſe matters, it will be proper briefly to ſtate the Trinitarian, Arian, and Socinian doctrines of the trinity.

The Trinitarians (called by their adverſaries Athanaſians) believe that in the God-head there are three 'co-equal and co-eternal perſons, the Father, the Son, and the Holy Ghoſt, each ſingly God,' and all three as exiſting in in the ſame undivided ſubſtance but one God.

The Arians on the contrary, believe the 'Father only' to be the ſupreme God, and that the Son and Holy Ghoſt derived before all ages, their being *from* him, and are ſubordinate to him.

The Socinians alſo believe the 'Father alone' to be the ſupreme God, and affirm the Son had no exiſtence before his miraculous conception and birth, and that the 'Holy Ghoſt, or ſpirit of God,' is not a 'real perſon,' but only the 'power, operation, or influence, of the Father.'

From the different manner of explaining the word perſon, the Trinitarians are called nominal or real.

'Nominal Trinitarians' explain the 'three perſons by three modes' (or manners) of ſubſiſtence, or by 'three differences' in the God-head, ſuch were 'Wallis, South, Tillotſon, &c.' This explanation borders upon Sabellianiſm, and differs but little from Socinianiſm. The 'real Trinitarians' believe the 'three perſons' to be three 'intelligent agents,' having each an underſtanding and will; ſuch was Sherlock at the time of this controverſy, and ſuch was the late Dr. Waterland, whoſe explication of the trinity ſeems now to be generally received; namely, there are 'three perſons or intelligent agents' exiſting in one undivided ſubſtance, and as they thus exiſt in the ſame undivided ſubſtance, they are all three but one God.

The Trinitarians charge their adverſaries with aſſerting blaſphemy, and denying the divinity of their Saviour; on the other hand, the Arians and Socinians charge the Trinitarians with denying the ſupremacy of the father, with 'Tritheiſm or having three Gods,' and with aſſerting impoſſibilities, abſurdities, and contradictions.

[k] Firmin died in 1698. He was in great eſteem for promoting many charitable

The diſſenters ſtill continued their doctrinal contentions. An attempt was now made for a re-union among them. There was an offer on one ſide to renounce the Arminian, if the other ſide would renounce the Antinomian tenets; but it did not ſucceed.

Upon all theſe proceedings, ſome angry clergymen, who had not that ſhare of preferment, they thought they deſerved, begun to complain, that no convocation was ſuffered to ſit, to whom the judging, in ſuch points, ſeemed moſt properly to belong: Books were writ on this head; it was ſaid, that the law made in king Henry the eighth's time, that limited the power of that body, ſo that no new canons could be attempted or put in uſe, without the king's licence and conſent, did not diſable them from ſitting: On the contrary, a convocation was held to be a part of the parliament, ſo that it ought always to attend upon it, and to be ready, when adviſed with, to give their opinions chiefly in matters of religion. They had alſo, as theſe men pretended, a right to prepare articles and canons, and to lay them before the king, who might indeed deny his aſſent to them, as he did to bills, that were offered him by both houſes of parliament. This led them to ſtrike at the king's ſupremacy, and to aſſert the intrinſic power of the church, which had been diſowned by this church, ever ſince the time of the reformation: And indeed, the king's ſupremacy was thought to be carried formerly too high, and that by the ſame ſort of men, who were now ſtudying to lay it as low. It ſeemed, that ſome men were for maintaining it, as long as it was in their management, and that it made for them; but reſolved to weaken it all they could, as ſoon as it went out of their hands, and was no more at their diſcretion: Such a turn do men's intereſts and partialities give to their opinions.

This year a proceſs for ſimony againſt biſhop Watſon was brought to a ſentence and concluſion. He was promoted by king James to the biſhopric of St. David's; it was believed that he gave money for his advancement, and that, in order to the reimburſing himſelf, he ſold moſt of the ſpiritual preferments in his gift: By the law and cuſtom of this church, the archbiſhop is the only judge of a biſhop, but, upon ſuch occaſions, he calls for the aſſiſtance of ſome of the biſhops; he called for ſix in this cauſe; it was proved, that the biſhop had collated a nephew of his to a great many of the beſt preferments in his gift, and that, for many years, he had taken the whole profits of theſe to himſelf, keeping his nephew very poor, and obliging him to perform no part of his duty: It was alſo proved, that the biſhop obtained leave to keep a benefice, which he held before his promotion by a Commendam (one of the abuſes, which the popes brought in among us, from which we have not been able hitherto to free our church) he had ſold both the cure, and the profits to a clergyman, for a ſum of money, and had obliged himſelf to reſign it upon demand, that is, as ſoon as the clergyman could, by another ſum, purchaſe the next preſentation of the patron: Theſe things were fully proved. To theſe was added a charge of many oppreſſive fees, which being taken for benefices, that were in his gift, were not only extortion, but a preſumptive ſimony: All theſe he had taken himſelf, without making uſe of a regiſter or actuary; for, as he would not truſt thoſe ſecrets to any other, ſo he ſwallowed up the fees, both of his chancellor and regiſter; he had alſo ordained many perſons, without tendering them the oaths enjoined by law; and yet, in their letters of orders, he had certified under his hand and ſeal, that they had taken thoſe oaths; this was, what the law calls 'crimen falſi,' the certifying that which he knew to be falſe; no exceptions lay to the witneſſes, by whom theſe things were made out, nor did the biſhop bring any proofs, on his ſide, to contradict their evidence; ſome affirmed, that he was a ſober and regular man, and that he ſpoke often of ſimony with ſuch deteſtation, that they could not think him capable of committing it: The biſhop of Rocheſter withdrew from the court, on the day in which ſentence was to be given; he conſented to a ſuſpenſion, but he did not think that a biſhop could be deprived by the archbiſhop: When the court ſat to give judgment, the biſhop reſumed his privilege of peerage, and pleaded it; but he, having waved it in the houſe of lords, and having gone on ſtill ſubmitting to the court, no regard was had to this, ſince a plea to the juriſdiction of the court was to be offered in the firſt inſtance, but could not be kept up to the laſt, and then be made uſe of: The biſhops, that were preſent, agreed to a ſentence of deprivation. He was a very ill man in all reſpects, paſſionate, covetous, and falſe in the blackeſt inſtances, without one good quality to balance his many bad ones. But, as he was advanced by king James, ſo he ſtuck firm to that intereſt; and the party, though aſhamed of him, yet were reſolved to ſupport him with great zeal. He appealed to a court of delegates, and they, about the end of the year confirmed the archbiſhop's ſentence.

Another proſecution followed for ſimony againſt James, biſhop of St. Aſaph, in which, though the preſumptions were very great, yet the evidence was not ſo clear as in the former caſe; the biſhops in Wales give almoſt all the benefices in their dioceſes; ſo this primitive conſtitution, that is ſtill preſerved among them, was ſcandalouſly abuſed by ſome wicked men, who ſet holy things to ſale, and thereby increaſed the prejudices, that are but too eaſily received, both againſt religion and the church.

The king, during the queen's life, left the affairs and promotions in the church wholly in her hands. He found he could not reſiſt importunities, which were not only vexatious to him, but had drawn preferments from him, which he came quickly to ſee were ill beſtowed. Wherefore, as this was an article of government, for which he thought himſelf unqualified, yet was unwilling to commit to his miniſters, he devolved it upon the queen, which ſhe managed with ſtrict and religious prudence [l]. She conſulted chiefly with archbiſhop Tillotſon, whom ſhe favoured, and ſupported in a moſt particular manner. The queen openly declared againſt preferring thoſe who put in for themſelves, and took care to inform herſelf particularly of the merits of ſuch of the clergy, as were not ſo much as known at court, nor uſing any methods to get themſelves recommended. Upon the queen's death, a commiſſion was granted to the two archbiſhops, and four other biſhops, and renewed in 1700, whereby they, or any three of them, were appointed to commend to all biſhoprics, deaneries, or other vacant preferments in the church, ſignifying the ſame to his majeſty, by writing under their hands. And, during the king's abſence beyond ſea, they were impowered, of their own authority, to preſent to all benefices in the gift of the crown, under the value of one hundred and forty pounds a year [m]. It was hoped that this courſe would produce at length a great change in the church, and in the temper of the clergy. This commiſſion gave great offence to the diſcontented part of the clergy, and the new miniſtry often preſſed the king to diſſolve it. Thoſe of the clergy (who began now to be called the High-Church party, and among whom ſome great preferments had at firſt been given, to try if it were poſſible to ſoften them, and win them to be hearty to the government) when they ſaw preferments went in another channel, ſet up a complaint over all England of the want of convocations, that they were not allowed to ſit or act with a free liberty, to conſider of the grievances of the clergy, and of the danger the church was in. This was a new pretenſion, never thought of ſince the reformation. Some books were writ to juſtify it, with great acrimony of ſtile, and a high ſtrain of inſolence, eſpecially 'a letter to a convocation-man,' by Mr. Francis Atterbury. This author (who in the courſe of this hiſtory will often be mentioned) had very good parts, great learning, was an excellent preacher, and had many extraordinary things in him, but was both ambitious and virulent out of meaſure. He had a ſingular talent in aſſerting paradoxes with a great air of aſſurance, ſhewing no ſhame when he was detected in them, though this was done in many inſtances. Nor did he, in ſuch caſes, either confeſs his errors, or pretend to juſtify himſelf, but went on ſtill venting new falſhoods, in ſo barefaced a manner that he ſeemed to outdo the jeſuits themſelves. He thought the government had ſo little ſtrength or credit, that any claim againſt it would be well received. He attacked the ſupremacy of the crown, with relation to eccleſiaſtical matters, which had been hitherto maintained by all our divines with great zeal. But now the hot men of the clergy did ſo

ritable deſigns, for looking after the poor of the city, and ſetting them to work; for raiſing great ſums for ſchools and hoſpitals, and indeed, for charities of all ſorts, private and public: he had ſuch credit with the richeſt citizens, that he had the command of great wealth, as oft as there was occaſion for it; and he laid out his own time chiefly, in advancing all ſuch deſigns: theſe things gained him a great reputation; he was called a Socinian, but was really an Arian, which he very freely owned before the revolution; but he gave no public vent to it till after the revolution, when he ſtudied to promote his opinions with much heat.

[l] There is a particular inſtance mentioned by biſhop Burnet, of the queen's care in diſpoſing of biſhoprics. When lord Sidney was lord-lieutenant of Ireland, he was ſo far engaged in the intereſt of a great family in Ireland, that he was too eaſily wrought on, to recommend a branch of it to a vacant ſee. The repreſentation was made with an undue character of the perſon: So the queen granted it. But, when ſhe underſtood, that he lay under a very bad character, ſhe wrote a letter in her own hand to lord Sidney, letting him know what ſhe had heard, and ordered him to call for ſix Iriſh biſhops whom ſhe named to him, and to require them to certify to her their opinion of that perſon: They all agreed, that he laboured under an ill fame; and, till that was examined into, they did not think it proper to promote him; ſo that matter was let fall.

[m] The four biſhops were Sarum, Worceſter, Ely, and Norwich. The laſt commiſſion was dated May 9, 1700.

readily entertain his notions, that in them it appeared, that thoſe who are moſt earneſt in the defence of certain points, when theſe points ſeem to be for them, can very ſuddenly change their minds upon a change of circumſtances [n].

A convocation had been ſummoned with every new parliament; but after the firſt convocation, in 1689, had (as was related) diſcovered their averſion to the ſcheme of comprehenſion, which was to be laid before them, and expreſſed their reſolution to do nothing in it, the king (according to the practice of king Charles II.) had ordered the convocation to be regularly prorogued, and never ſuffered them to ſit. This, by degrees, gave a handle of complaint, as if the clergy were debarred from the rights and liberties of meeting and acting in convocation. But, upon the king's putting the government into the hands of the tories, the new miniſtry, when they undertook to ſerve the king, made it one of their demands, that a convocation ſhould have leave to ſit, which was promiſed; and accordingly a convocation was ſummoned to meet, the 10th of February 1700-1, which was allowed to ſit and act. Mr. Atterbury's book, concerning the rights of a convocation, was reprinted with great corrections and additions; the firſt edition was drawn out of ſome imperfect and diſorderly collections, and he himſelf ſoon ſaw, that notwithſtanding the aſſurance and the virulence with which it was writ, he had made many great miſtakes in it; ſo to prevent a diſcovery from other hands, he corrected his book in many very important matters; yet he left a great deal to thoſe who anſwered him, and did it with ſuch a ſuperiority of argument and of knowledge in theſe matters, that his inſolence in deſpiſing theſe anſwers was as extraordinary, as the party's adhering to him after ſuch manifeſt diſcoveries. Dr. Kennet laid him ſo open, not only in many particulars, but in a thread of ignorance that ran through his whole book, that, if he had not had a meaſure of confidence peculiar to himſelf, he muſt have been much humbled under it. The clergy hoped to recover many loſt privileges by the help of his performances; they fancied they had a right to be a part of the parliament, ſo they looked on him as their champion, and on moſt of the biſhops as the betrayers of the rights of the church: This was encouraged by the new miniſtry; they were diſpleaſed with the biſhops for adhering to the old miniſtry; and they hoped, by the terror of a convocation, to have forced them to apply to them for ſhelter. The jacobites intended to put us all in ſuch a flame, as they hoped would diſorder the government. The things the convocation pretended to were firſt, that they had a right to ſit whenſoever the parliament ſate; ſo that they could not be prorogued, but when the two houſes were prorogued: Next they advanced, that they had no need of licence to enter upon debates, and to prepare matters, though it was confeſſed, that the practice for an hundred years was againſt them; but they thought the convocation lay under no farther reſtraint, than that the parliament was under; and, as they could paſs no act without the royal aſſent, ſo they confeſſed that they could not enact or publiſh a canon without the king's licence. Antiently the clergy granted their own ſubſidies apart; but, ever ſince the reformation, the grant of the convocation was not thought good, till it was ratified in parliament; but, the rule of ſubſidies being ſo high on the clergy, they had ſubmitted to be taxed by the houſe of commons ever ſince the year 1665, though no memorials were left to inform us, how that matter was conſented to ſo generally, that no oppoſition of any ſort was made to it; the giving of money being yielded up, which was the chief buſineſs of convocations, they had after that nothing to do; ſo they ſat only for form's ſake, and were adjourned of courſe; nor did they ever pretend, notwithſtanding all the danger that religion was in during the former reigns, to ſit and act as a ſynod; but now this was demanded as a right, and they complained of their being ſo often prorogued, as a violation of their conſtitution, for which all the biſhops, but more particularly the archbiſhop of Canterbury, was cried out on; they ſaid that he and the biſhops looked ſo much to their own intereſts, that they forgot the intereſts of the church, or rather betrayed them: The greater part of the clergy were in no good temper; they hated the toleration, and were heavily charged with the taxes, which made them very uneaſy; and this diſpoſed them to be ſoon inflamed by thoſe, who were ſeeking out all poſſible methods to diſorder our affairs: They hoped to have engaged them againſt the ſupremacy, and reckoned, that, in the feeble ſtate to which the government was now brought, they might hope either to wreſt it quite from the crown, and then it would fall into the management of the houſe of commons; or, if the king ſhould proceed againſt them according to the ſtatute, and ſue them in a præmunire, this might unite the clergy into ſuch an oppoſition to the government, as would probably throw us into great convulſions: But many aſpiring men among them, had no other deſign, but to force themſelves into preferment, by the oppoſition they made. In the writ that the biſhops had, ſummoning them to parliament, the clauſe, known by the firſt word of it Præmunientes, was ſtill continued: At firſt, by virtue of it, the inferior clergy were required to come to parliament, and to conſent to the aids there given: But, after the archbiſhops had the provincial writ, for a convocation of the province, the other was no more executed, though it was ſtill kept in the writ, and there did not appear the leaſt ſhadow of any uſe that had been made of it, for ſome hundreds of years; yet now ſome biſhops were prevailed on, to execute this clauſe, and to ſummon the clergy by virtue of it [o]. The convocation was opened with ſpeeches, full of ſharp reflections on the biſhops, which they paſſed over, being unwilling to begin a diſpute.

Dr. Hooper, dean of Canterbury, was choſen prolocutor, a man of learning and good conduct hitherto; he was reſerved, crafty and ambitious; his deanery had not ſoftened him, for he thought he deſerved to be raiſed much higher. He was preſented on the 21ſt of February the day appointed, by Dr. Jane dean of Glouceſter, and approved and confirmed in the uſual manner. The conſtant method of adjournment had been this: The archbiſhop ſigned a ſchedule for that purpoſe, by which the upper houſe was immediately adjourned; and the ſchedule, being ſent down to the prolocutor, did alſo adjourn the lower houſe. The clergy perceiving, that by this method the archbiſhop could adjourn them at pleaſure, and either hinder or break off all debates, reſolved to begin at diſputing this point. In the next ſeſſion therefore, February 25, when the archbiſhop's ſchedule was brought down to the lower houſe, which was legally to determine the ſeſſion, in contempt of it they continued ſitting, and proceeded in ſome debates of no moment. After which, the prolocutor intimated an adjournment by conſent of the houſe, to meet again in Henry VII's chapel, inſtead of the adjournment to meet in the Jeruſalem chamber, as by the ſchedule, which expreſsly included the whole body of the convocation, and left no pretence to ſeparate adjournments in either houſe. The archbiſhop, and a far greater part of his ſuffragans, looked on this proceeding of the lower houſe as a declaration of ſetting up a ſeparate intereſt and power, that would break the union of the provincial ſynod, and prevent the good correſpondence of both houſes, and ſo fruſtrate the common methods of doing any buſineſs. In the fourth ſeſſion, Feb. 28, the prolocutor and clergy did not attend the archbiſhop and biſhops in the ſynodical place, the Jeruſalem chamber; which was interpreted to be a ſecond contempt of the authority of the preſident, and the obligation of his inſtrument, the ſcha-

[n] An eminent inſtance of this had appeared in the houſe of peers in the laſt ſeſſion, when Dr. Watſon, the deprived biſhop of St. David's, complained of the archbiſhop of Canterbury: Firſt, for breach of privilege, ſince ſentence was paſſed upon him, though he had in court claimed privilege of parliament, to which no regard had been paid: But, as he had waved his privilege in the houſe of lords, it was carried after a long debate, and by no great majority, that, in that caſe, he could not reſume his privilege. He excepted next to the archbiſhop's juriſdiction, and pretended that he could not judge a biſhop, but in a ſynod of the biſhops of the province, according to the rules of the primitive times: In oppoſition to this, it was ſhewn, that, from the ninth and tenth century downward, both popes and kings had concurred to bring this power ſingly into the hands of the Metropolitans; that this was the conſtant practice in England before the reformation; that by the proviſional clauſe, in the act paſſed in the twenty-fifth of Henry the eighth, that impowered thirty-two perſons to draw a new body of church-laws, all former laws or cuſtoms were to continue in force, till that new body was prepared: So that the power, the metropolitan then was poſſeſſed of, ſtood confirmed by that clauſe: It is true, during the high-commiſſion, all proceedings againſt biſhops were brought before that court, which proceeded in a ſummary way, and againſt whoſe ſentence no appeal lay: But, after that court was taken away, a full declaration was made by an act of parliament, for continuing the power that was lodged with the metropolitan. It was alſo urged, that, if the biſhop had any exception to the archbiſhop's juriſdiction, that ought to have been pleaded in the firſt inſtance, and not reſerved to the concluſion of all: Nor could the archbiſhop erect a new court, or proceed in the trial of a biſhop in any other way, than in that, which was warranted by law or precedent: To all this no anſwer was made, but the buſineſs was kept up, and put off by many delays: It was ſaid, the thing was new, and the houſe was not yet well apprized of it; and the laſt time, in which the debate was taken up in the houſe, it ended in an intimation, that it was hoped the king would not fill that ſee, till the houſe ſhould be better ſatisfied, in the point of the archbiſhop's authority: So the biſhopric was not diſpoſed of for ſome years: And this uncertainty put a great delay to the proceſs of Jones, the other Welſh biſhop, accuſed of the ſame crime. Burnet II. 250.

[o] In the biſhops writs of ſummons to parliament, there is a clauſe ordering them to ſummon to parliament the dean, chapter, archdeacons, and clergy of their reſpective dioceſes. As this clauſe, called the Præmunientes clauſe, was ſometimes omitted in the parliamentary writs, Dr. Hody fixes the conſtant uſage of it from the 28th year of Ed. III. 1353. The biſhops, abbots, and priors, to whom particular writs are directed, are ſummoned 'cum prædictis prælatis, magnatibus, et proceribus de ſupradictis negotiis tractaturi, veſtrumque conſilium impenſuri.' In the firſt writ now extant, in which the inferior clergy were ſummoned, the 23d of Ed. I. they were ſummoned 'ad tractandum,

dule proroguing and continuing the whole body of prelates and clergy.

The archbiſhop ſent for the prolocutor, and, with the conſent of his brethren, put theſe two queſtions to him: 1. Whether the lower houſe of convocation did ſit, after they were prorogued by his grace on the 25th inſtant? 2. Whether they did meet this morniug, without attending in this place, to which they were prorogued? Upon ſome diſcourſe the prolocutor ſaid, That the lower houſe was preparing ſomewhat to lay before his grace and the upper houſe, concerning the methods of prorogation, and ſome other things of form. The archbiſhop anſwered, That he and his brethern were ready to receive, whatſoever ſhould be offered by them, and would conſider of it, and do upon it what ſhould appear to them to be juſt and right: But, in the mean time, he and his brethren thought fit to continue the uſual practice. Accordingly, that the phraſe of proroguing 'in hunc locum' might admit of no diſpute, it was in the ſchedule of the day expreſsly ſpecified, 'in hunc locum vulgo vocat' Jeruſalem Chamber:' To which the lower houſe ſubmitted to paſs a 'ſalvo jure;' and at the next ſeſſion, March 6th, the prolocutor, with ſeveral members, attended the archbiſhop and biſhops in the Jeruſalem chamber, according to the laſt ſchedule; and being ſoon diſmiſſed, went to their own houſe, from whence, in a little time, they carried up a report of a committee, appointed to ſearch the convocation books, for directions concerning the prorogations of their houſe. The report was thus:

1. We find that the common uſage of this houſe has been to continue ſitting, till the prolocutor did prorogue or adjourn, or intimate the adjournment or prorogation thereof, either perſonally, or by ſome member of this houſe, thereunto deputed by him: And in both theſe caſes (as we conceive) with the conſent of this houſe. And we alſo find by ſome inſtances, that this houſe did not always prorogue and adjourn to the ſame day with the upper houſe.

2. We find the like common uſage by this houſe to have been, that when, in the upper houſe, the convocation was prorogued or adjourned, by the words 'in hunc locum,' this houſe did meet apart from the ſame, at the ſame particular place where it ſat laſt. And when the convocation was prorogued or adjourned to ſome other general place, viz. St. Paul's, and Lambeth, then alſo this houſe did aſſemble in a ſeparate place, diſtinctly from their lordſhips. And farther, we find no footſteps of evidence to conclude, that it was ever the practice of this houſe to attend their lordſhips before this houſe did meet and ſit, purſuant to their former adjournment. But when this houſe hath firſt met and ſat, it hath been the conſtant practice to attend their lordſhips with buſineſs of their own motion, or when they were called up to their lordſhips by a ſpecial meſſenger.

This paper was ordered by the archbiſhop to be read, though it was intitled, 'A report of the committee,' and did not run in the name of the houſe, as it ſhould have done; and then referred the examination of it to a committee of biſhops. In the mean while, the archbiſhop delivered to the prolocutor the form of an 'humble addreſs to his majeſty,' and propoſed to him the conſent of the lower houſe, which was given without amendment, only they propoſed it might be 'Reformed Churches,' inſtead of 'Reformed Religion:' And with the alteration of that word, it was preſented to his majeſty, on March 10, by the archbiſhop. It contained thanks to his majeſty for his conſtant protection, and favour to the church of England; an acknowledgment of his pious concern for the reformed churches in general, and an aſſurance of their ſtedfaſt fidelity and affection, and readineſs to maintain the ſupremacy as ſettled by law, &c. And they were graciouſly received by the king. He thanked them for their promiſes of maintaining his ſupremacy according to law; beyond which he aſſured them he never would extend it.

During theſe diſputes, that the lower houſe might expreſs a zeal for matters of religion, they reſolved to proceed againſt ſome bad books; they began with one, entitled, Chriſtianity not myſterious, wrote by one Toland, a man of a bold and petulant wit, who paſſed for a Socinian, but was believed to be a man of no religion: they drew ſome propoſitions out of this book, but did it with ſo little judgment, that they paſſed over the worſt that were in it, and fingled out ſome, that how ill ſoever they were meant, yet were capable of a good ſenſe [p]: They brought up the cenſure that they had paſſed on this book, to the biſhops, and deſired them to agree to their reſolutions: this ſtruck ſo directly at the epiſcopal authority, that it ſeemed ſtrange to ſee men, who had ſo long aſſerted the divine right of epiſcopacy, and that preſbyters

dum, ordinandum et faciendum nobiſcum, &c.' which is the ſame ſtyle that was uſed in the writs directed at the ſame time to the temporal lords. In the 24th of Ed. I. they are ſummoned 'ad ordinandum de quantitate et modo ſubſidii.' In the writ of the 28th of Ed. I. it is, 'ad faciendum et conſentiendum his quæ tunc de communi conſilio (favente domino) ordinari contigerit.' This form continued to the 20th of Ed. II. and after that to the 10th of Ed. III. The 20th of Ed. II. it begun to be 'ad conſentiendum his quæ tunc, &c. Afterwards to the 5th of Rich. II. it was ſometimes 'ad faciendum et conſentiendum; ſometimes, but more often, 'ad conſentiendum' only. From the laſt parliament of that year down to theſe times, it has all along continued ſo. The clauſe now is always in theſe words: 'Præmonentes decanum et capitulum eccleſiæ veſtræ Cant. ac archidiaconos totumque clerum veſtrum dioceſ. quod iidem decanus et archidiaconi in propriis perſonis ſuis prædictum capitulum per unum, idemque clerus per duos procuratores idoneos, plenam et ſufficientem poteſtatem ab ipſis capitulo & clero diviſim habentes, prædictis die et loco perſonaliter interſint ad conſentiendum his quæ tunc ibidem de communi conſilio dicti regni noſtri divinâ favente clementiâ contigerit ordinari.' From the inferior clergy being thus ſummoned to parliament, a diſpute was now ſet on foot, whether theſe 'parliamentary aſſemblies' were all 'eccleſiaſtical ſynods.' Atterbury aſſerted, a convocation is an attendant upon a parliament of England. The clergy were brought to parliament by præmunientes clauſe. But in proceſs of time by a miſtake in their politics, they were ſeparated from the parliament, and yet ſtill continued to attend it in two provincial aſſemblies or convocations: Which, as they meet for the ſame purpoſe, and had the ſame reaſons of ſtate inſerted into their writs of ſummons as the parliament had, ſo did they keep cloſely to the forms, and manner of ſitting and acting, practiſed in parliament, and they had parliamentary wages and parliamentary privileges, and attended the parliament as one of the Three States of the realm. Theſe parliamentary convocations came in the room of provincial councils, which from the beginning of chriſtianity met twice a year, and needed no leave. He farther aſſerts, the clergy have not only a right to meet and ſit in convocation as often as a new parliament ſits, but a right alſo (when met) of treating and debating about ſuch affairs as lie within their ſphere, and of coming to fit reſolutions about them, without being obliged antecedently to qualify themſelves for ſuch acts and debates by a licence under the broad ſeal of England. Though they cannot make a canon, yet they ſpeak the ſenſe of the whole clergy of the kingdom in matters proper for them to intermeddle in: They may petition, adviſe, addreſs, repreſent, give their judgment where it may be deſired, or their cenſures either of men or books where it may be needful: And ſuggeſt the fitteſt methods of ſecuring the chriſtian faith, and of preventing the revival of old hereſies and errors, and the growth of new ones. He alſo aſſerts, that the Præmunientes in the biſhops writ is not an idle uſeleſs clauſe, inſerted only on a particular occaſion, and continued by accident, but a real and effectual ſummons of the clergy to parliament; ſuch as they heretofore made formal returns to, as often as it went out, and did expreſsly obey: and of this he gives inſtances till the time of Henry VIII: And then undertakes to prove, that the writ to the two archbiſhops to convene the clergy of their provinces, though it does not expreſsly mention a parliament, yet has an immediate reference to it: The original deſign of it's iſſuing out together with the biſhop's writ, being only to ſecure an obedience to the præmunitory clauſe of it, and to make the clergy's parliamentary attendance the more full and certain.

On the contrary, Kennet aſſerts, Dioceſan Synods are more ancient than Provincial. The preſbyters are no authoritative part of Provincial Synods. That Capitular Proctors were ſummoned to our convocations, not for counſel or neceſſary conſent in ſpiritual affairs, but for ſecular poſſeſſions and civil rights, which were often there treated of; and to ſupport the government with the irreaſonable aid and taxes. He diſtinguiſhes between true Eccleſiaſtical Synods, which had no authority in, or dependence on, the parliament, and Parliamentary Aſſemblies of the clergy.

He ſays, that the lower clergy for many ages did not come to provincial ſynods, but for a dutiful attendance on the biſhops, and offered only a ſubmiſſive approbation of their acts: And that their coming to parliamentary aſſemblies, was to give money. And that it was by degrees found expedient that the ſame clergy, as was ſummoned to the national parliament, ſhould at the ſame time be ſummoned to a provincial ſynod or aſſembly, concurrent with that parliament. But this was by another writ, beſides that contained in the biſhop's ſummons, with the clauſe Præmunientes: And even by another writ from the king. And he charges Mr. Atterbury with miſerable confuſion all along, as if he thought every parliamentary meeting of the clergy, to be an eccleſiaſtical ſynod, and every eccleſiaſtical ſynod, to be a parliamentary body of the clergy; than which nothing is more falſe in fact and law. He takes a great deal of pains to rectify the matters of the 'Præmunientes clauſe:' And then ſays, that 'the Engliſh clergy in their own parliamentary convocations, taxed their own body, to the 15 Car. II. 1663; when in a following ſeſſions of parliament in 1664, by meaſures wiſely concerted between the governors of the church, and the leading members of the houſe of commons, the clergy were in ſilence to recede from the cuſtomary right of taxing themſelves apart from the laity: And all their eccleſiaſtical benefices were to be now aſſeſſed, (as their temporal eſtates were before) upon the ſame foot and level with all other Engliſh ſubjects in the bills beginning in the houſe of commons.' And thus departing from their ancient practice of taxing themſelves, the end of the Præmunientes he ſays was loſt. Rectors and vicars being now taxed for their glebe and tythes, by the commons, have a vote in electing members: And therefore have the leſs occaſion to be now repreſented by any members of their own body.

Hody conſiders a convocation either in itſelf, as it is a ſynod, and called by the archbiſhop's mandate, or as it is a part of the parliament, and ſummoned by a royal writ directed to each particular biſhop. He obſerves, they that are ſummoned by the 'Præmunientes clauſe,' have not ſat in parliament for ſome hundreds of years. For ſome ages together, the writ has been ſeldom executed, or if executed, never effectually obeyed; that is, it has not been ſo obeyed, as to be returned into the crown-office, and no one, for ſome ages, has been ſo conſtituted a proxy for any of the inferior clergy, as to be ſent upon that errand. After many remarks upon the 'Præmunientes clauſe,' he concludes, that it was continued in the writs, after it became a conſtant cuſtom for the clergy to meet in a ſeparate body by virtue of the archbiſhop's mandate, that thereby our princes might aſſert their right of calling the clergy (if they pleaſe) to parliament; which the clergy oppoſed, as an invaſion and inroad upon their liberties.

[p] The poſitions extracted out of Toland's book were as follow:

'Poſ. 1. I conclude, That neither God himſelf, nor any of his attributes, are myſterious to us, for want of adequate ideas.

Poſ. 2. No doubt on it, as far as any church allows of myſteries, ſo far it is anti-chriſtian, and may, with a great deal of juſtice, though little honour, claim kindred with the ſcarlet whore.

'Poſ. 3. To ſpeak freely, contradiction and myſtery are two emphatical ways of ſaying nothing.

Poſ.

were only their assistants and counsel (according to the language of all antiquity) now assume to themselves the most important act of church government, the judging in points of doctrine. Hence it appeared, how soon men's interests and passions can run them from one extreme to another. The bishops saw, that their design was only to gain some credit to themselves, by this shew of zeal for the great articles of religion; so they took advice of men learned in the law, how far the act of Submission, in the twenty-fifth of Henry the Eighth, did restrain them in this case [q]. There had been the like complaint made in the convocation 1689, of many ill books then published; and the bishops had then advised both with civilians and common lawyers in this matter: they were answered, that every bishop might proceed in his own court, against the authors or spreaders of ill books, within his diocese: but they did not know of any power the convocation had to do it: it did not so much as appear, that they could summon any to come before them: and when a book was published, with the author's name to it, the condemning it, without hearing the author upon it, seemed contrary to the common rules of justice. It did not seem to be a court at all, and since no appeal lay from it, it certainly could not be a court, in the first instance. When this question was now again put to lawyers, namely, Whether the convocation's giving an opinion concerning a book that is heretical, impious, and immoral, is contrary to law? Some were afraid, and others were unwilling to answer it: but sir Edward Northey, afterwards attorney-general, thought the condemning books was a thing of great consequence; since the doctrine of the church might be altered, by condemning explanations of one sort, and allowing those of another; and since the convocation had no licence from the king, he thought that, by meddling in that matter, they should incur the pains in the statute: so all further debate of this matter was let fall by the bishops [r].

When the bishops had considered the report brought up from the lower house, they drew a copious answer to it, in which all their precedents were examined and answered, and the matter was so clearly stated, and so fully proved, that it was hoped the dispute was at an end. But the lower house, after having sate some time about a reply, instead of going on with it, voted, on the 31st of March 1701, their own right to adjourn themselves, and then sent the prolocutor with a message to the upper house, intimating, that they had considered their reply, which did not give them the satisfaction they desired, and therefore they prayed a free conference upon the subject-matter in debate. Thus they began to affect, in all their proceedings, to follow the methods of the house of commons. The bishops resolved not to comply with this, which was wholly new. They had, upon some occasions, called up the lower house to a conference, in order to the explaining some things to them; but the clergy had never taken upon them to desire a free conference with the bishops before; wherefore they resolved not to admit of it; and the archbishop said to the prolocutor, 'We received your verbal message, and took the same into consideration. And whereas we sent you two questions in writing, to which you answered in writing; and we gave a large and distinct answer to the same in writing, in which there were several quotations referring to matter of fact; we therefore expect an answer in writing to the same, and we shall then take the matter into farther consideration, and desire no time to be lost.' The prolocutor replying, 'That their answer would take up above twenty sheets; his grace took occasion to declare, 'That he did not confine them to length and breadth, but expected their answer in writing.' The lower house resolved not to comply with this, but insisted upon a free conference, a word that had never before appeared in the acts of any former convocation. They would send no other written paper but of reasons for not writing; which were presented on the 5th of April. Three days after a paper was delivered to the prolocutor in answer to their reasons, in which the bishops tell them, 'That their proceedings had been irregular, and without precedent in sundry particulars: that they could not find so much as one instance of any conference desired by the lower house: that they were indeed once called up 'ad Colloquium' in 1689, but that the consequences of it were such as did by no means encourage the doing of the like at this present time: and that their pretending to make a recess, by their own authority, apart from the upper house, and without order from the president, was altogether new, and such a violation of his authority, as could not be complied with, nor suffered, without destroying the fundamental constitution of an English convocation.' After which, the archbishop made a speech, and prorogued the convocation to the 8th of May. The lower house took no notice of the archbishop's adjournment, but continued to sit as a house some time that day, and then adjourned themselves to the next day. This was an affectation of independence unknown to former convocations, and never before attempted by any presbyters in an episcopal church. They did indeed observe the rule of adjourning themselves to the day which the archbishop had appointed in his schedule, but they did it as their own act, and adjourned themselves to intermediate days.

On the 8th of May the archbishop told the prolocutor, that, 'what had been done in the lower house, as a house, since the prorogation, was not only null and without authority, but of very dangerous consequence to the constitution. And that they could not receive from them, either by word of mouth or in writing, any thing done by the said house, as a house in that interval.' At the same time the prolocutor delivered a paper, as the act of the lower house this day, which was an answer to what had been sent them about Toland's book. 'They therein intimate their apprehension of the little need there was to consult lawyers about that book; that the archbishop might easily have obtained a licence; that a bad use would be made of their omitting to express their dislike of so ill a book: And justify their own proceedings, and much complain of grievances they suffered from the upper house.'

A committee of bishops prepared a reply to this paper; signifying 'That they thought it safest, and most for the interest of the church and religion, that in the matter of Toland's book as well as others, they should govern themselves by precedents of former convocations: That his majesty was the properest judge, when to grant a licence, and when not; though considering the treatment which the licence granted to the convocation in 1689 met with, it could not be thought adviseable to desire another, till a better spirit had appeared in those of the lower house than either did then or now: That they would endeavour to procure a law for regulating the press, &c. That the actions of the lower house did not agree with their professions, for that they had risen to higher degrees of disrespect and invasion of the metropolitan and episcopal rights, than ever was attempted by any lower house of convocation before, &c. And that they had hereby given the greatest blow to the church, that had been given it,

'Pof. 4. It evidently follows (i. e. from his observations) that faith is so far from being an implicit assent to any thing above reason, that this notion contradicts the ends of religion, the nature of man, and the goodness and wisdom of God.

'Pof. 5. Having drawn a parallel of the ancient Heathen, and, as he calls them, new-coined Christian mysteries, he says——

'I could draw out a parallel much larger, but here is enough to shew how Christianity became mysterious, and how so divine an institution did, through the craft and ambition of priests and philosophers, derogate into mere Paganism.'

[q] By the act of Submission, the clergy shall not presume to claim, or put into use, any constitutions or canons; nor shall exact, promulge, or execute any such canons or ordinances in their convocations (which always shall be assembled by authority of the king's writ) unless the clergy may have the king's royal assent and licence so to do. The king shall have power to name thirty-two persons, sixteen of the two houses of parliament, and sixteen of the clergy, to revise the old canons, and to abrogate, confirm, or alter them as they please, the king's assent being obtained. Provided, 'that till such revisal and correction of the canons is made, all those which are now received shall remain in force, except such as are contrary to the laws and customs of the realm, or are to the damage or hurt of the king's prerogative.' Upon the proviso of this act, all the proceedings of the commons and other spiritual courts are founded; for the canons not being corrected to this day in the manner here expressed, the old ones are in force, with the exceptions before-mentioned; and this proviso is probably the reason why the canons were not corrected in the following reigns, for now it lies in the breast of the judges to declare, what canons are contrary to the laws or rights of the crown, which is more for the king's prerogative, than to make a collection of ecclesiastical laws, which should be fixed and immoveable. The penalties of this act are imprisonment and fine at the king's will.

[r] The archbishop producing a certain book, entitled, The Balance of Power, &c. in the 40th page of which are these words: Are not a great many of us able to point out to several persons, whom nothing has recommended to places of the highest trust, and often to rich benefices and dignities, but the open enmity which they have almost from their cradles profest to the divinity of Christ? It was agreed that a paper should be fixed over several doors in Westminster-Abbey, intimating that it was desired by the said archbishop and bishops, that the author himself, whoever he was, or any one of the 'great many' to whom he refers, would point out to the particular persons, whom he or they knew to be liable to that charge, that they might be proceeded against in a judicial way; which would be esteemed a great service to the church: otherwise the above-mentioned passage must be looked upon as a public scandal. It was now become usual for the violent party to point out the bishops and divines best affected to the government in church and state, as Socinians, or any other kind of heretics. But no proof was made by Dr. Davenant, or by any one who suggested this scandal to him. All moderate divines were looked upon by some hot men, with an ill eye, as persons who were cold and indifferent in the matters of the church: That which flowed from a gentleness, both of temper and principle, was represented as an inclination to favour dissenters, which passed among many, for a more heinous thing than leaning to popery itself.

These

ſince the preſbyterian aſſembly that ſate at Weſtminſter, in the late times of confuſion.'

The lower houſe going on to ſit in intermediate days, Dr. Sherlock, and many of the moſt eminent and learned among them, not only refuſed to ſit with them on thoſe days, but thought it was incumbent on them to proteſt againſt their proceedings; but the lower houſe refuſing to ſuffer this to be entered in their books, they exhibited a complaint in writing to the archbiſhop, and ſubſcribed their names to it.[s] The party ſitting alone in the intermediate days, they entered into ſuch a ſecrecy, that it could not be known what they ſate ſo cloſe upon. The archbiſhop therefore appointed five biſhops to meet a committee of the lower houſe (not exceeding ten) to inſpect the acts of each houſe in this convocation, and report their judgments. But though this had often been done, yet upon this occaſion the lower houſe refuſed to comply with it, or to name a committee. This was ſuch an unprecedented invaſion of the epiſcopal authority, that the upper houſe came to a reſolution to receive nothing from them, till that irregularity was ſet right.

As the lower houſe was highly incenſed againſt the biſhop of Sarum, they cenſured his expoſition of the articles of the church of England, and in imitation of the general impeachments by the houſe of commons, they put their cenſure into three general propoſitions.

I. That it allowed a diverſity of opinions, which the articles are framed to avoid.

II. That it contained many paſſages contrary to the true meaning of the articles, and to other received doctrines of the church.

III. That ſome things in it were of dangerous conſequence to the church of England, as by law eſtabliſhed, and derogated from the honour of the reformation. Biſhop Burnet begged that the archbiſhop would diſpenſe with the order made againſt further communication with the lower houſe as to this matter. Accordingly the paper againſt the biſhop was brought up and received. But what the particulars were, to which theſe general heads referred, could never be learned; this was a ſecret lodged in confiding hands. For when the archbiſhop moved for the particulars of their charge againſt the book, they would enter into none, unleſs they might at the ſame time offer ſome other matters, which the upper houſe would not admit of [t].

On the 20th of June, the prolocutor appeared in the upper houſe, and the archbiſhop told him (as before) that he could receive no paper but that containing the particularities of the general charge againſt the biſhop of Sarum's expoſition, which at the biſhop's requeſt he was ready to receive. The prolocutor ſaying he had two papers, but could not preſent the one without the other, without the direction of the lower houſe, went back for the opinion of the houſe, but did not return till the convocation was prorogued to Auguſt the 7th, and thence to September the 18th, and ſo on, till the parliament was diſſolved, and the convocation with it.

In theſe proceedings the biſhops were unanimous, except the biſhops of London, Rocheſter, and Exeter: The biſhop of London had been twice diſappointed of his hopes of being advanced to the ſee of Canterbury; ſo for ſeveral years he was engaged with the tory party, and oppoſed the court in every thing, but with little force or authority: The biſhop of Rocheſter had been deeply engaged in the former reigns, and he ſtuck firm to the party, to which, by reaſon of the liberties of his life, he brought no ſort of honour. Theſe biſhops gave no great reputation to the proceedings of the lower houſe, to which they adhered; they likewiſe entered their diſſent to the reſolutions taken in the upper houſe. From the fire raiſed thus in convocation, a great heat was ſpread through the whole clergy of the kingdom; it alienated them from their biſhops, and raiſed factions among them every where [v].

Whilſt in England the diſputes about Schiſm, Socinianiſm, and the rights of convocation were carrying on amongſt thoſe of the eſtabliſhed church, and the conteſts about doctrinal points, divided the diſſenters; other kingdoms were no leſs disjointed in matters of religion. The Quietiſts were increaſing not only in Italy but in France [u]. The perſecution in France began at firſt upon a few Janſeniſts [w], but afterwards turned to the proteſtants, on whom it had been long very heavy and bloody; this put an end to all diſputes in thoſe matters, and a new controverſy aroſe, which was managed with great heat, between Boſſuet the famous biſhop, firſt of Condom and afterwards of Meaux, and La Motte Fenelon, who was in high favour with madam Maintenon, and was by her means made preceptor to the Dauphin's children, and advanced to the arbhbiſhopric of Cambray. Fenelon wrote a treatiſe of ſpiritual maxims, according to the ſubtility of the Myſtics. In this treatiſe, he diſtinguiſhed between that, which was falſly charged upon them, and that which was truly their doctrine: He put the perfection of a ſpiritual life, in the loving of God purely for himſelf, without any regard to ourſelves, even to our own ſalvation: And in our being brought to ſuch a ſtate of indifference, as to have no will nor deſire of our own, but to be ſo perfectly united to the will of God, as to rejoice in the hope of heaven, only becauſe it is the will of God, to bring us thither, without any regard to our own happineſs. Boſſuet wrote ſo ſharply againſt him, that one is tempted to think, a rivalry for favour and preferment had as great a ſhare in it, as zeal for the truth. The matter was ſent to Rome. Fenelon had ſo many authoriſed and canonized writers of his ſide, that many diſtinctions muſt be made uſe of to ſeparate them from him; but the king was much ſet againſt him; he put him from his attendance on the young princeſs, and ſent him to his dioceſe; his diſgrace ſerved to raiſe his character. Madam Maintenon's violent averſion to a man, ſhe ſo lately raiſed, was imputed to his not being ſo tractable as ſhe expected, in perſuading the king to own his marriage with her. But this is only conjecture.

At this time alſo a breach was running through the Lutheran churches. It appeared at firſt openly at Hamburgh, where many were going into ſtricter methods of piety, who from thence were called Pietiſts. There is no difference of opinion between them and the reſt, who are moſt rigid to old forms, and are jealous of all new things, eſpecially of a ſtricter courſe of devotion beyond what they themſelves are inclined to practice. But to return to England.

With the new parliament the king ſummoned a new convocation. Dr. Sherlock preached a Latin ſermon at the opening, and Dr. Woodward (a civilian grown popular by his oppoſition to his dioceſan, to whom he owed his preferments) carried it for prolocutor againſt Dr. Beveridge, archdeacon of Colcheſter. The firſt act of the two houſes was an addreſs to the king, the 22d of January, on occaſion of the French king's proclaming the pretender.

They expreſſed therein the deep reſentment every one of them had, at their firſt hearing of the great indignity which the French king offered to his majeſty and his people, in declaring the pretended prince of Wales to be king of his majeſty's realms and dominions. They renewed their proteſtations of a firm and unſhaken allegiance: And aſſured his majeſty, they would do their utmoſt endeavours, in their

[s] Theſe were, the deans Sherlock, Wichart, Freeman; the archdeacons Bull, Stanley, Jeffery, Trimnel, Bouchier; the proctors, Verney, Evans, Whitefoot, Pooley, Little.

[t] A committee of biſhops being appointed to declare their judgment of the extraordinary proceedings of the lower houſe, upon occaſion of the complaint againſt the biſhop of Sarum, they declared it their opinion, "That the lower houſe had no manner of power, judicially to cenſure any book: That they ought not to have entered upon the examination of a book of any biſhop of this church, without firſt acquainting the preſident and biſhops: That their cenſuring the biſhop of Sarum's book in general terms, without mentioning the particular paſſages on which the cenſure was grounded, was defamatory and ſcandalous: That that biſhop by his excellent 'hiſtory of the reformation,' approved by both houſes of parliament, and other writings, had done great ſervice to the church of England, and deſerved the thanks of their houſe: And, that though private perſons may expound the articles of the church, yet that it could not be proper for the convocation at this time to approve, and much leſs to condemn, ſuch private expoſitions."

[v] Notwithſtanding Atterbury's book had been proved to be falſe in many inſtances, yet we find the following remarkable paſſage concerning it in the hiſtory of this convocation, publiſhed in 1702 in 4to.

When on April the 8th, Dr. Finch returned from the upper houſe to the lower, with an account that no meſſage would be received from them for want of the prolocutor's preſence, the dean of Glouceſter in ſome reſentment took occaſion to ſay, that ſince the upper houſe denied this correſpondence with them, it was now time for the houſe to return their thanks to Mr. Atterbury, for his learned pains in aſſerting and vindicating the rights of convocation. Upon which it was warmly debated, and the form of thanks being propoſed to be changed, from 'learned pains in aſſerting and vindicating,' into his 'endeavours to aſſert and vindicate,' upon a diviſion of the houſe, it was carried, as deſigned, in the affirmative. And then the prolocutor ſaid, 'Mr. Archdeacon of Totneſs, I and this houſe' (no parliamentary phraſe ſays the author of the hiſtory) 'return you our thanks, &c.' Upon which vote a letter was afterwards ſent to Oxford, 'That whereas Mr. Francis Atterbury, late of Chriſt-church, had ſo happily aſſerted the rights and privileges of an Engliſh convocation, as to merit the ſolemn thanks of the lower houſe of it, for his learned pains on that ſubject.——It might be hoped the univerſity would not be leſs forward in taking ſome public notice of ſo great a piece of ſervice to the church. And that the moſt proper and ſeaſonable mark of reſpect to him, would be to confer on him the degree of doctor of divinity by diploma, without doing exerciſe, or paying fees.' Which was accordingly done.

[u] The Quietiſts or Moliniſts (from Molina the jeſuit) oppoſed the doctrine of Grace as explained by St. Auſtin, and were in that point, much the ſame as the Semi-pelagians.

[w] The Janſeniſts (from Janſenius biſhop of Ypres, 1635) explained the doctrine of Grace, according to the notions of St. Auſtin, or the Calviniſtical ſcheme.

reſpective places and ſtations, to maintain his rightful title, and the ſucceſſion in the proteſtant line, as by law eſtabliſhed, againſt the ſaid pretended prince, and all other his majeſty's open and ſecret enemies, &c. And the king gave them a gracious anſwer.

The faction raiſed in the lower houſe, during the laſt convocation, had ſtill the majority; ſeveral books were writ to ſhew, that by our conſtitution the power of adjourning was wholly in the archbiſhop. The original book of the convocation, that ſate in 1661, being happily found, it ſhewed the practice of that convocation agreed with the biſhops in every particular [x]. But though it was communicated to the lower houſe, it had no effect upon them; for when parties are once formed, and a reſolution is taken upon other conſiderations, no evidence can convince thoſe, who have beforehand reſolved to adhere to their point. Accordingly the diſpute about the power of adjourning was revived, and on the 28th of January a member of the lower houſe moved to change the form of entry in the minutes, which being done, the prolocutor, in his own name, continued and prorogued the houſe, inſtead of intimating, that it was continued and prorogued [y].

This was excepted againſt by ſeveral members, on Feb. 3: But it was carried by a majority, that there ſhould be no alteration, and that the matter ſhould not then be further debated: And when the ſchedule of prorogation came down from the upper houſe, it was laid aſide, while the houſe was proceeding to other buſineſs. A member moved, that the meſſage delivered to the prolocutor might be communicated to the houſe, which he thought they had a right to inſiſt on; the majority oppoſed him, and they went on to appoint a committee of grievances. And then the prolocutor adjourned as by the authority of the houſe, and the diſſenting members proteſted by word of mouth; and before the next meeting put their verbal proteſtation into writing. On February 9, a motion was made, that that proteſtation might be admitted and entered as a ſtanding evidence of their aſſerting the juſt rights and authority of the preſident. This was oppoſed by a majority. But Dr. Beveridge propoſed a queſtion, 'Whether upon ſuppoſition that the houſe may ſit upon ſynodical buſineſs, after the coming down of the ſchedule, till they think their buſineſs over, the houſe would agree that the ſchedule ſhould be then executed, and the houſe prorogued to the day and hour there ſpecified, by virtue of the ſaid ſchedule, and in obedience to the authority whereby the whole convocation was prorogued:' To evade anſwering this queſtion, it was at laſt agreed, that a committee ſhould be appointed to conſider of ſuch an expedient about the prorogation of the lower houſe, as might tend to the compoſing of diſputes: And eight were fixed on one ſide, viz. Dr. Hooper, Dr. Jane, Dr. Aldrich, Dr. Atterbury, Dr. Binckes, Mr. Needham, Mr. Moor, and Dr. Wynne: And eight on the other ſide, viz. Dr. Beveridge, Dr. Haley, Dr. Willis, Dr. Kennet, Dr. Trimnel, Dr. Prideaux, Dr. Green, and Mr. Lloyd. And this committee meeting, Feb. 10, agreed, 'That no forms of prorogation ſhould be uſed by the prolocutor hereafter, that were not uſed before the laſt convocation: That the forms uſed by the prolocutor in the convocations of 1586, and 1588, ſhould hereafter be uſed by the prolocutor in the order they lie in the books, beginning with the firſt till they are gone through: And that they ſhould be pronounced by the prolocutor, when the houſe agreed that their buſineſs was over.' After this, ſome boaſted of the advantage gained on the ſide of the lower houſe, and that the archbiſhop's friends had given up his cauſe, and excluded the ſchedule from any concern in the adjournment. This was ſo induſtriouſly ſpread, that the eight members of the committee drew up a declaration of their ſenſe, in which they ſignified, among other things, that they refuſed an alteration that was offered on the third article of the agreement forementioned, viz. 'That the form ſhould not be pronounced by the prolocutor, till the houſe agreed that their buſineſs was over:' This they refuſed, becauſe, though they might generally preſume upon the archbiſhop's conſent for their ſitting to diſpatch all proper buſineſs; yet they could not agree to any thing that ſhould preclude his right to prorogue them immediately, if he found it expedient: And that they uſed the words 'pronounced by the prolocutor,' to prevent the putting any queſtion to the houſe about 'adjourning themſelves;' and that the prorogation might be always to the time and place appointed by the ſchedule.

On Feb. 12, the prolocutor being indiſpoſed, appointed the dean of Chriſt Church to act as his deputy: And a deputy ſo appointed, had been accepted, had application been duly made to the preſident to approve and confirm him. But no ſuch application being made, the archbiſhop ſent for the clergy, and prorogued the convocation to the 14th, telling them, that an incident had happened of great moment, which he and his brethren muſt take time to conſider of.

On February 13. Dr. Woodward the prolocutor died in his lodgings at Weſtminſter, in very unhappy circumſtances. The archbiſhop on the 14th told the inferior clergy he was much ſurprized at the news of it, and adjourned them to the 19th. The prolocutor before his laſt ſickneſs, had complained much of his biſhop, my lord of Sarum, on account of his breach of privilege in his treatment of him. The caſe was thus: The biſhop viſiting his clergy, the clergy paid their attendance: But the dean of Sarum declined appearing as rector of Peuſy, without making a reaſonable excuſe; nay, rather aggravated his abſence with contempt. The biſhop ordered a citation in the uſual method. When the time of privilege afterwards commenced, he ordered his chancellor to put a ſtet upon the cauſe, and there was no farther proceeding. Upon this a formal complaint was, on February 9, preſented to the upper houſe, in which this was repreſented, not only as an unlawful moleſtation of a member of the lower houſe, but an injury offered to the whole body of the convocation, in the perſon of the prolocutor. The archbiſhop and biſhops anſwered, that the proceedings referred to were begun when there was no privilege, and that upon the opening of the preſent convocation, a ſtet was put upon the cauſe, nor was there any citation of proceſs decreed ſince.

The proſecution of this complaint (which is ſaid to have been carried on with great partiality and prejudice) ceaſing upon the prolocutor's death, and there being no buſineſs depending but the clergy's pretenſions of exemption from the ſynodical authority of the upper houſe, the archbiſhop, on the 19th of February, diſmiſſed the clergy with a ſpeech: In which, taking occaſion from their complaint of the biſhop of Sarum, he tells them, 'He hopes for the future, they would not be ſurprized into complaints, but would ſtay till they were aſſured they were well grounded both in right and fact. He adds, that the choice of a new prolocutor would not now be ſo ſeaſonable, for that many members were abſent, attending their reſpective cures; and that a war was breaking out, which would turn men's thoughts another way: And that therefore he intended a prorogation. He tells them, their heats had given great offence, even to thoſe that underſtand not the nature of the controverſy, but were concerned that there ſhould be any differences, among ſuch as were, by profeſſion, the miniſters of the goſpel of peace.' The prorogation was to the 5th of March. After the archbiſhop's ſpeech, with which ſome were well ſatisfied, others diſcovered their great diſcontent. They met again in Henry VII's chapel two days after, and reſolving themſelves into a ſort of aſſembly, choſe a moderator or chairman. And when the day came to which both houſes had been prorogued, they came up as a houſe, without a prolocutor, to the chamber adjoining to the Jeruſalem Chamber, and there meeting the biſhop of Lincoln, who, as the archbiſhop's commiſſary had now prorogued the convocation to a farther day, begged him to carry a meſſage to the archbiſhop, of their deſire to proceed to the choice of a prolocutor. The biſhop offered, in order to prevent miſtakes, to receive their meſſage in writing. Upon which they began to expreſs themſelves to this effect: 'It is the unanimous deſire of the lower houſe, &c.' One preſent immediately interpoſed, and ſaid, that they were not a houſe, and that many members did not aſſent to ſuch a meſſage; and therefore, at moſt, it could with truth run only in the name of 'ſeveral members of the lower houſe.' This raiſed a new clamour; and thoſe who aſſumed the name of a houſe, eſpecially Dr. Finch, fell ſeverely on the member, who thus openly diſſented, as a betrayer of their rights and liberties.

The king's death, which happened a day or two after, ſhould have put an end to theſe diſputes, but inſtead of that, occaſioned another queſtion, whether the convocation did expire with the king? The archbiſhop and biſhops were ſenſible, that the convocation, being aſſembled by the archbiſhop's mandate in obedience to the king's writ, could no longer ſubſiſt, than while the royal writ remained in force, ſince in the late act for empowering the parliament to ſit after the king's death, no proviſion was made to continue the convocation.

[x] It muſt be obſerved, that the acts of the convocations were recorded in the archbiſhops regiſters, till the death of archbiſhop Morton, in 1500. The laſt convocation extant in the archbiſhops regiſters, was held 1488; and, is the laſt of thoſe whoſe acts are entire, except the convocation of 1640, publiſhed in Nalſon's collections. After Morton's time, the acts of convocations were recorded not in the great regiſters, but in diſtinct volumes: All which periſhed in the fire of 1666.

[y] Inſtead of the uſual form, 'prolocutor intimavit hanc convocationem eſſe continuatam, &c.' they entered in their minutes the phraſe of, 'dominus prolocutor continuavit et prorogavit quoad hanc domum.

convocation. But that part of the lower houſe, who had aſſumed new claims, were taught (as hath been obſerved) to call themſelves a parliamentary body, and at leaſt to attend upon a parliament by virtue of the præmunientes clauſe, which they had lately got executed in ſeveral dioceſes. And therefore they inſiſted, that they were ſuch a part of the parliament, as could not be ſeparated from it; and conſequently if they were no longer a provincial ſynod, they were however a part of the national clergy ſummoned by the præmunientes clauſe to meet in parliament. And, indeed, had their parliamentary notions been true, this had been a juſt inference from them. But when they came to conſult the learned in the law, they ſoon found, that the act for continuing the parliament did by no means include the convocation, which, being called by a different writ, had a different conſtitution, and muſt determine with the king's death. When they were under this diſappointment, they ſollicited ſome friends in the houſe of lords to bring in an extraordinary clauſe to declare the convocation to be ſtill in being. This was moved by the earl of Rocheſter, but the attorney-general declaring it was againſt the queen's eccleſiaſtical ſupremacy, it was let fall, and they were forced to acquieſce in the diſſolution.

Upon the queen's acceſſion to the crown, all theſe angry men, that had raiſed this flame in the church, as they treated the memory of the late king with much indecent contempt, ſo they ſeemed very confident, that for the future, all preferments ſhould be diſtributed among them (the queen having ſuperſeded the commiſſion for eccleſiaſtical preferments) and they thought they were full of merit, and were as full of hopes.

The END of the REIGN of WILLIAM III.

THE

HISTORY OF ENGLAND.

BOOK XXVI.

SECT. I.

From the Acceſſion of Queen ANNE, to the Treaty of the HAGUE in 1709.

29. ANNE.

[1701-2.] UPON the death of king William, the crown, purſuant to the act of ſucceſſion, devolved to the princeſs Anne of Denmark, daughter of king James II. by the lady Anne Hyde [a]. This princeſs was born at St, James's on the 6th of February 1664-5. She was ſent to France in 1699, which much alarmed the people, on a ſurmiſe, that ſhe was gone thither to be bred a catholic; the bigotry and ſuperſtition of her father, who had found means to pervert her mother, being well known. But their fears ceaſed, when it was found ſhe was ſent there on account of her health only, ſhe having at that time a defluxion in her eyes, which the change of air, and the methods there uſed, ſoon removed; and ſhe returned to England much improved in her conſtitution and perſon. Dr. Henry Compton, dean of the chapel, and afterwards biſhop of London, had the care of her education.

The duke of York, two years after the death of his firſt wife, married, in 1673, Mary of Eſté, the duke of Modena's daughter, a rigid papiſt [b], by which means, all hopes of a proteſtant male-heir being loſt, a greater value was raiſed in the people for the princeſſes Mary and Anne, from the general expectation of having the ſucceſſion continued to them, whom, with joy, they ſaw educated in the proteſtant religion.

Upon the marriage of the princeſs Mary to the prince of Orange, her father was very preſſing with the king his brother, to leave him the diſpoſal of his other daughter the princeſs Anne; but the king thought it more adviſeable to hearken to the importunities of his parliament, and marry her alſo to a proteſtant prince. In the year 1681, the prince of Hanover (afterwards king George I. of England) came over to make his addreſſes to her: But he was ſcarce got hither, when he received orders from his father not to proceed in that deſign; for he had agreed a match for him with his brother the duke of Zell's daughter, which at that time, was more advantageous to the family. Two years after prince George of Denmark, ſecond ſon of Frederick III. and younger brother of Chriſtian V. kings of Denmark, came into England, in order to marry the princeſs Anne. Accordingly, eleven days after his arrival, they were ſolemnly married by the biſhop of London, in the chapel royal at St. James's on the 28th of July 1683. This marriage, at firſt, did by no means pleaſe the nation: For it was known that the propoſition came from France, and therefore it was apprehended, that the Engliſh and French courts reckoned, they were ſure he would change his religion. But theſe apprehenſions were, by experience, found to be entirely groundleſs. He had now lived, in all reſpects, the happieſt with his princeſs that was poſſible, except in one point. For, though there was a child born almoſt every year for many years, yet they all died: So that the moſt fruitful marriage of the age was fatally blaſted as to the effect of it [c].

Upon the princeſs's marriage, the lady Churchill (afterwards ducheſs of Marlborough) was, at the princeſs's earneſt requeſt to her father, made one of the ladies of her bedchamber, and was at length diſtinguiſhed by ſo high a place in her favour, as perhaps no perſon ever arrived at a higher with queen or princeſs. She had an aſcendant over the princeſs in every thing: She was a woman of little knowledge, but of a clear apprehenſion, and a true judgment; a warm and hearty friend, violent and ſudden in her reſolutions, and impetuous in her way of ſpeaking. She was thought proud and inſolent on her favour, though ſhe uſed none of the common arts of a court to maintain it: For ſhe did not beſet the princeſs, nor flatter her. She ſtaid much at home, and looked carefully after the education of her children. The beginning of the princeſs's kindneſs for her had a much earlier date than her entrance into her ſervice. They had uſed to be together, when children, and the princeſs even then expreſsed

[a] She was daughter of the earl of Clarendon. The king, when duke of York, was contracted to her at Breda, November 24, 1659, and privately married to her at Worceſter-houſe, September 5, 1660, in the night by Dr. Joſeph Crowcher the duke's chaplain. Her father ſolemnly proteſted, that he knew nothing of the matter, till it broke out in 1662. The duke thought to have ſhaken her from claiming her marriage by great promiſes and as great threatnings. But ſhe, being a woman of a high ſpirit, ſaid, ſhe was his wife, and would have it known that ſhe was ſo, let him uſe her afterwards as he pleaſed. King Charles II. ordered ſome biſhops and judges to peruſe the proofs ſhe had to produce, and they reporting the marriage was good, the king, not being then willing to break with the earl of Clarendon, told his brother he muſt live with her whom he had made his wife. The ducheſs of York was a very extraordinary woman. She had great knowledge and a lively ſenſe of things. She ſoon underſtood what belonged to a princeſs, and took ſtate on her rather too much. She writ well, and had begun the duke's life, of which ſhe ſhewed Dr. Burnet a volume. It was all drawn from the duke's journal; and he intended to have employed Burnet in carrying it on. She was bred to great ſtrictneſs in religion, and practiſed ſecret confeſſion. Morley was her confeſſor. She began at twelve years old, and continued under his direction, till, upon her father's diſgrace, he was put from the court. She was generous and friendly, but was too ſevere an enemy. It was ſuppoſed ſhe had been prevailed upon to change her religion, for a paper was publiſhed by Maimburgh after her death, giving an account of the grounds of her converſion, which paper the duke of York ſhewed Burnet all writ with her own hand, but would not let him copy it, though he gave him leave to read it twice. After a long decay of health ſhe died in 1672, very little beloved or lamented. Her haughtineſs had raiſed her many enemies, and her friends, becauſe of the change of her religion, reckoned her death rather a bleſſing than a loſs at that time. She bore the duke of York four ſons and four daughters, Charles of York, duke of Cambridge, born the 22d of October, 1660, who died at ſeven months old; James of York, called alſo duke of Cambridge, born the 12th of July 1663, who died in 1667; Charles of York, duke of Kendal, third ſon, born the 4th of July, 1666, and who died in May, 1667; Edgar of York, duke of Cambridge, the fourth ſon, was born the 14th of September, 1667, and died the 8th of June, 1672. The four daughters were, 1. Mary of York, born the 13th of April, 1662, a princeſs of great beauty and eminent virtue, who was married to William Henry of Naſſau, prince of Orange, afterwards king William III. and died on the 28th of December, 1694. 2. Anne of York, ſecond daughter, born at St. James's on the 6th of February, 1664-5. Henrietta of York, third daughter, born at Whitehall the 13th of January, 1668, and deceaſed at ten months old; and Katherine of York, fourth daughter, who was born the 9th of February, 1670, and died the 5th of December, 1671.

[b] The new ducheſs of York was brought over by the earl of Peterborough (who had married her by proxy) in the winter of 1673. She was then very young, about ſixteen, but of a full growth. She was a graceful perſon, with a good ſhare of beauty, and ſo much wit and cunning, that, during all king Charles's reign, ſhe behaved herſelf in ſo obliging a manner, and ſeemed ſo innocent and good, that ſhe gained upon all that came near her, and poſſeſſed them with ſuch impreſſions of her, that it was long before her behaviour, after ſhe was queen, could make them change their thoughts of her. So artificially did this young Italian carry herſelf, that ſhe deceived even the eldeſt and moſt jealous perſons, both in the court and the country. Only ſometimes a ſatyrical temper broke out too much, which was imputed to youth and wit not enough practiſed to the world. She avoided the appearances of a zealot, or a meddler in buſineſs, and gave herſelf up to innocent cheerfulneſs, and was univerſally eſteemed and loved as long as ſhe was ducheſs. Burnet I, 368.

[c] Their children, beſides ſeveral miſcarriages were as follow:

The firſt was a daughter, of whom her royal highneſs was delivered on the 12th of May. 1614; and being dead, was privately interred. 2. Lady Mary, ſecond daughter, born at Whitehall the 2d of June, 1685, who died in

London; Engrav'd for Harrison's Edition of Rapin

QUEEN ANNE.

G. Kneller pinx.t Goldar sculp.t

At Kensington Palace.

Publish'd as the Act directs January 29. 1785.

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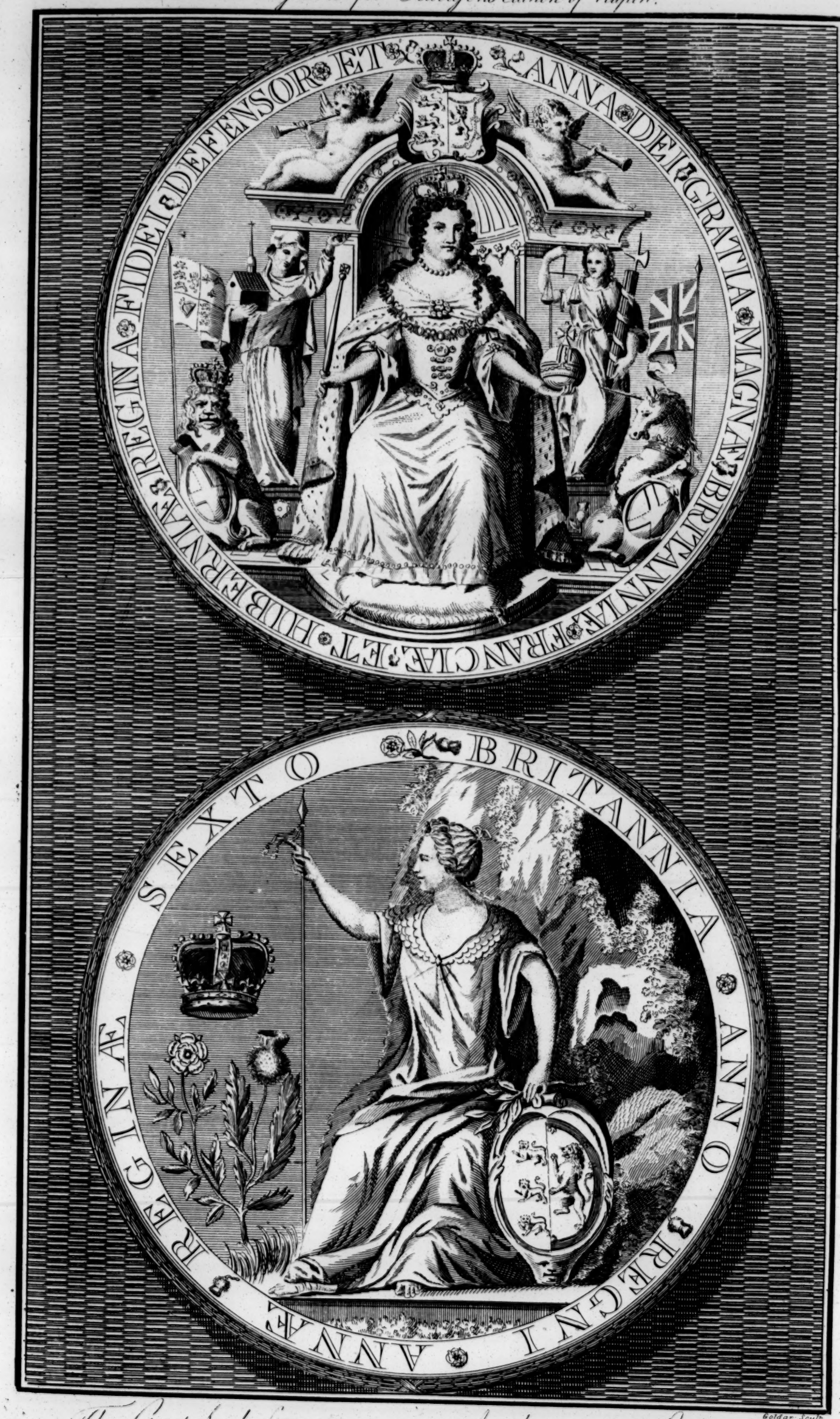

Boldar Sculp.

The Great Seal of QUEEN ANN. after the Union with Scotland.

Published as the Act directs June 25 1786.

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London: Engraved for Harrisons Edition of Rapin.

Sarah Dutchess of Marlborough

G. Kneller Pinxt.

Goldar sculp.

In the Collection of the Hon: John Spencer

Publish'd as the Act directs Feby. 11. 1786

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BRITISH
13 JY60
MUSEUM

London, Engrav'd for Harrison's Edition of Rapin.

GEORGE PRINCE OF DENMARK.

G. Kneller Pinxt. Goldar sculpt.

At Kensington Palace.

Publish'd as the Act directs January 1 1785.

a particular fondneſs for her. This inclination encreaſed with their years; and the princeſs always diſtinguiſhed her by the pleaſure ſhe took in her converſation and confidence. Hence it was, that upon her marriage, ſhe was ſo deſirous to have her near her perſon [d].

After her father king James's acceſſion to the throne, the princeſs, during his whole reign, kept her court as private as ſhe could, conſiſtent with her ſtation. When the king's deſigns were diſcovered, and popiſh counſels began to prevail, attempts were made to draw the princeſs into them. The king indeed uſed no harſhneſs with her; he only diſcovered his wiſhes, by putting into her hands ſome books and papers, which he hoped might induce her to a change of religion [e]. Lord Tyrconnel alſo took ſome pains with his ſiſter-in-law, the lady Churchill, to engage her, if poſſible, to make uſe, for the ſame end, of that great favour he knew ſhe enjoyed with the princeſs; but all theſe endeavours proved fruitleſs, and the prince and princeſs of Denmark remained firm to their religion.

Though the queen, after ſhe had declared herſelf with child, declined giving the princeſs of Denmark any ſatisfaction in that matter, yet it does not appear that ſhe thought it an impoſture; nor did ſhe, in her letter to the queen, when ſhe left the court, give the leaſt hint of ſuch a ſuſpicion. Upon the landing of the prince of Orange, in 1688, the king went down to Saliſbury to his army, and the prince of Denmark with him: but the news quickly came from thence, that the prince of Denmark had deſerted the king and joined the prince of Orange, and that the king was returning to London. The princeſs was ſo ſtruck with the apprehenſions of the king's diſpleaſure, that ſhe told the lady Churchill, ſhe could not bear the thoughts of it, and declared, rather than ſee her father, ſhe would jump out of the window. The biſhop of London (who, in that critical time, abſconded) was then lodged ſecretly in Suffolk-Street. The princeſs immediately ſent the lady Churchill (who knew where he was) to concert meaſures with the biſhop, how ſhe ſhould withdraw from the court. It was agreed, that he ſhould come about midnight in a hackney-coach near the Cockpit, in order to convey the princeſs to ſome place where ſhe might be private and ſafe.

The princeſs went to bed at the uſual time to prevent ſuſpicion. Lady Churchill came to her ſoon after; and, with her, and lady Fitzharding, and one ſervant, the princeſs, by the back-ſtairs which went down from her cloſet, walked to the coach, where they found the biſhop and the earl of Dorſet. They conducted them that night to the biſhop's houſe in the city, and the next day to the lord Dorſet's at Copt-Hall, from whence they went to Nottingham, where the country gathered about the princeſs, and forming themſelves into a little army, choſe to be commanded by the biſhop of London, which he too eaſily accepted; but the princeſs did not think herſelf ſafe, till ſhe was ſurrounded by the prince of Orange's friends.

Quickly after this the king fled into France, and, the throne being declared vacant, was preſently filled with the prince and princeſs of Orange. The parliament thought proper to ſettle the crown on king William for life, and the princeſs of Denmark gave her conſent to it. The lady Churchill at firſt took a great deal of pains (which ſhe believed the king and queen never forgot) to perſuade her againſt it; but, finding all the principal men, except the Jacobites, were for king William, and Dr. Tillotſon (whom ſhe conſulted) having convinced her of the expediency of the ſettlement propoſed, ſhe adviſed the princeſs to acquieſce in it, and carried Dr. Tillotſon to her to ſecond her advice. Upon what the doctor ſaid to her, the princeſs took care that no diſturbance ſhould be made by her pretended friends the Jacobites, who had preſſed her earneſtly to form an oppoſition.

Not long after the advancement of king William to the throne, the miſunderſtanding between not only the king, but alſo the queen and the princeſs of Denmark, broke out, of which a large account has been given. Though, after queen Mary's death, there was (as has been ſaid) a reconciliation, yet it went not much farther than what civility and decency required; and ſuch a coldneſs had continued between the king and the princeſs, that ſhe was not made acquainted with public affairs, or encouraged to recommend any to poſts of truſt and advantage: neither had the miniſtry orders to inform her how matters went, or to oblige thoſe about her. Only the earl of Marlborough, after ſome years of diſgrace, had been taken again into favour; and nothing had contented him better, than the command he had the former year of the troops which were ſent to the aſſiſtance of the States. As he afterwards became the greateſt general of the age, it will be proper to give a brief account of his riſe and character.

John Churchill, earl (afterwards duke) of Marlborough, was ſecond ſon of ſir Winſton Churchill of Wotton Baſſet in Wiltſhire, by Elizabeth, daughter of ſir John Drake of Aſhe, in the pariſh of Muſbury in Devonſhire [f]. He was born at Aſhe the 24th of June, 1650. He was brought

in February, 1686. 3. Lady Anne Sophia, third daughter, born at Windſor the 12th of May, 1686, died the February following. 4. William, firſt ſon, born at the royal palace at Hampton-Court the 24th of July, 1689, was, at his baptiſm, declared by king William duke of Glouceſter, who died July 24th, 1700. 5. The lady Mary, a fourth daughter, was born at St. James's in the month of October, 1690, but died ſoon after ſhe was baptized. 4. George, another ſon, was born at Sion-houſe, the 17th day of April, 1692, but died as ſoon as born.

[d] Sarah Jennings, daughter and coheireſs (with her ſiſter the counteſs of Tyrconnel) of Richard Jennings, of Sandridge in Hertfordſhire, eſq. by his wife Frances, daughter and heireſs of ſir Gifford Thornhurſt, of Agnes-Court in Kent, baronet, was born on the 29th of May, 1660, the day of king Charles's reſtoration, and in 1681 married to John Churchill (then a colonel of dragoons, and afterwards duke of Marlborough). She was at that time in great favour with the princeſs Anne, of which ſhe herſelf gives the following account:

The beginning of the princeſs's kindneſs for me had a much earlier date than my entrance into her ſervice. My promotion to this honour was wholly owing to impreſſions ſhe had before received to my advantage; we had uſed to play together, when ſhe was a child, and ſhe even then expreſſed a particular fondneſs for me. This inclination increaſed with our years. I was often at court, and the princeſs always diſtinguiſhed me by the pleaſure ſhe took to honour me, preferably to others, with her converſation and confidence. In all her parties for amuſement, I was ſure, by her choice, to be one; and ſo deſirous ſhe became of having me always near her, that, upon her marriage with the prince of Denmark in 1683, it was, at her own earneſt requeſt to her father, I was made one of the ladies of her bed-chamber.

What conduced to render me the more agreeable to her in this ſtation was, doubtleſs, the diſlike ſhe had conceived to moſt of the other perſons about her, and particularly to her firſt lady of the bed-chamber, the counteſs of Clarendon; a lady, whoſe diſcourſe and manner (though the princeſs thought they agreed very well together) could not poſſibly recommend her to ſo young a miſtreſs: for ſhe looked like a mad woman, and talked like a ſcholar. Indeed her highneſs's court was throughout ſo oddly compoſed, that I think it would be making myſelf no great compliment, if I ſhould ſay, her chuſing to ſpend more of her time with me, than with any of her other ſervants, did no diſcredit to her taſte. Be that as it will, it is certain ſhe at length diſtinguiſhed me by ſo high a place in her favour, as perhaps no perſon ever arrived at a higher with queen or princeſs. And, if from hence I may draw any glory, it is, that I both obtained and held this place without the aſſiſtance of flattery; a charm, which in truth her inclination for me, together with my unwearied application to ſerve and amuſe her, rendered needleſs; but which had it been otherwiſe, my temper and turn of mind would never have ſuffered me to employ.

Young as I was, when I firſt became this high favourite, I laid it down for a maxim, that flattery was falſehood to my truſt, and ingratitude to my greateſt friend; and that I did not deſerve ſo much favour, if I could not venture the loſs of it by ſpeaking the truth, and by preferring the real intereſt of my miſtreſs before the pleaſing her fancy, or the ſacrificing to her paſſion. From this rule I never ſwerved. And, though my temper and my notions in moſt things were widely different from thoſe of the princeſs, yet, during a long courſe of years, ſhe was ſo far from being diſpleaſed with me for openly ſpeaking my ſentiments, that ſhe ſometimes profeſſed a deſire, and even added her command, that it ſhould be always continued, promiſing never to be offended at it, but to love me the better for my frankneſs.

Favour with a princeſs upon theſe terms engaged me to her in the manner that it ought; I mean, by a ſentiment which I chuſe to call Honour, rather than Gratitude or Duty, becauſe, while it implies all the juſtice and affection of theſe, it ſeems to expreſs a more diſintereſted principle of action. For I can truly affirm, that I never conſidered myſelf on any occaſion where her intereſt or glory was concerned, nor had I any idea of a miſery which I would not have ſooner incurred, than the inward ſhame of being conſcious of a failure in this reſpect. The facts themſelves, which I am going to relate, will in a great degree evince the truth of what I ſay; and that the princeſs was perfectly perſuaded of it, is, I think, ſufficiently manifeſt both from her letters to me, and from that unreſerved intimacy of friendſhip, in which we for many years lived together.

Kings and princes, for the moſt part, imagine they have a dignity peculiar to their birth and ſtation, which ought to raiſe them above all connexion of friendſhip with an inferior. Their paſſion is to be admired and feared, to have ſubjects awfully obedient, and ſervants blindly obſequious to their pleaſure. Friendſhip is an offenſive word, it imports a kind of equality between the parties; it ſuggeſts nothing to the mind of crowns or thrones, high titles or immenſe revenues, fountains of honour or fountains of riches; prerogatives which the poſſeſſors would have always uppermoſt in the thoughts of thoſe who are permitted to approach them.

The princeſs had a different taſte. A friend was what ſhe had moſt coveted; and for the ſake of friendſhip (a relation which ſhe did not diſdain to have with me) ſhe was fond even of that equality which ſhe thought belonged to it. She grew uneaſy to be treated by me with the form and ceremony due to her rank; nor could ſhe bear from me the ſound of words which implied in them diſtance and ſuperiority. It was this turn of mind, which made her one day propoſe to me, that, whenever I ſhould happen to be abſent from her, we might in all our letters write ourſelves by feigned names, ſuch as would import nothing of diſtinction of rank between us. Morley and Freeman were the names her fancy hit upon; and ſhe left me to chuſe by which of them I would be called. My frank open temper naturally led me to pitch upon Freeman, and ſo the princeſs took the other; and from this time Mrs. Morley and Mrs. Freeman began to converſe as equals, made ſo by affection and friendſhip. 'Conduct of the ducheſs of Marlborough,' p. 9, &c.

[e] The ducheſs of Marlborough obſerves here, that, had the princeſs had any inclination to change her religion, the chaplains about her were ſuch divines as could have ſaid but little in defence of their own religion, or to ſecure her againſt the pretences of popery, recommended to her by a father and a king, 'Conduct of the ducheſs of Marlborough, p. 15.'

[f] His original is traced up to Roger de Courcill, a younger branch of the illuſtrious houſe of Leon in France, who attending William the conqueror into England, received as a reward for his ſervices a conſiderable eſtate in land;

young to court, and made a page of honour to the duke of York, who, upon his diſcovering a martial inclination, procured him, at the age of ſixteen, an enſign's commiſſion in the guards. He went firſt to Tangier, and afterwards to France with the ſix thouſand Engliſh forces ſent to the aſſiſtance of the French king, under the command of the duke of Monmouth, who gave him a captain's commiſſion in his own regiment. He diſtinguiſhed himſelf in Alſatia under the marſhals de Turenne and de Lorge, and particularly at the ſiege of Maeſtricht the next year in the ſight of the French monarch, who did him the honour to thank him for his ſervices, at the head of his army, with an aſſurance of his recommendation to the king of Great-Britain. Upon his return to England, the fame of his bravery, and his ſiſter's favour, raiſed him to be a lieutenant-colonel, gentleman of the bed-chamber, and maſter of the robes to the duke of York, whom he attended in his baniſhment to the Netherlands, and in his receſs to Scotland. In 1681, he married Mrs. Sarah Jennings, then in great favour with the princeſs Anne, the duke of York's ſecond daughter, of whom an account has been given. Upon the Duke's return from Scotland, colonel Churchill was created baron Churchill of Aymouth in Scotland, the 21ſt of December, 1682, and captain of the third troop of guards. When the duke of York came to the crown, the lord Churchill was made lieutenant-general, and one of the gentlemen of the bed-chamber, and ſent embaſſador to France, to notify that prince's acceſſion to the throne. On the 14th of May 1685, he was created a peer of England, by the title of baron Churchill, of Sandridge in Hertfordſhire. Upon the inſurrection in the Weſt, in favour of the duke of Monmouth, he commanded the firſt forces that were ſent againſt him, and, by his conduct, greatly contributed to the victory at Sedgmore. But, afterwards finding king James entirely bent upon introducing popery and arbitrary power, he thought himſelf freed from any ties of former obligations, and joined with the other lords to invite the prince of Orange to come over to their aſſiſtance. Upon his leaving king James, he was declared lieutenant-general by the prince of Orange, who, as ſoon as he aſcended the throne, made him gentleman of his bed-chamber, and, on the 9th of April, 1689, created him earl of Marlborough. The new earl commanded the Engliſh forces that ſerved the ſame year in Flanders under prince Waldeck, and, in 1690, he reduced the towns of Cork and Kinſale with incredible expedition. The next year he made the campaign under king William in Flanders; but (as hath been largely related) he was ſoon after ſuddenly removed from all his employments, nor was he reſtored to favour till the year 1698, when he was appointed governor to the duke of Glouceſter, and ſerved as one of the lords juſtices three ſeveral times during the abſence of the king, by whom he was at laſt declared commander in chief of the Engliſh forces in Holland, and embaſſador extraordinary and plenipotentiary for the negotiations at the Hague, in which employments he was continued by queen Anne.

He was a man of a noble and graceful appearance, bred up in the court with no literature; but he had a ſolid and clear underſtanding, with a conſtant preſence of mind. He knew the arts of living in a court beyond any man in it. He careſſed all people with a ſoft and obliging deportment, and was always ready to do good offices. He had no fortune to ſet out with, which put him upon all the methods of acquiring one. And that went ſo far into him, that he did not ſhake it off, when he was in a much higher elevation: Nor were his expences ſuited enough to his poſts. But, when allowances are made for that, it muſt be acknowledged, that he was one of the greateſt men the age has produced. He was in high favour with king James, and therefore he has been ſeverely cenſured, as guilty both of ingratitude and treachery to a very kind and liberal maſter [g]. But it may be remembered in his behalf, that he never diſcovered any of that king's ſecrets, nor did he ever puſh him on to any violent proceedings; ſo that he was in no contrivance to ruin or betray him. On the contrary, whenever he ſpoke to him about his affairs, which was but ſeldom, becauſe he could not fall in with his notions, he always ſuggeſted moderate counſels. The earl of Galway told biſhop Burnet, that, when he came over to Holland with the firſt compliments upon king James's acceſſion to the crown, he ſaid then to him, that, if king James was ever prevailed with to alter our religion, he would ſerve him no longer, but withdraw from him. So early was this reſolution fixed in him. And therefore, when he afterwards ſaw how king James was determined, he could not be contented to ſee all ruined by him. He was alſo very doubtful as to the pretended birth. For theſe reaſons he reſolved, when the prince of Orange came over, to leave king James, but to betray no poſt, nor do any thing more than the withdrawing himſelf with ſuch officers, as he could truſt with ſuch a ſecret. This he did with great regret, at a time when it was evidently with hazard to himſelf, it not being then poſſible to foreſee that king James would ſo ſhamefully deſert the kingdom; and when he might have been all that an ambitious man could have hoped for, by aſſiſting that king to ſettle popery in England [h].

The princeſs of Denmark was in this ſituation above deſcribed, when king William's death put an end to it, and placed her on the throne. She was entered on the thirty-eighth year of her age, and from her infancy had imbibed ſtrong prejudices againſt the whigs. She had been taught to look upon them all, not only as republicans, but as enemies to the church of England. This averſion to the whole party had been confirmed by the uſage ſhe had met with from her ſiſter and king William, which was now to be all charged to the account of the Whigs. And prince George, who had alſo been ill treated (as he thought) in the late reign, threw into the ſcale his reſentment. On the other hand, the tories had the advantage, not only of the queen's early prepoſſeſſion in their favour, but of their having aſſiſted her in the affair of her revenue. It was indeed evident, that they had done this, more in oppoſition to the king, than from any real reſpect to her. But ſtill they had ſerved her; and the winter before the king died, they had, in proſpect of his death, paid her more than uſual attendance. Hence it is, that, as ſoon as ſhe was ſeated in the throne, the tories (whom ſhe uſually called by the agreeable name of the church-party) became the diſtinguiſhed objects of her favour, as will preſently be ſeen.

Upon the king's death, the privy-council came in a body to wait on the new queen. She received them with a well-conſidered ſpeech, expreſſed in theſe terms:

My lords,

"I AM extremely ſenſible of the general misfortune to theſe kingdoms, in the unſpeakable loſs of the king, and the great weight and burden it brings in particular on myſelf; which nothing could encourage me to undergo, but the

was grandfather to ſir Bartholomew de Courcill, by corruption called Curricheſ, and to Churchill, who held the caſtle of Briſtol for king Stephen; and whoſe deſcendant, Otho de Churchill, was the founder of a ſpreading family in Devonſhire, Somerſetſhire, and Wiltſhire. Of this laſt county, and of the town of Wotton Baſſet, was Winſton Churchill, eſq; who, having had a liberal education at St. John's college, Oxon, aſſerted, and ſuffered for the cauſe of king Charles I. but upon the reſtoration was choſen member of parliament for Weymouth, admitted fellow of the royal ſociety, ſoon after knighted, and appointed commiſſioner of the claims in Ireland, where he began to retrieve his broken fortune; and afterwards, by the favour of the duke of York, made one of the clerks comptrollers of the green-cloth to the king. By his wife Elizabeth, ſir Winſton had ſeven ſons and four daughters. I. Winſton, who died young. II. John, late duke of Marlborough. III. George, born at Aſhe February 20, 1653. He was bred to the ſea-ſervice, and was above twenty years gentleman of the bed-chamber to prince George of Denmark. He was member for St. Albans in every parliament from 1685 to his death in 1710, except the laſt when he ſerved for Plymouth. He commanded a ſquadron in 1689, and behaved with great bravery in the battle of La Hogue in 1692, being then commander of the St. Andrew, a ſecond rate. He was made one of the lords commiſſioners of the admiralty in 1699, where he continued till 1702, when the earl of Pembroke was made high-admiral. Queen Anne made him admiral of the Blue and one of the council to prince George, as lord high-admiral. He was afterwards admiral of the white, and commander in chief during the indiſpoſition of Sir George Rooke. Upon the death of prince George, his commiſſion ending, he retired from buſineſs by reaſon of an ill ſtate of health. He died unmarried, May 8, 1710, and lies buried in the South-iſle of Weſtminſter-abbey. IV. Charles, born at Aſhe, 1656; at the age of thirteen he was made page of honour to Chriſtian king of Denmark, and at ſixteen, gentleman of the bed-chamber to prince George. He was made major-general of foot, and governor of Kinſale in Ireland, and was eſteemed one of the beſt commanders of foot in Europe, of which he was made general in chief, and governor of the tower by queen Anne. He had a great ſhare in the battle of Blenheim; after which he was governor of Bruſſels, colonel of the Coldſtream regiment of guards, and governor of Guernſey. He married in 1702, the daughter and heireſs of James Goulde, Eſq, of Dorcheſter, and died Decemb. 29, 1714, in the 58th year of his age. V. Montjoy died young; as did, VI. Jaſper. VII. Theobald, bred at Queen's-college Oxford. He took orders, and died unmarried, Dec. 3, 1685. The daughters were, I. Arabella, born at Aſhe, 1652. She was maid of honour to the ducheſs of York, and afterwards favourite miſtreſs to king James II, by whom ſhe had two ſons, James Fitz-James duke of Berwick, and Henry Fitz-James, commonly called the Grand-Prior; and two daughters, Henrietta, born 1670, and, in 1683, married to Sir Henry Waldegrave, created 1686 lord Waldegrave of Chelton, whoſe ſon James lord Waldegrave, born 1684, was created an earl 1729. The other daughter was a nun. Arabella's three ſiſters, Dorothy, Mary, and Barbara, died in their infancy. Arabella was married afterwards to colonel Charles Godfrey, and by him had two daughters; Charlotta, wife of Hugh Boſcawen, lord viſcount Falmouth; and Elizabeth, wife of Edward Dunch, Eſq.

[g] It is ſaid, that, when afterwards a ſcheme was forming by king James's friends in England for his reſtoration, and a liſt was offered to him of thoſe that were to be pardoned, the king, upon ſeeing lord Churchill's name in the liſt, declared he would never forgive him, and in being preſſed upon that head, inſiſted that he would not pardon him, unleſs he merited it by ſome ſignal ſervice. Such was king James's reſentment for his being deſerted by a perſon, whom he thought ſo much obliged to him for the many favours he had heaped upon him.

[h] A late hiſtorian, in his hiſtory of queen Anne, gives him the following character: The earl of Marlborough was, by nature, deſigned for a Favourite;

great concern I have for the preſervation of our religion, and laws and liberties of my country. All theſe being as dear to me, as they can be to any perſon whatſoever, you may depend upon it, that no pains nor diligence ſhall ever be wanting on my part, to preſerve and ſupport them; to maintain the ſucceſſion in the proteſtant line, and the government in church and ſtate as it is by law eſtabliſhed. I think it proper, upon this occaſion of my firſt ſpeaking to you, to declare my own opinion of the importance of carrying on all the preparations we are making to oppoſe the great power of France; and I ſhall loſe no time in giving our allies all aſſurances, that nothing ſhall be wanting on my part, to purſue the true intereſt of England, together with theirs, for the ſupport of the common cauſe. In order to theſe ends, I ſhall always be ready to aſk the advice of my council, and of both houſes of parliament, and deſirous to countenance and employ all thoſe, who ſhall heartily concur and join with me, in ſupporting and maintaining the preſent eſtabliſhment and conſtitution againſt all enemies and oppoſers whatſoever."

The queen pronounced this, as ſhe did all her other ſpeeches, with great weight and authority, and with a ſoftneſs of voice, and ſweetneſs in the pronunciation, that added much life to all ſhe ſpoke; and theſe, her firſt expreſſions, were heard with great and juſt acknowledgements. After this declaration, ſhe cauſed all the lords, and others of the late king's privy-council, to take the oaths to her in the ſame quality, and ordered a proclamation to be publiſhed immediately, ſignifying her pleaſure, that all perſons being in office of authority or government, at the deceaſe of the late king, ſhould ſo continue till further directions.

As, by the act made five years before, the parliament, notwithſtanding the king's death, was now continued to ſit; both houſes met the ſame day, and unanimouſly voted to addreſs the queen to condole with her on this ſad occaſion, and to congratulate her happy acceſſion to the throne. Then the lords in a conference acquainted the commons, that orders were given for proclaiming her majeſty that afternoon; which was accordingly done with the uſual ſolemnity, and the loud acclamations of the people: Though it is remarkable, that this day afforded a viſible mixture of ſorrow and joy; many being apprehenſive, that the death of king William, at ſo critical a juncture, might be attended with conſequences fatal to Europe in general, and to the proteſtant ſucceſſion of theſe kingdoms in particular.

The next day, purſuant to their vote, the lords in a body attended the queen with an addreſs, "moſt heartily congratulating her majeſty's acceſſion to the throne, aſſuring her of their zealous and firm reſolution to ſupport her undoubted right and title, and the ſucceſſion of the proteſtant line, againſt all her enemies whatſoever; being ſenſible their great loſs was no otherwiſe to be repaired to themſelves and their confederates, but by a moſt ſincere and vigorous adherence to her majeſty and her allies, in the proſecution of thoſe meaſures, already entered into, to reduce the exorbitant power of France: And humbly deſiring, that, for the encouragement of her majeſty's allies, no time might be loſt in communicating to them her majeſty's reſolutions of adhering firmly to the alliances already made, which they ſhould never be wanting, to the utmoſt of their power, to enable her majeſty to maintain." The queen told them, "ſhe received theſe aſſurances with great ſatisfaction, and that her endeavours ſhould always be ſincere to promote the true intereſt of England, and to ſupport their common cauſe."

The ſame day in the evening the commons, with their ſpeaker, attended her majeſty with an addreſs to the ſame purpoſe: "They unanimouſly aſſured her, that they would to the utmoſt aſſiſt and ſupport her majeſty on that throne, where God had placed her, againſt the pretended prince of Wales and all her enemies. And ſince nothing could conduce more to the honour and ſafety of her majeſty and her kingdoms, than maintaining inviolably ſuch alliances as had been, or ſhould be made, for preſerving the liberties of Europe, and reducing the exorbitant power of France; they aſſured her, that they were firmly reſolved to inable her to proſecute that glorious deſign. And, that all her ſubjects might reſt in a full aſſurance of happineſs under her majeſty's reign, they would maintain the ſucceſſion of the crown in the proteſtant line, according to the limitations in the ſeveral acts of ſettlement, and effectually provide for and make good the 'public credit' of the nation." The queen returned them "her hearty thanks for the kind aſſurances they gave her, which could not be more agreeably confirmed to her, than by their giving diſpatch in all their preparations for the public ſervice, and the ſupport of the allies." And this good harmony between the queen and her parliament, together with the reſolution of the commons about 'public credit,' immediately raiſed the national funds above their former value, which upon king William's death had fallen above fifteen per cent. The queen not only anſwered the addreſſes of both houſes in this favourable manner, but moreover ſhe received all that came to her ſo graciouſly, that they went from her highly ſatisfied with her goodneſs and her obliging deportment; for ſhe hearkened with attention to every thing that was ſaid to her.

Two days after the queen went to the houſe of peers with the uſual ſolemnity, and addreſſed herſelf to both houſes in the following ſpeech:

My lords and gentlemen,

"I Cannot too much lament my own unhappineſs in ſucceeding ſo immediately after the loſs of a king, who was the great ſupport, not only of theſe kingdoms, but of all Europe. And I am extremely ſenſible of the weight and difficulty it brings upon me.

"But the true concern I have for our religion, for the laws and liberties of England, for the maintaining the ſucceſſion to the crown in the proteſtant line, and the government in church and ſtate, as by law eſtabliſhed, encourages me in this great undertaking, which I promiſe myſelf will be ſucceſsful, by the bleſſing of God, and the continuance of that fidelity and affection, of which you have given me ſo full aſſurance.

"The preſent conjuncture of affairs requires the greateſt application and diſpatch; and I am very glad to find in your ſeveral addreſſes ſo unanimous a concurrence in the ſame opinion with me, that too much cannot be done for the encouragement of our allies, to reduce the exorbitant power of France.

"I cannot but think it very neceſſary upon this occaſion to deſire you to conſider of proper methods towards obtaining of an union between England and Scotland, which has been ſo lately recommended to you, as a matter, that very nearly concerns the peace and ſecurity of both kingdoms.

Gentlemen of the houſe of commons,

"I need not put you in mind, that the revenue for defraying the expences of the civil government is expired.

rite; by fortune and perſonal merit raiſed to be a General; and, by his own obſervation, and long experience of court-intrigues, made a ſtateſman: His perſon was lofty and well made; his features manly, yet beautiful; his look gracious and open; his mein great; his parts quick; his memory faithful and exact; his penetration deep; his judgment ſolid; his courage undaunted: He was conſummate in all the acts of a courtier, ſupple, affable, ſedate; reſerved, both with friends and enemies; ſober, averſe to luxury; and though, in a voluptuous court, he indulged himſelf in ſome liberties of life, yet he ſtill preſerved a good reputation with all men. He was ambitious, but free from haughtineſs and oſtentation. His aſcent was ſo gradual, and ſo long foreſeen, that it appeared rather a growth than a flight; and therefore was the leſs envied, as it ſeemed the more merited. As a ſoldier, he ever was a man of nice honour, punctual, vigilant, indefatigable: Before he was advanced to the degree of a general, he had a courage of the moſt keen temper, not without ſome appetite of danger; and in the moſt perilous encounters he had about him an extraordinary chearfulneſs. When raiſed to the command of an army, he expoſed his perſon, as far as neceſſity required, with the ſame unconcernment as he did before: And in a day of battle, gave his orders with all the clearneſs and compoſedneſs imaginable; leading on his troops without the leaſt hurry or perturbation, and rallying thoſe that where diſordered without ſharp or ſower reproofs, which rather damp than animate the ſoldier's courage. He was an excellent diſcerner and purſuer of advantage upon his enemy; but preſerved humanity even amidſt the horrors of the field, endeavouring to reſtrain the ſlaughter which uſually attends victory, in which he took no greater delight, than to ſpare the lives of the conquered. He was a ſtrict obſerver of his word and promiſe; and he gained the affections of the ſoldiers by his good-nature, and of the officers by his affability. As a ſtateſman, he managed variety of buſineſs, either ſingle, or in concert with the prime miniſter, with great dexterity, eaſe, and ſufficiency. In council he never was ſupercilious or aſſuming, but could bear contradiction without paſſion, and by cool argumentation bring others over to his own opinion. No man had ever fewer idle words; and, though he was not maſter of oratory, yet in debates of importance he always expreſſed himſelf very pertinently; and, by his temper and reſervedneſs in diſcourſe, he ſtill maintained his reputation of a wiſe man. He had a particular talent of inſinuating himſelf, and gaining upon the minds of thoſe he dealt with; ſo that no general ever commanded troops of different nations with more eaſe, nor was any politician more ſucceſsful in the moſt weighty and arduous negotiations; which will appear the more ſurprizing, becauſe liberality was not the brighteſt virtue that entered the compoſition of this excellent character. To ſum it up, king William ſaid of this great man, that he had the cooleſt head and the warmeſt heart he ever knew; which, from ſo good a judge, might ſeem the greateſt elogy: Were it not, that, in another reſpect, what was moſt true of the earl of Marlborough, could not be ſaid of any other general, either ancient or modern, 'That he never ſate before a town, which he did not take; nor ever fought a battle, which he did not win.'

The

" I rely entirely upon your affections for the ſupplying it in ſuch a manner, as ſhall be moſt ſuitable for the honour and dignity of the crown.

My lords and gentlemen,

" It ſhall be my conſtant endeavour to make you the beſt return for that duty and affection you have expreſſed to me, by a careful and diligent adminiſtration for the good of all my ſubjects. And, as I know ' my own heart to be entirely Engliſh,' I can very ſincerely aſſure you, there is not any thing you can expect or deſire from me, which I ſhall not be ready to do, for the happineſs and proſperity of England; and you ſhall always find ' me a ſtrict and religious obſerver of my word."

There were two paſſages in this ſpeech, which were thought not ſo well conſidered; particularly that expreſſion, that ' her heart was entirely Engliſh,' which was looked on as a reflection on the late king, and occaſioned much diſcourſe, and not a little diſcontent. The other paſſage was, that they ' ſhould always find her a ſtrict and religious obſerver of her word,' there having been an expreſſion of the ſame kind in her father's firſt ſpeech, how little ſoever it was afterwards remembered by him.

The commons, the next day, returned their thanks for the queen's ſpeech, by ſuch members of their houſe, as were of the privy-council; and, the day following, the lords attended her with an addreſs, importing, " That they could not ſufficiently expreſs the great ſatisfaction they received from her moſt gracious ſpeech, truſting to God it would have the ſame effect at home as abroad, equally reviving the hearts of her allies and ſubjects; uniting all people, and encouraging their utmoſt endeavours in the common cauſe. That the ſincere concern her majeſty had ſhewed for our religion, the government in church and ſtate, and the ſucceſſion to the crown in the proteſtant line; the hazards ſhe had expoſed herſelf to, in concert with his late glorious majeſty, for maintaining our laws and liberties, as well as her moſt gracious aſſurances at this time, gave her ſubjects ſuch a confidence in her promiſes, ſuch a dutiful affection to her perſon, ſuch a zeal for her ſervice, as would oblige them to make the utmoſt efforts to ſupport her majeſty under the weight and difficulties of the preſent conjuncture. The concern, ' added their lordſhips,' your majeſty expreſſes for your allies, is a farther obligation laid upon us, who are ſenſible their preſervation is neceſſary to our own, and who are as deſirous as ever to ſupport the character of the crown of England, in inabling your majeſty to maintain the balance of Europe. We cannot make ſuitable returns to your majeſty for your moſt gracious promiſes of a careful and diligent adminiſtration for the public good, which we think ourſelves ſufficiently ſecured of by ſo ſolemn an engagement under your ſacred word. Your majeſty hath been pleaſed to aſſure us of all we could wiſh, and recommend to us what we ought to deſire. And we doubt not your pious intentions will procure a bleſſing from heaven. And your majeſty may be aſſured, that reſolutions, ſo becoming a queen of England, cannot but make the deepeſt impreſſion upon all hearts, that are true to the intereſt of their country." To this the queen was pleaſed to anſwer, " That it was a great ſatisfaction to her to find, that what ſhe had ſaid had their lordſhips concurrence and approbation; and ſhe was willing to repeat to them, that ſhe ſhould always hold very exactly to the aſſurances ſhe had given them."

The addreſs of condolence and congratulation of the biſhops and clergy of London having the ſame day been preſented to the queen by the archbiſhop of Canterbury, the biſhop of London being indiſpoſed, her majeſty made anſwer, " That ſhe was very well pleaſed with the marks of their good-will, and they might be ſure ſhe ſhould always have a particular care of the church." The diſſenters in and about London preſented alſo an addreſs, which was the more remarkable, becauſe all the non-conformiſts (except the quakers) joined in it. The queen, in her anſwer, " aſſured them of her protection, and that ſhe ſhould do nothing to forfeit her intereſt in their affections." Which words were afterwards remembered, when the royal aſſent was given to the Schiſm and Occaſional bills. The city of London, and all the counties, cities, and even the ſubaltern bodies of cities, came up with addreſſes. In theſe, a very great diverſity of ſtile was obſerved; ſome mentioned the late king in terms full of reſpect and gratitude; others named him very coldly; ſome took no notice of him, nor of his death, and ſimply congratulated her acceſſion to the crown; and ſome inſinuated reflections on his memory, as if the queen had been ill uſed by him. Her majeſty received all civilly; to moſt ſhe ſaid nothing, to others ſhe expreſſed herſelf in general words, and ſome things were given out in her name, which ſhe diſowned.

The conſternation at the Hague for king William's death was exceeding great. Upon the firſt news of it, the States-general and thoſe of Holland aſſembled immediately: They looked upon one another as men amazed: They embraced each other, and promiſed to hold together, and adhere to the intereſts of their country: They ſate up moſt part of the night, and ſent out all orders that were neceſſary, upon ſo extraordinary an emergency, and diſpatched letters to the provinces and to the cities of Holland, to acquaint them with the news, and to exhort to union, and a perſeverance in the alliances and concerted deſigns. The Imperial, Pruſſian, and Daniſh miniſters ſent alſo expreſſes to their reſpective court on this occaſion, and went all to the Engliſh envoy's. Count Goez encouraged them, by aſſuring them, this accident would not cauſe the leaſt alteration in the reſolutions of the emperor, and that he had juſt received the important news from Vienna, that the king of the Romans would in perſon make the campaign on the Rhine. As the expreſs from England had brought the queen's ſpeech to her privy-council, it was agreed by theſe miniſters, that it ſhould be tranſlated into French and Dutch, in order to revive the drooping ſpirits of the people, which had a very good effect. The next day, the States-general met early in the morning, and again in the evening. The States of Holland being likewiſe aſſembled, penſionary Fagel made them a moving, but withal an encouraging ſpeech. He imparted to them a letter he had received from the earl of Marlborough in the queen's name, with very expreſs aſſurances of union, aſſiſtance, and vigour. Upon this, the States of Holland went in a body to the aſſembly of the States-General, where, having condoled their irreparable loſs, they repreſented, " That, in this dangerous conjuncture, nothing could prove more effectual for their preſervation, than a perfect unity, mutual confidence, and a vigorous reſolution for the defence of their country, and by adhering firmly to thoſe meaſures already entered into, and ſuch as ſhould be judged farther expedient for the good of the common cauſe; declaring withal, that they were ready to perform their part, and rather to ſacrifice all their blood and treaſure, than to ſee their ſtate, their liberty, and their religion deſtroyed." This repreſentation was highly applauded by the States General, who returned thanks to the States of Holland for their zealous reſolutions in that perilous conjuncture: and aſſured them of their hearty concurrence for the ſafety and welfare of the State, and ſtrenuouſly carrying on the common cauſe; and they ordered letters to be ſent to the other provinces, to invite them to give them the ſame aſſurances. The city of Amſterdam, to ſignalize themſelves more particularly on that occaſion, ſignified to the States-General, that they would not only conſent to ſuch reſolutions as ſhould be thought neceſſary at that time, but would advance money to thoſe provinces, which could not ſo readily furniſh out their quota's that ſhould be granted. The States-General, ſoon after, publiſhed their reſolutions at large in print, to the ſame effect, and concluded, ' That they were reſolved religiouſly to maintain their treaties and alliances, entered into with their confederates; ſtedfaſtly to purſue the contents thereof; vigorouſly and cordially to put them in execution; to perſevere in the meaſures already taken, and agree to ſuch other meaſures as ſhould be thought convenient; and that notice ſhould be given of this their true meaning and intention to all their allies and confederates.'

For a farther encouragement to the States, the next poſt brought a letter in French from queen Anne, which ſhe had writ purſuant to her declaration in council, and the lords deſire in their firſt addreſs. The letter was ſent to Mr. Stanhope with new credentials as envoy extraordinary from England, both which, as he was then ill of the gout, he immediately delivered by the hands of his ſecretary to the preſident of the week [1].

Theſe aſſurances from the queen, and the good diſpoſition

[1] The queen's letter was as follows.

High and Mighty Lords, our dear Friends, Allies, and Confederates,

" It is not without a ſenſible grief, that we find ourſelves obliged to acquaint you with the afflicting news of the death of the moſt high and moſt mighty prince, William III. king of England, Scotland, France, and Ireland, our moſt dear brother of glorious memory. He was ſeized on Wedneſday laſt with a fever, which ſo much encreaſed the following days, that, notwithſtanding all the remedies that were made uſe of, he expired at eight of the clock on Sunday morning. This is certainly a very great loſs to all Europe, and in particular to your State, whoſe intereſt he always maintained with

of both houſes of parliament expreſſed in their addreſſes (which were alſo come over) were a great comfort to the States in the loſs of their ſtadtholder; but what revived them moſt, was the arrival of the earl of Marlborough, with the character of embaſſador extraordinary and plenipotentiary. The queen, five days after her acceſſion, had made him and the duke of Bedford knights of the garter; and the next day, having declared the earl captain-general of her forces both at home and abroad, ſhe ſent him into Holland, to give the States full aſſurances of her maintaining the alliances that had been concluded by the late king, and of doing every thing that the common concerns of Europe required. This the embaſſador delivered, in a ſpeech to the States, which was printed and diſperſed for the ſatisfaction of the people[k]. Dyckvelt, the preſident of the week, anſwered this ſpeech in the name of the States, 'Expreſſing their great affliction for the death of the late king; their congratulation of her majeſty's acceſſion to the throne; their hearty thanks for the aſſurance of her friendſhip, and their own reſolution readily to concur with her majeſty in a vigorous proſecution of the common intereſt.' To which he added 'That his excellency's perſon would be highly acceptable to them, not only for the queen's choice of him, and for the ſake of king William, who firſt inveſted him with that character, but for his own merit.' It was obſerved, that, when the preſident mentioned the late king, the tears ran down his cheeks.

The news of king William's death was received in France with ſuch joy, that the court and people could hardly contain themſelves, without breaking out into the moſt furious tranſports; as was done at Rome to ſuch a degree of extravagance, that cardinal Grimani, the imperial miniſter, complained of it to the pope as an affront to his maſter the emperor, who was the deceaſed king's friend, ally, and confederate. But little notice was taken of it. They were ſo afraid in France that the news would not prove true, that the perſon who brought it firſt to Calais, was ſeized by the governor's order, and kept in priſon till it was confirmed. However, the French king finding that the death of king William would not have that effect, either in England or Holland, as he had promiſed himſelf, immediately ſent inſtructions to the ſieur de Barré (who was left at the Hague by count d'Avaux as ſecretary to the embaſſy) to renew negociations with the States, in hopes of ſeparating them from their allies. To give the more weight to what he ſhould propoſe, credentials were ſent to Barré, to take upon him the character of reſident. Theſe credentials were produced by Barré, the day before the earl of Marlborough had his public audience; and it was ſoon perceived, that this new character was given him for the ſake of a memorial, which was preſented at the ſame time. This memorial highly reflected, as well on the late king, as on the paſt conduct of the Dutch, inſinuating, that, as now they would recover their liberty, and be no longer under reſtraint, they would conſult their own intereſt, and look upon a good intelligence with France as the firmeſt ſupport of their republic. The reſident himſelf printed his memorial, in a belief, that the States, under their conſternation for the death of their ſtadtholder, would recede from the reſolutions they had before taken, and that the people would be influenced by it. He alſo vainly hoped it would have retarded the earl of Marlborough's audience. The firſt thing the States did, was to communicate the memorial to count de Goez the emperor's envoy. The earl of Marlborough and the penſionary (with whom the earl had daily conferred ever ſince his arrival) perſuaded him to preſent a memorial to the States upon that of reſident Barré, and to publiſh the ſame, which was accordingly done. Among other remarks on Barré, Goez takes notice of 'that reproachful flattery, that their lordſhips were now more maſters of themſelves, than they were fourteen days ago; which is contrary to the opinion, that all men have of their great wiſdom, and is no way conſiſtent with the univerſal grief over all the provinces, for the fatal alterations which the French memorial points at.' The States likewiſe, after examining Barré's memorial, publiſhed an anſwer to it, wherein they expreſſed their reſentment at his inſinuations, and their veneration for the memory of their late friend and ſupporter, in theſe terms: 'That they are very much ſurprized to ſee, that this whole memorial ſeems founded upon this: That they are now more at liberty to take ſuch reſolutions as they think expedient than formerly. Doubtleſs, this has reference to the death of his majeſty the late king of Great Britain, of immortal memory. But herein the ſaid ſieur reſident has extremely deceived himſelf, for want of underſtanding the conſtitution of their government. That he ought to know, that their high and mighty lordſhips have heretofore had as much liberty as at preſent, to debate and to take all ſuch reſolutions as they judged neceſſary and uſeful for the good and preſervation of their State. It is true, they cannot enough deplore their misfortune, to ſee themſelves deprived of the direction and conduct of a prince, whoſe wiſdom, moderation, and valour will be famed as long as the world endures. A prince, whoſe heroic actions, and whoſe merits from this republic, will never be forgot: and, in a word, whoſe death is lamented in this country by all perſons whatſoever, from the meaneſt to the higheſt. That the councils of his ſaid majeſty have never had any other aim both in deed and in word, than the preſervation of their liberty and religion, and their high and mighty lordſhips being entirely convinced of this truth, as having found the benefit thereof; they are reſolved to follow the ſame principles, and not to depart from the alliances contracted during the life of his ſaid majeſty; but to perſiſt in the meaſures taken purſuant to thoſe alliances; and, in ſhort, to make uſe at all times of the means God hath put into their hands for maintaining the liberty of Europe.'

[1702.] The earl of Marlborough's ſtay in Holland, though it was but a few days, was to very good purpoſe. He had confirmed the Dutch in their former reſolutions, and ſettled ſeveral important affairs with the States, particularly for the opening the campaign, for the ſiege of Keyſerſwert, (which by his advice was firſt to be undertaken) and the attack of Cadiz. He had agreed with the States and the imperial miniſter, that war ſhould be proclamed againſt France the ſame day † at Vienna,

with ſo much valour, prudence, zeal, and conduct. And as it has pleaſed God, that we ſhould ſucceed him in the throne of theſe kingdoms, we ſhall alſo ſucceed him in the ſame inclination to preſerve a conſtant union and amity with you, and maintain all the alliances that have been made with your State, by our ſaid dear brother, and other our predeceſſors; and likewiſe to concur with you in all the meaſures that ſhall be neceſſary for the preſervation of the common liberty of Europe, and for reducing the power of France within due bounds. This we deſire you to be fully aſſured of, and that we ſhall always look upon the intereſts of England, and thoſe of your State, to be inſeparable, and united by ſuch ties as cannot be broke, without the greateſt prejudice to both nations. We pray God to keep you, high and mighty lords, in his holy protection.'

Given at our court at St. James's, March 10, 1702, in the firſt year of our reign.

[k] The ſpeech tranſlated from the French was as follows:

High and Mighty Lords,

"It having pleaſed the Divine Providence to take to himſelf his majeſty king William of glorious memory, to the great loſs of his kingdoms, the State of your high and mighty lordſhips, and of all Europe; the queen, my miſtreſs, who by the ſame Divine Providence ſucceeds to the throne of her anceſtors, as your lordſhips have been informed by her majeſty's letter, hath commanded me to declare to your lordſhips, that it is her ſincere deſire and inclination to preſerve with you the ſame union, friendſhip, and ſtrict correſpondence, as hath ſubſiſted during the courſe of the preceding reign, as being perſuaded, that nothing in this world can be more conducive to the ſafety and welfare of both nations, whoſe intereſts are the ſame. Her majeſty hath alſo ordered me to acquaint your high and mighty lordſhips, that ſhe is reſolved to contribute all that lies in her power towards the promoting and increaſing this union, friendſhip, and correſpondence, and to make that a conſtant maxim of her government.

'Her majeſty hath further commanded me to aſſure your high and mighty lordſhips, that ſhe will not only exactly and faithfully obſerve and execute the treaties and alliances made between the kings her predeceſſors and your high and mighty lordſhips, but that ſhe is likewiſe ready to renew and confirm them; as alſo to concur with you in all meaſures, which have been taken by the late king of glorious memory, in purſuance of theſe alliances.

"Her majeſty is likewiſe diſpoſed to enter into ſuch other ſtricter alliances and engagements, which ſhall moſt conduce to the intereſts of both nations, to the preſervation of the liberty of Europe, and to the reducing within juſt bounds the exorbitant power of France.

"In the mean time, her majeſty is ready from this moment, and without delay, to concur with your high and mighty lordſhips, and the other allies, to this end, with all her forces, as well by ſea as land.

"And her majeſty, to ſhew her zeal the more, has been pleaſed to authorize me to concert with your high and mighty lordſhips the neceſſary operations.

"Theſe motives obliged her majeſty to order me to depart with all ſpeed, to come and give your high and mighty lordſhips all poſſible aſſurances, without having any regard to the uſual formalities.

"And I deem it a very great happineſs, that her majeſty has done me the honour to employ me in this commiſſion, ſince it gives me the opportunity of expreſſing to your high and mighty lordſhips the zeal I have for your ſervice." Lamberti, Vol. I. 88.

† [May 15, N. S.] It muſt be obſerved, that, from the year 1700, the difference between old and new ſtile is eleven days; ſo May 15th N. S. was May 4th O. S. which was the day the war was to be proclaimed in the three places here mentioned. Of all the inſtances of an obſtinate attachment to antient errors, our adherence to Old Stile is one of the moſt remarkable. For, though this computation is known not only to be erroneous, but to become more ſo conſtantly every day, yet we ſtill perſiſt in the error, and call 'the eleventh' day of the month 'the firſt.' This every one knows was occaſioned by making the ſolar year to conſiſt of three hundred and ſixty-five days and ſix hours, which is about eleven minutes too much. Theſe eleven minutes in every hundred and thirty-two years grow to be a day, and conſequently, from the time of the council of Nice, in the year 325, are now become eleven days and a half. The fathers of that council, finding the vernal equinox to be then on the 21ſt of March, imagined it would always be ſo; though, for the reaſon above, it now falls on the 10th of that month. So likewiſe they ſuppoſed, that, after a revolution of nineteen years, the new and full moons would return exactly

London, and the Hague. During his ſtay, the States had entered into ſuch a confidence with the earl of Marlborough, that he departed as well ſatisfied with them, as they were with him. He embarked on the 3d of April, and on the 8th arrived in England.

Mean while, the houſe of commons were purſuing the affairs recommended to their conſideration from the throne. The queen, in her firſt ſpeech, had put them in mind of the expiration of the civil liſt revenue. Accordingly, a bill paſſed both houſes, to continue to her for life the ſame revenue that was payable to the king, though many ſeemed to apprehend, that ſo great a revenue might be applied to uſes, not ſo profitable to the public, in a reign that was to be frugal, and probably would not be ſubject to great accidents. When the queen, on the 30th of March, came to the houſe of peers, to give the royal aſſent to this bill, ſhe made a ſpeech to both houſes "Returning thanks to the commons, in particular, for continuing to her the ſame revenue they had granted to the late king; 'and aſſuring them,' That while her ſubjects remained under the burden of ſuch great taxes, ſhe would ſtreighten herſelf in her own expences, rather than not contribute all ſhe could to their eaſe and relief, with a juſt regard to the ſupport of the honour and dignity of the crown: 'And that, though the revenue might fall very ſhort of what it had formerly produced, ſhe would give directions, that one hundred thouſand pounds be applied to the public ſervice in this year, out of the revenue they had ſo unanimouſly given her."

This politic generoſity was received with great applauſe, and particular notice was taken of it in all the addreſſes that came up afterwards.

At the ſame time, the queen paſſed a bill for receiving and examining the public accounts; and in her ſpeech, ſhe expreſſed a particular approbation of that bill: A commiſſion to the ſame effect had been kept up, for ſix or ſeven years, during the former reign, but it had been let fall for ſome years; ſince the commiſſioners had never been able to make any diſcovery whatſoever, and ſo had put the public to a conſiderable charge, without reaping any ſort of fruit from it. Whether this flowed from the weakneſs or corruption of the commiſſioners, or from the integrity or cunning of thoſe, who dealt in the public money, cannot be determined. The party, that had oppoſed the late king, had made this the chief ſubject of their complaints all the nation over, that the public was robbed, and that private men lived high, and yet raiſed large eſtates out of the public treaſure: This had a great effect over England; for all people naturally hearken to complaints of this kind, and very eaſily believe them: It was alſo ſaid, to excuſe the fruitleſneſs of the former commiſſions, that no diſcoveries could be made, under a miniſtry, that would ſurely favour their under-workmen, though they were known to be guilty. One viſible cauſe of men's raiſing great eſtates, who were concerned in the adminiſtration, was this, that for ſome years the parliament laid the taxes upon very remote funds; ſo that, beſides the diſtance of the term of payment, for which intereſt was allowed, the danger the government itſelf ſeemed to be often in (upon the continuance of which, the continuance and aſſignment of theſe funds was grounded) made that ſome tallies were ſold at a great diſcount, even of the one half, to thoſe who would employ their money that way, by which great advantages were made. The gain, that was made, by robbing the coin, in which many goldſmiths were believed to be deeply concerned, contributed not a little to the raiſing thoſe vaſt eſtates, to which ſome had grown, as ſuddenly as unaccountably. All theſe complaints were eaſily raiſed, and long kept up, on deſign to caſt the heavier load on the former miniſtry: This made that miniſtry, who were ſenſible of the miſchief the clamour did them, and of their own innocence, promote the bill with much zeal, and put the ſtrongeſt clauſes in it, that could be contrived to make it effectual. The commiſſioners named in the bill were the hotteſt men in the houſe, who had raiſed as well as kept up the clamour with the greateſt earneſtneſs. One clauſe put in the act was not very acceptable to the commiſſioners; for they were rendered incapable of all employments, during the commiſſion: The act carried a retroſpect quite back to the revolution: It was given out, that great diſcoveries would be made by them, and the art and induſtry, with which this was ſpead over England, had a great effect in the elections to the ſucceeding parliament.

On the 24th of March, the ſpeaker and members preſent took the abjuration-oath, directed in the act made this ſeſſion, 'for the further ſecurity of her majeſty's perſon, and the ſucceſſion of the crown in the proteſtant line, and for extinguiſhing the hopes of the pretended prince of Wales,' according to the alterations lately agreed to by the houſe. Before the king's death, it had been generally thought, that ſome in both houſes, and many more over the nation, would refuſe that oath, ſince they had oppoſed it ſo vehemently; and ſome indeed went out of town when the day came, in which the houſes reſolved to try all their members. But they ſoon came to other reſolutions, and with them almoſt the whole party came and took the oath, and profeſſed great zeal for the queen, and an entire ſatisfaction in her title. Some ſuſpected this was treachery, on deſign to get the government into their hands, that ſo they might deliver it up, or at leaſt that they might carry a parliament ſo to their mind, that the act might be repealed; and they might think, that then the oath would fall with it. Diſtinctions were ſet about among them, which heightened theſe ſuſpicions; for, though in the oath they declared, that the pretended prince of Wales had not any right whatſoever to the crown, yet in a paper, which biſhop Burnet ſaw, and which was handed about amongſt them, it was ſaid that 'right' was a term of law, which had only relation to 'legal rights,' but not to a 'divine right,' or to 'birthright;' ſo ſince that right was condemned by law, they, by abjuring it, did not renounce the 'divine right,' that he had by his birth. They alſo ſuppoſed, that this abjuration could only bind, during the preſent ſtate of things, but not in caſe of another revolution, or of a conqueſt. But this was too dark an affair to be inquired after, or ſeen into, in the ſituation, in which matters then were.

The queen being ſettled in the throne, began to think of forming her miniſtry, wherein ſhe plainly diſcovered her partiality to the tories, in favour of whom ſhe had been all along prepoſſeſſed, as thinking them better affected to the church than the whigs. In vain did the counteſs of Marlborough, who was appointed groom of the ſtole, and keeper of the privy purſe[1], uſe her endeavours to moderate her zeal for the tories, and engage her to a better opinion of the oppoſite party. Her influence over the queen, how great ſoever in other reſpects, was in this caſe but of little effect; and the lords Marlborough and Godolphin themſelves would not have had ſo great a ſhare of her favour and confidence, if they had not been reckoned in the number of tories. The truth is, both theſe lords had been educated in the perſuaſion, that the tory party were the beſt friends to the conſtitution both of church and ſtate; nor were they perfectly undeceived, but by experience.

Dr. John Sharp, archbiſhop of York, was pitched upon by the queen herſelf to preach the ſermon at her coronation (which was performed on St. George's day, April 23, with the uſual magnificence,) and to be her chief counſellor in church-matters. The late king had ſent a meſſage to the earl of Rocheſter, ſome weeks before his death, to let him know, that he had put an end to his commiſſion of lord lieutenant of Ireland; but that was not executed in form; ſo the commiſſion ſtill ſubſiſted in his perſon, and he was now declared lord lieutenant of Ireland. The lord Godolphin was, on the 6th of May, declared lord high-treaſurer. This was very uneaſy to himſelf, for he reſiſted the motion long; but the earl of Marlborough, whoſe eldeſt daughter was married to that lord's eldeſt ſon, preſſed it in ſo poſitive a manner, that he ſaid he could not go beyond ſea to command the armies, unleſs the treaſury was put into his hands, for then he was ſure, that remittances would be punctually made to him. The earl was declared captain-general; and the prince of Denmark, on the 17th of April, had the title of generaliſſimo of all the queen's forces by ſea and land; and it was

to the ſame point of time; but this they do not by about an hour and a half, which has alſo occaſioned an error of about four days and a half between the 'natural and eccleſiaſtical moons.' For the Nicene council ſettled 'the moveable Feaſts,' by fixing Eaſter-Day (on which the reſt depend) on the Sunday after the firſt full moon that ſhall happen next after the 21ſt of March; and, for finding that full moon, framed a rule, which, depending on the truth of the nineteen years cycle, makes the eccleſiaſtical moons now to over-run, about four days and a half, the natural ones, as ſet down in the almanacks. Thus, in civil affairs, the ſtate ſuffers the error of eleven days in reckoning the day of the month, whilſt the church perſiſts in fixing her 'moveable Feaſts,' by an imaginary, inſtead of a 'a real full moon,' contrary to the intention of the Nicene council, who framed the rule on ſuppoſition that the natural and eccleſiaſtical moons would always happen together, as they did in their time, and would always have done, had it not been for the error of an hour and a half every nineteen years, which the fathers did not foreſee. Hence all aſſemblies, civil or eccleſiaſtical, ſhould learn not to eſtabliſh, for future generations, any rule of practice, or article of belief, without this or the like proviſo; namely, "Provided, that, if the ſaid rule or ſaid article ſhall hereafter prove erroneous or repugnant to the truth and reaſon of things, then the ſaid rule or article ſhall be, 'ipſo facto,' void, any ſtatute, decree, or canon, to the contrary, notwithſtanding."

[1] The ladies of the bed-chamber were, the ducheſſes of Ormond and Queenſbury; the counteſſes of Scarborough, Burlington and Abington; the marchioneſs of Huntingdon; the ladies Hyde, Spencer, Fretcheville, Charlotte Beverwert, and Harriot Godolphin; and the ducheſs of Hamilton.

It

for ſome time given out, that he intended to go beyond ſea, to command the armies of the alliance; but this report ſoon fell, it being ſaid, that the Dutch were not willing to truſt their armies to the command of a prince, who might think it below him to be limited by their inſtructions, or to be bound to obey their orders. The late king had diſſolved the commiſſion for executing the office of lord high-admiral, and had committed that great truſt to the earl of Pembroke. The ſecrets of that board had been ſo ill kept, and there was ſuch a faction in it, that the king reſolved to veſt it in a ſingle perſon. The earl of Pembroke was not eaſily brought to ſubmit to it; he ſaw it would draw a heavy load upon him, and, was ſenſible, that, by his ignorance of the ſea affairs, he might fall into errors. To avoid which, he made uſe of good officers to aſſiſt him, and, reſolving to command the fleet in perſon, took great pains to put things in ſuch order, that it might be ſoon ready. A land-army was deſigned to go with the fleet, to the command of which the duke of Ormond had been named. But, upon new meaſures, the earl of Pembroke was firſt ordered not to go to ſea in perſon, and ſoon after diſmiſſed from his poſt, with the offer of a great penſion, which he generouſly refuſed, though the ſtate of his affairs and family ſeemed to require it. Prince George, on the 21ſt of May, was made lord high-admiral, and appointed ſir George Rooke, ſir David Mitchel, George Churchill, admiral of the blue ſquadron, and Richard Hill, eſq. to be his council; though the legality of ſuch a council was much queſtioned, as it was a new court, which could not be authorized to act but by an act of parliament; yet, out of reſpect to the queen, no public queſtion was made of it, and the objection to it never went beyond a ſecret murmur. On the 14th of April, the duke of Devonſhire was appointed lord ſteward, the earl of Jerſey lord chamberlain, the earl of Bradford treaſurer, and Peregrine Bertie vice-chamberlain, and ſir Edward Seymour comptroller of the houſhold, who, three days after, was likewiſe ſworn of the privy-council; and the earl of Abingdon, viſcount Weymouth, lord Dartmouth, Muſgrave, Grenvil, How, Gower, Harcourt, with ſeveral others who had, during the laſt reign, expreſſed the moſt violent and unrelenting averſion to the whole adminiſtration, were now brought to the council-board, whilſt the names of the lord Sommers and Halifax, and of ſeveral others firmly attached to the revolution-principles, were left out of the liſt. The privy ſeal, to the admiration of all men, was given to the marquis of Normanby[m], and to ſir John Leviſon Gower the chancellorſhip of the duchy of Lancaſter. On the 2d of May, the earl of Nottingham and ſir Charles Hedges were appointed ſecretaries of ſtate, in the room of the earl of Mancheſter and Mr. Vernon, the latter of whom was however made one of the tellers of the Exchequer. The tories would truſt none but the earl of Nottingham, and he would ſerve with none but ſir Charles Hedges; and the maxim laid down at court was, to put the direction of affairs in the hands of that party, who promiſed to carry on the war, and to maintain the alliances. If they failed in this, it was ſaid, the queen would put her affairs into other hands, which at that time few could believe[n].

The queen continued all the judges in their poſts, except Mr. juſtice Turton and Mr. baron Hatſell; and moſt of the lord-lieutenants of counties; nor did ſhe make any change in the foreign miniſters. It was generally believed, that the earl of Rocheſter and his party were for ſevere methods, and for a more entire change quite through all ſubaltern employments; but the lords Godolphin and the earl of Marlborough were for more moderate proceedings; ſo that, though no whigs were put into any poſts, yet many were kept in thoſe, which they had enjoyed during the former reign.

But, though the principal preferments were thus given to perſons of the ſame party, there ſoon appeared a diviſion among them, occaſioned by a rivalſhip between the earls of Rocheſter and Marlborough, in which notwithanding the near relation of the former to her majeſty, the latter ſoon gained the aſcendant. It having been moved in council, on the 2d of May, to declare war againſt France and Spain, the earl of Rocheſter and ſome other members repreſented the inconveniences, that might attend ſuch a ſtep, urging, that it was ſafer for the Engliſh to act only as auxiliaries. But the earl of Marlborough maintained, on the contrary, that it not only became the honour of the crown and nation to make good the late king's engagements, but that France could never be reduced within due bounds, unleſs the Engliſh entered as principals in the quarrel. This opinion being ſupported by the dukes of Somerſet and Devonſhire, the earl of Pembroke, and ſome others, the majority of the council declared for it, and the queen ordered a declaration of war to be drawn up. However, the queen being willing to have the advice of her commons upon this important affair, ſir Edward Seymour, by her command, laid before them, the ſame day, a convention between her majeſty, the emperor, and the States-General, about declaring war againſt France and Spain; after the reading of which, the commons unanimouſly reſolved to addreſs the queen, "To return her thanks for her communicating to them her intentions of declaring war, in conjunction with her allies, againſt the French king and his grandſon; and to aſſure her, that they would, to the utmoſt, aſſiſt and ſupport her in carrying it on."

Upon this occaſion a motion was made for an addreſs, "That no perſon be an officer in England or Ireland in her majeſty's new raiſed forces, but ſuch as were born in England, Scotland, or Ireland, or the dominions thereto belonging, or of Engliſh parents, unleſs they were before in half-pay." This motion tending to exclude the French proteſtant officers (though naturalized) who had ſerved in the late war, colonel Mordaunt ſtrenuouſly oppoſed it, urging, "That he had ſome French officers in his regiment, upon whoſe fidelity and courage he entirely depended, and who kept their companies in as good order, and as compleat as any native." The marquis of Huntington ſpoke likewiſe in behalf of the French refugees, urging, "What a reflection it would be on the Engliſh nation, to abandon people, who, upon ſo many occaſions, had ventured their lives for its ſafety and defence." Another member deſired thoſe, who had made the motion, to explain themſelves; 'for ſaid he, if thereby we mean to exclude all foreigners, what will become, not only of duke Schomberg, on whoſe father this houſe has thought fit to beſtow a gratuity of one hundred thouſand pounds, for his eminent ſervices in the revolution, but alſo of his royal highneſs prince George of Denmark, whom the queen hath lately declared generaliſſimo? So that, the queſtion being put upon the motion, it was carried in the negative.

Two days after, May the 4th, the declaration of war againſt France and Spain was ſolemnly proclaimed[o] before the gate of St. James's palace, and other uſual places, as it was the ſame day by the emperor and the States-General[p].

[m] It is ſaid, that the marquis (when earl of Mulgrave) made his addreſſes to the queen (then princeſs Anne) ſome years before her marriage with the prince of Denmark; and, though his addreſſes were checked as ſoon as diſcovered, yet ſhe always retained a great regard for him.

[n] The earl of Marlborough himſelf acquainted biſhop Burnet with this circumſtance.

[o] The declaration was in theſe terms:

Anne R.

"Whereas it hath pleaſed Almighty God to call us to the government of theſe realms, at a time, when our late dear brother William III, of glorious memory, had, in purſuance of the repeated advices of the parliament of this kingdom, entered into ſolemn treaties of alliance with the emperor of Germany, the States-General of the United Provinces, and other princes and potentates, for preſerving the liberty and balance of Europe, and for reducing the exorbitant power of France; which treaties are grounded upon the unjuſt uſurpations and encroachments of the Fench king, who had taken, and ſtill keeps poſſeſſion of a great part of the Spaniſh dominions, exerciſing an abſolute authority over all that monarchy, having ſeized Milan and the Spaniſh Low-Countries by his armies, and made himſelf maſter of Cadiz, of the entrance into the Mediterranean, and of the ports in the Spaniſh Weſt-Indies by his fleets; every where deſigning to invade the liberties of Europe, and obſtruct the freedom of navigation and commerce. And it being provided by the third and fourth articles of the forementioned alliance, that if, in the ſpace of two months (which are ſome time ſince expired) the injuries complained of were not remedied, the parties concerned ſhould mutually aſſiſt each other with their whole ſtrength: And whereas, inſtead of giving the ſatisfaction that ought juſtly to be expected, the French king has not only proceeded to farther violence, but has added thereunto a great affront and indignity to us and our kingdoms, in taking upon him to declare the pretended prince of Wales king of England, Scotland, and Ireland, and has alſo influenced Spain to concur in the ſame affront and indignity, as well as in his other oppreſſions: We find ourſelves obliged, for maintaining the public faith, for vindicating the honour of our crown, and for preventing the miſchiefs which all Europe is threatened with, to declare, and we do hereby accordingly declare war againſt France and Spain; and placing our entire confidence in the help of Almighty God, and ſo juſt and neceſſary an undertaking, we will (in conjunction with our allies) vigorouſly proſecute the ſame by ſea and land, being aſſured of the ready concurrence and aſſiſtance of our ſubjects, in a cauſe they have ſo openly and heartily eſpouſed. And we do hereby will and require our lord high-admiral of England, our general of our forces, our lieutenants of our ſeveral counties, governors of our forts and garriſons, and all other officers and ſoldiers under them by ſea and land, to do and execute all acts of hoſtility in the proſecution of this war againſt France and Spain, their vaſſals, and ſubjects, and to oppoſe their attempts; willing and requiring all our ſubjects to take notice of the ſame, whom we henceforth ſtrictly forbid to hold any correſpondence or communication with France or Spain, or their ſubjects. But, becauſe there are remaining in our kingdoms many of the ſubjects of France and Spain, we do declare our royal intention to be, that all the ſubjects of France and Spain, who ſhall demean themſelves dutifully towards us, ſhall be ſafe in their perſons and eſtates."

Given at our court at St. James's, the fourth day of May, 1702, in the firſt year of our reign.

[p] The emperor's declaration was as follows:

"We Leopold, by the grace of God, elected emperor of the Romans in Germany, ever auguſt king of Hungary, Bohemia, Dalmatia, Croatia, Sclavonia, archduke of Auſtria, duke of Burgundy, Styria, Carinthia, Carniola,

The French court was not a little ſurprized at theſe three declarations of war; and, immediately upon the receiving of them, the marquis de Torcy went into a great hall, where the king was walking, and read them over to him. He did not expreſs ſo much uneaſineſs at the complaint of the emperor, but made a great many reflections upon that of the queen, which ſo particularly reſpected the indignity done to the Engliſh nation, by acknowledging the pretended prince of Wales king of Great Britain. But what moſt exaſperated him, was the declaration of the States-General. For, as ſoon as the marquis de Torcy had done reading it, the king took it, and in a tranſport of anger threw it upon the table, ſaying,

niola, and Wirtemberg, earl of Tyrol, &c. do make known, that although ſince the concluſion of a general peace, not many years ago at Ryſwick in Holland, the crown of France hath, as well by refuſing for a long time to reſtore the fortreſs of Briſac, as by the injuries and damages done to the houſe of Monbeliard, together with other violations, made it abundantly evident, that they did not intend to obſerve this ſolemn treaty better than any of the former: However, being in hopes, that we might paſs the remainder of our troubleſome reign in peace, and after having ſuffered ſo many vexations to maintain the holy Roman empire, and our kingdoms, and hereditary dominions in the enjoyment of the preſent peace, and for the future prevent the effuſion of ſo much innocent Chriſtian blood; we have choſen rather patiently to endure their inſults, and to endeavour to find out means of amicably compoſing the differences, than to enter in a freſh quarrel upon that account, and thereupon begin a deſtructive war. But whereas, immediately after the death of Charles the ſecond, king of Spain and duke of Auſtria, under the colour of a will, ſuppoſed to have been made by that prince (which however is really null and of no validity) and notwithſtanding all the marriage-contracts, renunciations, ceſſions, treaties of peace, and former oaths, the king of France has made himſelf maſter of all the kingdoms and countries of his ſaid majeſty, among which there are ſome, that did belong to our archducal houſe, before they came under the power of the crown of Spain, beſides thoſe, that are feudatory and dependent on the empire, and has by intruſion put his grandſon, the duke of Anjou, into the ſame; and moreover taken by force the dukedom of Mantua, and other fiefs of the empire, although they never belonged to the monarchy of Spain, and has alſo cauſed a great number of troops to enter into the dioceſe of Cologne and Liege, hath ſeized and put garriſons into all their towns and ſtrong places, hath added new fortifications to them, and every where erected magazines, and, contrary to our lawful ordinances, and the execution thereof, according to the laws of the empire, committed to the princes of the circles, hath ſupported by force of arms, and ſtrengthened the elector of Cologne in his diſobedience; and on the other ſide hath cauſed the faithful ſubjects of the empire to be impriſoned, and particularly the baron de Mean, dion of Liege, and hath ſeized and carried away ſeveral others from off the lands of the empire, and hath attacked, in an hoſtile manner, and ill-treated the princes of the circles, who, according to their duty, endeavoured to put in execution our lawful imperial mandates. And furthermore his grandſon, the duke of Anjou, hath taken to himſelf the titles, that belong to none but our archducal houſe, and hath cauſed himſelf to be called the duke of Auſtria, count of Habſborough, and of Tyrol. We look upon it as a thing inexcuſable any longer to paſs by in ſilence ſuch hoſtilities, infractions, and violences, committed both againſt our archducal houſe and our high imperial dignity: On the contrary we find ourſelves obliged, in conſequence and by virtue of the laws of nature and of nations, and of the holy Roman empire and particularly in conſequence of the capitulation we ſwore to at the time we were elected emperor, and of our imperial, archducal, and patrimonial dignity, to hinder them with all our force and power (ſince the endeavours of other potentates have had as little ſucceſs with the ſaid crown of France, as the offers we have made of coming to an amicable agreement) and that ſo much the more, inaſmuch as it is a matter unqueſtionable, that the ſaid will, which at preſent ſerves for a colour of the ſaid hoſtilities of France, was contrived by ſome bribed Spaniſh counſellors, according to the directions of the French king; and that it was offered to his late catholic majeſty, when he was ſunk to ſuch a weakneſs of body and mind, as not to be able to read or underſtand, much leſs to weigh and examine, as was neceſſary, the large contents of the ſaid will. And moreover, as it is altogether contrary to the intention of the ſaid late king, which he had ſo often ſignified to us; and as the ſaid will is full of falſities, and of incomprehenſible and contradictory matters; and laſtly, as it gives as little ſatisfaction to our juſt demand, as the king of France could receive from it, not to mention, that as yet it hath not been duly executed by them, but hath already been broken in many points, and more particularly, foraſmuch as it is evident, that the ſaid arbitrary enterprizes, as well by himſelf, as in the name of his grandſon, as the pretended lord of the circle of Burgundy, and conſequently a declared enemy to us and the empire, do tend to the overthrow and deſtruction of the imperial dignity, the authority, and rights, which were intruſted to us by a lawful election.

"Supported therefore by the juſtice of our cauſe, and truſting in the aſſiſtance of Almighty God, we declare and publiſh by theſe preſents, that we hold for our enemies the French king and the duke of Anjou, with their ſubjects and adherents; and that, to prevent the public violence and injury, which are done by them unto us, the empire, and the loyal ſtates of the empire, and to defend our imperial and other rights, we are obliged to take up arms, and to cauſe our troops to march againſt our ſaid enemies. We command by theſe preſents the faithful ſubjects of us and the empire, by the duty wherein they ſtand engaged to us and the empire, and under pain of deprivation of life and goods, and we ſeriouſly injoin them by theſe preſents, that none of them do engage in the ſervice of the ſaid crown of France, of the duke of Anjou, or of his adherents; and that none of them do undertake in the leaſt to do any ſervice, or give them any aſſiſtance, or to maintain with them, directly or indirectly, any commerce, partnerſhip, or correſpondence, but that from this moment they do wholly break off and abſtain from the ſame, and do aſſiſt us with all their power, to purſue and attack our ſaid enemies, and thoſe which belong to them. We have alſo this entire confidence in the electors, princes, and ſtates of the empire, that they will all in general, and every one in his own particular, from this time forward, at ſuch times as we ſhall conſult with them, according to the exigence of affairs, concerning what may be fit to be done in a matter that does not reſpect us alone, but likewiſe relates to the welfare and ſecurity of the other principal members of the empire in particular, and conſequently that of the whole Roman empire, will aid and aſſiſt us in our lawful and juſt undertaking, with their faithful and wiſe advice, and with the ſincere, and unanimous, and firm conjunction of all the force, which God and the empire has given them, to free themſelves and other injured ſtates from oppreſſion: That they will contribute towards removing all thoſe calamities, and that they will not ſuffer themſelves to be drawn away in any wiſe; let every one therefore regulate himſelf, and take care accordingly."

In witneſs whereof we have cauſed theſe preſents to be ſealed with our imperial ſeal. Lamberti, vol. II.

The Manifeſto of the States-General, containing the reaſons of the proclaiming war againſt France and Spain, was in theſe terms.

"The States-General of the United-Netherlands, to all, to whom theſe preſents ſhall come, greeting. Know ye, that the king of France having, for a long time ſince, caſt his eyes upon theſe provinces, to ſeize upon the ſame, if poſſible, or entirely to deſtroy or ruin them, has, in order to compaſs his deſign, twice attacked this republic; viz. in the year 1672 and 1688, by a moſt unjuſt and violent war, though we had done our utmoſt to avoid the ſame, and preſerve the continuation of peace and tranquility. That nothing is more evidently known, than that, if that king had ſucceeded in his deſign, and poſſeſſed himſelf of theſe provinces, he would have hereby made his way to univerſal monarchy. And, if he had but only weakened them, and forced them to ſit ſtill, and ſeparate themſelves from their allies, it is no leſs notorious, that he might have attained his aim, by ſubduing other princes and powers; whereby this republic had been in a manifeſt danger of being reduced, as well as other ſtates, and loſing her liberty and religion, which are the two precious advantages, for which the ſubjects of this ſtate have formerly ſuffered ſo many cruel perſecutions, and which they could never fully and entirely enjoy, till they had frankly and heartily ſacrificed their fortunes and blood, with every thing elſe that was dear to them, and maintained a war of eighty years ſtanding againſt the then powerful kings of Spain.

"That, notwithſtanding, it hath pleaſed God to puniſh theſe provinces by the two laſt wars, becauſe of their ſins, yet he hath not permitted, that the French king ſhould put in execution his ambitious deſigns; but on the contrary, has ſo favoured the arms of the republic and their allies, that they obtained in the year 1678 and 1697, a general peace; whereby France was obliged to reſtore large provinces, lordſhips, and important places to the emperor, the empire, and the king of Spain, which ſhe had poſſeſſed, partly by craft and artifice, under the ſpecious name of re-union, and other pretences, againſt the treaty of Nimeguen.

"That, the treaty of peace of Ryſwick, and that of commerce, being ſo ſolemnly concluded in the year 1697, we had all the reaſon in the world to flatter ourſelves, that the ſame would be 'bonâ fide' executed in all its points. But we have found, on the contrary, by experience, that they did not deſign on the part of France, to obſerve them, but only to induce us and our allies to lay down our arms, diſband our forces, and ſeparate us one from another, in order to weaken us; and, in particular, to enervate and ruin our ſubjects in ruining their commerce, that they might the more eaſily obtain the aim here abovementioned. This is ſo notorious, that the treaties aforeſaid of peace and commerce were hardly ratified, but they began manifeſtly to incroach upon the trade of theſe provinces (which is the ſinew of this ſtate) by their openly refuſing to grant us the Tariff promiſed unto us by the treaty aforeſaid, putting thereby the ſubjects and merchants of this republic to innumerable troubles upon that account: Which obliged us, after a long, tedious, and expenſive negotiation, to accept a Tariff (though diſadvantageous to us) contrary to the tenor of the ſaid treaty, in order to prevent a greater miſchief.

"That, notwithſtanding it was ſtipulated by the fifth article of the ſaid treaty of commerce, that ſuch of our ſubjects, who ſhall ſettle in France for carrying on their trades, ſhall be free and exempted from the duties and tax laid upon foreigners; yet exceſſive duties have been laid upon them, and we have been forced to ſee and bear the ſame.

"That, in the mean while, the king of France omitted nothing to perſuade us, by all imaginable proteſtations, that he had no other deſign than the preſervation of the peace, and the removing of all obſtacles, that might interrupt the ſame. And, whereas the weak conſtitution of the king of Spain could not promiſe a long life, and that his death was like to cauſe great wars and differences, this occaſioned a treaty, whereby on one ſide, it was provided, that the French king ſhould not have that exorbitant power, which otherwiſe he would have had by the acceſſion or union of the Spaniſh monarchy to his crown, and by theſe means prevented the ill conſequences all Europe was afraid of; and, on the other hand, ſatisfaction was given to others, who claimed the ſaid ſucceſſion, in order to preſerve the general peace.

"That, upon this foundation, the king of France having concluded, on the third and twenty-fifth day of March, 1700, a ſolemn treaty with the king of England and this ſtate, we were in hopes to preſerve the general peace. But that treaty was no ſooner concluded and ratified, but it moſt evidently appeared, that it was not the intention of the French king to ſtand by it and obſerve it, but on the contrary, that they uſed all manner of artifices in the court of Spain, not only to render the emperor odious to the Spaniards, but alſo to oblige the king to diſpoſe of his ſucceſſion by a teſtament in favour of France.

"That, the king of Spain having ſome time after departed this life, they produced a teſtament, whereby the duke of Anjou, grandſon to the king of France, was declared heir of all the kingdoms and dominions of the deceaſed king.

"That, the ſaid will being made public, the French king did immediately give proofs of his ſecret intentions of making uſe of all imaginable means to gratify his vaſt ambition: And in order thereunto, (without any reſpect or regard to a treaty ſo ſolemnly and newly concluded, and the repeated proteſtations he had made never to depart from it) he accepted of the ſaid will, breaking and violating the treaty aforeſaid, without giving any previous communication of his intentions to thoſe, with whom he made it; notifying the ſame without any diſguiſe to the republic, and alledging for the principal motive thereof, that the ſpirit and ſenſe of the ſaid treaty, and not the letter, were only to be regarded; and explaining that ſpirit and ſenſe in his own way, as he thought fit, not omitting at the ſame time to threaten us, and repreſenting the dangers and misfortunes, which we might expect, if we did not conform ourſelves to that ſpirit. Which proceeding is a breach of faith as uncommon and unheard of, as ever was, and a dangerous inſtance, which tends for the future to undermine and ruin the faith of all the public treaties.

"That, by virtue of the teſtament aforeſaid, that king did not content himſelf to cauſe the duke of Anjou to be proclaimed king of Spain, but he poſſeſſed himſelf in his name of all the kingdoms and dominions of the Spaniſh monarchy, without any regard to the pretenſions of the emperor, which were ſo fully owned in the treaty aforeſaid, that they were not only laid as the foundation of the ſaid treaty, but alſo ſo far acknowledged for juſt and lawful on all ſides, that the greateſt part of the Spaniſh monarchy was yielded to the archduke of Auſtria.

That

"That meſſieurs the Dutch merchants (meaning the States-General) ſhould one day repent of their boldneſs in declaring war againſt ſo great a monarch." But he did not publiſh his declaration of war till the 3d of July q.

On the 5th of May, the commons reſolved to preſent an addreſs to her majeſty, "returning the thanks of their houſe for her great zeal for the ſucceſſion of the crown in the proteſtant line, expreſſed in her late order in council, directing the princeſs Sophia to be prayed for:" As the right, that recommended that princeſs, was in her own blood, ſhe was deſigned by her Chriſtian name, and not by her title. It came to be known, that this had been oppoſed in council by the marquis of Normanby, but was promoted by the lord Godolphin. The lords returned their thanks to the queen upon the ſame account, as alſo "for laying before them the convention made with the emperor and the States-General, in order to a concurrent declaration of war."

As the queen, in her firſt ſpeech to the parliament, had renewed the motion made by the late king, for the union of England and Scotland, a bill was brought in for that purpoſe. Many of thoſe, who ſeemed now to have the greateſt ſhare of her favour and confidence, oppoſed this bill with much heat, and not without indecent reflections on the Scotch nation; yet it was carried by a great majority, that the queen ſhould be empowered to name commiſſioners for treating of an union. It was ſo viſibly the intereſt of England, and of the preſent government, to ſhut that back-door againſt the practices of France, and the attempts of the pretended prince of Wales, that the oppoſition to this firſt ſtep towards an union, and the indecent ſcorn with which Seymour and others treated the Scots, were clear indications, that the poſts they were brought into had not changed their tempers; but that, inſtead of healing matters, they intended to irritate them farther by reproachful ſpeeches; the bill

"That the ſaid king being unwilling to ſtop there, cauſed his own troops to take poſſeſſion of the Spaniſh Netherlands, notwithſtanding our own were in garriſon therein, by the permiſſion and conſent of the late king of Spain, for the defence and ſecurity of the ſaid country, and with a deal of difficulty was at laſt perſuaded to let our ſaid troops return home, after they were very much weakened. That by theſe means the republic was at once deprived of her rampart and barrier, for which we had already maintained two bloody wars, and which the king of France himſelf had aſſigned in the conditions of the peace concluded in the year 1678, and contrary to what was particularly ſtipulated in the treaty of partition and inſiſted upon on the part of the republic, viz. That the ſaid Spaniſh Netherlands ſhould belong to the archduke of Auſtria.

"That the ſaid king of France immediately began to govern arbitrarily the kingdoms and dominions of Spain, under the name of his grandſon, as well in civil as in military affairs, and has ſo united thoſe ſtates to his own, as if the ſame were but one and the ſame kingdom and government; which can never more evidently appear, than in the caſe of the Spaniſh Netherlands, the barrier of this ſtate, where it appears (as indeed they write it from Spain) that the ſaid provinces have been abſolutely yielded and made over to the king of France; and that he exerciſes an abſolute authority over them, both in civil and military affairs, as likewiſe in matters of finances.

"That the French king having carried his exorbitant power to the degree, which the Chriſtian world had ſo long apprehended, and laid ſuitable foundations for obtaining the univerſal monarchy, he did not delay long to put theſe projects in execution, ſending a formidable army into Italy, to make himſelf entirely maſter thereof, having already ſent a great number of troops into the Spaniſh Netherlands to fright us, and oblige us, if poſſible, to a ſeparate treaty without our allies.

"That theſe artifices, (though never ſo well concerted) falling ſhort of the deſired effect, the French king made uſe of all other imaginable ways to compel us thereunto by force, and to that end ſeized the city and citadel of Liege, without the conſent and knowledge of the emperor and the empire, and cauſed the dean of the ſaid chapter to be by violence ſeized and carried away into the Spaniſh dominions, that he might not oppoſe his deſign, and in order to ſtrike a terror into the ſaid chapter.

"That, not being ſatisfied with having thus ſeized upon Liege, and in order to ſtreighten us more and more, he poſſeſſed himſelf, contrary to the will of the chapter of Cologne, of the moſt conſiderable places of that archbiſhopric, and particularly of the fortreſſes of Bonn, Keyſerſwaert, and Rhimbergen (his deſign upon the city of Cologne having happily miſcarried by their good conduct) to put himſelf in a condition to invade this republic, as he had done in the year 1672. And, that nothing might be wanting to make himſelf ſure of it, and in order to block us up on all ſides, he cauſed a conſiderable number of troops to be raiſed at his own charges in the county of Wolfembuttle, that they might invade on that ſide, ſending, at the ſame time, all ſorts of ammunition and artillery to the Rhine, through foreign countries, the better to invade theſe provinces.

"That the ſaid king, not being ſatisfied with having ſtreightened us in that manner by land, proceeded further; and by poſſeſſing himſelf (in the name of the king of Spain) of all the harbours in Spain, Naples, Sicily, and other iſlands in the Mediterranean, as alſo the Spaniſh Netherlands and the Indies, he made himſelf entire maſter of the commerce of Europe, and obtained the power to exclude us and all other nations from it. And laſtly, that we might have no room or place left to us for trade, he endeavoured to perſuade the king of Portugal to forbid us his harbours, and ſent, at the ſame time, a ſquadron into the Weſt-Indies, on purpoſe to ſeize the ſilver fleet, in which our ſubjects, and thoſe of other princes and potentates are ſo conſiderably concerned.

"That, affairs being in that intricate and dangerous condition, we, as the neareſt and moſt expoſed to the fire, having, in the firſt place, invoked God Almighty to our aſſiſtance, thought it neceſſary to put ourſelves in a poſture of defence, and ſo arm ourſelves, as well as we could, by ſea and land, againſt that exorbitant power, and the dangers we were threatened with; and, at the ſame time, to deſire of our neighbours and allies the ſuccours they had promiſed us by treaties, in caſe we were moleſted and diſturbed: which they having granted us with the ſame readineſs as we deſired, we put ourſelves in that condition, that, refuſing to hearken to any private treaty with France, we had time to confederate ourſelves with his Imperial majeſty, the king of England, the king of Pruſſia, and other princes and potentates, for the common defence of our and their reſpective dominions, the preſervation of the liberty of Europe, and for recovering the general peace and tranquillity.

"That, every one beginning to open their eyes, and to think of their natural defence, the emperor ſent a conſiderable army into Italy, to oppoſe the French king.

"That his Imperial majeſty, having thought fit to diſlodge the French out of the electorate of Cologne, and uſed all imaginable ways for it, did, togeth- with the directors of the circles concerned therein, deſire our aſſiſtance, which we (conformable to our engagements, our own defence, and the ſtrict alliance we were entered into) could not refuſe; but, on the contrary, thought it neceſſary, that our forces there and elſewhere ſhould act as auxiliaries by way of diverſion.

"That theſe proceedings of the French have, to our great ſorrow, kindled a war in ſeveral parts of the world, which is actually begun, and carried on with a great deal of violence.

"That, as we had not given the leaſt pretence thereunto, but, on the contrary, made our utmoſt efforts for the preſervation of the general peace, we were very glad to ſee a miniſter, that the French king had ſent into theſe parts, and neglected nothing to engage him to make ſome propoſals for maintaining the peace. But, ſeeing we could not ſucceed therein, we made ourſelves ſome demands, which we thought neceſſary for recovering a general tranquillity and our private ſecurity; but there has been no manner of anſwer, nor the leaſt offer made thereupon.

"That indeed ſome outward proteſtations of peace have been made on that ſide, but as, at the ſame time, they continued their warlike preparations, to ſeize the lands of their neighbours, and to confederate themſelves with ſeveral princes and potentates; they have clearly manifeſted, that their proteſtations would come to nothing, unleſs we were reſolved to treat ſeparately from our allies; and this they have ſtill more evidently diſcovered, by recalling ſucceſſively two miniſters.

"Finally, the king has upon that foot cauſed his reſident to declare unto us in a memorial, that his armies were in a condition to act againſt us, if we came to no reſolution about the things contained therein.

"And, as there is nothing more evidently known, than that the deſigns of the preſent king of Spain againſt the liberty of our ſtate and commerce are the ſame as thoſe of the king of France; nay, as all the world muſt be convinced by the whole directions and management of affairs, that the king of France and the preſent king of Spain are one and the ſame in effect; and that the king of Spain can do, nor will do nothing, but what the king of France pleaſes, and will have him to do; even that the kingdoms of France and Spain are united into one: it follows from thence, that whatever the king of France has done againſt us and our allies, in the name of the king of Spain, muſt be taken and underſtood to be made by the king of Spain himſelf, or at leaſt by both of them. That by theſe means the king of France (above what has been already ſaid) has made uſe of the Spaniſh troops in the name of the king of Spain to carry on his deſign againſt us. That in that name he has erected a fort within the reach of the cannon of a fortreſs belonging to the States, contrary to the treaty concluded with the king of Spain in the year 1648, and contrary to the laws of nations and thoſe of war.

"That the king of Spain has not only ſuffered thoſe proceedings of the king his grandfather, but abſolutely approved the ſame, and the actual ſeizing the whole monarchy of Spain, and in particular of the Spaniſh Netherlands, that neceſſary barrier for our State.

"That all divine and human laws dictating to us, that, being thus ſtraitned, blocked up on all ſides, and actually attacked by the kings of France and Spain, and threatened by them with ſo many dangers, we may, and are bound to make uſe againſt them of all the means God and nature have put into our hands for our defence, for protecting our ſubjects, and for preſerving their religion and liberty; and to that end to take up arms againſt the ſaid kings of France and Spain, who have together conſpired our ruin and deſtruction, and declare war againſt them, as we do by theſe preſents, truſting, that God Almighty will bleſs the juſtice of our cauſe, and the means we ſhall make uſe of; deſiring, that all kings, princes, and republics, and ſtates, who love their own preſervation and liberty, together with that of Europe, that they will regard this our Declaration, as an effect of an urgent and preſſing neceſſity for defending ourſelves, and protecting our ſubjects, and conſequently all Europe: and that they will (in conjunction with us) oppoſe the ill deſigns of the kings of France and Spain, and their exorbitant power, whereby they intend to make themſelves maſters of all Chriſtendom, and to that end to give us aid and aſſiſtance.

"Laſtly, we command and require all our ſubjects and inhabitants of theſe provinces, commanders, officers, ſoldiers, and others, of what quality ſoever they be, to own and regard the ſaid kings of France and Spain as enemies of this State; to invade their country, and fall upon their ſubjects and vaſſals both by ſea and land; to repel their violence, and do every thing elſe they are obliged to do for the defence of our country, and the damage of our enemies.

"And, that no body may pretend to be ignorant thereof, we require and command the lords ſtates, counſellors, deputy-ſtates of theſe reſpective provinces, and all other officers and magiſtrates of this country, to cauſe theſe preſents to be proclaimed, publiſhed, and poſted up, on the 15th day of this inſtant, in all the places where publications of this nature are uſually made; commanding likewiſe, that the ſame be publiſhed and affixed in the uſual places of the diſtrict of the generality."

Done and concluded in the aſſembly of the Lords States-General at the Hague, May the 8th, 1702. Signed W. de Naſſau, and underneath F. Fagel; and ſealed with the ſeal of the States-General in red wax. Lamberti, Vol. II.

q It was in the following terms:

By the King,

"Although the treaty concluded at Ryſwick at a time, when the king, by the ſuperiority of his forces, was in a condition to have given laws to the neighbouring princes, that were jealous of his power, was a certain proof of the ſincere deſire that his majeſty had always to give peace to his ſubjects, and to reſtore peace to Europe: his majeſty nevertheleſs finds, that the emperor, without any lawful right to the Spaniſh monarchy, hath put himſelf in a condition by the augmentation of his troops, by treaties and alli-

went through both houſes, notwithſtanding the rough treatment it met with at firſt, and on the 6th of May received the royal aſſent [r].

The entire harmony between the queen and both houſes of parliament, greatly diſappointed the diſaffected, who expected nothing but confuſion upon the late king's death, and who, to ſhew their joy at an accident, that had cauſed a general concern in moſt parts of Europe, vilified the deceaſed king with libels, verſes, and healths, ſo very indecent and ſcandalous, that, inſtead of wit, they ſerved only to demonſtrate their implacable malice [s]. Not content with theſe inſults, they endeavoured to blaſt the king's memory, and to render his friends obnoxious, by charging upon him a deſign of excluding the princeſs Anne from the ſucceſſion. For he had no ſooner expired, than a report was ſpread, 'That ſome papers were found in his ſtrong box, whereby it appeared, that he had laid a ſcheme to get the elector of Hanover declared his immediate ſucceſſor: That, in order to effect this, the troops of Hanover and Zell were to file off towards the ſea-coaſt of Holland: That, ſoon after the king's return from thence, a pretended inſurrection was to be raiſed either in Scotland or Ireland, to give the king a colourable pretence for inviting over the Hanoverian troops, with their prince to command them; and that ſeveral peers, privy to this deſign, were to be made lord-lieutenants of counties, in order to influence the elections for members of a new parliament. This, many of thoſe, who were now in poſts, had talked of in ſo public a manner, that it appeared they intended to poſſeſs the whole nation with a belief of it; hoping thereby, to alienate the people from thoſe who had been in the late king's confidence, and diſgrace all the whigs, in order to the carrying all elections of parliament for men of their own party. And indeed, the report had gained ſo far upon the belief of ſome people, that the city of Norwich, in their addreſs to the queen, printed in the Gazette on the 30th of April, "congratulated her majeſty's moſt happy and peaceable acceſſion to the throne, notwithſtanding all the 'malicious deſigns' and 'contrivances' uſed to 'defeat' her majeſty of her undoubted right."

The dukes of Somerſet and Devonſhire, and the earls of Marlborough, Jerſey, and Albemarle, had been ordered by the queen to viſit the late king's papers, and bring her ſuch of them, as related to the alliances, or other affairs of the crown. Several peers, who retained a great veneration for the late king, perceiving the deſign which was driven at by thoſe falſe reports, made a motion in the houſe of lords [t], that an enquiry ſhould be made into the truth of that report, and of all other ſtories of that kind, that ſo, if there was any truth in them, ſuch, as had been concerned in thoſe wicked deſigns, might be puniſhed; and if they were found to be falſe, that thoſe, who ſpead them about, might be chaſtiſed. Upon this, the houſe deſired that thoſe lords, who had viſited the late king's papers, would let them know, if they had met with any among them, relating to the queen's ſucceſſion, or to the ſucceſſion of the houſe of Hanover. Four of them were then in the houſe, only the earl of Marlborough was ill that day; ſo the four who were preſent ſaid, they had found nothing, that did in any ſort relate to that matter; and this was confirmed by the earl of Marlborough to ſome peers, who were ſent by the houſe, to aſk him the ſame queſtion. Upon which the houſe came to a reſolution, "That the lords, who were appointed by her majeſty to inſpect the late king's papers, having ſeverally declared, that they did not ſee or find amongſt them any paper, in the leaſt tending to the prejudice of her majeſty, or her ſucceſſion to the crown, or which might give any ground or colour for ſuch a report, the ſaid report was groundleſs, falſe, villainous, and ſcandalous, to the diſhonour of the late king's memory, and highly tended to the diſſervice of her majeſty." And they ordered, "That the matter of fact aforeſaid, and the reſolution of the houſe thereupon, be laid before her majeſty by the duke of Bolton, the earl Marſhal, the earls of Radnor, Stamford, and Scarborough, and the lord Ferrers; and that they do humbly deſire her majeſty to order Mr. Attorney-general to proſecute, with the utmoſt ſeverity of the law, the authors or publiſhers of ſuch ſcandalous reports." The lords named in this order having waited on the queen on the 5th of May, her majeſty told them, "That ſhe was very ready to do any thing of that kind, and would give directions to Mr. Attorney-General effectually to proſecute the authors and publiſhers of ſuch falſe reports."

Some books had been publiſhed, particularly by Dr. Drake and Dr. Davenant, charging the late miniſtry and the whole whig party with the like deſigns of excluding the queen: Theſe books were cenſured, and the authors of them were ordered to be proſecuted; though both the marquis of Normanby, and the earl of Nottingham, did all they could to excuſe thoſe writers [u]. When the falſehood of thoſe calum-

ances with ſeveral princes, and particularly with England and the States-General of the United Provinces, to trouble the repoſe of Europe by a new war, as unjuſt as it is ill grounded. They have begun hoſtilities on all ſides, againſt and contrary to the treaties ſo ſolemnly ſworn to. All Europe is witneſs of his majeſty's moderation, he hath ſeen places attacked, advantageous poſts ſeized, convoys ſtopped, and priſoners taken, before any declaration of war, and at a time when his majeſty was endeavouring by his embaſſadors and envoys to preſerve the peace. All theſe ſteps being ſo contrary to ſincere dealing and their own intereſts; and the manifeſtoes and declarations of war of the emperor, England, and the States-General having been publiſhed, his majeſty finds himſelf under an indiſpenſible neceſſity (in order to preſerve his own, and the king his grandſon's dominions) to arm on his ſide, and to make his levies ſufficient to oppoſe the undertakings of the common enemies. And, for that end, his majeſty is reſolved to employ all his forces by ſea and land, and (by the help of the divine protection, which he implores on the juſtice of his cauſe) to declare war againſt the emperor, England, and the States-General of the United-Provinces, and the princes their allies. His majeſty orders and commands all his ſubjects, vaſſals, and ſervants, to cruize upon the ſubjects of the emperor, England, and Holland, and on the ſubjects of their allies; and ſtrictly forbids his ſubjects to have henceforth any communication, commerce, or intelligence with them on pain of death. And therefore his majeſty hath revoked, and by theſe preſents revokes all permiſſions, paſs-ports, ſafe-guards, and ſafe-conducts, which may have been granted by him, his lieutenant-generals, and other his officers, contrary to theſe preſents; and hath declared, and does declare them to be void, and of none effect and force, forbidding all perſons whatſoever to have any regard unto them. His majeſty orders and commands the admiral, marſhals of France, governors and lieutenant-generals for his majeſty in his provinces and armies, mareſchals de camp, colonels, camp-maſters, captains, chiefs, and leaders of his majeſty's ſoldiers, both horſe and foot, French and ſtrangers, and all his other officers, to whom it may pertain, what is herein contained, to cauſe and execute, each in his office, within their towns and juriſdictions. For ſuch is his majeſty's will and pleaſure, that theſe preſents be publiſhed in all the maritime and other towns, and in all the ports, havens, and other places of the kingdom and lands under his obedience, where need ſhall be, to the end that none may pretend ignorance."

Given at Marli, June 3, 1702.

LOUIS.

[r] At the ſame time the queen gave her aſſent to an act for laying a duty upon land. To another for encouragement of the Greenland trade; and to a third, for making good the deficiencies, and the public credit.

[s] They not only drank a health 'to Sorrel,' meaning the horſe that fell with the king, but alſo 'to the little gentleman in velvet,' meaning the mole which it ſeems had heaved up, where the horſe's foot ſlipped in, and occaſioned the fall. As the horſe had belonged to ſir John Fenwick, it was inſinuated as a judgment upon the king in the following epigram, which they made on the occaſion:

Illuſtris Sonipes, certè digniſſime Cœlo,
Cui Leo, cui Taurus, cui daret Urſa Locum;
Quæ te fœlicem fœlicia Prata tulere?
Ubera quæ fœlix præbuit alma Parens?
Hibernis Patriam veniſti ulturus ab oris;
Aut Glenco, aut Stirps te Fœniciana dedit.
Sis fœlix quicumque precor, memorande, nec unquam
Jam ſellæ dorſum, frœna nec ora premant.
Humani Generis Vindex, moriente Tyranno,
Hanc Libertatem, quam dabis, ipſe tene.

[t] The motion was made by the earl of Carliſle, and ſeconded by the lords Wharton, Hallifax, and others.

[u] The particulars of this affair were as follow;

On the 4th of May, a complaint was made to the houſe of peers of a paſſage in the preface to a book, intitled, 'The Hiſtory of the laſt Parliament begun at Weſtminſter, the tenth day of February, 1700;' which though it did not directly reflect on the late king's memory, yet manifeſtly tended to caſt an indelible odium upon his friends, being couched in theſe words: "And perhaps there was a thing in proſpect of deeper reach than all theſe, which was, that, ſhould it have pleaſed God to have ſnatched from us the king on a ſudden, by chance of war, or other fatal accident, during the tumult of arms abroad, and the civil diſorders they had raiſed among us at home, and a numerous, corrupt, licentious party throughout the nation, from which the houſe of commons was ſometimes not free, they might entertain hopes from the advantage of being at the helm, and the aſſiſtance of their rabble, to have put in practice their own ſchemes, and have given us a new model of government of their own projection, and ſo to have procured to themſelves a laſting impunity, and to have mounted their own beaſt, the rabble, and driven the ſober part of the nation, like cattle, before them. That this is no groundleſs conjecture will readily appear to any conſidering perſon, from the treatment her royal highneſs the princeſs of Denmark, the heir apparent to the crown, met all along from them and all their party. They were not contented to ſhew her a conſtant neglect and ſlight themſelves, but their whole party were inſtructed to treat her, not only with diſreſpect, but ſpight. They were buſy to traduce her with falſe and ſcandalous aſperſions; and ſo far they carried the affront, as to make her at one time almoſt the common ſubject of the tittle tattle of almoſt every coffee-houſe and drawing-room, which they promoted with as much zeal, application, and venom, as if 'a bill of excluſion' had then been on the anvil, and theſe were the introductory ceremonies." After reading this paſſage, the lords ordered the bookſeller for whom the book was printed, to attend the houſe on the next Saturday; but, before that day came, Dr. James Drake, the phyſician, having owned himſelf to be author of the book in queſtion, he was on the 9th of May examined by the lord-keeper, who aſked him what he had to ſay concerning the ſaid book? The doctor anſwered, "That he thought he had juſt reaſon to write what he had writ, he having heard her highneſs talked of diſreſpectfully in every coffee-houſe:" And then he withdrew. After ſome debate, he was called in again, and the lord-keeper told him, that the houſe was not ſatisfied with what he had ſaid, but thought he trifled, and required him to acquaint the houſe with the grounds of his writing the paragraph

hies was apparent, then it was given out, with an unuſual confidence, that no ſuch report had ever been ſpread; though the contrary was evident, and the thing was boldly aſſerted in thoſe books. And therefore a peculiar meaſure of aſſurance was neceſſary to face down a thing, which they had taken ſuch pains to infuſe into the minds of the credulous vulgar all England over.

The earl of Nottingham, to divert this enquiry, moved, that another might be made into thoſe books, in which the murder of king Charles the Firſt was juſtified; though the provocation, given to ſome of theſe, was, by a ſermon preached by Dr. Binks before the convocation, on the 30th of January, in which he drew a parallel between king Charles's ſufferings and thoſe of our Saviour: And, in ſome very indecent expreſſions, gave the preference to the former[w].

The war being now declared, both houſes joined in an addreſs to the queen, wherein they repreſented, "That nothing would more contribute to the effectual carrying it on, and reducing her enemies to the greateſt ſtreights, than an entire prohibition of all correſpondence with France and Spain on the part of the allies; and therefore they humbly adviſed her majeſty to engage the emperor, the States-General, and her other allies, to join with her majeſty in prohibiting all intercourſe between the ſubjects of her majeſty and her allies, and the ſubjects of France and Spain; and alſo to concert ſuch methods with the States-General, as might moſt effectually ſecure the trade of her ſubjects and her allies." This addreſs her majeſty readily promiſed to comply with, adding, "That ſhe was too much concerned for the public welfare, to omit any neceſſary precautions for the protection of the trade."

On the other hand, the lords having made ſome amendments to 'a bill' from the commons, 'for the encouragement of privateers,' to which the commons refuſed their concurrence; their lordſhips, in an addreſs, repreſented to the queen, "That the ſea preparations of her majeſty's enemies being ſuch as ſeemed not to be intended for encountering and fighting her royal navy, but rather for making a pyratical war, to the interruption of commerce, it was, in their opinion, highly requiſite for the public ſervice, that her majeſty would give all poſſible encouragement to her ſubjects to arm and ſet out private men of war. And whereas, by the ſixth article of the treaty concluded at the Hague between his late majeſty, the emperor, and the States-General, her majeſty was at liberty to take and ſeize lands and cities belonging to the Spaniſh dominions in the Indies, and retain the ſame as her own; their lordſhips adviſed her majeſty to grant commiſſions or charters to all perſons, bodies politic or corporate, who ſhould make ſuch acquiſitions in the Indies, ſubject to ſuch terms and conditions as her majeſty ſhould judge moſt expedient for the good of her kingdom." To which the queen anſwered, "That ſhe would take all the care in it ſhe could." But, in the courſe of the war, this advice was greatly neglected.

The buſineſs of the ſeſſion being all done, the queen went in ſtate to the houſe of peers, and, having given the royal aſſent to ſeveral public and private bills[x], diſmiſſed both houſes with the following ſpeech:

My Lords and Gentlemen,

"I CANNOT conclude this ſeſſion, without repeating my hearty thanks to you all for your great care of the public, and the many marks you have given me of your duty and affection to me.

graph abovementioned. He anſwered, "That he found it mentioned in divers anonymous pamphlets publiſhed at that time, and hoped it was no hurt to anſwer thoſe pamphlets; and deſired time to recollect what theſe pamphlets were;" and then withdrew. After ſome time he was called in again, and aſked whether he could charge any perſon in the kingdom with the matters aſſerted by him in that paragraph? And whether he had heard any perſons ſay, that they could charge any perſons whatſoever with the matters contained in that paragraph? To theſe queſtions he anſwered, 'He did not know of any ſuch perſon;' and being further aſked, if he had any grounds beſides the pamphlets, and what the pamphlets were? He ſaid, "He had no other grounds beſides the ſeveral pamphlets following, viz. 'The two Legion Letters, the black Liſt, Jura Populi Anglicani, and Toland's Reaſons for inviting over the princeſs of Hanover." Laſtly, he was aſked, Whether in any one of theſe pamphlets there was any thing ſaid about ſetting aſide the preſent queen? To which the doctor having anſwered, 'He did not remember there was;' and, being withdrawn, the lords took the ſaid paragraph into conſideration, and reſolved, "That there were in it ſeveral expreſſions, which were groundleſs, falſe, and ſcandalous, tending to create jealouſies in her majeſty of her people, and to cauſe great miſunderſtandings, fears, and diſputes among the queen's ſubjects, and to diſturb the peace and quiet of the kingdom:" Ordering at the ſame time, "That her majeſty's attorney-general ſhould forthwith effectually proſecute Dr. Drake for having writ the ſaid paragraph."

Three days after, May 12, the lords took into conſideration two paragraphs of a book, intitled, 'Tom Double returned out of the country:' Or, 'The true picture of a modern Whig, ſet forth in a ſecond Dialogue between Mr. Whiglove and Mr. Double,' ſuppoſed to be written by Dr. Davenant; which in the 89th and 90th pages contained the following expreſſions:

Whiglove. "I find we have miſcarried in one great deſign: The train would not take; we were hot upon it juſt before the parliament met: All the whig coffee-houſes rung, how neceſſary it was to break into the 'Acts of Settlement,' and to 'exclude'—Double. "Mum, Whiglove, talk no more upon that ſubject, I beſeech you. Freſh orders are iſſued out, and, ſince we are not ſtrong enough to make it go, and that, on the contrary, it has alarmed and provoked all ſorts of men, we are now directed to ſay, that never any ſuch thing was intended by our party, though, God knows, it was the diſcourſe of all our clubs. Under the roſe this was one of thoſe embryo's, that proved abortive upon the 30th of December laſt; but, though it be not ſeaſonable to ſtir in it now, never fear our abandoning a wicked deſign: We never quite lay aſide any miſchief. However, ſince it has really opened the eyes of a great many, and weakened our intereſt among ſeveral of our own ſide, whom we cannot work up to be guilty of ſo much injuſtice, let us take all occaſions of declaring, that we will not violate any of the acts upon any account whatſoever; which we may the more ſafely do, becauſe you know it is our principle, not to think that we are bound by any proteſtations we make, either in private or in public; and it is one of the great advantages we have over the reſt of our fellow-ſubjects, that we can fetter the conſciences of others, while our own are at perfect liberty." The lords, after ſome debate, paſſed the ſame cenſure upon this book, as they had upon part of the preface of Dr. Drake's hiſtory. Pr. H. L. II. 37, &c.

[w] On the 16th of May, a pamphlet intitled, 'Animadverſions upon the two laſt 30th of January ſermons; one preached to the honourable houſe of commons, the other to the houſe of convocation: In a letter;' after reading and examining ſeveral paragraphs and paſſages of which, it was reſolved by their lordſhips, That the ſaid pamphlet was, 'a malicious, villainous libel, containing very many reflections on king Charles I. of ever bleſſed memory, and tending to the ſubverſion of monarchy,' and thereupon ordered it to be burnt by the hands of the common hangman. Then their lordſhips took into conſideration a printed ſermon preached on the 30th of January, 1701, in king Henry VII's chapel, before the reverend clergy of the lower houſe of convocation, by William Binckes, D. D. proctor for the dioceſe of Lichfield and Coventry, wherein the preacher ſeemed to make the ſin of the Jews, in crucifying our Saviour, much leſs than that of the Engliſh rebels, in putting to death king Charles I. "As, ſays he, to the near reſemblance between the parties concerned, as well the actors as the ſufferers, comparing thoſe in the text with thoſe of the day. And here one would imagine, the latter were reſolved to take St. Paul's expreſſion in the moſt literal ſenſe the words will bear, 'and crucify to themſelves the Lord afreſh, and in the neareſt likeneſs that could be, put him to an open ſhame.' If, with reſpect to the dignity of the perſon, to have been King of the Jews, was what ought to have ſecured our Saviour from violence; here is alſo one, not only born to a crown, but actually poſſeſſed of it. He was not only called king by ſome, and at the ſame time derided by others for being ſo called, but he was acknowledged by all to be a king: he was not juſt dreſſed up for an hour or two in purple robes, and ſaluted with a Hail King, but the uſual ornaments of majeſty were his cuſtomary apparel; his ſubjects owned him to be their king; and yet they brought him before a tribunal, they judged him, they condemned him; and, that they might not be wanting in any thing to ſet him at naught, they ſpit upon him, and treated him with the utmoſt contempt. Our Saviour's declaring, that 'his kingdom was not of this world,' might look like a ſort of renunciation of his temporal ſovereignty, for the preſent deſiring only to reign in the hearts of men. But here was nothing in this caſe before us: here was indiſputable right of ſovereignty, both by the laws of God and man: he was the reigning prince, and the Lord's anointed; and yet, in deſpite of all law, both human and divine, he was by direct force of arms, and the moſt daring methods of a flagrant rebellion and violence, deprived at once of his imperial crown and life.——The fact of this day was ſuch a vying with the firſt arch-rebel, the apoſtate angel, Lucifer; it was ſuch a going beyond the old ſerpent in his own way of inſolence and pride, that it was no wonder, if he began to raiſe his head, and ſet up his dominion in this world, when, thus warmed and enlivened by a fiery zeal in ſome, and rage in others, to the degree of drunkenneſs, thirſting after, and ſatiating themſelves in royal blood; and, in which reſpect only, heated to the degree of phrenzy and madneſs, the plea in my text may ſeem to have ſome hold of them, 'Father, forgive them, for they know not what they do.'"

After ſome debate the lords reſolved, "That in the ſaid ſermon there are ſeveral expreſſions, that give juſt ſcandal and offence to all Chriſtian people." Then, it being moved to order that ſermon to be burnt, it was carried in the negative, but at the ſame time it was ordered, that the above-mentioned reſolution ſhould be communicated to the biſhop of Lichfield and Coventry, Dr. Binckes's ordinary, whom they left to cenſure him, according to the rules of eccleſiaſtical courts.

Complaint was likewiſe made to the lords, of two paſſages in a pamphlet, intitled, 'Reaſons for addreſſing his majeſty to invite into England their Highneſſes the Electreſs Dowager and the Electoral Prince of Hanover; and for attainting and abjuring the pretended Prince of Wales, and all others pretending any claim, right, or title from the late King James and Queen Mary,' wherein it was aſſerted, "That it appears from hiſtory, that all free people have ſet aſide the children of tyrants for reaſons of eternal and univerſal force, as inheriting the principles and deſigns of their parents, bearing an affection to their friends, and owing a revenge to their enemies; as more likely to graſp at a greater power than even their parents, the better to ſecure themſelves from their diſgrace, and being under extraordinary obligations to theſe foreign potentates who protected or reſtored them: and that, whether the abjuration be penal or voluntary, it ſhould be tendered to all manner of perſons, not excepting the king's majeſty, or the princeſs of Denmark: for all the ſecurities we give to them, ſaid the author, they owe their ſecurity to us; not that I doubt either of them, but they both of them very well know, what ſtories and ſurmiſes our enemies have been actually ſpreading to amuſe and intimidate the people: they have whiſpered horrible things of blind and clandeſtine bargains. But Cæſar's wife ought to be unſuſpected as well as innocent." After examination of this pamphlet, the lords reſolved, "That there were in it aſſertions and inſinuations ſcandalous and dangerous, tending to alienate the affections of the ſubjects of this kingdom from her majeſty, and to diſturb the peace and quiet of the kingdom."

[x] Among theſe bills were,

1. An act to oblige the Jews to maintain and provide for their proteſtant children. By which if any Jewiſh parent, in order to the compelling his proteſtant child to change his religion, ſhall refuſe to allow ſuch child a fitting maintenance ſuitable to the ability of the parent, and the age and education of

" And I muſt thank you, Gentlemen of the houſe of commons in particular, both for the ſupplies you have given to ſupport me in this neceſſary war, and the proviſions you have made for the debts contracted in the former. Your great juſtice, in making good thoſe deficiencies, will be a laſting honour and credit to the nation. I wiſh the difficulties they have brought upon us may be a warning to prevent ſuch inconveniencies for the future.

" I muſt recommend to you all, in your ſeveral counties, the preſervation of the public peace, and a due execution of the laws. I ſhall always wiſh, that no differences of opinion among thoſe, that are equally affected to my ſervice, may be the occaſion of heats and animoſities among themſelves. I ſhall be very careful to preſerve and maintain the act of Toleration, and to ſet the minds of all my people at quiet. My own principles muſt always keep me entirely firm to the intereſt and religion of the Church of England, and will incline me to countenance thoſe, who have the trueſt zeal to ſupport it."

Then the lord-keeper, by her majeſty's command, prorogued the parliament to the 7th of July following.

The naval preparations in England and Holland were now carried on with all poſſible ſpeed; and, as they raiſed the ſpirits of the confederates, ſo they gave no ſmall alarms to France, Spain, and even Portugal; the deſign of the expedition having been kept ſo ſecret, that it was uncertain which of thoſe three kingdoms was moſt threatened. France, having ſent a ſtrong ſquadron of men of war into the Weſt-Indies, both to attack the Engliſh plantations, and to bring home the Spaniſh galleons, had no ſufficient number of ſhips left to defend her own coaſts, much leſs to protect thoſe of Spain, whoſe king, in the beginning of the ſpring, was gone into Italy, both to appeaſe the tumults in the kingdom of Naples, and to ſhare with the duke of Vendoſme the expected honour of forcing prince Eugene to repaſs the mountains of Tirol.

And though the king of Portugal gave fair words to the Imperial miniſters, and to Mr. Methuen, the Engliſh envoy, yet he began to be apprehenſive, that the allies, having a formidable power at ſea, would uſe more prevailing means than a negociation to make him break his engagements with France. On the 30th of May, ſir George Rooke, admiral of the Engliſh fleet, having hoiſted the union flag on board the Royal Sovereign, came to Spithead, with ſir Cloudeſly Shovel, on board the Queen, and the great ſhips that lay at the Nore: and at the ſame time, rear-admiral Fairborne arrived there from Ireland with a ſquadron of men of war, having on board four regiments of foot, that were to be part of the land-forces, to be commanded by the duke of Ormond, who, on the firſt of June, arrived at Portſmouth, accompanied by ſir Henry Bellaſis, who was to ſerve under him, and by admiral Churchill; and, the next day, prince George likewiſe ſet out for that ſea-port.

The ſame day, the queen went from St. James's to Windſor, having appointed Simon Harcourt, eſq. to be her ſolliciter-general, and conferred the honour of knighthood both upon him and on Edward Northey, eſq. the attorney-general. The day before, out of a juſt regard to the law of nations, the queen, by proclamation, ordered all ſhips, ſtopped before the declaration of war, to be diſcharged, and cauſed another proclamation to be publiſhed 'for the encouragement of her ſhips of war and privateers.' And at the ſame time her majeſty renewed the commiſſion for the management of the cuſtoms; and upon her return from Windſor, appointed the lord-lieutenants, the commiſſioners of trade, for prizes, ſtamp, and ſalt-duties, and generals of her land-forces; gave audience to ſeveral foreign miniſters, and diſpoſed of many places and employments; and, among the reſt, the earl of Marlborough was made maſter of the ordnance, the honourable John Granville, lieutenant-general, William Bridges, maſter ſurveyor, Chriſtopher Muſgrave, clerk of the ſame, and Edward Southwell was appointed ſecretary of ſtate in Ireland, on the reſignation of his father ſir Robert Southwell.

The affairs of Scotland began now to be a little embroiled. By an act made ſoon after the revolution, it was provided, that all princes, ſucceeding to the crown, ſhould take the coronation-oath before they entered upon their regal dignity; but no direction was given concerning thoſe who ſhould tender it, or the manner in which it ſhould be taken; ſo that, this being left undetermined, the queen had called together all the late king's miniſters for that kingdom, and in the preſence of about twelve of them, ſhe took the coronation-oath [y]. But thoſe, who were diſpoſed to cenſure every thing, ſaid, that this ought not to be done, except in the preſence of ſome deputed for that purpoſe, either by the parliament, or at leaſt by the privy-council of that kingdom.

At the time of king William's deceaſe, the government there was lodged in the hands of perſons entirely of 'revolution' principles; for the earl of Marchmont was lord-chancellor; the earl of Melvil lord preſident of the council; the duke of Queenſberry lord privy-ſeal; the earls of Seafield and Hyndford ſecretaries of ſtate; the earl of Selkirk lord regiſter; Adam Cockburn of Orminſton treaſurer-depute; ſir John Maxwell of Polock juſtice-clerk; ſir James Stuart advocate; and all the lords of the treaſury, except the lord Montgomery, were of the ſame principles. But though the 'anti-revolutioners,' were, in effect, as much enemies to the queen's right to the crown, as to that of king William; yet they were greatly elated at her acceſſion, and flattered themſelves with a better title to her favour, on account of their zeal for Epiſcopacy, than the 'Revolutioners' could pretend to, becauſe moſt part of the latter were for Preſbytery, and the reſt ſo indifferent for Epicopacy, that they did not think it ought to come in competition with the peace of the nation. The firſt ſtruggle between theſe two parties was about the parliament, the ſitting of which, in the ſummer, was abſolutely neceſſary, by reaſon that the funds allotted to ſupport the army were near expired on king William's demiſe. Upon the diſcovery of the aſſaſſination-plot, an act had paſſed in Scotland for continuing the parliament, that ſhould be then in being ſix months after the death of the king, with two ſpecial clauſes in it. The firſt was, that it ſhould meet twenty days after the death of the king. But the queen did, by ſeveral adjournments, continue the parliament almoſt three months after the king's death, before it was opened. Some ſaid, that the parliament was by this diſſolved, ſince it did not meet upon the day limited by the act to continue it. But there was another proviſo in the act, that ſecured to the crown the full preogative of adjourning or diſſolving it within that time. Yet, in oppoſition to this, it was acknowledged, that, as to all ſubſequent days of meeting, the prerogative was entire; but the day that was limited, that is, the twenty-firſt after the king's death, ſeemed to be fixed for the firſt opening of the ſeſſion. The ſecond clauſe was a limitation of the power of the parliament, during their ſitting, that it ſhould not extend to the repealing of laws: They were impowered only to maintain the proteſtant religion, and the public peace of the country. It was therefore ſaid, that the queen was peaceably obeyed, and the country now in full quiet; ſo that there was no need of aſſembling the parliament. The end of the law being attained, it was ſaid, the law fell of itſelf, and therefore it was neceſſary to call a new parliament;

of the child, upon complaint it ſhall be lawful for the lord chancellor to make ſuch order for the maintenance of ſuch proteſtant child as he ſhall think fit.

2. An act for continuing the impriſonment of Counter and other conſpirators againſt king William.

3. An act for the relief of proteſtant purchaſers of the forfeited eſtates in Ireland.

4. An act for enlarging the time for taking the oath of abjuration, in which was this clauſe:

" That if any perſon or perſons, at any time after the firſt day of March, 1702, ſhall endeavour to deprive or hinder any perſon, who ſhall be the next in ſucceſſion to the crown for the time being, according to the limitations in the act, intitled, 'An Act for declaring the rights and liberties of the ſubject, and ſettling the Succeſſion of the Crown;' and according to one other Act, intitled, 'An Act for the further limitation of the Crown, and better ſecuring the rights and liberties of the ſubject,' from ſucceeding after the deceaſe of her majeſty to the imperial crown of this realm, and the dominions and territories thereunto belonging, according to the limitations in the before-mentioned acts; that is to ſay, ſuch iſſue of her majeſty's body, as ſhall from time to time be next in ſucceſſion to the crown, if it ſhall pleaſe God Almighty to bleſs her majeſty with iſſue; and, during the time her majeſty ſhall have no iſſue, the princeſs Sophia, electreſs and ducheſs dowager of Hanover, and, after the deceaſe of the ſaid princeſs Sophia, the next in ſucceſſion to the crown for the time being, according to the limitation of the ſaid acts; and the ſame, maliciouſly, adviſedly, and directly, ſhall attempt by any overt-act or deed; every ſuch offence ſhall be adjudged high-treaſon, and the offender or offenders therein, their aſſeſſors, procurers, and comforters, knowing the ſaid offence to be done, being thereof convicted or attainted, according to the laws and ſtatutes of this realm, ſhall be deemed and adjudged traytors, and ſhall ſuffer pains of death, and all loſſes and forfeitures as in caſes of high-treaſon.

[y] Of this the queen ſent an account in a letter to the privy-council of Scotland, as ſoon as ſhe was proclaimed, acquainting them, " That it having pleaſed Almighty God to call out of this life her royal and moſt dearly beloved brother king William, whereby the undoubted right to the imperial crown of the kingdom of Scotland, conform to the act of ſettlement, was devolved upon her: And having (according to the petition of right and grievances) taken and ſigned the coronation-oath, in preſence of ſeveral of her privy-council; ſhe thought fit to authorize them to continue to meet, and act as her privy-council of that her ancient kingdom, until ſhe ſhould ſend them a new commiſſion for that effect. Moreover, her majeſty authorized and required them to publiſh an encloſed proclamation, ordaining all officers of ſtate, counſellors, magiſtrates, and all other officers, civil and military, to act in all things, conform to the commiſſions and inſtructions they had from his late majeſty, until new commiſſions could be prepared and ſent down. And her majeſty on this occaſion, at her firſt acceſſion to the crown, gave them, and all her good people, full aſſurance of her firm reſolution, during the whole courſe of her reign, to protect them in their religion, laws, and liberties, and in the eſtabliſhed government of the church."

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for the old one, if aſſembled, could have no authority, but to ſee to the preſervation of religion, and the peace of the country; their power being limited to theſe two heads by the act that authorized their ſitting. In oppoſition to this, it was urged, that the act, which gave them authority to ſit as a parliament for ſix months, gave them the full authority of a parliament: That the directing them, to take care of ſome more important matters, did not hinder their meddling with other matters, ſince no parliament can limit a ſubſequent one. It was likewiſe ſaid, that, ſince the queen was now engaged in a war, the public peace could not be ſecured without ſuch a force, and ſuch taxes to maintain it, as the preſent ſtate of affairs required. The duke of Queenſberry, and his party were for continuing the parliament. But the duke of Hamilton, and the others, who had oppoſed that duke in the laſt parliament, complained highly of this way of proceeding. They ſaid, that they could not acknowledge this to be a legal parliament, nor ſubmit to it, but muſt proteſt againſt it.

This was ominous; a reign was to be begun with a parliament liable to a diſpute; and from ſuch a breach it was eaſy to foreſee a train of miſchief likely to follow. The duke of Hamilton, the marquis of Tweedale, the earl of Mareſchal, the earl of Rothes, and a great many of the nobility and gentry went up to London, and repreſented to the queen, and thoſe in favour with her, their exceptions to all that was intended to be done. Every thing, which they ſaid, was heard calmly; but the queen was a ſtranger to their laws, and could not take it upon her to judge of them; and therefore it was determined by the advice of the privy-council of that kingdom. The lords, who came up to oppoſe the duke of Queenſberry, continued to preſs for a new parliament, in which they promiſed to give the queen all that ſhe could aſk of them, and to conſent to an act of indemnity for all that was paſſed in the former reign. But it was thought, that the nation was in too great a ferment to venture upon that; and ſome more time was neceſſary to prepare matters, as well as men's minds, before a new parliament ſhould be ſummoned. Both parties returned to Scotland, and, both being ſenſible, that the preſbyterian intereſt would with its weight turn that ſcale, into which it ſhould fall, great pains were taken by both ſides to gain that party. On the one hand, they were made to apprehend what a madneſs it would be for them to provoke the queen in the beginning of her reign, who might be enough diſpoſed to entertain prejudices againſt them; which would be much heightened, if in a point, in which conſcience could not be pretended, they ſhould engage in a faction againſt her, eſpecially when they could not ſay, that any cauſe of jealouſy was given; but, on the contrary, the queen had, in all her public letters, promiſed to maintain preſbytery; and, though that had given great offence in the late king's time, when thoſe public letters were printed, yet now this paſſed without cenſure. The other party was as buſy to inflame them. They told them the queen was certainly in her heart againſt them: All thoſe, who were now in her confidence, and particularly the earls of Rocheſter and Nottingham, were enemies to the preſbyterian government. Good words were now given them, in order to ſeparate them from a national intereſt, knowing well, that, if they went off from that, and ſo loſt the hearts of the nation, they would loſe that in which their chief ſtrength lay: The party, that now governed, as ſoon as they ſhould have carried the preſent point by their help, and rendered them odious by their concurrence in it, would ſtrengthen themſelves at court by entering into the epiſcopal intereſt, and trying to introduce epiſcopacy into Scotland; which would ſoon be brought about, if the preſbyterians ſhould once loſe their popularity. Thoſe were the methods and reaſonings that were uſed on both ſides.

The parliament met at Edinburgh, according to the queen's laſt adjournment, on the 9th of June, the duke of Queenſberry being appointed high-commiſſioner. At the opening of it, duke Hamilton demanded to be heard; and, though deſired by the lord chancellor to ſit ſtill, till the queen's commiſſion was read, and the houſe conſtituted, yet he perſiſted, and ſaid, both in his own name, and in behalf of the other members, who adhered to him, "That they were all heartily glad at her majeſty's happy acceſſion to the throne of that kingdom, not merely on the account that it was her undoubted right by deſcent, but likewiſe becauſe of the many perſonal virtues and royal qualities her majeſty was endowed with, which gave them grounds to hope, that they ſhould enjoy, under her auſpicious reign, all the bleſſings, that could attend a nation, which had a gracious and loving ſovereign united with a dutiful and obedient people. That they were reſolved to ſacrifice their lives and fortunes in defence of her majeſty's right againſt all her enemies whatſoever, and had all the deference and reſpect for her majeſty's government and authority, that was due from loyal ſubjects to their rightful and lawful ſovereigns. But, that at the ſame time, that they acknowledged their ſubmiſſion to her majeſty's authority, they thought themſelves bound in duty, by virtue of the obedience they owe to the ſtanding laws of the nation, and becauſe of the regard they ought to have for the rights and liberties of their fellow-ſubjects, to declare their opinion as to the legality of this meeting, That they did not think themſelves warranted by law to ſit and act any longer as a parliament; and that, by ſo doing, they ſhould incur the hazard of loſing their lives and fortunes, if their proceedings ſhould come to be queſtioned by ſubſequent parliaments." He then read a paper, which contained the reaſons of their diſſenting from the proceedings of the other members, who thought themſelves impowered to ſit and act as a parliament, and was as follows: "Foraſmuch as, by the fundamental laws and conſtitution of this kingdom, all parliaments do diſſolve by the death of the king or queen, except in ſo far as innovated by the 17th act of the 6th ſeſſion of king William's parliament laſt in being, at his deceaſe to meet and act what ſhould be needful for the defence of the true proteſtant religion, as now by law eſtabliſhed, and maintaining the ſucceſſion to the crown, as ſettled by the claim of right, and for preſerving and ſecuring the peace and ſafety of the kingdom; and, ſeeing that the ſaid ends are fully ſatisfied by her majeſty's ſucceſſion to the throne, whereby the religion and peace of the kingdom are ſecured, we conceive ourſelves not now warranted by the law to meet, ſit, or act, and therefore do diſſent from any thing, that ſhall be done or acted." Then the duke and ſeventy-nine of the members, having taken inſtruments, withdrew out of the houſe, and left the others, who were an hundred and twelve, to ſit and act by themſelves; and, as they all paſſed from the parliament-houſe to the Croſs-Keys-Tavern near the Croſs, they were applauded by the loud acclamations of an infinite number of people of all ranks and degrees.

Notwithſtanding the ſeceſſion of ſo many members, the duke of Queenſberry's commiſſion to be high-commiſſioner was read, as was alſo the queen's letter to the parliament, dated May 15th, declaring, in the firſt place, the reaſon of this meeting, and her majeſty's 'firm reſolution to maintain and protect her ſubjects in the full poſſeſſion of their religion, laws, and liberties, and of the preſbyterian government of the church.' Then acquainting them with "the juſt cauſes of declaring war againſt the French king, and earneſtly recommending to them, both the providing competent ſupplies for maintaining ſuch a number of forces, as might be neceſſary for diſappointing the enemy's deſigns, and preſerving the preſent happy ſettlement: And the conſideration of an Union between the two kingdoms of England and Scotland, which was recommended by them to the late king." The ſeveral points of this letter were inforced by the ſpeeches of the duke of Queenſberry, and of the earl of Marchmont; and, the parliament being met again on the 11th of June, they proceeded to appoint committees for ſecurity of the kingdom, for controverted elections, for drawing up an anſwer to her majeſty's letter, and for reviſing the minutes. Then overtures were read for the following acts, viz. 'An act recognizing her majeſty's royal authority[z]: An act for adjourning the Court of Judicature, called the Seſſion: An act, declaring this preſent meeting of parliament to be a lawful and free meeting of parliament, and diſcharging any perſon to diſown, quarrel, or impugn the dignity and authority thereof, under the penalty of high-treaſon: And an act for ſecuring the true proteſtant religion and preſbyterian church government:' Which were read the firſt time, and the next day paſſed, and touched with the ſcepter. Six days after the parliament's anſwer to the queen's letter was read and approved, being conformable to all her majeſty's deſires, and aſſuring her, that the 'groundleſs ſeceſſion of ſome of their members ſhould increaſe and ſtrengthen their care and zeal for her majeſty's ſervice.'

On the other hand, the diſſenting members, of whom duke Humilton was the chief, having prepared an addreſs to

[z] In this act, beſides the oath of allegiance, was this of aſſurance:

'I A. B. do, in the ſincerity of my heart, aſſert, acknowledge, and declare, that her majeſty queen Anne is the only lawful, undoubted ſovereign of this realm, as well de Jure, that is, of right, as de Facto, that is, in the poſſeſſion and exerciſe of the government. And therefore I do ſincerely and faithfully promiſe and engage, that I will with heart and hand, maintain and defend her majeſty's title and government, againſt the pretended prince of Wales, and his adherents, and all other enemies, who, either by open or ſecret attempts, ſhall diſturb or diſquiet her majeſty in the poſſeſſion and exerciſe thereof.

the queen, to juſtify their proceedings, and ſent up the ſame by the lord Blantire, the queen poſitively refuſed to receive it, though ſhe was pleaſed to allow his lordſhip's acceſs to her. Having well weighed this affair, ſhe reſolved to adhere to the parliament convened by her authority, and in a letter to them, dated at St. James's, June 17, and read to the houſe on the 23d, 'reſolved to own and maintain this preſent ſeſſion of parliament, and the dignity and authority of the ſame, and of her high-commiſſioner, againſt all oppoſers.' In the mean time, the parliament proceeded, and, on the 9th of June, 'an act for a ſupply of ten months ceſs upon all land-rents' received the royal aſſent; but, when the tax came afterwards to be levied, near one half of the Scots nation refuſed to pay the ſame; ſo that, in many places, the government was obliged to uſe forcible methods to raiſe it. It is alſo remarkable, that ſome days before ſir Alexander Bruce was expelled the houſe, on account of a ſpeech made on the 11th of June, wherein, among other things, he affirmed, that "Preſbytery was inconſiſtent with monarchy; that it maintained a conſtant oppoſition to the rightful ſovereign; and, like vice and hypocriſy, and the other peſts of mankind, it ſpread and flouriſhed moſt in turbulent times of anarchy and rebellion; and that he did not wonder, that their predeceſſors, in cold blood, and taught by woeful experience, preferred order and decency, in the houſe of God, to the pride and infallibility of a pope in every pariſh." And, the dean and faculty of advocates having paſſed a vote among themſelves in favour of the proteſtation and addreſs of the diſſenting members, declaring, that they 'were founded upon, and in the terms of the laws of this kingdom,' they were upon that account, charged and proſecuted by the lord advocate before the parliament, where, after long debates upon the matter, they were ſeverely reprimanded; but the nation was inraged to ſee that ſociety attacked, for declaring their opinion in a point of law, relating to the foundation and conſtitution of parliament, and conſequently the liberty and right of the ſubject.

On the 25th of June, the royal aſſent was given to 'an act, for enabling her majeſty to appoint commiſſioners for an union between the two kingdoms;' though ſome members diſſented from it, becauſe they could not get a clauſe inſerted in it about the preſbyterian church-government.

The ſucceſſion to the crown having been ſettled in England by two acts of parliament on the houſe of Hanover, after her majeſty and her iſſue, in the proteſtant line, and nothing of this nature having been done in Scotland, the earl of Marchmont thought it proper to propoſe it at this time, and, contrary to the advice of his friends, and even the commands of the high-commiſſioner, preſented 'an act for abjuring the pretended prince of Wales.' But, though ſuch as continued in the houſe were unanimous enough in other points, yet they could not agree in this[a]; and, the party, who oppoſed the ſettling of the ſucceſſion at this time (which they alledged would be an obſtacle rather than an encouragement to the deſigned union) attempting to admit the diſſenting members into the houſe to their aſſiſtance, the high-commiſſioner, fearing the ill conſequences of this procedure, thought fit, on the 30th of June, to adjourn the parliament to the 18th of Auguſt, having returned them thanks for their chearfulneſs and unanimity in their proceedings. And, as ſoon as the parliament was adjourned, the leading men of the different parties haſtened to London, to make their ſeveral repreſentations of things to the queen and her miniſters.

The queen, purſuant to the power given her by acts of parliament of both kingdoms, appointed commiſſioners for treating about an union between England and Scotland[b]. The commiſſioners met, for the firſt time, on the 22d of October, at the Cock pit, where, after reading both commiſſions, lord-keeper Wright made a ſhort ſpeech on the occaſion of their meeting, and was anſwered by the duke of Queenſberry.

As there was not a quorum of the Scots commiſſioners arrived in town, their meeting was adjourned by a letter from the queen to the 10th of November; but, about the 20th of the ſame month, they met again; and, notwithſtanding ſome previous objections made by the lord-keeper to the validity of the Scots commiſſion, they fully adjuſted the preliminaries, of which this was one of the moſt conſiderable, "That nothing agreed on amongſt themſelves ſhould be binding, except it be ratified by her majeſty, and the reſpective parliaments of both nations; and that, except all the heads propoſed for the treaty were agreed to, no particular thing agreed on ſhould be binding." The lord-keeper then propoſed on the part of the Engliſh, "That the two kingdoms ſhould be inſeparably united into one monarchy under her majeſty and her heirs and ſucceſſors, and under the ſame limitations, according to the acts of ſettlement." And the duke of Queenſberry propoſed on the part of the Scots, "That both nations ſhould be united in one monarchy, and one parliament, with a mutual communication of trade and privileges." The propoſal of the Engliſh was readily agreed to; and the queen, to quicken matters, came, on the 14th of December, and made a ſpeech to them. The Scots commiſſioners had given in ſix propoſals, on which ſome conſiderations, as a ſubject-matter of debate, were delivered by the Engliſh commiſſioners[c]. But, when the Scots commiſ-

[a] Mr. Lockhart, in his memoirs, page 16, tells us, "That it may be thought ſtrange, that this act did not paſs currently in ſuch a ſtrangely made up meeting, and when ſuch eminently famous and zealous revolutioners were at the helm of affairs, and acted without any to controul them. And I preſume the reaſons were: Firſt, the commiſſioners had no inſtructions concerning it. Secondly, The uncertainty how affairs would go in England. The queen was but newly come to the crown, and not well fixed in the throne; and they foreſaw they might expect little thanks, if ſhe afterwards ſhould favour the intereſt of the diſtreſſed royal family. And I have reaſon to believe, that the queen and her Engliſh miniſtry were then inclined to keep the ſucceſſion in Scotland open, as a check and aweband upon the whigs and family of Hanover. And, laſtly (as they pretended afterwards in England) that parliament's title to act was controverted, and had ſo little authority in the nation, as it was not fit to venture upon it, there being reaſon to believe few would have complied with it, and every body almoſt been highly diſguſted. For theſe and the like reaſons, it is poſſible, I ſay, the commiſſioners and other courtiers reſolved to wave entering upon the matter."

[b] The commiſſioners for England were,

The archbiſhop of Canterbury,	The duke of Somerſet,
Lord-keeper Wright,	The earl of Jerſey,
The earl of Pembroke,	The earl of Burlington,
The marquis of Normanby,	The earl of Nottingham,
The duke of Devonſhire,	The earl of Rocheſter,
The earl of Marlborough,	Sir Chriſtopher Muſgrave,
The earl of Scarborough,	Sir John Cook, L. L. D.
The biſhop of London,	Robert Harley,
Sir Charles Hedges,	Charles Godolphin,
The chief juſtice Holt,	Samuel Clarke,
The chief juſtice Trevor,	Stephen Walker, L. L. D.
Sir John Lewiſon Gower.	

The commiſſioners of Scotland, were,

The duke of Queenſberry,	The lord Boyle,
The duke of Argyle,	Sir James Stuart,
The marquis of Annandale,	Sir George Maxwell,
The marquis of Lothian,	Sir James Smallet,
The earl of Seafield,	Sir Alexander Douglaſs
The earl of Hyndford,	Sir David Dalrymple,
The earl of Leven,	Sir Patrick Johnſtown,
The viſcount Tarbat,	Mr. Montgomery,
The viſcount Stair,	Mr. Scrimſer,
The lord Galway,	The provoſt of Aberdeen.

Dr. Davenant was appointed ſecretary to the Engliſh commiſſioners, and Robert Pringle to the Scots. Hiſt. of Europe, VII. 457.

[c] The ſubſtance of the ſix propoſals given in by the Scots commiſſioners was as follows: 1. That there ſhould be a free trade betwixt the two kingdoms without diſtinction. 2. That both ſhould be liable to an equal impoſition for export and import; and that a book of rates ſhould be adjuſted for both. 3. That the ſubjects and ſhipping of both kingdoms have an equal freedom as to the plantation trade, and be under the ſame regulation. 4. That the act of navigation, and all others in both kingdoms, inconſiſtent with the ſaid propoſals, be repealed. 5. That neither of the kingdoms be burthened with the debts contracted by the other before the union; and that the equality of impoſition in the ſecond propoſal be underſtood with an exception of the impoſitions laid on and appropriated by the parliament of England for payment of their debts; or, if an equality of impoſition on trade be thought neceſſary, that there be allowed to Scotland an equivalent. 6. That the former propoſals were made without prejudice to the companies or manufactures of either kingdom, which are referred to the further conſideration and progreſs of this treaty. The conſiderations on theſe propoſals delivered by the Engliſh commiſſioners were theſe: As to the firſt article, the lord commiſſioners for England agreed, That there ſhould be "a free trade for the native commodities of the growth, product, and manufacture of both, with an exception as to wool and ſheep-fells, and with equal duties on home conſumptions reſpectively; and that the maſters, mariners, and goods of Scotland be under the ſame penalties as thoſe of England." To the ſecond they deſired there might be added, "That the ſame impoſition and prohibition ſhould be the ſame in both as to the import and export." To the third their lordſhips ſaid, "That the plantation trade was the property of England, and of ſuch conſequence as not to be communicated, till the other particulars, which ſhould be thought neceſſary to the union, were adjuſted; and that in this article there ſhould be proviſion made, that Scotſmen be liable to be preſſed in time of war for her majeſty's ſervice." To the fourth they agreed, "That the act of navigation be accommodated to the union." To the fifth, they thought it contradicted what was agreed in the ſecond, and ſaid, "There was no duty on trade, except ſome of the funds of the civil government, but what was appropriated to pay private debts, and though thoſe debts were contracted by a long war, entered into more particularly for the preſervation of England and the dominions thereto belonging; yet Scotland had taſted the benefit of that war by the oppoſition made to the growth and power of France; and that Scotland would be abundantly compenſated for that burden by a compleat union, which could not be eſtabliſhed with equality, unleſs there were the ſame duty in both kingdoms on foreign and home conſumption: But how the money ariſing from thence in Scotland ſhould be applied, or what equivalent ſhould be allowed the Scots for it, might be ſettled, when their lordſhips came to propoſe what proportion Scotland ſhould bear of the public burden for the ſupport of the government in peace and war. For the ſixth propoſal, they deſired it might be further explained." Hiſt. of Europe, vii. 461.

Keiſerſtzet:

ſioners gave in their propoſals for preſerving the rights and privileges of their company trading to Africa and the Indies, ſuch difficulties aroſe, as put a ſtop to all farther progreſs, and nothing more was done upon this commiſſion, which was annulled by the new Scotiſh parliament called by the queen, as will hereafter be ſeen.

Ireland was now put under lords juſtices, named by the earl of Rocheſter. The earl of Mount-Alexander, major-general Erle, and Thomas Knightly, were appointed lords juſtices, in the room of the archbiſhop of Dublin and the earl of Drogheda, whom the lord Rocheſter had left in the government of that kingdom. Mean time, the truſtees for the forfeited eſtates continued ſtill in their former authority.

While affairs were in this ſituation at home, the firſt ſtep that was made beyond ſea, was by the houſe of Hanover. It had been concerted with the late king before his ſickneſs, and was ſet on foot the week he died. The deſign was well laid, and the execution managed with great ſecrecy. The old duke of Zell, and his nephew the elector of Brunſwick, marched in perſon with an army, that was rather inferior in ſtrength to that of the duke of Wolfembuttle. They entered their country, while their troops were diſperſed in their quarters. They ſurprized ſome regiments of horſe, and inveſted both Wolfembuttle and Brunſwick at once, and cut off all communication between them. Having them at this diſadvantage, they required them to concur in the common councils of the empire; to furniſh their quota for its defence, and to keep up no more troops than were conſiſtent with the ſafety of their neighbours. For it was well known, that the greateſt part of their men were ſubſiſted with French pay, and that they had engaged themſelves to declare for France, as ſoon as it ſhould be required. Duke Rodolph, the elder brother, was a learned and pious prince; but, as he was never married, ſo he had transferred the government to the care of his brother duke Anthony, who was of a temper very different from his brother's. He could not bear the advancement of the houſe of Hanover, and therefore, in oppoſition to them, entered into the intereſts of France. But, being thus ſurprized, he went away in diſcontent, and his brother broke through all thoſe meaſures, in which he had involved himſelf. In conjunction with duke Anthony, the duke of Saxe-Gotha had entered into the ſame engagements with France, but was now forced to fall into the common intereſts of the empire.

Thus all the north of Germany was united, and ready to declare againſt France: only the war of Poland was ſo near them, that they were obliged to continue armed, and ſee the iſſue of that war. The king of Sweden was engaged in it, with ſuch a determined oppoſition to king Auguſtus, that there was no hope of treating a peace, though it was endeavoured both by England and the States-General. His Swediſh majeſty ſeemed to have accuſtomed himſelf to fatigue and danger; ſo that he grew to love both; and though the Muſcovites had fallen upon the frontiers of Sweden, where they had gained ſome advantages, yet even that could not divert him from carrying on the war in Poland. A dyet was ſummoned in that kingdom, but it broke up in confuſion, without coming to any concluſion; only they ſent embaſſadors to the king of Sweden to treat of a peace. The king of Pruſſia was very apprehenſive of the conſequences of this war, which was now in the neighbourhood of Pruſſia; and the king of Sweden threatened to invade Saxony with the troops that he had in Pomerania, which could not be done but through his territories. The king of Sweden delayed giving audience to the embaſſadors of Poland, and marched on to Warſaw; upon which the king of Poland retired to Cracow, and ſummoned thoſe palatines, who adhered to him, to attend him. When the king of Sweden came to Warſaw, he ſent to the cardinal primate to ſummon a dyet for chuſing a new king; which was going further than the reſentments of the Poles yet carried them. But the progreſs of this affair will appear in its proper place.

All Germany was now united, except the two brothers of Bavaria. The court of Vienna entered into ſeveral negociations with the elector of Bavaria, but without any effect; for that elector ſeemed only to hearken to their propoſitions that he might make the better terms with France. The elector of Cologne put Liege, and all the places he had on the Rhine, into the hands of the French, except Bonne; which, it was ſaid, he kept with the view of being able to make peace with the emperor, by putting that in his poſſeſſion, though he was prevailed on afterwards to deliver that likewiſe to the French. In this conduct the elector acted againſt the advice of all his council; and, as the dean of Liege was making ſome oppoſition to him, he was ſeized on, and carried away priſoner in a barbarous manner. The elector, to excuſe his admitting the French into his country, pretended, that he only deſired the aſſiſtance of ſome of the troops of the circle of Burgundy, to ſecure his dominions; for, as France was not aſhamed of the ſlighteſt pretences, ſo ſhe taught her allies to make excuſes unbecoming the dignity of princes.

Thus the confederates ſeemed to begin the war againſt France under many and great diſadvantages: beſides, that the electors of Bavaria and Cologne had declared for France, and the elector of Saxony king of Poland, on account of his war with Sweden, was hindered from ſending his full proportion of troops, a prince of the houſe of Bourbon was now on the throne of Spain (which had formerly acted in concert with England and Holland) a French army had over-run the ſtate of Milan; and, to this army, the duke of Savoy (engaged to France by the double marriage of his two daughters) had joined his forces. The emperor had ſent his veteran troops under the command of prince Engene, to keep the French at bay in Italy; and all the Spaniſh towns on the frontiers of Holland were garriſoned by French ſoldiers. But notwithſtanding all theſe viſible diſadvantages, by the wiſe and ſteady councils of England, the prudent management of the public treaſury, the juſt meaſures concerted by the earl of Marlborough with foreign powers, the bravery and reſolution of the confederate troops, and the experience and good conduct of their commanders, it was ſoon concluded by all, who were judges of ſuch matters, that the allies would, in the end, prove an over-match for France.

Negociations were ſtill carried on in ſeveral courts. Mr. Methuen was ſent to try the court of Portugal; and he quickly returned with full aſſurances of a neutrality and a freedom of trade in the ports of that kingdom; and, as inſinuations were given of a diſpoſition to go further upon a better proſpect and better terms, he was immediately ſent back to urge that matter as far as it would go. The pope pretended he would keep the neutrality of a common father, but his partiality to the French appeared on many occaſions; yet the court of Vienna had that veneration for the holy ſee, that they contented themſelves with expoſtulating, without carrying their reſentments farther. The Venetians and the Great Duke followed the example ſet them by the pope, though the Venetians did not eſcape ſo well, for their country ſuffered on both hands.

The firſt ſtep of the war was to be made in the name of the elector Palatine in the ſiege of Keyſerſwaert [d], which had been put into the hands of the French by the elector of Cologne, and which, whilſt in their hands, expoſed both the circle of Weſtphalia and the dominions of the States; for their places on the Whall, being in no good condition, lay open to the excurſions of that garriſon. The trenches had been opened before this town on the 18th of April; and the care of the ſiege committed to the prince of Naſſau Saarbrugh (declared the emperor's marſhal de camp) under whom the Dutch ſerved as auxiliaries to the emperor, the States not having declared war againſt France. Another army of the Dutch was formed under the earl of Athlone, and lay in the duchy of Cleve to cover the ſiege; and a third commanded by general Cohorn broke into Flanders, forced and demoliſhed the lines between the two forts of St. Donat and Iſabella, which the enemy had been many months raiſing with great labour and expence, and laid the greateſt part of the Chatellanie of Bruges under contribution. However, after theſe ſucceſſes, upon the approach of the marquis de Bedmar and the count de la Motte with the French troops under their command, which were ſuperior in number to him, Cohorn was forced to retire under the walls of Sluys; but, to prevent the enemy's taking fort Donat, he firſt laid the country under water, and forced the Spaniards to retire towards Ghent.

Marſhal de Boufflers, having drawn his troops together, and laid up great magazines in Ruremond and Venlo, paſſed the Maeſe with his whole army, and, the duke of Burgundy coming poſt from Paris to command it, the States were apprehenſive, that ſo great a prince would, at his firſt appearance,

[d] Keiſerſwaert is a town below Duſſeldorp, on the Rhine, mean, but well fortified; and did belong to the elector of Cologne. It has a broad ditch, very regular fortifications, and high walls faced with brick: as alſo the counterſcarp, which was in a very good condition. It is ſeated on the north of the Rhine, ſix German miles between Cologne to the north-weſt, and the ſame diſtance from Gulick (or Juliers) to the north. The French poſſeſſed themſelves of it for cardinal Furſtemburgh in 1688, but the late elector of Brandenburgh retook it in the year 1689, and delivered it to the elector of Cologne, who in 1701 received a French garriſon into it, which continued there till it was taken by the army of the allies. It is now ſubject to the duke of Neuburg.

Father

undertake ſomething worthy of himſelf, and, believing the deſign might be upon Maeſtricht, threw twelve thouſand men into that place.

The ſending away ſo large a detachment, the auxiliary troops from Germany not coming ſo ſoon as expected, and contrary winds having ſtopped a great part of our army, were the occaſions that the earl of Athlone was not ſtrong enough to enter into action with the marſhal de Boufflers. He encamped therefore at Clarenbeck, between Nimeguen and Cleve, to watch his motions; and while Boufflers lay at Zanſen near Cleve, the earl, having detached major-general Dampre with a thouſand horſe towards the enemy, he happened to meet a party of about ſix hundred French horſe, whom he attacked and totally defeated, killing two hundred on the ſpot, and taking as many priſoners, with the loſs only of about thirty troopers and dragoons.

The ſiege of Keyſerſwaert went on but ſlowly. The trenches had been opened on the 18th of April with little loſs; and on the 20th, the beſiegers did great execution by the bombs which they threw into the town. But the enemy made a vigorous ſally, with deſign to ruin the works of the beſiegers. The Dutch repulſed them twice with great bravery; but, not being ſuccoured in time, and being inferior to the enemy, they were forced to quit their poſt, and make a retreating fight, till at length, the cavalry, deſigned for their relief, coming up, the enemy were, in their turn, conſtrained to retire with great precipitation. On the 21ſt and 22d the enemy made two ſallies more, but with much the ſame ſucceſs, and in the latter were purſued to the counterſcarp, leaving a great number of dead and wounded men upon the ſpot; and at the ſame time the brigadier, who commanded them, was taken priſoner. On the 23d, in the morning, twelve hundred Pruſſians attacked an iſland in the Rhine about ſix hundred paces broad, a little below the town, in which two hundred French were poſted, who had built ſeveral works and fortifications, and had two ſeveral batteries there. Upon the approach of our men, they fired very briſkly; but the prince of Anhault Deſſau, who commanded, managed the affair with that prudence and valour, that the French, after a whole day's reſiſtance, being ſummoned to yield, or run the hazard of being put to the ſword, mutinied againſt their officers, and, throwing down their arms, ſurrendered at diſcretion. The commander in chief was ſo enraged at this, that he laid violent hands upon himſelf; and the reſt of the officers, attempting to make their eſcape in a little boat, were all killed, except a captain and a lieutenant. The next day, April 24, the beſiegers carried their trenches within two hundred paces of the town, and had four batteries continually firing, with which they had made conſiderable breaches in the rampart, ſo that they intended to make an attack upon the counterſcarp; for which purpoſe a good number of faſcines and wool-packs were prepared, it being thought, that by thoſe proceedings the town would ſoon ſurrender. However, the confederates were very much miſtaken in their calculation; for, though they propoſed at firſt to be maſters of that place in three weeks, they found it held out near two months, and had like to have proved a bad beginning of a new war. For count Tallard, having poſted himſelf with his flying camp on the other ſide of the Rhine, fired from thence with ſo much ſucceſs, that the beſiegers, notwithſtanding their entrenchments, were very much incommoded, and had, beſides, the mortification to ſee the beſieged ſuccoured from that camp with troops, ammunition, and all neceſſary refreſhment, which, with the exceſſive rains that ſwelled the Rhine, to the great prejudice of the aſſailants, occaſioned the length of the ſiege. However, all this while, the beſiegers cannonaded the town, and battered the outward fortifications with forty-eight great guns, and thirty mortars; ſo that it was almoſt reduced to aſhes, when they reſolved to make a general attack on the counterſcarp and ravelin. This they executed with unparalleled bravery. The conflict was obſtinate and bloody, for nothing was to be ſeen for two hours but flame and ſmoke: but at length the beſieged were conſtrained to give ground, and leave the beſiegers maſters both of the ravelin and the counterſcarp, upon which they immediately lodged themſelves. The prince of Naſſau Saarburgh performed prodigies of valour, giving his orders with great contempt of the danger and admirable preſence of mind; and all the other officers and ſoldiers behaved themſelves in this action beyond expectation. This advantage, however, coſt the confederates very dear[e]; for they had ſix hundred and eighty men killed, and one thouſand nine hundred and two wounded in the action; but it likewiſe ſo much weakened the garriſon, that they were forced to capitulate, and obtained honourable terms. The fortifications were razed according to agreement.

Upon the taking of the counterſcarp, count Tallard, finding that he could be of no farther ſervice to the beſieged, joined the grand army under the command of the duke of Burgundy, which, by the calling in of all their other detachments, and particularly of the French king's houſhold-troops, became greatly ſuperior to that of the confederates under the earl of Athlone; and they were ſo ſenſible of it, that they reſolved to put in execution, without delay, the following deſign, of which they had for ſome time before boaſted.

On the 10th of June, N. S. the marſhal de Boufflers decamped from Zanſen, and directed his march, without ſound of trumpet or beat of drum, through the plains of Goch towards Mooker-Hyde cloſe by Nimeguen, with a view to get between the confederate army and that city, and ſo to cut them off from their proviſions, ammunition, and forage. Upon this the earl of Athlone, having early information of the enemy's motion, and diſcovering their deſign, called a council of general officers, wherein it was unanimouſly reſolved, that the confederates ſhould begin their march that evening. The baggage was accordingly ſent to Nimeguen, and, after ſeveral marches and regulations, the earl about break of day received particular intelligence of the ſtrength of the enemy, and cauſed the cavalry to be drawn up in order of battle to cover the march of the infantry. About eleven in the morning, the French horſe advanced in great numbers, with the houſhold-troops at the head, and preſſed upon the earl, who behaved himſelf with great reſolution. However, as the confederate ſquadrons were wheeling, the French troops puſhed them upon the foot, and put two or three battalions into confuſion; but, by the conduct of the general officers, the enemy was ſoon repulſed. On the other ſide there happened an encounter between ſome of the ſquadrons of the French king's houſhold, ſome Daniſh ſquadrons, and ſome of the earl of Athlone's carabineers, who ſo remarkably diſtinguiſhed themſelves upon this occaſion, that the French were repulſed, though with conſiderable loſs on both ſides. By this time, the confederates were got under the cannon of Nimeguen, which, ſoon after, began to play upon the enemy, and the burghers ſignalized themſelves on this occaſion in an extraordinary manner, for, though they had not a gunner in the town, they managed their artillery with great ſucceſs. The Engliſh, who had the honour to cloſe the retreat, maintained their poſt in excellent order, being aſſiſted by the prince of Wirtemberg, who put a ſtop to the houſhold-troops, which were advanced very near them, and preparing to charge them towards the end of their march. Twenty battalions of foot were poſted in the outworks of Nimeguen, and the whole army was under arms all that night, as was the enemy likewiſe. The next morning, a great body of French horſe and foot advanced towards the allies, as if they intended to attack them; but this they did only to cover the march of their own army, which filed off towards Cleve, venting their rage at their diſappointment upon the defenceleſs country, which they rifled and laid waſte, deſtroying the park of Cleve, and all the delicious walks and avenues of that charming place. Thus was marſhal Boufflers diſappointed in his deſign upon Nimeguen, which, if taken, muſt have been followed with very fatal conſequences, for the French would have penetrated into the very heart of the United-Provinces: It was but indifferently provided for an attack, and the ſcheme was well laid againſt it, and wanted but little of being punctually executed, the enemy miſſing but half an hour of arriving in the outworks before the confederates. The earl of Athlone's conduct on this occaſion raiſed his credit, as much as it ſunk marſhal Boufflers, who, though he had a ſuperior army, animated by the preſence of ſo great a prince as the duke of Burgundy, was able to do nothing, but was unſucceſsful in every thing that he deſigned: and his parties, that at any time were engaged with thoſe of the earl, were defeated in almoſt every action.

The unſucceſsful attempt upon Nimeguen, and the reduction of Keyſerſwaert, were not the only mortifications, which the French ſuffered; for their army in Germany being but weak, and drawing together but ſlowly under the command of marſhal de Catinat, the Germans had an oppor-

[e] Father Daniel, in his 'Hiſtorical Journal of the reign of Lewis XIV,' aſſerts that this place coſt the allies more men than they would have loſt in a pitched battle, to the number of ſeven or eight thouſand.

Landau

tunity of laying ſiege to Landau[f]. This ſtrong and important place was inveſted on the 16th of June, N. S. by prince Lewis of Baden, who ſpent the reſt of the month in raiſing batteries, and making his approaches; and, on the 27th of July, the king of the Romans arrived in the confederate camp, in order to have the honour of taking the city: His train was ſo large, and his equipage ſo ſplendid that the expence of it put all the emperor's affairs in great diſorder; the moſt neceſſary things being neglected, while a needleſs piece of pomp conſumed ſo great a part of their treaſure. The ſiege was ſtopped for ſome weeks for want of ammunition; but at laſt the citadel was taken by ſtorm on the 9th of September, and, on the 12th the city ſurrendered.

This was the ſtate of the campaign, before the earl of Marlborough left England, from whence he ſet out on the 12th of May, and upon his arrival at the Hague, having the character of embaſſador as well as captain-general, he had ſeveral conferences with the States, in which he gave them all poſſible aſſurances of the queen's affection and reſolution to ſupport them in all emergencies. The earl of Athlone was ſet on by the Dutch generals, to inſiſt on his quality of Velt-marſhal, and to have the command with the earl of Marlborough by turns. But, though he was now in high reputation by his late conduct, the States obliged him to yield this point to the earl of Marlborough, whom they declared generaliſſimo of all their forces, and ſent orders to all their generals and other officers to obey him. The earl, on his part, made ſo modeſt and becoming a uſe of the power put into his hands, as ſoon gained him the hearts of all the general officers under him; and, to the earl of Athlone in particular, he behaved in ſo obliging a manner, that the command ſeemed to be equal between them.

All things being now regulated with the deputies of the States, the earl left the Hague on the 30th of June, N. S. and went to Breda; from whence he ſent what detachments could be ſpared from that place and other garriſons, to the camp at Nimeguen. He followed thither himſelf on the 2d of July, where, the next day, the earl of Athlone, lieutenant-general Dopff, and the other general officers, made him a viſit; and, at an interview with them, he gave the neceſſary orders for drawing the army together. Nineteen battalions of the troops, which had been employed at the ſiege of Keyſerſwaert; the troops of Heſſe and Lunenburgh; the Engliſh forces from Breda under major-general Lumley, and other troops, having joined the army, a camp was formed at Duckemberg and Budweick, conſiſting of ſeventy-ſix battalions of foot, and one hundred and twenty ſquadrons of horſe and dragoons, amounting together to about ſixty thouſand men, with ſixty-two cannon, eight mortars and hawbitz, and four and twenty pontoons. Thither the earl went likewiſe, and, on the 8th, called a council of war of all the general officers, to concert the further operations of the campaign.

The earl of Athlone was always inclined to be cautious and ſure, but withal feeble counſels; but the earl of Marlborough, when the army was thus brought together, finding his force ſuperior to the duke of Burgundy, on the 16th paſſed the Maeſe, and encamped at Over-Aſſelt near Grave, within two leagues and a half of the enemy, who had intrenched themſelves between Goch and Gennep. On the 26th, the confederate army repaſſed the Maeſe below the Grave; and, on the 28th, encamped at Geldorp, upon which motion the French paſſed the ſame river about Venlo. Two days after, the allies removed from Geldorp to Gravenbroeck, where finding a French garriſon in the caſtle, ſeated in a moraſs, and ſurrounded by a double ditch and good paliſadoes, a detachment, under the command of lord Cutts, briſkly attacked it, and, with the aſſiſtance of four cannon and two hawbitz, after a ſhort reſiſtance obliged the garriſon, conſiſting of a captain and an hundred men, to ſurrender at diſcretion. The ſame day, the Britiſh artillery arrived in the camp from Holland, under convoy of two Engliſh regiments of horſe, and two of foot, which had left England, in the beginning of June. On the 2d of Auguſt, N. S. they advanced to Petit-Brugel, following the French, who retreated as they advanced, ſo cloſe, that they were obliged to abandon the Spaniſh Guelderland, which was left to the diſcretion of the confederates. The earl of Marlborough was for venturing upon a deciſive action, for which end the whole army was ordered to their arms the next morning early. But the Dutch were afraid to put things to ſuch an hazard, and would not conſent to it. Penſionary Fagel, and thoſe who had the adminiſtration of affairs at the Hague, proceeded with the more caution, becauſe, upon the late king's death, thoſe, who had always oppoſed him, began to form parties in ſeveral of their towns, and were deſigning a change of government; ſo that any public misfortune, in their conduct, would have given great advantages to thoſe, who lay upon the watch for them. The penſionary was more particularly aimed at; and that made him more careful of running any riſque. Thoſe, who pretended to be judges, thought, that if the earl of Marlborough's advice had been followed, matters might have been brought to a happy deciſion; and the rather, as it appeared, that the French army was not above half got to their camp, greatly fatigued by an almoſt continual march of two days and two nights, and in the greateſt conſternation. But, as the earl was prudent in his conduct of the army, ſo was he careful not to take too much upon himſelf.

The duke of Burgundy finding himſelf obliged to retreat, as the confederate army advanced, thought this was not ſuitable to his dignity; and therefore left marſhal Boufflers to command, ending his firſt campaign very ingloriouſly; and it appears, that the French king was diſſatisfied with the conduct of the marſhal, for he never after repoſed any confidence in him.

The Dutch, who were ſo lately in the deepeſt conſternation upon the retreat of their army under the caſtle of Nimeguen, before the earl of Marlborough's arrival, had now the pleaſure to ſee the French fly in their turn; and thus were the United Provinces preſerved by the earl's prudence and vigilance, whilſt the duke of Burgundy, who came to the army to be taught how to fight, learned nothing but how to avoid an engagement.

The earl of Marlborough went on, taking ſeveral places, which made little or no reſiſtance; and finding at length, that the French were not to be brought to an engagement on equal terms, and the deputies of the States-General, who followed the army, having repreſented to him, that it was much more for the advantage of Holland to diſpoſſeſs the enemy of the places they held in the Spaniſh Guelderland, whereby the free navigation of the Maeſe was interrupted, and the important town of Maeſtricht in a manner blocked up, he therefore diſpoſed all things for the ſiege of Venlo. In the mean time, General Schultz was ordered to reduce the town and caſtle of Wertz, which capitulated after a ſhort reſiſtance.

On the 7th of September, the trenches were opened on both ſides the Maeſe, and the town of Venlo ſurrendered on the 25th of the ſame month, after fort St. Michael had been ſtormed and taken by the Engliſh under the command of the lord Cutts, who with ſeveral officers of the ſame nation, particularly the young earl of Huntington[g], ſhewed an incredible bravery on that hazardous occaſion.

The earl proceeded with the army under his command to ſit down before Ruremond, the ſecond city of Guelders, ſtanding upon the Maeſe, at the confluence of that river and the Roer; which, after a very vigorous ſiege, beat a parly on the 6th of October, and the next day ſurrendered upon articles. The ſame time Stevenſwaert, a notified place ſeated on the Maeſe, about five miles from Ruremond to the ſouth, capitulated likewiſe. Upon the ſucceſſes of the confederates, marſhal Boufflers thought it high time to provide for the ſecurity of Liege[h], which he juſtly apprehended to be in no ſmall danger. Being accompanied therefore with the duke of Mayne, and taking with him ſome engineers, he went to view the fortifications of the citadel, and, after that, the

[f] Landau is a little but ſtrong city of Germany in the Lower Alſatia, upon the confines of the Palatinate of the Rhine; once imperial, but yielded to the French by the treaty of Munſter. This town was the great magazine, where the French, after they had plundered moſt of the towns of the Palatinate in 1688, laid up the booty, all which was burnt by an accidental fire in May 1689. It was now taken from the French by the Germans, but they retook it in 1703, as will be ſeen in the hiſtory of the next campaign. In 1704, the imperialiſts reduced it again after the battle of Blenheim. It ſtands on the Queich, eight miles ſouth of Neuſtadt, and ſixteen ſouth-weſt of Spires.

[g] The young earl ſhewed, upon this and many other occaſions, an extraordinary heat of courage. He called to the ſoldiers who had got over the paliſadoes to help him over, promiſing them all the money he had about him; which promiſe he generouſly performed, and led them on with much bravery and ſucceſs. Burnet II. 325.

[h] Liege is a very conſiderable city, ſituated in a pleaſant valley, environed with hills, the river entering it in two branches, accompanied with leſſer ſtreams, which make many delightful iſlands. On the brow of a hill which hangs over it, ſtands the citadel (or caſtle) of great ſtrength, built to command the town; without which, it would be but of ſmall conſequence. Here is a famous univerſity, endowed with large eccleſiaſtical revenues. There are alſo eight collegiate and thirty-two parochial Churches. It was taken this year by the confederates, and inveſted in 1705, by the French; who broke up the ſiege, and retired behind their lines, upon the news of the duke of Marlborough's ſpeedy return with his army from the Moſelle. It was reſtored to the elector of Cologne in 1714.

moſt conſiderable poſts between that city and Maeſtricht, as if he intended to incamp there; but, finding it impracticable by the approach of the confederates, who were marching towards Liege, he retreated to Tongeren with great precipitation, and went towards Brabant, to defend ſuch places, as at that time were not intended to be attacked.

When the confederate army came before Liege, they found the ſuburbs of St. Walburgh ſet on fire by the French garriſon, who were retired, part into the citadel, and part into the Chartreuſe, after which the city was delivered up to the beſiegers, by a treaty between the earl of Marlborough, the deputies of the States-General, and commiſſioners from the chapter and magiſtracy. Six days after, the trenches were opened againſt the great citadel, which was taken by ſtorm, notwithſtanding de Violaine, the governor, five days before upon a ſummons to ſurrender, ſent the earl of Marlborough word, "That it would be time enough to think of that ſix weeks hence." The aſſailants having exerted an amazing courage in this attack, and put moſt of the garriſon to the ſword, gained a conſiderable booty, beſides honour; for, in the caſh of treaſure alone, there were three hundred thouſand florins in gold and ſilver, and notes for one million two hundred thouſand florins upon ſubſtantial merchants at Liege, which were all accepted and turned into ready money [i]. This victory was ſoon after compleated by the ſurrender of the Chartreuſe, the garriſon of which place, having capitulated, were conducted to Antwerp.

Thus ended the campaign with great ſucceſs, many places having been taken with little reſiſtance, and an inconſiderable loſs either of time or of men. The earl of Marlborough's conduct gained him the hearts of the army, and the States-General were highly ſatisfied with every thing he did; and the earl of Athlone did him the juſtice to own, that he had differed in opinion from him in every thing that was done, and that therefore the honour of their ſucceſs was entirely owing to him.

Upon the breaking up of the army in November, an accident happened that had like to have loſt all the advantages and honour gained in this glorious campaign. The earl of Marlborough, the day the army ſeparated, went to Maeſtricht; and he thought the eaſieſt and quickeſt, as well as ſafeſt, way of returning to the Hague, was by ſome of thoſe great boats that paſs on the Maeſe. He had twenty-five ſoldiers, commanded by a lieutenant, in the boat with him to ſerve as a guard. The next morning he came to Ruremond, where he joined monſieur Cohorn; and, having dined with the prince of Holſtein-Beck, governor of that place, they continued their voyage together, having ſixty men in a larger boat, which was to be before them. There were likewiſe fifty horſe ordered to ride along the banks of the river. About ſeven that evening they came to Venlo, where the party of horſe being relieved by a like number out of that garriſon, they purſued their way down the river. The great boat, in which general Cohorn was, out-ſailed the other, and the troopers on ſhore miſtook their way in the night. The French had yet the town of Guelders in their hands, which was indeed the only place they had left in Spaniſh Guelderland. A party of five and thirty men from thence was lurking on the banks of the river near three leagues below Venlo, waiting for an adventure; and, the company being all aſleep, they ſeized by ſurprize, between eleven and twelve at night, the rope by which the boat was drawn, and hauled it on ſhore. They immediately made a diſcharge of their ſmall arms, and threw ſeveral grenadoes into the boat, by which ſome of the ſoldiers were wounded.

This done, they entered and ſeized the boat, with all who were in it, before they could get in any order to make oppoſition. With the earl were monſieur Opdam, one of the Dutch generals, and monſieur Gueldermalſen, one of the deputies of the States. They did not know the earl, but they knew the other two, who both had paſſes, according to a civility uſually practiſed by the generals on both ſides. The earl of Marlborough's brother had one, but, his ill ſtate of health having made him leave the campaign, it remained in the hands of his ſecretary, and now was made uſe of by the earl. The date indeed was out; but the preſence of mind, with which he produced it, and their hurry in the night, prevented that from being conſidered. They therefore only rifled the boat, ſearched the trunks and baggage, emptied them of what plate and things of value they found, and took preſents from thoſe, whom they believed to be protected by their paſſes; and then, after having ſtopped them ſeveral hours, and taken the earl's guard of foot priſoners, they let them go. The governor of Venlo, having notice that the earl was taken, but not being informed of the circumſtances which followed, preſumed that he was carried priſoner to Guelders, and therefore marched out immediately with his whole garriſon to inveſt that place. The news of it, likewiſe coming to the Hague in the ſame imperfect manner, put the States under no ſmall conſternation. They immediately aſſembled, and reſolved to ſend orders to all their forces to march immediately to Guelders, to threaten the garriſon with the utmoſt extremities, unleſs they ſhould deliver the priſoners, and never leave the place, till either they had taken it, or the generals were ſet free. But, before theſe orders could be diſpatched, the earl of Marlborough came to the Hague, where he was received with inexpreſſible joy, not only by the States, but by all the inhabitants, for he was beloved there to a high degree. He was complimented upon his eſcape by penſionary Heinſius, in the name of the States.

The neceſſity of the French king's affairs had forced him, before the loſs of Landau, to grant the elector of Bavaria all his demands; but he had not agreed to what the elector aſked, till that city was given for loſt; and then, ſeeing that the prince of Baden might over-run all the Hondruck, and carry his winter-quarters into the neighbourhood of France, it was neceſſary to gain this elector on any terms. If this agreement had been made ſooner, probably, the ſiege of Landau, how far ſoever it was advanced, muſt have been raiſed. The elector made his declaration in favour of France, when he poſſeſſed himſelf of Ulm, a rich free town of the empire, in the circle of Swabia. It was taken, on the 8th of September, by a ſtratagem, that however ſucceſsful it proved to the elector, was fatal to him, who conducted it; for he was killed by an accident, after he was poſſeſſed of the town [k].

The dyet of the empire was ſo incenſed at the treachery of the elector of Bavaria in ſeizing Ulm, that, after a warm debate, it was reſolved by a plurality of voices, to declare war againſt the French king and the duke of Anjou; and a memorial was ordered to be drawn up, requeſting his imperial majeſty to proceed againſt the elector, according to the conſtitutions of the empire. The miniſters of the electors of Bavaria and Cologne were forbid to appear any more in the general dyet; notwithſtanding which, the elector of Bavaria proteſted againſt theſe proceedings, and particularly againſt the declaration of war, alledging, "That an offenſive war, like this, ought to be reſolved on by common conſent, and not by plurality of voices." To which it was anſwered, "That the king of France had attacked the empire, by invading, not only in his own name, but in the name of the duke of Anjou, his grandſon, ſeveral fiefs of the empire in Italy, the archbiſhopric of Cologne, and the dioceſe of Liege; as alſo by diſturbing the trade of the Rhine, and committing ſeveral other hoſtilities, which rendered this war defenſive, and not offenſive, on the ſide of the empire." But no regard was had to his proteſt; and the empire's declaration of war was publiſhed and notified to the cardinal of Lamberg, the emperor's commiſſioner, on the 30th of September, N. S. by the elector of Mentz, in the name of the dyet of Ratiſbon.

The taking of Ulm had given ſo great an alarm to the neighbouring circles and princes, that they called away their troops from the prince of Baden to their own defence; by which means his army was much diminiſhed; but, with the troops, that were left him, he ſtudied to cut off the communication between Straſburgh and Ulm. After the taking of Ulm, the French made themſelves maſters of the little town of Newburg, on the Rhine, and in the circle of Swabia. This gave great uneaſineſs to prince Lewis of Baden, who made a motion with part of his army, to retake it, and to cover Briſac; but he was ſo much weakened by the detachments, that had been ſent to Swabia, in order to hinder the conjunction of the Bavarians and French, that he had not above eight thouſand men in his camp near Fridlinguen. The enemy, having intelligence of this, thought there could not be a more ſeaſonable opportunity to attack him; for which purpoſe, the French, who were divided in two bodies

[i] 'Tis ſaid an Engliſh grenadier got a thouſand Louis d'ors in a bag for his ſhare. The extraordinary bravery of the hereditary prince of Heſſe Caſſel deſerves the higheſt encomium; who went volunteer to the attack at the head of the grenadiers, and, mounting the breach the very firſt, took the colours from a French officer. Mr. Wentworth (brother to the lord Raby) who likewiſe went volunteer in the ſaid attack, was killed. Monſieur de Violaine (governor of the citadel) and the duke of Charoſt, were taken priſoners upon the breach, and brought to the earl of Marlborough's quarters.

[k] This project was executed by monſieur Peckman lieutenant colonel of the elector's guards. Ulm is a ſtrong and populous city in the circle of Swabia, free and imperial, adorned with many ſtately edifices; particularly with a cathedral extolled beyond any in Germany. It ſtands on the Danube and Iller, thirty-eight miles weſt of Augſburg.

Father

(one commanded by the marquis de Villars, and the other by count de Guiſcard) paſſed the Rhine with the infantry, which, the next day were followed by the cavalry. The prince of Baden, upon this, decamped from Fridlinguen, for fear of being incloſed by the two bodies of the French; and, whilſt he was upon the march, count Merci, who brought up the rear with four hundred horſe, ſent him word, that Villars was advancing towards him with thirty battalions and forty ſquadrons, in order of battle. Hereupon the prince cauſed his army to face about, which being not above fifteen hundred paces from the enemy, both ſides made a halt, and the prince began the engagement by cannonading the French. The Imperialiſts, being then attacked, puſhed the enemy with great vigour; and, coming down into the plain, charged ſo briſkly the right wing of the French army, that there was ſcarce ever ſeen a more obſtinate and bloody battle, which continued for near two hours. But, the Imperialiſts being much weaker than the French, and the count de Guiſcard coming up with ſuccours, the ſecond line of the Imperial cavalry was, on a ſudden, put into ſuch diſorder, that all the horſe quitted the field in great confuſion. The prince now thought it high time to make the beſt retreat he could with his infantry; but they, contrary to his expectation, fell in with the French foot with ſuch undaunted bravery, that they broke their ranks, and drove them from their ground into a wood adjoining, through which they purſued them almoſt to Hunningen. The French horſe all this while ſtood ſtill, and ſeemed to be only ſpectators of the defeat of their infantry; but, obſerving their foot to be entirely routed, they likewiſe made their retreat.

The prince having thus obtained the victory, continued about five hours in the field of battle, and then directed his march towards Stauffen. Notwithſtanding theſe diſadvantages of the enemy, the French king ordered Te Deum to be ſung, as if his troops had been victorious[1]; and, to ſupport the reputation of it, aſſerted, they took Fridlinguen the next day, and, upon this occaſion, raiſed the marquis de Villars to the dignity of marſhal of France. But, prince Lewis of Baden being willing to let all the world know the contrary, and that this action had no ways diſconcerted his meaſures, he made three detachments from his army, one towards the Black Foreſt, to block up the paſſage into Bavaria; another, to attack Newburg; and a third, to reinforce the prince of Saxe Meiningen, who was obſerving the motions of count Tallard and the marquis de Lomaria. But, before this, he aſſembled all his troops, and being reinforced by general Thungen with fifteen hundred men, he formed ſo conſiderable an army, that he deſired nothing more than a ſecond engagement with Villars; and for that purpoſe advanced with his army, intending to attack him; but the marſhal not thinking fit to wait his approach, repaſſed the Rhine, and ſo was diſappointed by this action of joining the elector of Bavaria.

The latter end of October, count Tallard and the marquis de Lomaria, with a body of eighteen thouſand men, made themſelves maſters of Treves; and, then advancing towards Traerbach, they took that place after a very ſtout reſiſtance. On the other ſide, the hereditary prince of Heſſe Caſſel, marching from the grand army at Liege with nine thouſand Heſſians, and finding that the French had poſſeſſed themſelves of Zinch, Lintz, Briſac, and Andernach, retook thoſe places. The garriſon of Zinch ſurrendered themſelves priſoners of war; thoſe of Briſac quitted the place upon the prince's approach; but Andernach, being defended by a garriſon of four hundred men, a good wall, rampart, and mole, made a longer reſiſtance. However, the Heſſians having raiſed a battery, and poſſeſſed themſelves in the night of an advantageous poſt near one of the gates, in order to ſtorm the place the next morning, the enemy beat a parley, and the prince gave them leave to march out with their arms and baggage, but refuſed them the honour of any articles. He then marched away with two thouſand men to attack Lintz, but the French immediately quitted the place, and retired to Bonne.

In Italy, the duke of Vendoſme began with the relief of Mantua, which was reduced to great extremities by the long blockade which prince Eugene had kept about it, who had ſo fortified the Oglio, that the duke, apprehending the difficulty of forcing his poſts, marched through the Venetian territories, notwithſtanding the proteſtations of the republic againſt it, and came to Goito with a great convoy for Mantua. Prince Eugene drew his army all along the Mantuan Foſſa, down to Borgofortes. He was forced to abandon a great many places; but, apprehending that Berſello might be beſieged, and conſidering the importance of that place, he put a ſtrong garriſon into it. He complained much, that the court of Vienna ſeemed to forget him, and did not ſend him the reinforcements they had promiſed. And it was thought, that his enemies at that court, under colour of ſupporting the king of the Romans in his firſt campaign, were willing to neglect every thing that related to him; by which means the beſt army that the emperor ever had, was left to moulder away to nothing.

King Philip of Spain took a very extraordinary reſolution of going over to Italy, to poſſeſs himſelf of the kingdom of Naples, and to put an end to the war in Lombardy. He

[1] Father Daniel affirms, that marſhal Villars defeated the Imperial army in this battle; and that the latter left three thouſand dead upon the place; and that nine hundred were taken priſoners, beſides eleven pieces of cannon, thirty-five ſtandards, four pair of kettle-drums, and five hundred waggons laden with ammunition; whereas the French loſt only one thouſand or eleven hundred men. The marquis de Feuquieres's account of this battle is as follows: "The action, ſays he, at Fridlinguen has been dignified with the name of a battle, though it was properly no more than a great engagement of foot and horſe, ſince both thoſe bodies fought ſeparately. The particulars are theſe: Marſhal de Villars, having been detached with a body of troops from the king's main army in Alſatia to defend a work raiſed for the ſecurity of the bridge of Hunningen, which the enemy ſeemed diſpoſed to attack, formed his camp on this ſide of Hunningen, and near enough to protect the outworks, and with a view to improve the enemy's decampment to the beſt advantage in his power, ſhould that incident happen. The enemy's forces were encamped in a plain, that extended between the Rhine and a mountain oppoſite to the work that covered the bridge. Their left was near the territory of Baſil, and their right was ſtretched out towards the village of Fridlinguen, in the front of which was a large redoubt built ſince the war began, to ſecure the country againſt the excurſions of the garriſon of Hunningen. In this diſpoſition of our troops and thoſe of the enemy, M. de Villars was attentive to the manner in which the latter would decamp, when they ſhould be preparing for their winter-quarters. The enemy neglected the neceſſary precautions, when they decamped, through a perſuaſion, that they might form that motion, without any apprehenſions of being purſued in their retreat; and that they ſhould ſoon be at a ſecure diſtance from an army, which muſt paſs the Rhine on a ſingle bridge, in order to be vigilant enough to incommode their rear-guard. They likewiſe propoſed to march their foot on the riſing ground behind their camp, and the horſe were to advance on their right, and paſs through the defile of Fridlinguen, which was fronted by the redoubt abovementioned. When the enemy began to form their motion in the view of M. de Villars, this general gave orders for his army to paſs the Rhine; which they accordingly did with all poſſible expedition; after which he divided them in the ſame manner as he had ſeen the enemy's forces diſpoſed when they began their retreat. The foot marched under the command of M. Deſbordes to the eminence, on which the enemy's foot were in motion; and, as theſe did not wheel about to oppoſe our forces, who aſcended the riſing ground with great difficulty, they ſoon beheld their rear-guard approached by our foot, who marched with ſuch immoderate vivacity, that they were obliged to halt till they could recover breath. Had the enemy advanced to our battalions, while they were thus incapable of defending themſelves, they, in all probability, would have been victorious. But M. de Villars, who had entertained juſt apprehenſions of this inconvenience, marched thither in perſon, and gave the foot ſufficient time to form themſelves in order. The two bodies, however, did not charge in a line: our foot advanced very near thoſe of the enemy in their retreat, but could not bring them to engage in front: and therefore it cannot be ſaid, that they were defeated. The engagement between the horſe was much more deciſive, partly through the neglect of the officer who commanded the enemy's troops, and partly through the prudence and capacity of M. de Magnac, who commanded the king's forces in this action. As the conduct of this general officer appears to me to have been very judicious and well concerted on this occaſion, I ſhall be as exact as poſſible in relating the particulars. I have already declared, that the plain, where the enemy had encamped, extended to the village of Fridlinguen, the avenue to which formed a conſiderable defile fronted by a redoubt, where the enemy had planted cannon, and poſted a body of foot. The general officer, who commanded the enemy's horſe, imagined, when he began his march, that his troops would have ſufficient time to paſs the defile, before they could be overtaken by ours, who at that time had not compleated their paſſage over the Rhine. But he was deceived in his expectation by the vigour of our march, which was ſo extraordinary, that the enemy was obliged to recall thoſe of their troops who had entered the defile, and to form themſelves in order of battle, to receive our horſe, who were advancing to charge them. This body of the enemy's horſe might have been diſpoſed in ſuch a manner, as to have had their right covered by the redoubt, and their left might have been ſupported by an incloſed country, that was impracticable for the horſe, who were at the bottom of the eminence, on which the enemy's foot purſued their march. The enemy by this diſpoſition might have formed three or four lines of battle, and have ſuſtained the charge of our horſe, whoſe left would have been expoſed to the fire of the foot and cannon of the redoubt, before they could be capable of engaging. M. de Magnac, by a motion peculiar to the genius of an experienced officer, effectually diſconcerted the diſpoſition, into which the enemy might have formed themſelves, and made them loſe all the advantages that would have reſulted from it. When the troops were on the point of action, he diſcovered a ſeeming fear to engage, and cauſed the firſt line to file off behind the ſecond, as if he intended to retreat with the greateſt precaution. The enemy, elated at their ſuperior force, were perſuaded that this motion of M. de Magnac proceeded from his fear to begin an engagement with an army, whom he only intended to incommode in their retreat, when he found their front engaged in the defile; and upon this preſumption they loſt the advantage of their diſpoſition. Our general then advanced, and at the ſame time formed an opening, to give his troops an opportunity of doubling the firſt and ſecond line. This motion could not be accompliſhed without conſiderable danger ſo near an enemy, who diſcovered ſuch impatience to engage. But M. de Magnac very judiciouſly improved this warmth of theirs to his own advantage. The moment the enemy had diſconcerted their order of battle, and, by extending their right loſt the advantage of being protected by the fire from the redoubt, he charged them ſo opportunely, that he puſhed their firſt line upon the others that were not entirely formed, and drove them into the defile in the utmoſt confuſion, without any apprehenſions of the fire from the redoubt, which could not then be directed againſt us, becauſe it would have been equally fatal to their own troops who were intermixed with ours."

Father

arrived at Naples in April, and was received there with outward ſplendor, but made little progreſs in quieting the minds of that turbulent kingdom. Neither did he obtain the inveſtiture of it from the pope, though his holineſs had ſent to him a cardinal legate with a high compliment. This the Germans thought was too much, while the French conſidered it as not enough; however, upon it the emperor's embaſſador left Rome. King Philip was conducted from Naples to Final by the French fleet, that had carried him from Barcelona to Naples. As he was going to command the duke of Vendoſme's army, he was met by the duke of Savoy, of whom there was ſome jealouſy, that having married his two daughters ſo greatly, he begannow to diſcern his own diſtinct intereſt, which called upon him to hinder the French from being maſters of the Milaneſe. King Philip wrote to the duke of Vendoſme not to fight prince Eugene, till he could join him. He ſeemed jealous, leſt that prince ſhould be driven out of Italy, before he could come to ſhare in the honour of it; yet, when he came, he could do nothing, though the prince was miſerably abandoned by the court of Vienna. Count Mansfield, preſident of the council of war, was much ſuſpected of being corrupted by the court of France. The ſupplies promiſed were not ſent to Italy: The apprehenſions they were under of the elector of Bavaria's declaring, ſome time before he did it, gave a colour to thoſe who were jealous of prince Eugene's glory, to detain the recruits and troops that had been promiſed him, for the emperor's own defence. But, though he was thus forſaken, the prince managed the force he had with great ſkill and conduct; and when he ſaw that Luzzara, a caſtle near the Po, in the duchy of Guaſtalla, was in danger, he marched with twenty-five thouſand men againſt the French and Spaniſh army, which conſiſted of about forty thouſand, commanded by king Philip and the duke of Vendoſme. He gave the ſignal of battle about five in the evening, on the 15th of Auguſt, and then the artillery began to play upon the enemy. About half an hour after, the right wing of the Imperialiſts charged the left of the French, and attacked them in their poſt, which extended itſelf along the banks of the Po; but without ſucceſs; for the prince of Commerci, who was extremely beloved, being killed on the ſpot, ſtruck the troops commanded by him with ſuch a conſternation, that three battalions and as many ſquadrons were put into diſorder by the enemy's ſmall ſhot, and the furious onſet of the cavalry, which charged the flank of the Imperial horſe. But this confuſion was ſoon over; for the battalions and ſquadrons, that gave ground, rallied again; and, ſeveral regiments advancing to their relief, they charged the enemy ſo vigorouſly, that they were driven to their poſt. And though the French king's gens d'armes made a very ſtout reſiſtance, and rallied four times in their retreat; yet they were chaced above a thouſand paces, from one intrenchment to another. The left wing fought with as great reſolution and intrepidity as the right; for general Guido de Staremberg, who commanded the infantry began the attack with the grenadiers; and, though the enemy endeavoured to penetrate their flank with their carabineers, the Imperialiſts ſtood their charge with ſuch extraordinary courage and firmneſs, and afterwards fell upon them with ſo much bravery, that they could no longer ſtand it, but were forced to retreat. Sometimes they rallied by favour of the ground, and the ſuperiority of their numbers; but being repulſed three or four times, they were quite driven out of their poſts; and night put an end to the engagement. All the Imperial officers and troops acquitted themſelves of their duty to admiration. The French pretended to the honour of the action from the conſequence of it, having, the next day, made themſelves maſters of Luzzara, and in the remaining part of the campaign diſlodged the Germans from ſeveral ſmall poſts [m]. But it muſt be owned by the impartial, that the Imperialiſts gained the advantage of the day, having driven the enemy above a thouſand paces from the field of battle, and actually encamped upon it. They likewiſe made themſelves maſters of their ammunition and proviſion, a great number of their tents, and of all their pioneering inſtruments. Beſides, the enemy's loſs was not computed to be leſs than eight thouſand men; whereas, the number of the Imperialiſts was not more than two thouſand ſix hundred and ſeventy-two killed and wounded. The event of this action alſo put the French to ſuch a ſtop, that all they could do, after this, was only to take a few inconſiderable places; while prince Eugene ſtill kept his poſts; and king Philip at the end of ſo inglorious a campaign, returned into Spain, where the grandees were extremely diſguſted to ſee themſelves ſo much deſpiſed, and their affairs wholly conducted by French councils.

The French tried this ſummer by all poſſible means to engage the Turks in a new war with the emperor; and it was believed, that the Grand Vizir was entirely gained, though the Mufti, and all who had any credit in that court, were againſt it. But, the Grand vizir being ſtrangled, the deſign was prevented.

The court of France was engaged likewiſe in another intrigue in Poland, where they made uſe of the cardinal primate to keep that kingdom ſtill embroiled. The king of Sweden marched on to Cracow, which was much cenſured as a deſperate attempt, ſince a defeat there muſt have deſtroyed him and his army entirely, being ſo far from home. He attacked the king of Poland, and gave him ſuch an overthrow, that, though the army eſcaped, he made himſelf maſter both of their camp and artillery. He poſſeſſed himſelf of Cracow, where he ſtayed ſome months, till he had raiſed all the money they could produce; and, though the Muſcovites with the Lithuanians deſtroyed Livonia, and broke into Sweden, yet that could not draw him back. The Duke of Holſtein, who

[m] Father Daniel tells us, that prince Eugene claimed the victory without any other reaſon, than that his army was not put to flight; and that he had five or ſix thouſand killed or wounded; whereas, on the French ſide, there were only between two and three thouſand killed or wounded. He obſerves likewiſe, that ſcarce any but the foot were engaged, by reaſon of the diſpoſition of the ground. The marquis de Feuquieres gives the following account of this battle: 'After the action at the Croſtolo, the king's army marched to Luzzara, and the bridges which the enemy had on the Po, with an intention to cut off all their communication with Mirandola and the Modeneſe. As they had ſeveral rivers and artificial canals to paſs, they began their march with all proper precaution, and in as many columns as they could poſſibly form. A body of horſe was ordered to advance before the army, to give intelligence of what they diſcovered. We had not received any information that prince Eugene was in motion; and we believed him to be then in Seraglio, as he was when we approached him from Mantua. But this prince had paſſed the Po with the greateſt part of his army, and was then poſted between this river and the Zero, and ſo well covered by the dike of Zero, that we had no ſuſpicion of his being ſo near us with his army, becauſe, when our march was almoſt compleated, the officer who commanded the body of horſe that advanced before the army, had not the curioſity to aſcend this dike of Zero, behind which the emperor's whole army was drawn up. This negligence was too great in ſuch a conjuncture, and ſhould ſerve as a warning for the prevention of the like inconvenience. When the king's forces, who continued their march, and conſequently were ſtill in columns, were preparing to enter their camp at Luzzara, they immediately beheld themſelves under the fire of the enemy's foot, who had been regularly drawn up below the reverſe of the dike, and only waited to aſcend it, in order to fire. We were obliged therefore, upon our arrival at our camp, to form ourſelves in order of battle, and engage the enemy. Several hedges roſe between the front of the army and the dike, ſo that it was impoſſible for the lines to charge in front. The enemy, however, attempted, in ſeveral places, to advance up to our battalions, but without any ſucceſs. The horſe to our right had an open country before them, and they had ſome encounters, though with very little effect, becauſe the enemy ſaw, that the attack in front would not be ſo ſucceſsful as they could wiſh, and that the horſe of our right, who, in their march, had advanced a little too far beyond the columns of foot, had at that time recovered their ground, and formed a line to the right of the foot. This battle therefore was fought without any apparent advantage on either ſide. Our army, however, encamped within cannon-ſhot of the enemy, without perceiving them, becauſe they were poſted behind the dike, and we entrenched our camp with an intention to make ourſelves maſters of Luzzara and Guaſtalla, which lay in the rear of our left; and we accordingly took thoſe places, and conſequently decided the advantage in our favour, ſince the the enemy continued for ſeveral days in their poſt, without making any attempt to preſerve Guaſtalla. This project was framed by prince Eugene, and would have been compleat in all its parts, had the execution proved as fortunate as the plan was judicious. And indeed the king's army was preſerved in this conjuncture by a circumſtance, that was purely accidental, and which it was impoſſible for prince Eugene to foreſee. This circumſtance was of ſuch importance to our troops, that it merits a particular relation: The emperor's troops, as I have already obſerved, lay concealed behind the dike of Zero, and prince Eugene, who had not been diſcovered by the body of horſe that marched before the reſt of our forces, becauſe they halted at the front of the camp, without extending their view any farther, was now very near our army, who had not any ſuſpicion of our ſituation. The prince therefore concluded, that our troops, upon their arrival at their poſt, would lay down their arms, and form their camp, and that the horſe would afterwards march out to forage, while the foot would be providing for their refreſhment; and, that if he improved this favourable opportunity, by advancing to the foot of our camp, he ſhould be able to ſeize all our arms, and a conſiderable number of our horſes, upon which the entire deſtruction of our army would have been inevitable. This project was conducted to the very point of execution, and prince Eugene was only waiting for the happy moment, when he was diſcovered by a mere effect of chance, time enough for our eſcape from the danger, and before the foot had diſperſed themſelves to provide for their accommodation. The accident, to which we owed our preſervation, was this: The dike of Zero is not extended in a direct line, for, as it forms the canal, that flows from the Po above Seraglio to another part of the ſame river at Rovero, it was neceſſary to make it correſpond with the level of the land; and it was carried on ſo near the front of our camp, that one of our adjutants thought it the moſt commodious poſt for a party of ſoldiers, who were to form the out-guard of the camp. This officer, therefore, as he was advancing with his guard, in order to ſtation them, had the curioſity to aſcend the dike, and to take a view of the country beyond it; and then ſaw all the enemy's foot lying with their faces to the oppoſite declivity of the dike, with the horſe in the rear ranged in order of battle. This diſcovery alarmed our camp through the line, and they immediately caught up their arms to oppoſe the enemy, who, as I intimated before, were ſeparated from them by a tract of land covered with hedges, which obliged them to defile. But this diſcovery did not prevent them from advancing to us, in hopes of diſordering our line in ſo many different parts, that we ſhould be in no condition to render their deſign ineffectual. But they were defeated in their expectations, as I obſerved before, and were incapable of making up to any part of the front of our camp.'

Faithorne

had married his eldeſt ſiſter, was thought to have been gained by the French to puſh on this young king to proſecute the war with ſuch an unrelenting fury, in which he might have a deſign for himſelf, ſince the king of Sweden's venturing his own perſon ſo freely might make way for his ducheſs to ſucceed to the crown. But that duke was killed in the battle of Liſſaw near Cracow. There was ſome hopes of peace this winter; but the two kings of Poland and Sweden were ſo exaſperated againſt each other, that it ſeemed impoſſible to compoſe that animoſity. This was very unacceptable to the allies, for both kings were well inclined to ſupport the confederacy, and to engage in the war againſt France, if their own diſputes could have been adjuſted.

Whilſt theſe things were tranſacting on the continent, the confederate fleet was not idle. It conſiſted of fifty ſhips of the line, thirty Engliſh and twenty Dutch; the Engliſh commanded by ſir George Rooke, having under him vice-admiral Hopſon, and the rear-admirals Fairborne and Graydon; the Dutch under the command of lieutenant-admiral Allemond, admiral Callemburgh, the vice-admirals Vandergoes and Pieterſon, and rear-admiral Waſſenaer, with about fourteen thouſand land forces on board the tranſports, nine thouſand ſix hundred and ſixty-three Engliſh, and three thouſand nine hundred and twenty-four Dutch: the Engliſh commanded by ſir Henry Bellaſis, lieutenant-general; ſir Charles O Hara and lord Portmore, majors-general; and the colonels Seymour, Hamilton, and Matthews, brigadiers: and the Dutch by major-general Sparre and brigadier baron Palandt: the duke of Ormond had the ſupreme command of the whole. Sir George Rooke ſpoke ſo coldly of the deſign which he went upon, before he ſailed, that thoſe who converſed with him, were apt to infer that he intended to do the enemy as little harm as poſſible. On the 19th of June the fleet weighed from Spithead, and came to an anchor at St. Helen's, in order to ſail with the next fair wind. Three days after, the rear-admirals Fairborne and Graydon, were detached from thence with ſixteen men of war and two fire-ſhips, Engliſh, and a ſquadron of the Dutch, in all thirty ſail, upon a ſecret expedition; and, on the 23d, the prince of Heſſe d'Armſtadt ſailed in the Adventure frigate for Liſbon. Advice had been ſent over from Holland of a fleet that ſailed from France under Monſieur du Caſſe, and was ordered to call in at the Groyne. Sir John Munden was recommended by ſir George Rooke to be ſent againſt this fleet, and, though he came up with them with a ſuperior force, yet he did not hinder the French from getting into the Groyne, nor fight them there.

Upon his return therefore to St. Helen's, where he arrived on the 25th of June, a court-martial, of which ſir Cloudeſly Shovel was preſident, was appointed to try him. He was acquitted, ſome excuſing themſelves for their lenity to him, by alledging, that, if they had condemned him, the puniſhment was death; whereas they thought his errors flowed from a want of ſenſe; ſo that it would have been hard to condemn him for a defect of that, which nature had not given him. But this acquittal raiſed ſuch a public clamour, that the queen ordered him to be broke.

Sir George Rooke, to divert the deſign, which he himſelf was to go upon, wrote from St. Helen's, that the Dutch fleet was victualled only to the middle of September; ſo that no great deſign could be undertaken, when ſo large a part of the fleet was ſo ill provided. When the Dutch admiral heard of this, he ſent to their embaſſador to complain to the queen of this miſinformation, for he was victualled to the middle of December. On the 1ſt of July, the confederate fleet ſet ſail from St. Helen's, ſteering their courſe for Cadiz; but they were for ſome time ſtopped by contrary winds, accidents, and pretences, many of which were thought to be ſtrained and ſought for; however, at laſt, on the 12th of Auguſt, they came to anchor in the bay of Cadiz, about two leagues from that city. Sir George Rooke had laid no diſpoſition beforehand how to proceed upon his coming thither, and ſome days were loſt on pretence of ſeeking for intelligence. It is certain, that our court had falſe accounts of the ſtate of the place, with regard both to the garriſon and the fortifications; the garriſon being much ſtronger, and the fortifications in a much better condition, than had been repreſented. The French men of war, and the gallies, that lay in the bay, retired within the puntals. In the firſt ſurprize, it had been eaſy to have followed them, and to have taken or burnt them, which ſir Stafford Fairborne offered to execute; but ſir George Rooke and the reſt of his creatures did not approve of it [n]. Some days were loſt before a council of war was called. In the mean while, the duke of Ormond ſent ſome engineers and pilots to ſound the ſouth-ſide of Cadiz near the iſland of St. Pedro; but, while this was doing, the officers, by the taking of ſome boats, came to know, that the inhabitants of Cadiz had ſent over the beſt of their goods and other effects to Port St. Mary's, an open village over-againſt it, on the continent of Spain; ſo that there was good plunder to be had eaſily, whereas the landing on the iſle of Cadiz was like to prove dangerous, and, as ſome made them believe, impracticable. In the council of war, in which their inſtructions were read, it was propoſed to conſider, how they ſhould put them in execution. General O'Hara made a long ſpeech againſt landing; ſhewing, how deſperate an attempt it would prove, and how different they found the ſtate of the place from the repreſentations made of it in England. The greater number agreed with him, and all that the duke of Ormond could ſay to the contrary was of no effect. Sir George ſeemed to be of the ſame mind with the duke, but all his dependants were of another opinion; ſo that this was thought a piece of craft in him. In concluſion, the council of war came to a reſolution not to make a deſcent on the iſland of Cadiz; but, before they broke up, thoſe, whom the duke had ſent to ſound the landing-places on the ſouth-ſide, came and told them, that, as they might land ſafely, ſo the ſhips might ride ſecurely on that ſide. Yet they had no regard to this, but adhered to their former reſolution, nor were there any orders given for bombarding the town. The ſea was for the moſt part very high, while they lay there; but it was ſo calm for one day, that the engineers believed they could have done much miſchief, but they had no orders for it; and indeed it appeared very evidently, that they intended to do nothing but plunder Port St. Mary's; a deſign, which was directly contrary to the advice of Mr. Methuen, the Engliſh envoy in Portugal, who, in a letter to the duke of Ormond from Liſbon of the 1ſt of Auguſt, told him, "That the point of the greateſt importance was to inſinuate to the Spaniards, and ſhew by his proceedings, that he came not as an enemy to Spain, but only to free them from France, and give them aſſiſtance to eſtabliſh themſelves under the government of the houſe of Auſtria." However, the land-forces, being ſet aſhore in the Bay of Bulls, made themſelves maſters of Rota, Fort St. Katharine, and Port St. Mary, which they found deſerted, but full of riches, which were immediately plundered; ſome of the general officers ſetting a very ill example to all the reſt, eſpecially O'Hara and Bellaſis. The duke of Ormond tried to hinder this, but did not exert his authority; for, if he had made ſome examples at firſt, he might have prevented the miſchief, that was done. But, the whole army running ſo violently on the ſpoil, he either was not able, or, through a gentleneſs of temper, not willing to proceed to extremities. He had publiſhed a manifeſto, according to his inſtructions, by which the Spaniards were invited to ſubmit to the emperor; and he offered his protection to all, that came in to him. But the plundering of St. Mary's was thought an ill commentary on that text. After ſome days of unſucceſsful attempts on the forts of that ſide, particularly Matagorda, it appeared, that nothing could be done; and, proviſions now growing ſcarce, and the ſea officers repreſenting the danger of ſtaying any longer in thoſe ſeas, the duke of Ormond, though not without great reluctance, conſented to the re-embarking of the land-forces. Some of the ſhips crews were ſo employed in bringing off and beſtowing the plunder, that they took not the neceſſary care to furniſh themſelves with freſh water. Sir George Rooke, without proſecuting his other inſtructions, in caſe the deſign on Cadiz failed, gave orders only for a ſquadron to ſail to the Weſt-Indies, with ſome land-forces, and, though he had a fleet of victuallers, that had proviſions to the middle of December, he ordered them to ſail home; by which means the men of war were ſo ſcantily furniſhed, that they were ſoon forced to be put on ſhort allowance. Nor did he ſend advice-boats, either to the ports of Algarve or to Liſbon, to ſee what orders or advices might be lying there for him, but ſailed in a direct courſe for England [o].

Some time before this, the news of the arrival of the

[n] Fairborne propoſed the ordering a ſquadron of ſhips, before the fleet came in ſight of Cadiz, to puſh through the entrance of the harbour, without coming to an anchor at all, which he offered to undertake. Had this advice been followed, they might, in the firſt ſurprize of the Spaniards, have deſtroyed at leaſt their ſhipping, if not taken the place; but, it being not thought adviſeable to make ſuch an attempt, the Spaniards had not only the leiſure, while the fleet lay in view, of ſinking veſſels in the very entrance of the harbour, whereby the paſſage was rendered impracticable, but to put themſelves into a much better condition of defending the city itſelf, than they would otherwiſe have been. Burchet, p. 622.

[o] Thus ended (ſays biſhop Burnet) the expedition againſt Cadiz, which was ill projected, and worſe executed. The duke of Ormond told him, he had not half the ammunition that was neceſſary for the taking Cadiz, if the Spaniards had defended themſelves well: Though, he believed, they would

French ſquadron, under monſieur Chateau-Renault, with the Spaniſh galleons, in the harbour of Vigo, being brought to England, orders were immediately diſpatched to ſir George Rooke, to attempt the taking or deſtroying of them; and ſir Cloudeſly Shovel was ordered upon the ſame deſign, with another ſquadron of men of war. But, before theſe orders could reach the grand fleet, ſir George Rooke, in his return towards England, having, on the 22d of September, ſent the Eagle, Sterling-Caſtle, and Pembroke, to water in Lagos-Bay, Mr. Beauvoir, the chaplain of the Pembroke, went aſhore in the town of Lagos, and, meeting with a gentleman in the ſtreet, whom, by ſeveral circumſtances, he judged to be no Portugueſe, he accoſted him in French; which the other, who proved to be the French conſul, returning in a very obliging manner, invited him to his houſe. Mr. Beauvoir, extremely willing to embrace this offer, continued there two nights, during which the conſul, in their ſeveral converſations, could not forbear to boaſt of his maſter's ſtrength at ſea, and at laſt gave ſome hints of the arrival of the galleons on that coaſt. On the 24th, Mr. Beauvoir being ready to embark, and underſtanding, that a gentleman was arrived in that town bound for the fleet, with letters to the prince of Heſſe and Mr. Methuen (who were gone from the fleet to Liſbon ſome time before) he invited him to go aboard the Pembroke, without taking the leaſt notice of their departure. The gentleman having gladly accepted this invitation, and told him, juſt as they were leaving the ſhore, that monſieur Chateau-Renault was arrived at Vigo with thirty men of war, and twenty-two galleons, and that he was ſent by the imperial miniſter to the grand fleet, they went together on board the Pembroke, where captain Hardy, her commander, being informed, as well by Mr. Beauvoir of what he had gathered from the French conſul, as by the other gentleman concerning what he knew of the matter, he ſet ſail the next morning in queſt of the grand fleet, which at laſt he met with on the 6th of October. Having imparted his intelligence to the Engliſh admiral, ſir George communicated the ſame to the Dutch; and it was reſolved to attempt the deſtroying of the French and Spaniſh ſhips at Vigo[p]. Accordingly, the fleet came to an anchor, on the 11th, againſt that place, almoſt unperceived by the enemy, by reaſon of the hazy weather; and, finding that the French and Spaniſh ſhips were carried up beyond a narrow ſtreight, defended by a caſtle, beſides a ſtrong boom about it, made with maſts, cables, and chains, it was reſolved in a council of war: That, ſince the whole fleet could not ſafely go up to the place, where the enemy's ſhips lay, a detachment of fifteen Engliſh and ten Dutch men of war, with all the fire-ſhips, frigates, and bomb-veſſels, ſhould go upon that ſervice, with all the flag-officers aboard them, whilſt part of the land-forces were to make a deſcent, and to attack the fort on the ſouth ſide of Rodondela, a ſmall fiſhing-town [q].

Purſuant to this reſolution, the duke of Ormond, having, on the 12th of October, landed two thouſand five hundred men two leagues from Vigo on the ſouth-ſide of the river, without the leaſt oppoſition, he ordered the grenadiers to advance to the fort at the entrance of the harbour; which they did with ſuch chearfulneſs and reſolution, that, having made themſelves maſters of a platform of thirty-eight pieces of cannon, they purſued the French to the very gates of the caſtle or ſtone-tower, and attacked them ſo vigorouſly, that monſieur Sorel, their commander, deſpairing of holding the place, attempted to fight his way through the Engliſh ſword in hand. But no ſooner had they opened the gate, than the grenadiers ruſhing in made themſelves maſters of the caſtle, and took three hundred French ſeamen and fifty Spaniards priſoners. Whilſt theſe things were tranſacting aſhore, the ſquadron deſigned for this expedition advanced briſkly towards the boom, and, after a little ſtop by a calm, vice-admiral Hopſon in the Torbay broke, amidſt the enemy's fire, through the boom, where he received ſeveral broadſides from the Bourbon and l'Eſperance[r], two French men of war placed within the boom. The reſt of vice-admiral Hopſon's diviſion, and that of the Dutch vice-admiral Vandergoes, bearing at the ſame time time upon the bottom, were becalmed, and conſequently ſtruck, ſo that they were forced to cut their way through it, except their admiral, who hit the ſame paſſage, by which vice-admiral Hopſon had entered before. Hopſon, in the mean time, being boarded by a fire-ſhip, was in great danger of being burnt, had not the fireſhip been blown up too ſoon; notwithſtanding which, he received conſiderable damage in his rigging, and many of his men, during the firſt conſternation, threw themſelves overboard, in hopes to ſave themſelves, but were moſt of them drowned, whilſt the reſt behaved ſo well as to preſerve the ſhip. The French admiral ſeeing the boom cut in pieces, the platform and caſtle in the enemy's hands, the Bourbon taken, and the whole confederate ſquadron ready to fall in among them, ordered his own ſhip to be ſet on fire; and his example being followed by all the reſt, afforded a moſt dreadful ſpectacle to the Spaniards as well as to the French. Whilſt they were thus buſied in the deſtruction of their own fleet, the Engliſh were as careful in preſerving it, not without ſome ſucceſs; ſeveral, as well of the men of war as of the galleons, being taken, four by the Engliſh, and five by the Dutch; but the reſt were burnt, with nine French men of war[s]. What made this victory the more conſiderable was its being gained with inconſiderable loſs, there not being above forty men killed and ten wounded of the landmen in this action, and very few of the ſeamen, except thoſe, that were drowned of vice-admiral Hopſon's ſhip. As to the cargo aboard this fleet, which was computed at twenty millions of pieces of eight in gold and ſilver, beſides merchandizes, about fourteen millions of it were taken out before by the enemy; the reſt was either taken by the Engliſh or Dutch, or left in the galleons, that were ſunk or burnt. The goods were valued at twenty millions of pieces of eight more, of which one fourth part only was ſaved by the enemy, near two fourths deſtroyed, and the reſt taken by the confederates, beſides a great quantity of plate, and other rich commodities, concealed for the uſe of private perſons in the galleons, and a great deal of other plate belonging to the French officers found at Rodondela, of which the duke of Ormond took poſſeſſion the next morning, and in which other plunder was found. The French ſeamen and ſoldiers eſcaped, for the Engliſh, having

would not have made any great reſiſtance, if he had landed on his firſt arrival, and not given them time to recover from the diſorder into which the firſt ſurprize had put them. Burnet, vol. II. 333.

[p] Biſhop Burnet obſerves (vol. II. 332.) ſir George Rooke, upon receiving the intelligence, was ſaid to ſteer his courſe towards Vigo very unwillingly, but, finding it true, reſolved to force his way in.

[q] The Engliſh ſhips were the Mary, Grafton, Torbay, Kent, Monmouth, Berwick, Eſſex, Swiftſure, Ranelagh, Somerſet, Bedford, Cambridge, Northumberland, Oxford, Pembroke; the Aſſociation and Barfleur were to batter the forts on each ſide. The admirals removed the flags from the great ſhips into third rates, the firſt and ſecond rates being too big to go in: Sir George Rooke went out of the Royal Sovereign into the Somerſet; admiral Hopſon out of the Prince George into the Torbay; admiral Fairborne out of St. George into the Eſſex: and admiral Graydon out of the Triumph into the Northumberland.

[r] Or the Hope, which had been taken from the Engliſh.

[s] The account of the French ſhips taken, burnt, and run aſhore.

Ships burnt.	Number of Guns.
Le Forte,	76
L'Enflame,	64
Le Prudent,	62
Le Solide,	56
Le Dauphin,	46
L'Entrepreuant,	22
Le Choquant,	8
Le Favori, a fireſhip,	
8 Advice-boats,	Total guns 334
11 Ships.	

Taken by the Engliſh and brought home.

Ships.	Guns.
Le Prompt,	76
Le Firme,	72
L'Eſperance,	70
L'Aſſurée,	66
4 Ships	Guns 284

Taken by the Dutch.

Ships.	Guns.
Le Bourbon,	68
Le Superbe,	70
La Sirenne,	60
Le Modere,	56
Le Volontaire,	46
Le Triton,	42
6 Ships.	Guns 342
Total 21 Ships.	Guns 960

Six galleons were taken by the Engliſh, and five by the Dutch, who ſunk ſix.

no horſe, could not purſue them. The Spaniards appeared at ſome diſtance in a great body, but they did not offer to enter into any action with the duke of Ormond: And it appeared, that the reſentments of that proud nation, which was now governed by French councils, were ſo high, that they would not put themſelves in any danger, or to any trouble, even to ſave their own fleet, when it was in ſuch hands.

After this great ſucceſs, it came under conſultation, whether it was not adviſeable to leave a good ſquadron of ſhips with the land-forces to winter at Vigo, ſince the neighbourhood of Portugal could ſupply them with proviſions and all other neceſſaries, and this might encourage that king to declare himſelf, when there was ſuch a force and fleet lying ſo near him; and it might likewiſe encourage ſuch Spaniards, as favoured the emperor, to declare themſelves when they ſaw a ſafe place of retreat, and a force to protect them. Upon theſe conſiderations the duke of Ormond offered to ſtay, if Sir George Rooke would have conſented; but he excuſed it, alledging, that he had ſent home the victuallers with the ſtores, and therefore could not ſpare what was neceſſary for ſuch as ſhould ſtay there. And indeed he had ſo ordered the matter, that he could not ſtay long enough to try, whether they could raiſe and ſearch the men of war and galleons, that were ſunk; and he was obliged to make all poſſible haſte home, for, if the wind had turned to the eaſt, which was uſual in that ſeaſon, a great part of the ſhips crews muſt have periſhed with hunger.

On the 16th of October, Sir Cloudeſly Shovel having joined the confederate fleet with twenty-nine ſail, the land-forces re-embarked the next day; and, on the 19th, Sir George Rooke and vice-admiral Hopſon, with ten men of war ſet ſail for England, leaving Sir Cloudeſly Shovel with the reſt near Vigo, to deſtroy the enemies ſhips that were ran aſhore; which being effected, he alſo ſteered his courſe for England, where the fleet arrived (after being ſeparated by a ſtorm at the entrance of the channel) on the 17th of November. Ten days before, Sir George Rooke with his ſquadron came into the Downs, and the ſame day, at four in the afternoon, the duke of Ormond landed at Deal, and, having given the neceſſary orders for the landing and quartering the forces, went that night to Canterbury, and arrived at London the next day, being received with great marks of favour by the queen, and with the loud acclamations of the people: the ſucceſs at Vigo having ſilenced the clamours about the miſcarriages before Cadiz. The queen gave likewiſe a noble gratuity to the lord Shannon and captain Thomas Hardy, who were ſent expreſs by the general and admiral with the firſt account of their proſperous attempt; and the captain, beſides a preſent of a thouſand guineas, had the honour of knighthood. On the other hand, Sir Henry Bellaſis and Sir Charles O Hara were, by her majeſty's orders, put under arreſt, for having, by their example, promoted and encouraged the plundering of Port St. Mary's; but, upon the report of the generals appointed to examine into that matter, Bellaſis only was found guilty, and diſmiſſed from her majeſty's ſervice; and Sir Charles O Hara was cleared, and his ſuſpenſion taken off. A proclamation was alſo iſſued out, ſome time before, for 'diſcovery and recovery of all ſuch goods, plate, and other effects, as contrary to her majeſty's and the duke of Ormond's expreſs commands, were plundered and embezzled at Port St. Mary's, and from the galleons taken at Vigo, and put on board her majeſty's men of war and other veſſels.' But this proclamation had little or no effect, ſo that the public was not much inriched by this extraordinary capture, though the loſs, which the enemy ſuſtained by it, was a vaſt one: and to complete the ruin of the Spaniſh merchants, their king ſeized on the plate, which was taken out of the ſhips upon their firſt arrival at Vigo.

Thus ended the campaign very happily for the allies, and moſt glorioufly for the queen: whoſe firſt year being ſuch a continued courſe of ſucceſs, gave a hopeful preſage of what might be hereafter expected.

The parliament of England was in courſe to determine ſix months after the death of the late king, but before that time expired, the queen thought fit to exert her royal prerogative, and to iſſue out a proclamation, on the 2d of July, for diſſolving this preſent parliament, and declaring the ſpeedy calling another to be holden at Weſtminſter, the 20th of Auguſt next; but afterwards prorogued to the 8th of October, and at laſt, to the 23d of that month. Her majeſty did not openly interpoſe in the elections, though her inclination to the tories plainly appearing, all people took it for granted, that ſhe wiſhed they might be the majority. This wrought on the inconſtancy and ſervility, that is natural to multitudes; and the conceit, which had been infuſed and propagated with much induſtry, that the whigs had charged the nation with great taxes, of which a large ſhare had been devoured by themſelves, had ſo far turned the tide, that the tories in the houſe of commons, were, at leaſt, double the number of the whigs.

On the 6th of July, the count de Platens, envoy extraordinary from the elector of Hanover and Zell, had his public audience, both of the queen, and the prince; and, about the ſame time, ſhe made ſome promotions in the army, and diſpoſed of ſeveral places and preferments. Among others, the earl of Ranelagh was made receiver and paymaſter-general of her majeſty's forces; William Blathwayte, eſq. ſecretary of war; and the lord Walden commiſſary-general of the muſters; the duke of Somerſet was made maſter of the horſe, in the room of the earl of Pembroke, who was appointed lord preſident of the council; the lord Wharton's patent of warden and chief juſtice in Eyre of all the foreſts on this ſide the Trent was revoked; the duke of Newcaſtle was made warden of the foreſt of Sherwood in the county of Nottingham. And, upon the 19th of July, the queen in council made 'an order againſt the ſelling of offices and places in the houſhold and family.'

Prince George of Denmark, being very much indiſpoſed this ſummer with his uſual aſthma, was adviſed by his phyſicians to go to the Bath, where the queen reſolved to attend him. They ſet out, the 26th of Auguſt, from Windſor, and lay the firſt night at Oxford. The queen was next day preſent in convocation, when the univerſity-orator congratulated her arrival among them; and many of the nobility and perſons of quality were made doctors of law. From the convocation the queen went to the theatre, where ſhe was entertained with a concert of muſic, and the rehearſal of ſeveral pieces of poetry; and alterwards, with a ſplendid banquet by the univerſity. Having accepted the uſual preſents of 'a bible, a common-prayer-book, and a pair of gloves,' the queen and prince took coach for Cirenceſter, where they lay that night, and the next day reached the Bath. They were met by the high-ſheriff and gentlemen on the borders of the county of Somerſet; and, within half a mile of the city, by two hundred maidens, richly dreſſed, and carrying bows and arrows like Amazons; and at the weſt gate of the city, by the mayor and corporation in their formalities, who attended them to the abbey houſe, which was prepared for their reception. The queen likewiſe, on the 3d of September, viſited the city of Briſtol, upon an invitation from the magiſtrates; and, on the 25th of that month, gave a private audience at Bath to the Baron de Widman, envoy extraordinary from the elector of Bavaria; and, on the 8th, left that place, and returned to Windſor on the 10th, and to St. James's on the 15th, where they received the compliments of the lord-mayor and aldermen of London, upon their ſafe return.

On Wedneſday, the 20th of October, the new parliament met, and, the commons having choſen Robert Harley, eſq. their ſpeaker, the queen made the following ſpeech to both houſes:

My lords and gentlemen,

"IT is with great ſatisfaction I meet this parliament, which I have ſummoned to aſſiſt me, in carrying on the juſt and neceſſary war, in which we are engaged. I have called you together as early as was conſiſtent with your convenience in coming out of your ſeveral counties; and I aſſure myſelf of ſuch evidences of your affections to me, and your zeal for our common cauſe, as will not only give ſpirit and forwardneſs to our own preparations, but ſuch example and encouragement to our allies, as, by God's bleſſing cannot fail of a good effect, for the advantage of the whole confederacy.

"I have met with ſo many expreſſions of joy and ſatisfaction in all the counties through which I have lately had occaſion to paſs, that I cannot but look upon them as true meaſures of the duty and affection of the reſt of my ſubjects.

Gentlemen of the Houſe of Commons,

"I muſt deſire you to grant me ſuch ſupplies as will enable me to comply both with our particular treaties and engagements already made, and ſuch others as may be neceſſary for the encouragement of our allies, and the proſecuting the

the war where it ſhall moſt ſenſibly affect our enemies, and be moſt effectual for diſappointing the boundleſs ambition of France.

" And, that my ſubjects may the more chearfully bear the neceſſary taxes, I deſire you to inſpect the accounts of the public receipts and payments; and, if there have been any abuſes or miſmanagements, I hope you will detect them, that the offenders may be puniſhed, and others be deterred by ſuch-like examples from the like practices. I muſt obſerve to you, with ſome concern, that the funds, given by the laſt parliament, have, in ſome meaſure, fallen ſhort of the ſums propoſed to be raiſed by them; and, though I have already paid and applied to the public ſervice the hundred thouſand pounds, which I promiſed to the laſt parliament, yet it has not ſupplied that deficiency.

My Lords and Gentlemen,

" I cannot without much trouble, take notice to you of the diſappointment we have had at Cadiz. I have not yet had a particular account of that enterprize, nor of all the difficulties our forces may have met with there. But I have had ſuch a repreſentation of diſorders and abuſes committed at Port St. Mary's, as hath obliged me to give directions for the ſtricteſt examination of that matter.

" I am earneſtly deſirous, for all our ſakes, that this may prove a ſhort ſeſſion. However, I hope you will find time to conſider of ſome better and more effectual method to prevent the exportation of wool, and to improve that manufacture, which is of ſo great conſequence to the whole kingdom. On my part, nothing ſhall be omitted for its encouragement.

" I am firmly perſuaded, that the love and good affection of my ſubjects is the ſureſt pledge of their duty and obedience; and the trueſt and juſteſt ſupport of the throne. And as I am reſolved to defend and maintain the church as by law eſtabliſhed, and to protect you in the full enjoyment of all your rights and liberties; ſo I rely upon your care of me. My intereſts and yours are inſeparable; and my endeavours ſhall never be wanting to make you all ſafe and happy."

The lords returned the uſual addreſs of thanks, congratulating the glorious ſucceſs of her arms, and thoſe of her allies, under the command of the earl of Marlborough; but the commons, who were met full of prejudice againſt the memory of king William, and of reſentment againſt thoſe employed by him, ſhewed the firſt inſtance of this diſpoſition in their addreſs to the queen, which was as follows:

Moſt Gracious Sovereign,

" WE your majeſty's moſt dutiful and loyal ſubjects, the commons in parliament aſſembled, do beg leave to lay before your majeſty our moſt humble and hearty thanks for your moſt gracious ſpeech from the throne; which gives us ſuch inſtances of your majeſty's tender concern for your people, and of your entire confidence in their affections, as muſt engage them to make your majeſty the utmoſt returns of duty and gratitude.

" It is great condeſcenſion in your majeſty to take notice in ſo public a manner of the expreſſions of joy and ſatisfaction, with which your majeſty was received in all the counties, through which you had occaſion lately to paſs. All your ſubjects have already received ſo many benefits under the influence of your majeſty's happy government, that your majeſty muſt have met with the like in any other part of your dominions that you had honoured with your royal preſence.

" The late diſappointment at Cadiz does the more affect us, becauſe it gives your majeſty ſo much trouble. But this misfortune cannot make us forget, that the protection and ſecurity of our trade, the vigorous ſupport of your majeſty's allies, and the wonderful progreſs of your majeſty's arms under the conduct of the earl of Marlborough, have ſignally RETRIEVED the ancient honour and glory of the Engliſh nation.

" After your majeſty's repeated aſſurances, we neither doubt of the full enjoyment of all our rights and liberties, nor of your majeſty's defending and maintaining the church as by law eſtabliſhed. Your majeſty has been always a moſt illuſtrious ornament to this church, and have been expoſed to great hazards for it. And therefore we promiſe ourſelves, that, in your majeſty's reign, we ſhall ſee it perfectly reſtored to its due rights and privileges, and ſecured in the ſame to poſterity; which is only to be done by diveſting thoſe men of the power who have ſhewn that they want not the will to deſtroy it.

" The proſpect of theſe bleſſings, and your majeſty's deſire to have the accounts of the public receipts and payments inſpected, and to have any abuſes and miſmanagements thereof puniſhed, will very much endear your majeſty to your people, and encourage us moſt chearfully to aſſiſt your majeſty with thoſe ſupplies that may effectually enable your majeſty to make good ſuch alliances as ſhall be neceſſary to proſecute the war, where it ſhall moſt ſenſibly affect your enemies, and thereby diſappoint the boundleſs ambition of France.

" Your majeſty may ſafely rely upon the care of your faithful commons. The value you are pleaſed to ſet upon the love and affection of your ſubjects is the higheſt obligation that can be laid on them, to give your majeſty pledges thereof in their duty and obedience. They are and ſhall always be ſenſible, that your majeſty's intereſts and theirs are inſeparable; and, as they gratefully acknowledge your majeſty's great deſigns to make them ſafe and happy, ſo their prayers and ſincereſt endeavours ſhall never be wanting to make your majeſty's reign more proſperous and more glorious than any of your majeſty's royal predeceſſors."

The word 'Retrieved' in this addreſs, implying that the honour of the nation had been loſt, occaſioned a warm debate. All, who had a juſt regard for king William, inſiſted upon the word 'Maintained' inſtead of it, alledging, that 'Retrieved' was a reflection on the late king's memory, who, inſtead of loſing, had carried the honour of the nation farther than had been done in any reign before his: that to him they owed their preſervation, their ſafety, and even the queen's being on the throne. That he had deſigned and formed that great confederacy, at the head of which her majeſty was now ſet. In oppoſition to this it was urged, that, during his reign, things had been conducted by ſtrangers, and truſted to them; and that a vaſt treaſure had been ſpent in unprofitable campaigns in Flanders. The Partition treaty, and every thing elſe, with which his reign could be loaded, was brought into the account; and the keeping of the word 'Retrieved' in the addreſs was carried by a majority of one hundred and eighty voices againſt eighty; all who had any favour at court, or hoped for any, voting for it[t].

The ſtrength of the Tory party in the houſe of commons appeared not only from this, but alſo from all the controverted elections being determined in their favour, with ſuch an open partiality, that it ſhewed the party to be reſolved upon every thing that might ſerve their ends. Of this there were two remarkable inſtances. The one was the borough of Hindon near Saliſbury; in which, upon a complaint of bribery, the proof was ſo full and clear, that they ordered a bill to diſfranchize the town for that bribery; and yet, becauſe the bribes were given by a man of their party, they would not paſs a vote on him as guilty of it; ſo that a borough was voted to loſe its right of electing, becauſe many in it were guilty of a corruption, in which no man appeared to be an actor. The other was of more importance. Mr. John How ſtood for knight of the ſhire for Glouceſterſhire, and had drawn a party in that county to join with him in an addreſs to the queen, in which reflections were made on the danger and ill uſage which her majeſty had gone through in the former reign. This addreſs was received by the queen in ſo particular a manner, that it looked like owning the contents thereof to be true; but ſhe made ſuch an excuſe for this, when the offence it gave was laid before her, that probably ſhe was not acquainted with the matter of the addreſs when ſhe ſo received it. Upon this great oppoſition was made to Mr. How's election; and, when it came to the poll, it appeared, that he had loſt it. The ſheriff was then moved for a ſcrutiny, to examine, whether all thoſe, who had ſworn,

[t] Mr. Walſh, at that time knight of the ſhire for Worceſterſhire (called by Dryden the greateſt critic of the age) compoſed on this occaſion, the following verſes, in a poem called the Golden age, in alluſion to Virgil's fourth Eclogue:

Now all our factions, all our fears ſhall ceaſe,
And tories rule the promis'd land in peace;
Malice ſhall die, and noxious poiſon fail;
Harley ſhall ceaſe to trick, and Seymour ceaſe to rail.
The lambs ſhall with the lions walk unhurt,
And Halifax with How meet civilly at court.
Viceroys, like Providence, with diſtant care,
Shall govern kingdoms, where they ne'er appear.
Pacific admirals, to ſave the fleet,
Shall fly from conqueſt, and ſhall conqueſt meet.
Commanders ſhall be prais'd at WILLIAM's coſt,
And honour be RETRIEV'D before 'tis loſt.

The

that they were freeholders of forty ſhillings a year, had ſworn true. By the act of parliament the matter was referred to the parties oath, and their ſwearing falſely was declared perjury; therefore ſuch, as had ſworn falſely, were liable to a proſecution: But by all laws an oath is looked upon as an end of controverſy, till he, who ſwore, is convicted of perjury; and the ſheriff being an officer named by the court, if he had a power to review the poll, this put the election of counties wholly in the power of the crown. Yet upon this occaſion the heat of a party prevailed ſo far, that they voted Mr. How duly elected.

The houſe of commons very unanimouſly, and with great diſpatch, agreed to all the demands of the court, and voted all the ſupplies that were neceſſary for carrying on the war [u]. On the lord-mayor's day, the queen dined at Guildhall, and conferred the honour of knighthood on ſeveral perſons [w]. The next day, the lord Shannon brought the news of the ſucceſs at Vigo; and, four days after, the queen acquainted the commons, that having appointed the 12th of November for a day of thankſgiving, for the ſignal ſucceſs of her arms under the earl of Marlborough and the duke of Ormond, and of her fleet under ſir George Rooke, ſhe intended to go to St. Paul's church, and had given orders for providing convenient places in the church for the members of that houſe, as well as for the houſe of lords. At the day appointed, the queen went in great ſtate to St. Paul's attended by both houſes of parliament. The duke of Ormond, happening to be the ſtaff-officer in waiting, rid in one of the queen's coaches, with the duke of Somerſet, and received the loud acclamations of an infinite number of ſpectators, with which he ſeemed pleaſed; and from that day may be dated the great popularity which he afterwards acquired, and which, in the end, proved fatal to him. The next day, the houſe of lords returned him thanks for his ſervices performed at Vigo; and, at the ſame time, reſolved to addreſs the queen, to order the duke of Ormond and ſir George Rooke to lay before them an account of their proceedings, which was done. The commons alſo voted thanks to the duke and ſir George, and admiral Hopſon was knighted, and a penſion of five hundred pounds a year was ſettled on him by the queen, with a reverſion of three hundred pounds a year for his wife.

At the beginning of the ſeſſions, ſir John Packington had exhibited a complaint againſt the biſhop of Worceſter and his ſon Mr. Lloyd, for endeavouring to prevent his election. When this complaint was conſidered by the houſe of commons, and the evidence heard, it was unanimouſly reſolved, "That it appeared to the houſe, that the proceedings of William lord biſhop of Worceſter, his ſon, and his agents, in order to the hindering the election of a member of the county of Worceſter, had been malicious, unchriſtian, and arbitrary, in high violation of the liberties and privileges of the commons of England: That an addreſs be preſented to her majeſty, to remove the biſhop from being lord Almoner;" and they ordered the attorney-general to proſecute Mr. Lloyd, the biſhop's ſon, for his offences, after his privilege as a member of the lower-houſe of convocation was expired.

The lords, alarmed at theſe proceedings of the commons, againſt a member of their houſe, agreed upon the following addreſs to the queen, "That it was the undoubted right of every lord of parliament, and of every ſubject of England, to have an opportunity of making his defence, before he ſuffers any ſort of puniſhment; and therefore humbly deſired her majeſty, that ſhe would be pleaſed not to remove the lord biſhop of Worceſter from the place of lord Almoner, nor to ſhew any mark of her diſpleaſure towards him, till he be found guilty of ſome crime by due courſe of law." This addreſs being preſented to the queen, ſhe returned anſwer, "That ſhe agreed, that every peer and lord of parliament, and indeed every other perſon, ought to have an opportunity of being heard to any matters objected againſt him, before he be puniſhed. That ſhe had not received any complaint of the biſhop of Worceſter, but ſhe looked upon it as her undoubted right to continue or diſplace any ſervant attending upon her own perſon, when ſhe ſhould think it proper." The lords, upon this anſwer, reſolved the ſame day unanimouſly, "That no lord of their houſe ought to ſuffer any ſort of puniſhment by any proceedings of the houſe of commons, otherwiſe than according to the known and ancient rules and methods of parliament." But, however, ſir Edward Seymour having attended the queen with the reſolutions and addreſs of the commons for the removal of the biſhop, ſhe anſwered, "That ſhe was very ſorry, that there was occaſion for that addreſs againſt the biſhop of Worceſter; and that ſhe would order, that he ſhould no longer continue to ſupply the place of her Almoner." Thus that prelate fell a ſacrifice to the reſentment of the oppoſite party.

On the contrary, ſir George Rooke, who was in great eſteem with the tory-party, was ſworn of the privy-council.

The duke of Ormond, upon his firſt arrival from the expedition to Cadiz, had complained very openly of ſir George's conduct, and ſeemed reſolved to carry the matter to a public accuſation. But the court found the party, that prevailed in the houſe of commons, determined to juſtify him; ſo that, to comply with this, he was not only made a privy-councillor, but much pains were taken with the duke to ſuppreſs his reſentments. But, though he was in a great meaſure ſoftened, yet he had made his complaints to ſo many lords, that they moved the houſe to examine both his inſtructions and the journals relating to that expedition; and accordingly a committee was appointed for that purpoſe, who ſate long upon the enquiry, and examined all the admirals and land-officers, as well as Rooke himſelf, upon the whole progreſs of that affair. But Rooke was ſo well ſupported by the court and by his party in the houſe of commons, that he ſeemed to deſpiſe all that the lords could do. It appeared to ſome, who were very intelligent in naval affairs, from all his motions during the expedition, that he intended to do nothing but amuſe and make a ſhew; and they concluded, from the protection that the miniſtry gave him, that they likewiſe intended no other. He took much pains to ſhew, how improper a deſign the deſcent upon Cadiz was, and how fatal the attempt muſt have proved; and in doing this he arraigned his inſtructions, and the deſign, upon which he was ſent, with great boldneſs, and ſhewed little regard to the miniſters, who took more pains to bring him off than to juſtify themſelves. The lords of the committee prepared a report, which was ſevere upon Rooke, and laid it before the houſe; but ſo ſtrong a party was made to oppoſe every thing that reflected on him, that, though every particular in the report was well proved, yet it was rejected, and a vote was carried in his favour, wherein it was declared, "That ſir George Rooke had done his duty, purſuant to the councils of war, like a brave officer, to the honour of the Britiſh nation." The great poſt of lord-lieutenant of Ireland, which was now given to the duke of Ormond, had ſo far prevailed with him, that, though the enquiry was ſet on foot by his means, and upon his ſuggeſtions, yet he came not to the houſe, when it was brought to a concluſion. So that Rooke, being but faintly puſhed by him, and moſt zealouſly ſupported by his party, was juſtified by a vote, though univerſally condemned by more impartial judges. The behaviour of the miniſtry in this matter heightened the jealouſies, with which many were poſſeſſed; for it was inferred, that they were not in earneſt in this whole expedition to Cadiz, ſince, the conduct being ſo contrary to the inſtructions, their juſtifying the one was plainly condemning the other.

On the 21ſt of November, Mr. ſecretary Hedges delivered to the commons a meſſage ſigned by the queen, importing, "That her majeſty conſidering, that there was but a very ſmall proviſion made for the prince her huſband, if he ſhould ſurvive her; and that ſhe was reſtrained from increaſing the ſame by the late act of parliament for ſettling her revenue, thought it neceſſary to recommend the making a further proviſion for the prince to their conſideration." The prince was many years older than the queen, and was troubled with an aſthma, that every year had ill effects upon his health, and had brought him into great danger this winter; yet the queen thought it became her to provide for all events. The commons having taking her meſſage into conſideration, Mr. How moved, that the yearly ſum of one hundred thouſand pounds ſhould be ſettled on the prince, in caſe he ſhould ſurvive the queen; and this was ſeconded by thoſe, who knew how acceptable the motion would be to the queen, though it was the double of what any queen of England ever had in jointure; ſo that it paſſed without any oppoſition. But, while it was paſſing, a motion was made upon a clauſe in the act, that limited the ſucceſſion to the houſe of Hanover, which provided againſt ſtrangers, though naturalized, being capable to hold any employments. This plainly related only to thoſe, who ſhould be naturalized in a future reign, and had no reſpect to ſuch

[u] The commons voted forty thouſand ſeamen, and that the proportion of forces for England, to act in conjunction with thoſe of the allies, be thirty-three thouſand foot, and ſeven thouſand horſe and dragoons; and that three hundred and fifty thouſand pounds be granted for guards and garriſons for the year 1703; they alſo voted ſeventy thouſand nine hundred and ſeventy-three pounds for ordnance, eight hundred and thirty-three thouſand eight hundred and twenty-ſix pounds for the pay of the land-forces, and fifty-one thouſand eight hundred and forty-three pounds for ſubſidies to the allies.

[w] Gilbert Heathcote, eſq. Francis Daſhwood, eſq. the lord-mayor's brother, Richard Hoar, eſq. and Mr. Eaton, linen-draper in Cheapſide, over againſt Bow-Church, in whoſe balcony there was a ſtately canopy erected, and her majeſty ſate under it, while the ſhow paſſed by.

as were already naturalized, or ſhould be naturalized, during the preſent reign. It was, however, propoſed as doubtful, whether, when that family might reign, all, who were naturalized before, ſhould not be incapacitated by that clauſe from ſitting in parliament, or holding employments; and a clauſe was offered to exempt the prince from being comprehended in that incapacity. Againſt this two objections lay; one was, that the lords had reſolved by a vote (as will hereafter appear) to which the greater number had ſet their hands, that they would never paſs any money-bill ſent up to them by the commons, to which any clauſe was tacked, that was foreign to the bill. They had done this, to prevent the commons from joining matters of a different nature to a money-bill, and then pretending, that the lords could not meddle with it; for this was a method to alter the government, and bring it entirely into their own hands; by this means, when money was neceſſary for preſerving the nation, they might force, not only the lords, but even the crown itſelf, to conſent to every thing they propoſed, by tacking it to a money-bill. It was ſaid, that an incapacity for holding employments, and for ſitting in the houſe of lords, were things of a different nature from money; ſo that this clauſe ſeemed to many to be a tack; while others thought it was no tack, becauſe both parts of the act related to the ſame perſon. The other objection was, that this clauſe ſeemed to imply, that perſons already naturalized, and in poſſeſſion of the right of natural born ſubjects, were to be excluded in the next reign; though all people knew, that no ſuch thing was intended, when the act of ſucceſſion paſſed. Great oppoſition was made, for both theſe reaſons, to the paſſing this clauſe; but the queen preſſed it with the greateſt earneſtneſs, that ſhe had ever yet ſhewn in any thing whatever. She thought it became her, as a good wife, to have the act paſſed, in which ſhe might be the more zealous, becauſe it was not thought adviſeable to move for an act, that ſhould take prince George into a partnerſhip of the regal dignity. This matter raiſed a great heat in the houſe of lords. Thoſe, who had been advanced by the late king, and were in his intereſts, did not think it became them to conſent to this, which ſeemed to be a prejudice, or, at leaſt, a diſgrace to thoſe, whom he had raiſed. But the court managed the affair ſo dextrouſly, that the bill paſſed with the clauſe, though it was proteſted againſt by ſeveral lords [x]; and the queen was highly diſpleaſed with thoſe, who oppoſed the clauſe, which had been put into the bill by ſome in the houſe of commons, only becauſe they believed it would be oppoſed by thoſe, againſt whom they intended to irritate the queen.

The earl of Marlborough being arrived at London, ſir Edward Seymour, two days, after, at the head of a committee appointed by the commons, waited upon him with the thanks of that houſe for the great and ſignal ſervices performed by him for the nation. The queen likewiſe was pleaſed to declare before a committee of the council, 'That ſhe was ſo ſatisfied of the eminent ſervices of my Lord Marlborough to the public and to herſelf, both in the command of the army, and the entire confidence he had ſettled between her and the States General, that ſhe intended to make him a duke.' Nor did the queen's favour ſtop here, for, to ſupport this new dignity, ſhe ſent a meſſage to the houſe of commons, importing, 'That ſhe had thought fit to grant the title of a Duke of this kingdom to the earl of Marlborough, and to the heirs male of his body; and alſo a penſion of five thouſand pounds per annum upon the revenue of the Poſt-office, for the ſupport of this honour during her majeſty's natural life. That if it had been in her power, ſhe would have granted the ſame term in the penſion, as in the honour; and that ſhe hoped they would think it ſo reaſonable in this caſe, as to find ſome proper methods of doing it.' This meſſage occaſioned great debates in the houſe; and ſir Chriſtopher Muſgrave in particular ſaid, 'That he would not derogate from the duke's eminent ſervices, but inſiſted that he was very well paid for them;' and then took notice of the profitable employments enjoyed by him and his ducheſs. As ſoon as the Duke was informed of this, he waited on her majeſty, and prayed her, 'rather to forego her gracious meſſage on his behalf, than to create any uneaſineſs on his account, ſince it might embarraſs her affairs, and be of ill conſequence to the public.' And, there being no probability, that the commons would comply with the queen's deſire, ſhe ſent another meſſage to acquaint them, that the duke of Marlborough had declined her meſſage to them. However, the ſame day, the commons being in a grand committee, a motion was made for an, 'addreſs, containing the reaſons, why they could not comply with her firſt meſſage.' This motion being agreed to, the addreſs was drawn, and preſented to the queen by the whole houſe in theſe words:

Moſt gracious ſovereign,

"WE your majeſty's moſt dutiful and loyal ſubjects the commons in parliament aſſembled, humbly beg leave to declare our unanimous ſatisfaction in the juſt eſteem your majeſty has been pleaſed to expreſs of the eminent ſervices performed by the duke of Marlborough, who has not only by his conduct of the army 'retrieved' the ancient honour and glory of the Engliſh nation, but by his negotiations eſtabliſhed an entire confidence and good correſpondence between your majeſty and the States General, and therein vindicated the gentlemen of England, who had, by the vile practices of deſigning men, been traduced, and induſtriouſly repreſented as falſe to your majeſty's allies, becauſe they were true to the intereſt of their country.

"It is to their inexpreſſible grief, that your majeſty's moſt dutiful commons find any inſtances, where they are unable to comply with what your majeſty propoſes to them; but they beg leave humbly to lay before your majeſty the apprehenſions they have of making a precedent for the alienation of the revenue of the crown, which has been ſo much reduced by the exorbitant grants of the laſt reign, and which has been ſo lately ſettled and ſecured by your majeſty's unparallelled grace and goodneſs.

"We are infinitely pleaſed to obſerve, by your majeſty's late gracious acceptance of the Duke of Marlborough's ſervices, that the only way to obtain your majeſty's favour, is to deſerve well from the public; and we beg leave to aſſure your majeſty, that whenever you ſhall think fit to reward ſuch merit, it will be to the entire ſatisfaction of your people."

To this addreſs, which reflected ſo highly on the late king's perſon and reign, the queen only anſwered, 'That ſhe ſhould always think herſelf much concerned to reward thoſe, who deſerved well of her; and that, on this

[x] January the 19, upon a report from the committee of the whole houſe, on the bill 'to enable her majeſty to ſettle a revenue upon the prince of Denmark, in caſe he ſurvived her,' that they had gone through the bill, and had left out one clauſe, which enacted, that, in caſe of the prince's ſurviving, he might be capable to be of the privy-council, a member of this houſe, or to enjoy any office, the grants herein mentioned, or any other, notwithſtanding the act of ſucceſſion in the 12th of the late king. And the queſtion being put, Whether to agree with the committee in leaving out this clauſe? It was reſolved in the negative.

Diſſentient'.

1. We do diſſent from this clauſe, becauſe we conceive this is a bill of aid and ſupply; and that this clauſe is altogether foreign to, and different from the matter of the ſaid bill: and that the paſſing of ſuch a clauſe is therefore unparliamentary, and tends to the deſtruction of the conſtitution of this government.

2. Becauſe we conceive, that a parliamentary expedient might have been found, whereby his royal highneſs might, by an unanimous conſent, have all the advantages deſigned him by this bill, without the lords being obliged to depart from what we conceive to be their undoubted right.

3. Becauſe we conceive, that this clauſe was not neceſſary to inable his royal highneſs to enjoy the benefit of the ſaid grants.

4. Becauſe that the clauſe, which pretends to capacitate his royal highneſs to enjoy his peerage, notwithſtanding the 'act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject,' and which makes no proviſion for other peers, under the ſame circumſtances, may tend much to their prejudice.

Torrington,
Say and Seale,
Sommers,
Portland,
Mancheſter,
Kingſton,
Jo. Litch. and Coven.
Offulſtone.

We diſſent from the clauſes relating to the grants:

1. Becauſe the ſaid grants are not laid before the houſe (though deſired) by which we are ignorant upon what conſiderations the ſame were granted.

2. Becauſe we conceive, that the ſaving clauſes are ſo far from having any relation to his royal highneſs, that if they ſignify any thing (without any reſpect to him) they prefer their payment before his.

Somerſet,
Devonſhire,
Tho. Cantuar,
Huntingdon,
Say and Seale,
W. Worceſter,
Rich. Peterburg,
Gi. Sarum,
Radnor,
Jo. Chicheſter,
Jo. Bangor,
Sunderland,
Oxford,
Bolton,
Mohun,
Bergavenny,
Berkeley of Stratton,
Jo. Litch. and Coven.
Rivers,
Lovelace,
Townſhend,
Herbert,
Carliſle, E. M.
Tho. Wharton,
Jeffex,
Powlet,
Rockingham,
Stamford.

As

account, she had bestowed some favours on the duke of Marlborough, and was glad to find they thought them well placed.' However, great liberty was taken of reflecting upon the queen as well as the duke for this transaction; and a satirical piece was handed about, wherein among other things, it was affirmed, 'That her majesty designed to give one duke all the gold, which the other had brought home from Vigo[y].'

In the beginning of January, the queen sent a message to the commons, 'That the States General had renewed their applications to her majesty, to assist them in this time of danger with an augmentation of her forces[z], as the only means to disappoint the great and early preparations of the French.' Upon which it was resolved, 'That ten thousand men be hired for an augmentation of the forces to act in conjunction with the allies, but upon condition, that there be an immediate stop put to all commerce and correspondence with France and Spain on the part of the States General.' This resolution being formed into an address, and laid before the queen, her majesty answered, 'That she made no doubt but that condition would be approved, since it was so absolutely necessary for the good of the whole alliance; and that she would send that night directions to her ministers in Holland, to concur with the States in providing the troops accordingly.' The lords also addressed the queen on the same subject, and to the same effect; to which her majesty returned the like answer. The chief reason, why both houses insisted upon an immediate prohibition of all commerce and correspondence with France and Spain, was the great difficulty, under which the court of France laboured at this juncture, to make remittances of money to their forces in Italy, and to the elector of Bavaria in Germany; which indeed the French could not do without the assistance of the English, Dutch, and Geneva merchants, as appeared by a discovery made about this time by the earl of Nottingham, on an unlawful intercourse of bills of exchange between some French bankers at Paris and some London merchants. However, though the insisting upon this prohibition was a thing reasonable in itself, yet the manner, in which it was managed, shewed an ill disposition to the Dutch, who, in the debate concerning it in the house of commons, were treated very indecently; and the imposing it upon them, in the way in which it was pressed, carried in it too high a strain of authority over them. Theirs is a country, which does not subsist by any intrinsic wealth of their own, but by their trade; and therefore some seemed to hope, that the opposition, which would be raised on that head, might force a peace, which many persons in England were driving at so indecently, that they took little care to conceal it. The States resolved to comply with England in every thing; and, though they did not like the manner of demanding this, yet they readily consented to it; and accordingly the prohibition of all commerce with France and Spain was published by them, commencing from the 1st of June, 1703.

The toleration-act, passed in the first year of the late reign in favour of the protestant dissenters, was looked upon with

[y] As this proceeding of the queen demonstrates the great influence the duke and duchess of Marlborough had then over her, so it is thought, the refusal of the commons, to comply with the queen's desire, began to alienate the duke from the tories. It is remarkable, that this circumstance is mentioned neither by bishop Burnet, in his History, nor by the duchess of Marlborough, in the Vindication of her conduct.

[z] The States had represented the necessity of this augmentation to the earl of Marlborough, before he left Holland, in order that some resolution might be taken for that purpose in England. The earl acknowledged the necessity of such a resolution, and promised, that, at his return to London, he would use his utmost endeavours in that respect. It was observed to his lordship, that at least it was better to augment the land-forces, than to have forty thousand seamen voted by the house of commons; since that sixty English ships would be sufficient, with thirty Dutch, to command the seas, twenty or five and twenty thousand seamen would be enough to man them, and the rest of the expence might be employed in land-forces. Upon these heads, the States-General ordered their embassadors to present a memorial to the queen, importing, that the ill success at Cadiz did not discourage them, but that they were ready to redouble their efforts, if her majesty should think proper: and, at the same time, congratulating her upon the success of the fleet at Vigo, and thanking her for the assistance, which she had given them, by her troops under the command of the earl of Marlborough, and representing to her the necessity of augmenting them, especially, as they were informed, that France would augment their troops by the addition of eighty thousand men. This memorial had no effect; but her majesty's envoy presented to the States General the following memorial, in answer to that of their embassadors:

'High and Mighty Lords,

'The under-written envoy extraordinary of the queen of Great-Britain is ordered to represent to your high mightinesses, That her majesty, having seen and considered the memorial of your embassadors and envoy extraordinary, dated the 27th of November, wherein they thank her majesty, in the name of your high mightinesses, for the assistance, which has been given you by her majesty's troops, under the command of the earl of Marlborough; and, at the same time, congratulate her majesty upon the success of the fleet and her troops, in conjunction with those of her allies, in the happy attempt upon Vigo; desiring that the troops in Flanders may be compleated, augmented, and early in the field next year. Her majesty has ordered the said envoy to acquaint your high mightinesses, that her majesty thanks you sincerely for your obliging acknowledgments towards her, on occasion of the assistance under the command of the said earl of Marlborough; and that she is extremely well satisfied, that their success has been so considerably to the advantage of your high mightinesses, by extending and fortifying your frontier. That her majesty congratulates you likewise on account of the share, which your fleet and troops had in the glorious action at Vigo. That she will take care, that the troops in the Low Countries be effectually recruited, and provided with all things necessary, in order that they may take the field early the next year. That the measures relating to the number of her majesty's troops, which ought to be employed in conjunction with those of your high mightinesses in the Low Countries, having been taken into consideration in the parliament, before any mention was made of augmenting them, that affair, according to the rules and method of their proceedings, could not be laid before them; but that all possible care should be taken, that the rest of her majesty's forces, both by sea and land, should be employed in such a manner, as should appear to be most proper for making the greatest diversion to the enemy, in other parts, and for obtaining the end that your high mightinesses propose. And, for that purpose, her majesty is desirous, that the most proper methods may be concerted between her and your high mightinesses; and that you will please to give instructions to some persons for regulating the operations of such expedients, as may most annoy the enemy, and be of most advantage to the common cause.'

Hague, Decemb. 5, 1702. STANHOPE.

The envoy presented this memorial at the persuasion of the pensionary, in order that the States General might take occasion, from thence, to renew their instances; which they accordingly did, by their embassadors. But the queen persisted in refusing to lay the proposal for the augmentation of the troops before the house of commons, upon pretence, that the true course of parliaments did not permit the proposing of new levies, after the state of the war had been once settled; and that this could not be done, without proroguing the parliament, which would entirely annul what had been already done, and would cause an irreparable damage. As this excuse did not appear sufficient, especially, as, under the late king, there had been instances contrary to the custom alledged by the queen, the answer, which Mr. secretary Hedges gave, in the name of her majesty, to the Dutch embassadors, was examined with great care and attention. Which answer was as follows:

"The queen, having seen and considered the memorial of your excellencies, dated the 11th of this month, has ordered, that the following answer be given it: "That her majesty has nothing more at heart, than to do every thing that depends upon her to support the interests of the States-General, which she will always consider as her own. And though, by the forms of parliament, no effect can be hoped for from proposing to them the raising of new troops to serve in the Low-Countries, without a prorogation of the parliament, which will entirely destroy all that has been done, and cause an irreparable damage; yet her majesty has thought of such other expedients as may effectually support them, or convince them, that nothing shall be wanting on her part, to assure them of her real concern and care for their security and prosperity. And, for this purpose, her majesty being assured of the concurrence of her parliament, in maintaining such new alliances as she shall make for her own interest and that of her allies, she ardently wishes, that the States-General would immediately concur with her, in sending ministers to the king of Sweden, to induce him to agree to a peace; in which case her majesty, in conjunction with the said States, will take into her pay 12000 Swedes and 8000 Saxons. And, considering the present situation of the king of Sweden, her majesty hopes, that this negociation may be finished with such expedition that the said troops may be in Holland as soon as shall be necessary for the ensuing campaign. Her majesty next proposes, that all kinds of means ought to be used, to recover the elector of Bavaria by an amicable accommodation; and, for this purpose, to persuade the emperor to gratify him with those things which may probably give him satisfaction. And her majesty is very desirous, in concert with her allies, to contribute to the necessary subsidies for enabling that duke to employ his troops in the service of the allies, in order, by that means, to make such a diversion to France, as may effectually break their designs against the States. And besides, as the success of such negociations is uncertain, as well as that of Portugal, though her majesty has reason to hope, that the latter is in a good train of being happily concluded, her majesty instantly desires the States-General to join, with all possible expedition, such a number of their ships to those of her majesty, in order to send a squadron to the Mediterranean, her majesty being disposed to embark on board those ships all the troops which she can spare in England, which, in conjunction with some of the States-General, may make such attempts as shall be agreed upon, as the most proper for making the greatest diversion to France, and most effectually preventing the superiority of that kingdom in the Low-Countries. And, if there be any other expedient, which the States can think of, and is practicable for her majesty to join in it, she will receive it with joy, being resolved to omit nothing that can contribute to their security and satisfaction."

Whitehall, Decemb. 3-14, 1702. CH. HEDGES.

In the examination of this answer, it seemed, as if the queen had conceived in her mind some prejudice of the States-General; which might perhaps arise from their not having given the command of the armies to prince George, as she had wished might be done. Others were of opinion, that this answer was suggested by the earl of Rochester, who, being ambitious of having the ascendant in the administration of affairs, looked with a jealous eye upon the glory which the earl of Marlborough had gained in the last campaign, and which had induced the commons, in their address, to stile him the 'Retriever' of the honour of the nation. They imagined, therefore, that, to prevent him from gaining new laurels, the earl of Rochester had insinuated into the queen so far, as to persuade her to give the answer above-mentioned to the Dutch embassadors. But others had no manner of doubt, that the queen's design in that answer was only to captivate the esteem of her subjects, by shewing how zealous she was for their ease, and how averse to the laying new burdens on them. It is not improbable, that all these three reasons might have more or less influence in this answer.

The

regret by many churchmen. King William was no ſooner dead, than the diſſenters felt the effects of the change. They that bore them ill will before, and were ready to reflect on them upon all occaſions, now openly triumphed. Sermons were preached, and pamphlets diſperſed, to blacken them as much as poſſible, and ſuch a violent temper diſcovered itſelf on a ſudden, and ſuch an inclination to heat and fury, as plainly ſhewed the parties affected to have been kept under a ſort of reſtraint. The debate about 'occaſional conformity,' which had been raiſed in the foregoing reign, was now received with great warmth. Before the new parliament met, a pamphlet came out with this title, 'The eſtabliſhment of the church, the preſervation of the ſtate,' ſhewing the reaſonableneſs of a bill againſt occaſional conformity: In which the author undertook to prove, that a civil diſcouragement of diſſenters would be highly agreeable to religion: That their objections, as to cruelty, and with reſpect to conſcience, had nothing in them: And that the countenancing them would be as little politic as pious. This was ſoon followed by another, called, 'The caſe of toleration recognized;' in which, a ſtrenuous motion was read for the adding farther conditions to the toleration, and eſpecially, that of incapacitating ſuch, as had benefit by it, for all civil employments. It was dedicated to the earl of Marlborough, who, as has been obſerved, was looked upon as a tory, and, conſequently, as one of unſuſpected zeal for the church. Matters being thus prepared without doors, the indiſcretion of a lord-mayor, in the late reign, was made the pretence of bringing in a bill in parliament, againſt occaſional conformity. It ſeems, ſir Humphry Edwin, who was a diſſenter, being a lord-mayor in the year 1697, carried the city-ſword with him once to a meeting at Pinners-hall. As this was exclaimed againſt at the time it was done, ſo now it was urged as a reaſon to prevent the like for the future. Accordingly, on the 4th of November, Mr. Bromley, Mr. St. John (afterwards lord Bolinbroke) and Mr. Anneſley (afterwards earl of Angleſey) were ordered to bring in a bill for preventing 'Occaſional conformity.' It was read a ſecond time, the 17th of November, and, a motion being made for exempting proteſtant diſſenters from ſuch offices, as cannot by law be executed, without receiving the ſacrament according to the uſage of the church of England, it was carried in the negative. In the preamble of the bill, the toleration was aſſerted, and all perſecution for conſcience-ſake condemned, in a high ſtrain. But, how the enacting part could be reconciled with this preamble, is hard to conceive [a]. For by this bill all thoſe, who took the ſacrament and teſt (which, by the act paſſed in 1673, was made neceſſary to thoſe, who held offices of truſt, or were magiſtrates in corporations, but was only to be taken once by them) and did, after that, go to the meetings of diſſenters, or any meeting for religious worſhip, that was not according to the liturgy or practice of the church of England, where five perſons were preſent more than the family, were diſabled from holding their employments, and were to be fined one hundred pounds, and five pounds a day for every day, in which they continued to act in their employments, after their having been at any ſuch meeting. They were alſo made incapable to hold any other employment, till after one whole year's conformity to the church, which was to be proved at the quarter-ſeſſions. Upon a relapſe, the penalties and time of incapacity were doubled. No limitation of time was put in the bill, nor of the way, in which the offence was to be proved. But, whereas the teſt-act only included the magiſtrates in corporations, all the inferior officers or freemen in corporations, who were found to have ſome intereſts in the elections, were now comprehended in this bill. Some thought the bill of no conſequence, and that, if it ſhould paſs into a law, it would be of no effect: But that the occaſional conformiſts would become conſtant ones. Others thought, that this was ſuch a breaking in upon the toleration, as would undermine it, and that it would have a great effect on corporations; as, indeed, the intent of it was believed to be the modelling elections, and, conſequently, of the houſe of commons.

On behalf of the bill, it was ſaid, the deſign of the Teſt-Act was, that all in office ſhould continue in the communion of the church; that coming only once to the ſacrament for an office, and going afterwards to the meetings of diſſenters, was both an eluding the intent of the law, and a profanation of the ſacrament, which gave great ſcandal, and was abhorred by the better ſort of diſſenters. Thoſe, who were againſt the bill, ſaid, the nation had been quiet ever ſince the Toleration, the diſſenters had loſt more ground and ſtrength by it than the church: the nation was now engaged in a great war; it ſeemed therefore unreaſonable to raiſe animoſities at home, on matters of religion, at ſuch a time; and to encourage a tribe of informers, who were the worſt ſort of men: the fines were exceſſive, higher than any laid on papiſts by law; and, ſince no limitation of time, nor concurrence of witneſſes, was provided for in the bill, men would be for ever expoſed to the malice of a bold ſwearer or wicked ſervant: It was moved, ſince the greateſt danger of all was from atheiſts and papiſts, that all ſuch, as received the ſacrament for an office, ſhould be obliged to receive it three times a year, which all were by law required to do; and to keep to their pariſh-church, at leaſt one Sunday a month; but this was not admitted. All, who pleaded for the bill, did in words declare for the continuance of the Toleration, yet the ſharpneſs, with which they treated the diſſenters in all their ſpeeches, ſhewed as if they deſigned their extirpation. The bill, on the 28th of November, paſſed the houſe of commons by a great majority, and was carried up by Mr. Bromley, on the 2d of December, to the lords. That houſe being apprehenſive that the commons might (as they had done on ſeveral occaſions) tack their bill to ſome money-bill, made a vote: 'That the annexing any clauſe to a money-bill was contrary to the conſtitution of the Engliſh government, and the uſage of parliament;' and ordered this vote to be added to the roll of the ſtanding order of the houſe. The debates upon the occaſional bill held longer in the houſe of peers than they had done in the houſe of commons. Many were againſt it, becauſe of the high penalties: ſome remembered the practices of informers in the end of king Charles's reign, and would not conſent to the reviving ſuch infamous methods; all believed, that the chief deſign of this bill was, to model corporations, and to caſt out of them all thoſe who would not vote in elections for tories. The Toleration itſelf was viſibly aimed at, and this was only a ſtep to break in upon it. Some thought the deſign went yet further, to raiſe ſuch quarrels and diſtractions among us, as would ſo embroil us at home, that our allies might ſee they could not depend upon us; and that we, being weakened by the diſorders occaſioned by thoſe proſecutions, might be diſabled from carrying on the war, which was the chief thing driven at by the promoters of the bill. So that many of the lords, as well as the biſhops, agreed in oppoſing this bill, though upon different views: yet they conſented to ſome parts of it; chiefly, that ſuch as went to meetings, after they had received the ſacrament, ſhould be diſabled from holding any employments, and be fined twenty pounds; many went into this, though they were againſt every part of the bill, becauſe they thought this the moſt plauſible way of loſing it: ſince the houſe of commons had of late ſet it up for a maxim, that the lords could not alter the fines, that they ſhould fix in a bill, this being meddling with money, which they thought was ſo peculiar to them, that they would not let the lords, on any pretence, break in upon it.

The lords, hereupon, appointed a very exact ſearch to be made into all the rolls that lay in the clerk of the parliament's office, from the middle of king Henry's the Seventh's reign, down to the preſent time: and they found, by ſome hundreds of precedents, that in ſome bills the lords began the clauſes, that ſet the fines; and that, when fines were ſet by the commons, ſometimes they altered the fines, and, at other times, they changed the uſe to which they were applied: the report made of this was ſo full and clear, that there was no poſſibility of replying to it, and the lords ordered it to be entered into their books. But the commons were reſolved to maintain their point, without entering into any debate upon it. The amendments of the lords were moſtly alterations of words and expreſſions, except this of the alteration of the penalties; and another by which they diſowned, that it was the intention of the law, when it provided, that every perſon to be admitted to office ſhould receive the ſacrament, that ſuch perſon was obliged to be entirely conformable to the church. To which amendment the commons diſagreed, as well as to the alterations of the penalties. The lords alſo added, five clauſes, by the firſt of which information was to be given of the

[a] The bill began thus: 'As nothing is more contrary to the profeſſion of the Chriſtian religion, and particularly to the doctrine of the Church of England, than perſecution for conſcience only; and, in due conſideration of it, an act paſſed in the firſt year of king William and queen Mary, for the exempting their majeſties proteſtant ſubjects, diſſenting from the Church of England, from the penalties of certain laws; which act ought inviolably to be obſerved, and eaſe given to conſciences truly ſcrupulous.' How this is reconcileable with an excluſion from all offices and places of truſt, purely on a religious account, cannot eaſily be made appear.

It

offence within ten days, and the profecution to be within three months, and the conviction upon the oath of at leaſt two credible witneſſes. To this the commons agreed, but to the other four clauſes they would not conſent, that diſſenters ſhould not be compelled to hold any office, for which they could not be legally qualified without taking the ſacrament: that the univerſity-churches might be exempted, where ſermons were preached without prayers: that ſuch as went to the French and Dutch churches might be excepted: and that governors of hoſpitals, and aſſiſtants of corporations and workhouſes for the poor, might alſo be exempted. The affair depended long between the two houſes, and both ſides took pains to bring up the lords that would vote with them, by which means there were above a hundred and thirty lords in the houſe, the greateſt number that ever had been brought together.

The court put their whole ſtrength to carry this bill; prince George came and voted for it, though he was himſelf an occaſional conformiſt. For he had received the ſacrament as lord high admiral, and yet kept his chapel in the Lutheran way [b]. The earl of Marlborough and the lord Godolphin alſo were for the bill. After ſome conferences, wherein each houſe had yielded ſome ſmaller differences to the other, it came to a free conference, on the 16th of January, in the painted chamber, which was more crowded upon that occaſion than had ever been known; ſo much weight was laid on this matter on both ſides. The managers, on the part of the commons, were Mr. Bromley, Mr. St. John, Mr. Finch, Mr. Solicitor-General, and ſir Thomas Powis. On the part of the lords, the duke of Devonſhire, the earl of Peterborough, the biſhop of Sarum, the lord Sommers, and the lord Hallifax [c].

When the conference was over, the commons left the bill with the lords, and ſaid, that they hoped they would not let the public loſe the benefit of ſo good a law. Then the managers returned to their reſpective houſes. When it came to the final vote of 'adhering', the lords were ſo equally divided, that, in three queſtions put upon different heads, the 'adhering' was carried but by one vote in every one of them, and it was a different perſon that gave it in all the three diviſions. Upon this, the bill was delivered to the commons according to form, at a free conference, and they were told, that the lords adhered to their amendments. As the commons likewiſe adhered to their diſagreement with the lords amendments, the bill was loſt for this time. The lords ordered their proceedings in this affair to be publiſhed, and the commons followed their example. This bill ſeemed to favour the intereſts of the church, and therefore the warm men were for it. The greater number of the biſhops being againſt it, they were cenſured, as cold in the concerns of the church: a reproach, that all moderate men muſt expect, when they oppoſe violent motions. Great part of this cenſure fell upon the biſhop of Sarum; for he bore a large ſhare in the debates, both in the houſe of lords and at the free conference. Angry men took occaſion, from the loſs of this bill, to charge the biſhops as enemies to the church, and betrayers of its intereſts, becauſe they would not run blindfold into the paſſions and deſigns of ill-tempered men; whereas they thought they faithfully purſued the true intereſts of the church, and zealouſly applied themſelves to the duties of their function.

While the occaſional conformity-bill was depending, Daniel de Foe, who had been a hoſier in the city of London, and, ſome years before publiſhed a ſevere ſatire, intitled, 'The true-born Engliſhman,' now undertook to ridicule the immoderate zeal of the church party, in a pamphlet, called, 'The ſhorteſt way with the Diſſenters: or, Propoſals for the Eſtabliſhment of the church.' Some, on both ſides, were at firſt amuſed with it, as queſtioning what was the deſign of it; but it was not long before the author's real intention was diſcovered. He began with ſuch bitter reflections on the diſſenters, and their principles, that it was taken for the work of a violent churchman for ſome time, and met with applauſe from ſome of that party in the two univerſities. The author, after his reflections, proceeds to tell the world, that the repreſentatives of the nation had now an opportunity, and perhaps the only one they ſhould ever have, to ſecure the church of England, and deſtroy her enemies, under the favour and protection of a 'true Engliſh queen.' That this was the time to pull up this heretical weed of ſedition, that had ſo long diſturbed the peace of the church, and poiſoned the good corn: That, if it ſhould be objected, that this renewing fire and faggot would be cruelty, and accounted barbarous, he anſwered, that it is cruelty to kill a ſnake or a toad in cold blood; but the poiſon of their nature makes it a charity to our neighbours to deſtroy thoſe creatures, not for any perſonal injury received, but for prevention; Not for the evil they have done, but the evil they may do. And that, as ſerpents, toads, and vipers are noxious to the body, and poiſon the ſenſitive life, ſo the diſſenters poiſon the ſoul, corrupt our poſterity, inſnare our children, deſtroy the vitals of our happineſs, our future felicity, and contaminate the whole maſs; and therefore they are to be rooted out of this nation, if ever we would live in peace, ſerve God, and enjoy our own.

The commons, after the author and his deſign was diſcovered, ordered the pamphlet to be burnt by the common hangman, and De Foe to be proſecuted. He pleaded for himſelf, that he gave the violent churchmen but their language, or, at leaſt, the ſenſe of their own expreſſions, when they talked 'of hanging out bloody colours and banners of defiance;' and ſhewed what many of their pamphlets and ſermons, as well as their converſation tended to. But De Foe was fined two hundred pounds, and put in the pillory. The earl of Nottingham is ſaid to offer him mercy

[b] It was reported, the prince ſhould ſay to the lord Wharton, when he was about to divide againſt him, 'My heart is vid you.'

[c] The ſubſtance of what paſſed at this free conference, was as follows:

The managers for the commons alledged, "That the intent of this bill was only to reſtrain a ſcandalous practice, which was a reproach to religion, and gave offence to all good Chriſtians, and to the beſt among the diſſenters themſelves. That it enacted nothing NEW, and was only intended to make the laws in being more effectual. That this bill appeared to the commons abſolutely neceſſary for the preventing thoſe miſchiefs which muſt prove deſtructive to the church and monarchy. That an eſtabliſhed religion and a national church are abſolutely neceſſary, when ſo many ill men pretended to inſpiration, and when there were ſo many weak men to follow them. That the only effectual way to preſerve this national church, was by keeping the civil power in the hands of thoſe whoſe principles and practices are conformable to it. That the parliament, by the corporation and teſt acts, thought they had ſecured our eſtabliſhment, and provided a ſufficient barrier to diſappoint any attempts againſt them, by enacting, that all in offices ſhould receive the Sacrament, according to the uſage of the Church of England, and never imagined a ſet of men could at any time riſe up, 'whoſe conſciences were too tender to obey the laws, but hardened enough to break them.' That, as the laſt reign began with an act in favour of the diſſenters, ſo the commons did deſire, that in the beginning of her majeſty's auſpicious reign, an act might paſs in favour of the Church of England, 'That thoſe men will be kept out of offices, who have ſhewn they never wanted the will when they had the power, to deſtroy the church.' And that this bill did not in any reſpect intrench on the act of toleration, or take from the diſſenters any one privilege they have by law, or give any one privilege to the Church of England, which was not at leaſt intended her by the laws as they then ſtood.

"As to the ſeveral particular amendments made by the lords, the managers for the commons inſiſted upon it, That, if the laws provided, that they that had offices ſhould receive the Sacrament, and by that intended a conformity; then whoſoever breaks the intentions of the law, breaks the law, or at leaſt, evades it; and that it was fit to provide againſt ſuch a practice. That if the intention of the teſt act was the reaſon to provide againſt ſuch evaders of it, the like intention in the corporation act would ſerve for a reaſon to provide againſt the evaders of that. That, by occaſional conformity, the diſſenters might let themſelves into the government of all corporations: and that it was obvious how far that would influence the government of the kingdom. That to ſeparate from a church, which has nothing in it againſt a man's conſcience to conform to, is ſchiſm: and that that is a ſpiritual ſin, without the ſuperadding a temporal law to make it an offence. That occaſional conformity declares a man's conſcience will let him conform; and in ſuch a man non-conformity is a wilfull ſin. And why ſhould occaſional conformity be allowed in corporations, when the lords agreed, that out of corporations it ought not to be allowed? That, in laying penalties, the commons would always endeavour to make them ſuch as ſhould neither tempt to perjury, nor totally diſcourage informations and proſecutions; which they thought the lords amendment would do, ſhould they agree to it. That the puniſhment of incapacity, the recapacitating, and the increaſe of puniſhment for a ſecond offence, are warranted by many precedents of the like nature in other penal laws. That an incapacity is a very proper puniſhment; and that a ſecond offence is a relapſe and apoſtacy, which makes it more heinous than the firſt offence, and therefore deſerves an increaſe of puniſhment. That he is indeed reduced to a very unhappy condition, who is made incapable of ſerving his prince and country. But in the preſent caſe both prince and country would be in a more unhappy condition, to be ſerved by ſuch, whoſe principles are inconſiſtent with the good and welfare of the eſtabliſhment. That the toleration was intended only for the caſe of tender and ſcrupulous conſciences, and not to give a licence for occaſional conformity. That conforming and non-conforming are contradictions; nothing but a firm perſuaſion, that the terms of communion required are ſinful and unlawful, could juſtify the one, and that that plainly condemns the other. That the exempting diſſenters from ſerving offices would rather eſtabliſh occaſional non-conformity, than prevent occaſional conformity; and therefore increaſe and not cure the evil the bill was intended to remedy. That the Act of Uniformity had provided for the ſermons or lectures in the Univerſities; and that therefore the acts againſt conventicles in the 16 and 22 Car. II. made no particular exceptions for them, and yet they were never taken to be conventicles. That the exempting ſuch, as ſhould be preſent at the foreign reformed churches, would be to open a door to evade this law. And that the places of governors of ſome hoſpitals are very conſiderable preferments, and given as ſuch to the clergy of the Church of England; and that the commons could never conſent by any law, to let in the diſſenters to the enjoyment of them."

The managers for the lords on the other hand declared, that. "By agreeing ſo far as they had done to this bill, they had gone a great way for preventing the evil it was intended to remedy; and owned it to be a ſcandal to religion, that perſons ſhould conform only for a place. That they did not think going to a meeting to be 'malum in ſe,' for that the diſſenters are proteſtants, and differ from the Church of England only in ſome little forms, and

whilſt in Newgate, if he would diſcover who ſet him to write this pamphlet.

The commons had now paſſed a bill in favour of thoſe, who had not taken the oath abjuring the pretended prince of Wales, by the day, that was named; granting them a year longer to conſider of it; for it was ſaid, that the whole party was now come entirely into the queen's intereſts; though, on the other hand, it was given out, that agents were come from France, on deſign to perſuade all perſons to take the abjuration, that they might become capable of employments, and ſo might in time be a majority in parliament; and by that means the act of ſucceſſion, and the oath impoſed by it might be repealed. When the bill for thus prolonging the time was brought up to the lords, a clauſe was added, qualifying thoſe perſons, who ſhould, in the new extent of time, take the oaths, to return to their benefices or employments, unleſs they were already legally filled. When this was agreed, two clauſes of much greater conſequence were added to the bill. One was, declaring it high-treaſon to endeavour to defeat the ſucceſſion to the crown, as it was now limited by law, or to ſet aſide the next ſucceſſion. This had a precedent in the former reign, and therefore it could not be denied now. It ſeemed the more neceſſary, becauſe there was another perſon who openly claimed the crown; ſo that a farther ſecurity might well be inſiſted upon. This was a great ſurprize to many, who were viſibly uneaſy at the motion, but were not prepared for it, and did not ſee how it could be reſiſted. The other clauſe was, for ſending the abjuration to Ireland, and obliging all there (in the ſame manner as in England) to take it. This ſeemed the more reaſonable, conſidering the ſtrength of the popiſh intereſt there. Both clauſes paſſed in the houſe of lords, without any oppoſition; but it was apprehended, that the commons would not be ſo eaſy; yet, when it was ſent to them, they ſtruggled only againſt the firſt clauſe, that barred the return of perſons, upon the taking the oaths, into places, that were already filled. The party tried their ſtrength upon this, and, upon their ſucceſs in it, they ſeemed reſolved to diſpute the other clauſe; but it was carried, though only by one voice, to agree with the lords. When the clauſe relating to the ſucceſſion was read, ſir Chriſtopher Muſgrave tried, if it might not be made a bill by itſelf, and not put as a clauſe in another bill; but, ſeeing the houſe was reſolved to receive both clauſes, he did not inſiſt on his motion. Every body was ſurprized to ſee a bill, that was begun in favour of the jacobites, turned ſo terribly upon them; ſince by it a new ſecurity was given, both in England and Ireland, for a proteſtant ſucceſſor.

At this time, the earl of Rocheſter quitted his place of lord-lieutenant of Ireland[d]. He was uneaſy at the preference, which the duke of Marlborough had in the queen's confidence, and at the lord Godolphin's being made lord-treaſurer. It was generally believed, that he was endeavouring to embroil affairs, and laying a train of oppoſition in the houſe of commons. The queen ſent a meſſage to him, ordering him to make ready to go to Ireland; for it ſeemed very ſtrange, eſpecially in time of a war, that a perſon, in ſo great a poſt, ſhould not attend upon it. But he, after ſome days adviſing about it, went to the queen, and deſired to be excuſed from that employment. This was readily accepted, and upon that he withdrew from the councils; and his poſt of lord-lieutenant was (as hath been ſaid) conferred on the duke of Ormond.

The report of the commiſſioners, appointed to take the public accounts, was a buſineſs that took up much time in

and therefore they thought loſs of office a ſufficient puniſhment without an incapacity. That it could never be thought thoſe of the better ſort would be guilty of this offence: if they were, they ſhould loſe their offices. That in inferior officers of the cuſtoms and exciſe, who had little elſe to ſubſiſt on, loſs of office was ſevere enough, ſince thereby they would be undone. And that this was yet more conſiderable in patent places, which by a common cuſtom are bought and ſold, and are of the nature of freeholds. That incapacity was too great a penalty; and that it is hard to imagine any offence, that is not capital, can deſerve it. That there is no more reaſon to puniſh this offence with incapacity, than to make it felony. That the diſſenters are not obnoxious to the government, as when the corporation act was made; the moſt conſiderable perſons amongſt them being well affected to the preſent conſtitution, and hearty enemies to the queen's and the kingdom's enemies. That in ſome corporations they took the election of members to ſerve in parliament to be only in ſuch as are concerned in the government of them, as at Buckingham; and the lords would not by this bill deprive men of their birth-rights, neither did they think fit to bring any greater hardſhips upon the diſſenters, ſince great advantages have accrued from the act of toleration. That the lords did equally deſire a good correſpondence betwixt the two houſes, and were ſo ſatisfied of the neceſſity of union at this time, that they thought all meaſures fatal, that might create diviſions amongſt proteſtants at home, or check the neceſſary union of the allies abroad. That in a time of war they thought alterations unneceſſary and dangerous, and were unwilling to bring any real hardſhips upon the diſſenters at this time, or give them any cauſe of jealouſies and fears. That the toleration had had ſuch good effects, contributed ſo much to the ſecurity and reputation of the church of England, and produced ſo good a temper among diſſenters, That the lords were unwilling to give the leaſt diſcredit to that act; liberty of conſcience and gentle meaſures being moſt proper, and having been found moſt effectual towards increaſing the church, and diminiſhing the number of diſſenters. That ſome parts of the bill had an air of ſeverity not proper for this ſeaſon; that a proper time ought to be taken to apply remedies, the attempting too haſty cures having often proved fatal. That, if there had been ſuch danger and neceſſity, this remedy would have been propoſed before. That, if this bill did enact nothing NEW, there would not be ſuch a conteſt about it. That they did conſent to a puniſhment, but would proportion the penalty to the offence. That they hoped their deſires of ſecuring the toleration-act, the peace and quiet of the kingdom at home, and the intereſt of the nation abroad, would meet with a fair conſtruction. That they thought the only conteſt between the two houſes was, which ſhould moſt befriend and take care of the church; the one would procure a haſty ſettled ſubmiſſion, not ſo much to be depended on; the other would obtain for her a more gradual but ſafer advantage over diſſenters. That they conceived both the laſt reign and this began upon the ſame bottom and foundation; and that, as in this reign her majeſty has been pleaſed to give gracious aſſurances as to liberty of conſcience, ſo in the laſt the church ever met with protection and ſupport. That it is hard, as well as untrue, to ſay of the diſſenters, they 'never wanted the will, when they had the power, to deſtroy the church and ſtate;' ſince, in the laſt and greateſt danger the church was expoſed to, they joined with her with all imaginable zeal and ſincerity againſt the papiſts, their common enemies; and that ever ſince they have continued to ſhew all the ſigns of friendſhip and ſubmiſſion to the government of church and ſtate. That toleration and tenderneſs had never miſſed of procuring peace and union, as perſecution had never failed of producing the contrary effects. That the lords could not think the diſſenters could properly be called ſchiſmatics; that ſuch an opinion allowed would bring an heavy charge upon the church of England, who by a law tolerated ſuch a ſchiſm: And that, the church-men having allowed communion with the reformed churches abroad, it muſt follow they hold them not guilty of ſchiſm, or could not allow communion with them. That this bill would inflict a ſecond puniſhment on them, who fled from France for their religion. That this might be uſed as an argument to juſtify even the perſecution in France. That they could not depart from the clauſe relating to the Dutch and Walloon churches ſo long eſtabliſhed among us, leſt it ſhould give great diſguſt and offence to the allies abroad, and at the ſame time forfeit the greateſt character can be given a church, that of tenderneſs and charity to fellow-chriſtians, &c. That, as to workhouſes, they could not conceive, that the diſtributing of ſome 'preſbyterian bread to the poor, and diſſenting water-gruel to the ſick,' could ever bring any prejudice to the church of England: And that they were of opinion, that the diſſenters were coming into the church, and that nothing but terrifying meaſures and ſeverity could prevent the happy union.

"It was further added, That a papiſt convict, as ſoon as he conforms himſelf, and receives the ſacrament, is immediately cleared; no incapacity lies upon him. But this act would carry the matter farther to a year's incapacity. A papiſt, that ſhall relapſe and fall under a ſecond conviction is only convicted over again, without any aggravation of the cenſure; which by this bill would be much heightened upon a ſecond offence: So that the penalties of this bill are higher than any the law has laid on papiſts for aſſiſting at the ſolemneſt act of their religion. Before the act of toleration paſſed, while conventicles were illegal and criminal aſſemblies, a man in office, that was preſent at them, was only liable to a fine of 10l. Whereas by this bill he would be liable to a fine of an 100l. for being preſent at them, though they have an impunity by law: It does not ſeem ſo very ſuitable, that the ſame action ſhould be made ten times more penal, after ſuch an impunity is granted, than it was before the paſſing that law, while ſuch aſſemblies were illegal. It ſeems inſnaring, and unbecoming ſo mild a government as ours, to lay ſo heavy a penalty on a crime ſo dubiouſly expreſſed: Nor is it proper, that the ſums raiſed by the bill ſhould all go to the informer, which might give encouragement to falſe accuſations and perjury. This occaſional conformity has been both the principle and practice of ſome of the moſt eminent among the diſſenters ever ſince St. Bartholomew's in 1662. Nor is it a certain inference, that, becauſe a man receives the ſacrament in the church, he can therefore conform in every other particular. Occaſional conformity was a ſtep that carried many much further: And it was intimated, that the lords were not willing to ruin perſons utterly on account of a practice, that many well-meaning men have been and may be led into, and which they think naturally tends to bring them over entirely to the church, &c. &c."

The managers, on the behalf of the commons, replied, "that ſeveral arguments, urged by the managers for the lords, were againſt the bill, which they had ſeemed to agree to. That no time could be more ſeaſonable for this bill than the preſent, becauſe good laws may be obtained moſt eaſily in the beſt reigns. That, ſhould any by this bill be turned out of their employments, and conſequently loſe their votes in elections, yet it cannot be ſaid they loſe their birth-rights, becauſe no man is born a magiſtrate. That ſome of the lords arguments had been ſo irregular as to defend occaſional conformity. And that they were ſurprized to hear a prelate ſpeak in defence of ſuch a practice.'

[d] The ducheſs of Marlborough, in the 'Account of her Conduct, p. 142, tells us, that this earl was the firſt of the tory leaders, who diſcovered a deep diſcontent with the queen and the adminiſtration; and reſigned the lieutenancy of Ireland in great wrath, upon her majeſty's being ſo unreaſonable, as to preſs him to go thither to attend the affairs of that kingdom, which greatly needed his preſence. For, as the revenue, which had been formerly granted, was out, it was neceſſary to call a parliament, in order to another ſupply; and a parliament could not be held without a lord-lieutenant. But, when the queen repreſented theſe things to him, he told her, with great inſolence, 'That he would not go to Ireland, though ſhe would give the country to him and his ſon;' ſo that he ſeemed to have accepted the poſt, only that he might reign in Ireland by the miniſtry of his brother Keightley, as he hoped to do in England in perſon. Nor could he, after his reſignation, overcome his anger ſo far, as to wait upon the queen, or go to council; which ſhe obſerving, ordered, after ſome time, that he ſhould no more be ſummoned, ſaying, 'That it was not reaſonable he ſhould come to council only when he pleaſed.' It was generally thought, and with good reaſon, that the true ſource of his diſſatisfaction was the queen's not making him her ſole governor and director, and lord Godolphin's being preferred before him for the treaſury.

Thoſe

this ſeſſion, and occaſioned many debates. They pretended that they had made great diſcoveries. They began with the earl of Ranelagh as pay-maſter general of the army, and drew up a narrative, wherein they charged him with great miſmanagements. The earl had been pay-maſter of the army in king James's time; and, being very fit for the poſt, he had been continued all the laſt reign: He had lived high, and ſo it was believed, his appointments could not ſupport ſo great an expence: He had an account of one and twenty millions lay upon him. It was given out, that a great deal of the money, lodged in his office, for the pay of the army, was diverted to other uſes, diſtributed among favourites, or given to corrupt members of parliament; and that ſome millions had been ſent over to Holland: It had been often ſaid, that great diſcoveries would be made, whenſoever his accounts were looked into: And that he, to ſave himſelf, would lay open ill practices of the former regn. But now, when all was brought under a ſtrict examination, a few inconſiderable articles, of ſome hundreds of pounds, was all that could be found to be objected to him: And, even to theſe, he gave clear and full anſwers. At laſt they found, that, upon the breaking of a regiment, a ſum, which he had iſſued out for it's pay, had been returned to his office, the regiment being broke ſooner, than that pay was exhauſted: And that no entry of this was made in his accounts. To this he anſwered, that his officer, who received the money, was, within three days after after, taken ſo ill of a confirmed ſtone, that he never came again to the office, but died in great miſery: And, during thoſe three days, he had not entered that ſum in the books. Lord Ranelagh acknowledged, that he was liable to account for all the money that was received by his under-officers; but here was no crime or fraud deſigned; yet this was ſo aggravated, that he ſaw his good poſt was his greateſt guilt: He therefore quitted his place, which being divided, Mr. Howe was appointed pay-maſter of the guards and garriſons at home, as being the more laſting poſt; and ſir Stephen Fox, pay-maſter of the forces beyond ſea. Upon this, all the clamour raiſed againſt the earl of Ranelagh ceaſed; however, the commons vindicated the report of the commiſſioners by a vote, and, to make a ſhow of ſeverity, expelled the earl the houſe, on the 7th of February, 'for a high crime and miſdemeanor, in miſapplying ſeveral ſums of the public money.' But, upon all this canvaſſing, he appeared much more innocent that even his friends had believed him.

The clamour that had been long kept up againſt the former miniſtry, as devourers of the public treaſure, was of ſuch uſe to the prevailing party, that they reſolved to continue it, by all poſſible methods: So a committee of the houſe of commons prepared a long addreſs to the queen, reflecting on the ill management of the funds upon which they laid the great debt of the nation, and not upon the deficiencies. This was branched out into many particulars, which were all heavily aggravated. Yet, though a great part of the outcry had been formerly made againſt Ruſſel, treaſurer of the navy, and his office, they found not ſo much as a colour to fix a complaint there: Nor could they charge any thing on the chancery, the treaſury, and the adminiſtration of juſtice. Great complaints were made of ſome accounts that ſtood long out, and they inſiſted on ſome pretended neglects, the old methods of the exchequer not having been exactly followed: Though it did not appear that the public ſuffered in any ſort by theſe failures. They kept up a clamour likewiſe againſt the commiſſioners of the prizes, though they had paſt their accounts as the law directed, and no objection was made to them. The addreſs was full of ſevere reflections and ſpiteful inſinuations, and it was thus carried to the queen, and publiſhed to the nation, as the ſenſe of the commons of England.

The Lords, to prevent the ill impreſſions this might make, appointed a committee, to examine all the obſervations that the commiſſioners of accounts had offered to both houſes. They ſearched all the public offices, and were amazed to find that there was not one article of any importance in thoſe obſervations, or in all the commons addreſs to the queen, but what was falſe in fact. They found, that the deficiencies in the former reign were of two ſorts: the one was of ſums that the commons had voted, but for which they had made no ſort of proviſion: the other was, where the ſupply, that was given, fell ſhort of the ſum at which it was eſtimated; and between theſe two the deficiencies amounted to fourteen millions. This was the root of all the great debt that lay on the nation. They examined into all the pretended miſmanagement, and found, that what the commons had ſtated ſo invidiouſly was miſtaken; ſince king William and his miniſters had been ſo far from miſapplying the money, that was given for public occaſions, that the king had applied three millions to the public ſervice, which by law was his own money, of which they made up the account. They found alſo, that ſome ſmall omiſſions, in ſome of the forms of the exchequer, were of no conſequence, and neither had nor could have any ill effect: and whereas a vaſt clamour was raiſed againſt paſſing accounts by privy-ſeals, they put an end to that effectually, when it appeared on what ground this was done. By the ancient methods of the exchequer, every account was to be carried on, ſo that the new officer was to begin his account with the balance of the former account. Sir Edward Seymour, who had been treaſurer of the navy, owed by his laſt account an hundred and eighty thouſand pounds; and he had received, after that, an hundred and forty thouſand pounds, for which the accounts were never made up. As it was not poſſible therefore for thoſe, who came after him, to be liable for his accounts, the treaſury of the navy, in the laſt reign, were obliged to take out privy-ſeals for making up their accounts. Theſe imported no more, than that they were to account only for the money which they themſelves had received; for, in all other reſpects, their accounts were to paſs according to the ordinary methods of the exchequer. Complaints had alſo been made of the remiſſneſs of the lords of the treaſury, or their officers, appointed to account with the receivers of counties for the aids that had been given. But when this was examined, it appeared, that this had been done with ſuch exactneſs, that, of the ſum of twenty-four millions, for which they had accounted, there was not owing above ſixty thouſand pounds, and that was, for the moſt part, in Wales, where it was not thought adviſable to uſe too much rigour in raiſing it; and of that ſum, there was not above fourteen thouſand pounds that was reckoned as loſt. The collectors of the cuſtoms likewiſe anſwered all the obſervations made on their accounts ſo fully, that the houſe of commons was ſatisfied with their anſwers, and diſmiſſed them without ſo much as a reprimand. All this was reported to the houſe of lords, and they laid it before the queen in an addreſs, which was afterwards printed with the vouchers to every particular. By this means it was made out, to the ſatisfaction of the whole nation, how falſe thoſe reports were, which had been ſo induſtriouſly ſpread, and were ſo eaſily believed by the greater part; for the bulk of mankind will be always apt to think, that courts and miniſters ſerve their own ends, and ſtudy to enrich themſelves at the public coſt. The examination held long, and was proſecuted with great exactneſs, and had all the effects that could be deſired from it; for it ſilenced that noiſe which king William's enemies had raiſed, to aſperſe him and his miniſters[e].

[e] Thoſe readers, who deſire a fuller account of theſe matters, will find it in the following extract:

On the 18th of January, Mr. St. John, from the commiſſioners of the public accounts, preſented to the houſe of commons a general ſtate of receipts and iſſues of the public revenue, between the feaſt of St. Michael, 1700, 1701, and 1702, with obſervations thereupon. This having been taken into conſideration the following days, and, Mr. Bridges, one of the commiſſioners, having, on the 25th preſented to the houſe an account of both the loans and payments on the votes of that houſe, in February 1700, and of the produce of twenty-five per cent. on French goods, and the application of the ſame, it was then reſolved, 'That the borrowing of money, and ſtriking tallies with intereſt unneceſſarily, before the public occaſions required the ſame, had been one reaſon of the great debt which lay upon the nation: and that the applying of the public money to the uſe of the civil liſt, which was otherwiſe provided for, was another cauſe of that great debt.' The next day, colonel Bierley, from the commiſſioners, preſented to the houſe their report, purſuant to an order of the houſe, by which they were directed to examine the auditor and other officers of the exchequer, relating to the paſſing of the accounts of the public money, and to lay before the houſe what they ſhould find to be the cauſe, that the accounts were not annually and duly paſſed, according to the laws in that caſe, and through whoſe default it had happened. This report, and ſeveral paragraphs of the commiſſioners obſervations, being read, the houſe reſolved, '1. That Charles lord Hallifax, auditor of the receipt of the exchequer, had neglected his duty, and was guilty of a breach of truſt, in not tranſmitting the impreſt-rolls half-yearly to the king's remembrancer, according to the act made in the ſeſſion of parliament, held in the 8th and 9th years of his late majeſty's reign, intitled, 'An act for the better obſervation of the courſe anciently uſed in the receipts of Exchequer.' 2. That the allowing accountants the charges of law-ſuits, to determine the right of their officers, was a miſapplication of the public money. 3. That the auditors of the impreſt had been guilty of a great neglect of their duty, in not certifying to the king's remembrancer the neglect of the ſeveral annual accounts, that the proceſs might go out againſt them. And, 4. That there had been a general miſmanagement of the public money, by not obliging accountants to make up their accounts, and by continuing receivers in ſeveral counties, contrary to law, who had neglected to make up their accounts in due time, which had been a great abuſe of the public, and another cauſe of the great debt that lay upon the nation.' On the 27th, the commons, having proceeded in the further conſideration of the obſervation of the commiſſioners of public accounts, reſolved, 1. 'That the money, impreſt out of the exchequer for the ſervice of the public, ought to be kept by the reſpective officers in their own cuſtody, until the ſame ſhall be paid to the uſes for which it was directed. 2. That Charles lord Hallifax, auditor of the receipt of the exchequer, had been guilty of a breach of truſt, in not examining every three months the tellers vouchers for the payments upon the annuities, which he allowed in his weekly certificates, according to the forementioned act of parliament.

With this the ſeſſion ended, and the queen, on the 27th of February, after having given the royal aſſent to all the bills that were ready, made the following ſpeech to both houſes:

My Lords and Gentlemen,

"I RETURN you my hearty thanks for the great diſpatch you have given to the public affairs in this ſeſſion, which is an advantage extremely material at all times, and I hope we ſhall find the fruits of it this year, in the forwardneſs of our preparations.

"I am to thank you, Gentlemen of the Houſe of Commons, in particular, for the ſupplies, with which you enable me to carry on the war. It ſhall be my care to have them ſtrictly applied to the uſes for which you have deſigned them, and to the beſt advantage for the public ſervice. You have repoſed great confidence in me, by allowing ſo unuſual a latitude as you have in the clauſe of Appropriations. I ſhall improve all opportunities in the uſe of it, for the honour and true intereſt of the nation.

"I muſt further take notice to you, that the readineſs you have ſhewn, in the proviſion made for the prince, is a very ſenſible obligation to me.

My Lords and Gentlemen,

"I deſire and expect from you, that you make it your buſineſs in your ſeveral counties to continue and preſerve the quiet and ſatisfaction of my ſubjects. I hope ſuch of them as have the misfortune to diſſent from the Church of England, will reſt ſecure and ſatisfied in the act of Toleration, which I am reſolved to maintain; and that all thoſe, who have the happineſs and advantage to be of the Church of England, will conſider, that I have had my education in it, and that I have been willing to run great hazards for its preſervation; and therefore they may be very ſure, I ſhall always make it my own particular care to encourage and maintain this Church as by law eſtabliſhed, and every the leaſt member of it, in all their juſt rights and privileges; and, upon all occaſions of promotions to any eccleſiaſtical dignity, I ſhall have a very juſt regard to ſuch, as are eminent and remarkable for their piety, learning, and conſtant zeal for the Church; that by this, and all other methods, which ſhall be thought proper, I may tranſmit it ſecurely ſettled to poſterity.

"I think it might have been for the public ſervice to have had ſome further laws for reſtraining the great licence which is aſſumed, of publiſhing and ſpreading ſcandalous pamphlets and libels: but, as far as the preſent laws will extend, I hope you will all do your duty in your reſpective ſtations to prevent and puniſh ſuch pernicious practices. Above all other things, I do recommend to you peace and union among ourſelves, as the moſt effectual means, that can be deviſed to diſcourage and defeat the deſigns of our enemies.

"I muſt not conclude without acquainting you, I have given directions, that my part of all the prizes, which have been or ſhall be taken during this war, be applied entirely to the public ſervice; and I hope my own revenue will not fall ſo ſhort, but that I may be able, as I deſire, to contribute yet further to the eaſe of my people."

After which the lord-keeper, by her majeſty's command, prorogued the parliament to Thurſday the 22d of April following.

Several bills had been moved this ſeſſion, (ſome of which paſſed the commons) but were not finiſhed. On the 23d of December, ſir Edward Seymour moved for leave to bring in a bill "to reſume all the grants made in king William's reign, and applying them to the uſe of the public." This was carried by a majority of one hundred and eighty againſt ſeventy-eight, though the bill was afterwards dropped by the commons themſelves. At the ſame time it was moved by Mr. Walpole, "that all the grants made in the reign of the late king James, ſhould alſo be reſumed." But this by the ſame commons was paſſed in the negative. Sir John Holland then made a motion to bring in a bill, "for the more free and impartial proceedings in parliament, by providing, That no perſon whatſoever in office or employment ſhould be capable of ſitting in parliament," which alſo paſſed in the negative. Howe, Muſgrave, Seymour, &c. who had ſo vehemently puſhed the like bill in king William's reign,

parliament. 3. That the reſolutions relating to the lord Hallifax be laid before her majeſty. And 4. That an addreſs be preſented to her majeſty, that ſhe would be pleaſed to give directions to the attorney-general to proſecute him for the ſaid offences.' On the 7th of February, colonel Granville acquainted the houſe, that the queen had been pleaſed to ſay, 'That ſhe would ſend to the attorney-general, and give him her directions purſuant to this addreſs.'

On the other hand, the lords, before whom Mr. Gregory King, ſecretary to the commiſſioners of accounts, had, on the 15th of January, laid an account of the general ſtate of the receipts and iſſues of the public revenue, from the feaſt of St. Michael 1700, to the ſame feaſt in 1702, with their obſervations thereupon, ordered, on the 1ſt of February, that the commiſſioners of accounts ſhould lay before their lordſhips what further obſervations they had made in relation to the ſaid accounts. The next day the lords took the book of public accounts into conſideration, and read the firſt paragraph of the commiſſioners obſervations; which, relating to the lord Hallifax, his lordſhip was heard thereto. Then Mr. King delivered at the bar the commiſſioners of accounts further obſervations; and at the ſame time the queen's remembrancer laid before their lordſhips the impreſt-rolls tranſmitted to him ſince November 1699. This being done, a committee was appointed to conſider of the obſervations delivered firſt to their lordſhips from the commiſſioners of accounts; and it was ordered, 'That the queen's remembrancer ſhould, the next day, bring before the ſaid committee the impreſt-rolls tranſmitted to him ſince the 20th of April 1697, being the time from which the act commenced: and, ſecondly, That the commiſſioners for public accounts ſhould have notice, that their lordſhips had appointed a committee to conſider of their obſervations.' On the 3d of February, Mr. Barker, deputy to her majeſty's remembrancer, brought the other impreſt-rolls, as ordered the day before; which were delivered to the committee, and the duke of Somerſet reported from the ſaid committee, that they had taken the firſt obſervation into conſideration, in relation to the auditor of the exchequer: That, though the commiſſioners of accounts had notice of the committee's ſitting, yet none of them attended; and therefore the committee was of opinion, that a meſſage be ſent to the houſe of commons, that they might have leave to attend; which meſſage was, on the 4th of February, ſent accordingly. On the 5th, the commons, having taken the ſaid meſſage into conſideration, appointed a committee to inſpect the journals, and to ſearch precedents relating to what had been done upon the lords deſiring members of the houſe of commons to attend the houſe of lords, and in relation to the lords inſpecting and examining accounts. And the ſame day the duke of Somerſet made the following report: "The committee, appointed to conſider of the obſervations in the book of accounts delivered into this houſe, have made ſome progreſs in conſidering the ſaid obſervations, and take leave to acquaint this houſe, that they have examined into the firſt of theſe obſervations; and alſo the further obſervations delivered into this houſe the 2d inſtant, relating to the tranſmitting the ordinary impreſt-rolls to the queen's remembrancer. They have inſpected ſeveral of the original impreſt-rolls delivered into the houſe by Mr. Barker, deputy to her majeſty's remembrancer. They have alſo examined divers officers of the exchequer, and others, upon oath, and do find, that, by the ancient and uninterrupted courſe of the exchequer, two impreſt-rolls are to be made out for each year; the one comprehending all ſuch ſums impreſt from the end of Trinity term to the end of Hilary Term; the other containing all ſuch ſums from that time to the end of Trinity Term; which rolls are commonly called 'half yearly rolls;' though improperly. They find, that, by the ancient courſe of the Exchequer, theſe impreſt-rolls, being made out by the auditor of the receipt, are to be delivered by him to the clerk of the pells, whoſe duty it is to examine and ſign them; and, this being done, the clerk of the pells delivers them to the remembrancer. This uſage was by degrees diſcontinued in the reign of king Charles the Second; and the remembrancer, or his agent, uſed to come to the office of the auditor of the receipt, and take away the impreſt-rolls from thence immediately. But in the time, when the earl of Rocheſter was treaſurer, the ancient uſage was reſtored, and he did order, that the impreſt-rolls ſhould be carefully examined and ſigned by the clerk of the pells, before they ſhould be tranſmitted to the remembrancer; and accordingly, ſince that time, the ancient cuſtom has been obſerved, as well before as ſince the act of parliament made in the 8th and 9th years of his late majeſty, 'for the better obſervation of the courſe anciently uſed in the receipt of the exchequer;' that is to ſay, the ſaid half-yearly rolls, when made out and ſigned by the auditor, have been tranſmitted to the clerk of the pells; and when the clerk of the pells has examined and ſigned them, he or his deputy, has delivered them to the remembrancer; and this appears by the remembrancer's indorſement upon the rolls. The committee finds, that Charles lord Hallifax has been auditor of the receipt from the end of November 1699, ſince which time ſix impreſt-rolls have been tranſmitted to the remembrancer; and there is a ſeventh roll now under examination of the office of the pells, and no other roll can be prepared till after the 12th of this inſtant February. Upon the whole matter, the committee are humbly of opinion, that Charles lord Hallifax, auditor of the receipt of the Exchequer, hath performed the duty of his office, in tranſmitting the ordinary impreſt-rolls to the queen's remembrancer, according to the ancient cuſtom of the Exchequer, and the directions of the act of the 8th and 9th Gulielm. III. and that he hath not been guilty of any neglect or breach of truſt upon that account."

This report being read, as alſo the examination taken upon oath by the committee, and the dates and indorſements of the ſeveral impreſt-rolls delivered by Mr. Barker, the queſtion was put, "Whether this houſe would agree to the opinion of the committee in this report?" Which being carried in the affirmative, it was reſolved and declared by the lords ſpiritual and temporal in parliament aſſembled, "That Charles lord Hallifax, auditor of the receipt of the Exchequer, hath performed the duty of his office, in tranſmitting the ordinary impreſt-rolls to the queen's remembrancer, according to the ancient cuſtom of the Exchequer, and the direction of the act 8th and 9th Gulielmi III Regis, intitled, 'An act for the better obſervation of the courſe anciently uſed in the receipt of the Exchequer;' and that he hath not been guilty of any neglect or breach of truſt upon that account." At the ſame time the lords ordered their proceedings in this affair to be immediately printed and publiſhed.'

This vindication of the lord Hallifax gave great offence to the houſe of commons, who, on the 12th of February, ordered their committee to ſearch the journals of the houſe of lords, and report their lordſhips proceedings in relation to the 'obſervations of the commiſſioners of accounts.' Purſuant to his order, colonel Granville the next day reported to the houſe what the committee had found both in the lords journals relating to this affair, and in the journals of the houſe of commons relating to what had been done upon the lords deſiring members of the ſaid houſe to attend the houſe of lords; and in relation 'to the lords inſpecting and examining public accounts.' This report being read, the commons ordered the ſame committee to draw up what was proper to be offered to the lords at a conference upon the ſubject matter of their lordſhips meſſage of the 4th inſtant, which the committee did accordingly in this manner: "The commons cannot comply with your lordſhips deſires contained in your meſſage of the 4th inſtant, becauſe the commons are

were now as warm in oppoſing this, and inſtead of it carried a bill, "for the more free and impartial proceedings in parliament, by providing, that no perſon ſhall be choſen a member, but ſuch as have a ſufficient real eſtate." This bill was rejected by the lords, on the 22d of February.

In this ſeſſion the lords had rendered themſelves very conſiderable, and had gained an univerſal reputation over the nation. It is true, thoſe who had oppoſed the perſons, that had carried matters before them in this ſeſſion, were ſo near them in number, that things of the greateſt conſequence were carried only by one or two voices; and therefore, as it was intended to have a clear majority in both houſes in the next ſeſſion, the queen was prevailed with, ſoon after the prorogation, to create four new peers, who had been the moſt violent of the whole party. Accordingly John Granville was made baron Granville of Potheridge in the county of Devon; Heneage Finch, baron of Guernſey in the county of Southampton; ſir John Leviſon Gower, baron Gower of Sittenham in the county of York; and Francis Seymour Conway, youngeſt ſon of ſir Edward Seymour, baron Conway of Ragley, in the county of Warwick, with a remainder to his brother, Charles Seymour. Great reflections were made upon theſe promotions. When ſome ſevere things had been thrown out in the houſe of commons upon the oppoſition, that they met with from the lords, it was inſinuated that it would be eaſy to find men of merit and eſtate to make a clear majority in that houſe. This was an open declaration of a deſign to put every thing into the hands and power of that party. It was alſo an incroachment on one of the tendereſt points of the prerogative, to make motions of creating peers in the houſe of commons. However, at the ſame time, John Harvey, who was of the oppoſite party, was created baron of Ickworth in the county of Suffolk, by the intereſt of the ducheſs of Marlborough with the queen[f]. The marquis of Normanby was created duke of the ſame name, to

are ſtill of the ſame opinion, as was delivered to your lordſhips in February 1691, at a free conference upon the ſubject matter of the amendments made by the lords to the additional bill, for the appointing and enabling commiſſioners to examine, take, and ſtate the public accounts of the kingdom, when they deſired to know the end your lordſhips would propoſe to yourſelves by an enquiry into the public accounts. For, ſhould any miſapplication of money, or default of diſtribution, appear in the accounts, your lordſhips cannot take cognizance thereof originally, or otherwiſe, even in your judicial capacity, than at the complaint of the commons. And, ſhould a failure or want of money appear, it is not in your lordſhips power to redreſs it, for the grant of all aids is in the commons only; or, if there be any ſurpluſage, the commons only can apply it to the charge of the enſuing year. But ſhould the commons give leave to the commiſſioners to attend your lordſhips, no information, they can give againſt any perſon whatſoever, can entitle your lordſhips either to acquit or condemn. Yet, ſince this meſſage, the commons find in your lordſhips journals a reſolution, declaring, 'That Charles lord Hallifax, auditor of the receipt of the Exchequer, has performed the duty of his office, &c.' which looks to the commons, as if your lordſhips pretended to give a judgment of acquittal, without any accuſation brought before your lordſhips, and conſequently without any trial. And that, which makes your lordſhips proceedings yet more irregular, it tends to prejudging a cauſe which might regularly have come before you, either originally by impeachment, or by writ of error from the courts below. And therefore the commons can ſee no uſe of their reſolution, unleſs it be either to intimidate the judges, or prepoſſeſs a jury. But, if your lordſhips could have judged in this matter, it does not appear by your lordſhips journals, that you have had under your examination the reſpective times of tranſmitting the ſeveral impreſt-rolls to the queen's remembrancer; without which it is impoſſible to know whether the auditor of the receipt has done his duty according to the late act of parliament." Theſe reaſons being reported, on the 16th of February, by colonel Granville, and afterwards read and approved by the houſe, a meſſage was immediately ſent to the lords, to deſire a conference: to which the lords having the next day agreed, the managers for the commons delivered the ſaid reaſons to their lordſhips. The lords upon this, on the 18th, came to the following reſolutions: Firſt, "That the lords have an undoubted right (which they can never ſuffer to be conteſted) to take cognizance originally of all public accounts, and to enquire into any miſapplication or default in the diſtribution of public monies, or into any other miſmanagement whatſoever. Secondly, That the lords, in their enquiry into, and examination of the obſervations of the commiſſioners of accounts, in relation to Charles lord Hallifax, and in their reſolution thereupon, had proceeded according to the rules of juſtice, and the evidence, that was before them. And, Thirdly, That the commons, in their reaſons delivered at the laſt conference, had uſed ſeveral expreſſions and arguments highly reflecting, and altogether unparliamentary, tending to deſtroy all good correſpondence between the two houſes, and to the ſubverſion of the conſtitution."

The queen being apprehenſive of the conſequences of theſe differences between the two houſes, ſent a meſſage to the lords, on the 22d of February, by the earl of Nottingham, to make a quick diſpatch with the buſineſs before them; and the ſame day their lordſhips communicated the abovementioned reſolution to the commons at a conference which their lordſhips had deſired and appointed. The commons, having the next day taken the ſame into conſideration, reſolved, That a free conference be deſired with the lords upon the ſubject matter of the two laſt conferences; and ordered their managers to conſider of what heads were fit to be urged at the ſaid free conference, which they accordingly did, and the ſaid heads were as follow: 1. "That no cognizance, the lords can take of the public accounts, can enable them to ſupply any deficiency, or apply any ſurpluſage of the public money. 2. That the lords can neither acquit or condemn any perſon whatſoever, upon any enquiry ariſing originally in their own houſe. 3. That the attempt the lords have made, to acquit Charles lord Hallifax, auditor of the receipt of the Exchequer, is unparliamentary, and not warranted by any precedent: And the reſolution thereupon plainly contrary to what appears on the records themſelves. 4. That the conference, deſired by the commons, was in order to preſerve a good correſpondence between both houſes, by offering reaſons to prevent the lords from proceeding in a caſe, which they had no precedent to warrant; and the commons expreſſing the conſequences they apprehend might follow from that reſolution, was neither reflecting nor unparliamentary, nor tending to deſtroy the good correſpondence between the two houſes; and much leſs to the ſubverſion of the conſtitution: And, 5. That the lords delivering at a conference their reſolutions, inſtead of reaſons, in anſwer to the reaſons of the commons, is not agreeable to the ancient rules and methods of parliament obſerved in the conferences between the two houſes." Theſe heads being reported by colonel Granville on the 25th, and then read, and approved by the houſe, a meſſage was ſent to the lords, to deſire a free conference with their lordſhips, who appointed the ſame immediately in the Painted chamber, and named the lord Steward, the earl of Carliſle, and the lords Herbert, Hallifax, and Ferrers, to be their managers.

The managers for the commons, at the head of whom was Mr. Finch, opened the particulars, which they had in direction to inſiſt on; adding, "That, when they acquainted their lordſhips that the expreſſing the conſequences, which they apprehended might follow from their lordſhips reſolutions, it was not a charge upon their lordſhips, that they intended that conſequence, but they would have been pleaſed to have let them know what uſe was to be made of it, or what they intended by it:" And concluded, "That, if their lordſhips did controvert any of theſe points, they were ready to maintain them." The lords made no anſwer to any of theſe particulars, except to the matter of the reſolution relating to the lord Hallifax, upon which they acknowledged, "That they were no court of enquiry to form any accuſation. That their proceeding in relation to that lord was no trial, nor was their reſolution any judgment or acquittal; but that he might ſtill be proſecuted as before. But that, which gave occaſion to that proceeding, was the reſolution of the houſe of commons, which they found in the printed votes, reflecting upon a member of their houſe; and thereupon they thought fit to give their opinion, which they did in their legiſlative authority."

The managers for the commons replied, "That their lordſhips having in their reſolutions declared, that they had proceeded according to the rules of juſtice, and the evidence, that was before them, the commons could put no other interpretation upon it, than that it was intended as a 'judgment:' And no 'judgment' could be made, where there was no 'accuſation;' and, if it was not a judgment, they could not imagine what it did tend to. As to their lordſhips delivering their opinion, that it was againſt the rules of any court, that any judge whatſoever ſhould deliver his opinion in a cauſe, that might come before him; and that this matter might hereafter come judicially before their lordſhips. That there was a great difference between the vote of the commons and the reſolution of the lords. That the vote of the houſe of commons was but in order to a proſecution, which they can never vote without declaring the crime, and they can never come to be judges of it. That the houſe of commons is the grand inqueſt of the nation, and every grand-jury, that finds 'bills vera' upon an indictment, does by that declare the man guilty. But that the lords have a judicial capacity, and their reſolution, before an accuſation brought, is prejudging the cauſe, that may come regularly before them. As to the obſervation the commons made, that the lords had not examined the reſpective times of tranſmitting the impreſt-rolls to the queen's remembrancer, the commons managers ſaid, That, as their lordſhips reſolution was no judgment, ſo this conference was no trial. But, to ſhew the miſtake of their lordſhips reſolution, they obſerved, the date upon the ſeveral impreſt-rolls, that had been tranſmitted to the remembrancer; and that they apprehend there were ſtill two wanting: That the three laſt, that were tranſmitted, came not to the remembrancer till January laſt; the two firſt on the 23d, the laſt on the 27th; and that the firſt of theſe three impreſt-rolls was money impreſt to the 21ſt of February 1700, and ſaid to be in the firſt year of queen Anne; which ſhewed, that the roll was ſo far from being examined or tranſmitted in time, that it was not made up till ſince her majeſty came to the crown. That, as the cuſtom formerly had been to ſet down the time of the examination of thoſe rolls, ſince Mr. Charles Montague came to be the auditor, he ſet down the month, but not the day: And, ſince the lord Hallifax was auditor, he had ſet down neither month nor day; and that by his example, on the three laſt intereſt-rolls, the clerk of the pells had put no time at all."

To this the lord Hallifax, in his own defence, replied, "That the lords reſolution was well founded, ſince they had the rolls themſelves before them, and proof upon oath. That, by the words of the act, the auditor was to tranſmit the impreſt-rolls to the remembrancer half-yearly, according to the uſual courſe of the exchequer; which is eight months and four months. That it was not his duty to tranſmit them immediately to the remembrancer, becauſe he was to ſend them to the clerk of the pells, who is to examine and ſign them. That it could not be imagined, that the auditor ſhould be tied to a certain time to tranſmit the rolls to the remembrancer, becauſe they muſt firſt go through another hand; and he never took it, there was any occaſion to put down the time he examined them, for that would appear from the time of the delivery and date of the roll. That there was one examined by the clerk of the rolls, the 4th of July, which he did not take to be the auditor's fault, but to be the duty of the clerk of the pells to deliver them. That every body knew the great trouble, that had been given in his, as well as other offices, by the commiſſioners of accounts; and that no loſs had happened by not tranſmitting theſe rolls, no proceſs having been iſſued forth for many years upon them."

The managers for the commons, ſaid, "That, though half-yearly ſhould be taken for eight months and four months, yet by that they muſt be tranſmitted twice a year and ſo he had failed in his duty in that reſpect. That to conſtrue the antient courſe of the exchequer in the act of parliament, to be meant, that the clerk of the pells ſhould tranſmit the rolls, was a direct contradiction to the act, that ſays, 'the auditor ſhall do it.' That the antient courſe of the exchequer having not been obſerved, was the occaſion of making that law: and that they thought laws were to be obſerved. That indeed no proceſs could iſſue till the rolls were tranſmitted, and poſſibly might be the ground the accounts had been ſo long unpaſſed, to the prejudice of the public. And that, in his lordſhip's apprehenſion, there was no loſs to the public by not tranſmitting the rolls, might probably be the reaſon of his lordſhip's neglecting his duty."

Here the free conference broke up; and, the members being returned to their reſpective houſes, the commons ordered their managers to draw up a report of the ſaid free conference; and then a motion was made, "That the votes of the houſe ſhould not be printed; and that this might be a ſtanding order;" which was carried in the affirmative. The lords, on the contrary, ordered their proceedings, in relation to the public accounts, to be immediately printed; whereupon the commons reſolved to publiſh their proceedings likewiſe.

[f] The ducheſs obſerves, in the account of her conduct, p. 127, that ſhe

which the title of duke of Buckinghamſhire was afterwards added [g].

After the proceedings in the parliament, thoſe of the convocation, which was called with the parliament, are next to be related. Dr. Aldrich, dean of Chriſt-church, was choſen prolocutor. At the firſt opening, there was a conteſt between the two houſes, that laſted ſome days, concerning an addreſs to the queen. The lower-houſe intended to caſt ſome reflections on the late reign, in imitation of what the houſe of commons had done, and the reflections were ſo worded, as moſt of the biſhops were pointed at by them; but, the upper houſe refuſing to concur, the lower houſe receded; and both agreed at laſt in another addreſs, which was preſented to the queen, and in which they expreſſed their "great ſenſe of the favour and goodneſs of God, in ſetting her majeſty on the throne of her anceſtors, and making her the defender of that faith, of which ſhe had been ſo glorious an ornament. They thanked her majeſty for her many gracious aſſurances of her unmoveable reſolution to ſupport and protect the church of England, as by law eſtabliſhed, and to continue it to future ages, by maintaining the ſucceſſion of the crown in the proteſtant line." And told her majeſty, "That they promiſed themſelves, that, whatever might be wanting to reſtore the church to it's due rights and privileges, her majeſty would have the glory of doing it, and of ſecuring it to poſterity." She told them in anſwer, "That their concurrence, in this dutiful addreſs, was a good preſage of their union in all other matters, which was very deſirable for her ſervice, and the good of the church." But they did not anſwer her majeſty's expectations. The former conteſt was ſoon revived. Many days were not paſſed, before the lower-houſe applied to the archbiſhop of Canterbury and his ſuffragans, begging, that the matters in diſpute, about which there had been differences in two late convocations, concerning the manner of ſynodical proceedings, and the right of the lower houſe to hold intermediate aſſemblies, might be taken into conſideration, and ſpeedily determined, that ſo buſineſs might not be hindered, nor the order and peace of the church diſturbed.

The biſhops reſolved to offer them all that they could without giving up their character and authority. They propoſed, that, in the intervals of ſeſſions, the lower houſe might appoint committees to prepare matters, and, when buſineſs was brought regularly before them, the archbiſhop would ſo order the prorogations, that they might have ſufficient time to ſit and deliberate about it. This fully ſatisfied many of that body: But the majority ſtill inſiſted on the right to hold aſſemblies, and continue to act as an houſe in the intervals of prorogations, and therefore renewed their requeſt, that ſomething might be offered more effectual to the purpoſe intended.

On that day it was ordered by the houſe of commons, that Mr. Lloyd (ſon of the biſhop of Worceſter) ſhould be proſecuted by the attorney-general, 'after his privilege as a member of the lower houſe of convocation was out.' This being taken notice of by the ſaid lower houſe of convocation, they, on the 20th of November, ordered, that their prolocutor, and three of their members, ſhould wait on Mr. Speaker of the honourable houſe of commons, to return their humble thanks to him, and to that moſt honourable houſe, for the great favour which they had on all occaſions been pleaſed to expreſs: And particularly for the late regard which they of themſelves, without ſuggeſtion or ſollicitation, were pleaſed to have to the privileges of their houſe, in the caſe of one of their members, who had the misfortune to fall under their diſpleaſure. This was read to Mr. Speaker at his houſe, November 21, and the ſame day he read it in the houſe of commons; who thereupon paſſed a vote, by which it was reſolved, 'That the houſe would on all occaſions aſſert the juſt rights and privileges of the lower houſe of convocation.' Which made ſome conclude, that now they ſhould certainly carry their point. But the archbiſhops and biſhops, reſolving to ſtand their ground, the very next day, November 22, made anſwer to the lower houſe, that they thought they had offered what was ſufficient towards the ending the differences there had been between them. That they could not depart from the archbiſhop's right of proroguing the whole convocation, with conſent of his ſuffragans, according to conſtant uſage. That, by the ſame act, by which the convocation is prorogued, the whole buſineſs of the convocation is continued in the ſtate it is then in, to that farther day of the next ſeſſion. That they could not admit of their new claim, and that what had been offered, was ſufficient for the doing of any buſineſs to be done in convocation.

Upon this the lower houſe, repreſenting it as not ſo reaſonable, that either houſe ſhould be judge over the other in it's own cauſe, propoſed to refer the controverſy to the queen's deciſion, and to ſuch as ſhe ſhould appoint to hear and ſettle it.

The biſhops anſwered, that they did not admire their affecting to expreſs themſelves in a manner, that ſets the two houſes on ſuch an equality, as was inconſiſtent with the epiſcopal authority and the archbiſhop's preſidency. That they reckoned themſelves ſafe and happy in the queen's protection, and would pay all due ſubmiſſion to her orders; but could not think it proper to trouble her with the controverſy: And that it was not in their power to part with any of thoſe rights veſted in them by the conſtitution of the church, and the laws and cuſtoms of the realm. Indeed it would have been a ſtrange ſight, very acceptable to the enemies of the church, chiefly to papiſts, to ſee the two houſes of convocation pleading their authority and rights before a committee of council, that was to determine the matter. The lower houſe perceiving that, by oppoſing the biſhops in ſo harſh as well as unheard-of a manner, they were repreſented as favourers of preſbytery; to clear themſelves of that imputation, addreſſed the upper houſe the ſame day, ſignifying their concern to find themſelves aſperſed as ill-affected to the metropolitical and epiſcopal rights: and therefore they thought themſelves obliged to make and ſign the declaration annexed, praying their lordſhips not to credit any ſuch evil ſuggeſtions, and to cauſe their declaration to be entered in their books.

The ſubſtance of their declaration was, "Whereas they had been ſcandalouſly and maliciouſly repreſented as favourers of preſbytery, in oppoſition to epiſcopacy, they now declared, That they acknowledged the order of biſhops as ſuperior to preſbyters, to be of divine apoſtolical inſtitution, and that they claimed no rights, but what they conceived neceſſary to the very being of the lower houſe of convocation."

The party, that voted together and kept their intermediate ſeſſions, ſigned this declaration; and, in an additional addreſs of the ſame day, deſired the biſhops to concur in ſettling the doctrine of the divine apoſtolical right of epiſcopacy, that it might be the ſtanding rule of the church. This was a plain attempt to make a canon or conſtitution, without obtaining a royal licence, which by the ſtatute, confirming the ſubmiſſion of the clergy in Henry VIII's time, made both them and all who choſe them incur a præmunire. For this reaſon, many of the lower houſe, in a ſeparate addreſs to the archbiſhop, diſclaimed the 'declaration' as apprehenſive of the danger of ſuch a proceeding, though they did not object againſt the truth of their doctrine, praying, that their diſſent might be entered in their books.

Whilſt the biſhops were conſidering of an anſwer to the addreſs and declaration, the lower houſe preſented a petition to the queen, ſhewing, that, after ten years interruption of holding convocations, ſeveral queſtions aroſe in that in 1700, concerning the rights and liberties of the lower houſe, and particularly about prorogations and adjournments. That,

obtained the peerage for him, in ſpite of the oppoſition of the tories, and eſpecially of the other four new peers, who, for a while, refuſed the peerage, if Mr. Harvey, a whig, were admitted to the ſame honour. The ducheſs brings this as an inſtance of her differing from the queen in her notions about the tories, to which ſhe adds a letter from the queen, to the ſame purpoſe.

"I am very glad to find by my dear Mrs. Freeman's, that I was bleſſed with yeſterday, that ſhe liked my ſpeech, but I cannot help being extremely concerned, you are ſo partial to the whigs, becauſe I would not have you, and your poor, unfortunate, faithful Morley differ in opinion in the leaſt thing. What I ſaid, when I writ laſt upon this ſubject, does not proceed from any inſinuations of the other party; but I know the principles of the church of England, and I know thoſe of the whigs, and that it is that, and no other reaſon, which makes me think as I do, of the laſt. And upon my word, my dear Mrs. Freeman, you are mightily miſtaken in your notion of a true whig: For the character, you give of them, does not in the leaſt belong to them, but to the church. But I will ſay no more on this ſubject, only beg, for my poor ſake, that you would not ſhew more countenance to thoſe, you ſeem to have ſo much inclination for, than to the church party."

[g] Other promotions were: The marquis of Caermarthen was made vice-admiral of the red; Graydon, vice-admiral of the white; Leake, vice-admiral of the blue; Byng, rear-admiral of the red; Dilks, rear-admiral of the white; and Beaumont, rear-admiral of the blue. On the 13th of March, three knights of the garter were inſtalled in St. George's chapel at Windſor. The elector of Hanover, by his proxy the lord Mohun; the duke of Bedford, in perſon; and the duke of Marlborough, by his proxy ſir Benjamin Bathurſt. Two days after, the queen appointed the earl of Denbigh to be lord-lieutenant of the county of Leiceſter; the lord Guildford, of Eſſex; and the earl of Dyſert, of Suffolk. On the 20th of the ſame month, the archbiſhop of York, the earl of Thanet, and the lord Guernſey, were admitted into the privy-council. The next day Jervaſe Pierrepoint was created baron Pierrepoint of Ardglaſs in Ireland; and, on the 24th, the earl of Rutland was made marquis of Granby, and duke of Rutland; and Edward Harley was, by the intereſt of his brother, the ſpeaker, appointed auditor of the impreſt, in the room of Thomas Done deceaſed.

Charles

the upper houſe had refuſed a verbal conference. That, in the next convocation, the ſame queſtion took place, and that it was expected they ſhould abſolutely ſubmit to their lordſhips judgment, though in their own cauſe. That in this convocation, they had applied to their lordſhips to ſuggeſt a method to ſettle the matter: But, not ſucceeding, had offered to ſubmit it to her majeſty's determination, which their lordſhips alſo declined. They therefore fled for protection and relief to her majeſty, begging ſhe would call the queſtion into her own royal audience, &c. The queen promiſed to conſider their petition, and ſend them an anſwer as ſoon as ſhe could. By this means the matter was brought into the hands of the miniſtry; the earl of Nottingham was of their ſide, but confeſſed, he underſtood not the controverſy. The judges and the queen's council were ordered to examine, how the matter ſtood in point of law, which was thus ſtated to them: The conſtant practice, as far as there were books or records, was, that the archbiſhop prorogued the convocation by a 'ſchedule;' of this the form was ſo fixed, that it could not be altered but by act of parliament: There was a clauſe in the 'ſchedule,' that continued all matters before the convocation, in the ſtate in which they were, to the day to which he prorogued them: Hence it was evident, that there could be no intermediate ſeſſion, for a ſeſſion of the lower houſe could, by paſſing a vote in any matter, alter the ſtate it was in. What opinion the lawyers came to in this matter was kept a ſecret. It was not doubted but they were againſt the pretenſions of the lower houſe. The queen made no anſwer to their addreſs; and it was believed, the reaſon was, becauſe the anſwer muſt, according to the opinion of the lawyers, have been contrary to what the lower houſe expected: And therefore the miniſters choſe rather to give no anſwer, and that it ſhould ſeem to be forgot, than that ſuch a one ſhould be given, as would put an end to the debate, which they intended to cheriſh and ſupport.

Mean while, the lower houſe looked on what they did in the matter of their declaration as a maſter-piece; for, if the biſhops concurred with them, they reckoned they gained their point; and, if they refuſed it, they reſolved to make them, who would not come up to ſuch a poſitive aſſertion of the divine right of epiſcopacy, paſs for the ſecret favourers of preſbytery. But the biſhops ſaw their deſigns, and therefore the archbiſhop ſent them for anſwer, that the preface to the form of ordination contained a declaration of three orders of miniſters from the apoſtles times, viz. Biſhops, prieſts, and deacons, to which they had ſubſcribed: But that he and his brethren conceived, that, without a royal licence, they had not authority to 'attempt, enact, promulge, or execute, any canon, &c. by whatever name it might be called, which ſhould concern either doctrine or diſcipline: And that this was the opinion of divers learned perſons in their own houſe: But that they took notice of their zeal for the epiſcopal order, and hoped they would act agreeably to it in their future proceedings.

The lower houſe, on February 11, replied, That they wondered at their lordſhips caution: That they would not ſo much as ſatisfy the lower clergy, that they did not diſſent from them, even in this point too. They took the freedom to tell their lordſhips, that they miſrecited the ſtatute of 25 Hen. VIII, and ſignify to them, that declaring their ſenſe concerning a truth in religion, ſpeculative only, and without requiring either aſſent or obedience, was not forbidden by that act: And intimate their ſorrow, that the reflections of ignorant and malicious men, of which they complained to their lordſhips, were rather likely to be confirmed by their lordſhips anſwer: And diſcover their reſentment of the cloſing admonition, &c. After this reply, theſe matters were at a full ſtand, when the ſeſſion came to an end by the prorogation of the parliament.

From thoſe diſputes in convocation, diviſions ran through the whole body of the clergy, and, to fix theſe, new names were found out: They were diſtinguiſhed by the names of HIGH CHURCH and LOW CHURCH. All that treated the diſſenters with temper and moderation, and were for reſiding conſtantly at their cures, and for labouring diligently in them; that expreſſed a zeal againſt the prince of Wales, and for the revolution; that wiſhed well to the preſent war, and to the alliance againſt France, were repreſented as ſecret favourers of paeſbytery, and as ill-affected to the church, and were called 'Low Churchmen:' It was ſaid, that they were in the church only, while the law and preferments were on it's ſide; but that they were ready to give it up, as ſoon as they ſaw a proper time for declaring themſelves: With theſe falſe and invidious characters did the high party endeavour to load all thoſe, who could not be brought into their meaſures and deſigns.

About this time the earl of Clarendon's hiſtory was put to the preſs, after it had lain by thirty years, it being thought a proper ſeaſon to publiſh it. For it was now become faſhionable to caſt reproach on her parliamentary right, on purpoſe to affront that of the late king, as well as the right of the houſe of Hanover. To do it the more effectually, the queen's heirſhip was traced down from Edward the confeſſor, and, as a viſible proof of it, the queen was put upon curing the 'King's Evil,' according to the divine gift, deſcended on all the hereditary kings from the Confeſſor. Care therefore was taken to inſert it in the public news-papers, in one of which it was ſaid: 'Yeſterday the queen was graciouſly pleaſed to touch for the King's Evil ſome particular perſons in private;' and, three weeks after, December 19, 'Yeſterday, about twelve at noon, her majeſty was pleaſed to touch at St. James's about twenty perſons afflicted with the King's Evil.' Again, at Bath, October 6, 'A great number of perſons coming to this place, to be touched by the queen's majeſty for the evil, her majeſty commanded Dr. Thomas Gardiner, her chief ſurgeon, to examine them all particularly, which accordingly was done by him; of whom but thirty appeared to have the Evil, which he certified by tickets as is uſual, and thoſe thirty were all touched that day privately, by reaſon of her majeſty's not having a proper conveniency for the ſolemnity.' To make the thing the more ſerious, an office is inſerted in the liturgy, to be uſed on this occaſion [h].

The beginning of the war in America proved unfortunate through the loſs of vice-admiral Benbow. He was ſent to the Weſt-Indies with a ſquadron of men of war, and ſtationed at Jamaica to watch the enemy in thoſe parts. He ſailed from Port Royal, the 11th of July 1702, in order to join rear-admiral Whetſtone. But having advice, on the 14th, by the Colcheſter and Pendennis, who joined him that day, that du Caſſe was expected in thoſe ſeas, he went in ſearch of him. Du Caſſe was carrying the Spaniſh duke of Albuquerque to his government of Mexico with a good number of troops on board. Benbow took and deſtroyed by the way eight or ten merchant ſhips, and a man of war capable of carrying fifty guns. The 19th of Auguſt, he diſcovered du Caſſe with four large ſhips of war, a frigate of thirty guns, which had been a Dutch fly boat, a ſmall ſhip full of ſoldiers, with a ſloop and three ſmall veſſels. Bembow, giving him chace, and reſolving to fight him, diſpoſed his ſhips in the following line, the Defiance, captain Richard Kirby; the Pendennis, captain Thomas Hudſon; the Windſor, captain John Conſtable; the Breda, vice-admiral Benbow with captain Fogg; the Greenwich, captain Cooper Wade; the Ruby, captain George Walton; and the Falmouth, captain Samuel Vincent. Being uneaſy to ſee ſome of his ſhips ſo long in coming up, and in diſorder, and obſerving, that the Defiance and Windſor did not make any haſte to come into their ſtation, he ſent to them to make more ſail. The night approaching, the admiral ſteered along ſide of the enemy, and endeavoured to keep near them, though not with a deſign to attack them before the Defiance was a-breaſt of the headmoſt ſhip. But, before this was done, the Falmouth in the rear attacked the fly boat, and the Windſor the ſhip a-breaſt of her, as alſo did the Defiance. Soon after the admiral was obliged to do the ſame, having received the fire of the French ſhip a-breaſt of him. The Defiance and Windſor, after they had received two or three broadſides from the enemy, broke from the line out of gun-ſhot. The two ſternmoſt ſhips of the French lay upon the admiral, which very much galled him, the ſhips in the rear not coming up as they ought. It was four o'clock when the engagement began, and it continued till it was dark. The admiral perceiving, that the French would decline fighting, if they could, reſolved to purſue them; and, believing that, if he led himſelf on all tacks, the other captains, for ſhame, would not fail to follow his example, he ordered the following line of battle, the Breda, Defiance, Windſor, Greenwich, Ruby, Pendennis, and Falmouth.

On the 20th, at break of day, the admiral was within gun-ſhot of the enemy; but the other ſhips, except the Ruby alone, which was up with him, were three, four, and five miles a-ſtern. At two in the afternoon, the ſea-breeze riſing, the enemy got into a line, making what ſail they

[h] Charles Barnard the ſurgeon, who had made this touching the ſubject of his raillery all his life-time, till he became body-ſurgeon at Court, and found it a good perquiſite, reſolved all difficulties by telling his companions with a fleer: 'Really one could not have thought it, if one had not ſeen it.' Oldm. II. p. 302.

could

could. The other ſhips not coming up, the admiral in the Breda, with the Ruby, plied their chace guns on them till night, when they left off, but kept them company all night. The 21ſt, at day-light, the admiral, being on the quarter of the ſecond ſhip of the enemy, and within point-blank ſhot, the Ruby being a-head of him, the French ſhip fired at the Ruby, which ſhe returned. The two French ſhips, which were a-head, fell off, there being little wind, and brought their guns to bear on the Ruby. The Breda brought her guns to bear on the French ſhip, and ſhattered her very much, which obliged her to tow off. But the Ruby was likewiſe ſo much ſhattered in her maſts, ſails, and rigging, that the admiral was obliged to lie by her, and ſend boats to tow her off. This action held almoſt two hours, during which the rear-ſhip of the enemy was a-breaſt of the Defiance and Windſor, who never fired a gun, though within point-blank. At eight o'clock in the morning, a gale of wind ſpringing up, the enemy made what ſail they could, and the admiral chaſed them, in hopes to come up with them. At two that afternoon the admiral got a-breaſt of two of the ſternmoſt of the enemy's ſhips; and in hopes to diſable them in their maſts and rigging, he began to fire on them, as did ſome of the ſhips a-ſtern; but, lying a-breaſt of them, they pointed wholly at him, which galled his ſhip much in her rigging, and diſmounted two or three of her lower tier guns. However, the admiral made what way he could after the French, who uſed all the ſhifts poſſible to avoid fighting. The 22d, at day-light, the Greenwich was about three leagues a-ſtern, though the ſignal for the line of battle was never ſtruck night nor day. The reſt of the ſhips were indifferently near, except the Ruby; the enemy being about a mile and half a-head. At three in the afternoon, the wind turned to the ſouthward, which before had been eaſterly. This gave the enemy the weather-gage; but, in tacking, the admiral fetched within gun-ſhot of the ſternmoſt of them, firing at each other; but, his line being much out of order, and ſome of his ſhips three miles a-ſtern, nothing could be done. In the night the enemy was very uneaſy, altering their courſes very often between the weſt and north. The 23d, about break of day, the enemy was about ſix miles abreaſt of them; and the fly-boat ſeparated from the enemy out of ſight. At ten o'clock, the enemy tacked, the wind being at eaſt north eaſt, but variable. The admiral fetched within point-blank ſhot of two of them, paſſing broadſides at each other. Soon after he tacked, and purſued them what he could. The Ruby being diſabled, the admiral ordered her for Port Royal. At eight that evening, the Engliſh ſquadron was about two miles diſtant from the enemy, they ſteering ſouth eaſt, and very little wind; then at north-weſt and variable. The admiral ſteered after them, but all his ſhips, except the Falmouth, fell much a-ſtern. At twelve the enemy began to ſeparate. The 24th, at two in the morning, the admiral came up within call of the ſternmoſt, and fired a broadſide, which the French returned. At three o'clock, by a chain-ſhot, Benbow's right leg was broke in pieces, and he was carried down; but this brave man preſently ordered his cradle on the quarter-deck, and continued the fight till day, when appeared the ruins of a ſhip of about ſeventy guns. The Falmouth aſſiſted in this affair very much, but no other ſhip. Soon after day, the admiral ſaw the other part of the enemy coming towards him with a ſtrong eaſterly gale; and at the ſame time the Windſor, Pendennis and Greenwich, a-head of the enemy, came to leeward of the diſabled ſhip, fired their broadſides, paſſed her, and ſtood to the ſouthward. Then the Defiance, following them, came alſo to leeward of the diſabled ſhip, and fired part of her broadſide. The diſabled ſhip did not fire above twenty guns at the Defiance, before ſhe ran away before the wind, lowered both her top-ſails, and ran to leeward of the Falmouth, which was then a gun-ſhot to leeward of the admiral, knotting her rigging, without any regard to the ſignal of battle. The enemy ſeeing the other two Engliſh ſhips ſtanding to the ſouthward, and expecting they would have tacked and ſtood with them, they brought to with their heads to the northward; but, ſeeing theſe three ſhips did not tack, bore down upon the admiral, ran between the diſabled ſhip and him, and ſhot his main top-ſail yard, and ſhattered his rigging much; none of the other ſhips being near him, nor taking any notice of the battle-ſignal. The captain of the Breda fired two guns at thoſe ſhips a-head, in order to put them in mind of their duty; and, on the other hand, the French, ſeeing this great diſorder, brought to, and lay by their own diſabled ſhip, manned her again, and took her in tow. The Breda's rigging being much ſhattered, ſhe lay by till ten o'clock, and, being then refitted, the admiral ordered the captain to purſue the enemy, who was then about three miles diſtance to leeward, having the diſabled ſhip in tow, ſteering north-eaſt, the wind at ſouth ſouth-weſt. The admiral, in the mean time, made all the ſail after them he could, the battle-ſignal being ſtill out: but the enemy taking encouragement from the behaviour of ſome of the Engliſh captains, the admiral ordered captain Fogg to ſend to the captains to keep their line, and to behave themſelves like men. Upon this, captain Kirkby came on board the admiral, and preſſed him very earneſtly to deſiſt from any further engagement; which made the admiral deſirous to know the opinion of the other captains; and, accordingly, he ordered captain Fogg to make the ſignal for all the other captains to come on board. Moſt of them concurring with captain Kirkby in his opinion not to fight, the admiral, not being able to prevail with them to come to any vigorous reſolutions, thought it not fit to venture any further; though, at this time, he was a broad-ſide of the enemy, and had a fair opportunity of fighting them, the maſts and yards in a good condition, and few men killed, except thoſe on board the Breda.

After this unfortunate action, admiral Benbow returned to Jamaica, where, on the 6th of October, he iſſued out a commiſſion to rear-admiral Whetſtone, and ſome captains, to hold a court-martial, for the trial of the captains Kirkby, Conſtable, Wade, and Hudſon, who were charged with cowardice, breach of orders, and neglect of duty, in the late engagement off Carthagena. The court-martial held four days, and, upon full proof, Kirkby and Wade were ſentenced to be ſhot to death, but the execution to be reſpited till her majeſty's pleaſure ſhould be known. Conſtable was cleared by his own officers and men of cowardice; but, the other crimes being proved againſt him, he was caſhiered from the queen's ſervice, with impriſonment during her pleaſure. And, as for Hudſon, he died ſome days before the trial. Captain Vincent, commander of the Falmouth, and captain Fogg, commander of the admiral's ſhip, were alſo tried for ſigning a paper with captain Kirkby and the reſt againſt engaging the French, when there was ſo fair an opportunity, with probability of ſucceſs. But, upon their alledging, that they did it only becauſe they were perſuaded, conſidering the cowardly behaviour of thoſe captains, that, upon another engagement, they would deſert, and leave the admiral in the Breda, and the Falmouth, a prey to the enemy: And upon the character given by the admiral, and others, of their great courage and gallant behaviour in the battle, the court thought fit only to ſuſpend them from their employment in her majeſty's ſervice; and withal, that their ſuſpenſion ſhould not take place, till the high admiral's pleaſure ſhould be known. The queen confirmed the ſentence paſſed upon the captains Kirkby, Wade, and Conſtable, who were ſent to England in the Briſtol man of war; and upon their arrival at Plymouth, on the 14th of April, 1703, the two firſt were immediately ſhot to death.

Admiral Benbow was very ſenſibly concerned at this diſappointment, and, having languiſhed for ſome time, died at laſt, on the 4th of November 1702, of the wounds, which he had received in the engagement, being extremely lamented, as one of the braveſt and moſt experienced ſea officers, that England ever bred. He was born at Shrewſbury in the county of Salop, and educated in the free ſchool there: And though his family was of good rank, yet it had been ſo reduced, that he was bound apprentice to a waterman. He afterwards uſed the ſeas, and became a privateer (as they themſelves called it) in the Weſt Indies. In proceſs of time he was made maſter of attendance at Deptford, where he continued ſeveral years. In the late war he was employed in bombarding St Malo, and by quick gradations raiſed to be a flag-officer, and ſent admiral of a ſquadron to the Weſt-Indies. He was a man of remarkable temperance and naturally charitable. As for his military virtues, he was bold and daring, and undaunted in the midſt of dangers. In a letter to his wife, after the engagement, he tells her, "That the loſs of his leg did not trouble him half ſo much, as the villainous treachery of ſome of the captains under him, which hindered him from totally deſtroying the French ſquadron." He was about fifty years old when he died.

Not long after colonel Robert Daniel arrived at Port-Royal from Carolina, and brought account, that colonel Moore, governor of that plantation, marched from Charles-Town in South-Carolina with five hundred men, in order to attack a colony of the Spaniards about three hundred miles diſtant, called St. Auguſtin near the Gulph of Florida: he ſoon poſſeſſed himſelf of the town, the inhabitants retiring with their beſt effects into a ſtrong fort, ſurrounded by a very deep

deep and broad moat (in which they had laid up provisions enough to last them four months) where they defended themselves very obstinately. It being impossible to take this fort by storm, colonel Moore caused it to be blocked up, and sent colonel Daniel to Port Royal to borrow a mortar and some shells to bombard it, and doubted not, that he should, by that means, soon force them to surrender. If this expedition had succeeded, it would have greatly contributed to the security of South Carolina, there being no other place, from whence they could afterwards be disturbed, except a small settlement, which the French called the Pallisadoes, about two hundred miles farther in the country to the westward. But, some French and Spanish galleons being arrived at St. Augustin before the return of colonel Daniel, Moore was obliged to raise the blockade, and to return to his government by land, after having burnt the ship in which he came.

Some time before letters brought advice, that some frigates of English privateers attacked a place called Toulon on the continent, about ten leagues from Carthagena, which they took, plundered, and burnt. Thence they sailed to Caledonia, went up the river Darien, and so consorting with the Indians, were carried by them in twelve days march to the gold mines at Santa Cruz de Cana near Santa Maria. The ninth day of their march, they came to an out-guard of ten men, which the Spaniards had at some distance from the place, of whom they took nine; but the other escaping gave notice at the mines of their approach, upon which the richest of the inhabitants retired from thence with their money and jewels. However the English party, which consisted of about four hundred men, being come up, took the fort, and possessed themselves of the mines, where there remained about seventy negroes, whom they set to work, and continued there one and twenty days, in which time they got above eighty pounds weight of gold dust. They also found several parcels of plate, which the inhabitants had buried at leaving that place. The English, at their departure, burnt all the town, except the church, and returned to their sloops, bringing away the negroes. Some went further up the river in their sloops, having a design upon another gold mine, called Chocoa, and two of the sloops commanded by Plowman and Grandy sailing towards Cuba, landed near Trinidado; and with an hundred and fifty men took the town, burnt a great part of it, and brought off a very considerable booty.

On the 7th of March, colonel Codrington, governor of the Leeward Islands in America, came with the land-forces under his command on board a squadron of men of war, with divers privateers, and other vessels, before the island of Guadalupe, receiving several shot from the shore, though without doing any other mischief, than killing one man, and wounding a boy. The colonel stood off till the 10th, waiting for the Maidstone, and the small vessels, that carried the provision and ammunition. Upon the 12th, colonel Byam, with his own regiment, and two hundred of colonel Whetham's men landed by break of day, at a place called Les Petits Habitants, where they met with some opposition, but soon constrained the enemy to retire. About nine in the morning, colonel Whetham landed in a bay to the northward of a town called La Bayliffe, where he met with a vigorous resistance from all the enemies forces posted in very good and advantageous breast-works, plying the English with their great and small shot; yet, notwithstanding all their fire, the English marched up to their intrenchments with their muskets shouldered, not firing a shot, till they could lay the muzzles of their guns upon the enemy's breast-works. Here the English had three captains killed, before they made themselves masters of the enemy's intrenchments; which they did about noon, and in an hour after, of La Bayliffe, and the Jacobines church, which the enemy had fortified, and of ten pieces of their cannon. About two, the English took a platform with three pieces of cannon; and the marine regiment attacked the Jacobine plantation and breast-work all along the Jacobines river, which the enemy quitted upon the firing of two vollies only of small shot upon them. The next day the English possessed themselves of the great town called Basse Terre, and forced the enemy to retire into the castle and fort, which they defended till the third of April, and then, blowing them up, retired to the mountains. The English had now nothing to do but to send out parties to burn and destroy the enemy's houses, works, sugar-canes, and provisions, to ravage the country, and to bring in what cattle and plunder they could find; after which they burnt the town to the ground, razed the fortifications, took the best of the guns on board, and made their retreat without the loss of a man, and, reimbarking, returned to St. Christopher's [i]. But to return to Europe.

Whilst the queen was bestowing her favours on the church-party in England, some alterations were made in Scotland, which were as advantageous to the anti-revolutioners and episcopalians, as they were displeasing to the presbyterians. The earl of Marchmont, lord chancellor; the earl of Melvil, president of the council; earl of Selkirk, lord register; Adam Cockburne, of Ormiston, treasurer-deputy; sir John Maxwell, of Pollock, justice-clerk; earl of Leven, governor of the castle of Edinburgh; and the earl of Hyndford, one of the secretaries of state, were all laid aside. On the other hand, the duke of Queensberry, and the lord viscount Tarbat, were made secretaries of state; and the earl of Seafield, chancellor; the marquis of Annandale, president of the council; the earl of Tullibardin, (afterwards duke of Athol) lord privy-seal; the lord Boyle, treasurer-deputy; Mr. Roderick Mackenzey, of Preston-Hall, justice-clerk; sir James Murray, of Philiphaugh, lord register; and the earl of March, governor of Edinburgh-castle. And though all these, except the earl of March, had, at or since the revolution, been deeply engaged against the interest of king James and his family; yet the duke of Queensberry and his two dependents, the lord Boyle and sir James Murray, pretended to be quite of another mind: the marquis of Annandale, earl Seafield, and viscount Tarbat valued themselves upon having, once, opposed king William; and the marquis, every body believed, would, if kindly dealt with, go along with the prevailing party. But, before this change in the ministry was perfected, the scantiness of the funds provided by the last parliament, and the difficulties in collecting them, rendered it absolutely necessary to call a new parliament to sit in the spring of the year 1703. And therefore the earl of Seafield, then secretary of state, came down from London to Scotland, to influence the elections, which by a concurrence of several accidents were so managed, that a greater number of anti-revolutioners were chosen than had been known in any former parliament. At the same time, duke Hamilton, and some others, who had been the greatest persecutors of the presbyterians, set up for patrons of the episcopal clergy, and obtained from the queen a letter to the privy-council of Scotland, wherein, among other things, she said: 'We do, in the first place, recommend to your care the church now established by law, in its superior and inferior judicatures, such as sessions, presbyters, synods, and general assemblies; as also in the exercise of their holy functions, and in what concerns their persons and benefices. We are informed, that there are are many dissenters who, albeit they differ from the established church in opinion as to church-government and form, yet are of the protestant reformed religion, some of which are in possession of benefices, and others exercise their worship in meeting-houses. It is our royal pleasure, that they should be directed to live suitably to the reformed religion, which they profess, submissively to our laws; decently and regularly with relation to the church established by law, as good Christians and subjects; and, in so doing, that they be protected in the peaceable possession of their religion, and in their persons and estates, according to the laws of the kingdom. And we recommend to the clergy of the established discipline their living in brotherly-love and communion with such dissenters.'

Encouraged by these expressions and the queen's repeated assurances, that she would maintain the Church of England, and even the least member of it, in all their just rights and privileges; the episcopal clergy framed an address, to which, with great pains and many indirect methods, they procured many subscriptions, and which was presented to the queen, the 13th of March, by Dr. Skeen and Dr. Scot, introduced by the duke of Queensberry (who nine days before had been appointed high-commissioner) and viscount Tarbat [k].

[i] Father Daniel, though he mentions this descent of the English on Guadalupe, conceals all these circumstances to their advantage, and pretends, that they were repulsed with loss by the sieur Auger, governor of the island. Monsieur de Larrey says, that, Monsieur Gabaret arriving at Fort St. Mary's with two frigates, a flute, nine armed barks, and seven hundred men for the assistance of the inhabitants, the English did not think themselves a force sufficient to withstand them, and therefore reimbarked. The Author of the British Empire in America, Vol. II. 187, asserts, That all the successes of this expedition were rendered fruitless, by some unhappy differences among the commanders; though something must be imputed to the vigorous defence of the French, and the sickness of the English soldiers; which obliged the general to reimbark his men, after they were so near making a conquest of the whole island.

[k] The address was as follows.

'We, your majesty's most humble, dutiful, loyal, and most obedient subjects, look on it as no small blessing to have a queen of our ancient race of kings, who has always been a pattern of virtue, and a constant supporter and owner of the true reformed orthodox religion; and who, since her coming

The queen in her anſwer aſſured them of her protection, and endeavours to ſupply their neceſſities as far as conveniently ſhe could, and recommended them to live in peace and Chriſtian love with the clergy, who were by law inveſted with the church-government in her ancient kingdom of Scotland.

The next thing, which the enemies of the revolution improved to their advantage, was a proclamation of indemnity publiſhed by the queen, on the 6th of March 1702-3. It was ſet up for a maxim by the new miniſtry, that all the Jacobites were to be invited home; and therefore the proclamation was of a very large extent, indemnifying all perſons for all treaſons committed before April laſt, without any limitation of time for their coming home to accept of this grace, and without demanding any ſecurity of them for the future. Upon this conſiderable numbers of Jacobites came over to Scotland from St. Germain's and other parts of France, though they had forfeited their lives to the law by correſponding with the enemy, and practiſing againſt the government in king William's reign. Some of them pretended to be new converts, and together with others at home, who had ſtood out all king William's time, qualified themſelves to ſit in parliament by taking the oaths. The anti-revolutioners, being proud of this acceſſion of ſtrength, thought themſelves in a condition to preſcribe terms to the government, and carried matters to an unaccountable height.

This was the poſture of affairs in Scotland, before and at the time, when the queen found it neceſſary to ſatisfy the nation by calling a new parliament. The epiſcopal party thought themſelves ſo ſecure of a majority, that they every where gave out, they ſhould be able to vote down preſbytery, and to reſtore patronages, or at leaſt to carry a toleration, ſo as their own clergy might be called to benefices, as well as the preſbyterians. Nor did their confidence terminate in humbling the preſbyterians of Scotland, but they flattered themſelves alſo with the hopes of mortifying the revolution-party of the Church of England; and this they were prompted to expect by a North-country clergyman, turned out in 1694 for refuſing the oaths to king William, whom they had ſince employed as their agent at London, and who, upon the death of that prince, in a letter to thoſe, who employed him in Scotland, expreſſed himſelf thus: 'The Church of England was ſo much out of order during the late reign, that it will take ſome time to put matters right, which her majeſty is firmly reſolved to ſee to with all convenient haſte.' Thus they endeavoured to ſpread the belief, that the queen was their friend, while the greateſt part of them not only refuſed to ſwear allegiance to her, but ſome of thoſe, who had taken the oaths, made no ſcruple openly to confeſs, 'That they ſwore to her only as a Tutrix or Regent, during the minority of her ſuppoſed brother.' By this it appears, that the whole kingdom of Scotland was in a ferment at the ſitting down of the parliament. The country-party (which took its riſe from the affair of Darien, and had diſputed the legality of the continuance of the convention-parliament) of which duke Hamilton and the marquis of Tweedale were the leaders, inſiſted upon the redreſs of thoſe grievances, which the country laboured under in the former reign. The preſbyterians in general, and others of revolution principles, who were headed by the duke of Argyle, were alarmed at the bold proceedings of the anti-revolutioners, of whom the earl of Hume was chief. This divided the country party among themſelves; for, moſt of that party in the late reign being revolution-men, they were jealous of the new acceſſion of anti-revolutioners; and therefore it was not poſſible for them to concert meaſures together. Theſe jealouſies were heightened by new diſcoveries, which the anti-revolutioners had made of their ſentiments in council and elſewhere: That they were againſt ratifying the ſeveral ſteps of the revolution, and the proceedings of king William's parliament on that head; but thought beſt to paſs it over as a thing extraordinary and out of courſe; and alledged, that all parties might be ſafe enough under the ſhelter of her majeſty's general indemnity. The revolutioners knowing well, that, according to the old conſtitution of the kingdom, general pardons granted out of parliament afford but little ſafety, when queſtioned in parliament, deſpiſed the motion, and thought fit to leave thoſe to plead the indemnity, who believed they needed it, but conceived themſelves not to be of that number, and therefore reſolved upon a parliamentary ratification of the revolution. This they judged to be the moſt effectual way to prevent after-blows from the oppoſite party, whoſe deſigns became more ſuſpicious by their inſiſting on a diſſolution of the garriſon of Inverlochy, which was a great curb upon the popiſh highlanders, and rigid prelatiſts of the North, the great ſtrength of the anti-revolution party.

[1703.] In this diſpoſition of affairs the parliament met at Edinburgh, the 6th of May 1703, and, the duke of Queensberry, her majeſty's commiſſioner, having taken his ſeat on the throne, the queen's letter was read, wherein ſhe recommended to them to raiſe a ſupply for the forces, to encourage trade, and to proceed with wiſdom, prudence, and unanimity [1]. Then the lord high-commiſſioner, and the earl of Seafield lord chancellor, made ſpeeches, enlarging upon the heads of the queen's letter. This done, duke Hamilton, after a ſpeech proper to the ſubject, offered the draught of a bill, for recognizing her majeſty's undoubted right and title to the imperial crown of Scotland, according to the declaration of the eſtates of the kingdom, containing the claim of right, which was received and read the firſt time, and a ſecond reading unanimouſly ordered the 15th of May, when the queen's advocate, ſir James Stuart, offered an additional clauſe, 'That it ſhould be treaſon to quarrel her majeſty's right and title to the crown, or her exerciſe of the government from her actual entry to the ſame.' This clauſe being read, it was urged by ſome, that it was diſhonourable to her majeſty, becauſe it implied, that the houſe were giving her majeſty an indemnity for the actings and exerciſe of her power ſince her acceſſion to the throne. It was anſwered, that the words meant only in general her majeſty's right to exerciſe her power. To which it was replied, that, whatever was the meaning of thoſe, who had offered the clauſe, yet the words could not admit of any ſuch meaning, unleſs either the laſt part of the clauſe was altered thus: 'her being in the exerciſe of the government.' To this it was again anſwered, in behalf of the clauſe, That by the late queen Mary's death, without heirs of her body, the right of ſucceſſion came to the queen; upon the proſpect of king William's death, ſeeing by the entail ſhe was to ſucceed 'before any children' of his body. But that the exerciſe did never accrue to her till his actual death and her actual acceſſion; and that therefore it was proper, not only to recognize her right to the ſucceſſion; but alſo to recognize her actual exerciſe, and to ſecure it by a ſanction of treaſon. To this it was replied by the duke of Hamilton's friends, that theſe rights ſpoken of did not import any other, than the apparent right of an heir before or after his immediate predeceſſor's death; the firſt of which naturally vaniſhes upon the exiſtence of the ſecond. That the act, as at firſt offered, fully recognized theſe and all manner of rights, which were or could be in her majeſty's perſon; but that the clauſe now offered did moſt diſhonourably ſuperadd a ratification and ſanction of her majeſty's exerciſe, and muſt point at one of theſe three things: Firſt, either it ſuppoſed, that there had been ſomething lame and defective in her majeſty's right and title abovementioned, which had been, ſince her actual ſucceſſion, ſupplied by her majeſty's acts of adminiſtration and exerciſe, and therefore her exerciſe was propoſed to be ratified towards validating her infirm title. But, as there was not the leaſt defect in her majeſty's right and title, therefore this clauſe was unneceſſary and dangerous. That, in the ſecond place, the clauſe inſinuated, that her majeſty, ſince her acceſſion, had exerciſed ſome acts of adminiſtration; to indemnify which, a vote of this houſe ſeemed neceſſary. That, whatever might be charged upon the miniſtry, it was the higheſt indignity done to her majeſty, to expoſe her exerciſe of her royal power to the leaſt ſuſpicion by ſuch a clauſe. And, in the laſt place, that no other reaſon could be given for the tenaciouſneſs of the miniſtry in promoting a clauſe ſo diſhonourable to the queen, but that they themſelves muſt be conſcious, that, contrary to law, they had been inſtrumental in adviſing her

ing to the crown of her illuſtrious anceſtors, has ſhewn ſuch good and generous inclinations to make all her ſubjects live happily, that we have preſumed moſt humbly to addreſs your majeſty to take into your royal conſideration the condition of the ſubjects of the epiſcopal perſuaſion in this kingdom. It is not unknown to your majeſty, the hard meaſure and diſcouragements they met with of late years, particularly thoſe of the clergy, though they have always behaved themſelves (as their principles oblige them to do) peaceably and ſubmiſſively to ſupreme authority.

'May it therefore pleaſe your ſacred majeſty to take thoſe into your royal protection, and give liberty to ſuch pariſhes, where all or moſt of the heritors and inhabitants are of the epiſcopal perſuaſion, to call, place, and give benefices to miniſters of their own principles, which the preſbyterians themſelves can have no reaſon to complain of; for, if the plurality, they pretend to, be true, by this act of grace, neither their churches nor benefices are in hazard: which favour will oblige us more and more, out of gratitude as well as duty, to ſend up our prayers to Almighty God, that the ſame good providence, which places your majeſty upon the throne, and has bleſſed the beginning of your reign with ſuch glorious ſucceſs, may preſerve your majeſty for a bleſſing to theſe lands; and that we may never want a true proteſtant of the ſame royal blood to govern us while ſun and moon endure.'

[1] See the account of the proceedings of the Parliament of Scotland, which met at Edinburgh, May 6, 1703, publiſhed in 1704, and alſo Lockhart's Memoirs.

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majeſty, to exerciſe ſome acts of adminiſtration, ſuch as the calling together the late parliament, which had continued during all the time of the late reign, and promoting in it ſome commiſſions, laws, and powers, beyond the limitations which determined the being, and circumſcribed the power of that parliament: and, being ſenſible, that their advice might very juſtly rebound upon themſelves, they ſhuffled in this diſhonourable clauſe, hoping, under the name of her majeſty's exerciſe, to ſhelter themſelves: but that, whatever might become of this clauſe at this time, it was hoped, that the wiſdom of the houſe would, in due time, paſs a cenſure on thoſe advices, which were like to diſcompoſe her majeſty's quiet, and endanger the welfare of the nation. The duke of Hamilton concluded with ſaying, 'That he had the honour of offering this act for recognizing her majeſty's authority, right, and title; that he had been in hopes, that ſo dutiful an act would have paſſed the vote of this houſe with all imaginable chearfulneſs; and that he was both ſorry and ſurprized to find any thing thrown in, which could create the leaſt demur in it; but let thoſe anſwer for it, who were the authors.' After a long debate, it was again moved, that inſtead of the words, 'her exerciſe of the government,' the following words might be added, 'her being in the exerciſe of the government.' But, by the concurrence of the cavaliers, it was carried by a conſiderable majority, that the clauſe brought in by the queen's advocate ſhould be added to the act, which, on the 19th of May, was touched by the ſceptre, and made a law [m]; but, before that was done, duke Hamilton deſired, 'That it ſhould be remembered, that, at paſſing this act, it was expreſsly declared, that the meaning of the advocate's clauſe could affect only the queen's exerciſe of her government, and not the actings of her miniſtry and that, therefore, whatever challenge might be given afterwards to the illegality of the actings of the late parliament, might not be conſidered as a violation of this act.'

After the act had received the royal aſſent, the earl of Hume, who was one of thoſe that had qualified himſelf ſince king William's death, preſented the draught of an act for the ſupply, but, before it was read, the marquis of Tweedale ſaid, that he had an overture to make to the houſe, which he hoped would, by reaſon of its importance, be preferred to all other buſineſs. After ſome debate, it was agreed, that the draught and overture ſhould both be read, provided, that nothing ſhould be ſpoken to either. And accordingly the act for ſupply was read, as was afterwards the marquis of Tweedale's overture 'for a reſolve of parliament, that, before all other buſineſs, the parliament might proceed to make ſuch conditions of government, and regulations in the conſtitution of this kingdom, to take place after the deceaſe of her majeſty and heirs of her body, as ſhould be neceſſary for the preſervation of their religion and liberty.' Both which overtures were ordered to lie on the table.

The compliance of the cavaliers with the court in the act of Recognition, was extremely cenſured by many of their party; but they were induced to gratify the queen in this point, out of expectation of being intruſted with the adminiſtration of affairs; for which reaſon it was likewiſe unanimouſly reſolved, in a full meeting, that the earl of Hume ſhould the next day make the motion for a ſupply. And, upon theſe accounts, the duke of Queenſberry renewed his engagement to ſtand firmly by them, and inform the queen what ſignal ſervices they had done. But this good correſpondence did not laſt long; for, within two or three days, the duke's deportment induced many of the cavaliers to ſuſpect his ſincerity. A writer of that party is of opinion, that the duke was once ſeriouſly embarked with them, but left them upon this occaſion. On the day the earl of Hume was to move for a ſupply, his grace called a council, and acquainted them of it; with which all agreeing, they adjourned with a deſign to ſupport the earl of Hume's motion. A few minutes after the duke of Argyle, marquis of Annandale, and earl of Marchmont, waited upon the high-commiſſioner, and, withdrawing privately with him, told him, 'That they had been that morning with a conſiderable number of parliament-men, wherein it was reſolved to move for an act ratifying the Revolution, and another the preſbyterian government, and preſs to have them preferred to the act of ſupply, which they were certain to carry; but firſt they thought fit to acquaint his grace with their deſign, and aſk his concurrence.' The duke begged them to forbear, becauſe he had now an opportunity of obtaining a ſupply; and, if he ſlipped that, he might never have another; and promiſed, that, when this was over, he would go into whatever they propoſed. But the others refuſed to comply, being rather willing, that there ſhould be no ſupply granted at all, than that it ſhould proceed from the cavaliers: and thus they left the high-commiſſioner in great perplexity, who durſt not venture to puſh the act of ſupply, knowing, that the duke of Hamilton and his party would join the duke of Argyle and his friends, and ſo the act would be rejected. On the other hand, he foreſaw, what ſir James Murray of Philiphaugh had that morning intimated to him, That, if he ſupported the duke of Argyle in his deſigns, the cavaliers would leave him; by which means his intereſt would be diminiſhed, and he be obliged to depend on the duke of Argyle, marquis of Annandale, and other revolutioners and preſbyterians. While he was in this ſuſpence, the duke of Argyle, who had more intereſt with him than any other perſon, ſoon returned, and, in a private converſation, repreſented to him the improbability of his ſucceeding by the methods which he was then upon; and dexterouſly awakened his jealouſy of the duke of Hamilton, who, notwithſtanding what had happened of late, had more intereſt with the cavaliers than any other, and who, as ſoon as they had gained their point, was likely to become their leader. This, together with the dread of being abandoned by the duke of Argyle and the marquis of Annandale, wrought ſo powerfully with the high-commiſſioner, that, from that moment, he reſolved to deſert the cavaliers; but, the better to carry on his deſigns, he reſolved at the ſame time to diſſemble as much as poſſible, which however availed him but little.

On the 26th of May, the commiſſioner from the throne informed the houſe, 'That, having now ſate twenty days, he did not doubt but they were all convinced, that the preſent ſtate of affairs required a competent ſupply for maintaining the army: That the act, offered a week before for that purpoſe, had ever ſince lain upon the table: wherefore he deſired, that it might be now read; and promiſed, that they ſhould have full time afterwards allowed them to go upon other buſineſs.' Notwithſtanding this ſpeech, it was moved, that, before the ſupply, the marquis of Tweedale's overture ſhould be taken into conſideration. Upon this the debate turned into a competition, Whether the Act of Supply, or the Overture, ſhould firſt take place? In behalf of the overture, was urged the great importance of it; and in behalf of the ſupply, the neceſſity of it, and the commiſſioner's promiſe, that after the firſt reading of the ſupply-act, there ſhould be time given for other buſineſs. To this a member anſwered, 'That he had all the deference imaginable for the lord commiſſioner's aſſurances, and doubted not but the whole houſe had the ſame; but he doubted extremely, that his grace could be maſter of himſelf in that point. Who knows (added he), but that, after all his grace's good purpoſes, the treaſurer of England may cauſe to adjourn the houſe, when he ſhall think fit, notwithſtanding all the aſſurances which the miniſtry can give. It is too well felt, that the influence of foreign counſels, from one corner of the world or other, have determined Scots affairs for theſe many years; and there is no appearance of diſcontinuing theſe practices.' He concluded, 'That from the matter of this overture might ariſe ſuch ſettlements as might make a Scots nation ſtand upon a Scots bottom; and therefore it was fit to prefer the conſideration of it to any other buſineſs whatſoever [n].'

After ſeveral warm ſpeeches and long debates, the houſe

[m] The act ran thus: The eſtates of parliament conſidering, that, by the death of the late king William of ever glorious memory, the crown and royal dignity of this kingdom is by right devolved upon queen Anne, our preſent gracious ſovereign, conform to the declaration of the eſtates of this kingdom; therefore the eſtates of parliament for themſelves, and in the name and behalf of the whole ſubjects of this kingdom, aſſert, recognize, and acknowledge, her majeſty's undoubted right and title to the imperial crown of this kingdom; and her majeſty, with advice and conſent of the ſaid eſtate of parliament, doth ſtatute and declare, that it is, and ſhall be high-treaſon in any of the ſubjects of this kingdom, to diſown, quarrel, or impugn her majeſty's right and title to the crown of this kingdom, or 'her exerciſe of the government thereof, from her actual entry into the ſame.'

[n] Another member urged, upon the point of the abrupt adjournment of the parliament, "That it muſt ſtill be freſh in every man's memory, that inſults were made upon the ſovereignty and independency of this nation, in the matter of their late trading company, both before their ſettlement in Darien by the legal actings of the Scots parliament, and by the ſcandalous memorials given in by the Engliſh reſident at Hamburgh, moſt falſely repreſenting the Scots company as private perſons, having no authority; as alſo, by the ſaid reſident's uſing threatening denunciations and expreſſions againſt the Hamburghers, if they ſhould enter into any trading ſociety with them: And likewiſe, after that company was ſettled in Darien, by their moſt barbarous and inhuman execution of ſome proclamations iſſued out againſt them. That, whether theſe moſt injurious ſtretches were calculated really for the ſake of an intereſt altogether foreign to this iſland, it was not proper here to diſpute; but, that it was certain, that this had raiſed an inſuperable jealouſy in the Scots nation, which could not fail, ſome time or other, to break forth into conſequences dangerous to the nation. And therefore he concurred with thoſe noble and worthy members in promoting the overture, from which he ſhould expect, that ſome laws ſhould be enacted towards regulating the adminiſtration and government at home, as might deliver a Scots prince and miniſtry from foreign influence, and might thereby compoſe thoſe hurtful jealouſies, in all times coming, to the mutual peace and quiet of the whole iſland."

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came to this reſolve, "That the parliament will proceed to make ſuch acts as are neceſſary or fit for ſecuring our religion, liberty and trade, before any act for ſupply, or any other buſineſs whatſoever." Whereupon the marquis of Athol offered 'an act for the ſecurity of the kingdom, in caſe of her majeſty's deceaſe.' But, before it was read, the duke of Argyle offered his act, 'ratifying the late revolution, and all the acts following thereupon; Mr. Fletcher of Salton, an act, containing ſeveral limitations upon the ſucceſſion, after the death of her majeſty, and the heirs of her body: the earl of Rothes, an act, that, after her majeſty's death, and failing heirs of her body, no perſon coming to the crown of Scotland, being at the ſame time king or queen of England, ſhould, as king or queen of Scotland, have power to make peace or war, without the conſent of parliament; the earl of Marchmont, an act for ſecuring the true proteſtant religion and preſbyterian government; and ſir Patrick Johnſon, an act, allowing the importation of all ſorts of wines, and other foreign liquors:' all which acts were placed, and ordered to lie on the table.

On the firſt of June, an 'act for toleration to all proteſtants, in the exerciſe of religious worſhip,' preſented by the earl of Strathmore, being read, a ſtrong repreſentation was offered againſt it in the name, and at the appointment of the late general aſſembly, which concluded with theſe words: "That they were perſuaded, that to enact a toleration for thoſe of the epiſcopal way (which God of his infinite mercy avert) would be to eſtabliſh iniquity by a law, and would bring upon the promoters thereof, and their families, the dreadful guilt of all thoſe ſins and pernicious effects, that might enſue thereupon." The promoters of the toleration finding by this repreſentation, that it was like to meet with great oppoſition, agreed not to inſiſt upon it, leſt thereby they ſhould offend and loſe many, who, at preſent, ſided with them againſt the court.

Thus, not only all the hopes of the epiſcopal party for a toleration (which they had made no doubt of carrying) were entirely loſt, and every thing relating to the church continued in the ſame ſtate in which it was during the late reign, but the preſbyterians got a new law in their favour, which gave them as firm a ſettlement, and as full a ſecurity, as law could give. For, on the 3d of June, an act paſſed for preſerving the true reformed proteſtant religion, and confirming preſbyterian church government and diſcipline by kirk ſeſſions, preſbyteries, provincial ſynods, and general aſſemblies, as agreeable to the word of God, and the only government of Chriſt's church within this kingdom [o]. Nor was this all. For, on the 7th of June, the parliament proceeded to conſider the duke of Argyle's act, which conſiſted of three clauſes: For ratifying and perpetuating the firſt act of king William's parliament, that the three eſtates then met together were a lawful and free parliament: For declaring it high treaſon to diſown the authority of that parliament, or to endeavour, by writing, or ſpeaking, or other open act or deed, to alter or innovate the 'claim of right,' or any article thereof. The two firſt clauſes were agreed to without any oppoſition; but the third, relating to the claim of right, raiſed a very warm debate. It was alledged, that many libels had been ſpread, reflecting on the 'claim of right,' and tending to unhinge the preſent happy ſettlement. To which it was anſwered, 'That there were ſtanding laws, by which the authors of ſuch libels might be puniſhed; but that the import of ſuch a general and peremptory clauſe would be of moſt dangerous conſequence: That it would fetter men in their common converſation, which, though never ſo innocent, might by theſe words, 'endeavour by writing or ſpeaking,' bring all the ſubjects, whether in the miniſtry or not, into daily ſnares; and, in ſhort, that it would bind up the government, and the wiſdom of the nation itſelf, in all ſucceeding ages, from making ſuch alterations and reformations, as, in courſe of time, and various circumſtances of things, ſhould be judged neceſſary.' To this purpoſe James Moore of Stennywood ſaid, 'That he was ſure, and every body knew, that the ſhire of Aberdeen, which he had the honour to repreſent, was of epiſcopal perſuaſion; and if, after this act was paſſed, his countrymen ſhould, in diſcharge of their own conſciences, in a regular way addreſs the ſovereign or parliament (which, by the 'claim of right,' is the privilege of every ſubject) for a rectification of the preſent preſbyterian eſtabliſhment, which, in his opinion, was neither infallible nor unalterable, he deſired to know, whether ſuch an addreſs ſhould import treaſon?' To this ſir William Hamilton of Whitlow anſwered, That indeed this act did not preclude addreſſing for a toleration; but he was of opinion, that if, after it was paſſed into a law, any perſon ſhould own, that he thought preſbyterian government a wrong eſtabliſhment, and that epiſcopacy ought to be reſtored, ſuch a perſon was guilty of high-treaſon. This occaſioned a long and warm debate, wherein the dangers that would ariſe from this act, both to the government and the ſubject, were fully laid open. However the queſtion for approving the act was carried in the affirmative, though there were ſixty members againſt it, and many 'non-liquets,' (or ſilent members) and ſeveral of the country party, who were preſbyterians; but all the miniſtry and their dependants went into it, except the marquis of Athol, the lord juſtice Clerk, the lord viſcount of Tarbat, and ſome of their, and the lord-commiſſioner's friends, who, at this time, began to break with the court, and join in a particular correſpondence with the cavaliers.

By this act the preſbyterian government acquired new ſtrength; for the claim of right was not only confirmed (one article of which was againſt epiſcopacy and for preſbytery) but it was declared high-treaſon to endeavour any alteration in it. The late king, though it had been often propoſed to him, would never conſent that this ſhould paſs into an act. He ſaid, he had taken the crown on the terms of that claim, and therefore would never make a breach on any part of it; but he would not bind his ſucceſſors, by making it a perpetual law. Thus a miniſtry, that carried all matters relating to the church to ſo great a height, yet, with other views, gave a fatal ſtroke to the epiſcopal intereſt in Scotland, to which king William would never give way.

As ſoon as the cavaliers perceived, that the duke of Queenſberry's friends and dependents appeared againſt the act of toleration, and for the acts eſtabliſhing the preſbyterian government, and ratifying the late revolution, they immediately concluded, that they were betrayed, and declared this opinion in a meeting of the cavaliers. Upon this it was reſolved to ſend four of their number, the earls of Hume and Strathmore, George Lockhart of Carnwath, and James Ogilvy of Boyne, to repreſent to him, how much they were ſurprized to find his friends behave after ſuch a manner; and that they hoped he would remember his vows and promiſes, and how they had ſerved the queen. He excuſed his conduct, as neceſſary to pleaſe ſuch of the miniſtry, as were ſo inclined, leſt otherwiſe the queen's affairs ſhould ſuffer prejudice: and then he renewed his former promiſes, with the moſt ſolemn proteſtations. They replied, 'That they believed this would not ſatisfy thoſe, who had ſent them to him; and that neither his grace nor the queen could blame them for looking to themſelves, ſince it was plain, he was imbarked with a party, and entered into meaſures quite contrary to the capitulation made and agreed to between him and them.' Having made a report to their conſtituents, it was unanimouſly reſolved not to enter into any concert with the court, or any other party, but to ſtand by themſelves firm to one another, and jointly go into ſuch meaſures, as, when propoſed by any party, ſhould be by the majority of themſelves, eſteemed for the intereſt of their country. This engagement they all faithfully performed during this whole ſeſſion, except only the earls of Belcarras and Dunmore, who adhered to the court. Hitherto they had been firm to their party, eſpecially Belcarras, who had, after the revolution, been ſometime in France, and, not many years before this, had obtained liberty to return home.

The bill, which occaſioned the longeſt debates in this remarkable ſeſſion, was that for ſecurity of the kingdom, in caſe of her majeſty's deceaſe. From the 9th of June to the 30th, there was little done in relation to the public, except the reading this act, and reaſoning upon the ſeveral clauſes

[o] Lockhart, in his memoirs, ſays, Many members argued againſt it, but none with more ſpirit than ſir David Cunningham of Milcraigg, who urged, that it was uncharitable to affirm, as this act did, that 'the preſbyterian government was the only church of Chriſt.' To this the marquis of Lothian replied, 'That the clauſe was right, ſince he was ſure the preſbyterian government was the beſt part of the Chriſtian religion;' which raiſed great mirth in the houſe. However, the act paſſed; but it was evident, that the preſbyterian party was not ſo conſiderable as had been imagined; and that, if the queen had been as epiſcopal in Scotland as in England, ſhe might eaſily have overturned preſbytery. For at this time the houſe conſiſted of about two hundred and forty members, thirty of whom voted againſt the act, and eighty-two were 'non-liquets,' which laſt were all epiſcopal, but choſe to be ſilent, either becauſe there was not then a formed deſign againſt preſbytery, or in order to pleaſe the court; ſo that, properly ſpeaking, there was not a plurality of above ſixteen voices for the act; among whom, ſuch as the duke of Hamilton, the earl of Eglinton, and many others, were no ways preſbyterians; ſo that, had the queen deſigned to introduce epiſcopacy, it would not have been any hard taſk to have done it.

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of it; for it was agreed, that it ſhould be conſidered paragraph by paragraph. When therefore, on the 9th of June, the bill was taken into conſideration, many ſpeeches were made, recommending to the members to proceed in that matter with the utmoſt caution and deliberation. Among the reſt, the lord Belhaven made a deduction of the ſeveral projects, which, from Henry the VIIth's time, had been ſet on foot towards uniting the two kingdoms, with an enumeration of the inſtances of decay in the Scots nation, ſince their kings reſided in England, and of the opportunities they had loſt of making good terms for themſelves, by the artful offers of an union, made to them by their neighbours to lull them aſleep; concluding, that by this act they had it in their power to provide againſt any further diſappointments.

After the houſe had entered upon the conſideration of ſome clauſes of the act, it was repreſented, that it would be neceſſary to reſcind the ſecond act of the third parliament of king Charles II. 'eſtabliſhing the ſucceſſion of the crown in the next blood in the royal line, of whatſoever religion.' Whereupon the queen's advocate took out of his pocket an act ready drawn 'for reſcinding the ſaid act, ſo far as the ſame was inconſiſtent with the claim of right, and the preſent ſettlement made in king William's time.' Againſt this it was urged, that, by the claim of right, all popiſh ſucceſſors being excluded, they ſhould by this clauſe determine the ſucceſſion to be lodged in the family of Hanover, who were the neareſt proteſtants of the royal blood. And though the generality of the preſbyterians, and all the miniſtry, except the marquis of Athol, viſcount Tarbat, and the lord juſtice Clerk, preſſed to have this act read the firſt time; yet it was carried by a conſiderable majority, that it ſhould lie on the table[p].

On the 1ſt of July, the 'act for the ſecurity of the kingdom' being read, a member voted for inſerting in it ſuch preliminaries, in caſe of a ſucceſſor not of the queen's own body, as ſhould ſufficiently ſecure the Scots nation againſt the misfortunes ariſing from the influence of foreign counſels. This was ſeconded by a great many members; and, after ſome debate, it was agreed, that the act ſhould be conſidered paragraph by paragraph. The next day it was reſolved, that the eſtates of the nation ſhould meet upon the 20th day after the queen's deceaſe, and that the government ſhould be lodged in their hands on that day. The 5th of July, a clauſe was added, excluding papiſts from being members of the eſtates; and, on the 6th, another clauſe was offered, "That no Engliſhman or foreigner, having a Scots title, and not having an eſtate of a thouſand pounds ſterling yearly rent within this kingdom, ſhall have place and vote in that meeting of eſtates." Againſt this clauſe it was urged by the marquis of Athol, that the privilege of peerage belonged to ſome by birth, and to others by immediate creation. That, in the firſt of theſe caſes, the private birthright of ſome noblemen might be injured; and, in the other, the prerogative ſeemed to be impaired. To this it was anſwered, firſt, that this clauſe was no incroaching upon the property and birthright of thoſe peers, who were to be excluded at that time, ſeeing the excluſion was for that time alone, at which there was an affair to be negotiated, which was purely a Scots concern, viz. The chuſing a ſucceſſor for the kingdom of Scotland. Secondly, That poſſeſſion and property is the true title for repreſentation; and, though the crown, which is the fountain of honour, be not reſtrained to diſpenſe titles according to that rule, yet, in this very nice caſe, there could be no exception made againſt excluding thoſe from voting, who, not only had no poſſeſſion or intereſt in Scotland to repreſent, but who, on the contrary, had poſſeſſion and intereſt elſewhere, which might claſh with the intereſt of the Scots nation. Thirdly, That in the affair, which was to be the ſubject-matter of the conſideration of that meeting of the eſtates, the nominating a ſucceſſor, the Engliſh were already predetermined and pre-engaged in their own choice. And though it ſhould prove to be the intereſt of Scotland, not to enter into the ſame nomination with England, yet thoſe predetermined peers, who had eſtates in England, would never riſque them, to give a fair vote for the intereſt of Scotland, where they had no eſtate to loſe; and therefore the clauſe was inſiſted on as proper. After ſome debate, the clauſe was put to the vote, and carried in the affirmative; but, before voting, the marquis of Athol proteſted, that this vote might not prejudice the undoubted right of all Scots proteſtant peers: To which proteſt ſeveral other peers adhered. Then the marquis of Annandale, the duke of Argyle, and the earl of Kincardine alſo proteſted, that the vote might not be prejudicial to the privileges of the peers of Scotland, whether they be Scotſmen or Engliſh.

On the 7th of July, it was moved, That ſuch limitations, as ſhould be thought neceſſary to be put upon the ſucceſſor, might be conſidered; and particularly a cauſe was offered, that the kingdom ſhould not be engaged in any war, but by advice and conſent of the parliament. This clauſe being read, a long debate enſued, wherein it was urged, "That the ſettling the limitations upon the ſucceſſor was more proper to be done by that parliament or meeting of the eſtates, which ſhould name the ſucceſſor; and that the whole 'act of ſecurity' might perhaps be loſt, if it ſhould be cramped by ſuch limitations." Upon which, it was carried by a majority of twenty-ſix voices, 'not to proceed to the limitations on the ſucceſſor in this act.' However, it was afterwards voted, that the act touching peace and war ſhould be conſidered, next after the act of ſecurity.

On the 9th of July, upon a debate relating to the regency, in caſe the ſucceſſor to be named were under age, it was reſolved to refer that matter to the wiſdom of the meeting of the eſtates. Five days after it was moved, that the clauſe, impowering the meeting of the eſtates to declare a ſucceſſor to the crown of the royal line and of the proteſtant religion, might receive the addition of theſe words, 'of the true proteſtant religion, as by law eſtabliſhed, within this kingdom.' Againſt which it was urged, That the coronation oath was a ſufficient teſt to engage the ſucceſſor (being a proteſtant) to maintain the church, as by law eſtabliſhed. To this it was anſwered, "That ſince the wiſdom of this houſe had thought fit to exclude Papiſts, who profeſſed the doctrine of 'tranſubſtantiation,' from having an acceſs to a Scots government; ſo he ſaw no reaſon, why Lutherans, who profeſs the doctrine of 'conſubſtantiation,' ought not likewiſe to be excluded; and more eſpecially conſidering, that by this means the 'family of Hanover' would be excluded, which was both 'proper and neceſſary,' conſidering that the Engliſh had named that family for their ſucceſſor. For he ſaw plainly, that the Scots nation muſt reſolve to be in continual ſlavery, if they ſhould go into the ſame nomination with England, unleſs they had ſuch conditions of government ſettled within themſelves, as might ſecure their liberty and trade; of which he ſaw no great appearance at this time, ſince it was evident from ſeveral ſtruggles within theſe few days, that the miniſtry were in concert with the miniſtry of England, to continue the Scots nation under the ſame ſlavery as formerly; and therefore he did ſecond that clauſe, and would ſecond any other clauſe whatſoever, which might put the Scots nation under a 'diſtinct' government from that of England, ſeeing they could not obtain ſuch 'reaſonable terms,' as might make them eaſy under one and the ſame ſucceſſor." Upon this occaſion Mr. Grant informed the houſe, that he had inſtructions from the barons of the ſhire of Inverneſs, whom he repreſented, not to enter into any terms of ſucceſſion, the ſame with England, unleſs firſt there ſhould be ſuch conditions of government, and terms of union of trade, previouſly concerted, paſſed, and ratified by the parliaments of both kingdoms, as ſhould put the Scots nation upon an equal foot with their neighbours. After ſome debate, the queſtion was ſtated, either to 'add the words offered to the clauſe,' or to 'reſt upon the ſecurity by the coronation oath;' and it was carried for reſting on the coronation oath.

On the 16th of July, a clauſe was offered by the earl of Roxburgh, "providing the ſucceſſor to be named by the meeting of the eſtates be not the ſucceſſor to the crown of England, unleſs in this ſeſſion of parliament there be ſuch conditions of government ſettled and enacted, as may ſecure the honour and independency of the crown of this kingdom, the freedom, frequency, and power of parliaments, and the religion, liberty, and the trade of the nation from the Engliſh or foreign influence." It was urged againſt the clauſe that it imported limitations upon the ſucceſſor, which had been by a former day's vote excluded out of this act. To which it was anſwered, That by this clauſe there was no limitation deſigned to be brought into this act, but that the

[p] The author of the proceedings in this parliament, ſays, (p. 228.) This clauſe, for reſcinding the act of 1681 about the Succeſſion, occaſioned great debates among the ſeveral parties upon different views. The St. Germain's party were againſt reſcinding it totally, becauſe, being made in favour of the duke of York and the lineal ſucceſſion, they think it may ſtill give them a handle to bring in his pretended ſon. The Hanover party was againſt reſcinding it totally, becauſe they think that, popiſh ſucceſſors being excluded by the claim of right, the next proteſtant in the line ſucceeds of courſe, and the duke of Hamilton and the country party were for reſcinding it totally, to cut off both thoſe pretenſions; and, when it came to the vote, it was carried only by one, and that too a great miniſter of ſtate, that it ſhould not be totally reſcinded, but in ſo far only as it might countenance a popiſh ſucceſſor.

clauſe did only in general ſecure a capitulation for ſome proper conditions of government to be ſettled in the ſeſſion of parliament, 'in caſe the nation ſhould think fit to name the ſame ſucceſſor with England,' in the ſame manner as the other day's reſolve had made a capitulation for the 'act of peace and war' in particular. It was again objected, That, as this clauſe was conceived, the making of the conditions of government was too preremptorily reſtrained to this ſeſſion of parliament; and therefore it was moved, that, inſtead of 'this ſeſſion of parliament,' it ſhould be, 'in this or any other ſeſſion of parliament.' To this it was anſwered, "That whilſt the members were deſigning to ſecure a 'capitulation' for ſettling ſuch conditions of government, as might anſwer no leſs important ends than the honour and ſafety of the Scots crown, relieving the nation from ſlavery, and thereby to extinguiſh the jealouſies, which muſt, for all future ages, make both nations uneaſy; that, when they were projecting ſuch good things with all imaginable diſpatch in this parliament, they were told of an expedient for a new delay, by turning them off to ſome future parliament; which, upon the whole matter, aimed at nothing leſs than an entire diſappointment of thoſe generous deſigns. And therefore it was hoped, that the wiſdom of the houſe would enter immediately into the clauſe, as at firſt offered." The queſtion being put, whether 'to add the clauſe, or not,' ſome members threw in a great many new expedients, which occaſioned ſeveral warm ſpeeches; and it being late, and the houſe in great heat and confuſion, ſeveral members preſſed for a delay. The chancellor ſeconded this motion, adding, that this debate ſhould be reſumed the next ſitting, and, by the commiſſioner's order, adjourned the parliament for four days. This adjournment without a vote, in the midſt of a debate, was immediately proteſted againſt as illegal, and an addreſs to the queen was framed and ſubſcribed by above ſeventy members; but, on the 20th of July, the next day of meeting, the chancellor declaring, "That there was no manner of deſign by that adjournment to encroach upon the privilege of the parliament;" a ſtop was put to the addreſs. The next day, the houſe proceeded on the earl of Roxburgh's clauſe; but, after reading it, there was another offered by the queen's advocate, "providing, that, after her majeſty's deceaſe, without heirs of her body, the ſame perſon ſhall in no event be capable to be king or queen of both kingdoms of Scotland and England, unleſs a free communication of trade, the freedom of navigation, and the liberty of the plantations be fully agreed to, and eſtabliſhed by the parliament and kingdom of England, in favour of the kingdom and ſubjects of Scotland, at the ſight, and to the ſatisfaction of this or any enſuing parliament of Scotland, or the ſaid meeting of eſtates." After this clauſe was read, it was moved, that it ſhould be added to the 'act of ſecurity,' inſtead of the clauſe offered by the earl of Roxburgh; and this motion was ſeconded by all the miniſtry and their dependents. After a long debate, ſome urging, to have the clauſe offered relating to the 'conditions of government' added to the 'act of ſecurity;' others inſiſting, to have the clauſe relating to 'communication of trade' added; it was propoſed, that both the clauſes ſhould be joined, and added to the 'act of ſecurity,' which, on the 26th of July, was, after a long debate, carried by a majority of ſeventy-two voices: But the marquis of Annandale, lord preſident, and the duke of Argyle proteſted againſt it, to which ſeveral others adhered. Other clauſes were afterwards offered, and, notwithſtanding the ſtrong oppoſition from the miniſtry, added to the 'act,' which, on the 15th of Auguſt, was read, and approved by a majority of fifty-nine voices[q]. The act of ſecurity being thus ſolemnly paſſed, inſtances were made to the commiſſioner, that he would give the royal aſſent, which, it was urged, would encourage the members to go the more chearfully upon the matter of ſubſidies. And it was alſo repreſented, that the negative to any act approved in parliament had never been aſſerted before the year 1660. But the high commiſſioner declined giving an anſwer till the 10th of September, when he told them, in a ſpeech, that he had received the queen's pleaſure, and was empowered to give the royal aſſent to all the acts voted in this ſeſſion, excepting only 'the act for ſecurity of the kingdom.' Upon this, it was moved, that the queen ſhould be addreſſed for her aſſent; but, the queſtion being put, it was carried againſt this addreſs by twelve voices. Both before and after the commiſſioner had refuſed to paſs the ſecurity-act, there were ſeveral remarkable motions and bills, particularly upon the ſubject of limitations. On the 6th of September, the earl of Marchmont gave in an act concerning the ſucceſſion, which occaſioned very great heats in the houſe, becauſe he had named in it the family of Hanover, and was therefore rejected by many, as contrary to the act of ſecurity. Whether the earl was provoked to bring in this overture by the madneſs of the St. Germain's party, or by the jealouſy of ſome of thoſe of of the revolution, it appeared, that it was not done by concert, and therefore gave a general diſguſt. After this, ſuch limitations were offered, as almoſt turned the monarchy into a commonwealth, with the empty name of a king: For it was propoſed, that the whole adminiſtration ſhould be committed to a council, named by the parliament, and that the legiſlature ſhould be entirely in the parliament, by which no ſhadow of power was left with the crown, and it was to be merely a nominal thing. But after many warm debates, theſe matters were put off by a ſudden adjournment. However, one act of limitation upon a ſucceſſor paſſed, which was of ſome importance. It was declared, that, after her majeſty's deceaſe, no king or queen of Scotland ſhould have power to make war or peace, without conſent of parliament. An act alſo paſſed, allowing the importation of French wines, and other liquors, which, as was pretended, were to be imported in the ſhips of a neutral ſtate. The truth was, the revenue was ſo exhauſted, that they had not enough to ſupport the government without ſuch help. Thoſe, who deſired to drink 'Claret,' and all concerned in trade ran into it, by which means the bill was carried, though with great oppoſition. The jacobites were alſo for it, ſince it opened a free correſpondence with France. It was certainly againſt the public intereſt of the government, in oppoſition to which private intereſt does often prevail. As there were acts in being, that made ſlanderous ſpeeches or writings puniſhable with death, it was now enacted, that ſuch crimes ſhould be puniſhed according to the demerit of the tranſgreſſion, by fining, impriſonment, or baniſhment. An act alſo paſſed in favour of the company trading to Africa and the Indies; and another, for a commiſſion concerning the public accounts. Moreover, the parliament made void the commiſſion for treating of an union with England, and diſcharged any other commiſſion for that end, without their conſent. Notwithſtanding theſe, and the acts for ratifying the claim of right, and eſtabliſhing the preſbyterian church-government: Since the duke of Queenſberry would not paſs the act for the ſecurity of the kingdom, nor ſuffer them to proceed in their limitations upon a ſucceſſor, they would give no ſupply; and he was forced to adjourn the parliament to the 12th of October, without having any ſubſidies granted. By this means the pay of the army, with the charge of the government, was to run upon credit; and matters were like to come to extremities, for a national humour of rendering themſelves a free and independent kingdom had ſo inflamed them, that they ſeemed capable of the moſt extravagant things that could be ſuggeſted to them[r].

Thus ended this famous ſeſſion of parliament, in which the greateſt part of the miniſtry had abandoned the duke of

[q] The other clauſes were:

That the eſtates ſhould not nominate a ſucceſſor, till twenty days after their meeting: That it ſhould be high-treaſon to adminiſter the coronation-oath, but by the appointment of the eſtates; or to own any perſon as king or queen, after her majeſty's deceaſe, till they take the coronation oath, and accept the terms of the claim of right, and ſuch conditions as ſhall be ſettled in this or any enſuing parliament: That, in caſe there be no parliament at the queen's death, the adminiſtration ſhall be in the hands of ſuch members of parliament, and of the privy-council laſt in being, as ſhall be in Edinburgh, or come there before the 20th day: That all commiſſions of the civil officers, except ſheriffs, ſtewards, and juſtices of the peace, and of all military officers above captains, ſhall, upon the queen's deceaſe, be void: That all proteſtant heretors and freeholders, and all burghs, ſhall forthwith provide themſelves with fire-arms, for all the fencible men within their reſpective bounds, and diſcipline them once a month.

[r] The proceedings of the parliament, after the 13th of Auguſt, when the act for ſecurity of the nation was finiſhed, may be ſeen in the following extracts: When the parliament found the commiſſioner would not give an anſwer to their inſtances for paſſing the ſecurity-act, it was moved, on the 25th of Auguſt, that the houſe ſhould go upon the conſideration of ſome overtures for ſecuring the liberties of the nation, conformable to the tenor of the grand reſolve, entered into the 28th of May. Againſt which it was urged, that, according to the terms of that reſolve, the houſe had already made conſiderable progreſs in the matter of religion and liberty; and that trade was next in order. Upon which ſeveral acts for trade were offered and read, particularly, an act allowing the importation of all ſorts of wines and other foreign liquors. As this overture was oppoſed by ſeveral members as prejudicial to the trade of the nation, it was alledged by one of the miniſtry, that it was very well known, that the cuſtoms on wines was the chief fund for the 'Civil Liſt;' and unleſs the importation of French wines were reſtored, the government could not be ſupported, conſidering, that the funds were now very far deficient. This was ſeconded by another miniſter, repreſenting the great benefit which would ariſe to the kingdom in general, and to the towns in particular, by the French trade; and concluding, "That unleſs that act was paſſed, 'the ſubjects might plow up their towns, and burn their ſhips.'" To this a member anſwered, "That, ſince he heard ſuch harſh expreſſions as theſe come from about the throne, for no other reaſon, but to amuſe and miſlead the boroughs with pretended advantages of trade, the members muſt take the liberty to tell their mind the more freely. That he

Queenſberry, and particularly the earl of Seafield, lord chancellor, the marquis of Athol, lord privy-ſeal, and the lord viſcount Tarbat, ſecretary of ſtate, with all who depended on them; yet, upon the concluſion of the ſeſſion, the marquis was made a duke, and the lord Tarbat earl of Cromarty; which looked like rewarding them for their oppoſition. The marquis of Douglaſs, though under age, was likewiſe made a duke; the viſcounts of Stair and Roſeberry were created earls of the ſame name; the lord Boyle, earl of Glaſgow; James Stuart of Bute, earl of Bute; Charles Hope of Hopton, earl of Hopton; John Crawford of Kilbiruce, viſcount of Garnock; and ſir James Primroſe of Carrington, viſcount of Primroſe. Soon after, the queen reſolved to revive the order of the thiſtle, which had been raiſed by her father, but was let fall by the late king. It was to be carried in a green ribbon, as the George is in a blue, and the glory was in the form of a St. Andrew's croſs, with a thiſtle in the middle. Argyle and Athol, Annandale, Orkney and Seafield, were the firſt, who had it, the number being limited to twelve.

To ſuch a height did the diſorders in that kingdom riſe, that great ſkill and much ſecret practice ſeemed neceſſary to ſet matters right there. The averſion and jealouſy towards thoſe, who had been moſt active in the laſt reign, and the favour ſhewn to thoſe, who were in king James's intereſt, had an appearance of bringing matters out of an exceſs to a temper; and it was much magnified by thoſe, who intended to flatter the queen, on deſign to ruin her. Though the ſame meaſures were taken in England, yet there was leſs danger in following them there than in Scotland. Errors might be ſooner obſerved, and eaſier corrected, where perſons are in view, and are watched in all their motions; but this might prove fatal at a greater diſtance, where it was more eaſy to deny or palliate things, with greater aſſurance. The duke of Queenſberry's ingroſſing all things to himſelf increaſed the diſguſt at the credit he was in. He had begun a practice of drawing out the ſeſſions of parliament to an unuſual length; by which his appointments exhauſted ſo much of the revenue, that the reſt of the miniſters were not paid; which will always create diſcontent. He truſted entirely to a few perſons, and his conduct was liable to juſt exceptions. Some of thoſe, who had the greateſt credit with him, were believed to be engaged in a foreign intereſt; and his paſſing, or rather promoting the act, which opened a correſpondence with France, was conſidered as a deſign to ſettle a commerce there; and upon that his fidelity or his capacity were much queſtioned.

Whilſt things were in this ſituation in Scotland, there were alſo high diſcontents in Ireland, occaſioned by the behaviour of the truſtees for forfeited eſtates. The duke of Ormond was the better received, when he went to that government, becauſe he came after the earl of Rocheſter, till it appeared, that he was in all things governed by him; and that he purſued the meaſures, which that earl had begun to take, of raiſing new diviſions in that kingdom; for, before that time, the only diviſion in Ireland was that of Engliſh, and Iriſh, proteſtants and papiſts. But now an animoſity came to be raiſed there, as in England, between whig and tory. The wiſer ſort of the Engliſh reſolved to oppoſe this all they could, and to proceed with temper and moderation. The parliament was opened at Dublin, on the 21ſt of September, with a ſpeech by the duke to both houſes, importing, 'That it were to be wiſhed, they were in a condition to provide for ſuch fortifications, as would much conduce to the ſafety of the kingdom, and particularly at Limerick, and for building the barracks. But that, which her majeſty expected from the commons at that time, was only, that the public debts be diſcharged, and the revenue made equal to the expence of the government, which was much increaſed by the charge of the barracks; and they were found ſo uſeful,

did openly aver, that it was plain to all this houſe, that the nation was ruined in all its concerns both of liberty and trade, by the moſt treacherous artifices of thoſe, who were in the miniſtry." Upon this ſome about the throne ſaid, that theſe expreſſions ought 'to be taken notice of.' To which the ſame member anſwered, "That he heard it murmured about the throne, that his expreſſions ought to be taken notice of; but he defied any body to take notice of them, for they all knew too well, that what he had ſpoken was a certain truth." It was again urged in behalf of the act, "That upon farther enquiry it would be found, that the trade with France was a trade beneficial to the nation, becauſe the French took Scots goods in return for their wines." So that, after a long and angry debate, the act was ordered to be marked a firſt reading.

The 6th of September, the earl of Marchmont deſired leave of the houſe to withdraw an 'act, containing ſome limitations upon the ſucceſſor,' which had been lately preſented by him, but had not yet been read. His deſire being granted, as ſoon as his lordſhip had withdrawn that act, he begged leave to preſent another in its room, which he deſired might be read. This was an act to 'ſettle the ſucceſſion on the houſe of Hanover;' and, as his lordſhip had not ſignified what the import of it was, no body oppoſed his motion for the reading of it; but when the clerk came to that paragraph, where it ſubſtitutes the princeſs Sophia, &c. no ſooner were thoſe words out of his mouth, but the whole houſe was in a flame. Some moved to have the overture burnt; and others to have the earl, who offered it, called to the bar, and others to have him ſent to the caſtle. After the houſe had ſhewed a general diſſatisfaction againſt the thing, at length the chancellor procured ſilence, and the clerk was ordered to read it through; and the earl of Marchmont deſired it might be marked a firſt reading, and was ſeconded by the marquis of Lothian and another member. But they were ſo warmly oppoſed, that there was not a vote demanded; and the earl of Marchmont propoſed only, that the overture might be marked in the minutes, expreſſing the import of it, urging, "That the minutes ought always to record the matter of fact as paſſed in parliament." This was warmly oppoſed by a member, who ſaid, "That though it is both cuſtomary and proper, that every thing, which is moved in the houſe, be marked in the minutes; yet the act now offered by the earl of Marchmont ought to be diſtinguiſhed by ſome particular mark of indignation from this houſe, ſeeing the generality of the members had ſufficiently ſhewn their ſentiments, in relation to the nomination of a ſucceſſor, and had ſo frequently in this ſeſſion declared it to be their opinion, that the nation was at preſent in a very improper ſtate for nominating a ſucceſſor the ſame with England: And therefore the beſt he could ſay, in behalf of this moſt unreaſonable overture, was to move, that it might be buried in oblivion, and not marked in the minutes." Another member ſaid, "That he heard an act offered, which ſeemed to contain ſome things inconſiſtent with the 'act of ſecurity,' which had lately paſſed the vote of the houſe; and it was not unlikely, that the jealouſy, which the members had contracted, that this act of ſettlement was not to receive the royal aſſent, prompted them to find out new acts to ſupply it. That he very plainly foreſaw, that this would promote the jealouſy, which this nation had already contracted againſt their neighbours; and therefore he moved, that the lord chancellor might, as the mouth of the houſe, addreſs her majeſty's repreſentative to give the royal aſſent to that act." This motion was ſeconded by a great many members; and, the earl of Marchmont ſtill inſiſting to have this act marked in the minutes as a privilege naturally due to all overtures, the queſtion was ſtated, whether to mark the overture in the minutes, or not? And it was carried in the negative by fifty-ſeven votes.

On the 9th of September, it was repreſented by a member, "That this parliament had now ſate very long, and, after a vaſt expence of money, time, and pains, had at length paſſed an act for the ſecurity of the nation; and as it would be ſome recompence to the members to ſee that act receive the royal aſſent, ſo it would, no doubt, be very ſatisfactory to the nation. And therefore he begged, that her majeſty's commiſſioner would give the royal aſſent to the act." This was ſeconded by a great many members; and, at length, a motion was made, that the houſe ſhould 'addreſs her majeſty to give the royal aſſent.' Againſt this it was urged, That the parliament had already done their part, by voting the act, and what remained to be done, was the queen's part; and that there was no need for addreſſing, ſeeing it was notified to the queen, that the parliament had voted the act. To this it was anſwered, "That, no doubt, it was made known to her majeſty by her miniſtry, that this act had paſſed the vote of the houſe: But that every body knew very well, that courtiers never fail to repreſent the 'black-ſide' of things; and therefore he concurred in that motion of ſeconding the former vote of the houſe, by a dutiful addreſs to her majeſty." After ſome further debate, and ſeveral warm ſpeeches, it was repreſented by the marquis of Tweedale, that it was ſomewhat too haſty to addreſs her majeſty for her aſſent, until the houſe knew from the commiſſioner, whether he was already inſtructed for that purpoſe; and therefore he begged, that the commiſſioner would declare his intentions. A great many members ſeconded this motion, and preſſed, that the commiſſioner would give the houſe ſo much ſatisfaction, as to let them know, whether or no he was inſtructed to paſs this act. But his grace did not think fit to give any anſwer in the matter. Thereupon another member, Mr. Fletcher of Salton, ſaid, "That he had ſeldom ſeen any benefit from addreſſes, and for that reaſon he was very little concerned, whether this houſe did at preſent addreſs her majeſty, or not. That he thought, that the acts, which the houſe had voted, were but very ſlender fences for the ſecurity of the nation: That the nation's caſe was deſperate, and the proviſions muſt be ſuitable. That he found ſome people were too forward in promoting the ſucceſſion of the houſe of Hanover, and others that of the prince of Wales; and that they were both contented to ſacrifice their own and their nation's liberty, rather than not accompliſh their deſigns. That he did conſider it as a very melancholy proſpect for this nation, that they were not to expect either of thoſe two ſucceſſors, but at the rate of being ſlaves, not to 'their princes,' but to 'their neighbours;' for ſuppoſing, that, upon the one hand, this nation ſhould ſubmit either willingly, or by commiſſion, to the ſucceſſor of England, without ſuch conditions of government within themſelves, as ſhould ſecure them againſt the ſole influence of the Engliſh miniſtry upon their joint prince, in that caſe they were no better than ſlaves: Or, if, on the other hand, the Scots ſhould force their ſucceſſor upon the Engliſh, without ſecuring to themſelves the conditions beforementioned, they muſt ſtill reſolve to be under the ſame dependence, when conquerors, as when conquered. And therefore, that it was abſolutely neceſſary for them to ſettle ſuch conditions of government, as might place them in a reaſonable ſtate of freedom and ſecurity, whoſoever might be the ſucceſſor; and that to this purpoſe he offered an act, which might anſwer thoſe ends." The firſt draught ran thus: "Our ſovereign lady, with the advice and conſent of the eſtates of parliament, ſtatutes and ordains, that, after the deceaſe of her majeſty (whom God long preſerve) and failing heirs of her body, no one ſhall ſucceed to the crown of this realm, that is likewiſe ſucceſſor to the crown of England, but under the limitations following; which, together with the coronation-oath and claim of right, they ſhall ſwear to obſerve: That all places and offices, both civil and military, and all penſions formerly conferred upon our kings, ſhall ever after be given by parliament: That a new parliament ſhall be choſen every Michaelmas head-court, to ſit the 1ſt of November thereafter, and adjourn themſelves from time to time till next Michaelmas; and that they chuſe their own preſident: That a committee of thirty-ſix members, choſen by and out of the whole parliament, without diſtinction of eſtates, ſhall, during the intervals of parliament, under the king, have the adminiſtration of the government, be his council, and accountable to parliament; with power, on extraordinay occaſions, to call the parliament together."

After the act was read, the member ſaid, "That he had not in this act made any nomination of a ſucceſſor: and it was his opinion, that this nation was not, at preſent, in a condition for ſuch a nomination; but ſeeing there was a great zeal amongſt ſome for promoting the ſucceſſion of Hanover, and no leſs among others for promoting that of the prince of Wales; therefore,

to

and ſo great an eaſe to the country, that they ought not to be neglected." He aſſured both houſes, "That, ſince the queen had done him the honour to place him in that ſtation, as his duty and gratitude obliged him to ſerve her majeſty with the utmoſt diligence and fidelity; ſo his inclination and intereſt, and the examples of his anceſtors, were indiſpenſable obligations upon him to improve every opportunity, to the advantage and proſperity of this his native country: And that, ſince he had no other deſign, than what they all aimed at, the queen's ſervice, and the good of their country, he only recommended to them, that they might unite and agree in the ſame meaſures, and purſue them with wiſdom and temper." The commons, being returned to their houſe, made choice of Allen Brodrick, the queen's ſollicitor-general, to be their ſpeaker. The firſt thing both houſes went upon was the framing addreſſes, both to the queen and the lord lieutenant, which carried the compliments to the duke of Ormond ſo far, as if no other perſon, beſides himſelf, could have given them the ſettlement, they expected from his government. The truſtees of the forfeited eſtates had raiſed a ſcandal upon the Iriſh nation, as if they deſigned to ſet up an independence upon England; ſo that the commons, in their addreſs to the queen, ſaid, "They could not, but with the deepeſt concern, take notice to her majeſty, that her enemies, by many groundleſs and malicious calumnies, had miſrepreſented them; the ſad and ſevere effects whereof they too ſenſibly felt; and eſpecially, as if they thought themſelves, or deſired to be, independent of the crown of England. That therefore, to vindicate themſelves from ſuch foul and unworthy aſperſions, they declared and acknowledged, that the kingdom of Ireland was annexed and united to the imperial crown of England." The commons, on all occaſions, expreſſed their hatred of the truſtees, and of their proceedings; yet they would not preſume to meddle with any thing they had done purſuant to the act that paſſed in England, inveſting the truſt in them. Accordingly, on the 25th of September, they reſolved, that all the proteſtant freeholders of that kingdom had been falſely and maliciouſly miſrepreſented, traduced, and abuſed, in a repreſentation of them made in a book, intitled, 'The Report of the commiſſioners, appointed to enquire into the Iriſh forfeitures;' in which were theſe words: "And indeed it does appear, that the freeholders of this kingdom, through length of time, and by contracting new friendſhips with the Iriſh, or by interpurchaſing with one another, but chiefly through a general diſlike of the diſpoſitions of the forfeitures, are ſcarce willing to find any perſon guilty of the late rebellion, even upon full evidence." And it appearing to the houſe, that Francis Anneſley, mem-

to ſatisfy both, he had another act ready to offer, but which he need not read, ſeeing it was the very ſame with what was already offered in every circumſtance, excepting only that it had a blank in it for nominating a ſucceſſor. That he moved, that the members might go to work, and paſs this act; and, immediately after that, let each party try their ſtrength, and let the ſtrongeſt carry the nomination, and fill up the blank, according to the mind of the plurality. That thus far he begged leave to declare his opinion, That he had rather concur in the nominating the moſt rigid papiſt with thoſe conditions of government, than the trueſt proteſtant without them.' This motion was ſeconded by ſeveral members; but others urged againſt it, 'That the houſe was now in the middle of an act of trade, which ought to be finiſhed before any other buſineſs.' After ſome debate, and a great many new inſtances to the commiſſioner, to give the royal aſſent to the 'act of ſecurity,' a member ſaid, "That he found this houſe was to get no ſatisfaction from her majeſty's commiſſioner at this time; and it ſeemed, the nation was to expect as little good; and therefore, the next beſt clauſe was to prevent damage as much as poſſible. That it was to be noted, that there were lately ſome meetings betwixt ſome ſubjects of both kingdoms, in which ſeveral matters were agitated, in relation to an union between the two nations. That he ſhould not deſcend to an enquiry into the nature of the powers, by virtue of which the ſubjects of Scotland did meet upon ſuch a treaty. That thoſe things might be ſpoke to in due time; but at preſent he humbly conceived, there were two things worthy the conſideration of this houſe: The one was, that, ſeeing ſuch a treaty had been entered upon by ſome of the ſubjects of this nation, it ſeemed ſtrange, that nothing of that ſort had all this ſeſſion of parliament been laid before this houſe; and therefore he moved, That it be now laid before the houſe, to be conſidered by the members. The other thing was, that, ſeeing there were a great many things to be ſaid in relation to that treaty, which might be more ſeaſonably taken notice of at another time, therefore he moved, that a ſtop might be put to any further proceedings in that matter." This motion was ſeconded by a great many members; and after ſome debate, there was a motion made and acquieſced to without a vote, "That the progreſs, and advances, made in the ſaid treaty, might be laid before the parliament next ſederunt, and declared by a vote of parliament, that the commiſſion granted for the ſaid treaty was determined and extinct; and that there ſhould be no new commiſſion for treating of any union betwixt the kingdoms of Scotland and England, without conſent of parliament." After this was over, a great many members preſſed the commiſſioner to give the royal aſſent to the 'act of ſecurity;' but no anſwer was made from the throne. At length a member ſaid, That, ſeeing ſo much had been ſaid without an anſwer, it was better to leave the commiſſioner to his reflections; that, perhaps, he would be ready to comply againſt next day; and that, therefore, he moved the houſe ſhould proceed to finiſh the act againſt the exportation of wool (which had been marked the firſt reading) and this was accordingly gone upon, put to the vote, and approved.

The next day, September 10, the commiſſioner made the following ſpeech:

My Lords and Gentlemen,

"It was with great uneaſineſs to me, that I was forced to be ſilent yeſterday, when ſo many did appear earneſt, that I ſhould ſpeak. I have all the inclinations in the world to give you full ſatisfaction; but I thought, that I ought not to be preſſed to give the royal aſſent, or to declare my inſtructions in parliament, which I had made known to many noble and worthy members, beſides the queen's ſervants.

"Now that theſe inſtances are let fall, and that you have proceeded to other buſineſs, to teſtify how willing I am to give you contentment in any thing, that is in my power, I tell you freely, That I have received her majeſty's pleaſure, and am fully impowered to give the royal aſſent to all the acts voted in this ſeſſion, excepting only that act, intitled, 'An act for the ſecurity of the kingdom.' You may eaſily believe, that requires her majeſty's further conſideration. At the ſame time her majeſty expects you will mind your own ſafety, in making neceſſary proviſions for the troops upon the preſent eſtabliſhment; and that you will put the trade and cuſtoms on that foot, that the civil liſt may be ſupported. And I intreat your lordſhips to finiſh theſe as quickly as poſſible, that this ſeſſion may be put to a ſpeedy and happy concluſion."

The commiſſioner having ended his ſpeech, a member ſaid, "That, had it been ſpoke in the beginning of the ſeſſion, it might have ſaved a great deal of labour and expence; for this was plainly to tell the parliament, 'that all their buſineſs was to raiſe a ſubſidy for the army, and cuſtoms for the civil liſt;' and that then the ſeſſion ſhould be happily concluded by an adjournment." This was followed by a debate concerning the queen's negative. It was urged, "That the third act of the firſt ſeſſion of the firſt parliament of king Charles II. (which is the only act, upon which the negative is founded) was only made to obviate a practice, which had been uſurped by the eſtates in the time of the late rebellion, of making laws by their own vote, and promulgating ſuch votes, as having the authority of laws, without the royal aſſent: And therefore by the ſaid act it is declared, 'That the royal aſſent is neceſſary and eſſential to give the force of a law to the vote of the houſe;' but from thence it could not be inferred, that the aſſent could be refuſed to an act offered, and ſolemnly paſſed the houſe; and that, till of late, the negative had never been interpoſed; and that but in very few caſes." After ſome debate, a motion was made to addreſs her majeſty, 'That ſhe would pleaſe to gratify the houſe in giving the royal aſſent to the act:' But the queſtion being put, 'Addreſs or proceed to other buſineſs;' it was carried, 'proceed to other buſineſs,' by twelve voices. After this, Mr. Pringle, who had been ſecretary to the treaty of union, was ordered to lay the minutes of that treaty before the houſe at their next ſitting.

On the 13th of September, it was moved, that, ſeeing the royal aſſent had been refuſed to the 'act of ſecurity,' therefore it was proper to go upon other overtures for the ſecurity of the nation upon the event of the queen's demiſe. Againſt this it was urged, that the houſe had concluded by a late reſolve to go upon overtures for trade: To which it was anſwered, That this laſt reſolve had been entered into, 'after the act of ſecurity' had paſſed the vote of the houſe, and whilſt it was not doubted, that the royal aſſent would be given to it; but that now, the royal aſſent being refuſed, the houſe did naturally recur to the ſtate of their firſt grand reſolve, entered into the 28th day of May. To this it was again replied, that the 'act of ſecurity' was indeed now laid aſide, but perhaps it might afterwards receive the royal aſſent, when her majeſty had farther conſidered of it; and that, beſides this 'act of ſecurity,' there were ſome other very valuable acts paſſed in conſequence of that grand reſolve; ſuch as the act 'ſecuring preſbyterian government,' the 'act ratifying the claim of right, &c.' to which acts the royal aſſent was now promiſed by her majeſty's commiſſioner: and therefore it was high time to go upon ſome further acts for trade. After a long and warm debate, the queſtion being put, 'To proceed either upon the act for limitation or upon overtures for trade?' It was carried for the latter by a majority of eleven voices. This vote being over, the act 'for importing wine' was read, and, the queſtion for approving it being inſiſted on, the marquis of Tweedale ſaid, That ſeeing no arguments could prevail with ſome people to part with this 'ſcandalous and pernicious act,' he thought it was very proper, that all honeſt men, who wiſhed well to the trade of their country and the honour of their queen, ſhould clear themſelves of the leaſt aſſent to it: And therefore, before the act was put to the vote, he entered a proteſtation for himſelf, and in the name of ſuch as ſhould adhere to it, 'That this act allowing the importation of French wines and brandy, ought not to paſs, as being diſhonourable to her majeſty, inconſiſtent with the grand alliance, wherein ſhe was engaged, and prejudicial to the honour, ſafety, intereſt, and trade of this kingdom.' He deſired, that this proteſtation might be marked and inſerted in the records of parliament; and the ſame was adhered to by twenty peers, forty three repreſentatives for ſhires, and twenty-one repreſentatives of boroughs; and then, the clauſe being put to the vote, it was carried in the affirmative. The next day, September 14, a clauſe was offered, 'That no Scots ſhips ſhould trade directly with France now in time of war;' but ſeveral members objecting againſt it, the act was carried by a vote without it.

On the 15th of September, it was urged by a member, 'That this had been a very tedious and expenſive ſeſſion of parliament: That moſt part of it had been employed in adjuſting the 'act of ſecurity' of this nation after her majeſty's deceaſe. That, ſeeing this act of ſecurity was now laid aſide, it was therefore high time for the houſe to employ themſelves in making new conditions. That, there was an act now lying upon the table, offered by Mr. Fletcher, which he moved might be the ſtandard of future deliberations, as that formerly offered by the marquis of Athol had been the foundation of the act of ſecurity.' This motion being ſeconded by many members, the lord treaſurer repreſented, that the parliament had ſat a long time without providing funds for the army, which muſt of neceſſity be ſupported, both for maintaining the peace at home, and for defending the nation againſt invaſions from abroad: That there was an act now upon the table, which had been long before preſented for that purpoſe: And he moved, that it might receive a firſt reading. This was oppoſed by a member, who ſaid, 'That it ſeemed very unſeaſonable to propoſe a ſupply at this time, when the houſe had ſo much to do for the ſecurity of the nation; it being well known, that this parliament ſhould have no time allowed them after the ſupply was granted; though, for his part, he ſaw nobody unwilling to go upon the ſupply in due time, yet he thought it was very little encouragement for the nation to grant a ſupply, when they found themſelves fruſtrated of all their labour and

ber of it, and John Trenchard, Henry Lanford, and James Hamilton, were authors of that book; it was reſolved that they had ſcandalouſly and maliciouſly miſrepreſented and traduced the proteſtant freeholders of that kingdom, and endeavoured to create a miſunderſtanding and jealouſy between the people of England and the proteſtants of that kingdom. Upon which Anneſley was expelled the houſe, with this particular mark of diſgrace, that no warrant ſhould be iſſued this ſeſſion to elect a new member for Down Patrick in his room. Hamilton being dead, no queſtion was put about him, and Trenchard was got ſafe into England.

The truſtees haſtily finiſhed their affairs before the meeting of this parliament; and ſome London merchants, underſtanding there were good pennyworths to be had, ſent agents over to Dublin to purchaſe, in a lump, what was left unſold. To do it as a corporation, they examined the powers in the charters of ſeveral companies in London, that they might purchaſe under one, by which the company was impowered to buy lands without ſtint, or, at leaſt, a very large one; ſuch was the charter to the ſword-blade company, erected and incorporated to ſet up that manufacture in Cumberland, or one of the neighbouring counties, for the uſe of the army, on the breaking out of the firſt confederate war. They were enabled to purchaſe lands, to build mills upon the rivers, and to provide for the reception and entertainment of a great number of manufacturers from Germany; which not turning to account, the ſword-cutlers ſold their charter to thoſe London merchants, who purchaſed about twenty thouſand pounds a year of the forfeited eſtates, and ſome of the beſt of thoſe eſtates, for a ſum not much greater than it was ſaid the grantees, or thoſe that held of them, offered without putting the public to a penny charge: And theſe merchants, by the ſtile of 'The Governor and Company, for making the ſword-blades in England, prayed, that heads of a bill might be brought in, for enabling them to take conveyances of lands in Ireland.' But the parliament were ſo little diſpoſed to guaranty the bargains of the truſtees, that their petition was ordered to lie upon the table; and there it lay with others that had no better ſucceſs[f].

The commons expelled Mr. John Aſgill (who was at the ſame time member of the houſe of commons in England) for a ſtrange book he had publiſhed, to prove, out of ſcripture, that a true Chriſtian ought to have ſo great a ſtock of faith as to be tranſlated to heaven without dying. He had, as agent to the forementioned ſword-blade company, offered to lend money to the public in Ireland, at ſix per cent. on condition the parliament would paſs an act to confirm their purchaſe of the forfeited eſtates; but the company diſowned him in that offer, and, being ſummoned to appear before the houſe, to anſwer for his prevaricating with them, he pleaded his privilege as a member of parliament in England. Beſides his expulſion, he was voted incapable of ever ſitting in any parliament in Ireland.

The commons purſued the truſtees of the forfeited eſtates ſtill farther. For, in a repreſentation of the ſtate and grievances of the nation, which they agreed to offer to the queen, they began with complaining, 'That whereas her majeſty's royal predeceſſors, of bleſſed memory, had always had the glory of being kings and queens of a free people, diſtinguiſhed from the reſt of Europe by the eminent privilege of being governed by their own laws, and of enjoying their liberties under the dominion of a ſovereign prince, according to the moſt equal and juſt model of government that ever was framed; yet the conſtitution of that kingdom of Ireland had been of late greatly ſhaken, the lives, liberties, and eſtates of the ſubjects thereof being called in queſtion, and tried in a manner unknown to their anceſtors. That when they conſidered the charge, which the ſubjects of that kingdom had been unneceſſarily put to by the late truſtees for the forfeited eſtates, in defending ſuch their juſt rights and titles, and expence for theſe ſeveral months, and when the whole nation ſaw, that the ſupplies ſerve for no other uſes, but to gratify the avarice of ſome inſatiable miniſters.' This occaſioned a long debate, and many warm ſpeeches, were made in behalf of Mr. Fletcher's act in particular, and on the ſtate of the nation in general; and at length Mr. Fletcher himſelf ſpoke in favour of his own act, entering into the detail of it. Among the many arguments for promoting it, and the good conſequences which would ariſe from it, he urged, 'That it would ſave a great ſum, which was yearly expended by ſuch as went to court to look after places. That this ſum might ſerve for a good ſtock for trade. That by this act the nation would be free from the influence of Engliſh miniſters, by having their own places beſtowed by a Scots parliament. That ſuch an eſtabliſhment would not turn the form of the Scots government into a commonwealth, ſince there are precedents for it in ſome of the moſt abſolute monarchies in the world, particularly China, where all offices are beſtowed by the prince upon recommendation from his ſeveral councils in the ſeveral parts of his kingdoms: Nor would the prerogative be impaired by it, for, as to the prince's concern, it was only changing hands between the advice of an Engliſh miniſtry and that of a Scots parliament. That a Scots parliament muſt know, who are perſons fit for the ſervice of their prince and nation better than Engliſh miniſters, who, through their being unacquainted with the Scottiſmen and Scots affairs, might commit miſtakes hurtful to both nations. That the Engliſh would be gainers by this act, as well as the prince, ſince all the advantage, they had by the preſent eſtabliſhment, was to have the vanity of directing Scots affairs by the humour of a few of their own miniſters, who (as appeared of late) had very much miſtaken the intereſt of England, in ſome directions they gave relating to the Scots affairs. That by theſe means Scotland was impoveriſhed, and rendered incapable of giving that joint aſſiſtance againſt the common enemy which otherwiſe they might, if they were allowed to manage their own trade and buſineſs to the beſt advantage. That theſe difficulties muſt certainly make the nation uneaſy in their preſent condition, and would certainly diſpoſe them to lay hold on any opportunity of amending their condition, though to the ruin of their neighbours.'

The chancellor made an anſwer to this ſpeech, repreſenting the act as having a ſcheme for a commonwealth, and tending to innovate the conſtitution of the monarchy. And then the miniſtry offered a ſtate of a vote for giving a firſt reading either to Mr. Fletcher's act, or to the act of ſubſidy. There were many of the country-party, who had no mind to go to the full extent of Mr. Fletcher's act, but were withal reſolved to go upon the conſideration of overtures for the liberty of the nation. Theſe urged another ſtate of a vote, viz. 'overtures for ſubſidies, or overtures for liberty?' But the miniſtry preſſed the firſt ſtate of the vote. Upon which Mr. Fletcher alledged, 'That he had the honour to offer an act for ſecuring the liberties of the nation againſt Engliſh influences. That it was his opinion that the condition of the nation was ſo far gone into ruin, that the proviſions in this act were abſolutely neceſſary for its relief. That he doubted not to make this appear by reaſons unanſwerable; but that he found ſome people very ready to pervert the meaning of good deſigns: and leſt any ſuch bad handle ſhould be made of an overture, which he had ſincerely deſigned for the good of his country, he begged leave to withdraw his overture:' adding, 'That he ſhould be very ready to go into ſuch overtures, as the wiſdom of the houſe ſhould judge moſt proper for the honour and ſafety of the nation.' Then the other ſtate of the vote was offered, 'overtures for liberty, or overtures for a ſubſidy.' Here the miniſtry were at a loſs, for they knew, that overtures would be carried; and, by Mr. Fletcher's withdrawing his act, they were obliged to look out for another ſtate of a vote. This put them to a conſultation about the throne, during which time the members called from all ſides of the houſe for a vote upon the queſtion, as ſtated, 'Liberty or Subſidy,' and a great many warm expreſſions were thrown out againſt the miniſtry from people of all ranks. After ſome time ſpent in this manner, during which ſeveral uncertain and imperfect overtures of differing ſtates of queſtions were made; the commiſſioner moved from the throne, 'That if the houſe would agree to allow a firſt reading to the ſubſidy act, he did promiſe, that it ſhould not be heard of for three enſuing ſeſſions.' To this a member anſwered, 'That he believed, that thoſe about the throne did not expect, that this overture would take in the houſe: that the import of it was plainly this, that the act for a ſubſidy ſhould get a firſt reading now; then the houſe ſhould have three ſhort ſittings for the 'liberties' of the nation; and the fourth ſhould compleat the ſubſidy; after which the houſe was ſure to be adjourned. But, that he was certain the houſe was better acquainted with the artifices of the miniſtry, than to be miſled by ſuch overtures.' Another member urged, 'That it was now plain the nation was to expect no other return for their expence and toil, than to be put to the charge of a ſubſidy, and to lay down their necks under the yoke of ſlavery, which was prepared for them from that throne.' A third member ſaid, 'That he inſiſted upon having a vote upon the queſtion which had been put. That he found, that, as the liberties were ſuppreſſed, ſo the privileges of parliament were like to be torn from them: but that he would rather venture his life than it ſhould be ſo; and ſhould rather "die a freeman than live a ſlave." Some preſſed for the vote, and particularly the earl of Roxburgh, who added, 'That, if there was no other way of obtaining ſo natural and undeniable a privilege of the parliament, "They would demand it with their ſwords in their hands." Whether or no the commiſſioner had information, that the houſe would adhere to what they propoſed to be done, it is certain, that the foot-guards were ordered to be in readineſs, and that for ſeveral days before, a grand guard was ſet upon the Netherbow Port; and lieutenant-general Ramſey was heard to ſay, in his cups, 'That means would be found to make the parliament calm enough.' However, the commiſſioner, perceiving he ſhould be torn in pieces, if he withſtood the formidable oppoſition he ſaw againſt him, ordered the chancellor to acquaint the houſe, 'That it was yielded the parliament ſhould proceed upon overtures for liberty next ſeſſion.' Upon which aſſurance the members met the next morning, in order to prepare an overture for their purpoſe, which was in ſubſtance as follows: 'That the elective members ſhould be choſen for every ſeat at the Michaelmas head courts: That there ſhould be a parliament held once in two years at leaſt; That the ſhort adjournments 'de die in diem' ſhould be made by the parliaments themſelves as in England: That no officer of the army, cuſtoms, exciſe, or gratuitous penſioner, ſhould ſit as an elective member.' If ſuch an act had received the royal aſſent, the country-party had reſolved on giving a ſupply: but the commiſſioner was not inſtructed to purchaſe at that rate; and, having notice of what paſſed, he called for ſuch acts as he was impowered to paſs, and, having given the royal aſſent to them, made the following ſpeech to the parliament:

"My lords and gentlemen,

"We have now paſſed ſeveral good acts for our religion, liberty, and trade, which I hope will be acceptable to all her majeſty's good ſubjects. I wiſh you had alſo given the ſupplies neceſſary for the maintaining of her majeſty's forces, and preſerving the peace and ſafety of the kingdom. But ſince, I hope, this may yet be done in due time, and that beſides ſome queſtions and difficulties are fallen, that, in all probability, you can have no time to determine; and that withall, it is fit her majeſty ſhould have time to conſider upon ſuch things, that have been laid before her; and that we may know her mind therein more perfectly, a ſhort receſs appears at preſent to be neceſſary, and that this parliament be adjourned for ſome time. And therefore I have ordered my lord chancellor to adjourn this parliament until the 12th of October next.' Which the lord-chancellor did accordingly.

[f] The ſword-blade company ſold their eſtates afterwards to Mr. John Edwards, who had them cheap enough to have made a quick and a good market. Oldmix. II. 308.

as had, after many and expenſive delays, been allowed by the ſaid truſtees, had exceeded in value the current caſh of that kingdom; they had but too great reaſon to believe, that this had been principally occaſioned through falſe and malicious reports and miſrepreſentations made of the proteſtants of that kingdom, by deſigning and ill-meaning men, in order to create a miſunderſtanding between England and Ireland, and to promote beneficial employments for themſelves[s]."

The commons offered the neceſſary ſupplies, and granted 150,000l. to make good the deficiency of the neceſſary branches of the eſtabliſhment, for the ſupport of the government for two years, ending at Michaelmas 1705. But, though the commons granted the ſupplies, they took exceptions to the accounts that were laid before them, and obſerved ſome errors in them. This begot an uneaſineſs in the duke of Ormond; for, though he was generous, and above all ſordid practices, yet, being a man of pleaſure, he was much in the power of thoſe who acted under him, and whoſe integrity was not ſo clear. A committee having been appointed to inſpect the public accounts, they had the thanks of the houſe, for ſaving the kingdom 103,368l. which by miſrepreſentation had been charged as a debt upon the nation, and were ordered to examine what perſons were concerned in repreſenting ſuch a ſum, over and above the funds granted by parliament, and the revenue neceſſary to ſupport the government, and pay the public debts to Michaelmas 1703. The commons likewiſe voted ſeveral penſions amounting to above 17000l. a year, to be unneceſſary branches of the eſtabliſhment, and voted a proviſion for all the half pay officers[t]. They enacted the ſucceſſion of the crown to follow the pattern ſet them by England, in every particular, making it high-treaſon in Ireland, by word or writing, to impeach the ſucceſſion, as limited by ſeveral acts. But the great deſign of the commons was, to break the power of popery, and the intereſt, that the heads of the Iriſh families had among them. To this end they paſſed an act to prevent the growth of popery; and, to make it the more ſolemn, the ſpeaker, attended by the houſe of commons, preſented a bill, on the 23d of November, to the lord-lieutenant, and made a ſpeech on the occaſion to the following effect: "That they looked on this bill to be of ſuch importance to their future well being, that they had begged leave to attend his grace in a body with it, and not ſend it, as in caſes of leſs weight as uſual, by particular members. That the oppoſition conſtantly made in England by the papiſts of Ireland, againſt whatever might tend to the ſecurity of her majeſty's proteſtant ſubjects, induced the commons to lay theſe heads of a bill in this ſolemn manner before his grace. That they thought it now more particularly neceſſary, being well informed, and fully convinced, that great ſums of money had been lately raiſed among them, to oppoſe the paſſing a bill of this nature in England; yet they doubted not, but the weight of the thing, and juſtice of their deſires, would be ſo effectually laid before her majeſty by his grace, that all obſtacles would be ſurmounted, and an opportunity given them of aſſenting to the paſſing into law, what they conceived would be the greateſt ſecurity to the proteſtant religion and intereſt there[u]."

This 'bill to prevent the growth of popery' was ſomewhat like that, which had paſſed in England three years before, but with ſome more effectual clauſes, for the want of which no advantage had been received in England from that act. The main difference was that, which made it look leſs invidious, and yet was more effectual for breaking the dependence on the heads of families: For it was provided, that all eſtates ſhould be equally divided among the children of papiſts, notwithſtanding any ſettlements to the contrary, unleſs the perſons, on whom they were ſettled, qualified themſelves by taking the oaths, and coming to the communion of the church. This ſeemed to carry no hardſhip to the family in general, and yet gave hopes of weakening that intereſt ſo conſiderably, that the bill was thus ſolemnly offered to the duke of Ormond. Accordingly it was ſent over to England warmly recommended by him; but was as warmly oppoſed by thoſe, who had a mind to have a ſhare in the preſents, that were ready to be made by the papiſts, who had raiſed a conſiderable ſum for that purpoſe. The pretence for oppoſing it was, that, while the queen was ſo deeply engaged with the emperor, and was interceding for ſome favour to the proteſtants in his dominions, it ſeemed not ſeaſonable, and was ſcarce decent, to paſs ſo ſevere a law againſt thoſe of his religion. This pretence had the leſs ſtrength, ſince it was very evident, that all the Iriſh papiſts were in the French intereſt, and therefore there was no reaſon to apprehend, that the emperor would be much concerned for them. The parliament of England was ſitting, when this bill came over, and people were intent upon the iſſue of it, ſo that the miniſters judged it was not ſafe to deny it; but a clauſe was added, which they hoped would hinder its being accepted in Ireland. That matter was carried ſo ſecretly, that it was known to none, but thoſe who were at the council, till the news of it came from Ireland upon its being ſent thither. The clauſe was to this purpoſe, that none in Ireland ſhould be capable of any employment, or of being in the magiſtracy in any city, who did not qualify themſelves by receiving the ſacrament according to the teſt-act paſſed in England; which before this time had never been offered to the Iriſh nation. It was hoped, that, on account of this clauſe, thoſe in Ireland, who promoted it moſt, would now be the leſs fond of it, when they found it thus clogged.

[s] The reſt of the repreſentation was as follows:

"For, although her majeſty had been graciouſly pleaſed to aſſure them, that nothing of that kind had made any impreſſion on her majeſty to their prejudice, yet they were very ſenſible, that that nation had exceedingly ſuffered thereby in the opinion of England. That they could not, without the greateſt grief of heart, reflect upon the great decay and loſs of their trade. That the kingdom being almoſt exhauſted of its caſh, and themſelves hindered from earning their livelihood, and from maintaining their own manufacturies, their poor were thereby become very numerous, eſpecially the induſtrious proteſtants, who, in a country, wherein the number and power of the papiſts is very formidable, ought, as they humbly conceived, to be encouraged. That very many proteſtant families had been conſtrained to remove out of that kingdom, as well into Scotland, as to the dominions of foreign princes and ſtates. That their foreign trade, and its returns, were under ſuch reſtrictions and diſcouragements, as now to become in a manner unprofitable, although that kingdom had of late, by its blood and treaſure, contributed to ſave the plantation trade to the people of England. That the want of holding frequent parliaments in Ireland had been a great encouragement to evil-minded men, who intended nothing but their own gain, though accompanied with the ruin and oppreſſion of her majeſty's good ſubjects. That many civil officers were arrived at ſuch a pitch of corruption, through hopes of impunity, as was almoſt inſupportable, thereby getting vaſt eſtates in a ſhort time in a poor country: That others, in conſiderable employments, dwelt and reſided for the moſt part out of the kingdom, thereby neglecting the perſonal attendance on their duty, whilſt, in the mean time, their offices, (which in effect were made mere 'ſine cures') were but indifferently executed, to the great detriment of her majeſty's good ſubjects, and the great failure of juſtice; ſo that they were fully convinced that nothing but frequent parliaments, with permiſſion for them to ſit, and do the buſineſs of the nation, could prevent, or reform ſo great and notorious abuſes. That they offered to her majeſty's princely conſideration this their moſt humble repreſentation, with hearts full of a ſenſe of their miſerable condition, yet ſupported with the hopes they had from the auſpicious reign of her moſt ſacred majeſty; not doubting her majeſty's care and protection of them. For it was from her majeſty's gracious interpoſition alone in their favour, that they propoſed to themſelves relief from theſe their manifold groans and misfortunes. And that they could not deſpair of her goodneſs extended towards them in ſuch a prudent and gracious manner, as might afford them relief, according to the exigences of their condition, by reſtoring them to a full enjoyment of their conſtitution, or by promoting a more firm and ſtrict union with her majeſty's ſubjects of England; which would be to the advantage of that kingdom, nothing being a more certain truth, than that whatever riches Ireland can acquire, muſt at laſt neceſſarily center in the ſeat of the government." Concluding with theſe wiſhes: "May the choiceſt bleſſings of the great creator and preſerver of all things conſtantly attend your moſt ſacred majeſty: May you long continue to be the choiceſt bleſſing of your people, and the aſſerter of the liberties of Europe; And may we, your poor ſubjects of Ireland, be an eminent inſtance of your majeſty's having a juſt right to that moſt glorious title, that we may heartily join with the reſt of mankind in proclaiming, that your moſt excellent majeſty is not only the greateſt, but the beſt and juſteſt prince, that ever reigned."

On the 25th of October, Mr. Southwell, ſecretary of ſtate, acquainted the houſe of commons, "That their repreſentation was a matter of the higheſt conſequence; and that his grace would take ſuch care of it as might moſt conduce to the ſervice of the nation."

[t] The firſt penſion taken off was 1200l. a year to the preſbyterian miniſters of Ulſter granted by patent from king Charles II. for their loyalty and good ſervices to the crown. Among the reſt was a penſion of 500l. to the counteſs of Dorcheſter, king James IId's miſtreſs; another of 1600l. during the life of the earl of Rocheſter, to George Rodney Bridges; to the duke of St. Albans one of 800l. and to the lord St. Albans another of 1642l. moſt of the others had been granted to papiſts, probably in conſideration of ſome demands upon the grants of their eſtates. Among the penſions was reckoned that of the half-pay officers of 3814l. who were to be otherwiſe provided for. The whole of the penſions voted unneceſſary, amounted to juſt 17634l. and one half-penny a year.

[u] At the ſame time was preſented alſo a bill, to encourage the linen-manufacture, with an addreſs to the queen: Upon which bill the ſpeaker added, "That they had alſo framed and agreed to heads of a 'bill for the improvement of the linen-manufacture,' which they conceived might in time become uſeful to that kingdom, if liberty ſhould be given them to tranſport the linen manufactures thereof directly to the plantations, but would otherwiſe be deſtructive to the ſame. That, to obtain ſuch liberty, they had framed an humble addreſs to her majeſty, and relied on her great goodneſs to, and care of, her diſtreſſed people of that kingdom, that her majeſty would be pleaſed graciouſly to interpoſe in their favour with the parliament of England, that ſuch freedom might be allowed them, as one of the encouragements they had been induced to believe they ſhould have on their going into the linen trade, by the addreſs of the lords and commons of England." Which addreſs they prayed his grace to lay before her majeſty. Thereupon the lord lieutenant aſſured them, "That he would take care to tranſmit theſe two bills, which were ſo much for the intereſt of the nation, and recommend them in the moſt effectual manner, according to their deſire, and do all that was in his power to prevent the growth of popery."

Beſides

The greateſt part of Ulſter was poſſeſſed by the Scots, who adhered ſtiffly to their firſt education in Scotland; and they were ſo united in that way, that it was believed they could not find a ſufficient number of men, who would qualify themſelves, purſuant to this clauſe, to maintain the order and juſtice of the country. Yet, upon this occaſion, the Iriſh parliament proceeded with great caution and wiſdom: They reckoned, that this act, ſo far as it related to papiſts, would have a certain and great effect for their common ſecurity; and that, when it was once paſſed, it would never be repealed; whereas, if great inconveniencies did ariſe to the proteſtant diſſenters upon this new clauſe, it would be an eaſier thing to obtain a repeal of it in a ſubſequent parliament, either of England or Ireland. The act was therefore paſſed, and thoſe, who thought they had managed the matter with a maſter-piece of cunning, were outwitted by an Iriſh parliament. However this artifice, and ſome other things in the duke of Ormond's conduct, put them into ſuch an ill humour, that the ſupply was clogged and leſſened by many clauſes added to it.

On the 26th of November, the Iriſh houſe of commons voted a book, printed and publiſhed by Brocas and Maloane, entitled, 'The Memoirs of the late King James II. &c.' ſeditious, and ordered it to be burnt by the hands of the common hangman, and Brocas the printer, Maloane the bookſeller, and one Euſtace, (who brought theſe memoirs from England, and gave them to Maloane to print) to be proſecuted. It is remarkable, that, when the motion was made for burning the book, and proſecuting the printer, a member repreſented the great danger the proteſtants were in, in ſome parts of Ireland, particularly the county of Limerick, where the Iriſh were beginning to form themſelves into bodies, and to plunder the proteſtants of their arms and money; adding, that the diſaffected there held a correſpondence with thoſe in England, and were not out of hopes of reſtoring the pretended prince of Wales. Whereupon the houſe reſolved, 'That it appeared to them, that the papiſts of that kingdom ſtill retained hopes of the coming in of the perſon, who went by the name of the prince of Wales, in the life-time of the late king James, and now by the name of James III.' But the ſame day Mr. ſecretary Southwell, by command of the lord-lieutenant, acquainted the houſe, that it was his grace's pleaſure, that they ſhould adjourn till the 11th of January following, which was accordingly done[w]. By this ſudden adjournment, when the houſe was exerting itſelf with great zeal againſt popery, the ſeſſion ended in ſo much heat, that it was thought the parliament would meet no more, if the duke of Ormond (who was ſeverely reflected upon) was continued in the government.

Thus the parts of the government that were thought the moſt eaſily managed, Scotland and Ireland, had of late been put into ſo much diſorder, that it might prove no eaſy work to ſet them again in order. The government was every where going, as it were, out of joint: its nerves and ſtrength ſeemed to be much ſlackened. The truſting and employing, not only violent tories, but even known jacobites, as it brought a weakneſs on the management, ſo it raiſed a jealouſy, that could not be eaſily cured. Stories were confidently vented, and by ſome eaſily believed, that the queen was convinced of the wrong done her pretended brother, and that ſhe was willing to put affairs into the hands of perſons, who favoured his ſucceſſion. It was alſo obſerved, that our court kept too cold civilities with the houſe of Hanover, and did nothing that was tender or cordial looking that way: Nor were any employed, who had expreſſed a particular zeal for their intereſts. Theſe things gave great jealouſy; and all that was ſaid in excuſe for truſting ſuch perſons, was, that it was fit once to try if good uſage could ſoften them, and bring them entirely into the queen's intereſts; and aſſurances were given, that if, upon a trial, the effect hoped for did not follow, they ſhould be again diſmiſſed.

It is time now to turn to the operations of the war. The affairs at ſea this year were ill-deſigned, and worſe executed. The making prince George our lord high-admiral proved, in many inſtances, very unhappy to the nation: Men of bad deſigns impoſed on him, he underſtood thoſe matters very little, and they ſheltered themſelves under his name, to which a great ſubmiſſion was paid; but the complaints roſe the higher for that. Our main fleet was ready to go out in May, but the Dutch fleet was not yet come over; ſo Rooke was ſent out to alarm the coaſt of France; he lingered long in port, pretending ill health; upon that Churchill was ſent to command the fleet; but Rooke's health returned happily for him, or he thought fit to lay aſide that pretence, and went to ſea, where he continued a month; but in ſuch a ſtation, as if his deſign had been to keep far from meeting the French fleet, which ſailed out at that time; and to do the enemy no harm, not ſo much as to diſturb their quiet, by coming near their coaſt: at laſt he returned, without having attempted any thing.

In March 1702-3, vice-admiral Graydon, a man brutal in his way, and not well affected to the preſent ſtate of affairs, was ſent to the Weſt-Indies with a ſquadron of men of war, conſiſting of the Reſolution, the Mountague, Nonſuch, and Blackwall, and ſeveral tranſports, with brigadier Columbine's regiment, ſome ſtore-ſhips and merchant-men. The deſign was to gather all the forces, that were ſcattered throughout the plantations, and with that ſtrength to take Placentia, and drive the French out of the Newfoundland trade. But the ſecret of this was ſo ill kept, that it was commonly talked of before he ſailed; and the French had timely notice of it, and ſent a greater force to defend the place, than he could bring together to attack it. He ſet ſail from Plymouth, on the 13th of March, and, five days after, met with four French men of war under monſieur du Caſſe, ſailing towards Breſt, and viſibly foul, and in no condition to make any reſiſtance. Captain Cleland, who commanded the Mountague, engaged the ſternmoſt for ſome time; but, upon his firſt firing, the vice-admiral made a ſignal to call him off, 'being under orders not to loſe any time in this paſſage by chacing or ſpeaking with any ſhips whatſoever, the contrary winds having kept him in Plymouth much longer than was intended, and the ſervice, upon which he was bound, very much requiring his preſence, and the regiment, that was with him.' Upon this the French men of war got ſafe into Breſt. They were afterwards known to be monſieur du Caſſe's ſquadron, which had eſcaped Benbow, about ſeven months before, and was now bringing home treaſure from Carthagena and other parts of the Weſt-Indies, reported to be four millions of pieces of eight. But, though by this means a rich booty was loſt, yet ſo careful was the prince of Denmark's council to excuſe every thing done by a man of war of their own party, that they ordered an advertiſement to be inſerted in the Gazette, to juſtify Graydon; in which it was declared, that in purſuance of his orders, he had not engaged the French ſquadron. The orders were indeed ſtrangely given; but the admirals had never thought themſelves ſo limited by them, but that, upon great occaſions, they might ſtretch beyond their private inſtructions, eſpecially where the advantage was viſible, as it was in this caſe; for, ſince they were out of the way of new orders, and new occaſions might happen, which could not be known when their orders were given, the nature of the ſervice ſeemed to give them a greater liberty, than was fit to be allowed in the land-ſervice. When the vice-admiral came to the plantations, he acted in ſo ſavage a manner, as if he had been ſent rather to terrify than to protect them. When he had drawn the forces together, that were in the plantations, he went to attack Placentia; but he found it ſo well defended, that he did not think fit ſo much as to make any attempt upon it. Thus this expedition ended very inglorioufly, and many complaints of Graydon's conduct were ſent after him.

After ſir George Rooke's fruitleſs cruize, it was reſolved to ſend a ſtrong fleet into the Mediterranean. This fleet was not ready till the end of June, and the orders were to come out of the Streights by the end of September. Every thing was ſo ill laid in this expedition, as if it had been intended that nothing ſhould be done by it, beſides the convoying our merchant ſhips, which did not require the fourth part of ſuch a force. Sir Cloudeſly Shovel was to command, who, when he ſaw his inſtructions, repreſented to the miniſtry, that nothing could be expected from this voyage. However, he was ordered to go, and he obeyed his orders. He ſailed from St. Helen's the 1ſt of July, with a fleet of thirty-five Engliſh, and ſeventeen Dutch men of war. He had under him the vice-admirals, Fairborne of the red, and Lake of the blue, and rear admiral Byng, of the red. The Dutch were commanded by admiral Allemonde, with two other flags. They had a great number of merchant-ſhips of both nations under their convoy. The fleet appearing off Liſbon-Rock, the 24th of July, diſpelled the fears of the Portugueſe, of being inſulted by a French ſquadron. Sir Cloudeſly Shovel

[w] Beſides the act mentioned, there paſſed
1. Act for an additional exciſe on beer ale, and other liquors.
2. Act for encouraging the importation of iron and pipe-ſtaves.
3. Act to prevent popiſh prieſts coming into the kingdom.
4. Act for ſecuring the liberty of the ſubject, and for prevention of impriſonment beyond the ſeas.
5. Act for naturalizing all proteſtant ſtrangers.

Colonel

ſent ſir Stafford Fairborne to Liſbon, with compliments to the king of Portugal and the queen-dowager of England, by whom he was received with great marks of reſpect and eſteem. After the fleet got through the Streights, on the 12th of Auguſt, and water began to be wanted, the admiral having ſtretched over from Cape de Gat, to Cape Hone, in Barbary, ſent a boat, with a flag of truce, to acquaint the Moors with his deſign of watering there; but they anſwered his meſſage with a muſket ſhot, killed one of the boat's-crew, and mortally wounded the lieutenant of the Tartar, who commanded the boat, and died two days after. The want of water daily increaſing, it was reſolved in a council of war to put into Altea on the coaſt of Valentia in Spain. The Eagle, commanded by the lord Archibald Hamilton, and the Hampton Court, were ſent before: But the governor fired upon them with two guns planted on a tower, which, however, were ſoon diſmounted by theſe two men of war. In the mean time, the whole fleet came in ſight of the place, on the 31ſt of Auguſt, and the Flamborough was ſent cloſe to the ſhore to cover the deſcent of the regiments of marines, who, to the number of two thouſand five hundred men, landed under brigadier Seymour without any manner of confuſion, and were drawn up in order upon the ſhore, before half the fleet was come to their anchors. Theſe land-forces formed a camp near the place, and a meſſage was ſent to the governor, that they did not come as enemies, but friends; to which he anſwered, 'That he had a great eſteem for the Engliſh; but, however, he was ſorry, he was not in a condition to oppoſe their landing: That he would write to the viceroy of Valentia, and if his orders were ſuch, the admiral muſt not take it ill, if he ſhould fire upon his men.' At the ſame time the admirals Shovel and Allemonde, cauſed, in their names a ſhort manifeſto to be publiſhed and diſperſed among the Spaniards, containing in ſubſtance, 'That, purſuant to the orders of her majeſty of Great Britain and the States General, they did not deſign to give the leaſt diſturbance to the good ſubjects of Spain, but to protect ſuch of them, who, remembering their ancient obligations to the houſe of Auſtria, ſhould ſwear allegiance to their lawful monarch, the archduke Charles, and endeavour to throw off the yoke of France. And, as they would give their aſſiſtance to theſe of the Spaniſh nation, that ſhould regard their duty and true intereſt; ſo they ſhould deſtroy the perſons, houſes, and goods of ſuch, as ſhould oppoſe the efforts, which ſhould be made for the deliverance of that valiant and glorious nation from the tyranny and oppreſſion of France.' This manifeſto had no other effect but that the Spaniards, ſeeing no injury was offered them, brought plenty of all refreſhments and proviſions, for which they were paid in ready money. They profeſſed a great hatred to the French, appeared very well diſpoſed to the houſe of Auſtria, and drank to the proſperity of the archduke. The fleet being watered, ſailed, on the 3d of September, for Leghorn, where they arrived on the 19th. Ten days before, captain Jumper, with the Lenox, Ipſwich, Hampſhire, and Dover, ſailed off Formontera, with the Turkey fleet under his convoy. As one deſign of this expedition was to endeavour to give ſome relief to the Cevennois, who, the laſt year, had raiſed an inſurrection in France, it will be proper to inſert here a brief account of that affair.

The Cevennois, or inhabitants of the Cevennes, a mountainous country in the ſouth part of Languedoc in France, were moſtly of the reformed religion, before the general perſecution in the year 1685, to the violence of which they were obliged to yield; but moſt of them had ſince thrown off the yoke of popery, and returned to their former faith, by means of ſome zealous miniſters; who, notwithſtanding the danger, to which they expoſed themſelves, had conſtantly preached amongſt them. Their numbers, and the advantageous ſituation of their country, giving the court of France more jealouſy than of all the other proteſtants in the kingdom, care was taken to curb and oppoſe them more than any of the reſt, and, by continual vexations, to put it out of their power to recover their liberty. Monſieur de Baſville, intendant of Languedoc, and count Broglio, commander of the troops in that province, left no means untried to ruin them, by their extortions and military executions. The proteſtants aſſembling often in the woods to perform their religious exerciſes, thoſe two perſecutors poſted troops in ſeveral places, with orders to fire upon all ſuch as they ſhould find in thoſe aſſemblies, and to burn the houſes of thoſe, whom they could not ſeize. By this means a great part of the Cevennois were entirely ruined, and whole villages laid waſte. The abbot of Cheilat, ſub-delegate of the intendant Baſvile, was likewiſe very ſevere againſt thoſe, who attempted to eſcape out of the kingdom for religion, having invented a rack to torment them, which was a beam ſlit in two with vices at each end. Every morning he uſed to ſend for his priſoners, in order to examine them; and, if they refuſed to confeſs what he deſired, he cauſed their legs to be put into the ſlit of the beam, and ſqueezed them till the bones cracked, and tied their toes with ſtrings, and turned them with wheels till they were out of joint. But monſieur Eſprit, one of the preachers among the proteſtants, having heard of theſe cruelties, marched at the head of about ſixty young men to the abbot's houſe, and demanded the priſoners. Upon this ordering the guard to fire upon them, by which two of them were killed, and others wounded, they forced the guard, broke open the priſon, releaſed the priſoners, and, having wounded the abbot in the thigh, as he was making his eſcape out at a window, allowed him a quarter of an hour to prepare for death, then ſhot him dead, and ſet fire to his houſe. This done, they formed a deſign of greater importance, and going through the towns and villages, brandiſhing their ſwords, cried out, 'liberty, liberty;' and, in a little time, drew a great many other young men after them, and formed a body of three or four hundred. The intendant, being informed of what had happened to the abbot of Cheilat, immediately ſent orders for the ſeizing of the rioters; but, the troops, that were commanded upon that ſervice, meeting with oppoſition, the intendant thought this a favourable opportunity to inrich himſelf, by converting to his own uſe the pay of the troops, and quartering them at diſcretion upon the villages, where the murder had been committed; and, to carry on this ſcheme for his own profit the longer, he neglected to acquaint the French court with this inſurrection. The malecontents, having by this means gained time to ſtrengthen themſelves, increaſed to the number of two thouſand, who divided themſelves into four bodies, and became ſo formidable, that they began to make excurſions into the plain, burnt churches, and put to the ſword the popiſh prieſts, and all their former perſecutors, leaving the reſt unmoleſted. Upon this the court of France diſpatched monſieur Julian, infamous for his apoſtacy from the proteſtant religion, with eight regiments, to reduce the malecontents; but, theſe forces not being able to ſtem a torrent, which daily increaſed, marſhal de Montrevel was ſent into Languedoc with an army of ten or twelve thouſand men, and directions to uſe all the methods he ſhould think moſt effectual to quell the inſurrection. The marſhal had not been long in Languedoc, before he publiſhed a declaration, whereby he committed all prieſts, eccleſiaſtics, and churches, to the care of the new converts and communities; and declared, that, if any accident ſhould befall them, the communities ſhould be anſwerable for them, and that they ſhould be burnt and entirely deſtroyed. This impolitic declaration, together with ſeveral ſhocking cruelties exerciſed by that commander, exaſperated the malecontents, and increaſed their numbers, ſo that the French king's troops, after having been ſeveral times defeated, were obliged to keep within the walled towns. The repeated informations of the progreſs of the Cevennois, made the ſovereigns in alliance againſt France attentive to that inſurrection; and the general concern, which the Engliſh nation expreſſed for a people, who fought for the proteſtant cauſe, together with the ſollicitations of the marquis de Miremont, and other eminent French refugees in their favour *, moved the queen, and prince George, to propoſe the reliev-

* Colonel Cavalier in his memoirs of the wars of the Cevennes, p. 172. tells us, that the marquis wrote them a letter, wherein he obſerved, "That the queen being informed of their deplorable condition, was reſolved to ſend them ſome ſuccours, and that he would come himſelf to help them; deſiring them in the mean time to behave themſelves with prudence till his arrival." Upon this they ſent him an account of the ſtate of their affairs, and in a ſhort time after they received a ſecond letter, which confirmed what he had written before; and afterwards ſent them an expreſs, called Fletar, to know what meaſure he could take to come and ſuccour them. Having conferred together, they ſent back the expreſs with all neceſſary inſtructions, who arrived ſafe in England, and gave the queen an exact account of his journey; and they were aſſured by a third letter of ſpeedy relief, which proved very prejudicial to them afterwards: for it was then they were beginning to get ground, and their remiſſneſs gave their enemies time to ſtop their progreſs: I do not pretend, ſays colonel Cavalier, to blame the marquis's ſlowneſs; for I believe it was not his fault, he being much inclined to come and ſuccour us, but, being unexperienced in ſuch affairs, and under a neceſſity of taking advice, it was very difficult for him to know what to reſolve upon. He had perſons about him, who acted with more regard to their own intereſt than the public good. They talked of nothing in the court of France but the great preparations England was making for our aſſiſtance, as if I ſhould deſire a man to take care of himſelf, that I had a mind to kill, and in the mean time bid him not be afraid; that I would do him no hurt. For all the projects of monſieur Miremont were as well known in the court of France as in England; and all this by means of the perſons, whom the marquis had choſen to be his adviſers. This generally happens to princes, who communicate their ſecrets to ſeveral perſons. For the court of France, being well informed of every thing, took ſuch effectual meaſures, that it was impoſſible for us afterwards

ing of them in council. The earl of Nottingham repreſented the dangerous conſequence of aſſiſting rebels againſt their natural prince; but the reſult of ſeveral conſultations was, that, ſince all ways to relieve the Cevennois were ſhut up by land, the fleet, that was to go into the Mediterranean, under the command of admiral Shovel, ſhould endeavour to carry them a ſupply of arms, ammunition, and money: Which reſolution was no ſooner known, than univerſally applauded. And indeed, though it be neither lawful nor ſafe for princes to encourage inſurrections in one another's dominions; yet this maxim cannot take place in time of war, when any way, by which the enemy can be annoyed, is allowable; nor, in particular, with regard to the French king, who at this very juncture, had armed part of the empire againſt the empire itſelf, and countenanced a deſign of an inſurrection in Scotland, and other ill practices in England, which, in the month of May, were diſcovered, by the ſeizing in Kent of two or three perſons coming from France, and having about them ſeveral letters directed to papiſts and diſaffected perſons.

The better to ſucceed in the enterprize of relieving the Cevennois, who were alſo called Camiſars, ſeveral French refugees were ſent by land into France, to acquaint them, both with the queen's good intentions, and with the ſignals, which the Engliſh ſhips would make, that they might anſwer them by other ſignals, and concur in the endeavours that ſhould be uſed towards their relief. The only perſon, who had the good fortune, either to penetrate into, or return from the Cevennes, was Mr. David Flatan, who was ſent by the marquis de Miremont. The others were taken at the paſſage of Pont St. Eſprit, and others broke alive upon the wheel, or made gally-ſlaves. Beſides the perſons ſent by land to the Cevennois, there were three other French refugees, Mr. Portales, captain la Billiere, and Mr. Tempie, commiſſioned to go on board the Engliſh fleet, to aſſiſt in this undertaking, and be witneſſes of all that paſſed. The firſt of theſe gentlemen, being ſent for to a council of war of all the Engliſh and Dutch flag-officers, held on board the Triumph, on the 29th of Auguſt, when the fleet was at Altea, wherein, among other things, it was debated, how to put that enterprize in execution, ſir Cloudeſly Shovel told him, "That the ſeaſon being ſo far advanced, and the gulphs of Narbonne and Lyons ſo dangerous, they did not think it prudence to hazard her majeſty's fleet in a coaſt unknown, and which had ever been ſo dreadful to the Engliſh ſeamen, that in order to avoid it, they often choſe to go an hundred leagues out of their way: That he was very ſorry he could not perform himſelf ſo great a ſervice to the brave Cevennois; but that, purſuant to the reſult of their conſultation, he would order two men of war to go upon that attempt, with a good quantity of arms, ammunition, and money; and that, if they had the good fortune to ſpeak with their friends, and to deliver them thoſe things, it would be eaſy for them to concert meaſures with the Cevennois for their farther ſupply and relief." Accordingly, the day Shovel ſailed from Altea, he diſpatched the Pembroke, captain Harris, and the Tartar, captain Cooper, to enter the gulph of Narbonne, having the three refugee gentlemen on board, and two French pilots beſides. The next day they took a French tartane, by the maſter of which they underſtood, that marſhal de Montrevel, having intelligence of their deſign, had already taken the neceſſary meaſures to diſappoint it. The Pembroke and Tartar entered the gulph of Narbonne, and, being come between porte Cette and Pequai, they made the ſignals, as directed from court under the earl of Nottingham's own hand; but, not being anſwered from the ſhore, they did not think it ſafe to continue in that dangerous ſea any longer, and ſo made the beſt of their way to the general rendezvous at Leghorn road, where they arrived, the 23d of September, four days after the fleet [y].

Count Lamberg, the imperial embaſſador at Rome, came on board the admiral in the road of Leghorn, on the 28th of September, and acquainted him with the archduke of Auſtria's having been declared and proclaimed king of Spain at Vienna, by the name of Charles III. on the 12th of that month, N. S. Upon this every ſhip in the Engliſh ſquadron fired fifteen guns, and his catholic majeſty's health was drank. Count Lamberg having ſent a gentleman, with one of ſir Cloudeſly Shovel's ſecretaries, to notify the archduke's acceſſion to the Spaniſh throne to the Dutch admiral Allemonde, was ſomewhat ſurprized, that the imperial miniſter ſhould not pay him a viſit on that account, as he had done the Engliſh admiral. However he ordered all his ſhips to fire alſo fifteen guns ſome hours after, and then count Lamberg went to ſee him on board.

The arrival of the fleet at Leghorn ſeemed to be of great conſequence, and the allies began to take courage; but they were ſoon diſappointed of their hopes, when they underſtood that, by ſir Cloudeſly's orders, he could only ſtay a few days there. Nor was it eaſy to imagine, what the deſign of ſo great an expedition could be, or why ſo much money was thrown away on ſuch a project, which made us deſpiſed by our enemies, while it provoked our friends, who might juſtly think they could not depend upon ſuch an ally, who managed ſo great a force with ſo wretched a conduct, as neither to hurt their enemies, nor protect their friends by it. The fleet, purſuant to orders, ſailed from Leghorn, the 2d of October. On the 6th, the Pembroke, Exeter, Tartar, Flamborough, and one fireſhip, were detached to go to Tunis and Tripoli, to renew the peace with thoſe governments, and thence to proceed to Scandaroon to join captain Jumper. On the 18th, rear-admiral Byng was ſent with another ſquadron to Algiers, to renew the peace with that regency; and, on the 12th, the fleet met with a dreadful ſtorm, but did not ſuffer much damage, by reaſon it did not laſt long. Ten days after, ſir Cloudeſly, with the remainder of the fleet, came into Altea-bay, where ſeveral Spaniards openly declared for Charles III. king of Spain, and offered themſelves to ſerve on board the fleet, which was accepted. Having, on the 27th, paſſed the Streights mouth, the admiral ordered ſir Thomas Hardy, with the Bedford, Somerſet, and Lizard, to Tangier; and, on the 30th, the Dutch parted from the Engliſh, making the beſt of their way home. The ſame day, ſir Cloudeſly ſent five ſhips under the command of ſir Andrew Lake to Liſbon, and thence to Oporto, Vienna, &c. to take under his convoy thoſe merchant-ſhips, which were bound for England: and, having a fair wind, and good weather in his paſſage, arrived in the Downs on the 17th of November. The Orford, Warſpight, and Lichfield, which parted from him ſix days before, met ſoon after with a French man of war of fifty-two guns and five hundred men, coming from Newfoundland, whom they engaged and took, after an obſtinate fight of nine hours.

Theſe fruitleſs as well as expenſive ſea-expeditions were not the only ſubject of complaint, with regard to the fleet. There were many other great complaints, particularly with reſpect to the victualling; many ſeamen were loſt, who, as was ſaid, were poiſoned by ill food; and, though the victuallers were moſt complained of before the fleet went out, yet there was not ſuch care taken to look into it, as a matter of that conſequence deſerved: The merchants did alſo complain, that they were ill ſerved with convoys, and ſo little care had been taken of the Newcaſtle fleet, that the price of coals roſe very high: It was alſo ſaid, that there was not a due care had of our ſeamen, that were taken by the privateers; many of them died by reaſon of their ill uſage, while others, to deliver themſelves from that went into the French ſervice. Thus all our marine affairs were much out of order, and theſe diſorders were charged on thoſe, who had the conduct of them; every thing was unproſperous, and that will always be laid heavily on thoſe, who are in the management of affairs: It is certain, that in the beginning of this reign, all thoſe, who hated the late king and his government, or

wards to have any correſpondence with foreign countries, ſo that all our hopes of the fair promiſes, the marquis made us from the queen, vaniſhed after a delay of eighteen months. I believe it was not his fault, as I ſaid before; for, had he been able to fly with ten thouſand men to the place we were in, I am ſure he would have given no quarter to his relation's troop. The truth is, I believe France had then emiſſaries in England, as it uſually has, which put a ſtop to the project of monſieur Miremont, and prevented the queen and her allies from making uſe of ſo favourable an occaſion to ruin France, which might have been effected in leſs than two years; for, being maſters of the ſea, they might eaſily have ſent us ſuccours, at leaſt ſome arms and money. For, had they ſent us but twenty thouſand pounds ſterling, we would ſoon have made up a body of fifty thouſand men. But, as I ſaid before, they looked on this war as a ſudden blaze, which ſoon vaniſhes away, and therefore neglected to ſend us any relief. It is wonderful how we could reſiſt for ſo long a time twenty thouſand men, and two marſhals of France. If the reader will ſeriouſly conſider the advantage the allies had by our war, he will ſoon be perſuaded, that, if the twenty thouſand men, who were ſent directly againſt us, had been employed, either in Italy, Germany, or Spain, they would have put a ſtop to the progreſs of the allies, eſpecially againſt his royal highneſs the duke of Savoy, or in Spain againſt the Portugueſe."

[y] The next morning after ſir Cloudeſly's arrival, the town ſaluted him with five guns, of which he took no notice, as not being a ſufficient ſalute for a royal fleet, and refuſed to accept the ordinary preſent, that was ſent him by the governor. The latter having ſent to know the reaſon of it, ſir Cloudeſly made him ſenſible of his miſtake, and at the ſame time ſent a meſſage to the grand duke of Tuſcany, inſiſting upon a royal ſalute, as having the union flag, the moſt conſiderable in England. After ſome diſputes, his royal highneſs was obliged to order, that the town ſhould ſalute with eleven guns, which was accordingly performed, and which ſir Cloudeſly anſwered, and was afterwards complimented by ſeveral perſons of diſtinction, and received the extraordinary preſents, which had been prepared for the count de Thoulouſe, admiral of France, who was expected there before the Engliſh fleet, but who never durſt come out of the harbour of Toulon, as long as the latter remained in the Mediterranean.

had been diſmiſſed the ſervice by him, were ſought out, and invited into employments; ſo it was not to be expected, that they could be faithful or cordial in the war againſt France. It is time now to turn to the operations at land.

When the ſeſſion of parliament was at an end, the court was wholly taken up with the preparations for the campaign. Juſt as the duke of Marlborough was going abroad, he had a great domeſtic affliction, the loſs of his only ſon, the marquis of Blandford, a graceful perſon, and a very promiſing youth. He died, February 20, 1702-3, at Cambridge, of the ſmall-pox. This, as may be imagined, touched his father very deeply, and delayed his paſſing the ſeas ſome days longer than he had intended. Upon his arrival on the other ſide, the Dutch brought their armies into the field, and it was reſolved to begin the campaign with the ſiege of Bonne. In the mean time all men's eyes were turned towards Bavaria. The court of Vienna had given it out all the winter, that they would bring ſuch a force upon the elector, as would quickly put an end to the war, and ſeize his whole country. But the ſlowneſs of that court appeared on this, as it had done on all other occaſions; for, though they brought two armies into the field, they were not able to deal with the Bavarian forces. On the contrary, the French having promiſed the elector of Bavaria, in whom they repoſed great confidence, ſuch powerful reinforcements, as would effectually break all the meaſures of the Imperial court; marſhal Villars, who lay with an army of thirty thouſand men at Straſburg, had orders to join the elector. He paſſed the Rhine, and inveſted Fort Kehl, over againſt Straſburg [z], which was defended by a numerous garriſon, but not well provided with ammunition and proviſion; ſo that, when, on the 9th of March, the French were preparing for a general ſtorm, the ſieur Enſberg, the governor, deſired to capitulate, and the place was ſurrendered upon honourable terms. In purſuance of the articles, the garriſon, conſiſting of two thouſand four hundred men, were conducted to Philipſburg.

Theſe proceedings alarming the councils of war at Vienna, count Schlick was ordered to enter Bavaria, on the ſide of Saltzſburg with one army, and count Stirum, on the ſide of Newmark, with another. Stirum, having defeated a party of Bavarians, marched on to Newmark [a], where the Bavarian governor, with a garriſon of fourteen hundred men, made a ſhew of ſuſtaining a ſiege; but, the citizens ſeeing count Stirum's batteries ready to play upon them, they mutinied againſt the governor, and obliged him to ſurrender. Upon this, the city of Amberg [b] ſent their deputies to count Stirum, offering whatever he could reaſonably exact from them, provided he would forbear attacking their city. But that general refuſed to accept the regency's offer; and, as ſoon as he had ordered the town to be ſummoned in the emperor's name, he cauſed the place to be inveſted, which ſurrendered after a very ſhort reſiſtance.

On the other hand, count Schlick, having drawn together an army of twenty thouſand men in the Upper Auſtria, broke into the Bavarian lines by way of Saltzburg, defeated the militia that guarded them, and made himſelf maſter of Riedt, and ſeveral other ſmall places. To put a ſtop to theſe proceedings, the elector of Bavaria aſſembled his army near Brenau, and (to deceive count Schlick) reported that he was going to beſiege Paſſau. General Schlick, conſidering the importance of that place, advanced with the greateſt part of his infantry to cover it, leaving his cavalry and all his artillery behind him. The elector, being informed of theſe motions, paſſed over Scarding bridge with twelve thouſand men, and advanced towards the village Iſenbern, where the regiments of Schlick and Hanover were poſted. He attacked them, and drove them to their main body, where they ranged themſelves together in order of battle, reſolving to receive the elector, who, taking the advantage of his ſuperiority, renewed the charge, and, after a bloody engagement, forced them to quit the field of battle, and purſued them as far as the country would permit. Immediately after this, the elector being informed, that the head-quarters of the Saxon troops, with the artillery, were not above two leagues farther, he directly marched towards them and attacked them ſo vigorouſly that they quitted their cannon, and at length were entirely defeated. In this action, the Imperialiſts loſt ſeventeen or eighteen ſtandards, four pieces of heavy cannon, four mortars, and all their ammunition and baggage. The Bavarians, in a few days after, took Newburg on the Inn, by capitulation, and the garriſon was conducted to Paſſau.

Notwithſtanding theſe diſadvantages, general Schlick was reſolved to penetrate into Bavaria; and, having overcome ſome of the enemy's troops that guarded the woods and paſſes near Paſſau, he made himſelf maſter of Wiltzhoven, and poſſeſſed himſelf of the country adjacent. Count Stirum was alſo in motion, and took Vryſtadt, Newſcaſſel, and ſeveral other ſmall places in the Upper Palatinate. The elector obſerving the progreſs of that general, marched with a deſign to make himſelf maſter of Ratiſbon. Upon that, the count encamped between Newmark and Amberg, reſolving to give the elector battle the firſt opportunity. In order to this, he ſent the young prince of Brandenburgh Anſpach with eight hundred horſe, to open the paſs of Wiltz, which was guarded by the Bavarians. He very courageouſly effected the deſign, and diſpoſſeſſed them of a very important poſt; but, being willing to purſue them, he was attacked by the elector in perſon near Burghenfeldt, with a body of four thouſand men, where, after making a glorious reſiſtance for ſome hours, he was at laſt unfortunately wounded by a muſket-ſhot, of which he died the next day, much lamented for his great bravery, and other extraordinary qualifications. The Imperialiſts hereupon thought fit to retreat, which was performed in very good order.

Though the elector of Bavaria gave the moſt ſolemn aſſurances, that he would not moleſt the city and dyet of Ratiſbon [c], yet contrary to all expectations, on the 6th of April, having taken up his quarters in the caſtle of Weiks, very near that city, and poſted his army on both ſides the river Danau, he gave notice by his miniſter to the director of Mentz, that he would have the bridge over the Danube, and the gate, which leads to it, delivered up to him, provided count Stirum's declaration, that he would conform himſelf to the concluſion of the dyet, in not attempting to paſs through the town, did not arrive in twenty-four hours. The next morning the dyet aſſembled, but not immediately complying with his demands, he poſted his army near St. Emeran's gate, where he began to raiſe a battery. The burghers took up arms, planted their cannon upon the ramparts, and put themſelves in a poſture of defence. But, the Bavarians advancing as far as the moat of the town, in order to bombard the place, the cardinal and the other miniſters, thinking it not prudent to ſtay till the utmoſt extremity, deſired, that they might treat with the elector about the bridge the next morning; and, at the ſame time, the burghers were expreſsly forbid to fire a gun upon the Bavarians, ſo that all things were quiet that night. At the time appointed, the magiſtracy ſent ſome of their own number to wait on the elector, but were informed, that he not only demanded poſſeſſion of the bridge, but that two battalions of his men ſhould be admitted into the city, and that he allowed them but three hours to conſider of it. This cauſed an extraordinary debate; but they, imagining that the city was not in a condition to make a long defence, and that they could not obtain any ſeaſonable relief, at laſt agreed, that the bridge and gate ſhould be delivered up to the Bavarians, which was done, on the 8th of April, at night. In return, the elector ſigned an inſtrument, whereby he obliged himſelf effectually to withdraw his battalions, as ſoon as the emperor's ratification of the concluſion of the dyet for the neutrality of the city, and his general's declaration in that matter, ſhould arrive: and, in the mean time, to leave all things in the ſame condition as he found them; and that the public miniſters with their families, ſhould enjoy all poſſible freedom and ſecurity. Having thus ſecured that poſt, he decamped with his army, and marched to oppoſe general Schlick, who, being informed thereof, quitted Wiltthoven, and retired to the woods, expecting a reinforcement of three thouſand Hungarians, who were arrived in the upper Auſtria.

The empire being thus in a declining condition, the French king ſent poſitive orders to the marſhal de Villars to break through the prince Lewis of Baden's lines at Stolhoffen, and

[z] Kehl is an important fort in Germany, upon the eaſt-ſide of the Rhine, over againſt Straſburg. It was ſurrendered by the French to the Imperialiſts, by virtue of the treaty of Ryſwick in 1697, and retook by the French this preſent campaign.

[a] Newmark is a city of Germany, in the circle of Bavaria, and territory of Nortgow. It ſtands on the river Saltz, near the confines of Franconia, ſubject to the elector of Bavaria, but taken by the Imperialiſts this preſent campaign. It ſtands twenty-one miles ſouth-eaſt of Nurenburg, and thirty-three north-weſt of Ratiſbon.

[b] Amberg is a fine city of Germany, in the circle and upper palatinate of Bavaria (or Nortgow) ſubject to the elector of Bavaria, but taken by the Imperialiſts this campaign. It ſtands on the river Wills, thirty-two miles eaſt of Aurenburg, and twenty-eight north of Ratiſbon.

[c] Ratiſbon is a very large, rich, and ſtrong city of Germany, in the circle and dukedom of Bavaria. A bithopric under the archbiſhop of Saltzburg; is free and Imperial, famous for the general dyets of the empire; although it was ſeized by the elector of Bavaria this campaign, he loſt it (as well as his own dominions) in 1704, ſoon after the action of Schellenberg near Donawert. It has a very fair ſtone bridge over the Danube, one thouſand and ninety-one feet long, and thirty-two feet broad, ſupported by pillars, and adorned with three towers. Here is alſo a magnificent old cathedral, and ſtately caſtle, where the Imperial dyets are commonly held.

Bonne

join the elector of Bavaria at all events; and count Tallard was likewiſe commanded to reinforce him with his flying camp. Prince Lewis (the beſt part of whoſe army had been called away to the war in Bavaria) foreſeeing the danger he was in, wrote a letter to the States-General, wherein he informed them, that he had neither men nor cannon ſufficient to withſtand ſo numerous an army, or to oppoſe ſo large an artillery, as Villars and Tallard were bringing againſt him. The States, upon this intelligence, immediately ſent him a reinforcement of eight regiments, under the command of major-general Goor; who, marching with all poſſible expedition, reached the lines at the ſame time that Villars appeared before them.

The French attacked the prince with an army more than double his number; but his men, chiefly the Dutch battalions, received them with ſo much courage, that the French were obliged to retreat with great loſs, and bent their march towards Offingen.

Villars, notwithſtanding this unſucceſsful attempt, upon repeated orders reſolved not to abandon the elector, who, after all his advantages, was like to be overpowered with numbers, if not timely relieved. The Black Foreſt was thought impracticable in that wet ſeaſon. This was too much truſted to, ſo that the paſſes were ill guarded; and therefore Villars overcame all difficulties, and at laſt joined the elector near Dutling. Upon this junction count Stirum decamped, in order to march to prince Lewis of Baden; but, being attacked near Schwemmingen, he retired under the cannon of Norlingen.

Whilſt the French ſucceeded thus in Germany, the affairs of the confederates upon the lower Rhine, and in Flanders, were in a more proſperous ſituation. Rhinburg, which had been blocked up by count Lettum, general of the Pruſſian forces, ſurrendered. After this, count Lettum blocked up Guelders; and the duke of Marlborough cauſed Bonne [d] to be inveſted by the Pruſſian and Lunenburg cavalry, under lieutenant-general Bouleau. The next day, general Fagel arrived with the foot; after him, the duke of Marlborough and baron Obdam; and the day following, lieutenant-general Coehorn. The generals, having held a council of war, ordered the town to be attacked in three places; one was againſt the fort on the other ſide of the Rhine, and the other two againſt the city and the outworks, that ſecured it. The firſt of theſe attacks was commanded by general Coehorn; the ſecond by the hereditary prince of Heſſe-Caſſel; and the third by lieutenant-general Fagel. Twelve regiments were ordered to each of theſe attacks, who took their poſts accordingly. On the 3d of May, the trenches were opened in all the three attacks, and the beſiegers continued their approaches with extraordinary diligence and inconſiderable loſs. On the 8th, the batteries being ready, the cannon and mortars played vigorouſly againſt the town and fort; and the ſame day the chain, which held the flying bridge (by means of which the fort communicated with the town) was broke by a cannon ſhot, and the bridge carried away, notwithſtanding the enemy uſed their utmoſt endeavours to ſave it with the loſs of ſeveral men killed and wounded. But, in the evening, a very unhappy accident happened in major-general Dedem's attack, where an hundred and fifty bombs, and as many grenadoes, took fire and were deſtroyed, together with a lieutenant and five workmen. However the batteries at that attack, as well as thoſe at the other two, began to play, on the 9th, in the morning; and, the beſiegers having intelligence that the garriſon of that fort was not numerous, and the battery, which played upon it, making a very wide breach, they reſolved to ſtorm it in the evening, which was executed by four hundred grenadiers, ſupported by four battalions. During this attack, the enemy ſet fire to all the barracks and other buildings, that they might retire into the city by favour of the ſmoke; but moſt of them were ſo cloſely purſued into the ravelin, that they had not time to effect their deſign. Some, who were taken priſoners upon this occaſion, reported, that fifty men remained in a redoubt within the fort; whereupon the beſiegers immediately ſcaled the ramparts, and took that redoubt ſword in hand after a ſhort reſiſtance; moſt of thoſe, who defended it, being killed on the ſpot, and ſeveral made priſoners, as they were endeavouring to eſcape in a boat. The commander of the fort and three other officers were alſo taken priſoners, while on our ſide there were but three ſoldiers killed and five wounded.

The confederates having thus made themſelves maſters of the fort, they ſoon after cauſed a new battery to be erected againſt the town of ſeventy pieces of heavy cannon and eighteen mortars, which began to play, on the 12th, in order to make two breaches, with a deſign to aſſault the place.

On the 13th about noon, the beſieged, with about a thouſand foot, ſupported by all their horſe and dragoons, made a ſally upon general Dedem's attack, who at firſt were put into diſorder; but, after ſome reſiſtance, the enemy were repulſed with the loſs of about an hundred men killed, and as many wounded, beſides a major and three captains taken priſoners; whereas the loſs on the ſide of the confederates did not amount to above half that number. All things being now ready for aſſaulting the firſt counterſcarp on the prince of Heſſe's ſide, in order to made a lodgment, the attack was begun the ſame evening; and the prince, being there in perſon, animated the ſoldiers with ſo much courage and reſolution, that, in leſs than an hour's time, they drove the enemy from their works, and made their lodgment. In this action major-general Tettau, who commanded, was wounded, with ſeven or eight inferior officers, and one hundred and fifty ſoldiers killed and wounded, together with the engineer, who commanded in the works. The next day, May the 14th, the beſiegers made ſuch a terrible fire from their artillery, that, at three in the afternoon, the marquis d'Alegre, the governor, cauſed a parley to be beat, and at ſix the hoſtages were exchanged. The next day, the duke of Marlborough having agreed to the capitulation, it was ſigned and exchanged on the 16th, and three days after the garriſon marched out, and were conducted to Luxemburgh.

Whilſt the greateſt part of the confederate army was employed at Bonne, the French king, reckoning that city would make a longer reſiſtance, ſent orders to the marſhals Boufflers and Villeroy to undertake the ſiege of the town and caſtle of Liege. But the marquis d'Alegre having acquainted thoſe generals, that he could not defend Bonne many days longer, they made a motion towards Maeſtricht, pretending to ſurprize the confederate troops, that were aſſembled there, and to bombard the town. So that, on the 5th of May, they advanced on a ſudden into the neighbourhood of Tongeren with an army of forty thouſand men. The confederates, who were marching with a deſign to have poſted themſelves in that place, were, upon this motion, obliged to retreat with ſpeed under the cannon of Maeſtricht. In the mean time, the enemy fell upon Tongeren [e], where the battalions of Elliot and Portmore were quartered; who, having made a reſiſtance of twenty-eight hours with extraordinary bravery, were forced at laſt to ſurrender at diſcretion. After this, the enemy advanced forwards, with a deſign to have forced the confederate cavalry to repaſs the Maeſe at Nimeguen, and the foot to retire under the outworks of Maeſtricht, and there to have played upon them with their bombs; but, contrary to their expectations, they found the confederate army drawn up in order of battle, under the command of monſieur Overkirk, advantageouſly poſted, and ready to receive them, though they were much ſuperior in number. The two marſhals being fruſtrated in their deſigns, and having made ſeveral motions to no purpoſe, they thought it not proper to attack the confederates, and ſo marched back the ſame way they came to Tongeren, leaving to monſieur Overkirk all the honour of that day.

Soon after the ſurrender of Bonne, the duke of Marlborough returned to the confederate army in the Netherlands, conſiſting of a hundred and thirty ſquadrons, and fifty-nine battalions, and ſet forwards towards Liege, with a deſign, not only to ſecure that place, but to force the enemy to decamp from Tongeren, where they ſeemed to be very advantageouſly poſted. This gave a new face to the affairs of the French army, and altered the plan of their deſigns; for the allies having then a powerful army, being reinforced with the troops, that had formed the ſiege of Bonne, made ſeveral

[d] Bonne is an ancient and very ſtrong city of Germany, in the circle of the lower Rhine, and archbiſhopric of Cologn, anciently Imperial, and now ſubject to this prince, and his uſual ſeat: Taken from the French in the year 1689 but, in the beginning of the preſent war, it ſtood by its elector for the French intereſt; and was reduced by the confederate army this campaign, under the command of the duke of Marlborough. It ſtands on the river Rhine, fourteen miles almoſt South of Cologn, twenty-four ſouth-eaſt of Juliers, fifty-five almoſt north-eaſt of Triers, and ſixty north-weſt of Mentz.

[e] Tongeren is a town of the Low-Countries, in the biſhopric of Liege, and county of Lortz, ſubject to this prince, and poſſeſſed by the confederates in 1702. The French, (after a ſharp engagement) took it this campaign; but ſoon after abandoned it. It was here that the duke of Marlborough joined the army of the States, May 13, 1706, being juſt ten days before the glorious victory of Ramillies; to which the confederates owe the reduction of the Netherlands. It ſtands on the river Jecker, eight miles almoſt weſt of Maeſtricht, and thirteen north-weſt of Liege.

Eckeren

motions, in order to oblige Villeroy to a battle, who conſtantly declined it: So that, on the 25th of May, the duke of Marlborough having paſſed the river Jecker, advanced to Hautin, where the enemy intended to have foraged that morning; but, upon notice of the confederates approach, they marched with great precipitation to Boekwern, not thinking fit to ſtand the hazard of a battle. They likewiſe abandoned Tongeren, after they had blown up the walls and the tower. The duke purſued them with all poſſible diligence, and advanced within half a league of their camp; and although the Jecker parted the two armies, and the enemy had ſecured all the bridges and paſſes of the river, yet they imagined themſelves not ſecure enough, but retreated to Hannuye, ſo that the allies marched to Thys, and there incamped. The French drew up in order of battle, and ſent away their baggage, as if they intended to have come to an engagement; but their courage failed them, and they immediately retired before the confederates.

The duke of Marlborough, finding it impoſſible to bring the French to a battle, took a reſolution to force them in their intrenchments; in order to which baron Spaar was appointed to command ſome troops, that were to act near Steken; and general Coehorn, with another detachment, paſſed over the Scheld, to make an attack near Liefkenſhock; and general Obdam, with the reſt of the army, ſtaid on this ſide the Scheld, to make an attempt on the lines before Antwerp. The French had at that time two flying camps; one commanded by the marquis of Bedmar, and another about Bruges by count de la Motte. Baron Spaar, on the 27th of June, in the morning, perceiving that the count obſerved him diligently, to deceive him, feigned a march towards Bruges; but, returning, advanced directly to the lines, and attacked them in the country of Waes near Steken; where, after a very bloody and obſtinate diſpute, he forced them ſword in hand. Upon this occaſion, twelve hundred men of Baron Spaar's detachment were killed and wounded, among whom were ſeveral officers of diſtinction, particularly two brigadier-generals wounded, and monſieur de Vaſſy, governor of Sas-Van-Ghent, killed. Baron Spaar had alſo a ſlight wound, and his purſe, which had only one piſtole in it, ſaved his thigh. About the ſame time, general Coehorn attacked the enemy's lines at the point of Callo, which were, after a ſhort reſiſtance, forced; the redoubt on the point of St. Anthony was alſo attacked, which the enemy ſeemed at firſt reſolved to defend; but at laſt they ſurrendered at diſcretion.

The forcing of the French lines occaſioned no ſmall joy at the Hague, and in the Confederate army, who imagined, that Antwerp would ſoon fall into their hands. For, on the 28th of June, at two in the morning, the troops commanded by General Obdam broke up, and marched towards Eckeren [f], which was intended for their head-quarters, with a deſign to ſhew themſelves that day before the lines of Antwerp, to alarm the enemy on that ſide, and hinder them from ſending any detachment over the bridge of Antwerp into Flanders. But their expectations ſoon vaniſhed, upon receiving an account from General Obdam from Breda, wherein he acquainted the States-General, that the French had ſurrounded the body of the forces under his command, and, having marched from Lillo to Eckeren, had put them to a total rout; and that himſelf had made his eſcape to Breda with only thirty horſe, and could give no further account of their army. This threw the States into a very great conſternation; they met immediately, and after they had ſate in conſultation till one in the morning, diſpatched away Monſieur Geldermanſen, with two deputies more, with money and inſtructions, to prevent, as much as might be, the ill conſequences of this ſuppoſed diſaſter. But theſe commiſſioners, in their way towards the frontiers, met with a courier diſpatched by monſieur Hop, treaſurer-general to the States, and their deputy in that army, with a letter to the States, which they opened; and, finding in it a quite contrary account, they immediately returned to the Hague. It ſeems, after Obdam's flight, the Dutch rallied again, and maintained their ground with ſuch firmneſs, that the French retired little to their honour; for, though they were much ſuperior in number, yet they let the Dutch recover out of their firſt ſurprize, and keep their ground, though forſaken by their general.

Hop's account was, the next day, confirmed by another letter from count Slangenburg to the States-General; both which agreed, in the main, with a relation printed by the French themſelves at Namur. But though it is certain, that the loſs was pretty equal on both ſides, and amounted to about three thouſand men killed and wounded on each; yet the French king was by his flatterers perſuaded, that his troops had gained the victory; upon which he cauſed Te Deum to be ſung in the cathedral church of Paris. The pretence, which the French had for their triumph, was the flight of general Obdam; to excuſe which, he wrote a letter to the States from Lillo, wherein he acknowledged, "That he made too haſty a judgment upon the imminent danger the whole army was in; and that the enemy, preſſing on with an irreſiſtible ſuperiority, within piſtol-ſhot of the place where he was preſent, and where no ſuccour could come up to inable him to keep his ground, induced him to retire; adding, that he would have reaſſumed the command of the army, and that the generals and other officers made no ſcruple to obey his orders; but that, finding himſelf leſſened in the general eſteem, and looked upon as unworthy to command the forces of the States, he had begged leave of their deputies to go to the Hague for a few days, in order to clear himſelf before their high mightineſſes, from the imputations he lay under." Accordingly, general Obdam arrived at the Hague; and ſhortly after, by command of the States-General, he delivered to them in writing his apology for himſelf, which was much to the ſame purpoſe with his letter, and turned upon this diſtinction, "That he did not what he would have done, but the beſt he could do." On the 12th of Auguſt, ſeveral officers of that army, which was now commanded by Slangenburg, wrote a letter to Obdam, importing, "That underſtanding there was a report in Holland, that ſince the accident, that befel him of being intercepted from the army at the battle of Eckeren, they had ſcrupled to ſerve under his orders, which was far from their thoughts; they therefore took a reſolution to aſſure him, that they ſhould be extremely glad to ſee him at the head of the army again." On the other hand, marſhal Bouffler's conduct, in this action, was likewiſe ſo much cenſured, that it was thought this finiſhed his diſgrace, for he was no more put at the head of the French armies. Nor was the duke of Marlborough without ſome ſhare of cenſure on this occaſion; ſince, it was pretended, that he ought to have ſent a force to ſupport Obdam, or have made an attempt upon Villeroy's army, when it was weakened by the detachment ſent with Boufflers. But whoever was in the fault, the States thought proper to cover the diſgrace with rewards and thanks to the officers and ſoldiers, as well as to general Slangenburg; but, by reaſon of a miſunderſtanding, that aroſe on this occaſion, between the duke of Marlborough and that general, Slangenburg was diſmiſſed, ſome time after, from his attendance on the camp.

The allies, being willing to repair the diſadvantages they ſuſtained in the action at Eckeren, joined all their forces together, with a deſign to come to an engagement with Villeroy, who, incamping near St. Job, gave out, that he reſolved to ſtay there for the duke of Marlborough. The duke and general Overkirk, in expectation of this, marched with the army under their command to Hoogſtraat, about half a league from the enemy's camp, who, to all appearance, made great preparation for a vigorous action. Slangenburg, decamping from Lillo, marched all night, and arrived early in the morning between Eckeren and Capelle to attack them on that ſide; and the duke of Marlborough, with his army, advanced in a great plain over-againſt the enemy, and cauſed four pieces of cannon to be diſcharged for a ſignal to Slangenburg to begin the attack. But, as he advanced, marſhal Villeroy declined the engagement, and, having ſet fire to his camp, ordered his army to retire within their lines. The duke, thus finding it impoſſible to bring the French to an engagement, marched with a conſiderable guard to view the enemy's lines; in which motion a detachment of the Engliſh royal regiment of dragoons happened to fall in with one of the enemy's out-guards of forty horſe, who, after one diſcharge, retired, and were chaced by the Engliſh to the very barrier of their intrenchments; which afforded a very ſeaſonable opportunity to the confederate-generals to have a perfect view of the enemy's lines. From that day the duke of Marlborough laid a ſcheme to force the French lines; and accordingly, after having inveſted Huy [g], he held a grand

[f] Eckeren is a village in the Netherlands, in Spaniſh Brabant, in the county of Ryem, at which there was a ſharp and bloody battle between the French and the confederate troops under general Obdam in 1703. It lies ſix miles and a half almoſt eaſt of Lille, four miles north of Antwerp, twenty-three miles ſouth ſouth-weſt of Breda, and ſixteen ſouth ſouth-eaſt of Bergen-Op-Zoom.

[g] Huy is a conſiderable town in the Low Countries, with four churches and a caſtle. It was garriſoned by the French in 1702, and taken by the confederate army under the duke of Marlborough this campaign. It was retaken by the French in 1705, and again repoſſeſſed by the confederates that ſame year, in whoſe hands it now continues. It ſtands on the river Maeſe, fourteen miles almoſt ſouth of Liege, and ſeventeen almoſt north-eaſt of Namur.

Limburg

council of war, where the queſtion in debate was, What would be moſt proper to be done, after Huy ſhould be in their poſſeſſion? The ſiege of Limburg being propoſed, the duke of Marlborough, and ſome other generals, were of opinion, that attacking the enemy's lines between the Mehaigne and the Leuwe might be an enterprize, that would contribute much more to the glory and advantage of the confederate arms. But this propoſal, though ſupported by very ſtrong reaſons, was oppoſed by the deputies of the States and the Dutch generals, who would not conſent to hazard their troops in an action, which, they ſaid, was at beſt very dubious, and, if attended with ſucceſs, would yield no further advantage, than to find the enemy retired into their fortified towns; whereas, on the contrary, ſhould the French get the victory, the United Provinces would remain expoſed to their incurſions. Upon this the project for attacking their lines was laid aſide, and a reſolution taken to proceed to the ſiege of Limburg, as ſoon as Huy ſhould ſurrender. Huy was taken three days after, and Limburg [h] was accordingly inveſted, which the duke of Marlborough took with no loſs, but that of ſo much time as was neceſſary to bring up a train of artillery. For, having made a wide breach, the confederates intended a general ſtorm the next day, which the enemy perceiving, ſurrendered themſelves priſoners of war to the number of one thouſand four hundred men. Guelders, which had been blocked up by the Pruſſians, ſurrendered alſo, on the 17th of December.

After the taking theſe places, the duke of Marlborough held daily conſultations, and uſed all poſſible ſtratagems to bring them to a deciſive battle; but they were contented to ſtand upon the defenſive. Thus the Lower Rhine was ſecured, and all that country, called the Coudras, was entirely reduced: This was all that our troops, in conjunction with the Dutch, could do in Flanders: We had the ſuperior army, but what by reaſon of the cautious maxims of the States, what by reaſon of the factions among them, which were riſing very high, between thoſe, who had been of the late king's party, and were now for having a captain-general, and thoſe of the Loveſtein party, who were for governing all by a deputation from the States, no great deſign could be undertaken by an army ſo much diſtracted.

In the upper Rhine matters went much worſe. Villars, after his junction with the elector of Bavaria, lay for ſome time on the Danube, while the elector marched into Tirol, and poſſeſſed himſelf of Inſpruck, the capital of that country. The emperor's forces were ſo broken into ſmall armies, that he had not one good army any where. He had none in Tirol, and all that the prince of Baden could do, was to watch Villars's motion; but he did not venture on attacking him, during this ſeparation. Many blamed his conduct: Some called his courage, and others his fidelity in queſtion; while many excuſed him, ſince his army was both weak, and ill furniſhed in all reſpects. The duke of Vendome had orders to march from the Milaneſe to Tirol, there to join the elector of Bavaria: Upon which junction, the ruin of the houſe of Auſtria would have probably followed: But the boors in Tirol roſe, and attacked the elector with ſo much reſolution, that he was forced to retire out of the country with conſiderable loſs, and was driven out before the duke of Vendome could join him, ſo that he came too late. Vendome ſeemed to have a deſign on Trent, but the boors were now ſo animated with their ſucceſſes, and were ſo conducted and ſupported by officers and troops ſent them by the emperor, that he was forced to return back without being able to effect any thing.

Nothing paſſed this ſummer in Italy: The imperialiſts were too weak, and too ill ſupplied from Germany, to be able to act offenſively: And the miſcarriage of the deſign upon Tirol loſt the French ſo much time, that they undertook nothing, unleſs it were the ſiege of Oſtiglia, in which they failed. The ſtrong fortreſs of Barſello [i], after a long blockade, was forced to capitulate, and, by that means, the French poſſeſſed themſelves of the duke of Modena's country.

The elector of Bavaria having been thus forced to quit his acquiſitions in Tirol, except Kuffſtein, retired into his own country, upon information that general Raventlau had entered it by the way of Paſſau. Irritated at theſe diſgraces, the elector ſent orders to general Santini to make himſelf abſolute maſter of Ratiſbon, which, in great meaſure, was in his poſſeſſion before. After this, to make himſelf amends for his ill ſucceſs in Tirol, he reſolved to ſeize the imperial city of Auſburg [k], but was prevented by prince Lewis of Baden, who, upon information of the elector's deſign, marched with the utmoſt ſpeed, and incamped near the city. Upon which the Bavarians divided themſelves into two bodies, the elector and marſhal Villars marching towards Donawert, and count d'Arco, general of the elector's forces, retreating over the Lech to Friedburg; which place was ſoon after ſurrendered to the imperialiſts.

While theſe things were in agitation, Prince Lewis of Baden ordered count Stirum to paſs the Danube, and endeavour to oblige the elector to quit an advantageous poſt, which he poſſeſſed upon the left. The elector and marſhal Villars, having intelligence of count Stirum's motions, reſolved to attack him; and, to that end, ſent to the marquis d'Uſſon, who was left in the camp at Lavingen, to come forth on a certain ſignal, and fall upon the imperialiſts in the rear, whilſt they charged them both in front and flank. The preliminaries to the action being thus adjuſted, the elector and the marſhal paſſed the Danube at Donawert, and, diſcharging ſix guns, were anſwered with two from the marquis. Count Stirum, who knew the meaning of the ſignal, inſtantly marched and attacked the marquis before the elector and marſhal ſhould come up. And, obſerving that the marquis's horſe were ſeparated from the foot, he advanced with ſome ſelect ſquadrons, and charged the enemy ſo well, that they were entirely broken and defeated, having loſt twenty ſtandards, and ſeveral hundreds ſlain. The marquis d'Uſſon, finding his cavalry totally defeated, marched with his foot with great precipitation to his camp at Lavingen, ſo that all his men were in danger of being either killed or taken priſoners, had not the elector and marſhal come up ſeaſonably, and charged the imperialiſts at the ſame time. General Scuylemberg, commander of the Saxons, ſtood the firſt ſhock with admirable bravery and reſolution; but, a regiment of Bareith giving ground, and the enemy being much ſuperior in number, count Stirum retreated in good order to Nordlingen. The fight continued from ſix in the morning till four in the afternoon, when the French and Bavarians, being no leſs weary of an obſtinate reſiſtance, gave over the combat, and let the imperialiſts march off without much moleſtation, who had loſt in the battle, beſides their cannon and baggage, above twelve thouſand men.

The Imperialiſts, being thus employed in driving the elector of Bavaria out of his dominions, and watching the motions of Villars, count Tallard and the duke of Burgundy projected the ſiege of Old Briſac [l], wherein Vauban, the famous engineer, aſſiſted. Upon the 22d of Auguſt, N. S. at night, the line of circumvallation being finiſhed, the trenches were opened, and the beſieged made a very vigorous defence, though with the loſs of a conſiderable number of men. But, the beſiegers being provided with a train of an hundred pieces of cannon and thirty mortars, with plenty of all other materials, and the confederates not having a ſufficient number of men to attempt the relief of the place, the governor thought fit to ſurrender it after a ſiege of fourteen or fifteen days. For which ſlender defence the governor was condemned by a council of war to be beheaded, and all the other officers, who ſigned the capitulation, were puniſhed.

The duke of Burgundy, having left a numerous garriſon to ſecure this conqueſt, returned triumphantly to Verſailles; and, the emperor's affairs being in a declining condition ſince count Stirum's defeat, Tallard was ordered to beſiege Landau.

[h] Limburg is a ſtrong, but no very large city of the Low Countries, the marquiſate of the dukedom and territory of Limburg, taken by the confederates this campaign, on the behalf of king Charles III. It is ſituated upon a rock, among ſhady woods on the river Weſdret, ſixteen miles ſouth-weſt of Aix la Chapelle, nineteen almoſt eaſt of Liege, forty-three almoſt ſouth-weſt of Cologne, fifty-four north of Luxemburg, and ſeventy almoſt eaſt of Bruſſels.

[i] Barſello is a fortreſs of very good ſtrength, in the duchy of Reggio, and properly ſubject to the duke of Modena. It received a German garriſon in 1701, and ſtands at the conflux of the Lenza and the Po, twenty-eight miles weſt of Mirandola, twenty-eight ſouth-weſt of Mantua, and thirteen north of Reggio.

[k] Auſburg is a large, and one of the moſt celebrated cities of Germany, adorned with magnificent churches, palaces, magazines admirably well provided, and ſeveral excellent hoſpitals. It is famous for ſeveral imperial dyets that are uſually held in it; and it was here, that the preſent king of the Romans was choſen and crowned, Anno 1689. The elector of Bavaria in vain attempted the taking of it, in Auguſt 1703; but made himſelf maſter of it, the latter end of the ſame year. Though he was forced to abandon it, after the glorious battle of Hockſtet, in Auguſt 1704. It ſtands on the river Lech by the borders of Bavaria.

[l] Briſac is a very conſiderable city and caſtle of Germany, and eſteemed one of the ſtrongeſt places in Europe; whether its ſituation upon a high hill be conſidered, or what art has contributed to render it regular. The fortification is a French league in compaſs, the baſtions are filled with earth, faced with brick, and ſecured by a large broad ditch full of water: And, it will require (in time of war) eight or ten thouſand men to defend it. It ſtands on the river Rhine, twenty-ſix miles north of Baſil, and thirty ſouth of Straſburg.

The confederates, knowing of what importance the preſervation of that place would be to the common cauſe, ordered the hereditary prince of Heſſe-Caſſel to attempt the raiſing of the ſiege. He ſet forwards from the Netherlands, and having joined the count of Naſſau Weilburg, general of the Palatine forces, near Spires, within four leagues of Landau, they concerted meaſures for relieving the place. The French, having intelligence of their proceedings, ordered monſieur Pracontal, with a body of ten thouſand men, to follow the prince with all poſſible expedition; and he was ſo diligent in his march, that he joined marſhal Tallard before the confederates had any notice of it. All things being prepared to attack the French in their lines, count Naſſau came riding to the prince of Heſſe's quarters, and told him, that the enemy was very near, marching directly to attack him, and deſired him to command the right wing to their arms. This was very ſurprizing news to the prince, becauſe the count had conſtantly aſſured him, that Tallard was not in a condition to come out of his lines. However he mounted immediately, and, obſerving that the Palatine quarter maſter general had ranged the army in a very diſadvantageous place, where they lay expoſed in flank to the enemy, he diſpatched his aid-de-camp to the count, to deſire him to march ſlowly, that he might join him with his right wing. But, before the meſſenger could return, count Naſſau had engaged the enemy, and at firſt had the advantage; but the enemy, renewing the charge, fell on with ſo much fury on the foot, that they were forced to retire in great diſorder, before the right wing, commanded by the prince of Heſſe, could come up to their relief. By this means, the left wing being in great confuſion, the enemy poured all their force upon the right wing, which was defended for ſome time with a great deal of bravery. But, the defeat of the left having opened a way for the enemy to attack the Heſſian foot in front and flank, they were forced to retreat, after an obſtinate and bloody reſiſtance, which continued from one in the afternoon till night. The prince of Heſſe, during the whole action, performed all that could be expected from a brave and experienced commander, having three horſes killed under him, and ſlew a French officer with his own hand. In this action ſeveral perſons of diſtinction fell on both ſides, particularly monſieur Pracontal, who commanded the French, beſides ſome thouſands of private men. But that, which was the greateſt conſequence of this victory, was the enemy's returning to the camp before Landau, where the count de Frize, governor of the place, deſpairing of any farther relief, ſurrendered that important fortreſs upon the ſame conditions that were granted the year before to monſieur de Melac, the French governor. The enemy valued themſelves very much upon the ſucceſs both of the battle and the ſiege; and count Tallard could not have concluded the campaign with more glory on the French ſide, and with greater diſgrace to the allies, whoſe officers were many of them drinking and celebrating the emperor's birthday at Spires, when the enemy unexpectedly ſurprized them, which unfortunately occaſioned the loſs of the battle, and the ſurrender of the town.

There was nothing more this year very remarkable in Germany, but the taking of Auſburg by the elector of Bavaria, which was inveſted on the 6th of December. During the ſiege, a letter, directed to general Bribrack, the governor, was intercepted. The elector, finding by the contents of it, that the governor was adviſed to take ſuch meaſures, as he ſhould think moſt expedient for the preſervation of the garriſon, and the city from being deſtroyed, but that there was no probability of his being relieved, ſent the letter by the ſame meſſenger from whom he had taken it; and ordered him to let the governor know, that if he did not immediately deliver up the place, he would lay it in aſhes, and put all the garriſon to the ſword. Whereupon a capitulation was agreed on, and they were allowed to march out with four pieces of cannon, and other marks of honour, to be conducted to Nordlingen.

The emperor's misfortunes were not occaſioned alone by the junction of the French and Bavarians, but were heightened by an inſurrection in Hungary, where cardinal Calonitz and Eſterhaſi had the government intruſted chiefly with them. Calonitz was ſo cruel, and the other ſo ravenous, that the Hungarians took advantage of this diſtraction in the emperor's affairs, to run together in great bodies, and in many places, ſetting prince Ragotzki at their head. They demanded, that their grievances ſhould be redreſſed, and their privileges reſtored. They were animated in this by the practices of the French and the elector of Bavaria's agents. Some ſmall aſſiſtance was ſent them by the way of Poland. They were encouraged to enter upon no treaty, but to unite and fortify themſelves; aſſurances being given them, that no peace ſhould be concluded, unleſs they were fully reſtored to all their antient liberties.

The court of Vienna was greatly alarmed at this, fearing it might be ſecretly ſet on by the Turks, though that court gave all poſſible aſſurances, that they would maintain the peace of Carlowitz moſt religiouſly, and that they would in no ſort encourage or aſſiſt the malecontents. A revolution happening in the Ottoman empire, in which a new ſultan was ſet up, raiſed freſh apprehenſions of a breach on that ſide; but the ſultan renewed the aſſurances of maintaining the peace ſo ſolemnly, that all thoſe fears were ſoon diſſipated. There was a great faction at the emperor's court, and among his miniſters; and it did not appear, that he had ſtrength of genius enough to govern them. Count Mansfield was much ſuſpected of being in the intereſts of France. The prince of Baden and prince Eugene both agreed in charging his conduct, though they differed almoſt in every thing elſe; yet Mansfield was ſo poſſeſſed of the emperor's favour and confidence that it was not eaſy to get him aſide. At laſt, he was advanced to an high poſt in the emperor's houſehold, and prince Eugene was made preſident of the council of war.

During theſe proceedings, the French king had diſcovered the duke of Savoy's inclinations to the confederacy. The duke began to ſee his own danger, if the two crowns of France and Spain ſhould come to be united. He ſaw alſo, that, if the French king drove the Imperialiſts out of Italy, and became maſter of the Milaneſe, he muſt lie expoſed to his mercy. His alliance with France was only for one year, which he had renewed from year to year; ſo he offered now to enter into the grand alliance. His leaving the allies, as he did in the former war, ſhewed, that he maintained the character of his family, of changing ſides, as often as he could expect better terms by the new turn; yet his intereſt lay ſo viſibly now on the ſide of the grand alliance, that it was very reaſonable to believe, he was reſolved to adhere firmly to it. And, therefore, all his demands were granted, as will hereafter appear.

The duke, having thus ſecretly agreed to enter into the alliance, did not declare it, but continued ſtill to deny it to the French, that, when the duke of Vendoſme ſhould ſend back his troops at the end of the campaign, he might more ſafely own it. But his deſigns are ſaid to be diſcovered by an intercepted letter. The French had reaſon to ſuſpect a ſecret negotiation, but could not penetrate into it, ſo they took an effectual, though a very fraudulent method to diſcover it, which was told biſhop Burnet ſoon after by the earl of Pembroke. They got the elector of Bavaria to write to him, with all ſeeming ſincerity, and with great ſecrecy, for he ſent it to him by a ſubject of his own, ſo well diſguiſed and directed, that the duke of Savoy was impoſed on by this management. In this letter, the elector complained bitterly of the inſolence and perfidiouſneſs of the French, into whoſe hands he had put himſelf: He ſaid, he ſaw his error now, when it was too late to ſee how he could correct it; yet, if the duke of Savoy, who was almoſt in as bad a ſtate as himſelf, would join with him, ſo that they might act by concert, they might yet not only recover themſelves, but procure a happy peace to all the reſt of Europe. The duke of Savoy, miſtruſting nothing, wrote him a frank anſwer, in which he owned his own deſigns, and encouraged the elector to go on, and offered all offices of friendſhip on his behalf, with the reſt of the allies: The French, who knew by what ways the Savoyard was to return, ſeized him, without ſo much as acquainting the elector with the diſcovery they had made. Upon this, the French king ordered the duke of Vendoſme to ſeize and diſarm the troops of Savoy, (being twenty-two thouſand men) that were in his army; to demand withal the fortreſſes of Vercil, Verjur, and Suſa, and other places; and to inſiſt, that the duke of Savoy ſhould reduce the number of his troops to the eſtabliſhment ſtipulated in the treaty of 1696, that his moſt Chriſtian majeſty might ſecure the communication of his territories with thoſe belonging to the crown of Spain in Italy, and reſtrain the duke of Savoy from giving him any diſturbance. The duke, provoked at theſe demands and inſults, immediately commanded ſeveral French officers, who happened then to be in Turin, and even the French embaſſador himſelf, to be put under confinement. That miniſter, ſurprized at this order, arrogantly told the captain of the guard, who was ſent to ſeize him, "That the duke being in the king his maſter's pay, his majeſty might as lawfully, and of right, not only ſeize his forces, but alſo the perſon of the duke himſelf, for his treachery. That his maſter would alſo be revenged, and not only harraſs him with a foreign war, but raiſe inteſtine broils in the heart of his dominions." Theſe haughty expreſſions being reported by the officer to the duke,

duke, he went with him into his anti-chamber, which was crouded with nobility and gentry, and made him repeat theſe inſulting words two or three times. The whole court reſented the affront to that degree, that they unanimouſly promiſed to live and die with their ſovereign. On the other hand, the French king ordered the duke of Vendoſme to invade the frontiers of Savoy, and to ſend the following letter to the duke:

SIR,

"SINCE neither religion, honour, intereſt, alliances, nor even your own hand-writing, are of any force between us, I ſend my couſin, the duke of Vendoſme, at the head of my armies, to make known to you my intentions. He will allow you but four and twenty hours to reſolve what you have to do."

The duke of Savoy remained unmoved by this menacing letter, which he ſoon after anſwered by a manifeſto againſt France. In the mean time he ſent the count de Tarini to Vienna, with the treaty concluded between him and count d'Averſberg, (who was come to Turin incognito for that purpoſe) and, having acknowledged the archduke as king of Spain by the name of Charles III. gave notice of all his proceedings to the queen of Great-Britain and the States of the United-Provinces; and ſoon after ſent envoys into England and Holland, to ſollicit the aſſiſtance of thoſe two main ſupports of the confederacy. Queen Anne, well knowing of what importance the duke might prove towards the reducing the exorbitant power of France, immediately aſſured him of her friendſhip and protection; and, ſoon after, ſent Mr. Hill to Turin, to concert meaſures with him againſt the common enemy. The States, to ſecond the queen's good intentions in favour of the duke, diſpatched Vandermeer to him; and both theſe miniſters ſet out together on their embaſſy.

Count Staremberg, being ſenſible of the diſadvantages, which the duke of Savoy muſt neceſſarily be under at this time, ſent him a detachment of fifteen hundred horſe, commanded by Viſconti: who, notwithſtanding all the diligence and ſecrecy he could uſe in his march, was attacked by a body of the French, under the duke of Vendoſme, in the mountains of St. Sebaſtian; and, after a ſharp engagement, eſcaped with the loſs of his baggage, about a hundred and fifty men, and ſeveral horſes. Soon after Staremberg himſelf (according to the poſitive orders he had received from the Imperial court, to attempt a junction with the duke of Savoy) began his march for Piedmont, with an army of fifteen thouſand men from the Secchia through the enemy's country. This march is, by military men, ſaid to be the beſt laid, and the beſt executed, of any in the whole war: He marched from the Modeneſe, in the worſt ſeaſon of the year, through ways, that, by reaſon of the rains that had fallen, ſeemed impracticable, having, in many places, the French both before and behind him: He broke through all, and, in concluſion, joined the duke of Savoy at Canelli, by which means the duke was ſafe in Piedmont. The French king, perceiving that the breach between him and the duke of Savoy was irreconcileable, reſolved to declare war againſt him, which was accordingly publiſhed on the 4th of December.

Since the beginning of the war, all the confederates had ſollicited the king of Portugal to enter into the grand alliance, as his own intereſt led him, it being evident, that, as ſoon as Spain was once united to the crown of France, he could not hope to continue long in Portugal. The Almirante of Caſtile was believed to be in the intereſts of the houſe of Auſtria; and therefore, to ſend him out of the way, he was appointed to go embaſſador to France. He ſeemed to undertake it, and made the neceſſary preparations; but he ſaw this embaſſy was intended for an exile, and that it put him in the power of his enemies. After he had therefore raiſed what was neceſſary to defray his expences, he ſecretly changed his courſe, and eſcaped with the wealth he had in his hands, to Liſbon, where he entered into ſecret negociations with the king of Portugal and the emperor; and gave great aſſurances of the good diſpoſitions, in which both the people and grandees of Spain were, who were grown weary of their new maſters. The riſk, which he himſelf ran, ſeemed a very full credential. He affirmed, that the new king was deſpiſed, and the French about him univerſally hated; and that the Spaniards would not bear the being made a province, either to France or to the emperor. He therefore propoſed that the emperor and the king of the Romans ſhould renounce all their pretenſions, and transfer them to the archduke, and declare him king of Spain; and that he ſhould be immediately ſent thither; for he aſſured them, that the Spaniards would not revolt from the king, who was in poſſeſſion, till they ſaw another king, who claimed his right; and, in that caſe, they would think they had a right to adhere to the king they liked beſt. The king of Portugal likewiſe demanded an enlargement of his frontiers, and ſome new acceſſions to his crown, which were reaſonable, but could not be ſtipulated but by a king of Spain.

In the treaty, which the emperor had made with king William and the States-General, one article was, that they ſhould be at liberty to poſſeſs themſelves of the dominions, which the crown of Spain had in the Weſt-Indies; and he veſted in them the right, which their arms ſhould give them in theſe acquiſitions. Upon which the king had deſigned to ſend a great fleet, with a land-army, into the bay of Mexico, to ſeize ſome important places there, with a deſign of reſtoring them to the crown of Spain, upon advantageous articles for a free trade, as ſoon as the Spaniards ſhould receive a king of the houſe of Auſtria. This deſign was now laid aſide, and the reaſon, which the miniſters gave for it, was that the Almirante had aſſured them, that, if we poſſeſſed ourſelves of any of the places in the Weſt-Indies, the whole nation would, by that means, become entirely French; they would never believe our promiſes of reſtoring them; and, ſeeing they had no naval power of their own to recover them, they would go into the French intereſt very cordially, as the only way left to recover theſe places. An entire credit was given to the Almirante; upon which queen Anne and the States-General agreed to ſend over a great fleet, with a land-army of twelve thouſand men, together with a great ſupply of money and arms, to Portugal; that king undertaking to have an army of twenty-eight thouſand men ready to join them. In this treaty between the emperor, the queen of Great-Britain, the king of Portugal, and the States-General (which was ſigned at Liſbon, and brought to London on the 24th of May, and of which the ratifications paſſed the great-ſeal on the 14th of July, an incident happened, that had almoſt ſpoiled the whole. The king of Portugal inſiſted on demanding the flag, and the other reſpects to be paid by the Engliſh admiral, when he was in his ports. The earl of Nottingham declared, that it was a diſhonour to England to ſtrike even in another king's ports. This was not demanded of the fleet which was ſent to bring over queen Katherine; ſo that, though Methuen, the Engliſh embaſſador, had agreed to this article, he preſſed the queen not to ratify it. Methuen, in his own juſtification ſaid, that he had conſented to the article, becauſe he ſaw it was inſiſted on ſo much, that no treaty could be concluded, unleſs that point was yielded. The low ſtate of affairs in Portugul in the year 1662, when the protection of England was all they had in view for their preſervation, made ſuch a difference between that and the preſent time, that the one was not to be ſet up for a precedent to govern the other. Beſides, even then, the matter was much conteſted in their councils, though the extremities to which they were reduced, made them yield it. The lord Godolphin looked on this as too inconſiderable to be inſiſted upon; all the affairs of Europe ſeemed to turn upon this treaty, and ſo important a matter ought not to be retarded a day for ſuch punctilios, as a ſalute or ſtriking the flag; and it ſeemed reaſonable, that every ſovereign ſhould claim this acknowledgment, unleſs where it was otherwiſe ſtipulated by expreſs treaties. The laying ſo much weight on ſuch matters greatly heightened jealouſies; and it was ſaid, that the earl of Nottingham and the tories ſeemed to lay hold on every thing, that could obſtruct the progreſs of the war, while the round proceeding of the lord Godolphin reconciled many to him. The queen confirmed the treaty, upon which the court of Vienna was deſired to do their part. But that court proceeded with its ordinary ſlowneſs. The mildeſt cenſure paſſed on theſe delays was, that they proceeded from an unreaſonable affectation of magnificence in the ceremony, which could not be performed ſoon nor eaſily in a poor but haughty court.

It was done at laſt, but ſo late in the year, that the new declared king of Spain could not reach Holland before the end of October[m].

[m] In his journey from Vienna to the Hague, when he came to Duſſeldorp, he was met by the duke of Marlborough, who, in the name of the queen, congratulated him on his acceſſion to the Spaniſh crown. The king, having had notice of the duke's coming, put on a fine rich ſword, with which he preſented his grace in a very obliging manner; for, while they were both in diſcourſe, his majeſty took it from his ſide, and, giving it into the duke's hand with a graceful air, ſaid in French, 'I am not aſhamed to ſay, I am but a poor prince. Je n'ay que la Cape & l'Epée, I have only my cloke, and my ſword; the latter may be of uſe to your grace, and I hope you will not think it the worſe for my wearing it one day.' The king arrived at the Hague the 3d of November.

Doctor

A ſquadron of our fleet under ſir George Rooke (who was appointed to conduct him to Liſbon) was lying there to bring him over, ſuch as uſed to convoy king William, when he croſſed the ſeas. But the miniſters of the king of Spain thought it was not ſtrong enough, pretending that they had advertiſements, that the French had a ſtronger ſquadron in Dunkirk, which might be ſent out to intercept him, ſo that an additional ſtrength was ſent. This loſt ſome time and a fair wind. It had like to have been more fatal, for, about the end of November, the weather grew very boiſterous, and broke out, on the 27th, in the moſt violent ſtorm, both by ſea and land, that had ever been known in the memory of man. The city of London was ſo ſhaken with it, that people were generally afraid of being buried in the ruins of their houſes, ſome of which fell and cruſhed their maſters to death [n]. Great hurt was done in the ſouthern parts of England, little happening in the north, where the ſtorm was not ſo violent. The beſt part of our navy was at that time upon the ſea, which filled all people with great apprehenſions of an irreparable loſs. And indeed, if the ſtorm had not been at its height at full flood and in a ſpring tide, the loſs might have proved fatal to the nation. It was ſo conſiderable, that fourteen or fifteen men of war were caſt away, in which one thouſand five hundred ſeamen periſhed. Few merchantmen were loſt; ſuch as were driven to ſea were ſafe; ſome few only were overſet. Our ſquadron, which was then in the Maeſe, ſuffered but little, and the ſhips were ſoon refitted, and ready to ſail [o]. The parliament being then ſitting, the commons, on this diſmal occaſion, preſented an addreſs to the queen, "expreſſing the great ſenſe the houſe had of the calamity fallen upon the kingdom by the late violent ſtorm, and that they could not ſee any diminution of her majeſty's navy, without making proviſion to repair the ſame: Wherefore they beſought her majeſty, that ſhe would immediately give directions for repairing this loſs, and for building ſuch capital ſhips as her majeſty ſhould think fit; and to aſſure her majeſty, that, at their next meeting, the houſe would effectually make good that expence; and would give diſpatch in raiſing the ſupplies already voted, for making good her majeſty's treaties with the king of Portugal, and all her majeſty's other allies, and would conſider of effectual ways for promoting of trade, for managing her majeſty's navy royal, and for encouraging the ſeamen." The queen's anſwer was ſuitable to the addreſs, and two or three days after was iſſued a proclamation for a general faſt, which was obſerved throughout England on the 19th of January enſuing, with great ſigns of devotion and ſincerity; the terror, the tempeſt had left on the people's minds, contributing much to their affectionate diſcharge of that religious duty.

About the end of December, the king of Spain landed at Portſmouth. The dukes of Somerſet and Marlborough were ſent by the queen to receive him, and bring him to an interview, which was to be at Windſor. Prince George went and met him on the way, and the king was treated with great magnificence. The court was very ſplendid and much thronged. The queen's behaviour towards him was very noble and obliging. The young king charmed all who were preſent. He had a gravity beyond his age tempered with much modeſty. His behaviour was in all points ſo exact, that there was not a circumſtance in his whole deportment, that was liable to cenſure. He paid an extraordinary reſpect to the queen, and yet maintained a due greatneſs in it. He had an art of ſeeming well pleaſed with every thing, without ſo much as ſmiling once all the while he was at court, which was only three days. He ſpoke but little, and all he ſaid was judicious and obliging. All poſſible haſte was made in fitting out the fleet, ſo that he ſet ſail in the beginning of January, and for five days he had a fair wind with good weather; but then the wind changed, and he was driven back to Portſmouth, where he lay above three weeks, and then he had a very proſperous navigation. The forces, which were ordered to go over to his aſſiſtance, were by this time got ready to attend on him, ſo that he ſailed, on the 4th of January, with a great fleet, both of men of war and tranſport ſhips. The fleet was command by ſir George Rooke, and the land forces by the duke of Schomberg, lately made knight of the garter. When they came within ſixty leagues of cape Finiſterre, a violent ſtorm enſued, which ſo damaged the ſhips, that ſir George was forced to return to Spithead. He could not ſail again till the 13th of February, when the wind was ſo favourable, that in ten days the king of Spain happily arrived at Liſbon, where he was received with all the outward expreſſions of joy and welcome, and at an expence, in a vain magnificence, which that court could not well bear; but a national vanity prevailed to carry this too far, by which other things, that were more neceſſary, were neglected. That court was then very melancholy; for the young infanta, whom the king of Spain was to have married, as had been agreed, died a few days before his arrival.

In Poland the ſcene was now more embroiled than ever. There was ſome appearance of peace this ſummer, but it went off in the winter. The old fierce cardinal aſſembled a dyet at Warſaw, wherein it was declared, that their king had broken all their laws. Upon which they, by a formal ſentence, depoſed him, and declared the throne vacant. This was done in concert with the king of Sweden, who lay with his army at ſome diſtance from them in the neighbourhood of Dantzick, which alarmed the citizens extremely. It was believed, that the dyet deſigned to chuſe Sobieſki, the eldeſt ſon of the late king, who then lived at Breſlaw in Sileſia, and, being in the emperor's dominions, he thought himſelf ſafer than he proved to be. The king of Poland retired into Saxony in ſome haſte, which made many conclude, that he reſolved to abandon Poland; but he laid another deſign; which was executed to his mind, though in the ſequel it proved not much to his advantage. Sobieſki and his brother were in a correſpondence with the party in Poland, that oppoſed king Auguſtus; upon which they ought to have looked to their own ſecurity with more precaution. But they ſeemed to apprehend nothing, where they then were, and ſo diverted themſelves at hunting and otherwiſe in their uſual manner. Upon this, ſome perſons, ſent by the king of Poland, took them both priſoners, and brought them to Dreſden, where they were ſafely kept; and all the remonſtrances, which the emperor could make upon ſuch an act of hoſtility, had no effect. This for ſome time broke their meaſures at Warſaw; many forſook them, while the king of Sweden ſeemed implacable in his oppoſition to king Auguſtus, whoſe chief confidence was in the Czar. It was ſuſpected, that the French had a management in this matter; ſince it was certain, that, by the war in Poland, a great part of that force was diverted, which might otherwiſe have been engaged in the common cauſe of the grand alliance.

The duke of Marlborough, at the end of the campaign in

[n] Dr. Richard Kidder, biſhop of Bath and Wells, and his wife were killed by the fall of part of the epiſcopal palace at Wells. In like manner was killed at Horſeley in Suſſex, the biſhop of London's ſiſter, the lady Penelope Nicholas. The damage in the city of London only was computed at near two millions; and at Briſtol, at about two hundred thouſand pounds.

[o] Sir Cloudeſly Shovel, juſt returned from the Mediterranean, was at anchor in the Gunfleet with two ſecond rate, and ſix third rate men of war, four of which drove from their anchors, and were in the utmoſt danger. One of them, the Aſſociation, on board of which ſir Stafford Fairborne had his flag flying, got into Gottenburgh on the 11th of December. It fared much worſe with the ſhips in the Downs, where rear-admiral Beaumont, whoſe flag was flying in the Mary, periſhed with his own and ſeveral other ſhips.

The liſt of all that were loſt there and elſewhere is as follows:

Vanguard, a ſecond rate, ninety guns, ſix hundred and forty men, loſt in Chatham harbour, no men nor guns aboard.
Northumberland, captain Greenway, a third rate, four hundred and forty-ſix men, ſeventy guns, loſt on the Goodwin-Sands, no men ſaved.
Sterling-Caſtle, captain Johnſon, a third rate, four hundred and forty-ſix men, ſeventy guns, loſt on the Goodwin-Sands, ſixty-three men ſaved, with the captain, three lieutenants, and chaplain.
Reſtoration, captain Emms, a third rate, four hundred and forty ſix men, ſeventy guns, loſt on the Goodwin-Sands, no men ſaved.
Revolution, captain Liſle, a third rate, four hundred and forty-ſix men, ſeventy guns, loſt on the coaſt of Suſſex, all the men ſaved.
Mary, rear-admiral Beaumont, captain Edward Hopſon, a fourth rate, three hundred and forty-ſix men, ſixty-four guns, loſt on the Goodwin-Sands, captain and purſer aſhore, and but one man more ſaved.
York, captain Smith, a fourth rate, three hundred and thirty-two men, ſixty guns, loſt at Harwich, all the men ſaved but four.
Newcaſtle, captain Carter, a fourth rate, two hundred and ſeventy-four men, fifty-four guns, loſt at Spithead, the carpenter and twenty-three men more ſaved.
Reſerve, captain Anderſon, a fourth rate, two hundred and twenty-ſix men, forty-eight guns, loſt at Yarmouth, the captain, ſurgeon, and twenty-one more ſaved.
Litchfield Prize, captain Chamberlain, a fifth rate, a hundred and fifty-five men, thirty-two guns, loſt on the coaſt of Suſſex, all the men ſaved.
Arundel, captain Deering, a fifth rate, a hundred and forty-five men, thirty-two guns, loſt at Briſtol, all the men ſaved.
Mortar bomb-ſhip, captain Raymond, a ſixth rate, fifty-five men, twelve guns, loſt on the Goodwin-Sands, all the men drowned.
Suffolk, hoſpital, captain Watkins, a ſixth rate, eighty men, ten guns, loſt at Briſtol, all the men ſaved.
Eagle, advice boat, captain Boſtock, a ſixth rate, fifty-four men, ten guns, loſt on the coaſt of Suſſex, all the men ſaved.
Veſuvius, fire-ſhip, captain Paddon, a ſixth rate, forty-five men, eight guns, loſt at Spithead, all the men ſaved.
Canterbury ſtore-ſhip, captain Blake, a ſixth rate, forty men, eight guns, loſt at Briſtol, thirteen men ſaved.

Flanders, returned to England, the 30th of October. The queen and prince, having been at the Bath ſeven weeks, came back to Windſor, the 9th of the ſame month.

Thus ſtood affairs both at home and abroad, when a new ſeſſion of parliament was opened by the queen, with the following ſpeech:

" My Lords and Gentlemen,

" I HAVE called you together as ſoon as I thought you could conveniently come out of your countries, that no time might be loſt in making our preparations for carrying on the preſent war, in which I do not doubt of your chearful concurrence, ſince you cannot but be ſenſible, that on the ſucceſs of it depends our own ſafety and happineſs, and that of all Europe.

" I hope I have improved the confidence you repoſed in me, laſt year, to your ſatisfaction, and the advantage of us and our allies, by the treaty with the king of Portugal, and the declaration of the duke of Savoy, which, in great meaſure, may be imputed to the chearfulneſs, with which you ſupported me in this war, and the aſſurance, with which you truſted me in the conduct of it. And we cannot ſufficiently acknowledge the goodneſs of Almighty God, who is pleaſed to afford us ſo fair a proſpect, as we now have, of bringing it to a glorious and ſpeedy concluſion.

" I muſt therefore deſire you, gentlemen of the houſe of commons, to grant me ſuch ſupplies, as ſhall be requiſite to defray the neceſſary charge of the war in the next year, with regard not only to all our former engagements, but particularly to our alliance lately made with the king of Portugal, for recovering the monarchy of Spain from the houſe of Auſtria; which treaty, being in itſelf of the higheſt importance imaginable, and requiring all poſſible diſpatch in the execution of it, has neceſſarily occaſioned a great expence, even in this preſent year; though not ſo much as it will require, and for which, I hope, we ſhall be amply recompenſed in the next.

" The ſubſidies, which will now be immediately required for the aſſiſtance of the duke of Savoy, will likewiſe occaſion a farther neceſſary charge.

" I muſt take notice to you, that no particular proviſion was made in the laſt ſeſſion, either for the charge of our preſent expedition to Portugal, or for that of the augmentation of the troops deſired by the States-General; yet the funds given by parliament have held out ſo well, and the produce of the prizes has proved ſo conſiderable, that you will find the public will not be in debt by reaſon of either of theſe additional ſervices.

" I may further obſerve to you, that, though the funds for the civil government are diminiſhed by the war, I have, in conjunction with the States General, contributed out of my own revenue towards ſome public ſervices, and particularly the ſupport of the circle of Swabia, whoſe firm adherence to the intereſt of the allies, under the greateſt preſſures, did very well deſerve our ſeaſonable aſſiſtance. And I ſhall ſtill be careful not to engage myſelf in any unneceſſary expence of my own, that I may have the more to ſpare towards the eaſe of my ſubjects.

" My Lords and Gentlemen,

" I heartily wiſh ſome eaſy and leſs chargeable method could be found out for the ſpeedy and effectual manning of the fleet.

" I muſt alſo recommend to you, to make ſome regulation for preventing the exceſſive price of coals. I have examined this matter, and taken particular care to appoint convoys for that ſervice; but the price has not been in the leaſt abated, notwithſtanding a very conſiderable quantity has been imported ſince that time. This gives great ground of ſuſpicion, there may be a combination of ſome perſons to enrich themſelves by a general oppeſſion of others, and particularly the poor. It will deſerve your conſideration, how to remedy this great inconvenience.

" And, in all your affairs, I muſt recommend as much diſpatch, as the nature of them will admit. This is neceſſary to make our preparations early; on which, in great meaſure, depends the good ſucceſs of all our enterprizes. I want words to expreſs to you my earneſt deſires of ſeeing all my ſubjects in perfect peace and union among themſelves. I have nothing ſo much at heart, as their general welfare and happineſs. Let me therefore deſire you all, that you would carefully avoid any heats or diviſions, that may diſappoint me of that ſatisfaction, and give encouragement to the common enemies of our church and ſtate."

The concluſion of the queen's ſpeech, wherein ſhe ſo ſtrongly recommended peace and union to all her people, was underſtood as an intimation of her deſire, that there ſhould be no further proceeding in the bill againſt occaſional conformity. Addreſſes, full of reſpect, were made to the queen, in return to her ſpeech. The commons, indeed, to the queen's earneſt deſire of union, ſaid only, they would carefully avoid any heats or diviſions, that might give encouragement to the common enemies of the church and ſtate: But the lords, in their addreſſes, expreſſed themſelves more fully, and aſſured her majeſty, in the moſt ſolemn manner, that, purſuant to her moſt earneſt deſire, they would not only avoid, but oppoſe whatever might tend to create any diſquiet or diſſenſion among her ſubjects. However, nothing could lay the heat of a party, which was wrought on by ſome who had deſigns that were to be denied or diſguiſed, till a proper time for owning them ſhould appear. And therefore, notwithſtanding the queen (who had been informed that the occaſional bill had alarmed a great part of her ſubjects, who were otherwiſe well-affected to her government, and no leſs able than zealous to aſſiſt her in carrying on the war) had endeavoured, by the warmeſt expreſſions, to diſſuade the parliament from this meaſure, yet that bill was again revived[p]. As this had been foreſeen by the moderate party,) Dr. Davenant (who now ſeemed to have forſaken his party, by the encouragement, and with the approbation of the lord Hallifax, publiſhed a book, entitled, 'Eſſays upon peace at home and war abroad,' wherein he inforced what her majeſty had lately recommended from the throne; and endeavoured to bring all ſorts of men to lay aſide their heats and animoſities, and to unite in their own defence, againſt the common danger, with deſign to diſſuade the bringing in of the occaſional bill. At the ſame time Sir Humphry Mackworth publiſhed a ſmall treatiſe, 'in defence of the proceedings of the commons in relation to the conformity bill;' which pamphlet, however, contained little beſides the arguments uſed a year before on the ſame ſubject. At length, about a fortnight after the meeting of the parliament, a motion was made in the houſe of commons, for bringing in 'a bill againſt occaſional conformity.' Great oppoſition was made to it; the court was againſt it; but it was carried by a great majority, that ſuch a bill ſhould be brought in. A new draught was accordingly formed. Though it was the ſame in ſubſtance, with the preamble, which was in the former bill, yet in ſeveral things it differed. The preamble againſt 'perſecution for conſcience only,' was now left out. The former bill began with mentioning the 'act of indulgence,' ſaying, That 'that act ought inviolably to be obſerved;' whereas, this takes not the leaſt notice of it. This bill began with mentioning the corporation and teſt-acts, which it ſays, 'manifeſtly intended that all perſons to be admitted into ſuch offices and employments, ſhould be, and always remain conformable to the church of England, as by law eſtabliſhed; which acts, it ſays, have been notoriouſly eluded,' &c. And

[p] It is obſervable, that though the queen had been prevailed with to expreſs a deſire, that the parliament would avoid meaſures tending to create diviſions (meaning the occaſional conformity-bill) yet it appears, by the following letter, how much ſhe leaned to the tories, and even to thoſe meaſures ſhe would have diſſuaded them from, and which ſhe only thought unſeaſonable at that time.

Friday Morning.

" I give my dear Mrs. Freeman many thanks for her long letter, and am truly ſenſible of the ſincere kindneſs you expreſs in it; and in return, to eaſe your mind, I muſt tell you, 'Mr. Bromley will be diſappointed, for the prince does not intend to go to the houſe, when the bill of occaſional conformity is brought in;' but, at the ſame time, that I think him very much in the right not to vote in it, I ſhall not have the worſe opinion of any of the lords that are for it; for, though 'I ſhould have been very glad, it had not been brought into the houſe of commons,' becauſe I would not have had any pretence for quarrelling; I cannot help thinking, 'now it is as good as paſt there, it will be better for the ſervice to have it paſs the houſe of lords too.' I muſt own to you, that I never cared to mention any thing on this ſubject to you, becauſe I knew you would not be of my mind; but, ſince you have given me this occaſion, I cannot forbear ſaying, that 'I ſee nothing like perſecution in this bill. You may think it is a notion lord Nottingham has put into my head, but upon my word it is my own thought.' I am in hopes I ſhall have one look before you go to St. Albans, and therefore will ſay no more now, but will anſwer your letter more at large ſome other time; and only promiſe, my dear Mrs. Freeman, faithfully, I will read the book ſhe ſent me, and beg ſhe would never let differences of opinion hinder us from living together, as we uſed to do. Nothing ſhall ever alter your poor, unfortunate, faithful Morley, who will live and die, with all truth and tenderneſs, yours."

Conduct of the ducheſs of Marlborough, p. 154.

in the 'enacting part,' whereas the former bill allowed but four beſides the family where a conventicle was held, this allowed nine, and inflicted no puniſhment, unleſs there were ten or more, beſides the family. The 'penalty' in the former bill was one hundred and five pounds for every day that the perſons concerned continued afterwards in office: But now it was brought down to a forfeiture of fifty pounds. There were alſo ſome other differences. Theſe were artifices, by which it was hoped, upon ſuch ſoftenings, to carry the bill on any terms; and when that point was gained, it would be eaſy afterwards to carry other bills of greater ſeverity. There was now ſuch a diviſion upon this matter, that it was fairly debated in the houſe of commons; whereas before it went there with ſuch a torrent, that no oppoſition to it could be hearkned to. Thoſe, who oppoſed the bill, went chiefly upon the ground, that the bill put the diſſenters in a worſe condition than they were in before; and that it was a breach upon the toleration, which ought not to be made, ſince they had not deſerved it by any ill behaviour of their's, by which it could be pretended, that they had forfeited any of their benefits deſigned by that act. That things of this kind could have no effect, but to imbroil the nation with new diſtractions, and to diſguſt perſons well-affected to the queen, and her government. That it was neceſſary to continue the happy quiet that the nation now enjoyed, eſpecially in this time of war, in which even the ſevereſt of perſecutions made their ſtops, for fear of irritating ill humours too much. The old topics of hypocriſy, and of the danger the church was in, were brought up again on behalf of the bill, which paſſed the commons on the 7th of December, by a great majority, and was ſent up to the houſe of lords, where it occaſioned a debate of many hours, whether the bill ſhould be entertained or read a ſecond time, or thrown out. The prince of Denmark appeared no more for it, nor did he come to the houſe upon this occaſion. Some who had voted for it in the former ſeſſion, kept out of the houſe; and others owned, that they ſaw farther into the deſign of the bill, and ſo voted againſt it. The biſhops were almoſt equally divided: There were two more againſt it than for it. Biſhop Burnet diſtinguiſhed himſelf by his ſpeech againſt the bill. He gave the lords an account how the teſt-act had been carried, and mentioned the many practices of the papiſts, in order to ſet the church againſt the diſſenters, and the diſſenters againſt the church by turns, as it might ſerve their ends. He ventured to ſay, that a man might lawfully communicate with a church, which he thought had a worſhip, and a doctrine uncorrupted, and yet communicate more frequently with a church, which he thought more perfect; and that he himſelf had communicated with the churches of Geneva and Holland, and yet at the ſame time communicated with the church of England: So that, though the diſſenters were in a miſtake as to their opinion, which was the more perfect church, yet, allowing them a tolerarion in that error, this practice might be juſtified. Several of the temporal lords ſpoke alſo againſt the bill, particularly the lord Haverſham, the duke of Devonſhire, the earl of Pembroke, the lord Mohun, the lord Ferrars, and the lord Wharton. The laſt of theſe, to ſhew the unſeaſonableneſs of any thing, that led to perſecuting their proteſtant brethren, took notice of the diſtracted ſtate of Scotland, and of the inſolence of the papiſts in Ireland; adding, that the houſe ought rather to imitate the parliament of Ireland in their zeal againſt popery, than to frame laws to increaſe diviſions here. Nor did the lord Mohun ſtick to ſay, "That if they paſſed this bill, they had as good tack the pretended prince of Wales to it." Upon the whole matter, it was carried by a majority of twelve not to give it a ſecond reading, but to reject it. The clergy over England, who were generally inflamed in this matter, could hardly forgive the queen and the prince the coldneſs, which they expreſſed on this occaſion. The lord Godolphin did ſo poſitively declare, he thought the bill unſeaſonable, and had done all he could to hinder its being brought in, that, though he (as well as the duke of Marlborough) not only voted for a ſecond reading, but alſo entered their diſſent againſt the rejecting it; the party were exaſperated againſt him, and ſet up the earl of Rocheſter, as the only man to be depended on, and who deſerved to be the prime miniſter.

Notwithſtanding theſe diviſions, the commons gave all the ſupplies that were neceſſary for carrying on the war. Some indeed tried to tack the bill againſt occaſional conformity to the bill of ſupply; but they had not ſtrength to carry it. On the 19th of November, Mr. ſecretary Hedges laid before the houſe the copies of ſuch treaties, as were not laid before them the laſt ſeſſion of parliament, among which was, 'the defenſive and offenſive treaty with Portugal.' Theſe treaties having been examined in a committee of the whole houſe, it was reſolved, on the 27th, "That the forty thouſand men, which were raiſed to act in conjunction with the forces of the allies, and the additional troops, conſiſting of ten thouſand men, ſhould be continued for the year 1704. That the proportion of land-forces, to act in conjunction with the forces of Portugal, ſhould be eight thouſand men, conſiſting of one thouſand horſe and dragoons, and ſeven thouſand foot. And, that the ſum of one million eight hundred one thouſand and ſix pounds, fifteen ſhillings, be granted for maintaining theſe forces, and the guards and garriſons of this kingdom, the payment of invalids, and diſcharging the ſubſidies payable to her majeſty's allies." Two days before the commons reſolved, "That forty thouſand men, including five thouſand marines, be employed for ſea ſervice for the year 1704; and that a ſum of four pounds a man per month, for thirteen months, be allowed for maintaining the forty thouſand men, including the ordnance for ſea ſervice." The laſt day of that month, Mr. ſecretary Hedges acquainted the houſe, "That their addreſs, relating to the continuance of the ſtop of all correſpondence with France and Spain, having been preſented to the queen, her majeſty was pleaſed to anſwer, 'That ſhe thought the continuance of the ſtop of all poſts, letters, trade, and all other correſpondence with the enemies, ſo neceſſary for the public good, that ſhe would forthwith give orders to her miniſter at the Hague, to inſiſt upon it with the States-General, as the commons deſired." The ſame day, the commons voted an addreſs to her majeſty, aſſuring her, that they would provide for the making good ſuch alliances, as ſhe had made, or ſhould make with the duke of Savoy.

The ſeaſonable diſcovery about this time of the ill deſigns of the Jacobites and French emiſſaries in Scotland, juſtified the lord Wharton's taking notice, in his ſpeech againſt the occaſional conformity-bill, of the diſtracted ſtate of that kingdom. The court of St. Germain's perceiving the diviſions in Scotland, and the great oppoſition made in the parliament of that kingdom, had been encouraged to ſet all their agents there at work, in order to engage both the chief of the nobility, and the ſeveral tribes in the Highlands, to be ready to appear for them. Simon Frazer of Beaufort, lord Lovat, had gone through the Highlands the year before, and from thence went to France, where he pretended, that he had authority from the Highlanders to undertake to bring together a body of twelve thouſand men, if they might be aſſiſted by ſome force, together with officers, arms, ammunition, and money from France. After he had delivered this meſſage to the queen at St. Germain's ſhe recommended him to the French miniſters, of whom he had ſome audiences. He propoſed, that five thouſand men ſhould be ſent from Dunkirk, to land near Dundee, with arms for twenty thouſand men; and that five hundred ſhould be ſent from Breſt, to ſeize on Fort William, which commanded the great paſs in the Highlands. The French hearkened to all this, but would not venture much upon ſlight grounds, and therefore ſent him back, with ſome others, in whom they confided more, to ſee how much they might depend on, and what the ſtrength of the Highlanders was. They were alſo ordered to try, whether any of the great nobility of that kingdom would engage in the deſign. When theſe came over, Frazer got himſelf ſecretly introduced to the duke of Queenſberry, to whom he diſcovered all that had been already tranſacted; and undertook to diſcover the whole correſpondence between St. Germain's and the Jacobites. He named alſo many of the lords, who oppoſed the duke moſt in parliament, and ſaid, that they were already deeply engaged. The duke hearkened very willingly to all this, and gave him a paſs to go through the Highlands again, where he found ſome were ſtill very forward, but others were more reſerved. At his return, he reſolved to go back to France, and promiſed to make a more entire diſcovery. He put one letter into the duke of Queenſberry's hands, from the queen at St. Germain's, directed on the back; but by another hand, to the marquis of Athol. The letter was writ in ſuch general terms, that it might have been directed to any of the great nobility; and probably he, who was truſted with it, had power given him to direct it to any, to whom he found it would be moſt acceptable; for there was nothing in the letter, that was particular to any one perſon or family; it only mentioned the promiſes and aſſurances ſent to her by that lord. This Frazer had been accuſed of a rape, committed on a ſiſter of the marquis of Athol's, for which he was convicted and outlawed; ſo that it might be ſuppoſed, that he, to be revenged on the marquis, who proſecuted him for that crime, might put his name on the back of the letter. It is certain, that the others, who were more

more truſted than Frazer, and were ſent over with him, avoided his company, ſo that he was not made acquainted with that proceeding. He came up to London in winter, and had ſome meetings with the practiſing Jacobites about the town, to whom he diſcovered his negociation. He continued ſtill to perſuade the duke of Queenſberry of his fidelity to him. His name was not told to the queen; for when the duke wrote to her an account of the diſcovery, he added, that, unleſs ſhe commanded it, he had promiſed not to name the perſon, for he was to go back to St. Germain's to compleat the diſcovery. The queen did not aſk his name, but had more regard to what he ſaid, becauſe, in the main, it agreed with the intelligence, that her miniſters had from their ſpies at Paris. The duke of Queenſberry procured a paſs for him to go to Holland, but by another name, for he opened no part of this matter to the earl of Nottingham, who gave the paſs. The Jacobites in London ſuſpected Frazer's correſpondence with the duke of Queenſberry, and gave advertiſement to the marquis of Athol, and by this means the whole matter broke out. About this time ſir John Maclean, a papiſt, and head of that tribe or clan in the Highlands, and weſtern iſles of Scotland, came over from France in a little boat, and landed ſecretly at Folkſtone in Kent. He brought his lady with him, though ſhe had been delivered of a child but eleven days before. He was taken, and ſent up to London; and it ſeemed, by all circumſtances, that he came over upon ſome important deſign. He pretended, at firſt, that he came only to go through England into Scotland, to take the benefit of the queen's general pardon there. But when he was told, that the pardon in Scotland was not a good warrant to come into England, and that it was high-treaſon to come from France without a paſs, he was not willing to expoſe himſelf to the ſeverity of the law, and was prevailed upon to give an account of all that he knew concerning the negociations between France and Scotland. Some others were at the ſame time taken up upon his information, and ſome upon ſuſpicion. Amongſt thoſe, there was one Keith, whoſe uncle was truſted by the court of St. Germain's, and whom they had ſent over with Frazer, to bring them an account of the temper the Scots were in, upon which they might depend. Keith had been long at that court; he had free acceſs both to that queen and the pretended prince of Wales, and hoped they would have made him under ſecretary for Scotland. For ſome time he denied, that he knew any thing; but afterwards he confeſſed, that he was made acquainted with Frazer's tranſactions, and he undertook to deal with his uncle, to come and diſcover all he knew, and pretended there was no other deſign among them, but to lay matters ſo, that the prince of Wales ſhould reign after the queen. Ferguſon offered himſelf to make great diſcoveries; he ſaid, that Frazer was employed by the duke of Queenſberry, to decoy ſome into a plot, which he had framed, and intended to diſcover as ſoon as he had drawn many into the guilt. He affirmed, that there was no plot among the Jacobites, who were glad to ſee one of the race of the Stuarts upon the throne; and they deſigned, when the ſtate of the war might diſpoſe the queen to a treaty with France, to get ſuch terms given her, as king Stephen and king Henry VI. had, to reign during her life. When biſhop Burnet heard this, he recollected what the marquis of Athol had ſaid to him, ſoon after the queen's acceſſion to the crown; when, upon the biſhop's ſaying, that he hoped none in Scotland thought of the prince of Wales; the marquis anſwered, he knew of none, that thought of him, as long as the queen lived. The biſhop replied, That if any thought of him after that, he was ſure the queen would live no longer, than till they thought their deſigns for him were well laid. But the marquis ſeemed to have no apprehenſions of that. The biſhop immediately told the queen this, without naming the perſon; and ſhe anſwered him very quick, There was no manner of doubt of that. But, though the biſhop could not but reflect often on that diſcourſe, yet, ſince it was ſaid to him in confidence, he never ſpoke of it to any one perſon, during all the enquiry that was now on foot. Ferguſon, ever ſince he had left the place, which had been given him at the revolution, had been the boldeſt and moſt active man of the Jacobite party. He pretended, that he was now for high-church, but many believed him a papiſt. There was matter of treaſon ſworn both againſt him and Keith, but there was only one witneſs to it.

At the ſame time Lindſey was taken up, who had been under ſecretary, firſt to the earl of Melfort, and then to the earl of Middleton. He had carried over from France the letters and orders, that gave riſe to the earl of Dundee's breaking out the year after the revolution; and he had been much truſted at St. Germain's. He had a ſmall eſtate in Scotland, and he pretended, that he took the benefit of the queen's pardon, and had gone to Scotland to ſave his eſtate; and, being ſecured by this pardon, he thought he might come from Scotland into England; but he could pretend no colour for his coming to England; and, therefore, it was not doubted, but that he came hither to manage their correſpondence and intrigues. He pretended, that he knew of no deſigns againſt the queen and her government; and that the court of St. Germain's, and the earl of Middleton in particular, had no deſign againſt her. But, when he was ſhewed Frazer's commiſſion to be a colonel, ſigned by the pretended king, and counterſigned Middleton, he ſeemed amazed at it: He did not pretend it was a forgery, but he ſaid, that things of that kind were never communicated to him.

At the ſame time, that theſe were taken up, others were ſeized on the coaſt of Suſſex. One of theſe, Boucher, was a chief officer in the duke of Berwick's family, who was then going to Spain; but it was ſuſpected, that this was a blind to cover his going to Scotland.

During the height of the debates about the 'bill againſt occaſional conformity,' the earl of Scarborough produced a letter from his brother, acquainting him, that ſeveral ſuſpected perſons, retainers to the duke of Berwick, were come over, and ſeized. Upon this the earl of Nottingham, ſecretary of ſtate, told the houſe, "That this matter was already before the queen, and would, in a few days, be laid before both houſes." Nevertheleſs, the majority of lords, either out of zeal for the ſafety of the queen's perſon and government, or becauſe they did not think it prudent to leave the enquiry into ſo important an affair in the hands of a perſon, whoſe affection to the revolution ſettlement had been queſtioned, reſolved to appoint a committee of ſeven of their own members to examine into it, and ordered, that ſir John Maclean be brought to their houſe the next day. The lord ſteward having, on that day, acquainted the houſe, by her majeſty's command, "That the examination, relating to ſir John Maclean, was a matter of that nicety and great importance, that ſhe thought it would be inconvenient to take it out of the method of examination it was now in, and that her majeſty would in a ſhort time, communicate it to the houſe," their Lordſhips acquieſced, and ordered the lords, with the white ſtaves, to attend the queen, to deſire her, that ſir John Maclean might be committed to ſuch ſafe cuſtody, as that no perſon be permitted to ſpeak to him without her leave, and that he neither write nor receive any letters or papers from any perſon, without the like permiſſion from her majeſty: which was complied with.

On the 17th of December, the qneen came to the houſe of peers, and having paſſed the 'act for a land-tax for the year 1704,' made a ſpeech to both houſes, wherein ſhe acquainted them, "That ſhe had unqueſtionable informations of very ill practices and deſigns carried on in Scotland by emiſſaries from France, which might have proved extremely dangerous to the peace of theſe kingdoms; as they would ſee, by the particulars, which ſhould be laid before them, as ſoon as the examinations could be fully perfected and made public without prejudice: And that, in the mean time, ſhe doubted not, but, by this ſeaſonable diſcovery, ſhe ſhould be able to give ſuch directions for their ſecurity as would effectually prevent any ill conſequences from theſe pernicious deſigns."

The day following, the lords proceeded by balloting ro the choice of their ſelect committee; which fell on the dukes of Somerſet and Devonſhire, the earls of Sunderland and Scarborough, and the lords Sommers, Townſhend, and Wharton. Then the lords, in an addreſs, thanked the queen for communicating to them her informations, of the practices of her enemies in Scotland; and the ſame day, the like addreſs was preſented alſo by the commons.

The commons, being in an ill humour againſt the lords, were glad to find occaſions to vent it. They thought the lords appointing a 'ſelect committee,' to examine the perſons ſuſpected, to be an incroachment on the royal prerogative, or, at leaſt, a reflection on ſome of the miniſters, and therefore they preſented the following addreſs to the queen:

Moſt Gracious Sovereign,

"WE your majeſty's moſt dutiful and loyal ſubjects, the commons of England in parliament aſſembled, beg leave humbly to lay before your majeſty the great and juſt concern we are under, to ſee any violation of your royal prerogative.

"Your faithful commons believe the adminiſtration of the

the government beſt ſecured, when it is left to your majeſty, as the law has intruſted it; and have ſo firm a dependence upon your majeſty's affection to your people, and your great wiſdom, that they can never apprehend ſo little danger from any conſpiracy, as when the examination thereof is under your majeſty's direction.

" We are therefore ſurprized to find, that, when ſeveral perſons, ſuſpected of treaſonable practices againſt your majeſty, were taken into cuſtody by your meſſengers, in order to be examined, the lords, ' in violation to the known laws of the land,' have wreſted them out of your majeſty's hands; and, without your majeſty's leave or knowledge, in a moſt extraordinary manner, taken the examination of them ſolely to themſelves, whereby a due enquiry into the evil practices and deſigns againſt your majeſty's perſon and government may, in great meaſure, be obſtructed.

" Your loyal commons do therefore moſt earneſtly deſire your majeſty to ſuffer no diminution of that prerogative, which, during your majeſty's reign, they are confident, will always be exerted for the good of your people.

" And we humbly beg leave to aſſure your majeſty, that, as we are reſolved, by timely and effectual ſupplies, to inable your majeſty to carry on the war, which you have ſo glorioufly begun; ſo we will, to the utmoſt of our power, ſupport your majeſty in the exerciſe of your juſt prerogative at home, and the aſſerting of it againſt all invaſions whatſoever."

In anſwer to which the queen ſaid, " That ſhe had the ſatisfaction to find, that the matter, which might have occaſioned this addreſs, was now at an end: That ſhe returned them many thanks for the concern they expreſſed for her prerogative, and for their repeated aſſurances of making the ſupplies effectual, which would be greatly for the honour and advantage of the kingdom: And that ſhe would be careful not to give way to any invaſions of the prerogative of the crown, or of the rights and liberties of the people."

The addreſs of the commons againſt the lords was a proceeding without a precedent: The parliamentary method was, when one houſe was offended with any thing done in the other, conferences were demanded, in which matters were freely debated. But to begin an appeal to the throne was new, and might be managed by an ill-deſigning prince, ſo as to end in the ſubverſion of the whole conſtitution. And it was an amazing thing, to ſee an houſe of commons affirm, in ſo public a manner, and ſo poſitively, that the lords taking criminals into their own cuſtody, in order to an examination, was without warrant or precedent, when there were ſo many inſtances freſh in every man's memory, eſpecially ſince the time of the popiſh plot, of precedents in both houſes, that went much farther, of which a full ſearch had been made, and a long liſt of them read in the houſe of lords. That did not a little confound thoſe among them, who were believed to be in a ſecret correſpondence with the houſe of commons; they were forced to confeſs, that they ſaw the lords had clear precedents to juſtify them in what they had done, of which they were in great doubt before.

It ſeemed ſurprizing to many, that the commons, whoſe proper province it is to take care of the liberties of the ſubject ſhould now appear ſuch zealous aſſertors of the ' royal prerogative,' in oppoſition to the houſe of lords, who are the natural defenders of it. But this was entirely owing to a party-pique; the tories, or high-church party, who were the ſtrongeſt in the houſe of commons, laying hold of all opportunities, both to ingratiate themſelves with the queen, and to oppoſe the whigs, who had the majority in the houſe of lords. Beſides, the tories received no ſmall encouragement from ſome perſons in high ſtations, who were ready enough to countenance thoſe, who endeavoured to ſtifle the Scots conſpiracy, which made the whig lords the more eager to examine into it.

The houſe of lords highly reſented the reflection caſt upon them by the commons in this addreſs; and therefore, to vindicate their honour, and aſſert their privileges, they declared, " That, by the known laws and cuſtoms of parliaments, they had an undoubted right, whenever they conceived it to be for the ſafety of her majeſty and the kingdom, to take examinations of perſons charged with criminal matters, whether they be in cuſtody or not: and to order, that perſons to be examined be taken into cuſtody of her majeſty's ſworn officer attending their houſe." And, four days after, they reſolved, " That the addreſs of the commons is unparliamentary, groundleſs, without precedent, and highly injurious to the houſe of peers, tending to interrupt the good correſpondence between the two houſes, and create an ill opinion in her majeſty of the houſe of peers, and of dangerous conſequence to the liberties of the people, the conſtitution of the kingdom, and privileges of parliament." This done, they preſented, the next day, a ' repreſentation' to the queen, in which they complained of the ill uſage they had met with from the houſe of commons: They uſed none of thoſe hard words, that were in the addreſs made againſt them by the houſe of commons, yet they juſtified every ſtep they had taken, as founded on the law and practice of parliament, and no way contrary to the duty and reſpect they owed to the queen. The behaviour of the commons was ſuch, on this occaſion, as if they had no mind, that plots ſhould be narrowly looked into. No houſe of parliament, and, indeed, no court of judicature, did examine any perſon, without taking him into their own cuſtody during ſuch examination; and, if a perſon's being in cuſtody muſt reſtrain an houſe of parliament from examining him, here was a maxim laid down, by which bad miniſters might cover themſelves from an enquiry into their ill practices, only by taking the perſons, who could make diſcoveries, into cuſtody. The lords alſo ſet forth the ill conſequences, that might follow upon one houſe of parliament carrying their complaints of another to the throne, without taking firſt the proper method of conferences. This repreſentation was drawn with the utmoſt force, as well as beauty and decency of ſtile, and was reckoned one of the beſt pieces of its kind, that were in all the records of parliament [q].

The queen in her anſwer declared, " That ſhe was ſorry for any miſunderſtandings, that happen between the two

[q] It was in theſe words:

May it pleaſe your moſt excellent Majeſty,

" We your majeſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal in parliament aſſembled, find ourſelves under an unhappy neceſſity of making this our humble application to the throne, upon an occaſion of an addreſs preſented to your majeſty by the houſe of commons, the 23d day of December laſt, and ſince that time publiſhed to the whole nation in print; by which the houſe of lords is charged with the violation of your royal prerogative, and of the known laws of the land, with wreſting perſons ſuſpected of treaſonable practices, and taking into cuſtody by meſſengers, out of your majeſty's hands without your leave or knowledge, and in a moſt extraordinary manner taking the examination of them ſolely to themſelves, whereby a due inquiry into the evil practices and deſigns againſt your majeſty's perſon and government might in great meaſure be obſtructed. And they conclude their addreſs by moſt earneſtly deſiring your majeſty to ſuffer no diminution of your prerogative, and promiſe to ſupport you in the aſſerting it againſt all invaſions whatſoever. It is not poſſible for us to remain ſilent under this heavy charge ſo unjuſtly, and without the leaſt ground or colour, endeavoured to be fixed upon the whole body of the peers, which, tending directly to create an ill opinion of us in your majeſty, puts us under an inevitable neceſſity of vindicating both the legality and dutiful manner of our proceeding.

" The expreſſions in the addreſs of the houſe of commons are ſo very harſh and indecent, that we may truly affirm the like never were uſed of the houſe of peers in any age, not even by that aſſembly, which, under the name of the houſe of commons, took upon them, not only to aboliſh the houſe of lords, but to deſtroy the monarchy. We ſhall carefully avoid making returns of that kind: We conſider too much what we owe to ourſelves, and we know too well the profound reſpect due to your royal perſon, to let any provocation tranſport us ſo, as to uſe words unfit to be offered by us to our ſovereign.

" The matter of this addreſs in no leſs injurious to us than the terms. There was not the leaſt occaſion for a juſt objection to any part of our conduct in that buſineſs, to which the addreſs relates. The proceeding was ſtrictly juſtifiable by the known laws and cuſtoms of parliament: It was carried on with the utmoſt reſpect to your majeſty, and with true zeal for the ſafety of your perſon and government. All, that was done, was agreed to by the concurrent opinion of the houſe, without the leaſt objection from any of our members, who have the honour of ſerving your majeſty in your great offices and employments.

" We humbly repreſent to your majeſty, that, by the known laws and cuſtom of parliaments, the houſe of peers has an undoubted right, in caſes where they conceive it to be for the good and ſafety of your majeſty and the kingdom, to take examinations of perſons charged with criminal matters, whether ſuch perſons be then in cuſtody or not; and alſo to order the perſons ſo to be examined to be taken into cuſtody of your majeſty's ſworn officers attending the houſe, during ſuch exrmination, or to commit them to any other ſafe cuſtody, that they ſhall think proper, and to reſtrain others, if they ſee cauſe, from having acceſs to, or communication with them. The houſe of lords has exerciſed this right from time to time, as occaſions have required, without objection. Our records are filled with precedents, which warrant our claim in every part of it; and we preſume to affirm to your majeſty, that the drawing this right into queſtion, at any time, cannot but be of dangerous conſequence to the liberties and ſafety of the people, and to the conſtitution of the government, attending to avoid, or render in great meaſure ineffectual, the inquiries of parliaments, which are ſo abſolutely neceſſary, eſpecially where many and great perſons are engaged in dangerous deſigns againſt the government, or where ill miniſters abuſe their favour towards the oppreſſing or inſlaving of the people. Your majeſty's wiſdom and goodneſs make us ſecure at preſent againſt all influences of that kind; and we unanimouſly and heartily pray we may long enjoy the bleſſing of your reign. But it

houſes of parliament, which were ſo inconvenient for the public ſervice, and ſo uneaſy to her, that ſhe could not but take notice with ſatisfaction of the aſſurance their lordſhips gave her, that they would carefully avoid all occaſion of them. She thanked them for the concern they expreſſed for the rights of the crown and for her prerogative, which ſhe ſhould never exert ſo willingly, as for the good of her ſubjects, and the protection of their liberties."

Boucher, when he was examined, would confeſs nothing; he ſaid, he was weary of living ſo long out of his country; and that, having made ſome attempt to obtain a paſs, when that was denied him, he choſe rather than to live always abroad, to come and caſt himſelf upon the queen's mercy; it did not ſeem reaſonable to believe this; ſo the lords made an addreſs to the queen, that he might have no hopes of pardon, till he was more ſincere in his diſcoveries; and they prayed that he might be proſecuted on the ſtatute: He confeſſed his crime, and was condemned, but continuing ſtill denying that he knew any thing; few could believe this; yet there being no ſpecial matter laid againſt him, his caſe was to be pitied; he proved, that he had ſaved the lives of many priſoners, during the war of Ireland; and that, during the war in Flanders, he had been very careful of all Engliſh priſoners. When all this was laid before the lords, they did not think fit to carry the matter farther; ſo he was reprieved, and that matter ſlept. He died at laſt in Newgate, without making any diſcovery, at leaſt, that ever came to public knowledge.

[1703-4.] About the end of January, the earl of Nottingham acquainted the houſe of lords, "That the queen commanded him to lay before them the papers, which contained all the matters hitherto diſcovered of the conſpiracy in Scotland; but that there was one thing, which he was alſo commanded to let their lordſhips know, was not yet proper to be communicated to the houſe; becauſe the making it public might prevent a farther diſcovery of matters of greater importance; but that their lordſhips ſhould be acquainted with this alſo, as ſoon as it could be done without prejudice to the public ſervice." Upon this the lords reſolved to addreſs her majeſty, "That the whole matter, and all papers relating to the Scots plot, might be laid before them, with all convenient diſpatch, that this houſe might not want an opportunity before the end of this ſeſſion, of enquiring into, and diſcovering the wicked deſigns and conſpiracies of her enemies." To this addreſs the queen anſwered, "That having ſo lately acquainted them, that ſhe had communicated to them all the particulars relating to the deſign againſt Scotland, which could yet be made public without prejudice to the ſervice, her majeſty did not expect to be preſſed upon that matter before it was ſcarcely poſſible, that the ſtate of it could be altered; and that her majeſty made no doubt, but, before the end of the ſeſſion, there would be a proper time to communicate that which could not now be made public without great inconveniency." Two days after, the earl of Nottingham delivered to the lords ſeveral other papers relating to the Scots conſpiracy, which being ſealed up as the former were, it was ordered, that all the papers ſhould be opened, on Tueſday the 8th of February, and all the lords ſummoned to attend.

By this time, all poſſible endeavours had been uſed to ſtifle

if it happens in future time, that ill men ſhould gain too great a degree of favour with our princes, how eaſily will it be for them to ſtifle or defeat all parliamentary inquiries into their crimes? For if the being in priſon, or in the hands of a meſſenger, will protect men from being examined in the houſe of lords, or from being put into the cuſtody of the proper officers of the houſe, during the examination, and debarred from converſing with others; it will certainly be always in the power of favourites to cauſe thoſe, who can be witneſſes againſt them, as well as the accomplices of their deſigns, to be taken into cuſtody. And, if perſons in cuſtody are out of the reach of the houſe of lords, who are the hereditary counſellors of the crown, and in whom a judicial power is lodged by the conſtitution, it is not to be imagined, that the commons can pretend to a greater power of examining, committing, or reſtraining them.

"No houſe of commons till now has given countenance to this dangerous opinion, which does ſo directly tend to the rendering ill miniſters ſafe from the examination of parliaments. And we are perſuaded no houſe of commons hereafter will aſſert ſuch a notion, becauſe they are not wont eaſily to part with a power they have aſſumed; and it is certain, that they have ſeveral times taken upon them to exerciſe an authority like that, which they have ſo ſeverely reflected on in their addreſs.

"This conſideration gave us the greater aſtoniſhment to find our proceeding repreſented in the ſtrange terms of wreſting priſoners out of your majeſty's hands, and taking the examination of them ſolely to ourſelves. We believe, the ordering perſons to be examined in that high court, where your majeſty is always preſent in conſideration of law, and in that great council, where you may be preſent in your royal perſon, as often as you pleaſe, will never be thought an excluſion of your majeſty from the examinations, if that was intended to be inſinuated, by ſaying, we had taken the examination ſolely to ourſelves.

"Having thus laid before your majeſty what it is we claim, and muſt inſiſt on, as the indiſputable right of the houſe of peers, which was never thought in the time of your royal anceſtors to be prejudicial to the juſt prerogatives of the crown, and which is manifeſtly neceſſary for the ſecuring the liberties of your people, whereof we are aſſured your majeſty will have an equal care; we humbly beg leave to lay before you a ſhort ſtate of the particular matter of fact relating to theſe priſoners, not doubting, but, when the whole proceeding is known to your majeſty, it will be approved, not only as lawful, but every way reſpectful to your majeſty.

"On Tueſday, the 14th of December, the houſe of lords was informed, that ſeveral perſons had been ſeized by the cuſtom-houſe officers on the coaſt of Suſſex, as they came from France; and that amongſt them there was one Boucher, who was capable of making conſiderable diſcoveries, having been in arms in the French ſervice for many years, and gentleman of the horſe and aid-de-camp to the late duke of Berwick, who ſtands attainted of high treaſon, and who had been ſecretly in England ſeveral times before: That it was probable, if he was ſtrictly examined, he might be brought to confeſs, ſince he ſaw his life in apparent danger; but that he was a bold man, and likely to attempt an eſcape on that very account, if he was not carefully looked after. And the houſe was alſo told, that there was a general remiſſneſs both in the taking, ſearching, and looking to ſuch priſoners, which did afterwards appear very evident in the examinations, that were taken. Upon this information the earl of Nottingham, your majeſty's principal ſecretary of ſtate, acquainted the houſe, that he had not heard of Boucher's name particularly, but he ſent meſſengers to bring one Ogilby, and the other priſoners, who had been apprehended by the cuſtom-houſe officers, to town; and that he believed the meſſengers would do their duty, 'but he would not be anſwerable for them.'

"After this account of the priſoners, and of what had been done in order to ſecure them, the houſe thought themſelves obliged in duty to your majeſty, and for the public ſafety, at a time when the kingdom is engaged in an open war with France, and that there are too juſt grounds to apprehend the dangerous practices of French emiſſaries, to make an humble addreſs to your majeſty, that particular care might be taken for ſecuring the perſon of Boucher, and of thoſe, who were taken with him; and that none might be ſuffered to ſpeak with them till they were examined.

"The next day your majeſty's gracious anſwer to this addreſs was reported to the houſe, that care had been taken to ſecure the priſoners; and that your majeſty would give orders, that nobody ſhould ſpeak with them till they were examined. Thereupon the lords entered into a farther conſideration of the importance of this matter, and, conceiving nothing to be more likely to bring priſoners, who had forfeited their lives, to a full diſcovery of the truth, than to find themſelves under the enquiry of a parliament, they thought it would be of public ſervice for them to take examinations of theſe perſons; and accordingly an order was made, that no perſon ſhould ſpeak with the priſoners till they had appeared at the bar of the houſe.

"On the 16th day, the earl of Nottingham informing the houſe of lords, that the priſoners were brought to town, the uſher of the black rod was ordered to take them into his cuſtody, in order to their examination, and to keep them ſeparate and in cloſe cuſtody, as your majeſty had before directed. And, it being thought moſt proper, from the nature of the thing, that the examination ſhould be by a committee of lords, rather than by the whole houſe, it was reſolved accordingly.

"We beg leave to mention to your majeſty a matter of fact, which ſatisfied the lords, that their reſolution to take the examinations of Boucher, and the perſons apprehended with him, was neither unknown nor diſagreeable to your majeſty.

"On the ſame day, when that was ordered, being the 15th of December, the lords reſolved to examine ſir John Maclean, a very dangerous perſon, as was repreſented to the houſe, who then ſtood committed in the hands of a meſſenger; and for that purpoſe ordered him to be brought to the houſe the next day, having, as they then thought, very good grounds to believe it might prove of great ſervice to your majeſty. Sir John Maclean was brought to the houſe according to the order; but your majeſty being pleaſed ſo far to take notice of this order, as to ſignify to the houſe by the lord ſteward, that ſir John Maclean had been in part examined already, and that your majeſty thought it not proper to have that buſineſs taken out of the way of examination it was then in, but that your majeſty would in a ſhort time communicate it to the houſe; the lords immediately acquieſced in your majeſty's opinion, and ſent back ſir John Maclean to the place from whence he was brought. It was with this diſpoſition of mind the lords acted in this whole matter; and, if your majeſty, who no doubt had the ſame notice of both orders, had thought any other method of the examination of Boucher, and the perſons taken with him, more proper than of the lords, they had reaſon to conclude your majeſty would have intimated it at the ſame time, and moſt certainly the houſe would have had a like deference for your royal judgment in that inſtance alſo.

"The lords committees appointed to examine the priſoners proceeded with all poſſible diſpatch, and made their report to the houſe, on the 21ſt of December. Upon conſideration of the report, the houſe found it requiſite to commit Boucher to the priſon of Newgate for high treaſon; and the lords committees having ſubmitted to the judgment of the houſe, whether ſeveral parts of the examinations referred to in their report, ſhould be laid open to the houſe, or put into any other way of being farther enquired into or proſecuted; the houſe, out of a full aſſurance they had, that, when the matter of fact ſhould be laid before your majeſty, you would certainly give ſuch orders thereupon, as were every way ſuitable to your royal prudence and tender care of the public ſafety, did unanimouſly reſolve, without ſo much as ſuffering thoſe parts of the report to be laid open to the houſe, that an humble addreſs ſhould be made from the houſe to your majeſty by the lord-ſteward and the duke of Somerſet (two of the lords committees, to whom the examination had been referred) laying before your majeſty the whole report, with all matters relating thereto, and humbly deſiring your majeſty to give orders, that Boucher ſhould be proſecuted by Mr. attorney-general for high-treaſon; and that, as to the commitment, proſecution, or diſcharge of the other priſoners, mentioned in the report, you would be pleaſed to give ſuch directions as ſhould ſeem moſt proper to your royal wiſdom. Thus as the whole affair was entered out of our zeal for your majeſty's preſervation, and the ſafety of the kingdom, and was carried on and concluded with all poſſible reſpect to you; ſo we had the comfort to reſt aſſured, that our behaviour was no leſs graciouſly accepted by your majeſty, from the anſwer you were pleaſed to make the ſame day to our laſt addreſs on this ſubject, and which was reported to us, on the 22d of December, by the duke of Somerſet, whereby your majeſty was pleaſed to ſignify to the houſe with your accuſtomed goodneſs, that you would give order for every thing, as the lords had deſired.

"Madam, This is a true and juſt account of our proceedings, which have been ſo ſtrangely miſrepreſented, and to which no exception can poſſibly be taken by any perſons rightly informed. For, as we had your royal approbation of all that was done, ſo the houſe of commons could have had no pretence of

the plot, and to prepoſſeſs the queen and the public, that the whole was a contrivance of the duke of Queenſberry, in order to ruin the dukes of Hamilton and Athol. The duke of Athol drew up a plauſible memorial for that purpoſe, which he read in the Scotch council in the preſence of the queen [r]. By this memorial it manifeſtly appeared, that the duke of Athol, though one of the principal perſons ſuſpected, had either the peruſal or information from the ſecretary of ſtate, of the contents of the letters, declarations and examinations relating to the Scots conſpiracy, before they were communicated to the houſe of lords; a convincing circumſtance, that the accuſed were more countenanced than the accuſers: So that it was no difficult matter for them to put a ſlur upon the plot. There were two other circumſtances which ſeemed to reflect on the earl of Nottingham; his giving ear to the information of Ferguſon, whom the ſuſpected perſons made uſe of, to clear them of the treaſon they were in danger of being charged with; and his diſcharging an officer in king James's army, who had been ſeized by the governor of Berwick. This being complained

objection, if they had taken the uſual parliamentary methods of deſiring to be informed of what we had done, and of the grounds of our proceedings, before they had approached your majeſty with ſuch a repreſentation of them.

"Their carrying ſuch an unprecedented addreſs to your majeſty, in ſo haſty a manner, gives us almoſt as great trouble as the hard uſage we find by it.

"The ancient, known, and indeed only effectual method of preſerving a good correſpondence between the two houſes of parliament, has been by conferences. If at any time either houſe conceived they had a reaſonable ground to object againſt the proceedings of the other, conferences have been deſired, and the matter in debate between them fairly diſcuſſed, and thereby miſtakes have been cleared for the moſt part, and a good underſtanding cultivated, and a mutual reſpect preſerved, which is always highly requiſite in the nature of our conſtitution, but more eſpecially in this time of war and danger.

"Had the houſe of commons thought fit to have purſued this method upon this occaſion, we ſhould have been able to have given them entire ſatisfaction, not only of the lawfulneſs of all we had done, but of the juſt and weighty grounds, upon which we took the examinations of theſe perſons into our own hands; or, at leaſt, if they could have convinced us of any miſtake, we ſhould have given them any reaſonable ſatisfaction.

"But, without making any ſuch previous ſtep, the houſe of commons have made an appeal directly to the throne againſt the houſe of lords, and charged them, though moſt unjuſtly, with attempts of the higheſt nature. Nothing like this was ever done before; and, out of our hearty concern for the preſervation of our happy conſtitution, we hope the ſame thing will never be done again. We know your royal heart is unmoveably fixed on preſerving the liberties of your people, and tranſmitting them entire to poſterity. But if in after-times the houſes of parliament ſhould be appealing againſt one another to the crown (for, if ſuch a courſe be juſtifiable in the houſe of commons, the ſame method may be taken by the lords) as your majeſty is now ſenſible, how great difficulties it neceſſarily brings upon a good prince; ſo it is eaſy to foreſee (and we cannot think of it without terror) how fatal the conſequences may be in the reign of an ill deſigning prince, and what advantages may be taken from it for utterly ſubverting the beſt ordered form of government in the world. There are examples abroad, where proceedings of this kind have ended in the overthrow of the liberties of the people, which makes us the more apprehend the beginning of them among ourſelves. Your majeſty's great judgment cannot but readily diſcern, whither it does naturally tend for one houſe of parliament to be exciting and earneſtly deſiring the ſovereign to exert a real or ſuppoſed prerogative againſt the other houſe. It is not eaſy to imagine, what the commons could expect of your majeſty from ſuch an application. The lords have never entertained a thought of uſing this dangerous method, whatever occaſions may have been given within the compaſs of late years. And we promiſe your majeſty, we will always endeavour to preſerve a good underſtanding with the houſe of commons, and ſhall never think it too dear to procure that union at any rate, unleſs that of delivering up thoſe rights and powers, which are lodged in us by the law, and without which the conſtitution cannot ſubſiſt.

"We ſhall never be guilty of the preſumption of preſcribing to your majeſty, when or againſt whom, you ſhould exert your prerogative; but we will be always ready to aſſiſt you in the ſupport of all the juſt rights of the crown, as well as in the maintaining the liberties of the ſubject, which we know are no leſs dear to your majeſty.

"It may with modeſty and truth be affirmed, that the lords have in all times been the ſureſt and moſt natural bulwark of the prerogatives of the crown, they being (as your royal grandfather, of ever bleſſed memory, was pleaſed to expreſs it) an excellent ſcreen and bank between the prince and the people, to aſſiſt each againſt any incroachment of the other.

"We will never contribute, by any act of ours, to the diminution of the rights of the crown, nor, as far as we are able, will ſuffer it in others. We cannot act otherwiſe without hurting ourſelves in the higheſt degree, being thoroughly convinced, that the preſervation of the legal prerogative is not only the ſureſt way to ſecure our own privileges, but of abſolute neceſſity for the happy and rightful adminiſtration of the government. And we hope, the houſe of commons will, in all times to come, ſpeak and act with that regard to the prerogative, which they ſeem to have taken up lately.

"There remains one particular more, which we will only name to your majeſty, becauſe we reſt ſatisfied, it cannot have any weight here, that is, the inſinuation in the addreſs, as if the examination of theſe priſoners by the lords was in order to obſtruct the inquiry into the deſigns againſt your majeſty's perſon and government; or at leaſt, that it was likely to produce ſuch an effect. Our dutiful zeal for your majeſty's government, and our warm concern to diſcover all deſigns, and oppoſe all practices againſt it, are too well known to the world, that any ſuggeſtions of that ſort ſhould make the leaſt impreſſion to our diſadvantage; and, we are very ſure, it was no ſuſpicion of that nature, which gave the true riſe to this very ſharp addreſs. It is eaſy to determine, whether a hearty and forward undertaking to ſearch into the deſigns of your enemies, and the ſeeking occaſions to object to and interrupt ſuch endeavours, be moſt likely to obſtruct the diſcovery of the pernicious practices of traitors.

Moſt Gracious Sovereign,

"We moſt humbly aſk pardon for preſuming to give your majeſty the trouble of this long repreſentation, which has proceeded from the paſſionate concern we have to ſtand, not only acquitted, but entirely approved in the judgment of ſo excellent a queen, and ſo juſtly beloved of all her ſubjects.

"We depend upon your juſtice, as well as your goodneſs, that nothing can do us prejudice, from whatſoever hand it comes, in your royal opinion, while we continue to act in that ſtation, where we are placed by the form of the Engliſh government, according to the laws and cuſtoms of parliament, with all imaginable reſpect and duty to yourſelf, and all poſſible zeal for the ſafety and happineſs of your kingdom.

"Give us leave to conclude this our humble addreſs with this firm promiſe, that no danger, no reproaches, nor any artifices whatſoever, ſhall deter or divert us from uſing our utmoſt endeavours from time to time in diſcovering and oppoſing all contrivances and attempts, againſt your royal perſon and government, and the proteſtant ſucceſſion, as by law eſtabliſhed."

[r] The ſubſtance of this memorial was as follows: "That, on the 25th of November laſt, there was a diſcovery made to his grace, that one captain Simon Frazer, who was a declared rebel, outlawed in Scotland for a moſt barbarous rape, and other crimes, had been in London about a fortnight before; and that he had come from St. Germain's in May or June laſt; and, after having ſtaid ſome time in London, had gone to Scotland, and there had met with the duke of Queenſberry at Edinburgh, at the time of the ſitting of the parliament; and, having got from the duke of Queenſberry a protection and paſs, he, with them, travelled to ſeveral places in Scotland, particularly Argyleſhire, where he produced the ſaid paſs, as alſo a commiſſion and inſtructions ſigned by king James, and in this manner he ſeduced and trepanned ſeveral of her majeſty's ſubjects. That after this, and about the end of September, he returned to London, where he again met privately with the duke of Queenſberry, who procured a paſs to the ſaid Frazer, and three of his accomplices from the earl of Nottingham, under falſe names. Upon which Frazer went to Holland in his way to St. Germain's, in order to give an account of his negotiations in Britain. That Mr. Robert Ferguſon was the firſt, who, by a gentleman he ſent to his grace, informed the duke of Athol of captain Frazer's having been at London, and gone to St. Germain's with ill deſigns againſt her majeſty; and that the duke of Queenſberry intended by him and his accomplices to ruin him, the duke of Athol, and ſeveral perſons of quality in Scotland. That on the 27th of November, the earl of Nottingham acquainted his grace, that the duke of Queenſberry having, by a note, deſired a paſs for four perſons (viz. captain Smeaton or Campbel,—Monro,—Dickſon, and—Forbes) he had given the ſaid paſs. That thereupon the duke of Athol waited on her majeſty, and acquainted her with what information he had got; and afterwards further informed the earl of Nottingham, that the duke of Queenſberry had delivered the ſaid paſs to Colin Campbel of Glenderoul, an officer in the army in Scotland; and that he delivered it to Thomas Clarke, an apothecary in Watling-ſtreet, at whoſe houſe Frazer had lodged, and who delivered it to him at Graveſend. That the deliveries of the ſaid paſs were confirmed by the examinations of Thomas Clarke and Colin Campbel. That on the 30th of November, his grace acquainted the earl of Nottingham, how the accomplices of captain Frazer were to direct the letters from hence to him beyond ſea, and how Frazer directed his letters to his correſpondents here: Upon which ſeveral pacquets of letters were intercepted, which diſcovered Frazer's correſpondents, particularly Colin Campbel, Mr. Keith, John Murray, and captain Macleod, an officer in the guards in Scotland. That, it appeared, that one Corbouſien, a merchant in London, had given a bill of one hundred and fifty guineas to captain Frazer, and that Frazer had written to the duke of Queenſberry, under cover to Colin Campbel; and that there was alſo a letter intercepted from Frazer to the earl of Leven. That, on the 6th of December Mr. Keith acquainted his grace, that, the firſt time he met captain Frazer in London, 'he deſired him to try if the duke of Athol would pardon the injury he had done his family, he being penitent,' as he pretended. That, his grace having inquired of Keith, why he did not acquaint his grace with it ſooner, he anſwered, 'That he knew it would be to no purpoſe for him to undertake ſuch a meſſage from captain Frazer, whoſe deſign he believed was to trepan his grace.' And that Mr. Keith acquainted the earls of Seafield and Nottingham with what he had told his grace. That, by the means of Colin Campbel and Mr. Clarke, were found ſeveral papers belonging to Frazer, and left by him before he went from London, particularly, a commiſſion for his being a colonel, ſigned by the pretended king James. That by the declarations of Colin Campbel and ſir John Maclean, and others, and by Frazer's letters, it appears, that, beſides the deſign of an invaſion, there was another wicked contrivance, to bring ſeveral of her majeſty's good ſubjects and ſervants into a plot, in order to ruin them and their families. Wherefore his grace humbly begged her majeſty would be pleaſed to order the duke of Queenſberry to give his reaſons; 1. Why he met with, employed, and gave two hundred guineas to captain Frazer in Scotland, with whom, as being an intercommuned rebel, it was treaſon, by the law of that kingdom, to converſe. 2. How the duke of Queenſberry came to give a paſs or protection to a rebel, whoſe buſineſs in the Highlands of Scotland was to tempt her majeſty's ſubjects into a rebellion. 3. For what purpoſe the duke of Queenſberry ſent captain Frazer, and three perſons with him, ſo carefully and privately to France, and what ſervices he expected her majeſty would reap by their going thither, ſince it appeared by the letters and declarations, that Frazer's main deſign was to engage the French king to proſecute his deſign of an invaſion." In a ſubſequent addition to this memorial, the duke of Athol obſerved, in his own vindication, Firſt, "That he ſaw by Frazer's letters, and the declarations of Colin Campbel of Glenderoul, and captain Macleod, and by what a lord had publicly ſaid, that there had been a deſign to accuſe his grace, and ſeveral others, of correſponding with St. Germain's." Secondly, "That the ſaid declarations were made by thoſe, who were guilty of correſponding with Frazer, and who were employed by the duke of Queenſberry in his ſecret affairs with him." Thirdly, "That what theſe perſons alledged was only upon a hear-ſay from Frazer, viz. that his grace deſigned to ſend Glengary and captain James Murray to St. Germain's, neither of which two perſons his grace ever ſpoke to. Concluding, that his grace, as well as the duke of Hamilton, were mentioned by ſir John Maclean, the laſt perſon, who came over from St. Germain's, and ſaid, he had inſtructions to ſound or try both their graces: But that this was rather a vindication; for ſince they were to be ſounded, they were not engaged, or had correſpondence there. By all which the world might judge of the reſt of the malicious calumnies of his grace's enemies, and how eaſy a matter it would be for his grace to refute them, when public, eſpecially the inconſiſtent ſtory of a letter ſaid to have been ſent from St. Germain's to his grace."

This

of in the houſe of commons, a long debate enſued, which ended at laſt in a reſolve, "That the earl of Nottingham, one of her majeſty's principal ſecretaries of ſtate, for his great ability and diligence in the execution of his office, for his unqueſtionable fidelity to the queen and her government, and for his ſteady adhering to the church of England, as by law eſtabliſhed, had highly merited the truſt her majeſty had repoſed in him." The commons, at the ſame time, ordered, that the ſpeaker ſhould lay this reſolution before her majeſty, when the ſaid addreſs ſhould be preſented to her: Which being done accordingly, the queen was pleaſed to ſay, "That ſhe was glad to find they were well ſatisfied with the earl of Nottingham, who was truſted by her in ſo conſiderable a poſt."

The examinations of the priſoners being alſo ſent to the houſe of commons, they heard them read, but paſſed no judgment upon them, nor did they offer any advice to the queen upon this occaſion; they only ſent them back to the queen, with thanks for communicating them, and for her wiſdom and care of the nation. It was thought ſtrange, to ſee a buſineſs of this nature treated ſo ſlightly, by a body that had looked, in former times, more carefully to things of this kind; eſpecially, ſince it had appeared, in many inſtances, how dexterous the French were in raiſing diſtractions in their enemy's country: it was evident, that a negotiation was begun, and had been now carried on for ſome time, for an army that was to be ſent from France to Scotland; upon this, which was the main of the diſcovery, it was very amazing to ſee, that the commons neither offered the queen any advice, nor gave her a vote of credit, for any extraordinary expence, in which the progreſs of that matter might engage her; a credit ſo given might have had a great effect towards defeating the deſign, when it appeared how well the queen was furniſhed to reſiſt it: This coldneſs, in the houſe of commons, gave great and juſt ground of ſuſpicion, that thoſe who had the chief credit there, did not act heartily, in order to the defeating all ſuch plots, but were willing to let them go on, without check or oppoſition.

But the lords, on the day appointed, reſolved to take the plot into conſideration, and examine the whole matter fully. They began with reading the papers laid before them, the moſt material of which was drawn up by the earl of Nottingham, intitled, 'an account of the conſpiracy in Scotland.' It was an abſtract of all the examinations the council had taken [s]. Some took great exceptions at it, as drawn on deſign to make the affair appear more inconſiderable than they believed it to be. The ſubſtance of the whole was, that there went many meſſages between the courts of St. Germain's and Verſailles, with relation to the affairs of Scotland; the court of Verſailles was willing to ſend an army to Scotland, but they deſired to be well aſſured of the aſſiſtance they might expect there; in order to which, ſome were ſent over, according to what France had told the duke of Queenſberry; ſome of the papers were writ in gibberiſh, ſo the lords moved, that a reward ſhould be offered, to any who ſhould decypher theſe. When the lords aſked the earl of Nottingham, if every thing was laid before them, he anſwered, That there was only one particular kept from them; becauſe they were in hopes of a diſcovery, that was like to be of more conſequence than all the reſt: So, after the delay of a few days, to ſee the iſſue of it, which was Keith's endeavours to perſuade his uncle (who knew every ſtep that had been made, in the whole progreſs of this affair) to come in and diſcover it, when they were told there was no more hope of that, the lords ordered the committee, which had examined Boucher, to examine into all theſe diſcoveries. Upon this the commons, who expreſſed a great uneaſineſs at every ſtep the lords made in that matter, went with a new addreſs to the queen, inſiſting on their former complaints, againſt the proceedings of the lords, as a wreſting the matter out of the queen's hands, and the taking it wholly into their own; and they prayed the queen to reſume her prerogative, thus violated by the lords, whoſe proceedings they affirmed to be without a precedent.

The ſeven lords went on with their examinations, and, after ſome days, they made a report to the houſe; Maclean's confeſſion was the main thing; it was full and particular; he named the perſons that ſate in the council at St. Germain's; he ſaid, the command was offered to the duke of Berwick, which he declined to accept, till trial was made whether duke Hamilton would accept of it, who, he thought, was the proper perſon; he told likewiſe, what directions had been ſent to hinder the ſettling the ſucceſſion in Scotland; none of which particulars were in the paper, that the earl of Notting-

[s] This paper more at large was: "That the earl of Nottingham had information of ſome deſigns of an inſurrection in Scotland, to be ſupported with money, arms, and men from France, with which he acquainted the queen, who, having received the like informations from the duke of Queenſberry, commanded him to communicate theſe matters to his grace, that, by comparing them together, her majeſty might the better judge of them. This the earl did, and the duke ſaid, that the accounts, which he had read, were much of the ſame kind; and added, that his informer was come from France, but his name he was obliged to conceal, and was ſo forward and zealous in doing ſervice to her majeſty, that he was willing to go again into France, and to ſend from time to time, or even to bring intelligence of the further progreſs of the French deſigns, with which he was ſure he ſhould be truſted, as he had been formerly. That his grace ſaid, he accordingly deſigned to ſend him; which the earl of Nottingham approved, and acquainted the queen with this converſation with the duke of Queenſberry. That, on the 10th of November 1703, the earl of Nottingham had an account, that ſir John Maclean, with others, were in cuſtody at Folkſtone, as coming out of France without leave; and that the ſame day he received a letter, as did alſo the earl of Cromarty, from ſir John Maclean, intimating, that at his landing he had ſurrendered himſelf, and deſired he might be brought before the earl, to give an account of his coming. That, ſir John being accordingly ſent for in cuſtody, and examined, he ſaid, 'That he had long deſired to come home, and had often aſked leave by his friends, without ſucceſs; but now, hearing of the indemnity granted by the queen to her Scottiſh ſubjects, he gladly laid hold of it, being weary of the hardſhips he endured in France, where he could not ſubſiſt with his allowance. That he never had any poſt, either in court or army; and he reſolved to live quiet at home, in hopes of ſome favour from her majeſty, in conſideration of the ſufferings of his family for their loyalty.' But being told, that, though this was a very ſpecious repreſentation of his caſe, yet it was impoſſible to believe, that this was all, or the true deſign of his coming, ſince he had delayed coming many months after he knew of the indemnity; ſir John Maclean, upon this, pretended ſickneſs, and that he now came in ſo much haſte, that he brought his wife, who had lain-in but eleven days; adding, 'that an Engliſh fiſher-boat had been diſcharged by order of the court of France (a thing never done before) without ranſom or exchange, on purpoſe to bring him to England. That, this increaſing the earl's ſuſpicion, ſir John Maclean was told, that, however indemnified he might be in Scotland, he was ſtill liable to the act of parliament in England, which made it treaſon to come hither from France: And that he muſt expect the rigour of the law, being ſo juſtly, from the above-mentioned circumſtances, to be ſuſpected of ill deſigns. That thereupon he ſaid, 'He would tell the earl all he knew, upon aſſurance of his pardon, and being treated like a gentleman, ſo as not to be required to appear in public, as an evidence againſt any perſon;' of which, by the queen's orders, he being aſſured, he then told the earl of Nottingham, 'That, in July 1702, the lord Lovat came to France, and told ſir John Maclean, that he had matters of great importance to communicate to the queen at St. Germain's, but required a promiſe from her not to reveal any thing of what he ſhould ſay to any of her miniſters. That, this being granted, ſir John Maclean carried him to the queen, as he did afterwards by her direction, to monſieur Torcy, to whom, as before to the queen, he ſaid, that he was come from the Highlands of Scotland, where he had diſcourſed with many heads of clans, particularly Stewart of Apin, ſir Edwin Cameron, ſir Daniel Macdonal, and others, from whom he brought aſſurances, that they would riſe in arms with ten thouſand men, if they were aſſiſted from France, with money, arms, and troops to ſupport them. That monſieur Torcy, after communicating this to the French king, aſſured him, that his maſter would furniſh them with money and arms, and alſo men, ſo ſoon as his affairs would admit of the laſt. And the number agreed on was five thouſand, which were to be tranſported from Dunkirk, and landed at Dundee; from whence the march was ſhort and eaſy to the foot of the Highlands; to which, if need were, they might retreat, and, in the mean time, make a ſtand, and oppoſe any of the queen's forces, that might be ſent againſt them, and give time to the Highland clans to aſſemble and come to them, and form and increaſe the army, to be ſuperior to all the queen's forces in Scotland. That, to facilitate this deſign, five hundred men were to be ſent from Breſt, to ſeize the fort of Inverlochy, which could not reſiſt cannon, being commanded by hills near it; and that this would give ſecurity to ſhips coming into the river, and be a means to convey ſupplies of all kinds, as there ſhould be occaſion. That the execution of this project was delayed, partly becauſe the French king could not ſpare his troops, partly becauſe his fleet was not in a condition to oppoſe the Engliſh; partly becauſe he did not entirely rely on the lord Lovat's information and aſſurances; and partly, that he might ſee the event of the Scottiſh parliament, by which he might judge of the diſpoſition of the Scots, as well as by ſome further inquiry, which he intended to make. That therefore Lovat was ſent back in May laſt, which captain Frazer and captain John Murray, who had long been in the French ſervice, with orders to come back, as ſoon as the Scots parliament was ended, with an account of the inclinations of the people, and what numbers might be relied upon to join with the French. That, beſides theſe, one James Murray was alſo ſent to Scotland, with orders to ſpeak with duke Hamilton (to whom one Bell was ſent before with like directions, and died in Holland) and to engage him in the intereſt of France, for the ſupport of the prince of Wales. That there had been other meſſages ſent to him, but the queen told ſir John Maclean, ſhe had no anſwer, and therefore ordered ſir John to ſound his grace, and, if he found him diſpoſed to her ſervice, then, and not otherwiſe, to communicate to him this project; which he was alſo to do to the duke of Athol and earl Mareſchal. And that Stephenſon, a banker, formerly ſent to duke Hamilton, was, at his return, put into the Baſtile; which was thought to be occaſioned by the duke's not truſting him, and to prevent a diſcovery, there being ſo many factions at St. Germains, that nothing was kept a ſecret. That afterwards, upon a further examination, Sir John Maclean recollected the names of the perſons, and the men they could bring into the field, which Lovat, alias Frazer, reckoned upon, when he gave account to the court of France of the Scots readineſs to riſe, if the French would ſupport them. That, the queen having commanded the earl of Nottingham to acquaint the duke of Queenſberry with what ſir John Maclean had diſcovered, his grace thereupon told the earl, that this Frazer was the perſon, who diſcloſed to him ſome matters of this nature, with which he had acquainted the queen, but that he had not told her majeſty his name, being under a ſolemn engagement to conceal it. That this Frazer was brought to him by the late duke of Argyle and the earl of Leven, who were privy to all his proceedings with them. That Frazer was gone to France, and had promiſed to ſend an account of all the French deſigns, and would come back, whenever any thing of moment happened, or that his grace ſhould require him. Whereupon the duke of Queenſberry was deſired to call him back, for he was more likely to do harm than good, by an intelligence, that could be expected from ſo ill a man."

This account contained, in the next place, the duke of Athol's proceedings with the earl of Nottingham, with the ſubſtance of Campbel's, Clarke's, Keith's, and Ferguſon's examinations.

On

ham had brought to the houſe of his confeſſion. It was farther obſerved, that all the reſt, whoſe examinations amounted to little, were obliged to write their own confeſſions, or, at leaſt, to ſign them: But Maclean had not done this; for, after he had delivered his confeſſion by word of mouth to the earl of Nottingham, that lord wrote it all from his report, and read it to him the next day; upon which he acknowledged, it contained a full account of all he had ſaid. Maclean's diſcovery to the lords was a clear ſeries of all the counſels and meſſages, and it gave a full view of the debates and opinions in the council at St. Germain's, all which was omitted in that, which was taken by the earl of Nottingham, and his paper concerning it was both ſhort and dark; there was an appearance of truth, in all that Maclean told, and a regular progreſs was ſet forth in it.

Upon theſe obſervations thoſe lords, who were not ſatisfied with the earl of Nottingham's paper, intended to have paſſed a cenſure upon it, as imperfect. It was ſaid, in the debate that followed this motion, either Maclean was aſked, who was to command the army to be ſent into Scotland, or he was not. If he was aſked the queſtion, and had anſwered it, then the earl of Nottingham had not ſerved the queen, or uſed the parliament well, ſince he had not put it in the paper. If it was not aſked, here was great remiſſneſs in a miniſter, when it was confeſſed, that the ſending over an army was in conſultation, not to aſk who was to command the army. Upon this occaſion, the earl of Torrington made ſome reflections, which had too deep a venom in them. He ſaid, That the earl of Nottingham did prove, that he had often read over the paper, in which he had ſet down Maclean's confeſſion, in his hearing, and had aſked him, if all he had confeſſed to him was not fully ſet down in that paper; to which he always anſwered, That every thing he ſaid was contained in it. Upon this the earl obſerved, that, Sir John Maclean having, perhaps, told his whole ſtory to the earl of Nottingham, and finding afterwards, that he had writ ſuch a defective account of it, he had reaſon to conclude (for he believed, had he been in his condition, he ſhould have concluded ſo himſelf) that the earl of Nottingham had no mind, that he ſhould mention any thing, but what he had writ down, and that he deſired, that the reſt might be ſuppreſſed. That he could not judge of others but by himſelf: If his life had been in danger, and if he were interrogated by a miniſter of ſtate, who could do him either much good or much hurt, and if he had made a full diſcovery to him, but had obſerved, that this miniſter, in taking his confeſſion in writing, had omitted many things, he ſhould have underſtood that as an intimation, that he was to ſpeak of theſe things no more; and ſo he believed he ſhould have ſaid it was all, though, at the ſame time, he knew it was not all that he had ſaid. It was hereupon moved that ſir John Maclean might be ſent for and interrogated, but the party was not ſtrong enough to carry any thing of that kind; and, by a previous vote, it was carried by a majority of eleven voices, to put no queſtion concerning the earl of Nottingham's papers [t].

The lords were highly offended with Ferguſon's papers, and paſſed a ſevere vote againſt thoſe lords who had received ſuch ſcandalous papers, and had not ordered him to be proſecuted, which they directed the attorney-general to do. But Ferguſon never received the leaſt puniſhment.

It was apparent, that there was a train of dangerous negociations, that paſſed between Scotland and St. Germain's, though the lords could not penetrate to the bottom of them. And the deſign of Keith's bringing in his uncle, who knew every ſtep that had been made, and the whole progreſs of the affair, to diſcover the whole ſcheme of it, was managed ſo remiſsly, that it was generally concluded, that it was not in earneſt deſired it ſhould ſucceed. During the debates, one very extraordinary thing happened; the earl of Nottingham affirmed, upon three or four occaſions, that ſome things had been ordered in the cabinet council, which the dukes of Somerſet and Devonſhire, who were likewiſe of that council, did not agree with him in. After all theſe examinations and debates, the lords concluded the whole matter with voting, That there had been dangerous plots between ſome in Scotland and the courts of France and St. Germain's; and that the encouragement of this plotting came from the not ſettling the ſucceſſion to the crown of Scotland in the houſe of Hanover. Theſe votes they laid before the queen in an addreſs, and promiſed, when the ſucceſſion was thus ſettled, they would endeavour to promote the union of the two kingdoms, upon juſt and reaſonable terms. To their addreſs the queen anſwered, "That ſhe had ſome time ſince declared her intentions, of endeavouring the ſettlement of the proteſtant ſucceſſion in Scotland to her ſervants of that kingdom, as the moſt effectual means for ſecuring their quiet and our own, and the readieſt way to the entire union betwixt both kingdoms, in the perfecting of which, it was very deſirable no time ſhould be loſt"

The lords, after this concluſion of the affair, made a long and vigorous addreſs, or ſecond repreſentation in anſwer to that which the commons had made againſt them; wherein they obſerved, how uneaſy the commons had been at the progreſs of their enquiry into the Scots conſpiracy, and had taken methods to obſtruct it all they could; which did not ſhew that zeal for the queen's ſafety, and the preſervation of the nation, to which all men pretended. They annexed to this addreſs a liſt of many precedents, to ſhew what good warrants they had for every ſtep they had made; that they had not taken the examination to themſelves, ſo as to exclude others, who had the ſame right, and might have done it as well as they, if they had pleaſed; and that their proceeding had been regular and parliamentary, as well as full of zeal and duty to the queen. They made ſevere obſervations on ſome of the proceedings in the houſe of commons, particularly on their not ordering writs to be iſſued out for ſome boroughs to proceed to new elections, when they, upon pretence of corruption, had voted an election void; which had been practiſed of late, when it was viſible, that the election would not fall on the perſon they favoured. They charged this as a denial of juſtice, and of the right that ſuch boroughs had to be repreſented in parliament, and as an arbitrary and illegal way of proceeding. This addreſs was drawn with great force and beauty by the lord Sommers, who likewiſe penned the other addreſſes, which made a great impreſſion on the body of the nation; for the difference, that was between theſe addreſſes, and thoſe publiſhed by the commons was ſo viſible, that it did not admit of any compariſon, and was confeſſed even by thoſe, who were the moſt partial to the commons. In anſwer to this laſt addreſs, the queen ſaid, "That ſhe hoped none of her ſubjects had any deſire to leſſen the prerogative, ſince ſhe had no thoughts of making uſe of it, but for their protection and advantage, And that ſhe looked upon it as a great misfortune, when any miſunderſtanding happened between both houſes of parliament, which could not be without ſo much prejudice to the public, that ſhe ſhould never omit any thing in her power to prevent the occaſions of them."

Theſe differences between the two houſes were ſtill heightened by the lords interpoſing in an affair, the cognizance of which the commons pretended to belong ſolely to themſelves. There had been great complaints long made, and theſe had increaſed within a few years, of great partiality and injuſtice in the election of parliament-men, both by ſheriffs in counties, and by the returning officers in boroughs. In Ayleſbury in Buckinghamſhire the return was made by four conſtables; and it was believed, that they had made a bargain with ſome of the candidates, and then managed the matter ſo, as to be ſure, that the majority ſhould be for the perſon, to whom they had engaged themſelves. They canvaſſed about the town, to know how the voters were ſet, and they reſolved to find ſome pretence for diſabling thoſe, who were engaged to vote for other perſons than their friends, that they might be ſure to have the majority in their own hands.

And, when theſe matters came to be examined by the houſe of commons, they gave the election always for him, who was reckoned of the party of the majority in a manner ſo barefaced, that they were ſcarce out of countenance, when they were charged for injuſtice in judging elections. It was not eaſy to find a remedy againſt ſuch a crying abuſe, of which all ſides in their turns, as they happened to be depreſſed, had made great complaints; but, when they came to be the majority, ſeemed to forget all, that they had before exclaimed againſt. Some few excuſed this on the topic of retaliation, alledging, that they dealt with others as they dealt with them or their friends. At laſt an action was brought againſt William White, and the other conſtables of Ayleſbury, by one Matthew Aſhby, who had been always admitted to vote in former elections, but was denied it in the laſt election. This action was tried at the aſſizes, and it was found there by the jury, that the conſtables had denied him a right, of which he was undoubtedly in poſſeſſion, ſo that they were caſt with

[t] On the 24th of March, the lords, after ſome debate, came to a reſolution, "That, ſir John Maclean having made an ingenuous confeſſion to the lords committees, her majeſty ſhould be addreſſed to give him as full and compleat a pardon, as may conſiſt with the ſafety of her majeſty and the people, and to provide for his ſubſiſtence." And then the order of the lords, for the cloſe confinement of ſir John Maclean in the Tower of London, was diſcharged. Upon this recommendation ſir John Maclean received a conſiderable penſion from the crown, though, in his heart, in the queen's time, and openly after her death, he continued in the intereſt of the pretender, and died in the rebellion againſt king George I, in 1715.

Another

damages. But it was moved in the Queen's Bench to quash all the proceedings in that matter, since no action did lie, or ever had been brought upon that account. The judges Powel, Gould, and Powis were of opinion, that no hurt was done to Ashby; that the judging of elections belonged to the house of commons: That, as this action was the first of its kind, so, if it was allowed, it would occasion an infinite number of suits, and put all the officers, concerned in that matter, under great difficulties. Chief justice Holt alone differed from the rest. He thought this a matter of the greatest importance, both to the whole nation in general, and to every man in his own particular. He made a great difference between an election of a member, and a right to vote in it. That the house of commons were the only judges of the former, whether it was rightly managed or not, without bribery, fraud, or violence; but the right of voting in an election was an original right founded on a freehold of forty shillings a year in the county, or on burgage-land, or prescription, or by charter, in a borough. These were all legal titles, and, as such, were triable in a court of law. Acts of parliament were made concerning them, and, by reason of these, every thing relating to those acts was triable in a court of law. He spoke long and learnedly, and with some vehemence, upon the subject; but he was one against three, and therefore the order of the Queen's Bench was given in favour of the constables. The matter was upon that brought before the house of lords by a writ of error; the case was very fully argued at the bar, and the judges were ordered to deliver their opinion upon it, which they did very copiously. Chief Justice Trevor insisted much on the authority, that the house of commons had to judge of all those elections. From that he inferred, that the commons only could judge, who were the electors. Petitions were often grounded on this, that in a poll some were admitted to a vote, who had no right to it, and that others were denied it, who had a right; so that in some cases the commons were the proper judges of this right, and, if they had it in some cases, they must have it in all. From this he inferred, that every thing relating to this matter was triable by them, and by them only. If two independent jurisdictions might have the same cause brought before them, they might give contrary judgments in it; and this must breed great distraction in the execution of those judgments.

To all this it was answered, that a single man, who was wronged in this matter, had no other remedy but by bringing it into a court of law; for the house of commons could not examine the right of every voter: If the man, for whom he would have voted, was returned, he could not be heard to complain to the house of commons, though in his own particular he was denied a vote, since he could not make any exceptions to the return, and therefore must bear his wrong without a remedy, if he could not bring it into a court of law. A right of voting in an election was the greatest of all the rights of an Englishman, since by that he was represented in parliament. The house of commons could give no relief to a man wronged in this point, nor any damages; they could only set aside one, and admit of another return. But this was no redress to him, who suffered the wrong; it made him the less considered in his borough, and that might be a real damage to him in his trade. Since this was a right inherent in a man, it seemed reasonable, that it should be brought, where all other rights were tried, into a court of law. The abuse was new, and was daily growing, and it was already swelled to a great height. When new disorders happen, new actions must lie, otherwise there is a failure in justice, which all laws abhor. Practices of this sort were enormous and crying; and if the rule made in the Queen's Bench was affirmed, it would very much encrease these disorders by this indemnity, that seemed to be given to officers, who took the poll.

After a long debate, it was carried by a great majority to set aside the order of the Queen's Bench, and to give judgment according to the verdict given at the assizes. This gave great offence to the commons, who, looking on these proceedings as encroachments on their privileges, after having inspected the lords journals, resolved, "1. That, according to the known laws and usage in parliament, it is the sole right of the commons of England, in parliament assembled (except in cases otherwise provided for by act of parliament) to examine and determine all matters relating to the right of election of their own members. 2. That neither the qualification of any elector, or the right of any person elected, is cognizable or determinable elsewhere than before the commons. 3. That the examining and determining the qualification or right of any elector, or any person elected to serve in parliament, in any court of law, or elsewhere, than before the commons, will expose all mayors, bailiffs, and other officers, who are obliged to take the poll, and make a return thereupon, to multiplicity of actions, vexatious suits, and insupportable expences, and will subject them to different and independent jurisdictions, and inconsistent determinations in the same case, without relief. 4. That Matthew Ashby, having, in contempt of the jurisdiction of this house, commenced and prosecuted an action at common law against William White and others, the constables of Aylesbury, for not receiving his vote at an election of burgesses to serve in parliament for that borough, is guilty of a breach of the privileges of this house. 5. That whoever shall presume to commence or prosecute any action, indictment, or information, which shall bring the rights of the electors, or persons elected to serve in parliament, to the determination of any other jurisdiction than that of the house of commons (except in cases specially provided for by act of parliament) such person or persons, and all attornies, sollicitors, counsellors, and serjeants at law, soliciting, prosecuting, or pleading in any such case, are guilty of a high breach of the privilege of this house." And they ordered these resolutions to be fixed upon Westminster-Hall Gate, signed by the clerk. However, they did not think fit to send for Ashby, who had sued, or rather, in whose name the suit was carried on, but let the matter fall as to him, under a shew of moderation and pity, and rested it upon the general votes. On the other hand, the lords appointed a committee to draw up the state of the case upon the writ of error, wherein Ashby was plaintiff, and William White and others defendants; which committee having made their report, their lordships resolved, "1. That, by the known laws of this kingdom, every freeholder, or other person having a right to give his vote at the election of members to serve in parliament, and being wilfully denied or hindered so to do by the officer, who ought to receive the same, may maintain an action in the queen's courts against such officer, to assert his right, and recover damage for the injury. 2. That the asserting, 'That a person having a right to give his vote at an election, and being hindered so to do by the officer, who ought to take the same, is without remedy for such wrong, by the ordinary course of law,' is destructive of the property of the subjects, against the freedom of elections, and manifestly tends to encourage corruption and partiality in officers, who are to make returns to parliament, and to subject freeholders, and other electors, to their arbitrary will and pleasure. 3. That the declaring Matthew Ashby guilty of a breach of privilege of the house of commons, for prosecuting an action against the constables of Aylesbury, for not receiving his vote at an election, after he had, in the known and proper methods of law, obtained a judgment in parliament for recovery of his damages, is an unprecedented attempt upon the judicature of parliament, and is, in effect, to subject the law of England to the votes of the house of commons. And, 4. That the deterring electors from prosecuting actions in the ordinary course of law, when they are deprived of their right of voting, and terrifying attornies, sollicitors, counsellors, and serjeants at law, from soliciting, prosecuting, and pleading in such cases, 'by voting their so doing to be a breach of privilege of the house of commons,' is a manifest assuming a power to controul the law, and hinder the course of justice, and subject the property of Englishmen to the arbitrary votes of the house of commons." The lords likewise ordered the lord-keeper to send a copy of the case, and of their resolutions, to all the sheriffs of England, to be communicated to all the boroughs in their counties. The commons were highly provoked with this, but they could not hinder it. The thing was popular, and the lords got great credit by the judgment given by them, which let the people of England see, how they might be redressed for the future, if they should meet with the injustice, the partiality, and other ill practices, that had appeared of late in elections, even beyond the examples of former times[u].

The anniversary of the queen's birth-day falling this year

[u] Another affair also gave the house of commons an occasion to vent their ill humour against the lords. On the 20th of January, Charles Bathurst, Esq; presented a petition to the house of commons, touching an order made by the lords, the 12th of February 1702-3, with relation to "an order of the court of Exchequer made the 15th of July, in the 13th year of king William, concerning an inquisition and survey of the boundaries of the honour of Richmond and lordship of Middleham; and praying such relief on the subject-matter of the petition, as the house should think meet." The commons, having examined by some of their members proceedings in relation to this affair, after a long debate, on the 27th of January, resolved, "That the

on a Sunday, the ſolemnizing of it was deferred till the next day, when ſhe ſent a meſſage to the houſe of commons by Mr. ſecretary Hedges, importing, "That her majeſty, having taken into her ſerious conſideration the mean and inſufficient maintenance belonging to the clergy in divers parts of this kingdom, to give them ſome eaſe, had been pleaſed to remit the arrears of the tenths to the poor clergy; and, for an augmentation of their maintenance, her majeſty declared, that ſhe would make a grant of her whole revenue ariſing out of the 'firſt-fruits' and 'tenths,' as far as it ſhould become free from incumbrances, to be applied to this purpoſe: And, if the houſe of commons could find any proper method, by which her majeſty's good intentions to the poor clergy might be made more effectual, it would be a great advantage to the public, and acceptable to her majeſty."

The firſt-fruits and tenths was an impoſition begun by the popes in the time of the holy wars, and it was raiſed as a fund to ſupport thoſe expeditions. But, when taxes are once raiſed by ſuch an arbitrary power, as the popes then aſſumed, and after there has been a ſubmiſſion, and the payments have been ſettled into a cuſtom, they are always continued, even after the pretence, upon which they were at firſt raiſed, ſubſiſts no more. Thus this became a ſtanding branch of the papal revenue, till Henry VIII. ſeemed reſolved to take it away. It was firſt aboliſhed for a year, probably to draw in the clergy to conſent the more willingly to a change, that delivered them from ſuch heavy impoſitions. But, in the ſucceeding ſeſſion of parliament, this revenue was again ſettled as part of the income of the crown for ever. It is true, it was the more eaſily borne, becauſe the rates were ſtill at the old value, which in ſome places was not the tenth, and in moſt not above the fifth part of the true value; and the clergy had been often threatened with a new valuation, in which the rates ſhould be rigorouſly ſet to their full extent. The tenths amounted to about eleven thouſand pounds a year; and the firſt-fruits, which were more caſual, roſe one year with another to five thouſand pounds, ſo that the whole amounted to between ſixteen and ſeventeen thouſand pounds a year. This was not brought into the treaſury, as the other branches of the revenue were; but the biſhops, who had been the pope's collectors, were now the king's; and perſons in favour obtained aſſignations on them for life, or for a term of years. This had never been applied to any good uſe, but was ſtill obtained by favourites for themſelves and their friends; and, in Charles II's time, it was diſtributed chiefly among his women and natural children. It ſeemed ſtrange, that, while the clergy had much credit at court, they had never repreſented this as ſacrilege, unleſs it was applied to ſome religious purpoſe; and, that during archbiſhop Laud's favour with king Charles I. or at the reſtoration of king Charles II. no endeavours had been uſed to appropriate this to better uſes. When biſhop Burnet wrote the 'hiſtory of the reformation,' he conſidered this matter ſo particularly, that he ſaw there was a fund for providing better ſubſiſtence for the poor clergy, there being ſome hundred of cures, which had not of certain proviſion twenty pounds a year, and ſome thouſands, that had not fifty. He therefore repreſented this caſe afterward to queen Mary, in ſuch a light, that ſhe was fully reſolved, if ever ſhe lived to ſee peace and ſettlement, to have cleared this branch of the revenue of all the aſſignations, that were upon it, and to have applied it to the augmentation of ſmall benefices. The biſhops afterwards laid the matter before king William, when there was a proſpect of peace, hoping, that this might have gained the king the hearts of the clergy, or at leaſt have put a ſtop to a groundleſs clamour raiſed againſt him, that he was an enemy to the clergy, which began then to have a very ill effect on all his affairs. The king entertained this ſo well, that he ordered the biſhop to ſpeak to the miniſters about it, who all approved of it; more particularly, the lords Sommers and Hallifax: But the earl of Sunderland obtained an aſſignation upon two dioceſes for two thouſand pounds a year for two lives; ſo that nothing was to be expected after that. The biſhop laid the matter very fully before the princeſs of Denmark, during king William's life, and had often ſpoken of it to the lord Godolphin. This time was perhaps choſen to pacify the angry clergy, who were diſſatisfied with the court, and began now to talk of the danger the church was in, as much as they had done during the former reign. When the queen's meſſage was brought to the houſe of commons, ſome of the whigs, particularly ſir John Holland and ſir Joſeph Jekyll, moved, that the clergy might be entirely freed from that tax, ſince they bore as heavy a ſhare of other taxes; and that another fund might be raiſed of the ſame value, out of which ſmall benefices might be augmented. But this was violently oppoſed by ſir Chriſtopher Muſgrave, and other tories, who ſaid, that the clergy ought to be kept ſtill in a dependance on the crown.

Upon the queen's meſſage, a bill was brought in, inabling her to alienate this branch of the revenue, and to create a corporation by charter, to apply it to the uſe, for which ſhe now gave it. They added to this a repeal of the ſtatute of Mortmain, ſo far as that it might be free to all men, either by deed or by their laſt wills, to give what they thought fit towards the augmenting of benefices. It was ſuggeſted, that this addition was made in hope, that it would be rejected by the lords, and that the ſcandal of loſing the bill might lie upon them. It occaſioned a great debate in the houſe of lords: It was ſaid, that this law was made and kept up, even during the time of popery; and it ſeemed not reaſonable to open a door to practices upon dying men. It was anſwered, That we had not the arts of affrighting men by the terrors of purgatory, or by fables of apparitions. Where theſe were practiſed, it was very reaſonable to reſtrain prieſts from thoſe artifices, by which they had ſo enriched their church, that, without ſome ſuch effectual checks, they would have ſwallowed up the whole wealth of the world, as they had indeed in England, during popery, made themſelves maſters of a full third part of the nation. The biſhops were ſo zealous and unanimous for the bill, that it was carried and paſſed into a law. The queen was pleaſed to let it be known, that the firſt motion of this matter came from biſhop Burnet. Such a project would have been much magnified at another time; and thoſe, who had promoted it, would have been looked upon as the trueſt friends of the church. But this did not ſeem to make any great impreſſion at that time; nor to have much effect in ſoftening the tempers of peeviſh men. Only it produced a ſet of addreſſes from all the clergy of England, full of thanks and juſt acknowledgments.

The houſe of commons ſhewed a very unuſual neglect of all that related to the fleet, which uſed to be one of their chief cares. It was ſurmiſed, they ſaw that, if they opened that door, diſcoveries would be made of errors, which could neither be juſtified nor palliated; and that theſe diſcoveries muſt come home chiefly to their favourites; for which reaſon they avoided all examinations, that would probably draw ſome cenſure on them. But the lords were not ſo tender; they made an enquiry into the condition of the navy, and ordered, "That, by reaſon of the great want of men, the obſervation they had made to put into an addreſs, where they ſaid (ſix thouſand) the allowed complement for the whole number of ſhips, neceſſary for the defence of the kingdom, could not be depended upon; they thought it a duty incumbent on them to make an humble application to her majeſty, deſiring, that ſhe would be pleaſed to give ſpeedy and effectual orders, that ſuch a number of ſhips, proper for the home-ſervice, might be forthwith got ready and manned." This addreſs being an oblique reflection on prince George, high-admiral of England, the queen anſwered, "That ſhe was glad they found no great number of ſeamen wanting at this ſeaſon of the year; and ſhe hoped ſuch effectual meaſures were already taken, that no ſervice ſhould be diſappointed either at home or abroad, which was neceſſary for the ſecurity and advantage of the kingdom, or the protection and encouragement of trade." However the lords carried on their inquiries into the affairs of the navy, and came to this reſolutio: "That vice-admiral Graydon, with a ſquadron of her majeſty's ſhips of war under his convoy, meeting with four French ſhips in his paſſage to the Weſt-Indies, and letting them eſcape without attacking them, according to his duty, from the pretence of his inſtructions, had been a prejudice to the queen's ſervice, and a great diſhonour to the nation." The next day they likewiſe reſolved, "That vice-admiral Graydon's diſorderly proceedings in preſſing men in Jamaica,

the houſe of lords taking cognizance of, and proceeding upon the petition of Thomas lord Wharton, complaining of an order of the court of Exchequer, bearing date the 15th of July 1701, for filing the record of a ſurvey of the honour of Richmond and of Middleham in the county of York, is without precedent, and unwarrantable, and tends to the ſubjecting the rights and properties of all the commons of England to an illegal and arbitrary power: And that it is the undoubted right of all the ſubjects of England, to make ſuch uſe of the ſaid record, as they might by law have done before the ſaid proceedings of the houſe of lords." In anſwer to this, the lords, on the 27th of March, reſolved and declared, "That the houſe of commons taking upon them by their votes, to condemn a judgment of the houſe of lords given in a cauſe depending before this houſe in the laſt ſeſſion of parliament, upon the petition of Thomas lord Wharton, and to declare what the law is, in contradiction to the proceedings of the houſe of lords, is without precedent, unwarrantable, and an uſurpation of a judicature, in which they have no ſort of pretence:" ordering at the ſame time, that this reſolution ſhould be forthwith printed and publiſhed.

and ſevere uſage of maſters of merchantmen and tranſport veſſels under his convoy there, had been a great diſcouragement to the inhabitants of that iſland, and prejudicial to her majeſty's ſervice. And, ſecondly, that admiral Graydon, having behaved himſelf ſo ill in this expedition to the Weſt-Indies, might be employed no more in her majeſty's ſervice." They alſo reſolved, "That an addreſs be preſented to the queen to remove admiral Graydon from all places of truſt in the government, for impreſſing ſervants in the Weſt-Indies on board of his ſquadron, to the ruin and deſtruction, and againſt the laws of thoſe iſlands; and that her majeſty would be pleaſed to order her attorney-general to proſecute him at law for the ſame."

The lords proceeded likewiſe in their examinations of the clamour made of the waſte of the public treaſure in the laſt reign, and of the earl of Orford's accounts, which amounted to ſeventeen millions, and upon which ſome obſervations had been made by the commiſſioners of the public accounts, and found them all to be falſe in fact, or ill grounded, and of no importance. The only particular, which ſeemed to give a juſt colour to exception, was very ſtrictly examined. The earl had victualled the fleet, while they lay all winter at Cadiz: The purſers receipts, for the quantity that was laid into every ſhip, were produced, but they had no receipts of the Spaniards, from whom they had bought the proviſions; but they had entered the prices of them in their own books, and theſe were given in upon oath. This matter had been much canvaſſed in king William's time, and it ſtood thus: The earl, when he had been ordered to lie before Cadiz, wrote to the board of victualling to ſend over a perſon to provide the fleet. They anſwered, that their credit was then ſo low, that they could not undertake it; and therefore he was deſired to do it upon his own credit. It appeared, that no fleet nor ſingle ſhip had ever been victualled ſo cheap, as the fleet was then by him. It was not the cuſtom in Spain to give receipts; but if any fraud had been intended, it would have been eaſy to have got the Spaniards, after they had their money, to have ſigned any receipts, that could have been offered them, for ſwelling the accounts; for that practice in their dealings with their own court was well known there. Upon theſe reaſons, the lords of the treaſury had paſſed his accounts, and were of opinion, that he had done great ſervice to the government in that whole tranſaction. The houſe of lords now confirmed this, and ordered an account of that whole matter to be printed.

The commons made no progreſs in any diſcoveries of ill practices in the earl of Ranelagh's office, but concluded that matter with an addreſs to the queen, that ſhe would order a proſecution. This was an artifice to make the nation ſtill think, that great diſcoveries of corruption might be made, if carefully looked after. It was expected, after ſuch an outcry, as they had made, and after the expence the nation was put to for this commiſſion for examining of the public accounts, and the extraordinary powers, that were lodged with the commiſſioners, that at leaſt ſome important diſcoveries ſhould have been made by them. The commons ſent up a bill to the lords for continuing the commiſſion for another year. It was obſerved, that an alteration was made of the perſons; ſome, who expected better places, having got their names to be left out. The lords excepted to Mr. Bierly (who was named to be one of the commiſſioners) becauſe he had been a colonel, and had not yet cleared the accounts of his own regiment; for which reaſon they ſtruck out his name, and named another, and added two more, who were not members of the houſe of commons. The reaſon of this was, becauſe the members of that houſe would not appear before them to explain ſome particulars, and only ſent their clerk to inform them; and, when the lords ſent a meſſage to the houſe of commons, to deſire them to order their members to attend on their committees, all the return they had was, that they would ſend an anſwer by meſſengers of their own; but this was evaſive, for they ſent no ſuch meſſage. The lords therefore thought it neceſſary, in order to their being better informed, to put ſome in the commiſſion for the future, who ſhould be bound to attend upon them, as often as they ſhould be called for. The commons rejected theſe amendments, and pretended, that this was of the nature of a money-bill; and that therefore the lords could make no alterations in it. The meſſage, which the commons ſent the lords upon this head, came ſo near the end of the ſeſſion, that the lords could not return an anſwer to it, with the reaſons, for which they inſiſted on their amendments; ſo the bill fell. The charge of this commiſſion amounted to eight thouſand pounds a year. The commiſſioners made much noiſe, and brought many perſons before them to be examined, and gave great diſturbance to all the public offices, by their being obliged to attend on them, and, to copy out all their books for their peruſal; and yet, in a courſe of many years, they had not made any one diſcovery. Thus a full ſtop was put to this way of proceeding.

One of the moſt conſiderable acts paſſed this ſeſſion, was for 'raiſing recruits for the land forces and marines,' which impowered the juſtices of peace, or any three of them, to take up ſuch idle perſons, as had no calling nor means of ſubſiſtence, and to deliver them to the officers of the army, upon paying them the levy money, that was allowed for making recruits. The method of raiſing theſe hitherto by drinking and other bad practices, as they were juſtly odious, ſo they were now ſo well known, that they were no more of any effect; ſo that the army could not be recruited but by the help of this act; which, if well managed, might prove of great advantage to the nation, ſince by this means they would be delivered from many vicious and idle perſons, who were a burthen to their country. And indeed of late years there was ſuch an encreaſe of the poor, that their maintenance was become in moſt places a very heavy load, and amounted to the full half of the public taxes. The party in both houſes, who had been all along cold and backward in the war, oppoſed this act with unuſual vehemence, pretending zeal for the public liberty and the freedom of the perſons, to which, by the conſtitution, they ſaid every Engliſhman had a right; which they thought could not be given away but by a legal judgment, and for ſome crime. They thought this put a power into the hands of juſtices of peace, which might be ſtretched and abuſed to ſerve bad purpoſes. Thus men who ſeemed engaged to an intereſt, that was deſtructive to all liberty, could yet make uſe of that ſpecious pretence, to ſerve their purpoſe. The chief objection made to this act in the houſe of lords was, that the juſtices of peace had been put in and out in ſo ſtrange a manner, ever ſince ſir Nathan Wright had the great ſeal, that they did not deſerve, that ſo large a power ſhould be committed to them. Many gentlemen of good eſtates and ancient families had been of late put out of the commiſſion for no other viſible reaſon, but becauſe they had entered heartily into the revolution, and had continued zealous for king William. This ſeemed done on deſign to mark them, and ſo leſſen the intereſt they had in the elections of members of parliament; and at the ſame time men of no worth, nor eſtate, and known to be ill affected to the queen's title and to the proteſtant ſucceſſion, were put in, to the great encouragement of ill-deſigning men. All was managed by ſecret accuſations, and characters, that were partially given. The lord-keeper was a zealot to the party, and was become very exceptionable in all reſpects. Money, as was ſaid, did every thing with him; only in his court, he was never charged with any thing but great ſlowneſs, by which the chancery was become one of the heavieſt grievances of the nation. An addreſs was preſented by the lords to the queen complaining of the commiſſions of peace, in which the lords delivered their opinion that ſuch as would not ſerve, or act under the late king, were not fit to ſerve her majeſty.

Beſides the bill that paſſed for the recruiting of the land-forces, there was likewiſe another brought into the houſe of commons for the ſame purpoſe, by obliging the ſeveral pariſhes or corporations in England to furniſh a certain number of men. But, this being a copy of what is practiſed in France, and other deſpotic governments, it was rejected.

[1704] On the 3d of April, the queen came to the houſe of peers, and, having given the royal aſſent to ſeveral acts, made the following ſpeech to both houſes:

"My Lords and Gentlemen,

"I Cannot put an end to this ſeſſion, without returning you thanks for the willingneſs, which you have all expreſſed to ſupport and aſſiſt me in continuing the preſent war.

"And I muſt thank you, gentlemen of the houſe of commons, very particularly, for the great forwardneſs and zeal, which you have ſhewn, both in the early diſpatch of the ſupplies, and in making them ſo effectual for carrying on the public expence, without any additional burthen upon the country. It ſhall be my care to improve this to the beſt advantage.

"My Lords and Gentlemen,

"At the opening of this ſeſſion, I did earneſtly expreſs my deſires of ſeeing you in perfect unity among yourſelves, as the moſt effectual means imaginable to diſappoint the ambition

bition of our enemies, and reduce them to an honourable and laſting peace. And though this has not met with all the ſucceſs, which I wiſhed and expected, yet being fully convinced, that nothing is ſo neceſſary to our common welfare, I am not diſcouraged from perſiſting in the ſame earneſt deſires, that you would go down into your ſeveral countries ſo diſpoſed to moderation and unity, as becomes all thoſe, who are joined together in the ſame religion and intereſt.

"This, I am perſuaded, will make you ſenſible, that nothing, next to the bleſſing of God, can ſo much contribute to our ſucceſs abroad, and our ſafety at home."

The queen having ended her ſpeech, the parliament was prorogued to the 4th of July following.

Thus ended this ſeſſion of parliament after much heat and contention between the two houſes; and though the queen in her ſpeech recommended to them union and moderation, yet thoſe words, which had hitherto carried ſo good a ſound, that all ſides pretended to them, were now become ſo odious to violent men, that even in ſermons, eſpecially at Oxford, they were arraigned as importing ſomewhat, that was unkind to the church, and that favoured the diſſenters. The houſe of commons had, during this ſeſſion, loſt much of their reputation, not only with fair and impartial judges, but even with thoſe, who were moſt inclined to favour them. It is true, the body of the freeholders began to be uneaſy under the taxes, and to cry out for a peace; and moſt of the conſiderable gentry of England, who had moſt to loſe, ſeemed not to apprehend the dangers the nation was in, if it ſhould fall under the power of France, and into the hands of the pretender; or elſe they were ſo fatally blinded, as not to ſee, that theſe muſt be the conſequences of thoſe meaſures, into which they were engaged.

The convocation ſitting again this winter with the parliament, they were divided as before. The lower houſe continued their former practices, but little oppoſition was made to them, as little regard was had of them. They began, December 8, with ſending up a paper to the archbiſhop and biſhops, ſignifying, that, being called together to conſult about ſuch matters as concerned the ſafety, honour, and advantage of the church, they thought themſelves obliged, above all things, to have a regard to the ſoundneſs of its doctrine, and to labour ſome effectual proviſion againſt its being corrupted and depraved: And therefore they reminded their lordſhips of the daring licentiouſneſs of the preſs, thro' which there had, for ſome years paſt, ſeveral books been printed, publiſhed, and diſperſed, in which, not only the worſhip and diſcipline of the church, but the known fundamentals of our holy religion, had been impugned, &c. They added, that they had other things lying before them, relating to the diſcipline of the church, which they conceived to be fit matter to be enquired into by a convocation: As clandeſtine marriages, and the ſcandal ſaid to be given by neglect or non-obſervance of the eccleſiaſtical laws and canons in regard to commutations: But that, theſe things requiring time, they laid this complaint againſt heretical and atheiſtical books before them by itſelf. And they begged their lordſhips would take the matter into their ſerious conſideration, not doubting, but that, through their great wiſdom and intereſt with thoſe in whom a ſufficient power is lodged, to effect ſo good a work, ſome ſpeedy remedy might be found, and a ſtop put to ſo growing an evil.

The ſame day alſo, they, by another paper, laid before their lordſhips the inconveniences to which they were liable, for want of a more effectual method for recovering rates made for the repair of churches and chapels. They deſired it might be conſidered, how far it was proper for the two houſes of convocation to join in preparing ſuch a bill to be offered in parliament, as might enforce the raiſing ſuch rates in the moſt effectual manner, conſiſtent with the ancient liberties of holy church, and the eccleſiaſtical juriſdiction.

In February 1703-4, the lower-houſe ſent up a repreſentation to the biſhops, intimating, that having, by a meſſage brought by their prolocutor from his grace, been encouraged to hope, that againſt their meeting, on February 4, ſufficient power might have been procured for the joint diſpatch of ſynodical buſineſs, they had employed ſeveral members in preparing heads of matters fit to be offered to their lordſhips conſideration. In this repreſentation they mentioned ſome abuſes in the eccleſiaſtical diſcipline, and in the conſiſtorial courts: But took no care to inſiſt upon thoſe greater abuſes of pluralities, non-reſidence, neglect of cures, and the irregularities of the lives of the clergy, which were too viſible[w].

When the houſe of commons thanked the queen for the grant of the firſt-fruits and tenths for the augmentation of ſmall livings, the convocation preſented the like addreſs, and the lower-houſe ſent their prolocutor with ſome of their members, to wait upon the ſpeaker of the houſe of commons, by him to return their thanks to that honourable houſe, for their eſpouſing the intereſt of the clergy, and promiſing to purſue ſuch methods, as might beſt conduce to the ſupport, honour, intereſt, and ſecurity of the church of England, as now by law eſtabliſhed: And theſe thanks of theirs, as the ſpeaker aſſured them by a letter in return, were received with the reſpect and affection juſtly due to that reverend and learned body of the clergy.

On March 10, 1703-4, The lower-houſe ſent up a paper to the upper, aſſerting their right to be ſummoned, as often as a new parliament was called, and that according to the tenor of the clauſe Præmunientes, as well as by virtue of the royal writ, and archiepiſcopal mandate: And complaining that this had been omitted in many dioceſes; and that even the royal writ itſelf, and his grace's mandate purſuant to it, had not been executed at all this convocation, in the dioceſe of Bangor. They alſo aſſerted their right to have a prolocutor choſen and admitted, at firſt, and as often as that office ſhould be vacant by death or promotion; and to aſſume an actuary, and have a convenient place for debates; and to diſpoſe of the intermediate time, as they thought good[x].

The archbiſhop, in a ſhort ſpeech, told the inferior clergy,

[w] As this repreſentation will be mentioned again in the next convocation, it may be proper to inſert the ſubſtance of it. The lower-houſe repreſented, that a general neglect of divers canons and conſtitutions, now in force, tends to introduce ſuch cuſtoms, as may in time, be interpreted to amount to a preſcription: And complained, that matter of great offence had been adminiſtered to pious Chriſtians, and many evil conſequences might ariſe from the practice of ſuch miniſters, as read not the common-prayer 'diſtinctly, reverently, and entirely,' (as by the rubric, and by the fourteenth canon they are obliged to do) without either diminiſhing in regard of preaching, or in any other reſpect, or adding any thing in the matter and form thereof.

They alſo complained, That the unjuſtifiable uſe of the form of public baptiſm, in private houſes, had leſſened the reverence due to that office; and had occaſioned thoſe undue practices of mutilating the public form, and baptizing without the ſign of the croſs, or Godfathers and Godmothers: That churchwardens were remiſs in not making due proviſion for the adminiſtration of the ſacrament of the Lord's Supper: That decency and order were not duly obſerved in ſeveral churches, and that ſeveral were irreverent and diſorderly, covering their heads in time of divine ſervice, &c. That due care was not taken about holy orders; and here the things particularly complained of, were, the little caution uſed by ſome in granting, and by others in allowing of letters teſtimonial; the not inſiſting on true, certain, and ſufficient titles; the want of a ſtrict and diligent examination of ſuch as offered themſelves to be ordained; and an unneceſſary ordination of perſons without degrees, or education, &c. That frequent abuſes happened by clandeſtine marriages, &c. That excommunicated perſons were not denounced as the ſixty fifth canon preſcribed; for want of which, the awe of excommunication had been diminiſhed: That there were great abuſes about commutations of penance: That perſons were ſuffered to inſtruct youth without due licences; and ignorant and diſaffected perſons encouraged to erect ſeminaries, to the prejudice of the two univerſities, and in which ſuch principles are inſtilled into youth, as tend to perpetuate ſchiſm, and ſubvert the eſtabliſhed conſtitution: That perſons were admitted to be chancellors or officials, and exerciſe eccleſiaſtical juriſdiction, without taking any degree in any univerſity: That the preſentments of churchwardens were commonly defective, and yet they went unpuniſhed: That the practice of regiſters was corrupt: That the ſeal of juriſdiction has been kept by other perſons beſides the judges themſelves, and their lawful ſubſtitutes: That inconveniencies have ariſen for want of regiſtering teſtaments: That exceſſive fees were exacted for collations and inſtitutions: That fees were unneceſſarily demanded at viſitations, &c. That groſs errors were committed in ſome late editions of the Bible and the Liturgy: And that the ſtage was guilty of great immorality and profaneneſs. The articles of this repreſentation were twenty-one in number.

[x] Several treatiſes were publiſhed upon this controverſy, the chief of which was, "The State of the Church and Clergy of England in their Council, Synods, &c." by Dr. Wake. In the preface, he laments his being obliged to engage in ſuch a controverſy; paſſes a cenſure on his own former work, and freely complains of Dr. A. for his wrathful and uncharitable ſpirit; his obſcurity, and his confidence; and ſays, that there was ſcarce a leaf in his book that would bear a rigorous ſcrutiny, and but few that would ſtand the moſt favourable examination. In his firſt chapter, he conſiders the ſeveral kinds of aſſemblies of the clergy of England, in a parliamentary convention, a provincial convocation, in diocеſan ſynods, and provincial councils. In the ſecond, he ſets himſelf by arguments to prove the real difference both in law and fact, between a parliamentary convention of the clergy, ſummoned by the præmunitory clauſe; and provincial convocations, ſummoned by the king's writs to the two archbiſhops. He ſhews, that they have different rights, powers and privileges as ſuch. In the third he ſhews, That the biſhops and clergy have a right to be aſſembled in convocation, at any, and all times, whenever the affairs of the church require their conſultation, or any benefit may thence accrue to religion: But have no obligation to attend upon the parliament, much leſs be forced to continue their attendance during every ſeſſion, when they have either nothing to do, or nothing to countervail the trouble and charge of ſuch an attendance. In the fourth he ſhews, That the convocation has not, as a proper provincial council, any right to meet once a year, by virtue of the ancient canons. In the Vth, VIth, VIIth, and VIIIth chapters, he proves, that, neither in the time of Edward I. nor of any of the ſucceeding reigns to the time of Henry VIII. did the two convocations attend upon the parliament, nor was it accounted their duty or privilege ſo to do. In chap. IX, he ſhews that no right can in this caſe be proved from cuſtom. In the tenth, he conſiders the right of the convocation to treat of canons and conſtitutions, without the aſſent or licence of the prince. And at the end there is a large appendix, of inſtruments and records, very few of which were ever publiſhed before.

that

that orders were given for making out copies of their repreſentation, both for the preſent and abſent biſhops, and that a proper uſe ſhould be made of it, eſpecially at viſitations. When the lower-houſe was with the archbiſhop, on April the 3d, the day the parliament was prorogued, he ſpoke more largely to them of their repreſentation, as he had promiſed them. He owned to them their right to complain of real abuſes and grievances in the church, but obſerved, that ſome of their complaints did not come properly under the power of the canons, or the authority purely eccleſiaſtical: And that thoſe of them, that were properly eccleſiaſtical, were laid down as particulars preparative to a royal licence: And that the abuſes complained of had not commenced within a few years laſt paſt, or been paſſed over every where with ſupineneſs and diſregard: And that many of the abuſes they referred to, were mentioned in king William's injunctions, and his own circular letter in purſuance of them, Anno 1695. He told them withal, that, ſince the time of our public deliverance from the open attempts of popery, there have never been more frequent and careful viſitations of biſhops in perſon, never more precautions and ſtrict examinations before giving orders in moſt dioceſes, never more ſolemn and orderly confirmations, even in very many places, where a biſhop had not been ſince the reformation. He alſo ſaid, they had promoted the good deſign of ſetting up ſchools of inſtruction for the poor, been concerned for the propagating the goſpel in foreign parts, in preſſing the frequent catechizing of youth, and helping forward the converſion of diſſenters of all ſorts, by ſound arguments and gentle methods, and exerting themſelves in behalf of the proteſtant ſucceſſion, which is neceſſary to the preſerving the queen, and the faith of which ſhe is defender. And yet he owned, there was reaſon for all poſſible care and diligence in reſtifying abuſes; and that the biſhops needed their aſſiſtance. With this ſpeech ended the ſeſſion of the convocation, at the ſame time with that of the parliament.

It is here obſerved (by Burnet) that the univerſities, eſpecially Oxford, had been very unhappily ſucceſsful in propagating anti-revolutional principles in thoſe, who were ſent to be bred among them; ſo that few eſcaped the taint of it, and the generality of the clergy were not only wrong-principled but ill-tempered. They exclaimed againſt all moderation as endangering the church, though it was viſible, that the church was in no ſort of danger, either from the number or intereſt of the proteſtant diſſenters, who, by reaſon of the toleration, were now ſo quieted, that nothing could keep up any heat in thoſe matters, but the bad humour which the clergy were poſſeſſed with, and which they infuſed into all thoſe, with whom they had any credit. At the ſame time, the great and viſible danger of popery, which, upon a miſcarriage in the war, would have broke in like an irreſiſtible deluge, was neither perceived nor apprehended.

Whilſt the parliament was ſitting, the States-General having repreſented to the queen, of how great advantage the duke of Marlborough's coming to the Hague would be to the confederacy, by concerting there with them the meaſures proper to be taken at that juncture, and having deſired her majeſty to give his grace leave to paſs the ſea for a few days, the duke went over in January to the Hague, where he received the compliments of all the public miniſters, the general officers, and other perſons of quality. He had ſeveral conferences with the deputies of the States-General, in which there was a ſcheme formed for the operations of the next campaign. It was reſolved, that, inſtead of a fruitleſs campaign in the Netherlands, they would have only a ſmall army there to lie on the defenſive, which was to be commanded by monſieur Auverquerque; but that, ſince the Rhine was open by the taking of Bonne all up to the Moſelle, their main army, which was to be commanded by the duke of Marlborough, ſhould act there. More was not underſtood to be deſigned, except by thoſe few, who were let into the ſecret. Upon this, all the preparations for the campaign were ordered to be carried up the Rhine, that all things might be in a readineſs, when he ſhould come over to take the field. The true ſecret was in few hands, and the French had no intimation of it, and conſequently had no apprehenſions about it. Theſe matters being ſettled, the duke left the Hague and returned to London.

The earl of Nottingham was animated by the party to preſs the queen to diſmiſs the dukes of Somerſet and Devonſhire from the cabinet-council, or at leaſt, that they might be called thither no more. He moved it often, but, finding no inclination in the queen to comply with his motion, he carried the ſeals to her, and told her, that he could not ſerve any longer in councils, to which thoſe lords were admitted. The queen deſired him to conſider better of it, but he returned next day fixed in his firſt reſolution, to which he adhered the more ſteadily, becauſe the queen had ſent to the earl of Jerſey for the lord-chamberlain's ſtaff, and to ſir Edward Seymour for the comptroller's. The earl of Jerſey was a weak man, but crafty and well-practiſed in the arts of a court. His lady was a papiſt, and it was believed, that, while he was embaſſador in France, he was ſecretly reconciled to the court of St. Germain's, for after that he ſeemed to be in their intereſts. It was one of the reproaches of king William's reign, that this earl had ſo much credit with him; and the king was ſo ſenſible of it, that, if he had lived a little longer, he would have diſmiſſed him. He was conſidered as the perſon, who was now in the cloſeſt correſpondence with the court of France; and, though he was in himſelf a very inconſiderable man, yet he was applied to by all thoſe, who wiſhed well to the court of St. Germain's. His ſtaff of lord-chamberlain was given to the earl of Kent, who was the firſt earl of England, and had a great eſtate. Mr. Manſel, the heir of a very conſiderable family in Wales, was made comptroller of the houſehold; and, after a month's delay, Mr. Harley, the ſpeaker, was declared ſecretary of ſtate, and Mr. Henry St. John was appointed ſecretary at war in the room of Blaithwayte.

The late differences between the lords and commons had raiſed ſo great a ferment in the nation, that the parliament had not long been prorogued, before a paper was printed and diſperſed, intitled, 'Legion's humble addreſs to the lords,' wherein the proceedings of the commons, with relation to the Ayleſbury buſineſs, and the examination of the Scots plot, were reflected on with great freedom. The firſt were taxed 'as arbitrary and illegal, contrary to the liberties of Engliſhmen, deſtructive of the rights of election, and an invaſion of the nation's judicature.' And, as to the other, it was ſuggeſted, "that the complimenting her majeſty with the title of 'a queen ſitting on the throne of her anceſtors by right of ſucceſſion' from her father, when, at the ſame time, they knew her right depended upon the validity of 'parliament-limitation,' and was built on the foot of the late 'revolution,' and the act of ſettlement, was a barbarous treachery to the whole nation, an inſolent affront to her majeſty, an inſinuation of the title of the pretended prince of Wales, and a villainous attempt to deſtroy the preſent ſettlement of the ſucceſſion, and was conſequently high treaſon by their own act of parliament: And that to addreſs her majeſty to extend her prerogative, and thereby to embroil her with the privilege of the peers, was the moſt aggravated piece of treachery, that ever houſe of commons was or could be guilty of; the ſame being an affront to her majeſty, a malicious deſign on her perſon, by perſuading her to enter on that very thing, the exorbitant practice whereof was the ruin of her father and grandfather; an unprecedented attempt upon the liberties of the people, and a meddling with what they have no power or right to touch. Their lordſhips were likewiſe applauded for their zeal, courage, and fidelity, in vindicating their own undoubted rights invaded by the houſe of commons, in their diligent care for the ſafety of her majeſty's perſon, in ſearching after the deeply-laid contrivances of her enemies in the late plot, and in their aſſerting the liberties and rights of the people of England againſt the invaſion and uſurpation of the houſe of commons. And, as the lords were looked upon as the ſanctuary and ſafety of this nation, ſo, in the name of the injured freeholders and commons of England, their lordſhips were aſſured, that they would firmly adhere to, and faithfully defend their lordſhips in the further purſuit of theſe juſt and glorious ends." Though there was a great deal of truth in this paper, yet, being repreſented by the Glouceſterſhire juſtices, at the inſtigation of Mr. Howe, to the queen as of dangerous conſequence, a proclamation was publiſhed, promiſing a reward of one hundred pounds for the diſcovery of the author, and fifty pounds for apprehending the printer, which had no effect. Six days after, the queen, with prince George, went from St. James's to Windſor, where they paſſed moſt part of the ſummer.

All this while the Scots plot made a great noiſe, and, accounts of it ſoon reaching France, Frazer was immediately ſhut up in the Baſtile. On the other hand, Lindſay, who would diſcover nothing before the committee of lords, was tried upon the act made againſt correſponding with France, and ſentenced to die. Being carried to Tyburn, he was told by the ſheriff, that he muſt expect no mercy, unleſs he acknowledged his crime, and diſcovered what he knew of the conſpiracy. But, as it was believed, upon a ſecret intimation, that he was to be reprieved, he ſtill continued obſtinate and mute, and was carried back to Newgate, where he continued priſoner for ſome years, and then, being baniſhed the

kingdom, he died in Holland in a very miſerable condition. The truth is, whether, as ſome were of opinion, the miniſtry found the queen inclined to favour the friends of the court of St. Germain's; or whether they themſelves were unwilling to irritate the Scots at this critical juncture; it is moſt certain, that, even after the removal of the earl of Nottingham, the further diſcovery of the plot was proſecuted with great tenderneſs or negligence, as appeared from the following inſtance. Towards the end of June 1704, captain Francis Lacan, late of the lord Galway's regiment of foot in Piedmont, and who, in king James's time, had been an enſign in Dumbarton's regiment, came over from Holland, and upon oath delivered an information in writing to Mr. ſecretary Harley, importing in ſubſtance, "That ſir George Maxwell, captain Levingſton, captain Hayes, and ſeveral other Scots officers, who came from the court of St. Germain's to Holland, near a year and a half before, after having held ſeveral private conſultations in divers ſuſpicious places in the neighbourhood of the Hague; and ſir George having in vain endeavoured to get a paſs from Mr. Stanhope, the queen's envoy, they all embarked for Scotland, to the number of fifteen or ſixteen gentlemen, with three ladies, the ſame day that captain Lacan ſailed from the Brill for England, with the retinue of an envoy from the duke of Savoy." Mr. ſecretary Harley having communicated this information to the lord-treaſurer, orders were immediately diſpatched to Scotland to ſeize ſir George Maxwell and his followers; which was accordingly done juſt upon their landing. But though, by what had already appeared before the committee of the lords and other concurring evidences, it was plain, that they came with a deſign to raiſe commotions in Scotland, yet they were ſoon after ſet at liberty; and ſir George Maxwell was not only permitted to come to London, but highly careſſed by ſome great men. As for captain Lacan, though his information proved ſo true and exact, that his zeal and diligence were at firſt greatly extolled, both by the lord-treaſurer and the ſecretary; and though he did further ſervice to the government, by ſeizing, in St. James's Park, a young Iriſh gentleman, lately a retainer to the court of St. Germain's; yet, after he had attended daily at the ſecretary's office for above three months, and conſumed his ſmall ſubſtance, he was ſent back to Holland, without any other recompence than empty promiſes. Nor was this all, for the Iriſh youth, who to ſave his life, readily diſcovered all he knew, and who among other particulars, acquainted Mr. ſecretary with the conſtant correſpondence of the duke of Hamilton with the court of St. Germain's, was likewiſe ſent to Holland with Lacan upon ſome idle buſineſs, for fear, as it is probable, that he ſhould relate how eaſily he had eſcaped, or what little ſtreſs was laid on his diſcoveries. At the ſame time came over from France without a paſs, one of the daughters of ſir Theophilus Oglethorpe, and, conſequently, lay at the mercy of the government, but was never brought into trouble on that account.

The duke of Queenſberry's management of the plot was ſo liable to exception, that it was not thought fit to employ him any longer in the adminiſtration of Scotland; and it ſeems, he had likewiſe brought himſelf under the queen's diſpleaſure; for it had been propoſed by ſome of his friends in the houſe of lords, to deſire the queen to communicate to them a letter, which the duke had wrote to her of ſuch a date. This looked like an examination of the queen herſelf, to whom it ought to have been left, to ſend what letters ſhe thought fit to the houſe, and they ought not to call for any one in particular. The matter of this letter made him liable to a very ſevere cenſure in Scotland; for, in plain words, he charged the majority of the parliament, as determined in their proceedings by an influence from St. Germain's. This expoſed him in Scotland to the fury of a parliament; for, how true ſoever this might be, ſuch a repreſentation of a parliament to the queen, eſpecially in matters, which could not be proved, was by the laws of that kingdom, 'leaſing-making,' and a capital crime.

The chief deſign of the court, in the ſeſſion of parliament this ſummer, was to get the ſucceſſion of the crown to be declared, and a ſupply to be given for the army, which was run into a great arrear. In the debates of the former ſeſſion, thoſe, who oppoſed every thing, more particularly the declaring the ſucceſſion, had inſiſted chiefly on motions to bring their own conſtitution to ſuch a ſettlement, that they might ſuffer no prejudice by their king's living in England. Mr. James Johnſton, who had been ſecretary of ſtate for Scotland under king William, was now taken into the adminiſtration, and made lord-regiſter in the room of ſir James Murray of Philiphaugh. He propoſed, in concert with the marquis of Tweedale and ſome others in Scotland, that the queen ſhould empower her commiſſioner to conſent to a revival of the whole ſettlement made by king Charles I. in the year 1641. By that the king named a privy-council, and his miniſters of ſtate in parliament, who had a power to accept of, or to except to the nomination, without being bound to give the reaſon for excepting to it. In the intervals of parliament, the king was to give all employments with the conſent of the privy council. This was the main point of that ſettlement, which was looked upon by the wiſeſt men of that time as a full ſecurity to all their laws and liberties. It did indeed diveſt the crown of a great part of the prerogative, and it brought the parliament into ſome equality with the crown. The queen, upon the repreſentation made to her by her miniſters, offered this as a limitation upon the ſucceſſion, as England had done; and, for doing this, the marquis of Tweedale was named her commiſſioner. The queen alſo ſignified her pleaſure very poſitively to all, who were employed by her, that ſhe expected they ſhould concur in ſettling the ſucceſſion, as they deſired the continuance of her favour. Both the duke of Marlborough and the lord treaſurer Godolphin expreſſed themſelves very fully and poſitively to the ſame purpoſe. Yet it was artfully ſurmiſed and ſpread about by the jacobites, and too eaſily believed by jealous and cautious people, that the court was not ſincere in this matter, or at beſt indifferent as to the ſucceſs. Some went further, and ſaid, that thoſe, who were in a particular confidence at court, ſecretly oppoſed it, and entered into a management or deſign to obſtruct it. There did not appear any good ground for this ſuggeſtion; yet there was matter enough for jealouſy to work on, and this was carefully improved by the jacobites, in order to defeat the deſign; and they were put in hopes, in caſe of a rupture, to have a conſiderable force ſent to ſupport them from Dunkirk.

The duke of Queenſberry being now laid aſide, his colleague, the earl of Cromarty, remained ſole ſecretary of ſtate. The earl of Leven was inſtalled governor of Edinburgh-caſtle in the room of the earl of March, and the earl of Glaſgow removed from the place of treaſurer-deputy, but his place was not filled.

On the 6th of July, the parliament being met, the queen's commiſſioner, appointing the marquis of Tweedale to repreſent her royal perſon, was recorded; and, five days after, the lord commiſſioner preſented to them the following letter from her majeſty.

ANNE, R.

My Lords and Gentlemen,

"NOTHING has troubled us more, ſince our acceſſion to the crown of theſe realms than the unſettled ſtate of affairs in that our ancient kingdom.

"We hoped, that the foundations of differences and animoſities, that, to our great regret, we diſcovered among you, did not lie ſo deep, but that, by the methods we have proceeded in, they might have been removed.

"But, inſtead of ſucceſs in our endeavours, the rent is become wider. Nay, diviſions have proceeded to ſuch a height, as to prove matter of encouragement to our enemies beyond ſea to employ their emiſſaries among you, in order to debauch our good ſubjects from their allegiance, and to render that our ancient kingdom a ſcene of blood and diſorder, merely, as they ſpeak, to make you ſerve as a diverſion.

"But we are willing to hope, that none of our ſubjects, but ſuch as were obnoxious to the laws for their crimes, or men of low and deſperate fortunes, or that are otherwiſe inconſiderable, have given ear to ſuch pernicious contrivances. And we have no reaſon to doubt of the aſſurances given us by thoſe now entruſted with our authority, that they will uſe their utmoſt endeavours to convince our people of the advantage and neceſſity of the preſent meaſures. For we have always been inclined to believe, that the late miſtakes did not proceed from any want of duty and reſpect to us, but only from different opinions as to meaſures of government.

"This being the caſe, we are reſolved, for the full contentment and ſatisfaction of our people, to grant whatever can, in reaſon, be demanded for rectifying of abuſes, and quieting the minds of all our good ſubjects.

"In order to this, we have named the marquis of Tweedale our high-commiſſioner, he being a perſon, of whoſe capacity and probity, or qualifications and diſpoſitions to ſerve us and the country, neither we nor you can have any doubt. And we have fully empowered him to give you unqueſtionable

queſtionable proofs of our reſolution to maintain the government, both in church and ſtate, as by law eſtabliſhed, in that our kingdom; and to conſent to ſuch laws, as ſhall be found wanting for the further ſecurity of both, and preventing all encroachments on the ſame for the future.

"Thus, having done our part, we are perſuaded, that you will not fail to do yours, but will lay hold on this opportunity to ſhew the world the ſincerity of the profeſſions made to us, and that it was the true love of your country, and the ſenſe of your duty to it; and therefore not the want of duty to us (for we ſhall always reckon theſe two inconſiſtent) that was at the bottom of the late miſunderſtanding.

"The main thing, that we recommend to you, and which we recommend to you with all the earneſtneſs we are capable of, is the 'ſettling the ſucceſſion in the proteſtant line,' as that which is abſolutely neceſſary for your own peace and happineſs, as well as our quiet and ſecurity in all our dominions, and for the reputation of our affairs abroad; and conſequently, for the ſtrengthening the proteſtant intereſt every where.

"This has been our fixed judgment and reſolution ever ſince we came to the crown; and, though hitherto opportunities have not anſwered our intentions, matters are now come to that paſs, by the undoubted evidence of the deſigns of our enemies, that a longer delay of ſettling the ſucceſſion in the proteſtant line may have very dangerous conſequences; and a diſappointment of it would infallibly make that our kingdom the ſeat of war, and expoſe it to devaſtation and ruin.

"As to the terms and conditions of government, with regard to the ſucceſſor, we have empowered our commiſſioner to give the royal aſſent to whatever can, in reaſon, be demanded, and is in our power to grant, for ſecuring the ſovereignty and liberties of that our ancient kingdom.

"We are now in a war, which makes it neceſſary to provide for the defence of the kingdom; the time of the funds, that were lately given for maintenance of the land-forces, being expired, and the ſaid funds exhauſted, proviſion ought alſo to be made for ſupplying the magazines with arms and ammunition, and repairing the forts and caſtles, and for the charge of the frigates, that prove ſo uſeful for guarding the coaſts.

"We earneſtly recommend to you whatever may contribute to the advancement of true piety, and diſcouragement of vice and immorality; and, we doubt not, but you will take care to encourage trade, and improve the product and manufactories of the nation, in all which, and every thing elſe, that can be for the good and happineſs of our people, you ſhall have our hearty and ready concurrence. We ſhall only add, that unanimity and moderation in all your proceedings will be of great uſe for bringing to a happy iſſue the important affairs, that we have laid before you, and will be alſo moſt acceptable to us. So we bid you heartily farewell."

Given at our court at Windſor-Caſtle, the 25th day of June 1704, and of our reign the third year.

The queen's letter was ſeconded by the ſpeeches of the high-commiſſioner and lord-chancellor, all tending to the ſettling the ſucceſſion, which was the firſt debate [y]. A great party was now wrought on, when they underſtood that the ſettlement of 1641 was to be offered them. For the wiſeſt patriots in that kingdom had always magnified that conſtitution, as the beſt contrived ſcheme that could be deſired: So they went in, with great zeal, to the accepting of it. But thoſe, who, in the former ſeſſion, had rejected all the motions of treating with England with ſome ſcorn, and had made this their conſtant topic, that they muſt, in the firſt place, ſecure their own conſtitution at home, and then they might truſt the reſt to time, and to ſuch accidents, as time might bring forth; now when they ſaw that every thing, that could be deſired, was offered with relation to their own government; they (being reſolved to oppoſe any declaration of the ſucceſſion, what terms ſoever might be granted to obtain it) turned the argument wholly another way; to ſhew the neceſſity of a previous treaty with England. They were upon that told, that the queen was ready to grant them every thing, that was reaſonable, with relation to their own conſtitution, yet, without the concurrence of the parliament of England, ſhe could grant nothing, in which England was concerned; for they were for demanding a ſhare of the plantation trade, and that their ſhips might be comprehended within the act of navigation.

Purſuant to the ſcheme of a treaty before the ſucceſſion, the duke of Hamilton preſented a reſolve, "That this parliament would not proceed to name a ſucceſſor to the crown, until the Scots had a previous treaty with England, in relation to commerce and other concerns." The courtiers, not expecting the cavaliers would have begun ſo early to oppoſe the ſucceſſion, were not a little ſurprized and perplexed at this 'reſolve,' and all they could do for the preſent was to procure a vote, that it ſhould lie on the table till the next meeting four days after. The duke of Hamilton having then moved the reſuming of the conſideration of his reſolve, it occaſioned a warm debate, in which Fletcher of Salton, in a particular manner, repreſented the hardſhips and miſeries, which the Scots had ſuffered ſince the union of the two crowns under one ſovereign, and the impoſſibility of bettering their condition, unleſs they took care to prevent any deſign, that tended to continue the ſame. Upon this, the earl of Rothes preſented another 'reſolve,' "That this parliament would immediately proceed to make ſuch limitations and conditions of government, as might be judged proper for rectifying the conſtitution, and to vindicate and ſecure the ſovereignty and independency of the nation; and then the parliament would take into conſideration the other reſolve offered by the duke of Hamilton for a treaty, previous to the nomination of a ſucceſſor to the crown." This occaſioned a new debate, wherein the court-party earneſtly urged the ſettling the ſucceſſion, before the houſe proceeded to any other buſineſs; and, on the other hand the cavaliers made very ſharp reflections on the proceedings of the parliament of England, with relation to the plot, which had great influence on many members wholly unacquainted with that affair. However, the court-party, thinking they were ſtrong enough to give the earl of Rothes's motion the preference to the duke of Hamilton's reſolve, inſiſted to have the queſtion ſtated, which of the two ſhould come firſt under the conſideration of the houſe? Upon which, great heats aroſe, and ſir James Falconer of Pheſdo ſpoke to this purpoſe, "That he was very glad to ſee ſuch an emulation in the houſe, upon account of the nation's intereſt and ſecurity: That he thought both the reſolves under their conſideration ſo good and neceſſary, that it was pity they ſhould claſh with one another; he therefore moved, that it be reſolved, that this parliament will not proceed to the nomination of a ſucceſſor, until there was a previous treaty with England, for regulating the commerce and other affairs with that nation: And, that this parliament will proceed to make ſuch limitations and conditions of government, as may ſecure the religion, liberty, and independency of this nation, before they proceed to the nomination of a ſucceſſor to the crown." This joint reſolve being put to the vote, it was carried by a majority of fifty-five voices. Of theſe, about thirty were in immediate dependence on the court, and were determined according to directions given them. However, they went no farther in this vote for a treaty with England; for they could not agree among themſelves who ſhould be the commiſſioners, and thoſe, who oppoſed the declaring the ſucceſſion, were concerned for no more, when that affair was laid aſide. It was therefore poſtponed, as a matter about which they took no farther care.

The cavaliers were extremely elated by this victory; and the duke of Athol, lord privy ſeal, and one of their leaders, moved, "That her majeſty having been pleaſed to ſignify by her commiſſioner, that the examination of the plot ſhould be laid before the parliament, his grace would be pleaſed to write to her majeſty, to ſend down the perſons, who were witneſſes, and all the papers relating to that plot, as ſoon as poſſible, that the affair might be thoroughly examined; and thoſe, who were unjuſtly accuſed, might be vindicated, and the guilty puniſhed." Whereupon the lord chancellor declared, by order of the lord commiſſioner, that his grace had written, and would write again to the queen, for all the evidences relating to the plot. Two days after, the duke of Hamilton moved, "That the parliament would proceed to make ſuch limitations and conditions of government, for the rectifying of the conſtitution, as might ſecure the religion, liberty, and independency of this nation; and that they would name the commiſſioners to treat with England, for regulating the commerce, and other concerns with the nation, previous

[y] The earl of Cromarty made alſo a ſtrange ſpeech (which was printed) running into a diſtinction among divines, between the 'revealed and ſecret' will of God, ſhewing, that no ſuch diſtinction could be applied to the queen; ſhe had but one will, and that was revealed: But, notwithſtanding this ſpeech, it was ſtill ſuſpected, that at leaſt her miniſters had a ſecret will in this caſe.

This

to all other buſineſs, except an act for two months ceſs, firſt of all to be granted for the preſent ſubſiſtence of her majeſty's forces." Upon this, the earl of Marchmont made a long ſpeech, importing, "That, ſince the houſe had reſolved not to fall immediately upon ſettling the ſucceſſion, it was reaſonable, that an act ſhould be made to exclude all popiſh ſucceſſors." To which the duke of Hamilton anſwered, "That he ſhould be one of the firſt, who ſhould draw his ſword againſt a popiſh ſucceſſor, though he did not think this a proper time, either to ſettle the ſucceſſion, or to conſider of the earl of Marchmont's propoſal." After ſome debate, the conſideration of the duke of Hamilton's motion was adjourned for two days, when it was moved, 'That the act preſented by the lord juſtice Clark, and declared by him to be for fourteen months ſupply, payable in two years, might likewiſe be conſidered. After a debate, it was put to the vote, Whether to give a ceſs for two, or for fourteen months? And, it was carried by ſixteen voices, that it ſhould be for two months only. The act of ſupply was, four days after, taken again into conſideration; but there was tacked to it a great part of the bill for the ſecurity of the nation, which (as hath been related) paſſed the former ſeſſion of parliament, but was refuſed by the throne. After ſome debate, the following reſolve was offered by the lord Roſs, "That the parliament will proceed to grant two months ſupply for ſubſiſting her majeſty's forces; and, as ſoon as the act of ſecurity, now read, has got the royal aſſent, will give four months more." And then a ſecond reſolve was preſented by the earl of Roxburgh, "That there be a firſt reading marked on the act of ſecurity; and that both this act, and that for the ſupply, lie, without being further proceeded on, until her majeſty's commiſſioner receive inſtructions as to the 'act of ſecurity,' it being then free for the parliament to proceed to the acts jointly or ſeparately, as they ſhould think fit." After reaſoning on both theſe reſolves, the queſtion was ſtated, Whether to approve the lord Roſs's or the earl of Roxburgh's? It was carried for the lord Roſs's; and the 'act of ſecurity' being read, a firſt reading was ordered to be marked thereon. Theſe things were carried with great heat and vehemence; for (as was before obſerved) a national humour of being independent on England fermented ſo ſtrongly among all ſorts of people without doors, that thoſe, who went not into every hot motion that was made, were conſidered as the betrayers of their country: And they were ſo expoſed to a popular fury, that ſome of thoſe, who ſtudied to ſtop the torrent, were thought to be in danger of their lives. The preſbyterians were ſo overawed with theſe proceedings, that, though they wiſhed well to the ſettling the ſucceſſion, they durſt not openly declare it. The dukes of Hamilton and Athol led all theſe violent motions, and the whole nation was ſtrangely inflamed.

The miniſters were in great perplexity how to act, with regard to the ſupply bill, and the tack, that was joined to it. If it was denied, the army could be no longer kept up; they had run ſo far in arrear, that, conſidering the poverty of the country, that could not be carried on much longer. Some ſuggeſted, that it ſhould be propoſed to the Engliſh miniſtry to advance the ſubſiſtence money, till better meaſures could be taken; but none of the Scots miniſters would agree to that. An army is reckoned to belong to thoſe, who pay; and therefore an army, paid from England, would be called an Engliſh army. Nor was it poſſible to manage ſuch a thing ſecretly. It was well known that there was no money in the Scots treaſury to pay them; ſo that, if money were once brought into the treaſury how ſecretly ſoever, all men muſt conclude, that it came from England. And men's minds were then ſo full of the conceit of independency, that, if a ſuſpicion aroſe of any ſuch practice, probably it would have occaſioned tumults. Even the army itſelf was ſo inflamed with this temper, that it was believed, that neither officers nor ſoldiers would have taken their pay, if they had believed it came from England. The affair was therefore reduced to this dilemma, that either the army muſt be diſbanded, or the bill muſt paſs. It is true, the army was a very ſmall one, not above three thouſand; but it was ſo ordered, that it was double or treble officered; ſo that it could have been eaſily increaſed to a much greater number, if there had been occaſion for it. The officers had ſerved long, and were men of a good character. Since therefore there were alarms of an invaſion, which both ſides looked for, and the intelligence, which the court had from from France, aſſured them it was intended; the miniſters thought the inconveniencies ariſing from the tack might be remedied afterwards; but that the breaking of the army was ſuch a pernicious thing, and might end ſo fatally, that it was not to be ventured on. Therefore, by common conſent, a letter was wrote to the queen, which was ſigned by all the miniſters in Scotland, in which they laid the whole matter before her, and every thing ſtated and balanced; concluding with their humble advice to paſs the bill. This was very heavy on the lord Godolphin, on whoſe counſel the queen chiefly relied. He ſaw, that the ill conſequences of breaking the army, and laying that kingdom open to an invaſion, would fall on him, if he ſhould, in contradiction to the advice given by the miniſtry of Scotland, have adviſed the queen to reject the bill. This was under conſideration in the end of July, when affairs abroad were in a great uncertainty; for though the victory at Schellemburg was a good ſtep, yet the great deciſion was not then come. He thought therefore, conſidering the ſtate of affairs, and the accidents, which might happen, that it was the ſafeſt thing for the queen to comply with the advice of thoſe to whom ſhe truſted the affairs of that kingdom. The queen ſent orders to paſs the bill, which being done, the commiſſioner made the following ſpeech on the occaſion.

"My Lords and Gentlemen,

"AT your ſitting down, her majeſty, in her gracious letter, recommended to you two things, which ſhe thought moſt neceſſary for your own quiet and ſecurity, as well as for that of her government; the ſettling of the ſucceſſion in the proteſtant line, and the providing for the ſubſiſtence of the forces, the funds laſt given for that end being then exhauſted. The firſt of theſe you have not thought fit for your intereſt to do at this time. I heartily wiſh you may meet with an opportunity for it more for your advantage at another. The other all of you ſeemed moſt ready and willing to go into, as witneſs the ſeveral motions and reſolves made thereanent; but, withal, ſhewed ſtrong inclinations for an 'act of ſecurity,' as abſolutely neceſſary. I told you then, as I had done at firſt, that I had been fully impowered and inſtructed, not only as to that, but many other things for your good; but, upon the alteration of circumſtances, had not now the liberty to make uſe of thoſe powers even as to that, till I had acquainted her majeſty, and knew her mind, which I would do, and uſe my utmoſt intereſt to procure it favourable; which was the true reaſon of your long adjournment, and not what was inſinuated by ſome, who ought to have known me better, the character I have in the world being, as I hope, above ſo mean a reflection.

"And now, my lords and gentlemen, I can tell you, that, from her majeſty's innate goodneſs and gracious diſpoſition towards you, it hath been more eaſy for me and ſome other of her ſervants to prevail with her, than perhaps was by others expected; ſo that you have an 'act of ſecurity' ſufficient for the ends propoſed. And it is hoped, at the ſame time, you will perfect that of ſupply, which you yourſelves ſeem convinced to be abſolutely neceſſary at this time, and without which neither the forces can be kept on foot, nor any frigate maintained for guarding our coaſts and ſecuring our trade; both which now lying before you, I hope you will go preſently about, that, when finiſhed, they may have the royal aſſent, which I am ready to give. And therefore you may have time to proceed to other buſineſs relating to trade, or your other concerns, wherein I ſhall be willing to comply with your deſires, ſo they be within the bounds of my inſtructions."

Thus this 'act of ſecurity' was paſſed after the battle of Blenheim was over, but ſeveral days before the news of it reached England. When the act paſſed, copies of it were ſent to England, where it was ſoon printed by thoſe, who were uneaſy at the lord Godolphin's holding the white ſtaff, and reſolved to make uſe of this againſt him; for the whole blame of paſſing it was caſt upon him [z]. It was not poſſible to prove, that he had adviſed the queen to it, and therefore ſome took it by another handle, and reſolved to

[z] This act was in ſubſtance much the ſame with that to which the duke of Queenſberry had refuſed the royal aſſent. By the act it was provided, that, if the queen ſhould die without iſſue, a parliament ſhould preſently meet, and they were to declare the ſucceſſor to the crown, who ſhould not be the ſame perſon, that was poſſeſſed of the crown of England, unleſs before that time there ſhould be a ſettlement made in parliament, of the rights and liberties of the nation, independent on Engliſh councils. By another clauſe in the act, it was made lawful to arm the ſubjects, and to train them and put them in a poſture of defence. This was chiefly preſſed, in behalf of the beſt affected in the kingdom, who were not armed; for the Highlanders, who were the worſt affected, were well armed; ſo, to balance that, it was moved, that leave ſhould be given to arm the reſt.

However

urge it againſt him, that he had not perſuaded the queen to reject it, though that ſeemed a great ſtretch; for, he being a ſtranger to Scotland, it might have been liable to more objection, if he had preſumed to adviſe the queen to refuſe a bill paſſed in the parliament of that kingdom, which all the miniſtry there adviſed her to paſs. Severe cenſures were paſſed upon this act. It was ſaid, that the two kingdoms were now divided by law, and that the Scots were putting themſelves in a poſture to defend it; and all ſaw by whoſe advices this was done. One thing, which contributed to keep up an ill humour in the parliament of Scotland, was more juſtly imputed to him. The queen had promiſed to ſend down to them all the examinations relating to the plot. If theſe had been ſent down, probably in the firſt heat the matter might have been carried far againſt the duke of Queenſberry. But he, who ſtayed all the while in London, got it to be repreſented to the queen, that the ſending down theſe examinations, with the perſons concerned in them, would run the ſeſſion into ſo much heat, and into ſuch a length, that it would divert them quite from conſidering the ſucceſſion, and it might produce a tragical ſcene. Upon theſe ſuggeſtions, the queen altered her reſolution of ſending them down; and though repeated applications were made to her, both by the parliament and her miniſters, to have them ſent, yet no anſwer was made to theſe, nor was ſo much as an excuſe made for not ſending them. The duke of Queenſberry, having gained this point, got all his friends to join with the party, that oppoſed the new miniſtry. This both defeated all their projects, and ſoftened the ſpirits of thoſe, who were ſo ſet againſt him, that in their firſt fury no ſtop could have been put to their proceedings. But now the party, that had deſigned to ruin him, was ſo much wrought on by the aſſiſtance, that his friends gave them in this ſeſſion, that they reſolved to preſerve him.

The parliament having granted a ſix months ceſs for the pay of the army, they were entering upon debates about the plot, and the proceedings of the Engliſh houſe of lords in that affair, as an undue intermeddling with their concerns, and an encroachment upon the ſovereignty and independence of their nation, when the high commiſſioner told them, that he was not allowed to give them any more time, but that they ſhould ſoon have another opportunity of doing what ſtill remained to be done; for no diſappointment, her majeſty had met with, could alter, in the leaſt, her favourable diſpoſitions towards that her ancient kingdom. After which, the parliament was prorogued to the 7th of October. However, before they ſeparated, they drew up an addreſs to the queen, deſiring, that the evidence and papers, relating to the plot, might be laid before them againſt the next ſeſſion.

This was the ſtate of that nation, which was aggravated very odiouſly all over England. It was confidently, though, as was afterwards known, very falſely reported, that great quantities of arms were brought over, and diſperſed through the whole kingdom. And it being well known, how poor the nation was at that time, it was ſaid, thoſe arms were paid for by other hands, in imitation of what it was believed cardinal Richelieu did in the year 1638. Another thing was given out very maliciouſly by the lord Godolphin's enemies, that he had given directions under-hand, to hinder the declaring the ſucceſſion; and that the ſecret of this was truſted to Mr. Johnſton, who, they ſaid, talked openly one way, and acted ſecretly another, though there never appeared any colour of truth in thoſe reports. Great uſe was to be made of the affairs of Scotland, becauſe there was no ground of complaint of any thing in the adminiſtration at home. All the duke of Marlborough's enemies ſaw, that his chief ſtrength lay in the credit which the lord Godolphin was in at home, while he was ſo ſucceſsful abroad; ſo that, it being impoſſible to attack him in ſuch a courſe of glory, they laid their aims againſt the lord-treaſurer. The tories reſolved to attack him, and that diſpoſed the whigs to preſerve him; and this was ſo managed by them that it gave a great turn to all the councils at home.

Immediately after the adjournment of the parliament, the courtiers repaired to London, where the marquis of Tweedale was made chancellor of Scotland; the earls of Seafield and Roxburgh, ſecretaries of ſtate: the earl of Rothes, lord-privy ſeal; the earl of Cromarty, juſtice general; Mr. Bailie of Jervis-wood, treaſurer-deputy; and the earl of Selkirk, lord Belhaven, and ſir John Hume, lords of the treaſury; ſir William Hamilton was alſo made juſtice Clerk; but he lived not to enjoy that office many months, and was ſucceeded by Adam Cockburn of Ormiſtown. A new commiſſion was, at the ſame time, ſent down to Edinburgh, by which moſt of the cavaliers, and all the duke of Queenſberry's friends, were laid aſide, and it was made up entirely of Scots revolutioners. And thus the adminiſtration of affairs in Scotland was lodged in the hands of a body of men, who concurred with the meaſures at that time purſued by the court of England. It is now time to turn to the operations of the war.

The affairs of the empire were in the beginning of this campaign in a very deſperate condition. The emperor was reduced to the laſt extremities. The elector of Bavaria was maſter of the Danube as far as Paſſau, and the malecontents in Hungary were making a formidable progreſs. The emperor was not in a condition to maintain a defenſive war long on both ſides, nor was he able to make any oppoſition at all againſt them, ſhould they once come to act by concert. Thus his affairs had a very gloomy appearance, and utter ruin was to be apprehended. Vienna was in apparent danger of being beſieged on both ſides, and it was not capable of making a long defence; ſo that the houſe of Auſtria ſeemed loſt beyond all proſpect of a recovery. Prince Eugene wiſely propoſed, that the emperor ſhould implore the protection of the queen of great Britain, which was agreed to, and count Wratiſlaw managed the affair at the court of England with great application and ſecrecy [a]. The duke of Marlborough ſaw the neceſſity of undertaking the emperor's relief, and reſolved to uſe all poſſible endeavours to put it in execution. When he went into Holland in the winter, he propoſed it to the penſionary, and other perſons of the greateſt confidence. They approved it, but it was not adviſeable to propoſe it to the States; ſince at that time many would not have thought their country ſafe, if their army ſhould be ſent ſo far from them; and nothing could be long a ſecret, which was propoſed to ſuch an aſſembly, whereas the main hope of ſucceeding in this deſign lay in the ſecrecy, with which it was conducted. Therefore, under the pretext of carrying on the war to the Moſelle, every thing was prepared, that was neceſſary for executing the true deſign.

The duke of Marlborough, with his brother general Churchill, lieutenant general Lumley, the earl of Orkney, and other general officers, embarked for Holland, and, in three days, arrived at the Hague. Two days after his coming, he was attended by a ſolemn deputation of the States, in order to confer with him. The conference laſted ſix hours. The chief ſubject of debate was about ſending a good army towards the Moſelle. This was all that was pro-

[a] However for form ſake, and to prepare the way for the reception of a reſolution, that had been already taken, Wratiſlaw preſented the following memorial to the queen, on the ſecond of April:

"That he had ſeveral times repreſented to her majeſty's miniſters, by word of mouth, the preſſing neceſſities of the empire, by the breaking in of a conſiderable army of French into Bavaria; which (together with the inſurrection in Hungary) had reduced the Imperial hereditary countries to an incredible perplexity and ſiconfuon; ſo that it was to be feared, that an entire revolution and deſolation of all Germany would follow, if ſome ſpeedy aſſiſtance were not applied, proportionable to the great dangers they were threatened with. He was indeed extremely well ſatisfied with the zeal, which her majeſty's miniſters had for the common cauſe, and with the attention they gave to his repreſentations. But nothing being as yet reſolved on, though the ſeaſon was far advanced; and the final reſolution on the ſeveral ſchemes, which had been preſented, being deferred till the arrival of the duke of Marlborough at the Hague; he thought himſelf obliged, before his grace's departure, to do his utmoſt endeavour, by repreſenting in writing the danger, wherein the emperor and empire were at preſent involved. That her majeſty out of the ſame zeal for preſerving the liberties of Europe, for which ſhe was ſo much famed, would be pleaſed to order the duke of Marlborough, her captain-general, ſeriouſly to conſult with the States General, concerning the ſpeedieſt method for aſſiſting the empire; or, at leaſt, to conduct part of the troops in her majeſty's pay beyond the ſea, to preſerve Germany from a total ſubverſion; it not being juſt in itſelf, nor any ways advantageous to the common cauſe, that her majeſty's troops ſhould continue on the frontiers of Holland, which were not in the leaſt threatened by the enemy, and were defended by great rivers and ſtrong places; whilſt the empire was deſtroyed by the French troops with fire and ſword." In concluſion, count Wratiſlaw declared, "That the repreſentations he had made were grounded on the alliance concluded between the emperor, England, and Holland; purſuant to which, he hoped, her majeſty would give ſuch orders, as were neceſſary for the aſſiſtance of Germany, by the want of which he foreſaw the miſchiefs, that would ariſe to the common cauſe, eſpecially if the orders of the States General to recall their troops from the empire ſhould take place, at a time, when France endeavoured to ſend a powerful aſſiſtance to their army in Bavaria."

To this memorial the queen was pleaſed to return an anſwer, importing, "That ſhe had given directions to the duke of Marlborough, to take the moſt effectual methods with the States General of the United Provinces, her good allies and confederates, to ſend a ſpeedy relief to his Imperial majeſty and the empire, and to preſs the States to take the neceſſary meaſures to reſcue Germany from the imminent danger, to which it was now expoſed." Lamberti III.

It is ſaid the duke of Marlborough communicated his project at firſt only to the queen, prince George, and the treaſurer, and in Holland only to the penſionary and deputy Geldermallen.

poſed in public, and to this the States of Zealand, and two other provinces, ſtrongly objected. They would not agree, that the duke ſhould have an unlimited command to lead the army where he pleaſed, and thought it a very dangerous project to march the troops at ſo great a diſtance. The Zealand deputies oppoſed it ſo ſtrenuouſly, that the duke was obliged to tell them plainly, that he had the queen's poſitive orders to march with the troops in her pay, towards the Moſelle. Accordingly, having taken his leave of the States, the duke ſet out from Holland, and, in five days, arrived at Maeſtricht, where his army was encamped. About the ſame time, the States regulated the poſts of their general officers. Monſieur Auverquerque, their field marſhal, was appointed to command their forces on the Maeſe, having under him the counts de Tilly and Noyelles; Slangenburg thoſe on the Moſelle; Saliſch in Brabant; and Spaar and Fagel in Flanders.

From Maeſtricht the duke of Marlborough marched to Bedburg, and his camp being near Cologne, he was waited on by the canons of that chapter, the prince of Saxzeits, biſhop of Roab, the prince of Heſſe, count Briançon, the duke of Savoy's envoy to the queen of England, and other princes and Generals.

The French in Flanders began by this time to be alarmed, though they were far from ſuſpecting the duke's real deſign. His marching towards Coblentz, and the great preparations, which were making in that place, made them believe, that he deſigned to open the campaign with the ſiege of Traerbach, and endeavour to advance along the Moſelle into France. Upon this ſuppoſition they detached five thouſand foot, and two thouſand horſe towards that river, and gave out, that they intended the ſiege of Huy, vainly imagining, that, by this report, they might ſtop the progreſs of the Engliſh general. But the duke, well knowing that the forces, which were left in Flanders under Auverquerque, were ſufficient to fruſtrate any attempt, which the French could make on that ſide, continued his march, and advanced from Bedburg to Kerpenord, the next day to Kalſecken, where he received an expreſs from prince Lewis of Baden, with ſome intercepted letters, by which it appeared, that the French intended to force their paſſage through the Black Foreſt, and, after joining the Bavarians, to march directly to Vienna. About the ſame time, the duke received advice from the Netherlands, that the court of France had ſent poſitive orders to Villeroy, to march towards the Moſelle with five and thirty battalions, and ſix and forty ſquadrons, being ſtill firmly perſuaded, that the duke would act on that ſide. Upon this the duke gave immediate orders for his forces to march with all expedition; and whilſt the army was on a full march, he went to take a view of the fortifications of Bonne, where, having given his directions to the governor of that place, he returned in the evening to the army. Here he received certain advice, that the recruits for the French army in Bavaria, with farther reinforcements, had joined the elector three days before at Villingen. But the duke, notwithſtanding this junction of the enemies, was, on account of the number of the troops, which the French left behind them, and by the marſhal's marching back with the reſt of his army towards the Rhine, confirmed in his opinion, that the enemies were as yet wholly ignorant of his deſign. He therefore continued his march with unwearied diligence, and advanced to the camp of Neudorff near Coblentz, where, beſides Mr. Davenant, the queen's agent at Franckfort, and monſieur d' Amelo, envoy extraordinary from the States General, count Wratiſlaw, in his return from London, waited on him, to ſettle all things for his farther march, and his conjunction with the Imperial army. Then the duke paſſed the Neckar near Ladenburg, where he reſted three days. Having by this time, gained the advance of ſome days of the French army, he wrote to the States from Ladenburg, to let them know that he had the queen's order to march to the relief of the empire, with which he hoped they would agree, and allow his carrying their troops to ſhare in the honour of that expedition. He had their anſwer as quick as the courier could bring it, by which they approved of the deſign, and of his carrying their troops with him. So he had now the whole army at his own diſpoſal.

The French imagining that he would advance to the Upper Rhine, Villeroy marched thither with all poſſible ſpeed; and at the ſame time, a detachment of ſeven battalions and twenty-one ſquadrons, from the confederate army in Flanders, under the duke of Wirtemberg, followed the duke of Marlborough, who marched from Ladenburg to Mildenheim, where, the next day, prince Eugene paid him a viſit. The conſultations between the prince and the duke laſted ſeveral hours; and it was agreed upon, that the two armies ſhould join, and the duke and prince Lewis of Baden ſhould command each day alternately, and that prince Eugene ſhould go upon the Rhine, to command a ſeparate army. The troops being drawn up in order of battle, the duke accompanied prince Eugene to a review, when the prince ſeemed wonderfully pleaſed to find them in ſuch excellent order after ſo long a march [b]. The next day, prince Lewis of Baden arrived in the camp at Great Heppach, where a conference was held in the evening. The day following, the troops marched from Great Heppach, and prince Lewis went to his army on the Danube, and prince Eugene rid poſt for Philipſburg, to command the army on the Rhine; and, on the 22d, joined prince Lewis of Baden at Waſterſtet. On the 24th the army marched from thence to Elchingen; the next day to Gingen. On the 30th the army marched from thence to Landthauſſen on the right, and Balmertſhoffen on the left, and paſſed ſo near the enemy's camp, that lieutenant general Bulau was ſent out the night before with a detachment of two thouſand horſe and dragoons, to ſecure the avenues, by which they might might have diſturbed the march of the allies, who, by this means, proceeded without any oppoſition. On the 1ſt of July, they continued their march in ſight of the enemy's intrenchments at Dillingen, and incamped the right at Amerdighen, and the left at Ondringen.

While they lay in this camp, the duke received advice, that the elector of Bavaria had ſent the beſt of his infantry to reinforce count d'Arco, who was poſted at Schellenberg, a riſing ground on the Danube, near Donawert, where, for ſeveral days, he had cauſed ſome thouſands of men to work upon intrenchments, as being a poſt of vaſt importance. The duke reſolved to march and attack the enemy; and the neceſſary directions being given to the army, on the 2d of July, early in the morning, he advanced with a detachment of thirty ſquadrons of Engliſh and Dutch, a conſiderable number of foot commanded by lieutenant general Goor, three battalions of imperial grenadiers under prince Lewis of Baden, and the reſt of the army followed with all poſſible diligence. But the march being long, and the ways very bad, they could not reach the river Wermitz, which run by Donawert, till about noon, and it was three hours before the bridges were finiſhed, for the troops and cannon to paſs over. About five o'clock in the afternoon, they came before Schellenberg, and the duke of Marlborough moved up with the horſe as near the enemy's intrenchments, as was neceſſary to take a view of them. In the mean time the artillery began to fire upon the enemy who anſwered briſkly from their batteries for about an hour; when the Engliſh and Dutch foot, ſupported by the horſe and dragoons, began the attack with prodigious reſolution, before the imperialiſts could arrive; but, having the greateſt part of the enemy's forces to contend with, they were at firſt obliged to give ground. Soon after the imperialiſts came up very ſeaſonably, and, being led on in good order by prince Lewis of Baden, advanced to the enemy's works without once firing, threw their faſcines into the ditch, and paſſed over with inconſiderable loſs. The enemy's horſe charged them vigorouſly, but were repulſed; and then, the imperial cavalry entering their intrenchments, and the Engliſh and Dutch breaking in about the ſame time, the confederates made a dreadful ſlaughter of the enemy. Lieutenant general Goor, who commanded the firſt detachment of foot, and major general Beinheim, both in the Dutch ſervice, loſt their lives very much lamented. The horſe and dragoons ſhared the glory of the day with the infantry; and all the confederate troops behaved themſelves with incredible bravery and reſolution. But, as the attack was begun by a battalion of the Engliſh foot-guards, and the regiments of Orkney and Ingoldſby, they ſuffered very much. The enemy's forces conſiſted of thirty two thouſand men, all choice troops, commanded in chief by count d'Arco, and under him by two Bavarian and two French lieutenant generals. As ſoon as the confederates had poſſeſſed the intrenchments, the enemy ran away in great confuſion to Donawert and the Danube; but, being cloſely purſued by the horſe and dragoons, a great many followed the example of their generals, who ſaved themſelves by ſwimming over that river. The loſs of the enemy was computed to be about ſix thouſand men. The confederates made themſelves maſters of ſixteen pieces of cannon, thirteen colours, with all their tents and baggage. The duke of Marlborough gained great honour

[b] Prince Eugene ſaid to the duke: "I never ſaw better horſes, arms, and cloathing, but all theſe things may be purchaſed with money; what ſtrikes me moſt, is the courage which appears in the countenance of the ſoldiers of which I never ſaw the like in any troops." Lamberti, III. 80.

Donawert

in this action, giving directions with extraordinary preſence of mind, and expoſing his perſon to the greateſt danger. Prince Lewis of Baden was wounded, having performed the part of a brave experienced general; as was alſo the hereditary prince of Heſſe-Caſſel, who, throughout the whole action, gave ſignal proofs of an undaunted courage. Count Stirum was mortally wounded. General Thungen, count Horn, lieutenant general Wood, major general Paland, and ſeveral other officers of diſtinction, were likewiſe wounded. The next day, the Bavarian garriſon quitted Donawert [c], upon the approach of the confederates, and broke down the bridges; but had not time to deſtroy their ammunition and proviſions, as they had intended.

The elector of Bavaria was no ſooner informed of the defeat of his troops at Schellenberg, than he quitted his ſtrong camp between Dillingen and Lavengen, and came to the other ſide of the Danube, over againſt Donawert, in his march to the river Lech, to prevent the confederates cutting off his retreat to his country.

On the 5th of July, the duke of Marlborough paſſed the Danube near Donawert; and, on the 17th, count de Friſe, with a detachment of four thouſand men and twelve pieces of cannon, marched over the river Lech, and took poſt in the country of Bavaria. The whole army marched at the ſame time, and encamped with the right at Hamber, and the left at Ginderkingen. Upon the firſt notice of the allies having begun to paſs the Lech, the garriſon of Newburg marched out, and retired to Ingoldſtadt. Whereupon, a detachment of dragoons was immediately ſent out by the duke of Marlborough, to take poſſeſſion of that place; and prince Lewis of Baden ordered general Herberville, who commanded a ſeparate body of between three and four thouſand men on the other ſide of the Danube, to remain there, for the ſecurity of that important place, and for the drawing of proviſions out of Franconia, for the ſubſiſtence of the confederate troops, while they continued in Bavaria. On the 10th, the whole army paſſed the Lech; and, on the 13th, count Vecklen, general of the Palatine horſe arrived from prince Eugene of Savoy with an account, that the marſhals Villeroy and Tallard had paſſed the Rhine above fort Kehl, in order to ſuccour the elector of Bavaria; for which reaſon he deſired a reinforcement of horſe, to enable him the better to obſerve the enemy's motions. Upon which, prince Maximilian of Hanover was detached with thirty ſquadrons of imperial horſe, with orders to join prince Eugene with all poſſible diligence.

The enemy having left a garriſon at Rain [d], the confederate generals reſolved to attack it; and, in order thereto, the army decamped from Ginderkingen, paſſed the Lech, and came with the right to Stauda, and the left to Bercheim. The garriſon at firſt ſeemed reſolved to defend the place to the laſt extremity; but, the beſiegers playing upon the town with twenty-ſeven pieces of cannon, their approaches were carried on ſo ſucceſsfully, that in two days the governor deſired to capitulate; and, the articles being agreed on, the garriſon marched out the next day, to the number of about four hundred foot, commanded by the count de Mercy, brigadier general, and were conducted by a party of horſe to the elector of Bavaria's camp near Augſburg. There were found in the place twenty-four braſs cannon, a conſiderable quantity of proviſions, and ſome ammunition. The allies, encouraged by the ſucceſs of their arms, were willing to puſh their advantages; and, on the 18th, marched to attack the poſt of Aicha, which had a garriſon of eight or nine hundred Bavarians; who, refuſing to ſubmit, were part of them put to the ſword, the reſt made priſoners of war, and the town permitted to be plundered by the ſoldiers. The confederate army having refreſhed themſelves two days at Aicha, marched from thence on the 21ſt, and the next day poſſeſſed themſelves of Friburg.

The duke of Marlborough, having now the elector of Bavaria at ſo great a diſadvantage, entered upon a treaty with him, and offered him what terms he could deſire, either for himſelf or his brother, even to the paying him the whole charge of the war, upon condition that he would immediately break with the French, and ſend his army into Italy to join with the imperialiſts there. The elector's ſubjects, who were now at mercy, preſſed him vehemently to accept of theſe terms; and he ſeemed inclined to hearken to them, and meſſengers went often between the two armies. But this was done only to gain time, for he ſent courier after courier with moſt preſſing inſtances to haſten the advance of the French army. When he ſaw, that he could gain no more time, the matter went ſo far, that articles were ordered to be made ready for ſigning, which, in concluſion, he refuſed to do. This refuſal was highly reſented by the duke of Marlborough and prince Lewis of Baden, who immediately ſent out the count de la Tour, general of the imperial horſe, and the count of Eaſt Frieſeland, lieutenant-general in the Dutch ſervice, with thirty ſquadrons of horſe and dragoons, to plunder and burn the country of Bavaria as far as Munich, the capital city, hoping, that either a generous compaſſion for his ſubjects, or the want of ſubſiſtence, would conquer the elector's obſtinacy. In the mean time, the inhabitants of theſe parts were in the greateſt conſternation, and ſent deputies to the duke of Marlborough, offering to pay large contributions to prevent military execution. But the duke replied, "That the forces of the queen of Great Britain were not come into Bavaria to get money, but to bring their prince to reaſon." The two generals therefore put their commiſſion in execution with the utmoſt ſeverity, while the elector of Bavaria and the marſhal de Marſin, having evacuated Ratiſbon, were obliged to confine themſelves within their ſtrong camp and entrenchments at Augſburg, in expectation of another army from France under marſhal Tallard, which, notwithſtanding all the vigilance and precaution of prince Eugene, arrived before the end of July at Biberach near Ulm, to the number of about twenty-two thouſand men. Upon this, the elector marched with his army from Augſburg, and took that opportunity to join the French.

The confederate army, under the duke of Marlborough, having intelligence of theſe proceedings, decamped on the 4th of Auguſt from Friburg, and marched that night to Kippach.

The next morning they decamped from thence, and marched to Hokenwert, where they continued two days. During that time, the duke of Marlborough, prince Eugene, and prince Lewis of Baden held a council of war; wherein it was agreed, the prince Lewis ſhould beſiege Ingoldſtadt, whilſt the other two were to obſerve the elector of Bavaria. On the 8th, the army under the duke of Marlborough marched from Hokenwert to St. Sanditzel; and, on the 9th, from thence to Axheim; and, at the ſame time, prince Lewis went another way, and bent his march directly to Newburg, in order to inveſt Ingoldſtadt. The ſame day, the duke of Marlborough received advice, that the enemy had paſſed part of their army over the Danube, at Lewingen: Whereupon he ordered general Churchill to march with a ſtrong detachment over that river at Schonevelt; to reinforce, prince Eugene, who lay encamped near Donawert. The 10th, they marched to Schonevelt; and, the day following, intelligence was brought, that the enemy's troops had all got over the Danube; ſo that the duke of Marlborough immediately ordered his army to march by break of day, and paſs that river likewiſe; which was performed accordingly, and, at night, the whole army, being rejoined, encamped at Munſter. On the 12th, very early in the morning, the generals of the allies went to view the enemy's army, taking with them all the piquet guard, which conſiſted of twenty-eight ſquadrons. The duke of Marlborough and prince Eugene went up to the top of a tower called Thiffingen, that they might the better obſerve the poſture of the enemy; and they took notice, that their advanced ſquadrons, which were in motion towards the allies, ſtopped ſhort, after they had perceived them. They were poſſeſſed of a very advantageous poſt, on a hill near Hochſtet [e], their right flank being covered by the Danube, and the village of Blenheim [f], and the left by the village of Lutzengen; and they had a rivulet before them, whoſe banks were very high, and the bottom marſhy. However, after ſome conſultation, it was thought proper to fall upon the enemy, before they had time to fortify themſelves in that poſt. The duke of Marlborough and prince Eugene ſaw the danger of being

[c] Donawert is a city of Germany in the confines of Suabia, Neuburg, and Bavaria. It was taken by the duke of Marlborough, after the memorable victory above-mentioned. It ſtands on the river Danube, twenty-five miles north of Augſburg, ſeventeen weſt of Neuburg, and forty-four north-eaſt of Ulm.

[d] Rain is a little town in Germany, in the circle of Bavaria, near the Danube and Lech, ſix miles eaſt of Donawert, and nine weſt of Neuburg.

[e] Hochſtet is a pretty large town in Germany, in the circle of Suabia, rendered famous to all poſterity by the glorious victory obtained in its neighbourhood, over the joint-forces of France and Bavaria, by the Engliſh, Dutch, and imperial arms, under the conduct of the duke of Marlborough and prince Eugene of Savoy. It lies upon the Danube on the north-ſide, twenty-nine miles ſouth-weſt of Ulm, and ten miles weſt-by-ſouth of Donawert.

[f] Blenheim (alias Plentheym) a village in Germany, in the circle of Bavaria, upon the confines of Suabia. It ſtands on the north ſide of the Danube, and has, on the north-eaſt ſide of it, a very ſmall rivulet called the Meul-Weyer. It is three miles almoſt eaſt from Hochſtet, nine weſt-ſouth-weſt from Donawert, thirty north-eaſt from Ulm, and thirty-one north-weſt from Augſburg.

Monſieur

forced to lie idle in their own camp, till their forage ſhould be conſumed, and their proviſions ſpent. They had alſo intercepted letters from marſhal Villeroy to the elector of Bavaria, by which it appeared, that he had orders to march into Wirtemberg, to deſtroy that country, and to cut off the communication with the Rhine, which muſt have been fatal to the allies. The neceſſary diſpoſitions were therefore made for the next morning's action. Many of the general officers came and repreſented to the duke of Marlborough the difficulties of the deſign; he anſwered, That he ſaw theſe well, but the thing was abſolutely neceſſary; ſo they were ſent to give orders every where, which were received all over the army with an alacrity, that gave a happy preſage of the ſucceſs which followed.

On the 13th of Auguſt, a day, which decided the elector's fate by the loſs of all his country, early in the morning, the whole confederate army marched from Munſter, leaving their tents ſtanding; and the duke of Marlborough and prince Eugene, having poſted themſelves on a riſing ground, ſummoned all the general officers, to give them the neceſſary directions, in order to attack the enemy; upon which, the army advanced to the plain, and were drawn up in order of battle. About nine o'clock, the enemy fired ſome cannon upon our troops, as they were marching to form the line, who were anſwered from our batteries with good ſucceſs; and both armies continued cannonading each other till near one; during which time, the duke of Marlborough ordered a little rivulet, and moraſs in the front of the enemy to be ſounded; and, where it was found impaſſable, orders were given to the horſe of the ſecond line of the allies to provide themſelves, each ſquadron with twenty faſcines, to facilitate the paſſage. Theſe preparations being made, the duke of Marlborough gave orders for a general attack, which was begun about one o'clock. Prince Eugene and the imperial general officers were on the right: General Churchill, the lord Cutts, lieutenant-general Lumley, the lord Orkney, and lieutenant general Ingoldſby, with the reſt of the Engliſh and Dutch generals, were on the left; and the duke of Marlborough in the center commanded the whole. Major general Wilks made the firſt onſet with five Engliſh battalions of Howe, Ingoldſby, Marlborough, Rowe, and North and Grey, and four battalions of Heſſians, ſupported by the lord Cutts, and major general St. Paul, with eleven other battalions, and fifteen ſquadrons of horſe, under the command of major general Wood. The five Engliſh battalions, led on by brigadier Rowe, who charged on foot at the head of his own regiment with unparalleled intrepidity, aſſaulted the village of Blenheim, advancing to the very muzzles of the enemies muſkets, and ſome of the officers exchanging thruſts of ſwords with the French through the paliſadoes. But, being expoſed to a fire much ſuperior to their own, they were ſoon obliged to retire, leaving behind them one third part of their men either killed or mortally wounded, the brigadier who commanded them, being among the laſt. In this retreat, they were purſued by thirteen ſquadrons of the 'French Gendarmerie' and carabineers who would have entirely cut them to pieces, had not the Heſſian infantry ſtopped their career, by the great fire they made upon them. The French being repulſed, and forced to fly in their turn, were chaced by five ſquadrons of Engliſh horſe, who, by this time, had paſſed the rivulet; but, whilſt the enemy rallied themſelves, ſome freſh brigades, ſuperior in number, came to their aſſiſtance, charged the aſſailants with great vigour, and obliged many of them to repaſs the rivulet with great precipitation. Here again the Heſſian foot performed ſignal ſervice, putting the French to the rout by their continual fire, and regaining the colours, which they had taken from Rowe's regiment.

While Rowe's brigade rallied themſelves, that of Ferguſon, commanded by himſelf, attacked the village of Blenheim on the left, but with no better ſucceſs; and, though both returned three or four times to the charge with equal vigour, yet they were both ſtill repulſed with like diſadvantage, ſo that it was found impoſſible to force the enemy in that poſt, without entirely ſacrificing the confederate infantry.

The Engliſh foot having thus begun the engagement on the left, the horſe of the ſame wing paſſed the rivulet, with great bravery, over-againſt the center or main battalia of the enemy; as did likewiſe that of the right wing, having made ſeveral paſſages with divers pieces of wood. After which, they drew up in order of battle, the French and Bavarians giving them all the time, that could be deſired for that purpoſe, keeping themſelves very quiet on the hills, which they were poſſeſſed of, without deſcending into the meadows towards the rivulet, ſo that even the ſecond line of the horſe had time to form themſelves: And to this capital fault of the French, the confederates were thought to have owed principally their victory. This neglect is ſaid to have proceeded from an ill-timed haughtineſs and preſumption of marſhal de Tallard, who being informed, that the allies were laying bridges on the rivulet, uſed this expreſſion, "If they have not bridges enough, I will lend them ſome;" and when they told him that our troops were actually coming over the rivulet, he is reported to have ſaid, "Let them paſs; the more comes over, the more we ſhall have to kill and make priſoners." But, on the other hand, it is alledged by ſome, that he had given poſitive orders not to let the enemy paſs the rivulet, but to charge them as they paſſed, which orders were not executed[g].

At length the duke's cavalry moving towards the hill, that of marſhal de Tallard came down, and charged them with a great deal of fury; the French infantry, which were poſted at Blenheim, making at the ſame time a terrible fire from behind ſome hedges on their flank, which were advanced too near that village, ſo that the firſt line was put into ſuch diſorder, that part of them retired beyond the rivulet. Upon this, the duke gave orders to lieutenant-general Bulaw, commander in chief of the troops of Lunenburgh, to bring up his own regiment of dragoons and two of the troops of Zell, which charged the enemy's horſe with ſo much vigour, that they broke them, and drove them beyond the ſecond rivulet called Meul Weyer, and from thence to the very hedges of the village of Blenheim. This gave time to thoſe who had given ground, to repaſs the rivulet, and to form a ſecond line behind thoſe regiments of dragoons, and ſome others, that had joined them, ſo that thoſe dragoons remained in the firſt line during the reſt of the action.

The cavalry of the confederates left wing, having by this ſucceſs gained the advantage of forming themſelves entirely in order of battle, advanced leiſurely to the top of the hill, and ſeveral times charged the enemy's horſe, who were always routed, but who, nevertheleſs, rallied every time, though at a conſiderable diſtance, and thereby gave the allies an opportunity of gaining ground. As the duke of Marlborough, who was now in perſon among them, was preparing a freſh attack, marſhal de Tallard cauſed ten of his battalions to advance, to fill up the intervals of his cavalry, in order to make a laſt effort; which, the duke perceiving, cauſed three battalions of the troops of Zell to come up and ſuſtain the

[g] Monſieur de Feuquieres in his memoirs obſerves, that the loſs of that battle was owing to the inattention of the French generals to thoſe maxims of war, which ought to guide men, when they conſider, whether they have ſufficient reaſons either to give or receive battle, or whether they can derive, from the particular diſpoſition of their troops, any reaſonable hopes of defeating the enemy. In examining this ſubject, the marquis points out firſt the errors, that were committed with reference to the general ſtate of the war in Germany previous to the battle, and then thoſe errors, which appeared in the particular diſpoſition of the French army. With regard to the firſt point, he aſſerts, that it was abſolutely improper at that time, to truſt the deciſion of the war in Germany to the event of a ſingle battle; and this truth was the leſs doubtful, becauſe it appeared that the Engliſh and Dutch had almoſt abandoned the war in Flanders in that campaign, to make a deciſive effort in Germany, without which the emperor could no longer have ſupported himſelf, nor could they have drawn any ſupplies of men from Germany. The French ought therefore to have avoided this battle, ſince they could have maintained their ſituation, if they had only compelled the Engliſh and Dutch, either to withdraw from that country, or entirely to diſcontinue the war in Flanders. The elector of Bavaria was maſter of the whole courſe of the Danube, almoſt from its ſource to the frontiers of Auſtria, into which he could penetrate when he pleaſed; and therefore the emperor, whoſe attention was then employed by the malecontents in Hungary, was likewiſe obliged to have a watchful eye on Auſtria and Tirol, as well for the preſervation of theſe provinces, as the ſecurity of a free communication with his army in Italy.

The bridges, which the elector of Bavaria had on the Danube, opened to him a free communication with the Upper-Palatinate. The emperor conſequently muſt be always apprehenſive, that he would pour a body of troops into Bohemia, where the people were exceedingly exaſperated at the ſeverity of the imperial government, and where their fears were the only motives to their ſubmiſſion: which made it likewiſe neceſſary for the emperor to maintain a body of troops to cover Bohemia and Moravia. Nuremberg, an imperial city and almoſt in the heart of the empire, being the moſt conſiderable city in all the circle of Franconia, it was incumbent on the emperor to preſerve it in the intereſt of the confederates, leſt the elector of Bavaria ſhould make himſelf maſter of it, as he had already ſeized Ulm and Augſberg. Nuremberg therefore could not be preſerved by the protection of the confederate army, which conſequently could not withdraw to any great diſtance from that city, whoſe preſervation was of the more importance to the emperor, ſince the loſs of it would deprive him of all communication with his dominions on the Rhine, except through the country on the other ſide of the Mein, which the ſituation of Nuremberg would have rendered altogether impracticable. It was likewiſe evident that the confederate army could not treat to any conſiderable diſtance from a city, where all their ammunition and proviſions were depoſited. The allies indeed by forcing the paſs at Schellenberg, and taking Donawert, had obtained a bridge over the Danube and ſeparated the fortified places of the French on the Upper-Danube, from thoſe on the Lower. But, as their proviſions were ſtill lodged either in Nuremberg or Norlingen, they durſt not venture to quit Franconia and Suabia, to advance into Bavaria. This obvious reflection was alone ſufficient to convince

horſe. Then the prince of Heſſe Caſſel, general of the horſe, and the lieutenant generals, Lumley, Bulaw, Hompeſch, and Ingoldſby, returned with their troops to the charge; but the ſuperior fire of the enemy's infantry put their firſt line into ſome diſorder, ſo that it ſhrunk back, and remained, for ſome time, at about ſixty paces diſtant from the enemy, neither party advancing againſt the other. At length, the confederates puſhed forwards with ſo much bravery and ſucceſs, that, having broke and routed the enemy's horſe, the ten battalions, who found themſelves abandoned by them, were cut to pieces, none eſcaping but a very few ſoldiers, who threw themſelves on the ground, as dead, to ſave their lives.

Marſhal de Tallard rallied his broken cavalry behind ſome tents, which were ſtill ſtanding in his camp; and, ſeeing things in this deſperate condition, reſolved to draw off his dragoons and infantry out of the village of Blenheim. He thereupon ſent one of his aid-de-camps to marſhal de Marſin, who, with the elector of Bavaria, commanded on the left, to deſire him, "to face the enemy with ſome troops on the right of the village of Oberklau, to keep them in play, and favour the retreat of the infantry, that was in Blenheim." But marſhal de Marſin repreſented to the meſſenger, "That he had too much buſineſs in the front of the village, where he was poſted, and where he had to deal with the duke of Marlborough, who was come to the aſſiſtance of prince Eugene, as well as in the reſt of the line, to ſpare any troops; ſince he was ſo far from being victorious, that all he could do was to maintain his ground."

In the mean time, Ingoldſby made the other generals of the ſame attack ſenſible, how eaſily they might entirely defeat the French cavalry, by charging them on the right flank. This advice being put into execution with a great deal of vigour, the enemy were ſoon thrown into diſorder, and put to flight, part of them endeavouring to gain the bridge, which they had over the Danube between Blenheim and Hochſtet; and the other part, among whom were the gens d'armes, were cloſely purſued by the Lunenburgh dragoons, and thoſe, who eſcaped the ſlaughter, threw themſelves into the Danube, where moſt of them were drowned. Thoſe, who fled towards Hochſtet, rallied once more, making a ſhew to ſuccour the reſt; but the ſame regiment of Bothmar faced them, and kept them in awe for ſome time, till it was joined by ſome other regiments, when the enemy made the beſt of their way to ſave themſelves by flight.

The marſhal de Tallard was ſurrounded by the fugitives, and taken near a mill, behind the village of Sonderen, not far from the Danube, by monſieur de Boinenburg, a lieutenant colonel of the troops of Heſſe, aid-de-camp to the prince of Heſſe-Caſſel. The marquis de Montperoux, general of horſe; de Seppevile, de Silly, and de la Valiere, major generals; monſieur de la Meſſiliere, St. Pouange, de Legondais, and ſeveral other officers of note, were likewiſe made priſoners in this defeat.

While theſe things paſſed at the village of Blenheim and in the center, the duke of Marlborough cauſed the village of Oberklau, which was marſhal de Merſin's quarters, to be attacked by the brigade of Berenſdorff, conſiſting of ten battalions. The prince of Holſtein-Beck, who commanded them as major general, paſſed the rivulet at the head of two battalions, with undaunted reſolution. But as the imperial cavalry, which was to have ſupported him, were wanting in their duty, and kept muſket-ſhot from him, he was ſcarce got over, when ſeven or eight of the enemy's battalions fell upon him with great fury, before he could form his two battalions; ſo that one of them, that of Goor, was almoſt entirely cut to pieces, and the prince himſelf deſperately wounded and taken priſoner. But, notwithſtanding this firſt ſhock, theſe battalions were no ſooner ſupported by ſome Daniſh and Hanoverian cavalry, than they charged a ſecond time, but with no better ſucceſs; till, upon the third charge, the duke of Marlborough having himſelf brought up ſome ſquadrons, which were ſupported by others of the body of reſerve, made them advance with ſome battalions beyond the rivulet; upon which the enemy began to retire.

As ſoon as the duke had performed this conſiderable ſervice, he repaired to the center, where, finding the action decided in favour of the confederates, he cauſed part of his victorious cavalry to halt, to obſerve the motions of that part of the enemy, which, by this time, was drawn up beyond the moraſs of Hochſtet. During this halt the elector of Bavaria, whom prince Eugene could make no impreſſion upon for ſome time, but whoſe bravery at laſt put that elector's troops to the rout, was perceived making his retreat from the village of Lutzingen. Upon which, orders were diſpatched to the baron de Hompeſch (who with ſeveral ſquadrons was purſuing the fugitives towards Morſelingen, and who had already overtaken and forced two of their battalions to lay down their arms) to face about, and march to join thoſe who halted, as well to prevent the elector's falling upon Hompeſch's rear, as to form a body, in order to charge that prince, who marched in great haſte, but in pretty good order, with his ſquadron on the left and his battalions on the

vince the French generals, that their inducements to engage the enemy could not poſſibly have any weight, but that it was rather their intereſt to decline a general action, eſpecially as this cautious conduct would infallibly have obliged the allies to abandon the parts adjacent to the Danube, when they had conſumed all the forage near that river.

Marſhal de Villeroy was poſted with a conſiderable army before the lines of Biel, which prince Eugene had quitted, with the greateſt part of his regular troops, and unperceived by that general. The conjunction of this prince with the duke of Marlborough was generally known; and marſhal de Villeroy might have waked from his inactivity, and forced the lines, which were only guarded by an inconſiderable body of militia; and might afterward, have advanced with his army through the duchy of Wirtemberg, to the Neckar, which would have rendered the allies incapable of preſerving their communication with the Lower-Neckar for the ſecurity of their proviſions, which were conveyed to Norlingen from the Rhine and the Mein. And thus would this ſingle motion have limited the ſupply of the proviſions of the allies to Nuremberg, and conſequently they could never think it ſafe to be remote from that city.

Marſhal de Villeroy might even have compelled the allies to retire, in part, to the Rhine, and leave the elector of Bavaria to act with freedom in the heart of Germany, if that general had forced the lines of Biel, and then marched his army down the Rhine near Philipſburg, and the Lower-Neckar. This march might likewiſe have been effected without the leaſt danger, becauſe, when the lines had once been forced, marſhal de Villeroy might have thrown a bridge over the Rhine, in caſe the allies had approached him with all their forces; and, if they had attempted that motion, they would have abandoned Auſtria, and even the city of Vienna to the elector of Bavaria.

Theſe were the errors committed with reſpect to the general ſtate of the war in Germany: the reſt related to the particular diſpoſition and order of battle, and were as follow:

1. The French and Bavarians encamped their two armies, as if they were to engage ſeparately.

2. They diſpoſed them on the day of battle, in the order of their encampment, and only in the front of the camp.

3. They did not chuſe their field of battle ſo near the rivulet as would have prevented the allies from paſſing it, and not have left them a ſufficient extent of ground to form their troops between the rivulet and the front of the French line.

4. They neglected to advance their right and center upon the allies, when they ſaw they had paſſed the rivulet, and formed themſelves on the front of the French.

5. They had not the precaution to take a ſtrict view of the rivulet, when they arrived at their camp; and were ſo inconſiderate, as not to poſt a body of infantry along the bank for the ſecurity of their camp, and to gain intelligence of the motions of the allies.

6. They were ſo injudicious, as to form their center of battle out of the right and left wings of their two armies, inſtead of providing a formidable center of infantry.

7. They ſhut up the greateſt and beſt part of marſhal de Tallard's infantry in the village of Blenheim, where they were poſted without the leaſt order, and rendered incapable of forming any motion; and they had not even the leaſt precaution to ſecure a communication from one brigade or regiment to another.

8. They did not ſurvey the ground, which extended from their right to the rivulet and the Danube, and they poſted dragoons there inſtead of infantry.

9. When they arrived at their camp, they neglected to detach a body of cavalry, beyond the left of their armies, to obſerve the ſituation of the camp of the allies, which they were unacquainted with to ſuch a degree, as not to know that prince Eugene had joined the duke of Marlborough with his army; and they imagined, that the prince of Baden was engaged with a conſiderable body of troops at the ſiege of Ingoldſtadt.

10. After the firſt diſorder in their grand center of cavalry, and after they had ſhrunk from their ground, till they formed a confuſed line with the infantry, who were embarraſſed in the village of Blenheim, the elector of Bavaria's army did not cloſe on their right, to form an attack in flank upon the enemy, who had advanced beyond the interval of ground, that extended between the two villages. Had they diſpoſed themſelves into this motion, they might either have ſuſtained or drawn off the French infantry from Blenheim, and have given their cavalry, who had been diſordered by the fire of the enemy's foot, an opportunity of rallying in order of battle. But, inſtead of this obvious motion, that whole army was only attentive on their retreat to Ulm; and they abandoned marſhal de Tallard's infantry, while the cavalry of the general's army never attempted to recover their proper order, or make any effort to diſengage their infantry, when they ſaw the elector's army retreat from the field of battle.

11. When marſhal de Tallard was taken priſoner, and the center of the French army entirely thrown into diſorder, not one of the general officers of the marſhal's army made the leaſt endeavour to draw the infantry from Blenheim, while they had an opportunity of affording them that relief, by marching them along the Danube, till they had rejoined their cavalry; but, on the contrary, thoſe who were charged, in particular, with the command of the body of infantry, either entirely abandoned them, even before they were attacked, when they ſaw the cavalry defeated, and plunging themſelves into the Danube, in hopes of ſwimming to the other ſide; or elſe they continued in the village without daring to leave it, and were even ſo deſtitute of thought, as not to attempt any communication between the battalions. In ſhort, they ſeemed to continue there with no other view than to charge themſelves with the deſpicable province of making a brave ſet of battalions lay down their arms with reluctance, and of ſurrendering to the enemy twenty-ſeven battalions and twelve ſquadrons of the beſt troops of France; which was ſo infamous an action, that it would ſcarce be credited by poſterity, eſpecially when it is informed, that, except one brigadier of foot, who was broke, all the other authors or ſpectators of this contemptible timidity were rewarded and advanced to ſtations of dignity.

right. But, before general Hompeſch returned from his chace, the right wing of the confederate army was perceived at ſome diſtance behind the elector; and, appearing to be part of his army marching in ſuch a manner, as might eaſily have flanked them, had the duke immediately charged him, the duke, with great prudence, ſent out a party to view them. During this time, the elector continued marching off with great precipitation, till he reached the moraſs of Morſelingen.

The French horſe being entirely defeated, and the confederates maſters of all the ground, which was between the enemy's left and the village of Blenheim, the twenty-eight battalions and twelve ſquadrons of dragoons, which were in the village, found themſelves cut off from the reſt of their army, and, deſpairing of being able to make their eſcape, after a weak attempt to repulſe the infantry, who ſurrounded them, capitulated about eight in the evening, laid down their arms, delivered their colours and ſtandards, and ſurrendered themſelves priſoners of war, on condition, that the officers ſhould not be ſearched.

This defeat coſt the enemy, by their own accounts in ſeveral intercepted letters, forty thouſand men, in which number they included four or five thouſand loſt in their precipitate retreat to the Black Foreſt, either by deſertion, or the purſuit of the Huſſars or peaſants, who made a great ſlaughter of the ſtragglers. This computation does not ſeem improbable, conſidering the number of priſoners taken, which exceeded thirteen thouſand, of whom above one thouſand two hundred were officers; that ten French battalions on their right were cut in pieces, and above thirty ſquadrons of horſe and dragoons forced into the Danube, moſt of whom were drowned: That their left wing ſuffered very much, eſpecially the foot: That beſides ninety-five officers, who were found at Hochſtet, Dillingen and Lavingen; and that the number of the wounded, whom they brought off from Ulm, were above ſeven thouſand men: The confederates gained above one hundred pieces of cannon, twenty-four mortars, one hundred and twenty-nine colours, one hundred and ſeventy-one ſtandards, ſeventeen pair of kettle-drums, three thouſand ſix hundred tents, thirty-four coaches, three hundred laden mules, two bridges of boats, fifteen pontons, twenty-four barrels, and eight caſks of ſilver. But this ſucceſs coſt them four thouſand four hundred and eighty-five men killed, ſeven thouſand five hundred and twenty-five wounded, and two hundred and ſeventy-three left or made priſoners.

The emperor made great acknowledgments to the duke of Marlborough for this ſignal ſervice, and offered to make him a prince of the empire, which the duke ſaid he could not decently accept of, till he knew the queen's pleaſure; and, upon her conſenting to it, he was created a prince of the empire, and about a year after Mindelheim was aſſigned him for his principality.

The ſucceſs of the battle having entirely changed the face of affairs in the empire, and ſaved the houſe of Auſtria from ruin, the duke of Marlborough, being willing to loſe no time, and judging it more advantageous for the common cauſe to join all the confederate forces together, to ſtreighten the enemy as much as poſſible, and oblige them to abandon Germany, and repaſs the Rhine, ſent an expreſs to prince Lewis of Baden to leave the ſiege of Ingoldſtadt, and rejoin the army with the forces under his command; conſidering, that not only that city, but the whole country of Bavaria muſt fall of courſe into the emperor's hands. The duke's and prince Eugene's opinion was confirmed by the example of the city of Augſburg, which the French abandoned, carrying with them four hoſtages, as a ſecurity for two thouſand ſick and wounded men, whom they left in that place. The magiſtrates being aſſembled immediately after, ſent four deputies to the duke of Marlborough to deſire his protection; who anſwered them, that they had nothing to fear from the troops of her Britannic majeſty and the States General, which were only ſent againſt the enemies of the empire and their allies. And thereupon he ordered a detachment to march, and take poſſeſſion of that important place. Soon after marſhal de Tallard, with the priſoners of diſtinction, were ſent towards Hanau and Francfort under a guard of dragoons, and the other priſoners were ſent into the adjacent places.

On the 21ſt of Auguſt, the duke encamped at Sefellingen, within half a league of Ulm; and the next day the governor of Ulm, who apprehended a ſiege, ſent out of the town four hundred and thirty priſoners, which the enemy had taken at Hochſtet, Dillengen, and other places, with a compliment to the duke, that he would be pleaſed to take an opportunity to return an equal number; and, thoſe perſons being Germans, the duke ſent them to prince Eugene. On the 25th, the duke, prince Eugene, and prince Lewis of Baden had a long conference, wherein they concerted the further operations of the campaign; and it was reſolved, that, ſeeing the enemy were returning towards the Rhine, all the confederate forces ſhould likewiſe march that way, except twenty-three battalions and ſome ſquadrons, which ſhould be left under the command of general Thungen to carry on the ſiege of Ulm. In purſuance whereof, the confederate troops began their march from the neighbourhood of Ulm, on the 26th of Auguſt, by different roads, to the general rendezvous of the army which was appointed to be at Bruſchal near Philipſburg. From that day the confederate army was in motion till the 9th of September, when a party of imperial horſe, having met ſome ſquadrons of the enemy, commanded by the duke de Monfort, a major-general, who had been conducting four battalions and a ſum of money into Landau, fell upon them with great vigour, and routed them, killing above one hundred upon the ſpot, taking ſeveral priſoners, and mortally wounding their commander. On the 12th, prince Lewis of Baden marched towards Landau with the troops appointed to beſiege that place; and the duke of Marlborough with prince Eugene came to the camp of Croon Weiſſenburgh, in order to cover the ſiege. The ſame night, the duke received an expreſs from general Thungen, importing, that, having formed the ſiege of Ulm, and received his great artillery, the garriſon beat a parley the 10th, and the next day ſurrendered that place upon honourable terms; which he was willing of grant, that no time might be loſt for the further execution to the projects of this campaign. The imperialiſts found in Ulm two hundred and twenty-two pieces of braſs cannon, twenty-five braſs mortars, one thouſand two hundred barrels of powder, with a conſiderable quantity of proviſions, which was ſeaſonably applied to the carrying on the ſiege of Landau, which prince Lewis of Baden inſiſted on, as neceſſary to ſecure the circles, Suabia in particular, from the excurſions of that garriſon. This was popular in Germany, and, though the duke did not approve it, he did not oppoſe it with all the authority, that his great ſucceſs gave him. This was univerſally blamed, for, while France was in the conſternation, which their late great loſs brought them under, a more vigorous proceeding was like to have greater effects; and, beſides that the imperial army was ill-provided, the great charge of a ſiege was above their ſtrength. Prince Lewis ſuffered much in his reputation for this undertaking: It was that which the French wiſhed for, and therefore it was ſuſpected, that ſome ſecret practice had prevailed on that prince to propoſe it. It is certain, that he was jealous of the glory which the duke of Marlborough had obtained, and in which himſelf had no ſhare; and it was believed, that if he had not gone to beſiege Ingoldſtadt, the battle of Hochſtet had never been fought. He was indeed ſo fierce a bigot in his religion, that he could not bear the ſucceſſes of thoſe, whom he called Heretics, and the exaltation which he thought hereſy might have upon it.[h] While the duke of Marlborough lay covering the ſiege, marſhal de Villeroy with his army came and looked on him; but, as the ſoldiers of the confederates were exalted with their ſucceſs, ſo the French were too much diſpirited with

[h] Dr. Hare, in his Second letter to a Tory-member concerning the Management of the War, p. 12. 3d Edit. gives us this account of the duke's own deſigns in this campaign: "Flanders, ſays he, was, at the beginning of the war, a very bad part to attack France in; it was covered with ſo ſtrong a frontier. It was for this reaſon, the duke of Marlborough looked out for another ſcene of action, and did all that could be done on his part towards it; and therefore when he had in the two firſt campaigns driven the French from Nimeguen to Namur, and had ſet the Dutch at eaſe by the reduction of Guelder and Limburg, and cleared the Rhine by taking Bonne, he did not the third year content himſelf with walking up and down in the neighbourhood of Holland, where there was no proſpect of doing any thing to the purpoſe, but marched into the heart of Germany, forced the ſtrong poſt of Schellenburg before the end of June, which is the key of Bavaria; and, had the ammunition and artillery been ready, as the duke had been aſſured it was, he had marched directly to Munich, and, without the hazard of another battle, had in a fortnight's time not only extinguiſhed that fatal war, that threatned nothing leſs than the ruin of the whole empire, but had gained the elector also over to the ſide of the allies, who, could he have been perſuaded to make their intereſt his own, might have done the greateſt ſervice to the common cauſe, both in Germany and Flanders. But when that point was loſt, and the inability of the Germans to make a ſiege had encouraged the elector to break off the treaty he had entered into, and the ſword had decided the fate of his country, what part did the duke of Marlborough take next? Not that of returning to Flanders: No, he improved the reſt of that wonderful campaign to facilitate the operations of the next in a part, where France might be more eaſily attacked. He paſſed the Rhine before the end of Auguſt, and made, or rather ſubmitted to the making the ſiege of Landau by prince Lewis, while he covered it: And, that the unexpected length of the ſiege might not break his deſign, without waiting for the end of it, he advanced with a body of troops to the Saar, ſurpriſed Treves, and poſſeſſed himſelf of other proper poſts for erecting magazines, and opening the next campaign with the ſiege of Saar-Lewis."

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their losses to make any attack, or to put any thing to hazard, in order to raise the siege. They retired back, and went into quarters, and trusted to the bad state of the imperial army, who were ill-provided and ill-supplied. The garrison made as vigorous a defence, and drew out the siege to as great a length, as could be expected. Prince Lewis had neither engineers or ammunition, and wanted money to provide them; so that, if the duke had not supplied him, he must have been forced to give it over. The king of the Romans came again, to have the honour of taking the place: But his behaviour there did not serve to raise his character; for he was not often in the places of danger, and was content to look on at a great and safe distance. He was likewise constantly beset with priests, and such a face of superstition and bigotry appeared about him, that it very much damped the hopes, that were given of him. However, on the 23d of November, the besiegers having lodged themselves on the counterscarps both on the right and left, and sufficient breaches being opened, the next morning the necessary dispositions were made for a general assault, and five thousand men were commanded upon that service. The besieged, being therefore reduced to this extremity, were obliged to beat a parley between ten and eleven o'clock, whereupon hostages were exchanged, and the capitulation signed the same day, consisting of twenty-eight articles, which were in effect much the same as those granted by the imperialists to monsieur de Melac two years before, and by the French to the count de Frize the preceding campaign. On the 26th, the besieged marched out of Landau to the number of three thousand four hundred, who survived out of seven thousand men, of whom the garrison consisted at the beginning of the siege. The king of the Romans, having entered the place, found it reduced to a heap of rubbish, and having given the command of it to the count de Frize, who had before maintained that post with great courage and ability, his majesty set out for Vienna, having ordered prince Eugene to settle the affairs of Bavaria, and left to prince Lewis of Baden the disposition of the forces on the Rhine.

The confederates, omitting nothing that might advance the glory, which they had already acquired in Bavaria, resolved to prosecute the siege of Traerbach. To which end, the duke of Marlborough marched towards the Moselle with a considerable army, which he left under the command of the hereditary prince of Hesse-Cassel, as also the direction of the attacks of that place. The castle was invested in the beginning of November, and the approaches were carried with such success, that, on the 21st, the besiegers attempted to storm it. But as they were climbing up the eminences (the rock, on which that fortress is built, proving very steep, and the weather exceedingly stormy) the garrison made so vigorous a defence, that the assailants were obliged to retire with considerable loss. Notwithstanding these discouragements, the prince of Hesse was resolved to carry on the siege with the utmost vigour; and, on the 20th of December obliged the garrison to surrender on honourable conditions. The confederates met with a great deal of difficulty and opposition in all the attack; and the baron de Trogne, the States chief engineer, was shot by the prince of Hesse's side, as he was giving the necessary directions; and they had above a thousand men killed or wounded.

During the siege of Traerbach the duke of Marlborough went to the court of Prussia, to negociate, that eight thousand Prussians might be sent to Italy next campaign, to serve there for the relief of the duke of Savoy, under the command of prince Eugene. He was received at Berlin, and all other places, through which he passed, with the highest respect; and thence he proceeded to the court of Hanover, where he arrived on the first of December, and thence continued his journey to the Hague, where he was congratulated by the deputies of the States General, upon his victories at Schellenberg and Hochstet, and was as much considered and submitted to in Holland, as if he had been their Stadtholder. The credit which he was in among them, was very happy for them, and was, indeed, necessary at that time, for keeping down their factions and animosities, which were rising in every province, and in most of their towns. Only Amsterdam, as it was the most sensible of the common danger, so it was not only quiet within itself, but it contributed not a little to keep all the rest so, which was chiefly maintained by the duke of Marlborough's prudent management; who, having settled all matters relating to the ensuing campaign, embarked for England, and arrived at London the 11th of December.

The occurrences in Brabant and Flanders this campaign were of no considerable importance. As the great bodies were in such violent motion in Bavaria, which was the theatre of the war, little, besides the protection of the country on each side, was intended here. However, on the first of June, monsieur Auverquerque decamped from the neighbourhood of Maestricht, and marched directly towards the enemy, who, being surprized at this motion, and unwilling to hazard a battle, after they were prevented in their design upon Tongeren, marched about, and got into their lines. General Dopff, perceiving them to be in some disorder, advanced with thirty squadrons of horse and dragoons, and forced the French lines with little opposition. But a council of war being called, it was thought not adviseable for him to continue in that post, lest the enemy should fall upon his detachment with a superior force, before the rest of the army could come up; so that he had not continued there above three hours, before he quitted the lines, and rejoined the army. On the first of July, the baron de Trogne was detached with a considerable body of men, who marched towards Liege, and monsieur Auverquerque followed him. On the 5th, the baron being reinforced from Liege and Huy, he advanced to the enemies lines, which he entered at eight in the morning, and took post at Meordorp. Monsieur Auverquerque endeavoured to sustain him; but this enterprize had no better success than the former; for, the rivers Herk and Demer overflowing, and retarding the march of the army, it was judged impossible to come up soon enough to support him, upon which, he retired out of the lines the same evening.

Upon the second of July, a body of nine thousand Dutch troops, commanded by general Spaar, appeared before Bruges, and were warmly received by the cannon of the town. In the evening they raised batteries, and the next morning began to throw bombs, carcasses, and red-hot bullets into the place, which did great execution, several houses being entirely demolished, and others very much shattered. Whereupon the inhabitants, to prevent farther mischief, offered to pay six hundred thousand guilders in six months time, which the Baron accepted, and so retired to Maldeghem. On the 22d, the army, under monsieur Auverquerque, passed the Maese, and advanced to Namur, which they bombarded from the 26th to the 29th, setting on fire their magazines, and doing very great damage to the inhabitants. The loss sustained by the Dutch was very inconsiderable, though the garrison fired furiously all the time from their cannon and mortars. During these hostilities, a detachment of horse and foot was sent up to Dinant, where they took post, and part of them passed over from thence into the country between the Sambre and Maese, which struck such a terror into the neighbouring country, that they exacted from thence great contributions. About the same time, the Dutch forces made themselves masters of fort Isabella, and demolished it.

The elector of Bavaria, who had retired to Brussels after his misfortunes, formed, at the end of the campaign, a project of surprizing general Auverquerque, hoping, by that means, in some measure, to repair the disadvantages, which he had sustained in Bavaria. For this purpose he ordered all his forces, with a great number of waggons, to join at Tirlemont. The French court, being apprehensive of the elector's designs, sent marshal de Villeroy to watch his motions, and to prevent an engagement, unless he had a very fair prospect of a return of better fortune. At his arrival in the army, he was surprized to see monsieur Auverquerque waiting in his camp at Borch-loen, ready to receive them. This obliged him to represent to the elector the difficulties of attacking the confederates; the advantage of their camp; the bravery of their troops, encouraged by the success of their affairs in Germany; and the ill consequences, which the loss of a battle would be attended with. The elector, who was oppressed with disgraces, was determined on nothing but revenge, and insisted upon an engagement. The marshal, after a very warm debate with him on that subject, told him, that he would not march; and to put an end to the dispute produced the king's order. The elector, being thus frustrated in his designs, returned to Brussels, his former seat of pleasure and gallantry.

At sea, this summer, our affairs were carried on much more doubtfully than at land. Sir George Rooke sailed into the Streights, where he reckoned he was strong enough for the Toulon squadron, which was then abroad in the Mediterranean. Soon after that a strong squadron from Brest passed by Lisbon into the Streights. Mr. Methuen, the English embassador in Portugal, apprehending, that if these two squadrons should join to attack Sir George Rooke, it would not be possible for him to fight against so great a force, sent a man of war, which that admiral had left at Lisbon, with some particular orders, which made the captain very unwilling

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ing to carry the meſſage; but the embaſſador promiſed to indemnify him. The captain ſailed through the French fleet, and brought this important advertiſement to ſir George Rooke, who told him, that on this occaſion he would paſs by his not obſerving his orders, but that for the future, he would find the ſafeſt courſe was to obey orders. Upon this, ſir George ſtood out of the way of the French towards the mouth of the Streights, and there met ſir Cloudeſly Shovel with a ſquadron of our beſt ſhips, with which being reinforced, he ſailed up the Streights again, being now in a condition to engage the French. He came before Barcelona, where the prince of Heſſe-Darmſtadt aſſured him, there was a ſtrong party ready to declare for king Charles, as it was certain, there was a diſpoſition in many to do it. But ſir George would not ſtay above three days before that city; ſo that the motions within the town, and the diſcoveries which many made of their inclinations, had almoſt proved fatal to them. He anſwered, when preſſed to ſtay a few days more, that his orders were poſitive; and that he muſt ſail towards Nice, which it was believed the French intended to beſiege. But, as he was ſailing that way, he received advice, that the French had made no advances in that deſign; and therefore he turned his courſe weſtward, and came in ſight of the French fleet, ſailing from Breſt to Toulon. The advantage, which he had, was ſo viſible, that it was expected, he would have made towards the enemy, but he did not. What orders he had was not known, for the matter never came under examination. The French got to Toulon, and he ſteered another way. The whole French fleet was then together in that harbour, for though the Toulon ſquadron had been out before, it was then in port. A very happy accident had preſerved a rich fleet of merchant ſhips from Scanderoon, under the convoy of three or four frigates, from falling into their hands. The French fleet lay in their way in the bay of Tunis; and nothing could have ſaved them from being taken, but that, which happened in the critical minute, in which they needed it. A thick fog covered them all the while that they were ſailing by that bay, ſo that they had no apprehenſion of the danger they were in, till they had paſſed it.

Sir George Rooke, as he ſailed back, fell in upon Gibraltar, which, in a council of war, held July 17, about ſeven leagues to the eaſtward of Tetuan, it was reſolved to attack. Four days after, the fleet got into the bay, and one thouſand eight hundred marines, Engliſh and Dutch, with the prince of Heſſe Darmſtadt at their head, were put on ſhore, on the neck of land to the northward of the town, to cut off any communication with the country. The prince, having thus poſted his men, ſent a ſummons to the governor to ſurrender the place for the ſervice of his catholic majeſty; which he refuſing, the admiral, the next day, gave orders, that the ſhips, which had been appointed to cannonade the town, under the command of rear-admiral Byng and rear-admiral Vanderduſſon, as alſo thoſe, which were to batter the South-mole-head, commanded by captain Hicks in the Yarmouth, ſhould range themſelves accordingly. But, the wind blowing contrary, they could not poſſibly get into their places till the day was ſpent. In the mean time, to amuſe the enemy, captain Whitaker was ſent in with ſome boats, who burnt a French privateer of twelve guns at the Old Mole. On the 23d, ſoon after break of day, the ſhips being all placed, the admiral gave the ſignal for beginning the cannonade, which was performed with very great fury, above fifteen thouſand ſhot being made in five or ſix hours time againſt the town, ſo that the enemy were ſoon driven from their guns, eſpecially at the South-mole-head. Whereupon, the admiral conſidering, that by gaining that fortification they ſhould of conſequence reduce the town, ordered captain Whitaker, with all the boats armed, to endeavour to poſſeſs himſelf of it; which was performed with great expedition. But captain Hickes and captain Jumper, who lay next the Mole, had puſhed on ſhore with their pinnaces and ſome other boats, before the reſt could come up. Whereupon the enemy ſprung a mine, which blew up the fortification about the Mole, killed two lieutenants, and about forty men, and wounded about ſixty. However, our men kept poſſeſſion of the great platform, of which they had made themſelves maſters; and, captain Whitaker landing with the reſt of the ſeamen, who had been ordered upon this ſervice, they advanced, and took a redoubt or ſmall baſtion, half way between the Mole and the town, and poſſeſſed themſelves of many of the enemy's cannon; upon which the governor deſired to capitulate, and ſurrendered upon honourable terms. This fact is related by an eminent hiſtorian, with theſe circumſtances, that, after the admiral had bombarded the town to very little purpoſe, and with little hopes of ſucceſs, ſome bold men ventured to go aſhore in a place, where it was not thought poſſible to climb up the rocks; and yet they ſucceeded in it; and, when they had got up, they ſaw that all the women of the town were come out, according to their ſuperſtition, to a chapel there, to implore the Virgin's protection. They ſeized on them, and that contributed not a little to diſpoſe thoſe in the town to ſurrender, which they did on the 24th, and they had leave to ſtay or go as they pleaſed; and, in caſe they ſtaid, they were aſſured of protection in their religion and every thing elſe, for the prince of Heſſe, who was to be their governor, was a papiſt. But they all went away with the ſmall garriſon, that had defended the place. The prince of Heſſe, with the marines, who were on board the fleet, poſſeſſed himſelf of the place; and they were furniſhed out of the ſtores, that went with the fleet, with every thing, that was neceſſary for their ſubſiſtence or defence; and a regular method was laid down of ſupplying them conſtantly from Liſbon.

Sir George Rooke, after he had ſupplied Gibraltar, ſailed again into the Mediterranean, and, in conjunction with the Dutch fleet under vice admiral Callemburg, met off Malaga the count de Thouloufe with the whole French fleet, which was much ſuperior to the Engliſh in number, and had many gallies with them, that were of great uſe. Sir George Rooke called a council of war, in which it was reſolved to engage the enemy; but there was not due care taken to furniſh all the ſhips with a ſufficient quantity of powder, for ſome had waſted a great part of their ſtock of ammunition before Gibraltar; however they had generally twenty-five rounds, and it had ſeldom happened, that ſo much powder was ſpent in an action at ſea. On the 12th of Auguſt, as the two fleets engaged, ſir Cloudeſly Shovel advanced with his ſquadron to a cloſe fight, for it was the maxim of our ſeamen to fight as near as they could; and he had the advantage, and the enemy's van gave way in no little confuſion, as did their rear ſoon after, being no leſs vigorouſly attacked by the Dutch. But the enemies being very ſtrong in the center, and ſome of the Engliſh ſhips being obliged to go out of the line for want of ſhot (occaſioned by the great expence of it at Gibraltar) ſeveral of ſir George Rooke's own ſquadron ſuffered very much. About ſeven in the evening, one of the French admiral's ſeconds advanced out of the line, and began a cloſe fight with the St. George, commanded by ſir John Jennings, but, notwithſtanding the St. George had already ſuffered much, ſhe met with ſuch rough treatment, that ſhe had difficulty enough to rejoin the line, after the loſs of both her captains and many of her men. The engagement continued till night parted them, and, if the French had come to a new engagement next day, it might have been fatal, ſince many of our ſhips were without ſhot, whilſt others had enough and to ſpare. In this long and hot action there was no ſhip on either ſide, that was taken, ſunk, or burnt. The Engliſh made a ſhew the next day of preparing for a ſecond engagement, but the enemy bore off, to the great joy of our fleet. The French ſuffered much in the action, and went into Toulon ſo diſabled, that they could not be put in a condition to go to ſea again in many months. They left the ſea, as the field of battle, to the Engliſh; ſo that the honour of the action remained with us, though the nation was not greatly elated with the news of a drawn battle at ſea with the French: It was long before a certain account of the action was brought to England; but the modeſty, with which the French king wrote of it to the archbiſhop of Paris, put us out of all fears; for, whereas the French ſtile was very boaſting of their ſucceſſes, in this caſe it was only ſaid, that the action was to his advantage. From that cold expreſſion the Engliſh concluded, that the victory was on their ſide. When the full account was ſent home from our fleet, the partialities on both ſides appeared very ſignally. The tories magnified this as a victory; but perſons ſkilled in naval affairs, differed much in their ſentiments, about ſir George Rooke's conduct in that action, ſome not only juſtifying, but extolling it as much as others condemned it [i].

[i] Sir Cloudeſley Shovel's letter on this occaſion was as follows:

"This brings news of my health, and that we are on our way homeward: That which ſends us home ſo ſoon, is a very ſharp engagement we have had with the French: Our number of ſhips that fought in the line of battle were pretty equal: I think they were forty-nine, and we fifty-three; but ſir George Rooke reſerved ſome of the fifty gun ſhips, to obſerve if they attempted any thing with their gallies, of which they had twenty-four. Their ſhips did exceed in bigneſs. I judge they had ſeventeen three deck ſhips, and we had but ſeven. The battle began on Sunday the 13th inſtant, ſoon after ten in the morning, and in the center and rear of the fleet it continued till night parted: but in the van of the fleet, where I commanded, and led by ſir John Leake, we having the weather-gage, gave me an opportunity of coming as near as I pleaſed, which was within piſtol ſhot, before I fired a gun,

Sir George Rooke, after the engagement, ſailed to Gibraltar, where he ſtayed eight days to refit; and, having ſupplied that place with men and proviſions, ſailed from thence, and returned home with the great ſhips, leaving behind him eighteen men of war, under the command of ſir John Leake, both for the defence of the coaſt of Portugal, and to be in readineſs to ſuccour Gibraltar, if there ſhould be occaſion.

The ſucceſs of affairs in Portugal this year was by no means anſwerable to the expectation of the allies.

After ſeveral councils of war held in the preſence of their catholic and Portugueſe majeſties, which paſſed not without ſome diſputes between duke Schomberg and the Portugueſe generals and miniſters; the auxiliary forces of England and Holland began to land, the 16th of March, N. S. Duke Schomberg had warmly inſiſted, that theſe auxiliaries might keep in a body; urging the inconveniencies, that might attend their ſeparation. But the king of Portugal, being unwilling to truſt the defence of the frontier towns to his raw and undiſciplined troops, and there happening ſome coldneſs between the Engliſh general and monſieur Fagel, who commanded the Dutch forces, at their very firſt interview, the Engliſh infantry had their quarters aſſigned in Olivenza, Elvas, Portalegre, and other places in the province of Alentejo; and the Dutch were ſent up the Tagus towards Abrantes. The king of Portugal, by his treaties with England and Holland, had engaged to furniſh horſes to mount the cavalry and dragoons of theſe two nations; but, whilſt the king of Spain, Charles, was detained in Holland and England by contrary winds, the French embaſſador in Portugal, with great induſtry, had bought up the horſes of that kingdom; ſo that, moſt of the horſes which his Portugueſe majeſty's officers afterwards provided for the Engliſh and Dutch auxiliaries, being neither of a ſize nor ſtrength fit for ſervice, ſcarce one third part of the troopers and dragoons were mounted this campaign. Neither was there better proviſion made for ſick ſoldiers, who, after ſo tedious a paſſage, could not but be very numerous, and of whom many died for want of attendance and neceſſaries. Another cauſe of the ill ſucceſs of the campaign was, that, though the king of Portugal himſelf expreſſed the beſt intentions poſſible, he was much governed by his miniſters, who were all in the French intereſt. They had an army, but they had no preparations for taking the field; nor could they bring their troops together, for want of proviſions and carriages. The forms of their government made them very ſlow, and not eaſily acceſſible. They were too proud to confeſs, that they wanted any thing, when they had nothing; and too indolent to exert themſelves, in order to execute what was in their power to do; and the king's ill health furniſhed them with an excuſe for every thing, that was defective and out of order. The prieſts, both in Spain and Portugal, were ſo univerſally in the French intereſt, that even the houſe of Auſtria, which had been formerly ſo much in their favour, was now in diſgrace with them. Their alliance with heretics, and their bringing over an army of them to maintain their pretenſions, had made all their former ſervices be forgotten. The governing body at Rome did certainly engage all their zealots every where to ſupport that intereſt, which was ſo determined on the deſtruction of hereſy. The Engliſh and Dutch generals were likewiſe upon ill terms with the Portugueſe. Duke Schomberg, by his title of captain general of the queen of Great Britain's forces in Portugal, ought certainly to have commanded, at leaſt, all the Engliſh and Dutch auxiliaries: And it had been no bad policy in the king of Portugal to have made him likewiſe commander in chief of all his forces; a poſt, which the duke's father had formerly executed in that kingdom with ſuch ſucceſs, that he reſcued the crown of Portugal from the Spaniards, and fixed it in the family, that wear it at preſent. But though few, if any, of the Portugueſe officers had the neceſſary qualifications to be made generals; yet the king of Portugal would not break the eſtabliſhed rule of that kingdom, whereby the governors of provinces command in chief all the troops within their diſtricts. He had, indeed, made duke Schomberg velt-marſhal-general of the Portugueſe forces; but then his conferring the ſame dignity upon monſieur Fagel, general of the Dutch forces, rather leſſened than honoured the duke, and made Fagel unwilling to obey one, to whoſe level the king of Portugal had raiſed him; ſo that there was little concurrence of councils and deſigns between theſe two generals. To all this may be added, that a French lady, married to the duke of Cadaval, the principal perſon in the court of Portugal, was not a little inſtrumental in retarding the preparations for the campaign.

Upon information, that the auxiliaries, which the king of France had ſent to his grandſon Philip V, conſiſted, for the moſt part, of Iriſh ſoldiers; duke Schomberg, purſuant to the queen's warrant, publiſhed a proclamation, promiſing "her gracious pardon to all ſuch of her ſubjects, who, being now in the ſervice of her enemies, would quit the ſame, to come over to Charles III. king of Spain, or any other of her majeſty's allies; and that ſuch of them, as were qualified to ſerve in her majeſty's forces, ſhould be received and entertained in the ſame quality, as they enjoyed in the ſervice they left: And that ſuch as, by reaſon of their religion, could not ſerve in her majeſty's forces, ſhould be employed in the ſervice of the king of Spain, or of ſuch other of her majeſty's allies, where they ſhould beſt like." Charles III. and the king of Portugal publiſhed likewiſe their reſpective manifeſtoes; the firſt ſetting forth his title to the crown of Spain, and promiſing "his pardon to all ſuch of his ſubjects, as ſhould declare for him within three months time:" The other "juſtifying his Portugueſe majeſty's taking up arms, to reſtore the liberty of the Spaniſh nation oppreſſed by the power of France, and to aſſert the right of his catholic majeſty, Charles III. to that monarchy." Their majeſties had intended to be in a readineſs to enter Spain by the middle of May, but it was the beginning of June before they reached Santarem, where they continued the reſt of the ſpring-campaign.

The poſſeſſor of the crown of Spain, ſtiled by the allies duke of Anjou, though the laſt in proclaiming war, was yet the firſt in maintaining his title by the ſword; and, having invaded Portugal before his enemies were in a condition to oppoſe him, the duke of Berwick, his general, (who began

gun, through which means, and God's aſſiſtance, the enemy declined us, and were upon the run in leſs than four hours, by which time we had little wind, and their gallies towed off their lame ſhips and others as they pleaſed; for the admiral of the white and blue, with whom we fought, had ſeven gallies tending upon him. As ſoon as the enemy got out of the reach of our guns, and the battle continuing pretty hot a-ſtern, and ſome of our ſhips in the admiral's ſquadron towing out of the line, which I underſtood afterwards, was for want of ſhot, I ordered all the ſhips of my diviſion to ſlack all their ſails, to cloſe the line in the center; this working had that good effect, that ſeveral of the enemies ſhips a-ſtern, which had kept their line, having their top-ſails and fore-ſails ſet, ſhot up a-breaſt of us, as the rear-admiral of the white and blue, and ſome of his diviſion; and the vice-admiral of the white, and ſome of his diviſion; but they were ſo warmly received, before they got a broad-ſide, that with their boats a-head, and their ſprit-ſails ſet, they towed from us without giving us the opportunity of firing at them.

"The ſhips that ſuffered moſt in my diviſion, were the Lenox, Warſpight, Tilbury, and Swiftſure; the reſt eſcaped pretty well, and I the beſt of all; though I never took greater pains in all my life to be ſoundly beaten; for I ſet all my ſails, and rowed with three boats a-head, to get along-ſide with the admiral of the white and blue; but he out-ſailing me, ſhunned fighting, and lay along-ſide of the little ſhips: notwithſtanding, the engagement was very ſharp, and, I think, the like between two fleets never had been in any time. There is hardly a ſhip, that muſt not ſhift one mail, and ſome muſt ſhift all; a great many have ſuffered much, but none more than ſir George Rooke and captain Jennings in the St. George. God ſend us well home: I believe we have not three ſpare top-maſts, nor three fiſhes in the fleet, and I judge there are ten jury-maſts now up. After the fight, we lay two days in ſight of the enemy, preparing for a ſecond engagement, but the enemy declined and ſtood from us in the night."

Another writer expreſſes himſelf thus: "The ſea-fight, though very bloody, was far from being deciſive, not a ſhip being loſt on either ſide. 'Tis certain the enemy were ſuperior to us both in weight and number; and, however many among us blamed the conduct of the admiral, he came off, when all things are impartially conſidered, much better than could have been expected. Both ſides claimed a victory, which in truth neither of them had; both pretending to ſeek out the other, and to come to a ſecond engagement, for which neither of them cared; and the want of ſufficient ammunition, on our ſide, argued a weakneſs, to ſay no worſe, and ought not eaſily to be pardoned." In a letter from an officer on board the fleet in this engagement, are theſe words: 'All the while we were daring the enemy, we went on the careen, by turns, to ſtop our ſhot-holes; ſo that had they engaged a ſecond time, we muſt have engaged them board and board, and either have carried them, or ſunk by their ſides. In a word, we were obliged to leave them, leſt they ſhould ſuſpect our weakneſs, and force us to be deſperate.'

During the action, were killed and wounded of the Engliſh two thouſand three hundred and fifty-eight; of the Dutch four hundred; ſir Andrew Leake, captain of the Grafton, captain Cow of the Ranelagh, lieutenant Jennings of the St. George, the third lieutenant of the Shrewſbury, and the firſt lieutenant of the Lenox, were all the officers of their rank that were killed; captain Myngs, captain Baker, captain Kirkton, captain Jumper, captain Myghels, lieutenant Ediſbury, and lieutenant Leſtock, were wounded, as were two lieutenants of the Barfleur, and the chaplain, ſeven or eight lieutenants more, three maſters, and about as many boatſwains and carpenters.

On the French ſide were killed the baily of Lorrain, commodore of a ſquadron, and the count de Tholouſe's ſecond; five captains, of which three were knights, a commiſſary of marines, ſix lieutenants, and five ſea enſigns. Among the latter, the marſhal de Chateauregnault's ſon, and the ſieur de Bolem Villers, the count de Tholouſe's gentleman; the count himſelf was wounded in the forehead, ſhoulder, and thigh; the count de Relingnes had his leg ſhot off; the marquis de Herbault, intendant of the fleet; monſieur du Caſſe, commodore of a ſquadron; monſieur de Chateauregnault; the count de Philepaux, the count de Cominges, monſieur de Valincourt, the count de Thouloufe's ſecretary, ſeven captains, eight lieutenants, and about one hundred and fifty other officers were wounded.

to ſhine there, though he had paſſed elſewhere for a man of no very great character) took the town of Sogura by a ſtratagem, and ſo intimidated the governor of Salva-terra, that he delivered up the place without making any defence, and conſented, that himſelf and his garriſon ſhould remain priſoners of war. From Salva-terra the Spaniards advanced farther into the country, and without any reſiſtance made themſelves maſters of Cebreros. Pera Garcia ſtood ſome diſcharges of cannon, and then ſurrendered to count d'Aguilar. The inhabitants of Zebredo abandoned the place at the approach of the Spaniſh troops; and the town of Ihana la Vielia, rejecting the ſummons of don Joſeph Salazar and the marquis de Puyſegur, was ſtormed and carried ſword in hand. About the ſame time, the marquis de Jeoffreville, having entered Portugal on the ſide of Almeida, put ſeveral villages under military execution; the prince Tſercloes de Tilly, having advanced to Aonches, raiſed great contributions round about, whilſt the marquis de Villadarias penetrated into Portugal another way. Theſe uninterrupted ſucceſſes of the Spaniards caſt the Portugueſe into great conſternation; and general Gagel, who was poſted at Caſtel-branco with four Dutch battalions, not thinking himſelf ſafe in that place, retired towards Abrantes with two battalions. The other two he poſted at Sovreira Formoſa, where they were ſoon after attacked by the duke of Berwick, and, after a brave defence, moſt of them taken priſoners, with major-general Welderen. After this ſucceſs, the duke of Berwick paſſed the Tagus, joined another body of Spaniards commanded by prince Tſerclaes de Tilly, and king Philip being arrived in the army, inveſted Portalegre, the inhabitants of which forced the garriſon to ſurrender at diſcretion; and amongſt them an Engliſh regiment of foot commanded by colonel Stanhope. From thence king Philip brought his victorious army before Caſtel-davide, which, though almoſt an open town, yet refuſed to open her gates, the garriſon being encouraged to defend themſelves by the reſolution of the Engliſh regiment of lieutenant-general Stuart, commanded by lieutenant-colonel Huſſey. By this time king Charles and the king of Portugal being come to Santerem, it was reſolved, that the marquis das Minas, governor and general of the arms of the province of Beira, ſhould make an irruption into Spain, and by that diverſion endeavour to draw king Philip's forces from before Caſtel-davide. The marquis having gathered a body of about fifteen thouſand men, marched accordingly towards the Tagus; took by ſtorm a Spaniſh place in Caſtile, called Fuente Grimaldo; defeated a body of French and Spaniards, commanded by don Ronquillo; and made himſelf maſter of Manſeinto. But though king Philip ſent the duke of Berwick with a ſtrong detachment to obſerve the Portugueſe, and it was from thence conjectured, that he would give over the attack of Caſtel-davide; yet the duke of Berwick, finding, that the marquis das Minas did not move forwards, returned ſoon after before Caſtel-davide. Hereupon colonel Huſſey propoſed to the Portugueſe to retire into the caſtle, and defend it to the laſt extremity; but the militia opened the gates to the Spaniards, and ſo the whole garriſon were made priſoners of war. The weather being, by this time, exceedingly hot, king Philip ſent his wearied troops into quarters of refreſhment; and, not thinking it poſſible to preſerve all his conqueſts, ordered his men to abandon them, except Maroan and Salva terra, and to raze the walls of Portalegre, Caſtel-davide, and ſome other towns. About the ſame time the remainder of the Engliſh forces marched from Alentejo in the province of Beira, and the Portugueſe and Dutch into quarters of refreſhment about Pena Major.

Thus affairs went on very unſucceſsfully in Portugal, ſo that it was thought, if the duke of Berwick had followed his advantages, nothing could have hindered his marching to Liſbon. The enemies ſucceſs gave no ſmall uneaſineſs in England, and duke Schomberg, finding his advice had not that weight it deſerved with the Portugueſe, was deſirous to quit a loſing game. Upon which, the queen reſolved to beſtow the command of her forces in Portugal on the earl of Galway; who having accepted of it, more in ſubmiſſion to the queen's command, than out of any great proſpect or hope of ſucceſs, repreſented the neceſſity of augmenting the forces and the train of artillery. All his demands were readily complied with, and four thouſand men ordered to be ſent to Portugal from England and Ireland, the States-General having agreed to ſend thither a proportionable number of their forces. The earl having embarked at Portſmouth on board the Tartar man of war, with ſeveral French engineeers and volunteers, in eight days ſailing, ſafely arrived at Liſbon, where duke Schomberg reſigned to him the command of the Engliſh forces. About a month after, the earl, having reviewed the Portugueſe and auxiliary forces, marched them over the little river Coa, and encamped near Almeida. On the 20th of September, the two kings of Spain and Portugal came to the army with deſign to invade Caſtile; but, when they reached the river Agueda, which they intended to paſs near Caſtel Rodrigo, they found the oppoſite banks ſo well guarded by the Spaniards, commanded by the duke of Berwick, that they did not think it adviſeable to hazard the loſs of their whole army; and ſo, retiring farther into the territories of Portugal, they ſent their troops into winter-quarters. On the other hand, the Spaniards, were ſo weakened by the detachments ſent under the command of the marquis de Villadarias, to attempt the retaking of Gibraltar, that they were contented to defend their own country, and had no thoughts of invading Portugal; ſo that things were quiet on thoſe frontiers all the remaining part of the year.

The Spaniards had drawn all the forces they had in Andaluſia and Eſtremadura together, to retake Gibraltar; and the marquis de Villadarias had with him ſome French troops, with ſome engineers of that nation, who were chiefly relied on, and were ſent from France to carry on the ſiege. This gave ſome diſguſt to the Spaniards, who were ſo abſurd in their pride, that, though they could do nothing for themſelves, and indeed knew not how to ſet about it, yet could not bear to be taught by others, or to ſee themſelves outdone by them. The ſiege was continued for four months, during which time, the prince of Heſſe had many occaſions given him to diſtinguiſh himſelf very eminently, both as to his courage, conduct, and indefatigable application. Convoys came frequently from Liſbon with ſupplies of men and proviſions, which the French were not able to hinder or intercept. Monſieur de Pointis at laſt came with a ſquadron of twenty French ſhips, and lay long in the bay, trying what could be done by ſea, while the place was preſſed by land. Upon that, a much ſtronger ſquadron was ſent from Liſbon, under the command of ſir John Leake and rear-admiral Vander-Daſſon, to relieve the place, and raiſe the ſiege, who arrived in the bay of Gibraltar on the 9th of October. In the mean while, marſhal de Teſſe, who was ſent by the court of France, which was diſſatisfied with the conduct of the marquis de Villadarias, had no better ſucceſs at land than that general; ſo that the enemy was at laſt obliged to raiſe the ſiege.

In Italy the duke of Savoy had a melancholy campaign, loſing place after place; but he ſupported his affairs with great conduct, and ſhewed a firmneſs in his misfortunes, beyond what could have been imagined. Vercelli and Ivrea gave the duke of Vendoſme the trouble of a tedious ſiege: They defended themſelves againſt him as long as poſſible. The duke of Savoy's army was not ſtrong enough to raiſe theſe ſieges; ſo that both places fell at laſt into the enemy's hands. The French had not troops both to carry on the war, and to leave garriſons in thoſe places; for which reaſon they demoliſhed the fortifications. After they had ſucceeded ſo far, they ſat down before Verue in the end of October. The duke of Savoy poſted his army at Creſcentino, over-againſt it, on the other ſide of the Po: He had a bridge of communication; he went often into the place during the ſiege, to ſee and animate his men, and to give the neceſſary orders. The ſick and wounded were carried away, and freſh men put in their ſtead. This ſiege proved the moſt famous of all that had been during the late war: It laſted above five months, the garriſon being often changed, and always well ſupplied. The French army ſuffered much, by continuing the ſiege all the winter; and they were at a vaſt charge in carrying it on. The bridge of communication was, after many unſucceſsful attempts, at laſt cut off; and the duke of Savoy, being thus ſeparated from the place, retired to Chivaz, and left them to defend themſelves as long as they could, which they did beyond what could in reaſon have been expected. He complained much of the emperor's failing to make good his promiſes; but, in a diſcourſe upon that ſubject with her majeſty's envoy, he ſaid, though he was abandoned by his allies, he would not abandon them himſelf.

The people of the Cevennes ſuffered much this ſummer. It was not poſſible to come to them with ſupplies, till matters ſhould go better in Piedmont, of which there was no proſpect. They were adviſed to preſerve themſelves the beſt they could. Marſhal Villars was ſent into the country to manage them with a gentler hand; and the ſevere methods, taken by thoſe formerly employed, being now diſowned, he was ordered to treat with their leaders, and to offer them full liberty to ſerve God in their own way without diſturbance. They generally inclined to hearken to this, for they had now kept

kept themſelves in a body much longer than was thought poſſible in their low and helpleſs ſtate. Some of them capitulated, and took ſervice in the French army; but, as ſoon as they came near the armies of the allies, they deſerted, and went over to them; ſo that, by all this practice, the fire was rather covered at preſent than extinguiſhed [k].

The diſorders in Hungary had a deeper root and a greater ſtrength. It was hoped, that the ruin of the elector of Bavaria would have quite diſheartened the malecontents, and have diſpoſed them to accept of reaſonable terms, if the emperor could have been prevailed upon to offer them frankly, and immediately upon their firſt conſternation, after the conqueſt of Bavaria. There were great errors in the government of that kingdom. By a long courſe of oppreſſion and injuſtice, the Hungarians were grown intractable; they ſaw they were both hated and deſpiſed by the Germans. The court of Vienna ſeemed to conſider them as ſo many enemies, who were to be depreſſed in order to their being extirpated; upon any pretence of plots, their perſons were ſeized on, and their eſtates confiſcated. The jeſuits were believed to have a great ſhare in all theſe contrivances and proſecutions; and it was ſaid, that they purchaſed the confiſcated eſtates upon very eaſy terms. The nobility of Hungary ſeemed irreconcileable to the court of Vienna. On the other hand, thoſe of that court, who had thoſe confiſcations aſſigned them, and knew, that the reſtoring theſe would certainly be inſiſted on as a neceſſary article in any treaty that might follow, did all they could to obſtruct ſuch a treaty. It was viſible, that Ragotzki, who was at their head, aimed at the principality of Tranſylvania; and it was natural for the Hungarians to look on his arriving at that dignity, by which he could aſſiſt and protect them, as the beſt ſecurity they could have. On the other hand, the court of Vienna, being poſſeſſed of that principality, would not eaſily part with it. In the midſt of all this ferment, a revolution happened in the Turkiſh empire. A new ſultan was ſet up, ſo that all things were now at a ſtand, till it might be known what was to be expected from him. They were ſoon delivered from this anxiety, for he ſent a Chiaus to the court of Vienna to aſſure them, that he would give no aſſiſtance to the malecontens. That court, being freed from thoſe apprehenſions, reſolved to carry on the war in Hungary as vigorouſly as they could. This was imputed to a ſecret practice from France on ſome of that court; and there were ſo many concerned in the confiſcations, that every propoſition that way was powerfully ſupported. Thus Italy was neglected, and the ſiege of Landau was ill-ſupported, their chief ſtrength being employed in Hungary. Yet, when the miniſters of the allies preſſed the opening a treaty with the malecontents, the emperor ſeemed willing to refer the arbitration of that matter to his allies. But, though it was fit to ſpeak in that ſtyle, yet no ſuch thing was deſigned. A treaty was opened, but when it was known, that Zeiher had the chief management of it, there was no reaſon to expect any good effect. He was born a proteſtant, a ſubject of the Palatinate, and was often employed by the elector Charles Lewis to negotiate affairs at the court of Vienna. He, ſeeing a proſpect of riſing in that court, changed his religion and became a creature of the jeſuits, and adhered ſteadily to all their intereſts. He managed that ſecret practice with the French in the treaty of Ryſwick, by which the proteſtants of the Palatinate ſuffered ſo conſiderable a prejudice. The treaty in Hungary ſtuck at the preliminaries, for indeed neither ſide was then inclined to treat. The malecontents were ſupported by France. They were routed in ſeveral engagements, but theſe were not ſo conſiderable as the court of Vienna gave out in their public news. The malecontents ſuffered much in them, but came ſoon together again, and they ſubſiſted ſo well by the mines, of which they had poſſeſſed themſelves, and the incurſions they made, and the contributions they raiſed from the emperor's ſubjects, that, unleſs the war was carried on more vigorouſly, or a peace offered more ſincerely, that kingdom was long like to be a ſcene of blood and rapine.

So likewiſe was its neighbouring kingdom of Poland. It was hoped, that the talk of a new election was only a loud threatning, to force a peace ſooner; but it proved otherwiſe. A dyet was brought together of thoſe, who were irreconcileable to king Auguſtus; and, after many delays, Staniſlaus Leezinkſki, Palatine of Poſnania, was choſen and proclaimed their king, and he was immediately owned by the king of Sweden. The cardinal primate ſeemed at firſt unwilling to agree to this; but he ſuffered himſelf to be forced into it; and this was believed to be an artifice of his to excuſe himſelf to the court of France, whoſe penſioner he was, and to whom he had engaged to carry the election for the prince of Conti. The war was carried on this year with various ſucceſs on both ſides. King Auguſtus made a quick march to Warſaw, where he ſurprized ſome of Staniſlaus's party, the latter eſcaping narrowly himſelf. But the king of Sweden followed ſo cloſely, that, not being able to fight him, king Auguſtus was obliged to retreat into Saxony, where he continued for ſome months. There he ruined his own dominions, by the great preparations he made to return with a mighty force; but his delays induced many to forſake his party; for it was given out, that he would return no more, and that he was weary of the war, which he had good reaſon to be. Poland, in the mean while, was in a moſt miſerable condition. The king of Sweden ſubſiſted his army in it, and his temper grew daily more fierce and gothic. He was reſolved to make no peace, till Auguſtus was driven out; but, in the mean time, his own country ſuffered greatly. Livonia was deſtroyed by the Muſcovites who had taken Narva, and made ſome progreſs in Sweden. The pope eſpouſed the intereſts of king Auguſtus; for to ſupport a new convert of ſuch importance was thought a point worthy the zeal of that ſee. He therefore cited the cardinal primate to appear at Rome, and to give an account of the ſhare he had in all the war. The pope was now wholly in the French intereſt, and maintained the character, which they pretend to, of a common father, with ſo much partiality, that the emperor himſelf, how tame and ſubmiſſive ſoever to all the impoſitions of that ſee, yet could not but make loud complaints of it. The pope had threatned, that he would thunder out excommunications againſt all thoſe troops, which ſhould continue in his dominions. The emperor was ſo implicit in his faith, and ſo ready in his obedience, that he ordered his troops to retire out of the eccleſiaſtical ſtate; but all the effect this had, was to leave that ſtate entirely in the hands of the

[k] Colonel Cavallier, their principal leader, in his 'Memoirs of the wars of the Cevennes,' B. IV. tells us, that the whole country was now reduced to a deſart, an hundred boroughs and villages plundered and burnt, the priſons full of proteſtants, and the ſuccours, which had been promiſed two years before from England, not come, when marſhal de Villars arrived in the province with freſh troops. The firſt thing he did after his arrival was to give notice to Cavallier, that, if he would come to any agreement, and lay down his arms, the marſhal had orders from the king to grant all his juſt demands; but, if Cavallier ſhould refuſe, the proteſtants ſhould expect no favour. At laſt, after a conference between the marſhal and Cavallier, the latter in conjunction with his friends drew up articles in behalf of the proteſtants of the Cevennes, which were ſigned by the marſhal and monſieur de Boſville, intendant of Languedoc, in the king's name, on the one part, and by Cavallier and his lieutenant Billiard, on the other; and were as follow:

'The humble requeſt of the proteſtants, in the province of Languedoc to his majeſty.'

I. That his majeſty be pleaſed to grant us liberty of conſcience in all the province, and to hold religious aſſemblies in ſuch country-places, as they ſhall think convenient, and not in cities or walled towns.

'Granted, provided they do not build churches.'

II. That all ſuch, as are detained in the gallies, only on account of religion, ſince the revocation of the edict of Nantes, be ſet at liberty in ſix weeks after the date thereof.

'Granted.'

III That all, who have left the kingdom on account of religion, ſhall have free liberty to return, and be reſtored to their eſtates and privileges.

'Granted, on condition they take the oath of allegiance to the king.'

IV. That the parliament of Languedoc ſhall be eſtabliſhed on its ancient foot, and reſtored to its privileges.

'The king will adviſe.'

V. That no capitation-tax ſhall be paid by the province, during the ſpace of ten years.

'Refuſed.'

VI. That we ſhall have the cities of Montpellier, Cette, Perpignan, and Aiguemortes, as cautionary towns.

'Refuſed.'

VII. That the inhabitants of the Cevennes, whoſe houſes have been burnt in the wars, ſhall pay no impoſts for the term of ſeven years.

'Granted.'

VIII. That out of a body of two thouſand of thoſe, who were actually with monſieur Cavallier, and ſuch as ſhall be delivered out of the ſeveral priſons, he ſhall raiſe a regiment of dragoons to ſerve in Portugal; and that he ſhall receive his orders from the king.

'Granted, provided the remainder lay down their arms, that the king will permit them to live undiſturbed, in the exerciſe of their religion.'

By virtue of a full power we have received from his majeſty, we have granted the above articles to the new converts of the province of Languedoc.

Given at Niſmes, the 17th of May, 1704.

The Marſhal de Villars.
Lamoignon de Boſville.

J. Cavallier.
Dan. Billiard.

But whether theſe articles were ever laid before the king, or only before his miniſters, colonel Cavallier was not able to determine; but it is certain, they were very little obſerved in favour of the proteſtants.

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French, againſt whom the pope did not think fit to fulminate, though he pretended ſtill, that he would maintain a neutrality; and both the Venetians and the great duke adhered to him in that reſolution, and continued neutral during the war.

After this view of the ſtate of affairs abroad, it is time to return to England, where, on the 29th of October, the parliament met at Weſtminſter, according to the laſt prorogation; and the queen, being come to the houſe of peers, made the following ſpeech to both houſes:

"My Lords and Gentlemen,

"THE great and remarkable ſucceſs, with which God bleſſed our arms in this ſummer, has ſtirred up our good ſubjects in all parts of the kingdom, to expreſs their unanimous joy and ſatisfaction; and I aſſure myſelf, you are all come diſpoſed to do every thing, that is neceſſary for the effectual proſecution of the war, nothing being more obvious, than that a timely improvement of our preſent advantages will enable us to procure a laſting foundation of ſecurity for the liberty of Europe. This is my aim. I have no intereſt, nor ever will have but to promote the good and happineſs of all my ſubjects.

"Gentlemen of the houſe of commons,

"I muſt deſire ſuch ſupplies of you, as may be requiſite for carrying on the next year's ſervice both by ſea and land, and for punctually performing our treaties with all our allies, the rather, for that ſome of them have juſt pretenſions depending ever ſince the laſt war; and I need not put you in mind, of what importance it is to preſerve the public credit, both abroad and at home.

"I believe you will find ſome charges neceſſary next year which were not mentioned in the laſt ſeſſion, and ſome extraordinary expences incurred ſince, which were not then provided for.

"I aſſure you, that all the ſupplies you give, with what I am able to ſpare from my own expences, ſhall be carefully applied to the beſt advantage for the public ſervice: And I earneſtly recommend to you a ſpeedy diſpatch, as that, which, under the good providence of God, we muſt chiefly depend upon to diſappoint the earlieſt deſigns of our enemies.

"My Lords and Gentlemen,

"I cannot but tell you how eſſential it is for attaining thoſe great ends abroad, of which we have ſo hopeful a proſpect, that we ſhould be entirely united at home.

"It is plain, our enemies have no encouragement left, but what ariſes from their hopes of our diviſions. It is, therefore, your concern not to give the leaſt countenance to thoſe hopes.

"My inclinations are to be kind and indulgent to you all. I hope you will do nothing to endanger the loſs of this opportunity, which God has put into our hands, of ſecuring ourſelves and all Europe; and that there will be no contention among you, but who ſhall moſt promote the public welfare.

"Such a temper as this, in all your proceedings, cannot fail of ſecuring your reputation both at home and abroad.

"This would make me a happy queen, whoſe utmoſt endeavours would never be wanting to make you a happy and flouriſhing people."

The two houſes immediately voted congratulatory addreſſes; and, the next day, the following one was preſented by the lords.

"WE your majeſty's moſt dutiful and loyal ſubjects the lords ſpiritual and temporal in parliament aſſembled, beg leave to return our humble and hearty thanks to your majeſty for your moſt gracious ſpeech to your parliament.

"The kindneſs and indulgence your majeſty hath expreſſed for all your ſubjects; your care to create a perfect union among us, by forewarning us of the miſchiefs of diviſions; your goodneſs in declaring your own happineſs to depend upon that of your people; your deſire to ſee that happineſs ſettled upon a laſting foundation; your ſtrict regard to treaties; your juſtice to public engagements, abroad as well as at home; and, your noble concern for the ſupport of the liberties of Europe, comprehend all the royal qualities, that can be deſired in a ſovereign; and when they are all ſo manifeſtly united in your royal perſon, we, and the whole nation, ſhould be inexcuſable to God and the whole world, to this age and to poſterity, if we ſhould not endeavour effectually to accompliſh all thoſe great and excellent deſigns, which your majeſty hath ſo wiſely and graciouſly recommended.

"We, for ourſelves, faithfully aſſure your majeſty, that we will do all all in our power to bring this ſeſſion to a happy and ſpeedy concluſion, and to improve, to the utmoſt, the bleſſed opportunity that God hath put into our hands.

"Upon this occaſion of approaching your majeſty, we deſire humbly to congratulate the great and glorious ſucceſs of your majeſty's arms, in conjunction with thoſe of your allies, under the command of the duke of Marlborough. We can never enough admire your wiſdom and courage, in ſending that ſeaſonable and neceſſary aſſiſtance to the empire; and we cannot too much commend the ſecrecy and bravery, with which your orders were executed.

"What remains for us to do, is, to beſeech God, that the like ſucceſs may attend your majeſty's arms, till you ſee the proteſtant religion, and the liberty of Europe, ſettled upon a firm and laſting foundation; and that your majeſty may live many years, to have the pleaſure and glory of beholding thoſe parts of the world happy in the enjoyment of thoſe bleſſings, which your majeſty ſhall have procured for them."

To this the queen anſwered, "I am very ſenſible of the great duty and affection you have expreſſed in the ſeveral particulars of this addreſs; and I return you my hearty thanks for your congratulation of our great ſucceſs, and for the aſſurances of your readineſs to concur in proſecuting it effectually."

The addreſs preſented by the commons, the ſame day, was thus expreſſed:

Moſt gracious ſovereign,

"WE your majeſty's moſt dutiful and loyal ſubjects, the knights, citizens, and burgeſſes in parliament aſſembled, do beg leave to return to your majeſty our moſt humble and hearty thanks for your majeſty's moſt gracious ſpeech from the throne; and to congratulate your majeſty upon the great and glorious ſucceſs, with which it hath pleaſed God to bleſs your majeſty in the entire defeat of the united force of France and Bavaria, by the arms of your majeſty and your allies, under the command, and by the courage and conduct of the duke of Marlborough; and in the victory obtained by your majeſty's fleet, under the command, and by the courage of ſir George Rooke.

"Your majeſty can never be diſappointed in your expectation from us, your faithful commons, who all come diſpoſed to do every thing neceſſary for the effectual proſecution of the war; and therefore your majeſty may depend upon our providing ſuch ſupplies, and giving ſuch ſpeedy diſpatch to the public buſineſs, as may enable your majeſty to purſue theſe advantages ſo happily obtained over the common enemy, which we can never doubt but your majeſty's wiſdom will improve to the procuring a laſting ſecurity for England, and a firm ſupport for the liberty of Europe.

"We are truly ſenſible, that nothing can be more eſſential for the attaining thoſe great ends, than to be entirely united at home. We ſhall therefore uſe our utmoſt endeavours, by all proper methods, to prevent all diviſions among us, and will have no contention, but who ſhall moſt promote and eſtabliſh the public welfare both in church and ſtate. Thus your majeſty's reign will be made happy, and your memory bleſſed to all poſterity."

The queen "returned them thanks for the aſſurances they gave her of diſpatching the ſupplies, and avoiding all diviſions; both which, as they were extremely acceptable to her, ſo they would be advantageous to themſelves, and beneficial to the public."

The lords' addreſs was univerſally applauded; but that of the commons gave great offence, particularly, becauſe it ſpoke in the ſame terms of the duke of Marlborough's victories and the advantages gained by ſir George Rooke[1]. It

[1] The ducheſs of Marlborough in the 'Account of her conduct' (p. 146.) makes the following obſervation on this occaſion: My lord of Marlborough before he had had ſufficient opportunity of ſhewing the greatneſs of the general, had, for his firſt ſucceſſes in the war, been complimented by this very houſe of commons, as the 'retriever of the glory of the Engliſh nation,' being then reputed a high-churchman. But now, that he was thought to look towards the moderate party, his 'complete victory' at Blenheim was, in the addreſs of congratulation to the queen, ridiculouſly paired with ſir George Rooke's 'drawn battle' with the French at ſea.

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was alſo obſerved, that the promiſe, which they made to the queen, 'of uſing their utmoſt endeavours to prevent all diviſions,' was in a manner reſtrained by the addition of 'all proper methods,' which many looked upon as ominous.

However, after the commons had taken the ſervices of the army and navy into conſideration, and, by an unanimous vote, on the 2d of November, deſired the queen 'to beſtow her bounty upon the ſeamen and land forces, who had behaved themſelves ſo gallantly,' they proceeded to the ſupply. The ſeveral ſums they granted for the navy, the army, and other neceſſary expences, amounted to four millions, ſix hundred and ſeventy thouſand, four hundred and eighty-ſix pounds; which they reſolved to levy by a land tax of four ſhillings in the pound, by continuing the duties on malt, by raiſing eight hundred and ſeventy-ſeven thouſand, nine hundred and thirty one pounds, by ſale of annuities, and by ſeveral other ways and means. They made ſo great a diſpatch, that, on the 9th of December, the land tax bill received the royal aſſent, on which occaſion the queen made a ſhort ſpeech to both houſes, wherein, in particular, ſhe returned thanks to the commons for their early diſpatch of ſo great a part of the neceſſary ſupplies, which ſhe looked upon to be a ſure pledge of their affections for her ſervice.

It was generally wiſhed, and indeed expected, in the court, as well as in the city and country, that the 'bill to prevent occaſional conformity,' which was the occaſion of great diviſions and conteſts in the two former ſeſſions of this parliament, would not have been revived again at this juncture, when all parties ought to have ſuſpended their animoſities, and joined in celebrating the ſucceſſes of her majeſty's arms. But, notwithſtanding all the endeavours uſed by the miniſtry to engage the leading men of the high church party to reſtrain their zeal, till they might have an opportunity of gratifying it, without obſtructing the public buſineſs, the parliament had not ſat long, before Mr. William Bromley moved in the houſe of commons for leave to bring in that bill. This motion met with great oppoſition from all the moderate party, among whom appeared many courtiers, particularly Mr. Henry Boyle, chancellor of the Exchequer, who ſpoke ſtrenuouſly againſt it. But, though it was carried in the affirmative, yet the chief of the high church party debated ſeveral days in their private aſſemblies, Whether they ſhould bring in the bill or not? Though many urged ſtrong reaſons for the negative, yet the bill was brought in, but moderated in ſeveral clauſes; for thoſe, who preſſed it, were now reſolved to bring the terms as low as poſſible, in order once to carry a bill upon that head. Upon the firſt reading of it, after a warm debate, the queſtion was carried for a ſecond reading. This vigorous ſtruggle againſt the bill, even in the houſe of commons, made the patrons of it juſtly apprehenſive, that it would never paſs by itſelf through the lords; and therefore, after a long conſultation in their chief meeting, and (as was then whiſpered) by the ſuggeſtion of Mr. ſecretary Harley, in whom they ſtill repoſed great confidence, but who deſigned to decoy them into a ſnare, they reſolved to attempt the tacking of it to the land tax bill. Accordingly, on the ſecond reading of the 'occaſional bill,' Mr. Bromley made a long ſpeech, wherein, among other things, he urged, "That the practice of 'occaſional conformity' was ſuch a ſcandalous hypocriſy, as was no way to be excuſed upon any pretence whatſoever. That it was condemned even by the better ſort of diſſenters themſelves. That the employing perſons of a different religion from that eſtabliſhed by law had never been practiſed by any wiſe government, and was not allowed even in Holland. That the ſacramental teſt was appointed by the wiſdom of the legiſlature to preſerve the eſtabliſhed church; which church ſeemed in as much danger from the diſſenters at this time, as it was from papiſts, when the act was made. That this law, being ſo neceſſary, and having been twice refuſed in the houſe of lords, the only way to have it paſs, was to tack it to a money bill. That it had been an antient practice to tack bills, that were for the good of the ſubject, to money bills, it being reaſonable, that, while grievous taxes were laid upon the ſubject for the ſupport of the crown, the crown ſhould, in return, paſs ſuch laws, as were for the benefit of the people. That the great neceſſity there was for the money bill's paſſing, was rather an argument for than againſt this proceeding. For what danger could there be, that the lords, who pretended to be ſuch great patriots, ſhould rather loſe the neceſſary ſupplies, than paſs an act ſo requiſite for the preſervation of the church. That, however, if they ſhould ſuppoſe them ſo unreaſonable, the matter was not yet ſo bad, for it was only but proroguing the parliament for a few days, and then the commons might paſs the land tax again without the tack." He concluded with moving, "That the 'bill to prevent occaſional conformity' might be tacked to the land tax bill." This motion occaſioned a long and warm debate. The deſign of the party was, that the lords ſhould be put under a great difficulty; ſince if they ſhould untack the bill, and ſeparate one from the other, then the houſe of commons would have inſiſted on a maxim, which was now ſettled among them as a fundamental principle never to be departed from, that the lords cannot alter a money bill, but muſt either paſs it or reject it, as it is ſent to them.—On the other hand, the lords could not agree to any ſuch tack, without departing from that ſolemn reſolution, which was in their books ſigned by moſt of them, never to admit of a tack to a money bill; and, if they yielded now, they taught the houſe of commons the way to impoſe any thing on them at their pleaſure. The party in the commons put their whole ſtrength on the carrying this point. They went farther in their deſign; that, which was truly aimed at by thoſe in the ſecret, was to break the war, and to force a peace. They knew, that a bill with this tack could not paſs in the houſe of peers; for ſome lords even of their own party confeſſed, that they would never paſs it in that manner. By this means money would be ſtopped; and this would throw all matters into great confuſion both at home and abroad, and diſpoſe the allies, as deſpairing of any help from England, to accept of ſuch terms as France would offer them. Thus an artful deſign was formed to break, or at leaſt to ſhake, the whole alliance. The court was very apprehenſive of this, and the lord treaſurer Godolphin oppoſed it with much zeal. The party diſowned the deſign for ſome time, till they had brought up their whole ſtrength, and thought they were ſure of a majority. The debate held long: Thoſe, who oppoſed the tacking, urged, that it was a change of the whole conſtitution, and was in effect turning it into a commonwealth, for it imported the denying, not only to the lords, but to the crown, the free uſe of their negative in the legiſlature. If this was once ſettled, then, as often as the public occaſions made a money bill neceſſary, every thing, which the majority in the commons had a mind to, would be tacked to it. It is true, ſome tacks had been made to money bills in king Charles's time; but even thoſe had ſtill ſome relation to the money which was given. But in this caſe a bill, whoſe operation was only for one year, and which determined as ſoon as the four ſhillings in the pound were paid, was to have a perpetual law tacked to it, which muſt continue in force, after the greateſt part of the act was expired. Beſides theſe arguments, Mr. ſecretary Hedges and the lord Cutts repreſented to the houſe, that the duke of Marlborough had lately concluded a treaty with the king of Pruſſia for eight thouſand of his men, to be employed towards the relief of the duke of Savoy, who was in moſt imminent danger. That theſe troops were actually on their march, upon the credit of a vote of that houſe, That they would make good her majeſty's treaties: And that the obſtructing the money bills, which the tacking would infallibly do, would put an immediate ſtop to the march of thoſe troops, and thereby occaſion the entire ruin of the duke of Savoy. The lord Cutts urged, "That the Engliſh nation was now in the higheſt conſideration abroad: That all Europe was attentive to the reſolutions of this parliament; and that, if any diviſions ſhould happen between the two houſes, it would caſt a damp upon the whole confederacy, and give the French king almoſt as great advantage, as we had gained over him at Blenheim." Mr. Boyle, chancellor of the exchequer, ſpoke on the ſame ſide, and aſked, Whether any wiſe man amongſt them would venture his whole eſtate upon a vote? And anſwering himſelf in the negative, 'Then, added he, ſhall we now venture the ſafety of all England, nay, of all Europe, upon this vote?' ſir John Hollis perceiving, that many members had left the high church party, obſerved, "That for his own part, he had been againſt this bill from the beginning, but he wondered, that thoſe gentlemen, who had all along pretended, that the church of England was on the brink of ruin, unleſs ſuch a bill ſhould paſs, did not purſue the only method, that might ſecure the paſſing of that bill. I put it (added he) to the conſcience of thoſe gentlemen, who are come over to us, whether they were before ſatisfied, as to the reaſonableneſs and neceſſity of this bill, ſince now they deſert their own friends? I wiſh they had voted on our ſide two years ago, for it would have ſaved us a great deal of trouble, the greateſt part of the nation a great deal of uneaſineſs, and themſelves the confuſion of abandoning their party at a pinch."

Sir Thomas Littleton ſpoke on the ſame ſide, and ſaid, "By the tacking of this bill, we mean to throw a neceſſity upon the lords to paſs it. But ſuppoſe the lords think fit to untack what we have tacked, and to acquaint us that they

are ready to paſs the money-bill, but will conſider of the other; whoſe fault will the nation account it to be, that the queen's buſineſs is retarded?" In anſwer to all theſe objections, ſome precedents were alledged, and the neceſſity of the bill for the preſervation of the church was urged, which they ſaw was not like to paſs, unleſs ſent to the lords ſo accompanied; which ſome thought was very wittily expreſſed by calling it a portion annexed to the church, as in a marriage; and they ſaid, they did not doubt but thoſe of the court would exert themſelves to get it paſſed, when it was accompanied with two millions as its price. Upon the diviſion, the tack was rejected by a majority of two hundred and fifty-one voices againſt one hundred and thirty-four.

Thus that deſign was loſt by thoſe, who had built all their hopes upon it, and were now highly offended with ſome of their own party, who had, by their oppoſition, wrought themſelves into good places, and forſook that intereſt, to which they owed their advancement. Theſe, to redeem themſelves with their old friends, ſeemed ſtill zealous for the bill, which afterwards went on coldly and ſlowly in the houſe of commons, for they loſt all hopes of carrying it in the houſe of lords, now that the mine they had laid was ſprung. However, it was ſent up on the 14th of December; and, the next day, it was read for the firſt time. If the queen had not been preſent, there would have been no long debate on that head, for it was ſcarce poſſible to ſay much, that had not been formerly ſaid; but to give her majeſty full information, ſince it was ſuppoſed that ſhe had heard that matter only on one ſide, it was reſolved to open the whole in her hearing. The topics moſt inſiſted on were, the quiet, that the nation enjoyed by the toleration, on which head the ſeverities of former reigns were laid open, both in their injuſtice, cruelty, and their being managed only to advance popery, and other bad deſigns. The peaceable behaviour of the diſſenters, and the zeal they expreſſed for the queen and her government, were likewiſe copiouſly ſet forth, while others ſhewed a malignity to it. That, which was chiefly urged, was, that every new law made in the matter altered the ſtate of things from what it was, when the act for toleration firſt paſſed. This gave the diſſenters an alarm: They might from thence juſtly conclude, that one ſtep would be made after another, till the whole effect of that act ſhould be overturned. It did not appear, from the behaviour of any among them, that they were not contented with the toleration they enjoyed, or that they were carrying on deſigns againſt the church. In that caſe it might be very reaſonable to look for a further ſecurity; but nothing tending that way was ſo much as pretended: All went on jealouſies and fears, the common topics of ſedition. On the other hand, to ſupport the bill, all ſtories were brought up to ſhew, how reſtleſs and unquiet that ſort of men had been in former times. The archbiſhop of York declared, "That he was for ſo much of the bill as concerned the church." Whereupon the earl of Peterborough ſaid, "That he was glad to hear that learned prelate make a diſtinction between the 'eccleſiaſtical' and 'political' part of the bill; and he hoped, that all the lords, who, in their conſciences, were ſatisfied, as his grace ſeemed to be, that this bill was framed to ſerve a 'temporal,' as well as 'ſpiritual' end, would vote againſt it." The queſtion being put, whether the bill ſhould be read a ſecond time, it was carried in the negative by a majority of ſeventy-one voices againſt fifty; fifty-one members preſent, and twenty proxies, being for rejecting it; and thirty-three peers in the houſe, and ſeventeen proxies, for giving it a ſecond reading.

By this time the lords were engaged in an affair, which made no leſs noiſe than the 'Conformity-bill,' and was occaſioned by a ſpeech of lord Haverſham; his lordſhip having acquainted the peers, that he had matters of great importance to lay before them, but that he deſired it ſhould be in a full houſe; all the lords in the town and in the neighbourhood were ſummoned to attend three days after, when his lordſhip made a ſpeech, of which theſe are the moſt remarkable paſſages:

"I would be far from detracting or leſſening any man's juſt praiſe, and do really believe that the 'wonderful victory' obtained over the French, under the conduct and command of prince Eugene and the duke of Marlborough, if conſidered in all its circumſtances, ſpecially the unuſual ſecreſy, with which the orders were executed, is the greateſt any hiſtory can ſhew us.

"And, though our ſucceſs at ſea was not equal to what it was at land, yet the Engliſh courage and bravery ſhewed itſelf the ſame. I cannot indeed congratulate ſir George Rooke's 'entire victory over the French;' but I can, and do moſt heartily, his 'ſafe deliverance' from them.

"Let our victories be what they will aſhore, while France is thus powerful at ſea, and more ſo daily, not only by her new additions, but by our too eaſy conceſſions, as were thoſe of St. Chriſtopher's, Newfoundland, and Hudſon's-Bay; while our trade is thus neglected, and your lordſhips faithful and provident advice baffled by the dark counſels of no body knows who; England, in my opinion, can never be ſafe.

"Another thing, that I ſhall take notice of, is the 'preſent ſtate of the coin;' and I dare venture to ſay, that, if ſuch vaſt exportations be much longer continued and allowed, we ſhall have very little left at home. France may be beaten, but England muſt be beggared. I know we are not ſo ſenſible of this, becauſe there is a paper-money now current; but, ſhould there ever happen to be a ſtop there, I pray God preſerve us from ſinking all at once.

"The laſt thing, that I ſhall mention to your lordſhips, is in relation to Scotland. I think I need but lay before your lordſhips the true matter of fact to convince you how much it deſerves your conſideration. A little before the laſt ſitting down of the parliament there, it was thought neceſſary to make ſome alteration in that miniſtry; and accordingly ſome were diſplaced to make room for others, taking ſome from each party, who might influence the reſt. Things being thus prepared, and a 'motly miniſtry' ſet up, the parliament met about the 6th of July laſt. And, though the ſucceſſion to the crown in the proteſtant line was the main thing recommended with the greateſt earneſtneſs by the queen in her letter to them, yet was it ſo poſtponed and baffled, that at length it came to nothing; partly, becauſe the miniſtry was ſo weak and divided, that, inſtead of doing every thing, they could do nothing; and partly, from a received opinion, that the ſucceſſion itſelf was never ſincerely and cordially intended, either by the miniſtry there, or by thoſe, that managed the Scots affairs here.

"This is very evident; for, at the opening of the ſeſſion, my lord ſecretary himſelf diſtinguiſhes between a 'ſecret' and 'revealed will.' And not only that, but upon the fourth 'ſederunt' (as they call it) a motion was made for 'a bill of excluſion;' I take it formally to be ſo, though it bears the title of 'an act of ſecurity,' which was read the firſt time on the 7th, and ordered to lie on the table till they heard from England; and, on the 10th, it paſſed into a law. Now can any reaſonable man believe, that thoſe, who promoted a bill of excluſion there, or thoſe, who here adviſed the paſſing of it, could ever be really and cordially for the Engliſh ſucceſſion. I know there is an exception in the act itſelf; but it is ſuch a one, as might have, full as well, been left out. For he, that aſks what, he knows before, will never be granted, only aſks the denial. And yet this is not all, but in this very bill of excluſion, as I call it, all the heretors and boroughs are not only allowed, but ordained (as the word is) to be armed, and to exerciſe their fencible men once every month.

"This being the fact (and, I think, I have ſtated it very truly) ſurely, my lords, it is what deſerves your conſideration; and I ſhall make but one or two obſervations to your lordſhips. There are two matters of all troubles; much diſcontents, and great poverty; and whoever will now look into Scotland, will find them both in that kingdom. It is certain, the nobility and gentry of Scotland are as learned and as brave as any nation in Europe can boaſt of; and theſe are generally diſcontented. And as to the common people, they are very numerous and very ſtout, but very poor. And who is the man, that can anſwer what ſuch a multitude, ſo armed, ſo diſciplined, with ſuch leaders, may do, eſpecially ſince opportunities do ſo much alter men from themſelves? And there will never be wanting all the promiſes and all the aſſiſtance France can give.

"Beſides this, my lords, I take it to be of the laſt danger to England, that there ſhould be the leaſt ſhadow or pretence of a neceſſity to keep up regular and ſtanding troops in this kingdom in time of peace; for I ſhall always be of the ſame opinion, that what has been, may be. In ſhort, my lords, I think every man wiſhes theſe things had not been; and in my opinion, there is no man, but muſt ſay, they ſhould not have been. I ſhall end with an advice of my lord Bacon's. 'Let men, ſays he, beware how they neglect or ſuffer matter of troubles to be prepared; for no man can forbid the ſparks that may ſet all on fire."

The lords were variouſly affected with this ſpeech; which, though generally approved, as to that part of it which related to the Scots affairs, yet was it no leſs unwelcome than unexpected to ſee the preſent miniſtry reflected upon, to whoſe counſels and management the nation owed its proſperity at home, and, in great meaſure, its ſucceſſes abroad. And beſides,

London, Engraved for Harrison's Edition of Rapin's History of England

Charles Mordaunt,
Earl
of Peterborough.

G.. Kneller pinx.t

G.. Noble Sculp.t

In the Possession of
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beſides, ſome peers thought it derogatory to the duke of Marlborough, that prince Eugene ſhould be named before him in the mention of an action, in which that prince acted but a ſecond part. However, this ſpeech was ſeconded by the earls of Rocheſter and Nottingham; the former particularly lamenting the ill conſequences of the exportation of the coin, and inſiſting on the neceſſity of putting a ſtop to that evil. The lord-treaſurer, who took this to be an oblique reflection on himſelf, ſaid, "That, though it would not be difficult to demonſtrate, that there never was ſo great a plenty of money in England, as at preſent, yet there was a ſure way to increaſe that plenty, and prevent the exportation of coin, and that was by clapping up a peace with France. But then, addded he, I leave it to the conſideration of any wiſe man, whether we ſhall not thereby be ſhortly in danger of loſing, not only all our coin, but all our land to boot."

The Scots buſineſs being the moſt material part of the lord Haverſham's ſpeech, the 29th of November was appointed to conſider of it, upon which day the queen went to the houſe of peers, both to hear the debates about the important point, and to moderate by her preſence any heats, which might ariſe[m]. This, however, had not all the deſired effect; for the earl of Nottingham, having reflected on king William with relation to the treaty of partition, the lord Somers roſe up and ſaid, "That it was unbecoming a member of that houſe to ſully the memory of ſo great a prince; and he doubted not, but a man, who could reflect on king William before his ſucceſſor, would do the ſame by her preſent majeſty, when ſhe was gone." As to the treaty mentioned by the earl of Nottingham, he added, "That there was a noble lord there preſent (meaning the earl of Jerſey) who was the principal agent and plenipotentiary in that treaty, and whoſe duty, as well as intereſt, it was to vindicate both the memory of his late moſt gracious maſter and his own conduct." In the mean time the lord Mohun conſulted with ſeveral peers, whether they ſhould move to ſend the earl of Nottingham to the Tower. But, this being the firſt time the queen did the houſe the honour of coming to hear their debates, they thought fit to decline that motion out of reſpect to her majeſty As to the main buſineſs of the day, the earls of Nottingham and Rocheſter urged the ill conſequences of the 'act of ſecurity' paſſed in Scotland: And it being anſwered, That the ſame was granted, to prevent the danger of a rebellion in that kingdom, it was replied, "That, if the Scots had rebelled, they would have rebelled without arms; whereas, if they had a mind to rebel now, this act had legally ſupplied them with neceſſaries to ſupport their rebellion." The more moderate repreſented, That, like ſkilful phyſicians and wiſe legiſlators, they ought rather to apply preſent remedies to a known evil, than to loſe time in enquiring, whether or no it might have been prevented. It was after much declaiming moved, That the lords might paſs ſome votes upon the Scots act. The tories, who preſſed this, intended to add a ſevere vote againſt all thoſe, who had adviſed it; and it was viſible at whom this was aimed. The whigs diverted this: They ſaid, that the putting a vote againſt an act paſſed in Scotland looked like the claiming ſome ſuperiority over them, which ſeemed very improper at that time; ſince that kingdom was poſſeſſed with a national jealouſy on this head, which would be much increaſed by ſuch a proceeding. More moderate methods were therefore propoſed, in order to the making up of a breach in this iſland, with which it ſeemed to be threatned: and, at laſt, the grand committee of the peers came to theſe reſolutions, "That the beſt method to prevent the inconveniencies, which might happen by the late acts paſſed in Scotland, was by making ſuch laws here for that purpoſe: That the queen be enabled by act of parliament, on the part of England, to name commiſſioners to treat about an union with Scotland, provided, that theſe powers be not put in execution, till commiſſioners ſhould be named on the part of Scotland by the parliament there. That Scotſmen ſhould not enjoy the privileges of Engliſhmen, except ſuch as are ſettled in this kingdom, in Ireland, and the plantations, and ſuch as are or ſhall be in our land or ſea-ſervice, until an union be had, or the ſucceſſion ſettled as in England. That the bringing of cattle from Scotland into England be prevented. That the lord admiral or commiſſioners of the admiralty, for the time being, be required to give orders to her majeſty's ſhips, to take ſuch ſhips, as they ſhall find trading from Scotland to France, or to the ports of any of her majeſty's enemies; and that cruizers be appointed for that end. And that the exportation of Engliſh wool into Scotland be carefully hindered." Theſe reſolutions being approved by the houſe, the judges were ordered to reduce them into bills; one of which, for an entire union, was read a third time, and paſſed the 20th of December, and ſent to the commons for their concurrence.

On the 9th, the lords preſented an addreſs to the queen, importing, "That, having taken into conſideration divers acts of parliament lately paſſed in Scotland, and duly weighed the dangerous and pernicious effects, which were likely to follow from them, they were preparing bills for preventing ſuch great evils; and, in the mean time, they thought themſelves bound to repreſent to her majeſty, as their humble opinion, that it was highly requiſite for the ſafety of this kingdom, that ſpeedy and effectual orders be given for putting of Newcaſtle into a condition of defence, for ſecuring the port of Tinmouth, and for repairing Carliſle and Hull. They alſo beſought her majeſty to cauſe the militia of the four northern counties to be diſciplined, and provided with arms and ammunition; and a competent number of regular troops to be kept upon the northern borders of England, and in the north parts of Ireland: And to direct the laws to be effectually put in execution againſt all papiſts, in reſpect to their arms and perſons, and to order a particular account of what was done, in excution of her commands, to be laid before her majeſty in council without delay." To this addreſs the queen anſwered, "That ſhe ſhould direct a ſurvey to be made of the ſeveral places mentioned in this addreſs, in order to lay it before the parliament: And what forces could be ſpared from their attendance here, ſhould be quartered upon the borders, as they had been the laſt year: And that ſhe would likewiſe give the neceſſary directions upon the other particulars of the addreſs."

The commons likewiſe, having in a grand committee, conſidered the ſtate of the nation with regard to Scotland, reſolved on the 13th of December, "that a bill ſhould be brought in for the effectual ſecuring the kingdom of England from the apparent dangers, that might ariſe from ſeveral acts lately paſſed in the parliament of Scotland."

[1704-5] And on the 11th of January, Mr. Conyers reported from the committee of the whole houſe, to whom it was referred to conſider of heads for that bill, the reſolutions they had come to, and which were as follow: "That it be one head of the bill to enable her majeſty to nominate and appoint commiſſioners for England to treat with commiſſioners from Scotland, for an union between the two kingdoms. 2. That all natives of the kingdom of Scotland, except ſuch as are ſettled, and ſhall continue inhabitants of England, or the dominions thereunto belonging, or at preſent in the ſervice of the army or navy, ſhall be reputed as aliens, unleſs the ſucceſſion to the crown of Scotland be ſettled on the princeſs Sophia of Hanover, and the heirs of her body being proteſtants. 3. That a more effectual proviſion be made to prevent the exportation of wool from England and Ireland into Scotland. 4. That proviſion be made to prevent the importation of Scots linen into England or Ireland, and to permit the exportation of the linen manufactures of Ireland in Engliſh bottoms into her majeſty's plantations in the Weſt-Indies. 5. That immediate proviſion be made to prevent the conveying of horſes, arms, and ammunition, from England into Scotland. 6. That all the proteſtant free-holders of the ſix northern counties of England be permitted to furniſh themſelves with arms." Theſe reſolutions being read twice, all, except the laſt, were agreed to by the houſe, who appointed a committee to prepare and bring in a bill accordingly; and on the 16th of January, upon a ſecond reading of the lords bill to the ſame purpoſe, it was ordered to lie upon the table, becauſe the commons were reſolved to adhere to a notion, which had now taken ſuch root among them, that it could not be ſhaken, that the lords could not put into a bill begun with them any clauſe, containing money-penalties, as they had done into this. This notion was indeed wholly new, for penalties upon tranſgreſſions could not be conſtrued to be a giving of money. The lords were clearly in poſſeſſion of proceeding thus; ſo that the calling it in queſtion was an attempt on the ſhare, which the lords had in the legiſlature. On the 1ſt. of February, the commons read it a third time, and paſſed their own bill relating to Scotland; and the following Chriſtmas was the day prefixed for the Scots to enact the ſucceſſion, or, on failure thereof, then this act was to have effect. A great coldneſs appeared in many of the commons, who uſed to be hot on leſs important occaſions: They

[m] The queen began this winter to come to the houſe of peers upon great occaſions to hear their debates, which, as it was of good uſe for her better information, ſo it was very ſerviceable in bringing the houſe into better order. The firſt time ſhe came, was, when the debate was taken up concerning the Scotch act: She knew the lord treaſurer was aimed at by it, and ſhe diverted the ſtorm by her endeavours, as well as ſhe reſtrained it by her preſence. Burnet vol. II. 405.

ſeemed not to deſire, that the Scots ſhould ſettle the ſucceſſion; and it was viſible, that ſome of them hoped, that the lords would have uſed their bill, as they had uſed that ſent down by the lords. Many of them were leſs concerned in the fate of the bill, becauſe it diverted the cenſure, which they had intended to fix on the lord-treaſurer. But the lords were aware of this, and four days after the bill was ſent up to them, paſſed it without amendment. Thoſe, who wiſhed well to the union, were afraid, that the prohibition, and the declaring the Scots aliens after the day prefixed, would be looked on as threatnings; and they ſaw cauſe to apprehend, that ill-tempered men in Scotland would uſe this as an handle to divert that nation, which was already much ſoured, from hearkening to any motion, that might tend to promote the union, or the declaring the ſucceſſion. It was given out by thoſe, that this was an indignity done their kingdom, and that they ought not ſo much as to treat with a nation, that threatned them in ſuch a manner. The marquis of Tweedale excuſed himſelf from ſerving any longer, upon which the duke of Argyle was appointed lord-high-commiſſioner in his room.

The duke of Marlborough, upon his return to England, and firſt coming to the houſe of peers, received the following compliment from the lord-keeper in the name of that houſe:

My lord duke of Marlborough,

"THE happy ſucceſs, that hath attended her majeſty's arms under your grace's command in Germany the laſt campaign, is ſo truly great, ſo truly glorious in all its circumſtances, that few inſtances in the hiſtory of former ages can equal, much leſs excel the luſtre of it.

"Your grace has not overthrown young unſkilful generals, raw and undiſciplined troops; but your grace has conquered the French and Bavarian armies; armies that were fully inſtructed in all the arts of war, ſelect veteran troops, fluſhed with former victories, and commanded by generals of great experience and bravery.

"The glorious victories your grace has obtained at Schellenberg and Hochſtet, are very great, very illuſtrious in themſelves; but they are greater ſtill in their conſequences to her majeſty and her allies. The emperor is thereby relieved; the empire itſelf freed from a dangerous enemy in the very bowels of it; the exorbitant power of France is checked; and, I hope, a happy ſtep made towards reducing of that monarch within his due bounds, and ſecuring the liberties of Europe.

"The honour of theſe glorious victories, great as they are, under the immediate bleſſing of Almighty God, is chiefly, if not alone, owing to your grace's conduct and valour.

"This is the unanimous voice of England, and all her majeſty's allies.

"My lord, this moſt honourable houſe is highly ſenſible of the great and ſignal ſervices your grace has done her majeſty this campaign, and of the immortal honour you have done the Engliſh nation; and have commanded me to give you their thanks for the ſame. And I do accordingly give your grace the thanks of this houſe, for the great honour your grace has done the nation, and for the great and ſignal ſervices you have done her majeſty and this kingdom, the laſt campaign."

The duke's anſwer was as follows:

My Lords,

"I am extremely ſenſible of the great honour your lordſhips are pleaſed to do me. I muſt beg, on this occaſion, to do right to all the officers and ſoldiers I had the honour of having under my command. Next to the bleſſing of God, the good ſucceſs of this campaign is owing to their extraordinary courage. I am ſure it will be a great ſatisfaction, as well as encouragement to the whole army, to find their ſervices ſo favourably accepted."

The ſame day, a committee of the houſe of commons waited on the duke, to give him alſo the thanks of that houſe.

Marſhal de Tallard, with the other French generals, being now at the queen's diſpoſal, ſhe had a fair opportunity of ſhewing her reſentment of the late haughty and contemptuous behaviour of the French towards her royal perſon and dignity. For, to omit other inſults, it is remarkable, that, when the lord Cutts was about ſettling a cartel with their commiſſioners, they would not allow his title of 'Lieutenant-general of the Queen of England's forces,' but only of 'the Engliſh forces;' upon which, the conferences were broke off. For this, and ſome other reaſons, it was reſolved to give the French priſoners ſome ſmall mortification, by letting them lie two nights on board the Catherine and William and Mary yatchs in the river, and by ſuffering no perſon of diſtinction to have acceſs to them. And it is to be obſerved, that the earl of Feverſham having aſked the duke of Marlborough, "Whether he might go and ſee his old friend marſhal de Tallard?" The duke told him, "That he believed the queen would not refuſe him leave, if he aſked it of her." Which the earl took for a ſoft denial, and forbore to make any application to ſee the marſhal, who with the reſt of the French priſoners, landed on the 16th of December at Blackwall, where they were magnificently entertained at dinner by Mr. Jackſon, and, in the afternoon, ſet out in ſeveral coaches for Barnet, in their way to Nottingham and Litchfield, where her majeſty thought fit they ſhould reſide[n]. They were accompanied by general Churchill, and attended by a detachment of the duke of Northumberland's royal regiment of horſe-guards, who were alſo ordered to guard them at Nottingham and Lichfield as priſoners, being allowed all manner of freedom, both in thoſe places and ten miles round about.

On the 3d of January, the ſtandards and colours, taken at Blenheim, were ſet up in Weſtminſter-hall; and three days after, the duke of Marlborough was entertained by the city of London. Two days before, Dr. Delaune, vice-chancellor of Oxford, accompanied by ſeveral of the heads of houſes, the proctors, and other principal members of the univerſity, attended the queen with a printed copy of the ſpeeches and verſes ſpoke in the theatre on new-year's day. They preſented at the ſame time an addreſs to her majeſty, importing, "That the exerciſe, performed in their theatre, was in honour of the great ſucceſs of her majeſty's arms the laſt year in Germany, under the admirable conduct and invincible courage of the duke of Marlborough; and at ſea under the moſt brave and faithful admiral, ſir George Rooke, actions as beneficial as they were glorious, by which the empire was freed from the power of France and treachery of Bavaria, Charles III. poſſeſſed of Gibraltar, a happy preſage of his ſpeedy ſettlement in his kingdoms, commerce in the Mediterranean ſecured, and the greateſt check, that was ever given to the ambitious deſigns of France. Concluding, with their prayers to God, that he would ſtill reward her majeſty's pious care and concern for the eſtabliſhed church, by the continuance of victory to her arms." The queen returned a cold anſwer to this addreſs, deſiring, however, the vice-chancellor to let the univerſity know, "how kindly ſhe took this inſtance of their zeal;" but adding, "that, as they might be aſſured of her protection, ſo ſhe would not doubt of their care to encourage thoſe principles, which would promote the peace and welfare of herſelf and all her ſubjects." The truth was, that the duke of Marlborough's friends were greatly offended with an addreſs, which ſet the actions of the admiral upon the ſame level with thoſe of the captain-general. And, as the univerſity of Oxford ſpoke the ſenſe of the whole high-church party, ſo it was not long before the court, who now eſpouſed the oppoſite intereſt, ſhewed their reſentment of it.

On the 11th of January, the commons took into conſideration the great ſervices performed by the duke of Marlborough the laſt ſummer; and ſir Chriſtopher Muſgrave, who in a former ſeſſion, had chiefly oppoſed a motion for rewarding the duke, being now ſilenced, as it was thought, by a promiſe of a place for his ſon, it was unanimouſly reſolved to preſent an addreſs to her majeſty, expreſſing "the great ſenſe this houſe had of the glorious victories obtained by the forces of her majeſty and her allies under the command of the duke of Marlborough; and humbly deſiring her majeſty to

[n] At Nottingham, marſhal de Tallard; the marquis de Monperoux, general of horſe; the count de Blanzac, lieutenant-general; the marquis de Haurefeuille, general of dragoons; the marquis de Valtame, the marquis de Seppeville, the marquis de Silly, the chevalier de Croiſſy, the marquis de la Valiere, major-generals; monſieur de St. Second, brigadier; the marquis de Vaſſey, colonel of dragoons: At Litchfield, the marquis de Marivaux, lieutenant-general; monſieur de la Meſſiliere, monſieur Jolly, monſieur d'Amigny, brigadiers; monſieur de St. Maurice, the count de Lionne, the marquis de Laſſey, the baron d'Elſt, monſieur de Balincourt, monſieur de Saulveboeuf, monſieur de Montenay, monſieur de Gallart, monſieur de Creſſy, colonels of foot; monſieur de Ligondais, the baron de Heyden, colonels of horſe; monſieur de Price, and monſieur d'Aurival, colonels of dragoons.

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conſider of ſome proper means to perpetuate the memory of the great ſervices performed by his grace." The queen took a few days to conſider of this addreſs; and, on the 17th, ſent the following meſſage to the Commons, "That ſhe inclined to grant the intereſt of the crown in the honour and manor of Woodſtock and hundred of Wooton, to the duke of Marlborough and his heirs; and, the lieutenancy and rangerſhip of the parks, with the rents and profits of the manors and hundreds, being granted for two lives, her majeſty thought it proper that incumbrance ſhould be cleared." Hereupon the commons ordered a bill to be brought in, 'to enable the queen to grant the honour and manor of Woodſtock, and hundred of Wooton, to the duke of Marlborough and his heirs;' and reſolved to addreſs the queen to advance the money for clearing the forementioned incumbrances. The queen not only complied with this addreſs, but likewiſe ordered the comptroller of her works to build in Woodſtock park a magnificent palace, called Blenheim-Houſe. The plan of this magnificent building was formed by ſir John Vanbrugh, in which extent and ſtability ſeem to be more ſtudied than art and beauty.

By this time ſir George Rooke had been laid aſide; and it was publickly declared, that the lord-high-admiral had appointed ſir Cloudeſly Shovel, admiral of the white ſquadron, to be rear admiral of England, and admiral and commander in chief of her majeſty's fleet. Sir John Leake, who had diſtinguiſhed himſelf in the late ſea-fight, and had been very ſucceſsful in the ſeaſonable relief of Gibraltar, was at the ſame time appointed vice admiral of the white ſqurdron; ſir George Byng, vice admiral of the blue; ſir Thomas Dilks, rear admiral of the red; William Whetſtone, rear admiral of the white; Sir John Jennings, rear admiral of the blue in the room of ſir James Wiſhart, who laid down his commiſſion.

On the 18th of February, baron de Spanheim, embaſſador extraordinary from the king of Pruſſia, having notified to her majeſty the death of the queen of Pruſſia, only daughter to the late elector of Hanover, by the princeſs Sophia, and great grand-daughter of king James I. Some days before this the houſe of commons took into conſideration the treaty lately concluded by the duke of Marlborough, and unanimouſly reſolved, "That an humble addreſs be preſented to her majeſty, returning the thanks of this houſe for concluding the late treaty with the king of Pruſſia, which was ſo ſeaſonable a ſupport to the duke of Savoy, and ſo great an advantage to the common cauſe; and alſo to aſſure her majeſty, that her faithful commons would effectually enable her to make good the treaty with the king of Pruſſia, who, upon ſo many occaſions, had ſignalized his zeal for the proteſtant religion and liberty of Europe."

The commons preſented another addreſs to the queen, "That ſhe would be pleaſed to uſe her intereſt with her allies, that they might the next year furniſh their ſeveral compleat quotas both by ſea and land, according to their reſpective treaties, and to continue her endeavours for an accommodation between the emperor and his ſubjects now in arms in Hungary, in order to the better and more effectual carrying on the preſent moſt neceſſary war." The queen promiſed "to uſe her endeavours to obtain a compliance from the allies with what was deſired; and to make application to the emperor for an accommodation with all imaginable earneſtneſs."

Complaints of the miſmanagement both at the board of the prince of Denmark's council, as lord-high-admiral, and at ſea roſe now very high. The houſe of commons, during the whole continuance of the parliament, never appointed a committee to look into thoſe matters, which had been formerly a main part of their care. They ſaw, that things were ill conducted, but the chief managers of ſea-affairs were men of their party, and that atoned for all faults, and made them unwilling to find them out, or to cenſure them. The truth was, the prince was prevailed on to continue ſtill in the admiralty by thoſe, who ſheltered themſelves under his name, though this brought a great load on the government. The lords proceeded as they had done in the former ſeſſion, examining into all complaints. They named two committees, the one to examine the books of the admiralty, the other to conſider the proceedings at ſea. No progreſs was made in the firſt of theſe; for, though there was a great deal ſuggeſted in private, yet, ſince this ſeemed to be complaining of the prince, none would appear directly againſt him. But the proceedings at ſea afforded matter enough, both for enquiry and cenſure. The moſt important, and that which had the worſt conſequences, was, that, though there were twenty-two ſhips appointed for cruizing, yet they had followed that ſervice ſo remiſsly, and the orders ſent them were ſo languid and ſo little urgent, that three diligent cruizing ſhips could have performed all the ſervices done by that numerous fleet. This was made out in a ſcheme, in which all the days of their being at ſea were reckoned up, which did not exceed what three cruizers might have performed. It did not appear, whether this was only the effect of ſloth or ignorance, or if there lay any deſigned treachery at the bottom. It ſeemed very plain, that there was treachery ſomewhere, at leaſt among the under officers; for, a French privateer being taken, there were found among his papers inſtructions ſent him by his owners, in which he was directed to lie in ſome ſtations, and to avoid others; and it happened, that this agreed ſo exactly with the orders ſent from the admiralty, that it ſeemed it could not be by chance, but that the directions were ſent upon ſight of the orders. On the 5th of February, the lords preſented an addreſs to the queen, concerning the miſmanagements of the navy, ſetting forth in particular, "That, for the laſt three years, the charge of the navy had exceeded what was deſigned by the parliament, the ſum of above three hundred and ſixty-ſix thouſand pounds. That, in the year 1704, one thouſand five hundred and ſixty-ſix ſeamen were wanting to make up the number of thirty-five thouſand, who, with the five thouſand marines, ought to have been employed at ſea, to make up the number of forty thouſand men provided for by parliament. That there were the laſt year ten flags in ſea-pay, viz. three admirals, three vice admirals, and four rear admirals, and that three of theſe were not in their poſts. That Mr. Chuſchill, admiral of the blue, had not been at ſea in any year of this war. That Mr. Graydon, vice admiral of the blue, had been on ſhore all this laſt year: And that ſir James Wiſhart, though a rear-admiral, had been the laſt year captain to the admiral of the fleet. That there were two vice-admirals of the red, and two rear-admirals of the blue, but no vice-admiral of the white; which, to their lordſhips, ſeemed to have been very irregular, and to have been done in favour of Mr. Graydon, to continue him in the ſervice, although this houſe had voted, That his behaviour, in letting the four French ſhips eſcape, was a prejudice to her majeſty's ſervice, and a great diſhonour to the nation; and that his proceedings in Jamaica had been a great diſcouragement to the inhabitants of that iſland, and prejudicial to her majeſty's ſervice; and hereupon, the lords had, on the 29th of March laſt, made an humble addreſs to her majeſty, that Mr. Graydon might not be employed any more in her ſervice; but, having been acquainted, ſince the report made to them from their committee, that Mr. Graydon was diſcharged, they beſought her majeſty, that he might be no more employed in her ſervice." After this, their lordſhips took notice of "the vaſt increaſe of penſions, as appeared by the navy books, particularly, a penſion of three hundred and nineteen pounds to ſir John Munden, though he had not done his duty in the expedition to Corunna; whereas the penſion to admiral Nevil's widow had not been paid for two years paſt; and ſome officers of the fleet had been laid aſide, without any penſion or conſideration, though no miſbehaviour had been laid to their charge." They farther obſerved, "That in the ordinary eſtimate of the navy, there was put down ſeven thouſand pounds for the prince's council, though they were only five in number in 1702, five in 1703, and ſix in 1704; and it did not appear, that more than one thouſand pounds apiece had been paid to them: And that Mr. Churchill's appointments from the navy were, as prince's council, one thouſand pounds; for penſion, five hundred pounds; as admiral of the blue, one thouſand two hundred and ſeventy-ſeven pounds, ten ſhillings: and for table-money (though not at ſea) three hundred and ſixty-five pounds: in the whole, three thouſand one hundred and forty-two pounds, ten ſhillings." They likewiſe repreſented, "That there was not a ſufficient number of proper ſhips for cruizers and convoys;" and they concluded with "reſting aſſured, that her majeſty would conſider of the fitteſt methods, and give the moſt effectual orders for reſtoring and eſtabliſhing the diſcipline of the navy, the encouragement of ſeamen, the guarding of the coaſts, and the protection of trade." To this addreſs the queen made anſwer, "That it contained many obſervations, which ſhe would conſider particularly, and give ſuch directions upon them, as might be moſt for the advantage of the public ſervice."

A deſign was formed in this ſeſſion of parliament, but there was not ſtrength to carry it on at this time. The earl of Rocheſter gave an hint of it in the houſe of lords, by ſaying, that he had a motion of great conſequence to the ſecurity of the nation, which he would not make at this time, but would do it when next they ſhould meet together. He ſaid no more

in the houſe, but in private diſcourſe he owned it was for bringing over the electoreſs of Hanover to live in England. It ſeemed not natural to believe, that a party, who had been all along backward at beſt, and cold in every ſtep, which was made in ſettling the ſucceſſion in that family, ſhould become all on the ſudden ſuch converts, as to be zealous for it; and therefore it was not an unreaſonable jealouſy to ſuſpect, that ſomewhat lay hid under it. It was thought, that they either knew or apprehended, that this would not be acceptable to the queen; and they, being highly diſpleaſed with the meaſures ſhe took, went into this deſign both to vex her, and in hopes that a faction might ariſe out of it, which might breed a diſtraction in our councils, and ſome of them might hope thereby to revive the pretender's claim. They reckoned, that ſuch a motion would be popular; and if either the court or the whigs, on whom the court was now beginning to look more favourably, ſhould oppoſe it, this would caſt a load on them, as men, who, after all the zeal they had expreſſed for that ſucceſſion, did now, upon the hopes of favour at court, throw it up: And thoſe, who had hitherto been conſidered as enemies of that houſe, might hope, by this motion, to overcome all the prejudices, which the nation had taken up againſt them; and they might create a merit to themſelves in the minds of that family, by this early zeal, which they reſolved now to expreſs for it. This was ſet on foot among all the party; but the more ſincere among them could not be prevailed on to act ſo falſe a part, though they were told, this was the likelieſt way to advance the pretender's intereſt.

The laſt buſineſs of this ſeſſion, with which this parliament ended, was the caſe of the Ailſbury men. It has been related, what proceedings had been at law upon the election at Ailſbury. The judgment that the lords gave in that matter was executed, and, upon that, five others of the inhabitants brought their action againſt the conſtables, for refuſing their votes. The houſe of commons looked on this as a high contempt of their votes, and a breach of their privileges, to which they added a new, and till then, unheard-of crime, that it was contrary to the declaration they had made. At the ſame time they ſent their meſſage for theſe five men (namely, John Paty, John Oviat, John Paton, junr. Henry Baſſe, and Daniel Horn) and committed them to Newgate, where they lay three months priſoners. They were all the while well ſupplied, and much viſited, and therefore remained without making any application to the houſe of commons. It was not thought adviſable to move in ſuch a matter, till all the money-bills were paſſed; then motions were made, in the interval between the terms upon the ſtatute of 'Habeas Corpus,' but, that ſtatute relating only to commitments by the royal authority, this did not lie within it.

When the term came, a motion was made in the Queen's Bench upon the common law, in behalf of the priſoners for a Habeas Corpus. The lawyers, who moved it, produced the commitment in which their offence was ſet forth, that they had claimed the benefit of the law, in oppoſition to a vote of the houſe of commons to the contrary. They ſaid, the ſubjects were governed by the laws, which they ought and were bound to know, and not by votes of a houſe of parliament, which they were neither bound to know nor to obey [o]. Three of the judges were of opinion, that the court could take no cognizance of the matter, and that the priſoners ought to be remanded; but the chief juſtice Holt was of another mind. He thought a general warrant of commitment for breach of privilege, was of the nature of an execution; and, ſince the ground of commitment was ſpecified in the warrant, he thought it plainly appeared, that the priſoners had been guilty of no offence, and that therefore they ought to be diſcharged. Though Holt's judgment ſeemed clear and ſolid, yet, as he was but one againſt three, the majority prevailed, and the priſoners were remanded to Newgate. [p]

Upon this, Paty and Oviat, two of the priſoners, moved

[o] The pleadings of the lawyers more at large were as follows: Page, Montague, Lechmere, and Denton were council for the priſoners, and, after reading the return of the commitment, Mr. Page ſaid, "That the writ of Habeas Corpus was a writ grounded on common law, and therefore this court can bail all perſons, who by the law of England are bailable. That he did not ſay, but that the houſe of commons hath privileges, which belong to them, and may commit for breach of ſuch privileges: that he now only enquired, if there be any law for the commitment of the priſoners; and therefore the firſt queſtion he made, was, 'If there was a breach of privilege returned?' Adding, that there being no notice in the return, that the houſe of commons has any privilege, he need not argue, whether they have a power, or not, to reſtrain men from ſuing in the queen's court." The lord chief juſtice Holt having told Mr. Page, that the queſtion was, 'If they were not to take notice of their power, though not returned to that court?' Mr. Page anſwered, That, though the court would take notice of any power of the houſe, yet, that not appearing in the return, they could not judge of it, the commitment being by the ſpeaker, and not by the houſe. The lord chief juſtice replying, that the commitment was in purſuance of the order of the houſe, Mr. Page ſubjoined, that then it ſhould be ſhewn to be by the houſe, the ſpeaker being in the chair, which was mentioned in the commitment. But this was over-ruled by the lord chief juſtice, who ſaid, that by the houſe, was to be underſtood the whole houſe ſitting, with the ſpeaker in the chair. Mr. Montague continued the ſame objection to the commitment, adding, that it did not appear, that the priſoners were any ways related to the houſe of commons, either as members or officers: That, as to the lord Shaftſbury's caſe, he was a member: That he agreed every court muſt have power to keep order among themſelves; but that to take a man out of the houſe, who was not of the houſe, nor guilty of any breach of privilege, for aught appeared, by a return, he knew no law for it: That the cauſe aſſigned was, becauſe the priſoners had been guilty of bringing and preſenting an action, which he did not take to be a crime by any known law: That, in the caſe of the conſtable of Ailſbury, there was a judgment at law judicially given, which could not be got over, until ſome act of parliament interpoſed; and the law being ſo, that a man might bring his action, he did not know, what crime a man could be guilty of, who uſed this law: That the words of his commitment went further, that bringing this action 'is contrary to the declaration, in high contempt of the juriſdiction, and in breach of the known privileges:' That they did not know what this word 'declaration' meant, neither did they underſtand what this breach of the juriſdiction was: That as to the words, 'againſt the known privileges of the houſe,' he was at a loſs what action is againſt the privilege of the houſe, becauſe they can have no privilege againſt law, and he was ſure it was not againſt law to bring any action. Then he took notice, that the commitment was during pleaſure, adding, that he had known perſons committed 'per mandatum domini regis' bailed; and therefore by ſtrong reaſon ought they to be bailed if committed by the houſe of commons. Mr. Lechmere inforced what had been alledged by the other two, adding, that one part of the commitment, which ſet forth the reaſons of it, was for bringing an action at law, contrary to the declaration of the houſe of commons, in oppoſition to which declaration, he muſt alledge the declaration of the lords: That, this commitment, being alſo ſaid to be for a contempt of the high juriſdiction of the commons, the lords in the caſe of Aſhby and White had declared againſt it. He then urged, That no other court, ſave that of the lords, and the courts at Weſtminſter, and other inferior courts of England, can execute any juriſdiction touching any actions at law; and that privileges, which are againſt the known laws of England, are in themſelves void. Another objection or exception was, that the continuance of the impriſonment of the priſoners was a new commitment: That the Habeas Corpus is the way, which the queen takes to make diſquiſition about the liberty of her ſubjects: That, though both houſes of parliament are proper judges of their own privileges, yet this court has formerly judged of their privileges; to which purpoſe he inſtanced in the lord Shaftſbury's caſe, wherein notice is taken of a caſe, where an original was filed againſt a member ſitting in the houſe; and that in the caſe of the lord Banbury, though the lords temporal and ſpiritual had declared he was no peer, yet in this court, when he was brought to be tried for murder, and denied the juriſdiction here, inſiſting upon the peerage, this court refuſed to try him, and allowed his plea. That the laws of parliament are the cuſtoms of parliament: That there is no precedent in parliament to commit a man for proſecuting for his freehold or franchiſe; but on the contrary he believed, that in the rolls of precedents there might be found a caſe, where bail had been allowed by this court upon a commitment of the houſe of commons. Mr. Denton excepted to the return of the commitment, alledging, 1. That the warrant did not ſufficiently deſcribe the crime. 2. That it did not appear, that the party committed had notice of the vote or declaration of the houſe of commons, for every man is not bound to take notice of a vote, becauſe it is but a temporary thing. 3. That it not appearing by this return, that the priſoner was a commoner, he might, notwithſtanding any thing that appeared to the contrary, be a lord; and then it muſt be agreed, the commons had no juriſdiction. That, if it had been a general commitment, without ſhewing the offence particularly, and ſaid, for a breach of privilege only, perhaps it had been a good commitment; but here the cauſe was ſet forth, and it appeared by the judgment of the lords in the caſe of Aſhby and White, that was no cauſe at all of commitment. That bailing the priſoners in this court did not meddle with the privileges of the houſe of commons, becauſe, if bailed, yet they are anſwerable to the houſe, and are priſoners in 'cuſtodiâ Legis.' That indeed juſtices of the peace can commit for a riot without bail; but this power ariſes from an expreſs act of parliament for that purpoſe. That the queen herſelf cannot commit, ſo as to bind the power of the law; but this court can, in ſuch caſes, and always have, upon good caſes ſhewn, bailed, notwithſtanding ſuch commitments.

[p] The judges delivered their opinion in the following manner: The youngeſt of them declared, that he thought the priſoners ought to be remanded, alleging, that it was the firſt habeas corpus of the kind, that ever was brought: That, if this return now before the court had been of an Habeas Corpus from an inferior Court, it had been a bad return; but that the houſe of commons was ſuperior, and could not be bound by the forms of Weſtminſter-Hall, having peculiar laws and cuſtoms: That when the earl of Northumberland petitioned the king, where the queſtion was, Whether the power, that he had raiſed, was treaſon, which petition was ordered to be delivered to the juſtices to be conſidered, the lords made proteſtation, that the order thereof belonged to them, and they reſolved it not to be treaſon. That here was a parallel caſe: The houſe of commons had declared the priſoners guilty of a contempt; and how could this court contradict what had been determined by them, who are part of the legiſlature, and cannot be ſuppoſed to break their truſt? Judge Powis was of the ſame opinion as to the remanding of the priſoners, urging, that this caſe was not like that of the lord Shaftſbury. That as to the objection made by the council, that the priſoners were not members, he anſwered, that moſt commitments by the houſe of commons were of other perſons, not members, as for arreſting a member, ſitting in the houſe, &c. otherwiſe they could not vindicate the breach of their privileges. As to what was objected, that this commitment was during pleaſure, he replied, That it was more beneficial to have commitments ſo, that perſons ſo committed might, in the mean time, make application and ſubmit: And that the commitments of the houſe of commons were like the commitments of this court upon contempts, which always were underſtood not to be for any certain time, and therefore during pleaſure. That it was likewiſe objected at the bar, that the commitment was for bringing an action; to which he anſwered, that privilege ſtops; and ſo it is in all actions brought againſt any ſervants of members ſitting in the houſe. And as to the caſe of Aſhby and White, he did not think it to be the ſame with this caſe here. That he ſaw but two things of ſubſtance in this argument: The firſt, that, if this court, being an high court, and the higheſt of all inferior courts, can diſcharge any perſon committed 'per mandatum dominæ reginæ,' ſurely then it may diſcharge one committed by the houſe of commons. To which he anſwered, that he took this to be a fallacy, becauſe the

for a 'writ of error,' to bring the matter before the lords. This writ was only to be obtained, by petitioning the queen, that the judgment of the court of the Queen's Bench might be brought before her majeſty in parliament. The commons were alarmed at theſe petitions, and reſolved upon an addreſs to the queen, ſetting forth the undoubted right and privilege of the commons of England in parliament aſſembled, to commit, for breach of privilege; and that the commitments of this houſe are not examinable in any other court whatſoever; and that no ſuch writ of error was ever brought, nor doth any writ of error lie in this caſe: And that as this houſe had expreſſed their duty to her majeſty, in giving diſpatch to all the ſupplies, ſo they had an entire confidence in her majeſty's goodneſs and juſtice, that ſhe would not give leave for the bringing any writ of error in this caſe; which would tend to the overthrowing the undoubted rights and privileges of the commons of England."

Ten judges (two only being of another mind) agreed, that in civil matters, a petition for a writ of error was a petition of right and not of grace. It was therefore thought a very ſtrange thing, which might have moſt pernicious conſequences, for a houſe of commons to deſire the queen, not to grant a petition of right, which was plainly a breach of law, and of her coronation-oath. It was no leſs ſtrange for them to take upon them to affirm, that the writ did not lie, when that was clearly the work of the judicature to declare, whether it lay or not, which was unqueſtionably the right of the lords, who only could determine that. Beſides, their having ſupplied the public occaſion, was a ſtrange conſideration to be offered to the queen, as an argument to perſuade her to act againſt law, as if they had pretended, that they had bribed her to infringe the law, and to deny juſtice; ſince money, given for public ſervice, was given to the country and to themſelves, as properly as to the queen. Her anſwer to this addreſs was to this effect: "That ſhe was much troubled to find the houſe of commons of opinion, that her granting the writs of error, mentioned in their addreſs, was againſt their privileges, of which ſhe would always be as tender, as of her own prerogative: And therefore they might depend, ſhe would not do any thing to give them any juſt occaſion of complaint. But, this matter, relating to the courſe of judicial proceedings, being of the higheſt importance, ſhe thought neceſſary to weigh and conſider very carefully, what might be proper for her to do, in a thing of ſo great concern." This anſwer was thought ſo cold, that no thanks were returned for it; though a well compoſed houſe of commons would certainly have thanked her for that tender regard to law and juſtice. The ſame day the anſwer was reported by Mr. ſecretary Hedges, the commons proceeded to carry their reſentments to greater extremities, and having continued ſitting till the evening, voted, That Mr. Francis Page, Mr. James Montague, Mr. Nicholas Lechmere, and Mr. Alexander Denton, in pleading upon the return of the habeas corpus, on behalf of the five priſoners committed by this houſe, were guilty of a breach of privilege," and ordered them be taken into cuſtody. As they were apprehenſive, leſt the queen ſhould grant writs of error, whereby the five Ailſbury men might be diſcharged from their impriſonment, they alſo ordered them to be removed from Newgate, and taken into the cuſtody of their ſerjeant at arms; which order was executed at midnight, with ſuch circumſtances of ſeverity and terror, as have been ſeldom exerciſed towards the greateſt offenders. Theſe were ſuch ſtrange and unheard-of proceedings, that by them the minds of all people were much alienated from the houſe of commons. But the priſoners were under ſuch management, and ſo well ſupported, that they would not ſubmit, nor aſk pardon of the houſe. It was generally believed, that they were ſupplied and managed by the lord Wharton. They petitioned the houſe of lords for relief, who reſolved to proceed in the matter by ſure and regular ſteps. They firſt came to the following general reſolutions, "1. That neither houſe of parliament has any power, by any vote or declaration, to create to themſelves any new privilege, that is not warranted by the known laws and cuſtoms of parliament. 2. That every freeman of England who apprehends himſelf to be injured, has a right to ſeek redreſs by action at law; and that the commencing and proſecuting an action at common law againſt any perſon (not intitled to privilege of parliament) is no breach of the privilege of parliament. 3. That the houſe of commons, in committing to Newgate Daniel Horne, Henry Baſs, John Paton junior, John Paty, and John Oviat, for commencing and proſecuting an action at the common law, againſt the conſtables of Ailſbury, for not allowing their votes in election of members to ſerve in parliament, upon pretence, that their ſo doing was contrary to a declaration, a contempt of the juriſdiction, and a breach of the privilege of that houſe, have aſſumed to themſelves alone a legiſlative authority, by pretending to attribute the force of a law to their declaration; have claimed a juriſdiction not warranted by the conſtitution, and have aſſumed a new privilege, to which they can have no title by the laws and cuſtoms of parliament, and have thereby, as far as in them lies, ſubjected the rights of Engliſhmen, and the freedom of their perſons, to the arbitrary votes of the houſe of commons. 4. That every Engliſhman, who is impriſoned by any authority whatſoever, has an undoubted right, by his agents or friends, to apply for and obtain a writ of habeas corpus, in order to procure his liberty by due courſe of law. 5. That for the houſe of commons to cenſure and puniſh any perſon for aſſiſting a priſoner to procure a writ of habeas corpus, or by vote, or otherwiſe, to deter men from ſoliciting, proſecuting, or pleading upon ſuch writ of habeas corpus in behalf of ſuch priſoner, is an attempt of dangerous conſequence, a breach of the many good ſtatutes provided for the liberty of the ſubject, and of pernicious example, by denying the neceſſary aſſiſtance to the

the king is to act by his miniſtry and by his courts, and not by his abſolute will: That, according to lord Coke, though the king be preſumed to be preſent in this court, yet he doth act by his judges here, otherwiſe he might be a judge and party. And to the objection, "Whether the commons ſhould by a declaration direct who ſhould not be ſued;" that we muſt ſuppoſe they have a general juriſdiction of privileges, and contempts, and rights, as well as other courts: That this commitment was not for a trial, but as upon an abjudication, and as a puniſhment. That, when they came to a point of juriſdiction, they muſt conſider it by uſage: That it is next to impoſſible for the courts of Weſtminſter Hall to judge of the privileges of the houſe of commons, who have not acceſs to their roll, where only the privileges of that houſe are to be ſeen: and therefore it was very unreaſonable to put judges upon the enquiry. That, if this court had a juriſdiction over the commitments of the houſe of commons, they ſhould have it alſo over thoſe of the lords: Concluding, that they were a great court, but that neither their anceſtors nor they ever yet knew it ſo great as this would make it. Judge Powel concurred in this opinion, alledging, that he could not think they could be judges of this return, becauſe the priſoners were committed by another law than this court proceeded by; and that to commit by one law, and diſcharge by another, would introduce diſorder: That as the eccleſiaſtical, admiralty, and martial courts, and the houſe of peers proceed by their own rules, ſo the houſe of commons proceed by their own rules; this court can meddle with their privileges in ſome caſes, but not ſo as to contradict, or oppoſe them. And that he did not know how the houſe of commons could have a power of judging, and not of puniſhing. That this court correct exceſſes of all inferior courts, but of the parliament, which is ſuperior. That, ſuppoſing the lords would intermeddle with freeholds, though, perhaps, they are not leſs valuable than their privileges, yet this court could not prohibit them. That he believed it as cuſtomary to make commitments during pleaſure as otherwiſe. That, if we had a long parliament as formerly, then perhaps it would have been hard. That bondage was ſo much loſt in England, that he believed the council had almoſt forgot how to apply that argument. That he did not know how exceſs of juriſdiction in either houſe can be good. If it happens, it muſt be determined by conference between themſelves. That if it ſhould be ſuppoſed, that both ſhould inſiſt, and the commons ſhould do any thing unreaſonable, ſure then the people of England would not chuſe them again: And, if the lords ſhould inſiſt upon unreaſonable privileges, then the people of England, he believed, would find out a way to chuſe ſuch an houſe, or uſe ſuch methods, as would rectify and oblige to a ſubmiſſion. Theſe three judges having thus declared their ſentiments, "That the priſoners ought to be remanded," the lord chief juſtice Holt delivered his opinion, "That they ought to be diſcharged. I am ſenſible, ſaid he, of the great diſadvantage I lie under, becauſe eleven of the judges are againſt my opinion, The caſe being of moment and concern, I did deſire to confer with them, before I delivered my thoughts. And it is a ſecond diſadvantage, that I have ſo great an eſteem for their ſentiments, that I would willingly reſign my opinion to theirs. But then I lie under another, which is to encounter an opinion and judgment of the houſe of lords. I muſt confeſs, the commons of England are truſted with, and are very zealous for our liberties; and therefore I would think it a misfortune to lie under their diſpleaſure. Yet there is another thing, which lies upon me, which, at all events, I am to take care of, and that is a good conſcience. I am upon my oath to judge impartially and juſtly. I do not think this ſuch an impriſonment, that the freemen and ſubjects of England are to be bound by; and it will affect all the kingdom, if, by any declaration or prohibition made by the houſe of commons, they are reſtrained from bringing a lawful action. Neither of the houſes of parliament, ſeparately or jointly, have any power to diſpoſe of the liberty or property of the ſubject. It muſt be, with the queen added. This is the conſtitution of the Engliſh government. It is ſaid in the return, that the priſoners are guilty of a 'breach of privilege' for bringing an action. I muſt therefore declare my opinion, that commencing a ſuit is no breach of privilege, though it be againſt a member himſelf, ſo he be not affected in his perſon or lands. The ſecond crime mentioned in the commitment and return is 'proſecuting.' What is meant thereby ſeems not to be ſo clear, becauſe 'proſecuting' may be taken ſeveral ways, as entering of a 'continuance,' which cannot be ſaid to be any breach of privilege, the perſon of the member, or his eſtate, not being diſturbed thereby. Indeed, if you diſtrain the perſon of a member, or do any act to reſtrain his liberty, then it is a breach, and puniſhable by the houſe. Again, the houſe of commons ſhould have ſhewn, that they have a privilege; for, if the high conſtable of England ſhould not ſhew his authority, we ſhould not take more notice of him than of the conſtable of St. Martin's. The law of the land muſt take place. A man may legally 'commence' and 'proſecute' an 'action' againſt a man, that is not privileged, though vexatious or wrong, as appears by 2 Ric. III 9. where all the judges were of opinion, that there was no puniſhment for bringing an action, though wrong. If an action is ſued and proſecuted againſt a peer, no action 'de ſcandalis magnatum' will lie, if there was any probable cauſe of action. I do not think, that any inſtance can be ſhewn, that ever privilege did extend ſo far, as to exclude or debar any man from bringing any action, but eſpecially where there is juſt cauſe. This caſe has undergone a great and high judgment above upon the queen's writ of error. My brother Powis ſays, that he does not know, that this is the ſame caſe with that of Aſhby and White.

priſoner, upon a commitment of the houſe of commons, which has ever been allowed upon all commitments by any authority whatſoever. And, 6. That a writ of error is not a writ of 'grace,' but of 'right,' and ought not to be denied to the ſubject when duly applied for (though at the requeſt of either houſe of parliament) the denial thereof being an obſtruction of juſtice, contrary to 'Magna Charta.'"

Theſe reſolutions being delivered to the commons at a conference, they took time to conſider of them till the 7th of March, upon which day, at their deſire, a ſecond conference was held, wherein the commons delivered a long anſwer, in which they ſet forth, that the right of determining elections was lodged only with them; and that therefore they only could judge who had a right to elect; That they only were judges of their own privileges, and that the lords could not intermeddle in them. They quoted very copiouſly the proceedings in the year 1675, upon an appeal brought againſt a member of their houſe; and urged, that their priſoners ought only to apply to them for their liberty; and that no motion had ever been made for a writ of error in ſuch a caſe.

The lords, upon this, deſired a free conference, which was held with the commons on the 9th of March, but that it ended without ſucceſs, was not ſurprizing, conſidering the temper, with which the commons came to it, and which appeared from the votes they made the day before, after they had agreed to the free conference. For, upon information, that their ſerjeant at arms had been ſerved with two writs of habeas corpus, returnable before the lord-keeper, in behalf of Mr. Montague and Mr. Denton, two of the gentlemen, who had been of council for the five priſoners, they came to theſe reſolutions, "That no commoner of England, committed by the houſe of commons for breach of privilege, or contempt of that houſe, ought to be by any writ of habeas corpus made to appear in any other place, or before any other judicature, during that ſeſſion of parliament, wherein ſuch perſon was ſo committed. That the ſerjeant at arms attending that houſe do make no return, nor yield any obedience to the ſaid writs of habeas corpus; and, for ſuch his refuſal, that he have the protection of the houſe of commons. And that the lord-keeper be acquainted with the ſaid reſolutions, to the end that the ſaid writs of habeas corpus might be ſuperſeded, as contrary to law and the privilege of the houſe." Five days after, the commons ordered the report of the free conference, which was made by Mr. Bromley, to be entered upon their journals; and reſolved, "That the proceedings of the houſe, in relation to the Ailſbury men committed by the houſe for breach of privilege, and the other proceedings of that houſe in that matter, were in maintenance of the ancient and undoubted rights and privileges of the commons of England:" And they ordered all the proceedings in relation to the Ailſbury men, the report of the lords journals, and the report of the conferences, and of the free conference, to be printed. The next day, the lords attended the queen with a full repreſentation of the whole thing, wherein having recited the matter of fact relating to this affair, they laid before her, "That the proceedings of the houſe of commons againſt the Ailſbury men were wholly new and unprecedented. That it is the birth-right of every Engliſhman, who apprehends himſelf to be injured, to ſeek for redreſs in her majeſty's courts of juſtice. That if there be any power, that can controul this right, and can preſcribe when he ſhall, and when he ſhall not, be allowed the benefit of the laws, he ceaſes to be a freeman, and his liberty and property are precarious. That the crown lays claim to no ſuch power, and their lordſhips were ſure the law has truſted no ſuch authority with any ſubjects whatſoever." They urged, "That in former times the opinion of the houſe of commons was very different from what it was at preſent," of which their lordſhips gave ſeveral inſtances; and they concluded with an humble requeſt, "That no importunity of the houſe of commons, or any other conſideration whatſoever, might prevail with her majeſty to ſuffer a ſtop to be put to the known courſe of juſtice, but that ſhe would be pleaſed to give effectual orders for the immediate iſſuing of the writs of error."

This repreſentaiton was thought ſo well drawn, that ſome preferred it to thoſe of the former ſeſſions; it contained a long and clear deduction of the whole affair with great decency of ſtyle, but with many heavy reflections on the houſe of commons.

By this time the whole buſineſs of the ſeſſion was brought to a concluſion; for the lords, who had the money-bills would not paſs them till this was ended. The queen, in anſwer to their repreſentation, told them, "That ſhe ſhould have granted the writs of error, they deſired, but that finding an abſolute neceſſity of putting an immediate end to this ſeſſion, ſhe was ſenſible there could have been no further proceedings upon that matter." This anſwer being reported to the houſe of lords, was looked on by them as a clear deciſion in their favour, and therefore they ordered, "That the humble thanks of their houſe be immediately preſented to her majeſty for her moſt gracious anſwer, in which ſhe had expreſſed ſo great a regard to the judgment of their houſe, ſo much compaſſion to the priſoners, and ſuch tenderneſs to the rights of the ſubject."

About an hour after, the queen came to the houſe of lords, and, after paſſing the bills, ended this ſeſſion with the following ſpeech to both houſes:

"My Lords and Gentlemen,

"I Cannot put an end to this ſeſſion, without doing you the juſtice to acknowledge, you have fully made good the aſſurances you gave me at the beginning of it, by the great readineſs you have ſhewn in the diſpatch of the public buſineſs. And I make no doubt, but this diſpatch will prove a real advantage to us, and a great diſcouragement to our enemies.

"Gentlemen of the houſe of commons,

"I return you my hearty thanks in particular for the great ſupplies with which you have enabled me to carry on this neceſſary war. I aſſure you, they ſhall be carefully applied to the uſes, for which they have been given; and I perſuade myſelf, I ſhall always have the chearful aſſiſtance of my dutiful and loving ſubjects, in the proſecuting of the preſent war, till our enemies are obliged to ſuch a peace, as ſhall be a laſting advantage and ſecurity to us and our allies.

"My Lords and Gentlemen,

"We have, by the bleſſing of God, a fair proſpect of this great and deſirable end, if we do not diſappoint it by our own

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White. But if he will look upon the return, he will be ſoon ſatisfied, that it is. Another part of the return ſays, 'That the proſecution was contrary to the declaration, and in breach, &c.' I do not well know, what is meant by a 'proſecution contrary to a declaration:' But ſuppoſe there was a 'declaration,' I much queſtion, if that 'declaration' will make that a breach of privilege, which was not ſo before. There is no precedent for it; and, if any man can bring ſuch a precedent, it will go a great way with me. Privilege is not unlimited, but eſtabliſhed by the rules of law. If a member 'break the peace,' he muſt find ſureties; or if he commit high-treaſon or felony, ſitting the houſe, he muſt anſwer. If the 'declaration' does claim a privilege, and ſays it is ſo; yet, if it was not ſo before, the people of England are not eſtopped to ſay it is ſo; ſo neither the one houſe nor the other, can enlarge their privileges. They concern the liberties of a people in a high degree; and nothing but an act of parliament can make a man's perſon ſubject to imprisonment, but where originally he was ſo ſubject. The reaſons why judges do not give their opinions to the lords about their privileges is, becauſe it is 'lex parliamenti;' and the lords themſelves being always there, are preſumed to know their privileges beſt themſelves. But, whenever the queſtion is about privilege in Weſtminſter-hall, we muſt judge of it according as it appears to us, and according to the law of the land. Suppoſe in this caſe the houſe of commons had not interpoſed; the plaintiffs had gone on, and the defendants had pleaded the whole matter of the privilege ſpecially, and the plaintiffs had demurred, we then ſhould have judged of it, becauſe it would have been a plea to the juriſdiction of the court. All appears upon record now before the court, and therefore we are to judge of it as much as if it had been pleaded. The parliament law of privilege is 'lex terræ,' as much as any law uſed in Weſtminſter-Hall; and my lord Clarendon gives us an account of privilege in the firſt volume of his hiſtory, p. 310, 311, 312. If it was privilege in the houſe before, then how comes it that Aſhby was not committed, who was the ringleader, but is ſtill at liberty? Another obſervation upon this return is, that they do not ſay 'for a breach,' but 'in breach;' neither do I ſee, how bringing an action at law in one court, is in contempt of another court. This court here can hold plea in any action whatſoever. The houſe above cannot award proceſs there; and then I cannot ſee how a man ſuing here can be guilty thereby of a breach of the privileges of that court. Theſe words are terrible, and would affrighten men, when ſaid, 'In contempt of the privileges of the houſe of commons,' becauſe every man is bound to maintain them in their lawful privileges. No doubt but they can commit in any caſe of privilege, as for a contempt committed in their court: But when the fact is mentioned, and the cauſe is a juſt action at law, no doubt but the proceeding in ſuch action is juſt, and no 'contempt;' ſuch an action being grounded on the common law. As to my lord Shaftſbury's caſe, it was for facts done in the houſe; and the houſe may at any time commit a man for a contempt in the face of the houſe: Whereas the priſoners are committed, not for a breach of privilege or contempt, but becauſe they have brought their actions, which are legal, and ſo adjudged by the lords in the writ of error. To conclude, the caſe of the lord Bunbury is conſiderable with me: He petitioned the houſe of lords to ſit, and alſo to have the king's leave. The lords determined he was not a lord; yet when he was brought upon an indictment by the name of Charles Knowles, Eſq. he here pleaded and inſiſted, that he was a peer, which plea was allowed, and he was not tried." But notwithſtanding the chief juſtice's opinion, the priſoners were remanded.

unreaſonable humour and animoſity, the fatal effects of which we have ſo narrowly eſcaped in this ſeſſion, that it ought to be a ſufficient warning againſt any dangerous experiments for the future.

"I conclude therefore with exhorting you all to peace and union, which are always commendable, but more particularly neceſſary at this time, when, the whole kingdom being ſhortly to proceed to new elections, it ought to be the chief care of every body, eſpecially of ſuch as are in public ſtations, to carry themſelves with the greateſt prudence and moderation. Nothing will contribute more to our reputation abroad, and our ſecurity at home."

Then the lord-keeper, by her majeſty's command, prorogued the parliament to Thurſday the firſt of May following.

The narrow eſcape, intimated by the queen in her ſpeech, was univerſally underſtood to be meant of 'the Tack,' as indeed it could be meant of nothing elſe.

Thus this ſeſſion, and with it this parliament, came to an end. It was no ſmall bleſſing to the queen and to the nation, that they got ſo well out of ſuch hands. They had diſcovered on many occaſions, and very manifeſtly what lay at the bottom with moſt of them; but they had not ſkill enough to know how to manage their advantages, and to make uſe of their numbers. The conſtant ſucceſſes, which had attended the queen's reign, put it out of their power to compaſs that, which was aimed at by them, the forcing a peace, and conſequently delivering up all to France. Sir Chriſtopher Muſgrave, the wiſeſt man of the party, died before the laſt ſeſſion; and by their conduct after his death, it appeared, that they wanted his direction. He had been at the head of the oppoſition, that was made in the reign of king William from the beginning to the end; but he gave up many points of great importance in the critical minute, for which there were good grounds to believe, that he had twelve thouſand pounds from the king at different times. At his death he appeared to be much richer than by any viſible computation he could be valued at; which made ſome caſt an imputation upon his memory, as if he had received great ſums even from France.

Before we take leave of this parliament, it will be proper to take notice of ſome things, which were begun, but not finiſhed in it. There was a bill offered for the naturalization of ſome hundreds of Frenchmen, to which the commons added a clauſe, diſabling the perſons ſo naturalized from voting in elections of parliament. The true reaſon of this was, that it was obſerved, that the French in England gave in all elections their votes for thoſe, who were moſt zealous againſt France; and yet, with an apparent diſingenuity, ſome of the members gave it as a reaſon for ſuch a clauſe, that they muſt be ſuppoſed ſo partial to the intereſts of their own country, that it was not fit to give them any ſhare in the government, the lords looked on this as a new attempt, and the clauſe added was a plain contradiction to the body of the bill, which gave them all the rights of natural born ſubjects; while this took from them the chief of them all, the chuſing their repreſentatives in parliament. They would not therefore agree to it, and the commons reſolved not to depart from it; ſo that, without coming to a free conference, the bill, fell this ſeſſion.

Another bill was begun by the lords againſt the papiſts. It was occaſioned by ſeveral complaints brought from many parts of the kingdom, eſpecially from Cheſhire, of the practices and inſolence of thoſe of that religion. A bill therefore was ordered to be brought in with clauſes in it, which would have made the act, paſſed againſt them four years before, prove effectual, which, for want of theſe, had hitherto been of no effect at all. This paſſed the lords, and was ſent to the commons, who had no mind to paſs it, but, to avoid the ill effects of their refuſing ſuch a bill, they added a clauſe to it[q], containing ſevere penalties on papiſts, who ſhould once take the oaths, and come into the communion of the church of England, if they ſhould be guilty of any occaſional conformity with popery afterwards. They imagined, that this of occaſional conformity was ſo odious to the lords, that every clauſe, that condemned it, would be rejected by them. But when they came to underſtand, that the lords were reſolved to agree to the clauſe, they would not put it to that hazard; and therefore the bill lay on their table till the prorogation.

A general ſelf-denying bill was offered by thoſe very men, who, in the firſt ſeſſion of parliament, when they hoped for places themſelves, had oppoſed the motion of ſuch a bill with great indignation. Now the ſcene was a little altered; they ſaw they were not like to be favourites, and therefore pretended to be patriots. This looked ſo ſtrangely in them, that it was rejected; but another bill of a more reſtrained nature paſſed, diſabling ſome officers, particularly thoſe, who were concerned in the prize-office, from ſerving in parliament. To this a general clauſe was added, that diſabled all, who held any office, that had been created ſince the year 1684, or any officer that ſhould be created for the future, from ſitting in parliament. This bill had a quick and eaſy paſſage among the commons, being brought in on the 16th of January, and ſent up to the lords on the 23d of that month, who did not think fit to agree to ſo general a clauſe, but conſented to a particular diſability put on ſome offices by name. The commons did not agree to this alteration; but inſiſted on the whole, and therefore the bill fell.

Among the many ways and expedients, by which the tory party of the houſe of commons endeavoured to ſecure their intereſt againſt a new election, they thought it neceſſary to procure an act, whereby the commiſſions of the peace ſhould be lodged in the hands of men of eſtates; and thereupon a bill was brought in, and paſſed on the 2d of February, 'for qualification of juſtices of peace;' but, the ſame being ſent up to the lords, they did not think fit to give it their concurrence.

[1705.] On the 5th of April, the parliament, according to the triennial act, being near expiring, a proclamation was iſſued out for diſſolving it; and, on the 23d, another was publiſhed for calling a new parliament[r].

The concluſion of the parliament ſet the whole nation in a general ferment; both parties ſtudied how to diſpoſe the minds of the people in the new elections, with great induſtry and zeal.

The affairs of Europe were now thought in ſuch a ſituation, that the war could not run beyond the period of the next parliament. A well-choſen one muſt prove a public bleſſing, not only to England, but to all Europe; as a bad one would be fatal at home, as well as to the allies abroad. France was now reduced to great exigencies. All methods of raiſing money were ſo much exhauſted, that they could afford no great ſupplies; ſo that, in imitation of our exchequer bills, they began to give out Mint bills; but they could not create that confidence, which is juſtly put in parliamentary credit. The French had hopes from their party in England; and there was a diſjointing in the ſeveral provinces of the United Provinces; but, as long as England continued firm and united, it had a great influence on the States, at leaſt, to keep things entire during the war. It was viſible, therefore, that a good election in England muſt give ſuch a proſpect for three years, as would have a great influence on all the affairs of Europe.

The convocation ſat at the ſame time with the parliament, though it was then ſo little conſidered, that ſcarce any notice was taken of them; and they deſerved that no mention ſhould be made of them. As the houſe of commons thought fit, in their addreſs at the beginning of the ſeſſion, to put the ſucceſſes by ſea and land on a level, the lower houſe of convocation were reſolved to follow their example, and would have the ſea and land both mentioned in the ſame terms; but the biſhops would not vary from the pattern ſet them by the houſe of lords, ſo no addreſs was made by the convocation. The lower houſe continued to proceed with much indecent violence, and brought up injurious and reflecting addreſſes to the upper houſe, which gave a very large exerciſe to the patience and forbearance of the archbiſhops and biſhops. On

[q] It was as follows: "Provided always, that all perſons, who, by virtue of this act, ſhall be obliged to take the oaths of allegiance and ſupremacy, and ſubſcribe the declaration, ſhall, at the ſame time, declare himſelf to be a member of the church of England, as now by law eſtabliſhed; ſuch declaration to be entered on the ſame roll, where the ſaid oaths and declarations, ſo to be taken and ſubſcribed, are to be entered. And in caſe any ſuch perſons ſhall, after their taking ſuch oaths, and making ſuch declarations, as aforeſaid, knowingly and wilfully reſort to, or be preſent at any conventicle, aſſembly, or meeting, under colour or pretence of any exerciſe of religion, in other manner, than according to the liturgy and practice of the church of England, in any place within this kingdom, he ſhall forfeit the ſum of one hundred pounds, for every time he ſhall be preſent at ſuch aſſembly, conventicle, or meeting."

[r] On the 10th of April, the queen, with his royal highneſs, went to Newmarket. Two days after, Dr. Ellis, vice chancellor of the univerſity of Cambridge, waited on her, and deſired her to honour them with her preſence at dinner. The queen having accepted the invitation, was magnificently entertained in Trinity-College-Hall. Eleven noblemen were made doctors of law, and Pellet, Arbuthnot, and Vernon, doctors of phyſic. James Montague, council for the univerſity, the vice chancellor, and the famous Iſaac Newton, mathematical profeſſor, were knighted.

December 1, they preſented another repreſentation, ſignifying their grief at the general complaint of the clergy, that though convocations had been held now for ſome years, after a long diſcontinuance, yet the public had not hitherto reaped the benefits that might be expected: That this tended to diſparage the conſtitution of the church, and tempted ſome to ſpeak againſt the neceſſity and uſefulneſs of eccleſiaſtical ſynods. They promiſe, for time to come, to do what they can to ſilence that complaint: And intimate, that the fault did not lie in them that more had not been done. That the unhappy diſputes between the two houſes had been their hindrance, but that they neither raiſed them, nor omitted any means they could contrive for bringing them to a regular determination. They begged leave again to take notice, of the many pernicious books that were publiſhed and diſperſed, and requeſted their lordſhips (as formerly) to uſe their intereſt in parliament for a bill to repreſs the licentiouſneſs of the preſs. They repreſented alſo the increaſing difficulties of the parochial clergy, about adminiſtering the holy ſacrament indifferently to all perſons that demand it, in order to qualify themſelves for offices; becauſe they ſaw not how they could in ſeveral caſes act conformably to the rubricks and canons of the church, in repelling ſuch perſons as were unworthy, and particularly notorious ſchiſmatics, without expoſing themſelves to vexatious and expenſive ſuits at law. They beg they would uſe their intereſts for the freeing them from theſe difficulties, and, in the mean time, give them directions how to behave themſelves under ſuch exigencies. The archbiſhop and biſhops made large remarks on this paper. They obſerve, that it was not directed to the preſident, whom they had endeavoured to deprive of his ancient title. They tell them, that it is they, who, by their unwarrantable claims and incroachments, made it impoſſible for the convocation to do the church any ſervice. That, ſhould their innovations run on, there would be a new danger of preſbytery; for preſbyters would be enabled hereafter to bid defiance to their eccleſiaſtical ſuperiors, and to act independently from them in the higheſt and moſt general concerns of the church. That it is ſtrange any of the clergy ſhould underſtand ſo little of the conſtitution, as to complain, that no buſineſs is finiſhed, when the royal licence has not enabled to begin any: Or, that they ſhould hope, that an attempt to do buſineſs, while this was wanting, could have any other effect than the encreaſing differences. For that they would be ſtill running into irregular practices, againſt which their brethren would enter their proteſtations, and againſt which their lordſhips muſt find ſome other method of proceeding. That their lordſhips could not but look upon the ſeeming earneſtneſs of the clergy to proceed to buſineſs, as a deſign to render themſelves popular, and their ſuperiors odious: And that it was dangerous to thoſe whom they repreſented. That in 1689 the lower houſe was for ſuperſeding all buſineſs with a royal licence in their hands, &c. That there are laws and canons in being ſufficient to correct and puniſh offenders. That, if any thing hindered diſcipline, it was the reproaches induſtriouſly ſpread amongſt the clergy againſt the biſhops and their proceedings. That the preſent diſputes grew purely from the attempts of ſome of the clergy to diſengage themſelves from the authority of the biſhops, by privileges, which their predeceſſors never claimed nor pretended to, and therefore they were amazed at their ſolemn contrary declaration. The ſteps the biſhops had taken are reckoned up, by which they had teſtified their deſire of peace and good agreement. That the convocation has really no authority to paſs ſuch cenſures upon books as they deſired: That grievances of the clergy may be regularly offered by their repreſentatives in convocation. But that it is without precedent for preſbyters to expect, that their metropolitan and biſhops ſhould be accountable to them for their conduct and behaviour in their ſeveral viſitations. And that, as concerning directions about the refuſal of the holy ſacrament to unworthy perſons, they could give them no better than the rubricks and canons of the church, which he, that would ſtrictly and religiouſly obſerve, could not be wanting, either in a dutiful regard to his ſuperiors, or in a conſcientious care of the flock. The lower houſe ſent up two other papers, in one of which they complain of the 'diſſenting teachers' preſuming to adminiſter baptiſm in private houſes, and of the encreaſe of non-licenſed ſchools and ſeminaries; and in the other they accuſe the biſhop of Sarum of inſinuating, that many of the perſons, concerned in preparing their repreſentation of grievances laſt winter, were 'enemies to their lordſhips, the queen, and the nation.'

As the lower houſe ſtill held their intermediate ſeſſions, the archbiſhop, on February 14, aſked the prolocutor, if they had held any intermediate ſeſſions ſince the laſt ſynodical day: The procolutor anſwered, that they held one the Monday before. The archbiſhop told him it was very irregular, and that he admoniſhed them to hold no more intermediate ſeſſions, which was a violation of the preſident's right, and contrary to the conſtant cuſtom of convocations.

February 23. The prolocutor told the archbiſhop, that their houſe had taken his admonition into conſideration; and repreſented in return, that they had not been guilty of any irregularity by their intermediate ſeſſion; that the holding ſuch ſeſſions, as oft as they ſhall ſee cauſe, is no violation of the preſident's right, nor contrary to the cuſtom of convocations, but an unqueſtionable right of the lower-houſe, from which they could not depart. And that, if the admonition was intended as judicial, they proteſted againſt it as void and null, and of no effect in law, and to which no obedience can be due: And deſired, that this their anſwer and proteſtation (for which they were ready to aſſign their reaſons) might be entered in form by the regiſter in the acts of the day.

However this put a ſtop to their intermediate meeting, for they would not venture on the cenſures, that muſt in courſe follow, if no regard was had to the Admonition. On March 15, at the final prorogation, the archbiſhop diſmiſſed them with a wiſe well-compoſed ſpeech. He told them, that, whereas they had brought up many complaints, the greateſt part of them did not require any anſwer, after ſo many former expreſſions of the judgments and reſolutions of the biſhops concerning them. That their paper, of December 1, was of ſo undutiful a nature, that it might juſtly be accounted an act of clemency in their lordſhips to paſs it by without cenſure: And yet they drew up obſervations upon it, and entered them in their regiſter, and they might be ſeen by any one that deſired it. That there is no ſuch thing as adjournments, in the language or practice of convocations, and that prorogations have been all along managed by commiſſaries, from the reſtoration to the revolution. That their repreſentation concerning unlicenſed ſchools and ſeminaries was a matter of law. That their former complaints againſt the biſhop of Sarum had not ſufficient ground. That, in what they now complained of, the biſhop referred to flying reports ſet about to the prejudice of the upper-houſe, which they had all reaſon to complain of; though they prayed God to forgive the guilty, and pitied thoſe who were led away by wilful and perpetual miſrepreſentations. That their lordſhips would govern themſelves by the articles and rubricks, the canons and ſtatutes; and that they knew no way of retrieving the honour of convocations, but by the departing of the clergy of the lower-houſe from unwarrantable claims and innovations, and returning to the antient canonical methods.

He added, that this convocation was near an end, and a new one would probably be ſummoned: And that, if new occaſion ſhould be offered, he ſhould think himſelf obliged to exert his authority, ſeeing no better fruit had been reaped from his paſt conduct, which ſome aſcribed to fear, and others to remiſſineſs. And he told them, he wiſhed, that the clergy of the next convocation might govern themſelves by the conſtitution as it is, and not as they would deſire it might be, that they might not divide in two that body of the convocation, which is but one; but prevent all irregularies, and thereby all cenſure, by meeting together with ſuch peaceable tempers and dutiful diſpoſitions, as became their function and order.

The governing men among the lower-houſe were headſtrong and factious, and deſigned to force themſelves into preferments by the noiſe they made, and by this ill humour, that they endeavoured to ſpread among the clergy, who were generally foured, even with relation to the queen herſelf, beyond what could be imagined poſſible.

Before the queen went to Cambridge, ſhe reſolved at laſt to fill the ſee of St. David's, which had now been long vacant. Dr. Bull was promoted to it in the room of Dr. Watſon, deprived for his enormities[s]. Bull had writ the moſt learned treatiſe, the age had produced, of the doctrine of the primi-

[s] Watſon's affair was debated this laſt ſeſſion in the houſe of lords, which the queen came to hear in perſon. His buſineſs had been kept long on foot in the courts below, by all the methods of delay that lawyers could invent: After five years pleading, the concluding judgment was given in the Exchequer, that he had no right to the temporalities of that biſhopric: And that, being affirmed in the exchequer chamber, it was now a writ of error brought before the lords in the laſt reſort: But, as the houſe ſeemed now to be ſet, he had no mind to let it go to a final deciſion: So he delayed the aſſigning the errors of the judgment, till the days were lapſed, in which, according to a ſtanding order, errors ought to be aſſigned upon a writ of error; in default of which, the record was to be ſent back. He ſuffered the time to lapſe, though particular notice was ordered to be given him, on the laſt day, in which, according to the ſtanding order, he might have aſſigned his errors: And the houſe ſat that day ſome hours on purpoſe waiting for it. Some weeks after that, when the ſeſſion

tive church, concerning the trinity. This treatiſe had been ſo well received all Europe over, that, in an aſſembly general of the clergy of France, the biſhop of Meaux was deſired to write over to a correſpondent he had in London, that they had ſuch a ſenſe of the ſervice he had done their common faith, that upon it they ſent him their particular thanks: I read the letter, ſays Burnet, and ſo I can deliver it for a certain truth, how uncommon ſoever it may ſeem to be. The queen had, a little before this, promoted Dr. Beveridge to the ſee of St. Aſaph, who had ſhewed himſelf very learned in the eccleſiaſtical knowledge. They were both pious and devout men, but were now declining; both of them being old, and not like to hold out long. Soon after this, the ſee of Lincoln became vacant by that biſhop's death, and Dr. Wake (late archbiſhop of Canterbury) was promoted to it. He was a man eminently learned, an excellent writer, a good preacher, and, which is above all, a man of an exemplary life.

It was no ſmall mortification to the high-church party, that the duke of Buckingham was removed, and the privy-ſeal given to the duke of Newcaſtle, whoſe intereſt was great with the whigs. About the ſame time, the earl of Peterborough and the lord Cholmondley were ſworn to the privy-council. The lord Cutts was appointed to command the forces in Ireland under the duke of Ormond; but this ſeeming preferment was, in reality, a kind of diſgrace; for his lordſhip would gladly have changed this command for an equivalent in the ſervice abroad. The earl of Montague was created marquis of Mounthermer, and duke of Montague.

Before the operations of the campaign are related, it will be neceſſary to give an account of the proceedings in the parliaments of Scotland and Ireland.

In Ireland, the new heat among the proteſtants there, raiſed in the earl of Rocheſter's time, and connived at, if not encouraged by the duke of Ormond, went on ſtill: A body of hot clergymen, ſent from England, began to form meetings in Dublin, and to have emiſſaries and a correſpondence over Ireland, on deſign to raiſe the ſame fury in the clergy of that kingdom againſt the diſſenters, that they had raiſed here in England: Whether this was only the effect of an unthinking and ill-governed heat among them, or if it was ſet on by by foreign practices, was not yet viſible. It did certainly ſerve their ends, ſo that it was not to be doubted, that they were not wanting in their endeavours to keep it up, and to promote it, whether they were the original contrivers of it or not; for indeed hot men, not practiſed in affairs, are apt enough, of their own accord, to run into wild and unreaſonable extravagances.

The parliament met at Dublin the 5th of March, and voted a hundred and fifty thouſand pounds for the ſupport of the neceſſary branches of the eſtabliſhment. A few days after, the lower-houſe of convocation of the clergy of the church of Ireland being informed, that the heads of a bill, for the better improvement of the hempen and flaxen manufactures of that kingdom, were brought into the houſe of commons, wherein there was a clauſe to aſcertain the tythes of hemp and flax: They preſented a memorial to the houſe of commons, deſiring, that the clauſe might not paſs in the bill, being, as they apprehended, very prejudicial to the rights and properties of the clergy of Ireland, with the care of which they were intruſted. This meſſage was ſigned by the prolocutor, and delivered by their actuary, who was a ſervant to the upper-houſe of convocation. Upon the receipt of the memorial, the commons, inſtead of appointing a time for hearing their reaſons upon it, voted the perſon, that brought it, guilty of a breach of the privilege of the houſe; and, ordering him to be taken into cuſtody, further reſolved, "That it appeared to them, that the convocation, in pretending to have the care of the civil rights of the clergy, were guilty of a contempt and breach of the privilege of that houſe." The commons expected, that the convocation ſhould make a ſubmiſſion, and acknowlege, "That they had nothing to do with the civil rights; and that their meddling with thoſe rights was a contempt and a breach of privilege." But, inſtead of that, the convocation ſent them a letter, wherein they juſtified their memorial, "as no ways encroaching upon the privileges of the houſe of commons, and conſequently no breach of privilege." Hereupon the commons voted, "That all matters relating to the memorial ſhould be razed out of the journals and books of convocation." Which being like to raiſe greater heats, the duke of Ormond thought proper to ſend a meſſage to both houſes, that they ſhould adjourn to the 1ſt of May enſuing; which was done accordingly.

During this adjournment, the duke made a progreſs into the north of Ireland; and, having taken ſome able engineers along with him, cauſed plans and ſchemes to be made, to encreaſe the ſtrength of ſeveral fortified towns. He was received every where with great reſpect; and the preſbyterians, who had been miſrepreſented, upon account of ſome late tranſactions in Scotland, thought this a proper opportunity to clear themſelves of the aſperſions caſt upon them; and therefore, while the duke was at Antrim and Londonderry, ſome of the preſbyterian miniſters waited on him, and delivered to him very dutiful addreſſes. But that did not hinder the convocation from inveighing againſt them, in a reſolution paſſed by them ſoon after.

Upon the duke's return to Dublin, the parliament ſate again; and the houſe of commons, taking notice of the reſtleſs endeavours of the enemies of the public peace, to create diviſions among the proteſtants of that kingdom, to ſtrengthen the intereſt of the pretended prince of Wales, and obſtruct the ſucceſſion in the proteſtant line, came to the following unanimous reſolutions:

"I. That endeavouring to create or promote miſunderſtanding betwixt the proteſtants of this kingdom, tends to the advantage of the papiſts, and the weakening the proteſtant intereſt, is ſeditious, and of dangerous conſequence to her majeſty's government, and the ſucceſſion in the proteſtant line as by law eſtabliſhed.

"II. That by writing or diſperſing pamphlets, or otherwiſe to inſinuate danger to the eſtabliſhed church from the ſucceſſion as by law eſtabliſhed, tends to promote popery, and the intereſt of the pretended prince of Wales.

"III. That it is the indiſpenſable duty of all magiſtrates in this kingdom to put the law ſtrictly in execution, againſt all perſons who ſhall be guilty of ſuch pernicious practices."

Theſe vigorous reſolutions were chiefly owing to Mr. Moleſworth.

On the other hand, the convocation of the clergy, to clear themſelves from the aſperſion of being enemies to the proteſtant ſucceſſion, paſſed the following reſolutions: "1. That this church and nation, having lately been in the utmoſt danger of being over-run by popery and tyranny, were happily delivered from both, by means of the late revolution, brought about (under God's providence) by his late majeſty king William III. of glorious memory. 2. That the continuance and improvement of theſe bleſſings are due (next under God) to the auſpicuous reign and happy government of her majeſty queen Anne, whom Almighty God long preſerve. 3. That the future ſecurity and preſervation of this church and nation depends wholly (under God) on the ſucceſſion of the crown, as it is now ſettled by law, in the proteſtant line. 4. That if any clergyman of this church, ſhall either by word or writing declare any thing in oppoſition to the foregoing reſolutions (which we hope will never happen) we ſhall look upon him as a ſower of diviſions among the proteſtants of the eſtabliſhed church, and as an enemy to our conſtitution. And, after this public and ſolemn declaration, we hope no perſon whatſoever will be ſo unjuſt and uncharitable, as to declare and inſinuate that the clergy of the church of Ireland, as by law eſtabliſhed, were not entirely in their affections for

ſeſſion was ſo near an end, that he thought his cauſe could not be heard during the ſeſſion, and ſo muſt in courſe have been put off to another ſeſſion, he petitioned for leave to aſſign his errors: This was one of the moſt ſolemn orders, that related to the judicature of the lords, and had been the moſt conſtantly ſtood to: It was not therefore thought reaſonable to break through it, in favour of ſo bad a man, of whom they were all aſhamed, if parties could have any ſhame: He had affected, in every ſtep he had made, to ſeek out all poſſible delays, for keeping the ſee ſtill void, which, by reaſon of a bad biſhop and a long vacancy, was fallen into great diſorder: Yet, after all this, he had ſtill by law the benefit of a writ of error, which he might bring in any ſubſequent ſeſſion of parliament. For which reaſon the queen reſolved to fill the ſee.

[1] On the 1ſt of June, the attorney-general reported, from the committee appointed to conſider the ſtate of the nation, the following reſolutions, which were unanimouſly agreed to by the houſe:

"I. That to ſuggeſt by words or writings, that the eſtabliſhed church is not well affected to the ſucceſſion of the crown in the proteſtant line, as ſettled by acts of parliament, or any way inclined to countenance popery, is a falſe and malicious aſperſion, and tends to create a dangerous diviſion amongſt proteſtants, and to promote the deſigns of the papiſts and traytors in favour of the pretended prince of Wales.

"II. That the erecting and continuing any ſeminary for the inſtruction or education of youth in principles contrary to the eſtabliſhed church and government, tends to create and perpetuate miſunderſtandings among proteſtants.

"III. That ſaying maſs, preaching or teaching in ſeparate congregations by perſons, who have not taken the oath of abjuration, and hearing, maintaining, and countenancing ſuch perſons, tends to defeat the ſucceſſion of the crown in the proteſtant line, and to encourage and advance the intereſt of the pretended prince of Wales.

"IV. That all judges and magiſtrates are under the higheſt obligation to make the moſt diligent enquiry into all ſuch wicked practices; and, to their utmoſt, endeavour to diſcover and puniſh the authors of them; and ſuch as wilfully neglect the ſame, ought to be looked upon as enemies to her majeſty's government and the proſperity of this kingdom.

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the late king William of glorious memory, or are not in the true intereſt of the preſent government; or that they are any way diſaffected to the ſucceſſion in the proteſtant line, as by law eſtabliſhed." But to theſe four reſolutions the convocation added a fifth, levelled againſt the preſbyterians: "That for any perſon to preach againſt the doctrine, government, rites or ceremonies of this church; or to keep up and maintain ſchools and ſeminaries for the education of youth, in principles contrary to the eſtabliſhed church, is a contempt of the eccleſiaſtical laws of this kingdom, is of pernicious conſequence, and ſerves only to continue and widen the unhappy ſchiſms and diviſions in the nation."

Soon after theſe reſolutions and votes, the parliament was prorogued to the 13th of June 1706, and the duke of Ormond embarked for England, leaving the adminiſtration of the government of Ireland in the hands of ſir Richard Cox, lord-chancellor, and of the lord Cutts, commander in chief of the queen's forces, who were appointed lords juſtices during the duke's abſence.

A great change was now made in the miniſtry of Scotland. The Engliſh miniſtry, having with difficulty eſcaped being attacked upon account of the 'act of ſecurity' paſſed there, reſolved to uſe their utmoſt endervours to get the 'proteſtant ſucceſſion' ſettled there, or to procure a union of the two kingdoms. The dukes of Argyle and Queenſberry took this opportunity to ſerve each other; and ſeverally to repreſent to the whig lords, "That the marquis of Tweedale and his party had been zealous promoters of the act of ſecurity: That they were ſo inſignificant and ſo deſpiſed through the whole nation, that they could do nothing; but, granting they ſhould prevail, and carry the ſucceſſion with the 'limitations' inſiſted on, of what dangerous conſequence muſt even that prove, ſince thereby a great part of the chief means England had to continue Scotland in dependance was removed, perhaps never to be recovered? That the duke of Queenſberry had been laid aſide for no crime, and no reaſon given, but what teſtified his firmneſs and reſolution in oppoſing every thing, that was diſagreeable and inconvenient to England. And that the duke of Argyle, being a young man of a forward bold ſpirit, and lively natural parts, who had gained the leading of the preſbyterians, as his father had done before him, was therefore a proper perſon to be employed at this juncture." Theſe, and the like conſiderations, had the deſired effect with the whig lords, who prevailed with the queen and her miniſters to lay aſide the motley miniſtry of Scotland; and, accordingly, the marquis of Tweedale, the earls of Rothes, Roxburgh, and Selkirk, the lords Belhaven, Mr. Bailie of Jerviſwood, and Mr. Johnſton were removed; and the chief management of affairs was committed to the duke of Queenſberry, though with the bare title of lord privy-ſeal. At the ſame time the duke of Argyle was declared high-commiſſioner to the next parliament: the earl of Seafield reinſtated chancellor; the marquis of Annandale and the earl of Loudon made ſecretaries of ſtate; ſir James Murray of Philiphaugh regiſter; and all the privy-councillors laid aſide by the laſt miniſtry (except ſir James Fowles of Colingtoun, and Mr. Lockhart of Cornwarth) were reſtored.

The Duke of Argyle's inſtructions were, that he ſhould endeavour to procure an act, ſettling the ſucceſſion as it was in England; or to ſet on foot a treaty for the union of the two kingdoms. When he came to Scotland, and laid his inſtructions before the reſt of the miniſters there, the marquis of Annandale preſſed, that they ſhould firſt try that, which was firſt named in the inſtructions; and he ſeemed confident, that, if all, who were in employments, would concur in it, they ſhould be able to carry it. Thoſe of another mind, who were in their hearts for the pretended prince of Wales, put this by with great zeal, alledging, they muſt not begin with that, which would meet with great oppoſition, and be perhaps rejected: Oppoſition would beget ſuch an union of parties, that, if they miſcarried in the one, they ſhould not be able to carry the other; therefore they thought, that the firſt propoſition ſhould be for the union: not only as it was a popular thing, but as it ſeemed to be remote: And conſequently, there would be a great oppoſition made to a general act about it. Thoſe who intended ſtill to oppoſe it, would reckon they ſhould find matter enough in the particulars to raiſe a great oppoſition and to defeat it. This courſe was agreed on; at which the marquis of Annandale was ſo highly offended, that he concurred no more in the councils of thoſe, who gave the other advice. Some ſincerely deſired the union, as that which would render the whole iſland happy. Others were in their hearts againſt it: They thought it was a plauſible ſtep, which they believed would run by a long treaty into a courſe of ſome years: That during that time, they ſhould be continued in their employments; and they ſeemed to think, it was impoſſible ſo to adjuſt all matters, as to frame ſuch a treaty, as would paſs in the parliaments of both kingdoms. The jacobites concurred all heartily in this. It kept the ſettling the ſucceſſion at a diſtance, and very few looked on the motion for the union as any thing but a pretence, to keep matters yet longer in ſuſpence.

At the opening of the ſeſſion of parliament, which met on the 28th of June 1705, there appeared three different parties; the 'cavaliers or anti-revolutioners; the ſquadrone, or flying ſquadron,' conſiſting of diſcarded courtiers, who pretended to hold and turn the balance of the contending parties [u]; and the preſent courtiers, who conſiſted of zealous preſbyterians and revolutioners. The cavaliers, headed by the duke of Hamilton, applied to the marquis of Tweedale and his party, the flying ſquadron, to perſuade them to unite again, to oppoſe the courtiers; but they poſitively refuſed to treat or concert meaſures with the cavaliers, reſenting the diſappointments they had met with the laſt year.

Many members being abſent at the opening of the ſeſſion, the lord commiſſioner adjourned the parliament to the 3d of July, when being met again, the queen's letter to them was read, wherein her majeſty "recommended to them with the greateſt earneſtneſs, the ſettling the ſucceſſion in the proteſtant line, and, to prevent any objection to the ſettlement, that could be ſuggeſted from the views or fear of future inconveniencies, that might happen to Scotland from thence, ſhe told them, ſhe ſhould be ready to give the royal aſſent to ſuch proviſions and reſtrictions, as ſhould be found neceſſary and reaſonable in ſuch a caſe. That being fully ſatisfied, that great benefits would ariſe to all her ſubjects by an union of Scotland and England; and that nothing could contribute more to the compoſing of differences, and extinguiſhing the heats raiſed and fomented by the enemies of both nations, than the promoting of every thing, that tended to the procuring the ſame: Therefore ſhe earneſtly recommended to them to paſs an act for a commiſſion, to ſet a treaty on foot between the two kingdoms, as her parliament of England had done. Concluding with the uſual demand of the neceſſary ſupplies, and acquainting them with her choice of the duke of Argyle to be her commiſſioner, whom ſhe had fully empowered to declare her firm reſolution to maintain the government both in church and ſtate, as by law eſtabliſhed, and to conſent to ſuch further laws, as ſhould be thought neceſſary for that end, for the better improving of trade and manufactures, and generally for the good and advantage of the kingdom." The lord commiſſioner, and the earl of Seafield, lord chancellor, in their reſpective ſpeeches, inferred the neceſſity of what was recommended in the queen's letter; and the ſame day was read another letter from the queen to the lord commiſſioner, appointing lord Archibald Campbel, his firſt couſin, to have the place and vote of lord high-treaſurer, in this ſeſſion of parliament.

On the 6th of July, the marquis of Annandale preſented a propoſal, "That the parliament would go upon the conſideration of ſuch limitations and conditions of government, as ſhould be judged proper for the next ſucceſſor in the proteſtant line: and that, at the ſame time, a committee be appointed to conſider the condition of the coin of the nation, and the ſtate of its commerce or trade, as to export and import, and to prepare and bring in the moſt proper remedies and regulations for that end." Hereupon the earl Mariſchal preſented a reſolve, "That the houſe, previous to all other affairs, would make ſuch regulations of the trade and coin of this kingdom, as might be moſt for the advantage of the nation." Another reſolve was alſo preſented by the earl of Mar, "That the houſe would, preferably to all other buſineſs, take into their conſideration the nation's circumſtances, as to England, and how to enter into a treaty with them." This laſt being ſeconded by few, his lordſhip thought fit to withdraw it till another time; but the houſe fell into a debate of ſix hours upon the two firſt motions, and at laſt it came to the queſtion, whether to proceed firſt to the conſideration of coin and trade, or that of limitations; and the firſt was carried. Then a ſecond queſtion was put, whether the coin and trade ſhould be taken into conſideration by way of reſolve, which excluded all other buſineſs till that ſhould be determined, or by way of propoſal, which admitted of other

[u] The chief of the ſquadron, beſides the marquis of Tweedale, were the earls of Rothes, Roxburgh, Haddington, and Marchmont. They were in great credit, becauſe they had no viſible biaſs on their minds. Their number was between twenty and thirty. Burnet, II. 460.

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buſineſs; and this was carried likewiſe by a great majority. It was the opinion of many, that the cavaliers made a wrong ſtep in poſtponing the more material affairs, and trifling away the beginning of the ſeſſion in matters of no importance; for, if they had immediately called for the queen's letter, in order to return an anſwer to it, the treaty with England would naturally have fallen under conſideration, and the duke of Queenſberry's friends not being yet gone off from them, they might have either rejected it, or at leaſt clogged it as they pleaſed, and choſen ſuch members as they thought fit to be commiſſioners. Whatever ground there may have been for this conjecture, it is certain, that the three next and many other 'ſederunts' or ſittings were ſpent in the conſideration of trade; in relation to which ſeveral overtures or propoſals were laid before the houſe, ſome of which paſſed into laws, and the others were rejected. Amongſt the reſt there were two propoſals made for 'ſupplying the nation with money by a paper-credit.' The firſt was offered by Dr. Hugh Chamberlane, whoſe project by a 'land-bank' had, ſome years before, miſcarried in England, and reduced him ſo low, that he was obliged to fly from his creditors into Scotland. The other was propoſed by John Law, the ſon of a goldſmith in Edinburgh, a man of ſubtle parts, who, having ſquandered away his ſmall fortune, was forced to live by gaming, but who, being an agreeable debauchee, found the way to ingratiate himſelf with the duke of Argyle, and the leaders of the 'flying ſquadron.' Upon the confidence of their ſupport, he preſented a very plauſible ſcheme, which was readily eſpouſed by all the courtiers, and many of the 'flying ſquadron,' becauſe it was ſo framed, that, in proceſs of time, it would have brought all the eſtates of the kingdom to depend upon the government. But the houſe rejected the propoſal, and came to a reſolution, "That the eſtabliſhing any kind of paper credit, ſo as to make bills paſs for current coin, was an improper expedient." A council was likewiſe appointed, with power to put the laws relating thereto into execution; and it was recommended to them to bring the export and import of the nation to a balance, and lay the ſame before the houſe next ſeſſion.

Before this act was brought to perfection, the cavaliers made all poſſible efforts to prevent the ſettling of the ſucceſſion, for which purpoſe the duke of Hamilton, on the 17th of July, preſented the following reſolve, "That this parliament will not proceed to the nomination of a ſucceſſor, till they have had a previous treaty with England in relation to commerce, and other concerns with that nation." And further, "That this parliament will proceed to make ſuch limitations and conditions of government for the rectification of the conſtitution, as may ſecure the liberty, religion, and independency of this kingdom, before they proceed to the nomination of a ſucceſſor." The court, and moſt of the 'flying ſquadron,' united againſt this reſolve; but the cavaliers inſiſted vigorouſly upon it, and, by the aſſiſtance of ſome of the duke of Queenſberry's friends, carried it by a great majority. Upon this occaſion the lord Belhaven made a long ſpeech[w], which had ſuch an effect, that, after ſome debate, the duke of Hamilton's reſolve was approved. On the 20th of July, the parliament met again, and read the

[w] The ſpeech was as follows:

My lord chancellor,

"By what experience I have had in this world, I always found, that when diviſions are once come to that conſiſtency, as to form themſelves in factions upon different meaſures and oppoſite deſigns, that then reaſon and reaſoning make but a very ſmall impreſſion upon either of the parties. Therefore I ſhall not enter into the merits of this 'reſolve,' nor of its expediency or inexpediency at this time, that I may not give the leaſt riſe to debate, or occaſion of miſunderſtanding amongſt ourſelves. What I ſhall ſay on this head, is to advance this poſition, viz. That there is more danger to our nation, and national concerns by diviſions and factions, than by any miſtakes in fit and adequate meaſures, if they be unanimouſly gone upon.

"A wrong meaſure, eſpecially in reſolutions, may be rectified and redreſſed, when we come to a fuller view of the affair. And, though ſometimes they prove unſucceſsful, yet unanimity endures a ſhock with firmneſs; but diviſions and factions encreaſe and multiply, and that from very ſmall beginnings, ſo as to render all perſuaſions abortive; and that more eſpecially amongſt men of honour, who, as they are generally more grateful, conſtant, and firm to their words and parties, ſo upon diſappointments they are more prone to reſentment and revenge, the moſt dangerous of all paſſions, and the moſt fatal to the very being of nations.

"What I plead for, my lord, at this time, 'is unity.' Would you have limitations? Go upon them unanimouſly. Would you have a treaty? Do the like. Would you ſettle the ſucceſſion upon limitations without a treaty? Would you ſettle the ſucceſſion on treaty without limitations? Would you have neither done at this time? In ſhort, whatever you would have done, let it be done 'nemine contradicente,' and it will not want its own weight; for I am perſuaded, that, whatever reſolution this honourable houſe ſhall come to, a wrong meaſure is preferable to a good one, if there be unanimity in the one, and faction at the bottom of the other.

"My lords, I could bring in inſtances from the hiſtories of Europe, to confirm what I have ſaid, and from none more than that of our neighbours, the States of Holland, whoſe unity has raiſed them to the grandeur and riches they are poſſeſſed of at this day. They wanted not wrong meaſures and unſucceſsful attempts; but their unanimous firmneſs in the vindication of their liberty hath made good the verity of their motto, 'Concordiâ res parvæ creſcunt.'

"But, waving what is foreign, I ſhall confine myſelf to our own hiſtories, and by four examples I ſhall make it evidently appear, that our predeceſſors, when in good underſtanding amongſt themſelves, were always in a condition to defend their rights and liberties againſt the Engliſh, and that they never did prevail over us, ſave when we were divided and broke by factions.

"The firſt inſtance is of that famous controverſy about the right of ſucceſſion of Alexander the Third. The ſtory is ſo well known, that I ſhall not give this honourable houſe the trouble of hearing it repeated, but ſhall only ſay, we divided upon it. What followed upon that? The king of England gave us a king. What was the conſequence of that? Both of us paid very dear for it. For, as the hiſtorians of both nations tell us, there followed upon it the longeſt and moſt bloody war, that ever was betwixt two nations. Then, and not before, could it be ſaid, that England had any pretence of homage from us.

"Pray, my lord, had it not been better, that our predeceſſors had of themſelves choſen the worſt of competitors, yea the worſt men of the nation by a general conſent, rather than to have ſuſtained thoſe calamities, which followed on that diviſion?

"The other time, my lord, that we groaned under Engliſh bondage, was by Cromwell, who knew as well how to divide, as how to fight. We had called home king Charles the ſecond, as ſucceſſor to his father. Cromwell enters Scotland with an army, and prevails. What was the reaſon of it? Was his army comparable to ours in number? He knew very well king Charles the firſt, his maſter, had come upon us with a far better army, and we leſs prepared, and leſs accuſtomed to war; and yet, though ſword in hand, he was neceſſitated to give us a valuable treaty at the Birks. He knew very well, that we had the remains of that gallant army, which had procured us ſo good conditions at the treaty of Rippon, and who afterwards had raiſed the parliamentary power above that of their ſovereign. He knew, that we had the brave troops, that had preſerved the north of Ireland from the Iriſh rebels. Whence then came all thoſe hopes of Oliver? It came, my lords, from our diviſions: We were united in thoſe former times, and broken then. In ſhort, we had the Hamiltons, Grahams, and Campbells, each driving on oppoſite deſigns. Nay, my lord, faction was come to that height of enthuſiaſm, that, when we came to fight Cromwell at Dunbar, we would not fight but as Gideon did the Midianites, although we had no ſuch warrant for it. I pray God, my lords, things come not to ſuch an height now, eſpecially when we, as they, mind more, who ſhall do ſuch and ſuch things, than what things are fitteſt to be done; ſo that every commiſſioner now muſt have the board ſwept clean, before he undertakes the queen's buſineſs. I ſpeak not this, my lord, out of any reſentment I have, by being lately turned out of a poſt, I profeſs I have not the leaſt reſentment upon it. Why ſhould not the queen employ what ſervants ſhe thinks fit? But I ſpeak of it, becauſe I am afraid it proves a ſeed to faction, it having proved ſo prolific already, as to have two crops in one year, though in this northern climate.

"The two inſtances, where our unity preſerved us from the fatal conſequences of war with England, are thoſe of king David and king James the firſt, after we had recovered under the conduct of the noble Bruce, who had forced the grandchild, by a moſt ſolemn renunciation, to yield up the claim of homage, unjuſtly impoſed by the father upon us. Two unhappy accidents put theſe two kings in the hands of the Engliſh. Did they let go the opportunities to trump up their claim of homage? No, my lord. What hindered them to proceed further? King David had loſt a conſiderable battle, was there made priſoner himſelf, many of the nobility killed and taken, England ſucceſsful againſt France at the ſame time, and their king priſoner in England. King James the firſt was their priſoner, being forced to fly from the unjuſt deſigns of his uncle Robert, and as unjuſtly made priſoner by them. Theſe occaſions, my lord, did appear favourable enough for England to make uſe of; but our firm unanimity put a ſtop to their deſigns. We declared we would not obey our kings as long as they were under Engliſh power and influence; and ſo both our armies in France, and peers in Scotland, refuſed their oaths, as long as they were in England, looking upon them not as their king's commands, but the commands of an enemy. And thus we were preſerved, and our kings delivered to us upon ranſom.

"My lord, I have obſerved, that England never let go any opportunity, neither before nor ſince the union of the two crowns, to bring us under their power; and I am perſuaded, that the heats and animoſities amongſt us theſe ſeveral ſeſſions of parliament have, amongſt other things, occaſioned that threatning and unaccountable act of parliament, wherein they characterize our miniſters, and criticize our acts; as it hath alſo given birth to thoſe contemptible and ignorant pamphlets, publiſhed of late againſt the ſovereignty and independency of our nation. Will you prevent the conſequences of what is deſigned againſt us? Be as united as they in your actings againſt them. Did whig and tory differ about us? No, my lord: The two houſes, though in civil war among themſelves, did vie with one another, which of them ſhould have the honour to give us the ſharpeſt and ſevereſt blow.

"To conclude, Would you quench the fire, that appears to be raiſed againſt us in England? Would you have a ſucceſsful treaty and good limitations? Be unanimous; and, I hope, the caſe is not as yet ſo deſperate, but what our predeceſſors have found, we may yet find the like.

"It may be aſked, my lord, How ſhall we be unanimous, and who ſhall yield? I think providence has made that very eaſy with relation to this reſolve. For ſuppoſe ſome be for limitations, that are not for a treaty; and others for a treaty, that are not for limitations; and that thoſe, who are againſt a treaty, are againſt it, becauſe they do not expect reaſonable and good conditions from England; and that thoſe, who are againſt limitations, are againſt them, becauſe they would prove of no long continuance, and conſequently look upon them only as an amuſement to bring us to the Engliſh ſucceſſion: There is no reaſon, my lord, in all this, why both parties ſhould not agree in the reſolve. For, ſuppoſe all thoſe ſuppoſitions ſhould prove true, ſhall we then be in any worſe condition than we are at preſent? Shall it be ſaid, we will not ſo much as reſolve to treat with England; or that limitations, which are in our power, both to make and to keep, ſhall be looked upon by us as things impracticable, and of no duration? No, my lord, we have a gracious queen, that will aſſiſt us in both, and who, in her gracious letter, ſeems to deſire both.

"I do conſider England, with relation to the ſucceſſion of Britain, as ſo many fiſhes incloſed in a large ſtrong net. They have room to ſwim, toſs, and tumble; but, as long as the fiſherman keeps his hold, they cannot break through. I believe by this time they are ſenſible, that the ſucceſſion to the two kingdoms in Britain ought not to have been deſigned, much leſs ſettled,

draught of a letter preſented by the marquis of Tweedale, in anſwer to her majeſty's letter to the parliament; as alſo a draught of an 'act for a treaty with England,' preſented by the earl of Mar; another draught of an 'act for a treaty with England' preſented by the marquis of Lothian; a draught of an act concerning the way of chuſing officers of ſtate, privy-councillors, and members of the Exchequer and Treaſury, in caſe of her majeſty's deceaſe, without heirs of her body to ſucceed, preſented by the earl of Rothes; and ſome other draughts of acts relating to trade: All which were ordered to be printed.

On the 23d of July, the duke of Queenſberry arrived at Edinburgh, where he made a public entry with great ſplendor and magnificence, and was received with greater demonſtrations of joy, than the three times he had been commiſſioner. The next day he went to parliament, where the draught of a letter, in anſwer to the queen's, was read, intimating "the parliament's readineſs to eſtabliſh the ſame ſucceſſor with England; begging her majeſty would grant them ſuch limitations to her ſucceſſors, as were neceſſary for that purpoſe; and aſſuring her, that, if this was once done, they would chearfully ſet about the work." But, a motion being made, that, preferably to that letter, the houſe ſhould take into conſideration acts relating to trade, the ſame was agreed to.

This being over, the cavaliers inclined to proceed upon the limitations, propoſing thereby, in the firſt place, to obſtruct the eſtabliſhment of the ſucceſſion, in caſe the projected treaty ſhould fail; for they knew the court would not grant them the royal aſſent, and that the ſucceſſion would then miſcarry. In the next place, to lay all the reſtraints poſſible on the monarch, in caſe the houſe of Hanover ſhould come to the crown. And laſtly, to ingratiate themſelves with the people, who thought themſelves oppreſſed by England, and were extremely fond of every thing, that ſeemed to free them from it. A motion being made on the 31ſt of July, to grant the firſt reading 'to an act of commiſſion for a treaty with England,' the duke of Hamilton, in oppoſition thereto, moved, that the houſe would proceed to the enacting 'the limitations;' and, a vote being ſtated in theſe terms, proceed to conſider the 'act for a treaty,' or 'limitations,' the latter was carried. In the next 'ſederunt,' on the 2d of Auguſt, ſeveral acts for that purpoſe were preſented; the moſt conſiderable of which was, an act for regulating the chuſing the officers of ſtate, enacting, "That from and after her majeſty's deceaſe, without heirs of her body, all officers of ſtate, and privy-councillors, and lords of ſeſſion, ſhould be choſen and appointed by the parliament; and in caſe of the deceaſe of any of them, during the vacancy of parliament, the office to be ſupplied by one nominated by the council, who ſhould continue in the ſame till next ſeſſion of parliament: And that all the officers of ſtate and privy-councillors ſhould be accountable to the parliament." The court offered, on the 16th of Auguſt, a clauſe, giving the power of chuſing officers of ſtate (which by this act was ſolely lodged in parliament) to the king, with conſent of parliament, which was carried in the negative; as alſo a motion, that there ſhould be three preſidents of the ſeſſion, to preſide by turns each two months. On the 22d, the whole act was approved, and, the next day, an act for a triennial parliament was read in theſe terms: "Our ſovereign lady, being willing to reſtore to her ancient kingdom their ancient cuſtom and right to frequency of parliaments, does therefore, with the advice and conſent of parliament, ſtatute and ordain, that there ſhall be a new parliament called and indicted, to meet, ſit, and act; and that once every third year after the 1ſt of Auguſt in the year. And her majeſty does hereby declare, with conſent aforeſaid, that this preſent parliament ſhall not continue and endure any longer than the 1ſt of Auguſt aforeſaid; and this, without prejudice of her majeſty and ſucceſſors royal prerogative and power to diſſolve parliaments ſooner than the ſaid term of three years, as ſhall be thought fit. And further, with the advice aforeſaid, ſtatutes and ordains, that, from and after the 1ſt day of Auguſt aforeſaid, no farmer or collector of her majeſty's cuſtoms or exciſe, or any other branch of her majeſty's revenue, ſhall be capable to be a member of parliament, nor to ſit and vote therein after the date aforeſaid; and it ſhall be a ſufficient objection againſt any member, that he is concerned, directly or indirectly, as a farmer or collector, in any part of her majeſty's revenue, to remove him from his place and vote in parliament." The courtiers ſaw it was to no purpoſe to oppoſe this act; and, being afraid of a new parliament, they only propoſed, that this act ſhould not take place during her majeſty's life. The cavaliers, on the other hand, inſiſted, that it ſhould commence immediately; but many members, who doubted their own intereſt to be elected anew; propoſed a medium betwixt the two, that it ſhould take place three years after the date, that is, the 1ſt of Auguſt 1708; with which, as the leaſt of the two evils, the courtiers joined and carried it, and ſo the whole act was approved. Another act ordaining, that the Scots embaſſadors, repreſenting Scotland, ſhould be preſent, when the ſovereign had occaſion to treat with foreign princes and ſtates, and accountable to the parliament of Scotland, was alſo approved: But ſeveral other overtures were made, that never were engroſſed into acts. Nor did the abovementioned act obtain the royal aſſent, though the court promiſed it often to many of the members, and thereby kept them in good humour, while the act for a treaty was framing, they thinking themſelves in a tolerable good ſtate by thoſe acts of limitation, and never imagining, that the treaty would terminate as it did. But Fletcher of Salton, having, in a long diſcourſe, ſet forth the deplorable ſtate, to which the Scots nation was reduced by being ſubjected to Engliſh counſels and meaſures, while the ſame perſon was king of both kingdoms, concluded, that thoſe acts were not ſufficient, and therefore preſented a ſcheme of 'limitations,' which he propoſed to be engroſſed into an act, and taken into conſideration.

"I. That elections ſhould be made at every Michaelmas head-court for a new parliament every year, to ſit the 1ſt of November next following, and adjourn themſelves from time to time till next Michaelmas. That they chuſe their own preſident, and that every thing be determined by balloting in place of voting.

"II. That ſo many leſſer barons ſhould be added to the parliament, as there had been noblemen created ſince the laſt augmentation of the number of barons: And that in all time coming, for every nobleman, that ſhould be created, there ſhould be a baron added to the parliament.

"III. That no man ſhould have a vote in parliament, but a nobleman, or elected member.

"IV. That the king ſhould give the royal aſſent to all the laws offered by the eſtates; and that the preſident of the parliament be empowered by his majeſty to give the royal aſſent in his abſence, and have ten pounds ſterling a day ſalary.

"V. That a committee of thirty-one members, of which nine be a quorum, choſen out of their number by every parliament under the king, ſhould have the adminiſtration of the government, be his council, and accountable to the parliament, with power, on extraordinary occaſions, to call the parliament together: And that, in the ſaid council, all things be determined by balloting, inſtead of voting.

"VI. That the king, without conſent of the parliament, ſhould not have the power of making peace and war, or of concluding any treaty with any other ſtate or potentate.

"VII. That all places and offices, both civil and military, and all penſions formerly conferred by the crown, ſhould ever after be given by parliament.

"VIII. That no regiment or company of horſe, foot, or dragoons, be kept on foot in peace or war, but by conſent of parliament.

"IX. That all the fencible men in the nation, betwixt ſixty and ſixteen, be armed with bayonets and firelocks, all of a caliver; and continue always provided in ſuch arms and ammunition ſuitable.

"X. That no general indemnity, or pardon for any tranſgreſſion, ſhould be valid, without conſent of parliament.

"XI. That the fifteen ſenators of the college of juſtice ſhould be incapable of being members of parliament, or of any office or penſion, but the ſalary, that belongs to their place, to be increaſed as the parliament ſhould think fit. That the office of preſident ſhould be in three of their num-

without acquainting one part of Britain with the deſign, and that one part independent upon the other. Therefore if we be united, and keep our hold, and make no unreaſonable demand, either of limitations from our queen, or conditions from England, but merely ſuch as the neceſſity of the nation requires; I hope, by the bleſſing of God upon our juſt endeavours, and the cordial ſupport of our excellent ſovereign, that we ſhall have all our deſires granted, and a good underſtanding betwixt the two nations promoted, not for this time only, but for ever: Which if they do ſlight at this time, I dare pretend to propheſy that the time will come, when they will give with leſs ceremony.

"Thus, my lord, I have frankly told you my mind, and that with all deference and ſubmiſſion to this honourable houſe; and though I do not pretend to the thanks of this parliament, as the lord Haverſham had of the houſe of lords, yet I will not yield to his lordſhip, as to my integrity and ſincere concern for the commonwealth of Britain. And in one thing, I think, I have the advantage, that what I have ſaid tends to the compoſing of differences; firſt, among ourſelves, and then betwixt our neighbouring nations and us. Whereas his lordſhip's ſpeech, if I be not as much miſtaken, as his lordſhip was at the time he ſpoke it, tends directly the quite contrary way. Therefore I am for the reſolve, and for the beginning with the limitations.

The

ber, to be named by the parliament, and that there be no extraordinary lords: As alſo, that the lords of the juſtice-court ſhould be diſtinct from thoſe of the ſeſſion, and under the ſame reſtrictions.

" XII. That, if any king ſhould break in upon any of theſe conditions of government, he ſhould, by the eſtates, be declared to have forfeited the crown." Fletcher enlarged upon every article, endeavouring to ſhew, that the firſt eight were neceſſary to prevent Engliſh influence over Scots affairs; the ninth, to enable the nation to defend its rights and liberties; and the tenth, to deter miniſters of ſtate from preſuming to give the king bad advice, and doing things contrary to law[x]. The eleventh article he ſaid was neceſſary to preſerve the judicatories from corrupt judges: " And if the twelfth, concluded he, be not approved, ſure, I am, this houſe muſt own, the laſt king James was barbarouſly and unjuſtly treated." However this ſcheme of limitations was never framed into an act.

Another material point, under the conſideration of this parliament, was the plot. They had, in the former ſeſſion, addreſſed the queen to tranſmit to them ſuch perſons, as were evidences in, and ſuch papers as related to, that affair; and, in the beginning of this ſeſſion, the dukes of Hamilton and Athol were very deſirous to proſecute it to the utmoſt. But the cavaliers were not ſo forward; firſt, becauſe they were under a kind of engagement to the earl of Mar and ſir James Murray of Philiphaugh, that, if the duke of Queenſberry's friends oppoſed the marquis of Tweedale and his party, as in the former ſeſſion, they ſhould not inſiſt on that affair, which would irritate the duke's friends to ſuch a degree, that many of them would not concur in oppoſing the act for a treaty. In the next place, the cavaliers conſidered, that the edge of many people's indignation againſt the plot was blunted, by its lying ſo long dormant. And being, at the ſame time, apprehenſive of being baffled, if they attempted any thing againſt the duke of Queenſberry, they reſolved to ſtand neuter, at leaſt till they ſaw, whether the dukes of Hamilton and Athol could prove any thing. It being proved, on the 28th of Auguſt, that the houſe might be acquainted what anſwer the queen had returned to the addreſs, the lord-commiſſioner declared, That he had received a letter from her majeſty relating to that matter, and would ſignify her pleaſure therein to the parliament in a few days. Accordingly, on the 11th of September, the lord-chancellor acquainted the houſe, that the reſt of the papers relating to the late plot were now tranſmitted; and that they ſhould be given to the clerk regiſter, to be peruſed by the members of the houſe. But, when the houſe took theſe papers into conſideration, it was urged, that they were only copies, and that the principal evidences, ſuch as ſir John Maclean, Mr. Keith, and others remained in London; and that the parliament could not proceed any further in that affair, unleſs the original papers, and the perſons, who were evidences, were at their command. However, the dukes of Hamilton and Athol, and Bailie of Jerviſwood, made ſpeeches in their own vindication, aſſerting, that the accuſation againſt them in the diſcovery of the pretended plot was falſe and calumnious. The duke of Athol, in particular, made a long narrative of the beginning, progreſs, and concluſion of the whole affair; accuſed the duke of Queenſberry of endeavouring to give the queen ſiniſter impreſſions of her good ſubjects; produced copies of letters ſent from him to her majeſty, affirming, that all the cavaliers had an hand in the plot, or, at leaſt, were enemies to her; and that, the better to carry on his deſign, he had employed and held correſpondence with Frazer or lord Lovat. But, notwithſtanding all this great clamour, no further notice was taken of this affair.

The buſineſs, which the court had principally at heart, was the 'Act for a treaty with England.' The earl of Mar had, in the beginning of this ſeſſion, preſented an 'Act for appointing commiſſioners to treat with commiſſioners from England of an union;' which lay upon the table, till moſt of the overtures in relation to trade and the limitations were diſcuſſed; but theſe being over, the other was re-aſſumed. This act was much of the ſame nature and import with the act paſſed in England, both empowering commiſſioners to meet and treat of an union of the two kingdoms of England and Scotland, and reſtraining them from treating of any alterations of the church government, as by law eſtabliſhed, in the reſpective realms. The only material difference was, that the Engliſh act not only gave the queen the nomination of the commiſſioners on the part of England, but required alſo that the queen ſhould name and appoint the Scots commiſſioners; whereas, in the draught preſented by the earl of Mar, there was a blank for the power of the nomination. This gave occaſion to Fletcher of Salton, in a pathetic ſpeech, on the 28th of Auguſt, to inveigh againſt the haughty and imperious proceedings of the Engliſh in this affair, exhorting the houſe to reſent this treatment, as became Scotſmen, for which purpoſe he offered an addreſs to be preſented to her majeſty, importing, " That the act paſſed in the parliament of England, containing a propoſal for a treaty of union of the two kingdoms, was made in ſuch injurious terms to the honour and intereſt of the Scots nation, that they, who repreſented that kingdom in parliament, could no ways comply with it: which they had the greater regret to refuſe, becauſe a treaty of union had, in this ſeſſion, been recommended to them by her majeſty. But that they ſhould be always ready to comply with any ſuch propoſal from the parliament of England, whenever it ſhould be made in terms no way diſhonourable or diſadvantageous to the Scots nation." The houſe, rejecting this motion, called for the earl of Mar's draught, and for the Engliſh act, both of which were read. The cavaliers and country-party obſerving, that there was a great inclination in the houſe to ſet a treaty on foot, thought it improper to oppoſe it any longer in general terms; and therefore reſolved to endeavour to clog the commiſſion with ſuch reſtrictions and proviſions, as ſhould retard the treaty's taking effect. In order thereto, the duke of Hamilton preſented a clauſe to be added to the act, importing, " That the union to be treated on ſhould no ways derogate from any fundamental laws, ancient privileges, offices, rights, liberties, and dignities of the Scots nation." This the courtiers vigorouſly oppoſed, as inconſiſtent with the intended entire or 'incorporating union,' of which the aboliſhing the Scots parliament was a neceſſary conſequence. And thereupon they urged, " That, ſince Scotland and England were under one ſovereign, who mediated between her two kingdoms, and England had already given ample powers to their commiſſioners, it would be unbecoming in Scotland to reſtrain their commiſſioners. That it would ſhew a jealouſy of her majeſty, and might put a ſtop to the treaty, ſince England could not but expect, that the Scots commiſſioners ſhould have as ample powers as theirs. That there could be no danger in giving unlimited powers to their commiſſioners, ſince it was expreſsly provided, that no matter or thing treated of, and agreed to, ſhould be of any force, unleſs it were firſt approved of and ratified by the parliaments of both kingdoms. And therefore, when their commiſſioners ſhould make their report of the ſcheme of of Union, that ſhould be agreed on, then it would be proper for the houſe to conſider, whether they would ratify or reject the ſame." To this it was anſwered, " That Scotland and England's being under one ſovereign made this clauſe neceſſary, ſince woeful experience taught them, and it had been often complained of in the houſe, that their ſovereign was under Engliſh influence, and ſubject to the counſels of her Engliſh miniſters, who regarded the intereſt and honour of Scotland no further than was conſiſtent with that of England. That the adding of this clauſe could never imply the leaſt miſtruſt of the queen's inclinations towards her ancient kingdom, ſince all that could be made of it was, that the Scots parliament being ſenſible, that the queen was not in a capacity to know the intereſt and circumſtances of Scotland ſo well as thoſe of England, had taken care to prevent any inconveniencies, that might ariſe from thence. That there were ſome things ſo ſacred, that the leaſt innovation or alteration, much leſs the abrogating or ſuſpending them, was never to be attempted, or the ſubject of any treaty. And the particulars of this clauſe, ſuch as the 'Sovereignty, independency, and freedom of the nation,' being of this nature, ought therefore to be added. That England could not take it amiſs, ſince they themſelves had reſtrained their own commiſſioners from treating of any alteration in the church-government of that kingdom. That the Scots were a free independent people, and had a power to give what inſtructions, powers and reſtrictions they pleaſed to their commiſſioners. Neither was it to be imagined, that England would refuſe to treat upon account of this clauſe, becauſe the very clauſe, in the ſame expreſs words, was inſerted in the act of the treaty in the reign of king James VI. and to the ſame purpoſe in moſt of the ſubſequent acts of treaty; and yet

[x] The earl of Stair having ſpoken againſt this ſcheme, Fletcher, in anſwer, ſaid, " It was no wonder his lordſhip was againſt it; for, had there been ſuch an act, his lordſhip had been long before hanged for the advices he gave king James, the murder of Glenco, and his conduct ſince the revolution." Lockhart.

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neither that king (who would have had good reaſon to be offended at any diſreſpect or diſtruſt ſhewn towards him) nor his ſucceſſors, nor the parliament of England, made any ſcruple upou that account, to meet and treat with the commoners of Scotland." Theſe and many other arguments were urged for and againſt the clauſe: but the queſtion being put, whether it would be added or not? it was carried in the negative by two voices only, through the neglect of ſeven or eight of the cavaliers and country-party, who happened to be abſent.

This being over, aoothe clauſe was offered, importing, "That the commiſſioners ſhould not go out of Scotland, to enter into any treaty with thoſe to be appointed for England, until there was an act paſſed by the parliament of England, reſcinding that clauſe in the Engliſh act, by which it was enacted, that the ſubjects of Scotland ſhould be adjudged and taken as aliens, after the 25th of December 1705." The cavaliers inſiſted upon this clauſe as neceſſary to vindicate the honour of the nation from the injuſtice of the Engliſh in that act, upon a belief, that, if it were added, the Engliſh would not comply with it, and ſo the treaty would come to nothing. Upon the ſame conſideration the courtiers oppoſed it; but, obſerving it took with the houſe, they did not preſume to do it openly, but by this artful motion, "That the clauſe ſhould be approved, tho' not as was propoſed, engroſſed with the body of the act for a treaty, but a reſolve of the houſe paſſed, that, after the act were finiſhed, the houſe would immediately proceed to conſider, whether the clauſe ſhould be of force by a particular act, or by an order of the houie;" and the queſtion being ſtated, "Add the clauſe to the act or by a ſeparate way," the latter was carried. By this the courtiers were ſure of having a treaty, for, if the clauſe was turned into an act at the cloſe of the ſeſſion (when they had no more to require of the parliament) they might grant the royal aſſent to the act of treaty, or refuſe it to this, as they ſhould be directed from England: And in caſe the clauſe was turned into an order of the houſe, then they might diſſolve the parliament, by which means the act empowering the commiſſioners to treat, remained in force, and the order ceaſed. Before the vote was ſtated, upon the act for a treaty, the duke of Athol, on the firſt of September entered his proteſt in theſe terms; "In regard, that by an Engliſh act of parliament made in the laſt ſeſſion thereof, entitled, 'An act for the effectual ſecuring England from the dangers, that may ariſe from the ſeveral acts lately paſſed in Scotland,' the ſubjects of this kingdom are to be adjudged aliens, born out of the allegiance of the queen, as queen of England, after the 25th of December, 1705; I do therefore proteſt for myſelf, and in the name and behalf of all ſuch, as ſhall adhere to this my proteſtation, that, for ſaving the honour and intereſt of her majeſty, as queen of this kingdom, and maintaining and preſerving the undoubted rights and privileges of her ſubjects, no act for a treaty with England ought to paſs in this houſe, unleſs a clauſe be adjected thereto, prohibiting and diſcharging the commiſſioners, that may be nominated and appointed for carrying on the ſaid treaty, to depart the kingdom, in order thereto, until the ſaid act be repealed and reſcinded by the parliament of England." To this proteſt moſt of the cavaliers and country-party, and all the Squadrone adhered, making in all twenty-four peers, thirty-ſeven barons, and eighteen boroughs. While the rolls were calling, upon this reſolve (it being very late) many of the members, after they had given their votes, went out of the houſe, expecting, that the parliament would not have proceeded to any more buſineſs that night; but immediately after the laſt name in the roll was called, duke Hamilton, addreſſing himſelf to the chancellor, moved, that the nomination of the commiſſioners for the treaty ſhould be left wholly to the queen. Upon this unexpected motion fourteen or fifteen of the cavaliers ran out of the houſe in rage and deſpair, ſaying aloud, "That it was to no purpoſe to ſtay any longer, ſince the duke of Hamilton had deſerted and ſo baſely betrayed them." However thoſe, who remained, ſtrenuouſly oppoſed the motion; and a hot debate aroſe upon it, wherein the cavaliers uſed the very arguments, which duke Hamilton had often urged; "What! leave the nomination to the queen? No: ſhe is in a manner a priſoner in England; and the eſtates of Scotland had taught us our duty in a caſe nearly related to this, during the captivity of king James the firſt. Our queen knows none of us, but as introduced by her Engliſh miniſtry, and recommended by our inclinations to ſerve that kingdom. Our queen never had an opportunity to know the true intereſt of our country; and though ſhe did, yet in her preſent circumſtances, cannot ſhew her regard for it: And who then ſo proper to nominate Scots commiſſioners to treat of Scots affairs as a Scots parliament?" Little or nothing was offered in anſwer either to theſe arguments, or againſt the motion, "That no perſon, who had any eſtate in England, ſhould be of the number of the commiſſioners:" Which was levelled at the duke of Hamilton. But the courtiers ſtill inſiſting, that the ſenſe of the houſe might be known in this matter, the queſtion was put, "Whether the nomination of the commiſſioners be left in the queen, or to the parliament?" And by reaſon of the abſence of the members before-mentioned, it was carried for the queen by a majority of eight voices only. Duke Hamilton's proceeding in this affair was highly reſented by the cavaliers; but he endeavoured to vindicate himſelf, by alledging, That after the parliament had rejected the ſeveral clauſes, that were propoſed to be added to the act, he thought it in vain to contend any longer; and ſince the court would have had a majority, to give the nomination to the queen, he might be allowed to make her the compliment. Beſides, it was the duke's opinion, that, if the commiſſioners named by the queen ſhould do any thing that ſhould not be approved in the ſubſequent parliament, they might be the more ſeverely cenſured for it, than if the parliament had named them. But it is thought that the duke had a mind to be one of the commiſſioners himſelf; and fearing, that he ſhould not be named by the parliament, he reſolved to rely upon the duke of Argyle's and the earl of Mar's promiſe of his being named by the queen; who having refuſed to do ſo, the duke of Argyle reſented it ſo far, that he would not ſuffer himſelf to be named, and even threatened to oppoſe the union, though means were afterwards found to induce him to alter his mind.

In the next ſitting of the parliament, on the 4th of September, two draughts of an addreſs were preſented, one by the Earl of Sutherland, the other by Fletcher of Salton, beſeeching her Majeſty to uſe her endeavours with the parliament of England to reſcind that part of the Engliſh act, declaring the ſubjects of Scotland to be aliens; both which draughts were read, as was alſo the overture of an act, ordaining, that the commiſſioners on the part of Scotland ſhould not enter upon the treaty of an union with England, until that clauſe were repealed. Hereupon the courtiers moved, that the parliament ſhould proceed by way of order to their commiſſioners, and by addreſs to her Majeſty, and not by way of act; and, after ſome debate, the queſtion being put, was carried for the order and addreſs, which were immediately drawn up, and unanimouſly agreed to. Then an overture of an act was preſented, 'diſcharging the peers of Scotland, without leave of the privy-council;' but, on the 6th of September, after a firſt reading of this overture, it was rejected. After this, the houſe conſidered the act for a treaty with England, and made ſome amendments to the clauſe containing the powers to be given to the commiſſioners. The cavaliers took this occaſion to renew the motion, "that an union ſhould not derogate from any fundamental laws, ancient privileges, offices, rights and dignities, and liberties of the kingdom of Scotland;" but, after ſome debate, the queſtion being put, whether that clauſe ſhould be added, it was carried in the negative, and then the act was approved, and received the royal aſſent. However, the duke of Athol proteſted againſt it, for the reaſons contained in his former proteſt, and was adhered to by twenty noblemen, thirty-three barons, and eighteen boroughs. Two days after, the act for granting the queen a ſupply of ſix months ceſs, amounting to four hundred and thirty-two thouſand, eight hundred pounds (Scots money) for maintaining the army, garriſons, and frigates for one year, was approved. On the 18th of September, the houſe went upon the public accounts, and allowed to the commiſſioners of the ſame two hundred pounds Sterling each; fifty pounds to the clerk, and twenty pounds to other ſervants; and fifteen hundred pounds to lord Belhaven; three hundred pounds to the duke of Queenſberry, and three thouſand pounds to the duke of Argyle, as being due to him; which ſums were paid out of the fifty thouſand pounds Sterling granted to the queen. After which, the parliament was adjourned to the 20th of December following [z].

Not long after the adjournment, the earl of Mar, who, during the whole ſeſſion, had done conſiderable ſervice to the

[z] On the 16th of Auguſt, it was moved and reſolved, that Mr. James Anderſon, writer to her majeſty's ſignet, having written a book entitled, 'An Hiſtorical Eſſay ſhewing that the Crown and Kingdom of Scotland, are imperial and independent,' have a reward of four thouſand eight hundred pounds Scots money for that good ſervice; and that the thanks of the parliament be given him by the lord chancellor in preſence of the lord high commiſſioner; which was done accordingly. It was alſo moved and reſolved, that Mr. James Hodges, who in his writings had ſerved the intereſts of the Scots,

court, was made ſecretary of ſtate in the room of the marquis of Annandale, who was appointed lord preſident of the council in Scotland, and who was removed from the poſt of ſecretary, becauſe he was thought to hold a private correſpondence with the Squadrone, being rather inclined to favour the proteſtant ſucceſſion without, than with an union; and therefore would not follow the duke of Queenberry's dictates further than he pleaſed; upon which account, he was much careſſed by the cavaliers.

Having thus given a full relation of the parliamentary affairs of this year, it is now time to turn to the progreſs of the war.

The duke of Marlborough, having delivered the empire by the victory at Blenheim, had long conſidered how to improve that ſucceſs; and, having communicated his ſeveral projects to the cabinet council, none ſeemed ſo judiciouſly laid, as the making an impreſſion upon the frontiers of France. The deſign therefore was, that the Moſelle ſhould be the ſcene of action; and care was taken to lay up magazines of all ſorts in Triers for that purpoſe. To carry on this deſign, two things were abſolutely neceſſary; firſt, the concurrence of the Dutch, who ſeemed unwilling to let their troops go ſo far from their frontiers, leſt they ſhould loſe, in one campaign, the barrier, which they had been forming in two or three; and, ſecondly, the quickening the ſlowneſs of the Germans, without whoſe joint aſſiſtance, the duke of Marlborough could not act there with probability of ſucceſs. The ſtates, however, conſented, that he ſhould carry the greateſt part of their army to the Moſelle, and reſolved to lie on the defenſive upon their own frontiers; for they reckoned, that, how ſtrong ſoever the elector of Bavaria's army was at that time, yet, when France ſhould be preſſed with ſo great a force, as they computed would be on the Moſelle, he would be ordered to ſend ſuch detachments thither, that his army would be ſoon diminiſhed, and ſo would not have the ſuperior ſtrength long.

This being the duke of Marlborough's ſcheme, he ſet out on the 26th of March 1705, from St. James's towards Harwich, where he embarked on the 30th, and landed in Holland on the 2d of April. Upon his arrival at the Hague, he had ſeveral conferences with the penſionary and other members of the aſſembly of the States General, in which he laid before them the great advantages, which would ariſe to the whole confederacy, from the vigorous proſecution of his deſign; which would deprive France of the means, either of enlarging her conqueſts in Piedmont, or of protecting Spain, by reducing her to the neceſſity of defending herſelf at home. The duke had likewiſe another motive, which concurred to put him upon theſe meaſures. The marſhal de Villars, lately made a duke of France, was the principal dependence of Lewis XIV: The duke therefore judged, that to triumph over and ruin the reputation of the marſhal, by a ſingle defeat, would be a ſervice to the common cauſe preferable to all others. The conſequence of ſuch a defeat would have been the ſubmiſſion of the three biſhoprics; after which, nothing could have prevented his making himſelf maſter of Thionville, and even of Luxemburgh itſelf.

The Dutch were ſoon made ſenſible of the reaſonableneſs of the duke's plan; but the difficulty was to bring prince Lewis of Baden to concur in it. That prince had ſeemed to approve of it ſo well, during the winter, that no doubt was then made of his being both able and willing to enter upon this new ſcene of the war. But, as the duke of Marlborough was ſetting out, depending on his concurrence, he received an expreſs from him, excuſing himſelf, both from his own want of health, and becauſe the force he had about him was not conſiderable, nor was that, which he expected, like to come to him ſo ſoon as might be wiſhed for. This could not ſtop the duke of Marlborough, who had ſet his heart upon opening the campaign in thoſe parts, and had great hopes of ſucceſs. He reſolved therefore to puſh the affair as far as he could, and accordingly went to confer with the prince at Raſtadt, where he arrived on the 19th of May. The prince's ill health ſeemed only a pretence. It was true, that the princes and circles of the empire had not ſent in their quotas; but it appeared, that there was already ſtrength enough, in conjunction with the army, which the duke of Marlborough was to bring, to advance, and open the campaign with great advantage, at leaſt till detachments ſhould come from other parts. The prince of Baden at laſt conſented to this, and promiſed to follow with all the forces he could bring.

The duke, being ſatisfied with theſe aſſurances, went from Raſtadt, on the 22d of May, to view the lines of Biehl and Stolhoffen, from whence he proceeded to Manheim, and then to Triers, where he arrived on the 26th, and having aſſembled all the troops in the neighbourhood of that place, the Engliſh and Dutch forces, which were encamped near Igel on the other ſide of the Moſelle, paſſed that river, on the 3d of June, over ſeveral bridges, and from thence marched to thoſe prepared for them over the Saar, which river they paſſed alſo at Conſaarbruck. The Heſſians, Danes, and Lunenburghers paſſed the Saar at the ſame time, and ſo all the forces joined. After a difficult march of near eight hours, they at laſt advanced within a quarter of a league of Sirk, near which place marſhal Villars was encamped with a numerous army. It being too late to encamp, the troops lay on their arms all that night. The next morning they encamped at Elſt, the right being at Perle near Sirk on the Moſelle, and the left at Hollondorp within ſight of the enemy's army. Upon the appearance of the allies the day before, the enemy immediately prepared for a retreat, which they now put in execution with great precipitation, and marched from Sirk towards Coningſmacheren, poſſeſſing themſelves of a very advantageous camp, which they made yet ſtronger by caſting up entrenchments, and felling trees; ſo that there was no poſſibility of attacking them in that poſt with the leaſt probability of ſucceſs. This indeed was no diſappointment to the duke, for he did not deſign to attack them; and his advancing ſo far was only to cover the intended ſiege of Saar-Louis. The taking of that place was of ſo great importance, that the ſucceſs of the whole campaign on that ſide depended on it; and, time being very precious, the duke diſpatched frequent expreſſes to quicken the march, not only of the imperialiſts, but of the Wirtemberghers, Pruſſians, and Palatines, and to exhort the princes, who had promiſed to furniſh artillery, horſes, and waggons, to ſend them with all poſſible expedition. His requeſts, though ſeconded by thoſe of the States General, were however to little purpoſe. Some imperial troops were indeed detached from Lauterberg for the Moſelle, but they kept ſo truly to their own uſual pace, and marched ſo ſlowly, that, inſtead of being on the Saar the 9th or 10th of June, N. S. as they ſhould have been, they were not arrived on the 20th, nor were there either horſes or artillery provided. Prince Lewis of Baden, who had promiſed to come in perſon, came indeed as far as Creutznach, and then, falling ſick, took an opportunity to go to the wells of Schwalbach and the bath at Schlangenbade, leaving theſe forces under the command of the count de Frieze. Thus his former excuſe of want of health and force was repeated, not without ſhrewd ſuſpicions of treachery; for it appeared plainly, that the French knew what he intended to do, and their management ſhewed they depended on it, becauſe they ordered no detachments to augment Villars's army. The duke of Wirtemberg made a little more haſte with four thouſand men in the pay of the States, and the Pruſſians arrived before the grand army was obliged to decamp.

In the mean time the enemy, on the 28th of May, inveſted Huy with a detachment under the command of count de Gaſſe; and, on the 10th of June, the caſtle ſurrendered, the garriſon being made priſoners of war. After this the elector of Bavaria and marſhal de Villeroy, being willing to make the beſt uſe of the duke of Marlborough's abſence, marched with their army towards Liege, and reſolved to form the ſiege of that place. This diſagreeable news had no ſooner reached the duke's army, but he received a letter from the States, wherein they repreſented to him "the loſs of Huy; the ſiege of Liege, which was begun; the threats of the elector and marſhal de Villeroy, that they would recover the former conqueſts of the allies; the neceſſity, which there was to make a powerful diverſion to oppoſe their enterprizes; and, if that could not be done on the Moſelle, the States deſired him to return with his army towards the Maeſe." The duke perceiving, that the delay of the German troops would render the ſiege of Saar-Louis abortive; the difficulty of ſubſiſting a numerous army in a ruined country; and the impracticableneſs of attacking marſhal Villars, who, beſides his ſuperiority of troops, was poſted in an inacceſſible camp, reſolved at laſt to march to the relief of Liege. He decamped, on the 17th of June, and moved towards Triers, where it was reſolved in a council of war, that the forces, under his command, ſhould march back to the Maeſe, except ſeven thouſand Palatines in the pay of England and Holland, who

Scots nation, ſhould have the like reward. But on the other hand, complaint being made of a book intitled, 'The ſuperiority and direct dominion of the imperial crown of England over the kingdom of Scotland,' and alſo of the pamphlet, intitled, the 'Scots patriot unmaſked,' both written by Mr. William Atwood, as ſcurrilous, full of falſhoods, and reflecting upon the honour and independency of the Scots nation; the ſame were ordered to be burnt by the hand of the common hangman.

were left for the ſecurity of Triers, and other poſts on that ſide, under the command of lieutenant-general Aubach. In purſuance of this reſolution, the duke, after having ſpent ſome weeks in this fruitleſs attempt, marched for the Netherlands by the ſhorteſt way, very much mortified at the ill uſage he had received; and the imperial troops, the Pruſſians, and Wirtembergers, moved towards the Upper Rhine.

The prince of Baden's conduct, throughout this whole affair, was liable to great cenſure, and he was ſuſpected to have been corrupted by the French; while thoſe, who did not carry their ſuſpicions ſo far, attributed his acting as he did to his pride; and thought, that he, envying the duke of Marlborough, and apprehending, that the whole glory of the campaign would be aſcribed to him, choſe rather to defeat the whole deſign, than to ſee another carry away the chief honour of any ſucceſſes, that might have happened.

Marſhal Villars, having now no enemy before him, ſent a detachment to reinforce the elector of Bavaria, and another for the army under marſhal de Marſin in Alſace, and advanced with the reſt towards the Saar. Upon the firſt notice of which, the Palatine general ſent orders to the governor of Saarbruck to quit the caſtle, and blow up the fortifications, which he accordingly performed. And to compleat the ill conduct of the Germans, on the 25th of June (even before the enemy appeared in ſight) he deſtroyed all the magazines at Triers, blew up the fortifications, burnt the boats deſigned to make bridges, and in a diſhonourable manner quitted that important poſt, which had coſt the allies immenſe ſums of money. The enemy immediately took poſſeſſion of the place, and Villars marched to join de Marſin, and with him drove the imperialiſts from the lines of Croon-Weyſſenburg; and general Thungen found it very difficult to maintain himſelf in the lines of Lauterburg. Theſe unpardonable miſmanagements obliged the duke of Marlborough to ſend colonel Durel, one of his aids de camp, to repreſent the whole matter to the emperor.

In the mean time, the duke, by his diligent march, arrived time enough to ſave the citadel of Liege; ſo that the face of affairs was immediately changed in the Netherlands; for the enemy, upon advice of his approach, ſent back their artillery to Namur, and retired in great precipitation to Tongeren. On the other hand, the duke, continuing his march, arrived at Maeſtricht on the 27th of June, and, having taken meaſures with monſieur Auverquerque and the other generals to march towards the enemy, they decamped for that purpoſe; but the French thought fit to prevent them, and retired from Tongeren nearer to their lines. On the 2d of July, the duke paſſed the Maeſe, and advanced to Haneff, while the forces under monſieur Auverquerque marched at the ſame time to Theys upon the Jaar. The enemy, having notice of this march, decamped in haſte, and, as it were, fled into their lines, having ſent away moſt of their heavy baggage the day before.

The French having thus ſecured themſelves within their lines, the confederate generals thought fit to undertake the ſiege of Huy, before they proceeded further; and, to that end, made a detachment under general Scholten, to inveſt that place on the 6th of July, while the duke of Marlborough and monſieur Auverquerque made each a ſmall motion to cover the ſiege. Two days after, the batteries began to play againſt fort Picard; and, the diſpoſitions being made for attacking it, the allies ſoon made themſelves maſters of the covered way, and were reſolutely climbing up the fort, which the enemy perceiving, fled into the caſtle, having quitted the Red Fort two hours before. The next day, July the 11th, a battery was brought to play againſt the caſtle, and another was erected in fort St. Joſeph; ſo that, a conſiderable breach being made, the enemy beat a parley, and demanded to march out, and be conducted to Namur; which being refuſed, they ſurrendered upon the ſame conditions, as had been granted to the Dutch two months before, the governor and garriſon being made priſoners of war. The garriſon conſiſted of five hundred men, commanded by monſieur de St. Pierre, a brigadier-general in the French ſervice; beſides whom, there was a governor appointed by the elector of Cologne. They marched out of the place on the 12th, to the number of four hundred and fifty men, beſides the ſick and wounded, and were conducted to Maeſtricht.

After the reduction of Huy, the duke of Marlborough was reſolved to undertake ſome more conſiderable action; and, as nothing appeared more advantageous in its conſequence, than the attacking the enemy's lines, he ſent general Hompeſch to propoſe it to the States-general, who returned anſwer, "That, having an entire confidence in his conduct and prudence, they left it entirely to him to do whatever he ſhould think fit, for the good of the common cauſe." Upon this, the duke held a general council of war, wherein that undertaking was debated; but, nothing being concluded the firſt time, a ſecond council was called, when ſome of the Dutch generals oppoſed it; but monſieur Auverquerque, the prince of Heſſe, count de Noyelles, and ſome others, gave unanſwerable reaſons, why it ought to be undertaken: ſo the attack was reſolved upon.

The enemy were poſted along their lines with near a hundred battalions, and a hundred and forty-ſix ſquadrons; and the allies having ninety-two battalions, and a hundred and ſixty ſquadrons, the two armies were pretty near equal. It was reſolved therefore to make a feint, to divide the enemy's forces; and, accordingly, the army under monſieur Auverquerque made a motion on the other ſide of the Mehaigne, and the duke of Marlborough made another at the ſame time, as if he intended to ſupport him in the attack of the lines about Meſſelen, where they were not ſo ſtrong as in other parts. This ſtratagem ſucceeded to the wiſhes of the two generals; for theſe motions, particularly the paſſing the Mehaigne, gave great jealouſy to the French, ſo that they beſtowed their chief attention on that ſide. Whereupon the duke made the following diſpoſition, in order to march with the whole army, in the night, between the 17th and 18th of July.

Lieutenat-general Scholten having rejoined the army with ten battalions and ten ſquadrons only, thirteen ſquadrons more out of the right of the duke's ſecond line were added to them; and five of thoſe ſquadrons were given to colonel Chanclos, who, being perfectly acquainted with the lines and the nature of the ground, was ordered to march at the head of all. Eleven battalions, and all the horſe of the right wing of the duke's army, to the number of twenty-four ſquardons, were alſo detached, in order to march at the head of the firſt line; and thoſe two detachments were to be commanded by count Noyelles, general of the infantry, having under him the lieutenant-generals Lumley, Hompeſch, Scholten, and count d'Ooſt Friſe; the major-generals Wood, Roſs, Erbach, Welderen, prince of Heſſe-Homburg, and Weeck; and the brigadiers Hey, Palmo, Baldwin, Sacken, Gravendorf, Poſorn, Meredith, and Hamilton.

On the 17th about four in the afternoon, the duke gave orders for the whole army to get ready to march; that all the baggage ſhould aſſemble at ſix near Tourine, behind the the camp, under the guard of a colonel with four thouſand foot, and a hundred horſe; that, at nine in the evening, count Noyelles ſhould advance with the two bodies abovementioned, filing off by their right, that which aſſembled before their firſt line to the left, and that of lieutenant-general Scholten to the right, marching through the route, which the guides would ſhew them, directly towards Wangen and Elixheim, which two poſts they were to attack, if the poſture of the enemy would permit. That the duke's army ſhould march likewiſe at ten o'clock, following the ſame route, which the two detachments took: That the artillery ſhould move at the ſame time on the right of the army: That monſieur Auverquerque's artillery ſhould follow the ſame way: That, an hour before the army marched, all the horſe of the left wing of the duke's army ſhould move along the two lines, and repair to the right of the infantry: That at the ſame time the body of horſe commanded by the earl of Albemarle ſhould advance forwards from their camp: That monſieur Auverquerque's army ſhould repaſs the Mehaigne over the twelve bridges made there for that purpoſe, and ſhould join, with the right of his foot, the left of the duke's army: That, when monſieur Auverquerque ſhould begin to move, he ſhould detach a party of dragoons towards Gerbiſe, to give the alarm in the enemy's line on that ſide; and that the detachment commanded by the lord Albemarle ſhould bring up the rear of all. This diſpoſition being made, and the gun, which is uſually fired for the tattoo, being now the ſignal for taking down the tents, the two armies began their march between ten and eleven in the evening, filing off by their right in two columns, leaving Cortis, Montenaken, Houtein, and St. Gertruydenland, to their right; and the villages Troyne, Cras, Auvergne, Baudwin, Reitſhoven, Over-Winden, and Neer-Winden, to their left; and marching directly towards their line, where the two firſt detachments were to attempt to force their paſſage at Elixheim, the caſtle of Wangh, and the villages of Wangh, Neer-heſpen, and Ooſtmalen.

The darkneſs of the night ſomewhat puzzled the guides, who conducted theſe detachments, ſo that it was half an hour paſt four in the morning, and broad day, before they came near the abovementioned poſts, which, according to information, were found to be but thinly guarded. Count Noyelles

elles cauſed the caſtle of Wangh, which defended a ſtone-bridge, that was there on the Geete, to be attacked; but the French immediately abandoned that poſt, and gave an opportunity to the grenadiers, who were ordered on that ſervice, to march forwards, and attack the barrier of that line, which the guards did not defend much better than the other had done the caſtle, and ſo the troops entered the line on that ſide with little or no oppoſition, although the enemy had twelve ſquadrons of dragoons encamped behind Ooſtmalen (within a cannon-ſhot of the place, where the firſt detachment entered) who immediately mounted their horſes, but durſt not advance to defend their barriers. At the ſame time three battalions poſſeſſed themſelves of the bridge and village of Heiliſheim, a quarter of a league from Wangh on the left, which was done with as little oppoſition. Nor did lieutenant-general Scholten meet with greater reſiſtance at the villages of Over-heſpen and Neer-heſpen, ſo that, being maſters of thoſe bridges and barriers, and having made ſeveral other bridges, the horſe went over them, and immediately ranged themſelves in order on the eminence, extending their right towards the village of Hackendoren, and ſome battalions drew up along the line, and behind the horſe.

While the pioneers were buſy in making paſſages through the line, ten of the enemy's ſquadrons, and four battalions, were perceived between the villages of Gouchancourt and Eſtmale; but they gave time to the confederate forces to extend themſelves, endeavouring only to advance to the village of Elixheim. Count Noyelles cauſed all the troops, which he had with him, to go over as faſt as poſſible; and thereupon, the duke of Marlborough arriving with his whole army, his cavalry went over the line with extraordinary expedition, as the reſt had done, and ſo they all made up towards the enemy, who by this time were reinforced to the number of fifty ſquadrons and twenty battalions, and advanced with great reſolution behind the hollow way, that goes from Elixheim to Tirlemont. This obliged the confederate horſe to make a ſtand a few minutes, till ſome battalions advancing lined the hollow way, and, firing upon the enemy's horſe, obliged them to retire out of the reach of their muſkets, and to form themſelves before their infantry, which gave an opportunity for the confederate horſe to paſs the hollow way. In the mean time, the French cauſed eight pieces of cannon with treble barrels to advance, with which they made a terrible fire on the confederate horſe. But, the duke of Marlborough being come in perſon at the head of freſh ſquadrons, and ſeeing, that the enemy were continually receiving reinforcements, and that their infantry was going to join them, he reſolved to charge them with horſe only; which was done with that ardour and courage, that, the cavalry of the two crowns being ſoon broken and put to flight, they went to rally themſelves behind their infantry, whilſt his victorious horſe poſſeſſed themſelves of the cannon and ammunition-waggons. The enemy, being joined with ſome ſquadrons, and having interlined ſome battalions with them, moved again towards the confederates; but the latter, being likewiſe reinforced, and ſuſtained by their infantry, made advances to receive them.

The right of the confederate horſe, coming too near the hedges of the village of Eſtmale, which were lined with French and Bavarian foot, were ſomewhat diſordered by their fire, and obliged to ſhrink back. But, having ſoon after extended themſelves more towards the right, to make way for ſome battalions, that marched againſt the enemy's foot, they both charged with that bravery and briſkneſs, that the enemy's horſe was ſoon defeated and cut in pieces, and their infantry, left alone in the plain, with great difficulty got away in diſorder between the villages of Heiliſheim and Gerſhoven, where they met with the reſt of the army, and formed themſelves as well as they could. In the mean time the duke of Marlborough cauſed all the reſt of the troops to enter the lines, and extended the right of his army towards the Great Geete before Tirlemont, in which town they took the battalion of Monluc, which, upon the firſt ſummons, ſurrendered at diſcretion.

In this action the marquis d' Alegre and count de Horne, lieutenant-generals, a major-general, two brigadiers, and ſeveral other officers of all ranks, beſides abundance of private-men, were made priſoners. All the troops of the allies behaved themſelves with great bravery and reſolution; but, amongſt the horſe, the regiment of brigadier Cadogan diſtinguiſhed themſelves, having had the honour to charge firſt, which they did with ſuch ſucceſs, that they defeated four ſquadrons of Bavarian guards, drove them through two battalions of their own foot, and took four ſtandards, and all this with the loſs of lieutenant Auſtin and ſome few men. Nor was the loſs of the other troops greater in proportion. The duke of Marlborough, having very much expoſed himſelf in the action, was in great danger of his life; for, as he was leading on ſeveral ſquadrons, a French or Bavarian officer quitted his poſt, and advanced ſword in hand to attack him; but, as he was raiſing himſelf upon his ſtirrups to reach him, he fell off his horſe, and was preſently killed. The Bavarian horſe, which conſiſted of twenty-four ſquadrons, offering to oppoſe the confederates, was almoſt entirely ruined; as were likewiſe the two regiments of Alſace and la Marque.

The body of troops, commanded by monſieur d' Alegre, being thus defeated, the elector of Bavaria and marſhal de Villeroy conſulted for the ſafety of the reſt of the army; and decamping in ſight of the confederates, paſſed the Geete and the Dyle with all imaginable diligence, and poſſeſſed themſelves of the ſtrong camp at Park, with their left at Rooſelaer, and their right againſt the height of Louvain at Wineſelen. From thence the elector wrote to the baron of Malknecht, his favourite, in this manner: "Dear baron, God forgive thoſe, who ſuffered themſelves to be ſurprized. The whole army is here, and the evil is not ſo great as to be paſt remedy. The country of Brabant may be ſaved, as well as Antwerp, if it pleaſe God. I am well, but exceedingly fatigued."

On the other hand the duke of Marlborough's army paſſed the Great Geete, and encamped with the right at Roſbeeck, and the left behind Tirlemont, and that of monſieur Auverquerque extended itſelf with the right to Grain, and the left to Elixheim. The next day the confederate army moved, and in their march took about one thouſand two hundred priſoners, who could not follow the precipitate march of the enemy; and encamped the ſame evening within cannon ſhot of Louvain.

But though by this ſucceſs the enemy were forced to abandon Dieſt, Sichem, Arſchot, and ſome other ſmall places; yet the ſuffering them to poſſeſs themſelves of the ſtrong poſt of Park was thought a very great overſight. Some will have it, that the troops were too much fatigued to march to that camp the ſame day after the action; while others pretend, that ſome of the Dutch generals were againſt it. The duke afterwards endeavoured to force ſome paſs upon the Dyle, but, not ſucceeding, he marched from thence to Meldert, and ſent the baron de Hompeſch to propoſe a new project to the States General, who approved of it by directions to their deputies in the army, to make two or three marches without calling a council of war, to favour the deſign formed by the duke. To countenance that expedition, baron Spaar, who commanded a ſmall body of Dutch troops in Flanders, marched from Riemen with all his grenadiers, and a ſufficient number of fuſileers to ſupport them, being followed by the reſt of the forces under his command, and in his march defeated a party of French troops. He came in the night to Reboth on the canal, that goes from Bruges to Ghent, where his men made a bridge and paſſed over it, although the enemy had a guard there, who pretended to make ſome oppoſition. After this he attacked their lines, which were defended by ſeveral forts, forced them ſword in hand at Lovendegen, and, in leſs than three quarters of an hour, took poſſeſſion of four of theſe forts, and made ſeveral officers, with three hundred private men, priſoners at diſcretion. He then marched towards Bruges, but, having intelligence, that the enemy were advancing towards him with a ſuperior force, which they had drawn out of ſeveral garriſons in the French and Spaniſh Flanders, he thought fit to retire, carrying away with him ſeveral hoſtages, for the ſecurity of the payment of contributions; and having burnt the paliſadoes, houſes, and Corps de guard, along the French lines, thrown the cannon, he found there, into the canal, and deſtroyed all the ammunition.

The duke of Marlborough, having left two battalions at Tirlemont, and as many at Dieſt, for the ſecurity of theſe places, marched with his army from Meldert, and encamped at Corbais; the Dutch forces, under the command of Auverquerque, advancing at the ſame time to St. Martin's. The next day the two armies continued their march to Genap, and there united into one body: and the day following advanced to Fiſchermont, the right being at Hulpen, and the left at Braine la Leu; general Churchill being detached at the head of the line with twenty battalions and as many ſquadrons. In that day's march, Auverquerque cauſed one of the poſts of the enemy, called Waterlo, defended by brigadier Paſteur, with two regiments of dragoons and as many

many battalions of foot, to be attacked by a detachment commanded by lieutenant general Dompre, who drove the enemy from that poſt, and purſued them about a league in the wood of Soignies.

This ſudden march of the confederates kept the enemy in great apprehenſions and gave them an equal fear for ſome places in Brabant and Flanders. However, upon the duke of Marlborough's advancing from Ghent to Hulpen, the elector of Bavaria and the marſhal de Villeroy only ſtretched out their right to Over-Yſche near the wood of Soignies, and kept ſtill their left, at Neer-Yſche, with the little river Yſche before them, by which means they covered both Bruſſels and Louvain.

On the 18th of Auguſt, by break of day, the confederate army filed off with the right wing in two columns, and paſſed the long narrow road of Hulpen, where they were not a little ſurprized to find no enemy to defend that difficult paſs. About noon, the whole army was drawn up in ſight of the enemy, whom the duke of Marlborough and monſieur Auverquerque having viewed, they were both of opinion to attack them immediately, before they had time to recover the conſternation, which was apparent enough in their army. But the artillery not being yet come up, through the fault (as it was ſaid) of general Sclangenburg, and that general, who had reſented the duke's having undertaken the attack of the lines without his conſent or privity, having perſuaded ſome other Dutch commanders to join with him, they made a report to the deputies of the States, that the enterprize was neither adviſeable nor practicable; whereupon the deputies abſolutely refuſed to conſent to it. The duke ſubmitted, though with great reluctance, as apears from the expoſtulatory letter, which he wrote to the States General upon the occaſion, wherein he informed them, "That his heart was ſo full, that he could not forbear to repreſent to their high-mightineſſes, that he found he had much leſs authority here, than when he had the honour of commanding their troops the laſt year in Germany."

This letter, being made public at rhe Hague, occaſioned great murmurings among the people; and a great breach was like to ariſe both in the army and in the towns of Holland, particularly in Amſterdam, where the burghers came in a body to the Stadthouſe, complaining of the deputies, and that the duke of Marlborough had not fuller powers. On the other hand, the deputies endeavoured to juſtify their conduct by a letter, which they wrote to the States General, in which they repreſented, that the generals Sclangenburg, Zalich, and Dompre were of opinion, "That the attacking the enemy in their poſts would be attended with the greateſt difficulty and hazard to the common cauſe, alledging, that, conſidering the enemy could not be attacked but with the greateſt diſadvantage on the ſide of the confederates, the latter, in caſe of a defeat, would be reduced to the greateſt ſtraits imaginable, partly, becauſe, being ſo far advanced into the enemy's country, they ſhould neither have had places nor hoſpitals to ſend their wounded men to; and partly, becauſe, in ſuch a caſe, the enemy might eaſily have cut off their convoys of bread: In ſhort, that the affairs of the allies and the republic, juſtly weighed, were not yet reduced to ſuch a condition, as to attempt ſo deſperate a work."

All indeed agreed, that the enterprize was bold and doubtful; ſome thought it muſt have ſucceeded, though with ſome loſs at firſt; and, that if it had ſucceeded, it might have proved a deciſive action: Others, on the contrary, looked on it as too deſperate. Thus the military men were of different opinions in this point, ſome juſtifying the duke of Marlborough as much as others cenſured him. He ſhewed great temper on this occaſion; and though it gave him a very ſenſible trouble, yet he ſet himſelf to calm all the heat that was raiſed upon it.

The duke of Marlborough's project being thus defeated, the confederate army marched to Lower-Waveren, where, having reſted one day, they returned to Corbais; and monſieur Auverquerque's army came at the ſame time to mount St. Hubert. Four days after, both armies marched and encamped together, with the right near la Ramee, and the left at Perwitz. A few days after, a detachment was made under the command of lieutenant-general Dedem, to beſiege Soute-Leuwe [a], a little town in a moraſs, and the chief defence of the enemies lines. On the 4th of September, the governor deſired to capitulate, and ſent out a major to Dedem, with propoſals, upon which he was willing to ſurrender the place. The general would admit of no other terms, than the garriſon being priſoners of war, which was conſented to; provided that the officers might march out with their ſwords, and ſave their baggage; which being communicated to the duke of Marlborough, monſieur Auverquerque, and the deputies of the States, it was allowed; and, on the 5th, two hundred men of the confederate troops took poſſeſſion of the town and citadel, without having fired one gun. On the 7th, the garriſon marched out, in order to be conducted to Maeſtricht; together with brigadier-general du Mont, their governor, and monſieur de Mers, the lieutenant du Roy. There were found in the place ten pieces of braſs, and eight of iron cannon, and two braſs mortars; with a great number of bombs, ten thouſand grenadoes, two hundred barrels of powder, ſix thouſand tools of ſeveral kinds, two thouſand muſkets, a hundred barrels of muſket ſhot, eighteen thouſand ſacks of meal, beſides other proviſions and neceſſaries.

The confederate army having taken this place, the duke of Marlborough ordered the lines of the enemy to be levelled, and Tirlemont to be diſmantled; and having paſſed the Demer, encamped at Arſchot, where he continued ſome days, to give directions for the beginning and carrying on the fortifications of Dieſt, Haſſelt, Tongeren, and ſome other places. The army marched afterwards towards Herentals and Turnhout, where monſieur Buys, penſionary of Amſterdam, waited on the duke on the part of Holland and Weſt-Friesland, and had a long conference with him. He ſet out, a few days after, for the Hague, and left the army under the command of monſieur Auverquerque, which continued at Herentals till the 20th of October, when the duke being returned from the Hague (where he had ſpent ſome days to confer with the States upon the orders he had received from England to go to Vienna) they broke up, and removed to Oſtmaeel, whence they continued their march the next day to Brecht. During the march, fifty ſquadrons of the enemy came within muſket ſhot of the rear-guard of monſieur Auverquerque's army, and they put grenadiers into the villages of Herentals, Brumel, and Nyle, to ſupport thoſe ſquadrons; but they did not think fit to attack that general. They fell into Herentals, and plundered the waggons of about thirty ſuttlers, who ſtaid behind contrary to order; and, when monſieur Auverquerque's troops were employed in breaking down ſix bridges, over which they had paſſed the Neere, they fired briſkly upon them from their ramparts, and either killed or wounded above twenty men.

On the 24th of October, count Noyelles inveſted Santvliet with fifteen battalions and eight ſquadrons drawn out of Bergen-Op-Zoom, and other garriſons. On the 29th, two large breaches being made, monſieur Auverquerque gave orders, that all the grenadiers of the army, ſupported by three battalions of the garriſon of Bergen-Op-Zoom, ſhould be ready to attack the fort the next morning. But, that evening, the beſieged beat a parley, and count Noyelles having ſent word to the governor, that he, with his garriſon, muſt expect no other terms, than to be made priſoners of war; after ſome deliberation, he ſurrendered upon theſe conditions.

While the allies were engaged in the ſiege of Santvliet, the elector of Bavaria made a detachment, on the 24th of October, to ſurprize Dieſt, under the command of Don Marcello de Grimaldi; and, at the ſame time, ſent word to count d'Artagnan, governor of Louvain, to join them on the march with his garriſon. Whereupon, they unexpectedly appeared before the place; immediately ſecured all the avenues on each ſide the Demer, and ſent a trumpeter to ſummon the governor to ſurrender; which he refuſing, about eleven o'clock the Spaniſh troops attacked a ſmall fort on an eminence, and carried it with the loſs of thirty men killed or wounded. About two, all the Spaniſh, French, and Bavarian troops of the detachment, advanced ſword in hand, to make a general ſtorm; but the garriſon, not thinking fit to ſtand it, beat a parley, and ſurrendered priſoners of war; and, about five o'clock, the troops of the two crowns took poſſeſſion of the town. The garriſon conſiſted of four battalions, and a regiment of dragoons, and was commanded by brigadier Gaudecker, who, being carried priſoner to Bruſſels, ſent a relation of this misfortune to the States, concluding, "That he was extremely concerned, that, after thirty-four years ſervice, performed without the leaſt diſgrace or ſtain to his reputation, he ſhould be put into a place, where a man of honour was not capable of defending himſelf." In this manner ended the campaign in the Netherlands, which, by prince Lewis of Baden's backwardneſs, and the caution of the Dutch deputies, was leſs glorious than was expected:

[a] Soute-Leuwe is a little ſtrong town and caſtle of the Low-countries in the dukedom of Brabant. It ſtands in a moraſs almoſt inacceſſible, and was taken the preſent campaign by the confederates, after the glorious action of forcing the French lines. It ſtands on the river Gheet, by the borders of Liege, ſixteen miles almoſt eaſt of Louvain, twenty-one weſt of Maeſtricht, and twenty-four of Namur and Liege.

Druſenheim

For the duke of Marlborough was never known to ſet out ſo full of hopes, as in the beginning of it. But things had not anſwered his expectation.

With regard to the motions of the confederates on the Upper Rhine, the emperor, having expreſſed to colonel Durel his great diſſatisfaction at the fatal cauſes which had broke the duke of Marlborough's meaſures on the Moſelle, diſpatched immediately general Gronsfelt and Count Wells to prince Lewis of Baden, to expoſtulate the matter with him, in order to prevent the like miſmanagements for the future. The prince, finding his honour ſullied on that account, publiſhed a manifeſto, endeavouring to clear himſelf, which contained ſome reflections upon a particular perſon, and was induſtriouſly ſuppreſſed. In the mean time the Imperial army continued at Lauterburg, in which advantageous poſt marſhal Villars did not think fit to attack them. However, in the beginning of July, he advanced to Croon-Weiſſenburg, took part of the garriſon priſoners of war, and came in ſight of the Imperial army. They made ſome attacks, but found all the poſts ſo well guarded, that, after having conſumed the forage between Lauter and Landau, demoliſhed the walls of Croon-Weiſſenburg, and the lines about that place, they retired towards Hagenau. Soon after, the French not only raiſed the lines about Triers, but beſieged and took Homburg, the Palatines having ſurrendered that place upon articles.

Marſhal Villars, having paſſed the Rhine at Straſburg, on the 6th of Auguſt, obliged general Thungen to do the like with the Imperialiſts: and, on the 12th, prince Lewis of Baden arrived in the camp at Stolhoffen. The prince having taken a review of the army, and held a council of war, reſolved to advance in the night directly towards the enemy, who were very advantageouſly encamped. But marſhal Villars had no ſooner notice of his approach, but he retired under the cannon of Kehl, and, a few days after, repaſſed the Rhine. On the 22d, the prince of Baden repaſſed that river with his army, leaving the count de la Tour with twelve thouſand men to guard the lines of Stolhoffen; and, on the 28th, advanced in order to attack the lines of Hagenau, although they were ſtrongly guarded. The enemy at firſt made ſome reſiſtance; but the count de Merci with the horſe attacked them with that vigour, that he ſoon made himſelf maſter of their lines. After this, he perceived the enemy's whole army drawn up in order of battle; but the prince of Baden having notice of it, immediately reinforced him with two regiments of horſe, and advanced himſelf with part of the army to ſupport him, ſo that the French thought fit to retire. The Imperialiſts loſt no more than one lieutenant and ſixteen ſoldiers in forcing the lines, whereas the enemy had near four hundred killed or taken.

The imperial and French armies having been ſeveral times within ſight of one another, it was expected on both ſides, that an engagement would have enſued. But, prince Lewis being reinforced by ten battalions and twenty ſquadrons of the Pruſſian troops, marſhal Villars, on the 13th of September, thought fit to decamp in the night with the utmoſt privacy, and retire towards Straſburg. The ſame day nine ſquadrons and nine battalions, with a detachment of grenadiers under the command of count de Frize, were ordered to beſiege Druſenheim, a fortified place in Alſace [b]. The trenches were opened on the 19th, and the attacks were carried on with ſo much vigour, that the garriſon, conſiſting of about four hundred men, ſurrendered, on the 24th, priſoners of war. The confederates found in the place four hundred ſacks of meal, four pieces of cannon, four hundred muſkets, and twelve barrels of powder; and the taking of it gave an opportunity to the imperialiſts cloſely to block up Fort Louis. On the 28th, Hagenau [c] was inveſted by a ſtrong detachment, commanded by general Thungen, having under him the generals Erffa and Arnheim. The Poliſh infantry of the king of Pruſſia, and that of Wirtemberg, were employed in that ſiege, with twenty ſquadrons: And, though the place had a good counterſcarp, a large ditch full of water, and a ſtrong wall, yet the garriſon made but a ſlender reſiſtance, offering to ſurrender the 5th of October upon articles; but, none being allowed, but to be made priſoners of war, they reſolved to quit the place in the night, and retire to Savern. The place not being inveſted on that ſide, they put their deſign in execution, to the great diſſatisfaction of prince Lewis of Baden. The taking of Druſenheim and Hagenau enabled the Germans to ſecure their quarters on that ſide of the Rhine, and very much facilitated the projects of the enſuing campaign. Thus nothing was done by that noble army, under the prince of Baden, equal either to their numbers or ſtrength, or to the reputation, which he had formerly acquired. This was contrary to the general expectation; for it was thought, that, being at the head of ſo great an army, he would have ſtudied to ſignalize himſelf, if it had been but to rival the glory, which the duke of Marlborough and prince Eugene had acquired.

The emperor Leopold V. died in May this year. He was the moſt knowing and the moſt virtuous prince of his communion; only he wanted the judgment, which was neceſſary for conducting great affairs in ſuch critical times. He was almoſt always betrayed; and yet he was firm to thoſe, who had the addreſs to inſinuate themſelves into his good opinion and confidence, that it was not poſſible to let him ſee thoſe miſcarriages, which ruined his affairs ſo often, and brought them ſometimes near the laſt extremities. Of theſe every body elſe ſeemed more ſenſible than he himſelf. He was devout and ſtrict in his religion, and was ſo implicit in his ſubmiſſion to thoſe prieſts, who had credit with him, and particularly the Jeſuits, that he owed all his troubles to their counſels. The perſecutions, they began in Hungary, raiſed one great war; which gave the Turks occaſion to beſiege Vienna, by which he was almoſt entirely ſwallowed up. This danger did not produce more caution: after the peace of Carlowitz, there was ſo much violence and oppreſſion in the government of Hungary, both of papiſts and proteſtants, that this raiſed another war there; which, in conjunction with the revolt of the elector of Bavaria, brought him a ſecond time very near utter ruin. Yet, he could not be prevailed upon, either to puniſh, or ſo much as ſuſpect thoſe, who had ſo fatally entangled his affairs, that without foreign aid nothing could have extricated him. He was naturally merciful to a fault; for even the puniſhment of criminals was uneaſy to him. Yet all the cruelty in the perſecution of heretics ſeemed to raiſe no relentings in him. It could not but be obſerved by all proteſtants, how much the ill influence of the popiſh religion appeared in him, who was one of the mildeſt and moſt virtuous princes of the age, ſince cruelty in the matters of religion had a full courſe under him, though it was as contrary to his natural temper as it was to his intereſt, and proved oftener than once almoſt fatal to all his affairs. His ſon Joſeph, elected king of the Romans, ſucceeded him both in his hereditary and elective dignities. It was given our, that he would apply himſelf much to buſineſs, and would avoid thoſe rocks, on which his father had ſtruck, and almoſt ſplit, and correct thoſe errors, to which his father's eaſineſs had expoſed him. He promiſed to thoſe miniſters, whom the queen and the States had in his court, that he would offer all reaſonable terms to the Hungarians; and he conſented to their ſetting on foot a treaty, in which they were to be the mediators, and become the guarantees for the obſervance of ſuch articles, as ſhould be agreed on; and he gave great hopes, that he would not continue in that ſubjection to the prieſts, to which his father had been captivated. He deſired to confer with the duke of Marlborough, and to concert all affairs with him. The queen conſented to this, and the duke ſet out from the army, and arrived on the 12th of November N. S. at Vienna, where he was treated with great freedom and confidence, and had all the aſſurances, that could be given him in words. He found, that the emperor was highly diſſatisfied with prince Lewis of Baden; but that prince had ſuch credit in the empire, eſpecially with the circles of Swabia and Franconia, that it was neceſſary to bear with that, which could not be helped. The duke of Marlborough returned through the hereditary dominions to Berlin, where he learned ſo perfectly to accommodate himſelf to the king of Pruſſia's temper, that he ſucceeded in every thing, that he propoſed, and renewed all treaties for one year longer. He went from thence to the court of Hanover, and there he gave them full aſſurances of the queen's adhering firmly to their intereſts, in maintaining the ſucceſſion to the crown in that family; with which the elector was fully ſatisfied; but it appeared the electreſs had a mind to be invited over into England. From thence he came back to the Hague, where having ſettled ſeveral important matters with the States General, particularly the taking ten thouſand men more into the pay of

[b] Druſenheim is a fortified poſt in Alſace, through which the lines of Hagenau run towards the Rhine. It was taken by prince Lewis of Baden as above-mentioned, but ſince retaken by the French. It ſtands about a league weſt of the Rhine, four miles ſouth eaſt of Hagenau, eleven miles almoſt north from Straſburg, and ſix miles weſt of Stolhoffen.

[c] Hagenau is a city of Germany, in the circle of the Upper Rhine, and Lantgravedom of Alſatia, once imperial, but in an uncertain ſtate, ſince the taking of Landau by the Germans in 1702; for, in 1703, the French repoſſeſſed it, and, in 1704, drew lines by it, which prince Lewis of Baden forced this campaign, and took the town. It was retaken by the French in 1706. It ſtands on the river Matebrun, thirteen miles almoſt north of Straſburg, and as many weſt of Baden.

England and Holland, to reinforce prince Eugene's army in Italy, he returned to England, and arrived at St. James's on the 30th of December[d].

Prince Eugene encountered this year with great difficulties in Italy. He had a weak army, and it was both ill provided, and ill paid. He was long shut up within the country of Bergamo: at last he broke through Cusano, where there was a very hot action between him and the duke of Vendosme. Both sides pretended they had the victory, yet the duke repassed the river, and the imperialists kept the field of battle. The French threatened Turin with a siege; but they began with Chivas, which held out some months, and was at last abandoned. The duke de Feuillade commanded the army near Turin, and seemed to dispose every thing in order to a siege; but the design was turned upon Nice, though late in the year. That place made a brave resistance for many weeks, but in December was obliged to capitulate, and was demolished by the French.

The firmness, which the duke of Savoy expressed in all these losses was the wonder of all Europe. He had now but a small army of eight thousand foot and four thousand horse, and had scarce territory enough to support these. He had no considerable places left him but Coni and Turin. But he seemed resolved to be driven out of all, rather than abandon the grand alliance. His duchess, with all the clergy, and indeed all his subjects, desired him to submit to the necessity of his affairs. But nothing could shake him. He admitted none of his bishops nor clergy into his councils, nor had any certain confessor; but sent sometimes to the Dominicans, and sometimes to the Franciscans, for a priest, when he intended to go to confession.

Gibraltar was defended with great bravery and resolution. Sir John Leake (as has been related) who was left with part of the confederate fleet in those seas, upon notice that Pointi with a squadron of French men of war was arrived at Gibraltar in order to besiege the place by sea, as the Spaniards had done by land, sailed from Lisbon in October, and came so unexpectedly that he surprized two of the enemy's frigates of thirty-four guns each, one of twelve, a fireship and two English prizes, all which, being run-ashore, were burnt; and one of the thirty-guns was taken. Whereupon, having reinforced the garrison with two thousand men, he returned to Lisbon.

In the end of February following, sir John Leake received advice that Pointi was again arrived in the bay of Gibraltar with fourteen men of war and two fire-ships, and that the French and Spanish army designed to make a general assault upon the town. Upon this advice, sir John Leake sailed again from Lisbon to its relief. In his way he met admiral Dilkes, who was sent from England to encrease his force. By this addition he had a strong fleet of thirty men of war, and therefore held on his course with the utmost expedition, hoping to find Pointi in the bay of Gibraltar. But, on the 9th of March, he discovered five sail of the enemies making out of the bay to follow the rest of their squadron, which went off upon the first notice of his approach. These he immediately gave chace to, and soon after one of them, called the Arrogant of sixty guns, was taken; as were two others, the Ardent of sixty-six, and the Marquise of fifty-six, after some little resistance. The other two, the Magnanima of seventy-four, and the Lis of eighty-six guns, were run a-shore and burnt by the enemies themselves near Marbella. Sir John sailed up the Mediterranean, to see if he could overtake the rest of the French squadron; but, after a fruitless pursuit for some days, he returned back to Gibraltar, which was now so well supplied, that the Spaniards lost all hopes of being able to take it, and therefore raised the siege, turning it into a very feeble blockade.

The campaign in Portugal had a very promising beginning. For the vigorous defence of Gibraltar, as it obliged the French and Spaniards to draw most of their forces that way, so it gave an opportunity to the Portuguese and their allies to invade Spain, both on the frontiers of Boyra, and those of Alentejo. This, however, was undertaken against the advice of some great men of the court of Lisbon, who urged, that, considering how much the auxiliary forces had been weakened by the detachments sent by the lord Galway to Gibraltar, the confederate army could not take the field, till they were joined by the recruits expected from England and Holland. But the earl of Galway over-ruled that pretence, and, by his care and industry, the preparations for an early campaign were not much retarded by the king of Portugal's indisposition, during which the queen dowager of England was intrusted with the regency of the kingdom. Most of the troops appointed to take the field, being assembled near Estremos, they began their march from thence on the 24th of April, N. S. the Conde das Galveas, a Portuguese, having the chief command; the Conde de la Corsona, the earl of Galway, and baron Fagel, commanding under him, each his week alternately; the Conde de Villaverde, being general of the artillery. Four days after, the army, being joined by a considerable number of horse and foot from Elvas, was found to consist of above twenty-four thousand men; and, having no enemy to oppose them in the field, the generals resolved to attack their fortified towns. Valencia d'Alcantara was first besieged, and carried by storm on the 8th of May, N. S. The garrison of Albuquerque, fearing the same fate, surrendered the place, on the 22d of that month, upon articles. After which, several councils were held, in which the earl of Galway and general Fagel proposed the siege of Badajox; but it was opposed by the Portuguese upon several pretences. The English and Dutch generals continuing their instances, and offering several expedients to remove all difficulties, it was resolved to draw near Badajox, and endeavour to fall on marshal de Thesse, who was posted with about four thousand horse and foot on the banks of the Guadiana, to cover that important place. Accordingly the army marched, on the 4th of June, N. S. and made some preparations to pass the Guadiana; but, not being able to get a sufficient number of pontoons to make bridges, and wanting other necessaries for a siege, it was thought proper to lay aside that enterprize, and, in the mean time, to send the troops into quarters of refreshment.

While these things passed on the side of Alentejo, the marquis das Minas, who commanded the Portuguese forces in the province of Beyra, attacked the town of Salvaterra, and made the garrison prisoners of war; after which, the Portuguese plundered and burnt Sarca, which the French garrison and inhabitants had abandoned upon their approach. But the marquis das Minas's progress was soon stopped by a body of French and Spaniards, which marched against him, and obliged him to retire to Penamacos.

Notwithanding the earl of Galway's inceſſant ſollicitations, and the ſolemn engagements of the Portugueſe to king Charles of Spain to take the field in the beginning of September, in order to give the Spaniards a diverſion, they continued in their quarters till the end of that month, when, all the confederate forces being drawn together in the neighbourhood of Elvas, ſeveral councils of war were held to regulate the operations of the autumn campaign. Some propoſed to march directly to Merida, to deſtroy the magazines, which the enemy had in that place; others, to march into Spain another way than by Eſtremadura; and others again, the ſiege of Badajox, which the earl of Galway at laſt prevailed with the Portugueſe to undertake, as the moſt proper means to give the enemy ſo conſiderable a diverſion, that they ſhould not be able to oppoſe the earl of Peterborough's attempt on Catalonia.

The generals being ſenſible, that the diviſions among them about the punctilios of command had hitherto been a great obſtruction to the execution of their projects, reſolved, if poſſible, to prevent the like inconveniencies for the future; and, in order thereto, agreed, that the earl of Galway, baron Fagel, and the Conde de Corſana ſhould command each in turn, for a week, as camp-maſters-general, under the marquis das Minas generaliſſimo. This great difficulty about the command being removed, the army marched on the 1ſt of October, N. S. towards Badajox, which they reached the 3d, and opened the trenches the next day. The ſiege was carried on with ſo good ſucceſs, that it was thought almoſt impoſſible, that the enterprize ſhould miſcarry, as it did by an unforeſeen accident.

On the 11th of October, in the afternoon, a bomb of the enemy falling on one of the batteries of the beſiegers, and blowing up the powder with ſome of the gunners, the earl of Galway and baron Fagel repaired thither immediately, to encourage the ſoldiers, and give the neceſſary directions; and, as they had both their arms lifted up, a cannon ball

[d] The earl of Sunderland was ſent envoy extraordinary to the emperor Joſeph, with compliments of condolance on the death of his father the emperor Leopold, and of congratulation on his imperial majeſty's acceſſion to the throne; both which had been notified to our court by count Gallas, the imperial envoy extraordinary, upon which ſomething happened worth remembering. It was debated in council, whether the queen and the court ſhould go into mourning for the late emperor, and the majority of the council gave their opinion for the negative; becauſe the emperor of Germany, aſſuming too great a ſuperiority over other crowned heads, had hitherto refuſed to mourn for the monarchs of Great Britain. But count Gallas, having in his maſter's name promiſed, that for the future the emperor would mourn for the kings and queen's of England, her majeſty went into mourning for the late emperor.

Biſhop

from an old caſtle paſſed between them, took off the ſleeve of baron Fagel, and ſtruck off the lord Galway's right hand, a little below the elbow. The earl being obliged to be carried away, baron Fagel took upon him the command of the army, and direction of the ſiege; and the batteries continued firing with ſo great execution, that the beſiegers reckoned to ſtorm the place on the 15th. But the marquis de Theſſe, having aſſembled three thouſand horſe and five thouſand foot at Talavera, marched the night between the 13th and 14th with ſuch expedition and ſecrecy, that in the morning they were drawn up in battalia, flanking the left wing of the confederates. After ſome time ſpent in conſultations, the whole confederate army paſſed the Guadiana, in order to fight the enemy; but the marquis de Theſſe, having thrown a relief of a thouſand men into Badajox, retired over the Chevera, with as great diligence as he advanced; and, on the 17th of October, N. S. the confederates thought fit to raiſe the ſiege. Baron Fagel, who being weary of a ſervice, where there was little or no harmony among the generals, had ſome time before demanded and obtained to be recalled, ſet out immediately for Liſbon, and there embarked for Holland, with the mortification of having the miſcarriage before Badajox imputed to him, of which he endeavoured to clear himſelf in print. As for the earl of Galway, beſides his being condoled by the king of Portugal in a letter, and receiving another from the queen, written all with her own hand, he had the ſatisfaction of having it generally believed, that, if the diſpoſition, which he had made for preventing the enemy's deſign, and was approved in the council of war the morning he loſt his arm, had been executed, the confederates would not have been obliged to raiſe the ſiege of Badajox.

By this time all Europe was attentive to the great ſucceſs of the confederates in Catalonia. Towards the latter end of May, the Engliſh fleet, with about five thouſand land forces on board, under the joint command of ſir Cloudeſly Shovel and the earl of Peterborough, ſailed from St. Hellen's, and arrived at Liſbon the 20th of June, N. S. a week after the Dutch fleet, commanded by admiral Allemonde, was come into that river. The earl of Galway, with the other generals, being about the ſame time come to Liſbon, ſeveral councils were held about the intended expedition of the confederate fleet: and, upon the preſſing inſtances of the earl of Peterborough, the earl of Galway was prevailed with to let him take with him the beſt part of two Engliſh regiments of dragoons, the lord Raby's and Cunningham's. The prince of Heſſe d'Armſtadt, arriving at this juncture at Liſbon from Gibraltar, gave king Charles III. poſitive aſſurances of the inclinations of the province of Catalonia and kingdom of Valencia to declare for him, which together with his being weary of Portugal, made him reſolve to try his fortune with the earl of Peterborough. This, however, was vehemently oppoſed by ſome Spaniſh grandees; but, their reaſons being over-ruled by the earl of Peterborough's ſtronger arguments, the king was confirmed in his reſolution, and having ſent back the prince of d'Armſtadt to Gibraltar, to get the garriſon of that place in readineſs to embark, he went on board the Ranelagh with the earl of Peterborough. They put to ſea on the 28th of July, N. S. and, a few days after, arrived in the bay of Gibraltar, where he was received as lawful ſovereign; and having taken on board the battalions of Engliſh guards, and three old regiments, which had lately ſo bravely defended the place, and left two new raiſed battalions in garriſon there, they ſailed again the 5th of Auguſt, N. S. Six days after they came to another in the bay of Altea, in order to water; and the earl of Peterborough cauſed a manifeſto to be publiſhed in Spaniſh, declaring, "That he was not come into theſe parts to take poſſeſſion of any place, in the name of her Britannic majeſty, or of the States-general, but to maintain the juſt right of the moſt auguſt houſe of Auſtria to the monarchy of Spain, and to defend the good and loyal ſubjects of the Spaniſh monarchy, and free them from the inſupportable yoke of a government of foreigners." Hereupon, all the inhabitants of Altea, and the neighbouring villages, came to acknowledge his catholic majeſty, imploring his protection, and brought with them the fruits of the country, and other neceſſary proviſions. At the ſame time, about eight hundred or a thouſand men in the adjacent mountains, being weary of the French yoke, declared for king Charles III. and ſeized the town of Denea, not far from Altea bay. His catholic majeſty appointed major general Ramos, who had aſſiſted the prince of Heſſe d' Armſtadt in the ſiege of Gibraltar, to be governor of that place, ſending with him about four hundred men for its greater ſecurity. All this while the motions of the confederate fleet not only kept the French and Spaniards in alarms, but the allies themſelves in ſuſpenſe; there being various conjectures about the true deſign of this expedition. It appears by a letter from on board the Britannia in Altea bay, dated Auguſt 14, N. S. "That the earl of Peterborough having got nineteen battalions of infantry, about one thouſand three hundred horſe, with a good train of artillery, and the king of Spain on board the fleet, his lordſhip deſigned to have gone directly for Italy, where, with the forces that were to join him, either from the duke of Savoy or prince Eugene, he might have driven the French out of Italy, and ſet his royal highneſs at liberty to employ his forces another way. But when letters arrived at Liſbon from Turin and Genoa, adviſing of the good diſpoſition of the Catalans in favour of Charles III. that four thouſand of them had actually taken up arms, this broke his lordſhip's former meaſures, and obliged him, contrary to his inclinations, to frame deſigns upon Catalonia, according to new orders." But, whatever ground there was for this, the fleet, having ſailed from Altea bay about the middle of Auguſt, N. S. arrived in the bay of Barcelona the 22d of the ſame month [e].

The prince of Anhalt d' Armſtadt being ſent before with two frigates, to inquire into the poſture of affairs in thoſe parts, he put into Mataro, four leagues from Barcelona; and having adviſed the people of Vick, who had declared for king Charles, to come down to the ſea ſide, he rejoined the fleet on the 23d of Auguſt; and the infantry were landed, not only without any diſturbance, but even with the aſſiſtance of the country people, who expreſſed great joy for the arrival of the fleet, and the catholic king. The next day, the dragoons, and part of the horſe, were ſet on ſhore, and joined the reſt of the forces, which were encamped about a quarter of a mile from the town of Barcelona on the eaſt ſide, in a place well fortified by nature. The circumference of the town being ſo large, that the forces from the fleet were not ſufficient to inveſt it, the people of the country aſſiſted them in ſecuring all the avenues.

After the artillery and heavy baggage were landed, king Charles reſolved to go on ſhore, to encourage the expedition by his preſence, and ſhew himſelf to the people of the country, who came from divers parts in great multitudes, to ſee him. Accordingly, he landed on the 28th, N. S. at four in the evening, and, when he went from on board, the whole fleet ſaluted him, that by this the inhabitants of Barcelona might be aſſured, that his catholic majeſty was come with the fleet. As ſoon as the king got on ſhore, an infinite number of people, who came from Vick, and divers other towns and villages, with great acclamations, and repeated cries of 'Long live the king,' ran to the water-ſide, caſt themſelves at his feet, and kiſſed his hand with all poſſible demonſtrations of joy, inſomuch, that it was difficult for him to get from among ſo great and joyful a multitude. But at laſt, mounting on horſeback, he rid to the camp, where the forces were all drawn up in a line to receive him.

Barcelona had a garriſon in it of five thouſand men, who were commanded by officers entirely in the intereſts of king Philip. It ſeemed a very unreaſonable thing to undertake the ſiege of ſuch a place with ſo ſmall a force: They could not depend on the raw and undiſciplined multitudes, which came in to join them, who, if things ſucceeded not in their hands, would ſoon abandon them, or perhaps ſtudy to merit a pardon by cutting their throats.

A council of war was called to conſult on what could be propoſed and done, in which both Engliſh and Dutch, were all of opinion, that the ſiege could not be undertaken with ſo ſmall a force [f], thoſe within being as ſtrong as they were; nor did they ſee any thing worth the attempting.

[e] Biſhop Burnet ſays, The firſt deſign of this expedition was concerted with the duke of Savoy; and the forces, they had on board, were either to join him, or to make an attempt on Naples and Sicily, as ſhould be found moſt adviſeable: There were agents employed in different parts of Spain, to give an account of the diſpoſition people were in, and of what ſeemed moſt practicable. A body of men roſe in Catalonia about Vick; upon the knowledge king Charles had of this, and upon other advertiſements, that were ſent to our court, of the diſpoſitions of thoſe of that principality, the orders which king Charles deſired were ſent, and brought by a runner, that was diſpatched from the queen to the fleet; ſo the fleet ſteered to the coaſt of Catalonia, to try what could be done there. The earl of Peterborough, who had ſet his heart on Italy, and on prince Eugene, was not a little diſpleaſed with this, as appeared in a long letter from him, which the lord-treaſurer ſhewed the biſhop. Vol. II. 420.

[f] Dr. Friend, in his 'account of the earl of Peterborough's conduct in Spain, p. 9. 3d edit.' obſerves, That his lordſhip, upon incamping before Barcelona, found the ſcene of affairs quite otherwiſe, than what he was promiſed he ſhould meet with. Inſtead of ten thouſand men in arms, to cover his landing, and ſtrengthen his camp, he ſaw only ſo many higlers and ſuttlers flocking into it. Inſtead of a city in a weak condition, and ready to ſurrender

They therefore thought, that no time was to be loſt, but that they were all to go again on board, and to conſider what courſe was next to be taken before the ſeaſon was ſpent, when the fleet would be obliged to return back again; and, if they could not fix themſelves any where before that time, they muſt ſail back with the fleet. The prince of Heſſe d'Armſtadt only was of opinion, that they ought to ſit down before Barcelona, alledging, that he had ſecret intelligence of the good affections of many in the town, who were well known to him, and on whom he relied; and he undertook to anſwer for their ſucceſs. This could not ſatisfy thoſe, who knew nothing of his ſecrets, and conſequently could only judge of things by what appeared to them. The debate laſted ſome hours: In concluſion the king himſelf ſpoke near half an hour; he reſumed the whole debate; he anſwered all objections, that were made againſt the ſiege, and treated every one of thoſe, who had made them, as he anſwered them, with particular civilities. He ſupported the truth of what the prince of Heſſe had aſſerted, as being known to himſelf. He ſaid in the ſtate, in which his affairs then ſtood, nothing could be propoſed, that had not great difficulties in it: All was doubtful, and much muſt be put to hazard. But this ſeemed leſs dangerous than any other thing, that was propoſed; many of his ſubjects had come and declared for him to the hazard of their lives; it became him therefore to let them ſee, that he would run the ſame hazard with them. He deſired, that they would ſtay ſo long with him, till ſuch attempts ſhould be made, that all the world might be convinced, that nothing could be done; and he hoped, that, till that appeared, they would not leave him. He added, that, if their orders obliged them to leave him, yet he could not leave his own ſubjects. Upon this, they reſolved to ſit down before Barcelona being all amazed to ſee ſo young a prince, ſo little practiſed in buſineſs, argue in ſo nice a point with ſo much force, and conclude with ſuch heroical reſolutions. This proved happy in many reſpects. It came to be known afterwards, that the Catalons and Miquelets, who had joined them, hearing, that they were reſolved to abandon them, and go back to their ſhips, had reſolved, either out of reſentment, or that they might merit their pardon, to murder as many of them as they could. When this ſmall army ſate down before Barcelona, they found they were too weak to beſiege it, and could ſcarce mount their cannon. When they came to examine their ſtores, they found them very defective, and far ſhort of the quantities, that by their liſts they expected to find. It ſoon appeared, that the intelligence was true concerning the inclinations of thoſe in the town: Their affections were entire to king Charles; but they were overawed by the garriſon, and by Velaſco, who, as well as the duke of Popoli, who had the chief command, was devoted to the intereſts of king Philip. Deſerters came daily from the town, and brought them intelligence: the moſt conſiderable thing was, that fort Montjuic was very ill guarded, it being thought above their ſtrength to make an attempt upon it. It was concluded therefore, that all the hopes of reducing Barcelona lay in the ſucceſs of their deſign on that fort [g].

Two bodies were ordered to march ſecretly in the night of the 13th of September, N. S. and to move towards the other ſide of Barcelona, that the true deſign might not be ſuſpected, for all the hopes of ſucceſs lay in the ſecrecy of the march.

der upon the appearance of his troops, he found an orderly garriſon, and a force almoſt equal to his army. In theſe difficulties, his lordſhip, as he was obliged by his inſtructions, called frequent councils of war; wherein day after day, for above a fortnight together, it was often unanimouſly and always by a majority, agreed, that, conſidering the weakneſs of our forces, and the ſtrength of the enemy; conſidering, that our batteries, as our engineers declared, would be almoſt as long a raiſing on the ſide of the town we were maſters of, as the fleet could well ſtay: In ſhort, conſidering the extreme want of every thing neceſſary towards ſuch an attempt, the ſiege was utterly impracticable. His lordſhip did indeed twice give his vote for the undertaking; but from the councils of war it will appear, that it was only out of the extreme paſſion he had to comply with the king of Spain's deſires, and not out of any confidence he had of ſucceeding. At the ſame time his lordſhip propoſed and offered to his majeſty, either to ſail with the whole fleet to Italy, in order to ſupport the duke of Savoy; or to march by land along the ſea coaſt, where, with the countenance and aſſiſtance of the fleet, many towns of conſequence might be reduced, the whole country diſpoſed to declare for, and pay obedience to his catholic majeſty, as ſome part of the neighbouring parts had done; and upon any reaſonable encouragement from Catalonia, and the kingdoms of Valentia and Arragon, winter-quarters might be ſecured, and a body of troops raiſed out of them, which might enable his majeſty to march to Madrid next ſpring. But the author of the 'Impartial Enquiry into the Management of the War in Spain,' printed at London in 1712, in 8vo. obſerves, p. 27, that 'this extreme paſſion, which the earl of Peterborough had to comply with the king of Spain's deſires,' did not laſt long, as appears from thoſe very councils of war, which are publiſhed by Dr. Friend; for in the firſt council held on the 16th of Auguſt 1705. O. S. the ſiege of Barcelona was judged impracticable, 'nemine contradicente;' on the 22d a particular attack upon the curtain was propoſed, and the earl the only perſon who approved it; on the 25th a general attack was propoſed for eighteen days, which was agreed to only by the earl, and the brigadiers, Stanhope and St. Armand; and on the 26th it was reſolved by all the generals, at the king of Spain's requeſt, to try their fortune eighteen days before the town. But on the 28th another council was held, wherein the earl was as forward as any for embarking the troops again; and ſeems to have furniſhed the generals with the reaſons of that reſolution; which is the more probable, becauſe the reaſons alledged in that council were, that they had not been aſſiſted either by the fleet, or the country people, as they expected; that the king was uncertain in his reſolutions, ſometimes for a march, ſometimes for a ſiege; and that the deputies of the Catalans had declared to his lordſhip, that they would not promiſe any number of men to work in the trenches or batteries, or in any places where they ſhould be expoſed to fire. It is certain, that in the council of the 26th, when the generals reſolved to try their fortune for eighteen days before the town, it was deſired, that the fleet would furniſh a certain number of men: and that the prince of Heſſe ſhould procure a proportion of Miquelets; upon which, the earl of Peterborough having ſigned this council in the affirmative as general, wrote a letter to the prince of Heſſe, and ſent brigadier Stanhope to make a demand of men in behalf of the land-council of war from the flags; but, coming on board himſelf the ſame day, in regard to the ſafety of the fleet, his lordſhip gave his opinion in writing as admiral, directly contrary to his opinion as general; as appears from the earl's letter to the prince of Heſſe of the 27th of Aug. and his opinion at a council of war, of Engliſh and Dutch flag officers held on board the Britannia, Aug. 27, 1705. "Thus, ſays the author of the Impartial Inquiry, p. 32, his lordſhip having voted only conditionally as general for undertaking the ſiege of Barcelona, and having afterwards diſagreed to the performance of that condition as admiral, we may reaſonably conclude he did not vote for undertaking the ſiege at all, and yet had a mind the experiment ſhould be made at the hazard of the other admirals in his abſence. But however contradictory theſe two opinions may appear, and however oppoſite they may have really been to his catholic majeſty's intereſt; this is not the only inſtance his lordſhip has given under his own hand, of the little inclination he had to contribute to the reduction of Catalonia, as will plainly appear by ſeveral original papers.—Now, as to what regards the king of Spain's reſolution, I think that may eaſily be accounted for from the different temper of his two generals, the prince of Heſſe continually adviſing his majeſty to preſs the ſiege; my lord Peterborough as aſſiduous to make him lay aſide all thoughts of it; as may be ſeen very evidently from the following letter to ſir Cloudeſly Shovel from the prince of Heſſe, dated at the camp, Sept. 8, 1705, wherein he writes thus: 'His catholic majeſty, being in the greateſt trouble in the world to find my lord Peterborough again reſolved to leave this enterprize, hath his only recourſe to you; his majeſty declaring, that, if his lordſhip perſiſts in his reſolution to go away, his majeſty finding, that without reaſon his crown and ſo good ſubjects ſhall be ſacrificed, is reſolved to ſtay with them, happen what will. This I muſt acquaint you with, in hopes that you will never permit ſuch a cruel abandoning, and to take your meaſures accordingly. The king begs it of you as the laſt favour, and intreats you, in the moſt ſubmiſſive manner, to find out a way, that his majeſty may not be the ſacrifice of fools and knaves.'

[g] Dr. Friend, in his Account of the Earl of Peterborough's Conduct in Spain, p. 32, ſays, that his lordſhip 'now made uſe only of his own thoughts, and by an uncommon artifice made that never to be forgotten attack upon fort Montjuic, the very foundation of all our footing in Spain. This, I know, ſome would attribute to the late prince of Heſſe. That brave prince indeed had too great a ſhare in the danger of this undertaking; but, as he had no command in the army, ſo he was not in the leaſt concerned in the forming of this deſign.——The injudicious, or rather impracticable propoſals made by the prince of Heſſe, and inſiſted upon by him to the laſt, were the occaſion of theſe unanimous councils of war againſt an enterprize, which promiſed ſuch certain ruin; and the freedoms taken in diſcourſe by that prince had prevented any correſpondence for ſome time between him and the earl of Peterborough. So far was this project againſt Montjuic from being propoſed by that prince to his lordſhip, that in truth the earl of Peterborough was forced to make it a ſecret even to the court, where reſentments were very public and remarkable, upon the orders to embark the artillery and the king's baggage, which his lordſhip gave out, the better to diſguiſe his real deſign. Nay, the excuſe the earl of Peterborough made to the prince of Heſſe, for inviting him to aſſiſt in an action he could not yet acquaint him with, was, that the indiſpenſable neceſſity of deceiving the enemy, had made him reſolve to ſurprize his friends in an attempt, which, however deſperate, was yet the only poſſible way of carrying on the ſiege with ſucceſs.'

On the other hand the author of the 'Impartial Enquiry into the management of the war with Spain,' p. 35. aſſures us, that the earl's project, for that time at leaſt, was of a quite different nature from that of the attack upon fort Montjuic; which he proves from the following original papers, viz. a letter from the prince of Heſſe to ſir Cloudeſly Shovel from the camp, September 10, 1705, in which are theſe words:

"I do not doubt captain Norris hath given you an account of what happened yeſterday. Notwithſtanding, the king hath ordered me to acquaint you of all the particulars. Having found, that the land-officers were not to be reduced to conſent to the attack upon this place, my lord Peterborough hath been at laſt diſpoſed to offer to the king, for an expedient, the march to Tarragona, and from thence to extend our quarters to Tortoſa, and even into Valencia; which the king willingly accepted, as the only hopes left for him, that might conduct him to the throne, ſeeing that nothing elſe could be done; ſo that this march is now fully reſolved upon for next Monday or Thurſday. The king, at the ſame time, deſires of you to conſider, that, his perſon ſtaying in this kingdom, if it would not be ſerviceable, that the fleet, or part of it, during our march, ſhould make themſelves maſters of Majorca, or Minorca, and Ivica, where no reſiſtance can be made; and then to leave in the winter ſome ſquadron of light frigates in the Alfaques, and to ſecure Port Mahon with another; which place, you know, is large enough, ſo that ten years ago the whole Smyrna and Turkey fleet came there to an anchor. Then his majeſty deſires your opinion, before we leave this place, if it would not be convenient to throw ſome ſhells, and cannonade the place, where they build their gallies, and there to ſummon the town, and then to make ſome attack with boats and with ladders by the country people, according to the anſwer the governor ſhall give; all which I leave to your beſt conſideration. His catholic majeſty relies in every part on your good zeal, and particular love, you have ſhewn on all occaſions to his perſon, and ſhall always owe to you the good ſucceſs of this undertaking."

The next paper cited is the king of Spain's agreement to the expedient propoſed to him by the earl of Peterborough, dated at the camp September 15, N. S. 1705, in theſe words:

My lord earl of Peterborough,

"I accept the offer you make me, ſeeing, by the reſolutions of the coun-
cils

The first body consisted of eight hundred, and both the prince of Hesse and the earl of Peterborough led them. The other body consisted of six hundred, who were to follow these at some distance, and were not to come above half way up the hill till some further order. Brigadier Stanhope led this body. They drew up with them some small field-pieces and mortars. They had taken a great compass, and had marched all night, and were much fatigued by the time that they had gained the top of the hill; and three hundred of them, being commanded to another side of the fort, were separated from the rest, and, mistaking their way, fell into the hands of a body of men sent up from the town to reinforce the garrison in the fort. Before they were separated, the whole body had attacked the out-works, and carried them. But, while the prince of Hesse was leading on his men, he received a shot in his body, upon which he fell; yet he would not be carried off, but continued too long in the place giving orders, and died in a few hours, much and justly lamented. The governor of the fort, seeing a small body in possession of the out-works, resolved to sally out upon them, and drew up four hundred men for that purpose. These would soon have mastered a small and wearied body, disheartened by so great a loss; so that, if he had followed his own resolution, all would have been lost; for all, that brigadier Stanhope could have done, would have been to receive and bring off such as got to him; but one of those newly taken happening to cry out, 'O poor prince of Hesse!' the governor, hearing this, called for him, and examined him: and when he learned, that both the prince of Hesse and the earl of Peterborough were with that body, he concluded, that the whole army was certainly coming up after them; and reflecting on that, he thought it was not fit for him to expose his men, since he believed, that the body, which they were to attack, would be soon much superior to him; for which reason he resolved not to risque a sally, but to keep within, and maintain the fort against them. Thus the earl of Peterborough continued quiet in the out-works, and, being reinforced with more men, he attacked the fort, but with no great hopes of succeeding, till, throwing a few bombs into it, one of them fell into the magazine of powder, and blew it up, by which the governor, and some of the best officers were killed; and this struck the rest with such a consternation, that they delivered up the place.

This success was the more considerable, as the town of Barcelona lay just under the hill, on which the fort stood. Upon this, the party in Barcelona, that was well-affected to king Charles, began to resume their courage, and to shew themselves. Nor did the earl of Peterborough lose any time in improving his advantages, for, as soon as Stanhope's brigade and some other troops were come up, he caused the trenches to be opened, and four batteries of cannon, and two of mortars, to be erected; in which service, both the Miquelets and the English and Dutch seamen were useful. In the mean time, the bomb-vessels threw about four hundred shells into the town, which occasioned a great consternation among the people; and the batteries fired with so much success, that, on the 4th of October, N. S. don Francisco de Velasco consented to capitulate; and brigadier Stanhope was exchanged, with count de Ribeira, as hostages. The viceroy made several extravagant demands, the debating of which continued till the 9th, when it was agreed, that the garrison should march out with all the marks of honour, be transported by sea to St. Felix near Palamos, and conducted from thence to Gironne. But, upon advice, that Gironne had surrendered to king Charles III, it was agreed, that Velasco, with his garrison, should be transported to Roses, which, by this time, was the only place in Catalonia, that had not declared for the house of Austria. Thus was accomplished the conquest of the largest and richest province of Spain, with an army scarce double the number of the garrison of Barcelona.

King Charles was received into that city with great expressions of joy. In the first transport, the people seemed resolved to break through the articles granted to the garrison, and to make sacrifices of the chief officers at least. Upon that, the earl of Peterborough, with brigadier Stanhope and other officers, rode about the streets, to stop this fury, and to prevail with the people to maintain their articles religiously; and, in doing this, they run a greater hazard from the shooting and fire, that was flying about in that disorder, than they had done during the whole siege. They at last quieted the people, and the articles of capitulation were punctually observed.

Brigadier Stanhope was soon after sent to England, to give a full relation of this great transaction; by whom king Charles wrote to the queen a long and clear account of all his affairs, full of great acknowledgements of her assistance, with a high commendation of all her subjects, especially of the earl of Peterborough. This letter was all with the king's own hand, and the French of it was so little correct, that it was not like what a secretary would have drawn for him, and therefore it was concluded, that it was penned by himself. The lord treasurer had likewise another letter from him, all in his own hand; one correction in which seemed to make it evident, that the king composed it himself [h]. He wrote towards the end of the letter, that he must depend on 'his protection:' Upon reflection, that word seemed not fit for him to use to a subject, and therefore was dashed out, but the letters were still plain; and, instead of it, 'application' was writ over it. These letters gave a great idea of so young and unexperienced a prince, who was able to write with so much clearness, judgment, and force. Nor could he receive much assistance from

tils of war, there remains nothing else to support me in Spain; so that, I assure you, I shall remain positive in the resolution of marching into the country, being what you may take upon yourself, and justify it, because the council of war had determined upon it. For the rest of the dispositions and particulars of the march, and of further designs to be formed, they will be easily regulated by you, and those persons, that I shall appoint to assist you on my part, reposing an entire trust in you, and the zeal you express to my service."

The author of the 'Impartial Inquiry' then takes notice of Dr. Friend's not allowing the prince of Hesse any share in the design against Montjuic, because of the open misunderstanding at that time between that prince and the earl of Peterborough, who even concealed that design from the court. "And yet, says the author of the 'Impartial Inquiry,' the prince of Hesse went voluntier upon this project, which one would think he should hardly have done in those circumstances, had the thought been entirely my lord Peterborough's, and kept a secret from his highness till the execution. But to say nothing of the prince's longer service and experience, and to pass over the improbability of his lordship's having formed in so little a time as one night a happy project against a fort, which he could not possibly know so well as the prince, that had been viceroy of Catalonia in king Charles the IId's time, and had defended Barcelona against the duke of Vendosme; let us examine into the success of this attack, which was, that a party of grenadiers, supported by the prince of Hesse, carried all before them; and made themselves masters of the out-works; but the taking of the Dungeon, which began to be despaired of, was afterwards entirely owing to the accidental firing of a bomb, that blew up the enemy's magazine of powder, and frighted them into a surrender, which happy accident was the chief occasion of our taking Barcelona. For my part, I shall not pretend to determine, who has the best right to the glory of this project; but it is certain the prince of Hesse was no stranger to it." The author then gives several letters to sir Cloudesly Shovel from that prince, who, in that of the 8th of September, N. S. writes thus:

"As his catholic majesty has heard nothing of my lord Peterborough's talking again of a sudden embarking, he hopes it will not be so; and desires me to tell you, that, if it could be done, being the resolutions of the council of war, to land as soon as possible all the guns, and every thing necessary to hinder any resolution to be taken to the contrary."

In another, dated September 9, N. S. the prince writes thus:

"Since the land-officers are so disposed now to depart from their last resolution, and the king finding himself obliged in honour and in conscience not to abandon so good subjects, who have demonstrated to him all the zeal imaginable, more than the two thirds of the country having put themselves under the obedience of their lawful king, so that he can by no means leave them to their utmost ruin, as his majesty has signified to-day to my lord Peterborough, desiring of him some expedient, and being very willing to follow his advice: I believe the only way, which is left, is, that my lord may be disposed to follow the resolutions taken by a council of war for a march, as you are informed without doubt, such as has been taken to make ourselves masters of Tarragona, to keep the Dutch with us, and then to extend our winter-quarters to Tortosa, and even into Valencia, as occasion shall permit. This his majesty desires of you, to interpose with his lordship to come to a determination how far he can assist his majesty in this; which favour his majesty will esteem as the most particular and only expedient left to preserve some hopes of being put into the possession of the crown of Spain."

In his letter, of the 13th of September, N. S. the prince writes thus:

"I heard just now, that captain Cavendish is to sail immediately, according as the king of Spain desired, as you have writ to the earl of Peterborough. But I having not been with the king to-day, and some particular service being resolved (the attack on Montjuic) as captain Norris will tell you, when he comes back, I take the liberty to desire of you the favour, if possible, to stop captain Cavendish's proceeding till to-morrow morning. Captain Norris will inform you more at large about the matter in question. My lord Peterborough desires me to write these lines, and hopes, that this night's business will make us all easy."

The author of the 'Impartial Inquiry' then gives us two letters of sir Cloudesly Shovel, which not only contain an exact journal of the siege, but likewise shew, that something was due in the reduction of Catalonia to the good disposition of the people, and a great deal to the assistance of the fleet.

Mr. Boyer, in his history of queen Anne, p. 203. asserts, That it was the prince of Hesse, who proposed to the earl of Peterborough the scheme of surprizing the fort of Montjuic, and desired, that his lordship would give him only a thousand men for that purpose, offering himself to conduct and command them; and that the earl having taken a view of that fort, and of the town on that side, and maturely weighed his highness's reason, and considered the manner, in which he intended to proceed in the attack, not only concurred with the prince, and readily granted him the thousand men he desired, but likewise resolved to support his highness himself with a thousand men more, and some dragoons.

[h] Bishop Burnet saw both these letters.

the prince of Lichtenſtein, who was, by all accounts, a man of a low genius, who thought of nothing but the ways of enriching himſelf, even at the hazard of ruining his maſter's buſineſs.

A council of war being held at Barcelona, it was thought fit to comply with the king's reſolution of venturing his own perſon with the Catalans; and that the earl of Peterborough ſhould continue with that prince with the land forces, and as many of the marines, as could be ſpared from the ſervice of the ſhips. The ſeaſon of the year being far ſpent, it was, at the ſame time, reſolved, That ſir Cloudeſly Shovel and admiral Allemonde ſhould return home immediately; that twenty-five Engliſh and fifteen Dutch men of war ſhould winter at Liſbon, under the command of ſir John Leake and rear-admiral Waſſenaer; and that four Engliſh and two Dutch frigates ſhould be left at Barcelona. The fleet ſailed from thence a few days after; and don Velaſco, not thinking himſelf ſafe at Roſes, and having deſired to be tranſported to Malaga, was landed there, with about a thouſand men of the garriſon of Barcelona. The reſt having readily liſted themſelves in the ſervice of king Charles, a regiment of five hundred dragoons was formed out of them for his guard; and ſix other regiments were afterwards raiſed by the ſtates of Catalonia.

While the well-affected Miquelets and Catalans, headed by the count de Cifuentes, and aſſiſted by the Engliſh and Dutch forces, ſecured themſelves in the cities and towns of Tarragona, Tortoſa, Lerida, San Mattheo, Gironne, and other places, don Raphael Nebot, a Catalan, having quitted king Philip's ſervice, came with his whole regiment of five hundred horſe, and one hundred and fifty horſe more, that joined him, to Denia, where being reinforced by major-general Ramos, with part of the garriſon, they made themſelves maſters of Xabea, Oliva, Gandia, and Alzira, in the kingdom of Valencia. Fluſhed with theſe ſucceſſes, they marched to the capital city with a thouſand horſe, five hundred foot, and a great number of the militia, and, by the aſſiſtance of the inhabitants, made themſelves maſters of that place, where they took the marquis de Villa Garcia, the viceroy, and the archbiſhop priſoners. Hereupon, the whole kingdom, the towns of Alicant and Peniſola excepted, declared for king Charles III, who immediately raiſed colonel Nebot to the poſt of a major general; and, a few days after, appointed the count de Cifuentes viceroy of Valencia, at which the earl of Peterborough, who began to be jealous of that count, was not a little diſguſted.

In the firſt conſultation about the war, after the taking of Barcelona, the earl of Peterborough was of opinion, that the forces ſhould be divided, and the better half march immediately into Valencia, the reſt into Arragon. The Engliſh and Dutch major-generals, Cunningham and Schratenbach, were againſt fatiguing and diminiſhing the troops; which they thought muſt be preſerved with the utmoſt care, ſince they were hardly ſufficient to defend the places already poſſeſſed in Catalonia. The latter opinion prevailed; and reſt could hardly be refuſed to troops, which had undergone ſuch hardſhips at ſea, and the fatigues of ſuch a ſiege. However, the earl of Peterborough obtained an univerſal conſent to ſend a good body to Lerida, and about one thouſand foot and two hundred horſe to Tortoſa, the bordering city on the kingdom of Valencia. With this ſmall force he impatiently preſſed for marching into Valencia; but there were ſome at court, who were better pleaſed, that the reduction of that kingdom ſhould be procured by their correſpondence and management, than that it ſhould be owing to her majeſty's arms. In the mean time, the city of Valencia was brought to declare for the houſe of Auſtria; but the rejoicings upon this occaſion were of ſhort continuance, and the diviſions at the court of Barcelona gave the enemy time to bring a body of three thouſand horſe and as many foot into the kingdom of Valencia, under the command of the Conde de las Torres, a general of known courage and of long ſervice, who laid ſiege to St. Mattheo, where colonel Jones commanded ſome hundreds of miquelets. This place being of ſo great importance by its ſituation, in regard that all communication between Catalonia and Valencia muſt have been cut off, had it fallen into the enemy's hands, the news of its being beſieged gave great alarms to the court. However, upon a report, that the country people of Catalonia, Valencia, and Arragon had taken up arms, to the number of ſixteen thouſand men; that they had ſurrounded count Tilly, who had with him one thouſand horſe and one thouſand foot; and that there was nothing wanting to the entire deſtruction of thoſe troops before St. Mattheo, but a few officers, and ſome of the diſciplined troops, that were in Tortoſa, to encourage and direct this multitude, ſo conveniently poſted, the king ordered the earl of Peterborough to give ſpeedy directions in it. The earl regretted the loſt time too much to loſe one moment more; and, inſtead of ſending to a ſubaltern the orders required, he immediately went poſt to Tortoſa; and, though St. Mattheo was above thirty leagues from Barcelona, in about eight days from his departure, he found ways to raiſe that ſiege, though the report of the country's being up in arms was not true, and though he had nothing to depend upon but one thouſand foot and two hundred dragoons. The methods taken in effecting this were as much out of the common road, as the reſolution to attempt it [1].

After the raiſing of the ſiege of St. Mattheo, the earl of Peterborough reſolved to make a ſhew of purſuing the enemy, without entirely expoſing his little body, if they ſhould be better informed, and lay aſide their panic fear; and therefore, while they marched through a narrow plain leading to

[1] Dr. Friend gives a particular account of this affair, and ſays, p. 206, that the enemy was before St. Mattheo with between two thouſand three hundred horſe, and about four thouſand foot, whereas his lordſhip had nothing to depend upon but one thouſand foot and two hundred dragoons. It is not hard to gueſs what the general opinion was in theſe circumſtances; neither did his lordſhip endeavour to perſuade the officers, that it was reaſonable to approach ſuch numbers with ſo inconſiderable force, but only made them ſenſible, that, unleſs he could raiſe that ſiege, their affairs were deſperate, and therefore only capable of deſperate remedies. Upon which, he deſired his officers to be content to let him try his fortune, whether he could not by diligence and ſurprize effect that, which by downright force was utterly impracticable. The confidence, which theſe gentlemen had in the earl's care and intelligence, made them on all occaſions approve of, or acquieſce at leaſt in his deſigns, whatever difficulties might ſeem to lie in the way. It is certain, the Conde de las Torres had not the leaſt notice of any enemy, till thoſe employed by the earl of Peterborough gave him the account; which was in ſuch a manner contrived by his lordſhip, and performed by his ſpies, that it obtained the deſired effect. His lordſhip never made uſe of any Spaniards, without getting the whole family in his poſſeſſion, to be anſwerable for thoſe he employed; and, as the people of that country have very good natural parts, and will run any hazards for money, it was hard for the general of the other ſide to avoid being impoſed upon, without renouncing all intelligence, and refuſing credit to every thing, though never ſo probable.

By marches in the mountains, by dividing his troops, and by the help of obſcurity, his lordſhip brought all his men to meet in one night at a place called Traguera, within ſix miles of the enemy's camp; and there, having got them within the walls, by his diligence and care he prevented any perſon from going out of town to give the enemy intelligence. He began his march before day, and, having with a ſmall party viewed the woods and hills, he placed a few dragoons and miquelets ſo conveniently, that they could not be ſeen but by thoſe they had already paſſed by, which his lordſhip took care to ſecure; ſo that all the ſoldiers were brought to their reſpective poſts, to appear at an hour prefixed, ſoon after his lordſhip's ſpies had made the intended impreſſion on the enemy's army. What this ſtratagem was, and what influence it was deſigned to have upon the enemy, will be beſt conceived from this letter, which his lordſhip wrote to colonel Jones, who was then governor of St. Mattheo.

" You will hardly believe yourſelf what this letter informs you of, if it comes ſafe to you; and, though I have taken the beſt precautions, it will do little prejudice, if it falls into the enemies hands, ſince they ſhall ſee and feel the troops, as ſoon almoſt as they can receive intelligence, ſhould it be betrayed to them. The end, for which I venture it to you, is, that you may prepare to open the furtheſt gate towards Valencia, and have your thouſand miquelets ready, who will have the employment they love and are fit for, the following and pillaging a flying enemy. The country is as one could wiſh for their entire deſtruction. Be ſure, upon the firſt appearance of our troops, and the firſt diſcharge of our artillery, you anſwer with an Engliſh halloo, and take to the mountains on the right with all your men. It is no matter what becomes of the town; leave it to your miſtreſſes. The Conde de las Torres muſt take the plains, the hills on the left being almoſt impaſſable, and ſecured by five or ſix thouſand of the country people. But what will moſt gall them, the old regiment of Nebot, which revolted to us near Valencia, is likewiſe among them.

" I was eight days ago myſelf in Barcelona; and I believe, the Conde de las Torres muſt have ſo good intelligence from thence, that he cannot be ignorant of it. What belongs to my own troops, and my own reſolutions, I can eaſily keep from him, though nothing elſe. You know the force I have, and the multitudes, that are gathering from all parts againſt us; ſo that I am forced to put the whole upon this action; which muſt be deciſive, to give any hopes to our deſperate game.

" By nine or ten, within an hour after you can receive this, aſſure yourſelf, you will diſcover us on the tops of the hills, not two cannon-ſhot from the camp.

" The advantages of the ſea are inconceivable, and have contributed to bring about, what you could never expect to ſee, a force almoſt equal to the enemy in number: and you know leſs would do our buſineſs. Beſides, never men were ſo tranſported, to be brought with ſuch ſecrecy ſo near an enemy. I have near ſix thouſand men locked up this night within the walls of Traguera; I do not expect you ſhould believe it till you ſee them.

" You know we had a thouſand foot and two hundred dragoons in Tortoſa. Wills, and a thouſand foot, Engliſh and Dutch, came down the Ebro in boats; and I embarked a thouſand foot more at Tarragona, where I landed at Virares; and the artillery from thence I brought in country carts. It was eaſy to aſſemble the horſe. Zinzendorf and Moras are as good as our own, and with our Engliſh dragoons make in all near two thouſand. But the whole depends upon leaving them to retreat without interruption.

" Dear Jones, prove a good dragoon: Be diligent and alert; and preach that welcome doctrine to your miquelets, 'Plunder without danger.'

Your Friend,

PETERBOROUGH.

The

Valencia, the earl took along the edge of the hill, to a place called Albocazor. Here he received an expreſs from the king with the melancholy account, "That the duke of Noailles was entering, with near eight thouſand men, in Catalonia, from the ſide of Rouſſillon: That the body under prince Tſercles Tilly in Arragon was four or five thouſand, preſſing upon all the places near Lerida: That the duke of Anjou, with marſhal de Theſſe, was forming a body of ten thouſand men near Madrid, which would ſoon be in motion; beſides the troops under the duke of Berwick on the ſide of Portugal." After theſe informations, the king acquainted him, that he was obliged to countermand the one thouſand foot, and three hundred horſe, which were appointed to join him, and were already come almoſt as far as Tortoſa. The letters from court at the ſame time repreſented the neceſſity of defending Catalonia, and, above all, the care and preſervation of the king's perſon; but, however, in this matter the earl had no poſitive orders from the king. In theſe circumſtances, he adviſed with his officers, who were unanimouſly of opinion, that all endeavours ought to be uſed for the ſpeedy defence of Catalonia. The earl ſo far complied with the council of war, as to give orders to the foot, with a ſmall party of horſe, to march back to Vinares, ſix leagues from Tortoſa, where, in caſe of neceſſity, he could embark the foot in boats, and throw them ſecurely into the Ebro; but being fully reſolved never to repaſs that river, without poſitive orders from the king, he ſet out with a party of horſe to purſue the enemy. The earl expreſſed himſelf very freely upon that ſubject, in a letter he wrote from Alcala to the king, wherein he told him, "That, if his majeſty would have believed him, he probably had not only had, at this time, a viceroy of Valencia, but the kingdom:" Concluding, "That, if the time loſt expoſed him to a ſacrifice, at leaſt he would periſh with honour, and as a man deſerving a better fate." At the ſame time, the earl ſent orders to the thouſand Spaniſh foot and three hundred horſe, to enter into Valencia; and, in caſe the king ſhould again remand them to Lerida, he had ſent poſitive orders for colonel Wills to march immediately with an equal number of horſe and foot to his aſſiſtance. This reſolution produced the deſired effect; and orders were ſent from the court at Barcelona to the Spaniſh forces, to follow the direction of the Engliſh general. Hereupon the earl of Peterborough continued the purſuit of the enemy, who retired from him with the ſame precipitation as they had fled from St. Mattheo, being ſtill, by the ſame artifices (uſed to make them raiſe the ſiege) perſuaded, that they were followed by conſiderable forces. After ſeveral days march, the earl poſſeſſed himſelf of Nules, where he began to form that cavalry, which ſecured the kingdom of Valencia, and afterwards contributed to ſave Barcelona; taking near two hundred horſe in a place, where the enemy had three thouſand men the day before. After this he came to Caſtillon de la Plana, a town populous, rich, and well affected, where having procured and bought eight hundred horſes, he not only recruited the diſmounted Engliſh and Spaniſh dragoons, but formed a new regiment of dragoons out of part of the lord Barrimore's regiment of foot; the command of which new corps he gave to lieutenant-colonel Pierce, ordering the remaining officers of the old to return to England, to recruit the ſame. Having drawn together ten ſquadrons of horſe and dragoons, and four battalions of foot, regular forces, beſides about three thouſand militia, he marched to Molviedro, the ancient Saguntum, ſo famous in the Roman hiſtory, four leagues diſtant from Valencia, where brigadier Mahoni, an Iriſh officer, had under his command about eight hundred men, near half of whom were his own regiment of dragoons. The town and caſtle were an old fortification, ſecured by a river, which the earl of Peterborough was to paſs, and ſo were capable of making ſome reſiſtance. But, brigadier Mahoni having conſented to an interview with the earl, the latter made ſo advantageous a ſhow of his ſtrength, that Mahoni was at laſt induced to ſurrender the town, being allowed to withdraw his troops. At the ſame time, the earl of Peterborough ſo dexterouſly raiſed jealouſies of Mahoni in ſeveral of the Spaniſh officers, and in the duke of Arcos, who had ſucceeded the Conde de las Torres, that he met with no diſturbance in his march, through the plain from Molviedro to Valencia, where he was received with extraordinary demonſtrations of joy. Whole bodies of prieſts and friars, in their ſeveral habits, were regimented and drawn up under arms to attend him, publicly acknowledging, that they owed their preſervation to his reſolution and activity [k].

About this time, a conſiderable action happened near St. Iſtevan de Litera. Major-general Cunnyngham, who was lately made lieutenant-general, and commanded in Lerida, with a ſtrong garriſon of Engliſh and Dutch, having intelligence, that the enemy about Balbaſtro deſigned to attack ſome of his dragoons at Tamarite, he immediately ſent thither colonel Wills with ſix hundred men; upon which the enemy repaſſed the river, and retired to Balbaſtro. Three days after, the chevalier d'Asfeld, with nine ſquadrons of horſe and dragoons, and as many battalions of foot, all French, advanced to attack colonel Wills, who, the day before, had marched to St. Iſtevan de Litera, with no more than four hundred foot and thirty dragoons, Upon the enemy's approach, colonel Wills drew out his ſmall number, and attacked their advanced guard ſo briſkly, that he beat them back to their body, and purſuing them a league, obliged them to retire in confuſion to Fons and Almana. At night, colonel Wills was joined by Cunnyngham and colonel Palm, with the reſt of the troops, to the number in all of between eleven and twelve hundred men.

The next morning, the chevalier d'Asfeldt advanced with his troops to attack the confederates, who thereupon drew out, and poſted their foot on a hill, towards which the enemy's foot was marching. About eight o'clock they were fully engaged, and the enemy puſhed two companies of Engliſh grenadiers; but major Buſton marched up with ſome platoons, and beat them back again; at which time, Cun-

This letter was given to two ſeveral perſons: the one inſtructed and ordered, by ſuch an hour in the morning, to pretend the betraying of it into the hands of the Conde de las Torres; the other was to remain hid in the mountains, and agreed with to endeavour to give it in the night to colonel Jones. This man was really perſuaded, that the number of troops was as conſiderable as was pretended. The firſt was ordered to ſay nothing of the earl of Peterborough's force, leſt he might be expoſed to ill uſage when the truth came to be diſcovered. When he had given the letter, he had directions to inform, where the other ſpy was hid, upon condition made for the ſecurity of his life. Whether the artificial account of the one or the ſincere confeſſion of the other prevailed is not known; but it is certain, that, as ſoon as the letter was tranſlated, orders were given to prepare for a march; and, not long after, when, upon a retreat of a ſmall part of the enemy, ſome of the earl's men approached the top of the hill, which overlooks St. Mattheo, the whole army was in the utmoſt confuſion, the ſoldiers ſtriking their tents, loading their baggage, and preparing to quit the ſiege.

In a very little time the troops of the earl of Peterborough appeared on the top of the adjoining mountain, not above random cannon ſhot from ſome part of the enemies camp. The country, which was full of little riſing grounds and vallies, and covered with olive trees, being favourable for ſuch an approach, and the enemies advanced party being drawn into the camp, before any judgment could be formed of the earl's ſtrength, it was eaſy for him to make a ſhew of his forces to advantage. This ſurprize made their fears as great as could be deſired; and had the earl had any proportion of troops, he had a fair opportunity of cutting them all off. But he was content to let ſeven thouſand men go off without being attacked, and thought it enough to raiſe the ſiege with a force ſo diſproportionate as that of one thouſand two hundred; after his lordſhip found, not only all the informations, which engaged him in that attempt, entirely wrong, but his circumſtances ſo very difficult, as would have deterred any other man from ſo hazardous an undertaking.

[k] Dr. Friend obſerves, p. 268. That his lordſhip had, as his officers conceived, two inſuperable difficulties; the one to get poſſeſſion of Molviedro, and ſecure the paſs on the river; the other, to paſs the two leagues of the plains, which were betwixt Molviedro and Valencia, before ſo good and ſo ſtrong a body of horſe as that commanded by Mahoni. His lordſhip was in hopes, if he ſucceeded in one, to compaſs the other; and, to that end, as ſoon as he found the treaty with Mahoni in a fair way, he choſe two Iriſh dragoons out of Zinzendorf's regiment, which he well inſtructed and well paid, and ſent immediately as deſerters to the duke of Arcos. He promiſed to make them officers, if they ſucceeded; which was punctually made good to one, who well had deſerved it, the other dying ſoon after his return. They were to diſcover to the duke of Arcos, that being hid under the rocks of the hill, where they were drinking a glaſs of wine, they had heard all the diſcourſe between the earl and Mahoni: That they ſaw five thouſand piſtoles delivered; and that Mahoni was to be a major-general, upon the Engliſh and Spaniſh eſtabliſhment, and to command a body of ten thouſand Iriſh catholics, which were raiſing for the ſervice of king Charles. They agreed with the duke of Arcos to have no reward, if he were not ſoon made ſenſible of the truth of what they ſaid, by Mahoni himſelf; ſince they were perſuaded, that he would ſoon ſend to engage the duke of Arcos to march immediately with the whole army towards the Carthuſian convent, under pretence of joining with his horſe, in order to prevent the earl of Peterborough from paſſing the plains of Molviedro; but that, whereas this march muſt be made in the night, all matters were ſo agreed and contrived betwixt the earl and Mahoni, and the troops ſo placed, that he muſt fall into the ambuſhes deſigned, and run great hazards of an entire defeat. It fell out, that, ſoon after thoſe ſpies had given this account to the duke of Arcos, Mahoni's aid-de-camp arrived with propoſals exactly to the ſame purpoſe. The Spaniſh general (whoſe ſuſpicions were confirmed by the jealouſies, which the earl of Peterborough had raiſed in ſeveral of the Spaniſh officers, who were come from Molviedro to him) inſtead of complying with the immediate march propoſed by Mahoni, removed his camp quite the contrary way. Mahoni with his horſe expoſed the whole army at the Carthuſian convent, till the approach of the earl of Peterborough made him retire to the duke of Arcos's camp; and as ſoon as he arrived, he was ſecured by that general, and ſent to Madrid. But, when Mahoni came to tell his ſtory at court, he was made a major-general, and the duke of Arcos was recalled.

The author of the 'Impartial Inquiry into the management of the war in Spain, having quoted this ſtory from Dr. Friend, obſerves, p. 79. "That it was not thus the Romans got poſſeſſion of Molviedro, when it bore the name of Saguntum: They would not have rendered an enemy's general ſuſpected to his maſter by arts unwarrantable, nor did they ever interpret in ſo looſe a ſenſe, 'Dolus an virtus quis in hoſte requirat?'

This

nyngham received a ſhot through his belly, and was carried off. Colonel Wills, having then the command, continued the fight till three in the afternoon; but, though the enemy employed a great part of their forces to drive the confederates from the hill, yet they kept their ground with ſo much reſolution, that the enemy thought fit to retreat again to Fons and Almana. The troops fought with extraordinary bravery on both ſides, ſo that the muzzles of their pieces met. The confederates had ſeveral officers, and about one hundred and fifty private men killed or wounded, but had no priſoners taken from them; whereas the enemy had four hundred men killed, and left behind them a lieutenant-colonel, and a lieutenant of dragoons, who were made priſoners. Colonel Wills continued till five on the field of battle, and then marched to Balaguer, where lieutenant-general Cunnyngham died, three days after, of his wounds.

Upon the news of the ſucceſs in Catalonia, the councils of Portugal were quite changed. That court had a better proſpect than formerly of the reduction of Spain. The war was now divided, which lay wholly upon them before; and the French party there had no longer the old pretence to excuſe their counſels by, that it was not fit for them to engage themſelves too deep in the war, nor to provoke the Spaniards too much, and expoſe themſelves to revenge, if the allies ſhould deſpair and grow weary of the war, and recall their troops and fleets. But now, that they ſaw the war carried on ſo far in the remoteſt corner of Spain, which muſt give a great diverſion to king Philip's forces, it ſeemed a much ſafer, as well as it was an eaſier thing, to carry on the war with more vigour for the future. Upon this, all poſſible aſſurances were given the earl of Galway, that things ſhould be conducted hereafter fully to his ſatisfaction; ſo that by his diſpatches to England it appeared, that he was thoroughly convinced of the ſincerity of their intentions, of which he had been in great doubt, or rather deſpair.

Our affairs at ſea were more proſperous this year than they had been formerly. In the beginning of the ſeaſon, our cruiſers took ſo many of the French privateers, that we had ſome thouſands of their ſeamen in our hands; and we kept ſuch a ſquadron before Breſt, that the French fleet did not think fit to venture out; and their Toulon ſquadron had ſuffered ſo much in the action of the former years, that they either could not or would not venture out. By this means our navigation was ſafe, and our trade proſperous.

In Hungary matters went on very doubtfully. Tranſylvania was almoſt entirely ruined. Ragotſki had great misfortunes there, as the court of Vienna publiſhed the progreſs of the new emperor's arms; but this was not to be much depended upon. They could not conceal, on the other hand, the great ravages which the male-contents made in other places; ſo that Hungary continued to be a ſcene of confuſion and plunder.

Poland was in no better condition. King Auguſtus's party continued firm to him, though his long ſtay in Saxony gave credit to a report ſpread about, that he was reſolved to abandon that kingdom, and to return to it no more. This ſummer paſt over in motions and actions of no great conſequence: What was gained in one place, was loſt in another. Staniſlaus procured himſelf to be crowned. The old cardinal, though ſummoned to Rome, would not go thither. He ſuffered himſelf to be forced to own Staniſlaus, but died before his coronation; and that ceremony was performed by the biſhop of Cujavia. The Muſcovites made as great ravages in Lithuania, as they had formerly done in Livonia. The king of Sweden was in perpetual motion; but, though he endeavoured it much, he could not bring things to a deciſive action. In the beginning of winter, king Auguſtus, with two perſons only, broke through Poland in diſguiſe, and got away to the Muſcovite army, which was put under his command. The campaign went on all the winter-ſeaſon, which, conſidering the extreme cold in thoſe parts, was thought a thing impracticable before. In the ſpring after, Reinſchild, a Swediſh general, fell upon the Saxon army, which was far ſuperior to his in number; for he had not above ten thouſand men, whereas the Saxons were about eighteen thouſand; notwithſtanding which, he gave them a total defeat, killed about ſeven thouſand, and took eight thouſand priſoners, and their camp, baggage, and artillery. Numbers, upon ſuch occaſions, are often ſwelled, but it is certain, this was an entire victory. The Swedes gave it out, that they had not loſt a thouſand men in the action; and yet even this great advantage was not like to put an end to the war, nor to the diſtractions, into which that miſerable kingdom was caſt. In it the world ſaw the miſchiefs of an elective government, eſpecially when the electors have loſt their virtue, and ſet themſelves to ſale. The king of Sweden continued in an obſtinate averſion to all terms of peace; his temper, courage, and his military conduct, were much commended; but he grew too ſavage, and was ſo poſitive and peremptory in his reſolutions, that no applications could ſoften him, and he would ſcarce admit them to be made. He was devout almoſt to enthuſiaſm; and he was ſeverely engaged in the Lutheran rigidneſs, almoſt equally againſt Papiſts and Calviniſts; but his education was ſo much neglected, that he had not an equal meaſure of knowledge to direct his zeal.

Having given ſuch a view of the ſtate of Europe this ſummer, as may ſerve to ſhew the proceedings in every part of it, we ſhall now return to England. The election of the members of the houſe of commons was managed with zeal and induſtry on both ſides. The clergy took great pains to infuſe into all people tragical apprehenſions of the danger the church was in. The univerſities were inflamed with this, and took all poſſible means to ſpread it over the nation with much vehemence. The danger of the church of England grew to be the word as given in an army. Men were known as they anſwered it. None carried this higher than the jacobites, though they made a ſchiſm in the church. At laſt, even the papiſts, both at home and abroad, ſeemed to be diſturbed with the fears which the danger of our church put them under; and this was ſupported by the Paris Gazette, though of that the party ſeemed aſhamed. Books were writ and diſperſed over the nation with great induſtry, to poſſeſs all people with the apprehenſions that the church was to be given up, that the biſhops were betraying it, and that the court would ſell it to the diſſenters. Now it was, that 'the memorial of the church of England,' penned by ſome zealous churchman, was printed and ſpread abroad, ſetting forth her melancholy ſituation and diſtreſs[1]. They alſo hoped, that this campaign, proving leſs proſperous than had been expected, might put the nation into ill humour, which might furniſh them with

[1] This pamphlet was compoſed by Dr. Drake the phyſician, and others, and humbly offered to the conſideration of all true lovers of our church and conſtitution. In it was the following paſſage: "Thoſe, that look no deeper than the ſurface of things, are apt to conclude, without heſitation, that the church of England is in a very flouriſhing condition. Its dignities and preferments make a very good ſhew, and the patronage of the queen ſeems to promiſe a continuance of proſperity. But, for all this fine complexion and fair weather, there is an hectic fever lurking in the very bowels of it, which, if not timely cured, will infect all the humours, and at length deſtroy the very being of it. The nation has a long time abounded with ſectaries, who, in the preceding century, violently overturned both church and ſtate, though their own extravagance and confuſions, through a ſpecial providence, contributed more than human wiſdom to the re-eſtabliſhment of them. The ſons of thoſe men yet remain, and inherit, many of them, the principles of their fathers. It would therefore be no very uncharitable ſuppoſition, without any other argument, to imagine them heirs of their deſigns likewiſe; for it is eaſy to demonſtrate, that ſuch principles lead naturally to ſuch deſigns, and that no man can heartily embrace one, without having favourable thoughts of the other. Nor can we blame them; for, if any man is perſuaded (as many of our ſectaries avow themſelves to be) that the diſcipline and worſhip of the church of England are an abomination, his conſcience will readily ſuggeſt to him, that he ought to do his utmoſt to purge the land from ſuch abomination; and upon this pretence has the church been once already ſubverted, though raiſed again by God in a miraculous manner. In thoſe days a 'thorough reformation, root and branch,' was the cry of all the pulpits, the Shibboleth of the party. If, ſince the church recovered its ancient luſtre and authority, they have been more ſilent, and in appearance more moderate, it is not that they are better tempered or affected, but that, ſubmitting to the neceſſity of the times, they have diſſembled their intentions better: Yet ſome over-attempts here, and the whole courſe of their proceedings in Scotland during theſe two laſt reigns, ſufficiently ſhew us what treatment we might expect, if they had the power. But theſe people, though they may have the will, have not the power alone to endanger the church. The diſſenters are not yet conſiderable enough for their numbers, (however they boaſt of them) wealth, or quality, to bring about any great change in the conſtitution of church and ſtate. And our church is too ſtrong to be ſhaken, but through the treachery or ſupine negligence of its own members, or thoſe, at leaſt, that pretend to be ſuch; and, as ſuch, palm themſelves frequently upon their country and church, to the irreparable damage of both. The ſudden death of the late king diſappointed, mortified, and humbled the diſſenters and their abettors, the whigs, ſo exceſſively, that they were ready to have thrown a blank to the church, and would have taken a general indemnity, with an excluſion from all public truſt and office. They, who not a month before, breathed nothing but defiance, and inſulted the church, and treated the princeſs with the moſt ſcandalous indignities and rudeſt calumnies, were in an inſtant grown the moſt peaceable, meek, chriſtian-ſpirited people in the univerſe. They preached nothing but charity, peace, and love, forgiveneſs of injuries, oblivion of wrongs, and the utter abolition and extinction of parties and factions for ever. So very good and gracious can men in fear be! But whence this humility and dejection of mind, this ſweetneſs of temper? Was it natural, or the reſult of more extraordinary grace, or more chriſtian principles than other men were poſſeſſed of? No; but they had juſt before injured and affronted the princeſs and church of England in ſo inſolent and outrageous a manner, upon preſumption, that durable ſchemes were upon the anvil in their favour, that their own conſciences, upon the vaniſhing of them, prompted them to ſeek pardon and peace, from thoſe whom they had ſo abuſed, by an extraordinary ſubmiſſion. But when, contrary to theſe fears, they found the head of the church, and, after her example, the members of it too, inclined not only to forgive, but to forget paſt injuries, and that, inſtead of puniſhment, they met not with ſo much as a rebuke or reproach, but comfortable ſpeeches and kind aſſurances from the queen herſelf, and good countenance from ſome of her prime miniſters, their ſpirits were elated in an inſtant; the ſpirit of humility

ſome advantages. In oppoſition to all this, the court acted with ſuch caution and coldneſs, that the whigs had very little ſtrength given them by the miniſters in managing the elections. They ſeemed rather to look on as indifferent ſpectators, but the whigs exerted themſelves with great activity and zeal. The diſſenters, who had been formerly much divided, were now united entirely in the intereſts of the government, and joined with the whigs every where.

When the elections were all over, the court took more heart, for it appeared, that they were ſure of a great majority; and the lord Godolphin declared himſelf more openly, than he had yet done, in favour of the whigs. The firſt inſtance given of this, was the diſmiſſing of ſir Nathan Wright, who had continued ſo long lord-keeper, that he was fallen under a high degree of contempt with all ſides; even the tories, though he was wholly theirs, deſpiſing him. He was ſordidly covetous, and did not at all live ſuitably to that high poſt. He was become extremely rich, though he was not charged with bribery in his court; but there was a rumour with relation to the livings of the crown, that were given by the great ſeal, as if they were ſet to ſale by the officers under him. The great ſeal being ſent for, the cuſtody of it was given, in council, to William Cooper, with the title of lord-keeper. He was a gentleman of a good family, of excellent parts, and of an engaging deportment, very eminent in his profeſſion, and had been, for many years, conſidered as the man, who ſpoke the beſt in the houſe of commons. His promotion was very acceptable to the whigs, who had been much diſguſted with the lord-treaſurer for the coldneſs he expreſſed, as if he would have maintained a neutrality between the two parties, though the one ſupported him, while the other deſigned to ruin him. But this ſtep, in preferring the new lord-keeper, went a great way towards reconciling the whigs to him [m].

The new parliament met on the 25th of October. The appearance in the houſe of commons was greater than had been known at the opening of any parliament for fifty years before; no leſs than four hundred and fifty-ſix members being preſent. The firſt ſtruggle was about the choice of a ſpeaker, by which a judgment was to be made of the temper and inclination of the members. The court declared for Mr. John Smith, a man of clear parts, and of a good expreſſion, who was then in no employment, but had gone through great poſts in the former reign with reputation and honour, having been a commiſſioner of the treaſury, and chancellor of the Exchequer. He had, from his firſt ſetting out in the world, been thoroughly in the principles and intereſts of the whigs, yet with a due temper in all things, with relation to the tories. But the tories all declared againſt him for Mr. Bromley, one of the repreſentatives of the univerſity of Oxford, a man of a grave deportment and good morals, but conſidered as a violent tory, and as a great favourer of jacobites, which appeared evidently in a relation, which he printed of his travels. The marquis of Granby, eldeſt ſon to the duke of Rutland, who firſt propoſed Mr. Smith, was ſeconded by Mr. Robert Walpole; and ſir John Holland, the marquis of Hartington, ſir William Strickland, ſir Charles Turner, and ſome others ſpoke by turns on the ſame ſide. On the other hand, the earl of Diſert recommended Mr. Bromley, and was ſupported by ſir Thomas Hammer, ſir Edward Seymour, ſir William Drake, Mr. Frederick Herne, Mr. Anneſley, and ſir Roger Moſtyn. No affair of that ſort had ever been carried with ſuch heat on both ſides as this was: So that it was juſt to form a judgement upon it of the temper of the houſe. After a debate of about an hour and half, the houſe divided, and, two members being appointed to tell the voices, Mr. Smith had two hundred and forty-eight, and Mr. Bromley two hundred and five only. Mr. Smith being, on the 27th of October, preſented to the queen, ſeated on the throne in the houſe of peers, ſhe approved the choice of him, and made the following ſpeech to the houſes:

My lord and gentlemen,

"I Have been very deſirous to meet you as early as I thought you might be called together without inconvenience to yourſelves. And it is with much ſatisfaction, I obſerve ſo full an appearance at the opening of the parliament, becauſe it is a ground for me to conclude, you are all convinced of the neceſſity of proſecuting the juſt war, in which we are engaged, and therefore are truly ſenſible, that it is of the greateſt importance to us, to be timely in our preparations.

"Nothing can be more evident, than that if the French king continues maſter of the Spaniſh monarchy, the balance of power in Europe is utterly deſtroyed, and he will be able, in a ſhort time, to engroſs the trade and the wealth of the world.

"No good Engliſhman could at any time be content to ſit ſtill, and acquieſce in ſuch a proſpect; and at this time we have great grounds to hope, that by the bleſſing of God upon our arms, and thoſe of our allies, a good foundation is laid for reſtoring the monarchy of Spain to the houſe of Auſtria; the conſequences of which will not only be ſafe and advantageous, but glorious for England.

"I may add, we have learned by our own experience, that no peace with France will laſt longer, than the firſt opportunity of their dividing the allies, and of attacking ſome of them with advantage.

"All our allies muſt needs be ſo ſenſible this is the true ſtate of the caſe, that I make no doubt but meaſures will ſoon be ſo concerted, as that, if we be not wanting to ourſelves, we ſhall ſee the next campaign begin offenſively on all ſides againſt our enemies, in a moſt vigorous manner.

"I muſt therefore deſire you, gentlemen of the houſe of commons, to grant me the ſupplies, which will be requiſite for carrying on the next year's ſervice both by ſea and land; and, at the ſame time, to conſider, that the giving all poſſible diſpatch, will make the ſupply itſelf much more effectual.

"The firmneſs and conduct, which the duke of Savoy has ſhewn amidſt extreme difficulties, is beyond example. I have not been wanting to do all that was poſſible for me, in order to his being ſupported.

"I ought to take notice to you, that the king of Pruſſia's troops have been very uſeful to this end. Your approbation of that treaty laſt ſeſſion, and the encouragement you gave upon it, leave me no doubt of being able to renew it for another year.

"I take this occaſion to aſſure you, that not only whatever ſhall be granted by parliament for bearing the charge of the war, ſhall be laid out for that purpoſe with the greateſt faithfulneſs and management; but that I will continue to add, out of my own revenue, all I can reaſonably ſpare, beyond the neceſſary expences for the honour of the government.

humility and pacification vaniſhed; their former inſolence and preſumption returned upon them in full force; and they began to challenge and provoke the church as boldly as ever. Thus far the hiſtory of their carriage towards the church is public and recent, as likewiſe the advances, that have been made in their favour, and the repulſes, which the church has met with. Every thing has paſſed in Scotland to the deſire of the preſbytery, even to the endangering the church and monarchy of England, and the diſheriſon of its crown, and the immediate prejudice of its ſovereignty; but, on the contrary, nothing for the ſecurity of the church here, which cannot only boaſt itſelf to be a main branch of the civil conſtitution, but the prop and ſupport of the whole frame of government; which removed, it muſt neceſſarily fall to the ground, as has been once fatally experimented. All attempts to ſettle it on a perpetual foundation have been oppoſed and rendered ineffectual by miniſters, who owe their preſent grandeur to its protection; and who, with a prevarication as ſhameful as their ingratitude, pretend to vote and ſpeak for it themſelves, while they ſollicit and bribe others with penſions and places to be againſt it."

This laſt reflection was viſibly levelled againſt the duke of Marlborough and the lord treaſurer Godolphin; and the reſt of that libel, containing no leſs injurious inſinuations againſt the queen herſelf for removing ſome of her miniſters, the grand jury of London and county of Middleſex, at the ſeſſions held at the Old Bailey, on the 31ſt of Auguſt, "with the utmoſt indignation and reſentment, preſented one book, lately printed by a notorious criminal [David Edwards] (convicted in that court for printing and publiſhing a ſeditious and treaſonable libel, for which he was fined and pilloried, and was now fled from juſtice) intituled, 'The Memorial of the Church of England,' &c. to be a falſe, ſcandalous, and traiterous libel, ſecretly, but induſtriouſly ſpread abroad, to advance and accompliſh traiterous and wicked deſigns, highly impeaching the truth and ſincerity of her majeſty's royal reſolution and pious aſſurances to ſupport and preſerve our government, both in church and ſtate, the rights, liberties, and properties of all her people; and alſo craftily deſigned to reproach and ſcandalize her wiſe and faithful miniſtry, divide her councils, create variances, diſputes, and diſcords in her parliament, and to raiſe and foment animoſities, fears, and jealouſies amongſt all her people." Upon this preſentment the court ordered the ſaid libel to be forthwith burnt in the ſight of the ſaid court then ſitting, and alſo, on the Tueſday following, before the Royal Exchange; which was done accordingly, on the 1ſt of September, the ſheriffs attending.

[m] The ducheſs of Marlborough, in the account of her conduct (p. 159) ſays, The next year I prevailed with her majeſty to take the great ſeal from ſir Nathan Wright, a man deſpiſed by all parties, of no uſe to the crown, and whoſe weak and wretched conduct, in the court of Chancery, had almoſt brought his very office into contempt. His removal, however, was a great loſs to the church, for which he had ever been a warm ſtickler. And this loſs was the more ſenſibly felt, as his ſucceſſor, my lord Cow er, was not only of the whig party, but of ſuch abilities and integrity, as brought a new credit to it in the nation.

My lords and gentlemen,

"By an act of parliament paſſed the laſt winter, I was enabled to appoint commiſſioners for this kingdom, to treat with commiſſioners to be impowered by authority of parliament in Scotland, concerning a nearer and more complete union between the two kingdoms, as ſoon as an act ſhould be made there for that purpoſe. I think it proper for me to acquaint you, that ſuch an act is lately paſſed there; and I intend, in a ſhort time, to cauſe commiſſions to be made out, in order to put the treaty on foot, which I heartily deſire may prove ſucceſsful, becauſe I am perſuaded, that an union of the two kingdoms will not only prevent many inconveniencies, which may otherwiſe happen, but muſt conduce to the peace and happineſs of both nations; and therefore I hope I ſhall have your aſſiſtance, in bringing this great work to a good concluſion.

"There is another union I think myſelf obliged to recommend to you in the moſt earneſt and affectionate manner; I mean, an union of minds and affections amongſt ourſelves. It is that, which would, above all things, diſappoint and defeat the hopes and deſigns of our enemies.

"I cannot but with grief obſerve, there are ſome amongſt us, who endeavour to foment animoſities; but I perſuade myſelf, they will be found to be very few, when you appear to aſſiſt me in diſcountenancing and defeating ſuch practices.

"I mention this with a little more warmth, becauſe there have not been wanting ſome ſo very malicious, as even in print to ſuggeſt the church of England, as by law eſtabliſhed, to be in danger at this time.

"I am willing to hope, not one of my ſubjects can really entertain a doubt of my affection to the church, or ſo much as ſuſpect, that it will not be my chief care to ſupport it, and leave it ſecure after me; and therefore we may be certain, that they, who go about to inſinuate things of this nature, muſt be mine and the kingdom's enemies, and can only mean to cover deſigns, which they dare not publicly own, by endeavouring to diſtract us with unreaſonable and groundleſs diſtruſts and jealouſies.

"I muſt be ſo plain, as to tell you, the beſt proofs we can all give at preſent of our zeal for the preſervation of the church, will be to join heartily in proſecuting the war againſt an enemy, who is certainly engaged to extirpate our religion, as well as to reduce this kingdom to ſlavery.

"I am fully reſolved, by God's aſſiſtance, to do my part.

"I will always affectionately ſupport and countenance the church of England, as by law eſtabliſhed.

"I will inviolably maintain the toleration.

"I will do all I can to prevail with my ſubjects to lay aſide their diviſions, and will ſtudy to make them all ſafe and eaſy.

"I will endeavour to promote religion and virtue amongſt them, and to encourage trade, and every thing elſe, that may make them a flouriſhing and happy people.

"And they, who ſhall concur zealouſly with me in carrying on theſe good deſigns, ſhall be ſure of my kindneſs and favour."

This ſpeech, which was ſuppoſed to be drawn up by the new lord keeper, was received with great applauſe by the generality of the people, and the majority of both houſes of parliament. On the 1ſt of November the lords attended the queen with an addreſs, wherein, having taken notice of what had been delivered from the throne, they aſſured her, "That they concurred in theſe her majeſty's wiſe and noble ſentiments; and that no dangers ſhould deter them, nor any artifices divert them, from doing all that was in their power, to aſſiſt her majeſty in carrying on the war, till ſhe ſhould be enabled to procure ſuch a peace for Europe, as ſhe had mentioned in her ſpeech. They admired in her majeſty that tender and indulgent affection to her people, which ſhe had ſhewn from the beginning of her reign; that earneſt deſire to unite them among themſelves, and to make them all eaſy, ſafe, and happy under her government; that ſteady zeal for the church of England, as by law eſtabliſhed; and that compaſſion for thoſe, who were ſo unhappy, as to diſſent from her." And they promiſed, "to do all they could to diſcountenance and defeat the deſigns and practices of thoſe, who fomented animoſities among her people; ever to ſhew the utmoſt deteſtation of thoſe ungrateful and wicked men, who laboured to diſhonour her majeſty's reign, and diſtract her ſubjects with unreaſonable and groundleſs jealouſies of dangers to the church of England; and to be ready to concur in all meaſures requiſite to put a ſtop to the malice of thoſe incendiaries."

The commons addreſſed the queen, five days after, in much the ſame manner. Theſe addreſſes of the two houſes went the more eaſily, becauſe ſome kept out of the way, from whom it was expected, that they would afterwards open more copiouſly on the ſubject. The chairmen of the ſeveral committees of the houſe of commons were men, of whom the court was well aſſured.

On the 13th of November, the commons, having taken the queen's ſpeech into conſideration, preſented a ſecond addreſs of thanks for her great care and endeavours to ſettle the ſucceſſion of the kingdom of Scotland in the houſe of Hanover, for the preſervation of the peace, and promoting the union of the two kingdoms, and to aſſure her, they would, to the utmoſt of their power, aſſiſt her to bring that great work to a happy concluſion. They alſo deſired her to direct, that the whole proceedings of the laſt ſeſſions of parliament in Scotland, relating to the union and the ſucceſſion, might be laid before the houſe. The lords had made the ſame requeſt the day before, and the queen promiſed both houſes that the ſtate of thoſe matters ſhould be laid before them.

The firſt thing, with which the commons generally begin, is to receive petitions againſt the members returned; and this gave a further diſcovery of the inclinations of the majority. The corruption of the nation was grown to ſuch an height, and there was ſo much foul practice on all hands, that there was no doubt great cauſe of complaint. The firſt election that was judged, was that of St. Albans, where the ducheſs of Marlborough had a houſe. She recommended admiral Killigrew to thoſe in the town, as was done all over England by perſons of quality, who had any intereſt in the Burghers. Yet, though much foul practice was proved on the other hand, and there was not the leaſt colour of evidence to fix any ill practice upon her, ſome reflected very indecently upon her. Mr. Bromley compared her to Alice Piers in king Edward the third's time, and ſaid many other virulent things againſt her; for indeed ſhe was looked upon by the whole party, as the perſon who had reconciled the whigs to the queen, from whom her majeſty was naturally very averſe. Moſt of the controverted elections were carried in favour of the whigs; in ſome few they failed, more by reaſon of private animoſities, than by the ſtrength of the other ſide.

The houſe of commons readily voted all the ſupplies that were aſked, and went on to provide proper funds for them.

The moſt important debates, that were in this ſeſſion, began in the houſe of lords, the queen being preſent at them all. The Lord Haverſham opened the motions of the tory ſide. On the 15th of November, when the lords went upon the ſtate of the nation, the lord Haverſham made a long ſpeech, wherein he arraigned the duke of Marlborough's conduct, both on the Moſelle and in Brabant, and reflected ſeverely on the Dutch, which he carried ſo far as to ſay, that the war coſt them nothing. He came at length to the point, which was laid to be the debate of the day, and concluded his ſpeech with ſaying:

"The laſt thing, my lords, is that which I take to be of the greateſt concernment to us all, both queen and people. I always love to ſpeak very plain, and ſhall do ſo in this point.

"My lords, I think there can be nothing more for the ſafety of the queen, for the preſervation of our conſtitution, for the ſecurity of the church, and for the advantage of us all, than if the preſumptive heir to the crown, according to the act of ſettlement in the proteſtant line, ſhould be here amongſt us. It is very plain, that nothing can be more for the ſecurity of any throne, than to have a number of ſucceſſors round about it, whoſe intereſt is always to defend the poſſeſſor from any danger, and prevent any attempt againſt him, and revenge any injury done him. Is there any man, my lords, who doubts, that if the duke of Glouceſter had been now alive, her majeſty had not been more ſecure than ſhe is? We cannot think of that misfortune without the greateſt grief; but yet we are not to neglect our own ſafety. And, though a ſucceſſor be not the child of the prince, yet is he the child of the queen and the people.

"Beſides, my lords, the heats and differences, which are among us make it very neceſſary, that we ſhould have the preſumptive heir reſiding here. The duty and reſpect we pay her majeſty, and the authority of the law, can hardly keep us in peace and union amongſt ourſelves at preſent. What then may we not fear, when theſe bonds ſhall ever happen to be broken? And would it not be a great advantage to the church for the preſumptive heir to be perſonally acquainted with the reverend the prelates? Nay, would it not be an advantage

advantage to all England, that, whenever the ſucceſſor comes over, he ſhould not bring a flood of foreigners along with him, to eat up and devour the good of the land?

"I will ſay no more to your lordſhips, but conclude with this motion:

"That an humble addreſs be preſented to her majeſty by this houſe, that her majeſty will be graciouſly pleaſed to invite the preſumptive heir to the crown of England, according to the acts of parliament made for ſettling the ſucceſſion of the crown in the proteſtant line, into this kingdom, to reſide here."

The duke of Buckingham, and the earls of Rocheſter, Nottingham, and Angleſey, carried on the debate with great earneſtneſs. It was urged, That they had ſworn to maintain the ſucceſſion, and by that were bound to inſiſt on this motion, ſince there was no means ſo ſure to maintain it, as to have the ſucceſſor upon the place, ready to aſſume and maintain his right. It appeared through our whole hiſtory, that whoever came firſt into England, had always carried it. The pretending ſucceſſor might be in England within three days; whereas it might be three weeks before the declared ſucceſſor could come. From thence it was inferred, that the danger was apparent and dreadful, if the ſucceſſor ſhould not be brought over. If king Charles had been in Spain, when the late king died, probably that would have prevented all this war, in which we were now engaged. With theſe lords, by a ſtrange reverſe, all the tories joined; and by another, and as ſtrange a reverſe, all the whigs joined in oppoſing it. They thought, that this matter was to be left wholly to the queen; that it was neither proper nor ſafe either for the crown or for the nation, that the heir ſhould not be in an entire dependence on the queen: That a rivalry between the two courts might occaſion great diſtractions, and be attended with very ill conſequences: That the next ſucceſſor had expreſſed a full ſatisfaction, and reſted on the aſſurances, which the queen had given her of her firm adherence to her title, and to the maintaining of it: That the nation was prepared for it by the orders, which the queen had given to name her in the daily prayers of the church: That great endeavours had been uſed to bring the Scots nation to declare the ſame ſucceſſor: That it was true, we ſtill wanted one great ſecurity, not having yet made any proviſion for carrying on the government, for maintaining the public quiet, for proclaiming and ſending for the ſucceſſor, and for keeping things in order, till the ſucceſſor ſhould come. It ſeemed therefore neceſſary to make an effectual proviſion againſt diſorders, that might happen in ſuch an interval. This was propoſed firſt by biſhop Burnet, and ſeconded by the lord-treaſurer; and all the whigs went into it, and then the queſtion was put upon the other motion, as firſt made, by a previous diviſion, Whether that ſhould be put or not, and was carried in the negative by about three to one. However, ſome lords, who were for the affirmative, entered their proteſts in the following words: "We humbly conceive, that having a preſumptive heir to the crown reſiding in the kingdom, will be a great ſtrengthening to her majeſty's royal hands, in the adminiſtration of the government and ſecurity of her majeſty's royal perſon, and of the ſucceſſion to the crown, as by law eſtabliſhed, in the proteſtant line[n]."

The queen heard the debate, and ſeemed amazed at the behaviour of ſome, who, when they had credit with her, and apprehended, that ſuch a motion might be made by the whigs, had poſſeſſed her with deep prejudices againſt it; for they had made her apprehend, that, when the next ſucceſſor ſhould be brought over, ſhe herſelf would be ſo eclipſed by it, that ſhe would be much in the ſucceſſor's power, and reign only at her or his courteſy. Yet theſe very perſons were proſecuting that very motion, which they had made her apprehend was the moſt fatal thing, that could happen. This the ducheſs of Marlborough told biſhop Burnet, but named no perſon; and upon it a very black ſuſpicion was taken up by ſome, that the propoſers of this matter knew, or at leaſt believed that the queen would not agree to the motion, which way ſoever it might be brought to her, whether in an addreſs, or in a bill; and then they might reckon, that this would give ſuch a jealouſy, and create ſuch a miſunderſtanding between her and the parliament, or rather the whole nation, as would unſettle her whole government, and put all things in diſorder. But this was only a ſuſpicion[o].

Though the invitation of the princeſs Sophia was rejected, yet a bill for a regency, entitled, "A bill for the better ſecurity of her majeſty's perſon and government, and of the ſucceſſion to the crown of England," was brought in. On the 19th of November, the lord Wharton opened the debate in a manner that charmed the whole houſe. He had not been preſent at the former debate, but he ſaid, he was much delighted with what he had heard concerning it. He obſerved, that he had ever looked on the ſecuring a proteſtant ſucceſſion to the crown as that, which ſecured all our happineſs. He had heard the queen recommend from the throne union and agreement to all her ſubjects, with a great emotion in his own mind. It was now evident, there was a divinity above her, when ſhe ſpoke: The cauſe was certainly ſupernatural, for we ſaw the miracle, that was wrought by it: Now all were for the proteſtant ſucceſſion. It had not been always ſo. He rejoiced in their converſion, and confeſſed it was a miracle. He would not, he could not, he ought not to ſuſpect the ſincerity of thoſe, who moved for inviting the next ſucceſſor; yet he could not hinder himſelf from remembering what had paſſed in a courſe of many years, and how men had argued, voted, and proteſted all that while. This confirmed his opinion, that a miracle was now wrought; and that might oblige ſome to ſhew their change by an exceſs of zeal, which he could not but commend, though he did not fully agree to it. After this preamble, he opened the propoſition for the regency in all the branches of it: That regents ſhould be empowered to act in the name of the ſucceſſor, till he ſhould ſend over orders: That beſides thoſe, whom the parliament ſhould name, the next ſucceſſor ſhould ſend over a nomination ſealed up, and to be opened, when that accident ſhould happen, of perſons, who ſhould act in the ſame capacity with thoſe, who ſhould be named by parliament. The motion being thus digeſted, was agreed to by all the whigs, and a bill was ordered to be brought in, purſuant to theſe propoſitions. But, upon the debate on the heads of the bill, it appeared, that the converſion, which the lord Wharton had ſo pleaſingly magnified, was not ſo entire as he ſeemed to ſuppoſe. For when a ſecurity, that was real and viſible, was thus offered, thoſe, who made the other motion, flew off from it. They pretended, that it was, becauſe they could not depart from their firſt motion: But they were told, that the immediate ſucceſſor might indeed, during her life, continue in England; yet it was not to be ſuppoſed, that her ſon, the elector, could be always abſent from his own dominions, and throw off all care of them, and of the concerns of the empire, in which he

[n] This proteſt was ſubſcribed by

Winchelſea,	Rocheſter,
Jerſey,	Abingdon,
Buckingham,	Howard,
Nottingham,	Conway,
Angleſea,	Leigh.
Haverſham,	

[o] The ducheſs of Marlborough, in "The account of her own conduct, p. 160." clears up this matter: ſhe ſays, the earls of Rocheſter and Nottingham, and the other grave men of the party, had not the leaſt hope or the leaſt deſire to carry their point; but being well aſſured, that the queen would never conſent to ſuch an invitation, nor pardon her miniſters if they encouraged the deſign, this was a notable ſtratagem to ruin them, either with her majeſty, or with the nation; for if, in compliance with her prejudices, they oppoſed this motion, it was to be hoped it would draw the public odium upon them, as declared enemies to the proteſtant ſucceſſion. This hopeful ſcheme, however, did not ſucceed. The whigs oppoſed the invitation, and yet preſerved their credit, to the great mortification of the other party. I know, that my lord Godolphin, and other great men, were much reflected upon by ſome well-diſpoſed perſons, for not laying hold of this opportunity, which the tories put in their hands, of more effectually ſecuring the ſucceſſion of the crown in the houſe of Hanover. But thoſe of the whigs, whoſe anger againſt the miniſter was raiſed on this account, little knew how impracticable the project of 'Invitation' was, and that the attempt would have only ſerved to make the queen diſcard her miniſtry, to the ruin of the common cauſe of theſe kingdoms, and of all Europe. I had often tried her majeſty upon this ſubject, and when I found, that ſhe would not hear of the immediate ſucceſſor's coming over, had preſſed her, that ſhe would at leaſt invite hither the young prince of Hanover, who was not to be her immediate ſucceſſor, and that ſhe would let him live here as her ſon: But her majeſty would liſten to no propoſal of this kind in any ſhape whatſoever.——It was upon this occaſion, that the queen gave the firſt indications of any thing like a real reconcilement to the whigs.——She had been preſent at the debate in the houſe of lords upon the ſubject of the invitation, and had heard the duke of Buckingham treat her with great diſreſpect, urging as an argument for inviting over the princeſs Sophia, that the Queen might live till ſhe did not know what ſhe did, and be like a child in the hands of others, and a great deal to that effect. Such rude treatment from the tories, and the zeal and ſucceſs of the whigs, in oppoſing a motion ſo extremely agreeable to her, occaſioned her to write to me in the following terms:

"——I believe dear Mrs. Freeman and I ſhall not diſagree, as we have formerly done; for I am ſenſible of the ſervices thoſe people have done me, that you have a good opinion of, and will countenance them, and am thoroughly convinced of the malice and inſolence of them, that you have always been ſpeaking againſt."

And at this time it was, that the queen authorized the lord Godolphin to give the utmoſt aſſurances to the chief men of the whigs, that ſhe would put herſelf and her affairs into ſuch hands as they ſhould approve, and would do every thing poſſible for the ſecurity of the proteſtant religion.

The

bore ſo great a ſhare. If he ſhould go over for ever ſo ſhort a time, the accident might happen, in which it was certainly neceſſary to provide ſuch an expedient, as was now offered. This expoſed them to much cenſure; but men engaged in parties are not eaſily put out of countenance. It was reſolved, that the regents ſhould be ſeven, and no more; and they were fixed by the poſts they were in. The archbiſhop of Canterbury, the lord-chancellor, lord-keeper, lord-treaſurer, lord-preſident, lord privy-ſeal, lord high-admiral, and the lord chief-juſtice of the Queen's Bench for the time being, were named for the high truſt. The tories ſtruggled hard, that the lord treaſurer ſhould not be one, only to ſhew their ſpleen againſt the lord Godolphin; but their motion was rejected with ſcorn; for it ſeemed ridiculous in a time, when there might be much occaſion for money, to exclude an officer from that high truſt, who alone could furniſh them with it, or direct them how to be furniſhed. The tories moved likewiſe, that the lord-mayor of London ſhould be one; but that was alſo rejected; for the deſign of the act was, that the government ſhould be carried on by thoſe, who ſhould be at that time in the conduct and ſecret of affairs, and were perſons choſen by the queen; whereas the lord-mayor was choſen by the city, and had no practice in buſineſs. Theſe regents were required to proclaim the next ſucceſſor, and to give orders for the like proclamation over England and Ireland. The next ſucceſſor might ſend a triplicate of the perſons named by her or him; one of theſe was to be depoſited with the archbiſhop of Canterbury, another with the lord-keeper, and a third with his own miniſter reſiding at this court; upon the producing whereof, the perſons nominated were to join with the regents, and to act in equality with them. The laſt parliament, even though diſſolved was to be immediately brought together, and empowered to continue ſitting for ſix months; and thus things were to be kept in order, till the ſucceſſor ſhould either come in perſon, or ſend over his orders.

The tories made ſome oppoſition to every branch of the act; but, in that of the parliament's ſitting, the oppoſition was more remarkable. The earl of Rocheſter moved, that the parliament and the regents ſhould be limited to paſs no act of repeal of any part of the 'act of Uniformity;' and in his poſitive way ſaid, that, if this was not agreed to, he ſhould ſtill think the church was in danger, notwithſtanding what they had heard from the throne in the beginning of the ſeſſion. It was objected to this, that, if the regal power was in the regents, and if the parliament was likewiſe a legal one, then by the conſtitution the whole legiſlature was in them, and that could not be limited; for they could repeal any law that limited them: But the judges were of opinion, that the power of regents might be limited; ſo that, as the deſign of moving this might be to have a new pretence to poſſeſs the clergy, that there was a ſecret deſign againſt the church, which might break out at ſuch a time, the lords gave way to it, though they thought it unreaſonable, and propoſed with no good deſign. The tories, upon the yielding this to them, propoſed a great many more limitations; ſuch as the reſtraining the regents from conſenting to a repeal of the act for triennial parliaments; the acts for trials in caſes of treaſon, and ſome others; and ſo extravagant were they in their deſign of making the act appear ridiculous, that they propoſed as a limitation, that they ſhould not have power to repeal the act of ſeſſion. All theſe were rejected with ſcorn and indignation; the lords ſeeing by this their error in yielding to that propoſed by the earl of Rocheſter. The bill paſſed the houſe of lords, but the tories proteſted againſt it.

There was not any thing in the management of the tories, by which they ſuffered more in their reputation than by this. They hoped, that the motion for the invitation would have cleared them of ſuſpicion of inclinations towards the pretended prince of Wales, and would have reconciled the body of the nation to them, and turned them againſt all, who ſhould oppoſe it. The management was ſo ill diſguiſed, that it was viſible they intended only to provoke the queen by it, hoping that the provocation might go ſo far, that in the ſequel all their deſigns might be brought about, though by a method, that ſeemed quite contrary to them, and deſtructive of them.

The bill lay long in the houſe of commons, by a ſecret management, that was againſt it. The tories there likewiſe propoſed, on the 14th of December, that the next ſucceſſor ſhould be brought over; which was moved by ſir Thomas Hanmer, ſeconded by Mr. Benſon, and ſupported by Mr. Bromley, and others. This was oppoſed by the whigs, who moved, 'that the chairman leave the chair;' which was carried in the affimative without dividing. The ſecret management was from Hanover. Some indigent perſons, and others employed by the tories, had ſtudied to infuſe jealouſies of the queen and her miniſters into the electreſs Sophia. She was then ſeventy-five, but had ſtill ſo much vivacity, that, as ſhe was the moſt knowing and the moſt entertaining woman of the age, ſo ſhe ſeemed willing to change her ſcene, and to come and ſhine here in England. They prevailed with her to write a letter to the archbiſhop of Canterbury, intimating her readineſs to come over, if the queen and parliament ſhould deſire it. This was made public by ſome intriguing perſons in that court, and a colour was ſoon found to keep ſome whigs from agreeing to the act. In the act, which firſt ſettled the ſucceſſion, one limitation had been, that, when the crown ſhould paſs into that houſe, no man, who had either place or penſion, ſhould be capable of ſitting in the houſe of commons. The clauſe in this bill, which impowered either the parliament, which ſhould be current at the queen's death, or that which had ſate laſt (though diſſolved) to ſit for ſix months, or till the ſucceſſor ſhould diſſolve it, ſeemed contrary to this incapacitating clauſe in the former act. Great exceptions were taken to this by ſome zealous whigs, who were ſo poſſeſſed with the notion of a ſelf-denying bill, as neceſſary to preſerve public liberty from the practices of a deſigning court, that for ſome weeks there was cauſe to fear, not only the loſs of the bill, but a breach among the whigs upon this head. Much pains were taken, and with good effect, to heal this. It was at laſt ſettled; and a great many offices were enumerated; and it was declared, that every man, who held any of theſe, was thereby incapacitated from ſitting in the houſe of commons; and every member of the houſe, who accepted of any other office, was, upon that, excluded the houſe, and a new writ was to go out to thoſe, whom he repreſented, to chuſe again; but it was left free to them to chuſe him, or any other, as they pleaſed. It was deſired by thoſe, who preſſed this matter moſt, that it ſhould take place only in the next reign. But to remove all jealouſy, the miniſters were content, that theſe clauſes ſhould take place immediately, upon the diſſolution of the preſent parliament. And, when the houſe of commons ſent up theſe ſelf-denying clauſes to the lords, they added to them a repeal of that clauſe in the firſt act of ſucceſſion, by which the ſucceeding princes were limited to govern by the advice of their council, and by which all the privy-councillors were to be obliged to ſign their advices; which was impracticable, ſince it was viſible, that no man would be a privy-councillor on thoſe terms. The lords added the repeal of this clauſe to the amendments ſent up by the commons; and they made ſome alterations in the clauſe inſerted by the commons, their lordſhips excluding only the commiſſioners of the prize-office, and all ſuch new officers, as the court might create for the time to come. Two conferences were held about theſe reſpective amendments between the two houſes; and, the report of the latter conference being made in the houſe of commons, on the 15th of February, it occaſioned a long and warm debate. The court party endeavoured to ſhew the injuſtice of excluding from the houſe ſuch as were actually performing ſervices to the nation; urging, that all counties and corporations of England have, by their charters, liberty to elect ſuch, as they think beſt qualified to repreſent them in parliament; they ſhould, in great meaſure, be deprived of that liberty by this excluſion of ſeveral officers, military and civil; who, by reaſon of the great eſtates they have in thoſe corporations, ſeldom fail, and have more right than any others, to be choſen. And that the excluſion of thoſe officers would very much abate the noble ardour, which ſeveral gentlemen ſhewed at this juncture, to ſerve the nation in this juſt and neceſſary war, ſince they could not but look upon it as a diſgrace, to be made incapable of ſerving likewiſe their country in parliament. The oppoſite party, which chiefly conſiſted of the tories, with whom ſeveral of the whigs joined on this occaſion, alledged, the ill uſe, which a bad prince might make of a parliament, in which there ſhould be many of his creatures; ſuch are generally all thoſe, who have employments immediately depending on the crown. The other party, foreſeeing that they ſhould loſe the queſtion, agreed to the poſtponing of three of the lords amendments, having already agreed to one of them. But, three days after, being reinforced by the return of thoſe, who, for ſome time, had voted on the contrary ſide, the lords amendments were approved, with ſome few alterations; to which the lords agreed on the 19th of February[r].

[r] The debates in both houſes about the invitation of the princeſs Sophia having made a great noiſe, Mr. Charles Gilſton, a writer, well known for his ſhare in the 'Oracles of Reaſon,' and for his confutation of that book afterwards, either by directions from others, or out of mere zeal, handed to The

On the 22d of November, the lord Haverſham moved, that the miſcarriages of the laſt campaign, occaſioned by the allies, might be enquired into. In the courſe of this debate, the errors, committed in the conduct of the war this year, were complained of; the blame, indeed, of the miſcarriage of the deſign on the Moſelle was laid on the prince of Baden, and the errors in Brabant on the States and their deputies. But, as the party ſaid, they could not judge of theſe things, nor be able to lay before the queen thoſe advices, that might be fit for them to offer to her, unleſs they were made acquainted with the whole ſeries of theſe affairs; therefore they propoſed, that by an addreſs they might pray the queen to communicate to them all that ſhe knew concerning thoſe tranſactions during the laſt campaign; for they reckoned, that, if all particulars ſhould be laid before them, they ſhould find ſomewhat in the duke of Marlborough's conduct, on which a cenſure might be fixed. To this it was anſwered, that, if a complaint was brought againſt any of the queen's ſubjects, it would be reaſonable for them to enquire into it by all proper ways; but the houſe of lords could not pretend to examine or to cenſure the conduct of the queen's allies, who were not ſubject to them, nor could be heard to juſtify themſelves; and it was ſomewhat extraordinary, if they ſhould paſs a cenſure, or make a complaint of them. It was one of the truſts, which was lodged with the government, to manage all treaties and alliances, ſo that our commerce with our allies was wholly in the crown. Allies might ſometimes fail, being not able to perform what they undertook; they are ſubject to errors and accidents, and are ſometimes ill ſerved. The entering into that matter was not at all proper for the houſe, unleſs it was intended to run into raſh and indiſcreet cenſures, on deſign to provoke the allies, and by that means to weaken, if not break the alliance. The queen would, no doubt, endeavour to redreſs whatever was amiſs, and that muſt be truſted to her conduct. Thus this attempt, which was chiefly levelled againſt the duke of Marlborough, not only failed, but it happened upon this, as upon other occaſions, that it was turned againſt thoſe, who made it. For, on the 27th of November, the two houſes attended the queen with an addreſs, importing, "That being juſtly alarmed by the many artifices, which the emiſſaries of France had put in practice the laſt year, in order to raiſe jealouſies, and create miſunderſtandings amongſt the allies; and being apprehenſive leſt ſuch malicious inſinuations, if they ſhould paſs unobſerved, might in time ſo far take place, as to abate the ſpirit, and ſlacken the zeal of the confederacy; they moſt humbly beſought her majeſty, to uſe all poſſible endeavours to preſerve a good correſpondence amongſt all the confederates, and, in a particular manner, to maintain and cultivate a ſtrict friendſhip with the States General of the United Provinces; as alſo, by all proper means, to excite the whole confederacy to make early and effectual preparations, and to exert their utmoſt vigour in the proſecution of the war againſt France." This had a very good effect in Holland; for the agents of France were, at the ſame time, both ſpreading reports in England, that the Dutch were inclined to a peace; and, in Holland, that the Engliſh had unkind thoughts of them. The deſign was to alienate us from each other, that ſo both might be the better diſpoſed to hearken to a project of peace, which, in the preſent ſtate of affairs, was the moſt deſtructive thing, that could be thought on; and all motions, that looked that way, gave very evident diſcoveries of the bad intentions of thoſe who made them.

The queen having laid before the two houſes the addreſſes of the Scots parliament againſt any progreſs in the treaty of union, till the act, which declared them aliens by ſuch a day, ſhould be repealed; the tories, upon this occaſion, to make themſelves popular, after they had failed in many attempts, reſolved to promote this, apprehending, that the whigs, who had firſt moved for that act, would be for maintaining their own work; but they ſeemed to be much ſurprized, when, after they had prefaced their motions in this matter with ſuch declarations of their intentions for the public good, that ſhewed they expected oppoſition and a debate; the whigs not only agreed to this, but carried the matter further to the other act relating to their manufacture and trade. This paſſed very unanimouſly in both houſes; and, by this means, way was made for opening a treaty, as ſoon as the ſeſſion ſhould come to an end. All the northern parts of England, that had been diſturbed for ſome years with apprehenſions of a war with Scotland, which would certainly be miſchievous to them, whatever the end of it might prove, were much delighted with the proſpect of peace and union with their neighbours.

The commons, in the mean while, proceeded with great unanimity in voting ſeveral branches of the ſupply; and the queſtion being propoſed on the 22d of November, 'Whether it ſhould be referred to the committee, to conſider, that, in the clauſe for adding ten thouſand men to act in conjunction with the Dutch, it ſhould be provided, that the Dutch be obliged to leave off trading with France?' It was carried in the negative by a majority of an hundred and eighty-four againſt an hundred and ſeventeen.

The nation having been long in ſuſpence about the ſucceſs of the earl of Peterborough's expedition, when the account of it was at laſt brought by captain Norris in the Britannia, with the lord Shannon and brigadier Stanhope, the queen went to the houſe of peers on the 27th of November, and, the commons being ſent for, ſhe made the following ſpeech to both houſes:

My lords and gentlemen,

HAving newly received letters from the king of Spain and the earl of Peterborough, which contain a very particular account of our great and happy ſucceſſes in Catalonia,

the preſs, 'A letter from ſir Rowland Gwynne to the right honourable the earl of Stamford, dated at Hanover, January 1, O. S. 1705-6,' importing in ſubſtance, "That the princeſs Sophia being informed, that her good intentions to the queen and nation were miſrepreſented, ſome having reported, That ſhe might give a riſe to intrigues againſt the queen and the public if ſhe came thither; ſhe thought herſelf therefore obliged to declare to the lord archbiſhop of Canterbury and others, to whom ſhe wrote, and alſo to tell the duke of Marlborough and the earl of Sunderland, when they were at Hanover, 'That ſhe would always moſt ſincerely maintain a true friendſhip with the queen, and alſo be ready to comply with the deſires of the nation in whatever depended upon her, though ſhe ſhould hazard her perſon in paſſing the ſeas, if they thought it neceſſary towards the eſtabliſhment of the proteſtant ſucceſſion, and for the good of the kingdom. But that, in the mean time, ſhe lived in great quiet and content there, without meddling with parties or cabals, and left it to the queen and parliament to do whatever they ſhould think fit.' That none but jacobites can have the malice to invent and inſinuate to others, 'That the preſence of the ſucceſſor was dangerous.' That we had been proud to ſay, that the houſe of Hanover, the people of England, and our poſterity were moſt obliged to the whigs, next to the king, for ſettling the ſucceſſion of that moſt ſerene houſe; and how much ſhould we be to be blamed, if we ſhould loſe this merit, by parting with our principles, that were ſo well grounded upon honour and the public good, and by deſtroying the work of our own hands for a baſe and uncertain intereſt, or for a blind obedience to thoſe, who led others where they pleaſed, and yet were led themſelves by their paſſions or imaginary proſpects, of which they might yet be diſappointed? For, if they hoped to get into favour by ſuch methods, they could not be long ſerviceable, nor preſerve the favour they ſought; for they would ſoon be caſt off, when it was found, that they had loſt the eſteem and affection of the people by their weak or mercenary conduct. That they could not do any thing, that would better pleaſe their enemies; for, while they thought to keep down the tories by a majority, and oppoſe them, even in things ſo reaſonable and juſt, they would raiſe the reputation of that party, inſtead of leſſening it. That he was ſorry for thoſe, who ſuffered themſelves to be impoſed upon; but they, who had wicked deſigns, might one day repent of them; for they muſt either plunge the nation into the greateſt confuſion, to make it unable to puniſh them, or be anſwerable for the dangers, into which they were like to bring it. That he could not conceive what colour any body could have for ſo baſe an inſinuation, as, 'That the coming of the electreſs into England would ſet up two courts, that would oppoſe each other;' for the electreſs declared, 'That ſhe would be entirely united with the queen; and that all thoſe, who imagined ſhe would countenance any intrigue againſt her majeſty, would be very much deceived in their expectations.' That ſuppoſing, contrary to all appearance, that diſcontented ill men might impoſe upon the electreſs's good nature, and incline her to do ſuch things, as might diſpleaſe the queen; what hurt could that do, ſince her royal highneſs's court could have no power in England, and muſt be ſubject to the queen's court? So that it was moſt abſurd to make people believe, that this pretended oppoſition of the two courts could bring the nation into ſo great dangers, as thoſe they might avoid by having the proteſtant heir in the kingdom. That the keeping the proteſtant heir at a diſtance muſt be grounded upon two ſuppoſitions equally wicked and criminal: Firſt, 'That the queen was againſt the electreſs's coming over:' And ſecondly, 'That her being in England, during the queen's life, was a thing ill in itſelf.' That, in ſhort, to oppoſe the further ſecuring of the proteſtant ſucceſſion was to act directly for the Jacobites; and to hinder the ſucceſſor's coming into England was to oppoſe the further ſecuring of the ſucceſſion." This letter having been publiſhed, and giving great offence to the miniſtry, a complaint was made of it, on the 8th of March, in the houſe of commons, who, after the reading of it, came to this reſolution, "That it was a ſcandalous, falſe, and malicious libel, tending to create a miſunderſtanding between her majeſty and the princeſs Sophia, and highly reflecting upon her majeſty, upon the princeſs Sophia, and upon the proceedings of both houſes of parliament: That an addreſs be preſented to her majeſty, that ſhe would be pleaſed to give order for the diſcovery and proſecuting the author, printer, and publiſhers of the ſaid pamphlet; and that the ſaid reſolutions be communicated to the lords at a conference, and their concurrence deſired thereunto." The lords readily concurred with the commons; and, upon the two houſes preſenting the addreſs, on the 12th of March, purſuant to the ſaid reſolutions, the queen told them, "That nothing could be more acceptable to her, than ſo ſeaſonable an inſtance of their concern to preſerve a good underſtanding between her and the princeſs Sophia, and of their care to defeat the artifices of deſigning and malicious men. That ſhe was fully ſenſible of the very ill deſigns of the paper, which they had ſo juſtly cenſured; and ſhe would not fail to give the neceſſary directions for complying, in the moſt effectual manner, with all they deſired in their addreſs." Accordingly, about a year after, on the 14th of February, 1706-7, Mr. Charles Gildon was tried at Guildhall, and, being found guilty of publiſhing ſir Rowland Gwynne's letter to the earl of Stamford, was fined, on the 12th of May 1707, one hundred pounds by the court of the Queen's Bench. Pr. H. C. III.

and ſhewing, at the ſame time, the reaſonableneſs of their being immediately ſupported; I look upon this to be a matter of ſo much conſequence in itſelf, and ſo agreeable to you, that I have ordered a copy of the king of Spain's letter to myſelf; a letter from the Junta of the military arm of Catalonia; and another letter from the city of Vich; as alſo an extract of the earl of Peterborough's letter to me, to be communicated to both houſes of parliament.

" I recommend the conſideration of them to you, gentlemen of the houſe of commons, very particularly, as the ſpeedieſt way to reſtore the monarchy of Spain to the houſe of Auſtria. And therefore I aſſure myſelf, you will enable me to proſecute the advantages we have gained, in the moſt effectual manner, and to improve the opportunity, which God Almighty is pleaſed to afford us, of putting a proſperous end to the preſent war.

My lords and gentlemen,

" I muſt not loſe this occaſion of deſiring you to give as much diſpatch to the matters before you, as the nature of them will allow; that ſo our preparations for the next year may be early, which cannot fail of being of great advantage to us."

The commons being returned to their houſe, Mr. ſecretary Hedges laid before them the letters mentioned in the queen's ſpeech; and, two days after, they voted the granting of ſeveral ſums, and, in particular, two hundred and fifty thouſand pounds, 'for her majeſty's proportion of the charge of proſecuting the ſucceſſes already gained by king Charles III, for the recovery of the monarchy of Spain to the houſe of Auſtria[q].'

After the act for the regency had paſſed, the lord Hallifax remembering what the earl of Rocheſter had ſaid concerning the danger, the church might be in, moved, that a day might be appointed, to enquire into theſe dangers, about which ſo many tragical ſtories had been publiſhed of late. Accordingly, the 6th of December was appointed for this purpoſe, when the earl of Rocheſter began the debate (the queen being preſent) and told their lordſhips, " That the ſubject matter of it was of ſo tender a nature, that it was difficult to ſpeak to it: for her majeſty had expreſſed herſelf ſo concluſively in her ſpeech, that it ſeemed to be to contradict the queen, to 'ſpeak freely:' But in regard that the miniſters might be ſuppoſed to make the ſpeeches, he deſired, that what he had ſaid might not be offenſive to the queen, for whom he had all the affection and reſpect, that could be. He urged, that miniſters might miſtake, and not always act for the public good; and inſtanced in the miniſtry of Portugal, where the king was our friend, but the miniſtry ſeemed to be otherwiſe, inſomuch that the alliance was of no benefit to us: And added, that the duke of Buckingham and archbiſhop Laud were heartily in the intereſt of king Charles I. but did many things, that very much injured him. The full expreſſions in the queen's ſpeech he compared to the law in king Charles the ſecond's time, to make it 'treaſon to call the king a papiſt;' for which very reaſon, he ſaid, he always thought him ſo. The reaſons he gave for his fear of the church's danger aroſe from theſe three cauſes: Firſt, the 'act of ſecurity' in Scotland: Secondly, the heir of the houſe of Hanover not being ſent for over: Thirdly, the not paſſing the 'occaſional bill.' Upon the firſt, he ſaid, the preſbyterian church in Scotland was fully eſtabliſhed without a toleration. That to arm that people, was to give them a power to invade England, where they had a powerful party for their friends, who never wanted the will to deſtroy the church. That he thought the heir to the crown ought to be preſent among us, in order to be fully acquainted with us and our conſtitution, and thereby inabled to prevent any evil deſigns upon the church and ſtate. That the 'Occaſional Conformity' bill was in itſelf ſo reaſonable, and the church's requeſt in it ſo ſmall, that the induſtry in oppoſing it gave the greater ground for ſuſpicion."

When the earl had done, the houſe ſate ſtill a quarter of an hour, expecting that ſome body would ſecond him; but, no other lord ſpeaking on that ſide, the lord Hallifax ſaid, " That, he having moved for the preſent debate, it might be expected, that he ſhould ſpeak to it. He ſaid, the 'act of ſecurity' in Scotland was a national thing, wholly foreign to church affairs. That it was paſſed only to prevent an immediate war, which the Scots ſeemed to have reſolved upon. That, in caſe it ſhould ever be made uſe of, it would be but as other wars with that nation had been in former days, wherein England was always able to defend itſelf, and would be ſure hereafter to be more able to do it, inſomuch that the ſtrength of England was encreaſed much more in proportion than that of Scoland, ſo that, unleſs France, whoſe hands were already too full, ſhould come into the quarrel, it would ſignify little: But that, by God's bleſſing, things were ſo well compromiſed with the Scots, and their former heats ſo much abated, that there was no reaſon to doubt of an amicable iſſue of that difference. As to the houſe of Hanover, he ſaid, that was a danger but of eight days ſtanding; for he durſt ſay, a fortnight ago, no body made the abſence of the princeſs Sophia a danger to the church: And, as for her abſence upon the queen's demiſe, that was now ſo well provided for by the act for lords juſtices, that he thought no evil could poſſibly happen to the church before her arrival. That he wondered the houſe of Hanover ſhould be now eſteemed ſuch a ſecurity to the church, whereas, when the laws were made for the ſecurity of that ſucceſſion, it was generally reckoned a hardſhip upon the church; urging, that a clergyman, in a company of convocation men, had openly called the princeſs Sophia 'an unbaptized Lutheran,' the truth of which he could prove. As to the 'Occaſional bill,' he ſaid, that matter had been canvaſſed already; and it was then the opinion of that houſe, that it would not prove of any advantage and ſecurity to the church, but rather the contrary. That, upon the whole, there had been times in their memory, wherein the church might be ſaid to be in danger. That king Charles II. was a Roman catholic; at leaſt, his brother thought fit to declare it after his death; and the ſucceſſor, who had the management of all affairs, was known to be ſuch; and yet the church thought herſelf then ſecure; and thoſe patriots, who ſtood up in its defence, and endeavoured to prevent the evils, which might enſue from a popiſh ſucceſſor, were diſcountenanced and puniſhed. Nay (added his lordſhip) when that ſucceſſor came to the throne, and that the church was very apparently in the greateſt danger by the high-commiſſion court, and otherwiſe, we were then indeed generally alarmed; but we know who ſate in that court, and went large ſteps in the work then on foot[r]. That, ſoon after the ſucceſſion of king William to the crown, the cry of the church's danger began, and was continued all his reign, but with what ground his lordſhip was yet unacquainted with. That, upon her majeſty's happy ſucceſſion, for ſome time the complaint was ſilent; but that, when ſhe was pleaſed to make ſome alterations in her miniſtry, it was immediately revived, and ever ſince continued: And ſo his lordſhip concluded, that 'the church was now in no danger."

The biſhop of London (Compton) coming into the houſe juſt as theſe laſt words were delivered, immediately took up the lord Hallifax; giving for his reaſon of the church's being in danger, " That profaneneſs and irreligion were ſo rife among us, and the licentiouſneſs of the preſs ſo intolerable, that a moſt vile book had been lately publiſhed by a clergyman in his dioceſe (meaning Mr. Hickeringhill) whom he had endeavoured to puniſh; but that he had ſuch ſubterfuges in the quirks of the law, that he could not come at him: And that ſermons were preached, wherein rebellion was countenanced, and reſiſtance to the higher powers encouraged." To this the biſhop of Saliſbury replied, " That his lordſhip ought to have been the laſt man to complain of that ſermon (meaning Mr. Benjamin Hoadley's before the lord-mayor) for, if the doctrine of that ſermon was not good, he did not know what defence his lordſhip could make for his appearing in arms at Nottingham. Then the biſhop, proceeding to the queſtion in debate, inſtanced in a piece of French hiſtory in the reign of Henry the third (which, he ſaid, had been much in vogue of late in a neighbouring houſe) in whoſe time the catholics ſet up the ſame cry of the church's danger from the Huguenots, and forced the king to comply with them; but that, their power thereby becoming great, they turned it upon the king himſelf, and he found he ſhould be thruſt into a monaſtery, if he did not ſpeedily cruſh them, and therefore ſtabbed the duke of Guiſe to the heart. To the reaſons, which the noble lord, who began the debate, gave for the church's danger, he replied, that, as to the Scots affairs, he was par-

[q] On the 15th of November, the duke of Montague was in that quality introduced into the houſe of peers; as was, on the 3d of December, the duke of Argyle of the kingdom of Scotland, as baron and earl of the kingdom of England, by the title of baron of Chatham, and earl of Greenwich in the county of Kent. The ſame day the queen came to the houſe of peers with the uſual ſtate, and gave the royal aſſent to 'an act for exhibiting a bill in this preſent parliament, for naturalizing the moſt excellent princeſs Sophia, electreſs and ducheſs dowager of Hanover, and the iſſue of her body.'

[r] The earl of Rocheſter was one of the eccleſiaſtical commiſſioners in king James IId's time.

Bishop

ticularly acquinted with them, and therefore he would venture to ſpeak with the more aſſurance. That the Scots Kirk being eſtabliſhed without a toleration was an unfair allegation; for there needed no law for toleration, where there was no law to inhibit. The Epiſcopalians were not forbid to worſhip God their own way, being only excluded from livings; and that there were at that time fourteen epiſcopal meeting-houſes in Edingburgh, as open as the churches, and as freely reſorted to; in many of which the Engliſh liturgy was uſed, but that in ſeveral of them the queen was not prayed for. And the bill for giving patrons liberty of conferring their benefices on clerks epiſcopally ordained would have paſſed (at leaſt, king William had allowed it) if they would have put in a clauſe to oblige them to take the oath to the government; but, upon offering that clauſe, the perſon, that ſollicited it, let it drop. That, if the lord, who had mentioned the 'act of ſecurity,' had looked two years backwards, he might have found another law, which ſeemed much more to his purpoſe: namely, 'the act for confirming preſbytery, 1 Annæ; but his lordſhip was a miniſter of ſtate, when that act paſſed, and ſo perhaps adviſed it." As to the argument of the Hanover family, it was not obſerved, that the biſhop offered any thing remarkable; and, for the 'Occaſional Conformity bill,' he ſaid, "It had been there already ſufficiently argued, and he was glad they were rid of it: But, as to what a noble prelate had advanced, he owned, that the church would always be ſubject to the enmity of 'profaneneſs and irreligion:' That the devil would have his agents in the world, be the government never ſo careful; but he hoped he might ſay, that irreligion and profaneneſs were not now at a higher pitch than uſually: That he hoped quite the contrary, and thought the ſociety ſet up for reformation in London, and other cities, had contributed conſiderably to the ſuppreſſing of vice. He was ſure the corporation for 'the propagation of the goſpel' had done a great deal towards inſtructing men in religion, by giving great numbers of books in practical divinity; by erecting libraries in country pariſhes; by ſending over many able divines to the foreign plantations; erecting libraries for their uſe; and ſetting up ſchools to breed up children in chriſtian knowledge: That, to his knowledge, one thouſand two hundred pounds had been expended, the year before, in books to theſe purpoſes, all collected by voluntary contribution, but, in truth, very little from thoſe, who appeared ſo wonderfully zealous for the church. That the preſs was indeed become very licentious, and ſermons were preached, wherein very ſtrange expreſſions were publiſhed: That he would read ſome of them to their lordſhips; and then taking out Tilly's and Madder's ſermons, and having read ſome paragraphs, theſe, ſaid he, were preached at Oxford, and theſe are the men picked out for public occaſions." Then the archbiſhop of York, ſtanding up, ſaid, "that he apprehended danger from the 'increaſe of Diſſenters,' and particularly from the many academies ſet up by them; and moved, that the judges might be conſulted what laws were in force againſt ſuch ſeminaries, and by what means they might be ſuppreſſed." Hereupon the lord Wharton moved, "That the judges might alſo be conſulted, about means of ſuppreſſing ſchools and ſeminaries held by nonjurors, in one of which a noble lord of that houſe had both his ſons educated." Upon which the ſame archbiſhop ſtood up again, and ſaid, "He ſuppoſed he was the perſon meant, and therefore he muſt explain that matter. He owned his two ſons were taught by Mr. Ellis, a ſober virtuous man, and a man of letters, who had qualified himſelf according to law, when they were ſent to him; but, when the abjuration-oath was injoined, it ſeems, he refuſed it; which, as ſoon as he was informed of, he took his ſons from him." The lord Wharton, having made a reply to this, went on, and ſaid, "That, although he had been born and bred a diſſenter, yet he ſoon conformed to the church, when he grew up, and became acquainted with its doctrine and diſcipline: That he was now firmly reſolved, by God's bleſſing, always to continue in that church, and would go as far in defending it as any man. Wherefore, if he were now ſenſible, that it was in any danger, he would heartily concur in providing remedies againſt it; but that, after all the cry and expectation they were ſcrewed up to, hearing wherein thoſe dangers conſiſted, it appeared juſt as he expected, namely, that it was only repeating the memorial, which pamphlet he had carefully read over, but could learn nothing from it, except that the d—— of B——, the E—— of R——, the E—— of N——, were out of place. What theſe B's, R's, and N's meant, he could not tell: Perhaps there might be ſome charm in it for the church's ſecurity; but, if theſe letters meant ſome noble perſons there preſent, he remembered very well, that ſome of them ſate in the high commiſſion court, and then made no complaints of the church's danger: But now that we had a queen, who was herſelf a real lover of the church, and had given ſuch encouragement and bountiful tokens of her affection to it, we muſt be amuſed with the church's danger. But he concluded, with being of opinion, 'that the church was in no danger." Then Patrick, biſhop of Ely, ſtood up, and moved, "That the judges might be conſulted, what power the queen had in viſiting the univerſities; complaining of the heat and paſſion of the gentlemen there, which they inculcated into their pupils, who brought the ſame fury with them to the pariſhes, when they came abroad, to the great diſturbance of public charity. That, at the election at Cambridge, it was ſhameful to ſee an hundred or more young ſtudents encouraged in hallooing, like ſchool-boys and porters, and crying out, 'No fanatics, no occaſional conformity,' againſt two worthy gentlemen who ſtood candidates. Adding another complaint of the undutifulneſs of the clergy to their biſhops, and the difficulty the latter had to govern them regularly." Hough, biſhop of Litchfield and Coventry, made the ſame complaint; ſpoke of the opprobrious names, which the clergy gave their biſhops, and of the calumnies they laid on them, as if they were in a plot to deſtroy the church, and had compounded to be the laſt of their order; and, when the plot was ripe, to reſign their biſhoprics, and accept of a penſion for life. He alledged, That the church was as well governed, as it had at any time been; challenged any body to charge the biſhops with any omiſſion of their duty, or any action, wherein they ſtrained their power, or injured any body; mentioned the honour he had to ſuffer in a good cauſe; and added, that he thought that might have protected his reputation from the aſperſion of being an enemy to the church. Hooper, biſhop of Bath and Wells, complained of the terms of high-church and low-church, ſaying, "That it was an invidious diſtinction, tending to ſet us at enmity: That, by high-church, people were made to believe a man inclined to popery, or, at leaſt, one, that endeavoured to carry church power beyond our conſtitution; which he thought was great injuſtice to the gentlemen, that bore that character, who meant nothing more, than to keep up the juſt dignity and diſcipline of the church: Neither did he believe, that the others, called the low church, had any deſigns of lowering or levelling it with preſbytery, as was, on the other hand, maliciouſly ſuggeſted." The duke of Leeds obſerved, "That he apprehended the church was in danger, and that it could not be ſafe without the act againſt occaſional conformity: Adding, that the queen had, in a diſcourſe with him, declared herſelf of that opinion." The lord Sommers recapitulated all the arguments on both ſides[s], added his own judgment, and ended with a declaration, "That the nation was happy, and under a moſt wiſe and juſt adminiſtration, wherein the public money was juſtly applied, the treaſury kept in a moſt regular method, and thereby the public credit in the higheſt eſteem: The armies and fleets were ſupplied; and the ſucceſs of her majeſty's arms gave the nation greater honour and reputation than had

[s] Biſhop Burnet gives us the ſubſtance of the debates in the following manner: On the day appointed we were all made to believe, that we ſhould hear many frightful things: But our expectations were not anſwered: Some ſpoke of danger from the preſbytery, that was ſettled in Scotland: Some ſpoke of the abſence of the next ſucceſſor: Some reflected on the occaſional bill, that was rejected in that houſe: Some complained of the ſchools of the diſſenters: And others reflected on the principles, that many had drank in, that were different from thoſe formerly received, and that ſeemed deſtructive of the church.

In oppoſition to all this, it was ſaid, that the church was ſafer now than ever it had been: At the revolution, proviſion was made, that our king muſt be of the reformed religion, nor was this all; in the late act of ſucceſſion it was enacted, that he ſhould be of the communion of the church of England: It was not reaſonable to object to the houſe the rejecting a bill, which was done by the majority, of whom it became not the leſſer number to complain: We had all our former laws left to us, not only entire, but fortified by late additions and explanations; ſo that we were ſafer in all theſe, than we had been at any time formerly: The diſſenters gained no new ſtrength, they were viſibly decreaſing: The toleration had ſoftened their tempers, and they concurred zealouſly in ſerving all the ends of the government; nor was there any particular complaint brought againſt them: They ſeemed quiet and content with their toleration, if they could be but ſecure of enjoying it: The queen was taking the moſt effectual means poſſible, to deliver the clergy from the depreſſions of poverty, that brought them under much contempt, and denied them the neceſſary means and helps of ſtudy: The biſhops looked after their dioceſes with a care, that had not been known in the memory of man: Great ſums were yearly raiſed, by their care and zeal, for ſerving the plantations better than had ever yet been done: A ſpirit of zeal and piety appeared in our churches, and at ſacrament, beyond the example of former times. In one reſpect it was acknowledged the church was in danger; there was an evil ſpirit and a virulent temper ſpread among the clergy; there were many indecent ſermons preached on public occaſions, and thoſe hot clergymen, who were not the moſt regular in their lives, had raiſed factions in many dioceſes againſt their biſhops: Theſe were dangers created by thoſe very men, who filled the nation with this out-cry againſt imaginary ones, while their own conduct produced real and threatening dangers. Burnet, Vol. II. p. 435.

However

ever been known; and that we had a fair proſpect of bringing the war to a happy concluſion, to the immortal honour of the preſent age, and to the inexpreſſible benefit and ſafety of poſterity. Wherefore for men to raiſe groundleſs jealouſies, at this time of day, could mean no leſs than an intention to embroil us at home, and to defeat all thoſe glorious deſigns abroad." The debate being at length over, the queſtion was put, Whether the church of England was in danger? which, upon a diviſion, was carried in the negative by a majority of ſixty-one voices againſt thirty; and then their lordſhips made the following vote, viz. "Reſolved by the lords ſpiritual and temporal, that the church of England, as by law eſtabliſhed, which was reſcued from the extremeſt danger by king William III. of glorious memory, is now, by God's bleſſing, under the happy reign of her majeſty, in a moſt ſafe and flouriſhing condition; and that whoever goes about to ſuggeſt and inſinuate that the church is in danger under her majeſty's adminiſtration, is an enemy to the queen, the church, and the kingdom[t]."

The next day, December 7, the lords ſent a meſſage to the commons, to acquaint them with their proceedings, and to deſire their concurrence to their reſolution in relation to the church. Whereupon the queſtion was put the day following, Whether they ſhould conſider of that meſſage in a committee, or in a full houſe? It being carried for the latter, by a majority of two hundred and twenty-two voices againſt one hundred and ſixty-one, Mr. Bromley opened the debate with a ſpeech, wherein he endeavoured to prove the church to be in danger, by the ſame arguments that had been inſiſted on in the houſe of peers, ſuch as, "The power of the preſbyterians in Scotland, where the church of England was not ſo much as tolerated: The abſence of the next proteſtant ſucceſſor, in caſe of the queen's demiſe: The want of an act againſt 'Occaſional conformity:' The encreaſe of preſbyterian ſchools and ſeminaries: Profaneneſs, immorality, and irreligion: And the act of Security paſſed in Scotland: To which he added another, viz. the abuſe and ill diſpenſation of her majeſty's late bounty to the clergy." Sir John Packington, who ſpoke on the ſame ſide, urged the licentiouſneſs of the preſs, and the great number of libels, which were daily publiſhed againſt the church; the encreaſe of preſbyterian conventicles; and the lords reſolution itſelf, which was the ſubject-matter of their debate, as proofs of the church's being in danger; adding, "That if the commons agreed to that reſolve, the ſame would, in ſome meaſure, have the force of an act of parliament, which would be a dangerous weapon in the hands of ill miniſters of ſtate, who thereby might awe people into ſilence, in caſe the fancy ſhould take them to ſuppreſs epiſcopacy." The oppoſite party anſwered theſe arguments, and, after a long debate, the lords reſolution was agreed to by a majority of two hundred and twelve againſt a hundred and ſixty; and, on the 14th of December, the commons agreed likewiſe with the lords in an addreſs to the queen, containing the reſolution relating to the church, "beſeeching her withal, to take effectual meaſures for making the reſolution public; and alſo for puniſhing the authors and ſpreaders of the ſeditious and ſcandalous reports of the church being in danger." The queen anſwered, "That ſhe would freely comply with their addreſs, and was very well pleaſed to find both houſes ſo forward to join with her in putting a ſtop to theſe malicious reports." And, according to the deſire of both houſes, the queen, on the 20th of December, ordered a proclamation to be iſſued out, for making their 'Reſolution' public; and for diſcovering the author of 'the memorial of the church of England,' and apprehending David Edwards, a profeſſed papiſt, charged upon oath to be the printer and publiſher of that libel [u].

The queen came, the next day, to the houſe of peers, and among other bills, gave the royal aſſent to the land-tax bill; and alſo to an act for the naturalization of the moſt excellent princeſs Sophia, 'electreſs and ducheſs dowager of Hanover, and the iſſue of her body;' which done, ſhe made a ſpeech to both houſes, wherein ſhe took notice of 'the unanimity of their proceedings, and of the good diſpoſition they had ſhewn towards an union with Scotland; and returned the commons thanks for the great diſpatch of this ſeaſonable ſupply, not doubting but after the receſs, they would return with the ſame good diſpoſitions to give all poſſible diſpatch to the public affairs ſtill depending.' The commons, having reſolved to preſent an addreſs of thanks for this ſpeech adjourned themſelves to the 7th of January following.

[1705-6] As ſoon as the commons met again, they reſolved "to give the thanks of their houſe to the duke of Marlborough, for his great ſervices performed to her majeſty and the nation in the laſt campaign, and for his prudent negotiations with her allies:" And they appointed a committee for that purpoſe, who having attended the duke, he ſaid, "He was ſo ſenſible of the great honour, that was done him by this meſſage, that he could not have the leaſt concern at the reflections of any private malice, while he had the ſatisfaction of finding his faithful endeavours to ſerve the queen, and the kingdom, ſo favourably accepted by the houſe of commons." That next day, Mr. Secretary Hedges acquainted the houſe, "That her majeſty, in purſuance of the addreſs of both houſes, had put out a proclamation, in which was an encouragement for the diſcovery of the author of the 'memorial of the church of England, &c.' The printer of which book being now in cuſtody, and other perſons examined, in whoſe depoſitions there appeared the names of ſome members of this houſe; her majeſty's tenderneſs for any thing, which had the appearance of the privileges of this houſe, had inclined her to command him to acquaint this houſe, before ſhe directed any further proceedings in that examination." Upon this the commons reſolved, "That an addreſs of thanks be preſented to her majeſty, for her tender regard to the privileges of this houſe; and to deſire, that ſhe would be pleaſed to give order for the further examination into the authors of the libel mentioned in her paſſage." Which addreſs being preſented, the queen anſwered, "That ſhe was glad to find this houſe expreſs ſo much reſentment againſt the libel mentioned in her meſſage, and took very kindly the confidence the houſe repoſed in her, which ſhe would make the beſt uſe of for the advantage of the public."

It is to be obſerved, that, on the 15th of January, David Edwards, printer of the 'Memorial,' who had a long time abſconded, and was left without any ſupport by the party,

[t] However this reſolution was oppoſed by many lords, who entered the following reaſons for diſſenting from it: Firſt, "Becauſe they conceived there might be dangers to the church always impending on ſeveral accounts: That the prayers ſet forth to be uſed on the ſolemn faſt-days, under the head of 'a prayer for unity, imploring, God Almighty's grace, that every body may ſeriouſly lay to heart the great danger we are in by our unhappy diviſions,' ſhewed plainly, that, in the opinion of the compilers of that form of prayer, and in her majeſty's judgment, who commanded it to be uſed in all the churches and chapels throughout England and Wales, there were very many dangers." Secondly, "They conceived the church in danger from a neighbouring kingdom, which, though under her majeſty's ſovereignty, during her life, had not yet been induced to ſettle the ſame ſucceſſion to the crown, as was eſtabliſhed in this kingdom in the proteſtant line; but that, on the contrary, that ſucceſſion had been abrogated by the 'act of ſecurity,' which, with ſeveral other acts paſſed in that kingdom, had been judged by this houſe to be dangerous to the preſent and future peace of this kingdom." Thirdly, "They conceived there might be very great dangers to the church for want of a law to prevent any perſons whatſoever from holding any offices of truſt and authority, both in church and ſtate, who were not conſtantly of the communion of the church eſtabliſhed by law; and therefore on the account of the unhappy diviſions in point of religious and divine worſhip, as alſo on the account of the calamities of the age, in the too public and common diſowning any religion at all, the church might be in danger." Fourthly, "Though they had an entire confidence in her majeſty's zeal and piety to the church, they durſt not, in duty to her majeſty, and the ſervice of the government, condemn all ſuch as might have fears, in relation to the preſervation of the church and ſafety of the crown." And, fifthly, "being ſincerely convinced, that theſe reaſons, among others mentioned in the debate, were ſufficient to juſtify their fears, they conceived that it was not a proper way to prevent dangers, by voting there are none." Theſe reaſons were ſigned by the following peers,

Duke of Buckingham,	Lord Craven,
Earl of Northampton,	Lord Chandos,
Earl of Caernarvon,	Lord Guernſey,
Earl of Weymouth,	Earl of Thanet,
Lord Oſborn,	Earl of Scarſdale,
Earl of Denbigh,	Earl of Rocheſter,
Dr. George Hooper, biſhop of Bath and Wells,	Lord Conway,
	Lord Howard of Eſerick,
Lord Granville,	Henry, Biſhop of London,
Duke of Beaufort,	Duke of Leeds,
Earl of Winchelſea,	Lord Guildford,
Earl of Nottingham,	Earl of Abingdon,
Lord North and Grey,	Lord Haverſham.
Earl of Angleſea,	

The lord Haverſham proteſted only for the firſt, ſecond, and fourth reaſons. The archbiſhop of York, the biſhop of St. Aſaph, the earl of Suſſex, and the lord Leigh were of the thirty, who voted againſt the reſolution, but did not enter their proteſt; and the archbiſhop of York and the biſhop of Rocheſter proteſted afterwards.

[u] In the debates of this ſeſſion ſome ſevere remarks were made on the men in power. December 19. the regency-bill ingroſſed from the lords, intituled, 'An act for the better ſecurity of her majeſty's perſon and government, and of the ſucceſſion to the crown of England in the proteſtant line,' being read a ſecond time; a debate roſe thereupon, wherein Charles Cæſar eſq. member for the borough of Hertford, ſaid, among other things, "That there was a noble lord, without whoſe advice the queen did nothing, who, in the late reign, was known to keep a conſtant correſpondence with the court of St. Germains." This being a ſevere reflection on the lord-treaſurer, the words were directed to be ſet down in writing at the table, upon which Mr. Cæſar endeavoured to excuſe himſelf; and being withdrawn, after a ſhort debate, it was reſolved, "That the ſaid words were highly diſhonourable to her majeſty's perſon and government; and that the ſaid Charles Cæſar, eſq. be, for his ſaid offence, committed priſoner to the Tower."

On

that employed him, was, by his own conſent, taken into cuſtody of a ſtate meſſenger, upon promiſe in writing from Mr. ſecretary Harley, "That he ſhould have his pardon, provided he diſcovered the author or authors of that pamphlet." Three days after, being examined before the ſame ſecretary, he pretended he could fix it upon three gentlemen, members of the houſe of commons, Mr. Pooley, Mr. Ward, and ſir Humphrey Mackworth; and related, that a woman in a maſk, with another barefaced, brought the manuſcript to him, and made a bargain with him to have two hundred and fifty printed copies of it, which he delivered to four porters, ſent to him by the perſons concerned. But though the woman, who came to Edwards's without a maſk, and ſome of the porters, were found out, and taken up, yet it was impoſſible to carry on the diſcovery any farther; which gave occaſion to a member of the houſe of commons, Mr. Pooley, to ſay, "That it was not uſual to accuſe members of their houſe of being concerned in any thing to the prejudice of the government, without naming their names."

After this, the commons proceeded with great chearfulneſs in the diſpatch of the public buſineſs; and, on the 16th of February, the queen came to the houſe of peers, and gave the royal aſſent to ſeveral money bills; after which ſhe made a ſpeech to both houſes, wherein ſhe thanked the commons in particular, 'for perfecting ſo great ſupples in ſo ſhort a time.'

On the 23d of the ſame month, the commons proceeded to take into further conſideration the accounts of the revenues and debts, ever ſince the queen's acceſſion to the crown, and reſolved, "That it appeared to this houſe, that the public revenues granted or ariſen, ſince her majeſty's happy acceſſion to the crown, had been duly applied to the advancement of the public credit, and for the advantage and honour of the nation."

The commons went on in creating funds for the ſupplies, which they had voted for the next year. And the nation was ſo well ſatisfied with the government, and the conduct of affairs, that a fund being created for two millions and a half by way of annuities for ninety-nine years, at ſix and a half per cent, at the end of which the capital was to ſink, the whole ſum was ſubſcribed in a very few days. At the ſame time, the duke of Marlborough propoſed the advance of a ſum of five hundred thouſand pounds to the emperor, for the uſe of prince Eugene, and the ſervice of Italy, upon a branch of the emperor's revenue in Sileſia at eight per cent, and the capital to be repaid in eight years. The nation ſo abounded both in money and zeal, that this was likewiſe advanced in a very few days. Our armies, as well as our allies, were every where punctually paid. The credit of the nation was never raiſed ſo high in any age, nor ſo ſacredly maintained. The treaſury was as exact and as regular in all payments, as any private banker could be. It is true, a great deal of money went out of the kingdom in ſpecie. That, which maintained the war in Spain, was to be ſent thither in that manner, the way by bills of exchange not being yet opened. The trade with Spain and the Weſt Indies, which formerly brought great returns of money, was now ſtopped. By this means, there grew to be a ſenſible want of money over the nation. This was in a great meaſure ſupplied by the currency of Exchequer bills and bank notes. And this lay ſo obvious to the diſaffected party, that they were often attempting to blaſt, at leaſt to diſparage this paper credit: But it was ſtill kept up. It raiſed a juſt indignation in all, who had a true love to their country, to ſee ſome uſing all poſſible methods to ſhake the adminiſtration, which, notwithſtanding the difficulties at home and abroad, was much the beſt, that had been in the memory of man, and was certainly not only eaſy to the ſubjects in general, but gentle even towards thoſe, who were endeavouring to undermine it.

On the 27th of February, a petition of the gentry and clergy of the ſouth parts of Lancaſhire, at their monthly meeting, on the 12th, in the borough of Wigan, for ſuppreſſing profaneneſs and immorality, was preſented to the houſe, complaining of ſeveral grievances they laboured under from the prieſts, Romiſh gentry, and popiſh emiſſaries, and praying for redreſs and relief. After the reading of this petition, it was unanimouſly reſolved to addreſs the queen, "that ſhe would be pleaſed to iſſue out her royal proclamation for the putting in execution the laws in force againſt all ſuch perſons, as had or ſhould endeavour to pervert her majeſty's ſubjects to the popiſh religion:" And they ordered, that a bill be brought in for making more effectual the act of the eleventh year of his late majeſty's reign, 'for the further preventing the growth of popery.' This bill was accordingly preſented the next day by ſir James Montague, and read the firſt time; and, on the 1ſt of March, the commons gave it a ſecond reading, and went through it in a grand committee. By the act, paſſed in the latter end of the late reign, it was provided, "That all papiſts ſhould, within ſix months, after they had reached the age of eighteen, take the oaths of allegiance and ſupremacy, or declare themſelves proteſtants; in default whereof, their eſtates were to go to the next heirs, being proteſtants." Now this clauſe was ſo lamely expreſſed, that the Roman catholics found two ways to evade it. Firſt, there being in all families a gradation of age among the ſeveral heirs to the ſame eſtates, it happened, that though the perſon, who was come to the age of eighteen, did not take the oaths preſcribed by the law, yet the title of proteſtant heir remained undecided, as long as any next popiſh heir was under age. Secondly (and this was the main inconvenience) it lying by that clauſe upon the next heir to him, who at the age of eighteen refuſed to declare himſelf a proteſtant, to prove, that he had not made that declaration, it was impoſſible for the next heir to prove ſuch a negative. Now, to make that clauſe binding and effectual, it was enacted in this bill, "That all papiſts and reputed papiſts ſhould, within ſix months after they had reached the age of eighteen, not only declare themſelves proteſtants, but prove alſo, that they had made ſuch a declaration." This alarmed all of that religion, ſo that they made very powerful (or to follow the raillery of that time) weighty interceſſions with the conſiderable men of the houſe of commons. The court looked on, and ſeemed indifferent in the matter; yet it was given out, that ſo ſevere a law would be very unreaſonable, when the nation was in alliance with ſo many princes of that religion; and that it muſt leſſen the force of the queen's interceſſion in favour of the proteſtants, who lived in the dominions of thoſe princes. The proceeding ſeemed rigorous, and not ſuited to the gentleneſs, which the chriſtian religion ſo particularly recommended, and was contrary to the maxims of liberty of conſcience and toleration, that were then in great vogue. It was anſwered, that the dependence of thoſe of that religion on a foreign juriſdiction, and at preſent on a foreign pretender to the crown, put them out of the caſe of other ſubjects, who might differ from the eſtabliſhed religion, ſince there ſeemed to be good reaſon to conſider them as enemies rather than as ſubjects. But the application was made in ſo effectual a manner, that the bill was let fall; for, on the 2d of March, when ſir James Montague was to report to the houſe the amendments made to the bill by the grand committee, the duke of Norfolk, the chief among the Roman catholics in England, petitioned, "That he might be heard by his council for explanation of ſome words in the bill, and for ſuch relief to him, as to the houſe ſhould ſeem meet." Upon the reading of this petition, the commons ordered, that the duke of Norfolk be heard by his council, as to the property in the office of earl-marſhal of England only. But, his council not being then ready, the houſe heard ſir James Montague's report, and then ordered the bill, with the amendments, to be engroſſed. Two days after, the bill was read the third time, and ſeveral other amendments were made to it; after which the queſtion was put, 'that the bill do paſs?' This occaſioned a great debate, wherein colonel Godfrey, Mr. Boſcawen, and Mr. Aſgil endeavoured to ſhew the injuſtice of ſuch a law, urging, that, beſides the offence it would give to the Roman catholic princes in alliance with the nation, it would look as if they approved the perſecution exerciſed by the French king and other catholic princes againſt their proteſtant ſubjects. At laſt the bill was rejected by a majority of one hundred and nineteen againſt forty-three. And, though the lords had made ſome ſteps towards ſuch a bill, yet ſince they ſaw what fate it was like to have in the houſe of commons, inſtead of proceeding further in it, they diſmiſſed that matter with an addreſs to the queen, on the 14th of March, "That a more watchful eye ſhould be had over the Britiſh prieſts and papiſts for the future; and, for that purpoſe, that a diſtinct and particular account ſhould be taken of all papiſts and reputed papiſts in the kingdom, with their reſpective qualities, eſtates, and places of abode; and that the ſeveral accounts of theſe enquiries be laid before their houſe at the next ſeſſion of parliament." To this addreſs the queen anſwered, "That ſhe was fully convinced, that the inſolent behaviour of the papiſts had made what their lordſhips adviſed neceſſary to be done for the ſafety of her perſon and government, and the welfare of her people; and that ſhe would give the neceſſary orders for every thing their lordſhips deſired." But whatever orders were given, they were very negligently executed[w].

There was a project ſet on foot at this time by the lord

[w] On the 2d of March, the lords read a petition of Joſeph Boone, merchant, in behalf of himſelf and many other inhabitants of the province of Carolina, and London merchants trading thither: Upon which, the lord Granville, palatine of the province of Carolina, having deſired to be heard by his

Hallifax, for putting the records and public offices of the kingdom in better order. He had, in a former ſeſſion, moved the lords to ſend ſome of their number to view the records in the Tower, which were in great diſorder, and in a viſible decay, for want of ſome more officers, and by the neglect of thoſe employed. The lords, in their report, propoſed ſome regulations for the future, which have been ſince followed ſo effectually (though at a conſiderable charge, by creating ſeveral new officers) that the nation has reaped the benefit of all this very ſenſibly. But lord Hallifax carried this project much farther. The famous library, collected by ſir Robert Cotton, and continued down in his family, was perhaps the greateſt collection of manuſcripts relating to the public, that any nation in Europe could ſhew. The late owner of it, ſir John Cotton, had by his will left it to the public, but in ſuch words, that it was rather ſhut up, than made any way uſeful: and, indeed, it was to be ſo carefully preſerved, that none could be the better for it. Lord Hallifax therefore moved the houſe of lords to intreat the queen, that ſhe would be pleaſed to buy Cotton-Houſe, which ſtood juſt between the two houſes of parliament; ſince ſome part of that ground would furniſh them with many uſeful rooms, and there would be enough left for building a noble ſtructure for a library; to which, beſides the Cotton library and the queen's library, the royal ſociety, who had a very good one at Greſham college, would remove and keep their aſſemblies there, as ſoon as it was made convenient for them. This was a great deſign, which that lord who ſet it on foot, ſeemed reſolved to carry on till it was finiſhed. Had that been done it would have been of great advantage to the learned world, as well as an honour to the queen's reign.

The lord Sommers likewiſe made a motion in the houſe of lords, to correct ſome of the proceedings in the common law and in chancery, which were both dilatory and very chargeable. He began the motion with ſome inſtances, that were more conſpicuous and groſs; and he managed the matter ſo, that both the lord keeper and judges concurred with him, though it paſſes generally for a maxim, that judges ought rather to enlarge than contract their juriſdiction. A bill paſſed the houſe of lords, which began a reformation of proceedings at law; but, when it went through the commons, it was viſible, that the intereſt of under officers, clerks, and attornies, whoſe gains were to be leſſened by this bill, was more conſidered than the intereſt of the nation itſelf. Several clauſes, how beneficial ſoever, to the ſubject, which touched on their profit, were left out by the commons. But what fault ſoever the lords might have found with theſe alterations, yet to avoid all diſputes with the commons, they agreed to their amendments.

There was another general complaint made of the private acts of parliament, that paſſed through both houſes too eaſily, and in ſo great a number, that it took up a great part of the ſeſſion to examine them, even in that curſory way, that was ſubject to many inconveniencies. The fees, that were paid for theſe to the ſpeakers and clerks of both houſes, inclined them to favour and promote them. The lord Sommers therefore propoſed a proper regulation in that matter. The lord-keeper Cowper did indeed very generouſly obſtruct thoſe private bills, as much as his predeceſſor Wright had promoted them. He did another thing of a great example: On the firſt day of the year, it became a cuſtom for all thoſe, who practiſed in chancery, to offer a new-year's gift to the lord, who had the great ſeal. Theſe grew to be ſo conſiderable, that they amounted to fifteen hundred pounds a year. On the new year's day of this year, which was his firſt, he ſignified to all thoſe, who, according to cuſtom, were expected to come with their preſents, that he would receive none, but would break that cuſtom. He thought it looked like the inſinuating themſelves into the favour of the court; and that if it was not bribery, yet it came too near it, and looked too like it. This contributed not a little to the raiſing his character; and he managed the court of Chancery with impartial juſtice and great diſpatch, and was very uſeful to the houſe of lords in the promoting of buſineſs [x].

On the 19th of March the queen came to the houſe of peers, and having given the royal aſſent to ſeventeen public acts, and fifty three private ones, ſhe made the following ſpeech to both houſes:

" My Lords and Gentlemen,

" BEING now come to a cloſe of this ſeſſion, I am to return you my thanks for having brought it ſo ſpeedily to a good concluſion, eſpecially for the wiſe and effectual proviſion made to ſecure the proteſtant ſucceſſion in this kingdom, and the great advances on your part, towards procuring the like ſettlement in the kingdom of Scotland, and a happy union of both nations.

" I am very well pleaſed likewiſe with the ſteps you have made for the amendment of the law, and the better advancement of juſtice.

" I muſt again repeat to you, gentlemen of the houſe of commons, that I am extremely ſenſible of the diſpatch you have given to the public ſupplies. I aſſure you, I will be very careful, that they may be applied in the moſt effectual manner for our common intereſt.

" My Lords and Gentlemen,

" At the opening of this parliament, I recommended, with great earneſtneſs, an entire union of minds and affections among all my ſubjects, and a ſincere endeavour to avoid and extinguiſh all occaſions of diviſions and animoſity. I am much pleaſed to find, how entirely your ſentiments have agreed with mine. Your unanimity and zeal, which I have

his council, the ſame was granted, and the further debate of this affair put off till the 9th of that month. Their lordſhips, having then heard what the lord Granville's council had to offer in his behalf, came to theſe two reſolutions: Firſt, " That it is the opinion of this houſe, that the act of the aſſembly of Carolina lately paſſed there, and ſince ſigned and ſealed by John lord Granville, palatine, for himſelf, and for the lord Carteret, and the lord Craven, and by ſir John Colleton four of the proprietors of that province, in order to the ratifying of an act entitled, 'an act for the eſtabliſhment of religious worſhip in this province, according to the church of England, and for the erecting of churches, for the public worſhip of God, and alſo for the maintenance of miniſters, and the building convenient houſes for them,' ſo far forth as the ſame relates to the eſtabliſhing a commiſſion for the diſplacing the rectors or miniſters of the churches there, is not warranted by the charter granted to the proprietors of that colony as being not conſonant to reaſon, repugnant to the laws of this realm, and deſtructive to the conſtitution of the church of England." Secondly, " That it is the opinion of this houſe, that the act of aſſembly in Carolina, entitled, 'an act for the more effectual preſervation of the government of this province, by requiring all perſons, that ſhall hereafter be choſen members of the commons houſe of aſſembly and ſit in the ſame, to take the oaths, and ſubſcribe the declaration appointed by this act, and to conform to the religious worſhip in this province, according to the church of England, to receive the Sacrament of the Lord's Supper, according to the rights and uſage of the ſaid church,' lately paſſed there, and ſigned and ſealed by John lord Granville, palatine, for himſelf and the lord Craven, and alſo for the lord Carteret, and by ſir John Colleton, four of the proprietors of that province, in order to the ratifying of it, is founded upon falſity in matter of fact, is repugnant to the laws of England, contrary to the charter granted to the proprietors of that colony, is an encouragement to atheiſm and irreligion, is deſtructive to trade, and tends to the depopulating and ruining the ſaid province." Theſe reſolutions being laid before the queen in an addreſs, wherein their lordſhips "beſought her majeſty to deliver the ſaid province from the arbitrary oppreſſions, under which they lay, and to order the authors thereof to be proſecuted according to law;" the queen told them, "That ſhe was very ſenſible of what great conſequence the plantations were to England; and ſhe would do all in her power to relieve her ſubjects in Carolina, and to protect them in their juſt rights." P. R. H. L. II.

[x] There were alſo ſome regulations made this ſeſſion about ſeamen, which were inſerted in a bill for the encouragement and increaſe of ſeamen. This bill was brought in, becauſe about twelve thouſand ſailors were wanted at this time to man the fleet, and was perfected and paſſed both houſes in four days. The reſolutions in the bill were as follow:

I. That, in order to the ſpeedy and more compleat manning of her majeſty's navy for the year 1706, the juſtices of the peace and other civil magiſtrates throughout the ſeveral counties, ridings, cities, towns, and places, within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, be empowered and directed forthwith to make, or cauſe to be made, ſtrict and diligent ſearch for all ſuch ſeamen, or ſea-faring men, as lie hid, and are not in her majeſty's ſervice.

II. That the juſtices, and other civil magiſtrates, do take up, ſend, conduct, and convey, or cauſe to be taken up, ſent, conducted, and conveyed, all ſuch ſeamen or ſea-faring men, to be delivered to ſuch perſons, as ſhall be appointed to receive the ſame.

III. That a penalty be inflicted upon every perſon, who ſhall preſume to harbour or conceal ſuch ſeamen or ſea-faring men.

IV. That a reward be given to every perſon, who ſhall diſcover and take up, ſuch ſeamen or ſea-faring men, as aforeſaid, the ſame to be diſtributed and paid to every ſuch diſcoverer or perſon, ſo taking up ſuch ſeamen or ſea-faring men reſpectively, out of the money given for the ſervice of the navy.

V. That conduct money be allowed for conveying and ſubſiſting ſuch ſeamen and ſea-faring men, according to the preſent uſage of the navy.

VI. That, for the encouragement of the ſervice, every ſeaman, who ſhall be turned over from one ſhip to another, ſhall be paid his wages, which ſhall appear to be due to him in the ſhip, from which he was turned over, before ſuch ſhip, to which he ſhall be turned over, do go to ſea, either in money, or by a ticket, which ſhall entitle him to an immediate payment.

VII. That ſuch able-bodied landmen, who are liable to be raiſed for the recruiting her majeſty's land-forces and marines, be raiſed for the ſervice, in the like manner, and delivered to ſuch perſons, who ſhall be appointed to receive the ſame. And they ordered, that the committee, to whom the bill, for the encouragement and encreaſe of ſeamen, and for the better and ſpeedier manning her majeſty's fleet, and for making proviſion for the widows and orphans of all ſuch, as ſhall be ſlain or drowned in her majeſty's ſervice, and for the ſupport of trade, was committed, have power to receive a clauſe or clauſes purſuant to theſe reſolutions: and that it be an inſtruction to the committee, that they have power to receive a clauſe for diſcharging of ſuch ſeamen, and other inſolvent perſons, as are in priſon for debt, and delivering them into her majeſty's ſervice on board the fleet.

obſerved,

obſerved, with great ſatisfaction, throughout this whole ſeſſion, againſt every thing, that tends towards ſedition, doth ſo much diſcourage all ſuch attempts for the future, and hath ſet ſuch an example to the whole kingdom, that, when you are returned into your ſeveral countries, I doubt not but you will find the effects of it every where; and I aſſure myſelf you will make it your buſineſs and care to improve and perfect that good work you have ſo far advanced here; and by continuing to ſhew a juſt diſlike of all factions and turbulent proceedings, and reſolving to diſcountenance the encouragers of them, you will ſoon make the whole kingdom ſenſible of the good effect of ſo prudent and happy a conduct."

Then the lord-keeper prorogued the parliament to the 21ſt of May following.

Thus this ſeſſion of parliament came to a very happy concluſion. There was in it the beſt harmony within both houſes, and between them, as well as with the crown; and it was the beſt applauded in the city of London, over the whole nation, and indeed over all Europe, of any ſeſſion of thoſe times. And when it was conſidered, that this was the firſt of the three, ſo that there were to be two other ſeſſions of the ſame members, it gave an univerſal ſatisfaction, both to the people at home, and our allies abroad, and afforded a proſpect of a happy end, that would be put to this devouring war, in all probability before the concluſion of the parliament. This gave an inexpreſſible ſatisfaction to all, who loved their country and religion, and who now hoped, that there was in view a good and ſafe peace.

With the new parliament, a new convocation alſo met at St. Paul's, October 15th. The Latin ſermon was preached by Dr. Stanhope, but Dr. Binks carried it from him for prolocutor, and was preſented by the dean of Chriſt-Church. This convocation was choſen as the former had been, and the members, that were ill-affected, were ſtill prevailed on to come up, and to continue in an expenſive, but uſeleſs attendance in town. The upper houſe ſoon agreed in an addreſs to the queen, containing humble thanks for her affectionate care for the church of England, as eſtabliſhed by law, from her firſt acceſſion to the throne to this day. And then they added thus, by way of harmony with the two houſes of parliament: "We are exceedingly grieved, that any of your ſubjects ſhould be ſo ungrateful and unworthy, as once to ſuggeſt, that our 'church can be in danger,' for want of ſuch ſupport and encouragement in your majeſty's reign, as may make it flouriſh in your own time, and leave it ſecure after you. And, although it is no new thing for deſigning men to proſtitute the venerable name of the church to the ſervice of their own private ends, yet we think it very ſtrange, that any ſhould be found ſo extremely weak and undutiful as to be deluded by theſe groundleſs clamours, when they have been ſo often and ſo publicly confuted by your royal word and actions; and when the happy ſtate of the church of England is ſo much obſerved and eſteemed abroad, that ſeveral of the foreign churches are endeavouring to accommodate themſelves to our liturgy and conſtitution. To inſinuate that 'the church is in danger' under theſe circumſtances, and againſt all the teſtimonies and aſſurances of your royal care and protection, can proceed from nothing but prejudice, intereſt, and ambition. We humbly crave leave to expreſs our juſt reſentment of the 'indignity of all ſuch ſuggeſtions' not only as falſe and groundleſs in themſelves, but chiefly as they are diſhonourable reflections upon your royal promiſes for the ſupport of the church, and upon your princely wiſdom in chuſing the moſt proper and effectual meaſures to that end. We beg leave alſo, in a deep ſenſe of your majeſty's goodneſs, and an entire dependence upon your royal word, to expreſs our great joy and ſatisfaction in the flouriſhing condition of the church under your moſt auſpicious government. We are ſure it will always be in your will to ſupport and protect it; and that the diſtractions, which theſe groundleſs jealouſies are intended to raiſe, may never put it out of your power, we promiſe to uſe our utmoſt endeavours to diſcountenance them, and, in our ſeveral ſtations, to defend and preſerve inviolably, ſo far as in us lies, the doctrine, diſcipline, and worſhip of our church, as by law eſtabliſhed; and to promote peace and unity amongſt your ſubjects; praying earneſtly for your majeſty's long and proſperous reign over us, as, under the divine providence, the greateſt bleſſing and ſecurity that either church or ſtate can enjoy."

When this addreſs was communicated to the lower houſe, they refuſed to join in it, but would give no reaſon for their refuſal, and the majority carried it for drawing up one of their own. A committee was appointed, and the dean of Chriſt-Church, at their next meeting, reported an wholly new form, which contained thanks to her majeſty for her great zeal for the church, and tender affection to it, but expreſſed not that full ſatisfaction as to the ſafety of the church, and that indignation againſt ſuch as repreſented her to be in danger, as appeared in that which came down from the upper houſe. This new addreſs was carried up by the prolocutor, November 19. The archbiſhop made anſwer in writing, that they could not receive their addreſs, but required them to go back to their houſe, and conſider the addreſs ſent down to them, and either agree to it, or bring up their exceptions againſt it in writing.

Some of the lower houſe, when they returned, were for doing this: But the majority in two meetings agreed, that ſuch notice be taken of thoſe words in the meſſage from the upper houſe, 'We cannot receive the addreſs you have offered to us,' as to affirm, and effectually aſſert their right, of having what they offered to the upper houſe received by his grace and their lordſhips: That it was proper for the houſe in their anſwer to ſay, that they conceived their lordſhips refuſal was an infringement of that right: That it is not a neceſſary duty of the lower houſe to re-conſider, when their lordſhips require it, what they have declared to their lordſhips they have maturely conſidered, and cannot join in it. That the lower houſe, notwithſtanding their lordſhips expectation, expreſſed in their meſſage, was ſtill at liberty to diſagree, without offering their exceptions: However, they agreed to re-conſider the addreſs of the lords, and to lay before them the ſubſtance of the reſolutions foregoing. They alſo agreed, not to depart from their former reſolution of not joining with their lordſhips in their addreſs; and afterwards, not to carry up any exceptions to their lordſhips addreſs; but to ſignify to them, that it is the undoubted right of the lower houſe to have the paper they preſented received by their lordſhips, and that they hoped they would be ſatisfied upon peruſing it. And that the lower houſe entirely confided in her majeſty's zeal for the church of England, and an hearty deteſtation of all perſons, that ſhould endeavour to raiſe any jealouſies concerning it. And, purſuant to theſe reſolutions, a paper was carried from the lower to the upper houſe, on December 1.

The lower houſe thus refuſing, either to agree to the addreſs, or to offer their objections, the addreſs was let fall; and upon that a ſtop was put to all further communication between the two houſes. The lower houſe went on in their former practice of intermediate ſeſſions, in which they began to enter upon buſineſs, to approve of ſome books, and to cenſure others; and they reſolved to proceed upon the ſame grounds, that factious men among them had before ſet up, though the falſhood of their pretenſions had been evidently made to appear.

On December 16, the dean of Peterborough proteſted againſt the irregularities of the lower houſe: And particularly againſt the prolocutor's proroguing the houſe by the authority of the houſe itſelf: The pretending to a power to put the prolocutor into the chair before he is confirmed by the archbiſhop and biſhops: The pretending to a power to give leave to their members to abſent themſelves, and ſubſtitute proxies: The electing an actuary in prejudice of the right of the archbiſhop: The late diſreſpectful and undutiful carriage of the houſe to the archbiſhop and biſhops, in refuſing their addreſs to her majeſty without making any exceptions. This was ſigned by above fifty, and the whole body was but an hundred and forty-five. Some were neutral, ſo that very near one half broke off from the reſt, and ſate no more with them. The lower houſe would not ſuffer this proteſtation to be read, and therefore it was carried to the upper, and entered in their acts.

Whilſt the lower houſe was deliberating how to vent their indignation againſt the proteſtors, a more ſenſible mortification enſued. The archbiſhop had prorogued them to the 1ſt of March; by which time the queen ſent a letter to him, dated February 25, ſignifying her concern, that the differences in convocation were ſtill kept up, and rather encreaſed than abated: And that ſhe was the more ſurprized, becauſe it had been her conſtant care and endeavour to preſerve the conſtitution of the church of England, as by law eſtabliſhed, and to diſcountenance all diviſions and innovations whatſoever: Declaring ſhe was reſolved to maintain her ſupremacy, and the due ſubordination of preſbyters to biſhops, as fundamental parts thereof; and that ſhe expected, that he and his ſuffragans ſhould act conformably to his and her reſolution: and that, in ſo doing, they might be aſſured of the continuance of her favour and protection: And that neither of them ſhould be wanting to any of the clergy, whilſt they were true to the conſtitution, and dutiful to her, and their eccleſiaſti-

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cal ſuperiors; and preſerved ſuch a temper as became all, but eſpecially thoſe who were in holy orders: And ſhe required him to communicate this to the biſhops and clergy; and on March 1, to prorogue the convocation to ſuch time as appeared moſt convenient. On that day the archbiſhop ſent for the lower houſe, and read to them the queen's letter, with which they were ſtruck, for it had been carried ſo ſecretly, that it was a ſurprize to them all. When they ſaw they were to be prorogued, they ran indecently to the door, and with ſome difficulty were kept in the room till the prorogation was intimated to them. They went afterwards to their own houſe, where, though prorogued, they ſate ſtill in form, as if they had been a houſe, but they did not venture on paſſing any vote. So factious were they, and ſo implicitly led by thoſe, who had got an aſcendant over them, that, though they had formerly ſubmitted the matters in debate to the queen, yet now, when ſhe declared her pleaſure, they would not acquieſce in it.

An affair of the utmoſt conſequence was now in agitation. The uniting of the two kingdoms of England and Scotland was ever thought of ſuch importance to the wealth, ſtrength, and tranquillity of the iſland of Great Britain, that ſeveral attempts were made towards it, both before and after the union of the two crowns, in the perſon of king James I. of England, and VI. of Scotland; of which attempts it will not be improper to give here a ſummary view.

King Henry VIII. to bring the government of the iſland under one monarch, offered his daughter Mary to king James V. of Scotland; and, to prevent all difficulties, that might happen about the ſucceſſion after his death, he propoſed to make king James duke of York, and lord-lieutenant or deputy governor of England, immediately upon the marriage. The king of Scotland was inclinable enough to fall in with that advantageous propoſal; but the French court and the popiſh clergy, who equally dreaded the effects of ſuch a conjunction, found means to prevent it. This engaged the Scots nation, againſt their will, in a war againſt England, and occaſioned the defeat at Solan Moſſe; which brought their king to his grave, upon an apprehenſion, that his nobility had conſpired againſt him.

King Edward VI. purſuing his father's deſign of an amicable union of the two kingdoms, propoſed a match betwixt himſelf and queen Mary of Scotland; which had been agreed on in the Scots parliament in king Henry VIII's time; but the French and popiſh faction broke that agreement, and brought upon the Scots another war with England, which ended in their defeat at the battle of Pinky near Muſſelburg. Notwithſtanding this great victory, by which the Engliſh became poſſeſſed of moſt of the ſouth of Scotland, yet king Edward and his council were ſo far from deſigning a conqueſt of Scotland, or the overthrowing of the conſtitution of that kingdom, that his uncle, the duke of Somerſet, protector of the kingdom of England, publiſhed a declaration to invite the Scots to amity and equality: "We overcome in war (ſaid that declaration) and offer peace: We win holds, and offer no conqueſt: We get in your land, and offer England. What can be more offered than intercourſe of merchandizes, and interchange of marriages; the aboliſhing of all our ſuch laws, as prohibit the ſame, or might be an impediment to the mutual amity? We have offered not only to leave the authority, name, title, right, or challenge of Conqueror; but to receive that, which is the ſhame of men overcome; to leave the name of the nation, and the glory of our victory, and to take the indifferent old name of Britons; becauſe nothing ſhould be left on our part to be offered; nothing on your part unrefuſed, whereby ye might be inexcuſable. What face has this of conqueſt? We ſeek not to diſinherit your queen, but to make her heirs inheritors alſo of England. We ſeek not to take from you your laws nor cuſtoms; but we ſeek to redreſs your oppreſſion." This was a very generous propoſal from a Conqueror; but the popiſh French faction ſtill made it ineffectual, and brought Scotland under a yoke of French tyranny; which ſo much incenſed the Scots, that, when they ſet about the reformation, they deſtroyed the hierarchy from the very foundations, and reduced the eccleſiaſtics (who had then one third of the kingdom in their poſſeſſion) to their ancient dependence upon the ſtate, as to their maintenance and benefices.

King James I. ſoon after his acceſſion to the Engliſh throne, in March 1604, moved the parliament of England for an union betwixt the two kingdoms; "That, as they were made one in the head, ſo among themſelves they might be inſeparably conjoined, and all memory of by-paſt diviſions extinguiſhed." The motion ſeemed at firſt to be generally well-reliſhed by both nations, whoſe reſpective parliaments appointed their commiſſioners; the Engliſh forty four in number, and the Scots thirty. The met accordingly at Weſtminſter, and agreed upon ſome articles about repealing all hoſtile laws made either in England againſt Scotland, or in Scotland againſt England; and the mutual communication of trade and commerce; reſerving the king's prerogative in the preferment of men to offices and honours in either kingdom. The king recommended the proſecution of that buſineſs to the parliament of England; but, of all the articles agreed upon by the commiſſioners, only that was enacted, which concerned the aboliſhing of 'hoſtile laws.' The king was extremely grieved at this; and conceiving, that the work would more eaſily be effected, if begun in Scotland, called a parliament there. The eſtates, at the king's deſire, readily allowed all the articles concluded in the treaty, with a 'proviſo,' that the ſame ſhould, in like manner, be ratified in the parliament of England; otherwiſe, the concluſions not to have the force of a law. And it was alſo declared, "That, if the union ſhould happen to take effect, the kingdom, notwithſtanding, ſhould remain an abſolute and free monarchy, and the fundamental laws receive no alteration." But, the Engliſh puritans being elated with the hopes they had conceived from an union of the two nations, the church party grew jealous of them, and, inveighing againſt the Scots in parliament, convocation, and pulpits, defeated all endeavours to accompliſh that union. They ſoon diſcovered king James's foible; and, knowing his inclinations to encreaſe his power, they found out other employment for him, which was to advance his prerogative in Scotland, to the ſubverſion of the liberties of that kingdom both in church and ſtate, and concurred with him as heartily in that, as they oppoſed him in the union.

In the reign of king Charles I. we do not find an union to have been once mentioned; for, the prejudices againſt the puritans ſtill encreaſing, and the church party growing powerful at court, by the promotion of biſhop Laud to the ſee of Canterbury, an ill-timed and miſtaken zeal for the church of England had ſo great an aſcendant over that unhappy prince, as to engage him with more eagerneſs than his father to overturn the conſtitution, and endeavour a conqueſt of Scotland; which was one of the fatal cauſes of all his misfortunes.

Soon after the beginning of the civil wars, there was a league or confederacy between the two kingdoms, which continued with various interruptions for ſome years, till it was entirely broke in 1650; when, a war breaking out between the two nations, Scotland was reduced to the obedience of the prevailing power of the houſe of commons, who ſtiled themſelves 'the parliament of England.' But, though Scotland was reduced, it was thought it could not be ſo well ſecured, as by an union. Accordingly, after the battle of Worceſter, the parliament appointed eight commiſſioners to go down to Scotland, and treat with the eſtates of that kingdom of an union. Twenty of thirty-two ſhires, and thirty-five of the then fifty-ſeven boroughs, agreed to the union; and in their aſſembly at Edinburgh, about two months after, the reſt likewiſe concurred. Purſuant to this agreement, a bill was prepared, but, before it could be finiſhed, the long parliament was turned out of doors by Cromwell, which put a ſtop to the union. In April 1653, Cromwell took the government upon him; and, in December following, ſigned an inſtrument, whereby, among other things, the counties, cities, and boroughs of England, Scotland, and Ireland, were brought under a new regulation, with reſpect to their repreſentatives in parliament. By this ſcheme England was to have four hundred repreſentatives, Scotland thirty, and Ireland thirty. When England was rated at ſeventy thouſand pounds per month, Scotland was to pay ſix thouſand pounds, and Ireland nine thouſand pounds, and the ſhare each county and borough was to pay of theſe aſſeſſments in 1656, was ſettled. Theſe aſſeſſments were ſuppoſed to be about two ſhillings in the pound, conſequently they valued the rents of England at eight millions and four hundred thouſand pounds, of Scotland at ſeven hundred and twenty thouſand pounds, and of Ireland at one million and eighty thouſand pounds, which valuations are ſaid to have been above two thirds of the real extended values.

On the 12th of April 1654, Oliver publiſhed an ordinance for uniting Scotland with England. By this ordinance the powers of Aſſemblies, Conventions, and Parliaments in Scotland were taken away, with Wards, Servitudes, and Slaviſh Tenures. Theſe were aboliſhed in England after reſtoration, but Wards and Liveries were, in 1660, reſtored again in Scotland. Thus ſtood the union for ſome years, during which, it is ſaid, the Scots nation was never more eaſy, nor juſtice more impartially adminiſtered.

At the reſtoration, every thing relating to Scotland and Ireland were put upon the ſame foot as before the civil wars. The ill effects whereof were ſoon felt in many inſtances, particularly

ticularly by the paſſing and execution of ſeveral negative acts relating to trade, which not only ſtirred up the old, but raiſed many new animoſities. The Scots made heavy complaints againſt theſe impoſitions and excluſions, but without any redreſs.

However, in the year 1670, the parliament of Scotland paſſed an act, 'impowering king Charles to grant a commiſſion under the great ſeal of Scotland for ſuch perſons, as he ſhould think fit to name, to treat with commiſſioners of England about the union;' but with this proviſo, 'that nothing they agreed upon ſhould ſtand, except confirmed by the parliament of Scotland.' When the commiſſioners met, the king ſent them the five following points to be conſidered, as the ſubject-matter of the treaty; "1. The preſerving to either kingdom their laws, civil and eccleſiaſtical, entire. 2. The uniting of the two kingdoms into one monarchy, under his majeſty, his heirs, and ſucceſſors, inſeparable. 3. The reducing both parliaments into one. 4. The ſtating of all privileges, as to trade and other advantages. 5. The ſecuring the conditions of the union." And it was ſettled, as a preliminary, that, except all was agreed on, no particular thing reſolved upon ſhould be binding. When they came to conſider the matter, ſir John Niſby, one of the commiſſioners for Scotland, a great lawyer, and the king's advocate, urged, "That the union could not be, as propoſed in the ſecond and third articles, becauſe they were deſtructive to the fundamental government of the kingdom of Scotland, and tended to take away their parliaments, which, he ſaid, the parliament itſelf could not do; nor were the commiſſioners appointed for the treaty impowered to diveſt the electors of that power: and alledged an act of parliament, (8 Jac. 6.) which declared it treaſon, to attempt 'the alteration of the conſtitution of parliament.' He alledged farther, that king James's commiſſion to treat was not of that nature, and that his commiſſion ought to be the rule of the treaty; adding, that, in the union among the republics of Greece, each republic preſerved their ſovereignty." And the earl of Lauderdale ſaid, "That it was the like among the United Provinces, the ſeveral kingdoms of Spain, and the thirteen cantons of Swiſſerland." Then, as to the conſtitution of the parliament, the commiſſioners of Scotland reſolutely adhered to it, "That none of the conſtituent members of the parliament of Scotland ſhould be excluded from the parliament of Great Britain; for they could not exclude any of thoſe, from whom they had their authority; but agreed, that his majeſty might call together both parliaments, to conſult about the public affairs of the monarchy." There were alſo debates among them about appeals to parliament from courts of judicature, whoſe ſentences in Scotland are not queſtionable but by parliament; and that it would be an inconſiſtency, that one part of the monarchy ſhould be liable to appeals before the parliament, and the other not. As to the union of both kingdoms into 'one Monarchy,' the Scots commiſſioners would agree to it on no other terms, but in the poſterity of king James VI, in which the Engliſh made ſome difficulty, and thought Heirs and Succeſſors ſufficient. But the Scots inſiſted upon it, and alledged, that, by the 11th of Henry VII. an uſurper being crowned, was reputed lawful ſucceſſor in England. Thus the treaty came to nothing (which laſted from the 13th of September to the 14th of November following) the commiſſioners, on the part of Scotland, not only inſiſting upon their old pretences of preſerving ſovereignties and independencies, but likewiſe, that, by their conſtitution, they could not ſo much as treat of an union, till the whole parliament, and even all their conſtituents, had conſented. And, though at laſt, they offered to try if they could get their countrymen's conſent to have the two parliaments joined, yet they would not abate one of their members upon any account whatſoever. Thus, though the firſt motions of a treaty came entirely from themſelves, it was the Scots who broke it off. The ſecret motives of their ſo doing proceeded, as it is ſaid, from ſome about the court (who, at firſt, fancied they could encreaſe their power and influence by the union) being afterwards convinced it would have quite another effect.

In the time of king James II. there was nothing done in the union, the court being ſufficiently taken up with other deſigns. But though in the reigns of king William and queen Mary, both nations were too much diſtracted among themſelves, and the king and his miniſters too buſy about other affairs, to think in earneſt of uniting the two kingdoms; yet, the ſame being propoſed by the Scots convention of the eſtates, who appointed commiſſioners to treat upon that matter with England, king William, in his ſpeech to both houſes of parliament, on the 21ſt of March 1689-90, recommended to their re-conſideration an union with Scotland. The parliament took little notice of this recommendation from the throne; ſo that no anſwer was returned to the Scots parliament; and that buſineſs reſted till the year 1700, when the king, in his anſwer to the lords addreſs againſt the Scots ſettlement at Darien, took that opportunity of putting the houſe of peers in mind of what he recommended to his parliament, ſoon after his acceſſion to the throne: "That they would conſider of an 'union between the two kingdoms:' That his majeſty was of opinion, that nothing would contribute more to the ſecurity and happineſs of both; and was inclined to hope, that, after they had lived an hundred years under the ſame head, ſome happy expedient might be found for making them one people, in caſe a treaty was ſet on foot for that purpoſe. And therefore he very earneſtly recommended that matter to the conſideration of the houſe." Hereupon the lords framed and paſſed a bill for authorizing certain commiſſioners of the realm of England to treat with commiſſioners of Scotland, 'for the weal of both kingdoms.' But, the commons refuſing their concurrence to this bill, the buſineſs of the union went no further.

[1706.] This great work therefore was reſerved for the reign of queen Anne; for though the negotiation, which was ſet on foot ſoon after her acceſſion to the throne, unhappily miſcarried; yet it was reſolved to endeavour again the union of the two kingdoms, of which many had quite deſpaired. And thoſe, who entertained better hopes, thought it muſt have run out into a long negotiation for many years: But, beyond all men's expectation, it was begun and finiſhed within the compaſs of one. According to the powers given to the queen by the parliaments of England and Scotland, on the 10th of April ſhe appointed the commiſſioners on the part of England, the commiſſioners on the part of Scotland having been named before, on the 27th of February. Mr. George Dodington was named ſecretary by the Engliſh, and ſir Daniel Nairne by the Scots commiſſioners. The perſons who were appointed on the Engliſh ſide were well choſen. They were the moſt capable of managing the treaty and the beſt diſpoſed to it of any in the kingdom[y]. The Scots commiſſioners were ſo ſtrangely choſen, that from thence many concluded, that an union was not ſincerely deſigned by the miniſtry, when they ſaw ſuch a nomination[z]. For they were not looked on as men well affected to the deſign, moſt of

[y] The Engliſh Commiſſioners were:

Thomas, lord archbiſhop of Canterbury,
William Cowper, eſq. lord-keeper of the great ſeal of England,
John, lord archbiſhop of York,
Sidney, lord Godolphin, lord-high-treaſurer of England,
Thomas, earl of Pembroke and Montgomery, preſident of the council,
John, duke of Newcaſtle, keeper of the privy ſeal,
William, duke of Devonſhire, ſteward of the houſhold,
Charles duke of Somerſet, maſter of the horſe,
Charles, duke of Bolton,
Charles, earl of Sunderland,
Evelyn, earl of Kingſton,
Charles, earl of Carliſle,
Edward, earl of Orford,
Charles, viſcount Townſend,
Thomas, lord Wharton,
Ralph, lord Grey,
John, lord Paulet,
John, lord Sommers,
Charles, lord Hallifax,
John Smith, Eſq.
William Cavendiſh, marquis of Hartington,
John Manners, marquis of Granby,
Sir Charles Hedges, knight, and Robert Harley, eſq. principal ſecretaries of ſtate,
Henry Boyle, eſq. chancellor and under-treaſurer of the exchequer,
Sir John Holt, knight, chief juſtice of the court of Queen's Bench,
Sir Thomas Trevor, knight, chief juſtice of the court of Common pleas,
Sir Edward Northey, knight, attorney-general,
Sir Simon Harcourt, knight, ſolicitor general.
Sir John Cook, knight, doctor of laws, advocate general,
Stephen Waller, doctor of laws.

[z] The Scots Commiſſioners were:

James, earl of Seafield, lord chancellor of Scotland,
James, duke of Queenſberry, lord privy ſeal,
John, earl of Mar, and Hugh, earl of Loudon, principal ſecretaries of ſtate,
John, earl of Sutherland, John, earl of Morton, David earl of Wemys, David, earl of Leven, John, earl of Stair, Archibald, earl of Roſeberry, David, earl of Glaſgow, deputies of the treaſury,
The lord Archibald Campbell, brother to the duke of Argyle,
Thomas, viſcount Duplin,
The lord William Roſs, one of the commiſſioners of the treaſury,
Sir Hugh Dalrymple, preſident of the ſeſſion,
Adam Cockburn, of Ormiſtown, lord juſtice clerk,
Sir Robert Dundaſs, of Armiſtown, and Mr. Robert Stuart, of Tillicultrie, lords of the ſeſſion,
Mr. Francis Montgomery, one of the commiſſioners of the treaſury,

them having ſtood out in a long and firm oppoſition to the Revolution, and to all that had been done afterwards purſuant to it [a]. The nomination of theſe was fixed on by the Dukes of Queenſberry and Argyle. It was ſaid by them, that, though theſe objections did indeed lie againſt them, yet they had ſuch an intereſt in Scotland, that engaging them to be cordially for the Union would be a great means to get it agreed to in the Parliament there. The Earl of Stair, who heartily concurred in the deſign, was thought to have a hand in this piece of policy, in which the event ſhewed that right meaſures were taken. The Scots had got among them the notion of a Fœderal Union, like that of the United Provinces, or the Cantons of Switzerland. But the Engliſh reſolved to loſe no time, in the examining or diſcuſſing that project, for this reaſon, beſides many others, that, as long as the two nations had two different parliaments, they could break the union whenever they pleaſed; for each nation would follow their own parliament. The deſign was now to ſettle a laſting and firm union between the kingdoms; therefore they reſolved to treat only about an 'incorporating union,' that ſhould put an end to all diſtinctions, and unite all their intereſts: So they at laſt entered upon the ſcheme of an entire union.

On Tueſday the 16th of April, the commiſſioners of both kingdoms met, the firſt time, in the council-chamber in the Cock-pit near Whitehall, the place appointed for their conferences; and their commiſſions being opened and read by the ſecretaries, the lord-keeper of England, and the lord-chancellor of Scotland, made introductory ſpeeches; after which it was agreed, that copies of the two commiſſions ſhould be prepared and ſigned by the reſpective ſecretaries, and interchanged againſt the next meeting, which was put off till the Monday following.

Accordingly, on the 22d of April, they met again, and the lord-keeper delivered to the board the following preliminaries: "I. That all propoſals made by either ſide be made in writing, and every point, when agreed, reduced into writing. II. That no points, though agreed on, and reduced into writing, be obligatory on either ſide, till all matters be proper to be laid before the queen and the two parliaments for their approbation. III. That there be a committee appointed, conſiſting of a certain number of each commiſſion, to reviſe the minutes of what paſſes, which are not to be inſerted by the ſecretaries in their reſpective books, but by order of the ſaid committee, having firſt made report thereof to the reſpective commiſſioners, and received their approbation of the ſame. IV. That all the proceedings of the commiſſioners, of both kingdoms, during the treaty, be kept ſecret." The lord keeper alſo delivered to the board the following propoſal, "That the two kingdoms of England and Scotland be for ever united into one kingdom by the name of Great Britain: That the united kingdom of Great Britain be repreſented by one and the ſame parliament; and that the ſucceſſion to the monarchy of the united kingdom of Great Britain, in caſe of failure of heirs, of her majeſty's body, be, according to the limitations mentioned in an act of parliament, made in England in the 12th and 13th years of the reign of the late king William, entitled 'An Act for the further limitation of the crown, and the better ſecuring the rights and liberties of the ſubject."

After this the commiſſioners adjourned to the 24th of the ſame month, when the lord chancellor of Scotland acquainted the board, that the commiſſioners of Scotland did agree to the preliminary articles propoſed at the laſt meeting, for regulating the method of proceeding in this treaty: And then he delivered to the board the following propoſals: "I. That the ſucceſſion to the crown of Scotland, in caſe of failure of heirs of her majeſty's body, ſhould be eſtabliſhed upon the ſame perſons mentioned in an act of parliament made in England, in the 12th and 13th years of the reign of the late king William. II. That the ſubjects of Scotland ſhould for ever enjoy all rights and privileges, as natives of England, in England, and the dominions thereunto belonging; and reciprocally, that the ſubjects of England enjoy the like rights and privileges in Scotland. III. That there be a free communication and intercourſe of trade and navigation between the two kingdoms and plantations thereunto belonging, under ſuch regulations, as, in the progreſs of this treaty, ſhall be found moſt for the advantage of both kingdoms. IV. That all laws and ſtatutes in either kingdom, contrary to the terms of this union, be repealed." The commiſſioners for England, after a ſhort conſultation by themſelves, returned an anſwer, "That nothing but an 'entire union' of the two kingdoms would ſettle perfect and laſting friendſhip between them, that they therefore thought fit to decline entering into any further conſideration upon the propoſals now made by the commiſſioners for Scotland, as not tending to that end; and deſired, that the commiſſioners for Scotland would give in their anſwer to the propoſal delivered by the commiſſioners for England, in order to an entire union of both kingdoms."

The next day the lord chancellor, in the name of the commiſſioners for Scotland, delivered to the board the following anſwer: The commiſſioners for Scotland have conſidered the propoſal given in to them by the commiſſioners for England, on Monday the 22d inſtant; and do agree, that the kingdoms of Scotland and England be for ever united into one kingdom, by the name of Great Britain: That the united kingdom of Great Britain be repreſented by one and the ſame parliament: And that the ſucceſſion to the monarchy of the kingdom of Great Britain, in caſe of failure of heirs of her majeſty's body, ſhall deſcend upon the moſt excellent prin-

Sir David Dalrymple, one of her majeſty's ſolicitors,
Sir Alexander Ogilvie, receiver-general,
Sir Patrick Johnſtown, provoſt of Edinburgh,
Sir James Smallet, of Bonhill,
George Lockhart, of Carnwath,
William Morriſon, of Preſton-grange,
Alexander Grant,
William Seton, of Pitmeddon, jun.
John Clark, of Pennycock, jun.
Hugh Montgomery, late provoſt of Glaſgow,
Daniel Stuart,
Daniel Campbel, of Arutennet.

[a] Mr. Lockhart, on the other hand, aſſures us, in his memoirs, p. 186, that all the commiſſioners were of the court or whig intereſt, except himſelf and the archbiſhop of York. "This laſt, as was reported (ſays he) was named merely out of reſpect to the dignity of the office he bore, but would not be preſent ſo much as once at the treaty. The other, becauſe being my lord Wharton's nephew, they intended to carry him off: and, as he was ſurprized at his being named, ſo he had no inclination to the employment, and was at firſt reſolved not to have accepted it: but his friends, and thoſe of his party, believing he might be ſerviceable, by giving an account how matters were carrying on, prevailed with him to alter his reſolution. But he, foreſeeing that ſeveral things would occur during the treaty, that were contrary to his principles, as the buſineſs of an incorporating union, and, in conſequence thereto, the ſucceſſion of the houſe of Hanover to the crown; he convened together the earls of Hume and Strathmore, the viſcount of Stourmont, Mr. Cockran of Kilmarnock, Mr. Fletcher of Salton, and Mr. Henry Maule of Kelly, who were the chief inſtruments of perſuading him to attend the treaty; and wrote to the duke of Hamilton, who was then in Lancaſhire; and having communicated to them his difficulties, he deſired their advice and direction how he ſhould behave, and particularly, whether or not he ſhould proteſt and enter his diſſent againſt theſe meaſures; being reſolved to receive inſtructions from them, as a warrant for his procedure, and to juſtify his conduct. To whom they all unanimouſly returned this anſwer, that, if he ſhould proteſt, he could not well continue longer to meet with the other commiſſioners; and, if he entered his diſſent, it would render him odious to them; that they would be extremely upon the reſerve, ſo as he would be utterly incapable to learn any thing, that might be uſeful afterwards in the oppoſing the deſign: whereas, if he ſate quiet, and concealed his opinion as much as poſſible, they, expecting to perſuade him to leave his old friends and party, would not be ſhy, and he might make diſcoveries of their deſigns, and thereby do a ſingular ſervice to his country."

The ſame writer afterwards tells us, p. 191. "That the treaſurer of England and court-party there did not at firſt deſign the union ſhould have gone the length it afterwards did; it being a mighty ſtroke to the monarchy, and conſequently to them, who adviſed and directed the queen in all matters. But the treaſurer, being extremely blamed for allowing the queen to paſs the Scots act of ſecurity, and concerning peace or war, into law, knew the tories, who only waited for a proper time, deſigned to lay hold on this as an handle, wherewithal to pull him down; and therefore to ſave himſelf by amuſing the Engliſh with the hopes of an entire union, he ſet this treaty on foot, with a deſign to have ſpun it out ſo long, as he was in hazard of the attempts and malice of his enemies. But the whig party joined moſt ſincerely in the meaſure of an incorporating union.——They had ſomewhat in view beſides the general intereſt and ſecurity of England, or eſtabliſhing the houſe of Hanover on the two thrones of this iſland (all monarchs and race of kings being equally odious to them) their deſign being ſooner or later to eſtabliſh a commonwealth, or at leaſt to clip the wings of the royal prerogative, and to reduce the monarch to ſo low an ebb, that his power ſhould not exceed that of a ſtadtholder of Holland, or a doge of Venice. And it was plain and obvious ſuch deſigns could be more eaſily executed, when the legiſlative authority of Scotland was abrogated, by reducing the repreſentatives of the nation to a ſmall and inconſiderable number incorporated with a much greater, and ſubjecting her to the laws, regulations, and government of another kingdom, of which they had the chief direction, than if the Scots nation and parliament remained a diſtinct and independent people and judicature, and were thereby in a capacity to aſſiſt their ſovereign in maintaining his juſt rights and prerogatives in that as well as his other kingdoms. They remembered how the Scots, in the reign of king Charles II. did caſt the balance, and defeat their deſign of ſecluding the duke of York from ſucceeding to the crown; and were reſolved by this incorporating union to remove that obſtacle to their future projects and deſigns. Thus, the court and whig parties in England agreeing (though upon different topics and views at firſt) in the meaſure of a treaty of union betwixt the two kingdoms, the latter prevailed to have a plurality of their own party in both commiſſions, particularly the Scots, who ſo frankly yielded to the demands of the Engliſh, and proſtituted the honour, and ſurrendered the intereſt of their country, that the terms of the treaty proved ſo advantageous for England and deſtructive to Scotland, that the treaſurer and court party could not, without giving a greater handle againſt them, than what they propoſed to evade by this meaſure, ſo much as connive at, or countenance any perſon, that endeavoured to obſtruct the union's taking effect. On the other hand, the Scots ſtateſmen and revolutioners were ſo ſenſible of their own guilt in betraying their country, and acting contrary to its intereſt theſe many years paſt, that they thought themſelves in no ſecurity from being called to an account for their actions, unleſs they removed the parliament, and rendered the nation ſubſervient and ſubject to a people, whom they had ſerved, and from whom they looked for protection."

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ceſs Sophia, electreſs and ducheſs dowager of Hanover, and remain to her and the heirs of her body, being proteſtants, with this proviſion, That all the ſubjects of the united kingdom of Great Britain ſhall have full freedom and intercouſe of trade and navigation, to and from any part or place within the united kingdom, and plantations thereunto belonging; and that there be a communication of all other privileges and advantages, which do or may belong to the ſubjects of either kingdom."

After a private conſultation, the lord-keeper, in the name of the commiſſioners for England, delivered to the board this reply, "The commiſſioners for England are of opinion, that the proviſion added by the commiſſioners of Scotland, to the propoſal made by the commiſſioners for England, on the 22d inſtant, is a neceſſary conſequence of an 'entire union;' and, therefore, their lordſhips do agree to that proviſion, under ſuch terms, as in the further progreſs of this treaty ſhall be found to be for the common advantage of both kingdoms."

The ſame day, in purſuance of the third preliminary, a committee was appointed for reviſing the minutes; and there were nominated, on the part of England, the lord Grey; Mr. John Smith, ſpeaker of the houſe of commons; ſir Thomas Trevor, ſir John Cook, and Dr. Waller, or any three of them; and on the part of Scotland, the earl of Sutherland, the earl of Leven, the lord preſident of the ſeſſion, the lord juſtice Clerk, John Clark of Pennycook, or any three of them.

Four days after, the commiſſioners met again, and the lord keeper delivered to the board the following propoſal: "That there be the ſame cuſtoms, exciſes, and all other taxes; and the ſame prohibitions, reſtrictions, and regulations of trade throughout the united kingdom of Great Britain." Hereupon the Scots commiſſioners propoſed, "That a committee be appointed of an equal number of each ſide, to adjuſt the ſeveral points contained in that propoſal; and deſired, that the Engliſh commiſſioners would order the account of the taxes and other things, to be laid before the committee."

The Engliſh commiſſioners having propoſed to appoint a committee, to conſiſt of eleven of each ſide, and of them any ſix to have power to proceed, and that they ſhould be nominated the next meeting; this was readily agreed to by the Scots; and accordingly, on the 1ſt of May, the commiſſioners proceeded to the nomination of the committee. The Engliſh named the dukes of Somerſet and Bolton, the earl of Sunderland, the lords Townſhend, Wharton, and Sommers, the ſpeaker of the houſe of commons, the marquis of Hartington, Mr. ſecretary Harley, Mr. Henry Boyle, and ſir Simon Harcourt. The Scots appointed the lord chancellor, the duke of Queenſberry, the earls of Sutherland, Leven, and Stair, the lord Duplin, the lord preſident of the ſeſſion, the lord juſtice Clerk, and ſir Patrick Johnſtoun: And it was agreed, that this committee ſhould meet the next morning, and have power to adjourn themſelves.

On the 21ſt of May, when the treaty was pretty well advanced, the queen went to the meeting, and told the commiſſioners, "That ſhe was ſo much concerned for the union of the two kingdoms, that ſhe could not ſatisfy herſelf without coming, before ſhe went out of town, to ſee what progreſs they had made in the treaty, and to recommend very earneſtly to them the bringing it to a happy concluſion, with as much diſpatch, as the nature of it would admit; not doubting of the general ſatisfaction, which her ſubjects of both kingdoms would receive, in finding them to overcome all difficulties to attain ſo great and public a good." When ſhe had done ſpeaking, the lord keeper deſired to know, if ſhe would hear the propoſals, made on either ſide, and the reſolutions taken thereupon, read by the ſecretaries; which ſhe allowed of, and then retired.

About a month after, the queen came again to their meeting, and told the commiſſioners, "That ſhe was come thither once more to ſee what further progreſs they had made in the treaty, and to preſs a ſpeedy concluſion of it, in regard her ſervants of Scotland could not, without great inconveniency, be much longer abſent from that kingdom." Upon this, in the thirty-fifth meeting, on the 28th of June, the Engliſh commiſſioners propoſed, That four commiſſioners of each part be appointed to draw up into form the articles of the treaty, upon the points already agreed, or which ſhould afterwards be agreed. To which the Scots commiſſioners having conſented, the articles were brought to perfection by the 22d of July, when the commiſſioners of both kingdoms ſigned and ſealed the inſtruments, and ordered, that the reſpective ſecretaries of each commiſſion ſhould ſign each other's journals of the proceedings, and afterwards enter in the journals the 'articles of the treaty of union.'

The next day, the commiſſioners for both kingdoms went from the Cockpit to attend the queen at St. James's, where the lord keeper, in the name of the commiſſioners for England, preſented to her majeſty one of the ſigned and ſealed inſtruments, containing the 'articles of union,' and made the following ſpeech:

May it pleaſe your majeſty,

"WE the commiſſioners appointed by your majeſty, in purſuance of the act of parliament paſſed in your kingdom of England, to treat concerning an union of the two kingdoms, with the commiſſioners of Scotland, do (according to our duty) humbly beg leave to preſent to your majeſty theſe the effects of our continued and faithful endeavours to that end.

"They are the articles agreed upon between your commiſſioners of both kingdoms, as the terms or conditions, upon which the intended union is to take place, if your majeſty, and the parliaments of both kingdoms, ſhall think fit to approve and confirm the ſame.

"In theſe we have come to an agreement on every point we judged neceſſary to effect a complete and laſting union; and we have endeavoured not to ſtir into any matter we had reaſon to think was not ſo.

"And although we have unanimouſly carried this treaty thus far, purely from a conviction, that we have done therein to God, your majeſty, and our countries good ſervice; yet we are far from thinking, that what we have done, will or ought to be of any weight or authority elſewhere; but do moſt entirely ſubmit theſe our labours to the high wiſdom of your majeſty and both your parliaments, to ſtand or fall by the reaſon, juſtice, and public utility, on which they are founded.

"Your majeſty's royal preſence and ſeaſonable admonitions to us, at the fitteſt junctures, were (we moſt thankfully acknowledge) a very great encouragement and aſſiſtance to us in the difficulties we met with.

"Your majeſty's glory is already perfect; and the finiſhing this work is all that is wanting, to complete as well as ſecure the happineſs of ſo great a people as your ſubjects may now, without any arrogance, pretend to be.

"May your majeſty live, not only to give ſanction to this univerſal bleſſing to all your people, but alſo to ſee in a long and proſperous reign over us the many immediate or near good effects of it. But as for that great and main conſequence of it, for which your majeſty is making, by a moſt gracious and charitable foreſight, this only effectual proviſion; I mean, the continuance of peace and tranquillity in this iſland, upon a deſcent of the crown, inſtead of that bloodſhed, and deſtruction which would probably follow upon the fatal diviſion of it;

"May we be ſo happy, as never, in our days, to experiment the fitneſs of theſe meaſures your majeſty is now taking for that end; but may late, very late, poſterity only in that reſpect reap the advantage of them."

Then the lord chancellor of Scotland, in the name of the commiſſioners for that kingdom, preſented alſo to her majeſty one of the ſigned and ſealed inſtruments of the 'articles of union,' on the part of Scotland, with the following ſpeech;

May it pleaſe your majeſty,

"THE commiſſioners, appointed by your majeſty for the kingdom of Scotland to treat of an union of your two kingdoms of Scotland and England, have commanded me to return your majeſty their moſt humble and dutiful acknowledgements for the honour your majeſty has conferred on them, in employing them to negotiate this moſt important affair, which is of the greateſt conſequence to all your majeſty's ſubjects.

"We have endeavoured to diſcharge this truſt with all fidelity; and are now come humbly to lay before your majeſty the articles and conditions of union, which we have treated of, and agreed upon, and do ſubmit them to your majeſty's royal conſideration.

"It is a great ſatisfaction to us, that, what we have concluded, in this matter, has been done with unanimity. And we muſt own, that the knowledge we had of your majeſty's great

great concern for uniting your two kingdoms, and the earneſtneſs, with which your majeſty has been moſt graciouſly pleaſed to recommend it, hath enabled us to bring this treaty to a happy and ſpeedy concluſion, to the mutual ſatisfaction of the commiſſioners on both ſides; and we ſhall eſteem it our greateſt happineſs, if what we have prepared be acceptable to your majeſty, and ratified by the parliaments of both kingdoms, without which what we have done can be of no authority.

"An union of the two kingdoms has been long wiſhed for, it being ſo neceſſary for eſtabliſhing the laſting peace, happineſs, and proſperity of both nations. And though it has been frequently endeavoured by your majeſty's royal predeceſſors without the deſired ſucceſs; yet the glorious ſucceſſes, with which God has bleſſed your majeſty's endeavours for the happineſs of your people, make us hope, that this great work is reſerved to be accompliſhed in your majeſty's reign."

After which the queen was pleaſed to make the following ſpeech.

My Lords,

"I Give you my thanks for the great pains you have taken in this treaty, and am very well pleaſed to find your endeavours and applications have brought it to ſo good a concluſion. The particulars of it ſeem ſo reaſonable, that I hope they will meet with approbation in the parliaments of both kingdoms. I wiſh therefore, that my ſervants of Scotland may loſe no time in going down to propoſe it to my ſubjects of that kingdom: And I ſhall always look upon it as a particular happineſs, if this union (which will be ſo great a ſecurity and advantage to both kingdoms) can be accompliſhed in my reign."

The ſame day, the queen being in council, an order was made, importing, "That whoſoever ſhould be concerned in any ſeditious diſcourſe, or libel, or laying wagers relating to the union, ſhould be proſecuted, for ſuch their offences, according to the utmoſt rigour of the law."

The lord Sommers had the chief hand in projecting this ſcheme of the union, into which all the commiſſioners of the Engliſh nation went very eaſily. The advantages, that were offered to Scotland in the whole frame of it, were ſo great and ſo viſible, that nothing but the conſideration of the ſafety, that was to be procured by it to England, could have brought the Engliſh to agree to a project, that, in every branch of it, was much more favourable to the Scots nation. The Scots were to bear leſs, than the fortieth part of the public taxes. When four ſhillings in the pound were levied in England, amounting to two millions, Scotland was only to be taxed at forty-eight thouſand pounds, which was eight months aſſeſſment of the ſix thouſand pounds which they had been accuſtomed for ſome years to pay, and which, they ſaid, was all that the nation could bear. It is held a maxim, that, in the framing of a government, a proportion ought to be obſerved between the ſhare in the legiſlature, and the burden to be borne. Yet, in return of the fortieth part of the burden, the Scots were offered near the eleventh part of the legiſlature. For the peers of Scotland were to be repreſented by ſixteen peers in the houſe of lords; and the commons, by forty-five members in the houſe of commons; and theſe were to be choſen, according to the methods to be ſettled in the parliament of Scotland. And ſince Scotland was to pay cuſtoms and exciſes on the ſame foot with England, and was to bear a ſhare in paying much of the debt, which England had contracted during the war; three hundred and ninety-eight thouſand pounds was to be raiſed in England, and ſent into Scotland, as an equivalent for that; and this was to be applied to the recoining the money, that all might be of one denomination and ſtandard; and to the payment of the public debts of Scotland, and repaying to their African company all their loſſes with intereſt, upon which that company was to be diſſolved; and the overplus of the equivalent was to be applied to the encouragement of manufactures. Trade was to be free all over the iſland, and to the plantations; private rights were to be preſerved; and the judicatories and laws of Scotland were ſtill to be continued. But all was put, for the future, under the regulation of the parliament of Great-Britain; the two nations now were to be one kingdom, under the ſame ſucceſſion to the crown, and united in one parliament. There was no proviſion made in this treaty with relation to religion; for in the acts of parliament in both kingdoms, which impowered the queen to name commiſſioners, there was an expreſs limitation, that they ſhould not treat of thoſe matters.

This was the ſubſtance of the articles of the treaty, which, when they came to be laid before the parliament of Scotland, met with great oppoſition, as will hereafter appear [b]. It is time now to return to the operations of the war.

The French ſeemed to have laid the deſign of their cam-

[b] As the articles of union will be often referred to, it will be proper to inſert them at large.

I. That the two kingdoms of England and Scotland ſhall, upon the firſt day of May, which ſhall be in the year 1707, and for ever after, be united into one kingdom, by the name of GREAT BRITAIN; and that the enſigns armorial of the ſaid united kingdom be ſuch as her majeſty ſhall appoint; and the croſſes of St. George and St. Andrew be conjoined in ſuch manner as her majeſty ſhall think fit, and uſed in all flags, banners, ſtandards, and enſigns, both at ſea and land.

II. That the ſucceſſion to the monarchy of the united kingdom of Great Britain, and of the dominions thereunto belonging, after her moſt ſacred majeſty, and in default of iſſue of her majeſty, be, remain, and continue to the moſt excellent princeſs Sophia, electreſs and ducheſs dowager of Hanover, and the heirs of her body, being proteſtants, upon whom the crown of England is ſettled, by an act of parliament made in England, in the twelfth year of the reign of his late majeſty king William the Third, intituled, 'An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject.' And that all papiſts, and perſons marrying papiſts, ſhall be excluded from, and for ever incapable to inherit, poſſeſs, or enjoy the imperial crown of Great Britain, and the dominions thereunto belonging, or any part thereof: And, in every ſuch caſe, the crown and government ſhall from time to time deſcend to, and be enjoyed by ſuch perſon, being a proteſtant, as ſhould have inherited and enjoyed the ſame, in caſe ſuch papiſt, or perſon marrying a papiſt, was naturally dead, according to the proviſion for the deſcent of the crown of England, made by another act of parliament in England, in the firſt year of the reign of their late majeſties king William and queen Mary, intituled, 'An act declaring the rights and liberties of the ſubjects, and ſettling the ſucceſſion of the crown.'

III. That the united kingdom of Great Britain be repreſented by one and the ſame parliament, to be ſtiled the parliament of Great Britain.

IV. That all the ſubjects of the united kingdom of Great Britain ſhall, from and after the union, have full freedom and intercourſe of trade and navigation, to and from any port or place within the ſaid united kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges, and advantages, which do, or may belong to the ſubjects of other kingdom, except where it is otherwiſe expreſly agreed in theſe articles.

V. That all ſhips or veſſels belonging to her majeſty's ſubjects of Scotland, at the time of ratifying the treaty of union of the two kingdoms in the parliament of Scotland, though foreign built, be deemed and paſs as ſhips of the build of Great Britain; the owner, or where there are more owners, one or more of the owners, within twelve months, after the firſt of May next, making oath, that, at the time of ratifying the treaty of union in the parliament of Scotland, the ſame did, in whole or in part, belong to him or them, or to ſome other ſubject or ſubjects of Scotland, to be particularly named, with the place of their reſpective abodes; and that the ſame doth then, at the time of the ſaid depoſition, wholly belong to him or them; and that no foreigner, directly or indirectly, hath any ſhare, part, or intereſt therein: Which oath ſhall be made before the chief officer or officers of the cuſtoms in the port next to the abode of the ſaid owner or owners: And the ſaid officer, or officers, ſhall be impowered to adminiſtrate the ſaid oath; and the oath, being ſo adminiſtrated, ſhall be atteſted by the officer, or officers, who adminiſtrated the ſame: And, being regiſtered by the ſaid officer or officers, ſhall be delivered to the maſter of the ſhip, for ſecurity of her navigation, and a duplicate thereof ſhall be tranſmitted by the ſaid officer or officers, to the chief officer or officers of the cuſtoms, in the port of Edinburgh, to be there entered in a regiſter, and from thence to be ſent to the port of London, to be there entered in the general regiſter of all trading ſhips belonging to Great Britain.

VI. That all parts of the united kingdom, for ever, from and after the union, ſhall have the ſame allowances, encouragements, and drawbacks, and be under the ſame prohibitions, reſtrictions, and regulations of trade, and liable to the ſame cuſtoms and duties on import and export. And that the allowances, encouragements, and drawbacks, prohibitions, reſtrictions, and regulations of trade, and the cuſtoms and duties on import and export ſettled in England, when the union commences, ſhall, from and after the union, take place throughout the whole united kingdom: Excepting and reſerving the duties upon export and import of ſuch particular commodities, from which any perſons, the ſubjects of either kingdoms, are eſpecially liberated and exempted by their private rights, which, after the union, are to remain ſafe and entire to them in all reſpects as before the ſame. And that, from and after the union, no Scots cattle carried into England ſhall be liable to any other duties, either on the public or private accounts, than thoſe duties, to which the cattle of England are or ſhall be liable within the ſaid kingdom. And ſeeing by the laws of England there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expreſſed, that, from and after the union, when oats ſhall be ſold at fifteen ſhillings Sterling per quarter, or under, there ſhall be paid two ſhillings and ſix-pence Sterling for every quarter of the oat-meal exported, in the term of the law, whereby, and ſo long as, rewards are granted for exportation of other grain; and that the beer of Scotland have the ſame rewards as barley: And in reſpect the importation of victuals into Scotland, from any place beyond ſea, would prove a diſcouragement to tillage, therefore that the prohibition, as now in force by law of Scotland, againſt importation of victuals from Ireland, or any other place beyond ſea into Scotland, do, after the union, remain in the ſame force as now it is, until more proper and effectual ways be provided by the parliament of Great-Britain for diſcouraging the importation of the ſaid victuals from beyond ſea.

VII. That all parts of the united kingdom be for ever, from and after the union, liable to the ſame exciſes upon all exciſeable liquors, excepting only, that the thirty-four gallons Engliſh barrel of beer or ale, amounting to twelve gallons Scots preſent meaſure, ſold in Scotland by the brewer at nine ſhillings and ſixpence Sterling, excluding all duties, and retailed, including duties and the retailers profit, at two-pence the Scots pint, or eighth part of the Scots gallon, be not, after the union, liable on account of the preſent exciſe upon exciſeable liquors in England to any higher impoſi-

tion

paign ſo well, that it had every where a formidable appearance: And, if the execution had anſwered their ſcheme, it would have proved as glorious, as it was, in the concluſion, fatal to them. They reckoned the taking of Barcelona and Turin ſure; and, by that means, they thought the war, both in Spain and Italy, would be ſoon brought to an end. The knew they ſhould be ſuperior to any force, the prince of Baden could bring together, on the Upper Rhine; and they intended to have a great army in Flanders, where they knew our chief ſtrength would be, to act as occaſion or their other affairs ſhould require. But, how well ſoever their ſchemes might ſeem to be laid, they all proved unſucceſsful, and the events, as will be ſeen, happened quite contrary to all their views.

tion than two ſhillings Sterling upon the aforeſaid thirty-four gallons Engliſh barrel, being twelve gallons of the preſent Scots meaſure. And that the exciſe ſettled in England on all other liquors, when the union commences, take place throughout the whole united kingdom.

VIII. That, from and after the union, all foreign ſalt, which ſhall be imported into Scotland, ſhall be charged, at the importation there, with the ſame duties as the like ſalt is now charged with being imported into England, and to be levied and ſecured in the ſame manner. But, in regard the duties on great quantities of foreign ſalt imported may be very heavy on the merchants importers, that therefore all foreign ſalt, imported into Scotland, ſhall be cellared and locked up under the cuſtody of the merchants importers, and the officers employed for levying the duties upon ſalt; and that the merchant may have what quantities thereof his occaſions require, not under a weigh or forty buſhels at a time, giving ſecurity for the duty of what quantity he receives, payable in ſix months. But Scotland ſhall, for the ſpace of ſeven years from the ſaid union, be exempted from paying in Scotland, for ſalt made there, the duty or exciſe now payable for ſalt made in England, but, from the expiration of the ſaid ſeven years, ſhall be ſubject and liable to the ſame duties for ſalt made in Scotland, as ſhall be then payable for ſalt made in England, to be levied and ſecured in the ſame manner, and with proportionable drawbacks and allowances, as in England; with this exception, that Scotland ſhall, after the ſaid ſeven years, remain exempted from the duty of two ſhillings and fourpence the buſhel on home ſalt, imported by an act made in England in the ninth and tenth of king William the third of England. And, if the parliament of Great Britain ſhall, at, or before the expiration of the ſaid ſeven years, ſubſtitute any other fund in place of the ſaid two ſhillings and fourpence of exciſe on the buſhel of home ſalt, Scotland ſhall, after the ſaid ſeven years, bear a proportion of the ſaid fund, and have an equivalent in the terms of this treaty. And that, during the ſaid ſeven years, there ſhall be paid in England for all ſalt made in Scotland, and imported from thence into England, the ſame duties upon the importation, as ſhall be payable for ſalt made in England, to be levied and ſecured in England. And that, after the ſaid ſeven years, as long as the ſaid duty of two ſhillings and fourpence a buſhel upon ſalt is continued in England, the ſaid two ſhillings and fourpence a buſhel ſhall be payable for all ſalt made in Scotland, and imported into England, to be levied and ſecured in the ſame manner; and that, during the continuance of the two ſhillings and fourpence a buſhel upon ſalt made in England, no ſalt whatſoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the ſalt and the cattle and carriages made uſe of in bringing the ſame, and paying twenty ſhillings for every buſhel of ſuch ſalt, and proportionably for a greater or leſſer quantity, for which the carrier, as well as the owner, ſhall be liable, jointly and ſeverally, and the perſons bringing or carrying the ſame, to be impriſoned by any one juſtice of the peace, by the ſpace of ſix months, without bail, and until the penalty be paid. And, for eſtabliſhing an equality in trade, that all fleſh, exported from Scotland to England, and put on board in Scotland to be exported to parts beyond the ſeas, and proviſion for ſhips in Scotland, and for foreign voyages, may be ſalted with Scots ſalt, paying the ſame duty for what ſalt is ſo employed, as the like quantity of ſuch ſalt pays in England, and under the ſame penalties, forfeitures, and proviſions, for preventing of frauds, as are mentioned in the laws of England. And that, from and after the union, the laws and acts of parliament in Scotland for pining, curing, and packing of herrings, white fiſh, and ſalmon for exportation, with foreign ſalt only, without any mixture of Britiſh or Iriſh ſalt, and for preventing of frauds, and curing and packing of fiſh, be continued in force in Scotland, ſubject to ſuch alterations as ſhall be made by the parliament of Great-Britain; and that all fiſh exported from Scotland to parts beyond the ſeas, which ſhall be cured with foreign ſalt only, and without mixture of Britiſh or Iriſh ſalt, ſhall have the ſame eaſes, premiums, and drawbacks, as are or ſhall be allowed to ſuch perſons as export the like fiſh from England: And that, for encouragement of the herring-fiſhing, there ſhall be allowed and paid to the ſubjects, inhabitants of Great-Britain, during the preſent allowances for other fiſhes, ten ſhillings and fivepence Sterling for every barrel of white herrings, which ſhall be exported from Scotland; and that they ſhall be allowed five ſhillings Sterling for every barrel of beef or pork ſalted with foreign ſalt, without mixture of Britiſh or Iriſh ſalt, and exported for ſale from Scotland to parts beyond ſea, alterable by the parliament of Great-Britain. And, if any matters of frauds, relating to the ſaid duties on ſalt, hereafter appear, which are not ſufficiently provided againſt by this article, the ſame ſhall be ſubject to ſuch further proviſions as ſhall be thought fit by the parliament of Great-Britain.

IX. That whenever the ſum of one million, nine hundred and ninety-ſeven thouſand, ſeven hundred and ſixty-three pounds, eight ſhillings, and fourpence halfpenny, ſhall be enacted by the parliament of Great-Britain, to be raiſed in that part of the united kingdom now called England, on land and other things uſually charged in acts of parliament there, for granting an aid to the crown by a land-tax; that part of the united kingdom, now called Scotland, ſhall be charged by the ſame act with the further ſum of forty-eight thouſand pounds free of all charges, as the quota of Scotland to ſuch tax, and ſo proportionably for any greater or leſſer ſum raiſed in England by any tax on land, and other things uſually charged, together with the land: And that ſuch quota for Scotland, in the caſes aforeſaid, be raiſed and collected in the ſame manner as the ceſs now is in Scotland, but ſubject to ſuch regulations in the manner of collecting as ſhall be made by the parliament of Great-Britain.

X. That during the continuance of the reſpective duties on ſtamped paper, vellum, and parchment, by the ſeveral acts now in force in England, Scotland ſhall not be charged with the ſame reſpective duties.

XI. That, during the continuance of the duties payable in England on windows and lights, which determines on the firſt day of Auguſt 1710, Scotland ſhall not be charged with the ſame duties.

XII. That, during the continuance of the duties payable in England, on coals, culm, and cynders, which determines the thirtieth day of September 1710, Scotland ſhall not be charged therewith for coals, culm, and cynders conſumed there, but ſhall be charged with the ſame duties as in England for all coals, culm, and cynders not conſumed in Scotland.

XIII. That, during the continuance of the duty payable in England on malt, which determines the twenty-fourth day of June 1707, Scotland ſhall not be charged with that duty.

XIV. That the kingdom of Scotland be not charged with any other duties laid on by the parliament of England before the union, except theſe conſented to in this treaty; in regard it is agreed, that all neceſſary proviſion ſhall be made by the parliament of Scotland for the public charge and ſervice of that kingdom for the year 1707. 'Provided nevertheleſs,' That if the parliament of England ſhall think fit to lay any further impoſitions by way of cuſtoms, or ſuch exciſes, with which, by virtue of this treaty, Scotland is to be charged equally with England; in ſuch caſe Scotland ſhall be liable to the ſame cuſtoms and exciſes, and have an equivalent to be ſettled by the parliament of Great-Britain, with this further proviſion, that any malt to be made and conſumed in that part of the united kingdom, now called Scotland, ſhall not be charged with any impoſition on malt, during this preſent war. And ſeeing it cannot be ſuppoſed, that the parliament of Great-Britain will ever lay any ſort of burthens upon the united kingdom, but what they ſhall find of neceſſity at that time for the preſervation and good of the whole, and with due regard to the circumſtances and abilities of every part of the united kingdom; therefore 'it is agreed,' that there be no further exemption inſiſted upon for any part of the united kingdom, but that the conſideration of any exemptions beyond what is already agreed on in this treaty, ſhall be left to the determination of the parliament of Great-Britain.

XV. That whereas by the terms of this treaty, the ſubjects of Scotland, for preſerving an equality of trade throughout the united kingdom, will be liable to ſeveral cuſtoms and exciſes now payable in England, which will be applicable towards payment of the debts of England, contracted before the union; 'it is agreed,' that Scotland ſhall have an equivalent for what the ſubjects thereof ſhall be ſo charged towards payment of the ſaid debts of England in all particulars whatſoever, in manner following, viz. That, before the union of the ſaid kingdoms, the ſum of three hundred ninety-eight thouſand and eighty-five pounds, ten ſhillings, be granted to her majeſty by the parliament of England for the uſes after-mentioned, being the equivalent to be anſwered to Scotland for ſuch parts of the ſaid cuſtoms and exciſes upon all exciſeable liquors, with which that kingdom is to be charged upon the union, as will be applicable to the payment of the ſaid debts of England, according to the proportions which the preſent cuſtoms of Scotland, being thirty-thouſand pounds per annum, do bear to the cuſtoms in England, computed at one million, three hundred and forty-one thouſand, five hundred and fifty-nine pounds per annum. And which the preſent exciſes on exciſeable liquors in Scotland, being thirty-three thouſand and five hundred pounds per annum, do bear to the exciſes on exciſeable liquors in England, computed at nine hundred and ſo ty-ſeven thouſand, ſix hundred and two pounds per annum; which ſum of three hundred and ninty-eight thouſand eighty-five pounds, ten ſhillings, ſhall be due and payable from the time of the union. And in regard, that, after the union, Scotland becoming liable to the ſame cuſtoms and duties payable on import and export, and to the ſame exciſes on all exciſeable liquors as in England, as well upon that account, as upon the account of the increaſe of trade and people (which will be the happy conſequence of the union) the ſaid revenues will much improve beyond the before-mentioned annual values thereof, of which no preſent eſtimate can be made; yet nevertheleſs, for the reaſons aforeſaid, there ought to be a proportionable equivalent anſwered to Scotland; 'it is agreed,' that, after the union, there ſhall be an account kept of the ſaid duties ariſing, to the end it may appear what ought to be anſwered to Scotland as an equivalent for ſuch proportion of the ſaid increaſe, as ſhall be applicable to the payment of the debts of England. And, for the further and more effectual anſwering the ſeveral ends hereafter mentioned, 'it is agreed,' that, from and after the union, the whole increaſe of the revenues of cuſtoms and duties on import and export, and exciſes upon exciſable liquors in Scotland, over and above the annual produce of the ſaid reſpective duties as above ſtated, ſhall go and be applied for the term of ſeven years to the uſes hereafter mentioned, and that upon the ſaid account there ſhall be anſwered to Scotland annually, from the end of ſeven years after the union, an equivalent in proportion to ſuch part of the ſaid increaſe, as ſhall be applicable to the debts of England; and generally, that an equivalent ſhall be anſwered to Scotland for ſuch parts of the Engliſh debts as Scotland may hereafter become liable to pay by reaſon of the union, other than ſuch, for which appropriations have been made by parliament in England, of the cuſtoms or other duties on export and import, exciſes on all exciſeable liquors: In reſpect of which debts, equivalents are herein before provided. And as for the uſes, to which the ſaid ſum of three hundred and ninty-eight thouſand and eighty-five pounds, ten ſhillings, to be granted as aforeſaid, and all other monies, which are to be anſwered or allowed to Scotland as ſaid is, are to be applied, 'it is agreed,' that, in the firſt place, out of the aforeſaid ſum, what conſideration ſhall be found neceſſary to be had for any loſſes, which private perſons may ſuſtain, by reducing the coin of Scotland to the ſtandard and value of the coin of England, may be made good. In the next place, that the capital ſtock, or fund of the African and Indian company of Scotland, advanced together with the intereſt for the ſaid capital ſtock after the rate of five per cent. per annum, from the reſpective times of the payment thereof, ſhall be paid: Upon payment of which capital ſtock and intereſt, 'it is agreed,' the ſaid company be diſſolved and ceaſe; and alſo, that from the time of paſſing the act of parliament in England for raiſing the ſaid ſum of three hundred and ninety-eight thouſand and eighty-five pounds, ten ſhillings, the ſaid company ſhall neither trade, nor grant licence to trade, providing, that if the ſaid ſtock and intereſt ſhall not be paid in twelve months after the commencement of the union, that then the ſaid company may from thence forward trade, or give licence to trade, until the ſaid whole capital ſtock and intereſt ſhall be paid. And as to the overplus of the ſaid ſum of three hundred and ninety-eight thouſand and eighty-five pounds, ten ſhillings, after payment of what conſideration ſhall be had for loſſes in repairing the coin, and paying the ſaid capital ſtock and intereſt; and alſo the whole increaſe of the ſaid revenues of cuſtoms, duties, and exciſes, above the preſent value, which ſhall ariſe in Scotland during the ſaid term of ſeven years, together with the equivalent, which ſhall become due upon the improvement thereof in Scotland, after the ſaid term: And alſo as to all other ſums, which, according to the agreements aforeſaid, may become payable to Scotland, by way of equivalent for what that kingdom ſhall hereafter become liable, towards payment of the debt of England, 'it is agreed,' that the ſame be applied in manner following, viz. That all the public debts of the kingdom of Scotland, as ſhall be adjuſted by this preſent parliament, ſhall be paid: And that two thouſand pounds per annum, for the

The duke of Marlborough arived at the Hague the 25th of April, N. S. and, continuing there till the 9th of May, had repeated conferences with the deputies of the States and their generals, upon the neceſſary meaſures to be taken for opening the campaign. The duke, with monſieur Auverquerque, came to Maeſtricht on the 12th of May, and the next day they reviewed the army; and on the 21ſt, the Engliſh troops joined the Dutch between Borchloen and Groes-Waren. The confederate army then conſiſted of ſeventy-four battalions of foot, and one hundred and twenty-three ſquadrons of horſe and dragoons, having with them an hundred canon, twenty hawbitzers, and forty-two pontoons.

The court of France, in the mean time, had information, that the confederate army in the Netherlands was not yet compleat; that the Danes refuſed to ſtir from their quarters till their arrears were paid; and that the Pruſſians, for other reaſons, were yet ſo far behind, that they could not join the duke of Marlborough in ſeveral weeks. It was ſaid, that the French king had penſioners in the courts of Denmark and Pruſſia, who had promiſed him to uſe their utmoſt endeavours to retard the march of their reſpective maſters forces (which were in the pay of England and Holland) to the general rendezvous; upon the confidence of which, the French king ſent ſuch poſitive orders to marſhal Villeroy to fight the allies, that the elector of Bavaria, who was then at Bruſſels, had juſt time enough to take poſt-horſes, to join the army, which paſſed the Deule the 19th of May, and poſted themſelves at Tirlemont, with the Gheet before them. This army, under the command of the elector of Bavaria and marſhal Villeroy, conſiſted of ſeventy thouſand men, and would have been ſuperior to the confederate army without the Danes.

The confederates, on their ſide, were no leſs eager for an engagement, but could hardly flatter themſelves with the hopes of having ſo early and ſo fair an opportunity for it. The duke of Marlborough being apprehenſive, that the French would take the ſame method over again, and keep behind the Deule, as they had done the year before, had ſeveral times expreſſed his concern about it to thoſe, who were

ſpace of ſeven years, ſhall be applied towards encouraging and promoting the manufacture of coarſe wool within thoſe ſhires, which produce the wool; and that the firſt two thouſand pounds Sterling be paid at Martinmaſs next, and ſo yearly at Martinmaſs during the ſpace aforeſaid. And afterwards the ſame ſhall be wholly applied towards the encouraging and promoting the fiſheries, and ſuch other manufactures and improvements in Scotland, as may moſt conduce to the general good of the united kingdom. 'And it is agreed,' that her majeſty may be impowered to appoint commiſſioners, who ſhall be accountable to the parliament of Great-Britain, for diſpoſing the ſaid ſum of three hundred and ninety-eight thouſand and eighty-five pounds, ten ſhillings, and all other monies, which ſhall ariſe to Scotland upon the agreements aforeſaid, to the purpoſes before-mentioned: Which commiſſioners ſhall be impowered to call for, receive, and diſpoſe of the ſaid monies in manner aforeſaid; and to inſpect the books of the ſeveral collectors of the revenues, and of all other duties from whence an equivalent may ariſe, and that the collectors and managers of the ſaid revenues and duties be obliged to give to the ſaid commiſſioners ſubſcribed authentic abbreviates to the produce of ſuch revenues and duties ariſing in their reſpective diſtricts: And that the ſaid commiſſioners ſhall have their office within the limits of Scotland, and ſhall in ſuch office keep books, containing accounts of the amount of the equivalent, and how the ſame ſhall have been diſpoſed of from time to time, which may be inſpected by any of the ſubjects, who ſhall deſire the ſame.

XVI. That, from and after the union, the coin ſhall be of the ſame ſtandard and value throughout the united kingdom, as now in England, and a mint ſhall be continued in Scotland under the ſame rules as the mint in England, and the preſent officers of the mint continued, ſubject to ſuch regulations, as her majeſty, her heirs or ſucceſſors, or the parliament of Great-Britain ſhall think fit.

XVII. That, from and after the union, the ſame weights and meaſures ſhall be uſed throughout the united kingdom, as are now eſtabliſhed in England; and ſtandards of weights and meaſures ſhall be kept by thoſe burghs in Scotland, to whom the keeping the ſtandards of weights and meaſures, now in uſe there, does of ſpecial right belong. All which ſtandards ſhall be ſent down to ſuch reſpective burghs from the ſtandards kept in the Exchequer at Weſtminſter, ſubject nevertheleſs to ſuch regulations, as the parliament of Great-Britain ſhall think fit.

XVIII. That the laws concerning regulation of trade, cuſtoms, and ſuch exciſes to which Scotland is, by virtue of this treaty, to be liable, be the ſame in Scotland, from and after the union, as in England; and that all other laws in uſe within the kingdom of Scotland, do, after the union, and notwithſtanding thereof, remain in the ſame force as before (except ſuch as are contrary to, or inconſiſtent with this treaty) but alterable by the parliament of Great-Britain: With this difference betwixt the laws concerning the public right, policy, and civil government, and thoſe that which concern private right, that the laws, which concern public right, policy, and civil government, may be the ſame throughout the whole united kingdom; but that no alteration be made in laws which concern private right, except for evident utility of the ſubjects within Scotland.

XIX. That the court of ſeſſion, or college of juſtice, do, after the union, and notwithſtanding thereof, remain in all time coming within Scotland, as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the union, ſubject nevertheleſs to ſuch regulations, for the better adminiſtration of juſtice, as ſhall be made by the parliament of Great-Britain; and that hereafter none ſhall be named by her majeſty, or her royal ſucceſſors, to be ordinary lords of ſeſſion, but ſuch who have ſerved in the college of juſtice as advocates, or principal clerks of ſeſſion for the ſpace of five years; or, as writers to the ſignet, for the ſpace of ten years; with this proviſion, that no writer to the ſignet be capable to be admitted a lord of the ſeſſion, unleſs he undergo a private and public trial on the civil law, before the faculty of advocates, and be found by them qualified for the ſaid office, two years before he be named to be a lord of ſeſſion: Yet ſo, as the qualification made, or to be made, for capacitating perſons to be named ordinary lords of ſeſſion, may be altered by the parliament of Great-Britain. And that the court of juſticiary do alſo, after the union, and, notwithſtanding thereof, remain in all time coming within Scotland, as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the union, ſubject nevertheleſs to ſuch regulations as ſhall be made by the parliament of Great-Britain, and without prejudice of other rights of juſticiary; and that all admiralty juriſdictions be under the lord high-admiral, or commiſſioners for the admiralty of Great-Britain for the time being; and that the court of Admiralty, now eſtabliſhed in Scotland, be continued, and that all reviews, reductions, or ſuſpenſions of the ſentences in maritime caſes, competent to the juriſdiction of that court, remain in the ſame manner after the union, as now in Scotland, until the parliament of Great-Britain ſhall make ſuch regulations and alterations, as ſhall be judged expedient for the whole united kingdom, ſo as there be always continued in Scotland, a court of Admiralty, ſuch as is in England, for determination of all maritime caſes relating to private rights in Scotland, competent to the juriſdiction of the admiralty court, ſubject nevertheleſs to ſuch regulations and alterations, as ſhall be thought proper to be made by the parliament of Great-Britain; and that the heretable rights of admiralty and vice admiralties in Scotland be reſerved to the reſpective proprietors as rights of property, ſubject, nevertheleſs, as to the manner of exerciſing ſuch heretable rights, to ſuch regulations and alterations as ſhall be thought proper to be made by the parliament of Great-Britain. And that all other courts now in being within the kingdom of Scotland do remain, but ſubject to alterations by the parliament of Great-Britain; and that all inferior courts within the ſaid limits do remain ſubordinate, as they are now, to the ſupreme courts of juſtice within the ſame, in all time coming; and that no cauſes in Scotland be cognoſcible by the courts of Chancery, Queen's-Bench, Common-Pleas, or any other court in Weſtminſter-Hall; and that the ſaid courts, or any other of the like nature, after the union, ſhall have no power to cognoſce, review, or alter the acts or ſentences of the judicature within Scotland, or ſtop the execution of the ſame; And that there be a court of Exchequer in Scotland after the union, for deciding queſtions concerning the revenues of cuſtoms and exciſes there, having the ſame power and authority in ſuch caſes, as the court of Exchequer has in England; and that the ſaid court of Exchequer in Scotland have power of paſſing ſignatures, gifts, tutories, and in other things, as the court of Exchequer at preſent in Scotland hath, and that the court of Exchequer, that now is in Scotland, do remain until a new court of Exchequer be ſettled by the parliament of Great-Britain in Scotland after the union: And that, after the union, the queen's majeſty, and her royal ſucceſſors, may continue a privy-council in Scotland, for preſerving the public peace and order, until the parliament of Great-Britain ſhall think fit to alter it, or eſtabliſh any other effectual method for that end.

XX. That all heretable offices, ſuperiorities, heretable juriſdictions, offices for life, and juriſdictions for life, be reſerved to the owners thereof, as rights of property, in the ſame manner as they are now enjoyed by the laws of Scotland, notwithſtanding this treaty.

XXI. That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain entire after the union, and notwithſtanding thereof.

XXII. That, by virtue of this treaty, of the peers of Scotland at the time of the union, ſixteen ſhall be the number to ſit and vote in the houſe of lords, and forty-five the number of the repreſentatives of Scotland, in the houſe of commons, of the parliament of Great-Britain; and that when her majeſty, her heirs or ſucceſſors, ſhall declare her or their pleaſure, for holding the firſt or any ſubſequent parliament of Great-Britain, until the parliament of Great-Britain ſhall make further proviſion therein, a writ do iſſue under the great ſeal of the united kingdom, directed to the privy council of Scotland, commanding them to cauſe ſixteen peers, who are to ſit in the houſe of lords, to be ſummoned to parliament; and forty-five members to be elected to ſit in the houſe of commons of the parliament of Great-Britain, according to the agreement in this treaty, in ſuch manner as by an act of this preſent ſeſſion of the parliament of Scotland is or ſhall be ſettled: which act is hereby declared as valid as if it were a part of, and engroſſed in this treaty: And that the names of the perſons ſo ſummoned and elected, ſhall be returned by the privy-council of Scotland, into the court from whence the ſaid writ did iſſue. And that if her majeſty, on or before the firſt day of May next, on which day the union is to take place, ſhall declare under the great ſeal of England, that it is expedient that the lords of parliament of England, and commons of the preſent parliament of England, ſhould be the members of the reſpective houſes of the firſt parliament of Great-Britain, for and on the part of England, then the ſaid lords of parliament of England, and commons of the preſent parliament of England ſhall be the members of the reſpective houſes of the firſt parliament of Great-Britain, for and on the part of England. And her majeſty may, by her royal proclamation, under the great ſeal of Great-Britain, appoint the ſaid firſt parliament of Great-Britain, to meet at ſuch time and place as her majeſty ſhall think fit, which time ſhall not be leſs than fifty days after the date of ſuch proclamation: And, the time and place of the meeting of ſuch parliament being ſo appointed, a writ ſhall be immediately iſſued under the great ſeal of Great-Britain, directed to the privy-council of Scotland, for the ſummoning the ſixteen peers, and for electing forty-five members, by whom Scotland is to be repreſented in the parliament of Great-Britain: And the lords of parliament of England, and the ſixteen peers of Scotland, ſuch ſixteen peers being ſummoned and returned in the manner agreed in this treaty; and the members of the houſe of commons of the ſaid parliament of England, and the forty-five members for Scotland, ſuch forty-five members being elected and returned in the manner agreed to in this treaty, ſhall aſſemble and meet reſpectively in their reſpective houſes of the parliament of Great-Britain, at ſuch time and place as ſhall be ſo appointed by her majeſty, and ſhall be the two houſes of the firſt parliament of Great-Britain; and that parliament may continue for ſuch time only, as the preſent parliament of England might have continued, if the union of the two kingdoms had not been made, unleſs ſooner diſſolved by her majeſty. And that every one of the lords of parliament of Great-Britain, and every member of the houſe of commons of the parliament of Great-Britain, in the firſt, and all ſucceeding parliaments of Great-Britain, until the parliament of Great-Britain ſhall otherways direct, ſhall take the reſpective oaths appointed to be taken, inſtead of the oaths of allegiance and ſupremacy, by an act of parliament made in England, in the reign of the late king William and queen Mary, entitled, 'An act for the abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths;' and make, ſubſcribe, and audibly repeat the declaration mentioned in an act of parliament made in England, in the thirtieth year of the reign of king Charles II. entitled, 'An act for the more effectually preſerving the king's perſon and government, by diſabling papiſts from ſitting in either houſe of parliament;' and ſhall take and ſubſcribe the oath mentioned in an act of parliament made in the firſt year of her

intimate with him; and was already taking meaſures how to prevent it, when an unexpected occaſion was thrown into his hands, of ſignalizing again his courage and conduct.

Upon the enemy's paſſing the Deule, the duke ſent orders to the Daniſh horſe, who were coming from their garriſons, to haſten their march; and, that there might not be the leaſt pretence of delay, he engaged his promiſe with the field deputies of the States, that their arrears ſhould be paid them. The duke of Wirtemberg, who commanded thoſe troops, and was well affected to the common cauſe, ſeeing every thing was complied with, that the king of Denmark inſiſted on, thought he needed not to ſtay till he ſent to that court, nor wait for expreſs orders; and therefore commanded his troops to march; and they made ſuch expedition, that, on the 22d of May, N. S. being the day before the battle, they came up within a league of the rear of the confederate army.

About the ſame time, the French having been joined by the horſe of marſhal de Marſin's army, and confiding in their ſuperiority of numbers, came out of their lines and encamped between Tirlemont and Judoigne.

The next day, being Whitſunday, about four o'clock in the morning, the confederate army marched in eight columns towards Ramillies, a village near which the Gheet takes its ſource, that they might avoid the inconveniency of paſſing that river [c]. They ſoon had information, that the enemy's army, having decamped from Tirlemont, was likewiſe on their march to meet them, their baggage and heavy cannon being left at Judoigne. The elector of Bavaria and marſhal de Villeroy, not in the leaſt ſuſpecting, that the Danes had joined the confederate army, were fully determined upon engaging them, either that day or the next, being apprehenſive, that the duke of Marlborough had formed a deſign of inveſting Namur. The enemy's army then conſiſted of ſeventy-ſix battalions of foot, and a hundred and thirty-two ſquadrons of horſe, having ſixty-two cannon, eleven mortars, and thirty-ſix pontoons. Their immediate deſign was to poſſeſs themſelves of Ramillies, and the ſtrong camp thereabouts, to prevent the confederates doing the ſame; and in this they ſo far ſucceeded, that, being nearer, they got there firſt. Their fears were however groundleſs concerning Namur; for the duke of Marlborough had no ſuch deſign. His reſolution was the ſame with theirs; and, had not they offered him battle that day, he would certainly have attacked them the next. The two armies met near the village of Ramillies, from whence the battle took its name. When the confederate army was advanced near this place, they found the enemy getting into the camp of mount St. André, and placing their right on the Mehaigne, where they had poſted a brigade of foot, and filled the ſpace between that and Ramillies, which is about half a league, an open and level ground, with near a hundred ſquadrons, among which were the troops of the king's houſhold. They had likewiſe above twenty battalions of foot, with a battery of about twelve pieces of cannon, at Ramillies.

About one in the morning, the duke of Marlborough ſent the quarter-maſter general with the camp colours, and a few ſquadrons towards Ramillies, to make a feint, as if they deſigned to form a camp there, the better to penetrate into the enemy's deſigns: and, about three, the duke and monſieur Auverquerque decamped with the whole army, and advanced in eight columns in a great fog. A little after eight, the advanced guard of the confederates, which conſiſted of ſix hundred horſe, and had been ſent with all the quarter-maſters of the army, to view the ground, arrived at the height of Merdorp (or Merdan) from whence they perceived, that the enemy were in motion, and marched in the plain of mount St. André, extending themſelves as far as the tomb of Hottomont, towards the Mehaigne. Hereupon they halted, and ſent intelligence to the duke of Marlborough and monſieur Auverquerque, who being advanced about ten to view the the enemy, they could not at firſt judge, whether thoſe ſquadrons they ſaw were only to cover their march into their lines, or whether they were the van of the enemy, that came to offer battle. The duke therefore gave orders to the horſe to haſten their march, reſolving, if thoſe he ſaw had been only covering ſquadrons, to attack them with his cavalry only. But, the fog being ſoon diſperſed, and the army being then in full view of the enemy, the duke found their whole army approach, with an apparent reſolution to fight, upon which he made all the neceſſary diſpoſitions to receive them. The enemy, ſeeing the confederates ſo near them, poſſeſſed themſelves of a very ſtrong camp; placing their right near the tomb of Hottomont, againſt the Mehaigne, and their left at Anderkirk, and poſted a good number of their infantry in the villages of Anderkirk, Offuz, and Ramillies, which laſt was near their center; beſides which, they put five battalions near the hedges of the village of Franquenies, which was on their right. The confederate army was at the ſame time drawn up in order of battle, the right wing being poſted near Foltz, on the rivulet Yauſe, with a little moraſs in front; and the left near the village of Franquenies on the Mehaigne; where, beſides the number of the horſe belonging to that wing, the duke of Marlborough ordered the Daniſh ſquadrons, being twenty-one in number, to be poſted; rightly judging, by the ſituation of the ground, that the ſtreſs of the action would be on that ſide. All things being thus diſpoſed, it was reſolved to attack the village of Ramillies, which was the enemy's principal poſt, and from thence to Anderkirk, had formed a line of foot along the Gheet, and a line of horſe behind them. In order to this attempt, twenty pieces of cannon of twenty-four pounders, and ſome hawbitzers, were brought up, and twelve battalions, which were to be ſupported by the whole line, were ordered to make the firſt onſet, under the command of lieutenant-general Schultz.

About half an hour paſt one, the artillery of the confede-

her majeſty's reign, entitled, 'An act to declare the alterations in the oath appointed to be taken by the act entitled, an act for the further ſecurity of her majeſty's perſon, and the ſucceſſion of the crown in the proteſtant line, and for extinguiſhing the hopes of the pretended prince of Wales, and all other pretenders, and their ſecret abettors;' and for declaring the aſſociation to be determined at ſuch time, and in ſuch manner, as the members of both houſes of parliament of England are, by the ſaid reſpective acts, directed to take, make, and ſubſcribe the ſame, upon the penalties and diſabilities in the ſaid reſpective acts contained. And it is declared and agreed, that theſe words, 'This Realm, The Crown of this Realm, and The Queen of this Realm,' mentioned in the oaths and declaration contained in the aforeſaid acts, which were intended to ſignify the crown and realm of England, ſhall be underſtood of the crown and realm of Great-Britain; and that, in that ſenſe, the ſaid oaths and declaration be taken and ſubſcribed by the members of both houſes of the parliament of Great-Britain.

XXIII. That the aforeſaid ſixteen peers of Scotland, mentioned in the laſt preceding article to ſit in the houſe of lords of the parliament of Great-Britain, ſhall have all privileges of parliament, which the peers of England now have, and which they, or any peers of Great-Britain, ſhall have after the union, and particularly the right of ſitting upon the trials of peers: And in caſe of the trial of any peer, in time of adjournment, or prorogation of parliament, the ſaid ſixteen peers ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges at ſuch trial, as any other peers of Great-Britain; and that, in caſe any trials of peers ſhall hereafter happen, when there is no parliament in being, the ſixteen peers of Scotland who ſate in the laſt preceding parliament, ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges at ſuch trials, as any other peers of Great-Britain: And that all peers of Scotland, and their ſucceſſors to their honours and dignities, ſhall, from and after the union, be peers of Great-Britain, and have rank and precedency next and immediately after the peers of the like orders and degrees in England at the time of the union; and before all peers of Great-Britain, of the like orders and degrees, who may be created after the union, and ſhall be tried as peers of Great-Britain, and ſhall enjoy all privileges of peers, as fully as the peers of England do now, or as they, or any other peers of Great-Britain, may hereafter enjoy the ſame, except the right and privilege of ſitting in the houſe of lords, and the privileges depending thereon, and particularly the right of ſitting upon the trials of peers.

XXIV. That, from and after the union, there be one great ſeal for the united kingdom of Great-Britain, which ſhall be different from the great ſeal now uſed in either kingdom; and that the quartering the arms, and the rank and precedency of the lion king of arms of the kingdom of Scotland, as may beſt ſuit the union, be left to her majeſty: And that, in the mean time, the great ſeal of England be uſed as the great ſeal of the united kingdom; and that the great ſeal of the united kingdom be uſed for ſealing writs to elect and ſummon the parliament of Great-Britain, and for ſealing all treaties with foreign princes and ſtates, and all public acts, inſtruments, and orders of ſtate, which concern the whole united kingdom, and in all other matters relating to England, as the great ſeal of England is now uſed; and that a ſeal in Scotland, after the union, be always kept and made uſe of in all things relating to private rights or grants, which have uſually paſſed the great ſeal of Scotland, and which only concern offices, grants, commiſſions, and private rights within that kingdom; and that, until ſuch ſeal be appointed by her majeſty, the preſent great ſeal of Scotland ſhall be uſed for ſuch purpoſes; and that the privy-ſeal, ſignet, caſſet, ſignet of the juſticiary court, quarter ſeal, and ſeals of courts now uſed in Scotland be continued: But that the ſaid ſeals be altered and adapted to the ſtate of the union, as her majeſty ſhall think fit; and the ſaid ſeals, and all of them, and the keepers of them ſhall be ſubject to ſuch regulations, as the parliament of Great-Britain ſhall hereafter make. And that the crown, ſcepter, ſword of ſtate, the records of parliament, and all other records, rolls, and regiſters whatſoever, both public and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the united kingdom now called Scotland; and that they ſhall ſo remain in all time coming, notwithſtanding of the union.

XXV. That all laws and ſtatutes in either kingdom, ſo far as they are contrary to, or inconſiſtent with the terms of theſe articles, or any of them, ſhall, from and after the union, ceaſe and become void, and ſhall be ſo declared to be by the reſpective parliaments of the ſaid kingdoms.

[c] Ramillies is a village (ſurrounded with a ditch) in Brabant, in the diſtrict of Louvain, by the ſkirts of the province of Namur, rendered famous to all poſterity by the glorious victory obtained there by the duke of Marlborough and monſieur D' Auverquerque, over the elector of Bavaria and marſhal Villeroy, which was followed by the reduction of almoſt all the Netherlands in two months time. It lies at the head of the Gheet, about a mile and a half north from the ſide of the Mehaigne, that interval being the narrow aperture where that glorious battle was fought. It is ſix miles almoſt ſouth from Judoigne, twelve miles ſouth from Tirlemont, fourteen miles weſt-north-weſt from Huy, and eleven miles north from Namur.

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rates began to play. It was immediately anſwered by the enemy's cannon; and both continued firing with conſiderable execution. Whilſt the duke of Marlborough was at the head of the lines, to give the neceſſary orders every where, velt-marſhal Auquerque repaired to the left, where perceiving, that the enemy's foot poſted in the hedges of Franquenies, galled the horſe of that wing, he commanded four battalions, with two pieces of cannon under colonel Wertmuller, to diſlodge them from thence, which they performed with great vigour and reſolution. Hereupon the enemy detached two battalions and fourteen ſquadrons of dragoons on foot, to regain that important poſt; but Auverquerque commanded, at the ſame time, the whole wing of the Dutch horſe, to attack the enemy; which not only prevented their deſign, but put thoſe dragoons into ſuch diſorder, that they were not able, either to reach the village, or recover their horſes, which they had left a good way behind the tomb of Hottomont, and were moſt of them cut in pieces, and taken priſoners. The Dutch cavalry charged with a good deal of bravery, ſword in hand, and ſoon after the engagement were ſuſtained by the Daniſh ſquadrons; but having to deal with the French king's houſhold, the muſquetaires, gens-d'armes, guarde de corps, horſe grenadiers, and other choice troops which were in the enemy's right, the conflict was obſtinate, and the ſucceſs doubtful for above an hour. The Daniſh horſe which fought on the left of all, behaved themſelves with ſuch gallantry, that they forced the enemy to give ground, and broke ſeveral of their ſquadrons; but, at the ſame time, the French had almoſt an equal advantage againſt the Dutch horſe of the right of the left wing, whom they put into great confuſion. To remedy this, the duke of Marlborough, who was advanced that way, ſent for twenty ſquadrons of horſe from the right wing, where they could not engage the enemy's left, by reaſon of a moraſs, which ſeparated them; and with theſe he reinforced his left, adding to them his body of reſerve [d].

The duke, while theſe troops were advancing from the right, rallied ſome of the broken ſquadrons, and gave his orders for others to charge. In this place he was in the extremity of danger; for, being ſingled out by ſeveral of the moſt reſolute of the enemy, and having the misfortune, as he was leaping a ditch, to fall from his horſe [e], he had been either killed or taken priſoner, if ſome of the confederate foot, that were near at hand, had not come very ſeaſonably to his aſſiſtance. After this, he had ſtill a narrower eſcape, a cannon-ball taking off the head of colonel Brienfield, his gentleman of the horſe, as he was holding the ſtirrup for the duke to remount.

The twenty ſquadrons, which the duke had ſent for from the right to reinforce the left, had but little ſhare in the defeat of the enemy's right; for, by that time they were come up, the Dutch and Danes, having charged them both in front and flank, had almoſt compleated that ſignal piece of ſervice, cutting in pieces the beſt part of the French king's houſhold troops, ſo that they could never be fully re-eſtabliſhed during the remainder of the war. In the mean time, the village of Ramillies was vigorouſly attacked by general Schultz, with the twelve battalions under him. The enemy, having the advantage of the ground, defended themſelves with great reſolution and obſtinacy, till, ſeeing the whole line of the confederate infantry in motion to ſupport general Schultz, and the Dutch and Daniſh horſe advancing to ſurround them, they thought of making their retreat; but found it was too late; for they were intercepted by the victorious horſe, and moſt of them either killed or taken priſoners.

The reſt of the enemy's infantry endeavoured likewiſe to make their eſcape, which they did in better order, being favoured by the horſe of their left wing, who, being covered by a rivulet and moraſs, had not yet been attacked, and formed themſelves in three lines between Offuz and Anderkirk. But the Engliſh horſe, having found means to paſs the rivulet, charged the enemy with ſuch unparallelled briſkneſs and courage, that they entirely abandoned their foot; and our dragoons, puſhing into the village of Anderkirk, made a terrible ſlaughter of them. The reſt of the enemy, who were at the ſame time attacked by the Engliſh and Dutch foot with equal bravery, gave way on all ſides. Their horſe rallied again in the plains, to cover the diſorderly retreat of their foot; but they were ſo cloſely purſued by the confederate cavalry, that they were forced to divide themſelves into three ſmall bodies, that they might fly the better three different ways. Thoſe, that took to the left, were purſued by the Dutch and Danes, who made great ſlaughter amongſt them, and took abundance of priſoners; and thoſe, that fled to the right, were chaced by the regiments of Lumley, Hay, and Roſs; which two laſt fell in with the foot regiment du roy, of whom having killed many, the reſt threw down their arms, and begged quarter, which was immediately granted. Upon this, they delivered their arms and colours to the lord John Hay's dragoons; but, when theſe dragoons faced about, in order to purſue the enemy, they treacherouſly attempted to take up their arms again; in which, however, they were prevented, and ſuffered ſeverely for their perfidy.

The foremoſt regiments of the Engliſh horſe, that purſued the enemy's center, were that of lieutenant-general Wood, commanded by himſelf, and Wyndham's (afterwards Palmes's) carabineers, headed by major Perry. When they came upon a riſing ground, they ſaw ſeven ſquadrons of the Spaniſh and Bavarian guards, among whom was the elector himſelf, and Villeroy, who hoped, with theſe few choice troops, to make good their retreat, and ſave their cannon, which was marching in a line before them. General Wood galloped with his own regiment upon the enemy's left, and charged them ſo vigorouſly, that he broke them entirely, killing many of them, and taking not a few priſoners, among whom were two lieutenant-colonels, one major, four captains, and ſeveral ſubaltern officers. He alſo took the ſtandard of the elector's guards, two of his own troopers, and killed his kettle-drummer; the elector himſelf and Villeroy very narrowly eſcaping. Major Perry, at the head of Wyndham's carabineers, fell upon the enemy with equal briſkneſs and reſolutions; put many of them to the ſword, and took ſeveral priſoners, particularly the major of the Spaniſh guards, monſieur de la Guertiere, and monſieur de Bruan, cornet of the ſame, beſides four officers, and forty-ſix private men of the royal bombardiers, with their colours. The Engliſh horſe and dragoons followed the chace through and by Judoigne, till two o'clock in the morning, as far as Meldert, being five leagues from the place, where the action happened, and two from Louvain. During this retreat, a misfortune happened to the enemy, which contributed not a little to compleat the victory. Several waggons of their van-guard breaking down ſtopped the way, ſo that their baggage artillery, which followed, could not paſs, nor could their troops defile in good order. Perceiving, that the confederate horſe, having got intelligence of this accident, purſued them cloſe, they threw down their arms, that they might eſcape with the more eaſe, and retreated in the greateſt confuſion. Here it was, that the moſt priſoners were taken; for, in the action, little or no quarter was given, the confederate horſe having been highly provoked by the idle gaſconades of the French muſquetaires and gens d'armes, of which they were very full when they came to the attack, but paid dearly for it in the ſequel. In ſhort, never was victory more complete; the confederates made themſelves maſters of all the enemy's cannon, except two or three, to the number of about fifty pieces; moſt of their baggage; about a hundred and twenty colours, or ſtandards, and ſeveral pair of kettle-drums. The enemy's loſs of men, according to the moſt general computation, amounted to eight thouſand ſlain, and among them, prince Maximilian and prince Monbaſon; and about ſix thouſand private ſoldiers, and near ſix hundred officers taken priſoners; which, with their deſerters and wounded, made their loſs not leſs than twenty thouſand men [f]. Some accounts make the number of de-

[d] The French writers, who have given a deſcription of this battle, allow of this as a very prudent part of the duke of Marlborough's conduct; but, to cover the diſgrace of their favourite troops, pretend, that the duke ſent fifty, and not twenty ſquadrons from his right, and made four lines of them, beſides a column compoſed of the body of reſerve. "Thus, ſays father Daniel, the whole weight of the battle fell upon the right wing of the French army, where the troops of his majeſty's houſhold were placed. The body, which had hitherto been invincible, entered the enemy's troops, and overthrew the three firſt lines, but, finding a fourth, and the column abovementioned, which was moving to fall upon them in flank, they were obliged to give way, and retire to rally behind the troops, which followed them, and who, inſtead of ſuſtaining them, retreated without coming to the battle. Matters being in this ill ſituation, the left wing of the French, which had not been able to engage by reaſon of the moraſs, which lay between them and the enemy, drew up in order upon a riſing ground, as was well judged by the marquis de Meſiers lieutenant-general, and ſtopped the progreſs of the enemy's horſe, which preſſed the houſhold troops very cloſely, and, by this means, gave them an opportunity to rally, and make their retreat in good order. The moſt part of the troops diſbanded themſelves before the retreat; and this cauſed the diſorders, which followed; for we had not above three or four thouſand men ſlain in the battle."

[e] Some officers, who were in the engagement, ſaid, the duke was borne down by ſome of the diſordered Dutch horſe. Poſſibly both may be true.

[f] The duke of Marlborough ſaid to biſhop Burnet, the French army looked the beſt of any he had ever ſeen: But that their officers did not do their part, nor ſhew the courage that had appeared among them on other occaſions. And, when the biſhop aſked him the difference between the actions at Hochſtedt and at Ramillies, he ſaid, The battle of Hochſtedt laſted between ſeven and eight hours, and we loſt above twelve thouſand men; whereas the battle of Ramillies laſted not above two hours, and we loſt not above two thouſand five hundred men. Vol. II. 451.

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ferters ſo great; that ſcarce half of their army muſt have ever returned to their colours. The perſons of note among the priſoners were meſſieurs Palavicini and Miziere, major generals; the marquis de Bar, brigadier general of horſe; the marquis de Nonant, brigadier general of foot; the marquis de la Baume, ſon of the marſhal de Tallard; monſieur de Montmorency, nephew to the late duke of Luxemburg; a nephew of lord Clare, and ſeveral others [g].

The elector of Bavaria and marſhal de Villeroy, with the greateſt part of the broken remains of their army, continued their precipitate flight till they reached Louvain; where having held (by torch-light, in the market-place) a council of war, they reſolved to abandon that place, and retire towards Bruſſels. On the other hand, the confederates, having halted at Beveſheim the 24th of May, for the refreſhment of their troops, diſpoſed all things for their march early the next morning, in order to force the paſſage of the Deule; but received advice in the night, that the enemy had quitted their camp, and abandoned Louvain. Whereupon bridges being laid over that river, a detachment of five hundred men was ſent to take poſſeſſion of the place, and the whole army paſſed the river the next day, about noon, and encamped at Bethlem [h].

After the battle of Ramillies, there was nothing to be ſeen in the Low-Countries, but a general revolution: and the allies were attended with a continued courſe of conqueſt. The inhabitants of thoſe parts, weary of the French government, received the confederate generals every where as their deliverers, who had redeemed them from ſlavery, and recovered their ancient liberty. The cities of Louvain, Mechlin, and Bruſſels ſubmitted, beſides many leſſer places. Antwerp made a ſhew of ſtanding out, but ſoon followed the example

[g] The marquis de Feuquieres repreſents this battle 'as fatal to the two crowns,' and obſerves, that 'this deciſive action was reſolved upon without any of thoſe inducements, by which a general ought to be conducted, when he determines to engage an enemy.' He lays it down as a maxim with relation to battles, that a general ſhould never be diſpoſed, either to offer or receive battle, except in thoſe conjunctures, wherein the benefits, that will redound to his prince from a proſperous event, will be much greater than any diſadvantage he can poſſibly ſuſtain by a defeat. "This firſt maxim, ſo inconteſtable in its own nature, and ſo neceſſary to be obſerved, was entirely diſregarded on this occaſion by marſhal de Villeroy. Notwithſtanding the fatal event of the battle of Hochſtedt, the war, that rekindled on the Rhine, was ſuſtained with equality. It was carried on to advantage in Italy, where the duke of Vendoſme, who oppoſed prince Eugene, gave monſieur de Feuillade an opportunity to form the ſiege of Turin. The duke of Berwick ſuſtained a very difficult war with Spain, after marſhal de Theſſe had quitted the ſiege of Barcelona in ſo puſillanimous a manner. The confederate crowns therefore ſhould have only maintained a defenſive war in Flanders during this campaign, and for which we were effectually prepared by forming a new line along the Deule. Our reſolution therefore to open the campaign with a general action, the ſucceſs of which would have been but inconſiderable on our part, in that early ſeaſon, was a remarkable error in that general ſtate of affairs; and reſulted from a preſumptive vanity, and a perfect inattention to the general plan of the war. Marſhal de Villeroy was determined, without the leaſt reaſon, to open the campaign out of his lines. With this view he marched to Tirlemont; but he ſhould have thought this motion ſufficient, and he might poſſibly have had juſt inducements to make it. An army, which is only charged with a defenſive war in its lines, ought to be aſſembled ſooner than the enemy, in order to gain ſome days, at leaſt, for the conſumption of the forage near the lines; and, had we purſued this cautious conduct, it would have been difficult for the enemy to approach our lines; and their continuance in the adjacent country would have been deſtructive to their cavalry and equipage. If marſhal de Villeroy had been content with his advance to Tirlemont, and had cauſed his army to conſume the forage between his camp and the Deule, he might have effected the preſervation of the Netherlands, and the ſecurity of his lines, without hazarding any engagement. But he thought this firſt march inſufficient, though it might have produced a very judicious effect; and inſtead of waiting for the elector of Bavaria, with whom, in mere deference to his rank, he ought, at leaſt, to have acted in concert, he decamped from Tirlemont, and advanced to Ramillies, without acquiring any intelligence of the motions formed by the enemy, who were then aſſembled near Tongres. When the van of his march began to appear at the head of the Little Gheet, where Ramillies is ſeated, he was informed, that the enemy were advancing to him, and that their front already began to be diſcovered. He then prepared to form his troops in order of battle, with a full perſuaſion, that the enemy would not preſume to attack ſo formidable an army as his. Had his diſpoſition been regular, the bravery of his troops might have rendered the action ſucceſsful; but it was ſo extremely injudicious and ill-precautioned againſt the order, in which he ſaw the enemy ranged, that it can be hardly thought ſurpriſing, that the event of this battle was ſo fatal, as it really proved. I ſhall now repreſent the errors committed by marſhal de Villeroy with reſpect to his particular diſpoſition, which I ſhall deſcribe from the left of the army, and through the extent of the line to the extremity of the right. I ſhall then proceed to the ſecond line; and from thence to the rear, to make it evident, that the diſpoſition was every where irregular, and contrary to all juſt rules. The left wing of the cavalry was covered by the Gheet, and the marſhes that bounded it; and where the troops could neither charge the enemy, nor be charged by them; and conſequently they continued uſeleſs during the engagement. The village of Ramillies, which was ſeated in a plain beyond the ſource of the Gheet, fronted the right of the infantry, and marſhal de Villeroy had poſted ſome battalions there; but the village was too diſtant from our line, to be ſupported to any effect, when it ſhould happen to be attacked by the enemy. We even neglected to open the hedges towards the line, in order to advance with a more extended front, in caſe it ſhould be neceſſary to ſupport the infantry in the village, who had not the precaution to accommodate that place, either to their front or flanks, nor even to form a communication between their ſeveral battalions, ſo that they were only poſted in the incloſures and gardens. But the moſt extraordinary circumſtance of all was, that, in order to defend the village, which, it was imagined, would coſt the enemy very dear to ſurprize, though it was too remote from the line, to produce any ſuch effect, we poſted there all the uſeleſs infantry of the army, compoſed, for the greateſt part, of foreign battalions and recruits, and even priſoners taken from the enemy. When the village therefore was attacked, the aſſailants only engaged a ſet of inconſiderable troops, who were ill-diſpoſed, and not ſupported either in time, or from any ſituation near enough to have any effect; and the village was forced by an attack upon the flanks, which were entirely unprotected. The diſpoſition of our right was ſtill worſe than that of our left of the center. The village of Taniers on the bank of the Mehaigne ought to have ſupported our right, and reſerved a conſiderable body of infantry to guard it; but marſhal de Villeroy contented himſelf at firſt with detaching a regiment of dragoons thither, who were very ſeverely treated by the enemy's infantry; and he afterwards ſupplied it with a brigade and four battalions, who were overwhelmed by the ſuperior fire of the enemy's infantry, who were already maſters of the village. I ſhall add to all this inconſiderate diſpoſition of the front a particular neglect, which contributed likewiſe to the loſs of the battle. I have already obſerved, that marſhal de Villeroy received intelligence in the morning, that the enemy were advancing towards him; and, yet in all the courſe of time he then had to diſengage his troops from the impediments of their baggage, he never thought of that precaution; ſo that the greateſt part of it was heaped up between the two lines, and embarraſſed their motions, eſpecially to the right, where the action was ſuſtained. Such were the principal defects in our diſpoſition; and they were all ſo very conſiderable and eſſential, that one alone would have been ſufficient to have loſt us the battle. The enemy, who were ſenſible of our injudicious arrangement, were above five hours in changing their order of battle, in order to form another, that might be more advantageous to them in that conjuncture. In all that length of time our troops continued under arms, without forming any motion; and whatever inſtances could poſſibly be made to marſhal de Villeroy to adjuſt his order of battle by that, which he ſaw the enemy forming, in order to attack us, it was impoſſible to prevail upon him to vary his firſt diſpoſition. Our whole army beheld the enemy unguarding their right, becauſe it would have been in vain for them to have attacked our left, which was covered by the Gheet. The lieutenant-general, who commanded on the left, ſent frequent intelligence to marſhal de Villeroy of the enemy's motions, which he had obſerved, and propoſed to him, not to leave any more cavalry on the left, than would be proportionable to what the enemy reſerved at their right, and to double the reſt behind the left. But monſieur de Gaſſion recommended this ſalutary and judicious advice in vain. It was likewiſe obſerved, that the enemy ſtill drew off part of their infantry from their right, and formed ſeveral lines before the village of Ramillies, and the right of our infantry; and we might naturally imagine they intended to make a powerful effort againſt that village, and the right of our infantry. But whatever remonſtrances could be made to marſhal de Villeroy, to induce him to approach the village, and double part of the infantry of the left behind that of the right and center, as he ſaw performed by the enemy, he continued inflexible, though he had all imaginable reaſon to conform the diſpoſition for his defence to the enemy's preparations for attacking him. It was likewiſe obſerved, that the enemy drew off a body of infantry from their ſecond line, and marched them to Taniers; and it was repreſented, though ineffectually, to marſhal de Villeroy, that the enemy poured all their force to their left, and that it would be impoſſible for our right to ſuſtain ſo formidable an effort; but no conſideration could induce him to act conſiſtently with the enemy. In fine, when above five hours had been employed by the enemy in forming the diſpoſition I have deſcribed; while marſhal de Villeroy, in all that length of time, never made the leaſt proviſion for enabling the right to ſupport the ſhock with which they were threatened, the enemy attacked the village of Taniers; and, when they had entirely carried it, and improved it to ſupport their left, they advanced in four lines to our right wing of cavalry, and in ſeveral lines and columns to our infantry, who were poſted in the village of Ramillies. As they approached our right, they advanced their ſecond and fourth lines into the intervals of their firſt and ſecond lines; ſo, that when they made their advance upon us, they formed only one front, without any intermediate ſpaces. This motion was performed ſo near us, that our right had no time either to cloſe themſelves, in order to fill their intervals by that contraction, or to ſupply them with the ſecond line, which, beſides their immoderate diſtance from the firſt line, were incapable of making that advance with freedom, on account of the ſeveral equipages, which, as I have already intimated, were left, through mere negligence, between the two lines. Our right therefore was charged by one contiguous front, whoſe ſquadrons, that forced our intervals, penetrated without oppoſition, and then wheeled about to charge the ſquadrons of our firſt line in the rear, who, though they had almoſt defeated all the ſquadrons that attacked them, were now thrown into a general diſorder by the ſquadrons of the enemy's ſecond line, and by thoſe, who charged them in the rear. The enemy conducted the attack of the village differently from that of the cavalry on the right. They advanced to it in four columns; but, when they approached the front of that village, they were convinced, that our line of foot was too remote to protect it with their fire, and that the flank of the village was not guarded by troops, becauſe their number in that place was too inconſiderable. From this bad diſpoſition on our part they derived one, that was advantageous to themſelves; for they advanced one of their laſt lines into the front of the firſt; and, when they were marching up to the village, this front extended in an angle to the flank of that village, and eaſily forced it, while the other troops ſuſtained the attack from the front of that place. All this diſorder of our right was not to be retrieved, either by the preſence of the general himſelf, or the ſeveral general officers in that quarter. The bravery, both of officers and ſoldiers, was incapable of reinſtating an action, that was loſt by a bad diſpoſition; ſo that a general confuſion was communicated through all our right, who abandoned the field of battle and their cannon. The left of the cavalry, and ſome battalions of the left, who had not ſhared the engagement, retired without any moleſtation, till the approach of night, when the flight and diſorder became univerſal.

"Thus did the enemy, in the ſpace of one quarter of an hour, defeat an army of eighty thouſand men, while their own loſs did not amount to two thouſand. They took eighty pieces of cannon, and a prodigious quantity of baggage; and conquered all the Spaniſh Netherlands, which our general had abandoned."

[h] Louvain is a very large and pleaſant city of the Low-Countries; the French abandoned it May 24, 1706, the next day after the memorable battle of Ramillies, and the duke of Marlborough took poſſeſſion of it on the 25th. It ſtands on the river Deule, eleven miles ſouth-eaſt of Mechlin, fifteen north eaſt of Bruſſels, twenty-ſeven north of Namur, and thirty-eight north eaſt of Mons.

of the reſt. Ghent and Bruges did the ſame. In all theſe king Charles was proclaimed. Upon this unexpected rapidity of ſucceſs, the duke of Marlborough went to the Hague on the 9th of June, to concert meaſures with the States; where he ſtaid but a few days, for they agreed to every thing he propoſed, and ſent him back with full powers. The firſt thing he undertook was the ſiege of Oſtend, a place famous for its long ſiege in the laſt age. The natives of the place were diſpoſed to return to the Auſtrian family; and the French, who were in it, had ſo loſt all heart and ſpirit, that they made not the reſiſtance, which was expected. In ten days after, the confederates ſat down before it, and within four days after the batteries were finiſhed, the place capitulated [i]. From thence they proceeded to Menin, which was eſteemed the beſt finiſhed fortification in all thoſe parts. It was built after the peace of Nimeguen; nothing, that art could contrive, was wanted to render it impregnable; and it was defended by a garriſon of ſix thouſand men; ſo that many thought it was too bold an undertaking to ſit down before it. The French army was became conſiderable by great detachments brought from the Upper Rhine, where marſhal Villars was ſo far ſuperior to the Germans, that if it had not been for this revulſion of his forces, the circles of Swabia and Franconia would have been much expoſed to pillage and contribution [k].

The duke of Vendoſme's conduct in Italy had ſo raiſed his character, that he was thought the only man fit to be at the head of the army in Flanders; and was accordingly ſent for, and had that command given him with a high compliment, which was very injurious to the other officers, ſince he was declared to be the ſingle man, on whom France could depend, and by whom it could be protected in that extremity. The ſiege of Menin was carried on ſo ſucceſsfully, that the trenches were opened on the 24th of July, and the batteries finiſhed on the 29th; and the place was ſo warmly preſſed, that it capitulated on the 11th of Auguſt, and, on the 14th, being St. Louis's day, four thouſand men marched out of the town. It ſeemed ſtrange, that a garriſon, which was ſtill ſo numerous, ſhould ſurrender in ſo ſhort a time a place, which was both ſo ſtrong and ſo well furniſhed. But as the French were much ſunk, ſo the allies were now become very expert at carrying on of ſieges, and ſpared no coſt, that was neceſſary for diſpatch. Dendermonde had been for ſome weeks under a blockade [l]. This the duke of Marlborough ordered to be turned into a formal ſiege. The place was ſo ſurrounded with water, that the French king, having once begun a ſiege there, was forced to raiſe it; yet it was now ſo preſſed, that the garriſon offered to capitulate; but the duke would give them no other terms, but thoſe of being priſoners of war, to which they were obliged to ſubmit. Aeth was next inveſted; it lay ſo inconveniently between Flanders and Brabant, that it was neceſſary to clear that communication, and deliver Bruſſels from the danger of that neighbourhood. In a fortnight's time it was alſo obliged to capitulate; and the garriſon were made priſoners of war [m].

During theſe ſieges, the duke of Vendoſme, having fixed himſelf in a camp that could not be forced, did not think fit to give the duke of Marlborough any diſturbance, while he lay with his army covering the ſieges. The French were jealous of the elector of Bavaria's heat, and, though he deſired to command an army apart, yet it was not thought fit to divide their forces, though now grown to be very numerous. Deſerters ſaid, that the panic was ſtill ſo great in the army, that there was no appearance of their venturing on any action. Paris itſelf was under no little conſternation; and, though the king carried his misfortunes with an appearance of calmneſs and compoſure, yet he was often let blood, which was thought an indication of a great commotion within; and this was, no doubt, the greater, becauſe it was ſo much diſguiſed. No news was talked of at that court; all was ſilent and ſolemn; ſo that even the ducheſs dowager of Orleans knew not the true ſtate of their affairs; which made her write to her aunt, the electreſs of Hanover, to learn news of her.

Whilſt theſe things paſſed in Flanders, the courts of Spain and France took ſuch early meaſures to attack king Charles both by ſea and land, before he could be relieved by the maritime powers, that his affairs were reduced to the laſt degree of deſpair. King Philip ſet out in February from Madrid, in order to open the campaign with the ſieges of Valencia and Gironne. He was adviſed to begin with the reduction of Valencia; not only as it lay nearer, and was eaſier come at, but as, by that means, the diſpoſition to revolt would be checked, which might otherwiſe encreaſe and ſpread farther. This advice, however, was over-ruled by France, where little regard was had to the Spaniards. It was therefore reſolved (upon the arrival of a courier from France) to begin with the ſiege of Barcelona. There king Charles himſelf lay; and, on taking it, all the reſt, it was reckoned, would fall. Purſuant to this ſcheme, the French reſolved to ſend every thing neceſſary for the ſiege, and the count of Toulouſe was ordered to lie with the fleet before the place, whilſt it was beſieged by land. It was concerted to begin the ſiege in March; for they knew, that, if they began it ſo early, our fleet could not come in time to relieve the town. But two great ſtorms, that came ſoon after one another, did ſo ſcatter their tartanes, and diſable their ſhips of war, that, as ſome were caſt away, and others much damaged, ſo they all loſt a month's time; and it was not till the 6th of April, that king Philip's army (conſiſting of thirty-ſeven battalions, and thirty-one ſquadrons) opened the trenches before Montjuic; which, through the obſtinate reſiſtance of the Engliſh and Dutch garriſon, and the ſlowneſs of the attack, occaſioned by the death of the French engineer Lapara, held out twenty-two days. The French ſeemed to think, there was no danger of raiſing the ſiege, and that therefore they might proceed as ſlowly as they pleaſed. The town was under ſuch a conſternation, that nothing but king Charles's preſence could have kept them from capitulating the firſt week of the ſiege. There were ſome mutinies raiſed, and ſome of the magiſtrates were killed in them. But the king came among them on all occaſions, and both quieted and animated them. After Montjuic was taken, the city was ſtill more preſſed. The earl of Peterborough came from Valencia, and was upon the hills, but could not give them any great aſſiſtance [n]. Some few from Gironne and other places got into the town. The French engineers (after Lapara's death) performed their part with little ſkill and ſucceſs. The Levant winds were all this while ſo ſtrong, that it was not poſſible for ſir John Leake, with the confederate fleet, to come up ſo ſoon as was deſired. Leake ſailed from Lisbon in the end of March. He very narrowly miſſed the galleons, but he could not purſue them, for he was to loſe no time, but haſte to Barcelona. His fleet was encreaſed to thirty ſhips of the line, by the time he got to Gibraltar; but, though twenty more were following him, he would not ſtay, but haſted on to the relief of the place, as faſt as the wind ſerved. But, when their ſtrength, as well as patience, was almoſt quite exhauſted, the wind turned, and Leake arrived on the 8th of May, N. S. As ſoon as the count de Toulouſe, who with his ſquadron had kept the city blocked up by ſea, had intelligence that Leake was near him, he ſailed back to Toulon. Marſhal de Theſſé, with king Philip, who was in the camp, but not once named in any action, continued three days before Barcelona, after their fleet ſailed away. They could then have no hopes of carrying it, unleſs a ſtorm at ſea had kept the confederate fleet at a diſtance. At laſt, the ſiege was raiſed on the 12th of May, N. S. with great precipitation, and in much diſorder. Their camp was left well fur-

[i] Oſtend is a very ſtrong and fine ſea-port of the Low-Countries, in the earldom of Flanders, the marquiſate of the territory of Vianden-Urien. It was inveſted by the confederates both by ſea and land, June 25, 1736, and obliged to ſurrender, July 6. It ſtands about nine miles north-eaſt of Newport, eleven weſt of Bruges, twenty ſouth-weſt of Sluys, twenty-four north-eaſt of Dunkirk, and thirty-five almoſt weſt of Ghent.

[k] Menin, a town of the Low-countries, in the earldom of Flanders, one of the ſtrongeſt and moſt regular fortifications in Europe; notwithſtanding which (together with the vigorous reſiſtance of a numerous garriſon, and a reſolute commander) the confederates made themſelves maſters of it in eighteen days after the opening of the trenches. It ſtands on the river Lys, five miles ſouth-weſt of Courtray, nine almoſt north of Liſle, and twelve almoſt ſouth-eaſt of Ypres.

[l] Dendermonde, a ſtrong town of the Low Countries, in the earldom of Flanders. It was blocked up by the confederates ſoon after the battle of Ramillies, and ſurrendered to the duke of Marlborough after a formal ſiege the beginning of Auguſt. It ſtands on the river Scheld, and Dender, twelve miles eaſt of Ghent, fourteen ſouth-weſt of Antwerp, and ſeventeen north-weſt of Bruſſels.

[m] Aeth, a ſtrong frontier town of the Low Countries, in the earldom of Hainault, the marquiſate of the territory of Brabant. The French took it in 1697, but reſtored it to the Spaniards the ſame year by the peace of Ryſwick: And the confederates (under the command of monſieur de Auverquerque) took poſſeſſion of it the preſent campaign. It ſtands on the river Dender, fourteen miles almoſt north-weſt of Mons, twenty two almoſt ſouth weſt of Bruſſels, and twenty-four ſouth of Ghent.

[n] Dr. Friend, in his Account of the earl of Peterborough's conduct in Spain, p. 53. obſerves, "That the earl's conduct was as ſteady in the relief of Barcelona, as it was in the taking of it; and that in this, as in moſt of the events of the war, his lordſhip overcame all the obſtacles, that could be thrown in his way by the miniſters of the Spaniſh court. As ſoon as his lordſhip perceived, that the enemy's deſign was upon Barcelona, he ordered ſome of the troops in Lerida to march, and reinforce that garriſon. The king, who was perſuaded they would rather make an attempt upon Lerida, countermanded thoſe orders of my lord, and was ſo little apprehenſive of Barcelona's being in danger, though ſufficiently warned of it by letters from his lordſhip, that, when the enemy was within five leagues of the town, his majeſty had but five hundred men in it. My lord, in like manner, was ſolicited by the court to abandon Valencia, in order to ſecure Catalonia, and by the moſt preſſing letters and commands he was urged to ſuch raſh and impoſſible attempts, as muſt have proved the certain ruin of the forces under his command, and the loſs of the king's perſon. But, in all theſe diſtracting and deſperate

niſhed, and the ſick and wounded could not be carried off. On the day of raiſing the ſiege, as the French army was marching off, the ſun was eclipſed, and it was total in thoſe parts. And, though no weight is to be laid on ſuch things, yet, the vulgar being apt to look on them as ominous, it was cenſured as a great error in marſhal Theſſé, not to have raiſed the ſiege a day ſooner; and that the rather, becauſe the French king had made the ſun, with a motto, 'Nec pluribus impar,' his device. King Philip made all the haſte he could to Perpignan: but his army was almoſt entirely ruined before he got thither.

At the ſame time the campaign was opened in Catalonia, it was alſo begun on the ſide of Portugal. The earl of Galway had full powers, and a brave army of about twenty thouſand men, well furniſhed in all reſpects: He left Badajox behind him, and marched on to Alcantara. The duke of Berwick had a very ſmall force left him, to defend that frontier: It ſeems, the French truſted to the intereſt, they had in the court of Portugal: The duke's troops were ſo bad, that he ſaw, in one ſmall action, that he could not depend on them: He put a good garriſon in Alcantara; where their beſt magazine was laid in. But when the earl of Galway came before the town, within three days the garriſon, conſiſting of four thouſand men, delivered up the place, and themſelves as priſoners of war: The Portugueſe would have ſtopped there, and thought they had made a good campaign, though they had done no more: But the Engliſh embaſſador at Liſbon went to the king of Portugal, and preſſed him, that orders might be immediately ſent to the earl of Galway to march on: And, when he ſaw great coldneſs in ſome of the miniſters, he threatened a preſent rupture, if it was not done: And he continued waiting on the king, till the orders were ſigned, and ſent away. Upon receipt of theſe, the earl of Galway advanced towards Placentia, all the country declaring for him, as ſoon as he appeared; and the duke of Berwick ſtill retiring before him, not being able to give the leaſt interruption to his march. But, as there was no manner of communication over land between Barcelona and Portugal, when the earl of Galway had forced a paſs at Maſſagona, where the enemy had intrenched themſelves, and was advanced as far as the bridge of Almaras, the Portugueſe, doubting the iſſue of the ſiege of Barcelona, unanimouſly reſolved to engage no farther, till they ſaw how that ſiege ended. Accordingly, they ordered their army to march aſide to Ciudad Roderigo, on pretence that it was neceſſary to ſecure their frontier, by taking that place. From thence they advanced to Salamanca. But, upon the news of the raiſing the ſiege of Barcelona, they marched on towards Madrid, the duke of Berwick only obſerving their motions, and ſtill retiring before them. King Philip went with great expedition, and a very ſmall train from Perpignan to Navarre; and from thence poſt to Madrid, on the 6th of June; but finding, that he had no army, which he could truſt to, the grandees being now retired, and looking as ſo many dead men; and he ſeeing, that the Portugueſe were ſtill advancing, ſent his queen to Burgos, and followed her in a few days, carrying with him what was valuable in his palace; and, it ſeems, he deſpaired of ever returning thither again, ſince he deſtroyed all that he could not carry away; in which he acted a very extraordinary part, for he did ſome of this with his own hand, as was univerſally believed at Madrid.

The capital city being thus abandoned, the earl of Galway came to it by the end of June. He met with no reſiſtance indeed, but with as little welcome. An army of Portugueſe with an heretic at their head, was certainly a very ſtrange ſight to the Caſtilians, who retained all the pride, without any of the courage of their anceſtors. They thought it below them, to make their ſubmiſſions to any but king Charles himſelf; and if he had come thither immediately, it was believed, that the entire reducted of Spain would have been ſoon effected. It is not certain what made him ſtay ſo long as he did at Barcelona, from the beginning of May till near the end of July [o]. Thoſe about him pretended, that it was not fit to go to Madrid, till he was well furniſhed with money to make a decent entry. General Stanhope offered to furniſh him with what was neceſſary for the journey, but could not afford a magnificent equipage for a ſolemn entry. The king wrote a very preſſing letter to the duke of Marlborough, repreſenting his great neceſſities, and deſiring greater ſupplies. The duke ſent over this letter to the lord-treaſurer; but little regard was had to it, becauſe it was ſuggeſted from many different hands, that the prince of Lichtenſtein was inriching himſelf, and keeping his king poor. Others pretended that the true cauſe of the delay was a ſecret amour of the king's at Barcelona. But whatever the cauſe was, the effects proved fatal. It was firſt propoſed, that he ſhould

deſperate caſes, his lordſhip, not only took the proper reſolutions, but, with a prudence fortunate to himſelf as well as the public, never omitted to ſecure the unanimous conſent of all in councils of war, and gave in writing beforehand the reaſons, which never failed of being juſtified by the events. Whilſt Barcelona was encompaſſed by land and ſea (after the loſs of fort Montjuic) his lordſhip found methods to fling five hundred men into the town, which was thought humanly impoſſible. And he brought the forces, which ſo much contributed to the relief of the city, without abandoning Valencia, or any foot of ground, that he had gained in Spain. He maintained his poſt upon the hills for near a fortnight, with about two thouſand five hundred men, never above a league or two from the enemy, whom he kept in perpetual alarms. And by the conſtant vigilance he uſed, and the exact intelligences he procured, he continued in the neigbourhood of ſuch an army to the laſt, till he made a march of about ſeven leagues, with ſo critical a diſpoſition, that all his foot came in a fleet of boats he had prepared, to the number of three or four hundred, and landed at the ſame time with the troops, that were on board the navy. The throwing in of ſo ſeaſonable a reinforcement into Barcelona, under ſuch circumſtances, was as great a diſgrace, as happened to the French, except that of their riſing from before the town immediately after. For the garriſon, even with this addition, was not ſtronger, than when my lord Peterborough took it with little more than a third part of their army. In order to ſecure this great advantage, when it ſhould happen, the earl of Peterborough, notwithſtanding all the haſte he made from Valencia to Barcelona, had viſited, fortified, and ſecured all the paſſes behind him, ſo as to oblige (with an inconſiderable number of regular troops, and the country-people) the whole army of marſhal de Theſſé entirely to abandon Spain, into which, had my lord's advice been followed, they had never to this day returned.

In oppoſition to this account of Dr. Friend, the author of the 'Impartial Inquiry into the management of the war in Spain,' p. 81. obſerves, that however the doctor boaſts of the earl of Peterborough's intelligence, yet it does not appear, from his orders or letters of that date, that he was under any apprehenſions for Barcelona, on the 19th of March 1705-6, O. S. though the enemy inveſted it within three days after; the earl's orders being for the fleet and forces to come to Altea or Denia; though, before the admiral received thoſe orders, he received letters from the king of Spain and prince Lichtenſtein, of the 26th of March, of a very different import; wherein the admiral is deſired to come to Barcelona with all poſſible diligence with the ſhips, troops, and money, which the queen of Great-Britain deſigned for king Charles's ſervice and the relief of Catalonia. But, by the 7th of April, N. S. the earl's eyes ſeem likewiſe to have been opened; but the news appeared to have been a perfect ſurprize to him; for, in his letter to ſir John Leake from Valencia of that date, he talks of the relief of Barcelona as a matter deſperate, and would compound for the ſafety of the king's perſon. It appears likewiſe, that his lordſhip was ſtill of opinion, that all the forces, ammunition, and money ſhould be landed at Denia, Altea, or the grove of Valencia; and his letter to ſir John Leake, of the 22d of April, ſhews, that he was even then of opinion, that the forces ſhould be landed no nearer than Tarragona, except a thouſand men to be put on board the men of war, in order to be thrown into Barcelona by ſea, if it ſhould be requiſite; ſo that it might juſtly be ſaid, that the admiral relieved Barcelona, if not contrary, at leaſt not purſuant, to the earl's method. It cannot indeed be denied, that his lordſhip had got ſome troops ready in ſmall embarkations off of Vinetos or Mattero, to take the opportunity of ſlipping them into the town under the protection of the fleet; and that he came on board ſir John Leake from the ſame place, and hoiſted his union flag at the main-topmaſt-head; but all the meaſures, for the relief of Barcelona, had already been concerted, and in a manner executed. For ſir George Byng, ſir John Jennings, and admiral Waſſenaer made ſail before the fleet, caſt anchor in the road, and by ſir George Byng's order a good body of forces were actually thrown into the town, before one half of the fleet knew, that the earl of Peterborough was aboard, who indeed, upon his arrival at Barcelona, thought proper to approve of what ſir George Byng had directed. Upon the whole, the author of the 'Impartial Inquiry' concludes, that notwithſtanding Dr. Friend "has attributed ſo great a ſhare of the relief of Barcelona to the earl of Peterborough; it is evident he knew nothing of the enemy's deſign upon that place 'three days' before they had actually inveſted it: 'Five days' after he knew the town was beſieged, his lordſhip was of opinion for landing all the ſuccours in the kingdom of Valencia; and 'twenty days' after, no nearer than Tarragona. Now to ſay nothing of the unparalleled diſpatch made by ſir John Leake and ſir George Byng in bringing the fleet and ſuccours to the relief of Barcelona in ſo critical a time, contrary to my lord Peterborough's opinion; let any indifferent perſon judge, whether that place had ever been taken, if his lordſhip's opinion in the fleet to deny the aſſiſtance of the ſeamen, and his haſte to be going into Italy, had been complied with; or, if it had ever been relieved, if his lordſhip's orders had been obeyed, which were directly oppoſite to the king of Spain's intereſt and deſires."

[o] The earl of Galway in his narrative, obſerves, that, if the Portugueſe had marched directly to Madrid from the bridge of Almaras, after they had forced a paſs at Maſſagona, where the enemy had intrenched themſelves, as the generals of the allies would have perſuaded them, "in all probability, ſays he, we ſhould have arrived there at the ſame time with the news of the duke of Anjou's being returned to France; the ducheſs muſt have been obliged to eſcape alone, and, the tribunals being ſtill there, it is very likely the war would have been over. Some of the Portugueſe were willing to go back, and beſiege Badajox, which was entirely laying aſide all thoughts of Madrid; but others for attacking Ciudad Roderigo; and by joining with thoſe, I engaged them, after the taking of that place, to go to Madrid. But the time, which was loſt on this occaſion, had given the duke of Anjou an opportunity of returning from France to Madrid, from whence he withdrew the court, and all the tribunals, before the army could reach that place; ſo that, upon our arrival there, we found Madrid an open village; and the troops having been extremely weakened by ſo long a march, were not above forty thouſand horſe and eight or ten thouſand foot. The Portugueſe generals, and thoſe of the allies, thought it highly neceſſary the king of Spain ſhould come to Madrid as ſoon as poſſible. For, beſides the advantage his preſence might have been to his own affairs, it was of the laſt importance to us, to be immediately joined by the forces with the king, and under the earl of Peterborough's command, not being ſtrong enough without them to attack the duke of Anjou, who had already received ſome ſuccours from France, beſides the five thouſand five hundred horſe and eight thouſand foot, of which the duke of Berwick's army conſiſted, after he had been joined by the Conde de las Torres. Being perfectly informed of the enemy's

march through Valencia, as the neareſt and much the ſafeſt way; and he came on that deſign as far as Tarragona. But, advice being brought him there, that the kingdom of Arragon was in a good diſpoſition to declare for him, he was diverted from his firſt intentions, and prevailed on to go to Saragoſſa, where he was acknowledged by both kingdoms: But he loſt much time, and more in the reputation of his arms, by delaying ſo long to move towards Madrid; ſo that king Philip recovered his ſpirits, and returned from Burgos to Madrid. The earl of Galway was very uneaſy at this ſlow motion, which king Charles made. King Philip had ſome more troops ſent him from France; and, the broken bodies of his army being now brought together, he had an army equal in numbers to the earl of Galway, and marched up to him; but, ſince ſo much depended upon the iſſue of an action, the earl of Galway avoided it, becauſe he expected every day reinforcements to be brought him, both by king Charles, and by the earl of Peterborough from Valencia. In order therefore to facilitate this conjunction, he moved towards Arragon; ſo that Madrid was again left to be poſſeſſed by king Philip. At laſt, in the beginning of Auguſt, king Charles came up, but with a very inconſiderable force. A few days after, the earl of Peterborough came alſo with an eſcorte, rather than any ſtrength, for he had not with him above five hundred dragoons. He was now uneaſy, becauſe he could not have the ſupreme command, both the earl of Galway and count Noyelles being much ancienter officers than he was. But, to deliver him from the uneaſineſs of being commanded by them, the queen had ſent him the powers of an embaſſador extraordinary; and he took that character on him for a few days. His complaining ſo much as he did, of the prince of Lichtenſtein and the Germans, who were ſtill poſſeſſed of king Charles's confidence, made him very unacceptable to that king; ſo that he, without waiting

enemy's ſtrength and motions, and having great reaſons to believe, that if we were joined in time by all the forces with the king and the earl of Peterborough, we might, in this favourable conjuncture, drive the duke of Anjou entirely out of Spain, make ourſelves abſolute maſters of that kingdom, and put an end to an expenſive war; all the while we lay at Madrid and Guadalaxara, I diſpatched every day one or more expreſſes, and the greateſt part of them officers, with letters to the king of Spain and to my lord Peterborough, repreſenting to them both the importance of our being joined forthwith, and earneſtly deſiring that no time might be loſt in improving ſo critical a juncture. As the next beſt method to adviſe our friends of our arrival at Madrid, the firſt Gazette day after we got thither, I cauſed it to be publiſhed in the Gazette, that we were there, and expected in a very few days to be joined by the king and the earl of Peterborough, hoping, that the natural curioſity of the Spaniards would give a printed news-paper a free paſſage. But, notwithſtanding all the diligence, that was uſed in this matter on our part, near ſix weeks were elapſed at Madrid and Guadalaxara, before we received any advice, that the king was upon his march to join us, and, in the mean time, the duke of Anjou's army was ſo much increaſed by daily reinforcements from ſeveral parts, that he was now become ſuperior in number to us, even after we were joined by thoſe forces, which the king and my lord Peterborough brought along with them. And I muſt ſay, that it is the general opinion, and I do verily believe, as the Portugueſe loſt one fair opportunity of putting an end to the war, by not marching directly from the bridge of Almaras to Madrid; ſo we loſt another, for want of being joined in time by the forces under the command of the king of Spain and the earl of Peterborough. And whereas that noble lord is pleaſed to aver, that he never received any advice from me of my arrival at Madrid with the Portugueſe; and as an argument of my neglect of him on that ſubject, produces an inſtance of one officer, that happened to paſs through his quarters with letters from me to the king, and none for his lordſhip, I am obliged to obſerve, that I gave this officer an hundred piſtoles, and ordered him to go directly to the king of Spain, who then lay at Saragoſſa; but he was accidentally forced to go out of his way to avoid one of the enemy's parties, which was the true occaſion of his paſſing thro' the earl of Peterborough's quarters at Valencia, contrary to his firſt intention. But ſeveral other officers, who were diſpatched by me to the earl, aſſured me, they had the honour to deliver him thoſe letters, which I writ his lordſhip from Madrid and Guadalaxara. And, even taking the fact to be as the earl of Peterborough is pleaſed to ſtate it himſelf, it is plain, his lordſhip had at leaſt ſome verbal informations from that very officer, that paſſed thro' his lordſhip's quarters, and conſequently could not be altogether ignorant, either of the place, where the Portugueſe army lay, or of the neceſſity of joining them without loſs of time. After the general had got king Charles proclaimed at Madrid, it was thought fit to advance to Guadalaxara, where we had at laſt advice, that the king was coming to join us; and, at the ſame time were informed, that the duke of Anjou was at Guadalaxara, to which place we marched to prevent the enemy from intercepting the king. Upon our approach the duke of Anjou repaſſed the river; which little advantage we contented ourſelves with, for it was not thought adviſable to follow and attack him on the other ſide, being advantageouſly poſted, and ſtronger than we. We ſtaid here two days, and, when we thought the king was out of danger, we again retired to Guadalaxara, where we were joined by his majeſty and my lord of Peterborough, with two regiments of Spaniſh dragoons, and part of Pierce's; for his lordſhip had left behind him, in ſeveral places, thirteen battalions of Pierce's, and two other entire regiments of dragoons. So ſoon as the armies were joined (having, upon my arrival at Madrid, ſent captain Montague, to give the queen an account of our march, and to deſire her majeſty's leave to retire) I waited upon my lord Peterborough, offering him the command of the Engliſh, and to receive his orders, till I ſhould have the queen's leave to go home. But, becauſe the marquis das Minas would not do ſo too, my lord Peterborough choſe not to ſtay with the army, and within a few days after went away." But let us ſee what the earl of Peterborough ſays on his part, in his anſwer to the 'ſecond queſtion' propoſed to him by the houſe of lords on the 5th of January 1710-11, in theſe terms, 'That the earl of Peterborough may acquaint the houſe of what he knows of the earl of Galway's proceedings, during his ſtay with the army at Madrid, his march to Guadalaxara, and his retreat to Valencia; and, if he knows any thing of the oppoſition made by the king of Spain, the count de Noyelles, and the Spaniſh miniſters and generals, to theſe meaſures?'

To this the earl anſwered, "That, from the time the earl of Galway came firſt into Spain as far as Almaras, and thence returned back into Portugal, the earl of Peterborough had no advices from the earl of Galway, no account of the motives of that retreat, or any hopes given him of the return of the Portugueſe into Spain. That, after the raiſing the ſiege of Barcelona, and the retreat of the French army out of Catalonia, the earl of Peterborough received no letter or meſſage from the earl of Galway after his ſecond entrance into Spain, nor had the leaſt notice of his ſituation, circumſtances, or deſigns, till he ſaw his troops retreating from the enemy to take the ſtrong camp of Guadalaxara; though the marches of the king from Arragon, and thoſe of the earl of Peterborough from Valencia, were well known in the Portugal camp. That two ſeveral officers, ſent by my lord Galway, came to Valencia, and brought no letters to the earl of Peterborough, one of them demanding money for the purſuit of his journey. That, as to the perſons, who adviſed the king to go by Arragon, and not by Valencia, he knows no farther (being at that time abſent from his majeſty) but that, having ever extremely oppoſed it, and having writ to the ſecretary of ſtate at his firſt coming to Valencia againſt it, he received an anſwer to this purpoſe, that he hoped the earl of Peterborough would bear the mortification and diſappointment with patience, ſince the king was ſo reſolved; and a meſſenger by the appointed token, known to be ſent by my lord Galway, had given notice, that the ſaid earl expected the king by the way of Arragon, and had given to underſtand how every thing was prepared for his reception that way." The third queſtion propoſed to the earl of Peterborough was in theſe terms, 'That the earl of Peterborough acquaint the houſe what advices his lordſhip received from the earl of Galway at Madrid, in order to concert any public meaſures? And what his lordſhip knows of the reaſons, that induced the king of Spain to go by Arragon towards Madrid, and not by Valencia? To which he anſwered, "That the earl of Galway continued about forty days at Madrid, without making any endeavours to augment his troops, or provide any magazines for the ſubſiſtence of his army. That, meeting the enemy unexpectedly, and retreating to the camp of Guadalaxara, the troops were without proviſions, and in the greateſt diſorder. That the meaſures taken in that retreat, where five thouſand men were loſt without a blow, and their whole cavalry ruined, were all poſitively againſt the king's opinion, and that of all officers and miniſters. That the earl of Peterborough had the accounts he gives from the king of Spain's own mouth, and ſeveral of his generals; and it will particularly appear by letters from count Noyelles, velt-marſhal of the emperor, and general to the king of Spain, and from Mr. Stanhope; which letters the earl is ready to produce. And that it is notorious to the whole world, that if the earl of Galway had purſued the enemy ten days longer towards the Ebro, all the horſe under the marſhal of Berwick had deſerted to king Charles, and the French could never have returned to Spain.

The earl of Galway, in his reply to the earl of Peterborough's anſwers to the five queſtions propoſed to him by the lords, ſpeaks thus, "In his lordſhip's anſwer to the ſecond queſtion, he is pleaſed to aver, 'That from the time the earl of Galway came firſt into Spain as far as Almaras, and thence returned back into Portugal, the earl of Peterborough had no advices from the earl of Galway, no account of the motives of that retreat, or any hopes given him of the return of the Portugueſe into Spain.' What his lordſhip ſays upon this occaſion is very true: for, whilſt he was at ſo great a diſtance beſieged in Barcelona, and the duke of Berwick with a conſiderable body of horſe between him and us, it was to no purpoſe to think of ſending diſpatches by land: Neither was it neceſſary to inform the enemy that way, that the Portugueſe were reſolved, (notwithſtanding the repeated inſtances of the foreign generals to the contrary) to return back again to their own country, after their army had advanced as far as the bridge of Almaras. But when we got to Madrid, I immediately ſent ſo many expreſſes with letters, both to the earl of Peterborough and the king of Spain, that it was morally impoſſible his lordſhip could have been ignorant above eight days of our arrival there. And I have ſince been aſſured by the inhabitants of Barcelona, that they were all informed of it by that time; from whence I muſt conclude, that his lordſhip's delays in joining with us were 'voluntary,' and not occaſioned by want of intelligence.' I have aſſerted in the narrative which I delivered in to this moſt honourable houſe, that I do verily believe, if the Portugueſe army had been joined in time, after their arrival at Madrid, by the forces with the king of Spain, and under the command of the earl of Peterborough, we might have been able to have driven the duke of Anjou out of Spain, and have put an end to an expenſive war. Nor was this my opinion only, but that of all the world at that time. And I find his lordſhip thinks it ſo far imports him to be clear of this imputation, that he is reſolved to be rid of it at any rate. For certainly nothing leſs than an apprehenſion of this nature could have made him aver a fact ſo improbable as that, where, in his farther anſwer to the ſame queſtion, he ſays, 'That he received no letter, no meſſage from the earl of Galway,—after his ſecond entrance into Spain: nor had the leaſt notice of his ſituation, circumſtances or deſigns, till he ſaw his troops retreating from the enemy, to take the ſtrong camp of Guadalaxara. Now what could be the deſign of his lordſhip's marching to Guadalaxara with ſo ſmall a body of troops, as is mentioned in my narrative, unleſs he knew he was to meet us there? Beſides, his lordſhip forgets, that he came not to Guadalaxara, till ſome days after the Portugueſe had been actually encamped there, as I can make appear by the oath of ſeveral officers; and conſequently it was impoſſible for him to have ſeen us retreating thither. I believe it may be neceſſary upon this occaſion to repeat, that, when his lordſhip did join us, he brought no more Engliſh troops with him than one regiment of dragoons, and a detachment of another, though he had actually at that time under his command in Spain thirteen Engliſh battalions and four regiments of dragoons; as likewiſe, that the officer, who (his lordſhip ſays) paſſed through his quarters with letters for the king of Spain, and none for him, was never deſigned to have gone within ſeveral leagues of his lordſhip, unleſs he had been obliged to it by a party of the enemy, as I have already explained more at large in my narrative. And I cannot help obſerving, it is very improbable, that that officer ſhould have had occaſion to apply to the earl's ſecretary for money, becauſe I gave him an hundred piſtoles at the time I diſpatched him. In his lordſhip's anſwer to the third queſtion, he is pleaſed to ſay, 'That the earl of Galway continued about forty days at Madrid, without making any endeavours to augment his troops, or provide any magazine, for the ſubſiſtence of his army; that meeting the enemy unexpectedly, and retreating to the camp of Guadalaxara, the troops were without proviſions, and in the greateſt diſorder.' In reply to this paragraph, I do affirm, that the Portugueſe ſtaid no longer time at Madrid than was neceſſary to get the king proclaimed there, which did not exceed ten days; then advancing as far as Guadalaxara, and afterwards to Gauda-

for orders from the queen, withdrew from the camp, and ſailed away in one of the queen's ſhips to Genoa. The Engliſh fleet lay all the ſummer in the Mediterranean, which obliged the French to keep theirs within Toulon. Carthagena declared for king Charles, and was ſecured by ſome of our ſhips. The fleet came before Alicant: The ſeamen landed and ſtormed the town: The caſtle held out ſome weeks; but then capitulated, and the ſoldiers, by articles, were obliged to march to Cadiz. Soon after that, our fleet ſailed out of the Streights, one ſquadron was ſent to the Weſt-Indies; another was to lie at Liſbon, and the reſt were ordered home. After king Charles had joined the earl of Galway, king Philip's army and his looked on one another for ſome time, but without venturing on any action. They were near an equality, and both ſides expected to be reinforced; ſo that, in this uncertainty, neither ſide would put any thing to the hazard.

Notwithſtanding his diſgraces both in Spain and the Netherlands, the king of France was reſolved to purſue his deſigns in Italy, where the duke of Orleans (upon Vendoſme's being placed at the head of the French army in Flanders) was ſent to command, with marſhal Marſin to aſſiſt, or rather to govern him. As all the preparations for the ſiege of Turin were made, and it was thought impoſſible for Prince Eugene to attempt the relief of that place, the ſiege was begun in May, and continued till the beginning of September [P]. The French were in hopes, that the taking of Turin, with the entire reduction of Piedmont, of which they ſeemed ſecure, would compenſate their other loſſes. They boaſted they had formed an army, under the duke de la Feuillade, for that enterprize, conſiſting of ſixty-eight battalions and eighty-eight ſquadrons, two hundred and fifty officers of artillery, eight hundred gunners, two hundred and fifty bombardiers and miners, and four thouſand pioneers; and that they had alſo provided for the ſiege a hundred and ſixty pieces of heavy cannon, eighty mortars, a hundred thouſand bullets, twenty-ſeven thouſand bombs, one million and one hundred thouſand pounds weight of powder, three hundred thouſand weight of lead, eighty thouſand grenadoes, &c. all which were laid up in the magazines of Caſal, Creſcentino, and Chivas. On the other hand, the duke of Savoy, who was reſolved to defend the place to the laſt extremity, added new works to the fortifications. The French king, at the ſame time, uſed all poſſible methods to induce him to aban-

Guadaraxa, about ſixty miles beyond Madrid, where we obliged part of the duke of Anjou's troops to repaſs the river, but were not willing to engage them at a time, when we had reaſon to expect we ſhould have been joined in a very few days by the forces with the king of Spain and earl of Peterborough, which was the only ſecure method left us to augment our troops; for it would have been very imprudent to have attempted to form corps of the Caſtilians, who were entirely devoted to the duke of Anjou's intereſt. But all the officers of the army knew we were ſo far from wanting proviſions ourſelves, that we ſent a convoy of eight thouſand livres to meet the king and earl of Peterborough, which, by their delay in not advancing faſt enough grew mouldy, and was afterwards pillaged by the peaſants. His lordſhip's information of our want of intelligence of the enemies motions, and of our diſorder upon the retreat, are as great miſtakes as the former; for the occaſion of our advancing to Guadaraxa was purely to poſt ourſelves in ſuch a manner, as to prevent the enemy from marching or ſending detachments to intercept the king of Spain; and, when we had reaſon to believe him out of danger, we returned to Guadalaxara, there to be joined by the king and earl of Peterborough. Nor was it poſſible for his lordſhip to have ſeen our diſorder, had there been any, becauſe, as I have already obſerved, he came not to Guadalaxara himſelf, till ſome days after we had been encamped there. Notwithſtanding the earl of Peterborough is pleaſed to ſay, 'That we loſt five thouſand men in the return to Valencia, without a blow, and entirely ruined our whole cavalry;' it is certain, our loſs upon that occaſion was very inconſiderable, if any; and the retreat made in ſo good order, that the enemy (ſuperior as they were in number) never durſt venture to attack us, after the warm reception twenty-two of their ſquadrons met with from two battalions under the command of Colonel Wade, in the town of Villa Nova, notwithſtanding we were obliged to croſs plains and rivers in their view. And though his lordſhip avers, in his anſwer to this queſtion, 'That this retreat was made againſt the king's opinion, and that of all his officers and miniſters,' it is certain, the retreat was concerted and agreed upon in a council of war. It is true, ſome perſons about the king ſeemed at firſt inclinable to have taken quarters in Caſtile; but that was ſoon after found impracticable; for none of thoſe ſquadrons, who were beſt acquainted with the country, could make a diſpoſition of quarters, where the troops could be ſecure; and therefore it was reſolved immediately to croſs the Tagus, before the approaching rains ſhould have rendered the fords impracticable; which being done, our next deſign was to have lodged ourſelves behind the river Xucar. But neither could this be done without taking a ſmall caſtle upon that river, that commanded a bridge, where the enemy had a garriſon; and therefore a diſpoſition was made for attacking this town: But, by the delay of the king's generals, the execution of this matter was ſo long deferred, that the enemy had already reinforced their garriſon, and were advanced ſo near with a ſuperior force, that it was not thought adviſeable to attempt the place. Thus the only reſource left us was the kingdom of Valencia, whither we were abſolutely obliged to retreat, that we might preſerve our communication with the ſeas, and canton with ſecurity. Nor is it to be wondered, that count Noyelles, in his letter to the earl of Peterborough, ſhould ſeem diſſatisfied with the meaſures, that were then taken, ſince it is well known, that general uſed underhand to ridicule thoſe very opinions in councils of war, to which he had given his own aſſent. For being diſappointed of the command of the army (which was what he expected at his firſt arrival) he ſeemed reſolved that no other general ſhould have an army to command."

The reader, who has an inclination to ſee a larger detail of the conduct of the earls of Peterborough and Galway, may compare Dr. Friend's Account of the former with the 'Impartial Enquiry into the Management of the War in Spain;' which latter piece is a confutation of the earl of Peterborough's hiſtorian, ſupported by a great number of original papers; among which, is a Memorial of count Galas to queen Anne, dated Auguſt 22d, 1706, ſhewing the true and principal reaſon, why his catholic majeſty was ſo long detained at Barcelona, and obliged to chuſe the way of Saragoſſa, rather than that of Valencia, in order to his going to Madrid, and to expoſe himſelf to all the inconveniences, which the delay of his arrival in the ſaid city might have occaſioned." Which reaſon is charged upon the earl of Peterborough. For, after it had been agreed, that the earl ſhould embark ſome troops, and tranſport them to Valencia, whither his majeſty would go by land with the reſt of the forces deſigned for that diſpoſition, after which they would march jointly to Madrid, the earl, inſtead of giving the king any aſſiſtance or relief, repreſented the way by Valencia to be almoſt impracticable, and intimated that by Saragoſſa; ſo that his majeſty, having nothing to hope for from the earl, and finding it impoſſible for him to carry his troops ſo far through an enemy's country, without any means of ſubſiſting them, was obliged to accept of the offer of the inhabitants of Arragon, who had newly declared for him, and invited him thither. "It is true, ſays the Memorial, that my lord Peterborough, when he had warning given him, that he could become anſwerable for the inconveniencies, that ſuch an alteration of the route might produce, afterwards wrote to the king, as appears by his letter of the 5th of July, that he had found all that was neceſſary for his majeſty's occaſions: But he did not do it before it was too late, and till ſuch time as his majeſty was already upon the road to Saragoſſa; which obliged him to return the following anſwer to the ſaid lord:

"You repreſent to me the importance of my going immediately to Madrid, and propoſe to me the way to Reguena, as the ſhorteſt and ſecureſt from inſults. You tell me the diſpoſitions, both of men and money, you have now made for accompanying my perſon; and further offer me to come to me to concert the reſt, which might contribute to the good ſucceſs of this undertaking; for which I am very much obliged to you. But, being upon the road to Arragon, and engaged to purſue my march that way, I am willing to tell you the chief reaſons that have induced and obliged me to take ſuch a reſolution. Several of your former letters mention the concern you were in, that you could not ſupply me with any money: That your foot was almoſt entirely ruined and uſeleſs: That you could not find mules for the baggage: And that, in ſhort, you could not make one ſtep in ſuch a juncture for my ſervice. To this you further added an account, that, in my paſſage through the kingdom of Valencia, I ſhould want every thing; and therefore, having not the neceſſary funds to defray the expence of the journey, the troops I ſhould bring would be ruined in a ſhort time, and my perſon expoſed to great inconveniencies and diſadvantages. So that, ſeeing the inclination and fidelity, which the kingdom of Arragon began to ſhew towards us, I took the reſolution, out of neceſſity, to turn this way, where I hope, from a country abounding in proviſions, for a ſubſiſtence for my retinue and my troops, beſides the ſupplies, which my faithful ſubjects may preſent me. With this proſpect I ordered ſome regiments to march to the frontiers, where I now am; and the province having ordered it ſo, that Saragoſſa, the capital, has openly declared for me; it ſeems becoming my royal dignity to go myſelf, and take poſſeſſion of that crown; and the rather, ſince by the ſame way I can advance towards Madrid, and, making uſe of the favourable conjuncture, join with the king of Portugal's army; not doubting but the generals of the allies, that command it, will ſend ſome detachments forward to cover, as I deſire, my march to that capital, being reſolved to make but a ſhort ſtay at Saragoſſa, and then to march that way, which will be thought moſt ſecure and practicable; whereof I ſhall forthwith give you notice, in order to regulate afterwards the route, which the troops from Reguena, or the neighbourhood, are to take, in order either to meet me, or to ſecure elſewhere my paſſage. I am willing to believe the road by Reguena is free; but yet I wonder, that by ſo eaſy a way you receive no news from my lord Galway, ſince there is nothing, that can hinder the communication on that ſide.

"Beſides the reaſons contained in this anſwer, there was yet another, which does not carry leſs force in it than thoſe, viz. That his catholic majeſty could repoſe little confidence in theſe promiſes, having freſh in his memory the example of what happened at his departure from Liſbon, when the earl, to engage his catholic majeſty to leave that place, aſſured him, that he ſhould want for nothing: That he had forty thouſand piſtoles, whereof eight thouſand had been given him by your majeſty; the remainder being his own money, beſides an unlimited credit upon Genoa and Leghorn. But ſcarce were they arrived in Catalonia, when his lordſhip, inſtead of giving any money, demanded ſome, and obliged his catholic majeſty to borrow, and advance to him wherewithal to make his firſt expedition into Valencia. His catholic majeſty hopes, that your majeſty will be fully convinced by this relation, the truth of which is made evident by the ſaid lord's own letters hereto annexed, and by the king's anſwers, that it was through mere unavoidable neceſſity, that his catholic majeſty did not ſet out ſooner from Barcelona, and took the way by Saragoſſa, inſtead of that by Valencia."

The earl of Sunderland likewiſe, in a letter to the earl of Peterborough, dated at Whitehall, December 18, 1707, has the following paſſage:

"As to your lordſhip's anſwer to the ſecond head, her majeſty is by no means ſatisfied with it, becauſe it does appear by the date of your letter to the king of Spain, and from Mr. Stanhope's letter to you, to which you refer, that you did not, after coming to Barcelona, ſollicit or preſs the king of Spain to go by way of Valencia till after he had taken the reſolution of going by Saragoſſa, which reſolution was alſo 'occaſioned by the diſcouragements you had given him' from going by way of Valencia for want of money, carriages, and all neceſſaries for the army."

[P] Turin, a ſtrong and ſplendid city of Italy, with a fine caſtle; the marquiſate of the principality of Piedmont, in the territory of Turin; an archbiſhoprick and univerſity, ſubject to the duke of Savoy, and his ſeat. The French beſieged it very vigorouſly the preſent campaign, and reduced it to great extremities: But, September the 7th, the duke of Savoy, and prince Eugene, relieved it, gaining a complete victory over their enemies. It ſtands in a very fruitful pleaſant plain, on the river Po, twenty miles near eaſt of Pignerol, ſeventy-eight almoſt weſt of Genoa and Milan, a hundred almoſt eaſt of Grenoble and Cambray, a hundred and twenty ſouth-eaſt of Geneva, a hundred and fifty-four almoſt ſouth of Lyons, two hundred and fifty weſt of Venice, three hundred and ſixty ſouth-eaſt of Paris, three hundred and forty north-weſt of Rome, and four hundred and ſixty ſouth-weſt of Vienna.

don the allies, by not only offering him the government of the Milaneſe for his life, but ſeveral millions of livres for repairing his fortified places, that had been demoliſhed. But he rejected thoſe propoſals, and declared his reſolution to adhere firmly to the grand alliance. The French king therefore determined to reduce him (if poſſible) by force, and immediately diſpatched his orders to the duke de la Feuillade, to form the ſiege of Turin with the utmoſt diligence. Accordingly, he cauſed the lines of circumvallation and contravallation to be carried on; and the latter being finiſhed by the 30th of May, N. S. and the other on the 2d of June, the trenches were opened the ſame night, both againſt the town and citadel. The duke, having the next day viewed the enemy's works, ordered the guards in the citadel, and at the gate Suza, to be doubled, and gave other neceſſary directions for the defence of the place; and, on the 6th of June, gave orders for the planting of ſixty pieces of cannon on the baſtion de la Conſolare, near the citadel, and upon ſome other works. The next day, the duke de la Feuillade ſent monſieur de Marignan, his quarter maſter general, with a trumpet to the grand guard, to acquaint the duke, "That he had received orders from court, to form the ſiege of Turin; and, at the ſame time, to have all imaginable regard to the royal family there, and offer to them paſſports, with a guard, before the ſiege was begun." In anſwer to which, the duke ſent word, "That he was very much obliged to the king for his offer: That he did not think at preſent to remove his family: That whenever he ſhould remove them, he ſhould have no occaſion for a paſs or a guard: And that he might execute his maſter's orders, and begin the ſiege when he thought fit." On the 8th of June, therefore, the beſiegers began to bombard the citadel and town, and continued the three following days without doing any conſiderable damage; and, at the ſame time, the beſieged fired inceſſantly from their mortars, cannon, and ſmall arms, which very much diſturbed the enemy in their works, who, on the 15th at night, began to fire on the beſieged red hot bullets, moſt of which fell near the duke's palace, but did very little harm. The next day, the two ducheſſes, with the young prince and princeſſes left Turin, and went to Quieraſco; and the duke of Savoy having received advice, that the enemy were marching towards Montcalier, in order entirely to ſurround Turin, he left his capital on the 18th, and going to Carmagnole, put himſelf at the head of his horſe, whence he ſent ſix hundred of them under general Marigni to Montcalier; but, on the 20th, the enemy's forces on this ſide the Po advancing thither, that general was forced to retire. On the 21ſt, Mr. Methuen, envoy extraordinary from the queen of Great-Britain to the duke of Savoy, came from Genoa by the way of Oneglia to Carmagnole, where he had audience of the duke. But that night, the duke receiving advice, that the enemy had laid a bridge over the Po at Montcalier, and intended to march that way the next morning, orders were given for decamping by break of day; and the duke marched from Carmagnole to Quieraſco, and there paſſed the Stura, being cloſely purſued by the enemy, who attempted ſeveral times to put his rear into diſorder, but were as often repulſed, and the duke made an orderly retreat. Soon after, he received intelligence, that the enemy were advancing to attack Quieraſco, whereupon he removed the ducheſſes and princes to Mondovi, being accompanied, at the duke's requeſt, by the Sieur Vander Meer, envoy extraordinary from the States General. From thence they removed to Ceva; but, the duke imagining they were not ſafe there, he ordered them to retire into the territories of Genoa, where, after many inconveniencies and dangers, they ſafely arrived about the middle of July.

The duke de la Feuillade, being wearied in the purſuit of the duke of Savoy, returned, the 5th of July, to the camp before Turin, to receive the duke of Orleans (who was come to take the command) leaving forty-five ſquadrons, under the count d'Aubeterre, with orders to purſue the duke of Savoy: Which purſuit proved advantageous to his royal highneſs; for, from the 10th of June to the 5th of July, great part of the forces, employed in the ſiege of Turin, being engaged in this ſervice, it not only very much retarded the progreſs of the ſiege, but gave prince Eugene an opportunity at laſt to come up time enough to relieve the place, in hopes of which relief, though the ſiege was vigorouſly puſhed on, it was as bravely defended. However, on the 4th of Auguſt, the enemy attacked the firſt counterſcarp of the citadel, and took it after a ſtout reſiſtance, which laſted for about three hours, having twenty officers, three engineers, and three hundred men killed, beſides four hundred wounded in the action. After this, they continued to perfect their lodgments and batteries; but the beſieged ſprung ſo many mines, that they had no batteries ready till the 21ſt. On the 25th, in the morning, the beſieged ſprung a mine, which buried ſeveral men, blew up nine pieces of cannon, and threw down three out of five batteries, which were on the covered way. On the 26th, in the night, the half-moon and counter-guards were attacked and carried by the beſiegers; but thoſe, who defended the half-moon, retired into a walled redoubt at the neck of it, and from thence to the flank of the baſtions, and made ſuch a terrible fire upon the enemy for three hours together, that, the next morning, they drove them from the counter-guards with ſuch ſlaughter, that they owned themſelves, they had in thoſe attacks near five hundred men killed. On the 28th of Auguſt, the duke of Orleans arrived in the camp with forty ſquadrons, eleven regiments of dragoons, and forty battalions. The beſiegers, encouraged by theſe reinforcements, on the laſt of Auguſt, made a ſecond aſſault upon the half-moon, and the two counter-guards before the citadel, but were repulſed with greater loſs than before; the beſieged making a terrible fire with their ſmall arms, and ſpringing ſeveral mines with extraordinary ſucceſs; for, of ſeven batteries, ſome of five, others of ſix pieces of cannon, which the beſiegers had on the covered way, not one was left, the mines of the beſieged having ruined them all. But, though the French loſt about fourteen thouſand men before the place, yet the ammunition of the beſieged was now ſo far ſpent, that they muſt have capitulated within a day or two, if they had not been relieved by prince Eugene, who made all poſſible haſte for that purpoſe. The court of Vienna had not given due orders, as they had undertaken, for the proviſion of the troops, which were to march through their country to join him. This occaſioned many complaints and ſome delay. The truth was, that court was ſo much ſet on the reduction of Hungary, that all other things were much neglected, while that alone ſeemed to poſſeſs them. A treaty was ſet on foot with the malecontents there by the mediation of England and the States-General; and a ceſſation of arms was agreed to for two months. All, who belonged to that court, were very uneaſy, while the ceſſation continued: They had ſhared among them the confiſcations of all the great eſtates in Hungary; and they ſaw, that, if a peace were made, all theſe would be vacated, and the eſtates would be reſtored to their former owners; for which reaſon, they took all poſſible means to traverſe the negotiation, and inflame the emperor. There ſeemed to be ſome probability of bringing things to a ſettlement; but that could not be brought to any concluſion, during the term of the ceſſation; and, when that was elapſed, the emperor could not be prevailed on to renew it. He recalled his troops from the Upper Rhine, though that was contrary to all his agreements with the empire. Notwithſtanding all this ill management of the court of Vienna, prince Eugene got together the greateſt part of thoſe troops, which he expected in the Veroneſe, before the beginning of June. They were not yet all come up; but he, believing himſelf ſtrong enough, reſolved to advance; and he left the prince of Heſſe with a body to receive the reſt, and by them to force a diverſion, while he was going on. The duke of Vendoſme had taken care of all the fords of the Adige, the Mincio, and the Oglio; and had caſt up ſuch lines and entrenchments every where, that he had aſſured the court of France it was not poſſible for prince Eugene to break through all that oppoſition, at leaſt to do it in any time to relieve Turin. By this time the duke of Orleans was come to take the army out of the duke of Vendoſme's hands; but, before Vendoſme had left it, they ſaw, that he had reckoned wrong in all thoſe hopes, which he had given the court of France of ſtopping prince Eugene's march. For, in the beginning of July, that prince ſent a few battalions over one of the fords of the Adige, where the French were well poſted, and double their number, who yet ran away with ſuch precipitation, that they left every thing behind them. Upon that the prince paſſed the Adige with his whole army, and the French in a conſternation retired behind the Mincio. After this the prince ſurprized the French with a motion, which they had not looked for, nor prepared againſt, for he paſſed the Po. The duke of Orleans followed him, but declined an engagement; whereupon prince Eugene wrote to the duke of Marlborough, that he felt the effects of the battle of Ramillies, even in Italy, the French ſeeming to be every where diſpirited with their misfortunes. Prince Eugene, marching nearer the Appennines, had gained ſome days march of the duke of Orleans, who, upon that, repaſſed the Po, and advanced with ſuch haſte towards Turin, that he took no care of the paſs at Stradella, which might have been kept and diſputed for ſome days. Prince Eugene found no oppoſition there; nor did he meet with any other difficulty, but from the length of the march, and the heat of the ſeaſon, for he was in motion all the months

months of July and Auguſt. At laſt, after having paſſed four great rivers, which ſerved for ditches to the four intrenchments, which the enemy had made to hinder his paſſage, and, after thirty four marches, his army arrived near Turin on the 30th of Auguſt.

On the 1ſt of September, prince Eugene, joined by the duke of Savoy with his horſe, and the whole army, paſſed the Po, on the 4th, between Montcalier and Carignan towards Quiers; and four battalions and ten thouſand militia were left under the command of count Santena, with a certain quantity of powder to be thrown into Turin, in caſe the enemy ſhould quit the hill, to oppoſe the confederate army with all their forces. On the 5th, the confederates encamped near the Doria, and, the duke of Savoy having intelligence, that a convoy of one thouſand three hundred mules was coming from Suza, he cauſed the marquis de Viſconti to paſs the ford of Elpignan with the firſt line of the left wing, and the marquis de Langallerie to paſs below Pianeſſa with the horſe of the ſecond line of the ſame wing, and ſo the convoy, being then come into the neighbourhood of that town, was incloſed between them. Monſieur de Bonel, who commanded the guard of the convoy, was beaten, and the regiment of Chatillon entirely defeated. That day eight hundred loaded mules were taken; and at night the caſtle of Pianeſſa, into which the reſt of the convoy, and of the regiment of Chatillon, had eſcaped, ſurrendered with its garriſon (conſiſting of eighty foot) at diſcretion. On the 6th, the confederates paſſed the Doria, and incamped with the right on the bank of that river before Pianeſſa, and the left on the Stura before the Venerie. At night all the troops were ordered to be ready to fight the next day, which order was received with inexpreſſible joy. On the 7th, at day-break, they marched to the enemy, who were intrenched up to the teeth, having the Stura on their right, the Doria on their left, and the convent of Capuchins de Notre Dame de la Campagne in the center; beſides Luſcingo and ſeveral other fortified caſcines flanked their entrenchment. The confederate foot marched in eight columns, four in the firſt line, and as many in the ſecond, and all the grenadiers of each column in the van. The artillery was divided in proportion among the foot. The right moved along the ſide of the Doria, and the left along the Stura. Behind the foot marched the horſe; the firſt line in ſix columns, and the ſecond in brigades. Never was any thing ſeen ſo bold and terrible as this march. The enemy fired continually with forty pieces of cannon; but all the fire ſerved only the more to inflame the confederate ſoldiers, who, within half cannon ſhot, formed into battalia; all their generals took their poſts, their cannon began to fire, and all the inſtruments of war to ſound. They left a proper diſtance betwixt the brigades of their foot, by which they might march their horſe in caſe of need, which precaution was of great uſe to them afterwards. Upon notice, that all was in order, the whole army moved in a moment. The infantry marched up with their muſkets on their ſhoulders to the foot of the entrenchment. Then the great fire of the muſkets began; and, as, by the unequal ſituation of the ground, the confederate left wing ſuſtained alone for ſome time the efforts of the enemy, that ſtopped them a little, but without making them give ground. At the ſame time prince Eugene came up, drew his ſword, and putting himſelf at the head of the battalions on the left, broke into the enemy's entrenchments in an inſtant. The duke of Savoy did the like in the centre, and the right near Luſcingo. In concluſion, the confederates triumphed on all ſides, and their horſe advancing through the intervals left for them, it was no longer a fight, but a purſuit. By noon the victory was complete, and the city entirely delivered, for the enemy abandoned the attack, and the remains of their army retired to the other ſide of the Po. The reſt of the day was ſpent in taking ſeveral caſcines and redoubts poſſeſſed by the enemy, who all yielded themſelves priſoners; and the duke of Savoy triumphantly entered his capital that evening.

The duke of Orleans, though he loſt the day, yet gave great demonſtrations of courage, and received ſeveral wounds. Marſhal Marſin fell into the enemy's hands, but died of his wounds in a few hours. Upon him the errors of this dreadful day were caſt; the duke of Orleans, with moſt of the chief officers, having declared for marching out of their trenches; but the marſhal was of another mind, and, when he found it hard to maintain his opinion, produced poſitive orders for it, which put an end to the debate. But the greateſt part of the cenſure fell on monſieur Chamillard, who was then in the ſupreme degree of favour at court, and was entirely poſſeſſed of madam de Maintenon's confidence. The duke de la Feuillade had married his daughter; and, in order to the advancing him, he had the command of this ſiege given him, which was thus obſtinately purſued, till it ended in this fatal manner. The obſtinacy continued; for the French king ſent orders, for a month together, to the duke of Orleans, to march back into Piedmont, when it was abſolutely impoſſible; and the reaſon of this was underſtood afterwards. Madam de Maintenon (it ſeems) took that care of the king's health and humour, that ſhe did not ſuffer the ill ſtate of his affairs to be fully told him. He, all that while, was made to believe, that the ſiege was only raiſed upon the advance of prince Eugene's army, and knew not, that his own was defeated and ruined [b].

While this was done at Turin, the prince of Heſſe advanced to the Mincio, which the French abandoned; but, as he went to take Caſtiglione, Medavi, the French general, ſurprized him, and cut off about two thouſand of his men; upon which he was forced to retire to the Adige. The French magnified this exceſſively, hoping, with the noiſe they made about it, to balance their real loſs at Turin; and they continued ſome time about Feneſtrelles and Briançon, as if they had a deſign to return with their army into Piedmont, and, to give an air of truth to their pretences, made ſome preparations and unſucceſsful attempts to paſs through the valley of Aoſta. But the duke of Savoy and prince Eugene, diſregarding the reports ſpread by the French, were only intent upon improving their late advantages and preſent opportunities. All the places, poſſeſſed by the enemy in Piedmont, Montſerrat, the Milaneſe, and the neighbouring provinces, were reduced one after another, ſome voluntarily, as Milan; others by force, and among the reſt Pavia, Mortara, Alexandria, Pizzighitone, Tortona (the garriſon of which was put to the ſword) and Caſal, the garriſon of which was made priſoners of war, as well as thoſe of many others; ſo that, except Cremona, Valenza, and the caſtle of Milan, which were blocked up, France loſt at the concluſion of the campaign a vaſt country, the invading and keeping of which had coſt prodigious ſums of money, by a revolution no leſs ſurpriſing than that which happened in the beginning of the campaign in the Netherlands.

There was another alarm given the French this ſummer, which heightened the diſorder they were in after the battle of Ramillies. The queen and the States made great preparations for a deſcent in France [a], which was projected by the abbot de la Bourlie, brother to the count de Guiſcard, lieutenant-general in the army of France, and governor of Namur when taken by king William. This abbot, upon a family diguſt, having thrown up his abby, formed the airy deſign of reſtor-

[a] The loſs of the enemy amounted to four thouſand ſeven hundred and ſix killed in battle, beſides thoſe ſlain in their retreat, and by the Vaudois. Count Marce, lieutenant general; monſieur la Bretonniere, general of the horſe; meſſieurs de Senneterre and Villars (marſhals de Camp) the marquis de Bonneval, brigadier, taken by his own brother, who left the French ſervice, with the marquis de Langallerie, were made priſoners; as were likewiſe eight colonels, twelve lieutenant colonels, ſix majors, ninety-eight captains, a hundred and eleven lieutenants, thirty-four cornets and enſigns, thirty engineers and commiſſaries of the artillery, and ſeven thouſand ſix hundred and forty private men, including thoſe taken in Chivas; the whole amounting to twelve thouſand ſix hundred and ſeventy men. In the enemy's works the Germans found two hundred and fifty-five pieces of cannon, a hundred and eight mortars, ſeven thouſand eight hundred bombs, thirty-two thouſand royal grenadoes, forty-eight thouſand cannon-balls, beſides a prodigious number in the ditches, &c. four thouſand cheſts of muſket-ſhot, and eighty-ſix thouſand barrels of gunpowder. They took all their tents and baggage, five thouſand horſes, mules, and oxen, twenty-ſeven large boats loaded with ammunition, all their pontoons, four pictures of the French king ſet with diamonds, valued at four thouſand piſtoles. And monſieur de Carreſt, commiſſary general of the army, was taken, with all his mules ſo richly laden, that that part of the booty alone was valued at three millions of livres; to which muſt be added ten thouſand horſes of thirteen regiments of dragoons, which ſerved for a very ſeaſonable recruit to remount the confederate cavalry, but was ſuch a loſs to the enemy, as could neither ſoon nor eaſily be retrieved.

Count Daun, general of the artillery, had defended the city of Turin with all imaginable conduct and bravery; but the garriſon ſuffered very conſiderably in the ſiege, which laſted near four months; during which time, the enemy made ſuch a terrible fire upon them, as can ſcarce be paralleled in any age. Out of the imperialiſts in garriſon, during the ſiege, three hundred and eleven were killed, five hundred and eighty-nine wounded, and a hundred and twenty-two taken priſoners; in all one thouſand and twenty-ſix. Out of the troops of Savoy thirteen hundred and three were killed, ſeventeen hundred and twenty-two wounded, nineteen hundred and fifty-eight deſerters; the whole five thouſand and ninety-three. Out of the diſmounted horſe a hundred and forty-one killed, and a hundred and fifty-four wounded. Out of the men belonging to the artillery there were ſeventy-one killed, ſeventy-five wounded, and forty-ſeven deſerted; the whole loſs amounted to ſix thouſand ſix hundred and ſeven, beſides near three thouſand of the confederates killed or diſabled in the battle.

[b] Burnet ſays, the account of this deſcent, and the campaigns in Spain from 1706 to 1712, are chiefly taken from a manuſcript narrative, by a chaplain in the army, who was on the ſpot.

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ing the civil and religious liberties of France, which the low condition of that kingdom, the general diſcontent of the people, and the united power of the allies ſeemed to encourage. In purſuance of his deſign, the abbot repaired to the ſouthern provinces of France, where he ſettled a correſpondence with ſeveral perſons of note, eſpecially among the Camiſars, who had then taken up arms.

From thence he went to Turin, where he aſſumed the title of marquiſs de Guiſcard. He was well received by the duke of Savoy, who honoured him with the rank of a general officer in his army, and gave him a recommendatory letter to the emperor. Pleaſed with this ſucceſs he haſtened to Vienna, and applying himſelf to prince Eugene (with whom he had been intimate in his youth) was by the prince's means made a lieutenant-general in the emperor's army, which ſerved to give him credit and confidence with the maritime powers ſo abſolutely neceſſary to his projects.

From Vienna the marquis came to the Hague, where he prevailed with penſionary Heinſius to hearken to his propoſals, and to give him ſuch credentials, as gained him an eaſy admiſſion to the duke of Marlborough, when he came over in the winter 1705-6. Whilſt in Holland, the marquis publiſhed (as he had done at Turin) letters of exhortation to his countrymen, which he found means to diſperſe over France by way of manifeſto's. Theſe were all penned in the ſtyle of enthuſiaſm, of which he ſeemed to have a great tincture.

Thus ſupported and recommended he came into England, where he was favourably received, and grew into the good opinion and intimacy of Mr. Henry St. John, ſecretary of war (which continued till within a ſhort time of his death) and of other eminent perſons. Never was an affair of ſuch importance concerted and ſettled in ſo ſmall a time. Guiſcard was made lieutenant-general, and had the command of a regiment of dragoons, conſiſting of twelve troops, with the direction of ſix regiments of foot, all formed out of the French refugees on the Iriſh eſtabliſhment, at leaſt as to the officers. The marquis, on account of his religion, bore only the name of lieutenant-colonel. To theſe regiments were added as many Engliſh foot and dragoons, as amounted in the whole to ten thouſand foot and one thouſand two hundred horſe. A report of Guiſcard's commanding in chief cauſed two refugee general officers to deſire to be excuſed ſerving in the expedion. But this report was without any ground, for the command of the land-forces was conferred on earl Rivers, and of the fleet on ſir Cloudeſley Shovel. It was the 30th of July before the forces and a large train of artillery, under the command of colonel Richards, were all embarked. Earl Rivers went on board the Barfleur that day, and fell down with the fleet to St. Helen's to wait the coming of the Dutch, who were detained in the Downs by contrary winds, and did not join the fleet till the 13th of Auguſt near Plymouth. Next day the whole fleet, conſiſting of one hundred and fifty ſail, was forced into Torbay, where a council of war was held on board the admiral. At this council Guiſcard, who, the moment the fleet put to ſea, had been acknowledged lieutenant-general, had the mortification to ſee the project he had been ſo long contriving entirely demoliſhed. Earl rivers, who had opened his orders the day before he got into Torbay, found himſelf authoriſed to examine Guiſcard very ſtrictly concerning the deſcent, and, to the great ſurprize of the board, he had nothing but probabilities and a few correſpondents to go upon, and therefore the council came to ſome reſolutions very diſadvantageous to Guiſcard, which were immediately ſent up to court by an expreſs. The politicians were at a loſs, nor is it known to this day what could induce England and Holland to make ſuch an armament upon ſo weak a foundation. Indeed, if a diverſion was only aimed at by alarming the coaſts of France, the deſign was in great meaſure anſwered. For the alarm was general. It put all the maritime counties of France to a vaſt charge, and under diſmal apprehenſions. Officers were ſent from the court to exerciſe them, but they ſaw what their militia was, and that was all their defence [r].

About the ſame time that the expreſs came from the fleet, another arrived from the lord Galway, after his retreat from Madrid into Valencia, to ſolicit for ſuccours, and the court was not long in ſuſpence what to order. Inſtead of carrying on the alarm to France, the reduction of Spain was thought of much greater conſequence, and therefore new orders were ſent to the fleet to ſail firſt to Liſbon, and there to take ſuch meaſures, as the ſtate of affairs in Spain ſhould require. At the ſame time Guiſcard was ſent back to London, as were the officers of three of the French regiments of foot, the ſoldiers being left to compleat the reſt; and rear admiral Dilks was ordered to Portſmouth, with ſix of the largeſt men of war. In their ſhort voyage they met with ſuch a violent ſtorm, that they were all ſix in danger of being loſt, two of them being forced through the Needles, a thing unheard of, and very hazardous for firſt rate ſhips.

The fleet, after having been detained near ſeven weeks in Torbay, by contrary and ſtormy winds, ſailed at laſt the 1ſt of October, and arrived in three weeks at Liſbon. Earl Rivers went, November 3, to wait on the king at a little houſe at Alcantur, which, it was ſaid, he hired for his health, but more probably, to be near a convent of Nuns, which was over againſt this little houſe, where a beautiful Engliſh lady, ſiſter to a conſiderable merchant was ſhut up by her huſband, a Portugueſe of a great eſtate, upon the account of an intrigue with the king. In this houſe the king lived very privately, four or five ſtraggling ſoldiers being about the gate, in different coloured cloaths, without any regular centry without or within, nor any other appearance of a king than a canopy he ſtood under, with only four perſons with him very indifferently dreſſed, when he gave audience to the general. He received the earl with his hat off, and with great civility, ſaying, he was glad to ſee him, and approved much of his going to join the king of Spain. In this he was not thought ſincere, for he would fain have kept the army in Portugal. He ſpoke always to ſtrangers by an interpreter, for the palate of his mouth was ſo much damaged, that even the Portugueſe, that were not admitted to a great familiarity, could not underſtand him without great difficulty [s].

In leſs than a month after the audience, the king died on the 28th of November. When he was opened, his body was found to be entirely decayed within. During his three days illneſs, all the wonder working relics of Liſbon were carried to him, and continual proceſſion made in the city for his recovery, but all to no purpoſe. The very day after his deceaſe, the young king, his eldeſt ſon, who was then eighteen years old, took the adminiſtration into his hands and ſigned a treaty of alliance, expreſſing great heartineſs in it.

About the middle of December, the ſecretary of ſtate deſired a conference with earl Rivers, in which he preſſed him very much from the king, to ſtay in Portugal with the army under his command, but his ſollicitations proved fruitleſs: For the earl ordered, two days after, the horſes to be embarked, which were almoſt all on board, when an expreſs arrived from England, with orders to ſtay in Portugal, which put a ſtop to the embarkation. Ten days after, earl Rivers had an audience of the king, and laid before him ſeveral demands in writing, particularly about furniſhing mules for drawing the artillery, and for the officers baggage, as it was practiſed in Spain. The anſwer was to be returned in three days, and to determine the earl's ſtaying or going. But when it came, orders were immediately given to embark the remainder of the

[r] The manuſcript narrative ſays, the duke of Roquelaure had an army of no leſs than forty thouſand men to defend Guieur, and would have been ready to receive us, if we had gone to the intended place. Theſe troops, he obſerves, would have been of great ſervice to the French in Flanders. Burnet ſays, he ſaw one of the manifeſto's that earl Rivers was ordered to publiſh upon his landing: He declared, that he was come neither to pillage the country, nor to conquer any part of it: He came only to reſtore the people to their liberties, and to have aſſemblies of the States, as they had anciently, and to reſtore the edicts to the proteſtants, promiſing protection to all that ſhould come and join him.

[s] November 12, earl Rivers and the admiral, attended by ſeveral officers, went to wait on the young princes, the king's ſons, at the Royal palace, and were received in the moſt uncivil formal manner ever I ſaw, or heard of: After waiting about ſix minutes, we were conducted through three rooms to a fourth, where, on a Turkey carpet, and under a canopy, were the four young princes drawn up in exact rank; the eldeſt on the right, and next to him, according to their ages. As ſoon as within the room we all bowed very low: Then, going near them, the earl Rivers bowed again low; firſt to the eldeſt, then to each particularly: All our officers doing the ſame. But they ſtood ſtiff like ſtatues, with their hats on, not ſhewing the leaſt notice or civility either with their bodies or hands. The earl Rivers ſpoke twice to the ſecretary of ſtate, who was near him, to interpret ſomething to the eldeſt prince, who made anſwers by the ſecretary, and then waved his hand for us to go: So we all bowed low, then went backwards, with our faces to them till near the door, then bowed again, and ſo went out, without the leaſt notice, or return of civility: Which was a moſt offenſive and odious piece of ſtate. The three eldeſt were in black with large bands, and large Holland ruffles, and black cloaks. Their right hands in or near the coat pocket; and left hands in their breaſt: Full bottomed perukes hanging before, of an ankward length, ſhorter by much than thoſe worn at our court: Their hats looped up very low, ſo that both hat and peruke looked ungenteel. The youngeſt was in a purple coat faſhionably made, with a cravat tucked as ours, and looked very well. The eldeſt is eighteen years of age; their perſons are indifferently good, except the ſecond ſon, who has an ill-favoured ſullen face; he is the talleſt: The others promiſe to be but of a little ſtature. Their court was thin, and almoſt half of prieſts of ſeveral orders, ſome in comical dreſſes. In the room with the princes, except the ſecretary of ſtate, the company ſtood up againſt the walls, as immoveable as the princes: No guard, armed men, or centry without, or within the palace; in the firſt hall below ſtairs, about eight halbards were ſet up againſt the wall near the door that leads to the great ſtair-caſe.

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horſes. The general and all the officers went on board; and, on the 2d of January, the fleet ſailed for Alicant, where they arrived on the 28th of the ſame month.

At Alicant, earl Rivers found an Aid de Camp from the lord Galway, waiting for his arrival with a letter, to deſire that he would aſſiſt at a general council of war, which was to be held in the city of Valencia. Accordingly, about the middle of February, the earls Rivers and of Eſſex went to Valencia, where the grand council was held to determine the operations of the campaign; the reſult of which was, that they ſhould act offenſively, ſeek out the enemy, and endeavour to bring them to a battle, conſidering the great reinforcement ſent from England. Here no leſs than four Engliſh generals met together; the earls of Peterborough, Galway, and Rivers, and general Stanhope, the queen's envoy extraordinary to the king of Spain. The earl of Peterborough was recalled, ſo the command of the forces was to remain either with lord Galway or lord Rivers. The earl of Galway uſed many arguments to perſuade earl Rivers to take it upon him, notwithſtanding the orders he had received from England to ſtay and command. But earl Rivers, not liking the country, or for ſome other reaſon, choſe to return to England, which he and the earl of Eſſex did a few days after, and ſir Cloudeſley Shovel ſailed back with the fleet to Liſbon.

In the end of the campaign, in which Poland had been harraſſed with the continuance of the war, but without any great action; the king of Sweden ſeeing, that king Auguſtus ſupported his affairs in Poland, by the ſupplies both of men and money, that he drew from his electorate, reſolved to ſtop that reſource. He marched therefore in the beginning of September through Luſatia into Saxony, and quickly made himſelf maſter of an open country, that was under no apprehenſions of ſuch an invaſion, nor in any ſort prepared for it, and had few ſtrong places in it capable of making reſiſtance. The rich town of Leipſick, and all the reſt of the country, was without any oppoſition put under contribution. All the empire was alarmed at this; and it was firſt apprehended, that it was owing to French counſels, in order to raiſe a new war in Germany, and put the north all in a flame. Robinſon and Haerſolet, envoys from England and Holland, were ordered to attend the king of Sweden, and deſire him to declare his true intentions. The king gave it out, that he had no deſign to give any diſturbance to the empire, and intended by this march only to bring the war of Poland to a ſpeedy concluſion. Accordingly king Auguſtus, ſeeing his hereditary dominions in the hands of his enemy, ſoon found he could no longer maintain the war in Poland, and therefore a treaty was ſet on foot with ſuch ſecrecy, that it was concluded before it was thought to be in agitation. Auguſtus was only waiting for a fit opportunity to diſengage himſelf from his Polanders and from the Muſcovites; but an incident happened, that had almoſt imbroiled all again. For, before the ratifications of the treaty were exchanged, the armies being near one another in Great Poland at Kaliſh, the Polanders and Muſcovites attacked the Swedes at a great diſadvantage, being much ſuperior in number, and almoſt cut them in pieces. King Auguſtus had no ſhare in this, and did all he durſt to avoid it. He made all the haſte he could out of Poland, and, immediately after the battle, the peace, to the great ſurprize of all Europe, was publiſhed, having been ſigned, the 24th of September, above a month before the engagement. By the treaty king Auguſtus reſigned the kingdom of Poland, and the great dukedom of Lithuania, and acknowledged Staniſlaus as true, rightful king of Poland. He was contented with the empty name of king, though that ſeemed rather to be a reproach than any acceſſion of honour to his electoral dignity; but he thought otherwiſe, and ſtipulated, that it ſhould be continued to him. He was at mercy, for he had neither forces nor treaſure. It was thought the king of Sweden treated him with two much rigour, when he had ſo entirely maſtered him; but he was as little pitied as he deſerved to be, for, by many long practices, he had drawn all his misfortunes upon himſelf. The king of Sweden, being thus in the heart of Germany in ſo formidable a poſture, gave great apprehenſions to the allies. The French made ſtrong applications to him, but the courts of Pruſſia and Hanover were in ſuch a concert with that king, that they gave the reſt of the allies great aſſurances, that he would do nothing to diſturb the peace of the empire, nor to weaken the alliance. The court of France preſſed him to offer his mediation for a general peace; all the anſwer he gave was, that, if the allies made the like application to him, he would interpoſe and do all good offices in a treaty, but refuſed to enter into any ſeparate meaſures with France.

This was not the only application the French king made for a treaty. Soon after the battle of Ramilies, the elector of Bavaria gave out hopes of peace. He writ a letter from Mons, the 21ſt of October, N. S. to the duke of Marlborough, and another of the ſame date to the deputies of the States, with propoſals from the court of France for holding of conferences in ſome place between the two camps, or between Mons and Bruſſels, to treat of a peace. The deputies of the States had ſent the elector's letter to the Hague, and the duke had alſo communicated his to the queen his miſtreſs. When the army ſeparated in the Netherlands, and the winter-quarters were ſettled, the duke came to the Hague, the 9th of November, N. S. The next day the deputies of the States came and held a long conference with him, chiefly upon the ſubject of the elector's letters. It was agreed, that the ſteps, which France had made towards a peace, ſhould be communicated to the miniſters of the allies, in order to remove all ſuſpicions of clandeſtine negotiations, and encourage the ſeveral members of the grand alliance to redouble their efforts againſt the next campaign. This being concerted, as well as the draughts of the reſpective anſwers to the elector of Bavaria, the States deſired the miniſters of the allies, reſiding at the Hague, to be preſent, on the 21ſt of November, at an extraordinary congreſs, when the deputies for foreign affairs made the following notification to them. They owned, "That France had formerly, by ſome private perſons, made general intimations of their willingneſs to treat of peace, and that, laſt winter, the marquis d'Alegre had preſented the States a formal memorial on the ſame ſubject (the ſubſtance of which was read in the congreſs) but they had given no ear to thoſe advances, nor communicated them to the allies, becauſe they did not judge them worth imparting to them. But that, in October laſt, the elector of Bavaria had writ a letter to the duke of Marlborough, and another to the field-deputies of the States, which letters, with the draughts of the anſwers, were alſo communicated to the congreſs [t]."

Then the deputies of the States declared to the aſſembly, "That their high-mightineſſes were reſolved not to enter in-

[t] The elector's letter to the duke of Marlborough was as follows:

"The moſt chriſtian king, ſir, finding, that ſome overtures of peace, which he had cauſed to be made in a private manner, inſtead of producing the effect of making known his diſpoſitions towards procuring a general peace, have been looked upon, by ill-deſigning perſons, as an artifice to diſunite the allies, and make an advantage of the miſunderſtanding, that might be created among them; has reſolved to ſhew the ſincerity of his intentions, by renouncing all ſecret negotiations, and openly propoſing conferences, in which, means may be found for the re-eſtabliſhing the tranquillity of Europe.

"The moſt chriſtian king is pleaſed to charge me to inform you of this, and to deſire you to acquaint the queen of England with it.

"I give the like notification on the part of the moſt chriſtian king to the States-General, by a letter, that I have written to the field-deputies; and he would do the like with regard to the other potentates, that are at war with him, had they miniſters near at hand, as you are, to receive the like intimation, he having no deſign to exclude any of the ſaid potentates from the negotiation, that ſhall be begun in the conferences he propoſes. Moreover, for advancing a good ſo great and neceſſary to Europe, which has too long ſuffered the inevitable calamities of war, he conſents that a place may forthwith be choſen between the two armies; and after their being ſeparated, between Mons and Bruſſels, in which you, ſir, with whom the intereſts of England are ſo ſafely intruſted, the deputies, which the States ſhall pleaſe to nominate, and the perſons, whom the king of France ſhall impower, may begin to treat upon ſo important an affair.

"I am extremely pleaſed, ſir, to have ſuch an occaſion to write you this letter, being perſuaded it will leave no room to doubt of the ſentiments of his moſt chriſtian majeſty, which may be ſo beneficial to all Europe.

"You will be glad to give an account of it to the queen of England without loſs of time, and to whomſoever elſe you ſhall think fit. I ſhall expect your anſwer, ſir, to acquaint the moſt chriſtian king of it; and ſhall be always ready, ſir, to do you ſervice."

Mons, Octob. 21, 1706. M. Emanuel, Elector.

The duke of Marlborough's anſwer was in theſe terms:

Sir,

"Having communicated to the queen, my miſtreſs, what your electoral highneſs did me the honour to write to me in your letter of the 21ſt of laſt month, of the intentions of the moſt chriſtian king to endeavour to re-eſtabliſh the tranquillity of Europe, by conferences to be held for that purpoſe between deputies on both ſides; her majeſty has commanded me to anſwer your electoral highneſs, that as ſhe received with pleaſure the notice of the king's inclination to agree to the making of a ſolid and laſting peace with all the allies, being the ſole end, that obliged her majeſty to continue this war till now; ſo ſhe will be very glad to conclude it, in concert with all her allies, on ſuch conditions, as may ſecure them from all apprehenſions of being forced to take up arms again, after a ſhort interval, as has ſo lately happened. Her majeſty is alſo willing I ſhould declare, that ſhe is ready to enter, jointly with all the high allies, into juſt and neceſſary meaſures for attaining ſuch a peace; her majeſty being reſolved not to enter upon any negotiation, without the participation of her ſaid allies. But the way of conferences, that is propoſed, without more particular declarations on the part of his moſt chriſtian majeſty, does

to any negotiation of peace, but jointly with their allies, and faithfully to communicate to them the propoſals, that might be made to them, expecting that the allies would do no leſs on their part."

The duke of Marlborough and the penſionary ſpoke very prudently on this occaſion in the congreſs, and both concluded for the continuation of the war. The miniſters were likewiſe deſired to write to their reſpective courts to exhort them to follow the example of England and Holland, who were reſolved to make a vigorous campaign. The aſſembly was extremely pleaſed with the ſincerity and fairneſs wherewith this communication was made.

The States and the duke had ſeveral weighty reaſons for the communicating theſe proceedings to the miniſters of the allies, ſome of whom were very uneaſy on the apprehenſion, that ſome ſecret negotiation was tranſacting without their knowledge. Beſides, it was ſpread about in Holland by the emiſſaries of France, that the duke of Marlborough, finding his account in continuing the war, would induce the queen of Great-Britain to refuſe to hearken to a reaſonable peace. The ſame thing had been inſinuated in England, and therefore it was proper to demonſtrate the contrary, and to ſhew, that the refuſing to enter into conferences with France was owing to a belief, that a ſolid and laſting peace could not be expected from thence.

However the court of France did not ſtop here, but, finding they could not prevail with the king of Sweden, they made a public application to the pope for his mediating a peace. The ſum of their offers, for that purpoſe, was to give up to king Charles either Spain and the Weſt-Indies, or Milan, Naples, and Sicily, with a barrier for the Dutch, and a compenſation to the duke of Savoy for the waſte made in his country. But theſe offers were rejected [u]. The court of Vienna was ſo alarmed at the inſinuations ſome had expreſſed towards the entertaining this project, that this was believed to be the ſecret motive of the treaty, the ſucceeding winter, for evacuating the Milaneſe, and of their obſtinately perſiſting, the ſummer after, in their deſigns upon Naples; for by this means they became maſters of both.

The duke of Marlborough having now ſettled ſeveral important affairs with the States, particularly the continuing the Heſſian troops in Italy, according to the duke of Savoy's deſire, he embarked for England, and arrived at London the 18th of November, O. S.

As the duke had by the emperor been inveſted with the principality of Mildenheim, for delivering the empire from the arms of France; ſo he was now no leſs diſtinguiſhed at home by the queen and parliament. For, ſoon after his return, he received the thanks of both houſes for his eminent ſervices, and the lords addreſſed the queen to ſettle his honours on his poſterity. This was readily complied with; and an act paſſed to limit his titles and honours to his eldeſt daughter, and her male heirs, and then to all his other daughters ſucceſſively, according to their priority of birth, and that Woodſtock-Manor and Blenheim Houſe ſhould always go with the titles. And, a few days after, upon the commons

not ſeem to her to be proper for obtaining a truly ſolid and laſting peace. The States General are of the ſame opinion. Wherefore your electoral highneſs will rightly judge, that other more ſolid means muſt be thought on to obtain ſo great an end, to which her majeſty will contribute, with all the ſincerity that can be wiſhed, having nothing ſo much at heart, as the relief of her ſubjects, and the tranquillity of Europe. Your electoral highneſs will always do me the juſtice to be perſuaded of the reſpect, with which I have the honour to be, &c.

Hague, Novemb. 20, 1706.

The letters between the elector and the field-deputies were of much the ſame tenor.

[u] Dr. Hare, in his piece, entitled, 'The management of the war in a letter to a tory member, takes notice of the objection, which had been urged by the tories, 'That a good peace might have been had at the end of the Ramillies campaign.' "Now to decide this queſtion, ſays he, we muſt firſt ſettle what a good peace is; and, in order to that, muſt conſider, what it was we went into the war for. Nobody wants to be told, that this was chiefly to obtain theſe two ends, the reſtitution of the Spaniſh monarchy to the houſe of Auſtria, and the procuring of a good barrier againſt France, on the ſide of the Netherlands; without which two points there can be no ſecurity for Great-Britain, that their beſt trade will not be loſt, and with it their religion and government, and every thing that is dear to them. For we ſhould every minute be in danger of having the bigotry, ſlavery, and poverty of France forced upon us by the exorbitant power of that moſt arbitrary prince, if he ſhould be ſuffered to ſtrengthen himſelf with the addition of that vaſt monarchy, who was before much too great for his neighbours; to ſay nothing of the ſafety of the Dutch, or the liberty of Europe.——Now the Spaniſh monarchy, the reſtitution of which is the firſt article of the grand alliance, is known by every body to conſiſt, beſides the Spaniſh Netherlands, of theſe two great parts, of Spain and the Indies; and of Milan, Naples, and Sicily, with Sardinia and the adjacent iſles. And a good barrier againſt France means, at leaſt, a better than the Dutch had before, which, by the experience of fifty years, has been found to be much too weak for ſo large a frontier; the Spaniſh Flanders, and its capital city, Ghent, having in truth no cover at all, and Brabant but a very poor one; while, the French being entire maſters of the Lys and Scheld, both provinces lie expoſed to their invaſions. Look but on ſome large maps of theſe provinces, ſuch as have been printed of late years, and your eyes will preſently convince you of the truth of this. But, if this reſtitution and this barrier were thought neceſſary, at our entering into the war, nobody, I preſume, will ſay, they are leſs neceſſary now, when ſo much more has been done to gain theſe ends, than any body at the beginning could ever hope to ſee. And, if theſe two points are neceſſary, then no peace without them can be a good peace. Let us then compare this good peace with what the French offered at the end of the Ramillies campaign——which, in ſhort, was no more than this, to give up to the allies which of thoſe two they liked beſt, either Spain and the Indies, or Milan, Naples, and Sicily, &c. which offer was unanimouſly rejected. I ſuppoſe, there is no need of proving, that the allies ought not to have accepted either part of this alternative, it being ſo ſhort of what, upon our entrance into the war was thought neceſſary. To have been content with a moiety of what we went into the war for, after ſo many ſucceſſes, and not a few ſurprizingly great, would have rendered us inexcuſable to all poſterity; and ſome body, who, we are now told, prolongs the war, would have been ſaid to have been well paid for ſuch a peace. It would have been, in the language of the faction, a plain caſe, we were ſold to France, and nothing leſs than his head could have atoned for it. But, inſtead of proving the abſurdity of accepting ſuch a peace, I ſhall ſhew you rather, what to every body is not ſo plain; and that is, that the French were not ſincere; They meant nothing by their offer, but to amuſe the allies, and knew they could not all agree to accept either part of the alternative; and that England and Holland without the emperor, could not take Spain and the Indies, were they never ſo much inclined to it. For, had the allies hearkened to this propoſal, it had been in the power of the French to have cloſed with which they would. Now it is eaſy to ſee, what this muſt have ended in. For in ſuch partition there is no doubt but, as the Dutch and we ſhould have been for Spain and the Indies, the emperor would have made the other part his choice, which is evidently left for him. Which part now of the allies in this diviſion would France be moſt willing to comply with? Or, in other words, which part of the monarchy would they chooſe of the two to quit? A man muſt be blind not to ſee, that the part the emperor would like beſt to have, the ſame France would like beſt to part with. Behold then the neceſſary conſequence of hearkening to ſuch terms: The confederacy broken, and the maritime powers left to ſhift for themſelves, without being able to obtain either of the parts, when they ought to be content, according to the terms of the grand alliance, with nothing leſs than both. Who now, I would fain know, have moſt reaſon to complain, that theſe offers were rejected, the people of London or Vienno? They, who might have had the part they had moſt mind to, if they would have abandoned their allies? Or we, who it is certain, beſides the infamy of ſo baſe an action, could have had nothing? Had the writers, who are ſo able at making ſomething out of nothing, had their lot in Auſtrian ground, what a field had there been for them? What rare matter to ſhew their ſkill in? What ſpecious pretences, without the help of ſecret hiſtory, to give out, that the emperor was ill-adviſed? What! reject ſo advantageous an offer, by which ſo great an addition of real ſtrength would have been made to the houſe of Auſtria; and that, at a time, when they were ſo unable to carry on the war, when the people have been exhauſted with continual wars for more than thirty years!——Would not this be the language of the faction, if the ſcene were changed from London to Vienna? And yet we do not hear that either the emperor, or his people, have hitherto thought it any crime in the miniſters, who would not hearken to thoſe terms. Inſtead of that, all the world think it much for their honour, that they have appeared true to themſelves, and faithful to their allies, in rejecting ſo pitiful and inſecure a peace. And is not this a reproach to us, who ſuffer ourſelves to be deluded by ſuch vile impoſtors, who would perſuade us out of our ſenſes, that half the Spaniſh monarchy is as good as the whole, and that nothing is as good as half. For I have ſhewn, that one half only was offered, and that even that could not be had. It muſt, ſure, to all thinking men be very ſurpriſing, that we only, of all the allies, ſhould complain, that this ridiculous offer of the French was rejected, when we, of all of them, have moſt reaſon to be pleaſed with it.——I muſt beg leave to obſerve one thing further, which is of too much moment to be paſſed over; and that is, that they, who have done their country ſo much ſervice in rejecting this offer from the French, would have done it ſtill much greater, could they have prevented any regard being given to it. For, though the refuſing theſe terms could do no harm, the hearkening to them, I will ſhew you, did a great deal. The inclination ſome people, of the ſame complexion with the author of the Secret Hiſtory, expreſſed to come to a treaty with the French upon the terms offered, raiſed in the Imperial court a jealouſy, that the maritime powers were tampering with France, and making terms for themſelves, to which the intereſt of the houſe of Auſtria was to be ſacrificed. This put that court upon meaſures, that had a fatal influence on the next campaign, and occaſioned the two moſt unfortunate events, that had happened all this war. Firſt, this ſuſpicion made them begin and conclude a treaty with the French for evacuating the Milaneſe, without the privity of England and Holland, who did not know one word of the matter. And what do you think was the conſequence of this? Why, it gave the French an opportunity of ſending immediately into Spain a great body of good veteran troops. And it is to this reinforcement ſent the duke of Anjou, that we owe the loſs of the battle of Almanza, which proved ſo fatal to our own affairs on that ſide.—— And the ſame jealouſy put the Imperial court upon taking another ſtep, no leſs prejudicial to the common cauſe, and that was the expedition to Naples, which they could not be prevailed with to defer upon the repeated and moſt preſſing inſtances, that the maritime powers made to them by their miniſters both at Vienna and Italy. And the conſequence of the expedition was, that it not only diverted a great part of the troops, that were to execute the project on Toulon, but retarded, for a conſiderable time, the march of the reſt. And this loſs of time, and leſſening of their numbers, ſeem to have been the chief occaſion of the miſcarriage of that glorious enterprize. Nothing made the Imperial court ſo obſtinately bent on that unhappy expedition, but the fears they had, that Naples, as well as Milan, would at the Hague be given up to facilitate a peace, which they were reſolved to prevent, by getting poſſeſſion as ſoon as they could. This is all we have got by hearkening to thoſe offers, which it is now thought a great crime we did not cloſe with; the loſs of the battle of Almanza, and the miſcarriage of the project on Toulon, the greateſt, moſt important, beſt concerted enterprize, that was ever entered on. And both theſe misfortunes had, in all probability, been prevented, had the offers of the French been roundly rejected at the firſt, and no occaſion of jealouſy had, by liſtening to them, been given the Imperial court.——After ſaying ſo much of that part of the offer the French made, which concerns the partition they propoſed of the Spaniſh monarchy, which we ought, not to have accepted, if we could, and could not, if we would; there is no need of telling you, what

ddreſs, the queen agreed, that the five thouſand pounds penſion out of the Poſt-office ſhould be ſettled on him and his poſterity, in the ſame manner as the town of Woodſtock and the houſe of Blenheim [w].

what barrier was offered for the Netherlands, which the Dutch were moſt concerned in, who do not uſe to neglect good offers to come at a peace, if we may believe the faction, who have for a long time pretended to fear nothing ſo much as their quitting the alliance for their own ſeparate intereſt. Though now the noble firmneſs they have ſhewn in adhering to it, till terms may be had to the ſatisfaction of all parties, is by theſe ill-deſigning politicians, who can take every thing by a wrong handle, imputed to them for a crime.——That this is the whole truth of this matter; that theſe, and no other, were the offers the French made after the Ramillies campaign; I will give you, beſides theſe already hinted, one plain authentic proof, which is as good as a thouſand demonſtrations; and that is a letter of the French king to the pope on this ſubject, writ in the following ſpring, when all thoughts of peace were at an end, and a new campaign was entering upon.

This letter was dated at Verſailles, February 15, 1707, and was as follows:

"The care, which your holineſs continues to take for procuring the peace of Europe, is always equally agreeable to us. We have nothing more at heart than to ſecond your endeavours; and we would even prevent you in any thing we could do to make them effectual. As it was not our fault, that the war was begun, ſo we ſhall ſeek occaſions to end it, by the moſt ready and eaſy methods. Your Holineſs has been informed, that we have already made frequent advances to come to ſo wholeſome an end. It can be attributed only to the misfortune of the times, that catholic princes, ſtruck with fear of diſpleaſing the allies, ſhould yet refuſe to hear the holy exhortations of the vicar of Jeſus Chriſt. When we left it to the arbitration of your holineſs to ſatisfy the rights and demands of the emperor, by a valuable compenſation upon ſome parts of the Spaniſh monarchy; the miniſtry of your holineſs were charged with the care of making the propoſal of it to that prince. But with what haughtineſs did he reject it! Having ſaid things exorbitant, and inſolently demanded, that our grandſon ſhould be recalled. Who could have thought, moſt holy father, that he would have made ſo arrogant a return to an inſulted king, to a miniſter of your holineſs, and to our love of peace? For the conjuncture, far from being favourable to the houſe of Auſtria, ſeemed then to threaten it by the ſuperiority of our forces, and by our gaining the battle of Caſſano. But God, who is the maſter of events, changed the poſture of our affairs. Yet, though we were employed with the cares of repairing our loſſes, we had ſtill in our minds the idea we had conceived of peace, at the time even of our greateſt proſperity. We renewed to Holland the offer of a barrier for their ſtate, and of the ſecurity demanded for their trade; reſerving it ſtill to ourſelves to treat with the emperor about a compenſation. Propoſitions ſo reaſonable were again rejected by the intrigues of that party, which had ſhewed itſelf averſe to the advancement of our grandſon. And then we employed all our thoughts to encreaſe our preparations for a war, which had been violently and unjuſtly declared againſt us. Nevertheleſs, as it becomes us to be obedient to the pious exhortations of your holineſs; and, to the end that our enemies may have no pretence to impute to us the loſs of ſo much Chriſtian blood, as is already ſpilt, and now going to be let out, we will give your holineſs a plain and frank account of the diſpoſition we are in for peace. We will therefore acquaint your holineſs, that the king, our grandſon, has entruſted us with full power to convey the archduke a part of thoſe eſtates, that compoſe the Spaniſh monarchy. The catholic king has the hearts of the true Spaniards, and is content to reign over them. It only depends therefore on the emperor to explain himſelf at this time, who may have, if he pleaſes, for ever re-united to his family the Milaneſe, Naples, and Sicily, with the other iſlands belonging to Spain, that are ſituated in the Mediterranean ſea.

"We ſhould eaſily agree about a barrier for the republic of the United Provinces. And, the two pretences of the war being thus removed, it would not be difficult to put an end to theſe misfortunes, which Europe has been ſo long oppreſſed with.

"We pray God, that he will preſerve your Holineſs a great many years, in the government of his church."

Your devoted ſon,

The king of France

and Navarre,

LEWIS.

The author of the 'Military Hiſtory of the late prince Eugene of Savoy, and the late John duke of Marlborough,' Vol. II. p. 18, tells us, "That it is not certain, what were the true reaſons, why the confederates did not liſten at this time to the propoſals of peace, ſince there are juſt reaſons to believe, that his moſt chriſtian majeſty would have conſented to any thing, that could have been demanded, leſs than an entire renunciation of Spain. Nay, it is to be wondered, that the alliance itſelf was not broke at this time, great jealouſies ariſing between the imperialiſts and the Dutch, about the conqueſts in the Netherlands, the juriſdiction being claimed by the former, and exerciſed very deſpotically by the latter. The ſource of this difference lay here: It was ſtipulated in the grand alliance, that the Dutch ſhould firſt have a barrier, and, when they were ſafe, the Spaniſh provinces were to be delivered up to the emperor or the king of Spain. The imperialiſts were of opinion, that the Dutch were now ſafe; and demanded therefore, that the province of Limburgh, which had been reduced the laſt campaign, ſhould be delivered up: To which the States returned general anſwers, and continued to exerciſe their juriſdiction as formerly. Count Zinzendorf was pitched on therefore by his imperial majeſty, to go firſt to the camp, and then to the Hague, in order to regulate all things with the allies. The duke of Marlborough entertained this miniſtry very agreeably; they converſed together on the ſubject of the overture made for peace, and canvaſſed the ſeveral neutral powers of Europe, in order to find out the proper mediation, under the auſpice of which a negotiation might be commenced. The pope was by no means grateful to the proteſtant powers, nor a grain more in the good graces of his imperial majeſty. The Venetians expreſſed no great inclination to concern themſelves in ſuch a buſineſs; and it was thought the emperor would not accept the mediation of the Swiſs Cantons. In the north, the king of Denmark might have been influenced to take on him ſuch a part; but, in regard, that he himſelf had ſome differences to adjuſt, it was doubted, whether a negotiation could be properly carried on through his mediation. Beſides, the only plan, that

The affairs of Scotland were all this while in a very dangerous ſituation. The intereſt of the pretender (it is ſaid) increaſed to ſuch a degree, that four parts in five of the nobility and gentry, and above half of the commons over the whole

was talked of on the ſide of the confederates, was the abſolute ceſſion of Spain, and its dependencies, to the houſe of Auſtria, and the erecting the duchy and county of Burgundy into a kingdom, which was to be given to king Philip. The Dutch in general were very much diſpoſed to a peace; but the duke of Marlborough and the imperial miniſter were for continuing the war, that France might be obliged to accept ſuch terms, as would leave it no longer in her power to terrify her neighbours. The anſwer the duke of Marlborough gave to the elector of Bavaria was concerted with, and approved by the imperial miniſter. And thus all the intrigues of France, for bringing on a negotiation ſomewhere, were abſolutely defeated, though ſhe ſpared no pains to bring them to bear. His moſt chriſtian majeſty, however, did not fail to make the moſt he could of a very indifferent game. He applied himſelf aſſiduouſly to the re-eſtabliſhment of his troops, and to the raiſing money by every method he could take; at the ſame time that his emiſſaries gave out every where, that the preſent war was a war merely of intereſt. That his imperial majeſty carried it on, becauſe he had all things to hope from it, and nothing either to fear or pay: That the leading people in Great Britain were ſuch, as gained titles and eſtates by the war: And that, in Holland, the penſionary Heinſius, who did all things, was entirely directed by the duke of Marlborough and prince Eugene. If theſe ſuggeſtions were neither agreeable to truth nor to the ſentiments of the people, at the time they were thrown out, yet, by being often repeated, they gained credit at laſt, and occaſioned ſome diſturbances in Holland, and greater in England."

[a] Six days after his arrival, the duke coming to the houſe of peers, the lord keeper, by direction, made the following ſpeech to him:

My lord duke of Marlborough,

"I am commanded by this houſe to give your grace their acknowledgment and thanks for the eminent ſervices you have done, ſince the laſt ſeſſion of parliament, to her majeſty and your country, together with their confederates, in this juſt and neceſſary war. Though your former ſucceſſes againſt the power of France, while it remained unbroken, gave moſt reaſonable expectation, that you would not fail to improve them; yet what your grace hath performed, this laſt campaign, has far exceeded all hopes, even of ſuch as were moſt affectionate and partial to their country's intereſt and your glory. The advantages you have gained againſt the enemy, are of ſuch a nature, ſo conſpicuous in themſelves, ſo undoubtedly owing to your courage and conduct, ſo ſenſibly and univerſally beneficial in their conſequences to the whole confederacy, that to attempt to adorn them with colouring of words would be vain and inexcuſable, and therefore I decline it; the rather, becauſe I ſhould certainly offend that great modeſty, which alone can, and does add luſtre to your actions, and which, in your grace's example, has ſucceſsfully withſtood as great trials, as that virtue has met with in any inſtance whatſoever. And I beg leave to ſay, that, if any thing could move your grace to reflect with much ſatisfaction on your own merit, it would be this: That ſo auguſt an aſſembly does, with one voice, praiſe and thank you; an honour, which a judgment ſo ſure, as that of your grace's, to think rightly of every thing, cannot but prefer to the oſtentation of a public triumph."

The duke's anſwer to this ſpeech was: "I eſteem this as a very particular honour, which your lordſhip's are pleaſed to do me. No body in the world can be more ſenſible of it than I am, nor more deſirous to deſerve the continuance of your favour and good opinion."

The day before a committee, appointed by the commons, having attended the duke with the thanks of that houſe for his eminent ſervices to her majeſty and this kingdom in the laſt campaign, the duke told them, "If any thing could add to my ſatisfaction in the ſervices I have endeavoured to do the queen and my country, it would be the particular notice, which the houſe of commons is pleaſed to take of them ſo much to my advantage." A little after the lords waited on the queen with an addreſs, importing, "That having conſidered the many great actions, which the duke of Marlborough had performed in her majeſty's ſervice, ſuch actions, as the wiſeſt and greateſt of people had rewarded with ſtatues and triumphs; they were extremely deſirous to expreſs the juſt ſenſe they had of his merit, in a peculiar and diſtinguiſhing manner; and, in order to perpetuate the memory thereof, to ſettle and continue his titles and honours, with his right of precedence, in his poſterity by act of parliament. But, having a juſt regard for the prerogative of the crown, they thought it their duty, in the firſt place, to have recourſe to her majeſty for her royal allowance, before any order given for bringing in a bill of ſuch a nature; and to deſire her majeſty to let the houſe know in what manner it would be moſt acceptable to her, that theſe titles and honours ſhould be limited." Her majeſty's anſwer to this addreſs was as follows:

ANNE R.

"Nothing can be more acceptable to me than your addreſs. I am entirely ſatisfied with the ſervices of the duke of Marlborough, and therefore cannot but be pleaſed you have ſo juſt a ſenſe of them.

"I muſt not omit to take notice, that the reſpectful manner of your proceeding, in deſiring my allowance for bringing in the bill, and my direction for the limitation of the honours, does give me great ſatisfaction.

"My intention is, that, after the determination of the eſtate, which the duke of Marlborough now has in his titles and honours, the ſame ſhould be limited to his eldeſt daughter, and the heirs male of her body, and then to all his other daughters, ſucceſſively, according to their priority of birth, and the heirs male of their reſpective bodies, and afterwards in ſuch manner, as may effectually anſwer my deſign and yours, in perpetuating the memory of his merit, by continuing, as far as may be done, his titles and name to all his poſterity.

"I think it would be proper, that the honour and manor of Woodſtock, and the houſe of Blenheim, ſhould always go along with the titles; and therefore I recommend that matter to your conſideration."

Then the duke of Marlborough, on this occaſion, ſpoke to the lords in theſe words:

"My Lords,

"I cannot find words ſufficient to expreſs the ſenſe I have of the great and diſtinguiſhing honour, which the houſe has been pleaſed to do me in their reſolution, and their application to her majeſty. The thoughts of it will be a continual

kingdom, expreſſed, on all occaſions, their inclination and readineſs to ſerve that cauſe. Accounts of this were from time to time tranſmitted to the court of France, who, being much ſtraitened by the ſucceſſes of the confederates, ſeemed more ſincere and hearty than formerly, in promoting the intereſt of the pretender. Colonel Hookes was ſent to Edinburgh in 1705, with letters from the French king and the pretender to the duke of Hamilton, and the earls of Errol, Mariſchal, and Hume, exhorting them to concert meaſures for the reſtoration of the exiled royal family; promiſing to aſſiſt the Scots nation in ſo good a deſign, impowering the colonel to receive propoſals, and deſiring them to ſend over to France one fully inſtructed to treat for that purpoſe. This Hookes had been a preſbyterian, and one of the duke of Monmouth's chaplains, when he invaded England; but, whether he was taken priſoner and pardoned, or made his eſcape, it is certain, that, having afterwards turned Roman catholic, and entered into the French ſervice, he had, by this time, raiſed himſelf there to the command of a regiment of foot, and gained ſuch credit at the court of France, as to be appointed to manage their correſpondence with Scotland. In converſation he appeared to be a man of tolerable good ſenſe, and quick parts, but, being withal extremely vain and haughty, and not very circumſpect, the cavaliers and country party declined admitting him into their private meetings, to propoſe, as he deſigned, their owning the pretender's intereſt, and moving his reſtoration in parliament. They were cautious of confiding in him, becauſe, in all his propoſals, he ſeemed more intent upon raiſing a commotion in the kingdom, and ſo giving a diverſion to the enemies of France, than upon what really tended to advance the pretender's affairs. However, the cavaliers, to whom he delivered his letters and meſſages, told him in general terms, "That they were willing to do every thing, that could in reaſon be expected from them; and would, as they were deſired, in a ſhort time, ſend over one to confer with king James (for ſo they ſtiled the pretender) and the king of France." With this anſwer Hookes returned to France; and the cavaliers, having reſolved to ſend one over, to ſee what aſſiſtance they could depend upon from thence, unanimouſly made choice of captain Henry Stratton, who embarked for France, the very next day after Lockhart returned to Edinburgh, having waited for him, to get a full account of what paſſed at London, in relation to the intended union. Beſides what concerned that treaty, Lockhart was employed to ſift the tories in England, and endeavour to know what they would do, in caſe the pretender came over, and the Scots declared for him; and, having accordingly found means to underſtand the ſentiments of the duke of Leeds, the lord Granville, and ſeveral others, he informed captain Stratton, that the Engliſh tories were much more cautious than the Scots cavaliers; the former being all of opinion, 'That no attempt ought to be made during the queen's life.' Captain Stratton was kindly received in France, but could bring nothing to a concluſion; the battles of Ramillies and Turin having ſo diſconcerted the French king's meaſures, that he was not in a condition to ſpare either men or money for the ſervice of the pretender. However, the pretender told Stratton, "That he longed extremely to be amongſt his Scots friends;" and obliged him to give him in writing a character of every member of the Scots parliament, as they ſtood affected to him. After this Stratton was diſmiſſed, with fair promiſes from the French king, of doing all in his power in a more favourable conjuncture, and with letters from the pretender to the duke of Hamilton, the earls of Errol and Mariſchal, and the viſcount Stormount. The viſcount had two letters encloſed in his, one to the duke of Athol, the other to the marquis of Montroſe; the firſt of which was delivered, and kindly received; but, the marquis having left the cavaliers, it was thought to no purpoſe to make any attempt upon him, and dangerous to truſt him with ſecrets, which he might diſcover to the miniſters of ſtate; for which reaſon the pretender's letter was not delivered to him.

Upon this encouragement from France, the cavaliers reſolved to ſtand firm, and to exert their utmoſt efforts in the enſuing ſeſſion of parliament, againſt the ratification of the treaty of union; though, about this time, they ſuſtained a great loſs in the death of the earl of Hume, who was more relied on than any other of his party.

Before the parliament met in Scotland, the miniſtry there gave ſuch a fair repreſentation of the union, that it was generally reliſhed by the people; but no ſooner did the articles appear in print, but they were as univerſally diſliked. It was viſible, that the nobility of that kingdom ſuffered a great diminution by it; for, though it was agreed, that they ſhould enjoy all the other privileges of the peers of England, yet the greateſt of them all, which was voting in the houſe of lords, was reſtrained to ſixteen to be elected by the reſt every new parliament; yet there was a greater majority of the nobility that concurred in voting for the union, than in the other ſtates of that kingdom.

On the 3d of October, the parliament being met, the duke of Queenſbury, the high commiſſioner, went thither, attended by moſt of the nobility, barons, and other members; and the queen's letter was read as follows:

ANNE R.

My lords and gentlemen,

"SINCE your laſt meeting, we did nominate commiſſioners to treat of an union between our two kingdoms of Scotland and England, and by their great care and diligence a treaty is happily concluded and laid before us.

"We have called you together as ſoon as our affairs could permit, that the treaty may be under your conſideration, in purſuance of the act made in the laſt ſeſſion of our parliament there; and we hope the terms will be acceptable to you.

"The union has long been deſired by both nations, and we ſhall eſteem it the greateſt glory of our reign to have it now perfected being fully perſuaded, that it muſt prove the greateſt happineſs of our people.

"An entire and perfect union will be the ſolid foundation of a laſting peace: It will ſecure your religion, liberty, and property; remove the animoſities among yourſelves, and the jealouſies and differences betwixt our two kingdoms. It muſt increaſe your ſtrength, riches, and trade: And by this union the whole iſland being joined in affection, and free from all apprehenſion of different intereſts, will be enabled to reſiſt all its enemies, ſupport the proteſtant intereſt every where, and maintain the liberties of Europe.

"We do, upon this occaſion, renew the aſſurances we have

continual ſatisfaction to me, and the higheſt encouragement; and the thankful memory of it muſt laſt as long as any poſterity of mine.

"I muſt beg leave to ſay a word to the houſe in relation to that part of her majeſty's moſt gracious anſwer, which concerns the eſtate of Woodſtock, and the houſe of Blenheim. I did make my humble requeſt to the queen, that thoſe might go along with the titles; and I make the like requeſt to your lordſhips, that after the ducheſs of Marlborough's death (upon whom they are ſettled in jointure) that eſtate and houſe may be limited to go always along with the honours."

The lords readily complied with the queen's and the duke's deſires, and the bill, which was brought in for that purpoſe, had a quick paſſage through both houſes.

On the 7th of January, the commons alſo having taken into conſideration, "The eminent ſervices of the duke of Marlborough, whereby the glory of her majeſty's government, the honour and ſafety of the kingdom, and the intereſt of the common cauſe had been ſo highly advanced," they agreed upon an addreſs to the queen, wherein they humbly deſired, "That as her majeſty was, at her expence, graciouſly pleaſed to erect the houſe of Blenheim as a monument of his glorious actions; and the houſe of peers, by her majeſty's permiſſion, had given riſe to a law for continuing his honours to his poſterity; the moſt obedient commons might be permitted to expreſs their ſenſe of diſtinguiſhing a merit, and their ready diſpoſition to enable her majeſty to make ſome proviſion for the more honourable ſupport of his dignity in his poſterity, in ſuch manner, as ſhould be moſt agreeable to her majeſty:" Concluding, "That thus the gratitude of the whole kingdom would remain upon record to after-ages, and encourage others to follow his great example." This addreſs being the next day preſented to the queen by the whole houſe, her majeſty was pleaſed to tell the commons, "That ſhe was very glad they had ſo juſt a ſenſe of the repeated ſervices of the duke of Marlborough, and would conſider of their addreſs, and return an anſwer very ſpeedily."

Accordingly, on the 9th of January, Mr. ſecretary Hedges delivered to the houſe a meſſage ſigned by her majeſty, importing, "That her majeſty in conſideration of the great and eminent ſervices, performed by the lord Marlborough in the firſt year of her reign, as well by his prudent negotiation as her plenipotentiary at the Hague, as by his valour and good conduct in the command of the confederate armies abroad, thought fit to grant to him, and the heirs male of his body, the title of a duke of this realm; and as a farther mark of her favour and ſatisfaction with his ſervices, and for the better ſupport of his dignity, her majeſty granted to the ſaid duke, and the heirs male of his body, during life, a penſion of five thouſand pounds per annum, out of the revenue of the Poſt-office: and an act having paſſed this ſeſſion, for ſettling the honours and dignities of the duke of Marlborough upon his poſterity, and annexing the honour and manor of Woodſtock and houſe of Blenheim, to go along with the ſaid honours; It would be very agreeable to her majeſty, if the penſion of five thouſand pounds per annum were continued and limited by act of parliament to his poſterity, for the more honourable ſupport of their dignities, in like manner as his honours, and the honour and manor of Woodſtock, and houſe of Blenheim, were already limited and ſettled." The commons very readily complied with this meſſage, and an act paſſed for that purpoſe.

However, a little after, the queen having given him the grant of the royal Mews at Charing Croſs (where a ſquare was deſigned to be built and called after his name) the commons, upon a motion, being made to confirm this grant, refuſed to do it.

formerly

formerly given you, of our reſolution to maintain the government of the church as by law eſtabliſhed in Scotland; and the acts of both parliaments, upon which this treaty proceeded, having reſerved their reſpective governments of the church in each kingdom, the commiſſioners have left that matter intire; and you have now an opportunity for doing what may be neceſſary for the ſecurity of your preſent church government, after the union, within the limits of Scotland. The ſupport of our government and your own ſafety does require, that you do make neceſſary proviſion for maintaining the forces, ſhips and garriſons, untill the parliament of Great-Britain ſhall provide for theſe ends in the united kingdom.

"We have made choice of our right truſty and right intirely beloved couſin and counſellor, James duke of Queensberry, to be our commiſſioner, and repreſent our royal perſon; being well ſatisfied with his fitneſs for that truſt, from the experience we have of his capacity, zeal, and fidelity to our ſervice, and the good of his country; which, as it has determined us in the choice, we doubt not but will make him acceptable to you.

"We have fully inſtructed him in all things we think may fall under your conſideration, and ſeem to be neceſſary at preſent: Therefore we deſire that you may give truſt and credit to him.

My lords and gentlemen,

"It cannot but be an encouragement to you to finiſh the union at this time, that God Almighty has bleſſed our arms, and thoſe of our allies, with ſo great ſucceſs; which gives us the nearer proſpect of a happy peace, and with it you will have the full poſſeſſion, of all the advantages of this union. And you have no reaſon to doubt, but the parliament of England will do what is neceſſary on their part, after the readineſs they have ſhewn to remove what might obſtruct the entering on the treaty. We moſt earneſtly recommend to your calmneſs and unanimity, in this great and weighty affair, that the union may be brought to a happy concluſion, being the only effectual way to ſecure your preſent and future happineſs, and to diſappoint the deſigns of our and your enemies, who will, doubtleſs, on this occaſion, uſe their utmoſt endeavours to prevent or delay this union, which muſt ſo much contribute to our glory, and the happineſs of our people. And ſo we bid you heartily farewel."

Given at our court at Windſor-Caſtle, the 31ſt day of July 1706, and of our reign the 5th year.

By her majeſty's command,

MAR.

This letter was enforced by the ſpeeches of the duke of Queenſberry, and the lord-chancellor Seafield, after which the treaty of union was read, and ordered to be printed, together with the proceedings of the lords commiſſioners of both kingdoms in relation to that matter; and then the parliament was adjourned to that day ſe'ennight.

Her majeſty's miniſters were not inſenſible of the difficulties, which they had to encounter in the affair of the union, againſt which, the dukes of Hamilton and Athol, the marquis of Annandale, the earls of Errol, Mareſchal, and Buchan, the lord Belhaven, Mr. Fletcher of Salton, and ſome others, had formed a powerful party. The commiſſioners from the ſhires and boroughs were almoſt equally divided, though, it was evident, they were to be the chief gainers by it. Among theſe the union was agreed to by a very ſmall majority. It was the nobility, that in every vote turned the ſcale for the union. They were ſeverely reflected upon by thoſe who oppoſed it; and it was ſaid, many of them were bought off, to ſell their country and their birthright. All thoſe, who adhered inflexibly to the Jacobite intereſt, oppoſed every ſtep that was made with great vehemence, for they ſaw that the union ſtruck at the root of all their deſigns for a new revolution. Yet all theſe could not have raiſed or maintained ſo great an oppoſition as was made, if they had not prepoſſeſſed with fears and jealouſies the minds of many among the preſbyterian clergy, who had the greateſt aſcendant over the generality of the laity in Scotland. Among other indications of this temper of the Scots miniſters at this critical juncture, it was taken notice, that, ſome days before the meeting of the parliament, one of duke Hamilton's chaplains propoſed in the general aſſembly of the clergy, "That, before an affair of ſo great importance, as the union was, came to be debated before the eſtates of the kingdom, they ought to enter into an Aſſociation for the preſervation of the preſbyterian diſcipline, if the treaty concluded by the commiſſioners of both kingdoms was ratified by the reſpective parliaments." Another miniſter moved, "That a day of faſting and humiliation ſhould be appointed to ſeek the lord for counſel in this arduous affair and time of danger." But theſe two motions were rejected by the majority of voices. Theſe jealouſies of the preſbyterians, leſt their church ſhould ſuffer a change, and be ſwallowed up by the church of England, were infuſed into them chiefly by the old ducheſs of Hamilton, who had great credit with them: And it was ſuggeſted, that ſhe and her ſon had particular views, as hoping, that, if Scotland ſhould continue a ſeparated kingdom, the crown might come into their family, they being the next in blood after king James's poſterity. The infuſion of ſuch apprehenſions had a great effect on the main body of that party, who could ſcarce be brought to hearken to, but never to accept of, the offers, that were made for ſecuring their preſbyterian government. On the other hand, a great part of the gentry of Scotland, who had been often in England, and had obſerved the protection, which all men had from a houſe of commons, and the ſecurity, which it procured againſt partial judges and a violent miniſtry, entered into the union with great zeal. The opening a free trade, not only with England, but with the plantations, and the protection of the fleet of England, drew in thoſe, who underſtood theſe matters, and ſaw there was no other way in view, to make the nation rich and conſiderable. Thoſe, who had engaged far into the deſign of Darien, and were great loſers by it, ſaw now an honourable way to be reimburſed; which made them wiſh well to the union, and promote it. But, that, which advanced it moſt effectually, and without which it could not have ſucceeded, was, that a conſiderable number of noblemen and gentlemen, who were in no engagements with the court (on the contrary, had been diſobliged and turned out of great poſts, and ſome very lately) declared for it. Theſe kept themſelves very cloſe and united, and ſeemed to have no other intereſt but that of their country, and were for that reaſon called the Squadrone. The chief of theſe were the marquis of Tweedale, the earls of Rothes, Roxburgh, Hadington, and Marchmont. They were in great credit, becauſe they had no viſible biaſs on their minds. Ill uſage had provoked them rather to oppoſe the miniſtry, than to concur in any thing, where the chief honour would be carried away by others. When they were ſpoke to by the miniſtry, they anſwered coldly, and with great reſerve; ſo that it was expected they would have concurred in the oppoſition; and, they being between twenty and thirty in number, if they had ſet themſelves againſt the union, the deſign muſt have miſcarried. But they continued ſilent, till the firſt diviſion of the houſe obliged them to declare; and then they not only joined in it, but promoted it effectually and with zeal.

There were great and long debates managed on the ſide of the union by the earls of Seafield and Stair for the miniſtry, and of the Squadrone by the earls of Roxburgh and Marchmont; and againſt it by the dukes of Hamilton and Athol, and the marquis of Annandale. The duke of Athol was believed to be in a foreign correſpondence, and was much ſet on violent methods. The duke of Hamilton managed the debate with great vehemence, but was againſt all deſperate motions. He had much to loſe, and was reſolved not to venture all with thoſe, who ſuggeſted the neceſſity of running, in the old Scots way, into extremities.

The topics [x] from which the arguments againſt the union were drawn, were the antiquity and dignity of their kingdom, which was offered to be given up, and ſold: They were departing from an independent ſtate, and going to ſink

[x] The proceedings more at large upon the three firſt articles, and ſome other particulars, are contained in the following extract:

The parliament having gone through the firſt reading of the articles, the court party moved, on the 1ſt of November, for a more particular conſideration of the ſame, in order to approve or diſallow them; and, to begin with the firſt, namely, That the two kingdoms ſhall, May 1, 1707, be united into one. But the oppoſite party moved alſo, That the farther conſideration of the articles ſhould be delayed for ſome conſiderable time, that the ſentiments of the parliament of England about the ſame might be known; and that the members of parliament might conſult thoſe, whom they repreſented. However, after ſome debate, theſe two motions were let fall, and it was agreed, that the firſt article ſhould be read; but that it ſhould be allowed the next ſitting to debate, whether the firſt article ſhould be concluded, by approving thereof, or not; or, if the parliament might not, before the concluding thereof, begin with, or conclude any other of the articles; and, accordingly, the firſt article was read. The next day, there was a debate, "Whether they ſhould proceed immediately to the conſideration of the firſt article of the union, or the ſecurity of the church?" When the vote was preſſed for giving the preference to the firſt article of the union, ſeveral members urged the unreaſonableneſs of agreeing to an union, till they had gone through the treaty, and found, that the terms thereof were for the intereſt of Scotland; for if they ſhould, in the firſt place, agree to the ſubverting the monarchy, and

into a dependency on England; what conditions ſoever might be now ſpeciouſly offered, as a ſecurity to them, they could not expect that they ſhould be adhered to, or religiouſly maintained in a parliament, where ſixteen peers and forty-five commoners could not hold the balance, againſt above an hundred peers, and five hundred and thirteen commoners.

ſinking the parliament, which was the purport of the firſt article of the treaty of union; who could tell but the royal aſſent might be given thereto, and the parliament adjourned; and ſo the nation be united upon no terms, or, at leaſt, upon ſuch, as England ſhould afterwards pleaſe to grant? This argument carrying a great deal of weight, and the houſe appearing generally inclined to take the terms of the union previouſly into conſideration, the lord regiſter found an expedient to remove the difficulty, by propoſing a reſolve, "That the houſe, in the firſt place, proceed to take the firſt article of the treaty into conſideration, with this proviſo, that, if all the other articles of union were not adjuſted by the parliament, then the agreeing to and approving the firſt article ſhould be of no effect. And that, immediately after the firſt article, the parliament ſhould proceed to an act for the ſecurity of the doctrine, diſcipline, worſhip, and government of the church, as now by law eſtabliſhed." This being approved by the majority, the lord Belhaven made a long ſpeech, wherein he very pathetically lamented the miſerable and deſpicable condition, into which Scotland was going to fall by the union. In the next ſitting, after ſome debate, the marquis of Annandale preſented a reſolve againſt an 'incorporating union;' and many of the country party urged, that ſuch an union was altogether inconſiſtent with the honour of the Scots nation, and deſtructive of its intereſt and concerns, both civil and military. Some went yet farther, affirming, that this ſcheme would infallibly be an handle to any aſpiring prince to attempt the overthrow of the liberties of all Britain; for, if the parliament of Scotland could alter, or rather ſubvert its conſtitution, it might be made a precedent for the parliament of Great Britain to do the ſame: And that the repreſentatives of Scotland, being reduced to a poor miſerable condition, would entirely depend upon thoſe, who had the purſe; and, having ſhewn ſo little concern for the ſupport of their own conſtitution, it was not to be expected they would much regard that of any other. The duke of Hamilton ſaid, "What ſhall we, in half an hour, yield what our forefathers maintained with their lives and fortunes for many ages? Are here none of the deſcendants of thoſe worthy patriots, who defended the liberty of their country againſt all invaders; who aſſiſted the great king Robert Bruce, to reſtore the conſtitution, and revenge the falſhood of England, and uſurpation of Baliol? Where are the Douglaſſes and Campbels? Where are the peers; where are the barons, once the bulwark of the nation? Shall we yield up the ſovereignty and independency of the nation, when we are commanded by thoſe we repreſent, to preſerve the ſame, and aſſured of their aſſiſtance to ſupport us?" He urged a great deal more to the ſame purpoſe; but the court party called for a vote, which was thus ſtated, 'Approve of the firſt article of union, or not.' Before the queſtion was put upon it, the duke of Athol gave in a proteſt againſt 'an incorporating union, as contrary to the honour, intereſt, fundamental laws and conſtitution of the kingdom of Scotland, the birth-right of the peers, the rights and privileges of the barons and boroughs, and to the claim of right, property, and liberty of the ſubjects:' Which proteſt being read, his grace took inſtruments thereon, and the ſame was adhered to by the

Duke of Hamilton,
Marquis of Annandale,
Earl of Errol,
Earl of Mareſchal,
Earl of Wigtoun,
Earl of Strathmore,
Earl of Selkirk,
Earl of Kincardin,
Viſcount of Stourmont,
Viſcount of Kilſyth,
The lord Semple,
The lord Oliphant,
The lord Balmerinoch,
The lord Blantyre,
The lord Bargany,
The lord Belhaven,
The lord Colvil,
The lord Duffus,
The lord Kinnaird,
George Lockhart of Carnwath,
Sir James Foulis of Collington,
Andrew Fletcher of Saltoun,
Sir Robert Sinclair of Longformacus,
Sir Patrick Home of Rentoun,
John Sinclair, junr. of Stevenſon,
John Sharp of Hoddom,
Alexander Ferguſon of Iſle,
John Briſban of Biſhoptoun,
William Cochran of Kilmaronock,
Sir Hugh Colquhane of Luſs,
J. Grahme of Killearn,
T. Sharp of Houſton,
Sir Patrick Murray of Auchtertyre,
John Murray of Strawan,
James More of Stenywood,
David Beaton of Balfour,
Thomas Hope of Rankeiller,
Patrick Lyon of Ancherhouſe,
James Carnegie of Phinhaven,
David Grahme, jun. of Fintrie.
James Ogilvie, junr. of Boyn.
George Mackenzie of Inchoulter,
Alexander Robertſon,
Walter Stuart,
Alexander Watſon,
Alexander Edgar,
John Black,
James Oſwald,
Robert Johnſtoun,
Alexander Duff,
Francis Molleſon,
Walter Scott,
George Smith,
Robert Scott,
Robert Kellie,
John Hutchinſon,
William Sutherland,
Archibald Shields,
John Lyon,
George Spence,
William Johnſtoun,
John Carruthers,
George Home,
John Bayne,
Robert Frazer.

Then the vote was put, 'Approve of the firſt article of the union in the term of the motion (beforementioned) yea, or not;' and it was carried 'approve' by a majority of thirty-four voices. Then it was moved, that the liſt of all the members of parliament, as they voted pro and con, be printed, which was agreed to. After which an overture for an act 'for ſecurity of the true proteſtant religion and government of the church, as by law eſtabliſhed, within the kingdom of Scotland,' was read, and afterwards paſſed by a majority of ſeventy-four votes. However the lord Belhaven gave in a proteſtation, importing, "That this act was no valid ſecurity to the church, in caſe of an incorporating union; and that the church could have no real and ſolid ſecurity by any manner of union, by which the claim of right was unhinged, the Scots parliament incorporated, and the diſtinct ſovereignty and independency entirely aboliſhed." To this proteſtation adhered the dukes of Hamilton and Athol, the marquis of Annandale, the earls of Errol, Mareſchal, Wigtoun, and others.

Two days after, the ſecond article of the union (namely, That the ſucceſſion to the monarchy of the united kingdom of Great Britain ſhall be to the princeſs Sophia and her iſſue) was read, and a motion was made, "That the parliament ſhould proceed to ſettle the ſucceſſion upon regulations and limitations in the terms of the reſolve mentioned in the minutes of the 4th of November, and not in the terms of the ſecond article of the union." This was warmly oppoſed by the court party, who urged, that the parliament of Great Britain would be more competent judges of what was neceſſary for the good of the united kingdoms, than that houſe. To which it was anſwered, "That any limitations made by the parliament were alterable by a ſubſequent parliament: But if, as was by ſome alledged, the articles of union were to be punctually obſerved in all future ages, and nothing to be altered in them, without demoliſhing the whole ſtructure; then it followed, that it was the general intereſt of all Britain to have ſuch limitations, as were neceſſary to be put upon the ſucceſſion to the crown, inſerted in the articles of union, particularly in what related to Scotland, whoſe repreſentatives could but act precariouſly in the parliament of Great Britain." In the height of this debate it was moved, "To addreſs her majeſty to lay before her the condition of the nation, and the averſion in many perſons to an incorporating union with England, and to acquaint her with the willingneſs of the houſe to ſettle the ſucceſſion in the proteſtant line upon limitations; and, in order thereto, that a ſhort receſs might be granted." But this was oppoſed, and a vote demanded upon the ſecond article, which at laſt was ſtated. But, before voting, the earl Mareſchal gave in a proteſt for himſelf and all thoſe, who ſhould adhere to his proteſtation, importing, that no perſon could be deſigned a ſucceſſor to the crown of that realm, after the deceaſe of her majeſty, and failing iſſue of her body, who was ſucceſſor to the crown of England, unleſs that in the preſent ſeſſion of parliament, or any other ſeſſion of this or any enſuing parliament, during her majeſty's reign, there were ſuch conditions of government ſettled and enacted, as might ſecure the honour and ſovereignty of that crown and kingdom, the frequency and power of parliament, the religion, liberty, and trade of the nation from any Engliſh or any foreign influence. To this proteſtation, forty-ſix members having adhered, it was agreed, that a liſt of the members ſhould be printed, as they voted, 'approve, or not?' And that they who adhered to the proteſt, ſhould likewiſe be marked. Then the vote was put, 'approve, or not?' and it was carried, 'approve,' by fifty-nine votes.

On the 18th of November, the third article (namely, that both kingdoms ſhall be repreſented by one and the ſame parliament) falling under conſideration, the country-party endeavoured to ſhew the diſhonour and prejudice, that would ariſe to the Scots nation from this ſingle article, urging, "that thereby they did, in effect, ſink their own conſtitution, when the Engliſh would not allow the leaſt alteration in theirs: That the members of Scotland in the Britiſh parliament would bear ſo ſmall a proportion to the Engliſh, that it could not be expected, that the former ſhould ever be able to carry any thing, that ſhould be for the intereſt of Scotland, againſt ſo great a majority, who, though divided among themſelves about different parties, would yet unite againſt the Scots, to whom they all bore a natural antipathy. That in all nations there are fundamentals, which admit of no alteration by any power whatſoever. That the rights and privileges of parliament being one of theſe fundamentals among the Scots, no parliament, nor any other power, could ever legally prohibit the meeting of parliaments, or deprive any of the three eſtates of its right of ſitting or voting in parliament, or give up the rights and privileges of parliament; but that, by this treaty, the parliament of Scotland was entirely abrogated, its rights and privileges given up, and thoſe of the parliament of England ſubſtituted in their place. That, if the parliament of Scotland could alter their fundamentals, the Britiſh parliament might do the ſame; and if ſo, what ſecurity had the Scots for any thing ſtipulated in the treaty of union, with reſpect either to the repreſentation of Scotland in that parliament, or any other privileges and immunities granted to Scotland? That though the legiſlative power in parliament were regulated and determined by a majority of voices; yet the giving up the conſtitution, and the rights and privileges of the nation, was not ſubject to ſuffrage, being founded on dominion and property; and therefore could not be legally done, without the conſent of every perſon, who had a right to elect, and be repreſented in parliament. That, by this treaty, not only the conſtitution of the parliament in general was wholly altered, or rather given up, but the barons and boroughs were aggrieved in their particular rights and privileges. For ſuppoſing the twenty-ſecond article, which limits the number of Scots peers, barons, and boroughs, ſhould be rejected; yet, nevertheleſs, the barons and boroughs were ſtill deprived of their judicial authority, to which they had an undoubted right, and of which the parliament could not deprive their conſtituents, without their own conſent. That though the barons, for their own convenience, conſented to be repreſented by a certain number in parliament, yet they had as good a right to ſit, and vote, and adviſe their ſovereign, as the peers themſelves, whenever they pleaſed to reaſſume their power, of which the third and twenty-ſecond articles deprived them. And, laſtly, it was repreſented, that the Scots members being obliged to reſide ſo long in London

Scotland would be no more confidered as formerly by foreign princes and ſtates: Their peers would be precarious and elective: They magnified their crown, with the other regalia ſo much, that, ſince the nation ſeemed reſolved never to ſuffer them to be carried away, it was provided, in a new clauſe added to the articles, that theſe ſhould ſtill remain within the

to attend the Britiſh parliament, that alone were ſufficient to drain Scotland of all their money in ſpecie." And it was moved, "That the agreeing to the third article, in relation to the parliament of Great Britain, ſhould not be binding, nor have any effect, unleſs terms and conditions of an union of the two kingdoms, and particularly the conſtitution of the ſaid parliament, were finally adjuſted and concluded, and an act paſſed thereupon in the parliament; and that the ſaid terms and conditions be alſo agreed to and ratified by an act of the parliament of England; the conſtitution of the parliament of Great Britain being left intire, until the parliament came upon the twenty-ſecond article." It was moved alſo, to proceed to the conſideration of the fourth and other articles of union before the third; but it was carried to proceed to the conſideration of the third article. After a long debate, a vote was ſtated, 'Approve of the third article, in the terms of the motion relating thereto, or not?' And it was carried 'approve,' by a majority of thirty-one votes. But, before voting, the marquis of Annandale gave in a proteſt, and deſired, that the narrative of the 4th of that month of November might be prefixed thereto, being both together as follows: viz. "Whereas it evidently appears, ſince the printing, publiſhing, and conſidering the articles of treaty now before this houſe, that this nation ſeems generally averſe to the 'incorporated union,' in the terms now before us, as ſubverſive of the ſovereignty, fundamental conſtitution, and claim of right of this kingdom, and as threatning ruin to this church, as by law eſtabliſhed: And ſince it is plain, that if an union was agreed to in theſe terms by the parliament, and accepted of by the parliament of England, it would in no ſort anſwer the peaceable and friendly ends propoſed by an union, but would, on the contrary, create ſuch diſmal diſtractions and animoſities amongſt ourſelves, and ſuch jealouſies and miſtakes betwixt us and our neighbours, as would involve theſe nations into fatal breaches and confuſions. Therefore I do proteſt for myſelf, and in the name of thoſe, who ſhall adhere to this my proteſtation, that an incorporating union of the crown and kingdom of Scotland with the crown and kingdom of England, and that both nations be repreſented by one and the ſame parliament, as contained in the articles of the treaty of union, are contrary to the honour, intereſt, fundamental laws and conſtitution of this kingdom, is a giving up the ſovereignty, the birth-right of the peers, the rights and privileges of the barons and boroughs, and is contrary to the claim of right, property, and liberty of the ſubjects, and the third act of her majeſty's parliament, 1703, by which it is declared high-treaſon in any of the ſubjects of this kingdom, to quarrel, or endeavour by writing, malicious and adviſed ſpeaking, or open act or deed, to alter or innovate the claim of right, or any article thereof. As alſo that the ſubjects of this kingdom, by ſurrendering the ſovereignty of parliaments, are deprived of all ſecurity, both with reſpect to ſuch rights, as are by the intended treaty ſtipulated and agreed, and in reſpect of ſuch other rights, both eccleſiaſtical and civil, as are, by the ſame treaty, pretended to be reſerved to them. And therefore I do proteſt, that this ſhall not prejudice the being of future Scots parliaments and conventions, within the kingdom of Scotland, at no time coming." To this proteſt fifty-two members adhered. The next eighteen articles, from the fourth to the twenty-firſt, paſſed without any thing very remarkable; but, before the houſe came to the twenty-ſecond article, which ſettles the number of the repreſentatives of Scotland in the Britiſh parliament, duke Hamilton, having aſſembled the leading men of the party, who had long oppoſed the union, exhorted them, "Not to look back upon what might have been done amiſs by any amongſt them, but to go forwards, and now at laſt to unite their efforts to ſave the nation, which ſtood on the very brink of ruin." After all, who were preſent, had declared their concurrence, let the conſequences be what they would, he propoſed, "That the marquis of Annandale ſhould renew his motion for ſettling the ſucceſſion of the crown upon the houſe of Hanover; and, as it was not to be doubted, but the ſame would be rejected, that then a proteſtation ſhould be entered and adhered to by all, who were againſt the union, who, immediately after, ſhould in a body ſeparate from the other members, and leave the houſe, never to return again. And that, in the next place, a national addreſs ſhould be forthwith ſigned by as many hands as poſſible, and diſpatched to the queen; urging, that, of all meaſures, this was the moſt likely to prevail with the Engliſh to let the union drop." And then he offered the draught of the intended proteſtation, which had been put into his hands by the marquis of Annandale, but was thought to have been drawn up by ſir James Stuart, the queen's advocate. The perſons preſent, moſt of whom were profeſſed Jacobites, having deſired a day or two to take the propoſal into conſideration before they came to a final reſolution, the duke of Hamilton was, in the mean time, at no ſmall pains to convince them of the reaſonableneſs of this counſel. The greateſt difficulty, with ſome, was the mentioning their concurrence to ſettle the ſucceſſion on the houſe of Hanover, which they ſaid was a kind of obligation upon them to have recourſe to that family, to protect them in oppoſing the union; whereas their deſign was to reſtore the pretender to the throne, which they thought the preſent ferment among the people would much advance. To this the duke of Hamilton returned, "That this could draw no obligation upon them to adhere to the intereſt of the houſe of Hanover, ſince they did not proteſt againſt the motion's being rejected; and, even ſuppoſing it were otherwiſe, it was not the firſt time they had made greater ſtretches, with a deſign, that good might come of it, and he hoped this would be the laſt. For, added he, this bold proteſtation, backed by the ſeparation, will not only confound the Engliſh, but likewiſe encourage our countrymen, and engage them to ſupport us. And, for my part, I am of opinion, that, if the Engliſh do not deſiſt from proſecuting the union, we muſt have recourſe to arms, and call over the king; nor do I doubt but the nation will concur with us, to ſave themſelves from utter ruin." By theſe arguments and conſiderations all were brought over, and at the next meeting declared their approbation, promiſing to adhere to the proteſtation, which, it was taken for granted, the duke of Hamilton would preſent; only the duke of Athol could by no reaſons be prevailed upon to adhere to the proteſtation, on account of the clauſe relating to the houſe of Hanover; but he engaged to join with the reſt in leaving the houſe, and concerting further meaſures. All things being thus adjuſted, and the next day appointed for the execution, great numbers of gentlemen and eminent citizens flocked that morning about the parliament-houſe, to wait the iſſue, and, in caſe of need, to aſſiſt the ſeparating members. But all their hopes were ſoon defeated; for the duke of Hamilton, pretending to be ſeized with a violent tooth-ach, refuſed to go to the houſe. Some of his friends having boldly expoſtulated with him about his fluctuating and ambiguous conduct, which bore ſo near a reſemblance to that of his grandfather, in the reign of king Charles I, he was at laſt prevailed with to go to the parliament-houſe; but, notwithſtanding all the preſſing inſtances his friends made to engage him to preſent the intended proteſtation, he ſtill refuſed to do it, and only promiſed to be the firſt adherer. So much time was therefore ſpent in this private conteſt among the cavaliers, that the opportunity was loſt, and, in a few days, great numbers of thoſe who had ſtrenuouſly oppoſed the union, left the houſe in deſpair; ſo that, when the twenty-ſecond article came to be read and debated, it met with little or no oppoſition. Only, before approving the firſt paragraph, Mr. George Lockhart of Carnwath entered a proteſt, with relation to the privileges of the barons; as the duke of Athol did another, relating to the ſeveral branches of that article; the earl of Buchan a third, with relation to the rights of the peers; ſir Walter Stuart of Pardouan a fourth, in behalf of the peers, barons, and boroughs; the earl of Errol a fifth, with relation to his hereditary office of high conſtable; and the earl of Mariſchal a ſixth, in relation to his hereditary office of earl marſhal of Scotland. The earl of Marchmont inveighed and proteſted in very ſevere terms againſt theſe proteſtations, as preſumptuous, illegal, unwarrantable, and ſeditious; after which, the firſt paragraph of the twenty-ſecond article was approved by a majority of forty voices; and then the ſecond paragraph, relating to the calling the repreſentatives of Scotland to the parliament of Great Britain, was alſo approved with ſome amendments.

On the 8th of January it was moved in parliament, that the proteſts given in the former ſitting by the duke of Athol, earl of Buchan, George Lochart of Carnwath, and Walter Stuart, ſhould be neither inſerted in the minutes, nor printed; and the earl of Marchmont gave in a proteſtation againſt theſe four proteſts, and the lord-chancellor, the marquis of Montroſs, preſident of the council, the duke of Argyle, the marquiſſes of Tweedale and Lothian, and moſt of the well-affected to the union, adhered thereto. The next day, the lord Balmerino gave in a proteſtation againſt that of the earl of Marchmont, to which the duke of Hamilton and his party adhered; and after ſome debate it was agreed, that none of theſe proteſts be inſerted at length in the minutes, or printed. but that they be all recorded in the books of parliament. Then, the third paragraph of the twenty-ſecond article being approved, the remaining part of the article was read, and after ſome reaſoning, and reading of the oaths, to which it relates, an oath was given in 'for an additional clauſe, for explaining the word limitation, mentioned in the oath appointed to be taken by Stat. 13. Will. III. Cap. 6;' as alſo an overture 'for exempting perſons in any office or employment in Scotland, from taking the oath of abjuration mentioned in the article.' A third overture was alſo given in for a clauſe, importing, "That, ſo long as the act appointing the ſacramental teſt ſhall continue in force in England, all perſons in public truſt, within the limits of Scotland, ſhall ſwear, and ſign a formula thereto ſubjoined, in manner, and under the penalty therein mentioned." After reading theſe three overtures, and reaſoning thereon, a vote was ſtarted, 'approve of the twenty-ſecond article of union as explained, or not?' But before voting it was agreed, that, notwithſtanding the vote, and that the article ſhould thereby be approved, it ſhould nevertheleſs be entire and free afterwards to proceed on the overtures next ſitting, and to the parliament to give their ſentiments thereon: And, it being thereupon moved to adjourn the vote for approving the article till next ſitting, a previous vote was ſtated, 'proceed or delay?' And it was carried, Proceed. Then the vote being put, 'Approve the twenty-ſecond article, as explained, or not,' it was carried 'approve.'

On the 10th of January, the overture 'for exempting perſons in any office or employment in Scotland from taking the oath of abjuration, mentioned in the twenty-ſecond article of union,' being read, and dropped, the overture 'for an additional clauſe to the twenty-ſecond article, for explaining the word limitation, mentioned in the oath appointed to be taken by 13 W. III. Cap. 6,' was again read, viz. "Like as it is declared, that, by the word limitation in the oath mentioned in the above article, is only underſtood, entail of the ſucceſſion, and not the conditions of government upon the ſucceſſor; and that all perſons of Scotland, who may be liable to take the oath, ſwear it in that ſenſe only." But, after ſome debate, the vote being put 'for adding the ſaid clauſe,' it was carried in the negative. Then the third overture, for a clauſe to be added to the twenty-ſecond article, mentioned in the minutes of the laſt ſitting, was again read in theſe terms: "And further it is agreed, that, ſo long as that part of the ſecond act, Anno 25, Cap. 20, appointing a 'ſacramental teſt,' ſhall ſtand and continue in force in England, all perſons in publick truſt, civil or military, within the limits of Scotland, ſhall ſwear and ſign the Formula underwritten, within ſix months after the commencement of the union; and all, who ſhall be admitted to any public truſt thereafter, ſhall, before the exerciſing their office of truſt, ſwear and ſubſcribe the ſame; to be adminiſtred by the lords of the privy-council, or any one of them, under the like penalties and diſabilities, as are provided by the foreſaid act, made in the parliament of England." The Formula was thus: "I, A. B. do ſincerely declare, in the preſence of God, that I own the preſbyterian government of the church, as by law eſtabliſhed in Scotland, to be a lawful government of the church; and that I ſhall never, directly nor indirectly, endeavour the ſubverſion thereof, nor any alteration in the worſhip, diſcipline, or government of the church, as by law eſtabliſhed: So help me God." But, after ſome debate, this clauſe was rejected by a majority of thirty-five voices. Then the twenty-third article of union was read, and, on the 13th of January, an overture was given in for adding a clauſe thereto, in theſe words: "With this expreſs prohibition, that none of the peers of Scotland ſhall have perſonal protection within Scotland, for any debt owing before the commencement of the union." As alſo another overture, for adding a clauſe, importing, That all the peers of that part of Great Britain, called Scotland, qualified according to law, ſhould, after the union, have the right to ſit covered in the houſe of peers of Great Britain, notwithſtanding that the right to give vote therein belong only to the ſixteen peers, who were ſummoned in the manner appointed by the preceding article." After reaſoning upon theſe two overtures, and upon two ſeparate motions, the firſt in relation 'to allowing all the peers of Scotland to ſit upon the trial of the peers of Britain;' and the other in relation 'to their precedency according to their patents;' the vote was ſtated in theſe terms, 'Approve the twenty-third article of union, or alter, reſerving intire the conſideration of the above two overtures, and whether the ſame ſhall be added to the article;' and it was carried, 'approve.' Then the firſt overture for the clauſe in relation to perſonal protection, and the ſecond clauſe 'in relation to all the peers of Scotland ſitting covered in the houſe of peers of Great Britain,' were debated, and both ſeverally rejected.

The next day, the twenty-fourth article was read; whereupon a memorial was given for Lyon king at arms, in relation to his precedency; which being read and debated, it was at laſt agreed, that his rank ſhould be left to her majeſty. There was another clauſe offered to be added to the twenty-fourth article, "That the crown, ſcepter, and ſword of ſtate, records of parliament, and all other records, rolls, and regiſters whatſoever, both public and private, general

kingdom. They inſiſted moſt vehemently on the danger, that the conſtitution of their church muſt be in, when all ſhould be under the power of a Britiſh parliament: This was preſſed with fury by ſome, who were known to be the moſt violent enemies to preſbytery, of any in that nation: But it was done on deſign, to inflame that body of men by thoſe apprehenſions, and ſo to engage them to perſiſt in their oppoſition. To allay that heat, after the general vote was carried for the union, before they entered on the conſideration of the particular articles, an act was prepared for ſecuring the preſbyterian government: By which it was declared to be the only government of that church, unalterable in all ſucceeding times, and the maintaining of it was declared to be a fundamental and eſſential article and condition of the union; and this act was to be made a part of the act for the union, which, in the conſequence of that, was to be ratified by another act of parliament in England. Thus thoſe, who were the greateſt enemies to preſbytery, of any in the nation, raiſed the clamour of the danger that form of government would be in, if the union went on, to ſuch a heighth, that by their means this act was carried, as far as any human law could go, for their ſecurity: For, by this, they had, not only all the ſecurity that their own parliament could give them, but they were to have the faith and authority of the parliament of England, it being, in the ſtipulation, made an eſſential condition of the union: The carrying this matter ſo far was done, in hopes that the parliament of England would never be brought to paſs it. This act was paſſed, and it gave an entire ſatisfaction to thoſe who were diſpoſed to receive any; but nothing could ſatisfy men, who made uſe of this, only to inflame others.

The party, who oppoſed the union, finding the majority againſt them, ſtudied to raiſe a ſtorm without doors, to terrify them. A ſet of addreſſes againſt the union were ſent round all the countries, in which thoſe, who oppoſed it, had any intereſt. There came up many of theſe in the name of counties and boroughs, and at laſt from pariſhes. This made ſome noiſe abroad, but was very little conſidered there, when it was known, by whoſe arts and practices they were procured. When this appeared to have little effect, pains were taken to animate the rabble to violent attempts, both at Edinburgh and at Glaſgow. About two or three thouſand commoners came in arms to Dumfries, and publickly burnt the articles of union, and affixed on the market-croſs a declaration of their reaſons for ſo doing. Sir Patrick Johnſton, lord provoſt of Edinburgh, had been one of the commiſſioners, and had concurred heartily in the deſign. A great multitude gathered about the houſe, and were forcing the doors, on deſign, as was believed, to murder him; but guards came and diſperſed them. Upon this attempt, the privy-council publiſhed a proclamation, the next day, againſt tumults, and gave orders for quartering the guards within the town. But, to ſhew that this was not intended to over-awe the parliament, the whole matter was laid before them, and the proceedings of the privy-council were approved. Although no perſon of diſtinction appeared among the rioters, yet it was no difficult matter to gueſs from what quarter that diſturbance came, ſince, at the ſame time, that they inſulted the high-commiſſioner, and other well-wiſhers to the union, they attended the duke of Hamilton with loud acclamations, as he paſſed the ſtreets to and from the parliament. However, no other conſiderable attempt was made after this; but the body of the people ſhewed ſo much ſullenneſs, that probably, had any perſon of authority once kindled the fire, they ſeemed to be of ſuch combuſtible matter, that the union might have caſt that nation into great convulſions[y]. Theſe things made great impreſſions upon the duke of Queenſberry, and on ſome about him. He deſpaired of ſucceeding, and he apprehended, that his perſon might be in danger. A friend of his wrote to the lord-treaſurer Godolphin, repreſenting the ill temper

general and particular, and warrants thereof, continue to be kept, as they are, in that part of the united kingdom, now called Scotland; and that they ſhall ſo remain in all times coming, notwithſtanding the union." Which, being read, was agreed to be added, and was accordingly ſubjoined, and the article, thus amended, read over and approved; as was alſo the twenty-fifth article, without any oppoſition.

On the 15th of January, the draught of an act, 'ratifying and approving the treaty of union of the two kingdoms of Scotland and England' was given in, and offered to be read: Whereupon it was moved, That the parliament ſhould firſt proceed to the conſtitution of the manner of electing the repreſentatives for Scotland to the parliament of Great-Britain; and either now determine that matter, or appoint a day for that end. After debate the vote was ſtated, "Proceed to the ratification of the treaty of union, and act for ſecurity of the proteſtant religion and preſbyterian church-government, or to the conſtitution of the manner of electing the repreſentatives of Scotland." But, before voting, it was agreed, that, in caſe it ſhould be carried to proceed to the ratification, the parliament, would, immediately after paſſing the act of ratification, proceed to the conſtitution of the manner of electing the repreſentatives for Scotland. Then the vote being put, it was carried to proceed to the ratification: After which, the draught of the act, 'ratifying, approving, and at length narrating the articles of union, as inlarged, explained, and amended, and the act of ſecurity of the proteſtant religion, and preſbyterian church-government,' was read; and, after ſome diſcourſe, a firſt reading was marked thereon. The next day, the act was read a ſecond time; and then the act 'for ſecurity of the proteſtant religion, and preſbyterian church-government, inſerted in, and ratified by that act, was touched with the royal ſcepter. Immediately after this, there was laid before the houſe a 'repreſentation and petition' of the church of Scotland, importing, "That being informed, that the parliament were paſſing an act of ratification of the articles of the treaty of union, declaring, That the parliament of England might provide for the ſecurity of the church of England, as they ſhould think expedient, to take place with the kingdom of England, and not derogating from the ſecurity provided for the church of Scotland: Which clauſe ſeemed to them not only to be like a blank, put into the hands of the parliament of England, to exact what they ſhould think fit, for ſecuring the hierarchy and ceremonies of their church; but alſo a conſent, that it be an article and fundamental of the union: They therefore beſought the high commiſſioner and the eſtates of parliament, that there be no ſuch ſtipulation or conſent for the eſtabliſhment of that hierarchy and ceremonies, as they would not involve themſelves, and the Scots nation, in guilt, and as they conſulted the peace and quiet of that nation both in church and ſtate." An Act for 'the ſecurity of the preſbyterian church government in Scotland,' having already been paſſed, this repreſentation was, by all ſober men, looked upon as frivolous and impertinent; and therefore, after the duke of Argyle had given in a proteſtation for his privilege of the firſt vote in parliament, which was oppoſed by a counter-proteſt from the duke of Hamilton, the 'act for ratifying and approving the treaty of union, &c.' was approved by a majority of one hundred and ten voices, and touched with the royal ſcepter.

[y] The common people are ſaid to have been ſo enraged, that they threatened to come up in a body to Edinburgh, and diſſolve the parliament. But none ſhewed more zeal on this occaſion than the weſtern ſhires, where a vaſt number of people, and chiefly the Cameronians, were willing to venture their all to oppoſe the union; for which purpoſe they had ſeveral meetings, divided themſelves into regiments, choſe their officers; provided themſelves with horſes, arms, and ammunition; mentioned the reſtoration of the king, as the only means to ſave their country; were ſo far reconciled to the northern parts, and epiſcopal party (whom they formerly hated on account of their different principles in religion) that they were inclined to concert meaſures with them, and had appointed correſpondents in all places throughout the kingdom to ſtrengthen and encourage their party, and to feel the pulſe of thoſe members of parliament, who were againſt the union. There was one Cunningham of Eekatt, who had been very forward in promoting the late revolution; but upon the peace of Ryſwick, the regiment, whereof he was major, being broke, he went to Darien, and, after the ruin of that enterprize, returning to Scotland, he lived privately and meanly at his country-houſe. He had made frequent applications for an employment, but though new levies were made, upon the war breaking out again, he could never obtain to be provided for in the army, which he aſcribed to his having been employed by the Darien company, and at which he was not a little diſguſted. As he waited for an opportunity to ſhew his reſentment, he was ſoon known to the weſtern agents, and, being of the preſbyterian principles, entirely truſted by them. Having concerted meaſures with Mr. Briſbane of Biſhoptown, Mr. Cochrane of Kilmoronock, and Mr. Lockhart of Carnwath, three ſtaunch cavaliers, who aſſured him, that the duke of Hamilton approved his deſign of bringing up the Cameronians to diſſolve the parliament, and that the duke of Athol readily undertook to cauſe his highlanders to ſecure the paſs of Stirling, to open a communication with the northern parts, major Cunningham took a progreſs through the weſtern ſhires, and, by his dextrous management, brought things to ſuch a conſiſtency, that ſeven or eight thouſand men, well armed, were ready to rendezvous at the town of Hamilton, in order to march forwards to Edinburgh under his command. But, a day or two before they were to meet, the duke of Hamilton, without acquainting any of thoſe who had concerted this deſign, ſent privately expreſſes through the whole country, ſtrictly requiring them to put it off till another time; ſo that not above five hundred, more forward than the reſt, came to the place appointed, which entirely broke major Cunningham's meaſures. What induced the duke of Hamilton to act as he did on this occaſion, the Scotch memorialiſt, who was privy to the deſign, leaves undetermined, acquainting us, "That ſome ſwore he had made his terms with the court; others ſaying, that he was afraid to venture, by reaſon of his eſtate in England; and that the only thing, that was alledged in his behalf, was, that he thought the nation was not in a condition to carry on ſuch an enterprize at that time, becauſe the Engliſh had ſent their troops to the borders, and more forces might ſoon be waſted over from Holland, and ſo the Scotch nation be undone." But Fletcher of Salton uſed to declare to his friends, that this conduct of the duke fully convinced him of his treachery to his party. This project of diſſolving the parliament, carried on by Cunningham, having miſcarried, the party bethought themſelves of another expedient to prevent the union, which was (according to a precedent in the minority of James the Fifth) to invite as many of the barons, freeholders, and heretors, as could poſſibly be got, to Edinburgh, that they might in a body attend the Lord High-Commiſſioner, and (by a prolocutor intreat his grace, either to lay aſide the intended union, or, at leaſt, to grant a receſs, until they had informed the queen of the preſent temper and diſpoſition of the nation, and obtained an order for calling a new parliament, to provide againſt the calamities that were like to enſue: And, whether, his grace granted, or refuſed this demand, they reſolved that a national addreſs, to that purpoſe, ſhould be ſigned, and forthwith ſent up to the queen. This counſel came firſt from the duke of Athol, and Mr. Fletcher of Salton; and, being reliſhed and recommended by the duke of Hamilton, was generally approved by the cavaliers, who acquainted their friends in the country with the deſign, and deſired them to come privately to Edinburgh, againſt a certain prefixed day. In the mean time, Mr. Henry Maul, brother to the earl of Panmure, was pitched upon for the prolocutor; and the form of an addreſs to the queen concerted and agreed to, by all who were in the ſecret; wherein they made it 'their moſt humble ſupplication to her majeſty, that ſhe would be graciouſly pleaſed to diſcountenance this treaty, and call both a new parliament and a general aſſembly of the church of that kingdom.' Againſt the day appointed, above five hundred gentlemen were actually come to Edinburgh, and many more were upon the road: But, the very next day, the duke of Hamilton acquainted thoſe in concert with him, That, unleſs they added a clauſe to the addreſs, intimating their readineſs to ſettle the ſucceſſion in the houſe of Hanover, he would by no means be concerned in it; urging, that, without ſuch a clauſe, the Engliſh tories, who (it was expected) would oppoſe the union in the Engliſh parliament, could have no foundation to go upon. This objection was no ſmall ſurprize to the cavaliers, who generally looked upon it as intended to break the deſign; ſince the duke of Hamilton could

the nation was generally in, and moved for an adjourment, that ſo, with the help of ſome time and good management, thoſe difficulties, that ſeemed then inſuperable, might be conquered. The lord-treaſurer's anſwer was, that a delay was, upon the matter, laying the whole deſign aſide. Orders were given both in England and Ireland to have troops ready upon call; and, if it were neceſſary, more forces ſhould be ordered from Flanders. The French were in no condition to ſend any aſſiſtance to thoſe, who might break out; ſo that the circumſtances of the time were favourable. The lord Godolphin deſired therefore, that they would go on, and not be alarmed at the fooliſh behaviour of ſome, who, whatever might be given out in their name, he believed, had more wit than to ruin themſelves [y]. Every ſtep that was made, and every vote that was carried, was with the ſame ſtrength, and met with the ſame oppoſition; both parties giving ſtrict attendance during the whole ſeſſion, which laſted three months. Many proteſtations were printed, with every man's vote. In concluſion, the whole articles of the treaty were agreed to, with ſome ſmall variations.

The earl of Stair, who had all along exerted himſelf with great zeal in favour of the union, and who, though much indiſpoſed, came on the 7th of January to the Parliament-houſe, and maintained the debate upon the twenty-ſecond article, died ſuddenly the next night, his ſpirits being quite exhauſted by the length and vehemence of the debates. He was ſon of ſir James Dalrymple, formerly preſident of the ſeſſion, and afterwards created viſcount and earl of Stair. He was ſucceeded in honour and eſtate by his ſon the lord John Dalrymple.

As ſoon as the act for ratifying the treaty of union was paſſed, the next buſineſs, which the parliament went upon, was the preparing an act for ſettling the manner of electing the ſixteen peers and forty-five commoners, to repreſent Scotland in the parliament of Great Britain; and on the 22d of January the queſtion was put, whether the ſixteen peers ſhould be ſent by rotation or election? And it was carried by election. And then upon the queſtion, whether the election ſhould be by ballotting, or by open election? It was carried for the latter. It was alſo debated, what proportion the ſhires and boroughs ſhould have of the forty-five members, that were to ſit in the houſe of commons of Great-Britain; and it was agreed, that thirty ſhould be the number for the ſhires, and fifteen the number for the boroughs. It was reſolved, that the borough of Edinburgh, by itſelf, ſhould have one repreſentative; and then a ſcheme, dividing the boroughs into fifteen diſtricts, one of which was to have one repreſentative, was given in, read and approved.

On the 31ſt of January, the parliament proceeded to conſider the motion, for allowing the commiſſioners for the treaty of union their expences; and a reſolve was brought in, for allowing each noblemen twelve thouſand pounds Scots, and each other commiſſioner ſix thouſand pounds; their ſecretary four thouſand eight hundred pounds; and to each of the three accountants two thouſand four hundred pounds Scots, out of the equivalent, pari paſſu, with public debts, after the African Company: which, after ſome debate, was approved. Then it was moved and agreed, That the commiſſioners for the treaty in 1702, ſhould likewiſe be allowed their expences; viz. each nobleman five hundred pounds; each baron three hundred pounds; and each borough two hundred pounds ſterling: which ſums were declared to be a public debt, and referred to the committee to ſtate the ſame as ſuch. After this it was moved, "That no repreſentative to the parliament of Great-Britain, either for ſhire or borough, ſhould have any allowance for their charges in attending the ſame." But, this being adjourned to the next ſitting, on the 3d of February, it was then reſolved, "That nothing in relation to the expences of the repreſentatives of ſhires and boroughs, ſhould be inſerted in the act for ſettling the manner of electing the ſixteen Peers, and forty-five commoners." Then it was moved, "That at all meetings of the Peers for electing their repreſentatives, ſuch peers as were abſent, be allowed to vote by proxy; the parties being peers, and they and their conſtituents being qualified by taking the oaths required by law. And they the abſent peers might either vote by their proxies, or by ſending up a liſt ſubſcribed by them." And, after reaſoning thereon, it was carried for allowing proxies. Afterwards it was agreed, that the meeting of the peers, for the election, ſhould be at any place the queen ſhould appoint within the kingdom of Scotland; as alſo, that, in caſe of the deceaſe or promotion of any of the forty-five commoners, to be choſen by this ſeſſion of parliament to the parliament of Great-Britain, the diſtrict, for which he was a member, upon a writ directed to them for that effect, ſhould chuſe another in his place. And it was agreed likewiſe, that, in caſe of the deceaſe of any of the ſixteen peers, the peers ſhould meet and elect another in the room of the deceaſed, upon a writ directed to them for that purpoſe. Then it was moved, That ſuch peers of Scotland, who were alſo peers of England, who, after the union, ſhould be created peers of Great Britain, ſhould have no vote in the election of the ſixteen peers from Scotland to the parliament of Great Britain: and, after ſome debate, it was agreed, that nothing, in relation to this motion, ſhould be inſerted in the act. It was alſo agreed, that, when the commiſſioners for boroughs, who ſhould meet for electing their repreſentatives, ſhould happen to be equal, the preſident of the meeting ſhould have the caſting vote; and that the commiſſioners for the eldeſt borough ſhould preſide at the firſt meeting, and the commiſſioners for the other boroughs by turns, as the boroughs were then called in the rolls of parliament. After this, the act for ſettling the manner of election was approved and confirmed by the touch of the royal ſcepter. The ſame day, a proclamation concerning the coin was brought in from the committee, read, voted, and approved. A few days after, the houſe proceeded to elect the repreſentatives for Scotland in the firſt parliament of Great Britain; and, the three eſtates having retired to their uſual places, they returned, and reported their reſpective elections. As it was reſolved, that the parliament of England ſhould ſit out its period, which by the law for triennial parliaments, ran yet a year farther, in order to have another ſeſſion continued of the ſame men who had made the union (ſince they would more readily conſolidate and ſtrengthen their own work) ſo, upon this ground, it ſeemed moſt proper, that the members to repreſent Scotland ſhould be named by the parliament there. Thoſe, who had oppoſed the union, carried their averſion to the ſquadrone ſo far, that they concurred with the miniſtry in a nomination, in which very few of them were included, not above three peers, and fifteen commoners; ſo that great exceptions lay againſt many who were nominated to repreſent that kingdom: All this was very acceptable to the oppoſers of the union. [z]

could not be ignorant, that the far greater part of the gentlemen, who were come up to Edinburgh, would never conſent to ſuch a clauſe. Two or three days being ſpent in endeavouring to make up this difference, the country gentlemen grew weary of ſpending their time and money to no purpoſe, ſo that many of them returned home; and the government, having been informed of the deſign, reſolved to put an effectual ſtop to it.

[y] Beſides the precaution uſed to preſerve the public tranquillity, and protect the well affected from the inſults of the male-contents, other methods were employed to remove the obſtacles, which the union met with in the houſe. The lord Godolphin prevailed with the queen to lend her Scots treaſury the ſum of twenty thouſand pounds, which the earl of Glaſgow is ſaid to diſtribute to the beſt advantage, and for which he, ſome years after, accounted with the commiſſioners of public accounts. Lockhart gives a liſt of the perſons, to whom the earl declared upon oath, he diſtributed the money.

	l.	s.	d.
To the earl of Marchmont,	1104	15	7
To the earl of Cromarty,	300	00	0
To the lord Preſton-hall,	200	00	0
To the lord Ormiſtoun, lord-juſtice clerk	200	00	0
To the duke of Montroſe,	200	00	0
To the duke of Athol,	1000	00	0
To the earl of Belcarres,	500	00	0
To the earl of Dunmore,	200	00	0
To the lord Anſtruther,	300	00	0
To Mr. Stuart, of Caſtle-Stuart,	300	00	0
To the lord Elphinſton,	200	00	0
To the lord Frazer,	100	00	0
To the lord Ceſnock, now Polwarth,	50	00	0
To Mr. John Campbel,	200	00	0
To the earl of Findlater,	100	00	0
To ſir Kenneth Mackenzie,	100	00	0
To the earl of Glencairne,	100	00	0
To the earl of Kintone,	200	00	0
To the earl of Forfar,	100	00	0
To John Muir, provoſt of Aire,	100	00	0
To the lord Forbes,	50	00	0
To the earl of Seafield, lord chancellor,	490	00	0
To the marquis of Tweedale,	1000	00	0
To the duke of Roxburgh,	500	00	0
To the lord Ellibank,	50	00	0
To the lord Bamf,	11	02	0
To major Cunningham of Echet,	100	00	0
To the meſſenger, that brought down the union,	60	00	0
To ſir William Sharp,	300	00	0
To Patrick Coultrain, provoſt of Wigtoun,	25	00	0
To Mr. Alexander Wedderburn,	75	00	0
To the commiſſioner for equipage and daily allowance,	12325	00	0
	20540	17	7

[z] Theſe repreſentatives were:

For the LORDS,

The duke of Queenſbury, Loudoun,
The earl of Seafield, chancellor, Crawford,
Sutherland,

The remainder of the ſeſſion was ſpent, among other affairs, in examining the accounts of the African and Indian company, and providing for the due application of the equivalent. In diſpoſing of this ſum, great partialities appeared, which were much complained of, but there was not ſtrength to oppoſe them. The miniſtry, and thoſe who depended on them, moved for very extravagant allowances to thoſe who had been employed in this laſt, and in the former treaty; and they made large allotments, of ſome public debts, that were complained of as unreaſonable and unjuſt; by which a great part of the ſum was diverted, from anſwering the end for which it was given. This was much oppoſed by the ſquadrone; but as the miniſters promoted it, and thoſe who were to get by it, made all the intereſt they could to obtain it (ſome few of them only excepted, who, as became generous patriots, ſhewed more regard to the public, than to their private ends) ſo thoſe, who had oppoſed the union, were not ill-pleaſed to ſee this ſum ſo miſapplied: hoping, by that means, that the averſion, which they endeavoured to infuſe into the nation againſt the union, would be much increaſed; therefore they let every thing go as the miniſter propoſed, to the great grief of thoſe, who wiſhed well to the public [a].

The buſineſs of the ſeſſion being ended, the high-commiſſioner went to the parliament-houſe in great ſolemnity, being attended by the whole troop of life-guards, and all the nobility and gentry in their coaches, and, having touched with the royal ſcepter ſeveral acts, made the following ſpeech to the parliament:

My lords and gentlemen,

"THE public buſineſs of this ſeſſion being now over, it is full time to put an end to it. I am perſuaded, that we and our poſterity will reap the benefit of the union of the two kingdoms; and I doubt not, but, as this parliament has had the honour to conclude it, you will, in your ſeveral ſtations, recommend to the people of this nation a grateful ſenſe of her majeſty's goodneſs and great care for the welfare of her ſubjects, in bringing this important affair to perfection; and that you will promote an univerſal deſire in this kingdom, to become one in heart and affections, as we are inſeparately joined in intereſt with our neighbour nation.

My lords and gentlemen,

"I have a very deep ſenſe of the aſſiſtance and reſpect I have met with from you in this ſeſſion of parliament; and I ſhall omit no occaſion of ſhewing, to the utmoſt of my power, the grateful remembrance I have of it."

The parliament being adjourned to the 22d of April, the duke returned to the queen's palace in the ſame ſolemnity as he went to the houſe, and gave a ſplendid entertainment to the nobility and gentry. The day before, the draught of a letter from the parliament to the queen was brought in, voted, and approved; and the, duke having thus happily concluded this ſeſſion, and ſurmounted all the difficulties which he met with, he ſet out, a few days after, for London, where he arrived the 16th of April, being met ſeveral miles out of town by many noblemen and gentlemen in their coaches, to the number of above forty, and by near four hundred perſons on horſe-back. The next morning he waited upon the queen at Kenſington, where he was graciouſly received.

It was the general opinion, and perhaps the firſt reſolution of the court, that the parliament of England ſhould not ſit, till that of Scotland had finiſhed the affair of the union; but, that drawing into a great length, and the queen's occaſions not admitting of delays, the parliament of England, which, on the 21ſt of November, had been farther prorogued to the 3d of December, met that day at Weſtminſter; and the queen, being come to the houſe of peers with the uſual ſolemnity, made the following ſpeech to both houſes:

My lords and gentlemen,

"I Hope we are all met together at this time with hearts truly thankful to Almighty God, for the glorious ſucceſſes, with which he has bleſſed our arms and thoſe of our allies through the whole courſe of this year; and with ſerious and ſteady reſolutions to proſecute the advantages we have gained, till we reap the deſired fruit of them in an honourable and durable peace.

"The goodneſs of God has brought this happy proſpect ſo much nearer to us, that, if we be not wanting to ourſelves, we may, upon good grounds, hope to ſee ſuch a balance of power eſtabliſhed in Europe, that it ſhall no longer be at the pleaſure of one prince to diſturb the repoſe, and endanger the liberties of this part of the world.

"A juſt conſideration of the preſent poſture of affairs, of the circumſtances of our enemies, and the good diſpoſition of our allies, muſt needs excite an uncommon zeal, and animate us to exert our utmoſt endeavours, at this critical conjuncture.

Gentlemen of the houſe of commons,

"As I am fully perſuaded you are all of this mind, ſo I muſt earneſtly deſire you to grant me ſupplies ſufficient for carrying on the war next year in ſo effectual a manner, that we may be able to improve every where the advantages of this ſucceſsful campaign. And I aſſure you, I ſhall make it my buſineſs to ſee all you give applied to thoſe ends with the greateſt care and management.

My lords and gentlemen,

"In purſuance of the powers veſted in me by act of parliament, both in England and Scotland, I appointed Commiſſioners to treat of an union between the two kingdoms. And though this be a work of ſuch a nature, as could not but be attended with great difficulties, yet ſuch has been the application of the commiſſioners, that they have concluded a treaty, which is at this time before the parliament of Scotland; and, I hope, the mutual advantages of an entire union of the two kingdoms will be found ſo apparent, that it will not be long before I ſhall have an opportunity of acquainting you with the ſucceſs, which it has met with there.

The marquis of Montroſs, lord-keeper of the privy-ſeal,
The marquis of Tweedale,
The marquis of Lothian,
Roxburgh,
Wemyſs,
Leven,
Stair,
Roſeberry,
Glaſgow,
Ilay.

EARLS,

Mar.

For the BARONS,

W. Niſbet, of Dirletoun,
John Cockburne, jun. of Ormiſtoun,
Sir W. Ker, of Greenhead,
Sir John Swintoun, of that Ilk,
W. Bennet, of Grubbet,
Archibald Douglas, of Cavers,
Mr. J. Murray, of Bowhill,
Mr. J. Pringle, of Haining,
W. Morleſon, of Preſtoun-Grange,
George Baillie, of Jerviſwood,
Sir John Johnſtoun, of Weſterhall,
Mr. J. Stuart, of Sorbie,
Mr. F. Montgomery, of Griſtan,
W. Dalrymple, of Glenmure,
Sir R. Pollock, of that Ilk,
John Halden, of Glenargies,
Mungo Graham, of Gorthy,
Sir D. Ramſay, of Balmain,
Sir Thomas Burnet, of Leys,
W. Seatoun, jun. of Pitmedden,
Alexander Grant, of that Ilk, jun.
Hugh Roſs, of Kilravock,
Sir K. Mackenzie, of Cromarty,
Mr. J. Campbel, of Mammore,
Sir J. Campbel, of Auchinbrek,
Ja. Campbell, of Arkinlaſs,
James Halyburton, of Pitcurr,
A. Abercrombie, of Glaſſoch,
A. Douglaſs, of Eagleſhaw,
John Bruce, of Kinroſs.

For the BOROUGHS.

Sir Pat. Johnſtoun,
Lieutenant Col. John Erſkine,
Hugh Montgomery,
James Scot,
Sir John Erſkine,
Mr. P. Moncreif, of Ready,
Sir Andrew Home,
Sir Peter Halket,
Sir James Smollet,
Sir David Dalrymple,
Mr. John Clerk,
Mr. Patrick Ogilvie,
George Allardice,
Daniel Campbel, eſq.
Mr. Alexander Maitland.

[a] The commiſſioners appointed (June 6, 1707) under the ſeal of Great Britain, for managing the equivalent, were;

Sir Andrew Hume,
William Dalrymple, of Glenmure, eſq;
Sir Robert Sinclair, of Stevenſon,
Sir Thomas Burnet, of Leys,
Sir John Erſkine, of Alva,
Sir James Campbel, of Aberurhill,
Sir John Swintoun, of Swintoun,
Sir James Smollett, of Bowhill,
Sir Patrick Johnſtoun, late provoſt of Edinburgh,
Sir Francis Grant, advocate,
George Baillie, of Jerviſwood,
John Halden, of Glenargies,
John Bruce, of Kinroſs,
William Seaton, of Pitmedden, jun.
John Clark, of Pennycook, jun.
Alexander Abercromby, of Glaſſoch,
Mungo Graham, of Gorthy,
John Pringle, of Haining,
John Graham, of Dougaliton,
—— Doughlaſs, of Kollhead,
Daniel Campbel, of Arntennet, eſqrs;
Sir John Cope, knt.
Jacob Reynardſon,
John Bridges,
James Houblon, eſqrs.

[b] The

"Your meeting at this time being later than uſual, I cannot conclude, without earneſtly recommending to you to give as much diſpatch to the public affairs, as the nature of them will admit, it being of the greateſt conſequence, that both our friends and our enemies ſhould be fully convinced of your firmneſs, and the vigour of your proceedings."

This ſpeech was received with uncommon applauſe both within and without doors; and, two days after, each houſe, in a body, attended the queen with their congratulatory addreſſes. The lords, in particular, took norice of "the univerſal joy and ſatisfaction, upon the public declaration, which her majeſty, in concert with the ſtates-general, made to the miniſters of the other confederate princes, that no negotiations of peace ſhould be entered into, but in conjunction with all the members of the grand alliance: which generous method would prevent the indirect and dangerous practice of the common enemy; put a ſtop to clandeſtine and corrupt tranſactions; and muſt not only remove all preſent jealouſies from the allies, but create in them a laſting confidence and reliance on her majeſty's honour and juſtice." This was intended to keep the queen ſteady to the meaſures which had been ſuggeſted to her by the duke of Marlborough and the lord-treaſurer Godolphin, upon a well-grounded ſurmiſe, that Mr. ſecretary Harley, who had by this time, inſinuated himſelf very deep in the queen's confidence, endeavouring to infuſe pacific counſels; which were more agreeable to the queen's temper, and more ſuitable to his own ambitious deſigns. The commons, on their part, paſſed alſo a compliment on the miniſtry, by telling the queen, "That the experience they had of the prudent adminiſtration, and the great care and management in the application of the public aids, encouraged them to aſſure her, that they would chearfully give ſuch ſpeedy and effectual ſupplies, as, by the continuance of God's bleſſing upon her arms, might eſtabliſh the balance of power in Europe by a ſafe, honourable and laſting peace." To both theſe addreſſes, the queen returned very gracious anſwers.

Purſuant to their promiſe, the commons proceeded on the ſupply with all imaginable diſpatch. In leſs than a week they voted the neceſſary ſums for the fleet and army, granted an aid of four ſhillings in the pound upon all lands, and continued the duties upon malt. Upon preſenting theſe money-bills, the ſpeaker of the commons made a ſpeech to her majeſty, importing, "That as the glorious victory obtained by the duke of Marlborough at Ramillies was ſo ſurpriſing, that the battle was fought before it could be thought the armies were in the field; ſo it was no leſs ſurpriſing, that the commons had granted ſupplies to her majeſty, before her enemies could well know, that her parliament was ſitting." And the queen, on her part, made a ſpeech to both houſes, wherein having repeated to them "her great ſatisfaction in their ſeveral addreſſes, in the zeal they had expreſſed in them for her ſervice, and the common cauſe of Europe, which could not fail of being a great encouragement to all their allies, and in the notice they had taken of the eminent ſervices of the duke of Marlborough; ſhe thanked the commons, in a very particular manner, for the more than uſual diſpatch of the bills of ſupply." In the cloſe of this ſpeech, the queen ſaid, "She ſuppoſed they would think it convenient to make ſome ſhort receſs during the holidays;" whereupon the lords adjourned to the 30th, and the commons to the 31ſt of December.

The queen cloſed the year with two triumphal proceſſions. At the requeſt of the city of London, ſhe ordered, that the ſtandards and colours taken at the battle of Ramillies, and which were lately brought from the Netherlands, ſhould be put in Guildhall, as trophies of that victory. A detachment of the horſeguards and horſe-grenadiers, and a battalion of the foot-guards, were drawn up on the parade in St. James's Park; and having received the colours and ſtandards, which had been laid up at Whitehall, they proceeded in the following manner: firſt, the troop of horſe-grenadiers; then the detachment of the three troops of the horſe-guards, twenty-ſix of the gentlemen in the center, carrying each a ſtandard taken from the enemy. The battalion of foot-guards cloſed the march, ſixty-three of the pikemen carrying each one of enemy's colours inſtead of their pikes. In this manner they marched through the park and St. James's Meuſe, where the queen was pleaſed to ſee them paſs by from the lady Fitzharding's lodgings; the guns in the park being fired at the ſame time; and ſo they proceeded down Pall-Mall, the Strand, &c. to Guildhall. The duke of Marlborough having been invited by the lord-mayor and court of aldermen to dine with them in the city, he went thither the ſame day about noon, accompanied by the lord treaſurer, and the dukes of Somerſet and Ormond, in one of the queen's coaches, and was followed by a train of other coaches in which were ſeveral of the nobility, the foreign miniſters, and other perſons of quality, with the generals, and other chief officers of the army. They were received at temple-bar by the city marſhal, and were conducted to Vintner's-Hall, where a ſplendid entertainment was provided for them; and they were attended, both going and coming, with great acclamations from the people [b].

The queen having, by proclamation, appointed a general thankſgiving to be obſerved on the laſt of December, for the great ſucceſſes of her arms, and thoſe of her allies, the laſt campaign, ſhe went to the cathedral of St. Paul's, attended by both houſes of parliament, the great officers of ſtate, the judges, and other public officers, with the ſame ſolemnity and ceremonies, as were uſed before after the victory gained at Ramillies, ſo that ſhe gave her ſubjects the joyful ſpectacles of two triumphs in one year. The biſhop of Saliſbury preached the ſermon upon this occaſion. The ſame day both houſes adjourned themſelves to the 7th of January, and at their meeting again the commons thanked the biſhop for his ſermon.

Hitherto every thing had gone very ſmoothly in both houſes of parliament; but on the 10th of January, the earl of Nottingham acquainted the houſe of peers, that he had ſomething of great conſequence to lay before them; and therefore deſired, that they would name a day to receive it in a full houſe. The lords having appointed the Tueſday following, and ordered their members in and about London to attend; the earl of Nottingham, in a ſet ſpeech repreſented to them, "That the union of the two kingdoms of England and Scotland was a matter of the higheſt importance, and a work of ſo much difficulty, that all the attempts that had been made towards it in the laſt century, had proved ineffectual. That, the parliament of Scotland having thought fit to ſecure the preſbyterian church-government in that kingdom, it became the wiſdom of the parliament of England to provide betimes againſt the dangers, with which the church by law eſtabliſhed, was threatened, in caſe the union was accompliſhed. And therefore he moved, that an addreſs be preſented to the queen, humbly to deſire her majeſty, that the proceedings, both of the commiſſioners for the treaty of union, and of the parliament of Scotland, relating to that matter, be laid before them." He was ſeconded by the earl of Rocheſter, who declared, "That he was for an union, and had been ſo for twenty years paſt; but that he had a few doubts in the matter, and therefore was for entering upon the debate of that important affair as ſoon as poſſible." The duke of Buckingham ſpoke to the ſame purpoſe, adding, "That the union of both kingdoms had been upon the anvil ſince the acceſſion of king James I. to the Engliſh throne; and as it could not be expected, that ſo weighty a matter, which took up ſo much time and labour before, ſhould now be compleated in a few days, therefore he was for taking it forthwith into conſideration."

The treaſurer Godolphin anſwered, "That this affair was not yet ripe for them to debate; and that they need not doubt, but that her majeſty would communicate to the parliament of England all the proceedings relating to the union, as ſoon as that of Scotland ſhould have gone through with it." The lords Wharton, Sommers, and Hallifax ſpoke on the ſame ſide, and urged, "That it was an honour to this nation, that the treaty of union ſhould firſt come ratified from the parliament of Scotland; and that then, and not before, was the proper time for the lords to take the ſame into conſideration." The other party finding, that they were

[b] The creation and promotions at this time were as follows: Towards the middle of December the queen was pleaſed to create Henry, earl of Kent, lord-chamberlain of her houſhold, viſcount Goderick in the county of Hereford, earl of Harrold in the county of Bedford, and marquis of Kent. A few days after her majeſty was alſo pleaſed to create Robert, earl of Lindſey, lord great-chamberlain of England, marquis of Lindſey in the county of Lincoln: Evelyn, earl of Kingſton, marquis of Dorcheſter in the county of Dorſet; Thomas, lord Wharton, viſcount Winchendon in the county of Bucks, and earl of Wharton in the county of Weſtmoreland; John, lord Poulet, of Hinton St. George in the county of Somerſet, earl Poulet; Sidney, lord Godolphin, lord-high-treaſurer of England, viſcount Rialton, and earl Godolphin in the county of Cornwall; Hugh, lord Cholmondely, viſcount Malpas, and earl of Cholmondely in the county of Cheſter: Henry, lord Walden, ſon and heir apparent of Henry, earl of Suffolk, baron of Cheſterfield in the county of Eſſex, and earl of Bindon in the county of Dorſet; the lord-keeper, a peer of this kingdom by the name and title of William, lord Cowper, baron of Wingham in the county of Kent; and ſir Thomas Pelham, bart. likewiſe a peer by the name and title of lord Pelham, baron of Laughton in the county of Suſſex.

too weak to carry a queſtion, the earl of Nottingham's motion was dropped.

Though the grant of ſupplies went on quicker than was uſual, there was one particular to which great objections were made. When ſeveral accounts and eſtimates were laid before the commons, in relation to monies, either advanced to the Duke of Savoy and King Charles of Spain, or expended in the expedition under the earl Rivers, it was found that theſe extraordinary ſupplies amounted to about eight hundred thouſand pounds more than had been provided for by parliament. Some complained of this, and ſaid, if a miniſtry could thus run the nation into a great charge, and expect the parliament muſt pay the reckoning, this might have very ill conſequences. But it was anſwered, a miniſtry deſerved public thanks, who had followed our advantages with ſuch vigour: if any thing was raiſed without neceſſity, or ill applied, under pretence of ſerving the public, it was very reaſonable to enquire into it, and to let it fall heavy on thoſe who were in fault: but, if no other exception lay to it, than becauſe the matter could not be foreſeen, nor communicated to the parliament before thoſe accidents happened that occaſioned the expence, it was a very unjuſt diſcouragement, if miniſters were to be quarrelled with for their care and zeal: ſo it was carried by a majority of two hundred and fifty voices againſt one hundred and five, that the ſeveral ſums, for the extraordinary ſervices of the year 1706, had been expended for the preſervation of the duke of Savoy, for the intereſt of king Charles of Spain againſt the common enemy, and for the ſafety and honor of the nation. All the other ſupplies (and among them the equivalent for Scotland) were given and lodged on good funds, ſo that no ſeſſion of parliament had ever raiſed ſo much, and ſecured it ſo well, as this had done.

By this time the act of the parliament of Scotland, for ratifying the treaty of union, was ſent up to London. Upon which the queen (Jan. 28.) came to the houſe of peers, and made the following ſpeech to both houſes:

My lords and gentlemen,

"HAving acquainted you, at the opening of this ſeſſion, that the treaty for an union between England and Scotland, which had been concluded here by the commiſſioners appointed for that purpoſe, in purſuance of the powers given by the parliaments of both kingdoms, was then under conſideration of the parliament of Scotland, I can now, with great ſatisfaction, inform you, that the ſaid treaty has been ratified by act of parliament in Scotland, with ſome additions and alterations.

I have directed the treaty, agreed to by the commiſſioners of both kingdoms, and alſo the act of ratification from Scotland, to be laid before you; and I hope it will meet with your concurrence and approbation.

Gentlemen of the houſe of commons.

"It being agreed by this treaty, that Scotland is to have an equivalent for what that kingdom is obliged to contribute towards paying the debts of England, I muſt recommend to you, that, in caſe you agree to the treaty, you would take care to provide for the payment of the equivalent to Scotland accordingly.

My lords and gentlemen,

"You have now an opportunity before you of putting the laſt hand to a happy union of the two kingdoms; which, I hope, will be a laſting bleſſing to the whole iſland, a great addition to its wealth and power, and a firm ſecurity to the proteſtant religion.

"The advantages, which will accrue to us all from an union, are ſo apparent, that I will add no more, but that I ſhall look upon it as a particular happineſs, if this great work which has been ſo often attempted without ſucceſs, can be brought to perfection in my reign."

The commons being returned to their houſe, the lord Coningſby, by the queen's command, preſented to the houſe the articles of union agreed upon by the commiſſioners, the act of parliament in Scotland for the ratification of them, and a copy of the minute-book of the proceedings of the commiſſioners, which were ordered to be printed. Then a motion being made by the tory party, and the queſtion being put, "That an addreſs be preſented to her majeſty, that ſhe would be pleaſed to give orders, that the minutes of the proceedings of the former commiſſioners, appointed in the firſt year of her reign to treat of an union, be laid before the houſe," it paſſed in the negative. It was afterwards reſolved, "That an addreſs be preſented to her majeſty, returning her the humble thanks of the houſe for her moſt gracious ſpeech that day to both houſes of parliament, and for communicating to this houſe the articles of union, and the act of parliament in Scotland for ratification thereof." Which addreſs being preſented by Mr. chancellor of the exchequer, the queen anſwered, "That ſhe was well pleaſed, that what ſhe had done was ſo much to the ſatisfaction of that houſe."

The treaty of union, and the proceedings relating to the ſame, having been likewiſe communicated to the houſe of peers, their lordſhips, upon the archbiſhop of Canterbury's motion, ordered a bill to be brought in for the ſecurity of the church of England; which being read a ſecond time on the 3d of February (the queen and prince being preſent) a queſtion was put, "Whether it ſhould be an inſtruction, by leave of the houſe to inſert in the bill the act made 25 Car. II. intitled, an act for the preventing dangers, which may happen from popiſh recuſants." Which was reſolved in the negative, by a majority of ſixty three voices againſt thirty three. After which their lordſhips went through the bill, by which all acts, paſſed in favour of the church, were declared to be in full force for ever; and this was made a fundamental and eſſential part of the union. Some exceptions were taken to the words of the bill, as not ſo ſtrong as the act paſſed in Scotland ſeemed to be, ſince the government of the church was not declared to be unalterable; but they were judged more proper, ſince, where a ſupreme legiſlature is once acknowledged, nothing can be unalterable. This bill had a quick paſſage through both houſes, and received the royal aſſent [c].

On the fourth of February, the commons, in a committee of the whole houſe conſidered of the articles of union, and act of ratification of the parliament of Scotland; and, Mr. Compton being choſen chairman, Mr. Charles Cæſar opened the debate, and raiſed ſome objections againſt the union. He was ſeconded by ſir John Packington, who made a ſpeech, importing, "That the buſineſs of the union, that was now before them, being of the higheſt importance, required the moſt deliberate conſideration. That, with relation thereto, people without doors had been, for a long time, tongue-tied by a ſpecial order of council; which not reaching them within theſe walls, he would very freely impart his thoughts about it. That, for his own part he was abſolutely againſt this incorporating union, which, he ſaid, was like marrying a woman againſt her conſent; an union, that was carried on by bribery and corruption within doors, by force and violence without." Many members taking offence at this bold expreſſion, which highly reflected both on her majeſty's, miniſters, and the Scots commiſſioners and parliament, ſir John Packington ſaid, "He was told, that in Scotland they ſaid that the union was carried on by bribery and force:" Adding, "That the promoters thereof, in thus giving up their independent conſtitution, had actually betrayed the truſt repoſed in them; and therefore he would leave it to the judgment of the houſe to conſider, whether, or no, men of ſuch principles were fit to be admitted to ſit amongſt them? That, among the many inconveniences and irreconcileable contradictions this union was liable to, he would only take notice of this material one, viz. that her majeſty, by the coronation-oath, was obliged to maintain the church of England, as by law eſtabliſhed; and bound likewiſe by the ſame oath, to defend the preſbyterian kirk of Scotland in one and the ſame

[c] Dr. Calamy has the following obſervation on this act: The thus confirming the act of uniformity, and the eccleſiaſtical conſtitution here in England, in all particulars, upon the preſent foot, for perpetuity, was reckoned by the diſſenters to make their way the clearer, ſince all hopes of a further reformation of the conſtitution (of which there is ſo much need) were hereby taken away. The old puritans many of them fell in with the eſtabliſhed church, in hope of that way contributing to a farther reformation: and they, that adhere to their principles, have, ſince the reſtoration, been often preſſed to imitate their example; and fall in with the eſtabliſhed church, with that view; and ſome worthy perſons actually have done it: But the government by the ſettlement of all things in the church as they were to perpetuity, and embodying this ſettlement with the union, and making it a fundamental part of it, has quite ſilenced that plea, and made it as ſenſeleſs to urge it, as it would be weak to regard it. So that henceforward all, that are convinced, that a farther reformation is needful, and that it is their duty in their places to purſue it, are bound in conſcience to keep at a diſtance from that church, which has (as much as in it lies) barred all the avenues of farther light, and determined by a law, that it will be, as it is, for ever.

kingdom

kingdom. Now, ſaid he, after this union is in force, who ſhall adminiſter this oath to her majeſty? It is not the buſineſs of the Scots who are incapable of it, and no well wiſhers to the church of England. It is then the part of the biſhops to do it. And can it be ſuppoſed thoſe reverend perſons will, or can, act a thing ſo contrary to their own order and inſtitution, as thus to promote the preſbyterian church-government in the the united kingdom?" He urged likewiſe, that the church of England being eſtabliſhed jure divino, and the Scots pretending, that their kirk was alſo jure divino, he could not tell how two nations, that claſhed in ſo eſſential a point, could unite: And therefore he thought it proper to conſult the convocation about this critical point." Colonel Henry Mordaunt, in oppoſition to ſir John Packington, ſaid, "That he knew of no other jure divino but God almighty's permiſſion: In which ſenſe it might be ſaid, that the church of England, and the kirk of Scotland, were both jure divino; becauſe God almighty had permitted, that the firſt ſhould prevail in England, the other in Scotland: And that the member, who ſpoke laſt, might, if he thought fit, conſult the convocation for his own particular inſtruction; but that it would be derogatory to the rights of the commons of England, to adviſe, on this occaſion, with an inferior aſſembly, who have no ſhare in the legiſlature." Little was ſaid in anſwer to this ſpeech, only ſome members moved, "That the firſt article of the treaty, which implies a peremptory agreement to an incorporating union, be poſtponed; and that the houſe ſhould proceed to the conſideration of the terms of that intended union, contained in the other articles." This motion being rejected by a great majority, ſeveral members of the high-church party went out of the houſe; whereupon the firſt, ſecond, third, and fourth articles of the treaty was read and approved without oppoſition; and on the 8th of February the commons in a committee of the whole houſe, went through and approved the remaining articles. The only objection raiſed by the tory party on this laſt occaſion was, that the commons went poſt-haſte in a buſineſs of the higheſt importance: to which it was anſwered, "That deliberation always ſuppoſeth doubts and difficulties; but, no material objections being offered againſt any of the articles, there was no room for delays[d]." However, as the debates about the union laſted but a few days (for they begun the 4th of February, and the whole treaty was approved the 11th) it was thought the commons did not interpoſe delay and conſideration enough, ſuitable to the importance of ſo great a tranſaction.

The debates were longer and more ſolemn in the houſe of lords. On the 15th of February (the queen being preſent) the lords having reſolved themſelves into a commitee of the whole houſe, and the biſhop of Sarum being called upon by the earl of Sunderland to take the chair, the debate on the firſt article was opened by the earl of Rocheſter, who acquainted the houſe, that he had many things to object to ſeveral articles, and ſaid, "It was all one to him, whether their lordſhips would pleaſe to receive them now, or when thoſe articles came more properly under their conſideration." The earl of Angleſy moved, "That the firſt article might be poſtponed, it being impoſſible for him to give his vote to it, before he knew, and was thoroughly ſatisfied, wherein this union was to conſiſt." Several others were of that opinion, among whom the biſhop of Bath and Wells ſpoke much to the ſame effect. The earl of Nottingham excepted againſt the name of Great-Britain, alledging, that it was ſuch an innovation in the monarchy, as totally ſubverted all the laws of England; and therefore moved, that the judges opinions might be aſked about it; and he was ſeconded by ſeveral other members. Hereupon the judges, being ſeverally aſked their opinions in that reſpect, unanimouſly declared, "They could not conceive, that it any ways altered or impared the conſtitution of this realm, whoſe laws, in their opinion muſt remain entirely the ſame, as well after, as before the union, except ſuch as were altogether inconſiſtent with, and directly contrary thereto." The lord Haverſham, who, of late years, had made himſelf famous for his ſet of ſpeeches on ſeveral occaſions, could not be ſilent on this, and therefore ſpoke as follows:

My lords,

"What my noble lord (Rocheſter) has mentioned to your lordſhips, occaſions my ſtanding up. I find myſelf under the ſame difficulties. I have ſeveral things to ſay to this matter of the union to your lordſhips, and it is very indifferent to me, when I offer them. I have a right of ſpeaking and entering my proteſt too, to any thing I diſlike; and I ſhall certainly find ſome time to do ſo, before this matter can paſs into a law. I am in your lordſhips judgment, whether you will allow me to ſpeak, what I have to ſay, now.

"My lords, with what diſpoſition I come hither, I hope may be evidenced by the motion, I made your lordſhips laſt year, for the repealing certain clauſes, that were grievous to Scotland. I would do any thing that were for the benefit and good of both nations.

"Theſe articles come to your lordſhips with the greateſt countenance of authority, that, I think, it is poſſible any thing can come. Your commiſſioners have agreed to them; the Scots parliament has, with ſome few amendments, ratified them, and the queen herſelf from the throne approves of them. And yet, you muſt give me leave to ſay, that authority, though it be the ſtrongeſt motive to incline the will, is the weakeſt argument in all the world to convince the underſtanding. It is the argument of the church of Rome makes uſe of for their ſuperſtitious worſhip, where there are ten Ave Maria's to one Pater Noſter; juſt as unreaſonable as if ten times the application and addreſs was made to a ſhe-favourite, as to the perſon of the ſovereign, which is a kind of ſtate-idolatry.

"I would not my lords, be miſunderſtood, as if I were againſt an union. A fœderal union, an union of intereſt, an union in ſucceſſion, is what I always ſhall be for. Nay, were it, whether a people inhabiting the ſame iſland, ſpeaking the ſame language, and having the ſame religion, ſhould be all under one and the ſame form of policy and government, I cannot ſee how any man could be againſt it. But this is a mater of a quite different nature: It is, whether two nations independent in their ſovereignties, that have their diſtinct laws and intereſts, and what I cannot forget, their different forms of worſhip, church-government, and order, ſhall be united into one kingdom. An union made up, in my opinion, of ſo many miſmatched pieces, of ſuch jarring, incongruous ingredients, that, ſhould it ever take effect, I fear that it would carry the neceſſary conſequence of a ſtanding power and force, to keep us from falling aſunder, and breaking in pieces every moment. For, as my lord Bacon well obſerves (whom I take to be a very great man, though ſometimes the courtier got the better of the philoſopher) 'an unity, ſays he, that is pieced up by a direct admiſſion of contraries in the fundamental points of it, is like the toes of Nebuchadnezzar's image, which were made of iron and clay;' they may cleave together, but can never incorporate.

"Another reaſon, why I am againſt an incorporating union, is, for the ſake of the old Engliſh conſtitution, juſtly allowed to be the moſt equal and beſt-poized government in all the world, the peculiar excellency of which lies in that well-propotioned diſtribution of powers, whereby the greatneſs of the monarch, and the ſafety of the people, are at once provided for; and it is a maxim in all policy, that the ſureſt way to preſerve any government is by a ſtrict adherence to its principles. So that, whilſt this balance of power is kept equal, the conſtitution is ſafe; but who can anſwer what alteration ſo great a weight, as ſixty one Scots members, and thoſe too returned by a Scots privy-council, when thrown into the balance, may make?

"Beſides, my lords, I muſt own I am apprehenſive of the precedent, and know not how far it may be carried hereafter, or what alteration future parliaments may think fit to make. It is evident by the two and twentieth article, that above an hundred Scots peers, and as many commoners, are excluded from ſitting and voting in the Britiſh parliament, who perhaps as little thought of being ſo a year or two ago, as any of your lordſhips do now; for they had as much right by inheritance of ſitting there, as any one lord in this houſe has of ſitting here; and that right too as well and as ſtrongly fenced and ſecured to them by the fundamental laws of their kingdom, by claim of right, and act of parliament, which made it treaſon to make any alteration in the conſtitution of that kingdom; and yet have not they loſt their privilege? And what one ſecurity has any peer of England, by the laws of this land, to his right and privilege of peerage, that thoſe lords had not? My lords the biſhops have been once voted out of this houſe by the temporal lords already; and who knows what queſtion may come hereafter? I will venture my life in defence of the church of England; and yet at the the ſame time own myſelf an occaſional conformiſt. But if my lords the biſhops will weaken their own cauſe, ſo far as to give up the two great points of epiſcopal ordination and

[d] Some members of that party ſtill crying out, poſt-haſte, poſt-haſte, ſir Thomas Littleton purſued the ſimile, and ſaid, "They did not ride poſt, but a good eaſy trot; and, for his own part, as long as the weather was fair, the roads good, and their horſes in heart, he was of opinion, they ought to jog on, and not take up, till they got home.

confirmation; if they will approve and ratify the act for ſecuring the preſbyterian church-government in Scotland, as the true proteſtant religion and purity of worſhip; they give up that, which has been contended for between them and the preſbyterians this thirty years, and, which I will undertake to prove to my lords the biſhops, has been defended by the greateſt and learnedeſt men in the church of England. I hope, when it is proper, my lords will pleaſe to give ſome light to one, who deſires inſtruction, that I may not ignorantly do any thing to their prejudice in this matter.

"There is anotherreaſon why I am againſt this union, becauſe I cannot think it an entire union. The exempting articles, I mean the twentieth article, whereby heritable offices and ſuperiorities are reſerved; and alſo the one and twentieth; both which Oliver, by an act of ſtate was ſo wiſe as to aboliſh; eſpecially their act for ſecuring their preſbyterian church-government and general aſſemblies, ſeem to me like thoſe little clouds, in a warm calm ſummer's day, that are generally the ſeeds and attractives of aproaching tempeſt and thunder. I the rather take notice of theſe, becauſe, though the articles of union are ratified by the Scots parliament, yet the bulk and body of that nation ſeem to be againſt them. Have not the murmurs of the people there been ſo loud, as to fill the whole nation? And ſo bold too, as to reach even to the doors of the parliament? Has not the parliament itſelf thought fit to ſuſpend their beloved clauſe in their act of ſecurity, for arming their people during the ſeſſion? Nay, has not the government, by advice of parliament, ſet out a proclamation, which I have here in my own hand, pardoning all ſlaughter, blood-ſhed, maiming, &c. that is committed upon any, who are found in any tumults there, and diſcharging all proſecution for the future? I do not mention this to find fault with any thing, that is done in Scotland, but only to ſhew to your lordſhips, that when ſuch an unuſual proclamation as this is ſet out by advice of parliament, and cannot ſtay the forms of a law; when we know, that, upon extraordinary occaſions, a bill may be read three times in one day; ſure, my lords, it ſhews a great ferment, that requires ſo very ſpeedy an application. After all, has not what we deſire, I mean their being upon the ſame foot of ſucceſſion with us, being offered without this union? In ſhort, my lords, I think an incorporating union one of the moſt dangerous experiments to both nations; in which, if we happen to be miſtaken, however we may think of curing things hereafter, the error is irretrievable.

"My lords, this is the laſt time, that I believe I ſhall ever trouble your lordſhips in an Engliſh parliament: give me leave therefore to ſay but one word.

"In king Charles the firſt's time the cavaliers were the perſons, that ventured their lives, and loſt their eſtates to ſave him. And, in king Charles the ſecond's time, they were forgot and left ſtarving. At the reſtoration the preſbyterians were as zealous for that as any men whatever, and none more perſecuted all his reign. Towards the later end of that reign, the biſhops threw out the bill of excluſion, and king James put them into the tower. At the revolution, the Londonderry men, &c. were the perſons, that made the firſt and nobleſt ſtop to king James in Ireland; and I myſelf have fed ſome of them at my own table, when they were ſtarving with the greateſt commendations and promiſes in their pockets, which I have ſeen under king William's own hand. In the laſt reign every body knows, who they were that made their moſt conſtant court at St. James's; and we ſee in what favour they are at preſent.

"Now there is a great deal of zeal in this union. I wiſh, from my zeal, that the advantages may attend it of tranquillity and ſecurity, power, peace, and plenty, as is intended by it. But yet it is poſſible men may be miſtaken. I will not ſay they will ever repent of it; but I will take leave to ſay what has been formerly ſaid in this place, That what has been may be."

It may here be obſerved, that to all the objections, that were offered againſt the union, this general anſwer was made, that ſo great a thing, as the uniting the whole iſland into one government, could not be compaſſed but with ſome inconveniences: But, if the advantage of ſafety and union was greater than thoſe inconveniences, then a leſſer evil muſt be ſubmitted to.

The debate being over, the queſtion was put, Whether the conſideration of the firſt article of the treaty of union ſhould be poſtponed till after the other articles had been examined? But it was carried in the negative by a majority of ſeventy-two voices againſt twenty-two; and ſo the firſt ſix articles were read and approved, and the conſideration of the reſt adjourned to the 19th of February, when the lord North and Grey, obſerved, with relation to the ninth article, "The ſmall and unequal proportion, which Scotland was to pay to the land-tax; urging that Wales, as poor a country every whit as that, and of a much leſs extent, paid to the full as much again, and yet ſent not much more than half the number of repreſentatives in parliament, which were granted to Scotland; and for that reaſon, his lordſhip ſaid he could not agree to this article." He was anſwered by lord Halifax, "That the number of repreſentatives was no rule to go by, ſince there was the county of Cornwall in England, that paid not near ſo much towards the land-tax as that of Glouceſter, and yet ſent almoſt five times as many members to parliament as the other did. That it was very true, the quota of Scotland was very ſmall and unequal, in compariſon to what was paid in England; but that the Engliſh commiſſioners could not induce the Scots ones to agree to any more, upon account of ſeveral impoſſibilities on their ſide. That we could not expect to reap the like advantages of every article of the treaty; and that, if they had the better of us in ſome few, we were infinitely recompenſed by the many advantages, which did accrue to us from the whole." Here again the houſe divided on this article, there being ſeventy for it, and twenty-three againſt it: and ſo, having run over the four following articles, the conſideration of the reſt was further adjourned to the 21ſt of February, when (the queen being preſent) the debate chiefly ran upon the fifteenth article. The earl of Nottingham obſerved, that it conſiſted of two parts, a certain grant of money, and the application thereof, in reference to which he ſaid, "That it was highly unreaſonable, that the Scots, who were by the treaty let into all the branches of our trade, and paid ſo little towards the ſupport of the government, and of a moſt expenſive and bloody war, ſhould moreover have an equivalent of three-hundred and ninety-eight thouſand and eighty-five thouſand pounds given them for coming into this treaty. His lordſhip inſiſted much upon that argument, and took notice, as to the diſpoſal of this equivalent, that part of it, which was to be given to the Darien company, was ſo ordered, as that it might be ſwallowed up by a few perſons, without any particular regard to the indemnifying every private ſufferer in that unhappy enterprize." The lord Halifax anſwered, "That this equivalent could not be looked upon as a gift, but as an actual purchaſe of the Scots revenue and cuſtoms, which, by this union, were to be applied to the payment of the debts on England; and that they were no more gainers by it, than the Engliſh were by the ſale of annuities at fifteen or ſixteen years purchaſe. That as to the diſpoſal of the money, it being their own, it was but reaſonable they ſhould have the liberty of applying the ſame, as they thought moſt convenient, the Engliſh commiſſioners being no ways concerned therein, whoſe care nevertheleſs, and great prudence had been ſuch, that they made proviſion it ſhould not be diſpoſed of but by certain commiſſioners, who ſhould be accountable for the ſame to the parliament of Great Britain." Then their lordſhips proceeded as far as the nineteenth article, and ſo adjourned to the 24th of February, (the queen being likewiſe preſent) the lord Thanet, on the twentieth article, acquainted their lordſhips, "That, himſelf having an heritable office here in England, by being perpetual ſheriff of the county of Weſtmorland, he ſhould be glad, with their lordſhips leave, to have the opinion of the judges about the preſervation of that his right, there being no proviſion made in this article for heritable offices in England." The lord chamberlain ſeconded him in that motion, ſaying, "He had the honour likewiſe of having ſuch an heritable office, about the preſervation whereof he had the very ſame doubts and ſcruples with the noble peer, who ſpoke laſt." Whereupon it was agreed, that the judges ſhould deliver their opinion about it, which they did, and their anſwers were much the ſame with what they had declared to the houſe to be their opinion with reſpect to the firſt article.

The earl of Rocheſter, after reading the twenty-ſecond article, declared, "That he looked upon it as incongruous, contradictory to, and inconſiſtent with itſelf. That there were ſixteen peers to be returned to the houſe of lords, in the parliament of Great-Britain, who were peers and no peers. That, being all peers by right of inheritance, they were, nevertheleſs, made here elective, which he took to be diveſting them of their peerage; becauſe, not being ſure of being always elected to every parliament of Great-Britain, they conſequently muſt loſe, when left out, the benefit of ſitting

fitting in parliament, which was ever deemed an inſeparable right of the peerage. The reſt of the nobility of Scotland, to the number of above a hundred, were thereby manifeſtly injured; and that, for his part, he wondered very much, how the Scots came to accept of ſuch unreaſonable conditions; or how their lordſhips could entertain the thoughts of permitting ſuch peers by election to ſit among them." The lords Nottingham, North and Grey, and Guernſey very much inforced this topic, adding, "That, as one might very well ſuppoſe, that thoſe Scots peers would be ſuch, as were addicted to the kirk, it might prove of dangerous conſequence to the church of England." The earl of Warton replied, "That, though they were all never ſo much of the kirk party, yet there was no reaſon to fear, but they would alſo be very well diſpoſed for the church of England, and ſtand up in its defence on all occaſions, ſince there were even ſome ſitting among their lordſhips, who would venture their lives for the church of England, and yet openly declared themſelves to be at the ſame time occaſional conformiſts." The lord Haverſham, rightly judging, that he was hinted at by the earl, ſtood up to inform the houſe, what he underſtood by an occaſional conformiſt, in which explanation he appeared ſomewhat embarraſſed; for after having made a long encomium on the epiſcopal order, which he took to be the beſt and moſt conformable to primitive chriſtianity, he gave no leſs commendations to all the proteſtant churches abroad, and to the kirk of Scotland itſelf in particular, which, he ſaid was a true proteſtant church." The biſhop of Bath and Wells declared, "That, for his part, he was altogether againſt this union, though he could wiſh from his heart it had been compleated an hundred years ago, becauſe all the ferment and diſcords, which now were likely to inſue upon it, would, by this time have had their courſe. That he could no better compare it, than to the mixing together ſtrong liquors of a contrary nature in one and the ſame veſſel, which would go nigh being burſt aſunder by their furious fermentation: that their bench was always reckoned the dead weight of the houſe; but that the ſixteen Scots peers, being admitted to ſit therein, would more effectually be ſo, eſpecially in any future debates relating to the church, towards which they could no ways be ſuppoſed to be well-affected; and therefore he was humbly of opinion, that ſome proviſion might be made for debarring them of their votes in any church-matter, that ſhould hereafter come in agitation." To all this, and much more that was alledged on account of the danger of the church, when ſo many votes of perſons tied to preſbytery were admitted to a ſhare in the legiſlature, it was anſwered by the lords Sommers, Hallifax, and others, that the chief dangers, the church was in, were from France and from popery. ſo that whatſoever ſecured us from theſe, delivered us from our juſteſt fears. Scotland lay on the weakeſt ſide of England, where it could not be defended, but by an army: the coaleries on the Tine lay expoſed for ſeveral miles, and could not be preſerved, but at a great charge, and with a great force: If a war ſhould fall out between the two nations, and if Scotland ſhould be conquered, yet, even in that caſe, it muſt be united to England, or kept under by an army: The danger of keeping up a ſtanding force, in the hands of any prince, and to be modelled by him (who might engage the Scotch to join with that army and turn upon England) was viſible: and any union after that would look like a force, and ſo could not be laſting; whereas all now was voluntary. As for church-matters, there had been ſuch violence uſed by all ſides in their turns, that none of them could reproach the others much, without having it returned upon them too juſtly. A ſofter management would lay thoſe heats, and bring men to a better temper: the cantons of Switzerland, though very zealous in their different religions, yet were united in one general body: The dyet of Germany was compoſed of men of three different religions: So that ſeveral conſtitutions of the churches might be put under one legiſlature; and, if there was a danger of either ſide, it was much more likely that five hundred and thirteen would be too hard for forty-five, than that forty-five would maſter five hundred and thirteen; eſpecially when the crown was on their ſide: And there were twenty-ſix biſhops in the houſe of lords, to outweigh the ſixteen votes from Scotland. The debate being over, the twenty-ſecond article was approved by a majority of ſeventy-one votes againſt twenty-two; and the remaining articles were likewiſe approved. Upon the then reading the laſt, the earl of Abingdon moved, that the judges opinion might be aſked, what laws would be repealed by this union, and what would remain in force; but that motion was rejected. Then the earl of Nottingham ſtood up, and begged their lordſhips pardon "for having troubled them almoſt to every article, excuſing himſelf, by urging, that they were ſuch material objections occuring to him, as in conſcience he thought himſelf obliged to lay before the houſe. That as ſir John Maynard made this compliment to the late king at the revolution, 'That, having buried, upon account of his great age, all his contemporaries in Weſtminſter-hall, he was afraid, if his majeſty had not come in that very juncture of time, he might have likewiſe outlived the very laws themſelves;' ſo, if this union did paſs, as he had no reaſon to doubt but it would moſt certainly paſs, he might, with as much reaſon, and as juſtly affirm, he had outlived all the laws, and the very conſtitution of England:" Concluding with a prayer to God, "to avert the dire effects, which might probably inſue from ſuch an incorporating union." Three days after, the biſhop of Sarum reported to the houſe of lords the reſolutions of their grand committee, approving the treaty of union, which were agreed to by a great majority; but ſeveral peers entered their proteſts, ſome againſt all, others, againſt ſome of the articles [e].

(e) They were as follow:

We diſſent to every one of the twenty-five reſolutions.

Granville, Haverſham, Staweell.

I diſſent to the four laſt reſolutions, having not been preſent at the paſſing the others.

Geo. Bath and Wells.

I diſſent to every one of the twenty-five reſolutions, except the ſecond.

Beaufort.

I diſſent to the firſt, fourth, fifth, ſixth, ninth, fifteenth, eighteenth, nineteenth, twenty-firſt, twenty-ſecond, and twenty-fifth reſolutions.

Abingdon.

Diſſentient' To the ninth reſolution.

Becauſe we humbly conceive the ſum of forty-eight thouſand pounds, to be charged on the kingdom of Scotland, as the quota of Scotland, for a land-tax, is not proportionable to the four ſhillings aid granted by the parliament of England; but if, by reaſon of the preſent circumſtances of the kingdom, it might have been thought it was not to bear a greater proportion at this time, yet we cannot but think it unequal to this kingdom, that it ſhould be agreed, that whenever the four ſhillings aid ſhall be enacted by the parliament of Great-Britain, to be raiſed on land in England, that the forty-eight thouſand pounds, now raiſed on Scotland, ſhall never be increaſed in time to come, when the trade of that kingdom ſhould be extremely improved, and conſequently the value of their land proportionably raiſed, which, in all probability, it muſt do, when this union ſhall have taken effect.

North and Grey, Rocheſter, Howard, Leigh, Guilford.

Diſſentient' To the fifteenth reſolution.

Becauſe we humbly conceive nothing could have been more equal on this head of the treaty, than that neither of the kingdoms ſhould have been burdened with the debts of the other, contracted before the union; and if that propoſal, which we find once made in the minutes of the treaty, had taken place, there would have been an occaſion to have employed the revenues of the kingdom of Scotland towards the payment of the debts of England; thoſe revenues might have been ſtrictly appropriated to the debts of the kingdom, and to any other uſes within themſelves, as ſhould have been judged requiſite; and there would have been no need of an equivalent of very near four hundred thouſand pounds to be raiſed on England, within this year, for the purchaſe of thoſe revenues in Scotland, which, however it may prove to be but a reaſonable bargain, upon a ſtrict calculation, there does not ſeem to have been a neceſſity juſt now to have raiſed ſo great a ſum, when this kingdom is already burdened with ſo vaſt ones for neceſſary charges of the war.

Rocheſter, North and Grey, Guilford, Leigh.

Diſſentient' To the twenty-ſecond reſolution.

Becauſe we humbly conceive, in the firſt place, that the number of ſixteen peers of Scotland is too great a proportion to be added to the peers of England, who very rarely conſiſt of more than an hundred attending lords in any one ſeſſion of parliament; and, for that reaſon, we humbly apprehend, ſuch a number as ſixteen may have a great ſway in the reſolutions of this houſe, of which the conſequence cannot now be forſeen.

In the ſecond place, we conceive the lords of Scotland, who by virtue of this treaty, are to ſit in this houſe, being not qualified as the peers of England are, muſt ſuffer a diminution of their dignity to ſit here on ſo different foundations, their right of ſitting here depending entirely on an election, and that from time to time during the continuance of one parliament only; and, at the ſame time, we are humbly of opinion, that the peers of England, who ſit here by creation from the crown, and have a right of ſo doing in themſelves for their heirs by that creation for ever, may find it an alteration in their conſtitution, to have lords added to their number, to ſit and vote in all matters brought before a parliament, who have not the ſame (right) of their ſeats in parliament, as the peers of England have.

Buckingham, North and Grey, Leigh, Rocheſter, Guildford.

We diſſent to the reſolution of paſſing the laſt article, becauſe, there being no enumeration of what laws are to be repealed, it is conceived too great a latitude of conſtruction thereupon is left to the judges.

Abingdon, Leigh, North and Grey, Guilford.

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The ſeveral articles of the union being thus agreed to by both houſes, a bill was ordered to be brought in to enact it, which was prepared by ſir Simon Harcourt, the ſolicitor-general, with ſo particular a contrivance, as to cut off all debates. The preamble was a recital of the articles, as they paſſed in Scotland, together with the acts made in both parliaments for the ſecurity of their ſeveral churches; and in concluſion there came one enacting clauſe, ratifying all. This put thoſe upon great difficulties, who had reſolved to object to ſeveral articles, and to inſiſt on demanding ſome alterations in them: they could not object to the recital, it being merely matter of fact; and they had not ſtrength enough to oppoſe the general enacting clauſe; nor was it eaſy to come at particulars, and to offer proviſo's relating to them. The matter was carried on with ſuch zeal, that it paſſed the houſe of commons, before thoſe who intended to oppoſe it had recovered themſelves out of the ſurpriſe, under which the form, it was drawn in had put them. The bill was carried there by a majority of two hundred and ſeventy-four voices againſt a hundred and ſixty, who were for rejecting it [f]. The bill was on the firſt of March, carried by Mr. Spencer Compton to the houſe of lords, who gave it a quick diſpatch but, upon the third reading, the lord North and Grey offered a rider to be added to it, importing, "That nothing, in this ratification contained, ſhould be conſtrued to extend to an approbation or acknowledgement of the truth of the preſbyterian way of worſhip, or allowing the religion of the church of Scotland to be what it was ſtiled, the true proteſtant religion." After a debate, the queſtion was put, "Whether the rider ſhould be read a ſecond time, and it was carried in the negative by fifty-five voices againſt twenty-nine; upon which ſeveral lords entered their diſſent [g]. Then the queſtion being put, Whether this bill ſhould paſs? It was reſolved in the affirmative by a great majority; but ſeveral peers entered their proteſts againſt it [h].

When the queen came to the houſe of lords to paſs the union-bill, ſhe made the following ſpeech to both houſes:

My lords and gentlemen,

"IT is with the greateſt ſatisfaction, that I have given my aſſent to a bill for uniting England and Scotland into one kingdom.

"I conſider this union as a matter of the greateſt importance to the wealth, ſtrength, and ſafety of the whole iſland; and, at the ſame time, as a work of ſo much difficulty and nicety in its own nature, that till now all attempts which have been made towards it, in the courſe of above a hundred years, have proved ineffectual; and therefore I make no doubt, but it will be remembered and ſpoke of hereafter, to the honour of thoſe who have been inſtrumental in bringing it to ſuch a happy concluſion.

"I deſire and expect from all my ſubjects of both nations, that from henceforth they act with all poſſible reſpect and kindneſs to one another, that ſo it may appear to all the world, they have hearts diſpoſed to become one people.

"This will be a great pleaſure to me, and will make us all quickly ſenſible of the good effects of this union.

"And I cannot but look upon it as a peculiar happineſs, that in my reign ſo full proviſion is made for the peace and quiet of my people, and for the ſecurity of our religion, by to firm an eſtabliſhmont of the proteſtant ſucceſſion throughout Great-Britain.

Gentlemen of the houſe of commons,

"I take this occaſion to remind you of making effectual proviſion for the payment of the equivalent to Scotland, within the time appointed by the act; and I am perſuaded, you will ſhew as much readineſs in this particular, as you have done in all the parts of this great work.

My lords and gentlemen,

"The ſeaſon of the year being now pretty far advanced, I hope you will continue the ſame zeal, which appeared throughout this ſeſſion, in diſpatching what yet remains unfiniſhed of the public buſineſs before you."

Thus this great deſign, ſo long wiſhed and laboured for in vain, was begun and happily ended within the compaſs of nine months. The union was to commence the firſt of May, and, till that time, the two kingdoms were ſtill diſtinct, and their two parliaments continued to ſit.

The act of union was no ſooner paſſed, but an ill uſe was intended to be made of it. The cuſtoms of Scotland were then in a farm, and the farmers were the creatures of the miniſtry, ſome of whom, as we believed, were ſharers with them: It was viſible, that ſince there was to be a free trade opened between Scotland and England, after the firſt of May, and ſince the duties in Scotland, laid on trade, were much lower than in England, that there would be a great importation into Scotland, on the proſpect of the advantage that might be made by ſending it into England. Upon ſuch an emergency, it was reaſonable to break the farm, as had been ordinarily done upon leſs reaſon, and to take the cuſtoms into a new management, that ſo the gain to be made in the interval, might go to the public, and not be left in private hands; but the leaſe was continued in favour of the farmers. They were men of no intereſt of their own, ſo it was not doubted, but that there was a ſecret practice in the caſe. Upon the view of the gain to be made by ſuch an importation, it was underſtood, that orders were ſent to Holland, and other places, to buy up wine, brandy, and other merchandize. And another notorious fraud was deſigned by ſome in England; who, becauſe of the great drawback that was allowed for tobacco and other plantation-commodities, when exported, were ſending great quantities to Scotland, on deſign to bring them back after the firſt of May, that ſo they might ſell them free of that duty. A bill was therefore offered to the commons, for preventing theſe fraudulent practices. When this bill was read the third time, Mr. Secretary Harley propoſed the adding another clauſe, namely, that all goods, that were carried into Scotland, after the firſt of February (unleſs it were by the natural-born ſubjects of that kingdom inhabiting it) in caſe they were imported into England after the firſt of May, ſhould be liable to the Engliſh duties; and of this, the proof was to lie on the importer: This angered all the Scots, who raiſed a great clamour upon it, and ſaid, the union was broke by it; and that ſuch a proceeding would have very ill effects in Scotland. But the houſe of commons were ſo alarmed with the news of a vaſt importation, which was aggravated far beyond the truth, and by which they concluded,

[f] On the 22d of February, upon Mr. Bromley's motion, the commons ordered, "That it be an inſtruction to the committee of the whole houſe, to whom the bill for an union between the two kingdoms of England and Scotland was committed, that they might receive a clauſe that the two univerſities of this kingdom might continue for ever, as they are now by law eſtabliſhed." But a motion being made, and the queſtion put, "That it be another inſtruction to the committee, that they might receive a clauſe to make the like proviſion, that the ſubjects of this kingdom ſhould be for ever free of any oath, teſt, or ſubſcription within this kingdom, contrary to, or inconſiſtent with, the true proteſtant religion, government, worſhip, and diſcipline of the church of England, as now by law eſtabliſhed, as was already provided for the ſubjects of Scotland, with reſpect to their preſbyterian government;" it paſſed in the negative. The ſame day ſir Roger Moſtyn moved, that a clauſe ſhould be inſerted in the ſaid bill, in favour of the convocation of the clergy, as part of the conſtitution; which aſſertion and motion were both exploded. But, the parliament of Scotland having inſerted in the articles of union ſeveral clauſes for drawbacks and allowances upon divers commodities of the growth of that kingdom, which might put the Engliſh traders upon an unequal foot with the Scots, the commons of England took that matter into their conſideration; and, in a committee of the whole houſe came to ſeveral reſolutions for allowing drawbacks on Engliſh ſalt, white herrings, beef, pork, oatmeal, and grain, called Bear alias Big, exported from England and Wales: Which reſolutions were, on the 27th of February, reported to the houſe, agreed to, and a bill ordered to be brought in, which received the royal aſſent.

[g] Diſſentient'
Beaufort, Buckingham, North and Grey, Angleſea, Winchelſea, Northampton, Abingdon, Nottingham, Scarſdale, George Bath, and Wells, Thanet, Granville, Stawell, Guernſey, Weymouth, Guilford, Leigh.

[h] Diſſentient'
Nottingham, Angleſea, Thanet, Winchelſea, Northampton, Scarſdale, Weymouth, Guernſey.

Becauſe the conſtitution of this Kingdom has been ſo very excellent, and therefore juſtly applauded by all our neighbours, for ſo many ages, that we cannot conceive it prudent now to change it, and to venture at all thoſe alterations made by this bill, ſome of them eſpecially being of ſuch a nature, that, as the inconvenience and danger of them (in our humble opinion) is already but too obvious, we think it more proper and decent to avoid entering further into the particular apprehenſion we have from the paſſing of this law.

Beauford, Buckingham, Stawell, Guilford, Granville, Leigh.

ed,

ed, that the trade of England would greatly ſuffer, at leaſt for a year or two, that they paſſed the bill, and ſent it to the lords, where it was rejected; for it appeared plainly to them, that this was an infraction of ſome of the articles of the treaty. It was ſuggeſted, that a receſs for ſome days was neceſſary, that ſo the Commons might have an opportunity to prepare a bill, prohibiting all goods from being brought to England, that had been ſent out, only in order that the merchants might have the drawback allowed. Accordingly, the queen came to the houſe of peers on the 8th of April, and prorogued the parliament to the 14th of that month.

The parliament being met again on that day, the queen came to the houſe of lords, and made a ſhort ſpeech to both houſes, importing, "That ſhe was willing to give them an opportunity of coming together again, to conſider, if any thing could properly be done to prevent the inconveniences, that might happen to trade, by too great an interval between the riſing of the parliament and the firſt of May; and that ſhe need not add, that whatever was to be done of that kind, would require to be diſpatched in a little time." The commons, who were more inflamed than before, being returned to their houſe, received and read a petition of the merchants concerned in the importation of wines and brandy from Spain, Portugal, and Italy, and of other goods from Holland, &c. complaining, "That great quantities of French wines, brandies, ſilks, prunes, roſin, &c. of the growth and product of France; whalebone, linen, drugs, coffee, ſpices, &c. from Holland and from France; were directly brought, and more intended to be imported into the kingdom of Scotland, in order to be brought thence and imported into England, after the firſt of May, to avoid the Engliſh duties, to the great detriment and loſs of ſome, and the utter ruin of others, who had imported, and were importing into England the like commodities from Spain, Portugal, Italy and Holland, paying the high duties upon them; which commodities had been chiefly purchaſed abroad with the woollen manufactures, corn, and other products of England; and praying that the houſe would prevent the importation of theſe goods, which would be a great damage, not only to the petitioners, but to her Majeſty's cuſtoms; or otherwiſe ſo to provide for the petitioners relief, as the houſe ſhould think fit." The next day the commons, in a committee of the whole houſe, reſolved, firſt, "That the importation of goods and merchandizes of the growth and produce of France, and other foreign parts, into Scotland, in order to be brought from thence into England, after the firſt of May, and with intention to avoid the payment of the Engliſh duties, would be to the damage and ruin of fair traders, to the prejudice of the manufactures of England, a great loſs to her Majeſty's revenue of the cuſtoms, and a very great detriment to the public. Secondly, That the exporting of goods and merchandizes from England into Scotland that are intitled to a drawback, with intention to bring the ſame back again into England after the firſt of May, was a moſt notorious fraud, to the damage and ruin of fair traders, to the great loſs of her majeſty's revenues of the cuſtoms, and a very great detriment to the public." Theſe reſolutions being immediately reported and agreed to, a bill was ordered to be brought in upon the ſame; which, being was paſſed, ſent to the lords for their concurrence. But it being apprehended, that this would give offence to the Scots; and the moſt eminent lawyers, who were conſulted about it, not agreeing in their opinions, the court thought fit to let it fall; the rather, becauſe the firſt of May was near at hand, and that the practices of the fraudulent traders had, in great meaſure, been prevented by the terror of the intended law, and the clauſe offered by Mr. Harley. And, therefore, the queen came to the houſe of peers on the 24th of April, and made the following ſpeech to both houſes:

My lords and gentlemen,

"I Return you my hearty thanks for the great zeal and affection, which you have ſhewn for my ſervice and the public good, in the ſeveral affairs, which have been before you, eſpecially in that of the union of Scotland, which, I doubt not, will prove a laſting bleſſing to this iſland.

Gentlemen of the houſe of commons,

"I am to thank you in particular for the great diſpatch you have made, in providing the largeſt and moſt effectua ſupplies, that have ever been given to the crown for the current ſervice, in any one ſeſſion of parliament. I am very much concerned, the public occaſions require the raiſing of ſuch great ſums from my people. I will take care they ſhall be applied to the uſes for which they were given; and I hope, by God's bleſſing, we may obtain advantages from them, anſwerable to ſo great an expence.

My lords and gentlemen,

"It is proper for me, before we part, to communicate to you, that I think it expedient, that the lords of parliament of England, and commons of the preſent parliament of England, ſhould be the members of the reſpective houſes of the firſt parliament of Great-Britain, for, and on the part of England: and therefore I intend, within the time limited, to publiſh a proclamation for that purpoſe, purſuant to the power given me by the acts of parliaments of both kingdoms, ratifying the treaty of union. And, after we have ſo fully compleated this great work, I aſſure myſelf, that, when you return to your ſeveral countries, you will omit no opportunity of making my ſubjects ſenſible of the ſecurity, and the other great and laſting benefits, they may reaſonably expect from this happy union.

"This will conduce very much to make it prove ſo, and be a good preparation to the ſucceſs of our next meeting; when, I hope, we ſhall all join our ſincere and hearty endeavours to promote the welfare and proſperity of Great Britain."

After this ſpeech, the lord-keeper prorogued the parliament to the 30th of April 1707.

Thus this remarkable ſeſſion came to a happy concluſion, after having finiſhed the great tranſaction of the union, on which it may not be improper to make the following obſervations. It is certain, the deſign on Darien the great charge it put Scotland to, and the total miſcarriage of that project, made the trading part of that kingdom ſee the impoſſibility of undertaking any great deſign in trade; and this made them the more ready to concur in carrying on the union. The wiſer men of that nation had obſerved long, that Scotland lay at the mercy of the miniſtry, and that every new ſet of miniſters made uſe of their power to enrich themſelves and their creatures at the coſt of the public; that the judges being made by them were in ſuch a dependance, that, ſince there are no juries allowed in Scotland in civil matters, the whole property of the kingdom was in their hands, and by their means in the hands of the miniſters. They had alſo obſerved, how ineffectual it had been to complain of them at court. It put thoſe, who ventured on it, to a vaſt charge, to no other purpoſe, but to expoſe them the more to the fury of the miniſtry. The poor noblemen and the poor boroughs made a great majority in their parliament, and were eaſily to be purchaſed by the court. They ſaw therefore no hopes of a remedy for ſuch a miſchief, but by an incorporating union with England. Theſe thoughts were much quickened, by the proſpect of recovering what they had loſt in that ill-concerted undertaking of Darien; and this was ſo univerſal and ſo operative, that the deſign on Darien, which the Jacobites had ſet on foot and proſecuted with ſo much fury, and with bad intentions, did now engage many to promote the union, who, without that conſideration, would have been at leaſt neutral, if not backward in it. The court was engaged to promote the union, on account of the act of ſecurity paſſed in the year 1704, which was imputed chiefly to the lord-treaſurer. Threatenings of impeaching him for adviſing it had often been let fall; and, upon that, his enemies had ſet their chief hopes of overthrowing him; for, though no proof could be brought of his counſel in it, yet it was not doubted, but that his advice had determined the queen to paſs it. An impeachment was a word of an odious ſound, which would engage a party againſt him, and diſorder a ſeſſion of parliament; and the leaſt ill effect it might have, would be to oblige him to withdraw from buſineſs, which was chiefly aimed at. The queen was very ſenſible, that his managing the great truſt he was in, in the manner he did, made all the reſt of her government both ſafe and eaſy to her; and therefore ſhe ſpared no pains to bring this about, and it was believed ſhe was at no ſmall coſt to compaſs it; for thoſe of Scotland had learned from England to ſet a price upon their votes, and expected to be well paid for them. The lord-treaſurer likewiſe exerted himſelf in this matter with an activity and zeal, that ſeemed not to be in his nature; and indeed, all the application, with which the court purſued this affair, was neceſſary to maſter

the oppoſition and difficulties, which ſprang up in the progreſs of it. That, which completed all, was the low ſtate to which the affairs of France were reduced. That kingdom could ſpare neither men nor money to ſupport their party, which otherwiſe they would undoubtedly have done. They had, in imitation of the Exchequer notes here in England, given out mint-bills to a great value; ſome ſaid two hundred millions of livres. Theſe were ordered to be taken by the ſubjects in all payments, as money to the full value, but were not to be received in payments of the king's taxes. This put them under a great diſcredit, and the fund created for repaying them, not being thought a good one, they had ſunk ſeventy per cent. This occaſioned an inexpreſſible diſorder in all payments, and in the whole commerce of France. All the methods, that were propoſed for raiſing their credit, had proved ineffectual; for they remained, after all, at the diſcount of fifty-eight per cent. A court, in this diſtreſs, was not in a condition to ſpare much to ſupport ſuch an inconſiderable intereſt, as they eſteemed their party in Scotland; who therefore had not the aſſiſtance, which they promiſed themſelves from thence. The conjuncture of theſe various incidents, which brought this great work to a happy concluſion, was ſo remarkable, that the laying them all in one view will, it is hoped, not be thought an impertinent digreſſion.

The parliament being at an end, the queen, by virtue of a clauſe in the act of union, and purſuant to her promiſe in her ſpeech, revived it by a proclamation of the 29th of April, and, by another of June 5, declared her pleaſure for holding the firſt parliament of Great-Britain on the 23d of October. Upon this, many of the Scotch lords came to London, and were very well received. Montroſs and Roxburgh were made dukes in Scotland; ſome of them were made privy-councillors in England; and a commiſſion, for a new council, was ſent to Scotland: There appeared ſoon two different parties among the Scotch; ſome of them moved, that there ſhould neither be a diſtinct government, nor a privy-council continued there, but that all ſhould be brought under one adminiſtration, as the ſeveral counties in England were; they ſaid, the ſooner all were conſolidated, in all reſpects, into one body, the poſſibility of ſeparating and diſuniting them would be the ſooner extinguiſhed; this was preſſed with the moſt earneſtneſs by thoſe, who were weary of the preſent miniſtry, and longed to ſee their power at an end: But the miniſtry, who had a mind to keep up their authority, ſaid, there was a neceſſity of preſerving a ſhew of greatneſs, and a form of government in thoſe parts, both for ſubduing the Jacobites, and that the nation might not be diſguſted, by too ſudden an alteration of outward appearances. The court reſolved to maintain the miniſtry there, till the next ſeſſion of parliament, in which new meaſures might be taken. Thus affairs were happily ſettled at home, and the firſt of May, when the union took place, being appointed to be obſerved as a day of public and general thankſgiving for the happy concluſion of the treaty of union, it was celebrated with a decent ſolemnity. Congratulatory addreſſes on account of the union were preſented to the queen from all parts of the kingdom. But it was obſerved, that the univerſity of Oxford were ſilent on this occaſion, as well as the Scots, which made the addreſſers of Brackley in Northamptonſhire ſuggeſt, "That after the little notice, that had hitherto been taken of the union by thoſe, who enjoyed the greateſt ſhare of it, at leaſt an equivalent of the advantage, they had ſome thoughts of not diſturbing her majeſty at this time, in her great concernments for the liberties of all Europe, had they not been afraid, leſt the malice of the world ſhould have unjuſtly tacked them to ſome of her majeſty's miſtaken ſubjects, who, by their ſilence, in not addreſſing, had ſufficiently declared their diſlike of what her majeſty had owned her greateſt pleaſure and ſatisfaction." [1]

[1] That the proceedings in the affair of the union might not be interrupted, the following particulars, which happened during this ſeſſion, were purpoſely omitted.

The houſe of commons addreſſed the queen about reſettling the iſlands of Nevis and St. Chriſtophers, which had ſuffered much by the French. The French came from Martinico with five men of war and twenty ſloops to St. Chriſtophers, and made a deſcent in March 1706; being repulſed in their attack of the caſtle, they fell in among the plantations, ſome of which they burnt, and plundered the inhabitants; but the governor of Barbadoes, upon notice of it, ſent down a ſloop to the governor of St. Chriſtophers, to acquaint him there was a ſtrong ſquadron of Engliſh men of war coming to his aſſiſtance; which news being conveyed to the French had the intended effect, for they no ſooner heard of it, than they quitted the iſland, taking away with them about three hundred negroes. From thence they went to Nevis, where they landed their troops, and the inhabitants being overpowered by numbers retired to the mountains; the enemy, marching thither too, attacks them; they beat a parley, and a capitulation was concluded the next day, March 24, by which they were to be priſoners of war, but to remain in the iſland, and procuring a like number of French priſoners, to be releaſed by way of exchange, either in America or Europe; and, in the mean time, they were to be civilly uſed, and their houſes and ſugar-works preſerved; but the French broke the capitulation in ſeveral reſpects, treating them moſt barbarouſly, and burning their houſes and ſugar-works, and by threats and ill uſage forced many of them to form a ſecond agreement the 6th of April, promiſing the enemy in ſix months time to ſend to Martinico a certain number of negroes, or money in lieu thereof, after which they left the iſland. The commander and other officers of this ſquadron gave ſo little content to the French court by their conduct in this expedition, that they were put under arreſt upon their arrival in France.

The marquis of Caermarthen having offered to go with a ſmall ſquadron of men of war to Madagaſcar, to ſuppreſs the pirates there, who were become very troubleſome and dangerous to the navigation in thoſe parts, the commons appointed a committee to conſider that matter; and it was reſolved to preſent an humble addreſs to her majeſty to take into her royal conſideration how the ſaid pirates might be ſuppreſſed; and another, that ſhe would be pleaſed to uſe her endeavours to recover and preſerve the ancient poſſeſſions, trade, and fiſhery in Newfoundland.

The French refugees, by private direction of the biſhop of Sarum, and ſome other perſons in power, addreſſed the queen, repreſenting, "That the proteſtant churches of France, though ever ſtruggling under oppreſſion, held formerly a conſiderable rank; and that her majeſty's predeceſſors had always ſuch a tender regard for them, as to protect and ſupport them to the utmoſt of their power: That the famous edict of Nantes, in favour of the proteſtants of France, was, in great meaſure, owing to the great intereſt queen Elizabeth had with king Henry the fourth of France: That king James the firſt, her majeſty's great-grandfather, did often interpoſe, by his ambaſſadors, in behalf of the French reformed churches. And, that king Charles the firſt, her majeſty's grandfather, intervened as mediator in the treaty, which Lewis XIII. made with the Rochellers (who held the principal rank among the proteſtants of France) and afterwards, upon the French king's infraction of that treaty, began a war with France upon that account." Moreover, they ſet forth, "That they found and accounted themſelves ſo happy in living under her majeſty's gentle government, and among a nation, where they had been ſo kindly entertained, when driven from their native country by the violence of perſecution, that, if they had nothing but their own private intereſt in view, they would ſit quiet and eaſy, and be contented to ſhare the felicity of her majeſty's natural-born ſubjects; but that the juſt concern they ought to have for their brethren, relations, and friends, who ſtill groaned in France under the preſſure of perſecution, obliged them to lay hold on this occaſion, moſt humbly to beſeech her ſacred majeſty, that, when her thoughts ſhould be employed in ſettling the great concerns of Europe in a treaty of peace, her majeſty would graciouſly vouchſafe to take into her royal care the intereſt of the poor diſtreſſed churches of France, which having been ruined by the ſuperſtitious vanity of the enemy, ſo it would add to the ſolid glory of her majeſty's reign, to be inſtrumental in reſtoring the ſame." This addreſs having been preſented to the queen, on the 7th of April, by ſome of the moſt eminent perſons among the French refugees, ſhe was pleaſed to tell them, "That ſhe always had a great compaſſion for the unhappy circumſtances of the perſecuted proteſtants of France: That ſhe would communicate her thoughts upon this matter to her allies; and ſhe hoped ſuch meaſures might be taken, as might effectually anſwer the intent of their petition."

On the 15th of May, Andrew de Matneoff, ambaſſador extraordinary from the czar of Muſcovy, had a private audience of the queen, in which his excellency delivered to her majeſty a long letter from the czar, dated April 27, containing a detail of the ſervices he had done king Auguſtus from his firſt election to the crown of Poland; and "complaints of the ill treatment of the Ruſſian troops ſent to his aſſiſtance; of the impriſoning of count Patkul, his miniſter and general; of king Auguſtus's non-performance of the treaty made with the czar; and of his concluding a diſhonourable peace with the king of Sweden, without his czariſh majeſty's privity; purſuant to which he had delivered up count Patkul, on pretence of his being a Swediſh deſerter, contrary to the laws of nations, and even cuſtom of the barbarians?" Deſiring, in the concluſion, "That her Britannic majeſty would uſe her good offices, to procure the liberty of the ſaid Patkul, or, at leaſt, that he might be uſed as his czariſh majeſty's miniſter, and not as a ſubject of the king of Sweden; as alſo to obtain the enlargement of the other Ruſſian general officers, and other ſubjects of Muſcovy, detained at Stockholm. As for the remaining of the Ruſſian auxiliaries, now upon the Rhine, the czar put them under her Britannic majeſty's protection, and deſired, that they might enter into her majeſty's ſervice, or that of her allies; or, at leaſt, he intreated her majeſty's good offices, that they might have leave to return home with safety." In compliance with the czar's deſire, the queen uſed her good offices in favour of count Patkul, but her interceſſion proved ineffectual, and that unfortunate gentleman was afterwards barbarouſly put to death.

The republic of Venice, having at laſt appointed the chevaliers Erizzo and Piſani their ambaſſadors extraordinary, to compliment the queen on her acceſſion to the throne, their excellencies made their public entry into London, on the 19th of May, in a very magnificent manner; and having, for three days, been ſplendidly entertained at Somerſet houſe, had their public audience of the queen, on the 22d, at St. James's-houſe. Three days after they had a private audience of her majeſty, and then returned homewards. Signior Cornaro, the Venetian ambaſſador in ordinary, continuing here to take care of the concerns of that republic.

The government thinking fit to check the licentiouſneſs of the preſs, William Pittis, being convicted of writing a ſcandalous and ſeditious libel, intituled, 'The caſe of the church of England's memorial fairly ſtated: Or, A modeſt enquiry into the grounds of thoſe prejudices, that have been entertained againſt it,' was fined by the court of queen's-bench one hundred marks, and to ſtand in the pillory at Charing-croſs with a paper on his head, denoting his offence; and alſo near the Royal-exchange in Cornhill in like manner. Which ſentence was executed accordingly. George Sawbridge, convicted of publiſhing that libel, was fined two hundred pounds, and committed to the queen's-bench priſon till he paid the ſame; and alſo to be brought by the marſhal of that priſon to all the courts at Weſtminſter (the courts ſitting) with a paper on his head, denoting his offence.

On the 30th of April the caſe of Dr. James Drake, indicted for writing a pamphlet, called Mercurius politicus, was argued at the queen's-bench bar; but it appearing, that, in the libel ſet forth in the information, the word Not was inſerted, and in the libel given in evidence the word Not; upon arguing of that error, the court inclined for the party accuſed; whereupon the trial was adjourned, and he was afterwards acquitted. The ſame day Dr. Joſeph Browne was tried at Guild-hall before the lord chief juſtice Holt for binding to the preſs a paper of verſes, called 'The country parſon's advice to the lord keeper; where, in a groſs, ironical way, the archbiſhop of Canterbury, the dukes of Southampton, Richmond, Somerſet, Bolton, and Devonſhire, the earls of Montague, Pembroke, Eſſex, and Oxford, the lords Sommers, Mohun

About this time there were made ſome changes in ſeveral public offices. The earl of Stamford, the lord Herbert of Cherburg, Robert Monkton, and John Pultney, eſquires, were made commiſſioners of trade and plantations, in the room of the lord viſcount Weymouth, who had before reſigned that poſt, and of William Blaithwaite, John Pollexfen, and Matthew Prior, eſquires, who were laid aſide, as too ſtrongly attached to the tory party. At the ſame time, by the intereſt of Mr. ſecretary Harley, ſir Simon Harcourt was conſtituted attorney-general, in the room of ſir Edward Northey; ſir James Montague ſucceeded ſir Simon Harcourt in the place of ſolicitor-general; and the honourable Spencer Compton, who had exerted his zeal and abilities in the treaty of union, was made treaſurer and receiver-general to prince George of Denmark, and pay-maſter to her majeſty's penſioners, in the room of Mr. Nicholas. In the beginning of May, the queen declared the lord Cowper lord high-chancellor of Great-Britain. In like manner, the lord Godolphin was appointed lord high-treaſurer of Great-Britain. Prince George of Denmark took the oath in the court of chancery, as lord high-admiral of Great Britain, and by a new commiſſion appointed ſir David Mitchell, George Churchill, Mr. Robert Walpole, and ſir Stafford Fairborne, to be council in the affairs of the admiralty. In January, the earl of Manchester received his inſtructions to go ambaſſador extraordinary to the republic of Venice, and, in his journey thither, he went to the courts of Vienna and Turin. But the moſt conſiderable change had been in December, by the promotion of the earl of Sunderland to the poſt of ſecretary of ſtate, in the room of ſir Charles Hedges: though it was not till after much ſolicitation, that the queen could be prevailed with to make this alteration [k].

Mohun, Haverſham, Wharton, and Hallifax, and the biſhop of Sarum, were ſcurrilouſly reflected upon. The charge being plainly proved by the printer, and by Mr. Lewis, ſecretary to Mr. Harley, the jury brought the doctor in guilty; and ſome time after he received ſentence to ſtand in the pillory, which was executed upon him.

On the 6th of May, being the laſt day of the term, judge Powel, in the court of queen's-bench, pronounced ſentence againſt Mr. William Stephens, rector of Sutton in Surry, for writing a ſeditious pamphlet, called, 'A letter to the author of the memorial of the church of England;' which contained moſt ſcandalous reflections on the duke of Marlborough's conduct laſt campaign, and againſt Mr. ſecretary Harley. The judge told the priſoner, "That his offence was the greater, in that it was the duty of his calling to teach others the poſitive precept of the goſpel about the reverence we owe to ſovereigns, and thoſe who are in authority under them; but, that his crime was ſtill the more heinous in abuſing the duke of Marlborough, a peer, who had done ſuch glorious actions for his country, and ſo well deſerved of the common cauſe:" Adding with reſpect to the ſecretary, "That the traducing the queen's miniſters was a downright abuſe upon her majeſty herſelf." Stevens would have ſpoken ſomething by way of ſubmiſſion, but the judge pronounced the judgment of the court againſt him; which was "That he ſhould be fined an hundred marks, and ſtand twice in the pillory with a paper fixed to his hat, denoting his offence; the firſt time at Charing-croſs, and the next day before the Royal-exchange; and that he ſhould find ſurities for his good behaviour for a twelvemonth." However, it being repreſented and conſidered, that the inflicting ſuch an ignominious puniſhment on a perſon in holy orders might give offence to the whole clergy; the execution of this ſentence was firſt ſuſpended, and at laſt the pillory remitted, though with this mortifying circumſtance, that Stephens was brought to a public houſe at Charing-croſs, from whence he ſaw the ſcaffold, and multitudes of people gathering together to be ſpectators of his diſgrace.

On the 6th of November, Dr. Joſeph Browne being convicted of writing and publiſhing another ſcandalous and ſeditious libel, intitled 'A letter to the right honourable Mr. ſecretary Harley, occaſioned by his late commitment to Newgate: Together with his interpretation of that paper, called, The Country Parſon's advice to my lord-keeper, laid to his charge;' reflecting upon the great officers of ſtate, and ſeveral of the nobility of this kingdom, was, on the 14th of November fined for the ſame by the court of queen's-bench forty marks, and ordered to ſtand in the pillory two days after at Charing-croſs and alſo near the Royal-exchange in Cornhill, and to give ſecurity for his good behaviour for one year.

Edward Ward being convicted of writing, printing and publiſhing ſeveral ſcandalous and ſeditious libels, particularly, 'Hudibras Redivivus, or, A Burleſque Poem on the Times, highly reflecting upon the queen and her government, was likewiſe, on the 14th of November fined forty marks, and ordered to ſtand twice in the pillory, with a paper on his head denoting his offence, and to give ſecurity for his good behaviour for one year. Some were of opinion, that theſe, and other proſecutions of the like nature, were chiefly promoted by Mr. ſecretary Harley, not only that he might thereby appear to be entirely devoted to the general and treaſurer, but with a deeper deſign of rendering them obnoxious by thoſe unpopular ſeverities.

[k] The duchess of Marlborough, in 'The account of her conduct, p. 172,' obſerves, That the whigs, after the ſervices they had done, and the aſſurances the queen had given them, thought it reaſonable to expect, that one of the ſecretaries at leaſt ſhould be ſuch a man as they could place a confidence in. They believed they might truſt the earl of Sunderland; and though they did not think him the propereſt man for the poſt, yet, being the duke of Marlborough's ſon-in-law, they choſe to recommend him to her majeſty, becauſe, as they expreſſed themſelves to the ducheſs, they imagined it was driving the nail that would go. The duke indeed was not in his inclination for this promotion of the earl; but, how hard preſſed both he and the lord-treaſurer Godolphin were by the whigs to have it brought to effect, appears from the following letter of his to the ducheſs, dated at Grametz in October 1706. "When I writ my laſt I was very full of the ſpleen, and, I think, with too much reaſon: My whole time, to the beſt of my underſtanding, has been employed for the public good, as I do aſſure you I do in the preſence of God, neglecting no opportunity of letting 83 (the queen) ſee what I take to be her true intereſt. It is terrible to go through ſo much uneaſineſs. I do not ſay this to flatter any party, for I will never do it, let the conſequence be what it will. For, as parties, they are both in the wrong. But it is certain 73 (ſuppoſed to be Rocheſter) and his adherents are not to be truſted. So that 83 (the queen) has no choice but that of employing thoſe who will carry on the war, and ſupport 91 (lord Godolphin). And, if any other method is taken, I know we ſhall go into confuſion. Now, this being the caſe, I leave you to judge, whether I am dealt kindly with? I do not ſay this for any other end but to have your juſtice and kindneſs, for in that will conſiſt my future happineſs. I am ſure I would venture a thouſand lives, if I had them, to procure eaſe and happineſs to the queen. And yet no number of men could perſuade me to act as a miniſter in what was not my opinion. So that I ſhall never fail in ſpeaking my mind very freely, and as my opinion is, that the tackers, and all the adherents of 73, are not for carrying on the war, which is for the true intereſt of the queen and kingdom; you may depend I ſhall never join with any but ſuch as I think will ſerve her and the true intereſt of our country with all their hearts. And, if the war continues but one year longer with ſucceſs, I hope it will not be in any body's power to make the queen's buſineſs uneaſy. And then I ſhould beglad to live as quiet as poſſible, and not envy the governing men, who would then, I believe, think better of 90 (duke of Marlborough) and 91 (lord Godolphin) than they now do. And I will own frankly to you, that the jealouſy ſome of your friends have, that 90 (Duke of Marlborough) and 91 (lord Godolphin) do not act ſincerely, makes me ſo weary, that, were it not for my gratitude for 85 (the queen) and concern for 91 (lord Godolphin, I would now retire, and never ſerve more. For I have had the good luck to deſerve better from all Engliſhmen, than to be ſuſpected for not being in the true intereſt of my country, which I am in, and ever will be, without being of a faction, And this principle ſhall govern me for the little remainder of my life. I muſt not think of being popular; but I ſhall have the ſatisfaction of my going to the grave with the opinion of having acted, as became an honeſt man. And, if I have your eſteem and love, I ſhould think myſelf entirely happy. Having writ thus far, I have received your two letters of 20th and 21ſt, which confirm me in my opinion before. And, ſince the reſolution is taken to vex and ruin 91 (lord Godolphin) becauſe 83 (the queen) has not complied with what was deſired for 117 (lord Sunderland,) I ſhall from henceforth deſpiſe all mankind, and think there is no ſuch thing as virtue. For I know with what zeal 91 (lord Godolphin) has preſſed 83 (the queen) in that matter. I do pity him, and ſhall always love him as long as I live, and never be a friend to any that can be his enemy.

"I have writ my mind very freely to 83 (the queen) on this occaſion; ſo that, whatever misfortunes may happen, I ſhall have a quiet mind, having done what I thought my duty. And as for the reſolution of making me uneaſy, I believe they will not have much pleaſure in that, for, as I have not ſet my heart on having juſtice done me, I ſhall not be diſappointed, nor will I be ill uſed by any man."

The ducheſs of Marlborough likewiſe wrote the following letter to the queen on this occaſion:

"By the letter I had from your majeſty this morning, and the great weight you put upon the difference betwixt the word notion and nation in my letter, I am only made ſenſible (as by many other things) that you were in a great diſpoſition to complain of me, ſince to this moment I cannot for my life ſee any eſſential difference betwixt theſe two words as to the ſenſe of my letter, the true meaning of which was only to let your majeſty, know with that faithfulneſs and concern, which I have had ever for your ſervice, that it was not poſſible for you to carry on your government much longer with ſo much partiality to one ſort of men, though they loſe no opportunity of diſſerving you, and of ſhewing the greateſt inveteracy againſt my lord Marlborough and my lord-treaſurer, and ſo much diſcouragement to others, who, even after great diſobligations, have taken ſeveral opportunities to ſhew their firmneſs to your majeſty's intereſt, and their zeal to ſupport you, and your miniſters too, only becauſe they had been faithful and uſeful ſervants to you and the public.

"This was all the ſenſe and meaning of my letter; and, if you can find fault with this, I am ſo unhappy as that you muſt always find fault with me; for I am uncapable of thinking otherwiſe as long as I live, or of acting now but upon the ſame principle, that I ſerved you before you came to the crown for ſo many years, when your unlimited favour and kindneſs to me could never tempt me to make uſe of it in one ſingle inſtance, that was not for your intereſt and ſervice. I am afraid I have been too long in explaining my thoughts upon the ſubject of my own letter, which it ſeems has been ſo great an offence; and how juſtly I leave you to judge; and I muſt beg your patience, ſince I am not very like to trouble you again, to let me ſay ſomething upon the ſubject of your letter to my lord-treaſurer, which he has ſhewn me to-day, with more concern than I know how to expreſs. This was indeed the ſubject of my own letter, and the occaſion of it; for I do not only ſee the uneaſineſs and the grief he has to leave your ſervice, when you ſeem ſo deſirous he ſhould continue in it; but I ſee, as well as he, the impoſſibility of his being able to ſupport it, or himſelf, or my lord Marlborough, for it all hangs upon one thread; and, when they are forced to leave your ſervice, you will then indeed find yourſelf in the hands of a violent party, who, I am ſure will have very little mercy or even humanity for you. Whereas you ought to prevent all theſe misfortunes by given my lord-treaſurer and my lord Marlborough (whom you may ſo ſafely truſt) leave to propoſe thoſe things to you, which they know and can judge to be abſolutely neceſſary for your ſervice, which will put it in their power to influence thoſe, who have given you proofs, both of their being able to ſerve you, and of their deſiring to make you great and happy. But, rather than your majeſty will employ a party-man, as you are pleaſed to call lord Sunderland, you will put all things in confuſion; and, at the ſame time, that you ſay this, you employ ſir Charles Hedges, who is in one againſt you, only that he has voted in remarkable things, that he might keep his place; and he did the ſame thing in the late king's time, till at laſt, that every body ſaw he was juſt dying, and he could loſe nothing by differing with that court. But formerly he voted with theſe men, the enemies to this government, called whigs; and if he had not been a party-man, how could he have been ſecretary of ſtate, when all your councils were influenced by my lord Rocheſter, lord Nottingham, ſir Edward Seymour, and about ſix or ſeven more juſt ſuch men, that call themſelves the heroes for the church? But what church can any men be of, that would diſturb ſo juſt a government as yours? Or how can any body be in the true intereſt of England, that oppoſes you and your miniſters, by whoſe advice, in four years time, you are very near pulling down the power of France, and making that religion, they only talk of, not only more ſecure than in any of the late reigns, but putting it upon a better foundation than it has been ſince the reformation?

"You

The convocation, as uſually, ſat this winter with the parliament. Though they had, in their former ſeſſion, differed much about the form of an addreſs to the queen, yet now they agreed pretty unanimouſly, and both houſes preſented a congratulatory addreſs upon the wonderful ſucceſs of her arms, and acknowledged the church to be in a ſafe and flouriſhing condition under her majeſty's adminiſtration. But, notwithſtanding this addreſs, when the debates concerning the union were before the parliament, ſome in the lower-houſe ſpoke very tragically on that ſubject, and a committee was named to conſider of the preſent danger of the church. This was carried, by the private management of ſome aſpiring men amongſt them, who hoped by a piece of ſkill, to ſhew what they could do, that it might recommend them to farther preferment; they were much cried out on, as betrayers of their party, for carrying that addreſs; ſo, to recover their credit, and becauſe their hopes from the court were not ſo promiſing, they reſolved now to act another part. It was given out, that they intended to make an application to the houſe of commons, againſt the union; to prevent that, the queen wrote to the archbiſhop, ordering him to prorogue them for three weeks: By this means that deſign was defeated, for, before the end of the three weeks, the union had paſſed both houſes. But, when one factious deſign failed, they found out another; they ordered a repreſentation to be made to the biſhops, which ſet forth, that, ever ſince the ſubmiſſion of the clergy in Henry the eighth's time, which was for a courſe of a hundred and ſeventy-three years, no ſuch prorogation had ever been ordered, during the ſitting of parliament; and they beſought the biſhops, that from the conſcientious regard, which they doubted not they had, for the welfare of this church, they would uſe their utmoſt endeavours, that they might ſtill enjoy thoſe uſages, of which they were poſſeſſed, and which they had never miſemployed: With this they brought up a ſchedule, containing, as they ſaid, all the dates of the prorogations, both of parliament and convocation, thereby to make good their aſſertion: and to cover this ſeeming complaint of the queen's proceedings, they paſſed a vote, that they did not intend to enter into any debate, concerning the validity of the late prorogation, to which they had humbly ſubmitted. It was found to be a ſtrange and a bold aſſertion, that this prorogation was without a precedent: Their charge, in the preſerving their uſages, on the conſciences of the biſhops, inſinuated that this was a breach made on them: The biſhops ſaw this was plainly an attempt on the queen's ſupremacy; ſo they ordered it to be laid before her majeſty: And they ordered alſo a ſearch to be made into the records. For though it was an undoubted maxim, that nothing but a poſitive law could limit the prerogative, which a non-uſage could not do; yet they ordered the ſchedule, offered by the lower-houſe, to be compared with the records: They found that ſeven or eight prorogations had been ordered, during the ſitting of parliament, and there were about thirty or forty more, by which it appeared, that the convocation ſat ſometimes before, and ſometimes after a ſeſſion of parliament, and ſat ſometimes, even when the parliament was diſſolved. Upon all this, the queen wrote another more ſevere letter to the archbiſhop (who had now prorogued the convocation to the 10th of April) in which ſhe ſignified her reſentment of the lower-houſe: Intimating, "that ſhe thought them as guilty of an invaſion of her royal ſupremacy repoſed in her, by the law and the conſtitution of the church of England;" and declaring, that, if any thing of the like nature was attempted for the future, it would make it neceſſary for her to uſe ſuch means for the puniſhing offences of this nature, as are warranted by law.

The lower-houſe continued ſitting after the prorogation. But, on April 10, when the archbiſhop ſent for the lower-houſe, to communicate her majeſty's letter, and ſome members appeared without the prolocutor, he aſked for him, and was told he was gone into the country. This appeared to be a contempt or neglect of ſuch a nature, that it was not to be ſuffered; whereupon he proceeded to paſs a ſentence of contumacy againſt him for his abſence, reſerving the puniſhment of his crime to the 30th of the ſame month, to which day the convocation was prorogued, by a ſchedule, backed with a royal writ. The archbiſhop deferred the puniſhment, on purpoſe, that the prolocutor might have an opportunity by his ſubmiſſion, on that day that was fixed on, to have prevented it. But, in this interval, a proteſtation againſt the archbiſhop was prepared, by the diſſatisfied members of the lower-houſe, which was offered to the houſe on April 30, with an intimation, that it was the opinion of an eminent counſellor who had been adviſed with, that no proceſs, begun before a prorogation upon the royal writ, could be continued after ſuch prorogation; and a concern ſeemed to be diſcovered, that the royal ſupremacy ſhould be this way broken in upon: And ſo they who by the archbiſhop and the queen herſelf, were charged with invading the royal ſupremacy, were willing it ſhould be believed, that none had a greater concern for the ſupremacy than they, and therefore by a proteſtation, which was carried up April 30, by the prolocutor, the majority of the lower-houſe declared the ſentence of contumacy, and the proceſs continued after the prorogation, to be an invaſion of the royal ſupremacy, unlawful and altogether null: and yet, though the prolocutor carried up this at the command of the houſe, and was preſſed by his party to ſtand it out, yet, upon ſounder advice given him by ſome, who underſtood the law better, he made a full ſubmiſſion, with which the archbiſhop was ſatisfied, and the ſentence was taken off. However, a party continued with great impudence to aſſert, that their ſchedule was true, and that the queen was miſinformed, though the lord-chancellor and the lord chief-juſtice Holt had, upon peruſal of the records, affirmed to the queen, that their aſſertion was falſe, and that there were many precedents for ſuch prorogations.

[1707.] The great and unparrelled ſucceſſes of the allies, in the glorious and ever-memorable year 1706, and the many eminent misfortunes to the French king in one campaign, raiſed great expectations from the next, and made it concluded, that the time was come, in which the perfidy, tyranny, and cruelty of that king's long and bloody reign were going to be repaid him with the ſame meaſures wherewith he had formerly treated others. But the events of the enſuing campaign produced a contrary effect, and proved very unfortunate to the allies. The offers of peace, made by France, had been indeed rejected by Great-Britain and Holland, but the inclination (as hath been obſerved) expreſſed by ſome perſons to come to a treaty with the French, upon the terms offered, was thought to have raiſed, in the imperial court, a ſtrong jealouſy, that the maritime powers were tampering with France, and making terms for themſelves, to which the intereſt of Auſtria was to be ſacrificed. And this jealouſy was ſuppoſed to have put that court upon meaſures, that had a fatal influence on the campaign of this year, and to have occaſioned the two moſt unfortunate events that happened during the whole war. For the concluſion of a treaty with the French, for evacuating the Milaneſe, without the privity of England and Holland, gave the French an opportunity of ſending immediately into Spain a great body of good veteran troops, to the aſſiſtance of King Philip, whoſe army had by that means the ſuperiority over the allies, and gained the battle of Almanza. And the expedition to Naples was the chief cauſe of the ill ſucceſs of the deſign again Toulon.

As to the affair of the Milaneſe, the French were loſing place after place in Lombardy. Cremona, Mantua, and the citadel of Milan were the only places, that were left in their

"You are pleaſed to ſay, you think it a great hardſhip to perſuade a man to part with a place he is in poſſeſſion of, for one that is not vacant. In ſome caſes that were certainly right, but not in this; for ſir Charles Hedges can have the place he deſires immediately; and it is much better for him, unleſs he could be ſecretary for life. He will have two places, that are conſiderable, one of which he can compaſs no other way; and this is ſo far from being a hardſhip, that he and all the world muſt think it a great kindneſs done him; and he muſt be a very weak man, if he loſt the opportunity of having ſuch a certainty, when he cannot flatter himſelf, that (whatever happens) he can be ſupported long in a place of that conſequence, for which he is ſo unfit. He has no capacity, no quality, no intereſt, nor ever could have been in that poſt, but that every body knows, my lord Rocheſter cares for nothing ſo much as a man, that he thinks will depend upon him. I beg your majeſty's pardon for not waiting upon you; and I perſuade myſelf, that, long as my letter is, it will be leſs troubleſome to your majeſty."

It was a wonder to many, as the ducheſs obſerves, that this affair of the earl of Sunderland's promotion met with ſuch difficulties, conſidering his relation to the duke, whoſe merit, with his queen and country, was every year augmenting. But it quickly appeared, that the difficulties, raiſed by her majeſty againſt parting with ſir Charles Hedges, were wholly owing to the artifice and management of Mr. Harley the other ſecretary of ſtate, whoſe intereſt and ſecret tranſactions with the queen were then doubtleſs in their beginning. Harley had been put into that poſt by the lords Marlborough and Godolphin, when my lord Nottingham, in diſguſt, reſigned it. They thought him a very proper perſon to manage the houſe of commons, upon which ſo much always depends. And his artifices had won upon them ſo far, that they could not be perſuaded, but they might ſafely truſt him, till experience too late convinced them of the contrary. But it is no wonder, that, with ſuch views, as he then had, he ſhould be unwilling to ſee a ſecretary of ſtate diſplaced, over whom he thought he had ſome influence, and through whoſe hands the greateſt part of the buſineſs of his own office (ſcandalouſly neglected by himſelf) uſed to paſs; and much more unwilling to have him ſucceeded by a perſon, over whom he had no power whatſoever. As for ſir Charles Hedges, when he found, how backward the queen was to diſmiſs him, he was ſo prudent, as to make a greater advantage to himſelf, by quitting his poſt, that he could have done by holding it.

hands.

hands. It was not poſſible to maintain theſe long without a greater force, nor was it eaſy to convey that to them. On the other hand, the reducing thoſe fortreſſes was like to be a work of time, which would fatigue thoſe troops, and would bring a great charge with it. A capitulation was therefore propoſed for delivering up thoſe places, and for allowing the French troops a free march into Dauphine. As ſoon as this was ſent to Vienna, it was agreed to, without communicating it to the allies, which gave juſt cauſe of offence. It was ſaid in excuſe, that every general had a power to agree to a capitulation; and conſequently the emperor, in this caſe, was not bound to ſtay for the conſent of the allies. This was true, if the capitulation had been for one ſingle place; but this was of the nature of a treaty, being of a greater extent. By this the French ſaved ten or twelve thouſand men, who muſt have all been, in a little time, made priſoners of war. They were veteran troops, and were ſent into Spain; the ill effects of which were quickly felt.

The deſign was formed for the following campaign after this manner: The duke of Savoy undertook to march an army into France, and to act there, as ſhould be concerted by the allies[l]. Some propoſed the marching through Dauphine to the Rhone, and ſo up to Lyons; but an attempt upon Toulon being thought the moſt important thing which could be deſigned, that was determined. Marſhal de Teſſe was ſent to ſecure the paſſes, and to cover France on that ſide. Prince Lewis of Baden dying this winter little eſteemed and little lamented, the marquis of Bareith had the command of the army on the Upper Rhine, from whom leſs was expected; and he was ſo ill ſupported, that he could do nothing. The court of Vienna was ſo ſet on the reduction of Hungary, that they thought of nothing elſe. The Hungarians were very numerous, but they wanted both officers and diſcipline. Ragotzki had poſſeſſed himſelf of almoſt all Tranſylvania; and the Hungarians were ſo alienated from the emperor, that they were conſulting about chuſing a new king.

The campaign was opened very fatally in Spain. It has been related, that in a council of war held at Valencia in February 1706-7, (at which were preſent the earls of Peterborough, Galway, and Rivers, and General Stanhope) it was reſolved to act offenſively, ſeek out the enemy, and endeavour to bring them to a battle, on the ſtrength of the reinforcement arrived from England under earl Rivers. This reſolution was not generally approved, for the earl of Peterborough, though diſmiſſed from the command of the army (which, upon the departure of earl Rivers, was devolved to lord Galway) gave his opinion in writing againſt an offenſive war in Spain, urging, "That the confederate troops in Italy, under the command of the duke of Savoy, and prince Eugene, could only give the mortal blow, by entering France. That the difficulties of ſubſiſting armies in Caſtile were ſufficiently apparent in the laſt campaign. That the dangers were evident, of putting the whole upon the riſque of paſſing to Madrid, before an army ſuperior in cavalry: And that, above all things, the defence of Catalonia, Arragon, and Valencia, was neceſſary." However, the contrary reſolution being taken, the earl of Galway, the more to ſtrengthen the confederate army, ſent orders to the lord Tyrawley's regiment, and the two battalions of marines, who were quartered in Catalonia, to march and join him. But the vice-roy of that principality would not ſuffer them to march from their quarters, or part with any troops out of the province, without the king's orders, which was often ſolicited, but could not be obtained. King Charles towards the end of February, declared, to the generals of the allies, his intention of going into Catalonia; and a few days after, proceeded in his journey thither, taking with him the regiment of dragoons of Winterfeldt, conſiſting of five ſquadrons, with count Talais's regiment of Dutch foot. But, at his departure, he promiſed the confederate generals, that whenever it ſhould be thought proper to march to Madrid, he would be ready to join them, with the troops from Catalonia [m].

[l] In the Memoirs of Chriſtian Cole, eſq; p. 432, is the following project concerted with the duke of Savoy.

Her majeſty the queen, having obſerved with pleaſure, that his royal highneſs was entirely bent to conform himſelf to the deſign ſhe has long had, to execute the enterprize againſt Toulon, as ſoon as the affairs of Italy would permit it, has ordered her miniſters to hold conferences with thoſe of his royal highneſs about this expedition, in which was regulated and reſolved upon what follows:

1. Her majeſty will furniſh forty ſhips of the line at the time and place fit for the enterprize of Provence, with a ſufficient number of tranſport-ſhips, to carry proviſions and ammunition from Oneglia and the coaſts of Genoa to that of France, when the army ſhall be there.

2. His royal highneſs will be pleaſed to let it be known, as ſoon as poſſible, about what time, and at what place, the fleet ſhall come, that ſo we may here take infallible meaſures, that it may be ready and furniſhed with every thing; and his royal highneſs is deſired not to let the fleet come to the place of meeting, but juſt at the time he ſhall judge it to be indiſpenſably neceſſary to let it act; and then the fleet ſhall be abſolutely under his orders, and the admirals ſhall have poſitive orders to obey him, and ſhall remain with the army in Provence.

3. Whilſt we wait for the time, that is proper for theſe operations, there will be ſhips enough in the ſeas of Italy, to keep the enemies in their ports, and hinder the tranſports on the coaſts of Italy; and, according to the advices we ſhall receive of armaments at Toulon, theſe ſhips ſhall be reinforced from time to time.

4. His royal highneſs is deſired to take care to have certain advices of the armaments, that ſhall be made at Toulon, and to let admiral Shovel, who commands the fleet, know them; and afterwards to have the goodneſs to let us know here, what he may have wrote to admiral Shovel, who will conform himſelf to his orders and advice.

5. The admiral is to furniſh as many cannon for the batteries, as his royal highneſs ſhall judge to be neceſſary for the expeditions in Provence; but his royal highneſs is to furniſh the carriages, that are neceſſary, the fleet carrying none that are fit for the land.

6. His royal highneſs is alſo to furniſh the mortars with their carriages, as alſo the bombs, lead, and the bullets of that ſize which he ſhall judge neceſſary, there being cannon of all ſorts on board the fleet; all which he may cauſe to be brought out of the Milaneſe to the coaſts of Genoa and Piedmont, and to Oneglia, as he ſhall think proper to be afterwards brought by the tranſport ſhips, where he ſhall order it.

7. The ſhips ſhall furniſh ſome quantity of powder.

N. B. This article is to be farther explained.

8. His royal highneſs will have the goodneſs to take care of eſtabliſhing magazines for proviſions, and oats, and other things neceſſary for the army, in the places, which he ſhall judge moſt proper for the enterprize; as alſo to find voitures and mules to paſs the mountains, and to ſerve in the army during the campaign, as well in Provence, as in Dauphine.

9. The queen and the ſtates-general will, upon this project, continue the twenty-eight thouſand men in their pay; and they will take care to have them fully recruited, and that early: and the court of Vienna will leave the whole body of troops, which was employed during the laſt campaign in Piedmont, in Lombardy, to ſerve in the expedition of France, and will recruit it as they have promiſed, which will make thirteen thouſand recruits of foot, and four thouſand new horſe, which body of troops is to be in a condition to act in the month of April.

10. His royal highneſs will, on his ſide, uſe all his endeavours to reſtore and augment his troops to the number mentioned in the treaty.

11. As to the troops, his royal highneſs is to chuſe thoſe he ſhall think proper to enter into France, or to remain in Piedmont and Lombardy, and no general ſhall be allowed to make any difficulty to obey his orders; and her majeſty and the ſtates-general will obtain from the princes, to whom the troops in their pay belong, expreſs orders to their reſpective generals, ſo that his royal highneſs may have the abſolute command of them.

12. It is deſired, that his royal highneſs may enter into France, with the greateſt number of forces, which the conjunctures of the times, and the ſituation of the enemies may require, and all within the month of May, if it be poſſible, having always this principal aim upon Toulon, which is to be the firſt object of the campaign.

13. Forty thouſand pounds ſterling will be furniſhed for the extraordinary expences: And, if that ſum be not ſufficient, we will give the ſurplus, which ſhall be judged neceſſary by his royal highneſs, in whom we place an entire confidence.

N. B. After the return of the courier this article was changed, and the queen ſent fifty thouſand pounds ſterling immediately to the duke of Savoy, with a promiſe, that if the deſign upon Toulon ſhould ſucceed, ſhe would pay bills, which the duke of Savoy might draw, for fifty thouſand pounds ſterling more.

14. There will be no troops for a debarkment on board the fleet, while the affairs of Spain will not permit it.

15. The expedition of Naples, that was propoſed, is excluded, as being judged at preſent impracticable and hurtful to the campaign in France.

If his royal highneſs has any thing to object or to add to theſe articles, he is deſired to do it by an expreſs, that ſo a final reſolution may be taken about his remonſtrances, and be ſent him by the ſame expreſs at his return.

[m] Biſhop Burnet ſays (Vol. II. 475.) "That king Charles pretended there was an army coming into Catalonia from Rouſſillon, and that it was neceſſary for him to march into that country. The dividing a force, when the whole together was not equal to the enemy's, has often proved fatal. He ought to have made his army as ſtrong as poſſibly he could, and to have marched with it to Madrid, for the reſt of Spain would have fallen into his hands upon the ſucceſs of that expedition. But he perſiſted in his firſt reſolution, and marched away with a part of the army, leaving about ſixteen thouſand men under the earl of Galway's command. They had eaten up all their ſtores in Valencia, and could ſubſiſt no longer there; ſo they were forced to break into Caſtile. The duke of Berwick came againſt them with an army not much ſuperior to theirs; but the court of France had ſent the duke of Orleans into Spain with ſome of the beſt troops, that they had brought from Italy; and theſe joined the duke of Berwick a day before the two armies engaged." Dr. Freind obſerves, p. 181, &c. that ſoon after the earl of Peterborough had given his opinion in writing in the council of war at Valencia, on the 4th of February 1707, N. S. againſt an offenſive war in Spain, he left that kingdom, and went a ſecond time to Italy and Turin, from which city he wrote a letter on the 21ſt of April 1707, to the Portugueſe ambaſſador, in which he preſſed more earneſtly, and explained more at large, the advice, which he had given in the council of war. But, before his ſcheme could reach Spain, the confederate generals had entered upon other meaſures. Mr. Boyer tells us, p. 291, "That king Charles, with his German and Spaniſh generals and miniſters, and count Noyelles, concurred with the earl of Peterborough; but were over-ruled by brigadier Stanhope, the queen's miniſter, who declared in her name, That her poſitive orders were, that they ſhould ſeek the enemy, march to Madrid, and not divide the forces upon any occaſion whatſoever." The earl of Galway in his narrative gives this account: "I joined with thoſe, that were of opinion, that it was by no ways convenient to divide the troops, as may appear by a copy of that opinion ſigned by my lord Tyrawly, and by me, bearing date the 15th day of January 1706-7. But I muſt beg leave to obſerve, that this was not the deciſive council for the operations of the campaign, for many ſubſequent councils were held in the king's preſence more important than this; and, though in them there might have been ſome variety of opinions as to the manner, yet almoſt all the generals and miniſters, that aſſiſted at thoſe councils, agreed perfectly in the ſubſtance, which was, that we ſhould join our troops, and march to Madrid. Some indeed were for paſſing through the plains of la Mancha

Whilſt earl Rivers was gone to the council of war at Valencia, all the troops, both Engliſh and Dutch, began to march under lieutenant-general Erle to join lord Galway, and with them the regiments of lord Montjoy, colonel George's and colonel Alnott's. Brigadier Farrington's regiment was reduced, and the men put into Southwell's and Breton's. The marquis de Montandre's regiment, in its march from Alicant to join the reſt, was ſurprized, and almoſt all killed or taken priſoners. The two regiments of ſir Charles Hotham and colonel Syburg were left to garriſon that town and caſtle, though very weak, and Syburg was appointed governor, ſir Charles chuſing to follow the army. It was the 30th of March before we all could join the great camp, having met croſs the country with many difficult paſſes, and an incredible ſcarcity of proviſions both for men and horſes; and above all, very cold and wet weather, eſpecially for thoſe that were reduced to lie in the field.

The whole army under the lord Galway[n] and the marquis das Minas (conſiſting of about four thouſand five hundred horſe, and eleven thouſand foot) being joined, moved the next

Mancha, and croſſing the Tagus; but this opinion was over-ruled, becauſe of the hazard in paſſing the river, if the enemy oppoſed us, and of the ſcarcity of proviſions in the Mancha, which had been exhauſted by the enemy's winter-quarters: For which reaſons it was, after many debates, agreed, that we ſhould take the way of Valencia and Arragon, paſſing the Tagus at its head, to avoid all oppoſition. But, leſt the kingdom of Valencia might by this means be any ways expoſed, it was likewiſe reſolved, before we ſhould begin our march, to deſtroy all the enemy's magazines of proviſions and forage in the country bordering upon the frontier of Valencia, to prevent them from making any incurſions; and I do take upon me to aver, that nothing was ever tranſacted, during the time I had the honour to command the queen's troops, contrary to the poſitive reſolution of any general council, or council of war, unleſs that reſolution was afterwards repealed by ſome ſubſequent council.

" So ſenſible was every one of our being already too weak, that it was reſolved to deſire my lord Rivers (who was lately arrived at Liſbon) would join us with the troops, that came under his command from England, which his lordſhip did not long after.

" For the better execution of what had been reſolved for our march through Valencia and Arragon, proper commiſſaries and officers were diſpatched to provide bread and forage ſufficient for the troops in all places where it was deſigned the armies ſhould paſs. I went with the marquis das Minas to the frontiers towards the latter end of March, and we took the field the beginning of April. We ruined part of the country bordering upon the frontiers of Valencia before the enemy could join their troops, particularly Yecla, where they had their largeſt magazines: and, judging it neceſſary to take in the caſtle of Villena, to prevent the army from being maſters of one of the moſt conſiderable inlets into the kingdom of Valencia, ſat down before that place. But it proved ſtronger than was expected; and, after we had ſpent ſome days there, we had notice the enemy had aſſembled their troops at Almanza. Upon this advice a council of war was held, where it was unanimouſly reſolved to fight the enemy; which we were the rather induced to, becauſe it was judged impoſſible to ſubſiſt upon the defenſive in the kingdom of Valencia; for the country had already been ſo much exhauſted by our winter-quarters, that there was not two days proviſion to be found for the army; and we could not have been able to have ſubſiſted there ſo long as we did, but for the ſupply we found in the enemy's magazines in Yecla. Nor did we think it proper to purſue the once intended march through that kingdom and Arragon, leſt proviſions ſhould be wanting, leaving the enemy ſo near, and in a condition to follow us; for, though commiſſaries had been employed, there was reaſon to apprehend the towns, we were to paſs through, would ſhut the gates againſt us, whilſt we were cloſely followed by the enemy, and perſecuted by the peaſants of the country, who, grown deſperate by ſeeing themſelves abandoned, would naturally be up in arms in the mountains. Beſides, we had certain advice, that there was already a body of French troops, conſiſting of eight thouſand men in Spain, and upon their march to reinforce the enemy. Thus, as the army muſt inevitably have periſhed without fighting, it was thought reſonable to run the hazard of a battle, wherein we had an equal chance to come off victors; which was accordingly done two days after, on the 25th of April 1707, N. S. but with ill ſucceſs."

The earl of Peterborough, in anſwer to the fourth queſtion of the committee of the houſe of lords, ſaid, that ſeveral councils of war were held in the month of January 1706-7 at Valencia about the time that intelligence was brought, that the forces, under the earl Rivers, were entered into the Mediterranean, in order to adjuſt the meaſures for the enſuing campaign. That the matters therein debated were principally, whether the army ſhould march towards Madrid, and ſeek the enemy. That, in the debates upon this ſubject, the earl of Galway, Mr. Stanhope, and the lord Tyrawley ſupported thoſe meaſures with the Portugueſe general; and that the king, the count de Noyelles, the Spaniſh generals and miniſters, with himſelf, argued ſtrongly againſt thoſe meaſures, as highly dangerous and impracticable: and this in repeated councils of war, till at laſt the earl of Peterborough, ſolicited by the king of Spain to renew the debate, deſired the king, that he would order all called to the council to bring their opinions in writing, that every body's opinion and reaſons for that opinion might appear, and be known to the world: which, according to the king's commands, were put in writing, and delivered at the council."

The earl of Galway, in his reply, or obſervations upon the earl of Peterborough's anſwers to the five queſtions, ſays thus: " In reply to this aſſertion, I would beg leave to appeal to your lordſhip's memory, whether, upon the firſt mention of theſe reſolutions in this moſt honourable houſe, the earl did not as poſitively affirm, That the concluſive council for the operation of the enſuing campaign was held on the 15th of January? And whether he did not offer to depoſe on oath, That in that very council no perſon whatever was of opinion for making an offenſive war, and againſt dividing the troops, but the lord Tyrawley, Mr. Stanhope, and I? Soon after indeed, upon further recollection, he was pleaſed to add the marquis das Minas to our number; and I obſerve he has ſince given himſelf a much larger latitude, both as to the time of holding that council, and as to the perſons, who voted for an offenſive war? His lordſhip is now ſo far from confining himſelf to a day, that he has taken in a whole month; and, by accuſing us more modeſtly for having oppoſed only the king, count Noyelles, himſelf, and the Spaniſh generals and miniſters, leaves half the council on our ſide; for, ſuppoſing all the Spaniſh generals and miniſters to have aſſiſted at that council, there could only have been twelve perſons there, viz. prince Lichtenſtein, count Oropeza, count Corſana, count Cardona, count Noyelles, my lord Peterborough, the marquis das Minas, count d'Aſſumar, my lord Tyrawley, Mr. Stanhope, Monſieur Freiſheim, and I. The laſt ſix his lordſhip has plainly left on our ſide; but my lord Tyrawley poſitively affirms count Oropeza was of the ſame opinion, and believes count Corſana was ſo too. Thus, taking the matter as the earl of Peterborough is pleaſed to ſtate it, we had an equality, and, as my lord Tyrawley remembers, the greater number of our party. Perhaps, when my lord Peterborough contended ſo poſitively to prove that council, of the 15th of January, concluſive, he was led into that error by the miſtake in my lord Sunderland's letter, in anſwer to one of Mr. Stanhope's of January 15. But he has ſince been pleaſed to allow, that the council of the 15th was not concluſive, and that many more ſubſequent councils were held, which determined the operations of the enſuing campaign, wherein he voted himſelf for marching to Madrid by the way of Arragon, which, I ſhould have imagined, had left no further room to mention our opinions of the 15th. But, becauſe he is ſtill reſolved to make good his charge againſt lord Tyrawley, Mr. Stanhope, and me, he affirms to your lordſhips, That the occaſion of that change in the ſubſequent councils was, becauſe the opinion of the majority had been over-ruled by a miniſter of her majeſty, aſſuring, that the queen had given him orders to declare in her name, that her poſitive orders were, that they ſhould ſeek the enemy, march to Madrid, and not divide the troops upon any account whatſoever.

" I muſt confeſs I do not conceive, that it imports me much to reply to this part of the earl's anſwer; nor ſhall I attempt to make an imperfect defence for an abſent man; for, if Mr. Stanhope was here, I doubt not he would be able ſufficiently to juſtify his own conduct in this affair. Yet I cannot help ſaying, that even malice itſelf has never yet ſuggeſted, that my lord Tyrawley, Mr. Stanhope, and I, did not act on that occaſion with great integrity, according to the beſt of our underſtandings; nor ſhall I ever be aſhamed to own an opinion, which was then not only the common ſenſe of the army, but agreeable to the deſires and intereſt of the whole kingdom of England.

" In the earl of Peterborough's farther anſwer to this queſtion, he is pleaſed to ſay, that, notwithſtanding this, the earl of Galway brought the army into the plains of Valencia, a directly contrary route to that of Arragon, and into all thoſe dangers, which he was to avoid by marching by the head of the Tagus. In reply to this anſwer I ſhall only obſerve, that I had not the command of that army (which conſiſted of three ſeparate bodies, Engliſh, Portugueſe, and Dutch) but the marquis das Minas, from whom I always received orders; and the battle of Almanza was fought by the unanimous approbation of a council of war: Nor could the reſolutions of that council have ever been executed, had there been the leaſt difference in opinon, becauſe each commander of a ſeparate corps might have refuſed to march.

" For the occaſion of our moving towards Almanza, I muſt beg leave to refer to my narrative, where I have mentioned more at large, that, in order to execute the reſolutions of thoſe councils of war, where it was agreed we ſhould march to Madrid by the way of Arragon, but firſt to deſtroy the enemy's magazines on the frontiers of Valencia, I went with the marquis das Minas in the beginning of April to Yecla, where the enemy's chief magazines lay, and from thence to Villena, where we had advice of their troops being aſſembled at Almanza; upon which that council was held, wherein the battle was unanimouſly reſolved on.

" The earl of Peterborough is pleaſed to add a reaſon for his opinion, that the duke of Savoy and prince Eugene had declared their ſentiments for a defenſive war at that time in Spain, and had communicated their thoughts to Charles III. upon that ſubject, to the certain knowledge of the earl of Peterborough, as he can make appear by authentic papers from the king of Spain. I ſhall not take upon me to deny a matter of fact, which his lordſhip ſo poſitively affirms; but I have been credibly informed, that the duke of Marlborough and my lord Godolphin did, both of them, aſſure this moſt honourable houſe, that the true project againſt Toulon was not concerted by the earl of Peterborough, prince Eugene, and the duke of Savoy, but firſt ſet on foot by the duke of Marlborough with count Maffei in Flanders, and finiſhed in England with the counts Maffei and Briancon; but did not require, that any troops ſhould be ſent from Spain, nor was ever communicated to the earl of Peterborough: Which indeed his lordſhip ſeems to be aware of, when he ſays not long after, that the project againſt Toulon, as ſettled by him, had been ſo altered, that the duke of Savoy publicly declared his diſlike of engaging it it. And yet it is moſt certain, that his royal highneſs did engage in an attempt againſt Toulon, purſuant to the project concerted in England. And, though that attempt did not prove entirely ſucceſsful, it had a very good effect; for thereby a great body of the enemy's troops were diverted from acting elſewhere, and a conſiderable damage was done to the fleet and magazines of France."

The author of the Impartial Inquiry into the Management of the War in Spain, having quoted the above-cited paſſage from the earl of Galway's narrative, obſerves, p. 238, " that hence we are informed of the true reaſons why all the generals of the allies unanimouſly reſolved to fight the battle of Almanza, for which my lord Galway and the late miniſtry have been ſo ſeverely cenſured, though his lordſhip was not commander in chief there, nor did the miniſtry ſend him orders to fight, as has been very ridiculouſly ſuggeſted; for neither could they have been capable of giving, or his lordſhip of obeying any ſuch directions at that diſtance, unleſs he had thought them apparently neceſſary, and for the benefit of the common cauſe. Though the ſucceſs of this action proved different from what might have been wiſhed, it is certain the ill fate of that day cannot, with the leaſt colour of juſtice, be imputed to the earl of Galway, ſince it is notoriouſly known, both his lordſhip and the troops immediately under his command, as well as the Dutch that were preſent, did their duty to admiration; but wanting near five thouſand of the king of Spain's forces, with part of the Dutch, that had been detached, contrary to my lord Galway's opinion, to Arragon, and being oppreſſed by unequal numbers, part of our army were forced to give way, and the reſt to ſurrender priſoners of war upon honourable terms. Yet as many regiments as we loſt at Almanza, and as much noiſe as this misfortune has made in the world, it is certain it only reduced us to a neceſſity of acting upon the defenſive."

[n] Engliſh regiments preſent at the battle of ALMANZA.

	Number.
HORSE.	
Harvey,	227
DRAGOONS.	
Killigrew,	51
Pearce,	273
Peterborough,	305
Guiſcard,	228
	Carpenter,

day to a camp at Caudeta, and the day after marched upon two columns, and the baggage upon a third, expecting to engage the enemy in the plain of Yecla: but they were diſappointed, for the duke of Berwick had, upon the approach of the confederate army, left that town with great precipitation, though he had made there large magazines of wheat and barley, beſides a great quantity of wines, and all other ſorts of proviſions, as cattle, fiſh, &c. all which fell very ſeaſonably into our hands.

The Generals concluding, from the duke's precipitate retreat from this place, that his army was weak, and that the French ſuccours (conſiſting of eight thouſand men, and which were daily expected) had not joined him, reſolved to go and ſurprize him in his camp at Montalegre, a few miles from Yecla, where they had certain intelligence, that part of his army was encamped. Purſuant to this reſolution, April 3, at nine in the evening, our army marched without noiſe, leaving only two battalions to ſecure the camp at Yecla. During two days the whole army had leave to take what proviſions they wanted both for horſe and men, out of the plentiful magazines in this place, and the reſt were ordered to be burnt. On the 7th, the army marched to Villena, a little caſtle on a high rock, defended by five hundred men, under a reſolute governor. It lies in the road between Valencia and Caſtile, and would have greatly annoyed our convoys. As ſoon as the army was come before the caſtle, the governor was ſummoned to ſurrender; but he returned a proud anſwer, on which ſome field-pieces were ordered to fire againſt it, but, as they did very little execution, the engineers were commanded to work with the miners. The governor being told, from under the wall, what was doing, gave as bold an anſwer as he had done to the ſummons. There was then no thoughts of coming ſoon to a battle, for the lord Galway gave leave, on the 9th, to the queen's royal regiment of dragoons, to go as far as Denia for their cloathing, and to refreſh their horſes; and ordered brigadier Carpenter, and all the new-landed dragoons, Engliſh and Dutch to go into quarters of refreſhment above ten miles off, to try to recover their horſes, which were almoſt dead by the particular fatigue of the ſea, their long marches from Alicant, and the ſcarcity and difference of forage, having, inſtead of hay and oats, only ſtraw and barley (the feed of the country) which was not thought good for the large Engliſh and Dutch horſes. But the brigadier received orders to return the very day he marched from the camp, upon an intelligence received by the lord Galway, that the enemy had aſſembled all their forces, received the ſuccours expected from France, and were marching, as they gave out, to attack us. This intelligence was brought to lord Galway (who was ſo able an examiner of all French deſerters, that he could not eaſily be impoſed on) by two young French gentlemen of a good proteſtant family, who had been educated in the principles of the reformed religion by the care of their parents, a practice very common in France after the perſecution. They told him, they had entered as volunteers into the French ſervice, in a regiment that was coming to Spain, in hopes of meeting an opportunity to come to the Engliſh. Lord Galway, after a long converſation, was ſo well ſatisfied with the truth of what they ſaid, that he gave full credit to their intelligence, and took his meaſures accordingly °. He ordered that night a new camp to be marked out in a plain, not far from Villena, deſigning to meet the enemy there, if they came to attack us. But as they did not, it was reſolved to go in ſearch of them. The whole army marched in three columns, the 13th of April, from Villena, to la Torre de Bougarres near Caudeta, with an eager expectation to meet the enemy, but none appeared. News being brought, that the enemy were near the town of Almanza, a great council of war was held, in which it was unanimouſly agreed to go the next day, and give them battle. Accordingly, about three in the morning, we began to march in four columns, till we had paſſed the hilly country, which was computed at ſix long miles, and then, coming into better ground, the army formed, and marched the other three miles in order of battle. About twelve, we ſaw from ſome riſing grounds, the town of Almanza, and ſoon after the enemy drawn up, and ready to receive us. They began to fire very briſkly with two or three batteries, and we returned their fire with one. Lord Galway, having ſeen the diſpoſition of the right and of the centre, came to the left, which he commanded, as general Erle did the centre, and the marquis de Minas the right. He ordered the enemy's advanced guard to be attacked by a party of a hundred dragoons, who put them to flight. Being purſued beyond their ſecond line, they left the army, and took to the high-road with ſuch haſte upon a full gallop, that they were ſoon got ſome miles from the field of battle; and meeting with the duke of Orleans, who was coming to take the command upon him, told him, their army was beat, and all was loſt. This put the duke upon going back till night, when he received other news. Lord Galway viewed the right of the enemy, whoſe line was extended far beyond ours, having many more ſquadrons than we had in our left, and ſent for count Attalaia, who commanded in the ſecond line, to bring up all the horſe (which were eleven ſquadrons of Portugueſe) and draw them up ſo on our left, as far as the center, that they might prevent the enemy's flanking us. Then he commanded Carpenter's and Eſſex's ſquadrons to go and attack the battery over-againſt our left, which did very much gall our horſe. This was inſtantly executed very gallantly, but with ill ſucceſs. Here the battle began about two. The battery was placed upon a ſteep riſing ground, which covered every thing behind it; ſo that when the two ſquadrons came up with it, the guns were in a moment drawn away by the mules that continued faſtened to them, and eight or ten ſquadrons of their beſt horſe fell upon our two with incredible fury, and cut them all to pieces. Then they and the reſt of their horſe attacked our Engliſh and Dutch ſquadrons, who maintained a very obſtinate and bloody fight near two hours, but were at laſt overpowered by their far ſuperior number, and ſo cut off, that not above four or five officers, and ten or twelve private men, were left in each ſquadron. The ſquadron of Guiſcard's dragoons ſtood their ground the longeſt of any, and no wonder, for they had thirty-four officers in their front rank, moſt of them veterans, who had ſerved in all king William's wars. They had charged three times, but, when they ſaw their friends were gone, the ſtandard was ordered to be ſecured; after which they attacked three ſquadrons that faced them, having the lords Galway and Tyrawley, and brigadier Carpenter, at their head, of whom the commander begged, as they came ſeparately to him, that they would be pleaſed to take the command of the ſquadron, which they all declined. So the brave old colonel la Fubreque (whoſe name ought to be mentioned with

	Numb.
Carpenter, Eſſex, } by detachments,	292
	1114.
FOOT.	
A battalion of guards,	400
Lord Portmore,	462
Southwell	505
Stewart,	467
Hill,	472
Blood,	461
Lord Mordaunt,	532
Wade,	458
George,	616
Lord Montjoy,	508
Maccartney,	494
Breton,	428
Ainott,	412
John Caulfield	470
Lord Mark Kerr,	429
Count Naſſau,	822
	7536
	8910

Regiments in quarters, garriſons, and priſoners.

In quarters and garriſons.

	Numb.
DRAGOONS.	
Royal at Culera,	302
FOOT.	
Royal fuzileers, and two battalions of foot at Girone.	1200
Hotham, Syburgh, and Bloſſet, and a battalion of marines at Alicant, }	2000
Elliot and Watkins at Gibraltar,	800
A detachment from the army in Denia,	200
	3702
PRISONERS.	
DRAGOONS.	
Part of Cunningham's, afterwards Killigrew's, regiment taken at Elche, }	150
A detachment from the garriſon of Alicant at Elche,	300
Lord Dungannon's regiment on their march from Alicant,	400
Several other priſoners taken at different times and places, above	1000
	1850
To which is to be added the commiſſion, non-commiſſion officers, and the officers and ſervants of the ſix regiments of Farrington, Mohun, Hamilton, Allen, Brudenell, and Toby Caulfield, which were reduced a little time before the battle of Almanza, }	
	15641

° Both theſe young gentlemen were afterwards provided with enſigns commiſſions in our army. M.S.

honor for his courage andconduct) havingtheſe three great volunteers with him, fell upon the three ſquadrons with ſo much intrepidity, that he routed them, and retired in good order from the field of battle with the three generals. Lord Galway received, in this laſt bold attack, a cut over his eye (having before loſt his right hand, with which he might have parried the blow) and with ſuch a long ſword, as wounded his aid de camp in the forehead at the ſame time.

The center, that is, the Engliſh and Dutch, were engaged all this while, and drove the enemy with great ſucceſs before them. They had puſhed the firſt line upon the ſecond, ſo that, though our left was routed, we ſtill had ſome hopes, in caſe the Portugueſe horſe in the right behaved well, to get the day. But our hopes were ſoon defeated; for, as ſoon as the enemy marched up to them, and ſome battalions gave them a fire, they all galloped away, and the foot ran into ſome neighbouring woods upon our right, in which flight many of them fell, tho' none were killed in charging. The duke of Berwick, having nothing to fear from our right and left, ordered all his horſe to come and ſuſtain his foot, who had been very ſeverely beaten by ours, during three or four hours. The generals to prevent their being ſurrounded, ordered all the battalions to form themſelves into a hollow ſquare, which ſo well anſwered the deſign, that the enemy could gain no advantage of them, and by that means they retired from the field of battle with little or no loſs, though ſtill purſued till night parted them. And, if they could have continued their retreat a few miles farther, the enemy would have had no great reaſon to boaſt of a victory, nor would the battle of Almanza have been ſo much talked of, to ſay no worſe, as it has been in this nation. But the loſs of twenty-three battalions Engliſh and Dutch was too great to be eaſily repaired at ſo great a diſtance. How theſe brave men, after having fought ſo gallantly for ſo many hours, and made ſo glorious a retreat, could at laſt come to the reſolution of ſurrendering to an enemy that was ſome miles from them, and reckoned them quite out of his reach, is not ſo eaſy to be accounted for, unleſs their excuſe be admitted, which was, that the ſoldiers, after marching nine hours without any refreſhment, and fighting about ſix, could march no farther: They had ſpent all their ammunition, and had not ſo much as bread and water to refreſh themſelves with: They were all ſtrangers to the country, and did not know of any place to retire to: Beſides all this, they thought themſelves in danger of being purſued and attacked the next morning by the enemy's whole army, againſt which they could not pretend to defend themſelves, being abandoned by all the horſe. Upon theſe conſiderations, after a long conſultation, in which very warm debates, they came to the reſolution of ſurrendering themſelves, as the French infantry had done at Blenheim, and of ſending to the duke of Berwick to deſire honourable terms, which were gladly and readily granted; namely, that they ſhould be priſoners of war, till they could be exchanged: That they ſhould be all diſarmed but the officers, who ſhould keep their ſwords: And that they ſhould have liberty to ſend for their baggage, before they marched any farther.

The duke of Berwick is ſaid to have been aſtoniſhed, and could hardly believe the officer who brought him this welcome meſſage, which did compleat his victory. For till then it might have been called a drawn battle, the number of the ſlain being reckoned very equal, our baggage ſafe, and only a Portugueſe train of twenty field-pieces loſt. But twenty-three battalions, carried priſoners into France, were marks of a triumph to all places through which they paſſed. To their long and obſtinate reſiſtance, the ſafety of our baggage was certainly owing; for, had the enemy detached a thouſand men to ſecure the very difficult paſs of Pont de la Guiera, through which all the Portugueſe horſe made their eſcape, and the baggage after them, they muſt have all fallen into their hands. Two officers of dragoons, that were taken priſoners by the fall of their horſes, aſſured the author of this account, that, when they were carried towards the town of Almanza, they found it in our hands, and above a thouſand priſoners in it, the enemy's foot being puſhed far beyond it by ours. Almanza was in the center of the field of battle, and the enemy's ſecond line was on both ſides of the town[p].

The next day the Portugueſe horſe, and part of the Engliſh, got into Xativa, with the foot that guarded the baggage; and the day after to Alcira, a very ſtrong town on a river defended by almoſt inacceſſible mountains. Here our broken army aſſembled, and lord Galway joined it from Ohtinaute, with the dragoons that had ſecured his perſon and retreat [q].

From Alcira the worſt of the wounded, and the baggage of the officers killed in the battle, went ſent to the grove of Valencia, to be embarked for Barcelona. Here a trumpet arrived, with the ſhocking news of our infantry having ſurrendered, and ſeveral letters from the officers, with the articles and the before-mentioned apology for their conduct, which was not much reliſhed; for a great difference was made between the French battalions at Blenheim, and ours in the neighbourhood of Almanza. The French were ſurrounded by a victorious army in a village, and could not pretend to fight their way through it: But ours were in the open field, without any enemy near them. However, their baggage and money were ſent to them. Many of our foot liſted among the enemy, deſigning to come back to us as ſoon as they

[p] Biſhop Burnet, p. 475, ſays, That the confederates had about ten thouſand killed or taken priſoners. Among the wounded and ſlain, theſe were the moſt remakable: The lord Galway was wounded in the face: Brigadier Killigrew, being wounded in the firſt aſſault, ſtill kept the field, and was killed in a ſecond charge: Lieutenant-colonel Roper (of major-general Harvey's horſe) lieutenant-colonel Lawrence (of brigadier Carpenter's regiment) lieutenant-colonel Dormer (of the lord Eſſex's) lieutenant-colonel Deloches (of colonel Pierce's) and lieutenant-colonel Green (of the lord Peterborough's) were killed at the head of their reſpectives ſquadrons, having behaved themſelves with extraordinary reſolution and undauntedneſs: And colonel Pierce, and Mr. O Hara, ſon of the lord Tyrawley, were wounded. Of the foot, lieutenant Auſtin of the guards, lieutenant-colonel Mac Neale, (of Southwell's) lieutenant-colonel Woollet, and lieutenant-colonel Withers (of Blood's) lieutenant-colonel Ramſey (of Macartney's) lieutenant-colonel Erſkin (of lord Mark Kerr's) were among the ſlain; and lord Mark Kerr was wounded in the arm, and colonel Clayton in the body.

Father Daniel's account of the action is to this effect: The action began at three in the afternoon, and the victory ſtood long doubtful. The regiment of Mayne diſtinguiſhed itſelf upon this occaſion. Marſhal Berwick ſhewed a great preſence of mind, and a vaſt capacity in the art of war, by providing remedies wherever they were wanting, and guarding againſt all inconveniences. The enemy was purſued about two leagues. Thirteen battalions were made priſonere in the purſuit, beſides five others, which were taken in the field of battle. Six marſhals de camp, ten brigadiers, twenty colonels, and eight hundred other officers were taken with all their artillery, and ſixſcore colours and ſtandards. Near five thouſand men were killed on the ſpot, beſides the wounded, which were very numerous, and, among the reſt, the lord Galway and the marquis das Minas, general of the Portugueſe. The conquerors loſt two thouſand men, and among others, the marquis de Sillery and monſieur de Polaſtron, brigadiers; and, among the wounded were the duke of Salerno, general of the Spaniſh guards, who received eleven wounds with a broad ſword, the marquiſes de St. Clair and de Silly, marſhals de camp: The duke of Orleans, who was lately arrived from France, and was to have commanded the armies of the two crowns, though he made all poſſible haſte, after he had heard, that the two armies were not far diſtant from each other, could not come up till the action was over. The marquis de Feuquieres in his Memoirs obſerves, that this was an action of the ſpecies, ſince the two armies charged through the whole extent of their front; and that the confederates were maſters of the two entire kingdoms of Valencia and Arragon, and of all Catalonia, and were preparing to enter New-Caſtile. "A few days before the battle (continues the Marquis) they had received a powerful reinforcement from England and Holland, and were determined to improve the time of the firſt campaign. With this intent they paſſed the Xucar, and advanced near Almanza. The duke of Berwick marched up to them without the leaſt heſitation, and the armies engaged. The Portugueſe infantry being entirely broke in the firſt charge, and our cavalry having thrown that of the enemy into diſorder, we remained abſolute maſters of the field of battle. The duke of Berwick likewiſe purſued with his cavalry thirteen of the enemy's battalions, who were retreating in good order through the mountains, with an intention to repaſs the Xucar, and retire to Valencia; but as the body of infantry was extremely fatigued and deſtitute of bread, they were obliged to halt before they could arrive at the Xucar. This diſcontinuance of their march gave our infantry time to approach them; and they were all made priſoners of war. The recovery of the kingdoms of Valencia and Arragon was owing to the ſucceſs of this battle." Dr. Hare, in a letter to a tory-member, p. 13, fourth edition, tell us, "that it was owing to the reinforcement ſent the duke of Anjou after the evacuation of Milan, that we owed the loſs of the battle of Almanza, which proved ſo fatal to our affairs on that ſide. If theſe troops had not joined, we had been ſuperior to the enemy; and that battle had either not been fought, or it had been won, and Spain with it, conſidering the ill condition the duke of Anjou's affairs were then in; and the true reaſon we ventured that battle was to prevent the junction, which we did not know, or, at leaſt, did not believe, was made at the time we fought; a miſtake, we may think, very eaſily made in Spain, when it is known, we owe the victory of Ramillies to the French making the very ſame miſtake in Flanders, where they thought the Engliſh had not at that time joined the confederate army, and reckoned for certain, that the Danes at leaſt neither had nor could. And this perſuaſion made them venture a battle, which the French had ſo much reaſon to remember, without waiting for a conſiderable body of troops, that were coming to them from the Rhine, the head of which were actually at Namur, when Monſieur Villeroy began his march towards the confederates. But to return, it is plain the French had not gained the battle of Almanza without that reinforcement from Italy, and even with it, though the battle was fought in April, and our army was in a manner ruined by that blow, all they did that year was only to take Lerida."

[q] And here (ſays our author) I had the pleaſure of being eaſed of a very troubleſome burden, which had much endangered my life by the imprudence of the officers, who had given me their purſues at the head of the three ſquadrons; and very large they were, by the management of earl Rivers, who, unwilling to carry the treaſure back to England, had obliged the paymaſters of the regiments to take four months ſubſiſtence in advance, which, it was ſaid, was no ſmall perquiſite to his lordſhip, upon the account of the high price gold was at in Spain. When I returned their purſes to the officers, it was computed I had no leſs than fifteen hundred pounds about me, beſide ſome gold watches: So that I ſhould have been a good booty for ſome deſperate deſerter, which the owners of the money were more afraid of than myſelf. 'Manuſcript account of the war in Spain, from 1706 to 1712, by a chaplain in the army.'

found an opportunity, which indeed hundreds of them did in a very ſhort time, the Valencians, Arragoneſe, and Catalans, who were all very zealous in king Charles's intereſt, aſſiſting them in their eſcape and march to us.

The day after the battle, the duke of Orleans came to Almanza, and took upon him the command of the enemy's army, which, as will be related, was of ſome ſervice to us. What foot we had left, remained at Aſcira and Xativa, and we marched all our horſe through the city of Valencia, and ſome other towns as far as Tortoſa. The enemy followed us, but very civilly, for they generally, encamped their army in the evening on the very ground we left in the morning, till we came to the Ebro, and marched over the bridge of Tortoſa, a camp about two miles from the city, up the river. The army did not continue here long, for, on the 11th of May, the enemy appeared on the hills, and an advanced party came down into the plain, a mile from the town, where they ſtaid all that day in ſight of our horſe-guard. The next day their whole army came down, and, having puſhed in our horſe-guard, encamped in a long line over againſt the town. Upon this we burnt the ſuburbs on that ſide the water, and manned a half-moon at the bridge-foot on the ſame ſide, whilſt our cannon from the caſtle made a continual fire on their camp. The night of the 13th, they brought down ſome gabions and lodged themſelves near our half-moon; but we made a ſally and deſtroyed that work, which they ſoon replaced, and firing continued on both ſides many days. There being no proſpect of any ſuccours to enable us to keep that advantageous poſt, the lord Galway, after putting a good garriſon into Tortoſa and Gironne, and leaving the reſt of the foot in Tarragona, marched up the river with the horſe, and the duke of Orleans, at the ſame time, ordered moſt of his cavalry to obſerve and follow us on the other ſide of the Ebro. We continued three months in marches and counter-marches, obſerving one another's motions, our great care being to prevent the enemy paſſing the Cinea, which would have been of very bad conſequence to us; for the country about Tarragona muſt have fallen into their hands, unleſs we were in a condition to make a vigorous ſtand, which we were not. But the duke of Orleans proved a very pacific general for ſome time, having private views, and a very extraordinary ſcheme for a peace [r]. Mr. Stanhope, the queen's envoy extraordinary, came to our camp near the Cinea to viſit the general. During his ſtay the duke of Orleans ſent a letter to the lord Galway, to deſire he would ſend two truſty perſons, by whom he had ſome propoſals of the higheſt nature to make to him. Mr. Stanhope was not long in ſuſpenſe, but gladly accepted the offer lord Galway made him of being one of the two, and the general's aid de camp was appointed for the other [s]. Theſe two gentlemen went to the place aſſigned for a conference, which laſted ſome hours, and was managed in ſuch a manner, and with ſo much ſecrecy, that no one ſuſpected any thing in either army. Lord Galway was not a little ſurprized at the overtures that were made, and diſpatched his aid de camp to the duke of Orleans, with the ſame anſwer in ſubſtance, general Stanhope had given him. This advantage we reaped from the conference, that we lived ſome weeks like good neighbours, the enemy on the one ſide, and we on the other, of the river Cinea, and at a very ſmall diſtance from one another; but not without great fatigue on both ſides, for they made many motions to paſs the river, which alarmed our camp, and kept us always, chiefly in the night, upon our guard, ready to mount, and our baggage to be loaded.

Brigadier Carpenter took this opportunity to have his own ſquadron, Eſſex's and Guiſcard's, ſent to Manreſſa [t] to refreſh their horſes, now almoſt dead, and unfit for ſervice. From hence we ſoon marched to las Borgues, where we remained ſome time. About the beginning of Auguſt, the enemy detached a good number of horſe and foot for France, and the duke of Berwick quickly followed them. On the 30th of that month, they marched from Belpuis towards Lerida (having plundered ſeveral villages without ſparing the churches) and, paſſing the Segre, they inveſted the town the next day on both ſides. General Wills commanded the garriſon, with the prince of Heſſe Darmſtat. The duke of Berwick returned to the army, but without any forces; and it was the 21ſt of September before they opened the trenches, and the 27th before they erected their batteries. Whilſt the ſiege was carried on, all the forces, that could be drawn from all parts of Catalonia, the lord Galway aſſembled at las Borgues, and encamped within a few miles of Lerida, with a reſolution to attempt the relief of that place. But, before this reſolution could be executed, news came that the garriſon had capitulated, who marched out of Lerida, on the 2d of November, with all the marks of honour cuſtomary after a brave defence [u]. In a few days, the horſe went into winter-quarters, under the command of major-general Carpenter (who had lately received a commiſſion from king Charles, appointing him to that rank) and the foot under major-general Wills marched to the city of Tarragona. The Portugueſe and Dutch marched likewiſe into their quarters, all in Catalonia, between Lerida and Barcelona. And thus ended this long and unfortunate campaign, which had been ſo unſucceſsful, that the principality of Catalonia was all that remained in king Charles's obedience. The lord Galway, general Erle, and the Marquis das Minas, with three other Portugueſe generals embarked at Barcelona for Liſbon, and Carpenter remained commander of the Engliſh.

The allies in Spain were in hopes the Portugueſe would have favoured them with a diverſion, but were diſappointed. For, on the contrary, the Spaniards, under the duke of Oſſuna, took Serpa and Moura, and at the ſame time, the marquis de Bay poſſeſſed himſelf of the bridge of Olivenza, threatening, with the aſſiſtance of the duke of Oſſuna, to lay ſiege to that place. The Portugueſe, being reinforced with four Engliſh regiments [w], began to move on their frontiers. Upon which the Marquis thought fit to lay aſide his enterprize, and deſtroying part of the bridge of Olivenza, retired to Badajox. The Portugueſe excuſed themſelves for the little reſiſtance, they made, by their feebleneſs, ſince their beſt troops were in Catalonia.

Mr. Stanhope, who, beſides his poſt of brigadier, had alſo the character of envoy extraordinary and plenipotentiary, took the opportunity of king Charles's broken affairs, to conclude with him a treaty of commerce, which would have been of great advantage to the Engliſh nation, had that prince remained quiet poſſeſſor of the Spaniſh throne. In order to effect this, Mr. Stanhope ingratiated himſelf with the counteſs of Oropeza, a lady of great wit, whoſe huſband was one of the chief grandees of Spain, but, who having abandoned all his great employments and vaſt eſtate, to follow king Charles's fortune, was reduced to extreme indigence; and therefore was the more liable to be managed by a lady, for whom Mr. Stanhope had obtained a conſiderable preſent from the queen. This nobleman who had the greateſt weight in king Charles's Spaniſh council, being gained, and appointed one of his Catholic majeſty's plenipotentiaries, together with the prince of Litchſtenſtien and count de Cardona, admiral of Arragon, a treaty was concluded and ſigned

[r] Which ſcheme (ſays our author) I do not think prudent to divulge. His ſcheme, it is ſaid, was to be made king of Spain himſelf, for which he offered very advantageous terms to England. But this is only conjecture.

[s] A man (ſays our author) of tried capacity and integrity, who afterwards died deputy-governor of Guernſey.

[t] Manreſſa is a fine and rich town, in the mountains of Catalonia, famous for giving birth to Ignatius Loyala, founder of the order of Jeſuits. The whole town is entirely devoted to that ſaint, who had borne arms many years. The houſe where he was born is turned into a nunnery, where the inhabitants affirm that on every Whitſunday, when the magiſtrates and all the religious orders in that town make a proceſſion to that cloyſter, the holy ghoſt appears, as a white dove, and perches a good while upon the croſs on the top of the chapel. This miracle, which is managed by the prieſts, is firmly believed by theſe poor mountaineers, who are pleaſed, beyond meaſure, to have ſo remarkable a token of the divine favour to boaſt of above their countrymen. Manuſcript account, &c.

[u] Burnet's account of this affair is as follows: The duke of Orleans, being reinforced with troops after the deſign upon Toulon had miſcarried, ſat down before Lerida, in the end of September, with an army of thirty thouſand men: The place was commanded by a prince of Heſſe, who held out above forty days: After ſome time, he was forced to abandon the town, and to retire into the caſtle: the army ſuffered much in this long ſiege. When the beſieged ſaw how long they could hold out, they gave the earl of Galway notice, upon which he intended to have raiſed the ſiege; and, if the king of Spain would have conſented to his drawing out of the other garriſons, ſuch a force as might have been ſpared, he undertook to raiſe it; which was believed might have been eaſily done; and, if he had ſucceeded, it would have given a new turn to all the affairs of Spain. But count Noyelles, who was well practiſed in the arts of flattery, and knew how much king Charles was alienated from the earl of Galway, for the honeſt freedom he had uſed with him, in laying before him ſome errors in his conduct, ſet himſelf to oppoſe this, apprehending that ſucceſs in it would have raiſed the earl of Galway's reputation again, which had ſuffered a great diminution by the action of Almanza: He ſaid, this would expoſe the little army they had left them to too great a hazard, for, if the deſign miſcarried, it might occaſion a revolt of the whole principality. Thus the humours of princes are often more regarded than their intereſt; the deſign of relieving Lerida was laid aſide. The French army was diminiſhed a fourth part, and the long ſiege had ſo fatigued them, that it was viſible the raiſing it would have been no difficult performance, but, the thoughts of that being over, Lerida capitulated in the beginning of November.

[w] Theſe four regiments, namely, Pearce, Newton, Sankes, and Stanwix, were embarked at Cork for Portugal, about the latter end of April, and arrived at Liſbon the 4th of June, conſiſting of two thouſand nine hundred men. Theſe were all the forces then in the queen's pay in that kingdom.

by them and Mr. Stanhope at Barcelona, on the 10th of July [x].

After the ſigning of this treaty, king Charles was made ſenſible, that the conceſſions granted therein to the Engliſh nation were too large, and ſuch as would not eaſily paſs with his own ſubjects, in caſe he ſhould ever be poſſeſſed of the Spaniſh throne; and therefore it was not without reluctance, and merely in compliance with the neceſſity of his affairs, that he confirmed and ratified the articles of it on the 9th of January 1707-8, ſix months after they had been concluded and ſigned. The perſon, who was intruſted to carry this important treaty to London, having embarked for Barcelona on board a ſmall veſſel for Genoa, that veſſel was unluckily taken by a French frigate. The maſter, as is uſual in ſuch caſes, threw his mail over-board; but it being taken up by ſome divers, was tranſmitted to the marquis de Torci at Verſailles, who took care to ſend privately a copy of the treaty to the ſtates-general, in order to excite their jealouſy of the Engliſh, who were endeavouring by it to engroſs the trade of the Weſt-Indies [y].

The affairs of the Upper Rhine, this campaign, were attended with no greater ſucceſs to the confederates than thoſe of Spain. For the German forces were ſo inconſiderable in their numbers, and ſo ill provided, as not to be able to ſtand a ſudden irruption of the enemy. Marſhal de Villars, who had with great diligence and ſecrecy aſſembled his army early in Alſatia, reſolved to paſs the Rhine, and committed the execution of his deſign to the Marquis de Vivans and the count de Broglio. To this end, he cauſed a bridge of boats to be laid over an arm of the Rhine, and, having landed a great number of grenadiers on the iſland over-againſt Newbourgh the count de Broglio advanced to the Germans, and attacked them with great ſucceſs. After that marſhal de Villars, May 22d, advanced to the lines of Buhl with forty ſquadrons and battalions; and in his march entirely defeated the Germans advanced guard of horſe. On the 23d, at break of day, a fog made it difficult to diſcover whether the Germans, whoſe tents were ſtanding, and who fired ſome cannon-ſhot, continued behind their intrenchments: But, as ſoon as it was cleared up, it appeared, that they had abandoned them, for fear of being attacked in the rear, having notice, that the whole body, commanded by the marquis de Vivans and the count de Broglio had paſſed the Rhine; ſo, at five in the morning, marſhal de Villars entered, without loſs, thoſe lines, which had been eſteemed the rampart of Germany, and in which he found a great many pieces of cannon, and vaſt quantities of ammunition and proviſions. The ſame day he advanced to Raſtadt, took poſſeſſion of the caſtle belonging to the princeſs of Baden, and prepared to follow the Germans with all poſſible expedition. The marſhal having proceeded ſucceſsfully thus far, continued four days at Radſtadt, waiting for his waggons and artillery, and to give neceſſary directions; and, on the 28th, marched with his main army, and incamped at Etlingen, where he found a conſiderable quantity of proviſions. The ſame day, the marquis de Vivans, whom the marſhal had ſent out with fifteen hundred horſe on the road of Pfortzheim, having information, that a body of German horſe were coming towards him, advanced to meet them, who, at his approach, poſted themſelves behind a rivulet; but he charged them ſo vigorouſly, that they were broke and entirely defeated, a hundred and fifty of them being killed, eighty made priſoners, particularly a major of count Merci's regiment, who commanded them, and count de Berlo, together with all their officers, and above a hundred and fifty horſes were taken. Marſhal de Villars advanced to Pfortzheim, and there halted to wait for a convoy of bread and meal from fort Louis; and, on the 31ſt, marched before with the horſe of the right wing, and all the dragoons to follow the Germans, and obſerve their motions; and, on the firſt of June, advanced within two leagues of Stutgard, where he made and had his own demands. The contributions of the Duchy of Wirtemberg were regulated, at two millions and two hundred thouſand livres, payable in three months; thoſe of the little imperial city of Etlingen on the Neckar, at one million and one hundred thouſand, and ſix hundred thouſand livers were demanded of the city of Baden. In Stutgard they found a magazine of four thouſand ſacks of meal, beſides ten thouſand furniſhed by the regency; and marſhal de Villars, not being able to come up with the flying enemy, marched towards Schorndorf, which he cauſed to be inveſted by the marquis de Fremont. The next day, the marſhal came before the place with his whole army; but though the town was pretty ſtrong, both by its fortifications and advantageous ſituation; yet, the inhabitants refuſing to

[x] The ſubſtance of which was, "1. That there ſhould be an univerſal and ſincere peace between the queen of Great-Britain and the king of Spain, their heirs, ſucceſſors, and the ſubjects of both nations. 2. That all the treaties of peace, friendſhip, confederacy, free commerce and navigation between both crowns, ſhould be held to be as firmly renewed and eſtabliſhed, by virtue of this preſent treaty, as if they were inſerted therein verbatim, provided they were not contradictory to one another, nor any way leſſen the force of theſe preſent articles: And that the royal cedulas or patents, which contain divers privileges granted by Philip the fourth, confirmed by the treaty of May 13-23, 1667, and all other grants formerly made by any king of Spain, ſhould have the ſame force and effect with this preſent treaty. 3. That all the ſubjects on both ſides, who had been made priſoners by either, whether in America, or any where elſe, ſhould be reſtored, and ſet at liberty, as ſpeedily as poſſible, without charge or ranſom. 4. That all merchandize and goods, which the ſubjects of Great-Britain might bring and import into the dominions of Spain, for which any cuſtoms under the name of conſumption, or other tolls uſed to be demanded, ſhould not be obliged to pay the ſaid tolls till ſix months after the unlading, or ſale and delivery of the ſaid goods. 5. That the ſubjects of Great-Britain might bring and import into the dominions of Spain all ſorts of goods, wares, manufactures and fruits, and produce of the dominions of Morocco; nor ſhould any greater toll be demanded for the ſame than uſual. 6. That books of rate, called Fueros, containing an exact account of the cuſtoms agreed on by the commiſſioners from the queen of Great-Britain and the king of Spain, ſhould be adjudged and eſtabliſhed within twelve months after the ſigning of this treaty, and be publiſhed through all the Spaniſh dominions. Nor ſhould the Britiſh ſubjects be obliged to pay any greater duties than what is therein ſet down; and for all other goods not mentioned in theſe tables, the rate of ſeven per cent. ſhould be demanded upon the credit of the inſtrument, declaring the charge and prizes of the merchandize and goods, which ſhould be exhibited by the merchant or factor, confirmed by witneſſes on oath. 7. That all goods taken as prize by ſhips of war, ſet out either by the queen or private ſubjects of Great-Britain, ſhould, without any difference, be eſteemed as merchandize and goods of the Britiſh iſlands. 8. That the queen of Great-Britain and the king of Spain ſhould confirm and ratify theſe articles within ten weeks." To this treaty was annexed a ſecret and moſt important article, importing, "That the queen of GreatBritain and the king of Spain being deſirous to knit the ties of the friendſhip and alliance now concluded in ſuch a manner, as that the mutual advantages of it might redound ſo viſibly to the benefit of the ſubjects of both crowns, that their common intereſts might cement an eternal and indiſſoluble union between them; and conſidering, that the moſt effectual and proper means to this end would be to form a company of commerce to the Indies, whereby theſe vaſt and rich provinces of the dominions of his catholic majeſty would enable the monarchies of Great-Britain and Spain to make ſuch diſpoſitions of force, as ſhould, by curbing their enemies, ſecure to their ſubjects an univerſal and laſting tranquility: It was therefore agreed, that ſuch a company of commerce ſhould be formed, conſiſting of the ſubjects of Great-Britain and Spain, in the Indies. But, becauſe it was not poſſible, at preſent, to enter into the particulars of ſuch a ſettlement, becauſe the duke of Anjou was, at this time, poſſeſſed of thoſe provinces of Spain, which are the principal ſeats of trade, it was reſerved to ſettle the form of the ſaid company of commerce to the Indies, till his catholic majeſty ſhould be poſſeſſed of the court of Madrid. But, in caſe unforeſeen accidents ſhould hinder the ſettlement of ſuch a company, his catholic majeſty obliged himſelf, and promiſed for himſelf, and all the kinds, his ſucceſſors, that he would grant to the ſubjects of Great-Britain the ſame privileges, and the ſame liberty of a free trade to the Indies, which his majeſty's own Spaniſh ſubjects ſhould enjoy; a previous ſecurity being given for the payment of the royal duties. That his catholic majeſty likewiſe obliged himſelf, that from the day, that the general peace ſhould be ſettled, and conſequently, that he ſhould be in poſſeſſion of the Spaniſh Indies, to the day that the ſaid company of commerce, ſhould be ſettled, he would give licence and permiſſion, that the ſubjects of Great-Britain might ſend every year to all the ports and other places of the Indies, under the dominion of the crown of Spain, ten ſhips, of five hundred tons each or more, or fewer ſhips, provided their whole burden did not exceed in all five thouſand tons; in which they ſhould be at liberty to tranſport, ſell and traffick for all the merchandizes and commodities, which the Spaniſh ſubjects were permitted to tranſport and traffic for; provided, that they pay all the royal duties, and that the ſaid ten ſhips ſhould be regiſtered in the port of Cadiz, or in ſuch other port of Spain, as his catholic majeſty ſhould appoint, ſetting out from ſuch port to ſail to the Indies, and giving an obligation, that from the Indies they ſhould return to the ſame port in Spain, without touching before at any other port of Spain, Great-Britain, or France, except in caſe of being forced to do ſo by ſtorm. That his catholic majeſty would likewiſe permit, that the ſaid ten ſhips of trade be accompanied by ſuch a number of Britiſh ſhips of war, as ſhould be neceſſary for their greater protection and ſecurity, provided, that, on board the ſaid ſhips of war, there might not be loaded any kind of merchandize: His catholic majeſty declaring likewiſe, that he would not cauſe to be paid, or demand any indulto's, or any other kind of donative, on account of the ſaid ſhips contenting himſelf barely with the punctual ſatisfaction of the royal duties. And the queen of Great-Britain offered and promiſed on her part, that the ſaid ſhips of war ſhould, both in going to, and in returning from the Indies, take under their convoy ſuch ſhips belonging to his catholic majeſty, returning the ſame to the perſons, to whom they ſhould be conſigned. That it being evident to all men, that the forces, with which the crown of France had diſturbed Europe, had been furniſhed and ſupplied by the great treaſures it had drawn from the Spaniſh dominions in the Indies, by the fraudulent introduction of their commodities, and their trade in thoſe countries; it was therefore agreed, that from this time forward, for ever, ever, all Frenchmen, being ſubjects of France, ſhould be entirely excluded, as well out of the ſaid company of commerce, as out of all other kind of trade, within the dominions of the king of Spain, obliging themſelves never to conſent, by any treaty, public or private, to any matter, which ſhould be repugnant to this excluſion of the ſubjects of France."

[y] Dr. Swift means this treaty in his Conduct of the Allies and of the late Miniſtry, p. 38, fifth edition, in the following paſſage: "Our trade with Spain was referred the ſame way: But this they will pretend to be of no conſequence, becauſe that kingdom was to be under the houſe of Auſtria; and we had already made a treaty with king Charles. I have indeed heard of a treaty made by Mr. Stanhope with that prince for ſettling our commerce with Spain. But, whatever it were, there was another between us and Holland, which went hand in hand with it, I mean that of Barrier, wherein a clauſe was inſerted, by which all advantages propoſed for Britain are to be in common with Holland." The doctor's aſſertion in this paſſage is a very groundleſs one; for the treaty of commerce with Spain and the Barrier treaty could not go hand in hand, ſince the former was ſigned on the 10th of July 1713, and the other on the 20th of October 1709.

aſſiſt in the defence of it, the garriſon, to the number of about five hundred men, ſurrendered the place, upon condition of their being conducted to the imperial army. The French found in the place two mortars, fifty-four pieces of cannon, and a conſiderable quantity of ammunition and proviſions. After this ſucceſs, the marſhal being informed, that three thouſand Germans, commanded by general Janus, had intrenched themſelves near Lorch, very advantageouſly, he attacked, and totally defeated them. Janus made a brave reſiſtance; but, being over-powered, his troops were broke, and purſued almoſt as far as Gemund, with the loſs of about ſix hundred men killed, and as many taken priſoners, and among the latter general Janus himſelf, and twenty-ſeven officers. The marſhal afterwards did ſome execution on the rear of the imperial army, who thought it proper to retire towards Hailbron,

The marſhal de Villars had certainly greater deſigns in view, no leſs than reſtoring the elector of Bavaria to his dominions. But, having been obliged to ſend conſiderable detachments towards Provence in France, he durſt not venture further, nor undertake any conſiderable ſiege. While the empire was thus expoſed, all mens eyes turned toward the elector of Hanover, as the only perſon that could recover their affairs out of thoſe extremities, into which they were brought. The emperor preſſed him to accept of the ſupreme command. This was ſeconded by all the allies, but moſt earneſtly by the queen and the ſtates. The elector uſed all the precaution that the embarking in ſuch an affair required, and he had ſuch aſſurances of aſſiſtance from the princes and circles, as he thought might be depended upon; ſo he undertook the command. His firſt care was to reſtore military diſcipline, which had been very little conſidered or ſubmitted to for ſome years paſt; and he eſtabliſhed it with ſuch impartial ſeverity, that the face of affairs was ſoon changed. But the army was too weak, and the ſeaſon too far ſpent to enter on great deſigns. One conſiderable action happened, which very much raiſed the reputation of his conduct. Being informed, that the French had ſeven regiments of horſe and dragoons incamped near Offenburg, under the command of the marquis de Vivans, he detached fourteen hundred men, and one hundred grenadiers under count Merci, to ſurprize the enemy. That general executed his orders with great conduct; and attacked the marquis, Sept. 24, by break of day, and entirely defeated them, killing ſeveral officers, and eight hundred private men. As the French knew nothing of the march of the Germans, they had appointed that day for a forage, which facilitated their defeat. The general made his eſcape with no ſmall difficulty, and his men finding themſelves cloſely purſued, quitted their horſes, and made their retreat through the hedges; ſo that the Germans brought away four ſtandards, a hundred and fifty priſoners, and near thirteen hundred horſes, having had only two lieutenants and thirty private men killed. Soon after, marſhal de Villars took the opportunity to repaſs the Rhine, by the way of fort Louis and fort Kehl; and the elector of Hanover ſeparated his army, and diſpoſed them ſo conveniently in their winter-quarters, that they might aſſemble in forty-eight hours upon any emergent occaſion.

The duke of Marlborough, who had made ſo glorious a campaign the laſt ſummer, merited this year the public attention, chiefly by his important negociations. Upon his arrival at the Hague, he had a conference with the deputies of the ſtates-general, wherein, among other particulars, he told them, "that the troubles of Saxony occaſioning a great diſtraction in the empire, which brought infinite prejudice to the common cauſe; the queen, his miſtreſs, had thought fit to ſend him thither, to pay a compliment to the king of Sweden, and endeavour to engage him to remove the juſt jealouſies, which his long ſtay in the heart of Germany gave to ſome of the high allies, for which purpoſe he had the neceſſary powers from her majeſty, and deſired the ſame from the ſtates." The penſionary having acquainted the ſtates of Holland and Weſt-Frieſeland with the neceſſity of the duke of Marlborough's journey, the matter was thought of ſo great importance to the common cauſe, that they readily concurred in thoſe meaſures, and the duke immediately ſet out for Leipſick by the way of Hanover. Monſieur Auverquerque, veltmarſhal of the ſtates forces, having had ſeveral conferences with the duke of Marlborough, ſet out the ſame day for Bruſſels, in order to aſſemble the confederate troops, and obſerve the French, who began to be in motion about Namur.

The court of England, it ſeems, had been adviſed by the elector of Hanover to ſend the duke of Marlborough to the king of Sweden. It was thought this would pleaſe him much, if it had no other effect. That king ſtill remained with his army in Saxony, to the great oppreſſion of that country, and to the terror of the court of Vienna, who were apprehenſive of his quarrelling with them. His deſigns were kept ſo ſecret, that they could not be penetrated, which made the allies very uneaſy. The king of Sweden was very remarkable on many accounts. He affected a neglect of his perſon, both in cloaths, lodging and diet; all was ſimple, even to meanneſs; nay, he did not ſo much as allow a decent cleanlineſs: He appeared to have a real ſenſe of religion, and a zeal for it, but it was not much enlightened: He ſeemed to have no notion of public liberty; but thought princes ought to keep their promiſes religiouſly, and to obſerve their treaties punctually: He rendered himſelf very acceptable to his army, by coming ſo near their way of living, and by his readineſs to expoſe his own perſon, and to reward ſervices done him: He had little tenderneſs in his nature, and was a fierce enemy, too rough and too ſavage: He looked on foreign miniſters as ſpies by their character, and treated them accordingly; for he kept himſelf on great reſerves with them, nor would he ſuffer them to come near him, except when they had a particular meſſage to deliver. He uſed his own miniſters rather as inſtruments to execute his orders, than as counſellors.

Whilſt the king of Sweden was in Saxony, the czar overran Poland, ſo that king Staniſlaus was forced to fly into Saxony to the king of Sweden, for protection. Both he and his queen ſtaid there all the winter of 1706, and a great part of this ſummer. The czar preſſed the Polanders to proceed to the election of another king, but could not prevail with them. It was therefore generally believed, that they were reſolved to come to a treaty with king Staniſlaus, and to ſettle the quiet of the kingdom, exhauſted by a long and deſtructive war. The czar tried, if it were poſſible to come to a peace with the king of Sweden, and made great offers to that purpoſe; but that king was implacable, and ſeemed reſolved to pull him down as he had done king Auguſtus.

To diſcover this king's intentions was the chief aim of the duke of Marlborough's journey to Alt-Ranſtad, about two German leagues from Leipſick, where the king of Sweden had his head-quarters. The duke was accompanied by Mr. Robinſon, the queen's envoy extraordinary, and Monſieur Cronenburg, the Dutch miniſter. Being informed on the way, that the king could not give him an audience till the next day, the duke thought fit to go directly to count Piper's quarter's [z]. The count made ample proteſtations, how acceptable his coming would be to the king, his maſter, and

[z] This is the account of Mr. Robinſon, afterwards biſhop of London, in his letter from Leipſick, of May 1707, to the earl of Mancheſter. But Monſ. Voltaire, in his life of Charles XII. king of Sweden, affirms, "That, as ſoon as the duke of Marlborough arrived at Leipſick, where king Charles then was, he made his application privately, not to count Piper, the firſt miniſter, but to baron Gortz, who began to have a ſhare in the king's confidence with count Piper. He told Gortz, that the deſign of the allies was, in a ſhort time, to propoſe to the king of Sweden his being once more mediator between them and France. His motives for this were his hopes of diſcovering the king's intentions by Gortz's anſwer, and becauſe he would much rather have had Charles for an arbitrator, than an enemy." Mr. Lediard, in his Life of the duke of Marlborough, Vol. I. p. 457, ſecond edition, obſerves, That this piece of private hiſtory of Monſieur Voltaire's is mentioned by no other hiſtorian, and ſeems very improbable. "I was, ſays he, that night in the city of Leipſick, and the next morning in the camp; but no ſuch thing ever came to my knowledge. Is it probable, that ſo remarkable an incident ſhould eſcape the knowledge of every one, but Monſieur Voltaire's informant? Were not the eyes of every one on the duke at his arrival? Could this interview be ſo privately managed, as not to come to count Piper's knowledge? Would not this have raiſed a jealouſy in him, that muſt have put a ſtop to, or very much entangled, the whole negotiation? And can it be believed, that ſo great a ſtateſman, as the duke was, would have thrown ſuch a ſtumbling-block in his own way, as this would have been, at the very beginning of his treaty? Baron Gortz began indeed at this time to riſe in the king's eſteem and confidence; but he was not yet arrived to that height in his favour to be a rival to Piper, or to dare to enter into a ſecret negotiation without his knowledge." Monſieur de la Motraye, in his Remarks on Voltaire, carries the matter yet farther againſt that writer, and ſays, "That Gortz was out of the queſtion, he being then grand-marſhal of the biſhop of Lubeck, adminiſtrator of the duchy of Holſtein, and was certainly then very little known to the king of Sweden." But it is evident from Mr. Robinſon's letter to the earl of Mancheſter above-cited, that the duke had a conference, on the 28th in the afternoon, with baron Gortz, as well as with count Piper; though he limits that conference with the baron to the affairs of Holſtein, in which, he ſays, 'things were concerted to mutual content.' Monſieur de la Motraye mentions a remarkable incident upon the authority of a gentleman, who was in the coach with the duke, when he went to the audience he had demanded of count Piper: "The duke, ſays he, coming to the gate of count Piper's quarters preciſely at the time appointed, ſent in his meſſage, but was anſwered the count was buſy. The duke waited a good half hour before he came down; but he no ſooner ſaw him at the gate ready to receive him, than he came out of his coach, and, putting on his hat, paſſed by the count without ſaluting him, and went aſide, as if to make water; and then, after having made him wait longer than was neceſſary for that purpoſe, he went up to him, and addreſſed him with that eloquence and politeneſs, which every one knows was natural to him."

appointed eleven of the clock the next morning for his repairing to the head-quarters, when his majeſty came from church. The duke went thence to the quarters prepared for him about an Engliſh mile and a half from the king's; and the next morning, at the time appointed, went to wait upon his majeſty. The intendant of the court and other officers received him, and in the anti-chamber count Piper, who conducted him into the cabinet, where the king was, with ſeveral ſenators, generals, and other officers about him. The duke made a ſhort compliment in Engliſh[a], which was interpreted by Mr. Robinſon, as the king's anſwer was by count Piper[b]. Afterwards the duke ſpoke in French, which the king underſtood, but did not ſpeak; and the converſation was general for about an hour, when his majeſty took the duke with him to dinner, placing him on his right hand, and count Piper on his left. After dinner the duke returned with the king to the audience-room, which, after a little while, was voided by the reſt of the company; and then the duke ſpoke at large, his majeſty giving great attention to what was ſaid, with all appearances of much content. Count Piper, who, together with Mr. Harmelin, ſtaid with the king, could not refrain from ſhedding ſome tears at the very pathetic expreſſions, which the duke uſed to aſſure the king of her majeſty's friendſhip, and, on the king's part, made ſuitable returns[c]. Thoſe diſcourſes, and others about military matters, took up an hour and a half, when his majeſty went again to church. Afterwards the duke made a viſit to the counteſs Piper, and had then a conference with the count, and from thence went to ſee the veldt-marſhal Reinſchild's lady. On the 28th he went to Leipſick, to wait on king Auguſtus, with whom he had a private conference of about half an hour, and then returned to count Piper's quarters, where he dined. He had that afternoon a conference with count Piper and baron Gortz about the affairs of Holſtein, in which things were concerted to mutual conſent. In the evening he ſupped with veldt-marſhal Reinſchild. On the 29th he was viſited by count Piper, veldt-marſhal Ogilvy, and many others; and, after having dined with baron Gortz, had his audience of leave of the king of Sweden. Before it was ended, notice was given, that king Staniſlaus was in the anti-chamber; whereupon the duke ſaying, that he had no objection againſt his coming in, the king of Sweden went and brought him. Some civilities paſſed between that king and the duke, who ſoon after took his leave, and went to Leipſick, and thence, without making any ſtay, proceeded on his journey to Berlin. On the 30th of April, he arrived at Charlottenburg, the king of Pruſſia having ſent Monſieur Grumkaw to deſire him to paſs that way. He ſupped that night with the king, and was lodged in the apartment belonging to the margrave. The next day, being Sunday, he accompanied the king to divine ſervice, and monſieur Lenfant, the author of the Hiſtories of the Councils of Baſil and Conſtance, by his majeſty's particular order, preached in French on that occaſion. On the 2d of May the duke left Charlottenburg, in order to proceed towards Hanover, where he arrived on the 3d; and, the day following, had a private conference with the elector. In the afternoon he ſet out for the Hague, where he arrived on the 8th, having received the higheſt marks of honour and eſteem in the ſeveral courts, through which he had paſſed ſince his departure from thence.

The next day, the duke was in conference with the deputies of the ſtates-general, to whom he communicated the aſſurances he had received from the king of Sweden. This entirely diſſipated the jealouſies, which ſome of the allies had conceived of his Swediſh majeſty's deſigns, which were induſtriouſly fomented by the emiſſaries of France, who, on the other hand, uſed all their endeavours to engage that king in an open rupture with the emperor; for which he did not want plauſible pretences. For, about this time, an unlucky quarrel happened between baron Strahlenheim, envoy of Sweden, and count Zobor, an Hungarian lord, ſon-in-law of prince Adam of Litchtenſtein. The occaſion was this: Being both at dinner at the count de la Tour's, and diſcourſing of the affairs of Europe, count Zobor ſaid, Three knaves occaſioned a great deal of miſchief in the world. He named indeed only prince Ragotſki for one, and king Staniſlaus for another, but he made uſe of ſuch expreſſions, as evidently ſhewed, that he meant the king of Sweden for the third: Upon which the Swediſh envoy thought himſelf in honour obliged to give him a box on the ear. The company prevented any farther miſchief at that time, and count Zobor was at firſt confined by order of the emperor, and ſhortly after ſent priſoner to the caſtle of Gratz in Stiria; the commiſſaries appointed to make enquiry into that affair, having reported, that he had been guilty of diſreſpect towards the king of Pruſſia. Baron Strahlenheim having informed the king, his maſter, of what had paſſed, his Swediſh majeſty ordered him to declare, that he approved his conduct; and that he had orders to abſent himſelf from court, till he had received a juſt ſatisfaction, as well on that account, as for the affront offered to ſome officers of his troops, who, being liſting men at Breſlau, were inſulted by the people. The imperial miniſters ſhewed a willingneſs, at this critical juncture, to give the king of Sweden all reaſonable ſatisfaction: But, with regard to count Zobor, they thought, that, baron Strahlenheim having given a blow to a perſon of his quality, and his imperial majeſty having ſince confined him cloſe priſoner, the Swediſh court ought not to inſiſt upon farther ſatisfaction.

This was not, however, the moſt material point, that made the court of Vienna uneaſy; for the Swedes had ſtarted other pretenſions of a more delicate nature; and, in a declaration, which count Piper had communicated to count Zinzendorf, his Swediſh majeſty inſiſting on the delivering up of the Muſcovite troops, which, when they eſcaped the year before out of Saxony, were entertained in the imperial army on the Upper Rhine. Theſe troops being informed, what was in agitation in regard to them, diſbanded themſelves, and marched off, in parties of about twenty, through Bohemia and Moravia into Poland. This ſo exaſperated the king of Sweden, that he renewed and ſtrenuouſly inſiſted upon his demand of the ſurrender of thoſe troops; adding, that he expected a more ample ſatisfaction, as well for the affront offered to baron Strahlenheim, as for the recruits which were raiſed for him in Sileſia, and had been taken from his officers at Breſlau. The very day that theſe demands,

[a] This is Mr. Robinſon's own account, who was preſent, and interpreted it; and therefore Mr. Boyer is miſtaken in aſſerting, that the duke made his compliment in French. Lamberti, Vol. IV, p. 434, ſays, that it was in Engliſh, and to this purpoſe:

SIR,

"I preſent to your majeſty a letter, not from the chancery, but from the heart of the queen, my miſtreſs, and written with her own hand. Had not her ſex prevented her from taking ſo long a journey, ſhe would have croſſed the ſea, to ſee a prince admired by the whole univerſe. I eſteem myſelf happy in having the honour of aſſuring your majeſty of my regard; and I ſhould think it a great happineſs, if my affairs would allow me to learn under ſo great a general as your majeſty what I want to know in the art of war."

[b] It was, according to Lamberti, to this effect:

"The queen of Great-Britain's letter and your perſon are both very acceptable to me; and I ſhall always have the utmoſt regard for the interpoſition of her majeſty of Great-Britain, and the intereſts of the grand alliance. It is likewiſe much againſt my will, that I have been obliged to give the leaſt umbrage to any of the parties engaged in it: But your excellency cannot but be convinced, that I had juſt cauſe to come into this country with my troops. On the other hand, you may aſſure the queen, my ſiſter, that my deſign is to depart from hence as ſoon as I have obtained the ſatisfaction I have demanded, but no ſooner. However I ſhall do nothing, that can tend to the prejudice of the common cauſe in general, or to the proteſtant religion in particular, of which I ſhall always glory to be a zealous protector."

Monſieur de Liniers, in his Life of Lewis XIV, tells us, that the king of Sweden added, "That he was not accountable to any one for his actions; and that he would diſcover his deſigns, when he ſhould think proper." This indeed agrees pretty well with the king's general character, but his whole deportment to the duke ſeems to be a contradiction to it.

[c] Monſieur Voltaire ſays, "That the duke, who was never haſty in making propoſals, and had learned by a long experience the art of penetrating into the minds of men, as well as of diving into the ſecret connection between their inmoſt thoughts and their actions, geſtures, and diſcourſe, fixed his eyes attentively upon the king. When he ſpoke to him of the war in general, he imagined, that he ſaw in his majeſty a natural averſion towards France, and that he took a ſecret pleaſure in ſpeaking of the conqueſts of the allies. He mentioned the czar to him, and took notice, that his eyes kindled whenever he was named, notwithſtanding the moderation of the conference. He moreover remarked, that the king had a map of Muſcovy lying before him on the table. This was ſufficient to determine him in his judgment, that the king of Sweden's real deſign and ſole ambition were to dethrone the czar, as he had no other views by remaining in Saxony, than, by that means, to impoſe ſome hard terms on the emperor of Germany. He knew his imperial majeſty would comply, and that thus matters would be eaſily brought to a concluſion. The duke left Charles XII. to his natural inclination; and, being ſatisfied with having diſcovered his intentions, he made him no propoſal." Monſieur de la Motraye, in his remarks upon this paſſage of Monſieur Voltaire, ſays, "I never heard theſe circumſtances mentioned; nor do I know it was ever ſurmiſed, that the duke, by a bare view of the map of Muſcovy lying before the king of Sweden, penetrated into the real deſign of that monarch, which you yourſelf afterwards own the Swedes themſelves were ignorant of, even when they were actually on their march." In anſwer to which Monſieur Voltaire refers to Monſieur Fabricius as his author, and an eye-witneſs. Monſieur de la Motraye adds: "I had the honour to be frequently in the preſence of Charles XII. during his ſojourning at Bender; but I never knew him ſhew any averſion towards France. On the contrary, he always employed Frenchmen in his army preferably to all other foreigners, and could not conceal his concern for them, when he heard of their loſſes. I never knew a Swediſh officer, but what wiſhed well to France; and I never heard any complaints, but only that France had forſaken them in their misfortunes, and had never paid one penny of the ſubſidies ſtipulated between them after the battle of Pultowa." To this Monſieur Voltaire anſwers; "Cabinet meſſengers are admitted to the preſence of their ſovereigns, and are the bearers of their ſecret councils, and yet are never the better informed of them."

which were made to count Zinzendorf, were communicated by him to the imperial court, baron Strahlenheim received orders from the king his maſter, to repair to him, without taking leave of that court. He was prevailed upon to ſtay four days, that he might carry with him the emperor's anſwer to his maſter's demands; but that anſwer not being then ready, he left Vienna, and ſet out for Saxony. Two days after, the anſwer was however ſent, and imported, in ſubſtance, "That the emperor could not deliver up the Muſcovites, they not being in his power: That count Zabor ſhould be proſecuted as a criminal in the courſe of law; and, as for what had happened in Sileſia, with reſpect to the levies for his Swediſh majeſty, ſufficient ſatisfaction ſhould be made, after due examination into the mattter of fact." To give further ſatisfaction to his Swediſh majeſty, the imperial court ſoon after declared, that ſome troops had been detached in purſuit of the Muſcovites, in order to their being delivered up to the king of Sweden, but had not been able to overtake them; and, farther, ſolemnly averred, that the Muſcovites made their eſcape from the Rhine, without their connivance or participation. This declaration was, however, contradicted by Baron Strahlenheim, who in his way from Vienna to Saxony, meeting ſome of thoſe troops, and pretending to be count Wackerbaert, a general in the ſervice of king Auguſtus, they frankly owned, that their eſcape was concerted with the imperial court. This, being entirely believed by the king of Sweden, irritated him the more, and made him inſiſt peremptorily upon full ſatisfaction, with regard to all the three points, before he left Saxony. The emperor dreading the conſequences of a rupture with the Swedes, who might eaſily have over-run his hereditary countries; and having nominated count Wratiſlau to go to the king of Sweden, to adjuſt all differences, that nobleman wrote to count Piper, to know whether he ſhould meet with a favourable reception. But count Piper let him know, "That, if he came with power to give his maſter real ſatisfaction, he would be welcome; but that, if he came to enter into a diſcuſſion of his Swediſh majeſty's pretenſions, he might ſave himſelf the trouble of that journey." Upon this, the imperial court ſent orders to count Zinzendorf to urge count Piper to declare, what ſatisfaction his maſter inſiſted upon, ſince he refuſed to allow his miniſter to diſcuſs it, and to aſſure him, that the emperor was ready to refer the controverted points to the arbitration of the queen of Great-Britain [d]. Her majeſty wrote likewiſe to the king of Sweden, to exhort him to forbear all hoſtilities; but his anſwer was, "That ſeeing the emperor did not give him the ſatisfaction he expected, he ſhould be obliged at laſt to take it, ſince his delaying to do himſelf juſtice had encouraged people to offer him new affronts:" Which laſt expreſſion related to the eſcape of the Muſcovites. The Imperial court not only complied with the king of Sweden's demands, as to the delivering up both count Zobor, and the imperial officers, who hindered the raiſing of the Swediſh levies in Sileſia, as preliminaries to the admiſſion of count Wratiſlau as envoy from the emperor; but declared likewiſe, that the city of Breſlau ſhould pay four thouſand crowns to the widow of a Swediſh corporal, who was killed in that city, in a ſcuffle, occaſioned by the ſeizure of thoſe levies. But this forced compliance did not ſatisfy the king of Sweden, who, upon count Wratiſlau's arrival at Alt-Ranſtadt, refuſed to admit him to his audience. This miniſter was therefore obliged to content himſelf with conferring with count Piper and Monſieur Hermelin, concerning the eſcape of the Muſcovites, which the imperial court now thought was the only important point, that remained unadjuſted. But they were deceived.

It ſeems the proteſtants in Sileſia had their churches, and the free exerciſe of their religion, ſtipulated to them by the treaty of Munſter, and the crown of Sweden was the guarantee for the obſervation of this article. Now, theſe churches being taken from them, the king of Sweden, upon their application, very readily embraced the opportunity which had been long neglected or forgotten by his father, to reſtore them to their juſt rights and privileges. To this end, having ſent four regiments of Swediſh horſe into that country, he multiplied his demands into the following articles: "I. That the emperor ſhould give it under his hand, that he knew nothing of the march of the one thouſand two hundred Muſcovites, who eſcaped through the hereditary countries. II. That he ſhould forthwith decide the affair of the election of Lubeck in favour of the duke adminiſtrator of Holſtein, and confirm the agreement between that houſe and the chapter for the two next generations. III. That the country of Hadeln, on the river Elve, be ſequeſtered into the hands of his Swediſh majeſty, till the right of all the pretenders to it be decided. IV. That the proteſtant religion in Sileſia be reſtored according to the treaty of Weſtphalia. V. That his imperial majeſty ſhould renounce all pretences to the quota which the king of Sweden had not furniſhed towards the preſent war, and ſhould draw no conſequences from the crown of Sweden's not having done homage for the dominions they have in the empire, ſince the year 1664. VI. That the whole Swediſh army, in their return through Sileſia into Poland, ſhould be maintained at the emperor's charge." There were about the ſame time certain other articles handed about privately in Holland, which, it was inſinuated, the king of Sweden deſigned to propoſe to the diet, the chief of which were: "1. That the elector of Bavaria ſhould be reſtored, or, at leaſt, his electorate given to the king of Sweden, and he be declared elector in his room, as being his neareſt relation. 2. That, for the future, the election of emperor ſhould be alternately out of the three religions, ſince the electoral college was compoſed of them. 3. That the proteſtant churches ſhould be re-eſtabliſhed in Sileſia, Moravia, Bohemia, Hungaria, &c. on the ſame foot they were on at the time of his great predeceſſor, Guſtavus Adolphus. 4. That the king of Sweden ſhould have the ſovereignty of the city of Bremen." Theſe articles were probably forged in France; but, with regard to the other ſix articles, they occaſioned ſeveral conferences between count Wratiſlau and count Piper; and the former, being convinced of the neceſſity of preventing a rupture, which would have proved fatal to the common cauſe, paſſed over ſeveral formalities, and granted ſome points, which, at any other time, would have been rejected by the court of Vienna. The confirmation of the treaty between the chapter of Lubeck and the ducal houſe of Gothorp in the year, 1647, and the reſtoration of the exerciſe of the proteſtant religion in Sileſia, were the two articles of hardeſt digeſtion with the imperial court, and therefore met with the greateſt difficulty. The Swedes inſiſted, that they ſhould be allowed to keep ſome troops in Sileſia, till the churches of the proteſtants ſhould be rebuilt, which the imperial court would not agree to; and, on the other hand, they refuſed to approve and ratify the treaty about the biſhoprick of Lubeck, till that affair was fully examined. But the guaranty of the queen of Great-Britain and the ſtates-general removed all obſtacles, and on the 1ſt of September, N. S. all matters were agreed upon.

The next day the king of Sweden decamped very early from his quarters at Alt-Ranſtadt, and count Wratiſlau, having waited upon him, the treaty was ſigned at Wolkwitz that very day; and the imperial miniſter ſet out on the 3d, for Vienna to have the agreement ratified.

King Auguſtus being indiſpoſed, the king of Sweden went to Dreſden, and made him a viſit, with whom he had a long conference. His Swediſh majeſty, being returned to his army, continued his march for Sileſia, where the imperial ratifications of the convention, ſigned by count Wratiſlau, were delivered to him. That prince was ſo well pleaſed with the diſpatch uſed at the imperial court in this affair, that he reſolved to quit Sileſia immediately, and march into Poland, ſo that all his forces were on the other ſide of the Oder before the 25th of September. However, his Swediſh majeſty left the baron de Strahlenheim in Sileſia to ſee the execution of the treaty; and, before his departure from Leibnitz, he had the ſatisfaction to ſee ſeveral churches reſtored to the proteſtants, which was no ſmall mortification to the jeſuits and popiſh prieſts, who made great oppoſition to the performance of what had been ſtipulated; but the imperial court would not provoke a prince who they thought was ſeeking a

[d] This is confirmed by the following paſſage, in a letter of the earl of Manchester to the earl of Sunderland from Vienna, May 14, 1707, printed in Mr. Cole's Memoirs of Affairs of State, p. 447.

"The miniſters (ſays lord Mancheſter) have ſpoke to me of the proceedings of the king of Sweden towards this court. This envoy has again renewed with ſtrong expreſſions his demands of having the Muſcovites delivered to him by the emperor, and ſatisfaction for what has paſſed between the count Zobor and his miniſter, which he carries ſo high, as to make it a capital crime, as alſo reparation in the matter of Breſlau; and, in caſe he has not immediate ſatisfaction, he has orders to go away. Theſe things make them very uneaſy here, they lying ſo expoſed. All this he has done within theſe few days; and ſince the duke of Marlborough has been in Saxony, which they hoped had made all things eaſy. I believe, they have not yet determined what meaſures to take; but I believe they have wrote this whole matter to England, and I cannot tell whether it will not ſtop the detachment for Naples, though by this time it ſhould be marched. I do believe, that they wrote this whole matter to England, to be laid before the queen; and I hear they have alſo ſent an expreſs to Holland. I wiſh it may not be the occaſion of recalling ſome troops out of Italy for their own preſervation." Here the earl of Mancheſter ſeems doubtful, whether the duke of Marlborough had been ſo effectually ſucceſsful, as had been hoped; but the earl of Sunderland, in a letter to his lordſhip from Whitehall, May 6, 1707, ſays, "lord Marlborough has, I hope, left matters with the king of Sweden in as good a way as one could expect, which will be a great eaſe on that ſide."

colour to break with them. It is obſervable, that the biſhop of Breſlau, fearing the reſentment of the pope, took a pretence to abſent himſelf from that city, to avoid ſigning the orders given for reſtoring the proteſtants to their former rights. But the king of Sweden, being diſpleaſed with that prelate on this account, ſignified, that he expected, that he ſhould ſign and approve thoſe orders; which formality he thought neceſſary, becauſe the biſhop of Breſlau is the chief perſon in the regency of Sileſia next to the emperor; and therefore his refuſing to ſubſcribe the orders, might afterwards have been drawn into ill conſequence againſt the proteſtants. As for count Zobor, whom the king of Sweden had ſent priſoner to Stetin, he was upon his humble ſubmiſſion ſet at liberty with great marks of generoſity. Upon theſe proceedings the king of Sweden was highly magnified, and great endeavours were again uſed to engage him in the alliance; but he was ſo ſet againſt the czar, whom he deſigned to dethrone, that nothing could divert him from it.

To return to the duke of Marlborough. He arrived at Bruſſels the 13th of May, N. S. and having immediately held a council of war with Monſieur Auverquerque and the field deputies of the ſtates, orders were ſent to the confederate troops to march to their rendezvouz at Anderlach near Bruſſels; from whence they moved to Billengen and Lembeck. Upon intelligence, that the elector of Bavaria and the duke of Vendoſme, who commanded the French army, were come out of their lines, the allies marched to Soignies, with a deſign to engage them in the plain of Flerus: But being further informed, that the enemy were much ſuperior in number, and had drained all their garriſons, with a deſign to plunder the rich open cities of Brabant, in caſe the allies ſhould undertake any ſiege; the confederate generals marched back from Soignies towards Bruſſels, and poſted themſelves at Meldert. At the ſame time, the French advanced to Gemblours; and ſo both armies continued above two months in their reſpective camps. At length, upon certain advice, that the French had detached thirteen battalions and twelve ſquadrons from their army towards Provence, the duke of Marlborough, in concert with Monſieur Auverquerque and the deputies of the ſtates, reſolved to march from Meldert towards Genap, in order to attack the enemy with leſs diſadvantage, in their fortified camp at Gemblours. Accordingly, the diſpoſition was made for the army to paſs the Zeule at the abbey of Florival; which being done, they marched towards Genap, where they incamped with their right at Promelles, and their left at Davieres. Here they had intelligence, that the enemy no ſooner received advice, that the army of the allies was in motion, than they were extremely alarmed, and immediately ordered their troops to their arms. They likewiſe cut down ſeveral trees in the roads and paſſages, which led to their camp, and, having got certain information which way the allies were moving, they began their march with all imaginable precipitation towards Flerus and Heſpenay, intending to be that evening at Goſſeliers, and take poſſeſſion of the ſtrong camp at Pieton. The confederate generals received advice, that the French army had made but a ſhort halt at Goſſeliers, and were advanced to Seneff, the elector of Bavaria having taken his head quarters in the caſtle of Vanderbeck, and the duke of Vendoſme in the farm-houſe of Rel, between Vanderbeck and Seneff, with the river Pieton before them.

The duke of Marlborough and Monſieur Auverquerque having conferred together, it was reſolved to march directly to Nivelle, and attack the enemy; but, coming too late to attack them that day, and having reaſon to believe, that they would attempt to retire in the night, in order to gain the camp at Cambron, all poſſible diligence was uſed to prevent their effecting it. To this end, count Tilly, with forty ſquadrons of horſe and dragoons, which were commanded, under him, by the earl of Albermarle, and the major-generals count d' Erbach and Roſs, and a detachment of between five and ſix thouſand grenadiers, commanded by lieutenant-general Scholten and major-general Zoutland, was ordered to poſt himſelf between the two armies; and, in caſe the enemy decamped, to fall upon their rear, and keep them in play, till the whole army ſhould come up. Theſe troops, notſtanding they marched with all poſſible diſpatch, could not reach their poſts before midnight. The French, in the mean time, foreſeeing what was the duke of Marlborough's deſign, and perceiving, that it would not be poſſible for them to avoid an engagement, if they continued in their camp till the morning, reſolved to decamp in the night, and count Tilly, advancing before break of day with his detachment, ſaw their army in full march, making their retreat in very good order from hedge to hedge, and obſerved the country to be ſo difficult, that it would be next to impoſſible to come at them. He gave immediate notice of this to the duke of Marlborough, and informed him, that he was marching to endeavour to attack their rear, according to his orders. Upon this the duke detached twenty battalions, and thirty ſquadrons, under the command of general count Lottum, to ſupport count Tilly; the horſe being commanded by lieutenant-general Dopf, the ſieur Schulenburgh, and the earl of Athlone, major-generals; and the foot by lieutenant-general Fagel, and major-general Welderen. Count Tilly marched with all poſſible ſpeed, and had ſeveral ſkirmiſhes with the enemy's rear; but, having purſued them three or four hours, as far as the plains of Marimont, and obſerving, that it was to no purpoſe to fatigue the troops, he returned to the camp. The country was cut by many deep roads, which very much favoured the enemy's retreat; for there they poſted ſome of their infantry, which hindered the confederate horſe from making openings to follow them. The duke of Marlborough, who was advanced with a detachment, being returned to the camp, reſolved to remain there that day, to give the troops ſome repoſe, after the fatiguing march they had made; and, becauſe he was under an uncertainty, whether the enemy marched towards their lines, or to Cambron, Monſieur Auverquerque ſent one of his aids de camp, with one hundred and fifty huſſars, to poſt himſelf on the hills of the Great-Roulx, from whence they diſcovered the enemy's march at about half a league's diſtance. That officer reported, that the vanguard was advanced to St. Dennis, having the river Haiſne behind them; which was confirmed by the ſpies, who added, that the elector of Bavaria had his quarters at St. Dennis, and the duke of Vendoſme at Caſtiaux.

From this march the generals concluded, that the enemy did not deſign to retire within their lines, but rather to poſſeſs the advantageous camp at Cambron: Upon which the confederate army decamped from Nivelle; but, having the whole day a very violent rain, which made the roads almoſt unpaſſable, it was very late, when the right came to Soignies, and the left could not come up till the next morning, though a thouſand pioneers had been three days at work to repair the road from Arquennes to Soignies. The confederate army ſuffered very much in this march, but the enemy laboured under much greater difficulties; for, having lain on their arms at St. Dennis all night, they purſued their march early the next morning with great precipitation, and in the ſame confuſion as before, to Chievres, where they arrived at the ſame time the confederates came to Soignies. This haſty retreat, beſides the fatigue, occaſioned a very great deſertion among the French; for, their ſoldiers having been without bread for more than two days, and without reſt for three, not having time to put up their tents between Seneff and Chievres, about a thouſand of them went over to the confederate camp, and as many more at leaſt to Bruſſels and other places. The enemy was, beſides, in want of all ſorts of neceſſaries, during their whole march from Gemblours, their baggage being ſent away from thence, with their artillery to Charleroy, upon the firſt motion of their army to avoid an engagement.

The great rains, which continued for ſome days, having rendered the ways wholly unpaſſable, obliged the duke of Marlborough to give over the purſuit of the enemy, and detained the confederate army in the camp at Soignies. The enemy, in the mean time, fortified the avenues to theirs, as well as the unſeaſonableneſs of the weather would allow them; and though their army was ſoon after re-inforced with ſix battalions and two regiments of horſe from the flying camp of count de la Motte; yet they retired farther beyond the Marque, and incamped with their right at Pont a Treſin, and there left under the cannon of Liſle. Monſieur Rouſſet, in his account of this march, obſerves, that the confederate army left their camp at Soignies, on the 31ſt of Auguſt, and marched directly towards the enemy, who were at Cambron: That the prince of Orange, as general of the republic, put himſelf at the head of the Dutch infantry; but that the French had no ſooner advice of this march, than they quitted the camp at Cambron with great precipitation, notwithſtanding the advantageous ſituation, paſſed at length the Scheld, and retired behind their lines between Liſle and Pont a Treſin: That, if the allies had begun their march an hour or two ſooner, they might have fallen upon the rear-guard of the French army, whom they ſaw following the body of it: And that the van of the allies got into their camp, where they found beer, wine, and ſeveral other things, which the French had not time to carry away with them. The allies advancing again towards them, the duke of Marlborough had intelligence, that the French had made a diſpo-

ſition to forage at Templeuve and the villages thereabouts: He therefore marched out by break of day with twenty thouſand foot, five thouſand horſe, and twelve pieces of cannon, with a deſign to attack the guard, that covered them, and, by that means, endeavour to bring them to a general action; but the enemy being informed of the duke's intention, did not think fit to venture out of their camp. The duke therefore ordered his troops to forage thoſe places, that the enemy might have no farther benefit from them; which was done without the leaſt oppoſition, though under the cannon of Tournay, within a league of the enemy's camp, and three from that of the confederates; ſo fearful were the French of expoſing themſelves to any hazard, though with never ſo viſible an advantage. The duke of Marlborough finding it impoſſible to bring the duke of Vendoſme to an engagement, the French camp being covered with the Scheld and their intrenchments, he left the camp at Helchim on the 4th of October, N. S. and went to the Hague, where he arrived, on the 6th, at nine in the morning, and made a viſit to the grand penſionary and Monſieur de Slingerland, ſecretary of the council of ſtate. The ſame day he had a conference with the deputies of the ſtates-general, wherein he communicated the orders he had received from the queen of Great Britain, to repair to Francfort, and confer with the electors of Mentz and Hanover about the operations of the next campaign. The next morning he had another conference with theſe deputies, and, in the evening, ſet out for the army, to give the neceſſary orders for the marching into winter quarters. Immediately after his arrival there, the troops which were deſigned for the garriſons of Menin, Courtray, and Oudenarde, went into thoſe places; and, when the reſt of the army came to Aſche, they continued till they heard the French army was ſeparated, upon which all the confederate troops went into winter quarters, being much the ſame as they had been the laſt year.

The duke of Marlborough ſet out for Germany, and was met by the elector palatine at Bruck, about a league from his caſtle of Banſberg; and, the next day, he arrived at Francfort, where the electors of Hanover and Mentz being already come, they had ſeveral conferences together, but nothing was concluded, till the arrival of Count Wratiſlau, the emperor's plenipotentiary; nor even then neither, becauſe the count declared, that he was not fully inſtructed. Upon this the conferences broke off; and the two electors left Francfort, and the duke of Marlborough returned to the Hague, attended by Count Wratiſlau, and arrived there on the 3d of November. During his ſtay, he communicated to the ſtates-general what had paſſed at Francfort; and their deputies having had ſeveral conferences with the imperial miniſters, the ſtates reſolved to uſe all poſſible means to engage the empire, to make greater efforts for the future than they had hitherto done. In order to this, they wrote a preſſing letter to the diet of Ratiſbon, wherein, after having repreſented the great deficiencies and delays of the Germanic body from time to time in the performance of what they were by treaty bound to, and the ill conſequences, which had hitherto attended them, they concluded with ſaying, "That their high mightineſſes would continue to contribute their utmoſt towards bringing about the great work, which they had, jointly with them, undertaken; but that they expected the like from his imperial majeſty and the empire, ſeeing they were obliged to it by their alliances and the common intereſt; and, in caſe of non-performance, their high mightineſſes proteſted againſt all the ill conſequences thereof."

The duke of Marlborough, having ſettled ſeveral other affairs with the ſtates, embarked for England, and came to St. James's on the 7th of Nov. O.S.

The queen of Great-Britain, the ſtates-general, and the duke of Savoy had formed (as hath been ſaid) a project of invading Provence in France, in order to take or deſtroy Toulon and Marſeilles; which deſign, if it could have been effected, would have ruined the maritime power of France, and been of infinite advantage to Great-Britain and Holland, by ſecuring and enlarging their trade, and to the whole confederacy, by depriving the enemy of means to carry on their profitable commerce to the Weſt-Indies, which alone enabled them to proſecute the war. But the court of Vienna laid the deſign of reducing the kingdom of Naples, which, as it tended to divide the confederate army in Italy, claſhed with the other enterprize, and therefore was ſtrongly oppoſed by Great Britain and Holland, the earl of Mancheſter, who paſſed through Vienna in his way to Venice, having remonſtrated againſt it [e]. Theſe repreſentations having proved ineffectual, and the court of Vienna inſiſting, that the forces of the allies were ſufficient to carry on both theſe enterprizes at once; count Thaun, with a ſtrong body of imperialiſts, marched from Lombardy through the eccleſi-

[e] In order to form a clear notion of this affair, it will be proper to tranſcribe ſuch paſſages from the letters written by the earl of Mancheſter and to him, as relate to this ſubject.

The earl of Sunderland to the earl of Mancheſter.

Whitehall, March 7, 1706-7. O.S.

Having received by the laſt poſt an account of an agreement between prince Eugene and the prince of Vaudemont, for the withdrawing all the French troops out of Italy, and apprehending leſt the court of Vienna, upon this, may be more intent than ever, upon the deſign of ſending troops into the kingdom of Naples, and Monſieur Vryberge having, in a memorial to her majeſty, repreſented the ſame thing; her majeſty has commanded me to acquaint your lordſhip, that it is her pleaſure, that you haſten your journey to Vienna as much as poſſible; and that you do repreſent to that court, in her majeſty's name, how deſtructive any ſuch deſign would be to the carrying on the war in Dauphine and Provence, which is ſettled and concerted with the duke of Savoy, and which is the only way, by which France can be affected, or a diverſion made in favour of king Charles.

The earl of Mancheſter to the duke of Marlborough.

Hague, March 25, 1707.

I have waited on the penſionary, and I told him, that I had orders to make what haſte I could to Vienna; and that her majeſty did entirely concur with the ſtates-general, in relation to the project concerted with the duke of Savoy. He ſeemed to think, that the agreement that is made in Italy, for the French troops to retire to Safa, may be of ill conſequence: and this he ſuppoſes is the reaſon, why her majeſty nor the ſtates-general were not made acquainted with it from the imperial court, leſs they ſhould have diſſuaded them from it.

Marquis de Prie to count Leightenſtein.

April 8, 1707.

We are at laſt come to the favourable moment to be able to undertake the conqueſt of Naples, with all the appearances of a ſpeedy and happy ſucceſs. The kingdom is entirely unprovided with troops; the people ſhew openly enough a good diſpoſition for the very auguſt houſe, and they are at liberty to follow it. The retreat of the enemies out of Lombardy will give ſtill more courage to the well-intentioned. We have even all the reaſon to believe, that France has already reſolved to renounce that kingdom, which ſhe would, beſides, have difficulty enough to ſupport. The cabinet of France will reflect without doubt, that the ſending a ſmall body of men would be ſacrificing them with the country; and ſhe cannot ſend thither a great one without unarming the frontiers on the ſide of Piedmont, which is entirely open, after the demolition ſhe has made of Nice and Montmeillan, rather to ſatisfy her animoſity againſt his royal highneſs of Savoy, than to follow her intentions. Our army will be ſtronger and in a better condition to act, than that of the laſt campaign, which has ſurmounted ſo many obſtacles. All the troops of the allies remain in Italy. The imperial army will be reinforced conſiderably by the recruits and the remounting. That of his royal highneſs will be re-eſtabliſhed to the number of ſeventeen thouſand men. We are here almoſt ready to undertake the expedition of Naples, and the entry into France, both at the ſame time. The enemies will not be able in this uncertainty to ſend troops into the kingdom of Naples, which they would hereafter not be able to withdraw, or reinforce, as ſoon as the fleet ſhall appear in the Mediterranean. On our ſide we can carry on that war with all ſort of convenience and advantage. Our troops, and eſpecially our horſe, will go by land, whilſt France will be obliged to immenſe difficulties and expences to embark their cavalry. She may remember the conſequences of the engagements at Meſſina: The too great diſtance cauſed her ſo great a diverſion, that the court of France was at laſt perſuaded to abandon, ſcandalouſly enough, that enterprize, at a time when ſhe made war every where elſe with advantage enough. But, if ſhe would even make all ſorts of efforts, we ſhall be always able to make detachments from this army great enough to maintain a ſuperiority. So that ſhe will either ruin herſelf in ſupporting a diſtant war, full of expence and difficulty, or we ſhall have fair play; and we can finiſh the expedition in one march, and even make uſe elſewhere of the troops, that will not be neceſſary to guard the country; whence we can eaſily embark the foot, and tranſport them in a little to Final, or perhaps into Provence. We could even, in caſe of neceſſity, ſend them into Spain. I have made good uſe of theſe reaſons to perſuade the miniſters of England and Holland of the facility of this enterprize. I have ſhewn, that it does not hinder us at all in any of the operations, and the view we have of entering into France, which they have much at heart; and, far from that, the conqueſt of theſe two kingdoms will facilitate the means to puſh that war more vigorouſly, and to finiſh it perhaps more quickly, whilſt it may chance to determine the Spaniards to return to their duty, to preſerve the eſtates in Italy to their monarchy. I have alſo endeavoured to confirm his royal highneſs in the firſt reſolutions which were taken, and of which we formed the projects at the end of the laſt campaign, which were then ſent to England; whilſt we were very much attacked by the remonſtrances and difficulties, which the two powers made, and by the zeal he has to puſh his point vigorouſly on the ſide of France, according to the deſire and inſtances of England and Holland, and the hopes we have to cauſe ſome commotions. His royal highneſs has declared, that he would ſubmit to what the emperor ſhould order about it, and that he will be ready to execute it.

The earl of Mancheſter to Mr. Secretary Harley.

Vienna, April 25, 1707.

I arrived here on the 21ſt, and had been here ſooner, had I not met with contrary winds on the Danube, though I find it would have been much the ſame thing, for this week every one is in devotion. I have, nevertheleſs, ſeen Monſieur de Zinzendorf and Monſieur Wratiſlau, and did not fail to take the firſt opportunity to ſhew that the ill conſequence to the intended deſign of proſecuting the war into France, ſhould they firſt undertake that of Naples; and I did acquaint them with the orders I had received from her

aſtical ſtate, and ſtruck no ſmall terror into the court of Rome, as they paſſed near it. It was apprehended, that ſome reſiſtance would have been made in Naples by thoſe, who governed there under king Philip; but the inbred hatred, which the Neapolitans bore to the French, together with the ſeverities of their government, had put that whole kingdom into ſuch a diſpoſition to revolt, that the ſmall party, which adhered to king Philip, found it not adviſeable to offer any reſiſtance, and had only time enough to convey their treaſure, and all their richeſt goods to Gaeta, and to retire

her majeſty. As for count Zinzendorf, he was not ſo poſitive as the latter; but they both agreed in this, that it would not in the leaſt prejudice that undertaking; for ſince the French were entirely out of Italy, there were troops ſufficient for both. That prince Eugene was to ſtay, though his preſence would have been of very great conſequence: That they had given their reaſons to Monſieur Dopf, which they hoped would ſatisfy her majeſty; as alſo the ſtates-general. I had a great deal of diſcourſe on that ſubject with the latter, who, I fear, has no great opinion of the project concerted with the duke of Savoy. When I preſſed that matter, he did ſay, that, by the grand alliance, that of Naples was firſt to be undertaken; and that the emperor was not able to ſuſtain this war without ſome aſſiſtance of that nature: That every thing was ready here, and they had reaſon to believe, they ſhould ſucceed with a ſmall number of troops. I do not doubt but her majeſty is already informed of the reaſons they alledge; and I cannot but think, though they do not poſitively own it, that the orders are already gone to Italy.

The earl of Mancheſter to the earl of Sunderland.

Vienna, April 27, 1707.

Yeſterday I had my audience of the emperor, when, after I had made him the uſual compliments on the part of her majeſty, and told him how great a ſatisfaction it was to her, as alſo to her allies, that his majeſty had granted the inveſtiture of the duchy of Milan to the king of Spain, and that her majeſty had commanded me to receive his orders before I went to Italy; then I acquainted him, that the expedition into France was of the laſt conſequence, not only in relation to the common cauſe, but alſo to the ſecuring the crown of Spain to the king: That her majeſty did hope, that he had given all the neceſſary directions, in order to ſupport it as far as it is poſſible: That it was a matter that ſo nearly concerned her majeſty, in regard it related to the king of Spain, that ſhe did hope there would be no objections made to it. I alſo took notice of the orders I had received in relation to the duke of Savoy. The emperor anſwered me, in relation to her majeſty, with all the acknowledgments imaginable; but did not touch on any thing of the inveſtiture of the duchy of Milan. As to the duke of Savoy, he ſaid, that he had done, and would do what remained, not only in regard to him, whom he ſpoke extremely well of, but alſo in regard to the queen. I have again preſſed all the miniſters to lay aſide for the preſent the ſending a detachment to Naples, &c.——Yeſterday arrived an expreſs from count Galas. The letters are of the 9th inſtant, O. S. I perceive they do not pleaſe here, for they are much ſet on the expedition to Naples. I aſked Monſieur Zinzendorf, whether the reaſons they had given Monſieur Dopf had changed their minds in England, in the affair of Naples; but he ſeemed to own it had not.

Memorial of the Dutch envoy.

The ſtates-general of the United-Provinces have ordered the underwritten miniſter at the imperial court, under the date of the 11th of April, 1707, to repreſent here, that they muſt judge, by the ſmall preparations that are made by the ſaid court in Italy, for the concerted expedition againſt France from that ſide, that the imperial court takes the ſaid expedition very little to heart; but that it ſeems rather, that they think here only on that of Naples; which their high mightineſſes can, however, not approve of, nor can they find the reaſons alledged on the part of the ſaid court ſufficient to juſtify it, becauſe, the great aim of the war and the alliance being to bring France to reaſon, the invaſion of France is the moſt certain and the moſt likely method to do it; and the more the forces, that are to be employed in this, ſhall be conſiderable, ſo much greater will be the effect hoped from it, whilſt the expedition for Naples deviates from it, and cannot but leſſen the ſucceſs of it, by leſſening the forces, without cauſing the enemy any diverſion; and whilſt we ſhall by this put ourſelves in danger of loſing Spain, which would be a loſs by no means to be made up by all the advantages, that can be obtained by the expedition of Naples. It is therefore, that their high mightineſſes hope, that his imperial majeſty would ſtill be pleaſed to deſiſt from the ſaid enterprize to Naples; and they have ordered their underwritten miniſter to make the moſt preſſing inſtances, that all the forces, that are in Italy, may be employed in the expedition againſt France; and that all the neceſſary preparations for this may be forthwith made, with more ſeriouſneſs and application, than could hitherto be perceived.

Vienna, April 25, 1707. J. J. HAMEL BRUYNINX.

The earl of Mancheſter to Mr. ſecretary Harley.

Vienna, April 30, 1707.

Here are no letters yet from England; ſo that I continue, as often as I ſee the miniſters, to perſuade them to lay aſide the expedition of Naples, which I believe they will do, unleſs it be approved of by her majeſty. What makes them more zealous in that matter is the apprehenſion, that in Holland they might be brought, at a general peace, to conſent to the diſmembering it from the Spaniſh monarchy; and, if once they are in poſſeſſion of it, England will never conſent to it. They flatter themſelves, that upon their appearing, the people will declare. As to the intended expedition into France, it is certain, that this court has ſent the recruits they promiſed, as alſo the mounting for their horſe. They alſo aſſure me, that they are doing what is neceſſary in relation to their magazines; but I am confident, that in this they will fall ſhort; and I can eaſily perceive, that their meaning is, only till their troops can enter into France; and then they muſt ſubſiſt themſelves, or we muſt do it: which I find is the true reaſon, which makes them ſay, that of Provence is moſt practicable, becauſe, as I ſuppoſe, they think they can be ſubſiſted by our fleet. They aſſure me, that what is agreed on will be performed.

The earl of Mancheſter to the earl of Sunderland.

Vienna, May 4, 1707.

They are ſtill zealous for the expedition of Naples. Theſe troops, as they promiſe, ſhall not exceed ſeven thouſand men; and that, in caſe they do not ſucceed, they will not ſend a man more; but thoſe are to canton, and to keep their ground, till a more favourable opportunity. General Thaun is to command them, and under him general Kriegbaum, who ſet out yeſterday with orders to prince Eugene to have the troops ready; and it may be to march, for there is no time to be loſt. But I am ſtill of opinion, they will wait till they ſee what the king of Sweden will do, and what aſſurances the duke of Marlborough has. Here are letters come from thence, which mention, that his grace was in conference with count Piper for ſeveral hours; that my lord duke arrived there on the 26th, and was to go away on the 29th, but they could not tell any particulars. No expreſs is come here from the emperor's miniſters, which makes them fear here, that things are not right. The letters all agree, that they very much doubt it, which, I believe, will be the only inducement to prevent ſending a detachment to Naples. For the preſent, I take all occaſions to diſſuade them from it; but their anſwer is always what I have already mentioned; as alſo that there will be more troops left, after this detachment ſhall be made, than can be employed. The emperor will have thirty-five thouſand men in Italy, and in our pay, as they ſay, twenty-thouſand. There ſhould be twenty-eight thouſand. But the Heſſians, Sax-Gotha, and Palatines will not be complete. The duke of Savoy has thirteen thouſand. So that the army will conſiſt of about ſixty-eight thouſand men. Now the concluſion is, that, if ſeven thouſand out of this army go, there will ſtill remain troops ſufficient for garriſons, and a very great army for the expedition, and more than can be ſubſiſted. Theſe are the arguments they make uſe of, both to the envoy of Holland and to myſelf. We ſtill perſiſt to perſuade them to lay aſide this expedition for the preſent. What they will do, time muſt ſhew; for nothing is certain here, as your lordſhip cannot but know very well.

The earl of Mancheſter to the earl of Sunderland.

Vienna, May 7, 1707.

Here are no letters from England by the Dutch poſt; but the orders, the envoy of Holland has received, continue the ſame in relation to the expedition of Naples, which, they continue to ſay, cannot fail to ſucceed, all things being prepared there for a general revolution, and that, if they ſhould not go, they would expoſe all their friends. Here are ſome perſons of quality of Naples, to whom they give penſions. Theſe are to go with the troops, but I do not find as yet, that they have any orders. The arguments here are ſtill, that the duke of Savoy does not propoſe for this expedition more than thirty-five thouſand men: That there will be left a great body of men, after what is intended is executed: That they are very much ſurprized at our being ſo much againſt this expedition; but they give me to underſtand, that they know from whence all this comes: That there may be a particular view in a certain prince, that the duke of Anjou ſhould have Naples at a general peace. They are very well ſatisfied by what I have ſaid, that this can never be the intention of England, or that they can ever agree to it: I muſt confeſs, that, by all the informations I can get, I cannot ſee, but there will be ſeventy thouſand men in Italy; and if the detachment to Naples ſhould amount to ten thouſand men, and the garriſons in Lombardy to ten thouſand more, there will ſtill remain a very great army: What there is to be apprehended is, that there are not thoſe magazines prepared, as, in caſe this court is to do it, are neceſſary.

The earl of Mancheſter to the earl of Sunderland.

Vienna, May 11, 1707.

I believe you will have received, before this comes to your lordſhip, the certainty of the detachment's going to Naples. It conſiſts of five regiments of foot, and five of horſe, which, though not complete, will amount to ten thouſand men, as you will ſee by the incloſed. They are at preſent in the Modeneſe; and, about the 16th inſtant, they begin their march to Naples. I have done all I could to perſuade them to defer it. Their arguments are ſtill the ſame; only they ſay farther, that prince Eugene has wrote to England to ſatisfy the queen, that it will not prejudice the great deſign againſt France. They have all often repeated, and do ſtill promiſe, that there ſhall not be a man more ſent, let the ſucceſs be what it will, till they ſee the event of the other expedition, which, as I can perceive, they have no great opinion of, though they agree, that it ought to be attempted.

The earl of Sunderland to the Earl of Mancheſter.

Whitehall, May 6, 1707.

I have the honour of your lordſhip's letters of the 27th and 30th of April, N. S. and am very glad to find you have ſome hopes, that that court will lay aſide their thoughts of the expedition to Naples. It was always very unſeaſonable, but particularly ſo now, ſince our great misfortune in Spain. Upon theſe accounts her majeſty would have your lordſhip inſiſt, in the ſtrongeſt manner poſſible, againſt this expedition to Naples, as that, which will very much obſtruct, if not totally defeat the main deſign of entering France by Dauphine or Provence, which ſeems to be the only means of bringing France to reaſon, and retrieving our misfortune in Spain.

Mr. ſecretary Harley to the earl of Mancheſter.

May 6-17, 1707.

I received this morning the honour of your excellency's letter of April 30. I am heartily glad your excellency has had ſo much ſucceſs, as to ſhake that court from their ſpeculative expedition againſt Naples. But I am very ſorry, that the misfortune of our army in Spain is an irreſiſtible argument to lay aſide wholly that project. The account we have of this diſaſter are only got from France; yet they bring too many marks of truth not to be credited ſo far, as that we have received a very great loſs there. The queen has done all that is poſſible on the ſudden event, and in this great uncertainty. Orders are gone this night to encourage the king of Portugal to keep firm to the alliance; and likewiſe to Holland, to conſult with them the beſt way to recover the blow. But all will be to no purpoſe, unleſs the emperor will exert himſelf upon this occaſion, not only to lay aſide the expedition to Naples, to puſh vigorouſly into France, but alſo to act offenſively upon the Rhine. Theſe are points which the queen hath ſo much at heart, that her majeſty hath wrote to the emperor with her own hand, which I incloſe herewith to your excellency, that you may pleaſe to deliver it with all poſſible ſpeed; and that you may be better apprized of it, I incloſe

thither. They reckoned, that they ſhould either be relieved from France, by ſea, or obtain a capitulation; or, if that failed, they had ſome ſhips and gallies, in which they might hope to eſcape. The Imperials took poſſeſſion of Naples, where they were received with great rejoycing. But their ill conduct quickly moderated that joy, and very much diſpoſed the Neapolitans to a ſecond revolt; but upon applications made to the courts of Vienna and Barcelona, the exceſſes of the Imperialiſts, who carried the ravenous diſpoſition with them wherever they went, were ſomewhat corrected, ſo that they became more tolerable [f]. As ſoon as a government could be ſettled at Naples, they undertook the ſiege of Gaeta, which went on at firſt very ſlowly; ſo that thoſe within it ſeemed to apprehend nothing ſo much as the want of proviſions, upon which they ſent the few ſhips they had to Sicily, to bring them ſupplies. When theſe were ſent away, the Imperialiſts, knowing what a rich booty was lodged in the place, preſſed it very hard, and in concluſion took it by ſtorm, and ſo were maſters of all the wealth that was in it. The garriſon retired to the caſtle, but they were ſoon after forced to ſurrender, and were all made priſoners of war. It was propoſed to follow this ſucceſs, with an attempt upon Sicily; but it was not eaſy to ſupply Naples with bread; nor was the Engliſh fleet at liberty to aſſiſt them; for they were ordered to lie on the coaſt of Spain, and to wait there for orders; which, when they arrived, required them to carry the marquis das Minas, and the earl of Galway, with the forces of Portugal, to Liſbon: The thoughts of attempting Sicily were therefore laid aſide for this time; though the Sicilians were known to be in a very good diſpoſition to entertain it. A ſmall force was ſent from Naples to ſeize on thoſe places, which lay on the coaſt of Tuſcany, and belonged to the crown of Spain; ſome of which were ſoon taken; but Porto Longone and Port Hercole made a better reſiſtance.

In the month of June, the deſign upon Toulon began to appear. The queen and the ſtates-general ſent a ſtrong fleet thither commanded by ſir Cloudeſly Shovel. Prince Eugene had the command of the Imperial army, which was to ſecond the duke of Savoy in this undertaking, upon the ſucceſs of which the final concluſion of the war depended. The army was not ſo ſtrong, as it was intended it ſhould have been, on account of the detachment, which was ſent to Naples, and the ſtopping in Germany of eight or ten thouſand recruits, that had been promiſed to be ſent to reinforce prince Eugene; for the emperor was under ſuch apprehenſions of a rupture with Sweden, that he pretended it was abſolutely neceſſary, for his own ſafety to keep a good force at home. Prince Eugene had likewiſe orders not to expoſe his troops too much; by which means they were the leſs ſerviceable [g]. Notwithſtanding theſe diſappointments, the duke of Savoy, after he had for ſome weeks covered his deſign by a feint upon

cloſe alſo a copy for your peruſal. Your excellency will enforce it with ſuch arguments, as you will find, according to your great ſagacity, may beſt incline his Imperial majeſty to comply with ſo reaſonable a deſire; and you will be pleaſed to preſs the emperor to ſend his brother the king of Spain ſome troops. Without that, it will be hard for her majeſty to prevail with the ſtates-general to join with her in ſending more troops.

The queen to the emperor.

Sir, my brother,

The advantage, which the enemy has now obtained in Spain, might have ſuch diſmal conſequences, that I could not forbear to tell you, that it is of the utmoſt importance, that all your troops, that are in Italy, ſhould be employed to make an invaſion in France; and that, at the ſame time, the army in the empire ſhould act with vigour on the Rhine. Spain is ſo far from the countries, in which my troops, and thoſe of the ſtates-general, are, that there is no remedy ſo quick nor ſo powerful, as that of making this invaſion. Your majeſty is too well informed, to amuſe yourſelf with a little expedition for ſome member or dependency of that kingdom, when the noble and principal parts of the monarchy in queſtion, the honour and welfare of my brother the catholic king, and in his perſon the dignity of the auguſt houſe of Auſtria, are concerned. I promiſe myſelf therefore from your prudence, that you will think only on the re-eſtabliſhment of the affairs of that prince, by obliging his enemies to recall their troops for the defence of their own dominions.

Kenſington, May 6, 1707. I am
Your majeſty's moſt affectionate ſiſter,
ANNE R.

The duke of Marlborough to the earl of Mancheſter.

Bruſſels, May 17, 1707.

I did not receive the honour of your excellency's letter of the 27th of laſt month, till my return from Saxony to the Hague, where I made ſo ſhort a ſtay, that I hope you will excuſe my not anſwering it ſooner. I have ſeen by other letters from Vienna of later date, how obſtinately they purſue the expedition againſt Naples, notwithſtanding all the repreſentations, that have been made to diſſuade them from it. A jealous humour prevails ſo much at that court, that they will not ſeriouſly weigh and conſider their own intereſt, ſo that the beſt arguments are thrown away. I expect ſoon to hear, whether our misfortune in Spain has made ſuch impreſſion, as it ought, with them.

The earl of Mancheſter received on the 18th of May 1707, a note from Mr. Hamel Brutyninx, envoy from the ſtates-general at Vienna, to let his excellency know, that he had received from the prince of Salms an extract of a letter, wherein it was ſaid, among other things, that the detachment for Naples was great enough to maintain a ſuperiority, which the envoy ſaid would by no means pleaſe his maſters at the Hague. "It was then pretty plan, ſays Mr. Cole, that the Germans had no great deſire for Spain, but wanted only Italy; and that they had not the expedition of Toulon at heart, fearing the aggrandizing the duke of Savoy, whilſt they ſpread reports, as if that prince was not to be truſted, and prepared to lay the blame on him, if, according to their with, the expedition ſhould not ſucceed."

The earl of Mancheſter to the lord-treaſurer Godolphin.

Vienna, May 18, 1707.

I was unwilling to leave this place without acquainting your lordſhip with the ſituation of affairs here, where there are ſo many miniſters, each oppoſing the other, that every thing, how reaſonable ſoever the matter is, meets with delays, and ſometimes fatal ones. This has made the emperor fling himſelf more than ever entirely into the hands of the prince of Salms, who is ſo troubled with the gout, that the emperor comes to him. The whole buſineſs of the reſt is to bring their own deſigns about through his means. I do not find one of them, but what was extremely bent on the expedition to Naples, and ſpeaking very doubtfully of that of France, and of the difficulties it would meet with; not but they all agree, it ought to be attempted; and the emperor aſſured me he had given the neceſſary orders to prince Eugene. I find, that the ſubſiſting of this army is ſtill one of the arguments againſt that expedition, which makes me fear, that they do not intend, or cannot contribute much towards it.

The earl of Sunderland to the earl of Mancheſter.

Whitehall, May 9, 1707, O. S.

I have the honour of your lordſhip's from Vienna of the 4th of May, N. S. and I am very ſorry to find that court continues ſo obſtinate in their wrong meaſures; but I will ſtill hope, that the news of the fatal blow we have had in Spain, will bring them to their ſenſes, ſo as not to divert their arms from the only part, where we may hope to retrieve that misfortune; at leaſt they muſt never hope to have the queen's conſent to it: and this your lordſhip will let them know in the ſtrongeſt manner if you are yet there.

The Dutch envoy to the earl of Mancheſter.

Vienna, May 28, 1707.

I hope, this will find your excellency happily arrived at Turin. The count of Rechteren arrived here the 25th inſtant; and though we have, according to our orders newly received from their high mightineſſes, again oppoſed the expedition of Naples, and even proteſted againſt the bad conſequences, which it may have, eſpecially after the melancholy news of a defeat in Spain; we have not been able to obtain, that this expedition be countermanded; theſe miniſters make uſe of the ſame reaſons, which they alledged, when your excellency was here; which makes me wiſh the more to hear from your excellency, how you have found things in Italy; and if the conjectures of this court are true in their utmoſt extent; and, above all, whether there be ſo many troops, as they perſuade themſelves here; whether they apply themſelves with vigour to the expedition againſt France; whether they be ready; and agreed in regard to their magazines; when the paſſage of the mountains will be practicable; and whether the expedition to Naples will cauſe no prejudice to the other. They had even given out, on the part of this court, in England and Holland, that your excellency was entirely come into the ſame ſentiments with them in this affair, which their high mightineſſes can ſcarce believe, whilſt they have ſeen the contrary in my advices; and I do again this day juſtice to your excellency upon that in writing to my maſters.

The earl of Mancheſter to the earl of Sunderland.

Turin, June 8, 1707.

The envoy of Spain preſſes for five thouſand men to be ſent to Spain; but ſince the detachment for Naples does proceed according to the poſitive order from the court of Vienna to prince Eugene, I cannot ſee, that any can be ſpared from this ſide; neither do I think, that they will be inclined to ſend their troops, unleſs it be from Naples, if they ſucceed, as they imagine they ſhall. I received here your lordſhip's of May 6, O. S. as alſo one of the ſame date from Mr. ſecretary Harley. I am ſatisfied, that, had I been at Vienna, nothing could have prevailed with them to alter their deſign of Naples. The duke of Savoy is not in the leaſt pleaſed with the Imperial court, of which I ſhall ſoon acquaint you more fully.

[f] The earl of Mancheſter, in a letter to the earl of Sunderland, dated at Venice, Auguſt 19, 1707, writes thus: "I fear the Germans begin to make the moſt of the kingdom of Naples. They laid a duty on fruit and herbs, which ſo incenſed the people at Naples, that there has been a tumult, which might have had worſe conſequences, but was prevented by revoking it." And Mr. Cardonnel, in a letter to Mr. Cole from the camp at Helchin, dated October 2, 1707, and printed in the Memoirs of the latter, has theſe words: It looks as if the Germans were reſolved to ruin the kingdom of Naples, as they have done the electorate of Bavaria; but in all likelihood they may repent it, when it is too late. It is a miſerable council governs that court of Vienna. In the mean time we are ſufferers; for, inſtead of aſſiſting the king of Spain, as the revenues of Milan and Naples ought certainly to do, they do not ſtick to ſay, it is none of their concern; and that we muſt carry on the war in Spain for our own intereſt. God preſerve us hereafter from ſuch allies."

[g] Mr. Cole informs us in his Memoirs, page 457, that the earl of Mancheſter told him, That he had been with the duke of Savoy, when prince Eugene made many difficulties about the expedition againſt Toulon, and the duke of Savoy anſwered them all. When prince Eugene was gone, his royal highneſs aſked my lord Mancheſter, what he thought now of prince Eugene. His excellency anſwered, that he was ſorry to hear him make ſo many difficulties. Then the duke ſaid, 'I will tell you, my lord, what I think of him and all the Germans. I believe they have no great mind to take Toulon, and their whole mind is ſet on Italy.' But his excellency attributed this to the warmth of that prince, and believed prince Eugene would do his beſt.

Dauphiné, by which he drew moſt of the French troops to that ſide; as ſoon as he heard, that the confederate fleet was come upon the coaſt, he made a quick march through ways, that were thought impracticable, to the river Var, where the French had caſt up ſuch works, that it was reckoned theſe muſt have ſtopped his paſſing the river; and they would have done it effectually, if ſome ſhips had not been ſent in from the fleet into the mouth of the river, to attack theſe works where there was no defence, becauſe no attack from that ſide was apprehended. By this means the works were abandoned, and ſo the paſſage over the river was free.

Upon this the duke of Savoy entered Provence, and made all the haſte he could towards Toulon. The artillery and ammunition were on board the fleet, and were to be landed near the place, ſo the march of the army was as little encumbered as was poſſible; yet it was impoſſible to advance with much haſte in an enemy's country, where the proviſions were either deſtroyed or carried into fortified places, which, though they might have eaſily been taken, yet no time was to be loſt in executing the great deſign; ſo this retarded the march for ſome days: Yet, in concluſion, they came before the place, and were quickly maſters of ſome of the eminencies, that commanded it. At the firſt coming, they might have poſſeſſed themſelves of another called St. Anne's Hill, if prince Eugene had executed the duke of Savoy's orders: He did it not, which raiſed a high diſcontent; but he excuſed himſelf, by ſhewing the orders he had received, not to expoſe the emperor's troops[h]. Some days were loſt by the roughneſs of the ſea, which hindered the ſhips from landing the artillery and ammunition. In the mean while, the troops of France were ordered to march from all parts of Toulon: The garriſon within was very ſtrong; the forces that were on their march to Spain, to proſecute the victory of Almanza were countermanded; and ſo great a part of Villar's army was called away, that he could not make any further progreſs in Germany. So that a great force was, from all hands, marching to raiſe this ſiege; and it was declared in the court of France, that the duke of Burgundy would go and lead on the army. The duke of Savoy loſt no time, but continued cannonading the place, whilſt the fleet came up to bombard it: They attacked the two forts, that commanded the entrance into the mole with ſuch fury, that they made themſelves maſters of them; but one of them was afterwards blown up. Thoſe within the town were not idle: They ſunk ſome ſhips, in the entrance into the mole, and fired furouſly at the fleet, but did them little harm: They beat the duke of Savoy out of one of his moſt important poſts, which was long defended by a gallant prince of Saxe-Gotha; who, not being ſupported in time, was cut to pieces. This poſt was afterwards regained, and the fleet continued for ſome days to bombard the place, with ſo good ſucceſs, that a great number of houſes were deſtroyed, ſeveral magazines blown up, and eight men of war either burnt or rendered unſerviceable[i]. But, in the end, the duke of Savoy, whoſe ſtrength had never been above thirty thouſand men, ſeeing ſo great a force marching towards him, who might intercept his paſſage, and ſo deſtroy his whole army, and there being no hope of carrying the place, found it neceſſary to march home in time. Accordingly, having ordered all the artillery and the ſick and wounded to be embarked, he decamped in the night, retiring in very good order the ſame way he came, without being the leaſt inſulted by the enemy[k]. After his return into Piedmont, he concluded the campaign on that ſide, with the recovery of his important place of Suza, which the French had left unprovided, and which ſurrendered to him at diſcretion; by which means he ſhut up that inlet into his own dominions, and opened himſelf a free paſſage into Dauphine.

Thus ended the expedition into Provence, on which the

[h] On the 3d of Auguſt, Mr. J. Chetwind wrote the following letter from the camp there to the earl of Mancheſter, printed in Cole's Memoirs, p. 465: The ſituation of affairs here is ſomewhat changed ſince my laſt, but not ſo much as I could wiſh, or indeed as I did expect. This is the 9th day, that our army has been before Toulon; and all that we have done has been to oblige the enemies to quit us ſome ſmall poſts, where we deſign to make our batteries; but their camp before the town is in the ſame place where it was when we came, though moſt people will have it, that they might eaſily have been forced away. I do not know, my lord, what is the meaning of it, but things do not go as they ought to do. Of our great men, I only find his royal highneſs hearty. I fear, if we do not make better haſte, that we ſhall paſs our time but ill, ſince we are informed, that the enemies are gathering together from all parts to drive us from hence.

[i] Namely, Le Triumphant of eighty-two guns; Le Sceptre, ninety; Le Vainqueur, eighty-ſix; Le Neptune, ſeventy-ſix; L'Invincible, ſeventy; Le Serieux, ſixty; Le Laurier, ſixty; and Le Sage, fifty-four.

[k] The progreſs of the ſiege will appear from the following journal of Mr. Chetwynd, dated at the camp at la Valetta, Auguſt 20, 1707, and printed in Mr. Cole's Memoirs, p. 470:

The 14th. My laſt to you was this day, ſince when I hear, that ſome deſerters from Toulon bring word, that the enemies have given out powder and ball to every ſoldier; upon which orders are now given to reinforce the guard upon the left of our line with three battalions, the right having already a reſerve of four battalions ordered for ſome days before. The 15th the enemies, as the deſerters had reported, marched all night to gain the hill above our camp upon our right, and that with ſo much diligence and ſecrecy, that they ſeized on our advanced guards, and began their true attack on our right by break of day, after having made their ſignal for the attack by firing three guns, making at the ſame time a falſe attack on our left. Our troops on the right received the enemies very well at firſt; but being over-powered by their ſuperiority, and the ſituation of the ground being ſuch, that the reſerve could not immediately come up, they were obliged to give way, and retire into the other poſts on the right, which they did in very good order, till the prince of Saxe-Gotha, who was general of the day, was killed; and this, though they were expoſed to the fire of the place, and of three ſhips, which did not ceaſe firing through the whole action. The enemies endeavoured to puſh their good fortune farther; but, after a diſpute of about two hours, at a little caſine in the middle of our communication, they were obliged to ſtop in the poſt of St. Catherine, for fear the troops, which his royal highneſs and prince Eugene, who arrived a little after the action was begun, had ordered to march to the top of the hills, ſhould cut off the retreat to the camp; which they had great reaſon to apprehend, ſince they could not but perceive our whole army in motion, which our generals had ordered ſo, in view of a general action, upon the news we had received the day before, that the enemies had above ſixty battalions in their camp. But things went no further, and towards the evening the enemies abandoned all they had taken, after having ſet fire to our batteries, and ruined all the works we had made on the right. A detachment of horſe we had in the valley of Ardennes on the right of our camp, with a ſmall body of foot, was attacked by the enemies at the ſame time, but came off without any loſs, colonel Pheffercorn, who commanded them, having been killed the day before, as he went to reconnoitre the enemy. We do not know the loſs of the enemy in the attacks of our works on the right, but to judge by our own loſs, and the reſiſtance our troops made at firſt, methinks it cannot be leſs than two thouſand or fifteen hundred men. We had between five and ſix hundred men killed, wounded, or taken priſoners. Beſides the prince of Saxe-Gotha, we had a lieutenant-colonel of the Heſſians, a major of the Palatines, with ſeveral captains and under officers killed; general Efelt, a Palatine brigadier, with ſeveral under officers wounded; a Piedmonteſe, and a Saxe-Gotha colonel taken priſoners, with one or two captains; beſides which, we loſt two ſmall field-pieces, which our gunner had forgot to carry off from the poſt of St. Catherine. At night we began to bombard the town with ſix mortars, which immediately ſet fire in two places. This evening the fort St. Margarite, the outermoſt near to the ſea, ſurrendered at diſcretion. The garriſon was compoſed of a lieutenant-colonel, and three other officers, with one hundred and thirty ſoldiers. We found in the place ſome proviſions, and fourteen pieces of iron cannon, four of which were forty-eight pounders. By the reddition of this caſtle our ſhips can come near the ſhore, and the artillery, &c. which was landed at Hieres, may be reimbarked here with much more eaſe, which was ordered to be done to-morrow, the ſiege of Toulon not being practicable, becauſe of the reinforcements the enemies have received ſince we are here, and by reaſon of the works they have had time to make. The 16th our batteries on the left continued to play againſt the town and ſhips, as alſo againſt fort Louis, where the breach is near made. Our bombardiers flung ſeveral bombs laſt night, and all this day, into the town with very good ſucceſs; but no ſhip has yet been touched, as we know of. We continue to embark our artillery, &c. The admiral commanded ſhips to attack fort Louis, but the wind was ſo ſtrong, that our ſhips could do little ſervice. However they lay ſo near, that one of our ſhips had thirty men killed or wounded. This day the wind blew ſo hard, that the royal Anne loſt one of her maſts, was drove from her anchor, and ran foul upon a Dutch man of war, who was ſomewhat damaged. The 17th drummers and trumpeters were ſent to and from Toulon, to enquire after ſeveral officers and ſoldiers; and the enemies did deſire to exchange their priſoners made at St. Margarite, to which his royal highneſs and prince Eugene do conſent. The 18th the greateſt part of the artillery, which is not on batteries, and almoſt all the powder, balls, &c. are re-imbarked. Our bombs deſtroy the town of Toulon very much; but none have yet been flung into the baſin among the ſhips. The breach of fort Louis is practicable, and orders will be given to attack it to-night. All our ſick and wounded are ordered to Hieres, where they are to be embarked to be carried to Nice, Oneglia, and Final. The 19th, laſt night we took the fort St. Louis, the enemies having abandoned it as our grenadiers mounted the breach. By the fall of this place, I believe our bomb-veſſels may come to bombard the town and ſhips, which is the only hurt we can now pretend to do here.

Mr. Chetwynd likewiſe, in a letter to the earl of Mancheſter, dated Aug. 20, writes thus: All things have been ſo managed with us, that I had not ſpirit nor courage enough to write to you, knowing how much you had the good ſucceſs of our deſigns at heart. Our ſcene is not yet finiſhed, for we are to ſteal away as we can, and as ſoon as we can. Now every thing is in the greateſt confuſion, and I fear will continue ſo till we are got on the other ſide of the Var.

Sir Cloudeſly Shovel wrote the following letter to the earl of Mancheſter, dated on board the Aſſociation before Toulon, Auguſt 9-20, 1707.

My lord,

After all the hopes we had entertained of ſucceſs in our enterprize on Toulon, the enemy, on 5-16th inſtant, made a vigorous ſalley with a great number of troops, and attacked our works, and took great part of them, and kept them all that day, and deſtroyed what they had poſſeſſion of, and drew off four or five of our cannon into the town. The killed and wounded on our ſide is ſaid to be about one thouſand, and among the ſlain is the prince of Saxe-Gotha; and ſince that time it has not been thought proper to carry on the ſiege; the enemies, as our army ſay, growing every day more numerous, and our troops continually deſerting. And the 6-17 his royal highneſs the duke of Savoy ſent to me to embark the ſick and wounded, and to take off the cannon, mortars, ammunition, proviſions, &c. in order to raiſe the ſiege, which is now only cannonading, and bombardment, and we are getting every thing a-board, his royal highneſs having informed me, he deſigns to decamp with the army to-morrow morning. Before the enemies had made this ſalley, and deſtroyed our works, they were ſo frightened, that they ſunk twenty of their ſhips; ten of them or more we reckoned to be three-deck ſhips; and we believe ſome of them can never be recovered. The duke has deſired me to accompany him back with the fleet, which I deſign to do as far as the Var.

P.S. Auguſt 11-22, about ten in the morning. Our

eyes of all Europe were fixed, and which failed in the execution, chiefly by the emperor's means[1]. England and the ſtates general performed all that was expected of them; nor was the duke of Savoy wanting on his part, though many ſuſpected him as backward, or at leaſt cold in the undertaking. But though this great deſign failed in the main point, it proved of great ſervice to the allies, and was attended with many good conſequences, which, perhaps, ought to balance the expence: For, beſides the great damage, which the French ſuſtained in their ſhipping; the blowing up of ſeveral magazines; the burning of above one hundred and ſixty houſes in Toulon; and the devaſtations committed in Provence by both armies, to the value of thirty millions of French livres; this enterprize, which had ſtruck a greater terror throughout all France, than had been known there during the whole reign of Lewis XIV, brought this further advantage to the common cauſe, that it gave great diverſion to the enemy's forces, whereby their army in Germany was weakened; the duke of Orleans's progreſs after the battle of Almanza retarded in Spain; the ſuccouring of Naples prevented; and the conqueſts of the allies in Italy ſecured.

Admiral Shovel, who was not a little chagrin'd at the miſcarriage of an expedition, upon which he had ſet his heart; having aſſigned ſir Thomas Dilkes a ſquadron of thirteen ſail for the Mediterranean ſervice, ſailed from Gibraltar with the reſt of the fleet, containing fifteen men of war of the line, five of a leſs rank, and one yatch [m]. On the 22d of October, he had ninety fathom water in the ſoundings, and brought the fleet to, and lay by from twelve till about ſix in the afternoon, the weather being hazy; but then, the wind coming up freſh at ſouth ſouth-weſt, he made the ſignal for ſailing. The fleet ſteered eaſt by north, ſuppoſing they had the channel open, when ſome of the ſhips were upon the rocks to the weſtward of Scilly, before they

Our ſea-bombs laſt night fired very briſkly, and beyond any expectation about midnight ſet the town on fire, which burnt very furiouſly all night, and is not yet extinguiſhed; and, in the opinion of every body here, it is ſomewhat more than dwelling-houſes, that are on fire, we ſuppoſe ſtore-houſes. We cannot ſee the town or baſin by reaſon of a hill between us. Our army being decamped, they have brought guns and mortars againſt our bomb-veſſels, and have obliged them to come off, being pretty much ſhattered by the enemy's ſhot.

Mr. Chetwynd concludes his account of the ſiege in a letter to the earl of Manchester, dated from the camp at Sealin, September 16, 1707, with theſe words:

The difficulties we met with at Toulon were very great, but they were rendered much more ſo by the indolence and ill will of ſome of our generals. If we had puſhed upon our arrival, there was a very great probability of ſucceſs; but, as things went, it was almoſt impracticable to do any good three or four days after our arrival; and I do not know the reaſons why we did not then ſet to bombarding the town and ſhips, inſtead of amuſing ourſelves about what we were ſure could do us no good.

[1]. Dr. Swift, in his conduct of the allies and of the late miniſtry. p. 27, fifth edition, aſſerts, That one inſtance of the emperor's indifference or rather diſlike of the common cauſe, was the buſineſs of Toulon; his deſign, ſays he, was indeed diſcovered here at home by a perſon who every body knows to be the creature of a certain great man, at leaſt as much noted for his ſkill in gaming as in politics, upon the baſe mercenary end of getting money by wagers, which was then ſo common a practice, that I remember a gentleman in employment, who, having the curioſity to inquire how wagers went upon the Exchange, found ſome people deep in the ſecret, to have been concerned in that kind of traffic, as appeared by premiums named for towns, which nobody but thoſe behind the curtain could ſuſpect. However, although this project had gotten wind by ſo ſcandalous a proceeding, yet Toulon might probably have been taken, if the emperor had not thought fit to detach twelve or fifteen thouſand men to ſeize Naples, as an enterprize, that was more his private and immediate intereſt. But, it is manifeſt, that his Imperial majeſty had no mind to ſee Toulon in poſſeſſion of the allies; for even with theſe diſcouragements the attempt might have yet ſucceeded, if prince Eugene had not thought fit to oppoſe it, which cannot be imputed to his own judgment, but to ſome politic reaſons of his court. The duke of Savoy was for attacking the enemy as ſoon as our army arrived; but when the marſhal de Theſſe's troops were all come up, to pretend to beſiege the place, in the condition we were at that time, was a farce and a jeſt. Had Toulon then fallen into our hands, then the maritime power of France would in a great meaſure have been deſtroyed.

But Dr. Hare, in his piece, intitled, The Allies and the late Miniſtry defended againſt France and the preſent friends of France, Part III. p. 13, gives a particular anſwer to this paſſage of Dr. Swift, and obſerves, That every propoſition advanced by him is falſe in whole or in part. Firſt, he tells us the deſign was diſcovered here by a creature of a certain great man laying wagers about the taking of it. This is a very odd preamble to a proof, that Toulon was loſt by the emperor's fault, to tell us, that probably it was not; the deſign was diſcovered here. But theſe inconſiſtencies are nothing with this writer, if he can but bring in one or two certain great men whoſe reputation ſtands cruelly in his way, and will do ſo, let him employ never ſo many pens to blacken them. Now, in anſwer to this, I affirm, that this deſign was not diſcovered by the creature of this great man, but by the clerk of another great man, who was then ſecretary of ſtate. But to go on; our author argues, that the emperor had no mind Toulon ſhould be taken, becauſe he detached twelve thouſand men to ſeize Naples, as he ingeniouſly expreſſes it. That the emperor did, at that time, make an expedition to Naples, is true; but was it, becauſe he had no mind Toulon ſhould be taken? No it was becauſe thoſe, who would make a ſcandalous peace now, were attempting the ſame thing then; and he was afraid, the intereſt of his family in Italy would have been ſacrificed to other views. This was the true reaſon of that expedition, and this writer knows it was, which makes his virulence and malice the more unpardonable. As things were managed, it is plain, there was a want of troops. But, when the emperor was preſſed to put off that expedition, did not want an anſwer. He told them, that without thoſe twelve thouſand men, they had as many as they had before deſired; and indeed as many, as would be able to find ſubſiſtance, and that more would be but a burden to them: That, while they were employed in the reduction of Toulon, the other troops ſhould, by great marches, haſten to Naples, and then return to join them for any further ſervices. But, it is manifeſt, ſays our author, that the emperor had no mind we ſhould take Toulon, becauſe the attempt might have ſucceeded, if prince Eugene had not thought fit to oppoſe it. This is falſe again. The duke of Savoy had the chief command in that expedition, and not prince Eugene. What was the true reaſon they delayed ſo long the beginning of that march, I cannot pretend to ſay; but, when they had paſſed the Var, I deſire this author would tell us, who it was that propoſed the holding a council of war on board the fleet, and did hold one, to conſider, whether they ſhould proceed directly to Toulon, or beſiege Antibes? A man muſt be a very ill judge in affairs, that could not from that ſtep ſee, what was likely to come of the expedition. Again, to clear up this affair, I would fain know, who governed the motions of the army, till they came before the place; for it is incredible, how ſo ſmall an army could be ſo many days making ſo ſhort a march. And, if they had advanced with half the ſpeed that they retired, it is certain that they might have inveſted the place, before the works the enemy were making would have been finiſhed, and before any conſiderable number of the enemy's troops were arrived. But the ſlowneſs of our motions made our arrival too late in both theſe reſpects. And the enemies troops were in poſſeſſion of the high ground about the place, before we came in ſight of it. And therefore if the duke of Savoy did not ſeem willing to attack the enemy, that is not very hard to account for; nor might it be any fault in prince Eugene, that he did not think it reaſonable. But, beſides, there was particular reaſon at that time to think, the prince might have ſtrict orders from Vienna, to be very cautious how he expoſed that body of troops; and that was the neighbourhood of the king of Sweden, who was pleaſed to pick many quarrels with the emperor; and nobody could tell where his demands would ſtop, or what would ſatisfy him. This gave very great umbrage to the Imperial court; and had they loſt that body of troops before Toulon, they had reaſon to fear they ſhould ſoon feel the want of them. This was certainly a good reaſon for not venturing a battle to diſadvantage, where the leaſt misfortune would have been the ruin of them all. But, had that expedition either begun ten days ſooner, or the march from the Var had been made in leſs time, the deſign would have ſucceeded without the hazard of a battle. There is more might be ſaid upon this ſubject; but I am not in ſo much haſte to diſcover ſome truths as our author, is to tell the moſt pernicious lies. Upon this inſtance then I muſt obſerve, 1. That the expedition to Naples was not the effect of any diſregard to the allies, but of ſelf-preſervation. 2. That prince Eugene's declining a battle was not the cauſe of our ill ſucceſs againſt Toulon. 3. That it is no way chargeable on the late miniſtry, who formed the deſign with the greateſt ſecrecy, and made the moſt effectual preparations for it, and did all they could to put off the expedition to Naples, and remove every difficulty, that might hinder the ſucceſs of it. And, laſtly, that it was not diſcovered firſt by any creature of the late miniſtry, nor had France any ſuſpicion till the expedition was actually begun as any one may ſee, that will look back into the hiſtory of that affair.

Dr. Hare, in the poſtſcript to the fourth part of the Allies and the late Miniſtry defended, p. 78, 79, obſerve, That in the paſſage above cited, where he mentions, That the deſign on Toulon was diſcovered by the clerk of a great man, who was then ſecretary of ſtate, he did not mean Gregg, who was afterwards hanged, but another perſon then alive; nor did he mean a direct diſcovery made to France, but ſuch a one, as was occaſioned by laying wagers; a folly which the perſon hinted at has paid dearly for.

A late writer pretends to have diſcovered the ſecret ſprings of raiſing the ſiege of Toulon, and the peaceable retreat of the duke of Savoy's army. 'France (ſays he) perceiving the loſs of Toulon would be a mortal blow, ordered Buzenval (her miniſter to the king of Sweden then in Saxony) to try to engage that victorious prince to declare againſt the emperor. Count Monaſterols, the Bavarian miniſter, had the ſame orders. Theſe two miniſters gained count Piper, who had a great aſcendant over his maſter. The king of Sweden, who had given repeated aſſurances not to undertake any thing the allies, was very much embarraſſed. He fought a quarrel with the emperor, and to that end made exorbitant demands, accompanied with threatnings to invade Sileſia and Bohemia. The emperor laid the ſtorm by agreeing to all his demands. Whilſt the treaty was negotiating, the ſiege of Toulon was undertaken. The king of Sweden, who wiſhed to hinder the loſs of that place, cauſed it to be inſinuated with great ſecreſy to the duke of Savoy, not to perſiſt in the ſiege of Toulon, becauſe, if it was taken, he ſhould be obliged to invade the emperor's hereditary dominions. The duke of Savoy, who had a great penetration and foreſight, reflected that the king of Sweden was ſtedfaſt in his reſolutions, and that his ſucceſſes had given him that ſtedfaſtneſt; that, after all, the matter was only the taking of a town, which perhaps it would be difficult to keep, and would be demoliſhed. Theſe weighty conſiderations induced the duke, by an unparalleled generoſity, to prefer the intereſts of the common cauſe to the advantage of taking Toulon. Hence the ſecret reaſon of raiſing the ſiege.' This circumſtance is ſaid to be warranted by the duke himſelf, who was pleaſed to declare it to ſome perſons of diſtinction. French continuation of Rapin, vol. ii. 172.

[m] Namely, The Aſſociation, Admiral,
The Royal Anne, ſir George Byng, commander,
St. George, Lord Durfley,
Somerſet, captain John Price,
Torbay, ſir John Norris,
Eagle, captain Hancock,
Monmouth, captain Baker,
Swiftſure, captain Hubbart,
Orford, captain Cornwall,
Rye, captain Vernon,
Lenox, ſir William Jumper,
La Valeur, captain Johnſon,
Cruizer, captain Shales,
The Firebrand, captain Piercy,
The Vulcan, captain Hockman,
The Phœnix, captain Sanford,
The Grafton, captain Holden,
The Weaſel, captain Gulman,
The Iſabella yatch, captain Riddel.

were aware, about eight of the clock at night, and made a ſignal of diſtreſs. The aſſociation, in which ſir Cloudeſly was, ſtruck upon the rocks called the Biſhop and his Clerks, and was loſt, with all the men in it; as were alſo the Eagle and the Romney. The Firebrand was likewiſe daſhed on the rocks, and foundered; but the captain and four and twenty of his men ſaved themſelves in the boat. Captain Sanſom, who commanded the Phœnix, being driven on the rocks within the iſland, ſaved all his men, but was forced to run his ſhip a-ſhore. The Royal Anne was ſaved by a great preſence of mind, both in ſir George Byng, and his officers and men, who in a minute's time, ſet her topſails, one of the rocks not being a ſhip's length to the leeward of her, and the other, on which ſir Cloudeſly Shovel was loſt as near as in a breach of the ſea. Nor had the Lord Derſley, commander of the St. George, a leſs ſtrange eſcape; for his ſhip was daſhed on the ſame ridge of rocks with the Aſſociation, and the ſame wave, which he ſaw beat out all ſir Cloudeſly Shovel's lights, ſet his own ſhip a-float. Sir Cloudeſly Shovel's body being, the next day after this misfortune, taken up by ſome country fellows, was ſtripped and buried in the ſand; but, on enquiry being made by the boats of the Saliſbury and Antelope, it was diſcovered where he was hid; from whence being taken out, and brought on board the Saliſbury into Plymouth on the 28th of October, it was afterwards carried to London, and decently interred in Weſtminſter Abbey, where a monument was erected in honour of the admiral, who was one of the greateſt ſea-commanders of that, or any other age; of undaunted courage and reſolution, and, at the ſame time, eminent for his generoſity, frankneſs, and integrity. He was the artificer of his own fortune; and by his perſonal merit alone, from the loweſt beginnings, raiſed himſelf to almoſt the higheſt ſtation in the navy. He was born in the county of Suffolk of mean parentage, and having an early inclination to ſea, became a cabin-boy to ſir Chriſtopher Mingo, and, improving daily by quick progreſſes in the knowledge of naval affairs, was ſoon advanced to the rank of lieutenant; and gave early proofs of his valour on the 14th of January 1673-4, when being lieutenant to ſir John Narborough, admiral of the Engliſh fleet in the Mediterranean, he burnt in the harbour, and under the caſtle of Tripoli, four men of war belonging to the pirates of that place, which forced them to accept ſuch conditions of peace, as ſir John Narborough was pleaſed to preſcribe them. He diſtinguiſhed himſelf in the firſt ſea engagement, that happened after the revolution, in Bantray-bay, on May 1ſt, 1689, for which he received the honour of knighthood, being the commander of the Edgar. He was ſoon after advanced to a flag-officer; and, upon the breaking out of the war in 1702, he was ſent, with a ſquadron of about twenty men of war to join the grand fleet, and bring home the galleons, and other rich booty, taken by the duke of Ormond and ſir George Rooke at Vigo. The next year he was appointed to command in chief the confederate fleet deſigned for the Streights, conſiſting of thirty-five Engliſh and fourteen Dutch men of war; and, being come into Leghorn road, maintained the honour of the Engliſh union-flag, and forced the governor of that city to give him a royal ſalute, which he had at firſt refuſed. In that expedition, ſir Cloudeſly endeavoured to ſupply the Cevennois with money, arms and ammunition; but, for want of intelligence, the Cevennois not coming to the ſea-ſhore, the admiral expreſſed a great concern, that he could not relieve them, having been always zealous for liberty and the proteſtant religion. In June 1704, he joined the grand fleet, commanded by ſir George Rooke, in the Mediterranean, had his ſhare in the honour of taking Gibraltar, and by his bravery and admirable conduct in the ſea-fight, that happened ſoon after, obliged the enemy's van to bear away out of the reach of his cannon; and, though but the ſecond in command, yet he got the principal honour of the day, and contributed moſt to the preſervation of the confederate-fleet. For this ſignal piece of ſervice, he was, ſome months after, appointed rear-admiral of England, and admiral and commander in chief of her majeſty's fleet, in conjunction with the earl of Peterborough. In 1706, he commanded the whole confederate fleet, which had on board ten thouſand men, under the command of earl Rivers, deſigned for a deſcent upon France; but, being detained by contrary winds in Torbay, till the 1ſt of October, the admiral, according to his new orders, ſailed for Liſbon, and from thence to Alicant, where having ſet on ſhore the land forces, he returned to Liſbon, to prepare for a greater expedition in the year 1707; and accordingly, in the latter end of June that year, he caſt anchor in the road of Nice, where he nobly entertained the duke of Savoy, Prince Eugene, and the Engliſh and Dutch miniſters on board his ſhip, and with them concerted meaſures for the attack of Toulon; and had the ſatisfaction of ſeeing eight of the enemy's capital ſhips burnt and deſtroyed.

France ſet out no fleet this year, and yet the Britiſh nation never had greater loſſes on that element. The prince of Denmark's council was very unhappy in the whole conduct of the cruiſers and convoys. The merchants made heavy complaints, and, not without reaſon. Convoys were ſometimes denied them; and, when they were granted, they were often delayed beyond the time limited for the merchants to get their ſhips in readineſs; and the ſailing orders were ſometimes ſent them ſo unhappily (but, as many ſaid, ſo treacherouſly) that a French ſquadron was then lying in their way, to intercept them. This was liable to very ſevere reflections; for many of the convoys, as well as the merchants ſhips were taken.

However, about this time an account was brought of the ſucceſs of captain Underdown, commander of the Falkland, in his expedition againſt the French fiſheries in the north of America, in which the French ſuſtained the following damage: Two ſhips taken, one of thirty guns, and an hundred men; one ſhip taken and burnt, of twenty guns, and eighty men; two ſhips burnt by the enemy, one of thirty-two, and another of twenty-ſix guns; two hundred and twenty-eight fiſhing boats burnt; four hundred and ſeventy boats and ſloops, that were not employed in the fiſhery this ſeaſon; twenty-three ſtages, and twenty-three train fats burnt; ſeventy-ſeven thouſand two hundred and eighty quintals of fiſh; and one thouſand five hundred and ſixty-eight hogſheads of train oil deſtroyed. But all this was too inconſiderable, to alleviate the loſs of the men and ſhips that periſhed with ſir Cloudeſly Shovel.

This year there was carried on a negociation, in which the allies were greatly concerned, and in which the queen of Great-Britain, in particular, made not the leaſt figure. The ducheſs of Nemours, princeſs of Neufchatel and Valangin, dying at Paris on the 16th of June, N. S. no leſs than thirteen competitors laid claim to that ſovereignty.

Among theſe competitors, were the king of Pruſſia, and ſeveral of the French nation, of whom the prince of Conti was the chief[a]. Upon news of the ducheſs's death (in whom the houſe of Longueville ended) the prince of Conti, and ſome others of the French competitors, repaired to Neufchatel; and others ſent their miniſters and agents thither, to proſecute their reſpective claims.

A letter from the marquis de Torcy, ſecretary of ſtate in France, wherein he threatened the French king's reſentment towards the inhabitants of Neufchatel, if they admitted a ſtranger in competition with his ſubjects, having been induſtriouſly ſpread among the people, and other artifices uſed, to induce them to make choice of a Frenchman; count Metternich, the Pruſſian ambaſſador, acquainted the magiſtracy, that the king, his maſter, would be ſupported by the whole confederacy in the juſtice of his pretenſions. Accordingly, Mr. Abraham Stanyan, the queen of Great Britain's envoy extraordinary to the proteſtant cantons, in a memorial to the magiſtrates of Bern, recommended his Pruſſian majeſty's right, and repaired to Neufchatel. The day after his arrival, he delivered by his ſecretary two letters from the queen; in the firſt of which, directed to the governor and counſellers of

[a] The competitors were: 1. The king of Pruſſia, as heir to the houſe of Orange, and conſequently of that of Chalons. 2. The marquis of Mailly, in the name of his lady, who ſtiled herſelf princeſs of Orange, and pretended to be heireſs of the houſe of Chalons. 3. The prince of Baden Durlach, by virtue of an agreement made in the year 1490, between the families of Hochberg-Neufchatel and Hochberg-Baden. 4. The prince of Conti, as univerſal heir to the late duke of Longueville. 5. The chevalier de Soiſſons's relict, who ſtiled herſelf princeſs of Neufchatel, by virtue of a deed or gift, made by the late ducheſs of Nemours, of that principality to the ſaid chevalier, although ſhe could not be ignorant of the decree of the three eſtates, dated March the 8th, 1694, whereby they declared the ſaid deed and gift void and illegal, and acknowledged the ſaid ducheſs of Nemours, merely as the only ſiſter, and the next heir to the late duke of Longueville. 6. The prince of Carignan, as nephew, on the mother's ſide, to the late ducheſs of Nemours; but, this ſovereignty being devolved to her by the right of her father, the count of Matignon, and the ducheſs of Leſdiguieres, who ſet up the ſeventh and eighth candidates, objected, that being heirs by right of conſanguinity, viz. the firſt, nephew to the ducheſs of Nemours, in the third degree, and the ducheſs in the fourth, the ſaid count pretended, that the principality ought to be adjudged to him, as the next heir, though of a later deſcent; and, on the other hand, the ducheſs de Leſdiguieres contended, that the lineal ſucceſſion being to take place, the principality ought to be conferred on her by right of primogeniture, as being deſcended from the eldeſt. 9. The count of Montbelliard. 10. The baron of Montjoy, as a deſcendant of the houſe of Chalons. 11. The prince of Furſtemburgh, by title, which he could not produce. 12. The marquis d' Allegre, in the right of his lady, as deſcended from the houſe of Chalons. 13. The Swiſs canton of Ury claimed the city and county of Neufchatel, becauſe when that ſtate, which formerly belonged to the thirteen cantons of Switzerland, was yielded by twelve of them, the canton of Ury refuſed to ſubſcribe the deed of reſignation.

ſtate of the ſovereignty of Neufchatel and Valangin, ſhe ſaid, "That, having been informed of the death of the ducheſs of Nemours, her majeſty thought there was an indiſpenſable obligation incumbent upon her to write to them in favour of his Pruſſian majeſty, that, by virtue of his right to the city and country of Neufchatel, both by hereditary title, and by the ceſſion of the late king of Great-Britain, William the third, her brother, they would acknowledge and admit him for their lawful ſovereign. That ſhe hoped they would do it the more readily, not only becauſe that prince was united with them by the ſacred bond of the reformed religion, which both he and they equally profeſſed; but alſo becauſe he had hitherto ſhewn the ſame care and affection for their intereſts, which he ever expreſſed for the good and advantage of his good ſubjects. Wherefore her majeſty did not doubt, that, being mindful of their country's welfare, and endowed with ſo much prudence as they were, they would carefully avoid chuſing for their prince a perſon, who being a ſubject, and entirely devoted to the government of France, ought, for that reaſon, to be as ſuſpected to them as he would be to her majeſty, and to all her other allies: which perſuaded her at the ſame time, that, without any delay, they would grant his Pruſſian majeſty's juſt demand; and, as the ſame would give her majeſty a ſingular ſatisfaction, ſo, on her part, ſhe would ever be diſpoſed to ſhew them the effects of her friendſhip." The queen's letter to the miniſtraux and counſellors of Neufchatel was much to the ſame purpoſe; and the ſecretary preſented at the ſame time to the council of ſtate a memorial in behalf of the king of Pruſſia. Not long after Mr. Runckell, envoy from the ſtates-general, arrival at Neufchatel, with inſtructions to join with Mr. Stanyan in all proper meaſures to aſſiſt count Metternich; and a letter from the king of Sweden to the canton of Bern, in favour of the king of Pruſſia, added no ſmall weight to the interpoſition of Great-Britain and Holland.

The allies looked on this as a matter of great conſequence; ſince it might end in a rupture between the proteſtant cantons and France, for the popiſh cantons were now wholly theirs. After much pleading and a long debate, the ſtates of the principality gave judgment in favour of the king of Pruſſia, to whom the inveſtiture of Neufchatel was ſolemnly granted on the 3d of November, N. S. The French competitors proteſted againſt this, and left the place in high diſcontent: The French ambaſſador threatned that little ſtate with an invaſion, and all commerce with them was forbid. The canton of Bern eſpouſed their concern with a ſpirit and a zeal, which was not expected from them, and declaring, they were in a comburgherſhip with them, came to an unanimous reſolution, to defend the principality of Neufchatel with all their forces; purſuant to which reſolution, they ſent, a few days after, four thouſand five hundred of their men to the frontiers of Neufchatel. The French continued to threaten, and marſhal de Villars had orders to march a great part of his army towards them. But, when the court of France ſaw, that the cantons of Bern and Zurich were not terrified by thoſe marches, they let the whole matter fall, very little to their honour; and ſo the intercourſe between the French dominions and that ſtate was again opened, and the peace of the cantons was ſecured. The king of Pruſſia engaged his honour, that he would govern that ſtate with a particular zeal for advancing both religion and learning in it; and upon theſe aſſurances he perſuaded the biſhops of England, and the biſhop of Sarum in particular, to uſe their beſt endeavours to promote his pretenſions; upon which they wrote, in the moſt effectual manner they could, to Monſieur Oſtervald, who was the moſt eminent eccleſiaſtic of that ſtate, and one of the beſt and moſt judicious divines of the age. He was bringing that church to a near agreement with the forms of worſhip in the church of England. The king of Pruſſia was well diſpoſed in all matters of religion, and had made a great ſtep, in order to reconcile the Lutherans and the Calviniſts in his dominions, by requiring them not to preach to the people on thoſe points, in which they differed, and by obliging them to communicate together, notwithſtanding the diverſity of their opinions; which was indeed the only wiſe and honeſt way of making up their breach.

The proteſtant cantons of Swiſſerland obſerving the zeal, which the king of Sweden ſhewed in favour of their religion, in ſupporting the pretenſions of the king of Pruſſia, to the principality of Neufchatel, by his letter to the king of France, as well as to the cantons, ſent to him a French gentleman of quality, the marquis de Kochegude, to let him know, what regard they had to his recommendations, and to deſire him to interpoſe his good offices with the French king, for ſetting at liberty about three hundred perſons, who were condemned to the gallies, and treated moſt cruelly in them, upon no other pretence, but becauſe they would not change their religion, and had endeavoured to make their eſcape out of France. The king of Sweden received this meſſage with a particular civility, and immediately complied with it; ordering his miniſter at the court of France, to make it his deſire to that king, that theſe confeſſors might be delivered to him. But the miniſters of France ſaid, that was a point of the king's government at home, in which he could not ſuffer foreign princes to meddle. The king of Sweden ſeemed ſenſible of this neglect; and it was hoped, that, when his affairs would admit of it, he would expreſs a due reſentment of it.

Whilſt the houſe of Auſtria was ſtruggling this year with great difficulties, two pieces of pomp and magnificence conſumed a great part part of their treaſure. An embaſſy was ſent from Liſbon to demand the emperor's ſiſter for that king, which was done with an unuſal and extravagant expence. A wife was to be ſought for king Charles among the proteſtant courts, for there was not a ſuitable match in the popiſh. He had ſeen the princeſs of Anſpach, and was much pleaſed with her; ſo that great applications were made to perſuade her to change her religion; but ſhe could not be prevailed on to buy a crown at ſo dear a rate; and, ſoon after, ſhe was married to the electoral prince of Brunſwick, and her firmneſs to the proteſtant religion rewarded with the crown of Great-Britain. The princeſs of Wolfenbuttle was not ſo firm; ſhe was brought therefore to Vienna, and ſome time after married by proxy to king Charles, and ſent to Italy in her way to Spain. The ſolemnity, with which theſe matters were managed, amidſt all the diſtreſs of the Auſtrian affairs, conſumed a vaſt deal of treaſure; for ſuch was the pride of thoſe courts on ſuch occaſions, that, rather than fail in a point of ſplendor, they would let their moſt important affairs go to wreck. That princeſs was landed at Barcelona; and the queen of Portugal, the ſame year, came to Holland, to be carried to Liſbon by a ſquadron of the Engliſh fleet.

The city of Hamburgh was this year thrown into great confuſion by a conteſt, which aroſe between ſome private perſons, one of whom was a Lutheran miniſter, and gave occaſion to a diviſion there. One ſide was protected by the ſenate, which diſguſted the other, that it was like to end in a revolt againſt the magiſtrates, and a civil war within the city; and it being known that the king of Denmark had, for many years, an eye on that place, the neighbouring princes apprehended, that he might take advantage from thoſe commotions, or that the weaker ſide might chuſe rather to fall under his power, than under the revenge of the adverſe party. The kings of Sweden and Pruſſia, with the houſe of Brunſwick, reſolved to ſend troops thither, to quiet this diſtraction, and to chaſtiſe the more refractory; while the emperor's miniſters, together with the queen's, endeavoured to accommodate matters, without ſuffering them to run to extremities.

Before the opening the campaign this year in Flanders, a very extraordinary attempt was made by a partizan in the Imperial army for carrying off the dauphin, or ſome other prince of the blood of France, which very narrowly miſſed of ſucceſs. This man's name was Queintem; he had ſerved the prince of Conti, as a valet de chambre, when he went to Hungary; he afterwards became one of the elector of Bavaria's band of muſic, and then his huntſman. Some of the princes of Germany uſed to have a great number of thoſe huntſmen, whom in time they incorporated into their troops. This man going over to the Imperialiſts ſerved as a partizan, and was honoured with a brevet as a colonel for ſome good ſervices he had performed. This animated him to do ſtill greater things; and, the alterations produced by the battle of Ramillies making it no difficult matter to get from Flanders into France, he formed a project of carrying off ſome prince of the blood from the road between Verſailles and Paris; and, it was generally believed, that his view was particularly upon the dauphin. In order to effect this, he made choice of ſixteen officers and fourteen dragoons, all enterprizing men, and of great reſolution. He procured three paſſports, each for ten men; and having given them to perſons, whom he could truſt, he divided his troop into three ſmall corps, each of which entered France by a different route, joining in the neighbourhood of Paris. The two commanders of his ſmall ſquadrons were directed by him, that ten ſhould poſt themſelves in the wood of Chantilli, ten at St. Oüen, and the other ten at Seve, on the road from Paris to Verſailles, theſe laſt, to prevent diſcovery, were lodged in different public houſes. One of them, who was a lieutenant, went frequently to Paris, where he ſold two Engliſh horſes. He walked from time to time in the ſtreet of Seve, and on the bridge, that croſſes the Seine there. He one day met the duke of Orleans, but it happened to be too light for him to undertake any thing. Two days after the dauphin and the princeſſes paſſed him, going to hunt in the wood Boulogne; but they were too well attended for the partizan to hope any

thing from an attack. At laſt, on the 24th of March, he, who was centinel, perceiving Monſieur de Berrington, firſt equerry to the king, in a coach and ſix, with the king's liveries, with a few attendants, it being but half an hour paſt ſeven in the evening, took him for ſome prince of the blood, and immediately made a ſignal for the nine others, who paſſed the bridge. As for the centinel, thoſe, who guarded the bridge, ſeeing him croſs it three or four times in a hurry, at laſt threw down the barrier, ſtopped him, and gave notice to the grand provoſt. In the mean time his nine companions, among whom was the partizan Queintem, ſtopped the coach, and put out the flambeaux; and then the partizan taking Monſieur le Premier (ſo in France they ſtyle the king's firſt equerry) by the ſleeve, told him, that they arreſted him by the king's order. Monſieur le Premier anſwered, that he juſt came from his majeſty; that he would be glad to know who he (the partizan) was, and whether he had not ſome officer with him, to whom he might ſpeak. The partizan, without making him any anſwer, obliged him to get out of the coach, and mount a ſpare horſe, which one of the ſervants rid. Monſieur le Premier's valet de chambre would have followed him, had not one of the ſoldiers threatened to ſhoot him, upon which his maſter bid him go back; but he deſired, that he might have his cloak; upon which one of the men took it from his ſervant, and threw it upon his ſhoulders. He, who was ſtopped at Seve, was their guide; and his loſs proved a great misfortune to them, becauſe it retarded them very much in their journey. They turned by the walls of the wood of Boulogne, from whence they went to St. Oüen, where they had left a poſt-chaiſe, with the ten men abovementioned; but, as they did not know the roads perfectly, they loſt a good deal of time in getting to that place. Monſieur le Premier's valet de chambre ſoon carried the news of his maſter's misfortune to Verſailles, ſo that the king heard of it by nine o'clock, and ſent an order to Monſieur Chamillard to diſpatch couriers immediately to the intendants to ſtop all the paſſages. He ſent likewiſe an exempt with twenty life-guards to follow the partizan. Monſieur d'Epines and all the other equerries mounted and rode, ſome towards Normandy, ſome towards Flanders, and others towards Germany. They learned, that, Monſieur le Premier finding himſelf much out of order, the partizan made a halt for three hours to give him time to reſt, and had even cut and lowered the back of the chaiſe, which hindered its going, that his priſoner might be the leſs incommoded. The guards and equerries rode ſo faſt, and ſpread intelligence ſo quick, that the partizan, as he got out of the foreſt of Chantilli, heard the alarum bell ring in all the villages; upon which he began to doubt of the ſucceſs of his expedition: However, he went on boldly and undiſcovered as far as Ham, where he was diſcovered by a quarter-maſter, who rode up to him, and clapped a piſtol to his throat. The partizan, finding himſelf ſurrounded on all ſides, was obliged to ſurrender. Monſieur le Premier immediately cried out, 'That he had been extremely well uſed, and deſired, that the man might not be hurt.' He kept him that night to ſupper with him, carried him on his parole back to Verſailles, and lodged him there in his own apartments. Madam de Beringhen, who happened to be gone before her huſband in another coach, made the partizan a very conſiderable preſent for the civilities which he had ſhewn Monſieur le Premier. It is certain, that nothing but his condeſcenſion in ſtopping thoſe three hours hindered him from getting clear off, ſince, at the place where he was ſtopped, he was within three hours march of a place of ſafety; and on this account it was, that he and his companions were diſcharged.

This was the ſtate of our affairs abroad, both by ſea and land. During theſe tranſactions, a parliament was held at Dublin by the earl of Pembroke, who was appointed lord lieutenant of Ireland. At the opening of the ſeſſion, on the 7th of July, he made a ſpeech, wherein, among other things, he ſaid, "That the queen, conſidering the number of papiſts in Ireland, would be glad of any expedient for the ſtrengthening the intereſt of her proteſtant ſubjects. That, the public ſervice requiring that ſeveral regiments ſhould be ſent abroad, the queen intended to ſupply the like number of forces, for the ſecurity of that kingdom; and he did not doubt, but they would provide ſupplies for them, as well as for defraying the expence of the government."

Both houſes addreſſing the queen, the lords, it is ſaid, omitted congratulating her upon the late union of England and Scotland, which ſhe ſo much valued herſelf upon; whilſt the commons not only mentioned the glory ſhe had acquired by it, but hinted at a much more comprehenſive union. To this the queen anſwered, "They might be ſure, nothing ſhould be wanting to make the Union of all her ſubjects as extenſive as poſſible." Some thought this related to a comprehenſion in matters of religion; but others more reaſonably ſuppoſed, that by their comprehenſive union, the commons meant the uniting of Ireland as well as Scotland with England, and forming the three kingdoms into one.

Purſuant to the queen's deſire, expreſſed in his excellency's ſpeech, for ſtrengthening the proteſtant intereſt, a bill was brought in by the commons, for explaining an act to prevent the farther growth of popery, and it was reſolved, I. That any proteſtant guardian, that permits a papiſt to educate and diſpoſe of his ward, does thereby betray the truſt repoſed in him, evade the law, and propagate popery. II. That any papiſt, who ſhall take upon him to manage and diſpoſe of the ſubſtance and perſon of any infant committed to a proteſtant guardian, is guilty of a notorious breach of the law. III. That altering a proteſtant guardian duly appointed, without ſufficient reaſon, is a diſcouragement to the execution of the act againſt the further growth of popery. However, when the committee had gone through the bill, and agreed to every paragraph except one (by which the ſons of papiſts that ſhould turn proteſtants might be injured) the houſe diſagreed to that, and rejected the bill. But it was unanimouſly reſolved, that all popiſh prieſts were obliged to take the oath of abjuration by the laws in force, and that it was the indiſpenſible duty of all judges and magiſtrates to put thoſe laws in execution.

The houſe of commons having appointed a committee to inſpect the public accounts, upon their report being read, it was reſolved, I. That this kingdom had been put to exceſſive charge, by means of great arrears of rent, returned by the late truſtees, to be due out of the forfeited eſtates of this kingdom; and that moſt of the ſaid arrearages returned appear to be unjuſt charges on the ſubject, and falſe returns, by receipts under the hand of the truſtees, or their receivers, or entries in their own books. II. That an humble repreſentation be laid before her majeſty, of the great charge and preſſure the kingdom lies under, by the ſaid returns, and ſeveral other the oppreſſive proceedings of the late truſtees.

The houſe alſo reſolved, That it would greatly conduce to the relief of the poor, and the good of that kingdom, that the inhabitants ſhould uſe no other than their own manufactures in their apparel, and the furniture of their houſes; and all the members mutually agreed and engaged their honours to each other, that they would conform to the ſaid reſolution.

The commons having granted the neceſſary ſupplies, and the ſeveral bills they were upon being ready for the royal aſſent, the lord lieutenant gave it to.

An act for regiſtering lands, deeds, &c.

An act to explain an act to prevent papiſts being ſolicitors.

An act for explaining and limiting the privileges of parliament.

An act for the more effectual preventing the taking away, and marrying children againſt the wills of their parents.

And ſeveral other acts public and private.

This being done, the parliament was prorogued from the 29th of October to the 6th of May, and the earl of Pembroke returned to England.

During the campaign, things went in England in their ordinary channel. But the conduct with relation to Scotland, was more unaccountable. For whereas it might have been reaſonably expected, that the management of the newly-united part of this iſland ſhould have been particularly taken care of, ſo as to give no juſt diſtaſte to the Scots, nor offer an handle to thoſe, who were ſtill endeavouring to inflame that nation, and to increaſe their averſion to the union; things were, on the contrary, ſo ordered, as if the deſign had been to contrive methods to exaſperate the ſpirits of the people there. Though the management of the Scots revenue was to fall into the lord-treaſurer's hands on the firſt of May, no care was taken to have all the commiſſions ready at the day, with new officers to ſerve in them; ſo that the whole trade of Scotland was ſtopped for almoſt two months for want of orders, to put it into the new courſe, in which it was to be carried on. Three months paſſed before the equivalent was ſent to Scotland; and, when wines and other merchandize were imported into England from thence, ſeizures were every where made; and this was managed with a particular affectation of roughneſs. All theſe things heightened the prejudices, with which that nation had been poſſeſſed againſt the union. It was alſo known, that many meſſages paſſed between Scotland and France; and that there were many meetings and much conſultation among the diſcontented party there. A great body appeared openly for the pre-

tender, and celebrated his birth-day very publicly, both at Edinburgh, and in other places of the kingdom; and it was openly talked, that there was now an opportunity that was not to be loſt, of invading the kingdom, though with a ſmall force; and that a general concurrence from the body of that nation might be depended upon. Theſe things were done in ſo public a manner, that no check being given to them, nor enquiry made after them, by thoſe who were in the government, it gave occaſion to many melancholy ſpeculations. The management from England looked like a thing concerted to heighten that diſtemper; and the whole conduct of the fleet afforded great cauſe of jealouſy.

But to open this more clearly, it will be neceſſary to give an account of a new ſcene at court. It was obſerved, that Mr. Harley, who had been for ſome years ſecretary of ſtate, had gained great credit with the queen, and began to ſet up for himſelf, and to act no more under the direction of the lord-treaſurer. There was one of the bed-chamber women, Mrs. Abigail Hill [o], who, being nearly related to the ducheſs of Marlborough, had been taken care of by her, toge-

[o] The ducheſs of Marlborough, in the account of her Conduct, p. 177, &c. gives the following account of Mrs. Hill and her practices. She was the daughter of Mr. Hill, a merchant in London, by a ſiſter of the ducheſs's father. Mr. Hill lived very well for many years, till turning projector, he brought ruin upon himſelf and family. The ducheſs of Marlborough never knew, that there were ſuch people in the world, till after the princeſs Ann was married, and when ſhe lived at the Cockpit; at which time an acquaintance of the ducheſs came to her, and ſaid, That ſhe believed ſhe did not know, that ſhe had relations, who were in want; and gave her an account of them. The ducheſs anſwered, That indeed ſhe had never heard before of any ſuch relations; and immediately gave out of her purſe ten guineas for their preſent relief, ſaying, ſhe would do what ſhe could for them; and afterwards ſent Mrs. Hill more money, and ſaw her.

Mrs. Hill told the ducheſs, that her huſband was in the ſame relation to Mr. Harley, as ſhe was to the ducheſs, but that he had never done any thing for her. Mr. Hill and his wife died not long after this, and left two ſons and two daughters. The elder daughter (afterwards Mrs. Maſham) was a grown woman. The ducheſs took her to St. Albans, where ſhe lived with her grace and her children, and was treated by her grace with as great kindneſs, as if ſhe had been her ſiſter. After ſome time a bed-chamber woman of the princeſs of Denmark's died; and, as in that reign (after the princeſſes were grown up) rockers, though not gentlewomen, had been advanced to be bed-chamber women, the ducheſs procured the vacant place for Mrs. Hill, whoſe younger ſiſter ſhe likewiſe took care of, and got to be made laundreſs to the duke of Gloceſter, and afterwards obtained a penſion for her of two hundred pounds a year. The elder brother was, at the ducheſs's requeſt, put into a place at the cuſtom-houſe; the younger, whom the bottlemen, ſays the ducheſs, afterwards called honeſt Jack Hill, was a tall boy, whom I clothed (for he was all in rags) put to ſchool at St. Albans to one Mr. James, who had been an uſher under Dr. Buſby of Weſtminſter; and, whenever I went to St. Albans, I ſent for him, and was as kind to him, as if he had been my own child. After he had learned what he could there, a vacancy happening of page of honour to the prince of Denmark, his highneſs was pleaſed, at my requeſt, to take him. I afterwards got my lord Marlborough to make him groom of the bed-chamber to the duke of Gloceſter; and though my lord always ſaid, that Jack Hill was 'good for nothing,' yet, to oblige me, he made him his aid de camp, and afterwards gave him a regiment. But it was his ſiſter's intereſt, that raiſed him to be a general, and to command in that ever-memorable expedition to Quebec. I had no ſhare in doing him theſe honours. To finiſh what I have to ſay upon this ſubject; when Mr. Harley thought it uſeful to attack the duke of Marlborough in parliament, this Quebec general, this honeſt Jack Hill, this 'once ragged boy, whom I cloathed,' happening to be ſick in bed, was nevertheleſs perſuaded by his ſiſter to get up, wrap himſelf in warmer clothes than thoſe I had given him, and go to the houſe to vote againſt the duke. I may add here, that even the huſband of Mrs. Maſham had ſeveral obligations to me. It was at my inſtance, that he was firſt made a page, then a querry, and afterwards groom of the bed-chamber to the prince; for all which he himſelf thanked me, as for favours procured by my means.

As for Mrs. Maſham herſelf, I had ſo much kindneſs for her, and had done ſo much to oblige her, without having ever done any thing to offend her, that it was too long before I could bring myſelf to think her other than a true friend, or forbear rejoicing at an inſtance of favour ſhewn her by the queen. I obſerved indeed at length, that ſhe was grown more ſhy of coming to me, and more reſerved than uſual, when ſhe was with me; but I imputed this to her peculiar moroſeneſs of temper, and for ſome time made no other reflection upon it. The firſt thing, which led me into enquiries about her conduct, was the being told, in the ſummer of 1707, that my couſin Hill was privately married to Mr. Maſham. I went to her, and aſked her, if it were true. She owned it was, and begged my pardon for having concealed it from me. As much reaſon as I had to take ill this reſerve in her behaviour, I was willing to impute it to baſhfulneſs and want of breeding, rather than to any thing worſe. I embraced her with my uſual tenderneſs, and very heartily wiſhed her joy; and then, turning the diſcourſe, entered into her concerns in as friendly a manner as poſſible, contriving how to accommodate her with lodgings, by removing her ſiſter into ſome of my own. I then enquired of her very kindly, whether the queen knew of her marriage, and very innocently offered her my ſervice, if ſhe needed it, to make that matter eaſy. She had by this time learned the art of diſſimulation pretty well, and anſwered with an air of unconcernedneſs, that 'the bed-chamber-woman had already acquainted the queen with it,' hoping, by this anſwer to divert any further examination into the matter. But I went preſently to the queen, and aſked her, 'Why ſhe had not been ſo kind, as to tell me of my couſin's marriage,' expoſtulating with her upon the point, and putting her in mind of what ſhe uſed often to ſay to me out of Montaigne, 'That it was no breach of promiſe of ſecrecy to tell ſuch a friend any thing, becauſe it was no more than telling it to one's ſelf.' All the anſwer I could obtain from her majeſty was this, 'I have a hundred times bid Maſham tell it you, and ſhe would not.'

The conduct both of the queen and of Mrs. Maſham convinced me, that there was ſome myſtery in the affair; and thereupon I ſet myſelf to enquire as particularly as I could into it; and, in leſs than a week's time, I diſcovered, 'That my couſin was become an abſolute favourite; that the queen herſelf was preſent at her marriage in Dr. Arburthnot's lodgings,' at which time her majeſty had called for a round ſum out of the privy purſe; 'that Mrs. Maſham came often to the queen, when the prince was aſleep, and was generally two hours every day in private with her:' And I likewiſe then diſcovered Mr. Harley's correſpondence and intereſt at court by means of this woman.

I was ſtruck with aſtoniſhment at ſuch an inſtance of ingratitude, and ſhould not have believed it, if there had been any room left for doubting.

My lord Marlborough was at firſt no leſs incredulous than I, as appears from the following paragraph of a letter from him, in anſwer to one from me on this ſubject.

Meldeſt, June 3, 1707.

'The wiſeſt thing is to have to do with as few people as poſſible. If you are ſure that Mrs. Maſham ſpeaks of buſineſs to the queen, I ſhould think, you might, with ſome caution, tell her of it, which would do good; for ſhe certainly muſt be grateful, and will mind what you ſay.'

It became ſo eaſy now to decypher many particulars, which had hitherto remained myſterious; and my reflections quickly brought to my mind many paſſages, which had ſeemed odd and unaccountable, but had left no impreſſions of ſuſpicion or jealouſy. Particularly I remembered, that a long while before this, being with the queen (to whom I had gone very privately by a ſecret paſſage from my lodgings to the bed-chamber) on a ſudden this woman, not knowing I was there, came in with the boldeſt and gayeſt air poſſible, but, upon ſight of me, ſtopped, and immediately changing her manner, and making a moſt ſolemn courteſy, 'Did your majeſty ring?' and then went out again. This ſingular behaviour needed no interpreter now to make it underſtood. But, not to dwell on ſuch trifling incidents, as ſoon as I had got a thorough inſight into her management, being naturally frank and open, I wrote to her the following letter:

September 23, 1707.

Since the converſation I had with you at your lodgings, ſeveral things have happened to confirm me in what I was hard to believe, that you have made me returns very unſuitable to what I might have expected. I always ſpeak my mind ſo plainly, that I ſhould have told you ſo myſelf, if I had had the opportunity, which I hoped for. But, being now ſo near parting, think this way of letting you know it, is like to be the leaſt uneaſy to you, as well as to

Your humble Servant,
S. MARLBOROUGH.

Though I was to go to Woodſtock the next day, I ſtaid at Windſor almoſt all the morning to wait her anſwer. But this could not be had ſo ſoon, it being neceſſary to conſult with her great director in ſo nice a matter. At length, however, an anſwer was ſent after me, the whole frame and ſtile of which ſhewed it to be the genuine product of an artful man, who knew perfectly well the management of ſuch an affair.

Windſor, September 24, 1707.

'While I was expecting a meſſage from your grace, to wait upon you according to your commands, laſt night, I received a letter, which ſurprizes me no leſs than it afflicts me, becauſe it lays a moſt heavy charge upon me of an ungrateful behaviour to your grace. Her majeſty was pleaſed to tell me, that you was angry with me for not acquainting you with my marriage. I did believe, after ſo generous a pardon, your grace would think no more of that. I am very confident by the expreſſion of your letter, that ſomebody has told ſome malicious lye of me to your grace, from which it is impoſſible for me to vindicate myſelf till I know the crime I am accuſed of. I am ſure, madam, your goodneſs cannot deny me what the meaneſt may aſk the greateſt; I mean juſtice, to know my accuſer. Without that, all friendſhip muſt be at the mercy of every malicious lyar, as they are, who have ſo barbarouſly and unjuſtly brought me under your diſpleaſure, the greateſt unhappineſs, that could befal me. I therefore make it my moſt humble requeſt to your grace, that, if ever I had the leaſt ſhare of your friendſhip, you would be pleaſed to give me that parting token to let me know, who this wicked perſon is; and then I do not doubt but I ſhall make it plain how much they have wronged me, as well as impoſed upon your grace. As my affliction is very great, you will, I hope, in compaſſion let me hear from you, and believe me what I really am,

Madam,
Your grace's moſt humble and faithful ſervant,
A. HILL.'

As I believe nobody at this time doubts, whether the writer of this letter was practiſing with the queen to undermine me, I ſhall make no reflections upon it. My anſwer was in theſe terms:

'I received your letter upon the road to this place; and I can aſſure you the occaſion of my complaints did not proceed from any ill offices, that had been done you to me by any body, but from my own obſervation, which makes the impreſſion much the ſtronger. But I think the ſubject is not very proper for a letter; and therefore I muſt defer it till we meet, and give you no farther trouble at this time from

Your moſt humble ſervant,
S. MARLBOROUGH.'

About the ſame time, that I made this diſcovery of Mrs. Maſham's intriguing, my lord Godolphin (as I beforementioned) got notice of Mr. Harley's practices, both within doors and without. He was endeavouring to create in the whigs jealouſies of lord Godolphin and lord Marlborough; and at the ſame time, aſſuring the tories, that they might depend upon the queen's inward affection to them; and that it was wholly owing to thoſe two great lords, that the tories were not ſtill poſſeſſed of all the places and employments. His deſign was to ruin the whigs, by diſuniting them from the miniſtry, and ſo to pave the way for the tories to riſe again, whom he thought to unite in himſelf, as their head, after he had made it impoſſible for them to think of a reconciliation with the duke of Marlborough and lord Godolphin. But, that this able politician might in all things act ſuitably to his parts and genius, he, at the ſame time, that he was employed in the manner I have related, was endeavouring to blind the eyes of thoſe whoſe deſtruction he aimed at, by the moſt elaborate compliments, and the moſt nauſeous profeſſions of affection and duty.

The ducheſs then gave ſeveral letters of Mr. Harley to the duke and herſelf, wherein he extolled the duke's ſervices to his country, ſpoke of his glory as beyond the power of envy or malice to hurt it, and profeſſed a peculiar joy in the contemplation of it, while at the ſame time, ſays ſhe, he was contriving how to ruin that glorious man, in order to raiſe himſelf upon his ruins. The duke was too backward to believe him capable of ſuch deſigns, though it is certain he never had entertained the ſame good opinion of him, as my lord Godolphin had; and though, as one may collect from a paragraph

ther with her whole family (for they were fallen very low) in a moſt particular manner. She brought her not only into that poſt, but had treated her with ſuch a confidence, that it had introduced her into a high degree of favour with the queen; which, for ſome years, was conſidered as an effect of the ducheſs's credit with her majeſty. She was alſo nearly related to Mr. Harley; and they two entered into a cloſe correſpondence. She learned the arts of a court, and obſerved the queen's temper with ſo much application, that ſhe got far into her heart. She employed all her credit to eſtabliſh Mr. Harley in the ſupreme confidence with the queen, and to alienate her affections from the ducheſs of Marlborough, who ſtudied no other method of preſerving her favour, than by purſuing the true intereſt of the queen and of the kingdom. It was ſaid, that prince George was brought into the concert, and that he was made to apprehend, that he had too ſmall a ſhare in the government, and that he was ſhut out from it by the great power, which the duke of Marlborough and the lord-treaſurer had drawn into their hands; that all depended upon them; that the queen was only a cypher in the government; that ſhe was in the ducheſs of Marlborough's hands, as her affairs were in the duke's. It was likewiſe talked among thoſe, who made their court to the new favourites, that there was not now a Jacobite in the nation; that all were for the queen; and that, without doubt, ſhe would reign out peaceably her whole life, but ſhe need not concern herſelf for a German family. Theſe diſcourſes began to break out, and gave melancholy apprehenſions to thoſe, to whom they were brought. This went on too long, little regarded. The ducheſs of Marlborough ſeemed ſecure of her intereſt in the queen, and ſhewed no jealouſy of a favour, to which herſelf gave the firſt riſe. This was the ſtate of the court at the opening of the parliament.

graphwih a letter of Mr. Harley's, dated March 25, 1707, the duke had been early warned of his practices. The paragraph contains theſe words:

I return your grace moſt hearty and humble thanks for the favourable expreſſions in your letter. I beg leave to aſſure you, that I ſerve you by inclination and principle, and a very little time will make that manifeſt, as well as that I have no views or aims of my own.'

The conduct, which Mr Harley obſerved, after theſe aſſurances, was ſo directly contrary to them, and became quickly ſo notorious, that my lord Godolphin could not help repreſenting it to the queen as of the utmoſt prejudice to her affairs. And when he found, that her majeſty would believe nothing of it, he went ſo far as to ſay, that, if Mr. Harley continued to act the part he did, and yet to have ſo much credit with her, as he perceived he had, lord Marlborough and himſelf muſt of neceſſity quit her ſervice. The queen appeared pretty much alarmed at this, and preſently wrote a letter to me, in which were ſeveral expreſſions of great kindneſs.

Kenſington, October 30.

'If I have not anſwered all my dear Mrs. Freeman's letters (as indeed I ſhould have done) I beg ſhe would not impute it to any thing but the apprehenſion I was in of ſaying what might add to the ill impreſſions ſhe has of me. For, though I believe we are both of the ſame opinion in the main, I have the misfortune, that I cannot exactly agree in every thing; and therefore what I ſay is not thought to have the leaſt colour of reaſon in it, which makes me really not care to enter into particulars. But, though I am unwilling to do it, it is impoſſible for me to help giving you ſome anſwer to your laſt letter, in which I find you think me inſenſible of every thing. I am very ſorry you who have known me ſo long, can give way to ſuch a thought, as that I did not think the parting with my lord Marlborough and my lord-treaſurer of much conſequence, becauſe I did not mention any thing of my lord Marlborough's kind letter concerning me. The reaſon of this was, I really was in a great hurry, when I writ to you, and not having time to write on that ſubject to both, I thought it was the moſt neceſſary to endeavour to let him ſee he had no reaſon to have ſuſpicions of any one's having power with me, beſides himſelf and my lord treaſurer; and I hope they will believe me. Can dear Mrs. Freeman think, that I can be ſo ſtupid, as not to be ſenſible of the great ſervices that my lord Marlborough and my lord-treaſurer have done me, nor of the great misfortune it would be, if they ſhould quit my ſervice? No, ſure, you cannot believe me to be ſo void of ſenſe and gratitude. I never did nor never will give them any juſt reaſon to forſake me; and they have too much honour and too ſincere a love for their country, to leave me without a cauſe. And I beg you would not add that to my other misfortunes, of puſhing them on to ſuch an unjuſt and unjuſtifiable action. I think I had beſt ſay no more for fear of being too troubleſome. But whatever becomes of me I ſhall always preſerve a moſt ſincere and tender paſſion for my dear Mrs. Freeman, to my laſt moment.'

After my return to London, I had another kind letter from her majeſty in the following terms:

Saturday night.

'My dear Mrs. Freeman I cannot go to bed without renewing a requeſt, that I have often made, that you would baniſh all unkind and unjuſt thoughts of your poor, unfortunate, faithful Morley, which I ſaw by the glimpſe I had of you yeſterday, you were full of. Indeed I do not deſerve them; and, if you could ſee my heart, you would find it as ſincere, as tender, and paſſionately fond of you as ever, and as truly ſenſible of your kindneſs in telling me your mind freely upon all occaſions. Nothing ſhall ever alter me. Though we have the misfortune to differ in ſome things, I will ever be the ſame to my dear, dear Mrs. Freeman, whom I do aſſure once more, I am more tenderly and ſincerely her's than it is poſſible ever to expreſs.

I was every day in expectation of hearing from Mrs. Maſham, who, I ſuppoſed, would now endeavour to clear up what had created ſo much uneaſineſs between us. But, to my great ſurprize, I was twelve days at St. James's under the ſame roof with her, before I had ſo much as any meſſage from her. At length, having one night paſſed by her window in my return home, ſhe ſent one of her maids to my woman to aſk her how I did, and to let me know, that ſhe was gone to Kenſington. This behaviour was ſo very ridiculous, that, the next time I ſaw the queen, I could not forbear ſpeaking of it, and at the ſame time telling her all that had paſſed between us. The queen looked grave, and ſaid, 'She was mightily in the right not to come near me.' I anſwered, that I did not underſtand that, ſince ſhe had expreſſed ſuch a concern at my diſpleaſure, and ſince the clearing up of matters had been referred to our meeting. The queen replied, that 'it was very natural for her to be afraid to come to me, when ſhe ſaw I was angry with her.' To this I anſwered, that 'ſhe could have no reaſon to be afraid, unleſs ſhe knew herſelf guilty of ſome crime.' It was the queen's uſual way, on any occaſion, where ſhe was predetermined (as my lord Marlborough has told me, that it was her father's) to repeat over and over ſome principal words ſhe had reſolved to uſe, and to ſtick firmly to them. She continued therefore to ſay, 'It was very natural', and ſhe was very much in the right.' So that this converſation with her majeſty produced nothing but an undeniable proof, that the new favourite was deeply rooted in her heart and affections; and that it was thought more adviſeable to let the breach between me and Mrs. Maſham grow wider and wider, than to uſe any method to make it up.

But now within two days Mrs. Maſham contrived to make me a viſit, when I was abroad. Upon obſerving this, and conſidering, that our meeting could be to no purpoſe, but to draw fruitleſs and falſe profeſſions from her, I gave a general order to my ſervants to ſay, whenever ſhe ſhould call, that I was not at home. After ſome time it was thought proper, that ſhe ſhould write to me, and deſire I would ſee her; to which I conſented, and appointed her a time. When ſhe came, I began to tell her, that it was very plain, the queen was much changed towards me, and that I could not attribute this to any thing but her ſecret management. That I knew ſhe had been very frequently with her majeſty in private; and that the very attempt to conceal this by artifice, from ſuch a friend as I had been to her, was alone, a very ill ſign, and enough to prove a very bad purpoſe at bottom. To this ſhe very gravely anſwered, that ſhe was ſure the queen, who had loved me extremely, would always be very kind to me. It was ſome minutes before I could recover from the ſurprize, with which ſo extraordinary an anſwer ſtruck me. To ſee a woman whom I had raiſed out of the duſt, put on ſuch a ſuperior air, and to hear her aſſure me by way of conſolation, that the queen would be always very kind to me! At length I went on to reproach her with her ingratitude, and her ſecret management with the queen to undermine thoſe, who had ſo long, and with ſo much honour ſerved her majeſty. To this ſhe anſwered, that ſhe never ſpoke to the queen about buſineſs, but that ſhe ſometimes gave her petitions, which came to the back-ſtairs, and with which ſhe knew I did not care to be troubled. And with ſuch inſincere anſwers ſhe thought to colour over the matter, while I knew for certain, ſhe had before this, obtained penſions for ſeveral of her friends, and had frequently paid to others out of the privy-purſe ſums of money which the queen had ordered me to bring her; and that ſhe was every day long with her majeſty in private. But thus our converſation ended; and, when we had ſat a while ſilent, ſhe roſe up and ſaid, ſhe hoped I would give her leave to come ſometimes, and enquire after my health: which, however, it is plain ſhe did not deſign to do, for ſhe never once came near me after this. Notwithſtanding this, when ſhe owned her marriage publicly, I went with lady Sunderland to viſit her; not that I intended to have any farther intercourſe with her, or to diſſemble the ill opinion I had of her (as I had fully reſolved to let her then know, in caſe I found an opportunity of ſpeaking to her privately) but purely out of reſpect to the queen, and to avoid any noiſe or diſagreeable diſcourſe, which my refuſing that ordinary part of civility might occaſion.

Not many days after this I went to pay my reſpects to the queen in the Chriſtmas holidays; and before I went in, I learnt from the page, that Mrs. Maſham was juſt then ſent for. The moment I ſaw her majeſty, I plainly perceived ſhe was very uneaſy. She ſtood all the while I was with her, and looked as coldly upon me, as if her intention was, that I ſhould no longer doubt of my loſs of her affections. Upon obſerving what reception I had, I ſaid, I was very ſorry I had happened to come ſo unſeaſonably. I was making my courteſy to go away, when the queen, with a great deal of diſorder in her face, and without ſpeaking one word, took me by the hand; and, when thereupon I ſtooped to kiſs her's, ſhe took me up with a very cold embrace, and then, without one kind word, let me go. So ſtrange a treatment of me, after my long and faithful ſervices, and after ſuch repeated aſſurances from her majeſty of an unalterable affection, made me think, that I ought in juſtice to myſelf, as well as in regard to my Miſtreſs's intereſt, to write to her in the plaineſt and ſincereſt manner poſſible, and to expoſtulate with her upon her change to me, and upon the new counſels, by which ſhe ſeemed to be wholly governed. My letter was in theſe terms:

December 27, 1707.

'If Mrs. Morley will be ſo juſt as to reflect and examine impartially her laſt reception of Mrs. Freeman, how very different from what has been formerly, when you were glad to ſee her come in, and ſorry when ſhe went away; certainly you cannot wonder at her reproaches upon an embrace, that ſeemed to have no ſatisfaction in it, but that of getting rid of her, in order to enjoy the converſation of one that has the good fortune to pleaſe you much better, though I am ſure nobody did ever endeavour it with more ſincerity than Mrs. Freeman had done. And if I had conſidered only my intereſt, and that of my family, I might have borne this change without any complaint. For I believe Mrs. Morley would be ſincere in doing us any good. But I have once been honoured with an open kind confidence and truſt, and that made all my ſervices agreeable; and it is not poſſible to loſe it without a mortification too great to be paſſed with ſilence, being ſure, that I have never done any thing to forfeit it, having never betrayed nor abuſed that confidence, by giving you a falſe repreſentation of any body. My temper is naturally plain and ſincere, and Mrs. Morley did like it for many years. It is not the leaſt altered. But I cannot help thinking thoſe things reaſonable, that appear to be ſo. And I appeal to God Almighty, that I never deſigned or purſued any thing, but as I was thoroughly convinced it was for Mrs. Morley's true intereſt and honour: And, I think, I may ſafely put it to that trial, if any thing has yet proved unſucceſsful, that was of any public conſequence, that Mrs. Freeman has been earneſt to perſuade Mrs. Morley to. And it is not poſſible for me to diſſemble, ſo as to appear what I am not.

So much by way of apology for what happened upon Wedneſday laſt. And if Mrs. Morley has any remains of the tenderneſs ſhe once profeſſed for her faithful Freeman, I would beg ſhe might be treated one of theſe two ways, either with the openneſs and confidence of a friend, as ſhe was for twenty years (for to pretend kindneſs without truſt and openneſs of heart is a treatment for children, not friends) or elſe in that manner,

There were at that time three biſhoprics vacant. Sir Jonathan Trelawney, conſiderable for his birth and intereſt in Cornwal, had been removed the ſummer before from Exeter to Wincheſter. The lord-treaſurer had promiſed, that preferments ſhould be beſtowed on men well principled with relation to the preſent conſtitution, and on men of merit. The queen without regarding this, ſecretly engaged herſelf to Dr. Blackall for Exeter; and for Cheſter, (being at the ſame time void by the death of Dr. Stratford) to ſir William Dawes. Theſe divines were in themſelves men of merit, but their notions all were on the other ſide. They had ſubmitted to the government; but they, at leaſt Dr. Blackall, ſeemed to condemn the revolution, and all that had been done purſuant to it. Sir William Dawes was likewiſe looked on as an aſpiring man who would ſethimſelf at the head of the tory party. This nomination therefore gave great diſguſt. To qualify this a little, Dr. Patrick, the pious and learned biſhop of Ely, dying at this time, the queen advanced biſhop More from Norwich to that ſee; and Dr. Trimnel, a worthy perſon in all reſpects, was named for Norwich; yet this did not quiet the uneaſineſs which many were under by reaſon of the other nominations which ſeemed to flow from the queen herſelf, and ſo diſcovered her inclinations.

To prevent the ill effects, that this might have in the approaching ſeſſion, ſome of the eminent members of the houſe of commons were called to a meeting, with the dukes of Somerſet and Devonſhire. Theſe lords aſſured them, in the queen's name that ſhe was very ſenſible of the ſervices which the whigs did her; and though ſhe had engaged herſelf ſo far with relation to thoſe two biſhoprics, that ſhe could not recal the promiſes ſhe had made, yet for the future ſhe was reſolved to give them full content[P]. But while this was ſaid to ſome whigs, Mr. Harley, and his friends Mr. St. John and ſir Simon Harcourt took great pains with the leaders of the tories particularly ſir Thomas Hanmer, Mr Bromley, and Mr. Freeman, to engage them in in the queen's intereſts, aſſuring them that her heart was with them; that ſhe was weary of the tyranny of the whigs and longed to be delivered from it. But they were not wrought upon by that management: they either miſtruſted it, as done only to inſnare them; or they had other views, which they did not think fit to own. This double dealing came to be known, and gave occaſion to much jealouſy and diſtruſt.

A little before the ſeſſion was opened, an eminent misfortune happened at ſea. A convoy of five ſhips of the line (the Cumberland of eighty guns, captain Richard Edwards commodore; the Devonſhire of like force; the Royal Oak of ſeventy guns; and the Cheſter and Ruby of fifty) were ſent to Liſbon, to convoy thither a fleet of about a hundred and thirty ſail of merchant ſhips, with merchandize, proviſions, ſtores of war, and a thouſand horſes bought in England for the king of Portugal. They left Plymouth on the 9th of October, being ordered to ſail, as if it had been by concert at a time when a ſquadron from Dunkirk had joined another from Breſt, and lay in the way, waiting for them under the command of Monſieur Forbin, and Monſieur du Gué Trouin, and making in all fourteen ſail; one of ſeventy-two guns, others of ſixty, ſome of fifty, and none under forty. Some advertiſements were brought to the admiralty of this conjunction, but they were not believed. When the French ſet upon the Engliſh ſhips off the Lizard, the convoy did their part very gallantly, though the enemy were almoſt three to one. One of the Engliſh men of war was blown up, and three of them were taken, ſo that only one eſcaped much ſhattered; but they had fought ſo long, that moſt of the merchant ſhips had time to get away, and ſailed on not being purſued, and got ſafe to Liſbon. This coming almoſt at the ſame time with the loſs of admiral Shovel, the ſeſſion of parliament begun with a melancholy face, and a diſpute, upon the opening, had almoſt put the houſes into great diſorder.

It was generally thought, that, though this was a parliament that had now ſat two years, yet it was a new parliament, by reaſon it had been let fall, and was revived by a proclamation, as has been ſaid. The conſequence of this was, that they who had got places were to be re elected. Others maintained, that it could not be a new parliament, ſince it was not ſummoned by a new writ, but by virtue of a clauſe in an act of parliament. Mr. ſecretary Harley was for maintaining it to be an old parliament; but the duke of Marlborough, upon his coming over, prevailed to have it yielded to be a new one. Accordingly, when, on the 23d of October, the firſt parliament of Great-Britain met at Weſtminſter, all the forms uſual in the beginning of a new parliament were obſerved. The queen came to the houſe of peers, and, the commons being ſent for, they were directed by the lord chancellor to return to their houſe, and chuſe a ſpeaker, and preſent him that day ſe'nnight. They unanimouſly made choice of Mr. Smith their former ſpeaker, and then adjourned to the 30th of the ſame month. The lords alſo adjourned to the ſame day, after thirteen peers of that part of Great-Britain called Scotland, had been admitted to their places by virtue of their reſpective writs, each being introduced by two Engliſh peers of the ſame rank.

On the 30th, the queen came again to the houſe of peers, and the commons being ſent for, preſented their ſpeaker, whoſe election was approved. Then the lord chancellor acquainted both houſes with her majeſty's pleaſure, that they ſhould adjourn to the 6th of November; on which day the queen made the following ſpeech to both houſes:

My lords and gentlemen,

"IT is with all humble thankfulneſs to Almighty God, and entire ſatisfaction to myſelf, that I meet you here in this firſt parliament of Great-Britain, not doubting, but you come with hearts prepared, as mine is, to make this union ſo proſperous, as may anſwer the well grounded hopes of all my good ſubjects, and the reaſonable apprehenſions of our enemies.

"To this end nothing is ſo immediately material, as to convince, as ſoon as poſſible, both our friends and our enemies, that the uniting of our intereſts has not only improved our abilities, but our reſolutions alſo, to proſecute this juſt and neceſſary war, till we obtain a ſafe and honourable peace, for ourſelves and for our allies.

"In ſo great and extenſive a war as this, many things may be uſefully undertaken, which are not fit to be communicated before-hand. The attempt upon Toulon was of this nature; and, though it had not wholly its deſired effect, has nevertheleſs been attended with many great and obvious advantages to the common cauſe in this year, and has made our way more eaſy, I hope, to greater in the next.

"As the French have gained ground upon us in Spain, ſo they have been wholly driven out of Italy, by which it is become more eaſy for all the allies to join their aſſiſtance next year for enabling the king of Spain to recover his affairs in that kingdom, and to reduce the whole Spaniſh monarchy to his obedience.

"The weakneſs and ill poſture of affairs upon the Rhine, in the beginning of the year, has given an opportunity to

manner, that is neceſſary for the poſt ſhe is in, which unavoidably forces her to be often troubling Mrs. Morley upon the account of others. And if ſhe pleaſes to chuſe which of theſe two ways, or any other ſhe likes to have Mrs. Freeman live in, ſhe promiſes to follow any rule that is laid down, that is poſſible, and is reſolved to her life's end, and, upon all occaſions, to ſhew, that Mrs. Morley never had a more faithful ſervant.'

My lord Marlborough, or my lord Godolphin (I have forgot which) carried my letter. The queen took no notice of it to either of thoſe lords. But ſome days after ſhe wrote me an anſwer, in which ſhe very much ſoftened what had paſſed. I was much pleaſed to find her majeſty in that diſpoſition, and once more put on as eaſy an appearance as I could.

[P] The ducheſs of Marlborough, in the Account of her Conduct, p. 174, obſerves, that, notwithſtanding the promotion of lord Sunderland to the poſt of ſecretary of ſtate was carried by the whigs, they were ſoon alarmed again by the queen's choice of two high-church divines to fill two vacant biſhoprics. Several of the whigs were diſpoſed to think themſelves betrayed by the miniſtry; whereas the truth was, that the queen's inclination to the tories, being now ſoothed by the flatteries and inſinuations of her private counſellors, had begun to make it irkſome to her to conſult with her miniſters upon any promotions, in either the church or ſtate. The firſt artifice of thoſe counſellors was to inſtil into the queen notions of the high prerogative of acting without her miniſters, and (as they expreſſed it) of being queen indeed. And the nomination of perſons to biſhoprics againſt the judgment and remonſtrances of her miniſtry, being what they knew her genius would fall in with more readily than with any thing elſe they could propoſe, they began with that; and they took care, that theſe remonſtrances ſhould be interpreted by the world, and reſented by herſelf as hard uſage, a denial of common civility, and even the making her no queen.

Her majeſty, however, to quiet the diſſatisfaction of the whigs for the late promotions, ordered her miniſters to aſſure them, that ſhe would prefer no more tories, and ſhe gave the ſame aſſurances with her own mouth in the cabinet-council. And ſhe was ſuffered by her ſecret counſellors ſo far to obſerve this promiſe, as to give, about the ſame time, the biſhopric of Norwich to Dr. Trimnell, a particular friend of lord Sunderland's. And ſhe alſo, ſome time after, gave the profeſſorſhip of divinity at Oxford to Dr. Potter, the preſent archbiſhop of Canterbury, who had Dr. Smalridge for his competitor, recommended by the tories. But this latter favour to the whigs was not ſo eaſily obtained as the former. And, upon the delays, that were made in beſtowing it, my lord Marlborough thought it proper to try what credit he had with the queen, whoſe glory he had carried to a height beyond that of any of her predeceſſors. He wrote therefore a very moving letter to her, complaining of the viſible loſs of his intereſt with her, and particularly of her ſo long deferring the promotion ſhe had promiſed, of the perſon recommended by her miniſtry, as a faithful friend to her government, adding, that, the only way to make her reign eaſy, was to be true to that rule, which ſhe had profeſſed to lay down, of preferring none of thoſe, who appeared againſt her ſervice and the nation's intereſt, &c. He wrote at the ſame time to the ſame effect to me, and I wrote to the queen; and at length by much ſolicitation this matter was obtained, and Dr. Potter fixed in the profeſſorſhip.

the French to make themſelves ſtronger in all other parts: But this defect ſeems in a very promiſing way of being fully remedied againſt next campaign, by the conduct and authority of the elector of Hanover, whoſe ſeaſonable acceptance of that command has ſtrengthened and obliged the whole confederacy.

Gentlemen of the houſe of commons,

"The juſt application of the ſums given me by former parliaments, the plain neceſſity of continuing this war, the reaſonable proſpect of putting a good end to it, if we be not wanting to ourſelves, and the honour of the firſt parliament of Great-Britain, are, I make no doubt, ſufficient arguments to incite you to provide the neceſſary ſupplies, which I am obliged to deſire of you for the enſuing campaign in all parts, and particularly for the timely ſupport of the king of Spain, and the making good our treaty with Portugal; as alſo for ſtrengthening the confederate army under the command of the duke of Savoy; all which ſervices, I do not doubt, but you will think ſo neceſſary that they ought not be neglected, even though they ſhould require an augmentation.

"The ſums already expended in this war have been very great; and they are ſufficient proofs how well ſatisfied my ſubjects have always been with the ends of my government; of which I am ſo ſenſible, as never to aſk any ſupplies from them but what are abſolutely neceſſary for the preſervation of religion and liberty. I look upon it as my great happineſs, that I have not the leaſt intereſt ſeparate from that of all my good ſubjects.

My lords and gentlemen,

"In a work ſo great and new in its kind as that of the union, it is impoſſible but that ſome doubts and difficulties muſt have ariſen, which, however, I hope, are ſo far overcome, as to have defeated the deſign of thoſe, who would have made uſe of that handle to foment diſturbances.

There are ſeveral matters expreſsly made liable, by the articles of the union, to the conſideration of the parliament of Great-Britain, which, together with ſuch others, as may reaſonably produce thoſe advantages, that with due care, muſt certainly ariſe from that treaty, I earneſtly recommend to your ſerious conſideration.

"On my part, nothing ſhall be wanting to procure to my people all the bleſſings, which can follow from this happy circumſtance of my reign, and to extinguiſh by all proper means the leaſt occaſions of jealouſy, that either the civil or religious rights of any part of this my united kingdom can ſuffer by the conſequences of this union.

"Such a ſuggeſtion ſhall never, in my time, have any foundation, how reſtleſs ſoever our enemies may be in their endeavours and artifices to diſturb our peace and happineſs. Thoſe great and valuable bleſſings cannot but be always ſecure to us, if we heartily endeavour to confirm and improve our preſent union. I hope therefore you will ſuffer nothing to prevail with you to diſunite among yourſelves, or abate your zeal in oppoſing the common enemy."

The queen's ſpeech variouſly affected both houſes. The commons unanimouſly voted and preſented an addreſs of thanks, wherein, they aſſured her majeſty, "That no diſappointments ſhould diſcourage them from making their utmoſt efforts to enable her, in conjunction with her allies, to reduce the whole Spaniſh monarchy to the obedience of the king of Spain, to make good the treaty with Portugal, and to ſtrengthen the confederate army under the command of the duke of Savoy." But in the houſe of lords, when the queen's ſpeech came firſt under conſideration, inſtead of voting immediately an addreſs of thanks, the earl of Wharton made a ſpeech, wherein, among other things, he took notice of the great decay of trade and ſcarcity of money, which he had obſerved in travelling in the country, ſo that the farmers were not able to pay their rents to their landlords. He was ſeconded by the lord Sommers, who enlarged on the ill ſtate and miſmanagement of the navy, and on the great loſſes of the merchants at ſea the laſt ſummer. The earl of Stamford (at that time made one of the commiſſioners of trade) endeavoured to put a ſtop to the proſecution of this ſubject, by moving and poſtponing the conſideration of the ſtate of the nation till a more proper occaſion, and propoſing the returning thanks to the queen for her ſpeech. This was oppoſed by the duke of Buckinghamſhire, the earl of Rocheſter, and the lord Guernſey; who urged, that they ought, in the firſt place, to conſider the ſtate of the nation; inſinuating, at the ſame time, that addreſſes had before been made to little purpoſe; meaning, with relation to the navy. After ſome other ſpeeches, it was ordered, that the ſtate of the nation ſhould be taken into conſideration, Nov. 19, in a committee of the whole houſe, where the queen was preſent incognito. The lord Herbert of Cherbury being choſen chairman, a petition given in by the two ſheriffs of London, and ſubſcribed by about two hundred of the moſt eminent merchants of the city, was read, complaining of the great loſſes, which they had lately ſuſtained at ſea, for want of convoys and cruiſers, and begging a ſpeedy remedy. After the reading of this petition, which was preſented to the committee by the earl of Wharton, he began the debate, by laying open the miſerable condition of the nation, and the great decay of trade. Several other peers ſpoke to the ſame effect; and, among the reſt, the Lord Haverſham, in his uſual manner, made a long ſpeech [q].

The debate growing high, ſome lords endeavoured to allay it, by propoſing ways and means to retrieve our loſſes at ſea; and, among the reſt, the lord Hallifax moved, That a committtee be appointed to receive propoſals for encouraging of trade and privateers in the Weſt-Indies; which motion being ſeconded by the lord-treaſurer, and the queſtion put, the ſame was carried in the affirmative. After which,

[q] The moſt material paſſages of this ſpeech were theſe: 'My lord Herbert,——The two things you have now under your conſideration, your fleet and your trade, have ſo near a relation, and ſuch mutual influence upon each other, they cannot well be ſeparated. Your trade is the mother and nurſe of your ſeamen; your ſeamen are the life of your fleet, and your fleet is the ſecurity and protection of your trade; and both together are the wealth, ſtrength, ſecurity, and glory of Britain.

And this is ſo manifeſt, that thoſe, who have writ upon theſe ſubjects, whether foreigners, or among ourſelves, have all owned it: Which makes it aſtoniſhing, that a thing ſo clear and evident, and wherein our intereſt and ſafety do ſo much conſiſt, ſhould be poſtponed to any foreign conſideration whatſoever; wherein we are leſs concerned. But we are ſo unhappy as to ſtruggle with ſo many complicated difficulties, that what is proper for one thing, is prejudicial to another.

My lord,——Your diſaſters at ſea have been ſo many, a man ſcarce knows where to begin. Your ſhips have been taken by your enemies, as the Dutch take your herrings, by ſhoals upon your own coaſts: Nay, your royal navy itſelf has not eſcaped. And theſe are pregnant misfortunes, and big with innumerable miſchiefs. Your merchants are beggared; your commerce is broke; your trade is gone; your ſtaple and manufacture ruined: The queen has loſt her cuſtoms, and the parliament muſt make good the deficiencies, while, in the mean time, our allies have an open and flouriſhing trade, and our enemies make uſe both of our own ſhips and ſeamen too againſt us!

There is yet a farther grievance: When, through a thouſand difficulties and dangers, the honeſt trader has brought home ſome ſmall effects, he is fallen upon and oppreſſed by vexatious and unjuſt proſecutions. I mention this with relation to the union, and to ſhew, that, though I was always againſt it, yet, ſince it is made, I am for keeping firm and exactly to it.

My lord, The face of our affairs is viſibly changed in the ſpace of one year's time, and the temper of the nation too. Formerly men ſtifled their misfortunes, and were afraid of whiſpering them out, for fear of being overheard and undone. Now it is hard to ſtop their mouths, or keep them within any bounds. The moving objects of ſorrow we meet with every where, the tears of the fatherleſs, and cries of the widows, have raiſed both a compaſſion for the diſtreſſed, and a reſentment and indignation againſt the authors of thoſe misfortunes; and the very fames, which of late have flew abroad, no body knows from whence, and papers, which have been cried in your ſtreets, are all marks of the great ferment the nation is in.

My lord, you are now upon the enquiry, by what ways and perſons we have been brought into this miſerable condition. I think it very indifferent which way you proceed. It ſeems reaſonable, that thoſe lords, who firſt moved this order, ſhould put it into what method they pleaſe; but I muſt take leave to ſay, that, begin where you will, if you do not end with the miniſtry, we ſhall be in a worſe condition, in my opinion, than we were before.

As to the admirality, if the prince's council have committed any fault, it is very fit they ſhould have what they deſerve; but, I hope, no perſuaſion will prevail with the prince himſelf to lay down that commiſſion. The navy, I think, is ſafer in his hands than in any other man's hands whatſoever, and I will give your lordſhip my reaſon for it. He has advantages no other perſon can pretend to. He owes not his commiſſion to the favour of any great miniſter whatſoever, nor is he within the reach of their power. He ſtands upon a much more unſhaken and firm foundation; and, if there be any miſtake, it is impoſſible to be the effect either of fear, or the anger of a great miniſter, or a care to pleaſe him.

My lord, I take the root of all our misfortunes to lie in the miniſtry, and without a change of miniſtry, in my opinion no other remedy will be effectual. I may perhaps be told by ſome lord, that I arraign the miniſtry. I know that is not proper here; yet every lord has liberty of ſpeaking his thoughts freely, and taking notice of any thing he thinks a grievance to the nation; and it is under this notion of complaint, and from a ſenſe of our miſerable condition that I ſay this to your lordſhip; and if I were not confident I ſtand upon ſure ground, I ſhould not venture thus far; but I have my juſtification in my hand. And now my lord, is it fit I ſhould prove what I ſay.

Should I mention the breach of the firſt, fourth, and laſt articles of the union, I am within your order; and thoſe lords, who ſerve, at preſent, for the north part of Britain, I am confident have heard of a complaint and addreſs of the royal boroughs. And I might remember the diſappointment we have met with in Spain. But I hope thoſe two points will be ſome time or other conſidered. I will therefore keep myſelf for proof ſtrictly to your petition; and, I think, nothing is more evident, than that your miniſtry has been the cauſe of theſe misfortunes; and the argument, which convinces me of it, is drawn from an addreſs of your lordſhips in 1704, which I have in my hand. I know before whom I ſpeak: The queen is a princeſs of that conſummate wiſdom, as not to do any thing without the advice of her miniſtry. Your lordſhips did then moſt humbly adviſe and addreſs her majeſty, that particular care might be taken of theſe points. None but thoſe, that have her majeſty's ear, could prevail to the contrary; and the want of following your lordſhips advice has loſt the nation near ten millions ſince; and therefore it evidently follows, that your miniſtry have been the occaſion of thoſe loſſes.

a day was appointed to hear, in a grand committee, what the merchants had to alledge, to prove the ſuggeſtions of their petition. It was obſerved, that as ſoon as the debate was over, the duke of Marlborough took the earl of Wharton aſide, and there paſſed ſome warm expoſtulations between them.

The commons, in a great meaſure, made good their aſſurances to the queen, and chearfully voted the neceſſary ſupplies for the navy, land-forces, and ſome other occaſions. But, at the ſame time, upon a petition of ſeveral merchants of London, complaining of the want of cruiſers in the channel and ſoundings, the commons in a grand committee, took into conſideration the ſtate of the navy and trade of the nation; and, a great many merchants being admitted into the houſe, to make good the allegations in their petition, Mr. Heathcote, ſon of ſir Gilbert Heathcote, and Mr. Dawſon, his partner, two Ruſſia merchants, mode long ſpeeches againſt the admiralty, whom they charged with frauds, malice, and ignorance, particularly in relation to the Ruſſia fleet. Some members endeavoured to interrupt them; but ſir Richard Onſlow, the chairman of the committee, deſired them to proceed, which they did with great freedom, and offered to prove what they had advanced, both by papers, and the teſtimony of many merchants there preſent. However, this debate was adjourned to the 4th of December, when admiral Whetſtone was ordered to attend, with the journal of his voyage towards Ruſſia. But, after all, the affair ended only in this reſolution, "That for the better ſecuring the trade of this kingdom, over and above the ſhips of war for the line, and the convoys to remote parts, a ſufficient number of ſhips (which was afterwards ſettled to four) be appointed to cruiſe in proper ſtations." And a bill was ordered to be brought in for that purpoſe.

The loſſes at ſea complained of were imputed to the weakneſs, or to a worſe diſpoſition in ſome, who had great credit with the prince of Denmark, and were believed to govern that whole matter (particularly Mr. George Churchil) for, as they were entirely poſſeſſed of the prince's confidence, ſo, when the prince's council was divided in their opinions, the deciſion was left to the prince, who underſtood very little of thoſe matters, and was always determined by others. By this means they were really lord-high-admiral, without being liable to the laws for errors and miſcarriages. This council was not a legal court, warranted by any law, though they aſſumed that to themſelves: Being counſellors, they were bound to anſwer only for their fidelity. The complaints were feebly managed at the bar of the commons; for it was ſoon underſtood, that not only the prince, but the queen likewiſe concerned herſelf much in this matter; and both looked on it as a deſign levelled at their authority. Both whigs and tories ſeemed to be at firſt equally zealous in the matter; but, by reaſon of the oppoſition of the court, all thoſe, who intended to recommend themſelves to favour, abated of their zeal. Some were vehement in their endeavours to baffle the complaints. They had great advantages from the merchants managing their complaints but poorly; ſome were frighted, and others were practiſed upon, and carried even to magnify the conduct of the fleet, and to make excuſes for all the misfortunes that had happened. That, which had the chief operation on the whole tory party, was, that it was ſet round among them, that the deſign of all theſe complaints was to put the earl of Orford again at the head of the fleet: Upon which they all changed their note, and they, in concurrence with thoſe, who were in offices, or pretended to them, managed the matter ſo, that it was let fall very little to their honour; and ſevere remarks were made on ſome, who had changed their conduct upon their being preferred at court.

The affair was proſecuted with more zeal and courage in the houſe of lords. The committee appointed to examine the complaints, called the merchants, who had ſigned the petition, before them, and treated them not with the ſcorn, that was very indecently offered them by ſome of the houſe of commons, but with great patience and gentleneſs. They obliged them to prove all their complaints by witneſſes upon oath. In the proſecution of the enquiry it appeared, that many ſhips of war were not fitted out to be put to ſea, but lay in port neglected, and in great decay: That convoys had been often flatly denied the merchants; and that, when they were promiſed, they were ſo long delayed, that the merchants loſt their markets, were put to great charge, and, when they had periſhable goods, ſuffered great damage in them. The cruiſers were not ordered to proper ſtations in the Channel; and when convoys were appointed, and were ready to put to ſea, they had not their ſailing orders ſent them, till the enemies ſhips were laid in their way, prepared to fall on them; which had often happened. Many advertiſements, by which thoſe misfortunes might have been prevented, had been offered to the admiralty, but had not only been neglected by them, but thoſe, who offered them, had been ill treated for doing it. The committee made a report of all this to the houſe of lords; upon which the lord-treaſurer moved, that a copy of the report might be ſent to the lord-admiral, which was done, and, in a few days, an anſwer ſent to the houſe, excuſing or juſtifying the conduct of the admiralty in all the branches of it. The chief foundation of the anſwer was, that the great fleets, which were kept in the Mediterranean, obliged them to ſend ſo many of the ſhips and ſeamen thither, that there was not a ſufficient number left to guard all the trade, while the enemy turned all their forces at ſea into ſquadrons for deſtroying it; and that all the ſhips, that could be ſpared from the public ſervice abroad, were employed to ſecure the trade. That the promiſe of convoys had often been delayed by reaſon of croſs winds, and other accidents, that had hindered the return of the men of war longer than had been expected, they being then abroad, convoying other merchant ſhips: And it was ſaid, that there was not a ſufficient number of ſhips for cruiſers and convoys both. The paper ended with ſome ſevere reflections on the laſt reign, in which great ſums had been given for the building of ſhips, and yet the fleet was at that time much diminiſhed, and four thouſand merchant-ſhips had been taken during that war. This was believed to have been ſuggeſted by Mr. ſecretary Harley, on deſign to mortify king William's miniſtry. Upon reading of this anſwer, a newer and fuller examination of the particulars was again reſumed by the ſame committee; and all the allegations in it were exactly conſidered. It appeared, that the half of thoſe ſeamen, whom the parliament had provided for, were not employed in the Mediterranean; that many ſhips lay idle in the port, and were not made uſe of; and that in the laſt war, in which it appeared there were more ſeamen, though not more ſhips, employed in the Mediterranean than were now kept there, yet the trade was ſo carefully looked after by cruiſers and convoys, that few complaints were then made. And as to the reflections made on the laſt reign, it was found, that not one half the ſum, that was named, was given for the building of ſhips; and, that inſtead of the fleets being diminiſhed during that war, as had been affirmed, it was increaſed by above forty ſhips; nor could any proof be given, that four thouſand ſhips were taken during that war. That all the ſeamen, who were then taken and exchanged, did not exceed fifteen thouſand; and in the preſent war eighteen thouſand were already exchanged, and there were two thouſand ſtill remaining in the enemy's hands; ſo much had the prince been impoſed upon in that paper, that was ſent to the lords in his name.

When the examination was ended, and reported to the houſe, it was reſolved to lay the whole matter before the queen in an addreſs; and then the tories diſcovered the deſign, that they drove at; for they moved in the committee, that prepared the addreſs, that the blame of all the miſcarriages might be laid upon the miniſtry and on the cabinet council. It had been often ſaid in the houſe of lords, that it was not intended to make any complaint of the prince himſelf; and it not being admitted, that his council was of a legal conſtitution, the complaining of them would be an acknowledging their authority, the blame therefore could be regularly laid no where, but on the miniſtry. This was much preſſed by the duke of Buckinghamſhire, the earl of Rocheſter, and the lord Haverſham. But to this it was anſwered by the earl of Orford, the lord Sommers, and the lord Halifax, that the houſe ought to lay before the queen only that, which was made out before them upon oath; and therefore, ſince in the whole examination the miniſtry and the cabinet council were not once named, they could offer the queen nothing to their prejudice. Some of the things complained of fell on the navy-board, which was a body acting by a legal authority. The lords ought to lay before the queen ſuch miſcarriages, as were proved to them, and leave it to her to find out on whom the blame ought to be caſt. So far was the miniſtry from appearing to be in fault, that they found ſeveral advertiſements were ſent by the ſecretaries of ſtate to the admiralty, which, as appeared afterwards, were but too well grounded; and yet theſe were neglected by them; and that which raiſed the clamour higher, was, that, during the winter, there were no cruiſers lying in the Channel; ſo that many ſhips, which had run through all dangers at ſea, were taken in ſight of land; for the privateers came up boldly to our ports. All this was

digeſted into a full and clear addreſs laid by the houſe before the queen[r]; who, in her anſwer, aſſured their lordſhips, "That ſhe would take care to make the moſt uſeful obſervations on the ſeveral particulars contained and referred to in their addreſs: That it was always her opinion, that the encouragement of trade and ſeamen, and the good management of the navy, were of the greateſt importance to the proſperity of this kingdom: And that therefore ſhe would uſe her utmoſt endeavours to encourage all thoſe, whoſe duty it was effectually to perform thoſe ſervices." But nothing followed upon this anſwer; and the queen ſeemed to be highly offended at the whole proceeding.

On the 22d of November, upon a petition of ſeveral merchants of Scotland, complaining, "That goods and merchandizes (particularly French wines) brought by them into England, ſince the firſt of May laſt, had been ſeized; and that the petitioners were under a proſecution in the exchequer for the value thereof, and praying relief touching the ſame;" the commons reſolved to addreſs the queen that ſhe would order the attorney-general to enter noli proſequi, to diſcharge the ſeveral informations relating to the goods imported cuſtom-free, from Scotland, before the firſt day of May laſt. The queen readily complied with this addreſs, both the court and parliament being willing by this indulgence, to abate the diſcontents of the Scots againſt the union.

But, on the other hand, the commons ordered a bill to be brought in to repeal the acts paſſed in Scotland, for the ſecurity of that kingdom, and about peace and war, which had given ſo great a jealouſy to the Engliſh nation, that the reſcinding of them was one of the principal views of the miniſtry, in the proſecution of the treaty of union. This done, the commons conſidered thoſe parts of the queen's ſpeech relating to the making the union more complete, and reſolved on the 11th of December, "1. That there be but one privy-council in the kingdom of Great Britain. 2. That the militia of that part of Great-Britain called Scotland be regulated, in the ſame manner as the militia of that part of Great-Britain called England is regulated. 3. That the powers of juſtices of peace for preſerving the public peace be the ſame throughout the whole united kingdom. 4. That for the better adminiſtration of juſtice, and preſervation of the public peace, the lords of juſticiary be appointed to go circuits twice in the year. 5. That the writs for electing members to ſerve in the houſe of commons for that part of Great-Britain called Scotland, be directed to the ſheriffs of the reſpective counties, and that the returns be made of ſuch writs, in like manner as returns are made of ſuch writs in that part of Great-Britain called England." And they ordered a bill to be brought in upon theſe reſolutions. Two days after they took into conſideration the report from the committee, to whom the petition of ſeveral merchants trading to Portugal, Italy, and Spain was referred; which reſolutions were agreed to by the houſe, viz. "Firſt, that the merchants had fully made out the ſeveral allegations of their petitions: Secondly, that the preſerving the Portugal trade was of the utmoſt concern to this nation, being, at preſent, the greateſt mart for vent of our woollen manufactures, corn, fiſh, and other Britiſh commodities. Thirdly, that there was a conſiderable colluſive trade in French prize-wines carried on before, and more increaſed ſince the falling of the fifteen pounds per tun. Fourthly, that except effectual proviſion were made to prevent the like practices, with relation to the colluſive trade of bringing in French wines, as if they were prize-wines, it would not only be a great diſcouragement to the Portugal trade, and traders, but endanger the entire loſs thereof." And a bill was ordered to be brought in upon the laſt reſolutions. Then, the ſtate, accounts, and liſts relating to the forces in Spain and Portugal, having been laid before the houſe, the conſideration of the ſtate of the war in thoſe parts was deferred till the 7th of January; and ſeveral other papers relating to thoſe affairs were ordered to be laid before the houſe[s].

On the 18th of December, the queen came to the houſe

[r] It was dated on the 25th of February, 1707-8, and began thus:

"We your majeſty's moſt dutiful and obedient ſubjects, the lords ſpiritual and temporal in parliament aſſembled, do humbly acquaint your majeſty, that early in this ſeſſion of parliament a petition of ſeveral merchants, on behalf of themſelves and others, traders of the city of London, was preſented to the houſe, whereby they complained of great loſſes by the ill-timing of convoys, and for want of cruiſers; ſo that they durſt no longer engage the remainder of their eſtates to carry on their ſeveral trades, unleſs immediate care was taken to remedy theſe two main cauſes of their misfortunes.

"This petition containing complaints of great conſequence to your majeſty's ſubjects; and we being ſenſible, that nothing but a ſtrict and impartial enquiry into matters of fact could put them in a due light, and enable us to diſtinguiſh between ill-grounded clamours, and a juſt cauſe of complaint, in order to take the uſual method of being rightly and fully informed, did refer the petition to a committee, and did alſo refer to the ſame committee ſeveral papers, which the houſe had found neceſſary to call for from the proper officers, for their better information in divers things relating to the navy.

"The committee having prepared a report, and preſented it to the houſe, upon a mature conſideration it was approved and agreed to; and we think it our duty humbly to lay the ſame before your majeſty.

The lords committees have heard many of the petitioners upon their oaths, and have cauſed them to put their depoſitions into writing and ſign the ſame.

"The lords committees obſerving, that the complaints of the petitioners naturally fell under ſeveral heads, for the greater eaſe of the houſe, have endeavoured in their report to reduce the evidence, to the following method, always referring, as they proceed, to the depoſitions themſelves.

"One thing complained of was, the inſufficiency of convoys appointed for the merchants, whereby their ſhips had from time to time become a prey to the ſuperior force of the enemy.

"A ſecond point was, The merchants ſuffered great diſcouragement by their being forced to wait long for convoys, even for the time promiſed and prefixed for their ſailing; whereby the charge of ſeamens wages and victuals, demurrage of ſhipping, damage of goods, and loſs of markets made trading inſupportable.

"A third ground of complaint was, The untimely and unſeaſonable ſailing of convoys, whereby trade to the Weſt-Indies eſpecially, was in a manner ruined.

"A fourth was, The great want of cruiſers in the channel and ſoundings.

"A fifth complaint was, Concerning the arbitrary proceedings of the captains of the queen's ſhips of war, in impreſſing ſeamen out of the merchant-ſhips in the Weſt-Indies; as alſo upon their return into the ports of Great Britain, to the endangering of many, and loſs of ſeveral ſhips."

The addreſs concludes in theſe terms:

"We, having thus performed what we took ourſelves to be indiſpenſibly obliged to, cannot doubt but it will be graciouſly accepted by your majeſty, as coming from moſt dutiful ſubjects, who ſincerely wiſh they may never have occaſion hereafter of making addreſſes to your majeſty, but to congratulate your ſucceſſes, or to return our humble acknowledgments for the bleſſings of your reign.

"We beſeech your majeſty to believe, that none of your ſubjects do exceed us in true reſpect to his royal highneſs the lord-high-admiral. His great perſonal virtues require it; and his near relation to your majeſty makes it our duty. And as we do not mean any thing in this addreſs ſhould in the leaſt reflect upon him; ſo we are very well aſſured, his royal highneſs will nevre ſuffer other perſons to protect themſelves under his name from a juſt purſuit of ſuch faults and neglects, as immediately tend to the ruin of trade and the deſtruction of Britain.

"There cannot be a plainer proof, that ſome perſons, employed by the lord-high-admiral, have made the worſt uſe imaginable of the truſt he honours them with, than in their preſuming to lay ſuch an anſwer before the houſe of lords in his name. For, not to take notice of the many things (which in the ſecond report have been already laid before your majeſty) throughout the whole paper, there is not the leaſt hopes given, that for the future any better care ſhall be taken of our trade. On the contrary, the whole turn of the anſwer ſeems to be intended for expoſing the complaints of the merchants, rather than pitying their loſſes. We are ſure nothing can be more remote from the goodneſs and compaſſion of the lord-high-admiral's temper, and the tender regard he has always ſhewn for your majeſty's ſubjects.

May it pleaſe your majeſty,

"It is a moſt undoubted maxim, that the honour, ſecurity, and wealth of this kingdom does depend upon the protection and encouragement of trade, and the improving and right managing the naval ſtrength. Other nations, who were formerly great and powerful at ſea, have by negligence and miſmanagement loſt their trade, and ſeen their maritime ſtrength entirely ruined. Therefore we do in the moſt earneſt manner beſeech your majeſty, that the ſea-affairs may be your firſt and moſt peculiar care. We humbly hope, that it ſhall be your majeſty's chief and conſtant inſtruction to all, who ſhall have the honour to be employed in your councils, and in the adminiſtration of affairs, that they be continually intent and watchful in what concerns the trade and fleet; and that every one of them may be made to know it is his particular charge to take care, that the ſeamen be encouraged, the trade protected, diſcipline reſtored, and a new ſpirit and vigour put into the whole adminiſtration of the navy."

[s] While theſe things were depending, the commons, on the 25th of November, took into conſideration the report of the committee appointed to examine the petition of Mr. John Aſgill, a member of the houſe, in priſon in the Fleet for debt, at the ſuit of Mr. Holland, a Staffordſhire gentleman; which report was ordered to be re-committed. On the other hand, the houſe being informed of a printed book or pamphlet, ſigned J. Aſgill, intituled, 'An argument, proving, that according to the Covenant of Eternal Life, revealed in the Scriptures, man be tranſlated from hence into that Eternal Life, without paſſing through death, although the human nature of Chriſt himſelf could not be thus tranſlated till he had paſſed through death.' Several paſſages of which treatiſe being contrary to, and reflecting on the chriſtian religion, the book was brought up to the table, and the title, and ſeveral paragraphs therein, being read, it was ordered, That it be referred to a committee to inquire into the author of the ſaid book. On the 16th of December, the commons reſolved, That Mr. Aſgill ought to have the privilege of the houſe, as a member thereof, and be delivered out of the cuſtody of the warden of the Fleet, to attend the ſervice of the houſe. Purſuant to which reſolution he was immediately diſcharged; but two days after the houſe proceeded to take into conſideration the report from the committee, to whom it was referred, to examine, who was the author, printer and publiſher of the book abovementioned, aſcribed to Mr. Aſgill; who having been heard in his place in relation to the report, the commons reſolved, That in the ſaid book are contained many profane and blaſphemous expreſſions, highly reflecting upon the chriſtian religion; and ordered the ſame to be burnt by the hands of the common hangman in the New Palace Yard, Weſtminſter; and reſolved, That John Aſgill, eſq; having in his place owned himſelf to be the author of the ſaid book, be expelled the houſe.

Mr. Addiſon wrote an excellent piece to this purpoſe, which was printed at London in 4to in 1708, under the title of the preſent 'ſtate of the war and the neceſſity of an augmentation conſidered'. In this diſcourſe, after having ſhewn, that the French are the conſtant and moſt dangerous enemies to the Britiſh nation, and that the danger from them was then greater than ever, and would ſtill increaſe till the union with Spain were broken, he ſets forth the ſeveral advantages which this union had already given France, and taken from Great-Britain, in relation to the Weſt-Indies, the woollen manufactures the trade of the Levant, and the naval power of the two nations

of lords, and having paſſed ſome money-bills, and the act ſo repealing the Scotch acts of ſecurity, and about peace and war, made the following ſpeech to both houſes:

My lords and gentlemen,

"I Am very well pleaſed with the occaſion of my coming hither at this time, and deſirous to take this opportunity of expreſſing to you the ſatisfaction I have in ſeeing ſo good a progreſs made in the public buſineſs.

Gentlemen of the houſe of commons,

"I am extremely ſenſible of the readineſs and affection, with which you have provided ſo conſiderable a part of the ſupplies. As I am fully perſuaded it muſt needs give the greateſt ſatisfaction to all our allies; ſo I look upon it as a ſure pledge of your being diſpoſed to make good thoſe hearty aſſurances, which you gave me in the beginning of the ſeſſion.

"I told you at the opening of this parliament, that I did hope you would look upon the ſervices relating to Spain, Portugal, and the army under the command of the duke of Savoy, to be of ſo much importance in the proſecution of this war, that they might deſerve an augmentation; which I think will be of the greateſt uſe to the common cauſe, both with regard to thoſe particular ſervices, and the putting ourſelves in a condition to improve ſuch favourable opportunities, as may ariſe in the enſuing year.

My lords and gentlemen,

"I ſhall only add, that as nothing is more eſſential to my own quiet, and the happineſs of all my good ſubjects, than the bringing this war to a ſafe and honourable concluſion; ſo I muſt think myſelf obliged to look upon all thoſe, who are willing and deſirous to ſupport me in it for attaining that end, as the moſt proper objects of my favour and encouragement.

"I cannot conclude, without recommending to you to confirm and improve the advantages of our happy union, not doubting, but, at the ſame time, you will have due regard to what ſhall be found neceſſary for the public peace, throughout the whole iſland of Great-Britain."

This ſpeech occaſioned, the next day, a long debate in the houſe of lords, in relation to the affairs of Spain, the queen being preſent. The earl of Rocheſter ſpoke firſt, and having commended the earl of Peterborough's courage and conduct, and enumerated his ſervices, ſaid, "That it had been a conſtant cuſtom, that, when a perſon of his rank, who had been employed abroad in ſo eminent a poſt as his lordſhip, had returned home, he had either thanks given him, or was called to an account; urging, that the ſame ought to be done in relation to the earl of Peterborough." The lord Halifax, who ſpoke next, enlarged likewiſe upon the earl's ſucceſsful ſervices, but waved the returning him thanks, till the whole tenour of his conduct had been examined; than which the earl himſelf profeſſed, he had nothing more at heart. The lord Haverſham was not ſilent; but, having highly extolled the earl of Peterborough's valour, ſkill, and ſucceſs, made an oblique reflection on the earl of Galway, ſaying, "It was no wonder our affairs in Spain went ſo ill, ſince the management of them had been intruſted to a foreigner." Hereupon ſeveral lords ſhewed the neceſſity of carrying on the war, till the whole monarchy of Spain ſhould be recovered, and king Charles ſettled upon his throne. And, among the reſt, the earl of Peterborough ſaid, "They ought to give the queen nine ſhillings in the pound, rather than make peace upon any other terms;" adding, "That, if it were thought neceſſary, he was ready to return to Spain, and ſerve, even under the earl of Galway." This naturally brought on the conſideration of ways and means to retrieve the affairs of Spain, in relation to which, the earl of Rocheſter ſaid, "That we ſeemed to neglect the principal buſineſs, and mind only acceſſories:" Adding, "That he remembered the ſaying of a great general, the old duke of Schomberg, that the attacking France, in the Netherlands, was like taking a bull by the horns." And therefore his lordſhip propoſed, "That we ſhould ſtand on the defenſive in Flanders, and ſend from thence fifteen or twenty thouſand men into Catalonia." He was ſeconded by the earl of Nottingham, who complained of Spain being in a manner, abandoned. But the duke of Marlborough endeavoured, with ſome warmth, to ſhew the danger of ſuch a ſcheme, and the neceſſity of augmenting, rather than diminiſhing the forces in Flanders. His chief reaſons were, "Firſt, that moſt of the enemy's ſtrong places there might be kept with one battalion in each; whereas the great towns of Brabant, which he had conquered, required twenty times that number of men for their preſervation. Secondly, That if our army in the Netherlands were weakened, and the French, by their great ſuperiority, ſhould gain any conſiderable advantage, the diſcontented party in Holland, who were not a few, and bore with impatience the great charges of the war, would not fail crying aloud for peace." Here the earl of Rocheſter ſaid, "He wondered that noble peer, who had ever been conſpicuous for his calmneſs and moderation, ſhould now be out of his natural temper: Adding, That, there being an abſolute neceſſity to ſuccour Spain, his grace would oblige their lordſhips, if he would let them know where they might get troops to ſend thither; and the obligation would be the greater, becauſe the earl of Peterborough had, that very day, aſſured them, that he had heard prince Eugene ſay, that the German ſoldiers had rather be decimated, than ſent into Spain." The duke of Marlborough anſwered the reproach of having ſhewed ſome warmth by ſaying, "The thing was of too great importance to be ſpoken of without concernment." And as for the queſtion propoſed by the earl of Rocheſter, he ſaid, "That although it was improper to diſcloſe ſecret projects in ſo great an aſſembly" (to which, that day, many ſtrangers had been admitted, by reaſon of the queen's preſence) "becauſe the enemy would not fail being informed of them; yet, to gratify their lordſhips, he might aſſure them, that meaſures, had already been concerted with the emperor, for forming an army of forty thouſand men, under the command of the duke of Savoy, and for ſending powerful ſuccours to king Charles:" Adding, "That it was to be hoped, that prince Eugene might be prevailed with to go and command in Spain; in which caſe the Germains would gladly follow him thither. The only difficulty, which his grace ſaid might be objected to this ſcheme, was the uſual ſlowneſs of the court of Vienna; to which purpoſe he took notice, that, if the ſeven thouſand

tions. He then ſhews how theſe advantages would ſtill riſe higher after a peace, notwithſtanding the preſent conqueſts of Great-Britain, with new additions, ſhould be confirmed to the nation, as well becauſe the monarchy of Spain would not be weakened by ſuch conceſſions, as becauſe no guarantee could be found ſufficient to ſecure them to us. For which reaſon he lays it down as a fixed rule, that no peace was to be made without an entire diſunion of the French and Spaniſh monarchies. That this might be brought about, he endeavoured to prove from the progreſs which had been already made towards it, and the ſucceſſes, which the Britiſh nation had purchaſed in the war, and which were very conſiderable, if well purſued; but of no effect, if the nation ſhould acquieſce in them. In order to compleat this diſunion, in which we had gone ſo far, he would not have us rely upon exhauſting the French treaſury, attempts upon the Spaniſh Indies, deſcents on France, but chiefly on out-numbering them in troops, France being already drained of her beſt ſupplies, and the confederates maſters of much greater forces for multitude and ſtrength, both in men and horſes, and provided with generals of great fame and abilities. He then conſiders the wrong meaſures, which had been hitherto taken in making too ſmall levies after a ſucceſsful campaign, in regulating their number by that of the enemy's forces, and hiring them of our confederates; ſhewing at the ſame time the inconveniences ſuffered from ſuch hired troops, and ſeveral advantages, which would ariſe from employing thoſe of our own nation. He further recommends this augmentation of our forces, to prevent the keeping up a ſtanding body of them in times of peace, to enable us to make an impreſſion on the enemy in the preſent poſture of the war, and to ſecure ourſelves againſt the king of Sweden, who was then at the head of a powerful army, and had not yet declared himſelf. In the laſt place he anſwers by ſeveral conſiderations thoſe two popular objections, that we furniſhed more towards the war than the reſt of the allies; and that we were not able to contribute more than we did already. With regard to the former objection, he obſerves, that if it were true in fact, that England contributed more than any other of the allies, he does not ſee any tolerable colour, that ſhe ſhould not make any addition to her preſent efforts. "Suppoſing, ſays he, among a multitude embarked in the ſame veſſel, there are ſeveral, that in the fury of a tempeſt will rather periſh than work for their preſervation; would it not be madneſs in the reſt to ſtand idle, and rather chuſe to ſink together, than to do more than comes to their ſhare? Since we are engaged in a work ſo abſolutely neceſſary for our welfare, the remiſſneſs of our allies ſhould be an argument for us to redouble our endeavours rather than ſlacken them. If we muſt govern ourſelves by example, let us rather imitate the vigilance and activity of the common enemy, than the ſupineneſs and negligence of our friends. We have indeed a much greater ſhare in the war than any other part of the confederacy. The French king makes at us, directly, keeps a king by him to ſet over us, and hath very lately augmented the ſalary of his court, to let us ſee, how much he hath that deſign at heart. Few of the nations in war with him, ſhould they ever fall into his hands, would loſe their religion or form of government, or interfere at preſent with him in matters of commerce. The Dutch, who are likely to be the greateſt loſers after the Britons, have but little trade to the Levant in comparition with ours, have no conſiderable plantations or commerce in the Weſt-Indies, or any woollen manufacture, for Spain, not to mention the ſtrong barrier they have already purchaſed between France and their own country. But, after all, every nation in the confederacy makes the ſame complaint, and fancies itſelf the greateſt ſufferer by the war. Indeed in ſo common a preſſure, let the weight be never ſo equally diſtributed, every one will be moſt ſenſible of that part, which lies on his own ſhoulders. We furniſh, without diſpute, more than any other branch of the alliance, but the queſtion is, whether others do not exert themſelves in proportion according to their reſpective ſtrength? The emperor, the king of Pruſſia, the elector of Hanover, as well as the ſtates of Holland, and the duke of Savoy, ſeem at leaſt to come up to us. The greateſt powers in Germany are borrowing money, where they can get it, in order to maintain their ſtated quota's, and go thorough their part of the expence: And, if any of the circles have been negligent, they have paid for it much more in their late contributions, than what would have furniſhed out their ſhare in the common charges of the war."

German recruits, which the emperor had promiſed for the army in Piedmont, had arrived in time, the enterprize againſt Toulon would probably have been attended with ſucceſs: But that it was to be hoped, and he durſt engage his word for it, that, for the future, his Imperial majeſty would punctually perform his promiſes." This put an end to the debate; and a committee was appointed to draw up an addreſs to the queen, which was preſented the ſame day; wherein their lordſhips returned her majeſty "their moſt humble thanks for her moſt gracious ſpeech to her parliament; adding, that the great ſpirit and reſolution ſhe was pleaſed to expreſs for the vigorous carrying on the war in Spain and Portugal, and ſtrengthening the army of the duke of Savoy, who had deſerved ſo well of the whole confederacy, could not fail to contribute, in the moſt effectual manner, to bring this war to a ſpeedy and happy concluſion. That ſuch an example ought to excite all her allies to a noble imitation; and their lordſhips were ſure, her majeſty would do her utmoſt, to oblige ſuch of them, as hitherto had failed in their parts, for the future, to act as thoſe, who had a real concern for reſtoring and ſecuring peace and liberty to Europe. That her majeſty's favour would always be the higheſt encouragement to her ſubjects; but the zeal their lordſhips had for the preſervation of her majeſty's perſon and government, and the duty they owed to their country, always had, and ever would oblige them to do all that lay in their power, for ſupporting her majeſty in this juſt war, till it were brought to a ſafe and happy concluſion. And as they had ſhewn the greateſt zeal for bringing the union to paſs, and for preventing every thing, that might diſturb it; ſo they unanimouſly promiſed her majeſty, to do all that was poſſible for them, to make it complete and entire."

The ſame day the lords reſolved, "Firſt, That no peace could be ſafe or honourable for her majeſty and her allies, if Spain and the Spaniſh Weſt-Indies were ſuffered to continue in the power of the houſe of Bourbon. Secondly, Than an humble addreſs be preſented to the queen, to thank her majeſty for the care ſhe had taken, and the inſtances ſhe had uſed with the emperor, for the ſending a conſiderable force for the relief of the king of Spain, under the command of prince Eugene; and to deſire her majeſty, that ſhe would continue to make the moſt preſſing inſtances to the emperor, to ſend powerful ſuccours to Spain under the command of prince Eugene, with expedition; and to make good the concert of putting twenty thouſand men under the command of the duke of Savoy; and that the emperor would alſo uſe his utmoſt power and intereſt for ſtrengthening the army on the Rhine, which was now happily put under the command of that wiſe and valiant prince, the elector of Hanover." An addreſs, containing theſe reſolutions, was accordingly drawn up; concluding, "They believed no part of this could be refuſed upon her majeſty's earneſt interpoſition, who had done ſuch great things for the houſe of Auſtria: And that, this being complied with, they might reaſonably hope, by God's aſſiſtance, the next would prove a happy and glorious campaign." The commons having, at the lords deſire, concurred in this addreſs, both houſes, in a body, preſented the ſame to her majeſty, who told them, "That ſhe was fully of their opinion, that no peace could be honourable or ſafe for them, or for their allies, till the entire monarchy of Spain be reſtored to the houſe of Auſtria; and very well pleaſed to find, that the meaſures, ſhe had concerted for the ſuccour of the king of Spain, were ſo fully approved by both houſes of parliament: And that ſhe ſhould continue her moſt preſſing inſtances with the emperor, for the haſtening of further ſuccours, and that they might be commanded by prince Eugene: As alſo, upon all the other particulars mentioned in their addreſs."

Purſuant to theſe aſſurances, the queen preſſed the emperor to ſend prince Eugene to Spain. The Imperial court delayed to comply in this particular, but (as will hereafter be ſeen) ſent count Staremberg thither, who had indeed acquired a very high reputation.

The 19th of December, the commons came to ſeveral reſolutions about the ſupply ſo that by the 22d, they had given very near ſix millions[t].

Upon an addreſs of the commons, for the queen to uſe her endeavours with his Imperial majeſty, to reſtore to her ſubjects the liberty of trade they formerly enjoyed in Auſtria and Stiria; and to prevent, for the future, any prohibitions from being made in any other parts of his hereditary countries, ſhe was pleaſed to anſwer, That ſhe had given directions ſome time before, to her miniſter abroad upon that matter, and would continue her endeavours for the relief of her ſubjects, as was deſired by the commons addreſs.

Towards the end of the year 1706, three French cevonnois, commonly called camiſars, came over into England, and by their enthuſiaſtic effuſions and pretenſions to propheſy, and extatic convulſion, raiſed the curioſity of their countrymen in London, and gained ſeveral followers. This gave great offence to the generality of the French refugees, and the miniſters and elders of the French royal chapel in the Savoy (the head of the French congregations in Weſtminſter) thought it their duty to inquire into the miſſion of theſe new prophets; and being authorized by the biſhop of London, their eccleſiaſtical ſuperior, ſummoned the three camiſars, Elias Marion, John Cavallier, and Durand Fage, to come before them. Two of them obſtinately refuſed to appear; but the third boldly juſtified their pretences to inſpiration. Whereupon the French church in the Savoy made an act on 2d of January, wherein they were declared impoſtors and counterfeits; and this act was confirmed by the lord biſhop of London. Notwithſtanding this anathema, the pretended prophets, acted by Mr. Miximilian Miſſon, a French refugee, Mr. Nicholas Facio, the mathematical profeſſor at Geneva, and others, and continuing their aſſemblies in Soho, uttered their predictions with great noiſe; and being ſupported by ſir Richard Bulkley and Mr. John Lacy, two Engliſh gentleman of good eſtates, branded the miniſters of the eſtabliſhed church with odious names and characters, and denounced the heavieſt judgments againſt the city of London and the whole Britiſh nation. They publiſhed likewiſe their predictions under the title of Prophetical Warnings of Elias Marion, &c. which was a collection of incoherent and unintelligible jargon, and ſhewed the authors of them to be men thoroughly infatuated. But it being ſuſpected by ſome that there was a mixture of deſign and artifice in the affair, Marion, John Daude, and Facio, were indicted and proſecuted at the expence of all the French churches in London, as diſturbers of the public peace, and falſe prophets; and received their ſentences at the court of queen's bench, to ſtand twice on a ſcaffold with a paper denoting their offence; to pay a fine of twenty marks each, and to give ſecurity for their good behaviour, for one year. According to this ſentence they were expoſed on a ſcaffold at Charing-croſs and the Royal-exchange.

At this time two diſcoveries were made, very unlucky for Mr. Harley. Marſhal Tallard wrote often to Monſieur Chamillard, but he ſent his letters open to the ſecretary's office to be peruſed and ſealed up, and ſo to be conveyed by the way of Holland. Theſe were opened upon ſome ſuſpicion in Holland; and it appeared, that one, in the ſecretary's office, put letters in them, in which, as he offered his ſervice, to the courts of France and St Germains, ſo he gave an account of all tranſactions here. In one of theſe he ſent a copy of the letter, which the queen was to write, in her own hand, to the emperor; and he marked what parts of the letter were drawn by the ſecretary, and what additions were made to it by the lord-treaſurer. This was the letter, by which the queen preſſed the ſending prince Eugene into Spain; and this if not intercepted, would have been at Verſailles many days before it could reach Vienna. He, who ſent this, wrote, that by this they might ſee what ſervice he could do them, if well encouraged. All this was ſent over to the duke of Marlborough; and upon ſearch it was found to be writ by Mr. William Gregg, whom Mr. Harley had not only entertained as a clerk in his office, but likewiſe taken into particular confidence, without inquiry into the former parts

[t] The particular ſums were,

	l.	s.	d.
For forty thouſand ſeamen,	2,089,000	00	0
The ordinary of the navy,	120,000	00	0
The forty thouſand land-men in Flanders,	894,272	03	6
The additional ten thouſand men,	177,511	00	0
The proportion of the Palatines,	34,251	13	4
The proportion of the Saxons,	43,251	16	2
The proportion of Bothmar's Dragoons,	9,269	16	6
The forces in Spain and Portugal,	586,671	12	0
The ſubſidies to the allies,	494,689	08	6
The duke of Savoy's augmentations,	500,000	00	0
The guards and garriſons, invalids, and five thouſand men on board the fleet,	511,734	08	6
The duke of Savoy's ſpecial ſervice in 1707,	100,000	00	0
Completing the payment of the Heſſians,	22,957	02	0
The fortifications at Gibraltar,	12,284	19	6
The payment of one year one quarter's intereſt upon debentures,	60,334	19	6
A ſtore-houſe and wharf at Portſmouth,	10,000	00	0
Circulating exchequer bills,	3,500	00	0
Tranſporting land-forces,	144,000	00	0
The land ordnance,	120,000	00	0
The payment of Captain Roch,	2,126	18	6
Total	5,933,657	17	4

of his life; for he was a vicious and neceſſitous perſon. He had been ſecretary to Mr. Gregg, when reſident from king William to the court of Denmark, and afterwards to Mr. Vernon, envoy to the ſame court, by whom he was diſmiſſed for his ill conduct[u]. Mr. Harley had made uſe of him to get intelligence in Scotland in 1705, and came to truſt him with the peruſal and ſealing up of the letters, which the French priſoners, here in England, ſent over to France, and by that means he got into the method of ſending intelligence. He, when ſeized on, either upon remorſe, or the hopes of pardon, confeſſed all, and ſigned his confeſſion; upon which he was tried at the ſeſſions in the Old Baily, where an indictment of high-treaſon was read againſt him, importing, "That he had ſent letters to Monſieur Chamillard, one of the French king's prime miniſters, particularly one, dated the 28th of November laſt; and others, wherein were incloſed the proceedings of both houſes of parliament in relation to the augmentation of our forces, a copy of a letter from the queen to the emperor; private buſineſs ſent the duke of Savoy, &c." To which indictment, Gregg, having pleaded guilty, the lord chief juſtice Holt, and moſt of the judges being preſent, the recorder pronounced ſentence of death againſt him, as in high-treaſon.

At the ſame time John Bara and Alexander Valiere (alias John Clarke) were alſo committed to Newgate for correſponding with the enemy; and Mr. Claude Baud, a native of Piedmont, and ſecretary to count Briancon, envoy extraordinary from the duke of Savoy, was apprehended at the requeſt of that miniſter, by warrant from the earl of Sunderland, for traiterous practices againſt her majeſty and government; but the ſame night as the two meſſengers who had him in cuſtody, were carrying him to Newgate, he made his eſcape from them. But being followed by the queen's proclamation, wherein a reward of two hundred pounds was promiſed for diſcovering and ſecuring him, he was within two hours after, betrayed by a French taylor, in whoſe houſe he had taken ſanctuary, and put under the cuſtody of a meſſenger. Valiere and Bara who had been both employed by Mr. Harley as his ſpies, to go often over to Calais, under pretence of bringing him intelligence, were informed againſt as ſpies employed by France to get intelligence from England. They carried over many letters to Calais and Boulogne; and as was believed, gave ſuch information of our trade and convoys, that by their means, the nation ſuſtained ſuch great loſſes at ſea. They were often complained of upon ſuſpicion, but were always protected by Mr. Harley; yet the preſumptions againſt them were ſo violent, that they were at laſt ſeized on, and brought up priſoners.

A committee of ſeven lords were appointed to examine Mr. Gregg, but could not find out much by him[w]. He had but newly begun his deſigns of betraying ſecrets, and he had no aſſociates with him in it. He told them, that all the

[u] The committee of the lords, appointed to examine him, obſerve, that the effect of the papers referred to them was as follows:

I. A copy of Gregg's letter, which was intercepted, dated the 28th of November 1707, O. S. ſent to Monſieur Chamillard, incloſed in a packet from marſhal Tallard, directed to Mr. Robineau his ſteward at Paris.

In this Gregg ſends to Monſieur Chamillard a copy of the queen's letter, written with her own hand to the emperor.

In the ſame letter Gregg takes notice of two letters ſent by him to Monſieur Chamillard, the one dated the 24th, and the other the 28th of October laſt, which he underſtood Robineau had put into his hands.

That perceiving by Robineau's letter to his maſter, that Monſieur Chamillard deſired the marſhal's ſentiments of Gregg, Gregg had himſelf written to him.

In expectation of his anſwer, Gregg flattered himſelf, that the paper then ſent, was of that importance, that there could be no longer doubt of the devotedneſs of a Scottiſhman for France; not to ſpeak of his zeal for the ſervice of his prince, who had found refuge there.

That the lines under which he had drawn a ſtroke, were the thoughts of the lord-treaſurer, which he had added with his own hand to the firſt draught of the letter.

The ſame letter contained ſome other news.

II. There was a copy of a letter, dated the 25th of November, O. S. in the ſame packet, ſubſcribed William Gregg, in which notice is taken of what Robineau writes to Monſieur Tallard concerning him; and that he himſelf had written to the marſhal, and deſired Robineau to deliver the incloſed according to the addreſs, as being of great conſequence.

III. The copy of a letter from marſhal Tallard to Robineau, dated the 10th of September, N. S. in which Monſieur Tallard ſays, that as to the letters, of which Robineau made mention in his of the 25th and 28th of November, that he had delivered them according to the adddreſs. Monſieur Tallard knew nothing of their contents, but by the ſame poſt, which brought his letters.

That he was obliged for the offers, but could make no uſe of them while he was a priſoner. When the peace was made, he would give proof of his acknowledgment to him who made the offers, and would endeavour to engage the perſon, to whom the letters were addreſſed, to do the ſame. In the interim Robineau was to tell the perſon to whom he delivered the letters, for whom the marſhal had the utmoſt conſideration, that he was much obliged to him for deſiring to know his thoughts, before he would determine what to do: That the offers made did not ſuit with the preſent times, at leaſt as to him, &c.

IV. An original letter of the 2d of December, 1707, to Mr. Robineau from Gregg, to felicitate him from being delivered from an importunate man, as would appear by marſhal Tallard's letters, unleſs his laſt to Monſieur Chamillard had not made him determine otherwiſe.

V. A copy of another letter of Gregg to Monſieur Chamillard, dated the 23d of December O. S. which was alſo taken in marſhal Tallard's packet, in which he pretends to give Monſieur Chamillard an account of what paſſed in parliament, with the queen's anſwer to the addreſs of the two houſes, and his excuſe for not ſending the addreſs itſelf.

VI. A letter of Robineau to Monſieur Tallard, the 26th of December, N. S. from Paris (tranſcribed by Gregg in his own hand) in which he ſays, he was going to Verſailles to deliver the anſwer, with which he was charged; that he received every poſt, letters from the ſame perſon, and that he took care to deliver them according to the addreſs.

VII. Another of the 30th of December 1707, N. S. that he had been to deliver, as Monſieur Tallard had charged him, the anſwer to which was deſired of Mr. Tallard.

VIII. Another letter in Gregg's hand, dated the 30th of December 1707, found in Gregg's cloſet, written to Monſieur Chamillard, giving an account of the intention to ſend Mr. Palmer to Savoy, and to take ſeveral other German courts in his way.

IX. A confeſſion of Gregg delivered to the lords of the committee, and ſigned by him.

[w] They went to Newgate to him for that purpoſe, on the 12th of February 1707-8, and acquainted him, "That as the crime, of which he ſtood attainted, was of the moſt heinous nature, ſo there were ſome circumſtances ſo extraordinary, which attended his caſe, that the houſe of lords thought it might be of ſervice to her majeſty and the kingdom, to have all the beginning and progreſs of his treaſonable correſpondence fully laid open: That her majeſty, upon the application of that houſe, had ordered all former examinations and papers concerning him to be laid before them. They told him further, that if he, by a true, ingenious and full confeſſion, would deſerve it, he might have ground to hope, the houſe of lords might intercede in his behalf for mercy from her majeſty, which otherwiſe he had no reaſon to look for. He was alſo told, that, being a man of underſtanding, he was not to expect to be aſked queſtions, but was to give an account of himſelf, when, and how he became firſt employed; when and by what inſtigation he was drawn in to correſpond with the queen's enemies; and how far it proceeded."

He ſaid, That one Mr. Gregg, the late king's reſident at Copenhagen, was his kinſman, and ſent for him thither; and he continued with him about three years till his death, which happened about two months before the late king died.

That Mr. Vernon was ſent envoy to Denmark, and took him, whom he found there, into his ſervice, in which he continued about two years and an half, and then he was diſcharged from his ſervice by Mr. Vernon.

Mr. Vernon coming for England about his private affairs, while Gregg was in his ſervice, and ſtaying here ſome time, in that interval Gregg received ſome letters from Mr. ſecretary Harley, which gave him occaſion after to apply to him.

The 9th of December 1704, Gregg came to England, and ſoon made application to Mr. ſecretary Harley for employment, but was not recommended to him by any body.

The 3d of January he ſaw him firſt at his office, where he attended often.

The 5th of February 1704-5, Mr. Jones, the ſecretary's firſt clerk, came to him, and told him, the ſecretary would ſpeak with him. He attended on the ſecretary the ſame day, who aſked him, If he would be willing to be employed in his own country? Gregg ſaid, He was willing to be ſent upon any good errand. Mr. ſecretary told him, It was to give an account of the proceedings of the enſuing parliament, which was to be held under the duke of Argyle.

The 6th of February he went to the office, and Mr. ſecretary told him he ſhould be diſpatched in a few days.

To make ſome trial of him (as he ſuppoſed) Mr. ſecretary aſked him, If he could give an account of the court of Denmark? Gregg ſaid, he was willing to do it as well as he could; and, accordingly, in ſome time drew up a ſtate of that court, and it was not diſapproved.

He attended daily, and, on the 20th of April, Mr. ſecretary Harley gave him a note of twenty pounds, to be paid by his ſteward in Scotland-yard.

On the 23d of May 1705, he was ordered to go for Scotland, and about a week after ſet forwards on his journey. When he was diſpatched, a note of thirty pounds was given to him.

Mr. ſecretary always amuſed him with telling him, he ſhould have inſtructions for his directions in Scotland; but, at laſt, ordered him to draw up ſome queries himſelf about the ſtate of affairs in Scotland; which he did, and they were approved.

Some of the queries were, What were the deſigns of the ſeveral parties? What correſpondence between the Highlands and St. Germains? How affected to the houſe of Hanover, &c. He was alſo ordered to form a cypher of letters, whereby to deſign the great men there.

The 2d of June 1705, he arrived at Edinburgh, and wrote to Mr. ſecretary the Thurſday following, being ordered to direct all his letters to Thomas Bateman in Scotland-yard.

Mr. ſecretary promiſed the receipt of his letters ſhould be acknowledged; and he preſſed often for it, to know they came to hand, fearing his letters were intercepted, becauſe he was ſuſpected as a ſpy in that country. But, though he wrote thrice a week, he never heard one word from Mr. ſecretary, or by his order, during his whole ſtay in that country.

Being aſked by the lords, If he was recommended to any body in Scotland? he anſwered, No.

The 15th of October he arrived at London, and the next day waited on Mr. ſecretary, who thanked him for his letters, and told him, he had named him to the queen, upon occaſion of a paper he had ſent; but Mr. Gregg ſaid, he believed the queen had never heard of his name, till this laſt unhappy accident.

On the 29th of October, Mr. ſecretary ordered twenty-five pounds. He attended daily, and preſſed much to be ſent abroad, particularly to go with Mr. Methuen, when he was ſent to Savoy, but it was declined.

On new-year's day Mr. ſecretary dropped a word, which ſtartled him much: He told him, he would fix him; which Gregg underſtood was bringing him into his office.

Upon this he preſented a petition, that he might not be in the office, becauſe the ſalary was ſmall; and, being in debt, he could not live on it.

He attended every day. The ſecretary enquired of him what he knew of languages. He ſaid, he knew ſome French and German, but knew Latin better than either.

The 16th of April 1706, he was admitted into the office, and a note was given upon Mr. Jones, as for one of the clerks; and Mr. ſecretary told him,

It

papers of ſtate lay ſo careleſsly about the office, that every one belonging to it, even the door-keeper, might have read them all. Mr. Harley's cuſtom was to come to the office late on poſt nights; and after he had given his orders and wrote his letters, he uſually went away, and left all to be copied out, when he was gone. By that means Mr. Gregg came to ſee every thing, in particular the queen's letter to the emperor. He ſaid he knew the deſign on Toulon in May, but did not diſcover it; for he had not entered on his ill practices till October. This was all he could ſay. By the examination of Valiere, Bara, and of many others, who lived about Dover, and were employed by them, a diſcovery was made of a conſtant intercourſe they were in with Calais, under Mr. Harley's protection. They often went over with

It was only to keep his hand in uſe, and that he would provide better for him.

The 16th of May, copying a letter ſent to Mr. Vernon, that he was to conſider of ſomebody fit to be left behind, Gregg thought it to be intended in his favour, and wrote to Mr. Vernon on that occaſion, deſiring his countenance.

But the 28th of May, Mr. ſecretary writing word to Mr. Vernon, that he had leave to come at his own time, but muſt leave ſomebody behind; and this being wrote before any anſwer could come from thence, Gregg ſaw nothing was meant for him in the former letter.

Gregg made offers of ſervice to Mr. Pulteney, when he was to go, but he ſaid he was provided.

Then he told Mr. ſecretary, his mind was depreſſed by his debts, and deſired to be thrown abroad, and to go with ſir Philip Meadows; but that was refuſed, and Strahan was ſent.

Then Mr. ſecretary aſked, What would make him eaſy? And he gave in a liſt of his debts, amounting to about thirty-five pounds.

Since that Mr. ſecretary has ordered him at ſeveral times about twenty or five and twenty pounds in the whole; the laſt ſum was ſeven pounds in October laſt, part of a bill of 14 pounds, for which debt he was preſſed at that time.

Being aſked by the lords, If his debts only made him ſo deſirous to be gone? He ſaid, At that rate the buſineſs was managed in the office, it was a perfect drudgery.

Their buſineſs ſeldom began till about eleven or twelve at night, and they ſtaid till two or three, or later, though ſometimes not above two letters to diſpatch; and he thought himſelf happieſt, who could get away ſooneſt.

The method was, firſt, the letters were taken in ſhort hand; afterwards were wrote fair; then ſent to Mr. ſecretary's houſe to be ſigned, and after returned to the office to be entered; ſo that they were obliged ſometimes to ſtay till four o'clock in the morning.

He ſaid, That in April laſt, when Hill the meſſenger was ſent to Turin, the packet was left to him, though the youngeſt clerk, to be made up, and delivered to the meſſenger.

In that packet there was a letter to ſir John Norris, and another to Mr. Chetwynd. Moſt of the laſt letter was in cypher. Gregg entered both thoſe letters. There was alſo another letter to ſir Cloudeſly Shovel, and letters from the lord-treaſurer. He put them all up in the packet, and after gave them to Hill.

Being aſked, If he knew by the letters what the deſign was? Gregg ſaid, he underſtood Toulon was to be beſieged. He could not read the whole, but knew enough to find out that. He ſaid it was wrote in the cypher of the office by Mr. Harley, the earl of Sunderland being ſick at that time.

The queen's letters de cachet are made up before they are brought to the office; but the clerks are truſted to make up other letters.

The lords committees required him to give the whole relation of his correſpondence, when it began, and how long it had been carried on.

Gregg ſaid, The firſt motive of his writing to France was in order to get money, by obtaining a paſs; and that his firſt letter was the 24th of October laſt.

From his firſt entering into the office he had always a great hand in peruſing the French priſoners letters. That convenient opportunity, and his poverty, gave him the temptation.

The French priſoners letters came under a general cover, directed to Mr. Lewis. Marſhal Tallard's letters are under a flying ſeal; the reſt of them came always ſealed, but are opened at the office.

Generally Mr. Lewis threw them down on the table, and left the peruſing them to the clerks, to Mr. Mann and Gregg; and, ſince Mr. Mann left the office, they have been truſted wholly to Gregg.

If Gregg obſerved any thing, that he thought material, he made an extract of it, and ſhewed it to the ſecretary or under ſecretary. He mentioned a particular extract he had made out of a letter of Mr. Chamillard to Mr. Tallard.

Letters came from Nottingham every poſt; ſometimes twenty letters came to them in a day from France. Theſe came always ſealed. From the time he came into the office, theſe letters were never peruſed, either by the ſecretary or under-ſecretary; which he is ſure of, becauſe they were ſealed when he looked on them. He cannot for that reaſon ſay, but Mr. Lewis might ſometimes look into Mr. Tallard's letter, becauſe that had a flying ſeal; but the reſt were left ſealed as they came by Mr. Lewis to the clerks peruſal.

Gregg ſaid, he had a diſpute with Mr. Lewis upon the account of theſe letters, Gregg declaring, he thought it not to be a buſineſs fit for the under-clerks to be truſted with.

Mr. ſecretary Harley wrote a letter in anſwer to one from Monſieur Pontchartrain, thanking him for his civility to one Middleton.

In tranſcribing it, Gregg found it ſo ill turned,-and the French bad, that he acquainted the ſecretary with it at eleven o'clock at night in October laſt. This letter was ſtopped; but after Mr. Lewis ſent it away as it was wrote at firſt.

The rough draught of the queen's letter to the emperor, as it was ordered by the lord-treaſurer, was left in the public book of the office to be entered the ſame night it was to be ſent away. There Gregg ſaid he found it, and tranſcribed it, and any other clerk of the office might have done it as well as he.

All the books in the office lie in a preſs; the key is always in the door; and not only the clerks, but the chamber-keepers may have acceſs.

All letters, except thoſe wrote to the duke of Marlborough, are entered in the books; but thoſe are only copied in looſe ſheets. Gregg ſaid he had copied many of thoſe.

The draught of the queen's letter to the emperor was prepared by Mr. Lewis; it was then written in the hand of Mr. Thomas, Mr. Harley's domeſtic clerk; the addition was in the lord-treaſurer's own hand. Mr. Mann ſaw it as well as Gregg. Mann ſaid to Gregg, That what was added by the lord-treaſurer was much the brighteſt part of the letter.

Gregg ſaid, he ſent all his letters to France under the cover to Mr. Robineau. He owned he ſent the copy of the queen's letter to Mr. Chamillard the ſame night the queen's letter was diſpatched to the emperor.

Gregg ſaid further, that the letter in the queen's own hand was given to Gregg by Mr. ſecretary himſelf about one o'clock at night, and he was ſolely intruſted to put it up in ſir Philip Meadows's packet, after every body had left the office.

Robineau, in his letter to Mr. Gregg, took notice, that he had delivered his letters to Monſieur Chamillard; and that Monſieur Chamillard ſent to advice with marſhal Tallard upon Gregg's propoſal.

Upon this Gregg wrote a letter to marſhal Tallard, of which he ſaid he had no copy, but pretended to repeat the words of the letter to the lords committees.

The lords committees told Gregg, it would be expected by the houſe, that he ſhould be very clear and particular, in declaring by what advice or encouragement he firſt began ſuch a correſpondence. He ſaid, by none at all: He was tempted to it by the devil, and the hopes of getting money.

He ſaid, that, upon hearing a French perriwig-maker was committed to Newgate for high-treaſon, he had deſired to be admitted again to the lords of the cabinet-council. But he would not own, that he knew the man, but ſaid, he had ſince heard his name was Valiere or Clarke; he was told ſo by a gentlewoman, who came to ſee him ſince his condemnation.

He ſaid, he held no correſpondence in England, but only in ſending the common letter of the office, with other printed news-papers, to ſome gentlemen.

Gregg ſaid, he had been long acquainted with one Crookſhanks, who promiſed him, that, if he would procure a French paſs, he ſhould have two hundred guineas; and Gregg undertook to procure the paſs.

The firſt time he wrote to Mr. Chamillard was the 24th of October laſt.

Brown, a merchant, father-in-law to Crookſhanks, and one Bollinger, a merchant, were acquainted with this agreement about the paſs, and they dined together at Brown's houſe; and Brown undertook for the money, if the paſs could be procured.

Gregg ſaid, he acquainted Bollinger of his having ſent a copy of the queen's letter to Monſieur Chamillard, at the Croſs-Keys tavern in Covent-Garden, and ſhewed him extracts of marſhal Tallard's and Robineau's letters. He ſaid alſo, that he read the extracts of their letters at another time in Engliſh to Brown and Crookſhanks.

The lords committees aſked him, To what end he told Bollinger of what he had done, in ſending the queen's letter to Monſieur Chamillard? He only ſaid, it was downright madneſs.

The lords committees aſked him, If any body came to him? he ſaid, one Mr. Arbuthnot came to him, and no body elſe; and his buſineſs was to bring him charity.

The lords committees aſked Mr. Greg, If he had no more to acquaint their lordſhips with? he ſaid, No. And being told by them, that it concerned him very much to conſider of it; that the lords had obſerved he told them nothing but what he knew they had means in their hands to be fully informed of, without his ſaying any thing; and how hard it would be for the houſe of lords to believe, that he would venture upon ſuch a correſpondence without ſome ſupport or encouragement; he perſiſted in it, that he had no more to ſay.

As the lords committees were riſen up, and had called for the keeper to take Mr. Gregg away, he took a brown paper out of his pocket, which was ſealed up, and took out of it a paper, which he ſaid he had prepared againſt the queen's birth-day, and deſired the lords to read it. It purported to be a petition to the houſe of commons. He pretended he knew not how to get it delivered, becauſe he concluded all the papers, ſent by him, would be delivered to Mr. ſecretary Harley.

The lords, finding the paper to be addreſſed to the houſe of commons, told him, it was not proper for them to receive it, and delivered it immediately back to him.

The lords committees, as they went away, told Gregg, that if he would recollect himſelf, and ſet down in writing any thing, that he thought might be for his own ſervice, or of uſe to the queen and her goverment, he might ſend it to them, and the keeper ſhould have directions to convey it ſafely.

The next morning Gregg ſent a letter to the lords committees, which, as ſoon as they had peruſed, they returned to him again by a gentleman with the following meſſage:

"The lords of the committee have ordered me to return this paper to you, they being of opinion, that it is not material to the examination, for which they were ſent to you by the houſe."

The lords committees think themſelves obliged to acquaint the houſe, that they did not obſerve Gregg to be under any diſorder or terror from the apprehenſion or ſenſe of his danger.

The indictment of Gregg for his treaſonable correſpondence with her majeſty's enemies was brought before the lords committees; which indictment he confeſſed upon his trial, and judgment was thereupon given againſt him.

The lords committees do think it their duty to acquaint the houſe, that they having been informed by means of the keeper of Newgate, that one William Gregg had been formerly in Newgate, and indicted for counterfeiting the coin of the kingdom; and that it was talked amongſt the turnkeys in the priſon, that this was the ſame man, they ſent to ſearch the books in Newgate, and found there, that, in May 1697, William Gregg and Elizabeth Gregg were indicted for counterfeiting the coin. Thereupon they ſent for Mr. Tanner, who has the cuſtody of thoſe records: He brought the indictment before them; and it appeared, that Elizabeth Gregg was found guilty and executed; but that William Gregg was acquitted; and Thomas Holloway and Simon Newport were the witneſſes at the trial, who, as was ſaid, are both dead ſince that time.

But one Thomas Kinſerley and James Biddle declaring that they both knew that Gregg, who was then indicted, very well, and believed they ſhould know him again, if they ſaw him; the lords committees ſent them ſeverally to ſee William Gregg now in Newgate, and they both of them did declare, that they believed and were confident, that the ſame perſon, now in Newgate, was the ſame William Gregg, who was then indicted, and whoſe ſuppoſed wife was then found guilty, and burnt, and they did both of them voluntarily make oath to this effect; and James Biddle ſwore, that, after the trial, the diſcourſe in the neighbourhood was, that Elizabeth Gregg took the whole matter upon herſelf at the trial.

Their two affidavits are laid before your lordſhips.

After one of theſe perſons had been to ſee William Gregg, William Gregg wrote a letter, directed to the lords of the committee, in which he did very poſitively deny, that he was the perſon, who had been tried for coining in May 1697.

boats full of wool, and brought back brandy, though both the import and export were ſeverely prohibited. They, and thoſe who belonged to the boats carried over by them, were well treated on the French ſide at the governor's houſe, or at the commiſſary's; and were kept there till their letters could be ſent to Paris, and till returns could be brought back; and were all the while upon free coſt.

The order, that was conſtantly given them, was, that, if an Engliſh or Dutch ſhip came up to them, they ſhould caſt their letters into the ſea; but that they ſhould not do it, when French ſhips came up to them; ſo that they were looked upon by all on that coaſt as the ſpies of France. They uſed to get what information they could, both of merchant ſhips, and of the ſhips of war, that lay in the Downs; and upon that they uſually went over; and it happened, that ſoon after ſome of the ſhips were taken. Theſe men were papiſts, and behaved themſelves very inſolently, and boaſted much of their power and credit. Complaints had been often made of them, but they were always protected; nor did it appear that they ever brought any information of importance to Mr. Harley but once, when, according to what they ſwore, they told him that Monſieur Fourbin was gone from Dunkirk, to lie in wait for the Ruſſia fleet; which proved to be true; for he both went to watch for them, and took a great part of them. Yet, though this was the ſingle piece of intelligence, that they ever brought, Mr. Harley took ſo little notice of it, that he gave no advertiſement to the admiralty concerning it. This particular excepted, they only brought over common news, and the Paris gazettes. Theſe examinations laſted for ſome weeks; and, when they were ended, a full report was made of them to the houſe of lords, who ordered the whole report, with all the examinations, to be laid before the queen in an addreſs, importing, "That having been informed, that William Gregg, a clerk in the office of the late ſecretary Mr. Harley, had been indicted for high-treaſon, in holding correſpondence with her majeſty's enemies, and betraying to them ſecrets of the higheſt importance; and that upon his trial he had confeſſed the indictment, and, by that means, had prevented the examinations, whereby the public might have been truly informed of the particular nature and circumſtances of his crime; they thought themſelves indiſpenſibly obliged, in duty to her majeſty, and for the future ſafety of the kingdom, to do all in their power to find out the riſe and progreſs of this dangerous correſpondence. That in order thereto, they addreſſed her majeſty for all papers relating to the charge againſt William Gregg; and her majeſty having been pleaſed to give orders, that the papers ſhould be laid before them, they referred thoſe papers to a committee, and directed them to examine Gregg, and to report the examination to the houſe; as alſo what they obſerved upon the papers, together with ſuch other matters, as they ſhould think proper, upon their enquiry into the affair: And the report having been made and taken into conſideration by the houſe, they humbly conceived it to be very highly for her ſervice to lay the ſame before her majeſty. That being alſo informed, that one Alexander Valiere, otherwiſe called John Clarke, was in cuſtody for holding correſpondence with her majeſty's enemies, they thought themſelves, in like manner, obliged to direct the committee to examine Valiere, and to enquire to the particulars and circumſtances of his offence: That, this being accordingly performed by the committee, it was reported to them; but the report conſiſting of very many examinations, they thought it would be of uſe to appoint a committee to digeſt and put the ſame into ſome method, to the intent they might be able to form a clearer and more diſtinct judgment of the whole affair; and, that report being made and approved by the houſe, they conceived it would be of importance to her majeſty's ſervice, for them to preſent the ſame to her majeſty; and, for her majeſty's more entire ſatisfaction, they begged leave to annex all the examinations at large to this addreſs. That, having entered into a ſerious conſideration of the ſeveral reports, they had unanimouſly come to the following reſolutions. 1. That the crime, of which William Gregg ſtood attainted, was of ſo heinous a nature, and attended with ſuch extraordinary circumſtances, that it might prove of very pernicious conſequence, if he ſhould not be made an example. 2. And that it plainly appeared to them, as well by what Alexander Valiere and John Bara, had informed againſt each other, as by the many examinations taken concerning them, that they were both in the French intereſt, and unfit to be truſted or employed by any perſons in her majeſty's ſervice: And that the open and public manner of the correſpondence managed by them with the governors and commiſſaries of Calais and Boulogne, could tend only to carry on an intelligence to the advantage of her majeſty's enemies; and that it was highly probable, that thereby the ſtations of our cruiſers, the ſtrength of our convoys, and the times of ſailing of our merchant-ſhips, had been betrayed to the French.". Their lordſhips added, "That it was her majeſty's glory, and the happineſs of Europe, that ſhe was at the head of one of the greateſt confederacies, that ever was known in hiſtory; and it was the common concern of the whole alliance, that her counſels ſhould be kept with the ſtricteſt ſecreſy: But that, in the papers now laid before her, her majeſty would be pleaſed to obſerve, that ſome of her reſolutions of the greateſt moment, and that required the utmoſt ſecrecy, had been ſent to her enemies by the ſame poſt they were diſpatched to the allies. That all the papers in Mr. ſecretary Harley's office, had, for a conſiderable time, been expoſed to the view even of the meaneſt clerks in that office; and that the peruſal of all the letters to and from the French priſoners, was chiefly truſted to Gregg, a perſon of a very ſuſpicious character, and known to be extremely indigent. That it was not eaſily to be known, what ill conſequences might have attended ſuch negligence. But their lordſhips depended upon it, that, theſe matters being thus plainly laid open to her majeſty, they ſhould be well ſecured againſt any dangers of this nature for the future. That they were further in duty bound to beſeech her majeſty, that all poſſible methods might be uſed to put a ſtop to that dangerous and (which might ſoon prove) fatal intercourſe between her majeſty's ſubjects and France, which had of late received ſo great an encouragement by the countenance and protection given to Valiere and Bara; ſince, unleſs that were effectually done, her majeſty's enemies would continue to have what intelligence they pleaſed; her majeſty's men of war and merchant-ſhips would be in danger of being betrayed to the French; and that moſt deſtructive trade of ſending wool to France, which had been with much charge and trouble interrupted, and in good meaſure ſuppreſſed, would be revived to a greater degree than ever."

To this addreſs the queen returned an anſwer, "That ſhe was ſorry, that any, who had been employed by thoſe in her ſervice, ſhould have proved falſe to their truſt, and injurious to the public. That ſhe doubted not, the examples, laid before her by their lordſhips, would be a ſufficient warning to keep all matters of importance as ſecret as might be, and to employ ſuch only, as there ſhould be good grounds to believe would be faithful."

After the preſenting of this addreſs, Gregg was reſpited about a month longer, but, ſtill refuſing to make any farther diſcoveries, he was executed at Tyburn on the 28th of April 1708. He left a paper with the ſheriff[x], wherein he entirely cleared Mr. Harley; though ſome ſuſpected that gentleman to be the contriver of that paper, and aſcribed the compoſedneſs, which appeared in Gregg's countenance, till he came to the place of execution, to a firm expectation,

[x] It was in theſe terms:

"The crime, I am now juſtly to ſuffer for, having made a great noiſe in the world, a paper of more than ordinary length will be expected from the criminal, who therefore takes this laſt opportunity to profeſs his utter abhorrence and ſincere repentance of all his ſins againſt God, and of all the heinous crimes committed againſt the queen, whoſe forgiveneſs I moſt heartily implore, as I ſhall heartily pray for her majeſty's long life and happy reign over her united people, and ſucceſs againſt her enemies, with my parting breath.

"This is all the ſatisfaction I can poſſibly make injured majeſty. I declare, in the next place, the reparation I would make, were it in my power, to thoſe of her majeſty's ſubjects I have wronged in any kind, and particularly the right honourable Robert Harley, eſq; whoſe pardon I heartily beg for baſely betraying my truſt; which declaration, though, of itſelf, ſufficient to clear the ſaid gentleman; yet, for the ſake of thoſe, whom it was my misfortune not to be able to ſatisfy in my life-time, I do ſacredly proteſt, that, as I ſhall anſwer it before the judgment-ſeat of Chriſt, the gentleman aforeſaid was not privy to my writing to France directly nor indirectly; neither I, his unworthy clerk, any ways acceſſary to the miſcarriage before Toulon, nor the loſſes by ſea; all which happened before the firſt of my letters, which was writ the 24th of October 1707. As for my creditors, as I am in no condition to ſatisfy them, ſo I earneſtly beg, they would forgive me; and I pray God to make up their loſſes ſeven-fold.

"For my part, I do freely forgive all men, and die in perfect charity with them, not without humble hopes of finding forgiveneſs, through the merits of Jeſus Chriſt, with God, who in mercy touched my conſcience ſo powerfully from the beginning, as to prevent my proſtituting the ſame to ſave my life; for which inſtance of his love, to be preferred before life itſelf, I bleſs and magnify his holy name with unſpeakable joy and comfort at my death, nothing near ſo ignominious as would have been ſuch a life.

"After this occaſion, the duty of a dying man leads me to profeſs the religion, in which I was brought up, and do now die, which is the proteſtant. The ſcandal given thereunto by my enormous practices cannot be better taken away, than by my publiſhing to the world my hearty ſorrow for thoſe ſenſual pleaſures, which have proved my bane. Therefore let all, who ſhall read this poor paper, take warning by me to ſhun the like youthful luſts; to which whoever gives up himſelf, cannot tell how far they may, when indulged, carry him, even to the committing ſuch crimes, as he thought himſelf incapable of ſome time a day; of which truth I, to my woeful experience, am a melancholy inſtance. But, at the ſame time, I appeal to the great God, before whom I am going to appear, that, notwithſtanding all the pains taken

which he was made to entertain, of a reprieve; and others gave out, that he complained, "That there was no truſt in man," while, on the other hand, the ſeven lords of the committee, appointed to examine him, were afterwards reproached with having endeavoured to ſuborn Gregg, and engage him, by a promiſe of pardon, to accuſe Mr. Harley.[y].

During theſe proceedings, an enquiry into the affairs of Spain was begun in both houſes. The earl of Peterborough had received ſuch poſitive orders for recalling him, that, though he delayed as long as he could, yet at laſt he came home in Auguſt 1707; but the queen, before ſhe would admit him into her preſence, required of him an account of ſome particulars in his conduct, in military matters, in his negotiations, and in the diſpoſal of the money remitted to him; to which he made ſuch general anſwers, as gave little ſatisfaction; but ſeemed to reſerve the matter, to a parliamentary examination, which was now entered upon by both houſes. All the tories magnified his conduct, and ſtudied to detract from the earl of Galway; but it was thought, that the miniſtry were under ſome reſtraints with relation to the earl, though he did not ſpare them; which gave occaſion to many to ſay, they were afraid of him, and durſt not provoke him. The whigs, on the other hand, made ſevere remarks on his conduct. The complaints, which king Charles of Spain made of him, were read; upon which he brought ſuch a number of papers, and ſo many witneſſes to the bar, to juſtify his conduct, that after ten or twelve days, ſpent wholly in reading papers, and in hearing witneſſes, both houſes grew equally weary of the matter; ſo that, without coming to any concluſion, or to any vote, they let all, that related to him, fall. But that gave them a handle to conſider the preſent ſtate of affairs in Spain; in which it was found, that of the twenty-nine thouſand three hundred and ninety-five Engliſh forces, provided by parliament, for the ſervice of Spain and Portugal, in the year 1707, there was but eight thouſand ſix hundred and ſixty men in Spain and Portugal, at the time of the battle of Almanza[z], and that not above half the officers, who belonged to thoſe bodies, ſerved there. This gave the houſe of commons a high diſtaſte; and it was hoped by the tories, that they ſhould have carried the houſe to ſevere votes and warm addreſſes on that head; which was much laboured by them, in order to load the miniſtry. In this Mr. Harley and his party were very cold and paſſive; and it was generally believed, that the matter was privately ſet on by them. The commons, on the 5th of February, addreſſed the queen, deſiring that ſhe would order an account to be laid before them, how it came to paſs, that there were no more Engliſh forces in Spain and Portugal at the time of the battle of Almanza, and that ſhe would uſe her utmoſt endeavours that the war in Spain might be vigorouſly and effectually proſecuted. To this addreſs the queen ſent an anſwer, by which it appeared, That, though by death and deſertion the number of the troops in Spain was much diminiſhed, yet the whole number provided, or at leaſt very near it, was ſent out of England. Notwithſtanding this anſwer, the commons renewed the addreſſes they had preſented before, about the forces maintained by the kings of Spain and Portugal, to which the queen gave the following anſwer: "That in relation to that part of the addreſs, which concerned the forces of the king of Spain, her majeſty has ordered to be laid before the houſe a liſt of the troops provided by the king of Spain, for the ſervice of the year 1707: And, in relation to the troops of Portugal, her majeſty had, ever ſince the treaty with that crown, given directions to her miniſters there, to uſe all poſſible means, that his majeſty ſhould furniſh the whole number of men agreed for by the treaty: And ſhe hoped, that thoſe inſtances had, in a great meaſure, had their deſired effect." At the ſame time ſhe obſerved, "That the methods of diſcipline there made it impoſſible to know the number of thoſe troops with the ſame exactneſs, as is practiſed in other parts. And conſidering with what cheerfulneſs and ſucceſs they marched through Spain to Madrid, and the loſſes they ſuſtained; and being very well aſſured, that the king of Portugal had lately raiſed, and was ſtill raiſing a conſiderable number of forces; her majeſty had not thought it adviſeable to make too nice an enquiry into the ſtate of thoſe troops; eſpecially, ſince ſhe was very ſenſible how diligent the enemy was in making continual applications, to break an alliance of ſo great importance to the common cauſe."

The next day the commons took into conſideration the queen's anſwer to their addreſs of the 5th of February, and the queſtion being put, "That the deficiency of the Britiſh troops in Spain and Portugal, at the time of the battle of Almanza, had been chiefly occaſioned by the want of timely and effectual recruits being ſent thither;" It paſſed in the negative; and, on the contrary, an addreſs was voted and preſented to the queen by the whole houſe, "returning her the thanks of the houſe, for her taking meaſures to reſtore the affairs in Spain, and for providing foreign troops for that ſervice." To which the queen replied, "That ſhe had always looked upon the war of Spain to be of ſo great importance to us, that ſhe could never fail of continuing her utmoſt application to ſupport it in the moſt effectual manner; and that the ſatisfaction they had expreſſed, in their addreſs for her endeavours in this matter, was extremely acceptable to her." The ſervice in Spain was much decried, and there was good reaſon for it: Things there could not be furniſhed but at expenſive rates, and the ſoldiers were generally ill uſed in their quarters, and were treated very unkindly, not by king Charles, but by thoſe about him, and the bigotted Spaniards.

The ſame day the addreſs about the forces in Spain was

to make me out an old offender, by faſtening on me the crime of counterfeiting the coin, this is the firſt fault, that ever I ventured upon; which was not out of any zeal for the pretender, whom I not only diſown at my death, but ſolemnly declare, that, in all my life, I never thought he had a right to theſe realms, how fooliſhly ſoever I may have rendered myſelf obnoxious in this particular; but the only motive of my mad undertaking was money (of which I never received any) on account of the ſhip-paſs, though I have met with the more juſt reward of ſuch ſecret ſervices intended by

WILLIAM GREGG."

[y] Dr. Swift, in his Examiners, has ſeveral paſſages to this purpoſe.

In No. XXXII. for March 15, 1710-11, he writes thus: "And here it may be worth obſerving, how unanimous a concurrence there is between ſome perſons, once great in power, and a French papiſt [Guiſcard] both agreeing in the great end of taking away Mr. Harley's life, though differing in their methods; the firſt proceeding by ſubornation, the other by violence; wherein Guiſcard ſeems to have the advantage, as aiming no further than his life, while the others deſigned to deſtroy, at once, both that and his reputation. The malice of both againſt this gentleman ſeems to have riſen from the ſame cauſe, his diſcovering deſigns againſt the government. It was Mr. Harley, who detected the treaſonable correſpondence of Gregg, and ſecured him betimes, when a certain great man, who ſhall be nameleſs, had, out of the depth of his politics, ſent him a caution to make his eſcape, which would certainly have fixed the appearance of guilt upon Mr. Harley; but, when that was prevented, they would have enticed the condemned criminal with the promiſe of a pardon, to write and ſign an accuſation againſt the ſecretary. But, to uſe Gregg's own expreſſion, "his death was nothing near ſo ignominious, as would have been ſuch a life, that muſt have been ſaved by proſtituting his conſcience." Dr. Swift repeats the ſame charge in the Examiner, No. XXXIII. and was anſwered in the Medley, No. XXVI. and in a pamphlet, printed in 1711 in 8vo, intitled, 'A letter to the ſeven lords of the committee appointed to examine Gregg.'

[z] By the earl of Galway's liſt of the forces in Spain (p. 502, of this volume) there were preſent at the battle of Almanza, —— 8910
In quarters and garriſon, —— —— 3702
Priſoners, —— —— —— 1850
Officers and ſervants of ſix regiments reduced a little before the battle, —— —— 1189
In all 15651

The earl of Galway's reaſons why the reſt were abſent.

The eſtimate granted for Spain and Portugal for the ſervice of the year 1707, amounts to, —— ——	29393
To make up which number, there were in Spain at the time of the battle of Almanza, according to the return made by the earl of Galway to the houſe of commons, beſides a battalion of guards, three of marines, a detachment of Carpenter's and Eſſex's dragoons,	13739
To which is to be added, the two regiments of foot of colonel Hill's and ſir Charles Hotham's, twice demanded for in the ſaid eſtimate, and therefore muſt be once deducted, making ——	1710
The earl of Barrimore's regiment, which had been reduced by the earl of Peterborough, and was at the time of the battle of Almanza, raiſing in England, —— ——	876
The ſervants of the officers belonging to the ſeveral regiments actually in Spain and not reduced at the time of the battle of Almanza, —— —— ——	1853
The widows men for all the regiments then in Spain, as allowed by act of parliament, —— ——	151
The earl of Galway having already taken credit in his account, for the officers and ſervants belonging to the regiments of Farrington, Hamilton, Mohun, Brudenell, Allen and Toby Caulfield, that were reduced ſome time before the battle of Almanza, but ſtill in Spain, there remains to be charged, in this account, the private men only of thoſe regiments, whoſe pay was ſtopped, and applied to their levying again in England that very year,	3741
The non-commiſſion officers, and private men of Bleſſet's regiment, which make a part of the twenty-nine thouſand three hundred and ninety-five, and are not charged in my lord Galway's account of effectives, becauſe they were reduced by my lord Rivers, and incorporated into Syburgh's — —	622
	22692

So there only remains out of the twenty-nine thouſand, three hundred and ninety-five men provided for by parliament, ſix thouſand, ſeven hundred and three, either officers or ſoldiers to be accounted for by loſs in tranſportation, by death, deſertion, and by abſence on account of ſickneſs, or recruiting; to ſupply which defects, one battalion of guards, three of marines, and a detachment of dragoons were ſent to Spain, and four regiments of foot to Portugal, which were not a part of the eſtabliſhment for Spain or Portugal, but were effectually four thouſand, ſeven hundred and ninety-two men.

GALWAY.

preſented to the queen, there was a great debate in the grand committee of the houſe of lords, occaſioned by a bill paſſed by the commons, for rendering the union of the two kingdoms more entire and complete; whereby, in the firſt place it was enacted, "That from the firſt of May 1708, there ſhould be but one privy-council in the kingdom of Great-Britain." All the court was againſt this bill. Thoſe, who governed Scotland, deſired to keep up their authority there, with the advantage they made by it; and they gave the miniſters of England great aſſurances, that by their influence elections might be ſo managed, as to ſerve all the ends of the court; but they ſaid, that without due care, theſe might be carried ſo, as to run all the contrary way. This was the ſecret motive; yet this could not be owned in a public aſſembly; and therefore that, which was pretended, was that many great families in Scotland, with the greateſt part of Highlanders, were ſo ill affected, that without a watchful eye, ever intent upon them, they could not be kept quiet. It lay at too great a diſtance from London to be governed by orders ſent from thence. To this it was anſwered, that by the circuits of the juſticiary courts, and by juſtices of peace, that country might be well governed, notwithſtanding its diſtance, as Wales and Cornwal were. The bill had been carried in the houſe of commons by a great majority, that there ſhould be only one privy-council for the whole iſland. But in the houſe of lords, it met with a conſiderable oppoſition. The court ſtood alone; all the tories and the much greater part of the whigs were for the bill. The court ſeeing the party for the bill ſo ſtrong, were willing to compound the matter; and whereas, by the bill, the council of Scotland was not to ſit after the firſt of May, the court moved to have it continued to the firſt of October. It was viſible, that this was propoſed only in order to the managing elections for the next parliament; for which reaſon the lords adhered to the day prefixed in the bill. But a new debate aroſe about the power given by the bill to juſtices of peace, which ſeemed to be an encroachment on the juriſdiction of the lords, regalities, and of the hereditary ſheriffs and ſtewards, who had the right of trying criminals, in the firſt inſtance, for fourteen days time; yet it was ordinary, in the caſes of great crimes and riots, for the privy-council to take immediate cognizance of them, without any regard to the fourteen days: So that by this act the juſtices of peace were only empowered to do that which the privy-council uſually did; and except the occaſion was ſo great, as to demand a quick diſpatch, it was not to be doubted, but that the juſtices of peace would have great regard to all private rights. Yet, ſince this had the appearance of breaking in upon private rights, this was much inſiſted on by thoſe who hoped, by laying aſide theſe powers given to the juſtices of peace, to have gained the main point of keeping up a privy-council in Scotland. For all the Scots miniſters ſaid, that the country would be in great danger, if there were not a ſupreme government ſtill kept up in it. But it ſeemed an abſurd thing, that there ſhould be a different adminiſtration, where there was but one legiſlature. While Scotland had an entire legiſlature within itſelf, the nation aſſembled in parliament could procure the correction of errors in the adminiſtration; whereas now, that it was not a tenth part of the legiſlative body, if it was ſtill to be kept under a different adminiſtration, that nation could not have ſtrength enough to procure a redreſs of its grievances in parliament; by which means they might come to be ſubdued and governed as a province. And the arbitrary way, in which the council of Scotland had proceeded ever ſince king James the firſt's time, but more particularly ſince the reſtoration, was freſh in memory, and had been no ſmall motive to induce the beſt men of that nation to promote the union, that they might be delivered from the tyranny of the council; and their hopes would be ſtill diſappointed, if they were ſtill kept under that yoke. This point was in concluſion yielded, and the bill paſſed by a majority of fifty lords againſt forty-five, though to the great diſcontent of the court. There was a new court of exchequer created in Scotland, according to the frame of that court in England. Special acts were made for the elections and returns of the repreſentatives in both houſes of parliament; and ſuch was the diſpoſition of the Engliſh to oblige them, and the behaviour of the Scots was ſo diſcreet, that every thing that was propoſed for the good of their country, was agreed to: Both whigs and tories vied with one another, who ſhould ſhew moſt care and concern for the welfare of that part of Great-Britain.

On the 11th of February there happened an important change in the adminiſtration in England, for Mr. Henry Boyle, uncle to the earl of Burlington, and chancellor of the exchequer, was made ſecretary of ſtate in the room of Mr. Harley. Probably the affair of Gregg, Valiere, and Bara, which in ſome meaſure affected Mr. Harley's credit, made him more earneſt to bring about a change in the conduct of affairs, on which he relied on the credit of the new favourite Mrs. Maſham. The duke of Marlborough, and the lord-treaſurer, having diſcovered many of his practices, laid them before the queen, who would believe nothing that was ſuggeſted to his prejudice. Her majeſty denied, that ſhe had given any authority for carrying meſſages to the tories; but would not believe, that he or his friends had done it, nor would ſhe enter into any examination of his ill-conduct, and was uneaſy when ſhe heard it ſpoke of. Theſe lords wrote therefore to the queen, that they could ſerve her no longer, if he was continued in that poſt; and on the Sunday following when they were ſummoned to a cabinet-council, they both went to the queen, and told her, that they muſt quit her ſervice, ſince they ſaw ſhe was reſolved not to part with Mr. Harley. Her majeſty ſeemed not much concerned at lord Godolphin's offering to lay down; and it was believed to be a part of Mr. Harley's new ſcheme to remove him; but ſhe was much touched with the duke of Marlborough's offering to quit, and ſtudied, with ſome ſoft expreſſions, to divert him from that reſolution: But he was firm, and did not yield to them. Upon this they both went away, to the wonder of the whole court. Immediately after, the queen went to the cabinet-council; and Mr. Harley opened ſome matters relating to foreign affairs. The whole board was very uneaſy; the duke of Somerſet ſaid, That he did not ſee how they could deliberate on ſuch matters, ſince the general was not with them. He repeated this with ſome vehemence, while all the reſt looked on ſo cold and ſullen, that the cabinet-council was ſoon at an end; and the queen ſaw, that the reſt of her miniſters, and the chief officers were reſolved to withdraw from her ſervice, if ſhe did not recal the two, who had left it. It was ſaid, that ſhe would have put all to the hazard, if Mr. Harley himſelf had not apprehended his danger, and reſolved to lay down. The queen ſent the next day for the duke of Marlborough, and, after ſome expoſtulations, ſhe told him that Mr. Harley ſhould immediately leave his poſt, which he did within two days. But the queen ſeemed to carry a deep reſentment of his and the lord Godolphin's behaviour on this occaſion; and, though they went on with her buſineſs, they found they had not her confidence. The ducheſs of Marlborough, for ſome weeks, abſtained from going to court; but afterwards, that breach was made up in appearance, though it was little more than an appearance. Both houſes of parliament expreſſed a great concern at this rupture in the court, and apprehended the ill effects, which it might have. The commons let the bill of ſupply lie on the table, though it was ordered for that day. Upon Mr. Harley's removal, ſir Simon Harcourt, the attorney-general, ſir Thomas Manſell, comptroller of the houſehold, and Mr. St. John, ſecretary at war, laid down likewiſe their poſts [a].

[a] The ducheſs of Marlborough, in the Account of her Conduct, p. 252, &c. ſpeaks of this affair on the following terms: The duke of Marlborough and lord Godolphin had often told the queen in the moſt reſpectful manner, that it was impoſſible for them to do her any ſervice, while Mr. Harley was in her confidence. Her majeſty nevertheleſs ſeemed determined not to part with him, till at length thoſe two lords, being urged by neceſſity to it, declared their reſolution to ſerve no longer with him; and they abſented themſelves from the council. Mr. Harley would have proceeded to buſineſs without them, when the council met; but the duke of Somerſet ſaid, he did not ſee how it could be to any purpoſe, when neither the general nor the treaſurer was preſent; whereupon the council immediately broke up. This had ſuch effect upon the queen, that, very ſoon after, Mr. Harley was diſmiſſed from his poſt. Such a compliance with the miniſters ſeemed to the eye of the world a very great conceſſion, but was in truth nothing. For it was evident by what followed, that this appearance of giving up Mr. Harley was with his own conſent, and by his own advice, who, as long as Mrs. Maſham continued in favour, would, under pretence of viſiting her, who was his couſin, have all the opportunities he could wiſh for, of practiſing upon the paſſions and credulity of the queen; and the method of correſponding with him had been ſettled ſome time before.—I was fully apprized of all this, continues the ducheſs; yet I reſolved to try, if by being eaſy and quiet I could regain any influence with her majeſty. She had given me ſome encouragement to hope it. For when a little before Mr. Harley's diſmiſſion, lord Marlborough reſolved to quit the ſervice; and when on that occaſion, I had with tears (which a tender concern at the thought of parting from her majeſty made me ſhed) repreſented to her, that if the duke retired, it would be improper, and even impoſſible for me to ſtay at court after him; ſhe declared, that ſhe could not bear the thought of my leaving her; and that it muſt never be. And at the ſame time ſhe made me a promiſe, that if ever I ſhould leave her) which ſhe again ſaid muſt never be) ſhe would beſtow my offices among my children. Nay, the whigs had ſome reaſon to flatter themſelves about this time, that her majeſty would become better diſpoſed to them, than ſhe had hitherto been. The pretender's attempt to land in Scotland, which happened about this time, gave her an alarm, that ſeemed to bring a conviction along with it, that the whigs were the moſt to be depended upon for the ſupport of her government; at leaſt what ſhe ſaid in anſwer to the lords addreſs upon the occaſion, had this appearance. But as the danger preſently blew over, and as her fears ceaſed with the cauſe of them, ſo all the hope which the whigs had raiſed in themſelves from thoſe fears, preſently vaniſhed.

A few days after this breach at court, the nation was ſuddenly alarmed with the news of an invaſion. The French king, to retaliate the late attempt upon Toulon, reſolved to carry the war into Great-Britain, by ſending the pretended prince of Wales to Scotland with a fleet and army, to poſſeſs himſelf of that kingdom, being induced thereto by the hope given him, that the Scots were ſo highly diſcontented on account of the union, as to be ripe for a revolt, and ready to join him on his arrival amongſt them. The neceſſary preparations for the expedition were carried on at Dunkirk with all imaginable diligence, and with ſuch ſecreſy than the deſign was rather gueſſed at than known, till the pretender himſelf ſet out from St. Germains, when it was no longer a myſtery, that he intended to make deſcent upon Scotland. The day before his departure, the French king went to St Germains to take his leave of him, and wiſh him ſucceſs; preſented him with a ſword enriched with diamonds of a conſiderable value, and deſired him always to remember, that it was a French ſword. The chevalier de St. George (for this was the name the pretender aſſumed in this adventure) anſwered the compliment with aſſuring him, "That, if it was his good fortune to get poſſeſſion of the throne of his anceſtors, he would not content himſelf with returning him thanks by letters and ambaſſadors, but would ſhew his gratitude by deeds: Nay, he would come in perſon to acknowledge his majeſty's protection and aſſiſtance." To which the French king replied he hoped never to ſee him again. Upon his arrival at Dunkirk, the pretender was furniſhed with very fine tents, a large ſet of gold and ſilver plate of curious workmanſhip, clothes for his future life-guards, liveries for his houſhold and other neceſſaries; towards the charge of which, and of this armament, the pope was ſaid to have contributed a conſiderable ſum of money [b]. The pretender's motto upon the colours and ſtandards were, Dieu & mon droit, "God and my Right:" Nil deſperandum Chriſto duce & auſpice Chriſto, "I ought not to deſpair, ſince Chriſt is my guide and helper:" And, cui venti & mare obediunt, impera Domine, & fac tranquillitatem; "Thou, Lord, whom the winds and ſea obey, command, that it be calm."

The preparations of the French at Dunkirk gave great uneaſineſs to the ſtates-general, who concerted with the Britiſh miniſters the neceſſary meaſures for diſpelling the ſtorm, which ſeemed to threaten her Britannic majeſty's dominions, of which they gave timely information to the queen; as did likewiſe her envoy major-general Cadogan, who had early intelligence of the deſign from a Jew reſiding at Dunkirk.

Upon this Mr. ſecretary Boyle acquainted the commons, "That her majeſty had commanded him to lay before the houſe ſeveral advices received the night before, and that morning, of great preparations at Dunkirk, for an immediate invaſion upon England by the French, and of the pretended prince of Wales's being come to Dunkirk for that purpoſe." The letters and extracts relating thereto being read, it was unanimouſly reſolved to preſent the following addreſs to her majeſty, in which the houſe of lords readily concurred.

"We your majeſty's moſt faithful and obedient ſubjects, the lords ſpiritual and temporal and commons of Great-Britain in parliament aſſembled, do beg leave to return our moſt hearty thanks to your majeſty for being graciouſly pleaſed to communicate to your parliament the intelligence you have received of an intended invaſion of this kingdom by the pretended prince of Wales, ſupported by a French power.

"We are ſo ſenſible of the happineſs we enjoy under your majeſty, and are ſo affected with the dangerous conſequences of ſuch an attempt, both to your perſon and government, that, with hearts full of concern for your majeſty's ſafety, we beſeech your majeſty, that you will be pleaſed to take particular care of your royal perſon: And we, on our part are fully and unanimouſly reſolved to ſtand by and aſſiſt your majeſty with our lives and fortunes, in maintenance of your undoubted right and title to the crown of theſe realms, againſt the pretended prince of Wales, and all other your enemies both at home and abroad.

"The care your majeſty has taken for the defence of your dominions and particularly in fitting out ſo great a fleet in ſo ſhort a time, gives ſatisfaction and encouragement to all your good ſubjects, who are likewiſe very ſenſible of the zeal the ſtates-general have ſhewn upon this occaſion.

"As a farther inſtance of our duty, we humbly deſire, that you will be pleaſed to order that the laws againſt papiſts and non-jurors be put in execution; and that directions be given to ſeize and ſecure ſuch perſons with their horſes, and arms, as your majeſty ſhall have cauſe to ſuſpect are diſaffected to your perſon and government.

"And as we doubt not, but, by the bleſſing of God upon the continuance of your majeſty's care, your enemies will be put to confuſion, ſo we readily embrace this opportunity, to ſhew to your majeſty and the whole world, that no attempts of this kind ſhall deter us from ſupporting your majeſty in a vigorous proſecution of the preſent war againſt France, till the monarchy of Spain be reſtored to the houſe of Auſtria, and your majeſty have the glory to complete the recovery of the liberties of Europe."

To this addreſs her majeſty was pleaſed to anſwer in the following terms:

My lords and gentlemen,

"I have ſuch entire dependence on the providence of God, and ſo much truſt in the faithful ſervices of my good ſubjects, that I hope this attempt will prove dangerous only to thoſe, who undertake it.

"I am extremely ſenſible of your concern and affection for me and my government, and ſhall have a very particular regard to the advice you give me upon this occaſion.

"I am alſo very well pleaſed with the juſtice, which you have done the ſtates-general, in taking notice of their timely care for our ſafety, and their readineſs to give us all poſſible aſſiſtance.

"The firm reſolution, which you expreſs upon all occaſions, of ſupporting me and bringing this war to a ſafe and happy concluſion, as it is moſt eſſentially obliging to me; ſo I aſſure myſelf, it will mightily diſhearten our common enemies, and give the greateſt encouragement and advantage to all our allies."

The parliament paſſed two bills; the one, that the abjuration might be tendered to all perſons and that ſuch as refuſed ſhould be in the condition of convict recuſants. By the other, the habeas corpus act was ſuſpended till October, with relation to perſons taken up by the goverment on ſuſpicion. The pretender and his adherents were proclaimed traitors and rebels.

Upon the firſt notice of the French armament in Dunkirk, major-general Cadogan repaired to Bruſſels, and concerted with Monſieur d'Auverquerque the march of the Britiſh forces to be ſhipped off for Great-Britain, and how to ſupply their room in their ſeveral garriſons. From Bruſſels he went to Ghent; and having conferred with general Lumley, the governor of that place, and commander in chief of the Britiſh troops, orders were given to ten battalions, one of the guards, two of Orkney's, one of Argyle's, one of Primroſe's, one of Lalo's, one of Howe's, one of Ingoldeſby's, one of North and Grey's, and one of Godfrey's, to hold themſelves in readineſs to march at an hour's warning. This done, Cadogan repaired to Oſtend, to forward the preparations, which, by his early directions, were making there for the embarking of thoſe regiments, as ſoon as there ſhould be certain advice, that the twelve French battalions, that were to attend the pretender in his expedition were actually on board. On the other hand, the admiralty of Great-Britain fitted out a fleet with ſuch incredible diligence, that (without diminiſhing the convoy provided for the Liſbon fleet, which conſiſted of twelve Britiſh, and five Dutch men of war, under the command of ſir John Leake,) ſir George Byng and the lord Durſley ſailed from Deal towards the coaſt of Dunkirk, on the 27th of February, O. S. in the morning, with twenty-three Britiſh and three Dutch men of war, and one Britiſh fire-ſhip. The ſame day, about noon, ſir George Byng came to an anchor in Gravelin-pits; and,

[b] The French king wrote the following letter to the pope, upon occaſion of the pretender's expedition:

Holy father,

"The great zeal which I have always had to re-eſtabliſh on the throne of England king James Stuart III, is well known to you; though there was not hitherto a time proper for it, as well by reaſon of the conjunctures, as by the unity of my enemies, which did not give me leave to act in ſo righteous a cauſe for our holy faith, the chief object of all our actions. We have now thought good to let him depart from our royal ſeat, on the 7th of March, in order to embark himſelf on board a fleet, where every thing has been prepared for him, with ſufficient forces to eſtabliſh him on the throne, after he ſhall have been received on his arrival by the faithful people of Scotland, and proclaimed as their true and lawful king. I have thought it fit not to omit ſending you this important news, that by your ardour the union of our holy mothe the church may increaſe in that kingdom, and that God may proſper him, whilſt the time is favourable. It is now, holy father, your buſineſs to accompany him by your zeal with your holy benedictions, which I alſo ask for myſelf; and I remain, holy father, your moſt loving ſon. Louis."

Verſailles, March 9, 1708.

immediately after, went into a ſmall frigate, and ſailed within two miles of Flemiſh Road, from whence he had a proſpect of the ſhips that lay there; and, the next day, learned from a fiſherman, taken off the ſhore, the number and ſtrength of the enemy's ſhips; and about ten thouſand men were in and about Dunkirk, ready to embark; that they expected every day ſeveral ſhips from Breſt; that that the pretender was come to Gravelin in his way to Dunkirk; where he arrrived on the 9th of March, N. S. in the morning.

The French who imagined that admiral Leak might by this time have ſailed for Liſbon, and conſequently that Great-Britain was unprovided of ſhipping, were ſo confident of the meaſures they had taken, that they publicly boaſted, that God alone could diſappoint their deſigns. But ſo great was their ſurprize, upon the Britiſh fleets appearing off Mardyke, that a ſtop was put to the embarkation of their troops, and frequent expreſſes were diſpatched to Paris for new orders. The count de Fourbin, who commanded the enemy's ſquadron, having repreſented to the French king, that he might indeed get out of Dunkirk harbour, and perhaps land the troops; but that he could not anſwer for his majeſty's ſhip's[c]; that Monarch, who was fully determined on this expedition, ſent him poſitive orders to reimbark his troops, and to put to ſea with the firſt fair wind. In the mean time, the enemy gave out, that their diſembarking of the troops at Dunkirk was upon account of the pretender's being indiſpoſed with the meaſles, attended with an ague; but, as ſoon as the French king's laſt orders came, that pretence vaniſhed; the prince was ſaid to be perfectly recovered; and count Fourbin having, on the 14th of March, N. S. received advice from Boulogne, that the Britiſh fleet, being forced from their ſtation by high winds, was ſeen off that place, ſteering, on the 12th for the Downs, they began at two in the afternoon, to reimbark their forces. The wind turning fair for them on the 17th of March, N. S. they took that opportunity, and ſailed at four in the afternoon from the road of Dunkirk; but, the wind changing about ten at night, they were obliged to come to an anchor in Newport-pits; where they continued till the 19th, at ten in the evening, when, the wind changing, they ſet ſail again, ſteering their courſe for Scotland. On the other hand the fleet under the command of ſir George Byng, which came back into the Downs the 2-13th of March, and was ſince reinforced to the number of above forty men of war of the line of battle, beſides frigates and fire-ſhips, ſet ſail again the 6-17th on a ſignal given by one of the ſcouts, who obſerved ſix ſhips to the weſtward, ſuppoſed to be the Breſt ſquadron, on the 9-20th, at ten in the morning, ſir George Byng, who was then between Dunkirk and Calais, received an intelligence by an Oſtend ſhip ſent out by major-general Cadogan, of the ſailing of the Dunkirk ſquadron from Newport-pits: Upon which he called a council of war, and according to the reſolution taken in it, ſailed immediately in purſuit of the enemy; having firſt made a detachment of a ſtrong ſquadron, under the command of admiral Baker, with inſtructions to convoy the troops, that were embarked at Oſtend, and to look after the ſhips ſtill remaining in Dunkirk road.

In the mean time, the parliament proceeded with great unanimity and vigour in their reſolutions, for the ſupport of the government againſt the pretender and his adherents. They paſſed a bill to diſcharge the clans of Scotland from their vaſſalage to their heads, who ſhould take up arms againſt the queen. This bill was chiefly owing to major-general Stanhope, and ſir David Dalrymple; but the enemy not landing in Scotland the bill had no effect. On the 10th of March, the queen came to the houſe of peers, and made a ſpeech to both houſes, importing, "That ſhe had received advices that morning from Oſtend, that the French fleet ſailed from Dunkirk on Tueſday, at three in the morning, northward, with the pretender on board: That ſir George Byng had notice of it the ſame day at ten, and he being very much ſuperior to the enemy both in number and ſtrength, her majeſty made no queſtion but by God's bleſſing, he would ſoon be able to give a good account of them. That ſhe had alſo advice, that ten battalions of her troops were embarked at Oſtend ready to ſail with their convoy, as there ſhould be occaſion; and that ſhe ſhould continue to take all proper meaſures for diſappointing the enemy's deſigns." Hereupon the houſe of commons unanimouſly voted the following remarkable addreſs, which was preſented to the queen by the whole houſe:

Moſt gracious ſovereign,

"WE your majeſty's moſt dutiful and loyal ſubjects, the commons of Great-Britain in parliament aſſembled, humbly wait on your majeſty, to expreſs the great ſenſe we have of your grace and favour, in communicating to us from the throne the account of the French king's perſiſting to invade your dominions, and to impoſe a pretender upon theſe realms, over which your majeſty is rightful and lawful ſovereign.

"The ſmall number of ſhips and troops, with which this project is proſecuted, notwithſtanding the great naval force your majeſty has fitted out with ſo much expedition, as it ought to be regarded with contempt on the one ſide, ſo on the other it gives us juſt cauſe to believe, that their chief dependance is upon ſome of your ſubjects, whoſe reſtleſs paſſions and arbitrary principles have, for ſome years, engaged them in forming deſigns to undermine and deſtroy the moſt happy eſtabliſhment that the government of this iſland was ever founded upon.

"The defence of your majeſty's perſon and government, and the ſupport of the proteſtant ſucceſſion, are things ſo ſacred to us and your people, that, as a demonſtration of our unfeigned zeal to aſſiſt and ſupport your majeſty to the utmoſt of our power, we do, in the name of the commons of Great-Britain, give this aſſurance, that whatever charge you ſhall be at by augmenting your troops at home, and replacing thoſe you have recalled from abroad, or for ſuch other ſervices, as your majeſty ſhall judge neceſſary upon this extraordinary occaſion, ſhall be effectually made good. And as we humbly recommend it to your majeſty, that the ſevereſt puniſhments may be inflicted upon ſuch as ſhall aſſiſt in ſo unnatural a deſign, as that of betraying your majeſty and their country; ſo we doubt not but you will give ſuitable encouragement to all thoſe, who ſhall ſhew their fidelity, by oppoſing the invader and his accomplices in Scotland, or wherever the deſcent ſhall be.

"Your majeſty wants no incitement to a ſteady proſecution of the war, in which you are engaged for the common cauſe; yet permit us to take this opportunity to entreat your majeſty, that this enterprize may no ways divert your conſtant vigour, that all the world may ſee, that both your majeſty and your people are determined to ſupport your allies in all parts, whatever attempts are made at home.

May it pleaſe your majeſty,

"There can be nothing ſo dangerous or fatal to the ſafety of your royal perſon, and the ſecurity of the preſent happy eſtabliſhment, as thoſe perſons, who endeavour to create diviſions and animoſities among your faithful ſubjects, or by any artful methods leſſen the juſt eſteem your majeſty has for thoſe, who have ſo eminently, and in ſo diſtinguiſhing a manner, commanded your armies, and managed your treaſure, to the honour and glory of your majeſty abroad, and the entire ſatisfaction of your people at home. We therefore humbly beg leave to beſeech your majeſty to diſcountenance all ſuch perſons and deſigns in the moſt remarkable manner."

The queen's anſwer to this addreſs was:

Gentlemen,

"I GIVE you my hearty thanks for this repeated aſſureance and certain proof of your zeal for me, and for the proteſtant ſucceſſion.

"I am glad your thoughts of the war abroad ſo perfectly agree with my firm reſolution upon that ſubject.

"You may depend, that no apprehenſions (further than are reaſonable) ſhall have any influence on my meaſures, while the cauſe of religion and liberty, with the good affections of my people, are on my ſide.

"I think all who endeavour to make diviſions among my faithful ſubjects, muſt be mine and the kingdom's enemies;

[c] He obſerves in his Memoirs, that he had no opinion of this enterprize. 'All the time I ſtaid at court, ſays he, I made ſeveral attempts to perſuade the miniſters to drop an enterprize, which I ſaw would be ſo unprofitable: I quite tired myſelf with repreſenting the inconveniences of it; I told the prime miniſter again and again, that the beſt we could make of it would be an unprofitable and diſhonourable cruize; that I was thoroughly mortified at his majeſty's having made choice of me for an expedition, which had all the evidence of being attended with ill ſucceſs: That, if a deſcent was made, the ſix thouſand men would ſurely be loſt, and the forces of the kingdom diminiſhed in proportion, beſides the ſcandal of giving into a chimerical enterprize, which ought to be looked upon as a mere dream. The anſwer to all this was, 'The loſs of the ſix thouſand men gives us no trouble; the king of England, forſooth, ſo they miſcalled the pretender, muſt be ſatisfied.' I never could get any thing elſe out of the miniſtry. The night before I ſet out for Dunkirk, I went to court to take my leave of the king: 'Monſieur Le Count, ſaid his majeſty, you are ſenſible of the importance of your commiſſion, I hope you will diſcharge it like yourſelf.' 'Sir, replied I, your majeſty does me a very great honour, but, if you will vouchſafe me a moment's audience, I have ſeveral things to repreſent to you concerning this commiſſion.' The king, who had been informed by the miniſter of the objections I had made to it all along, only ſaid, 'Monſieur Fourbin, I wiſh you a good voyage, I have affairs upon my hands, and cannot hear you now.'

and I ſhall never countenance any perſons, who would go about to leſſen the juſt eſteem, which I have for thoſe, who have done, and continue to do me, the moſt eminent ſervices."

The lords addreſs was as hearty as that of the commons, and, among other expreſſions of equal truth and affection, they ſaid,

"We hope your majeſty will always have a juſt deteſtation of thoſe perſons, who, at any time, when this helliſh attempt was a-foot, and ſo near breaking out, were uſing their endeavours to miſrepreſent the actions of your beſt ſubjects, and create jealouſies in your majeſty of thoſe who had always ſerved you moſt eminently and faithfully. And we beſeech your majeſty not to give ſo juſt a cauſe of uneaſineſs to your people, as to ſuffer any ſuch hereafter to have acceſs to your royal perſon.

"We hope for this good effect from ſo unhappy an occaſion, that the univerſal zeal, which will appear for the preſervation of your majeſty's government and the proteſtant ſucceſſion, will unite us to one another, and cure our miſtakes and miſapprehenſions, which have been ſo induſtriouſly and maliciouſly improved. But nevertheleſs we moſt humbly offer it to your majeſty as our opinion, that your majeſty ſhould principally depend upon and encourage thoſe, who have been ever ſince the revolution moſt ſteady and firm to the intereſt of the late king, and of your majeſty during your happy reign."

Her majeſty's anſwer to this addreſs was in theſe terms:

My lords,

"I AM extremely ſenſible of your zeal and concern for the ſafety of my perſon and government, and very well pleaſed to find your thoughts agree ſo exactly with mine, that no attempt of our enemies againſt us at home ſhould divert us from proſecuting the war abroad with the greateſt vigour, the hopes of which has probably been one of their principal motives to ſo preſumptuous an undertaking.

"As I cannot but wiſh there were not the leaſt occaſion of diſtinction among my ſubjects; ſo I muſt always place my chief dependance upon thoſe who have given ſuch repeated proofs of the greateſt warmth and concern for the ſupport of the revolution, ſecurity of my perſon, and of the proteſtant ſucceſſion."

The queen, being much alarmed with the danger of this invaſion, ſaw with what falſhoods ſhe had been abuſed by thoſe, who pretended to aſſure her there was not now a Jacobite in the nation. For this reaſon ſhe was obſerved to make a remarkable variation in her ſtile. She had never in any ſpeech mentioned the revolution, or thoſe who had been concerned in it. And many of thoſe, who made a conſiderable figure about her, ſtudied, though againſt all ſenſe and reaſon, to diſtinguiſh her title from the revolution, on which it was plainly founded, and on nothing elſe. But in this anſwer and another ſpeech ſhe named the revolution twice, and ſaid, ſhe would look on thoſe concerned in it as the ſureſt to her intereſts. She alſo fixed a new deſignation on the pretended prince of Wales, and called him the pretender (particularly in her ſpeech at the cloſe of this ſeſſion) and he was ſo called in a new ſet of addreſſes, which, upon this occaſion, were made to the queen.

Beſides the ten Engliſh battalions, which Cadogan had embarked at Oſtend, and which, ſailing from thence the 28th of March, N. S. under the convoy of admiral Baker, arrived three days after at Tinmouth, the firſt and ſecond troop of life-guards, a ſquadron of horſe grenadiers, the duke of Northumberland's regiment of horſe-guards, the dragoons of Eſſex and Carpenter, a detachment of ſixteen men out of each company of the firſt and ſecond regiments of foot-guards, making a complete battalion, and ſeveral regiments of foot, were ordered to march towards Scotland, whither the earl of Leven, commander in chief of the forces in that part of Great-Britain, and governor of Edinburgh caſtle, went poſt betimes, to provide for the ſecurity of that important fortreſs, and to make all the neceſſary diſpoſitions to baffle any attempts, which the enemy could make on that ſide. Several regiments, in the ſouth parts of Ireland, were at the ſame time commanded towards the north of that kingdom, from whence, if occaſion had required, they might, with eaſe, have been tranſported into Scotland. But all the precautions by land proved wholly unneceſſary, by the diſappointment of the enemy's deſign at ſea, of which ſir George Byng gives an account in two letters of the 13th and 15th of March, from on board the Medway; the firſt whereof is as follows: "According to the opinion we had framed, when we left the ſtation off Dunkirk, it has proved, that the enemy was deſigned for Edinburgh. This morning we ſaw the French fleet in the mouth of the Frith, off of which place we anchored the laſt night, and ſent a boat a-ſhore to the iſle of May, from whence we had an account, that the French came to an anchor yeſterday in the afternoon. They ſent one ſhip up into Leith road, which had a flag at the maintop-maſt head. They report it, a blue one; but we are rather of opinion, that it is the ſtandard. The people of the iſland ſay, that, by the time that ſhip could get up before the town, they heard ſeveral guns fire, which were in the manner of a ſalute. The ſhip, that went up yeſterday, came down this morning, and is now within two leagues of us. She appears to be a ſhip of ſixty guns, but has now no flag on board. We ſaw this morning, when they weighed, a flag at the main top-maſt head, on board of one of their ſhips. They ſtand from us, and we after them, with all the ſail we can."

The ſecond letter, dated from Leith road, was as follows: "We chaſed the enemy to northward of Buccaneſs, ſome times with reaſonable hopes of coming up with them. The Dover and Ludlow-Caſtle, being the only clean-ſailing ſhips we had, they were the firſt, which came up with part of the enemy's ſquadron, paſſing by ſome of the ſmaller, to engage ſome of the larger ſhips, and ſtop them till they could be received. They attacked two or three of their ſhips, among which was the Saliſbury: They did not part with them, till more of our ſhips arrived, but worked their ſhips in a handſome manner, to cut them off from the reſt of the fleet; but in the darkneſs of the night they all got out of ſight, except the Saliſbury who falling in amongſt our head-moſt ſhips, the Leopard entered men on board her. We are informed by the officers, who were taken, that there were twelve battalions on board their ſquadron, commanded by Count de Gacé, a marſhal of France. The pretended prince of Wales, lord Middleton, lord Perth, the Mac-Donals, Trevanions, and ſeveral other officers and gentlemen, were on board the Mars, in which alſo was Monſieur Fourbin, who commanded the ſquadron. The number and ſtrength of their ſhips are very near the account we lately received from Dunkirk; nor were they joined by the Breſt men of war. And they further aſſure us, that the ſhips, our outſcouts ſaw off Calais, were privateers, and their prizes, going into Dunkirk. The morning after this chaſe we ſaw but eighteen of the enemy's ſhips, as far as we could perceive them from the maſt-head, in the eaſt north-eaſt of us. Having no proſpect of coming up with them, we lay off and on Buccaneſs all day yeſterday, to gather our ſhips together; and this day, it blowing hard at north-eaſt with a great ſea, judging the enemy could not ſeize the ſhore to make any attempt, we bore up for this place; which was thought moſt reaſonable; not only to ſecure, but to give countenance and ſpirit to her majeſty's faithful ſubjects, and diſcourage thoſe, that could have thoughts of being our enemies[d]."

[d] Mr. de Gace (who commanded the land forces, and was for this unſucceſsful ſervice made a marſhal of France by the title of marſhal de Matignon) gave alſo an account of the invaſion to Mr. de Chamillard in a letter dated at Dunkirk in April: 'I had the honour to acquaint you with our embarkation at Dunkirk the 17th paſt; and you ſhall ſee by the following journal what has happened ſince till our return.

The 17th, at four in the afternoon, the chevalier de Fourbin ſet ſail with the fleet; but, about ten in the evening, the wind proving contrary, we were obliged to caſt anchor in the Downs off Newport, where we were detained the 18th and 19th. The Proteus, on board of which were four hundred landmen; the Guerrier and the Barentine, with two hundred men each, were obliged, by the high winds, to put back into Dunkirk. The ſame day, the 19th, at ten in the evening, the wind having chopped about, we ſet ſail again; and, having purſued our courſe the 20th, 21ſt, and 22d with a ſtrong gale, we made the Frith of Edinburgh the 23d in the morning, and in the evening caſt anchor at the mouth of it. The 24th in the morning, as we made ready to enter the Frith, we diſcovered a great number of ſhips, which we ſoon found to be the enemy's ſquadron to the number of twenty-eight ſail, whom we judged to be the ſame, that had appeared off Dunkirk; whereupon Monſieur de Fourbin reſolved to bear off by the favour of a land breeze, which very luckily carried us from the enemy. They purſued us pretty cloſe all that day, the 24th, and, four of the beſt ſailors being come up with our ſternmoſt ſhips, the enemy's foremoſt ſhip attacked, at four in the afternoon, the Auguſt, with whom they exchanged ſome guns for ſome time; after which the Engliſh bore down upon the Saliſbury, which was more a-ſtern, and endeavoured to put her between themſelves, and another Engliſh ſhip, that was coming up to her. The fight between theſe two ſhips, and ſome others on both ſides, laſted till night; during which time the Saliſbury made a great fire with their ſmall arms.

Our fleet being diſperſed, and the enemy near us, Monſieur de Fourbin ſteered falſe during the night, which had a good effect; for the next day, the 25th, we found ourſelves with twenty ſail at a conſiderable diſtance from the enemy; whereupon I diſcourſed with Monſieur de Fourbin, to know of him, whether, having miſſed our landing in the Frith of Edinburgh, we might not attempt it in another place? He propoſed to me Inverneſs, which is a very remote part in the north of Scotland; and we went immediately to ſpeak of it to the king of England, who entertained the motion with joy, and told us, 'We ought to concert together the meaſures, that were to be taken, and he would purſue our reſolutions.'

The

Sir George Byng having loſt ſight of the French, and conſidering, that the Frith was the ſtation of the greateſt importance, as well as ſafety, and was the place where they deſigned to land, put in there, till he could hear what courſe the French ſteered, who were not heard of in England till a fortnight after. Three of their ſhips landed near the mouth of Spey, only to refreſh themſelves; for, the ſhips being ſo filled with landmen, there was a great want of water. At laſt all their ſhips got ſafe into Dunkirk. The landmen either died at ſea, or were ſo ill, that all the hoſpitals in Dunkirk were filled with them. It was reckoned, that they loſt above four thouſand men in this unaccountable expedition; for they were above a month toſſed in a very tempeſtuous ſea. If they had landed, it might have had an ill effect on our affairs, chiefly with relation to all paper credit; and if by this the remittances had been ſtopped, in ſo critical a ſeaſon, that might have had fatal conſequences abroad; for, if the nation had been put into ſuch diſorder at home, that foreign princes could no more reckon on its aſſiſtance, they might have been diſpoſed to hearken to the propoſitions, which the king of France would then probably have made to them,

The houſe of commons, upon a ſuggeſtion, that ſir George Byng might have deſtroyed the whole Dunkirk ſquadron, if his ſhips had been clean, reſolved to preſent an addreſs to her majeſty, "That ſhe would be pleaſed to give directions, that an account might be laid before the houſe of the number of ſhips, which went in the expedition with ſir George Byng, when the ſame were cleaned:" Which account having been laid before the houſe, and examined, it was reſolved, "That the thanks of this houſe be given to his royal highneſs, the lord high-admiral, for his great care in ſo expeditiouſly ſetting forth ſo great a number of ſhips, whereby the fleet, under the conduct of ſir George Byng, was enabled ſo happily to prevent the intended invaſion." Which was accordingly done.

Some days before, the commons came to an unanimous reſolution, "That whoever deſignedly endeavoured to deſtroy or leſſen the public credit, eſpecially at a time, when the kingdom was threatened with an invaſion, was guilty of an high crime and miſdemeanor, and was an enemy to her majeſty, and the kingdom." And indeed, the moſt dangerous effect of the enemy's intended invaſion, was the occaſioning great demand upon the Bank of England; which viſibly tending to the ruin of its credit, with which that of the exchequer was cloſely connected, the miniſtry thought proper to apply a ſpeedy remedy to that evil. In order to that, the lord-treaſurer ſignified to the directors of the bank, that her majeſty would allow, for ſix months, an intereſt of ſix per cent. upon their bills, which before were only three per cent. And, at the ſame time, his lordſhip offered them a conſiderable ſum of money; as did alſo ſeveral other peers, particularly the dukes of Marlborough, Newcaſtle, and Somerſet. On the other hand, the directors of the bank having reſolved to call in twenty per cent. upon their capital ſtock, they were in a condition to anſwer the demands of the moſt importunate, among whom were reckoned, firſt, the diſaffected, who improved that conjecture to diſtreſs the government with impunity; ſecondly, the timorous uſurers, who were unreaſonably alarmed at the intended invaſion; and laſtly, the gold-ſmiths, who having, in great meaſure loſt the advantageous trade, they carried on with the money, that private perſons lodged in their hands, before the eſtabliſhment of the Bank of England, had ever ſince endeavoured to ruin its credit. One of theſe, ſir Richard Hoare, was ſo concerned at his being reflected on, as having contributed towards the run upon the bank, that he was very ſolicitous to vindicate himſelf as to that particular. But it was obſerved, to the honour of the French, Dutch and Jewiſh merchants, that they were ſo far from calling in the money they had in the bank, that, on the contrary, they carried more into it, to ſupport its credit.

Thus the intended invaſion was totally defeated, without its having the leaſt ill effect on the affairs of Great-Britain, though the court of France had been ſo ſecure of ſucceſs, that their king wrote a circular letter to his miniſters in Rome, Switzerland, Geneva, and other neutral places, directing them to declare in his name, "That he had been long of opinion, that the aſſiſting the king of England to poſſeſs the throne of his anceſtors would be for the general good of all Europe. That he believed, that a peace would be the conſequence of its ſucceſs: And that this princes's ſubjects would eſteem themſelves equally happy, in contributing to re-eſtabliſh him in the place of his predeceſſors, and in being themſelves delivered from thoſe continual impoſitions, wherewith they were overwhelmed, to maintain a war altogether foreign to them. That, as the Scots had yet more reaſon than the Engliſh to be diſſatisfied with the preſent government of England, it appeared to him a convenient opportunity to reſtore to that nation their lawful ſovereign, and to enable the prince to deliver it from the oppreſſion it had ſuffered ſince the revolution, which happened under the late king of England, James the ſecond. That theſe were the reaſons, which had determined him to equip a ſquadron of his ſhips at Dunkirk, and to furniſh the king of England with a conſiderable number of his troops, to accompany him to Scotland, to ſupport thoſe his faithful ſubjects, who ſhould declare for him. That he [the pretended king of England] left Verſailles the 7th of March, N. S. to go to Dunkirk, in order to embark, and get, with all expedition, to Scotland. That his intention was not to enter the kingdom by right of conqueſt, but to oblige them to receive him as legal poſſeſſor of it. That he would behave himſelf in like manner with reſpect to all his other dominions, that ſhould pay the obedience they owed him; and his ſubjects would only be diſtinguiſhed according to the zeal and affection they ſhewed for him, without examining what religion they profeſſed, in which he left them to their entire liberty." The French king concluded, "That he had no thoughts of enlarging his power, by aſſiſting to re-eſtabliſh this prince: That it was ſufficient, that he did an act of juſtice, in vindicating the honour of crowned heads, highly affronted in the perſon of the late king, his father; and his wiſhes would be entirely accompliſhed, if (by God's bleſſing on his endeavours) the ſucceſs became the means of procuring a laſting peace, ſo neceſſary to all Europe."

When theſe miniſters received this circular letter, they had likewiſe advice ſent them, which they publiſhed both at Rome, Venice, and in Swiſſerland, that the French had, before this expedition was undertaken, ſent over ſome ſhips with arms and ammunition to Scotland: And that there was already an army on foot there, that had proclaimed this pretended prince, king. It was ſomewhat extraordinary to ſee ſuch eminent falſhoods publiſhed all Europe over: They alſo affirmed, that hoſtages were ſent from Scotland to Paris, to ſecure the obſerving the engagements, they had entered into; though all this was fiction and contrivance[e].

The ſeſſion of parliament was cloſed the 1ſt of April, ſoon after defeating the deſign of the invaſion. The queen made the following ſpeech to both houſes:

The buſineſs was now to get pilots to conduct us thither, and give us the neceſſary notices. But there being none in our ſquadron, that was acquainted with that port, Monſieur de Fourbin detached a frigate with the Sieurs Caron and Bouyn, to fetch ſome from the cape of Buccaneſs. All that day, the 25th, we ſteered with a pretty favourable wind towards the north of Scotland; but, about eleven at night, there aroſe a ſtrong contrary wind, which having continued the next day with violence, Monſieur de Fourbin told me, it was high time to acquaint the king with the inconveniencies of purſuing our courſe, which were the inevitable diſperſion of our fleet; the danger, which the ſhips, that ſhould be ſeparated, would be in, either of falling into the enemy's hands, or of periſhing on the coaſt, if they were driven thither; and even the wanting of proviſions.

The impoſſibility the Sieurs Caron and Bouyn found of approaching the ſhore, by reaſon of the ſtormy weather, and conſequently of bringing pilots to guide us; the uneaſineſs and dangers of landing in a port we were ſtrangers to, and where the enemy might come up again with us, together with other hazards and difficulties, having been repreſented to the king by Monſieur de Fourbin in the preſence of the duke of Perth, my lord Middleton, Mr. Hamilton, my lord Galmoy, and Meſſieurs de Beauhornois and d'Andrezel, the king of England, with the unanimous advice of all thoſe gentlemen, reſolved to return to Dunkirk, where we could not arrive before this day, by reaſon of the calms and contrary winds.

[e] Lockhart, in his Memoirs (p. 342, &c.) has given us a large account of the grounds, on which the ſucceſs of this undertaking was founded. As ſoon as the union took place, two commiſſions were appointed for managing the cuſtoms and exciſe of Scotland, being partly Engliſh, and partly Scotſmen; but, at the ſame time, vaſt numbers of ſurveyors, collectors, and other officers, being ſent down from England, and executing the new laws with all rigour, were ſo grievous to the people, that men of all ranks and perſuaſions reſented the loſs of the ſovereignty, and were eaſily perſuaded by the pretender's friends, "That nothing but the reſtoration of the royal family by the means of Scotſmen could reſtore them to their rights." Nor were many of the nobility and gentry leſs deſirous to ſee the pretender amongſt them; and therefore had, for ſome time paſt, preſſed his coming over, as the luckieſt opportunity for reſtoring him, and advancing the intereſt of France, by giving a diverſion to the Engliſh. Upon the repeated inſtances of the court of St. Germain's, and the ill ſucceſs of the French arms in 1706, the French king began to reliſh the propoſal, and ſeemed in earneſt to do ſomething for the pretender; but, before he proceeded any farther, he ſent over colonel Hookes to get intelligence, and treat with the Scots. It was the opinion of many, that Hookes was pitched upon by the court of France, as one, who would follow their directions, and aſſerted, That he ſhewed more concern to raiſe a civil war (which was what the French king chiefly wanted) than to promote the pretender's ſervice and intereſt. However that was, it is certain, he rather widened than made up the diviſion he found among the Scots Jacobites, which was occaſioned, by a miſunderſtanding between the dukes of Hamilton and Athol. Hamilton claimed merit upon account of his paſt actions, his intereſt, and qualifications; and Athol valued himſelf on the intereſt he had got of late with the north-country gentry, and the great numbers of men he could raiſe. Many, being diſguſted with the duke of Hamilton for his equivocal behaviour in the laſt Scots parliament, inclined to think, that the duke of Athol would venture further for the pretender; which, as it piqued the one, ſo it elevated the other; and this jarring went ſo far, that ſome of the duke of Athol's partizans railed openly at the duke of

My lords and gentlemen,

" I cannot conclude this ſeſſion, without acknowledging the wiſe and ſpeedy proviſions, which you have made for the public ſecurity.

Gentlemen of the houſe of commons,

" I am alſo to thank you in particular, for the large and timely ſupplies, which you have provided for the effectual proſecution of the war. I aſſure you, they ſhall be carefully and punctually applied to the uſes for which they are appointed.

My lords and gentlemen,

" I take theſe (eſpecially at this juncture) to be ſuch undeniable proofs of your zeal and affection to my ſervice, as muſt convince every body of your doing me the juſtice to believe, that all which is dear to you, is perfectly ſafe under my government; and muſt be irrecoverably loſt, if ever the deſigns of a popiſh pretender, bred up in the principles of the moſt arbitrary government, ſhould take place.

" I am ſatisfied, that very falſe repreſentations of the true inclinations and intereſts of my people muſt have been made

of Hamilton, and pretended to do all themſelves. Others, again, reflecting on the duke of Athol's conduct on ſeveral occaſions, were afraid he was not firm, but acted rather from a deſire of revenging himſelf of the courtiers, who had ſlighted him, than a true principle of loyalty to the pretender; and, conſidering that he was by no means qualified to be the head of a party, thought he was not to be humoured ſo far, as to diſguſt the duke of Hamilton. For, though the latter's cautious behaviour in concerting meaſures was not approved, yet the Jacobites being perſuaded of his entire affection to their cauſe, and convinced, at the ſame time, that he was abſolutely neceſſary to be with the pretender, by reaſon of his intereſt, courage, and conduct, and particularly his dexterity in managing the different parties; upon all theſe conſiderations they thought he was to be reſpected, and adviſed with; and therefore recommended him to the earl of Middleton, who, agreeing with them, repreſented him to the pretender, as the fitteſt perſon to ſerve him in Scotland. But the duke of Perth, who entirely differed from the earl of Middleton, ſoon cloſed with the duke of Athol; and, having more intereſt with the prieſts and Roman catholics than the earl of Middleton, prevailed ſo far with the court of France, or at leaſt with Hookes, that Hookes, upon his arrival in Scotland, in the beginning of March 1707, made his chief application to, and concerted meaſures with his correſpondent, the duke of Athol. Beſides his credentials from the pretender and French king, empowering him to treat with the people of Scotland, in order to bring about the king's reſtoration, and to recover the nation's ſovereignty, and ancient privileges; colonel Hookes produced a paper, containing ſeveral queries drawn by the marquis de Torcy, relating to the number of men, that could be raiſed in Scotland; the conveniences for ſubſiſting and quartering troops, and carrying on a war; and the number of forces, ſums of money, and quantities of arms and ammunition, neceſſary to be ſent from France. A diſtinct anſwer being made to each query, containing a full account of the ſtate of affairs, particularly the inclination of the people to venture all for the pretender's ſervice, and earneſtly entreating him to come over as ſoon as poſſible; that paper was ſigned by the

Duke of Athol,	Lord Nairne,
Lord Drummond,	Fatheringhame of Powrie,
Earl of Errol,	Lyon of Auchterhouſe,
Earl of Strathmore,	Graham of Fintree,
Viſcount of Stormount,	Drummond of Logie,
Lord John Drummond,	Ogilvy of Boyne,

and others, and it was then delivered to colonel Hookes, who carried it to France in May 1707. It is to be obſerved, that he had brought over letters from the pretender to the duke of Hamilton, and the earl of Mariſchal, but before he tranſmitted thoſe letters to them, he had ſo cloſely attached himſelf to the duke of Athol, and made ſuch advances in the treaty, that the duke of Hamilton and earl Mariſchal highly reſented their being thus diſregarded, and did not think fit to ſend their anſwers by Hookes, but choſe another hand to communicate their thoughts to the earl of Middleton. Hereupon Hookes ſent them impertinent threatening letters; and when he arrived in France, fluſhed with the ſucceſs of his embaſſy, he triumphed over the earl of Middleton, whom, and his friends in Scotland, he accuſed of backwardneſs to ſerve the pretender. Before he embarked for France, he had aſſured the Jacobites that their king would be with them by the month of Auguſt following; but before that time came, notice was ſent to Scotland, that the the attempt could not be made ſo ſoon. There being afterwards little appearance of its being executed, people began to ſuſpect, that the French king's affairs being ſomewhat retrieved by the battle of Almanza, he reſerved the deſign in favour of the pretender to another occaſion; which ſurmiſe proceeded from a well-grounded jealouſy, that the court of France regarded him no farther, than they thought him ſubſervient to their own intereſt and private views. Of this opinion was the duke of Hamilton, who having waited till the end of January 1707-8, without ſeeing any effect of the French king's promiſes, and his affairs requiring his preſence in England, he ſet out from Kenriel with his ducheſs and family towards Lancaſter. The third day he was on his journey, an expreſs from captain Straton informed him, that he had certain advice, that the pretender would proceed on his expedition before the middle of March; whereupon the duke ſeemed extremely perplexed what to do; but after ſome conſideration, he reſolved to proceed on his journey as a maſk to cover his real deſign; and in the mean time directed Mr. Lockhart of Carnwarth, who had accompanied him ſo far, inſtantly to repair to the ſhire of Lanerk to raiſe their friends and lead them to Dumfries, where he promiſed to meet him and where he was ſure to be joined with a great number of horſe and foot. Beſides the good diſpoſitions and ſolemn aſſurances of the pretender's friends, the court of France had reaſon to expect ſucceſs in Scotland; for the regular troops there did not exceed two thouſand five hundred men, moſt of whom were diſaffected and ready to join the pretender: The garriſons being unprovided with warlike ſtores, muſt have yielded at the firſt ſummons: A good part of the equivalent money being in the caſtle of Edinburgh, would have helped to carry on the war: And a fleet of Dutch ſhip's had ſome time before run a-ground on the coaſt of Angus, in which was a vaſt quantities of ammunition, beſides cannon and ſmall arms, and a great ſum of money which the Jacobites of that country would have ſecured. So that all things ſeemed to concur to give ſucceſs to the attempt upon Scotland. As ſoon as the French fleet was ready to ſail, the pretender diſpatched Mr. Charles Fleming, brother to the earl of Wigton, to acquaint his friends in Scotland therewith; and with him he ſent ſeveral copies of a paper containing inſtructions to his party how they were to behave, particularly deſiring them not to ſtir till they were ſure he was landed; and that then they ſhould ſecure all the money, horſes, arms and proviſions, that were in the hands of ſuch as were not well affected to him, and even their perſons if poſſible; and Mr. Fleming was to provide pilots to meet him at the mouth of the Frith of Forth, and guide his fleet up the ſame, being reſolved to land on the ſouth-ſide thereof, at or about Dunbar.

Mr. Fleming arriving at Slains, the earl of Errol immediately ſent him to Perthſhire, where he communicated his inſtructions to ſuch as he thought proper. The earl of Errol likewiſe ſent Mr. George, a ſkipper in Aberdeen, to be ready to go from Fifeneſs with Mr. Malcolm of Grange, to pilot the pretender up the Frith; and farther deſired him to go over the water to Edinburgh, to advertiſe captain Straton and Mr. Lockhart of Carnwarth of Mr. Fleming's arrival and inſtructions. The appearance of the French fleet in the Frith, as it wonderfully elated the ſpirits of the Jacobites, ſo it ſtruck no ſmall terror into the well-affected. However the magiſtrates and corporations of the city of Edinburgh ſhewed ſuch zeal and readineſs to aſſiſt the government, and ſuch care and diligence were uſed in obſerving and ſecuring ſuſpected perſons, that, by this means, together with the ſpeedy march of ſome Engliſh forces northwards, and ſir George Byng's continuing in Leith-Road, till certain news came of the pretender's return to Dunkirk, the peace of Scotland was happily preſerved.

Mr. Lockhart, from whom this account is extracted, obſerves, p. 375, that the reaſons alledged by the marſhal de Matignon, in his letter to Monſieur Chamillard, for not landing in the north or weſt of Scotland, were frivolous. 'And yet, ſays he, conſider the want of reſolution and firmneſs, that has of late appeared in the French councils; and it is not improbable, that having miſſed of the firſt aim of landing in the Frith, and being afraid of the Engliſh fleet's falling upon them, they might be at a ſtand and deſpair of ſucceeding. But is it not ſtrange they ſhould have undertaken ſuch an expedition, and not reflected upon, and been provided with orders for all accidents, that might happen? And was it ſo extraordinary a thing, that they could not foreſee, that the Engliſh fleet which was then at ſea, might have endeavoured to prevent the landing in the Frith; and yet on ſuch an emergency leave all to the admirals own diſpoſal? But ſince as I mentioned before, the king was ſo preſſing to have landed in the north, I am apt to believe Fourbin had ſecret orders from his maſter, which he did not communicate to the king. And therefore I cannot altogether condemn thoſe who are of opinion, that the French king did never deſign the king ſhould land; for being fully perſuaded and ſatisfied, that the Scots were zealouſly bent to riſe in arms, he might think that upon his fleets arrival on the coaſt, they would have appeared; and having once ſet the iſland by the ears together, and kindled a civil war, he might ſpare his men and money, and reſerve the king in his power to ſerve him on another occaſion. Elſe, ſay they, why did he not ſend ſuch a number of forces, as was capitulated? For the treaters demanded ſix or ſeven thouſand, and others ten thouſand; which was promiſed, and yet they were but betwixt four and five thouſand, and thoſe none of the beſt; neither was the ſum of money, nor quantity of arms, and other warlike ſtores, near ſo great as was demanded and agreed to. And ſince he had been at ſo much charge in equipping this expedition, and made ſuch a noiſe of it all the world over, why did they not land in the north or weſt, where they could meet with no oppoſition? It is true, indeed, the ſouth-ſide of the Frith was the place adviſed and moſt proper (though other places both in the north and weſt, had been ſpoke of too) becauſe the north-country were ſecure againſt any attempts, and well inclined to ſerve the king, and the landing on the ſouth ſide of the Frith, gained them Edinburgh, and opened a communication betwixt the north and the ſouth, and the weſt of Scotland and north of England. But ſure the difference betwixt weſt, ſouth and north, was not ſo great, as, if any one failed, the whole deſign was fruſtrated. But not to inſiſt further on the French king's ſecret deſigns (which are all myſteries to us) this is certain, that, had the French managed their affairs right, they might have landed even in the Frith; for, had they ſailed their courſe directly from Newport-pits, they might have reached it a day ſooner than they did; but, in place thereof, thou they knew the Engliſh fleet was in queſt of them, and that England and all the world knew of their deſign, they ſtood out ſo far to the north ſeas, for fear, as they ſince alledged, of alarming England, that the firſt ſight, they had of Scotland was near thirty miles to the north of Aberdeen; and ſo though they had the ſtart by near a day of ſir George Byng, yet he arrived in the Frith in a few hours after them; and one of their ſhips, which proved leaky, and was obliged to return to Dunkirk, and remained there two days after they ſailed, reached the Frith ſeveral hours before them. And if it was true, as I have been informed, that the French king's orders to Fourbin were, that, provided he could land on any place on the ſouth of the Frith, rather than loſe the opportunity, he allowed him to deſtroy his ſhips, and join his ſeamen to the land forces; why did they drop their anchors at the mouth of the Frith, and loſe half a day and a whole night? For, had he ſailed on, he might have reached the windings in the head of the Frith, before the Engliſh fleet could have come up to the Frith, and lain ſome time concealed from them, who, he ſaw, knew not where the French were, but dropped their anchors. But ſuppoſing the Engliſh had diſcovered them, next day they would at leaſt have got ſo many hours ſailing of them, that before they could have come up, their great ſhips might have unloaded, and the leſſer ones run into creeks and ſhallow places (which abound there) where the Engliſh big ſhips could not have come at them. Laſtly, it was unaccountable in them to come from Dunkirk, where were abundance of Scots ſeamen, who would have been glad of the occaſion, and not bring a pilot, who knew the coaſt, with them; the loſs of which they found, when they arrived there, and were obliged to take in ſome fiſhermen for that purpoſe off of Montroſe. I know ſome have attributed their landing to the duke of Perth, whoſe heart they ſay, failed him when it came to the puſh. But, for my part, I cannot conceive how his opinion or inſtruction could have that weight in the managing a matter of ſuch importance. Again, it has been ſaid, that the earl Mariſchal omitted to anſwer the ſignal of a ſhip which was ſent by agreement to the coaſt near his houſe, to learn intelligence from him of the ſtate of affairs. It is true indeed, his lordſhip failed on his part; but can it be thought that the vigorous execution of the project could ſtop on ſo ſlight a diſappointment? Beſides, Mr. Malcolm of Grange did actually go on board ſhip, which, I told you, came after the French out of Dunkirk, and arrived in the Frith before the fleet, and informed them of all that was neceſſal. But to leave theſe ſpeculations with this animadverſion, that the French might have landed, if they had pleaſed or managed their affairs right; and that time muſt diſcover the true reaſon of their not landing, of which, by the bye, none of the court of St. Germains, though often wrote to on this ſubject, will give any return, which makes it the more myſterious.'

by ſome of my ſubjects, who have given encouragement to this deſperate attempt; ſince, without ſomething of that nature, it ſeems very little conſiſting with the uſual precaution of our enemies, to hazard the expence of ſo vain and ill-grounded an undertaking. However, it is certain, we muſt be all inexcuſable, if we do not take warning from this attempt, to complete what may be neceſſary for our ſecurity at home, and the diſcouraging the like for the future; to which, by God's bleſſing, nothing ſhall be wanting on my part..

"And to the ſame end I muſt recommend to you, at your return into your counties, to uſe your utmoſt care and diligence in putting the laws in execution againſt papiſts, and all others diſaffected to my government, and in making them pay towards the public taxes, to the full of what the law requires from them; nothing being more reaſonable, than that they, who, by their principles and practices, encourage (if not actually foment) ſuch diſturbances, ſhould doubly contribute to the charge of quieting them, and ſecuring the kingdom's peace; and ſhould know themſelves, on all ſuch occaſions, to be reſponſible for the many inconveniences that may enſue."

Then the parliament was prorogued to the 13th of April; and, two days after, was diſſolved by proclamation, and writs were iſſued out for the elections of a new parliament. On the 26th of April, a proclamation was publiſhed, commanding all the peers of North Britain to aſſemble at Holy-rood houſe in Edinburgh, the 17th of June, to nominate and chuſe, by open election, the ſixteen peers, who were to ſit and vote in the houſe of peers in the enſuing parliament of Great-Britain, purſuant to the twenty-ſecond article of the treaty of union; and accordingly the dukes of Hamilton, Montroſs, and Roxburgh; the marquis of Lothian; and the earls of Orkney, Crawford, Rothes, Leven, Mar, Loudoun, Wemys, Roſeberry, Glaſgow, Northeſk, Seafield, and Ilay; ſome of whom were juſtly ſuſpected of diſaffection to the preſent ſettlement. But in England, the juſt fears and viſible dangers, to which the attempt of the invaſion had expoſed the nation, had ſo good an effect, that the elections, for the moſt part, fell on men well-affected to the government, and zealouſly ſet againſt the pretender.

Four days after the diſſolution of the parliament, Edward Griffin, late lord Griffin, John lord Clermount, and Charles Middleton, two ſons of the earl of Middleton, and colonel Francis Wauchope, who had been taken on board the Saliſbury, were brought up to London; and, having been examined by a committee of the privy-council, were committed priſoners to the Tower for high-treaſon, by warrant of the earl of Sunderland, ſecretary of ſtate; and, two days after, the following Iriſh officers, taken alſo on board the ſame ſhip, were, for the ſame crime, committed to Newgate: Edward Fitzgerald, Oliver Bourk, Daniel Baily, Stephen Connor, Conſtance Kiefe, Michael Pendergaſt, Edmund Fitzgerald, Teague Macmahon, Cleary, —— Fitzmorris, —— O Sullivan, —— Maccarty, —— Fannon, —— Denovan, —— Hymes, and Anthony Stanburker. Several perſons were likewiſe ſeized in Scotland, and ſent up to London[f].

Before ſir George Byng ſailed from Leith-road to the Downs, he was viſited by ſir Patrick Johnſon, repreſentative in the late parliament for the city of Edinburgh, in the name of the magiſtracy of that city; and preſented with an inſtrument, whereby he was made a citizen of Edinburgh, incloſed in a gold box, and accompanied with a letter from ſir Samuel Meldrum, lord provoſt of that city, wherein he "deſired the admiral to accept of it, as a mark of their high reſpect to him, who had been the happy inſtrument of ſo ſeaſonable a deliverance to this iſland, for which his memory would be honoured in future ages." Not many days after ſir George Byng arrived at court, and was received, both by the queen, and her royal conſort, with thoſe marks of favour, which his late eminent ſervices had deſerved. All this while, the miniſters of ſeveral foreign princes and ſtates had audiences of the queen and prince, to congratulate the diſappointment of the pretender's deſign on North-Britain; but, on the 7th of April, ſignior Cornaro, ambaſſador from the republic of Venice, was forbid the court, upon account of ſome diſreſpect ſhewn by the cuſtom-houſe officers of Venice to the Gondola, and two boatmen of the earl of Mancheſter, the Britiſh ambaſſador[g]. But this matter was afterwards accommodated to the queen's entire ſatisfaction[h].

During the ſeſſion of parliament, on the 18th of February, died a very eminent member of it, ſir Edward Seymour, at his ſeat at Maiden-Bradley in Wiltſhire. Nobility of deſcent, eminency of parts, great popularity, and a leading influence in the houſe of commons, were the diſtinguiſhing circumſtances of his life. Whether they were attended with real virtue and merit, cannot be deemed an improper enquiry; ſince without theſe, outward appearances are inſignificant and

[f] Towards the end of April 1708, the chief ſtate-priſoners in the caſtle of Edinburgh, viz. the marquis of Huntley, the earls of Errol, Seaforth, and Nithſdale; the lords viſcounts Stormount and Kilſyth, the lord Drummond, the lord Nairn, and James Murray (the two laſt named brothers to the duke of Athol) ſir George Maxwell, and others, ſet out from thence, in order to be brought up to London, guarded by a party of dragoons. As for the duke of Hamilton, who on the 10th of April, arrived at Weſtminſter with his dutcheſs, attended only by one of her majeſty's meſſengers, his grace made ſuch large profeſſions of his loyalty and affection to her majeſty's perſon and government, that he was ſoon after diſcharged; as was alſo the earl of Aberdeen, the lord Balmerino, the biſhop of Edinburgh, ſir Walter Bruce, lieutenant-colonel Balfour, Mr. Fletcher of Salton, Dugal Stewart, brother to the lord Bute, and ſome others. On the 7th of June, the lord Drummond, ſir George Maxwell, and Robert Murray of Palmay were committed priſoners to the tower of London; and the lairds of Cardeen and Keir to Newgate, by warrants, from the lords of her majeſty's privy-council. The next day the following priſoners were brought up to London from Edinburgh, the duke of Gordon, Viſcount Kenmure, Fotheringham of Powrie, Lyon of Auchterhouſe, lord James Murray, Robinſon of Strowan, Seaton of Touch, Stuart of Starachio, Macdonald of Keppock, Edmiſton of Newton, Laird of Keppendarvie, Gordon of Gallachy, and Stuart of Boyce; as were, on the 13th of that month, the earl of Mariſchal, the earl of Murray, the earl of Traquair, the lord Belhaven, the lord Sinclair, ſir John Macleane, the laird Lochiel, the laird of Appin, major-general Buchan, and Mr. Cambel of Glenderowick. Theſe priſoners having ſeverally been examined by the lords of the privy-council, ſuch againſt whom there was no particular information, were admitted to bail; which favour extended to moſt of them, but the lord Belhaven did not long enjoy it, for on the 21ſt of June he died of an inflammation or mortification in his brain, and in him expired the warmeſt oppoſer of the union of the two kingdoms.

But it will be proper to hear what Mr. Lockhart, in his Memoirs, p. 382, ſays upon this ſubject. 'The caſtles of Stirling and Edinburgh, ſays he, and all the priſons in Edinburgh, were crammed full of nobility and gentry. At firſt, no doubt, the government expected to have had proof enough to have brought ſeveral of them to puniſhment; but, failing, bleſſed be God, in that, the next uſe they made of them was to advance their politics; for no ſooner did any perſon, who was not of their party, pretend to ſtand a candidate to be choſen a parliament-man at the elections, which were to be next ſummer, but he was clapped up in priſon, or threatened with it, if he did not deſiſt; and by theſe means they carried, generally ſpeaking, whom they pleaſed. But to return to the priſoners, after they had been in cuſtody for ſome weeks, orders came from London to ſend them up thither, which was accordingly done, being divided in three claſſes, and ſent up three ſeveral times, led in triumph under a ſtrong guard, and expoſed to the raillery and impertinence of the Engliſh mob. And now it appeared to what a fine market Scotland had brought her hogs, her nobility and gentry being led in chains from one end of the iſland to the other, merely on account of ſuſpicion, and without any accuſation or proof againſt them. Whilſt this was a doing, the duke of Hamilton, being likewiſe brought up priſoner to London, and taking the advantage of the diſcords between the treaſurer and the whigs, ſtruck up with the latter, and prevailed with them to obtain, not only his, but all the other priſoners liberation (excepting the Stirlingſhire gentlemen, who were ſent home again to undergo their trial, upon their finding bail to appear againſt a certain day (which was likewiſe ſoon remitted) and engaged to join with them (the whigs) and their friends in Scotland, viz. the Squadrone, in the election of the peers for the parliament of Great-Britain; which having accordingly done, ſeveral of the court-party were thrown out. This certainly was one of the neateſt ſteps the duke of Hamilton ever made; and, had he not hit upon this favourable juncture, and managed it with great addreſs, I am afraid ſome heads had paid for it; at beſt, they had undergone a long confinement; ſo that to his grace alone the thanks for that deliverance was owing.'

[g] That earl gives the following account of this affair, in a letter to the earl of Sunderland from Venice, March 30, 1708, printed in Mr. Cole's Memoirs of Affairs of State, p. 519, which letter begins thus: 'I write under all the concern imaginable, being ſenſible, that the affront they have done me here is of the higheſt nature, as you will ſee by my memorial; and, unleſs it is repaired in the moſt public manner, it will reflect extremely on the honour of the queen and the whole nation. This has been occaſioned by the roguery and villainy of one B—— a merchant, ſon to Mr. B—— in the city, who inveigled and perſuaded two of my boatmen to go on board a ſhip, and and load from it ſome cloth, which is prohibited here. It is well known, that the boat of an ambaſſador is ſo ſacred, that it is not to be viſited or ſtopped on any account whatſoever, though there was a priſoner of ſtate in it. This made B—— conclude, that his cloth was ſecure, though my honour and reputation muſt have ſuffered; for it could not but be known here, though this had not happened.' The circumſtances of the affront are thus related in the earl of Mancheſter's Memorial, preſented on the 29th of March 1708: 'On Monday laſt my gondola, with two of my boatmen, dreſſed in my ordinary and well-known livery, was attacked in coming from Malamocco by the officers of this moſt ſerene republic, armed with fire-arms and ſteel weapons. Theſe officers entered the boat by main force; and, after having done what they thought fit, they ſuffered the gondola to row away.'

[h] The earl of Mancheſter, in a letter to the earl of Sunderland from Venice, July 6, 1708, printed in Cole's Memoirs, p. 540, obſerves, 'that the ſenate of Venice had conſented to reſtore the cloth in the manner the earl had deſired; to condemn the men into the gallies; and, in lieu of the pillory, to bring them at the hour of juſtice from the priſon through the place of St. Mark into the galley, and the chief of them to have a paper prefixed to him, denoting their crime and puniſhment, &c.' The concluſion of this affair will appear from the following paſſage of the earl of Mancheſter's letter to the earl of Sunderland from Venice, September 7, 1708: 'I can now acquaint your lordſhip, that yeſterday the men were brought through the place of St. Mark to the galley. The chief of them had a paper on his breaſt and back with the inſcription, as it was agreed on. There were great numbers of people. This day they delivered the cloth to my boat, in the place, where they took it. I ſent it immediately to the four hoſpitals, ſo all is paſſed to our entire ſatisfaction, and much to the honour of the queen; and I have the good fortune to have the approbation of all people here in this affair. As ſoon as the men have made their ſubmiſſion, I intend to go to the college to get them releaſed. One of the men being lame of the gout, he was carried in a chair, which made it more remarkable. They were eleven in all.'

offenſive. In the reign of king Charles II. he laboured with uncommon diligence to promote the meaſures of the court, for the deſtruction of civil and religious liberty; and was neither afraid nor aſhamed of any ſort of management. His contemptuous and brutal behaviour towards the houſe of commons, while he was in the chair, was aſtoniſhing and ſcarce credible. He acted there as the marſhal of the court, and agreeably to his inſtructions from thence, allowed the houſe a long or ſhort day for buſineſs. He ſeemed to affect to be remembered by a ſeries of words and actions, full of indignity and inſolence; nor did he eſcape the public reproaches of many members for the licentiouſneſs of his morals, which they declared to be a diſgrace to the ſtation, which he bore in their houſe. In order to bring him under proper diſcipline and correction, the next houſe of commons choſe him their ſpeaker; but his royal maſter, to preſerve him from diſgrace and vexation, refuſed his approbation in an unuſual manner. His concurrence in the revolution, and directing the aſſociation, are to be aſcribed to a reſentment of what he eſteemed ill uſage under king James. To the eſtabliſhment, eaſe, and ſucceſs of king William's government, no one ever gave ſtronger proofs of an utter averſion. When that king had full evidence of his treaſonable practices, ſuch was his majeſty's generous regard to his firſt appearances, that he gave him his choice of taking a place or his trial. Though he had often profeſſed a contempt for the maſter and the ſervice, prudence and guilt diſpoſed him to a place. His conduct in this ſituation was a very ungrateful return for the favour, which he had received. In purſuance of his counſels early and ſeaſonable remedies were neglected; every thing was to wait the attention of parliament. Thus the coin was reduced to a ruinous ſtate, which proved the occaſion of infinite miſchief to affairs both at home and abroad. Whilſt he declaimed againſt and proſecuted real or imaginary corruptions in others, he was a conſtant and moſt able practitioner this way. Rival companies and rival projectors ſucceſsfully employed the ſure method of procuring his protection. Foreign powers were very ſenſible of the certain way of aſſuring to themſelves ſo ſignificant and daring an advocate. Much of this kind was ſuſpected, and many things well known; yet with an amazing ſufficiency he continued to ſupport his authority and influence. The regards of his party were ſecured by his unwearied ſincere hatred of king William. In this reign, he, who in a former had betrayed and trampled on the privileges of a houſe of commons, commenced the patron and enlarger of its rights.

His higheſt pretenſions to public ſpirit and public virtue were owing to oppoſite motives. His zeal in the impeachment of the earl of Clarendon, was not the effect of offences ſuggeſted in the articles, but flowed from a deſire of recommending himſelf to a corrupt court. Malevolence had been long working there, on the account of that earl's having joined with the earl of Southampton, in preventing profuſe and deſtructive ſettlements of parliament. The proſecution of lord Sommers aroſe from that lord's ability and fidelity in the ſervice of his prince and the public; for neither ſir Edward's obligation nor inclination would have urged him to purſue a real enemy of France. After he had been the terror of his enemies; and lived amongſt his friends with a haughty ſuperiority, a mean wretch hurried him out of the world, its moſt imperious diſturber. When infirmities had confined him to his chair, his houſe was deſerted by the ſervants on the account of ſome new diverſions; and, in the mean time an old female beggar of the maddiſh tribe happened to wander into the apartments. Finding the great man thus alone, ſhe reproached him for all his cruelty and oppreſſions, threatened, terrified, and handled him in a manner, the effects of which ſoon put an end to a life, through the whole courſe of which he ſeemed equally inſenſible of crimes and puniſhments.

The removal of Mr. ſecretary Harley having occaſioned ſome other vacancies, Robert Walpole, a gentleman of quick parts and maſterly eloquence, was, in Mr. St. John's room, made ſecretary of war; and the place of ſecretary to the marines, which had been likewiſe held by Mr. St. John, was given to Mr. Joſiah Burchet. Some time after, the queen delivered to the earl of Cholmondley the ſtaff of comptroller of her houſhold; and, about the middle of April, her majeſty made a promotion of general officers, by which the earl Rivers was advanced to the poſt of general of the horſe[i].

Some time before, orders and commiſſions were delivered for new raiſing the regiments of Montjoy, Gorges, Alnut, Mordaunt, Wade, Maccartney, and lord Mark Kerr, which ſuffered moſt at the battle of Almanza; and their officers, who were priſoners in France, were ſupplied by others. About the ſame time, the earl of Wemys and ſir John Leake were added to the lord high admiral's council. On the 22d of April, her majeſty nominated Dr. William Fleetwood to the biſhopric of St. Aſaph, vacant by the death of Dr. Beveridge, and ſir William Giffard was appointed governor of Greenwich hoſpital; and Hugh Boſcowen warden of the ſtannaries.

The Scotch privy-council being diſſolved by virtue of the late act, entitled, An act for rendering the union of the two kingdoms more entire and complete, the queen, on the 10th of May, appointed the firſt privy council of Great-Britain[k].

On the 15th of May, the lord Griffin, one of the priſoners taken on board the Saliſbury, being attainted by outlawry for high-treaſon, committed in the reign of king William, was brought to the bar of the queen's-bench, and, after reading of the outlawry, being aſked, what he had to ſay, why execution ſhould not be awarded againſt him? He ſaid, in his defence, "That he was neither in arms, nor in council with the enemy; but was forced by the French court upon the expedition entirely againſt his judgment and inclination, notwithſtanding he had expreſſed his diſlike of it, as a raſh and fooliſh attempt;" adding, "That he threw himſelf at the queen's feet for mercy, and hoped the favour of the court." His defence being judged entirely foreign to the outlawry, upon which he was brought to the bar, the court made a rule for his execution, as is uſual in ſuch caſes: But though the queen was prevailed with to ſign the warrant for ſentence to paſs upon him, a reprieve, however, for a fortnight, was ſent the night before to the Tower; and that, expiring the laſt day of June, was then renewed, and afterwards continued from month to month, till he died a natural death in the Tower, about two years after.

On the 20th of May, Meinhard, duke of Schomberg, and John Smith, late ſpeaker of the houſe of commons, who, about this time, was conſtituted under-treaſurer, and chancellor of the exchequer, in the room of Mr. ſecretary Boyle, were ſworn of the privy-council, as was the duke of Somerſet the week after; and, towards the latter end of the ſame month, the duke of Queenſberry was made a peer of Great-Britain by the title of Baron of Rippon, and marquis of Beverley in the county of York, and duke of Dover in the county of Kent.

An act had paſſed the laſt ſeſſion for the better ſecurity to our trade by cruizers and convoys, and for the encouraging privateers, particularly in the Weſt-Indies and South-ſea. They were to have all they could take, entirely to themſelves; the ſame encouragement was alſo given to the captains of the queen's ſhips, with this difference, that the captains of the privateers were to divide their captures, according to agreements made among themſelves, but the diſtribution of prizes taken by men of war was left to the queen. A proclamation was therefore publiſhed at this time in May, ordering the prizes to be divided into eight ſhares. The captain was to have three eighths, unleſs he had a ſuperior officer, in which caſe the admiral or commodore was to have

[i] Henry Withers, Cornelius Wood, Charles Roſs, Daniel Harvey, lord Raby, earl of Eſſex, earl of Arran, —— Maine, William Seymour, Hutton Compton, Robert Echlyn, marquis of Lothian, and —— Tidcomb, were declared lieutenant-generals; ſir William Douglaſs, lord Montjoy, earl of Crawford, Richard Gorges, Nicholas Sankey, Henry Holt, William Cadogan, Thomas Meredyth, Francis Palmes, James Stanhope, lord Shannon, lord Charlemount, and the duke of Northumberland, major-generals; Luke Lillingſton, ſir Thomas Smith, John Liveſay, Edward Braddock, Gilbert Primroſe, Roger Elliot, William Evans, Thomas Pearce, Joſeph Wightman, and John Newton, brigadiers.

[k] Conſiſting of,

The archbiſhop of Canterbury,
William, lord Cowper, lord-chancellor of Great-Britain,
Sidney, earl of Godolphin, lord high-treaſurer,
Thomas, earl of Pembroke, lord-preſident,
John, duke of Newcaſtle, lord-privy-ſeal,
William, duke of Devonſhire, lord-ſteward,
James, duke of Ormond,
Henry, marquis of Kent, lord chamberlain,
James, earl of Derby,
Thomas, earl of Stamford,
Charles earl of Sunderland, principal ſecretary of ſtate.
Charles Bodvile, earl of Radnor,
Charles, earl of Berkely,
Francis, earl of Bradford,
Hugh, earl of Cholmondley,
Henry, lord biſhop of London,
William, lord Dartmouth,
Henry Boyle, principal ſecretary of ſtate,
Thomas Coke, vice-chamberlain,
Sir John Trevor, maſter of the rolls,
Sir Thomas Trevor, lord-chief-juſtice,
Sir Charles Hedges,
James Vernon,
John Howe,
Thomas Erle,

At the ſame time John Povey, Edward Southwell, and Chriſtopher Muſgrave were ſworn clerks of the council.

Here

one of the three. The commiſſion officers and maſter were to have one eighth, the warrant-officers one, and the petty officers another, and the ſailors the other two.

The ſtorm, which threatened Great Britain, being diſpelled, and the neceſſary meaſures for the ſecurity of the government taken, the duke of Marlborough ſet out from London the 29th of March, and, having reached Margate that evening, embarked there, and the next day, at two in the afternoon, came in ſight of the coaſt of Holland, and arrived late the ſame night at the Hague, where prince Eugene of Savoy was come, two days before, to meet him.

1708. The advantages gained by the French, the laſt year, prompted them to entertain ſeveral projects, and to make ſtill greater efforts to recover their former ſuperiority. And indeed their forces this year ſeemed to be more numerous than ever, eſpecially in the Netherlands, where it was believed the elector of Bavaria and the duke de Vendoſme would have again commanded. But an unexpected alteration was ſuddenly made, and the French king declared the duke of Burgundy generaliſſimo of his forces, appointing the duke de Vendoſme to ſerve under him; and he was to be accompanied by the duke of Berry. The pretender (who was returned from his unſucceſsful expedition to Scotland) went with them, without any other character than that of the chevalier de St. George. The elector of Bavaria was to command on the Rhine, with the duke of Berwick under him, the marſhal de Villeroy being recalled, and appointed to command in Dauphine. Theſe proceedings of the French king ſurprized every one; but he conceived great hopes from theſe alterations of his generals. The credit with relation to money was ſtill very low in France. For, after many methods taken for raiſing the credit of the mint-bills, they were ſtill at a diſcount of forty per cent. No fleets came this year from the Weſt Indies, and therefore they could not be ſupplied from thence.

On the 12th of April, N. S. in the evening, there was a great conference between prince Eugene, the duke of Marlborough, the deputies of the ſtates for private affairs, and penſionary Heinſius, in the chamber of Triers, the uſual place of conferences in the ſtates apartment; which was pitched upon to avoid the trouble of the ceremonial; for otherwiſe it muſt have been at the duke of Marlborough's, as ambaſſador extraordinary; whereas prince Eugene had no character, his credentials importing only, "that his Imperial majeſty had ſent his firſt counſellor, preſident of the council of war, and general-lieutenant, prince Eugene, to concert the operations of the campaign, in whom the ſtates were deſired to put an entire confidence." As ſoon as they were entered the room, the duke of Marlborough took prince Eugene by the hand, and led him to a ſeat above his own; after which the ſtates deputies placed themſelves, without obſerving any precedency among them. Prince Eugene opened the conference with a ſpeech, wherein he gave a particular "account of the emperor's forces in Naples, Lombardy, and Piedmont, and of thoſe deſigned for Spain and having mentioned the troops which his Imperial majeſty intended to employ in Germany, he gave, in very modeſt terms, his own opinion of the operations of the next campaign, both on the Upper Rhine and the Low Countries; concluding, that he had inſtructions from his Imperial majeſty to uſe his endeavours to engage the queen of Great Britain and the ſtates general to approve the ſcheme he had propoſed, and to ſecond, on their parts, his Imperial majeſty's efforts, both to reduce the exorbitant power of France, and to reſtore his brother king Charles III. to the whole monarchy of Spain."

After prince Eugene had ended his ſpeech, the duke of Marlborough acquainted the aſſembly with the inſtructions he had received from the queen his miſtreſs in relation to the buſineſs before them; and laſt mention was made of a ſeparate army to be commanded by prince Eugene. This conference, which laſted above an hour, was but a kind of preliminary; for the deputies ofthe ſtates were not empowered to make any anſwer, either to prince Eugene's, or the duke of Marlborough's propoſals, but only (according to the uſual methods obſerved by that republic) to receive them, and to report the ſame to their high mightineſſes; which they did on the 16th.

Several other conferences were held, though more privately, between the duke of Marlborough, prince Eugene, and the deputies of the ſtates; the reſult of which was (as it afterwards appeared) 'That moſt of the Imperialiſts employed the year before on the Upper Rhine, with the Saxons and Heſſians in the pay of Great-Britain and Holland and the troops which the elector Palatine was to furniſh, in conſideration of his Imperial majeſty's reſtoring him to the poſſeſſion of the Upper Palatinate, with the prerogatives enjoyed by his anceſtors, ſhould march into the Netherlands to act there, under prince Eugene, in concert with the Britiſh and Dutch forces, commanded in chief by the duke of Marlborough, and under him, by veldt-marſhal Auverquerque.' Whether prince Eugene, who took Hanover in his way to the Hague, then communicated this ſcheme to the elector of that name, and found him averſe to it, or propoſed other meaſures to his electoral highneſs, is not known; but it was thought fit that prince Eugene and the duke of Marlborough ſhould now both wait on that prince, in order to obtain his concurrence to the reſolutions taken at the Hague, and engage him to return to command the army on the Upper Rhine.

The duke of Marlborough intended to have gone back to England before the opening of the campaign; but prince Eugene was very earneſt with him to meet him at Hanover, and the ſtates having repreſented to the queen of Great-Britain the neceſſity of his preſence on that ſide, and how uncertain the winds might make his timely return, the ſeaſon being ſo far advanced, he reſolved upon the journey to the court of Hanover. Prince Eugene having finiſhed his negociations at the Hague, ſet out the 20th of April N. S. arrived the 22d at Duſſeldorp, and, having ended his buſineſs, the next day, with the elector Palatine, and ſent an expreſs to Vienna, purſued his journey towards Hanover. The duke of Marlborough met him the 26th, two German miles from that place, and, arriving there the ſame evening, together, they alighted at the Britiſh envoy's. The duke went firſt to court, and was followed thither ſoon after by prince Eugene, where the ſeveral audiences of ceremony, which they had of the electoral family, being over, they had together a long conference with the elector, who gave orders for their being accommodated at his own palace. Their conferences were continued the three following days, the count de Rechteren aſſiſting on the part of the ſtates-general. They met with ſome difficulties at firſt, which were removed by the dextrous and prudent management of prince Eugene and the duke of Marlborough; and his electoral highneſs, though he was ſenſible, that, by this ſcheme for making vigorous efforts in Flanders, the army which he was to command himſelf on the Upper Rhine, muſt be extremely weakened, and he ſhould be obliged to ſtand on the defenſive; yet at length, he conſented to part with ſeveral regiments, and, being ſatisfied with the laurels he had already gained, chearfully ſacrificed to the common cauſe the glory he might have reaped by acting offenſively. But though it was agreed that prince Eugene ſhould come into the Netherlands, yet it was induſtriouſly given out, that he was to act with a ſeparate body on the Moſelle, which obliged the enemy to ſend a conſiderable number of forces that way under the command of the duke of Berwick.

On the 29th of April N. S. prince Eugene ſet out for Leipſic, to confer with king Auguſtus, who was come thither on purpoſe, two days before, from Dreſden. On the prince's arrival he finiſhed his negociations in a few hours, and purſued his journey the next day to Vienna. The duke of Marlborough made no long ſtay after prince Eugene at Hanover; for he ſet out from thence the day after, and arrived the 3d of May at the Hague, where he communicated to the ſtates-general the reſult of the conferences held at Hanover; and having concerted with their high mightineſſes further meaſures for opening the campaign he went to Ghent, where having reviewed the Britiſh forces, he proceeded to Bruſſels[1]. The duke having conferred with veldt-marſhal d'Auverquerque, who, notwithſtanding his infirm ſtate of health, preſerved a vigorous mind, and ſeemed reſolved to die, like a hero, in the field, gave orders to the troops to march to Andernach near Bruſſels, where the Dutch, Pruſſians, and Hanoverians, began to form the army the 23d of May, N. S. The 26th they marched to Billingen, where the duke of Marlborough, took up his quarters in the abbey of that name; and the veldt-marſhal d'Auverquerque, fixed his at Hall, a little

[1] Here the duke was honoured with a letter from the queen, dated May 6, by the manner of which, as the ducheſs of Marlborough obſerves in the Account of her Conduct, p. 255, her majeſty ſeemed ſtill to have retained a great degree of regard for Mr. Harley. After complaining to the duke of being ſo tired that day with importunities from the whigs, that ſhe had not ſpirits left to open her afflicted heart ſo freely and fully as ſhe intended, ſhe goes on to ſay, that ſhe was entirely of his opinion, thinking it neither for her honour nor intereſt to make ſteps (meaning the firſt ſteps) towards a peace, as the duke had been preſſed to do abroad; and aſſures him, that, whatever inſinuations her enemies might make to the contrary, ſhe would never give her conſent to a peace, but upon ſafe and honourable terms. She begs the duke to be ſo juſt to her, as not to let the miſrepreſentations made of her have any weight with him; adding, that it would be a greater trouble to her than could be expreſſed; and concludes with theſe words; 'I cannot end without begging you to be very careful of yourſelf, there being nobody, I am ſure, that prays more heartily than her, who will live and die moſt ſincerely yours, &c.'

town which lay in the front of a little town, which lay in the front of the firſt line. The Britiſh forces repaired to his camp likewiſe with all poſſible expedition, as did alſo a conſiderable body of troops in the ſervice of the ſtates-general from their reſpective garriſons in Flanders: And, laſt of all, the field-deputy, of their high mightineſſes arrived there, who behaved themſelves this campaign with ſo much prudence and reſolution, that they contributed very much to the ſucceſs of it.

Upon notice of theſe motions, the duke de Vendoſme aſſembled his army, on the 25th of May, between Mons and St. Ghiſtſlain, and took up his head quarters at St. Simpronien, from whence he marched the next day to Soignies, poſting his right at Naiſt, and his left at Canchie Notre Dame, within three leagues of the confederate camp. He was joined the ſame day by the duke of Burgundy, who had the chief (at leaſt titular) command of the army, together with the duke of Berry, his brother, and the pretender.

On the 29th of May, the confederate army, which conſiſted of a hundred and eighty ſquadrons of horſe, and a hundred and twelve battalions, made a motion from Bellinghen, advancing the right to Herſelingen, the left to Lembecy, and fixing the head-quarters at St. Renelle, in hopes of bringing the enemy to an engagement; which, by their bold march to Soignies, they ſeemed rather to ſeek than decline, being ſuperior, at leaſt, in number, to the allies; for their army conſiſted of a hundred and ninety-ſeven ſquadrons, and a hundred and twenty-four battalions. The ſame day the enemy received their heavy baggage from Mons, but ſent it back thither on the 31ſt, which ſtill gave the confederates hopes they ſhould come to an engagement; and thereupon the duke of Marlborough ordered the troops to be in readineſs to march at an hour's warning. The ſame evening the duke received intelligence, that the enemy's heavy baggage, having received a counter-order, was returned to the camp, and that they had foraged for two days; whence it was reaſonably concluded, that they would not march the next day, as the deſerters had reported. The duke of Marlborough, having adviſed with the other generals, reſolved to ſend the horſe to forage the next morning; and they went out, before break of day; but they had not been out an hour, before advice came, that the enemy had begun the night before, at ten, to ſend their heavy baggage to Mons, and decamped without any noiſe at eleven, marching towards Nivelle. The foragers were immediately recalled, and, to avoid all loſs of time, the infantry marched firſt of all about noon from St. Renelle, and were followed by the cavalry. About four they formed four columns, intending to encamp the right towards Anderlech, and the left to Lake; but upon further notice, that the enemy had not encamped at Nivelle, but had continued their march by Bois Signieur Iſaac to Braine la Leu, the duke judged, that they could not have any other deſign, than to poſt themſelves on the bank of the Deule, to hinder the allies from paſſing that river, and to ſeize Louvain; being the very ſame project, which the duke de Vendoſme had formed the laſt year, but miſcarried in it. To prevent the enemy, there was no other remedy, but to continue marching all night; ſo that, on the 3d of June, in the afternoon, the army of the allies arrived at the camp of Terbank, very much fatigued, as well by this long march as by the continual rains, which had fallen for four and twenty hours together. The French, having received intelligence of this expeditious march of the confederates, did not venture to advance farther than Genap, but encamped their right to that place, and their left to Braine la Leu. Upon which the duke of Marlborough took up his quarters in the abbey of Terbank, and Monſieur d'Auverquerque his in the ſuburbs of Louvain. On the 4th, ſeveral bridges were laid on the Deule, between Havre and Louvain, and, on the 5th, almoſt the whole confederate army foraged in the neighbourhood of their camp. The 6th being appointed by the duke as a day of thankſgiving for the paſt ſucceſſes of the arms of the allies, and to implore a bleſſing upon the preſent campaign, it was religiouſly obſerved throughout the whole army.

The enemy continuing quiet in their camp, the duke of Marlborough took that opportunity of reviewing his troops, which he began to do the ſeventh, and continued for eight or nine days following, when he had the ſatisfaction to find, that the reſpective bodies were all very complete, the men in the moſt excellent order, animated with their former victories; and eager to engage an enemy, that was deſpicable in their eyes. In this camp it was, that the electoral prince of Hanover (his preſent majeſty king George II.) came to the army, and was received with greateſt marks of reſpect and diſtinction by all the general officers.

It was now plain, that the enemy had no inclination to engage the confederates. They had indeed in view the recovery of the places they had loſt in the year 1706; but it was by their uſual method of ſurprize and treachery. Nor were their hopes altogether vain, for the elector of Bavaria, who had gained ſome intereſt in the provinces of the Netherlands, among people of all ranks, by his profuſeneſs and popular behaviour, with the aſſiſtance of count de Bergeyck, a perſon of great credit, and no leſs activity, and other friends of the houſe of Bourbon, eaſily found means to practiſe upon the levity and reſtleſs ſpirits of the chief inhabitants of the cities of Ghent[m], Bruges[n], and Antwerp, who promiſed to open their gates to the troops of France and Spain, as ſoon they could find a fair opportunity[o]. The truth was, the Dutch were ſevere maſters, and the Flandrians could not bear it. Though the French had laid heavier taxes on them, yet they uſed them better in all other reſpects. Their bigotry, being wrought on by their prieſts, diſpoſed them to change their maſters. The duke of Marlborough reſolved not to weaken his army by many garriſons; and therefore put none at all into Bruges, and a very weak one in the citadel of Ghent, reckoning, that there was no danger, as long as he lay between thoſe places and the French army. The two armies had lain about a month looking on one another, ſhifting their camps a little, but keeping ſtill in ſafe ground; the confederates, for their parts, being in expectation of prince Eugene's taking the field, with an army compoſed of Pruſſian and Heſſian troops, ten thouſand Palatines and ſome Imperialiſts. The motion of this body was retarded by ſeveral difficulties about the march of the Palatine forces; of which the French getting intelligence, they concluded, that the confederates would hardly venture to force them in the paſſes and defiles they were poſſeſſed of, and therefore commanded a detachment to march towards Ghent and Bruges, to ſurprize thoſe towns; which was effected in this manner:

On the 5th of July, N. S. a party of the enemy's troops commanded by the brigadiers la Faille and Paſteur, advanced before break of day towards Ghent, and, at the opening of the gates between five and ſix in the morning, half a dozen foot-ſoldiers, with two or three troopers, who were ſent before, pretending to be deſerters, were admitted into the town by the watch of burghers, who were no more in number than themſelves. When they were going to be carried to the main guard, ſome of them pretended a wearineſs, and ſetting themſelves down on the ground, deſired ſome brandy, to delay time; which being brought, they drank with the burghers, and, amuſed them with a ſtory of the march of the French army, and their own deſertion. Soon after an-

[m] Ghent is a vaſt large city and caſtle, one of the principal of the Low-countries, the marquiſate of the earldom of Flanders, and territory of Ghent, a biſhopric under the archbiſhop of Mechlin. It was ſurprized by, or rather betrayed to the French the beginning of this campaign; but beſieged and recovered by the duke of Marlborough towards the end of the year. It ſtands on the river Scheld and Lys (which divide it into twenty-ſix iſlands) twenty-ſeven miles almoſt ſouth-weſt of Antwerp, thirty north-weſt of Bruſſels, ninety-four almoſt ſouth of Amſterdam, and an hundred and fifty-four north-eaſt of Paris.

[n] Bruges is a fair, ſtrong, and noble city of the Low-countries, in the earldom of Flanders, the head of the territory of Bruges, a biſhopric under the archbiſhop of Mechlin. This town made its ſubmiſſion to the duke of Marlborough after the famous battle of Ramillies; the French ſurprized it, or rather had it betrayed to them the beginning of this campaign, but abandoned it upon the approach of the confederates, towards the end of December, the ſame year. It ſtands twenty-four miles north-weſt of Ghent, eleven eaſt of Oſtend, thirty-four north-eaſt of Dunkirk, and forty weſt of Antwerp.

[o] Dr. Hare, in his Thankſgiving-ſermon before the houſe of commons, on Thurſday, February 17, 1708-9, tells us, p. 11. 'That there was a conſpiracy to have all the Netherlands betrayed to the enemy by the intereſt of that unhappy prince, who has ſuffered ſo much in their cauſe. When we ſaw the ſons of France come into the field, we could not but ſuſpect there was ſomething more than ordinary in agitation. It was not enough to think they came to learn the art of war in an army, that aims at nothing but inaction, or to give courage to their troops, which their greateſt general had not been able to do, though fetched from Italy on purpoſe, at a time when he leaſt could have been ſpared; for the event has ſhewn, he brought no more courage with him than he left behind him; nor could it be expected, that their bare preſence ſhould make a ſtarved and naked army act with as much vigour, as if they had been warmly clothed and well paid. No, we were ſure it muſt be ſomething elſe they came for, not to gain any honour in the field, but to reap the mean glory of ſome ſucceſsful treachery, and ſo it proved. A deſign, we found, had been formed ſome time to ſurprize Antwerp; all was agreed, and every thing within a day or two ripe for execution, when the princes joined the army; but the plot, which was more than they knew, was then actually diſcovered; and this was a deſign of ſuch importance, we were inclined to think it was the whole they aimed at. But the ſequel ſhewed the treachery was deeper laid; and, while we were waiting the forces from the Rhine, another part of it ſucceeded better. Had both taken effect, what condition had our affairs been in? We had then, it is likely, without a blow loſt all the fruits of the Ramillies campaign; and the conſequence of that had been, not only putting the war two or three years back; it is more than probable the conſternation it would every where have raiſed, would have ſoon frightened the allies into an ill peace; or the ſucceſs of the Italian league, which then could not have miſcarried, might in another year have forced them to it.

other ſmall party of pretended deſerters came and entertained the watch with the like frivolous ſtories, till brigadier la Faille, who not long before had been high-bailiff of that city, and had ſtill a conſiderable intereſt there, coming in perſon, commanded the burghers, who guarded the gates, to lay down their arms, and admit the French troops. They began at firſt to make a ſhew of reſiſtance; but the pretended deſerters, riſing up at once, preſented their bayonets, and ſtopped them. Reſiſtance would now have been to little purpoſe; ſo the brigadier's commands being immediately obeyed, he left ſome of his men there, and with the reſt marched directly into the town. It being early, they only met with a few labourers in the ſtreets, ſome of whom took them for deſerters, and others they quieted with gold. In this manner they advanced to the gate of Bruges, which they ſeized with little or no reſiſtance, as they did likewiſe the bridge of Meuleſtede. In the mean time, Monſieur Grimaldi, who followed Monſieur de la Faille at a diſtance, entered the town likewiſe, and marched with the reſt of the detachment to the market-place. All the gates being ſoon after ſeized, about ten, Monſieur, de la Faille marched to the town-houſe, and having aſſembled the magiſtrates and chief burghers, he cauſed a pardon to be read to them, ſigned by the elector of Bavaria, and underneath by the count de Bergeyck; upon which they readily ſubmitted.

The enemy, being thus become maſters of the town, ſummoned the governor of the caſtle to ſurrender; but Monſieur de Labene, major of ſir Richard Temple's regiment of foot, who commanded in that fortreſs with about three hundred men, expecting either to be reinforced by major-general Murray, or relieved by the approach of the confederate army, anſwered, "That he would defend it to the laſt extremity." The French began to prepare for attacking the caſtle; and major-general Murray, who was poſted at Marienkirk, with two Engliſh regiments of foot, and one of Spaniſh dragoons, in vain attempted to throw a reinforcement into the place. Major Labene, having been ſummoned a ſecond time, and being wholly unprovided for defence againſt ſo powerful an army, obtained an honourable capitulation.

Some hours after the enemy had ſurprized Ghent, count de la Motte appeared with a ſtrong detachment before Bruges, which ſurrendered the next day, without making the leaſt reſiſtance, or putting the enemy to the trouble of firing more than three pieces of cannon. There was indeed a ſort of capitulation agreed upon, in which the Sieur Briel, receiver of the contributions, and Mr. Volmar, his comptroller, were included; but it appeared by every circumſtance, that this was a thing of form only, and that the articles had been long before ſettled by other perſons than they that pretended to grant and accept them.

This done, count de la Motte marched immediately to Damme, hoping to meet with the ſame ſucceſs there; but as this place was fortified and garriſoned, the governor opened the ſluices, and put the whole under water, which obliged the count to retire. From thence he marched to Plaſſendahl, a little fort on the canal, which leads from Bruges to Oſtend, and is a ſecurity to the communication of thoſe two places. The officer, who commanded it, refuſed to ſurrender; upon which the count attacked and took it ſword in hand.

Major-general Murray, having found it impoſſible to reinforce the caſtle of Ghent, retired to Sas van Ghent, where he found the deputies of the ſtates-general for the affairs of Flanders, and concerted with them the neceſſary meaſures for putting the frontiers in a poſture of defence, and ſecuring thoſe poſts which were moſt expoſed.

The duke of Marlborough, who was yet in camp at Terbank received advice, that a conſiderable detachment was marched towards Tubize, and in the night, that their whole army had followed at nine in the evening. The duke gave immediate orders for the confederate army to be in readineſs to march. Accordingly, about three in the morning, the 5th of July, they marched from the camp at Terbank, paſſed the canal in four columns, and encamped with the left at Anderlech, and the right at the mill of Tomberg. Here the duke got intelligence of the enemy's deſign on Ghent, and that the detachment they had made for that end was advanced as far as Aloſt, and had broken down the bridge over the Dender: He thereupon ordered major-general Bothmar, with four regiments of horſe and dragoons, to paſs over at Dendermond, in order to obſerve the enemy, and to prevent their deſign upon Ghent; but he came too late.

The ſame day the French paſſed the Senne at Hall and Tubize, and were paſſing at the mill of Goicke till night, within a league of the right wing of the allies; which coming very late into the camp, and the army having made a very long march through difficult ways, it was not thought practicable to attack the enemy that night. However, the greateſt part of the horſe and foot having been brought to the right during the night, in order to engage the enemy, the whole army was formed the next morning early in order of battle; but their deſign was fruſtrated by the French, who were employed the whole night, with all poſſible expedition, in paſſing the Dender through the town of Ninove, and over ſeveral bridges built near that place for the ſame purpoſe; ſo that the detachment, ſent to attack the rear-guard, came too late to find any thing but their ſmall baggage, which was attended by a ſtrong guard. Theſe major-general Schulemberg and ſir Richard Temple, with ten ſquadrons and five batallions, ſupported by major-general de Veyne, with ten ſquadrons more, ſoon defeated, put them to flight, and took a great deal of baggage.

The confederate army encamped the ſame night at Aſche, where prince Eugene of Savoy, having made a quick march from the Moſelle, and left his cavalry at Maeſtricht, reſolving to be preſent as ſoon as poſſible, at whatever action might happen, though his troops ſhould not come up in time, arrived that evening with major-general Cadogan, whom the duke of Marlborough had ſent to attend him. The arrival of prince Eugene, and the approach of his troops, not only revived the ſpirits of the ſoldiers, but was very acceptable to the generals themſelves, after the ungrateful news they had received that very day of the French having ſurprized Ghent. The duke of Marlborough and prince Eugene, from the very moment they met, acted with the moſt perfect unanimity. The next day a council of war was held, in which it was reſolved to regulate the march of the army according to the motions of the enemy; and the pioneers were ſent on every ſide to make ways; the reſolution, which the duke had before taken of bringing the enemy, if poſſible, to an engagement, being again confirmed. And ſo eager were the generals for it, that it was determined, if a fair opportunity offered, not to wait the arrival of the Imperial troops. In the afternoon prince Eugene went to Bruſſels to pay a viſit to his mother, the counteſs of Soiſſons; and the day following the duke of Marlborough being much indiſpoſed and feveriſh, the orders were given at Monſieur Auverquerque's quarters; and, according to theſe orders, four battalions marched to reinforce the garriſon of Bruſſels, and eight battalions were ordered, with major-general Cadogan, and the quarter-maſters, to make the ways.

The ſmall advantage, which the enemy had in ſurpriſing Ghent, proved the occaſion of their own much greater loſs; and the governor of that caſtle not delivering it, till the 8th of July, had this good effect, that it amuſed the enemy two or three days in their camp from above Aloſt to Schilebille on the Scheld. This delay proved fatal to them; for the French generals receiving intelligence, that prince Eugene was bringing a reinforcement of about thirty thouſand men, with all expedition, from Germany into Brabant, bethought themſelves of retiring towards their lines and ſtrong towns, before the conjunction of the confederate troops, in hopes, that being reinforced with a good body of troops, which were coming to join them from Alſace (though not with ſuch ſpeed as the Germans, who were remarkably expeditious on this occaſion beyond their uſual cuſtom) under the command of the duke of Berwick, they might afterwards be a match for the confederates, or, at leaſt, might preſerve their late eaſy conqueſts. They likewiſe imagined, that they might ſurprize or reduce Oudenard, the only paſs the allies had on the Scheld, ſince the taking of Ghent, before the allies could be in any readineſs to prevent it; and to this end, count de Chemerault having broke down all the bridges on the Scheld, and intimidated all the leſſer places in thoſe parts, they cauſed Oudenard[p] to be inveſted on the 9th of July early, and intended to have taken poſſeſſion of the advantageous camp of Leſſines.

Monſieur de Sigterman, who commanded in Oudenard, fearing that the inhabitants might be treacherous, as it was ſuſpected it had been in other places, immediately called a council of war, to conſider of means how to keep them within the limits of their duty, if they ſhould be otherwiſe inclined. It was reſolved to defend the place to the laſt extremity, and to declare to the townſmen, that it was hoped they would

[p] Oudenard is a rich and very ſtrong town of the Low-countries, in the earldom of Flanders, the marquiſate of the territory of Oudenard: It ſurrendered to the duke of Marlborough in 1706. The French laid ſiege to it in the beginning of this campaign; but the approach of the confederate army made them abandon the place, and engaged them in a battle near it, which proved a fatal overthrow to them. It ſtands on the river Scheld, thirteen miles ſouth of Ghent, thirteen north-weſt of Aeth, thirty-ſix weſt of Bruſſels, and thirty-ſeven almoſt north of Mons.

contribute all that lay in their power to that end; but that, if they offered to make the leaſt attempt towards ſurrendering the place, they would ſet fire to it in every part, and reduce it to a heap of aſhes. The inhabitants made all poſſible proteſtations of their fidelity, and aſſiſted the governor in putting the town in the beſt poſture of defence.

The duke of Marlborough and prince Eugene, having either information or ſuſpicion of the enemy's deſign, ordered brigadier Chanclos to throw himſelf into Oudenard, with ſeven hundred men, detached from Aeth, Courtray, and Mening, and Walef's dragoons, which was performed accordingly. This proved a great diſappointment to the enemy; for, if they could have ſecured this place, they would have cut off the communication of the allies with Mening and Courtray.

The ſame day Oudenard was inveſted, the confederate army (which was encamped at Aſche) marched in four columns, the earl of Albemarle being left, with all the grenadiers of the army, and thirty ſquadrons, to make the rear-guard, in caſe the enemy ſhould have made any motion towards Bruſſels. The ways being in good repair, the army marched with the greateſt expedition, and advanced as far as Herſelingen, above five leagues from Aſche, before eleven in the morning. Here the duke of Marlborough gave orders for the army to pitch their tents, fronting towards the enemy; who being far from expecting, that the confederate army could poſſibly make ſo ſwift a march, did not meet the general till three in the afternoon, thinking themſelves ſure of the camp of Leſſines, in order to cover the ſiege of Oudenard, for which they had their artillery ready at Tournay. Prince Eugene having rejoined the army at Herſelingen, the duke of Marlborough detached major-general Cadogan about four in the afternoon, with eight ſquadrons, and as many battalions, to take poſſeſſion of the camp of Leſſines. Accordingly, eight hundred men of this detachment entered the town of that name, about midnight; and the reſt having paſſed through, at four in the morning, poſted themſelves on this ſide the river Dender. On the other hand, the retreat, which was the ſignal for ſtriking the tents, being beat at ſeven, the evening before, in the camp at Herſelingen, the whole army marched immediately, and, moving on all night, began, the 10th, about eleven in the morning, to paſs the Dender over the bridges laid by major-general Cadogan, and continued their march to the camp of Leſſines, on the other ſide; the chief ſtrength whereof conſiſts in the rivulet, which falls below it into the Dender. The enemy, perceiving themſelves diſappointed of this camp, altered their march towards Gavre, in order to paſs the Scheld there.

The 11th in the morning, upon intelligence, that the enemy had quitted Gudenard, and were purſued by brigadier Chanclos with Walef's dragoons, Cadogan was ſent with ſixteen battalions and eight ſquadrons to make the ways and bridges at Oudenard. The army began to march at eight o'clock by the left, ſtill in four columns, as they had encamped; and after the news came, that the enemy were ſtill paſſing at Gavre, the Duke of Marlborough and prince Eugene reſolved to endeavour to bring them to an engagement. In order to this, the army continued their march with ſuch ſpeed and diligence, that, at two in the afternoon, the front was at the bridges, over which Cadogan's ſixteen battalions were then paſſing. Eight ſquadrons, and part of the former detachment, with the quarter-maſters, and major-general Rantzaw at the head of them, were poſted behind a rivulet that runs into the Scheld, where they obſerved, that the French army were partly marching, and partly drawn up in order of battle. They took notice likewiſe that the enemy had thrown ſeven battalions into the village of Heynem (which is ſituated on the banks of the Scheld) and the neighbouring plains, which confronted that ſmall village, were filled with the troops of the houſhold, who were drawn up exactly oppoſite to the eight ſquadrons under major-general Rantzaw, no obſtacle but a ſmall rivulet dividing them. Behind the village were moraſſes, woods, and defiles; ſo that an army had no other way to march, but through the high-road. This diſpoſition of the French made it uncertain, whether their real deſign was to hinder the duke of Marlborough's paſſing the Scheld, or to gain their own lines between Liſle and Tournay, which they thought they might eaſily have done, not imagining, that ſo conſiderable a body, as that of the confederates, could march five leagues in a cloſe country abounding in paſſes and defiles, have their roads levelled, croſs a great river, and make an attack upon them the ſame day.

The deſign of the duke de Vendoſme in placing the ſeven battalions in the village of Heynem, and the ſquadrons, which the confederates had diſcovered on the plain, which were to the number of twelve, was to have advanced towards the bridge, over which the allies were paſſing, to a certain diſtance, in order to have waited there till half their troops were paſſed, and then to have attacked them with all the advantage which his ſuperiority of number could have given him, not doubting but he ſhould eaſily have defeated them, before the other half of their army could come to their aſſiſtance. It was with this intent, theſe troops were advanced, and the duke would ſoon have followed with the whole army; but the duke of Burgundy did not approve of this project. He had all along ſhewed an inclination to retire towards Ghent; and this propenſity appeared now ſtronger than ever; he ordered the troops to ſtop ſhort in their march at Gavre in the perplexity, not knowing which way to move. He even recalled the ſquadrons, which were in the plain, and prepared to retire; and to this the French attribute their misfortune, which enſued.

It would have been eaſy for the French, either to have cut off the detachment of the allies, which had advanced and laid Bridges over the Scheld, or, at leaſt, to have deſtroyed thoſe bridges, before the whole confederate army could come up; and if then they had ſupported their left at Heynem, poſted their horſe behind the caſtle of Beveren, towards the mill of Oycke, and placed their centre on the height between Wertigem and Heurne, they would undoubtedly have had all the advantage, which the moſt difficult ground could give; and perhaps the choice would have been on their ſide, whether to engage in a general action, or not. But the dukes of Burgundy and Vendoſme, who had been at variance for ſome days before, what courſe they ſhould take, ſtill differed in their opinions, and were both yet ſtrangely at a loſs, what meaſures they ſhould reſolve upon, and what diſpoſitions to make. This irreſolution laſted till three in the afternoon, when moſt of the young commanders in the French army, to make their court to the duke of Burgundy, contradicted all that was adviſed by the duke of Vendoſme, and declared loudly for an engagement, which in a great meaſure determined the duke of Burgundy; and the duke of Vendoſme was obliged to ſubmit.

Major-general Grimaldi was therefore ordered by the duke of Burgundy, with the horſe of the king's houſhold, to begin the attack on the right, and diſlodge major-general Rantzaw from the eminence, on which he was poſted; but when they came to the rivulet, and found it marſhy, they were diſcouraged from attempting the paſſage, and retired towards their own right, though their army had twelve thouſand men more in number than the confederates, and ſeveral other advantages. This attack the duke of Vendoſme diſapproved of; and therefore ſent Monſieur Jennet, his aid de camp to the left, to attack the allies on that ſide. But the duke of Burgundy countermanded it, upon information, as it was ſaid, that there was an unpaſſible moraſs on that ſide; which, however, the duke of Vendoſme had paſſed over but an hour before. Upon this Cadogan, who had paſſed the river with twelve of his ſixteen battalions between three and four o'clock, attacked the village of Heynem, with ſuch reſolution (brigadier Sabine, with his brigade, being at the head) that they ſoon made themſelves maſters of it, and took three of the ſeven battalians entire, making many of the officers and private men priſoners that belonged to the other four. Immediately after, major-general Rantzaw, with the eight ſquadrons, and the quarter-maſters, paſſed the rivulet, and advanced into the plain, where the French horſe had been drawn up, between the villages of Singhem and Mullen. Several of the ſquadrons of their rear-guard being ſtill paſſing through the plain, the eight ſquadrons with the quarter-maſters attacked them with great vigour, and drove them into the cloſe ground and the highway, which led into the march of their own army.

Here it was, the electoral prince of Hanover, his preſent majeſty of Great Britain, gave diſtinguiſhing proofs of his early valour. He charged, ſword in hand, at the head of a ſquadron of his father's dragoons: His horſe was ſhot under him, and colonel Luſchky, who commanded the ſquadron, was killed fighting bravely by him. Lieutenant-general Schulemberg, and ſeveral other volunteers, behaved with great reſolution, and led up the ſquadrons. The French regiment of la Bretche, and ſeveral other regiments, were entirely broken; and the colonel himſelf, being dangerouſly wounded, was taken, together with a great many other officers, and twelve ſtandards and kettle-drums. The confederate army continued, in the mean time, to paſs the bridges with all imaginable diligence. The Pruſſian horſe formed themſelves upon the right in the ſame plain, where the advanced guard was; and the reſt of the horſe, as they paſſed, followed the Pruſſians through the village of Heurne, into the plain; but the foot, becauſe of the length of the march,

came later to the bridges; ſo that none but the ſixteen battalions were there till five o'clock.

The duke of Marlborough and prince Eugene being at the head of the horſe, which were forming in the plain, and obſerving the great want there was of infantry, ſent orders to the foot, which had been employed in attacking the village, to leave their poſt, and throw themſelves into the hedges on the plain, whether the enemy ſeemed to be marching with great diligence. On that ſide of the plain were no more than two battalions of major-general Collier's and brigadier Grunkau's; which were attacked with great fury; but they maintained their poſt with equal bravery, till more foot came up to their aſſiſtance. The duke of Marlborough ſent repeated orders to the foot, to preſs their march, the enemy being then forming, and ready to attack the infantry, which was already there, with very unequal numbers. In the interim, the duke of Argyle arrived with twenty battalions, which were ſcarce poſted, when the French attacked them very briſkly, and drove ſome Pruſſian battalions from their poſts; but notwithſtanding the inequality of numbers, about ſix in the evening, they retook it ſword in hand. By this time count Lottum was coming up, to ſuſtain this attack with the remainder of the foot of the right; and the duke perceiving, that the great ſtreſs of the battle would lie on the right, ſent to the left for twenty battalions. The left wing arrived ſomething later than the right, and having paſſed their horſe through Oudenard, and their foot on bridges below the town, had formed themſelves in two lines, with the village of Moreghem behind them.

The ſucceſs, which the confederates had already obtained in the ſeveral engagements near the villages of Heynem, Mullem, and Heurne, made the French generals ſenſible, they ſhould ſoon be attacked on all ſides. They therefore found themſelves under a neceſſity of making a ſtand; to which end, they poſted their foot very advantageouſly before the villages of Wanigen, Lede, and Huyze, having in their front ſeveral defiles, fenced with incloſures of hedges, ditches, or thickets, and placed moſt of their cavalry on their right, near the villages of Oyke and Wirtigen.

As ſoon as the confederate foot arrived, they formed themſelves in two lines before the horſe, and then attacked, in very good order, the incloſures and villages in their front, where the French were poſted; ſo that about ſeven o'clock the fire grew general, both on the right and on the left; and, though the enemy gave way in moſt places, yet, being ſuſtained with freſh troops, the action was maintained very obſtinately a good while after.

There was before the left of the left wing a kind of opening, through which run a road, that led into the plain, on the top of the hill, and which the prince of Orange-Naſſau, at the head of the Dutch foot, cleared with great vigour and reſolution. At the ſame time the duke of Marlborough diſpatched orders to the veldt-marſhal d'Auverquerque and the count de Tilly, who were on the top of the hill near Oycke, to preſs the enemy as much as poſſible on that ſide. Theſe orders were punctually obeyed; and Auverquerque ordered major general Weeck to march with the brigades of Waſſenaer and Oudenburgh; which being ſupported by count Tilly with the Daniſh cavalry under his command, paſſed through a narrow defile into a field where all the French houſhold were drawn up.

The confederate troops no ſooner approached, than the French, who did not in the leaſt apprehend being attacked on that ſide, retired, and endeavoured to ſhelter themſelves under the hedges between Wirtigem and the caſtle of Beveren towards the main body of their army, where the fire was very hot; but the prince of Orange-Naſſau, with count Oxenſtiern, coming up with four brigades of infantry, led them on with great gallantry, paſſed ſome defiles, attacked the enemy in flank, and obliged them to give way. Thoſe, who were thus retiring, were forced back into the incloſures in great diſorder; and it growing dark, many battalions and more ſquadrons being in the utmoſt confuſion, ſome were cut in pieces, and others deſired to capitulate for their whole regiments.

While this happened on the left, the duke of Marlborough, who till then had been the whole time in company with prince Eugene, viſiting the field of battle, leading on, poſting, and ranging the reſpective bodies of troops; but thinking now it would be more advantageous to ſeparate, and direct in different places, arrived there, having left the care of the right to prince Eugene, who ſhewed great ſatisfaction in leading on the Engliſh troops, whom he ſaw perform wonders; ſo that at laſt the enemy finding themſelves charged and borne down on all ſides by the confederate forces, retired in the utmoſt confuſion, leaving great numbers of priſoners behind them. Their dragoons favoured their retreat, and, to ſave the troops of the houſhold, received ſeveral diſcharges from the confederate infantry, and were moſt of them either killed or taken.

Night coming on, and the fire being directed ſo many ways at once, that it was impoſſible to diſtinguiſh friends from enemies, the confederate generals gave poſitive orders to their troops to give over firing, and to let the routed enemy eſcape, rather than to venture putting themſelves into diſorder. This put an end to the ſlaughter, and ſaved the remainder of the enemy's army; for, had there been but two hours more of day-light, in all probability their whole body of foot, and their right wing of horſe, would have been entirely cut off, they being ſurrounded almoſt on every ſide.

During this memorable action, the duke of Marlborough and prince Eugene gave their orders with ſo much compoſedneſs of mind and clearneſs of judgment, as ſeemed peculiar to theſe two great men. The expoſed their perſons to the greateſt dangers, when neceſſity required it; and yet had both the good fortune to eſcape unhurt. The electoral prince of Hanover had alſo a great ſhare in the glory of the day. At the head of his father's cavalry, he charged the celebrated troops of the French king's houſhold, bearing down all that oppoſed his career. The young prince of Orange-Naſſau, ſtadtholder of Friſeland, and father of the preſent prince of Orange, diſtinguiſhed himſelf likewiſe by his martial ardour, bravery, and conduct. The brave veldt-marſhal d'Auverquerque, though worn out with the fatigues of above thirty campaigns, and in a languiſhing condition, exerted his expiring vigour, and was on horſe back at the head of his troops in the hotteſt of the fire. Count Tilly, the prince of Wirtemberg, lieutenant-generals Rantzaw and Nutzmer, major-generals Webb and Cadogan, brigadier Sabine, and, in ſhort all the generals and officers animated the ſoldiers every where by their own example.

The different troops, of which the confederate army conſiſted, fought with ſuch emulation of each other, that it was difficult to determine, which deſerved the greateſt applauſe; yet it was obſerved, that the Pruſſian Gens d'Armes ſignalized themſelves in ſeveral vigorous charges, which they made and ſuſtained againſt the French cavalry, in which they loſt near half of their number.

If we may believe ſome of the French writers, the dukes of Burgundy and Berry and the pretender had a great ſhare in this battle; but if the Dutch accounts are to be credited, they, or at leaſt the two latter, only beheld the engagement from the ſteeple of an adjacent village, and conſulted their ſafety by a timely retreat. As for the other generals of the enemy's army, they committed ſeveral groſs errors, as well before as during the action, either for want of unanimity or judgment: But, for their troops, it muſt be acknowledged, that, in general, they fought better at this time than they had upon any other occaſion.

The French endeavoured by their partial relations to palliate their defeat, and make a drawn battle of it[q]; for which they had the only pretence of having ſaved their baggage. Now that could not be otherwiſe, ſince they left it behind them, as they did likewiſe their artillery, having only made uſe of four or five pieces of canon during the whole action. But the field, where the battle was fought, of which the confederates remained maſters, with ſix or ſeven hundred of the enemy's officers, and about ſeven thouſand private ſoldiers, who were made priſoners, together with ten kettle-drums, and above one hundred ſtandards and colours taken, were all evidences of an indiſputable victory on the ſide of the confederates.

The enemy retired in the night, by the road which leads through the village of Huyſe from Oudenard to Ghent. The duke of Vendoſme propoſed to the duke of Burgundy, that they ſhould halt, in order to form their troops, and give their march, at leaſt, the air of a retreat; but his advice was

[q] All that father Daniel ſays of it is in theſe words: 'Prince Eugene and the duke of Marlborough being arrived at Oudenard by long marches, they paſſed the Scheld with their army, which they drew up in order. The French army arriving there at the ſame time, in order of battle, gave the charge. The onſet was furious, and laſted from four in the evening till night came on, which put an end to the fight. The army of France retired towards Ghent: The left, which made the rear-guard, remained upon the field of battle till it was broad day, and then marched off in good order, under the conduct of the chevalier du Rozel, lieutenant-general, who attacked them, not being able to do them any miſchief.' The marquis de Feuquieres, in his memoirs, obſerves thus: 'Since we made no diſpoſitions for the encounter, our loſs of men, though very great, is not to be conſidered as a deciſive event: And indeed the confuſion, as well as the extraordinary loſs, happened in the retreat we made in the night, when the troops were neither ſenſible where they fled, nor by whom they were conducted. In a word, the diſpoſitions for their engagements, and the motives which induced us to undertake it, ought never to be repeated in any future conjuncture.'

unregarded; for, of all the general officers preſent, only the count d'Evreux was of his ſentiment. Obſerving therefore, that nothing was to be done with men terrified out of their ſenſes, he gave the word for a retreat, which was no ſooner done, than the generals, as well as private men, threw themſelves into the road of Ghent with the utmoſt precipitation. The duke of Vendoſme looked with grief and ſhame on this ſcandalous behaviour: Finding, however, twenty-five ſquadrons, of his beſt troops, and about the ſame number of battalions unbroken, he formed with theſe a rear-guard, and ſo preſerved the army from a ſecond defeat, which would certainly have proved more fatal than the firſt.

The confederates, in the mean time, continued under arms, hoping to renew the engagement again the next morning, and impatient, in the mean time, for day, that they might have a true information how far this victory had extended, of which the darkneſs of the night left them in ignorance. To this end, as ſoon as it was light, the duke of Marlborough ordered forty ſquadrons from the right, commanded by the lieutenant-generals Bulau and Lumley, with conſiderable body of foot, to follow and attack the enemy's rear guard, which they did with great vigour. But ſeveral companies of French grenadiers, being advantageouſly poſted along the highway leading to Ghent, killed and wounded ſeveral of the officers and private men of the confederates, and obliged them to leave off the purſuit, there being but one road, ſecured by hedges and ditches, lined with the enemy's grenadiers; but no place for the confederate cavalry to form themſelves in. On this occaſion ſeveral officers of the grenadiers, commanded by Major Erwin, were killed or wounded; and general Meredith received a ſhot in the cheek; but the enemy on their ſide, were much greater ſufferers. The regiment of Riſburg, which cloſed their rear, was entirely ruined, and two whole companies taken priſoners; as was likewiſe brigadier Pourienne, who commanded the hindermoſt brigade, with ſeveral other officers.

As to the killed and wounded on either ſide, the allies reckoned among the ſlain major-general Berenſdorf; the colonels Adercaſz and Bolzen, count Rantzaw, and ſir John Matthews, with captain Dean of the Britiſh guards, and about eight hundred private men; and, among the wounded, lieutenant-general Natzmer, major-generals Gaudecker and Berner; the colonels Groves, Pennyfeather, and four others; a hundred and ſixty other officers, and about two thouſand private ſoldiers; which loſs was abundantly repaired by deſerters and priſoners, Germans, Swiſs, and Savoyards, who liſted themſelves voluntarily in the ſervice of the allies. The French endeavoured to conceal their loſs with all poſſible induſtry; but that it was much greater than that of the allies, is evident from ſeveral very authentic accounts[r]; from which it appears, that the number of priſoners taken from

[r] A letter from the field-deputies of the ſtates-general to the ſtates-general:

High and mighty lords,

By reaſon of the ſhortneſs of time, we could only let your high mightineſſes know yeſterday, that we engaged the enemy about four in the afternoon. Wherefore we give ourſelves the honour of ſending your high-mightineſſes farther advice, that our army, having marched on Sunday night from Aſche, took the rout of Leſſines, in order to paſs the Dender at that place, without oppoſition from the enemy, whom we had prevented by a ſudden march; and, arriving there on Tueſday evening, we underſtood, that the enemy were marched from Aloſt towards Gavre, where they cauſed bridges to be made, in order to paſs the Scheld; which made us believe they deſigned to poſt themſelves upon the height of Oudenard, and hinder us from paſſing the Scheld. And, though our army was very much fatigued by the foregoing march, yet we reſolved to proceed on our march yeſterday, and, if poſſible, to prevent the enemy. We detached therefore ſixteen battalions in the night, to take poſt on the other ſide of the Scheld near Oudenard, and to lay the bridges neceſſary for our paſſage. Yeſterday morning about nine we received advice, that the enemy had paſſed the Scheld, and were marching towards Oudenard, which made us haſten our march as much as poſſible, for fear our detachment, that was ſent over, ſhould be defeated, and ourſelves prevented in our deſign of paſſing the Scheld. But, by that time the enemy were come near Oudenard, they ſaw we had already taken poſt over the Scheld, which made them reſolve to ſtrike off to the right; but, to cover their march againſt ours, they thought fit to throw troops into the hedges and into a village upon the Scheld below Oudenard. About three in the afternoon, as ſoon as our foot began to come up, it was judged adviſable to attack the village, and thereby oblige the enemy to go no farther, but ſtop their march. This attack was made with ſo much vigour and ſucceſs that the enemy were immediately driven out of the village, our men falling upon them with their bayonets on the muzzels of their muſkets, and not firing a piece; ſo that they preſently threw down their arms, and a whole brigade, together with a brigadier, ſurrendered priſoners. The few horſe, that had paſſed with the detachment, attacked likewiſe the French ſquadrons poſted behind the village with ſo much ſucceſs, that they were put into diſorder and puſhed, our men taking from them eight or ten ſtandards and ſome horſes. Hereupon the enemy were forced to face about to us, and form themſelves about four o'clock, when, moſt of our foot being over, and formed, the general engagement began, firſt on the right, and afterwards on the left wing. The fight was properly between the foot, and was obſtinate; but our men got ground, and drove the enemy from one hedge to another, till night put an end to the combat. The horſe, who, by reaſon of the broken ground, could not act, were detached to the right and the left wing, and advanced ſo far, that they attacked the enemy in flank and rear; which, when they perceived, they fell in the night into the utmoſt confuſion; and part of them retired, with their baggage and artillery, towards Ghent and Deynſe; another part towards the road of Courtray; and, according to computation, ſix or ſeven thouſand ſurrendered themſelves priſoners, with the three or four hundred officers at their head; among whom are ſeveral dukes and general officers. Had not the night come to their aſſiſtance, we believe they would have ſaved very little of their army. We therefore congratulate your high-mightineſſes upon this complete victory, which God Almighty has ſo graciouſly vouchſafed, and which gives us an opportunity, with this victorious army, and that of prince Eugene, who was preſent at this action, to extend the frontiers further, and bring the enemy to reaſon. Each general made ſo good a diſpoſition, and every regiment attacked the enemy ſo well, and with ſo much intrepidity, that it was impoſſible for any one to diſtinguiſh themſelves in a particular manner. Our loſs, God be thanked, is ſo ſmall, that there is not, as we know of, one regiment out of a condition to make the reſt of the campaign. Among the horſe our loſs is nothing at all. Nor do we yet know that we have loſt any head officer of the ſtate. With which, high and mighty lords, &c.

Signed,

Oudenard, July 12, 1708.
Ford. Van Collen,
G. Van. Roſſum tot Ardenbroeck,
S. Van Goſſinga,
Count of Rechteren,
B. Van Vanvelde,
Adr. Van Borſelle tot Geldermalſen.

P. S. We thought, conſidering the importance of this affair, we ſhould not do amiſs, in ſending this to your high-mightineſſes by the head-officer Cock, who may have the honour of informing your high-mightineſſes of more particulars.

Velt-marſhal d'Auverquerque's letter to the Greffier Fagel.

On Monday laſt, at ſeven o'clock, we broke up (as I have already had the honour to acquaint your lordſhip) with the army from Herſelinghen near Enghien. We marched the whole night, and the next day paſſed the Dender at and above Leſſines. Yeſterday morning we marched again from Leſſines towards Oudenard, where we arrived about noon. We had received intelligence, that the army broke up on Tueſday from the neighbourhood of Aloſt, and were encamped at Gavre, and that they had alſo paſſed the Scheld yeſterday at that place; which indeed we found to be true, perceiving, upon our arrival at Oudenard, the enemy upon a full march towards Tournay. We laid the bridges over the Scheld in their ſight, and our troops paſſed the river with an unſpeakable ſpeed and courage. About two o'clock the greateſt part of our army had paſſed, with which the duke of Marlborough and prince Eugene formed the right wing near Broan-caſtle, about half a league from the town, and began to engage the enemy in a battle. In the mean time I marched likewiſe with the troops of the ſtates, which compoſed the left wing, in order to attack the enemy, which I did about five o'clock, having been obliged to make a great round to come at them: And God has been pleaſed ſo to bleſs the arms of the high allies, that we have entirely beaten the enemy, and forced them to retire in great confuſion, ſome toward Courtray, and others towards Ghent.

I give myſelf the honour to congratulate their high-mightineſſes upon this important victory. We ſhall endeavour all we can to make our advantage of it. The enemy will have much ado to bring their army into the field again this year in a good condition. The loſs of the ſlain on their ſide is very conſiderable, beſides a good number of officers (ſome of them of diſtinction) and common ſoldiers, priſoners. We have alſo taken ſeveral ſtandards and colours, of which I will ſend their high-mightineſſes a liſt by the next courier.

The bravery and wiſe conduct of the duke of Marlborough and prince Eugene cannot be enough commended, nor the zeal and courage of the other generals of the ſtates, who did all which their duty and regard for the ſervice required of them. All the officers and troops, without diſtinction, did all that could be expected from brave men and good ſoldiers. We ſent out a body of horſe and foot this morning to purſue the run-away enemy, and ſcatter them yet more, but they were got too far off by the favour of the night. I remain

Your lordſhip's
Humble and obedient ſervant,

From the camp of Oudenard, July 12, 1708.
AUVERQUERQUE.

Mr. Cardonnel's letter to Mr. Cole at Venice.

Sir, Camp at Oudenard, July 12, 1708.

As ſoon as the enemy had an account, that our army had paſſed the Dender at Leſſines, they recalled their troops that were come to inveſt Oudenard, and marched with their whole army to Gavre, where they began to paſs the Scheld yeſterday morning, and continued paſſing till about four in the afternoon. And as my lord duke was reſolved to purſue them, in order to engage them to a battle, major-general Cadogan was ſent away very early with a ſtrong detachment, to paſs the ſame river through this town, and to make bridges for the whole army, which followed with all poſſible diligence, to prevent the enemy's paſſing the Lys, or their retreat towards the lines. Accordingly, about three in the afternoon, the detachment, with the head of our army, began to attack the enemy in their march; and, in a little time, brigadier Sabine, at the head of his brigade, beat ſeven of the enemy's battalions, of whom he killed a great number, and took moſt of the reſt priſoners. The enemy then formed their line, and the battle began about five, and laſted with great firmneſs till near ten at night, it being chiefly the foot that were engaged, the enemy ſtill retiring; ſo that, beſides a great ſlaughter, we made a great number of priſoners. We cannot yet give the particulars of this great victory; but ſome thouſands of priſoners, and, among them ſome general officers are already brought into town. Forty ſquadrons of horſe, with twenty battalions of foot, are in purſuit of the reſt of their army, which is retiring towards Ghent. My lord duke, with the prince of Savoy, and Monſieur d'Auverquerque, continued on horſe-back the whole night, to animate our troops, and to give the neceſſary orders for the purſuit.

I am, &c.
H. CARDONNEL.

P. S. Since the writing of this, we have an account of about ſix thouſand priſoners brought into the town, beſides near five hundred officers, of which ſeveral

the enemy amounted to ſeven thouſand men, among whom were two lieutenant-generals, two major-generals, five brigadiers, about thirty colonels, above a hundred officers of the ſtate-major, and four hundred ſubalterns, together with ſeventy or eighty ſtandards or colours. The largeſt liſt, on the ſide of the allies, make the loſs of the enemy to be nine thouſand eight hundred priſoners, officers included; four thouſand two hundred killed and wounded; two thouſand four hundred deſerted; in all nineteen thouſand four hundred: Taken beſides, ten pieces of cannon, fifty-ſix pair of colours, fifty-two ſtandards, eight pair of kettle drums, four thouſand five hundred horſes. On the other hand, the loweſt computation amounts together to fourteen thouſand ſeven hundred killed, wounded, and taken priſoners, without mentioning deſerters; and the loweſt calculation, given by the French themſelves, allows their loſs to have been above ten thouſand men.

The dukes of Burgundy and Berry, with the pretender, reached Ghent the morning after the battle, by five o'clock; and about nine, the duke of Vendoſme, who brought up the rear, arrived there alſo. As they were apprehenſive of being purſued by the whole confederate army, the duke immediately commanded his troops to march through Ghent to Lovendegen, on the canal not far from that city; where, for their greater ſecurity, they caſt up entrenchments, and planted upon them their artillery, which they had left at Gavre with their heavy baggage. In this camp they recovered themſelves out of their firſt conſternation; but the former miſunderſtandings revived among their generals, eſpecially, between the dukes of Burgundy and Vendoſme who, notwithſtanding the interpoſition of the court could never be brought to a reconciliation [s].

While the French were entrenching themſelves behind the canal between Ghent and Bruges, the confederate troops being returned to their camp (which was the field of battle) they reſted two days. Mean time the duke of Marlborough, prince Eugene, Monſieur Auverquerque and the ſtates deputies, debated in a council of war, how they might beſt improve their late ſucceſs. The reſult was, that the duke of Marlborough's army ſhould immediately march to Menin, paſs the Lys, level the French lines between Ypres and Warneton, and hinder any detachment from getting into Ypres, or the French army from retiring that way; and that prince Eugene, with a detachment of the grand army, ſhould march, at the ſame time, towards Bruſſels, to aſſemble his forces, obſerve the motions of the duke of Berwick, and hinder likewiſe the enemy's army near Ghent, from retreating through Brabant the ſame way they came. According to theſe reſolutions, count Lottum, general of the Pruſſians, marched, the 13th of July, at night, with thirty battalions, and forty ſquadrons, the next day advanced towards the French lines, and took ſeveral ſmall places. The ſame day the army took their route towards Menin, paſſed the Lys near that place, and encamped at a ſmall diſtance from the town. Whilſt a detachment from the confederate army demoliſhed the French lines between Ypres and the Lys, another was ſent to raiſe contributions as far as Arras, which ſtruck a terror every where that it reached the very city of Paris.

Whilſt theſe affairs were in agitation, the confederate troops expected their heavy cannon, in order to undertake an important ſiege; and the French continued in their poſts along the canal of Bruges, without giving the allies any diſturbance. The only method they pitched upon, as moſt

ſeveral are of note. I heartily congratulate with you on this great and glorious victory, &c.

Letter from the duke of Marlborough to the earl of Mancheſter.

My lord, Camp at Werwick, July 15, 1708.

I return your lordſhip many thanks for the favour of your letter of the 22d of laſt month, and am glad to ſee your lordſhip was like ſoon to have juſt ſatisfaction from the republic of Venice. You need not doubt then, but the queen will readily grant your deſire of returning home. We are in great expectation of ſir John Leake's being ſailed for Catalonia, where the ſuccours from Italy will have been very much wanting. We hear the duke of Orleans perſiſted in the ſiege of Tortoſa, notwithſtanding the loſs of his proviſion-ſhips taken by our fleet. Your lordſhip will have heard with concern the enemy's taking the city of Ghent, by the treachery of ſome of the inhabitants. But the good news that will ſoon have followed of our defeating, on Wedneſday laſt, part of their army near Oudenard, and obliging them to retire behind the canal between Ghent and Bruges, will have made ſome amends. We took between ſix and ſeven thouſand priſoners, beſides about ſeven hundred officers, of which ſeveral are of note, and a great number of ſtandards and colours. Our army lay on their arms that night, and on Thurſday encamped on the field of battle: On Friday we reſted, the troops having need of ſome eaſe, after their great fatigue; and about midnight we detached forty ſquadrons and thirty battalions towards the enemy's lines, between Warneton and Ypres. The whole army followed by break of day, and encamped at Helchin, whence we purſued our march to-day to this camp cloſe to the lines, which we found our detachments had forced, and taken five hundred priſoners, the only guard the enemy had left for their ſecurity. We do not think, that their army is marched from behind the canal, which, with their poſſeſſing of Ghent, will be a great obſtruction to our bringing up our heavy cannon and other artillery; ſo that I fear we ſhall be obliged to retake that place, before we can make any further progreſs.

Extract of an intercepted letter from a French officer, who was in the battle.

I can only ſend you an unwelcome relation of the particulars of the battle, which happened yeſterday about two in the afternoon near Oudenard. It will prove a great blow to France; for, without exaggerating the matter, we had above ten thouſand men killed, wounded, or taken. The action was very ill managed on our ſide; for, inſtead of attacking the enemy when they began to paſs the Scheld near Oudenard at eleven in the morning, we let them come over the river quietly, which they never would have adventured to do, had we, in any tolerable manner offered to diſpute their paſſage; but ſeeing us ſtand ſtill, they were encouraged to proſecute their firſt deſign, and began to paſs over two bridges, which they had laid. As faſt as their horſe and foot came over, they ranged themſelves in order of battle againſt us; and while our generals were in ſuſpenſe what reſolution to take, whether to venture an engagement or not, the enemy's army continued coming over the river, and ſoon poſſeſſed themſelves of ſome villages and hedges; ſo that, at laſt, our generals were compelled to endeavour to diſlodge them. Accordingly, our infantry advanced, and the ground was diſputed two or three hours, with a terrible fire and great obſtinacy on both ſides; but our foot being tired with charging the enemy five or ſix times, and being diſheartened to ſee themſelves not ſupported by our horſe (who could not act, becauſe the ground was full of incloſures) and preſſed hard by the enemy, were, at length, forced to retire, and quit the ground to them. We dragoons were obliged to endure the continual fire of the enemy's foot and cannon, without daring to ſtir, becauſe we were on the right of the king's houſhold, who ſuffered as much as we. Towards the evening we were fallen upon by a great number of the enemy's horſe, to hinder us from ſuccouring the reſt, who were put to the route, and of ſeven regiments of dragoons we loſt above half. At laſt, we had no other expedient left, than to force our way through the enemy; but firſt we ſent to ſee whether we could be aſſiſted in that deſign by any of our forces. In the mean time night came on apace, and we were informed, that the king's houſehold (whoſe retreat was covered in ſome meaſure by us) were at too great a diſtance. Things ſtanding thus, our reſolution of breaking through the enemy ſunk, and, ſome of the enemy's adjutants ſummoning us to yield ourſelves priſoners of war, we ſubmitted to it, ſeeing no other way to ſave our lives. At leaſt forty of our regiments are reduced to a wretched condition, the greateſt part of them being killed or taken; ſo that it will be long before they can be re-eſtabliſhed. Of four regiments of the king's houſhold, at leaſt half are taken priſoners, and among them are ſeveral perſons of note. The chevalier de Longueville and fifteen other officers were mortally wounded, and two of them are dead ſince the battle. The regiments of Pfiffer and Villars are quite ruined, and almoſt all their officers are taken, with all their baggage, &c. Amongſt the priſoners were above ſeven hundred officers, viz. a lieutenant-general, four major-generals, five brigadiers, fourteen colonels, eight lieutenant-colonels, nine majors, two hundred and ſix captains, one hundred and forty-ſeven lieutenants, ninety-ſix cornets, one hundred and eighty-ſix gens d'armes, chevaux legers, or life-guards, and forty-ſeven quarter-maſters. The marquis de Ximenes, colonel of the regiment of royal Rouſſillon, and the ſieur de la Betrache, colonel of horſe, with a great number of other officers, were killed.

A letter written by one of the duke of Vendoſme's confidents, ſuppoſed to be Monſieur Capiſtron, the duke's ſecretary.

Away with your conſternation, ſir, and do not betray in yourſelf the weakneſs common to your nation, who never light of a misfortune but preſently all is loſt. I tell you, in the firſt place, that the reports you hinted to me are falſe, and the duke of Vendoſme laughs at them. As for the three marches which he ſuffered to be ſtolen from him, and his not guarding the Dender, every body knows, the duke of Vendoſme was for diſputing the paſſage of that river; and that after three days conteſt, he was forced to ſubmit to the ſentiments of thoſe, who, to avoid an engagement, voted for paſſing the Scheld. However it was then that they were obliged to own, what the duke had foretold them, viz. That whenever prince Eugene underſtood they had a mind to avoid fighting, he would force them to do it, whether they would or no.

As to what they ſay, that the duke of Vendoſme ought to have attacked the van of the enemy's army, in their paſſing the Scheld, he knew better things. For ſoon as he received advice from the marquis of Biron, that part of the enemy's army was over, he was for attacking it, while he ſaw the duſt made by the columns of that army on the other ſide of the river, about half a league from Oudenard; but he was ſingle in his opinion, and conſequently not hearkened to. This was at ten in the morning. At four in the afternoon major-general Grimaldi was ordered, without the duke of Vendoſme's knowledge, to begin the attack; which, however, when he ſaw, he was for continuing it. Accordingly he ſent Monſieur Jenet, his aid de camp, to the left, with orders for them to engage, but he was killed in his return. Theſe orders were not executed, ſome officers inſinuating mal à propos to the duke of Burgundy, that there was a quagmire and an impracticable moraſs; whereas the duke of Vendoſme's and the count d'Evreux had paſſed an hour before.

As the retreat, the duke of Vendoſme was not for it; but as he was backed in his opinion by the count d'Evreux only, he was again obliged to ſubmit. No ſooner therefore had he given the word for the army to retreat, but all got on horſeback, and with aſtoniſhing precipitation fled to Ghent; and there were not wanting thoſe, who adviſed the princes to ſet out poſt from thence to Ypres.

The duke of Vendoſme, who was obliged for a good part of the time, to make the rear-guard with his aid de camp did not reach Ghent till almoſt nine in the morning, when he made a firm reſolution to poſt the army behind the canal, which goes from that place to Bruges, though againſt the advice of all the general officers, who threatened for three days together to abandon him; and ſaid, they ought to endeavour to join the duke of Berwick. That firmneſs ſaved the king's army and France itſelf; for the fright the army was in would have cauſed a greater diſgrace than that of Ramillies. Whereas the duke of Vendoſme, by poſting himſelf behind the canal, has covered Ghent and Bruges, which is the eſſential point, and thereby revived and put courage into the troops, and given the officers time to recollect themſelves, and to know the country. In a word, he has thrown the enemy out of action; and if they attack any of our ſtrong places, as Ypres, Liſle, Mons, or Tournay, the duke of Vendoſme will take Oudenard, make himſelf maſter of the Scheld, and ſo puzzle them. This, ſir, is the very truth, and the ſame, the duke of Vendoſme has ſent to the king, &c.

[s] Burnet obſerves, Vendoſme took ſo much upon him, that the other officers complained of his neglecting them; ſo they made their court to the

proper to be put in execution, was to harraſs the Dutch Flanders with ſmall parties. This they did, and, whilſt the confederate army raiſed great contributions in Picardy and elſewhere, the French plundered a few Boors under the government of the ſtates. Their next attempt was againſt the forts of the Red Houſe, and fort Plaſſendale, which they made themſelves maſters of ſword in hand. But whilſt they were endeavouring to amuſe the confederates by theſe proceedings, ſeveral detachments of the allies plundered the countries of Piccardy and Artois. Count Tilly, the lieutenant generals Orkney, Rantzaw, and Hompeſch, the major generals Webb, Rantzaw, and count d'Arbach, with forty ſquadrons, twelve battalions, and a thouſand grenadiers, advanced into Picardy, to lay the ſame under contribution, to put that province under military execution. This detachment fell in with eight hundred horſe near la Baſſee and Lens (part of the cavalry belonging to the duke of Berwick's army) of which a conſiderable number were killed, and a colonel, a major, a captain, and two hundred troopers taken priſoners. The confederate troops purſued the enemy to the gates of Lens, wherein they had poſted fourteen hundred foot, which abandoned the place upon the approach of the confederate infantry. After this the generals raiſed conſiderable ſums in the province of Piccardy, burnt the ſuburbs of Dourlens, and returned with hoſtages for the contributions they had agreed on to be paid to the allies, without any manner of oppoſition.

Some time after, a detachment from the French army at Lovendegen, under the command of the chevalier de Rozen, made an irruption into the Dutch Flanders; but they performed little more than the other part of the army commanded by the duke of Burgundy. They fell in upon the Dutch lines of Bervliet, which they took, having no manner of guard to defend them, lieutenant general Fagel and major general Murray retiring before them, for want of a ſufficient force to make a ſtand; their troops not amounting to more than three battalions, and a regiment of dragoons. Afterwards the French advanced, and fell into the iſland of Caſandt, where they plundered and burnt above a hundred houſes belonging to the country farmers and boors, and beſides, obliged the inhabitants of the iſland to pay contributions. Thus they finiſhed their expedition, without putting any thing farther material in execution, and retired back to rejoin their main body.

This invaſion of Dutch Flanders did not occaſion any alteration in the meaſures that had been concerted for a conſiderable ſiege; in order to which a great train of artillery, and a vaſt number of waggons laden with warlike ſtores, had, with all poſſible expedition, been provided at Bruſſels. Prince Eugene's army from Germany had now joined the confederates; and the French foreſeeing the ſtorm, and rightly conjecturing, that Liſle was the place, which the allies intended to bend their main force againſt, had made proviſions ſuitable to the greatneſs of the danger they apprehended. For, beſides the preſence of the marſhal de Boufflers, governor of all French Flanders, and of the lieutenants general de Surville, Lee, and other officers of diſtinction, they threw into the place twenty-one battalions of the beſt troops of France. But notwithſtanding the difficulties, that muſt naturally attend the ſiege of ſo ſtrong and ſo well-provided a place, beſides others occaſioned by the confederates being cut off from their magazines in Antwerp and Sas van-Ghent; all which made the duke of Vendoſme ſay, "That he did not think ſo wiſe a captain as prince Eugene would venture upon ſo raſh an enterprize;" yet nothing was able to deter the confederate generals from their reſolutions. So that, having brought a great convoy of proviſions, ammunition, and other warlike ſtores from Bruſſels to Menin, Liſle[t] was inveſted on the 13th of Auguſt, N. S. on one ſide by prince Eugene, and on the other by the prince of Orange-Naſſau, ſtadtholder of Friſeland, in the following manner: The artillery being arrived at Pottes, and all things concerted for the ſiege, the prince of Orange-Naſſau was detached with thirty-one battalions, to take poſt at Marquet upon the Deule, within half a league of Liſle, and lieutenant general Wood, with thirty-four ſquadrons, marched to Potteghem. The grand army marched likewiſe from their camp at Werwick to Helchin; and, the ſame day, prince Eugene, having paſſed the Marque at Pont-a-Treſſin, inveſted the town between that place and the Upper Deule, whilſt the prince of Orange-Naſſau did the ſame with his detachment between the Upper and Lower Deule; by which means the enemy were ſhut up, and could put no further reinforcements into the place. The duke of Marlborough took upon him to cover the ſiege; and to that end encamped at Helchin, where he had a convenience from time to time to reinforce the troops employed in the ſiege, or to march and fight the enemy, as occaſion ſhould require.

This important ſiege was to be carried on with fifty battalions; ſix Imperialiſts, nine Palatines, five Heſſians, and thirty from the grand army; and, all matters being put into a proper poſture for a vigorous ſiege, the trenches were opened on the 22d of Auguſt, between ſeven and eight in the evening, on the right and left of the Lower Deule; the right againſt the gate of St. Andrew, under the direction of Monſieur des Roques, and the other againſt St. Magdalen gate, under the care of Monſieur du Mey. Four thouſand workmen were commanded for this ſervice, covered by ten battalions of the Imperial, Palatine, and Heſſian troops, commanded by lieutenant general Wilke, and major general Volkerſhoven. Ten battalions and ſix hundred horſe were ready to ſuſtain them; but the trenches were carried on with ſo good ſucceſs, that the allies had above two hours time to cover themſelves, before they were perceived by the enemy; who made a terrible fire from the town, though with ſo little execution, that the confederates had not above three or four men killed, and about fifteen wounded. On the 23d, lieutenant general Pettenſdorf, in the ſervice of the elector Palatine, and the major generals Sacken and Soble, relieved the trenches with four Imperial and ſix Heſſian battalions, and one thouſand workmen at each attack. But Pettenſdorf going from one attack to the other, and miſſing his way in the night, had the misfortune to be taken priſoner, and carried into the town. The 24th, lieutenant general Spaar relieved the trenches, with major general Collier, the brigadiers Waſſanaer and Keppel, and the Britiſh battalions of Godfrey and Ingoldſby, two Pruſſian, the Daniſh guards, and the battalions of Orange, Bellem, Swarts, and Mey. The ſame night, three hundred and twenty grenadiers were commanded to attack the chapel of St. Magdalen, wherein the enemy had a hundred and twenty grenadiers, with two captains, and ſome ſubaltern officers, who having loſt one of their captains, and about twenty men, the reſt ſurrendered. The beſiegers had, in this action, near thirty men killed and wounded; ſome officers and Monſieur du Mey (director of the attacks) received a ſmall contuſion. The 26th the beſieged retook the chapel, having made a ſally with moſt of the grenadiers and two ſquadrons of dragoons. But the prince of Orange-Naſſau being in the trenches, cauſed two battalions to advance, who retook it, and cauſed the enemy to retire with precipitation, into the counterſcarp. The 27th in the morning, the beſiegers fired fifty pieces of cannon and twenty mortars upon the town with ſo good ſucceſs, that they beat down one of the enemy's batteries. On the 29th, early in the morning, the confederate troops ſtormed a fortified mill on the right near the gate of St. Andrew with three hundred grenadiers, beat the enemy from that poſt, and took ſeveral priſoners; but, at the ſame time, the enemy made ſo terrible a fire from the ramparts, that the beſiegers were obliged to quit it. The next day three hundred grenadiers were commanded to retake that mill, but the enemy ſet it on fire, and abandoned that poſt. On the laſt of Auguſt the prince of Holſtein-Beck relieved the trenches; and each battalion was ordered to furniſh ſix waggons, to carry ſtones near the batteries, to throw the ſame with mortars into the enemy's works. The 1ſt of September, at night, the Imperialiſts relieved the trenches, and the beſiegers carried on the ſap towards the ſaliant angle of the counterſcarp of the horn-work, within fifty paces of the palliſadoes; and a vaſt quantity of faſcines and gabions were prepared for making their lodgment on the counterſcarp. At the ſame time the breach being very wide, and the ditch almoſt filled up with the ruins of the walls, marſhal Boufflers was apprehenſive, that the town would fall into the confederates hands, and therefore ordered ſeveral of the largeſt pieces of cannon to be removed into the citadel. On the 4th the prince of Holſtein-Beck relieved the trenches; as did alſo lieutenant general Spaar the

duke of Burgundy, and laid the blame of all his miſcarriages on Vendoſme. He kept cloſe to the orders he had from Verſailles, where the accounts he gave and the advices he offered, were more conſidered, than thoſe that were ſent by the duke of Burgundy: This was very uneaſy to him, who was impatient of contradiction, and longed to be in action, though he did not ſhew the forwardneſs in expoſing his own perſon, that was expected: He ſeemed very devout, even to bigotry; but from the accounts we had from France, it did appear, that his conduct during the campaign, gave no great hopes or proſpect from him, when all things ſhould come into his hands; Chamillard was ſent from court to ſoften him, and to reconcile him to the duke of Vendoſme, but with no effect. Vol. II. 509.

[t] Liſle is a large, rich, and ſtrong city, the capital of French Flanders, and, next to Paris, was reckoned the chief place of the king of France's dominions. The allies inveſted it Auguſt 13, 1708. The town was ſurrendered to them, October 23, and the citadel, December 11. It ſtands among the pools and marſhes, fifteen miles weſt of Tournay, twenty-eight north of Doway, thirty-ſix ſouth-weſt of Ghent, thirty-ſeven ſouth-eaſt of Dunkirk, and thirty-eight almoſt weſt of Mons.

next day; and the approaches were carried on ſo ſucceſsfully, that it was judged, the counterſcarp would be ſtormed the ſame evening; but that enterprize was deferred till the 7th.

Whilſt the ſiege of Liſle was thus vigorouſly carried on, the dukes of Burgundy, Vendoſme, and Berwick made two or three feint advances, as if they deſigned to attack the duke of Marlborough; who, upon thoſe motions, gave orders for his army to be ready to march upon the firſt occaſion; and, in the mean time, detached the earl of Athlone, with fifteen hundred horſe, to obſerve the enemy. The earl advancing towards Leuſe, his van-guard fell in with an hundred horſe, detached from the duke of Berwick's army, whom they charged, defeated, and took thirty priſoners. The enemy made ſeveral marches and counter-marches, whereby it was apparent, that they deſigned to attempt the raiſing of the ſiege. The duke of Burgundy likewiſe ſent a ſpy, to endeavour to get into Liſle, and acquaint the marſhal Boufflers, that, their army being on this ſide Tournay, he might depend upon being relieved; but that meſſenger happened to be diſcovered and ſeized by the allies. Upon this the duke of Marlborough, in expectation of an engagement, ordered the confederate army, on the 5th of September, to march to the ground marked out for them, in order to give the enemy battle; and being reinforced by prince Eugene with ſeventy-two ſquadrons and twenty-ſix battalions from the ſiege (with which troops came alſo king Auguſtus and the Landgrave of Heſſe as volunteers) and lieutenant general Fagel having marched with incredible ſpeed out of Dutch Flanders and Brabant, and joined the confederate army with ſeven battalions and as many ſquadrons, they continued till ten o'clock in order of battle. But the enemy declined coming to an engagement; ſo that the confederate generals ordered the tents to be pitched again, and the detachment of prince Eugene returned to the camp before Liſle, except ſome Imperial and Heſſian ſquadrons. The generals concluding, that the enemy had no other deſign than to give them frequent alarms to retard the ſiege, and ſtreighten them in their forage, without venturing an engagement, one hundred men out of each battalion were ordered to caſt up an entrenchment in the front of their army, which would both ſecure the troops from any ſudden ſurprize, and leave the beſiegers at liberty to carry on their attacks without interruption.

The confederates, thus finding it impracticable to bring the enemy to a battle, thought fit to ſtorm the counterſcarp of Liſle, which had been delayed by theſe movements; and, on the 7th of September in the morning, they made the neceſſary diſpoſitions for that enterprize, having received a reinforcement from the grand army of ſeven hundred grenadiers, and the like number of fuſileers, and ſix hundred workmen. Eight hundred grenadiers, ſupported by the like number of fuſileers, thirty carpenters, and two hundred workmen, were commanded for the attack of the right, between the Lower Deule and the gate St. Andrew, under the direction of the ſieur des Roques; and ſixteen hundred grenadiers, ſupported by the like number of fuſileers, thirty carpenters, and two thouſand workmen, were commanded for the attack of the left, between the river and the gate of St. Magdalen, under the direction of the ſieur du Mey. The batteries of the confederates made a continual fire before the attack on all the baſtions to diſturb the enemy; and after the ſignal of three guns, and a general diſcharge of all the artillery, the attack was made with ſo much order and courage on the part of the officers and ſoldiers, that the counterſcarp was taken in a ſhort time, notwithſtanding it was defended by two hundred men of each regiment in the garriſon; and the beſiegers lodged themſelves in the covered way. But the enemy made ſuch a terrible fire from their out works with their cannon, mortars, and ſmall arms, and ſprung three mines in the covered way, that there were no leſs than one thouſand men wounded and ſlain.

The confederates, having made themſelves maſters of the counterſcarp, endeavoured to perfect their works with all poſſible application. In the night, between the 9th and 10th, the enemy made a ſally, but were repulſed with conſiderable loſs. On the 11th, the Imperialiſts relieved the trenches, and an adjutant came from the grand army, to acquaint prince Eugene, that the French were advanced within ſight of the intrenchments, and ſeemed to have a deſign to attack them. Whereupon the prince marched with fifteen battalions, and the cavalry, to reinforce the duke of Marlborough. The duke being at dinner, received advice, that the French foragers were advanced within a quarter of a league of the confederate camp, and were ſuſtained by ſeveral regiments. Lieutenant general Wood, who happened to be at table, deſired his permiſſion, that he might charge them with two battalions only: The duke granted his requeſt; and having detached the regiment of ſir Richard Temple, and another Engliſh battalion for that enterprize, they fell upon the enemy, whom they repulſed as far as Ennevelin, where they had poſted ſome forces in a caſtle, which was ſurrounded with ditches. The Engliſh endeavoured to diſlodge them from thence, and charged the French with great bravery. But the duke of Vendoſme cauſed all his grenadiers, and the piquet of ſix brigades, which were encamped in the front of his army near Pont-a-Marque, to ſupport his troops in the caſtle. Whereupon the two battalions were obliged to retire, after a very ſtout reſiſtance, and retreated in good order, with the loſs of about ſix or ſeven officers, and near two hundred men killed or wounded. The next morning the French troops began to be in motion, and about two in the afternoon the allies ſaw the head of their army, conſiſting of ſeveral battalions and ſquadrons, with their workmen, who levelled the ground between them and the allies entrenchments. The confederate generals now thought the enemy were reſolved upon an attack, ſo that the troops were immediately ordered to their arms, and the regiments commanded to their reſpective poſts, behind the entrenchments. Prince Eugene likewiſe joined the army; and, at the ſame time, orders were ſent to the earl of Albermarle (who was then between Oudenard and Menin, with thirty ſquadrons, to guard a convoy from Bruſſels) to return to the camp with the utmoſt expedition; and, accordingly the earl, on the 12th, by break of day, arrived with his detachment. About four in the afternoon, the enemy began to cannonade the confederate camp, directing there fire chiefly againſt the village of Entiers (where the brigadiers Evans and Wertmuller were poſted with two brigades of foot) and were anſwered by the artillery, planted on the entrenchments, which continued till it was dark. The confederate troops, which lay upon their arms all night, were the next day formed in order of battle, and early in the morning the enemy renewed their cannonading with between thirty and forty pieces, moſt twenty-four pounders, and the allies did the like with almoſt equal execution on both ſides. At length the enemy withdrew their heavy cannon; and the duke of Marlborough and prince Eugene perceiving, that they had no other deſign than by frequent alarms to delay the ſtorming the out-works of Liſle, the troops were ordered to encamp in ſuch a manner, as to be immediately ready to receive the French, provided they ſhould make any farther attempts, and the works about the village of Entiers were repaired, and enlarged for the greater ſecurity of that poſt. Prince Eugene being ſatisfied, that the confederate camp was ſufficiently ſecured, he returned, on the 13th of September, with his troops to the ſiege.

In the mean while, the French generals were contriving means to diſtreſs the confederate army in ſuch a manner as to oblige prince Eugene to raiſe the ſiege; and in order to this, they at laſt found an opportunity of engaging ſome of the inhabitants at Aeth in a conſpiracy to deliver up that town; while on the other hand, they were indefatigable in concerting meaſures for cutting off the convoys, of which the camp before Liſle ſtood in need. The former ſcheme failed; for, before the conſpiracy at Aeth was ripe for execution, it was diſcovered. But in the latter part of their deſign, they ſucceeded; for after various motions of both armies, they began to throw up lines for ſecuring the paſſes of the Scheld, and worked at them ſo hard, that they appeared rather like the fortifications of a town, than entrenchments thrown up in haſte, notwithſtanding they were ſeventy miles in length. On theſe they laid cannon, and poſted the greateſt part of their army upon them, ſo that they did effectually ſtop all communication by the Scheld. Upon which, the ſtates ordered all that was neceſſary, both for the army and for the ſiege, to be ſent to Oſtend: And if the French had begun their deſigns, with the intercepting this way of conveyance, the ſiege muſt have been raiſed for want of ammunition to carry it on.

The duke of Burgundy was very uneaſy for want of intelligence from Liſle; which put Dubois, a captain in his army, on one of the boldeſt enterprizes, which perhaps was ever undertaken by a ſingle man: He determined to attempt getting into the city, notwithſtanding the ſtrict guards kept by the beſiegers. He undreſſed himſelf, and having hid his clothes, ſwam over ſeven canals and ditches, and ſo got into the town. Marſhal Boufflers having provided him with clothes, conducted him to both the attacks, ſhewed him the condition all things were in, and having written a letter to the duke of Burgundy, he rolled it up in wax which the captain put in his mouth. He then returned the ſame way he came, with the intelligence the duke of Burgundy wanted; by which it was ſaid, marſhal Boufflers acquainted him, that, if one of the allies convoys could be intercepted, the ſiege

would be raiſed; and that he would undertake the place ſhould hold out till the 6th or 10th of October.

On the 12th of September, about nine in the morning, the beſieged came out of the town in great numbers, with four colours, attacked the trenches on the left in ſix different places, having at the ſame time, another body of troops in the covered way ready to ſuſtain them. But before they could do any other damage than the overturning a few gabions, they were engaged by the next battalions in the trenches, and obliged to retreat in great diſorder, having had above ſixty men killed, and among them ſeveral officers; and, of the confederates, fourteen men were killed, and near thirty wounded. Lieutenant general Arnam continued that night in the trenches, which were relieved the night between the 13th and 14th by the prince of Holſtein-beck; but the works were not advanced very much, becauſe the troops, which had joined the grand army with prince Eugene, were not returned to their reſpective poſts. However, they arrived the 14th, a little before break of day. The ſame night the trenches were relieved by lieutenant general Spaar, with ten battalions, as uſual; and the beſiegers began to work upon ſome mines, in order to fill up the ditch of the tenaille, and they placed a great many gabions on the palliſadoes. On the 15th, prince Eugene thought fit to alter the former diſpoſitions for relieving the trenches, and ordered, that all the lieutenant generals of his army ſhould roll according to their turns: That one of them ſhould mount the trenches every day with a major general: That the former ſhould take his poſt at the attack on the left, and latter on the the right: And that twelve battalions, inſtead of ten, ſhould mount the trenches, five Imperialiſts, Palatines, and Heſſians, and ſeven detached from the troops of the prince of Naſſau. Accordingly, on the 17th in the evening, lieutenant general Wilks relieved the trenches with twelve battalions; and the ſame night, director du Mey attacked, with fifty grenadiers, and the like number of fuſileers, a traverſe in the covered way, from which he beat the enemy with conſiderable loſs. From the 17th to the 20th, the beſiegers made their advances with all poſſible diligence. The aſſault was intended to be made on the 20th in the evening; but, the enemy having burnt the galleries and bridges, which were to be made uſe of therein, it was for this reaſon put off to the 21ſt in the evening. About half an hour after ſix, the trenches were relieved by lieutenant general Wilks, major general Saiken, and ſir Richard Temple, with the uſual number of battalions, the ſignal being given by a general diſcharge from the batteries, and the mines on the right and left ſprung with good ſucceſs. The grenadiers marched out with great intrepidity, mounted the breach of the tenaille on the right, obliged the enemy to retire into the retrenchment of that work, and made there a good lodgment. On the left, they had ſtill greater ſucceſs, for they poſſeſſed themſelves of a place of arms on the counterſcarp of the tenaille, and drove the enemy out of the counterſcarp before the grand breach, ſo that here they made two lodgments; but on a ſudden, the enemy came down in ſuch numbers, that the officer, who commanded this party of the allies with a conſiderable number of his men, were preſently killed, the lodgments ruined, and the reſt of the grenadiers obliged to retire. Prince Eugene ſeeing this, and believing, that his preſence would re-animate the grenadiers, came out of the trenches, and, as the French accounts ſay, rallied them thrice, advancing at their head, till he received a wound by a muſket-ſhot, which, grazing over his left eye, beat off his hat. The prince of Heſſe-caſſel, who was near him, took his own hat, which was likewiſe ſhot through, and put it upon prince Eugene's head, who was prevailed on to retire, in order to have his wound dreſſed. This action coſt the allies near a thouſand men, to ſupply which, the duke of Marlborough ſent, the next day, a reinforcement of four hundred Britiſh and Pruſſian grenadiers from his army to the ſiege. The ſame morning the duke and king Auguſtus went to make prince Eugene a viſit, and finding him ready to mount on horſeback, they prevailed on him to continue a few days in his chamber, till he was perfectly recovered; during which time the duke ſuſtained the weight of the command, both of the ſiege and his own army; for he immediately went into the trenches, viſited the works, and performed all that prince Eugene would have done, had he not been prevented by his wounds.

On the 22d major general Cadogan ſet out for Oſtend to view a conſiderable number of troops, which were landed there from England, under the command of lieutenant general Erle, and to concert the neceſſary meaſures for ſecuring a great convoy they expected from Oſtend. Theſe troops had been embarked on board the fleet for ſome time, made a feint of landing in Boulogne-bay, and afterwards alarmed the French coaſt of Normandy, to the great terror and expence of the inhabitants; and, at length returning to their own coaſt, the duke of Marlborough deſired they might be landed at Oſtend; and they proved a very ſeaſonable reinforcement to the grand army in that critical conjuncture. The ſame day the four hundred grenadiers, who were detached from the duke's army, and five and fifty fuſileers, were to poſt themſelves that evening in the tenaille on the left; but the grenadiers arriving too late, the attack was deferred till the next day; ſo that, the 23d, all things being in readineſs, the duke of Marlborough, who was in the trenches, cauſed a ſignal to be given for the ſtorm to begin, which was carried on with all imaginable ſucceſs. The troops drove the enemy quite from the tenaille on the left (that on the right being taken on the 21ſt at night) and made a great lodgment along the covered way, without any conſiderable loſs, except ſome engineers and officers, who were wounded. It was obſerved on this occaſion, that the enemy did not defend theſe poſts with the ſame vigour, which they had formerly exerted; from whence it was conjectured, that either the garriſon had been much weakened in the hot diſputes, which they had ſuſtained, or began to want ammunition, which afterwards proved very apparent. For the ſiege having been protracted to an unuſual length, and the garriſon having ſuſtained ſeveral aſſaults, and made all the while prodigious fire, marſhall Boufflers found means to acquaint the duke of Vendoſme, that he had ſcarce ammunition ſufficient for four days; which preſſing neceſſity obliged the enemy to venture upon a bold attempt of ſupplying the place. In order to that, the duke of Vendoſme detached the chevalier de Luxemberg, and under him Monſieur de Tournefort, with a body of horſe and dragoons to endeavour to ſupply the beſieged, each man having a bag of forty pound weight of powder behind him. They advanced the 28th at night, along the cauſey from Doway to Liſle, and were met by an out-guard of one hundred horſe, commanded by count Schlick, who had been encamped at Pont-a-Treſſin with thirty ſquadrons. This out-guard challenged them, and they declared that they belonged to the allies grand army, and were conducting ſome priſoners to the camp. But a ſubaltern officer, having a miſtruſt, advanced to examine them, who, thinking it impoſſible to conceal themſelves any longer, rode full gallop along the cauſey, and got into the line of circumvallation. The guard and centinels having fired at them, the camp in general took the alarm, and ſeveral Palatine dragoons getting on horſeback with the utmoſt expedition, fell upon the enemy, and purſued them to the barrier of the town, which the beſieged were at firſt cautious of opening, and left their men for ſome time expoſed, by which means a great many were killed, and ſeveral returned back into the confederate camp, and endeavoured to ſave themſelves by favour of the night. The infantry made ſeveral diſcharges at them, and the powder they had in their bags taking fire did great miſchief. Thoſe who made their eſcape, threw away their powder, which was ſet on fire by their horſes ſtriking againſt the pavement. The allies took ſeven officers and about forty priſoners; but what numbers were killed and blown up, could not eaſily be known [u].

[u] The hereditary prince of Heſſe-caſtle gave the following account of this affair to the ſtates-general.

High and mighty lords,

Yeſterday towards the evening we heard a great blow, which we ſuppoſed to be mine: Half an hour after another crack was heard, and at midnight ſuch a blaſt, that the ground ſhook with it. This alarmed the whole army. I went to the right, from whence the noiſe came (having firſt given order to all the cavalry under my command to ſaddle and mount) and found that a great detachment of the enemy, coming from Doway, had endeavoured to break through at the aperture of the line of circumvallation, on the highway between Doway and Liſle, where the Palatinate horſe are encamped. Part of them having paſſed, and our men putting themſelves in a poſture to oppoſe them, the bags of powder, which moſt of the French horſe and dragoons had behind them, of about fifty pound weight each, took fire, which made a terrible noiſe. The foremoſt of them upon this accident rode full gallop towards the town. Nevertheleſs, before they could reach it, the ſame diſaſter befel them a ſecond time, juſt as they came up to the barrier, which might in all probability be occaſioned by the horſes ſhoes ſtriking upon the pavement, or by the ſparks of the firſt fire, that fell upon their men, who were not aware of it. It is ſaid, that at leaſt an hundred men periſhed in this manner near the gate; and it is likely, this is the laſt noiſe we heard. Between fifty and ſixty troopers were killed upon the place, where they paſſed the line; and it was a dreadful ſpectacle to ſee the way ſtrewed with dead carcaſes, horſes, heads, arms, and legs half burnt. The others, who were behind, retired as faſt as they could. I cauſed them to be purſued, but it was impoſſible to overtake them. They found, however, upon the road, for two leagues beyond the camp, ſacks of powder, ſwords, piſtols, and looſe powder, which ſhews the precipitation, with which they made their retreat. Our Heſſian huſſars ſet fire to a great many ſacks, which they found in the road, as they returned from the purſuit. We reckoned, that about three hundred men got into the town, but carried too little powder with them, to balance their loſs. On the other hand, it is plain, that ammunition, which is ſo neceſſary for their defence, begins to fall ſhort in the place.

Your high mightineſſes will, no doubt, have had direct advice of the advantage, which the troops, lately arrived from England ſuſtained by those general

Whilſt theſe things were tranſacting before Liſle, the duke of Marlborough, who, on the 25th of September, returned to the camp at Lanoy, was employed in making detachments, and taking other meaſures for ſecuring a great convoy of ammunition that was expected from Oſtend. The duke had ordered ſix battalions, and eight hundred horſe under brigadier Lanſberg, ten ſquadrons under brigadier Starkerberg, and ſix battalions under general Els, to guard the convoy. But having received advice, that the Engliſh troops under lieutenant general Ede had advanced to Leſſingen, on the canal between Bruges and Newport, and that the count de la Motte had been reinforced with ſeveral brigades from the French army to intercept him; he concluded, that the detachment he had ordered, would not be ſufficient to oppoſe the enemy. And therefore major general Webb, and brigadier count Naſſay-Woudenburgh, ſon to the veldt-marſhal d'Auverquerque, marched the 26th, by break of day, with twelve battalions more, to join the detachment on the road between Menin and Oſtend, and were ordered to advance as far as Ichtegem, in the country called le Franc de Bruges, about four leagues from Leſſingen. Major general Cadogan marched in the mean time, with a detachment of horſe and foot, to meet the convoy upon their paſſing the canal of Bruges. Notwithſtanding it was impoſſible to take other precautions for ſecuring that convoy, than thoſe which were taken, yet the confederates were under great uneaſineſs for it, upon advice that the body of troops, which the enemy had about Bruſſels were marched about Ninove to Ghent, to join the count de la Motte; and that the intercepting of that convoy was judged ſo important, that the duke of Berwick was gone to Bruges to command the army aſſembled there. The French having concerted all the neceſſary meaſures for diſturbing the allies, and depriving them of any ſupplies, the count de la Motte marched from Ghent with about twenty-two thouſand men, and came up with ſix thouſand of the confederate troops, that were ordered to guard the convoy; which occaſioned one of the moſt glorious and remarkable actions recorded in hiſtory; of which there cannot be a better relation, than what was preſented by major general Webb, to the queen, on the 6th of October, and afterwards publiſhed by authority in the following manner[x]:

After that the detachments, which were ſent to cover the march of the waggons from Oſtend to the ſiege of Liſle, had joined at Turout the 27th of September, general Webb, who, as eldeſt major-general, commanded in chief, received advice, that major Savery of the regiment of Gethem had poſſeſſed himſelf of the poſt at Oudenburgh; whereupon he ſent ſix hundred grenadiers under the command of colonel Preſton; a battalion of Orkney's, under the command of colonel Hamilton, with that of Fune, commanded by colonel Voogt; the whole under the direction of brigadier Landſberg, to reinforce that poſt. The 28th, at eight in the morning, all the horſe under the command of general Cadogan) were ordered to Hoglede, to wait the arrival of the convoy there, except a hundred and fifty horſe, which were ſent the night before, under the command of count Lottum, to Oudenburg, with orders to the two battalions and ſix hundred grenadiers to guard the Cocklaer and afterwards to rejoin the foot at Turout. About noon, count Lottum returned to Turout, with advice, that, in his way to Ichtegem, he met with an advanced guard of the enemy, which he puſhed into the plain, where he obſerved ſixteen ſquadrons mounting in great great haſte, on the alarm which their advanced guard gave them: Whereupon he thought it neceſſary to return in all haſte, to give the general an account of it. On this advice all the foot, conſiſting of twenty-two battalions, count Lottum, with his hundred and fifty horſe, making the advanced guard, with the quarter-maſters and grenadiers, that were not detached, were ordered to march immediately, to goin the village of Ichtegem, by the way of Wynendale[y]. As ſoon as the advanced guard got to Wynendale, they perceived the enemy in the opening of the plain; whereupon the quarter-maſters and grenadiers were drawn up in order of battle. Major general Webb and count Naſſau-Woudenburg, at the head of the hundred and fifty horſe, advanced to reconnoitre the enemy, giving orders at the ſame time to the foot advance, and form themſelves as faſt as poſſible in the plain. The horſe were left at the opening of the plain, under the command of count Lottum, to amuſe the enemy, and, to embarraſs them the more, the quarter-maſters and grenadiers were poſted in a low coppice on that ſide of the plain where the enemy were expected to paſs. As ſoon as our troops paſſed out of the defile into the plain, major general Webb drew them up in order of battle, poſting them in the opening, between the wood of Wynendale and the coppice, on the other ſide where the quarter-maſters and grenadiers were poſted. We had ſcarce got ſix battalions into the opening, when the enemy began to cannonade us with forty pieces of cannon, whereof ten were of three bores. But notwithſtanding the great fire of the enemy, the hundred and fifty horſe, kept their ground; which produced the deſired effect, in giving the general time to form his foot in two lines. The left wing was extended beyond the low coppice, as well to prevent the enemy from paſſing that way as to cover our flank. On our right wing was poſted, in the wood of Wynendale, the regiment of Hukelom; and on our flank on the left, the regiment of the hereditary prince of Pruſſia, commanded by colonel Rhador, with orders not to diſcover themſelves, nor fire, till they could take the enemy in flank. Some platoons of grenadiers were advanced forty paces upon the right and left, with the ſame orders; and the quarter-maſters were alſo poſted in a road on the left, that croſſed through the forementioned low coppice. The enemy, after three hours cannonading, advanced towards us on the plain in twelve lines, whereof ſix were foot and ſix horſe. Whereupon count Lottum was ordered to retire, and poſt himſelf three hundred paces behind the foot, which he did in very good order. The French continued to march ſtrait up to us with forty battalions and ſixty ſquadrons. But, the general perceiving they extended themſelves to the right in the coppice, he ſent count Naſſau to obſerve their motion, who immediately ordered thither the regiment of Grumkau, commanded by colonel Beſchefer: and brigadier Eltz, being come up with the laſt regiment was poſted on the right in the wood of Wynendale: About half a quarter of an hour before the engagement began, brigadier Landſberg, with the two battalions and ſix hundred grenadiers, that had been detached, having advice, that the enemy advanced to attack us, rejoined us juſt time enough to form a third line. Some minutes after the enemy began the attack, marching within a hundred and fifty paces of our flank on the right, where the battalions, who hid themſelves, according to the general's orders, and who were not to fire till the French flank came oppoſite to them, gave them ſuch a warm fire, that their left wing gave into the centre; and the regiment of the hereditary prince, who was poſted on the flank on our left, much about the ſame diſtance, did not miſs the opportunity of their diſorder, to give them a vigorous diſcharge, which put their whole line in confuſion. Neverthelſs, the enemy puſhed on, and put two of our battalions into diſorder. But the Swiſs regiment of Albemarle, under the command of colonel Hirtgell, advancing upon their horſe, that were endeavouring to penetrate, engaged them long enough to give time to the general and count Naſſau, to bring up the regiments of Benſdorf, Gauvain, and Lindeboom, to ſupply the room of thoſe that were preſſed; which was done in a moment. However, the enemy, ſupported by ſo many lines, made another attempt to penetrate; but our battalion rather advanced than gave way, though the general gave orders againſt advancing, fearing, leſt that might render the fire of our flanks uſeleſs. This precaution had all the deſired ſucceſs; the regiments and grenadiers making ſuch a continual fire; as forced their two wings upon their centre, and obliged the whole to retire in the greateſt confuſion, notwithſtanding all the efforts their officers could make by enconragement or violence, to keep them up; ſo that they only fired at a great diſtance on our lines, which ours returned, advancing by platoons, as at their exerciſe, with all the order imaginable. Major general Cadogan, who came up ſome time after the action began, offered to charge the enemy in their diſorder with two ſquadrons of horſe; the other four, which he had ſent for, not being arrived till near ſeven at night. But it was not thought adviſeable to expoſe ſo ſmall a number to charge the enemy, who had brought up all their horſe to favour their retreat. The battle laſted two hours and was very hot, in

neral Cadogan carried with him from the army, have obtained near the canal, that goes from Oſtend to Newport, over the duke of Berwick's troops, that attacked them. The great convoy is arrived at Menin. I congratulate your high mightineſſes upon both theſe accounts; and am, &c.
From the camp before Liſle,
September 29, 1708. FREDERICK, prince of Heſſe.

[x] The London Gazette of the 20th and 23d of September, having, from a wrong and partial information tranſmitted by M. Cardonnel, the duke of Marlborough's ſecretary, given the honour of the action to major-general Cadogan, without ſo much as mentioning major-general Webb, to whom it was entirely due, the latter reſenting the affront, left the army in diſguſt, came over into England, and gave the queen a true relation of the affair of Wynendale.

[y] Wynendale is an inconſiderable place in Spaniſh Flanders, adjoining to a wood, called the wood of Wynendale, eleven miles ſouth-weſt of Bruges, and twenty-eight north of Liſle.

which we had nine hundred and twelve officers and ſoldiers killed and wounded. But the enemy (as we are aſſured by letters from Ghent and Bruges, and by report of priſoners and deſerters) loſt betwen ſix and ſeven thouſand men. They made their retreat in ſo great a confuſion, that they left moſt of their cannon in a wood, which they did not carry off till the next day at eleven o'clock, after hearing that our convoy were paſſing Rouſſelaer. We remained on the field of battle till two o'clock the next morning, having firſt carried off all our wounded, and ſeveral of the enemy. This victory is the more ſurpriſing, that by reaſon of ſeveral detachments, we had not above ſix thouſand in the action; whereas the enemy by their own accounts, had no leſs than twenty-four thouſand men.

The count de la Motte, being obliged to retire, gave the convoy an opportunity to arrive the ſame night unmoleſted at Rouſſelaer, and the next day at Menin: And, as this critical action was chiefly owing to general Webb's conduct and military abilities, ſo that eminent ſervice was deſervedly acknowledged, both by the unanimous thanks of the commons of Great Britain, and, in a particular manner, by the king of Pruſſia who conferred on that general the noble order of generoſity [z].

On the 30th of September, prince Eugene being recovered of his wound, viſited the trenches, to the inexpreſſible joy of the confederate troops. The next day the trenches were relieved by the prince of Holſtein-Beck, major general Sacken, and ſir Richard Temple, with five battalions on the right, and ſeven on the left; and that evening they attacked and made a lodgment on the counterſcarp, before the great breach on the right, the enemy retiring behind the traverſes on the left. On the third a diſpoſition was made for attacking the ravelin on the right, and three hundred grenadiers were detached from the duke of Marlborough's army to join the troops for that ſervice. The attack began about noon, and ſucceeded ſo well, that by half an hour after one they made a lodgment on the ravelin, and forced the enemy behind the traverſes to leap into the water, where moſt of them were killed or drowned; ſo that the beſiegers were now maſters of both the counter guards and the ravelin. On the 7th the beſiegers continued to finiſh the batteries on the counterſcarp, to ruin the batteries of the enemy on the courtine, and beat down the bridge of communication, which they had from a place of arms to the ravelin. They carried on two mines on the left attack towards the ſaliant angle of the counterſcarp, over-againſt the breach, and the miners diſcovered two mines of the enemy, from which they took out the powder. On the 8th in the evening, the enemy ſallied out, and overturned ſeveral gabions about our places of arms at the left attack; and the next day was partly ſpent about repairing the works, and ſetting up the gabions again, which the enemy had overturned the night before. On the 12th the beſiegers continued to enlarge the place of arms for the general aſſault, and finiſhed two deſcents into the ditch on the right. But on the left the enemy returned behind two traverſes of the covered way behind the courtine, which hindered the advancement of the work on that ſide. On the 13th the beſiegers ſprung a mine under the place of arms, which blew up ſeveral of the enemy's men; and, in the evening thirty grenadiers attacked the enemy behind the two traverſes on the left, and overſet the boat, by which they would have retired; ſo that, of a lieutenant, a ſerjeant, and twenty men, three only were made priſoners, the reſt being either killed or drowned. The 15th the beſiegers ſprung four mines in the place of arms on the right, where the enemy had caſt up an entrenchment; enlarged the places of arms for the general aſſault; and on the left made ſome progreſs in the lodgment in the covered way. The 17th, 18th, 19th, and 20th, the beſiegers made all the neceſſary preparations for a general ſtorm, by continuing to drain the ditch, making apertures in the walls, working on the galleries, filling up the ditch, perfecting their lodgments and places of arms, and finiſhing their batteries, which conſiſted of forty-five pieces of cannon and fifty-five mortars; to ſupply which a new convoy of twenty thouſand weight of powder, with a great number of bombs, cannon-balls, and hand-grenadoes, arrived at the ſiege from Oſtend.

The duke of Vendoſme, exaſperated at count de la Motte's ſhameful defeat at Wynendale, marched in perſon to Oudenburg with the beſt part of the French army, and ordered the dykes between Bruges and Newport to be cut in ſeveral places, in order to lay the country under water, and hinder the communication between Oſtend and the duke of Marlborough's army. But, notwithſtanding the great inundation, major general Cadogan, favoured by the Britiſh troops at Leſſinghen, found means to carry through the water conſiderable quantities of ammunition and other neceſſaries. Hereupon the duke of Vendoſme bent his efforts againſt the village of Leſſinghen with ſeven or eight thouſand of his men [a]. They entrenched themſelves, and threw up batteries againſt the place, as if it had been one of the moſt regular fortifications in the world. On the 19th of October, the enemy fired the whole day from one of their batteries with red-hot bullets againſt the houſes, wherein about four hundred barrels of powder were lodged; but, to prevent miſchief, that ammunition was ordered to be laid under water, preſerving only as much as was thought neceſſary for maintaining that poſt. On the 20th, upon advice that the duke of Vendoſme was to be that night in the trenches, it was reſolved to attack the enemy on the other ſide of the canal; and fifty grenadiers of the Dutch regiment of Vanderbeck, commanded by captain Moor, and the ſame number of the regiment of Caris, commanded by captain Clare, the whole ſupported by two hundred Engliſh, were ordered for that ſervice. Four grenadiers were ſent before, who, pretending to be deſerters, amuſed the enemy, whilſt the reſt of the troops came up, who, charging the French with great bravery, drove them from that poſt to a ſecond entrenchment, and ſeized their battery, where they continued for ſome time. The enemy loſt an hundred men in this attack, beſides forty taken priſoners, among whom were a captain and the chevalier de Croiſſi Colbert, a major general and engineer, who offered the ſoldier, that took him, two hundred piſtoles and a commiſſion for his liberty, which he generouſly refuſed. On the confederates ſide captain Clare was killed, and captain Moor received a mortal wound through his body with a bayonet, beſides which two ſubalterns were wounded, and fifteen private men killed or wounded. On the 15th, early in the morning, the French attacked a church-yard, wherein colonel Caulfield, who commanded in Leſſinghen, had poſted an hundred and fifty men, who made but little reſiſtance, and retired into a redoubt near the canal. At laſt a great body of the enemy, conſiſting of fifty companies of grenadiers, ſupported by ten thouſand foot, poſſeſſed themſelves of the village, and obliged colonel Caulfield, with the reſt of his troops, to ſurrender themſelves priſoners at diſcretion.

This eaſy conqueſt was not an equivalent for the great loſs which the enemy ſuſtained two days after by the ſurrender of the town of Liſle. For the batteries of the beſiegers, conſiſting of about fifty pieces of cannon and twenty-five mortars, began to fire, on the 21ſt of October, with ſo much ſucceſs, that, on the 22d, the garriſon beat a parley, and offered to capitulate for the town. Whereupon hoſtages were exchanged, and it was agreed, that marſhal Bouffilers ſhould capitulate for whatever related to the garriſon, with prince Eugene of Savoy; and that the magiſtrates and council of the town ſhould propoſe their own terms for themſelves and the caſtellary of Liſle, and agree about the ſame with the field deputies of the ſtates-general; which was done accordingly. The 23d in the morning, the capitulation was concluded and ſigned, containing in ſubſtance, "That the French ſhould that afternoon, ſurrender the Magdalen-gate, and all magazines of proviſions and ammunition in the town. That all their ſick and wounded ſhould either be tranſported to Doway, or remain in Liſle till their recovery, at their own charge. That the horſe, who had entered the town ſince the ſiege, might be ſent to Doway, with the wives and families of the officers and ſoldiers, &c. That all priſoners taken during the ſiege be reſtored on both ſides: And that the troops of the allies ſhould not enter the town before the 25th of October; by which time the French garriſon was to withdraw into the citadel." Theſe articles being agreed on, and all things diſpoſed for the performance of the capitulation, the cavalry, which got into the place, under the command of the chevalier de Luxemburg, marched out the 25th for Doway, with the other perſons that were allowed by the capitulation; and, at the ſame time, the prince of Holſtein-Beck, who was appointed to be governor of the town, marched in with two Engliſh and thirteen other battalions, and a detachment of horſe. It is difficult to determine the

[z] If this great convoy of eight hundred waggons had been intercepted the ſiege muſt have been raiſed. For the duke of Marlborough had ſent ſome ammunition from his army to carry on the ſiege, and he could ſpare no more: He began to deſpair of the undertaking, and ſo prepared his friends to look for the raiſing the ſiege, being in great apprehenſions concerning this convoy, upon which the whole ſucceſs of this enterprize depended.

[a] Leſſinghen is an inconſiderable village in the neighbourhood of Oſtend, where a body of the confederate troops were poſted, in order to keep open a communication with the grand army of the allies, to the beſiegers of Liſle; and from whence the duke of Vendoſme could not drive them, without attacking it in form.

loſs on either ſide, from the 13th of Auguſt, N. S. when Liſle was inveſted, to the 23d of October, the day on which the town ſurrendered. But, according to the French account, they had twelve thouſand men in garriſon, when the confederates broke ground againſt them, beſides three thouſand burghers, who did conſtant duty with the regular troops; of which four thouſand five hundred only retired with marſhal Bouffliers into the citadel; and it is computed, that about two thouſand more were ſick and wounded at the time of the capitulation; ſo that the French loſt betwixt ſix and ſeven thouſand men, upon a reaſonable computation, and the allies near eight thouſand.

The ceſſation of all acts of hoſtility between the town and the citadel, which was to expire the 26th, according to the articles of capitulation, was continued till the 29th; during which time the inhabitants, who were very much afraid that the French would not have ſo much regard to their houſes as the allies had, uſed their utmoſt endeavours to perſuade Bouffliers to capitulate. The enemy made extravagant demands of money, and pretended to march out with all their cannon; and that the allies ſhould ſet at liberty marſhal Tallard, with ſome other unreaſonable pretenſions, which the allies rejected with ſcorn. Theſe negotiations being broke off, the hoſtilities began at five o'clock; but during the ceſſation, the beſiegers had caſt up entrenchments, and drawn a parallel from one end of the eſplanade to the other. They had alſo made ſeveral coupures on the wall near the citadel, to the right and left. The hereditary prince of Heſſe-Caſſel poſted himſelf at la Baſſée, and orders were given to fortify that place. The duke of Marlborough continued at Rouſſelaer, for the more eaſy ſubſiſtence of the confederate troops. From thence he detached the earl of Stair, to provide corn for the army in the diſtricts of Furnes and Dixmuyde. That detachment had the good fortune to ſurprize four companies of French grenadiers, at the bridge between Dixmuyde and Newport. On the other hand, they met with the great mortification to have four of their ſquadrons undergo the ſame fate. Thoſe troops were all Pruſſians, and defended themſelves for ſome time with great bravery; but finding, that all the avenues were cloſed, and that there was no poſſibility of forcing their way through the enemy's troops, they were obliged to ſurrender themſelves priſoners of war.

While theſe matters were tranſacted, the brave veldt marſhal Auverquerque departed this life on the 18th, in his quarters at Rouſſelaer, in the 67th year of his age; whereby the command of the Dutch troops fell of courſe to the count de Tilly, as the eldeſt general in the ſervice of the ſtates. On the 29th, about five in the afternoon, the beſieged in the citadel of Liſle began hoſtilities, by the diſcharge of five pieces of cannon, which they continued to fire the reſt of the evening, without doing the beſiegers any conſiderable damage. On the other hand, the allies contracted the lines of circumvallation, and erected batteries of cannon and mortars, which they were ready to fire upon the citadel by the 11th of November. The beſiegers carried on their approaches by the ſap; and, the beſieged ſparing their ſmall ſtock of ammunition, as well as the beſiegers, the attack of that fortreſs was maintained with conſiderable loſs. On the 13th, the confederates lodged themſelves by the palliſadoes of the firſt covered way; and the next day they made themſelves maſters of the whole counterſcarp, except two places of arms, which the enemy abandoned the 15th. The allies erected two batteries on that work, but did not deſign to play their artillery from thence, till they had lodged themſelves on the ſecond counterſcarp. For which purpoſe, they prepared a great quantity of faſcines, continued to drain the ditch, made ſeveral openings into it, paſſed the ſame the 17th in the night, and lodged themſelves on the glacis of the ſecond covered way, without any loſs. Four days before the prince d'Auvergne was detached from la Baſſée, to attack the fort St. Venant upon the Lys, on the frontiers of Artois, in which the enemy had poſted a hundred men, who, upon the approach of that prince, made only one diſcharge, and retired towards Aire.

While the ſiege of the citadel of Liſle was carrying on with all the vigour that is conſiſtent with the cautious method of ſapping, both out of a juſt regard for the lives of valient men, who had already gone through incredible fatigue and innumerable dangers, and for want of ſufficient ſtores of ammunition; the enemy thought to have taken ſuch infallible meaſures for diſtreſſing the allies, as well by their inundations between Bruges and Newport, as by their entrenchments along the Scheld, that their public miniſters in Rome and Venice boldly aſſerted, "That the confederate army was ſo cooped up, that they would ſoon either be famiſhed, or obliged to abandon Liſle." But the two great confederate generals being indefatigably intent upon their buſineſs, the duke of Marlborough in providing corn out of the country of Artois, and the diſtricts of Furnes and Dixmuyde; and prince Eugene in managing what was ſent him by the duke of Marlborough, both armies lived in parſimonious plenty; and the ſiege of the citadel was carried on with all the ſucceſs, that could be expected.

The enemy opened a new ſcene; their parties made incurſions into the diſtrict of Boiſleduc, burning and ravaging part of the open country; and, at the ſame time, the elector of Bavaria approached Bruſſels with a body of ten thouſand men. But the duke of Marlborough, having concerted meaſures with prince Eugene to paſs the Scheld, immediately diſpatched orders for ſeveral Britiſh and Dutch regiments to be tranſported from Oſtend to Antwerp, and ſent to Monſieur Paſchal, the governor of Bruſſels, to aſſure him, that he would certainly come to his relief. Upon which encouragement, the ſtates deputies reſolved to ſtay in Bruſſels; and the vigorous meaſures, they took with the council of ſtate and the governor, were very inſtrumental in the preſervation of that important place. Nor were the ſtates-general leſs ſollicitous for Antwerp, whither they diſpatched ſome of their own members, with general Freſheim, an experienced officer, and ordered troops to haſten thither from Naerdin, Heuſden, Grave, and other places. On the 22d of November, N. S. the elector of Bavaria inveſted Bruſſels[b]; and, the next day, ſent a trumpeter, with a ſummons to general Paſchal to ſurrender, in theſe terms: "His electoral highneſs knowing, that the commandant is not in a condition to defend himſelf with the few troops he has; if he obliges his electoral highneſs to begin the attack, he ſhall have no capitulation for himſelf or his garriſon. Let not the commandant flatter himſelf, that he can retire with his garriſon to Antwerp, if he delays to ſurrender; for he is to know, that he will ſoon find troops poſted to hinder his retreat." The governor, who had nine battalions and a thouſand horſe under him, returned an anſwer by the ſame trumpeter: "That he was very unfortunate in not having the honour to be known to his electoral highneſs; that he durſt aſſure him, he would do all that a man of honour ought to do, and that he was ſatisfied with his garriſon." The elector was not a little ſurprized at this reſolute anſwer; and, on the 26th of November, in the morning the enemy began to fire from their batteries againſt the city (but with little ſucceſs) and in the evening with their ſmall ſhot againſt the men in the outworks, and, about nine at night, they attacked the counterſcarp with great fury, between the gates of Louvain and Namur. The fire was terrible on both ſides, and laſted till five the next morning; during which time the enemy made nine attacks, and at laſt lodged themſelves on the glacis of the counterſcarp. But about ſix o'clock the beſieged made a ſally from the covered way ſword in hand, with ſuch ſucceſs, that the enemy were driven out of their works, after a moſt obſtinate and bloody engagement. The action ceaſed the 27th, about ten in the morning, and the allies expected to be attacked a ſecond time at night; for their ſpies unanimouſly reported, that the enemy had a deſign, not only to make a general aſſault, but would alſo fire with red-hot bullets, to excite the burghers to ſedition; upon which the beſieged diſpoſed all things as well as poſſible for reſiſting the enemy's attacks. But in the afternoon, inſtead of renewing the engagement, the elector of Bavaria demanded a ſuſpenſion of arms, in order, as he pretended, to bury the dead, and draw off the wounded; which proved but a ſtratagem to raiſe the ſiege with leſs diſadvantage. For upon the arrival of two couriers from Mons, with intelligence, that the duke of Marlborough and prince Eugene had paſſed the Scheld, in order to relieve Bruſſels: his electoral highneſs ſent away his baggage, and in the night marched off with his troops, without ſound of trumpet or beat of drum, and with ſuch precipitation, that the enemy left in their camp twelve pieces of cannon nailed up, two large mortars, and about twenty barrels of powder. They alſo left about eight hundred men wounded in the adjacent villages; and the dragoons and huſſars, who, the next morning, went out in purſuit of the enemy, brought in a great many priſoners, and ſome baggage. So that it was computed, that,

[b] Bruſſels is a very fair, large, and noble city of the Low-Countries, the marquiſate of the dukedom of Brabant in the quarter of Bruſſels, ſubject to the queen of Hungary, and the ſeat of her chief governor for theſe parts. It was abandoned by the French immediately after the memorable battle of Ramillies, and made its ſubmiſſion to the duke of Marlborough. The elector made ſeveral furious aſſaults upon it during the ſiege of Liſle, but the duke of Marlborough, paſſing the Scheld, made him precipitately quit the ſiege. It is pleaſantly ſeated on the river Senne, twenty-four miles ſouth of Antwerp, thirty ſouth-eaſt of Ghent, and ninety-ſix ſouth of Amſterdam.

what with their killed, wounded, priſoners, or deſerters, this unſucceſsful expedition coſt them above three thouſand men; whereas the loſs of the allies did not amount to above five or ſix hundred killed or wounded.

For this brave and reſolute defence of the city of Bruſſels, lieutenant general Paſchal was juſtly advanced by king Charles III, to the dignity of a marquis. However, it had no been poſſible for that general to defend himſelf much longer, with a garriſon of ſcarce five thouſand men, in ſo large and unfortified a place. The preſervation of Bruſſels was therefore principally owing to the duke of Marlborough and prince Eugene, who, with incredible ſecrecy and expedition, paſſed the Scheld the 27th of November in the morning, with very little oppoſition; the French, in a panic fear, abandoning thoſe lines and entrenchments, which they had been caſting up for three months paſt. This affair was managed with ſo much precaution, as redounded greatly to the reputation of the confederate generals. For the duke of Marlborough being early acquainted with the extremity, which the city of Bruſſels was in, recalled the troops, which were in the diſtrict of Furnes, commanded by lieutenant general Fagel, which joined the army at Rouſſelaer on the 22d, and alſo the detachment, which was at Lens and la Baſſée. The ſame day they received advice, that the dam which the enemy had been making near Gavre, to ſtop the courſe of the Scheld, was broke and carried away by the rapidity of the ſtream, which very much facilitated their paſſing that river. The army arrived the 25th at Harlebeck, and continued there till four in the afternoon, for giving time to prince Eugene to come up to the place appointed.

The meaſures were concerted thus: That prince Eugene's army ſhould paſs the river between Eſkenaffe and Hauterive; the duke of Marlborough and count Tilly at Kerkhoven; and count Lottum, with the earl of Orkney, between Gavre and Aſperon. Major general Cadogan, and brigadier Evans, were ſent before to lay the pontoons over the Scheld, who not only performed their orders, but paſſed the river, and poſted themſelves and their detachment on the other ſide, and put to flight a body of the French, which lay entrenched thereabouts. The confederate troops were therefore ordered to march with all poſſible expedition, and, as they paſſed the river, they formed themſelves in order of battle. Prince Eugene, having advice of theſe proceedings, paſſed directly over the river, and joined the duke of Marlborough at Kerkhoven. Upon their conjunction, they advanced to Berchem, in order to diſlodge the enemy from that poſt; but Monſieur Souteron, who commanded there, retired with the utmoſt precipitation. The Dutch cavalry purſued them, and happened to fall in with a party of grenadiers, who had lined ſome hedges and ditches, in order to ſecure the retreat of the reſt. In this action the allies had about ſixty men either killed or wounded; among the latter brigadier Baldwin, in the ſervice of the ſtates, was ſhot through the body; and the earl of Albemarle, prince William of Heſſe, and count Maurice of Naſſau, had their horſes killed under them. The confederates purſued the enemy till it was dark, and encamped on the hills near Oudenard, to the joy of the whole army, who expected to have met with great difficulties in paſſing the Scheld, and to the ſurprize of the generals themſelves, who could not have imagined, that the enemy would have ſo eaſily abandoned poſts ſo advantageous by nature, and which they had fortified with ſo much application and labour. In the ſeveral purſuits, the confederate troops took great part of the enemy's baggage, their bread waggons, ſeveral colours, ſtandards, and two or three pair of kettle-drums, and killed and made priſoners near a thouſand men[c].

The duke of Marlborough, upon his arrival at Oudenard, took the neceſſary meaſures for advancing towards Bruſſels, and, in his march, he was informed at Aloſt, that the elector of Bavaria, upon the firſt notice of the paſſage of the Scheld, had quitted the ſiege with great precipitation, leaving all his artillery and wounded men behind him. The duke came to Bruſſels on the 29th of November in the morning, to take proper meaſures for ſending a ſupply of ammunition and ſtores to the ſiege of the citadel of Liſle, and to thank the garriſon of Bruſſels for their vigorous defence. He was received with great acclamations of joy, and complimented by the ſtates of Brabant, and the magiſtrates of the city, upon their deliverance, which they juſtly attributed to his conduct and expeditious march. The day before, prince Eugene, with his troops, and a detachment of eight battalions and thirty ſquadrons from the grand army, returned to Liſle, and the ſixteen battalions under count Lottum marched back to the camp. But, the ſame morning, lieutenant general Dompre, with forty ſquadrons, advanced towards Aloſt, being ordered to encamp between that place and Aſche, in order to relieve Bruſſels.

The duke of Marlborough, with king Auguſtus, and ſeveral other perſons of diſtinction, having been entertained at dinner by general Paſchal, and given the neceſſary directions, returned in the evening to his camp at Aloſt, where the troops reſted the 30th. The day following, the confederate army removed from thence, and encamped with the right at Oudenard, and the left near Bierleghiem. At the ſame time, lieutenant general Dedem was ordered to advance with twenty battalions, and to paſs the Scheld at Oudenard, where he encamped on the other ſide of the river, to aſſiſt at the works that were ordered to be made for the ſecurity of that place, and to be near at hand to join lieutenant general Hompeſch, who, with thirty eight ſquadrons and eight battalions, were encamped near Menin; by which diſpoſitions a communication was maintained with prince Eugene's forces at Liſle.

The ſiege of the citadel at Liſle was all this while carried on with great diligence; and, in the abſence of prince Eugene, the beſiegers had lodged themſelves on the ſecond counterſcarp, and began, on the 1ſt of December, to raiſe batteries thereon; which being finiſhed in ſix days, the prince ſent a ſummons to Boufflers, offering him an honourable capitulation, if he would ſurrender before the batteries had begun to fire; otherwiſe to expect no other terms, than for him and his garriſon to be made priſoners of war. The governor whoſe ſtock of ammunition was almoſt exhauſted, and who was informed, that the communication between Bruſſels and Liſle was free and open, thought fit to prevent the conſequences of a breach being made in the body of the citadel, by beating a parley the 8th of December, N. S. hoſtages being exchanged, the articles were ſigned the day following; and, on the 10th, the marſhal, with the whole garriſon, marched out with all the uſual marks of honour, and were conducted to Doway[d].

If the difficulties of an enterprize encreaſe the glory of it, the taking of Liſle muſt be one of the moſt glorious actions that ever was known[e]. The place itſelf was as ſtrong as art

[c] Burnet ſays (vol. ii. 509.) The duke of Marlborough, hearing the duke of Bavaria was going to attack Bruſſels, made a ſudden motion towards the Scheld: But, to deceive the enemy, it was given out, that he deſigned to march directly towards Ghent, and this was believed by his whole army, and it was probably carried to the enemy; for they ſeemed to have no notice nor apprehenſion of his deſign on the Scheld: He advanced towards it in the night, and marched with the foot very quick, leaving the horſe to come up with the artillery: The lines were ſo ſtrong, that it was expected, that, in the breaking through them, there muſt have been a very hot action: Some of the general officers told me, that they reckoned it would have coſt them at leaſt ten thouſand men; but to their great ſurprize, as ſoon as they paſſed the river, the French ran away without offering to make the leaſt reſiſtance; and they had drawn off their cannon the day before. Our men were very weary with the night's march, ſo they could not purſue; for the horſe were not come up, nor did the garriſon of Oudenard ſally out; yet they took a thouſand priſoners. Whether the notice of the feint, that the duke of Marlborough gave out of his deſign on Ghent, occaſioned the French drawing off their cannon, and their being ſo ſecure, that they ſeemed to have no apprehenſions of his true deſigns, was not yet certainly known: But the abandoning thoſe lines, on which they had been working for many weeks, was a ſurprize to all the world: Their counſels ſeemed to be weak, and the execution of them was worſe; ſo that they, who were ſo long the terror, were now become the ſcorn of the world.

[d] The prince of Orange wrote the following letter to the ſtates-general on this occaſion:

High and mighty lords,

All the lodgments before the citadel having been joined, and all things being ready to make the deſcents into the covered way, and to finiſh the batteries on the left, in order to batter in breach; the enemy beat a parley yeſterday morning at ſeven o'clock. The hoſtages on both ſides being exchanged, prince Eugene went with thoſe of the French to the abbey of Loos; but the capitulation was not ſigned till this day at four in the afternoon; and I thought it my duty to ſend it by major Thilo van Thilau, my adjutant general. I moſt humbly congratulate your high mightineſſes on this new conqueſt, which is ſo much the more conſiderable, becauſe the enemy had been obliged to ſurrender in a ſeaſon of the year ſo far advanced, and that we have not on our part fired a gun, and have loſt very few men. I pray God to bleſs more and more the arms of your high mightineſſes, and thoſe of your allies; ſo that after a ſeries of glorious and happy ſucceſſes, there may reſult from thence a firm and laſting peace; and that the luſtre and glory, which this ſtate has attained to, by the particular favour of the Almighty, under the moſt wiſe government of your high mightineſſes, may be long preſerved. I am, &c.

From the camp before Liſle, December 9, 1708.

J. W. FRISO, prince of Orange and Naſſau.

[e] Dr. Hare, in his Thanſgiving-ſermon above-quoted, obſerves, that Liſle was looked upon by the French as impregnable, 'it being the maſter-piece of the ableſt engineer that kingdom has produced; and the great king had added ſuch beauty to its ſtrength, as ſhewed, he thought no body would dare to touch a place, which he had been at ſo much charge to make his own; and he was juſtified in thinking ſo by an undiſturbed poſſeſſion of more than forty years. In truth, the very ſlender knowledge our beſt engineers had of it is a ſufficient proof, they never dreamt of ſeeing that glorious day, when a confederate army ſhould be able to come againſt it. It was ſo great an enterprize in the judgment of the enemy, that they could not believe we really meant it, when it was plain we could mean nothing elſe: They thought it was a feint only to draw them from the poſts they were entrenched in, or pretended to think ſo, to colour their ſtaying ſo long in them to ſo little purpoſe, or

could make it, on the fortifications whereof the celebrated Monſieur de Vauban had exerted his utmoſt ſkill. It was defended by a numerous garriſon, under the command of a marſhal of France, and ſeveral other experienced generals; provided with all manner of neceſſaries, and encouraged to a vigorous defence by the approach of a powerful army, which was as numerous, if not ſtronger, than the forces of the allies. And yet the allies, without having any communication with with their own territories, ever ſince the duke of Vendoſme took the village of Leſſinghen after a ſiege of eight days, reduced Liſle, found means to ſubſiſt about it till the reduction of the citadel, and got corn from the territories of the enemy. The French thought this beyond the power of man, and herefore boaſted, that, without ſtriking a blow, they would oblige the allies to abandon the ſiege. And, indeed, the difficulties, which the allies had to ſtruggle with, were ſo many and ſo great in themſelves, that the confidence of the enemy did not appear altogether unreaſonable. But what would have been impracticable by the duke of Vendoſme and other French generals, was accompliſhed by prince Eugene and the duke of Marlborough, who, after the reduction of the town and citadel of Liſle, were reſolved to crown their conqueſts, before the end of the campaign, with the recovery of Ghent and Bruges[f].

or to excuſe their not endeavouring to prevent our artillery from coming up. But, when it was too late to diſſemble their concern, then what confuſion were they in! What a noiſe was there, that they would and muſt raiſe the ſiege, coſt what it will! How many councils were there held! What furious motions did they make, or rather what not! Sometimes they threatened a powerful diverſion, that they would beſiege this place and that, and a third, and a fourth, and give us ſufficient reaſons to repent ſo raſh an enterprize: Sometimes nothing would do, but they would fight us; and once they ventured nearer than they would have done, when we had by entrenching helped them to a decent pretence for not attacking us, and they were aſſured we ſhould not attack them. But in their cooler thoughts they were content to ſit down with a deſign to ſtarve us; a poor deſign, had not the ſiege been drawn out into an unexpected length; and, to compaſs it, there was no action ſo mean, they did not condeſcend to; no faith ſo ſacred, they did not violate. Once indeed they had the courage to try a braver part, and with a great body of troops marched to intercept a convoy, without which they knew the ſiege could not be carried on; but the event ſoon ſhewed, it had been better for them to have lain ſtill, their attempt having ſerved to nothing elſe, but to make another place famous by a freſh defeat of them. Wynendale will be always named among the ſucceſſes of this memorable year, where a ſmall body of foot, under the command of a member of this honourable houſe, maintained themſelves againſt near thrice their number, though ſupported by a good number of horſe, and provided with a numerous artillery; and, after a brave defence, obliged them to a ſcandalous retreat. Thus we have the fulleſt proof even from the enemy, that the right uſe was made of our firſt ſucceſs, and that a more fatal blow could not have been given them; but we want not the voice of enemies or friends to witneſs the importance of this enterprize, by the ſucceſs of which not only their frontier is broke into in the moſt deſirable part, and a fair advance made towards penetrating into the heart of France; but, what the great the great monarch owes more to than his ſword, his treaſure alſo is extremely affected by it; it loſes him a great revenue, which at this time he can very ill want; it makes a mighty interruption in traffic and commerce through his own kingdom, and almoſt cuts off the greateſt advantage he had by an open trade with our allies. In ſhort, taking Liſle is cutting a nerve in the body politic, one of the largeſt and moſt uſeful nerves; from whence his greateſt armies received their nouriſhment, from whence his Flanders forces were always paid. Could we not have formed that ſiege, little had remained of our victory, but the glory of regaining by the ſword what ſurprize and treachery had taken from us; but a ſiege, much leſs ſo great a one, we could not undertake without artillery; and to have artillery, while the enemy were in poſſeſſion of Ghent, every body, I believe, will own they thought impoſſible, till he, who has a genius equal to all difficulties, ſhewed the way, and contrived the means; which were executed with that wonderful dexterity and diligence, that the greateſt train, that perhaps was ever brought ſo far by land, was provided in a little time, and conducted between two armies of the enemies, without the leaſt diſturbance, ſafe to us. After this ſucceſs, which might juſtly be eſteemed a ſecond victory, there ſeemed to be little to do, but to attend quietly four or five weeks the iſſue of the ſiege; but by ſetting out wrong at firſt, our engineers ſoon came to want, what, of all things was hardeſt to be ſupplied; and the ſlow progreſs, that was made afterwards, put the ſiege in the utmoſt danger of miſcarrying, and the army of ſtarving. And thoſe unpromiſing appearances made not a few wiſh the weather would give us a pretence to raiſe the ſiege we ſeemed unable to go through. Never ſure had covering army ſo much work, never had commander ſo great a trial of all the qualities, that go to make a conſummate general. To hinder ſo long the junction of the enemy, to prevent their diſturbing the ſiege, or making a diverſion, to keep for ten weeks a communication with Bruſſels, and, when that was ſtopped, to open another with Oſtend, and after that ſtill to find out new reſorts, and ſubſiſt a great army thrice the time that was expected, in an enemy's country, that we ſeemed to have eat up, even before we were perfectly confined to it; theſe are difficulties nothing could ſurmount, but a mind, that cannot be puzzled or diſmayed. But this is not all; while we were beſieging, we were beſieged ourſelves, the enemy had hemmed us in on every ſide, and for ten weeks together entrenched the Scheld with all the diligence they could, reſolved, it ſeems, we ſhould not paſs on any terms. But, when the ſiege they had laid to Bruſſels, made the trial neceſſary, neither river, nor army, nor entrenchments availed any thing. We ſurprized the enemy at a time, when they were moſt concerned to be upon their guard; and what is beyond all belief, paſſed the river they had been ſo long fortifying, without the loſs of one man; and by that happy paſſage their ſiege was raiſed before it was well begun. Theſe are ſuch difficulties, as greatly enhance the value of the ſucceſſes we rejoice in; and ſerve for ſhades to illuſtrate and ſet off the many maſterly ſtrokes, which a curious eye cannot but diſcern in the beautiful plan of this great and wonderful campaign. I might add, that the length of our ſiege made it late in December, before we could attempt to retake the places the enemy had ſtolen from us, which is itſelf a circumſtance, as is without example in that country; but in the end, this ſucceſs was alſo added to the reſt, and the campaign was happily concluded with the year.—There is nothing the interpoſition of God has more viſibly appeared in, than the favourable weather we were bleſſed with ſo long together; which was ſo neceſſary for us, that without it, every body ſaw we could have done nothing; and yet ſo extraordinary, that the like has not been known in the memory of man; nor was there any thing the enemy truſted more to, than that the rains would overtake us; which had they done, had not the heavens been ſhut up in the latter ſeaſon, we muſt inevitably have been obliged to raiſe our ſiege, though no diſturbance had been given by the enemy. Had we known in December to the very end of it ſo much ill weather, as they commonly have three or four months before, we muſt have been content to ſet the enemy enjoy their treachery, which could not but have had a very ill influence on the next campaign. To what can we impute this, but to his good providence, who opens ond ſhuts the heavens as he will? Wonderful has his favour been to us in this reſpect, beyond our moſt forward hopes, beyond what we dared to wiſh for. To paſs by ſeveral remarkable inſtances of this kind, the paſſing and repaſſing of the Scheld, the firſt of which was the ſaving of Flanders, and the other of Brabant, both depended on great marches, that were made without the leaſt diſturbance from the weather, which might eaſily have defeated the ſucceſs of them; though the firſt was ſoon followed with a great rain the very night of the battle, and the other was preceded by a greater, which the enemy felt all the evil of, being then on their march to inveſt Bruſſels; but this weather laſted no longer, than till we were ready to make uſe of better. But there was another circumſtance in our repaſſing the Scheld, which I cannot omit: a night march, which we were forced to make in order to it, was happily for us, by an unforeſeen coincidence, directed by the full aſſiſtance of the moon.'

'The marquis de Feuquieres, in his Memoirs gives the following account of the errors committed in the defence of Liſle. Marſhal de Bouffllers, ſays he, governor-general of French Flanders, and of Liſle in particular, defended this place againſt the armies of the allies, who beſieged it. The place was ſtrengthened with a garriſon of near ſixteen thouſand men; and yet the beſiegers only attacked it on the ſide of the Maiden-gate, before a front of fortification, that comprehended near a thouſand fathoms in extent; and even this attack was ſeparated by the Deule; and conſequently the enemy approached the ſame front by two attacks, interſected by the river, which afforded them the only communication they had with each other. This conduct of the enemy might have induced the beſieged to think it very practicable to make ſallies under the protection of the works, either on one ſide of the attack or the other; by which means they might have deſtroyed the works of ſeveral days; and yet they only made one ſally, with above five hundred men, which did not produce any conſiderable effect.

The beſiegers, in the conduct of their works, committed a greater error, and which the beſieged neglected to take the advantage. The error was this: Their comprehenſion of this great front ceaſed in proportion as they approached the place; ſo that, when they advanced to the glacis, their grand front was ſo contracted, that it only equalled the extent of the two ſaliant angles before the tenaille of the counterſcarp; by which means the front of the attacks was more extenſive than that of the aſſailants. As the beſiegers therefore were under no neceſſity of forming ſuch a diſpoſition, but committed this eſſential error in conſequence of mere incapacity in the conduct of works, it ſeemed reaſonable to chaſtiſe them for their proceeding; and yet the beſieged wanted reſolution to attempt it, though they eaſily might have opened their glacis, under the protection of the counterſcarp, and thoſe works, that were not comprehended; and they might have made ſuch lodgments on the glacis, as would have conſtantly enabled them to gaul the flanks of the beſiegers contracted front of the attack. This advantage was ſo much in favour of the beſieged, as the beſiegers made but one attempt to ſtorm the counterſcarp at the two ſaliant angles before the tenaille, where they only appeared with five or ſix hundred men, becauſe they could not march a greater number in the ſmall front they had formed. Moſt of theſe men were killed in their advance upon the palliſade; and this ſingle experiment ſhould have convinced the beſieged, that their capital operation for the defence of the place was to make ſuch lodgments on the glacis, as were above-mentioned, in order to multiply the fires againſt the attack, and to take thoſe, who approached, in flank, and to greater advantage, than in the covered way, which was not comprehended within the beſiegers works.

Though the want of powder frequently ſilenced the beſiegers cannon, and conſequently ſuſpended the fire of the bombs; yet the beſieged did not improve that favourable opportunity in any reparation of the breaches during the night, or clearing away the ruins in the day, though the inhabitants of Liſle were numerous and loyal, and might have been employed in this work, while the beſiegers artillery ceaſed to batter the breaches. The guard even of the attacked work was kept with ſo little vigilance, that only one centinel was awake, and the poſt was ſurprized, while all the ſoldiers were aſleep, after the deſertion of that treacherous centinel, ſo that the work was carried without the leaſt oppoſition on the part of the beſieged. It would have been a very eaſy affair however to have doubled the centinels in every place, where the negligence or infidelity of one expoſed them to the beſiegers.

But the moſt ſurpriſing circumſtance of all is, that marſhal de Boufflers capitulated for the city almoſt as ſoon as that half-moon was loſt, and without waiting ten or twelve hours, to ſee the beſiegers fill up the ditch which would have employed them at leaſt for that time, on account of its breadth, depth of water, and quantity of ſoft ſoil on its bottom. For of what particular importance could it be to marſhal de Boufflers whether the reſt of the proviſions and ammunition were conſumed in defending the city ſome time longer, or in a new defence of the citadel? It was however a very eſſential point, to prolong the defence of the city, as much as poſſible, ſince the ſurrender of it to the enemy would afford excellent accommodations to an army, who greatly needed them in that advanced ſeaſon, when the rains are ſo frequent in Flanders, that if they had happened during the ſiege of that city, they would certainly have rendered that great enterpriſe unſucceſsful.

The diſpoſitions for the defence of Liſle were very inconſiderate. The ſiege from the beginning was rendered too fatiguing to the garriſon, which was divided into two bodies, alternately upon duty, for the ſpace of twenty-four hours. This time was much too long. Half of the troops were poſted in out-works, and the reſt were ſtationed on the ramparts, and employed in the works; ſo that the garriſon had never any ſtated hours of reſt, which are ſo abſolutely neceſſary for the officers as well as the ſoldiers, both for the preſervation of their health, and to render them capable of defending the place for a greater length of time. The inhabitants of Liſle were numerous and well affected; and yet they were not employed in any ſervice, either for the relief of the garriſon, or the preſervation of the place.

It was reported, that marſhal de Boufflers wanted proviſions towards the cloſe of the ſiege, and could not ſupply the citadel with a ſufficient quantity

The French generals not imagining that the confederates would have attempted any thing after the laſt important conqueſt, eſpecially in ſo advanced a ſeaſon of the year, ſeparated their army and returned to Paris. But all neceſſary preparations being made for the ſiege of Ghent, that city was inveſted on the 20th of December, N. S. in the following manner: Count Lottum, with thirty-nine battalions, and thirty-ſix ſquadrons, were poſted between the Upper Scheld and the Lys: The hereditary prince of Heſſe, with forty ſquadrons, and twenty battalions, between the Lys and the canal of Bruges, and from thence to the canal of Sas: The duke of Wirtemberg between Muleſtein and the lower Scheld, with twenty-five ſquadrons, and twenty-ſix battalions: Count Tilly with thirty ſquadrons, and thirty battalions, between the Upper and Lower Scheld: And the duke of Marlborough encamped at Meerlebeck, that he might be near the centre of the ſeveral attacks. On the 14th, in the evening, the trenches were opened at the attack commanded by general Lottum; and two thouſand workmen, covered by ſeven battalions, and two more in reſerve, with ſix hundred horſe, were ordered for that ſervice, under the command of lieutenant general Fagel, major general Wecke, and the lord North and Grey. The men worked about half an hour before the enemy diſcovered them, and then they made ſuch a terrible fire, that the allies had near thirty men killed and about ſeventy wounded. They carried on their works with good ſucceſs from St Peter's gate towards fort Monterey, and finiſhed a parallel of a thouſand paces from the right to the left, within two hundred paces of the counterſcarp. On the 25th at night, the trenches were opened at the duke of Wirtemberg's attack, with four battalions and ſix hundred horſe, commanded by major general Murray, who covered fourteen hundred pioneers, and this attack was directed againſt the caſtle. The ſame night they opened the trenches before the Bruſſels gate, between the Upper and Lower Scheld, with four battalions and ſix hundred workmen, commanded by brigadier Evans, who carried on their works with great ſucceſs, and made a communication without any loſs. But, the works on the right being very difficult, and time as well as faſcines being wanting to finiſh the ſame, the garriſon made a ſally with ten companies of grenadiers, who put the firſt troops into ſome confuſion; and, whilſt brigadier Evans was bringing up the next battalions to ſupport them, he was taken priſoner with colonel Grove of the lord North and Grey's regiment. They had likewiſe about twenty officers and ſoldiers killed or taken; but the enemy retired upon the firſt firing of the troops, and had not time to level the works. On the 26th the batteries began to fire upon the Red Fort, and the garriſon, conſiſting of two hundred men, ſurrendered themſelves priſoners of war. The following days the approaches were carried on with a great deal of ſucceſs; and, the batteries being ready to fire, on the 30th at ſix in the morning, with red hot bullets, and the mortars to throw bombs and carcaſes into the town, the count de la Motte ſent out a trumpeter to the duke of Marlborough, and demanded an honourable capitulation, which was granted him; purſuant to which one gate of the city, and another of the caſtle, were delivered to the troops of the allies on the 31ſt of December, N. S. and two days after count de la Motte marched out with his garriſon, which conſiſted of above thirty battalions and ſixteen ſquadrons, in order to be conducted to Tournay. The duke of Argyle, with ſix Britiſh battalions, immediately after took poſſeſſion of the town and citadel.

The reduction of Ghent occaſioned a great ſurprize at the French court, and was indeed in itſelf very wonderful, conſidering the ſituation and largeneſs of the place, the numerous garriſon, the hard ſeaſon of the year, and the fatigue which the troops had already undergone in this extraordinary long and difficult campaign. The conſequence of ſurrendering that important city was the enemy's quitting of Bruges, Plaſendale, and Leſſinghen, and retiring into their own territories. The duke of Marlborough and prince Eugene, having thus glorioufly finiſhed this campaign, and ſettled the winter-quarters for the forces of the allies, ſet out, the 9th of January, from Bruſſels for the Hague, having left all the confederate troops under the command of count Tilly, general of the Dutch forces.

If Ghent and Bruges had not ſurrendered when they did, it could not have been poſſible to have kept them much longer; for, within two or three days after, there was a great fall of ſnow, and that was followed by a moſt violent froſt, the whole laſting about three months. Many died in ſeveral parts by the extremity of the cold; it was ſcarce poſſible to keep the ſoldiers alive, even in their quarters; ſo that they muſt have periſhed, if they had not brok up the campaign before this hard ſeaſon.

The miſcarriage before Toulon did not diſcourage the duke of Savoy from meditating a new irruption into France, in return for the ſiege of Turin. The preparations made by his command through Piedmont during the winter and the ſpring, his aſſembling ſo great a body of troops on his frontiers, and preparing, not only a train of field-pieces, but a quantity alſo of heavy cannon, gave the French apprehenſions not only of an incurſion, but of ſome important ſiege. And, according to French writers, the duke never diſſembled his intentions, which were to enter Dauphine, and to extort contributions as far as Lyons. But though the bad weather could not ſuffer him to take the field till the month of July, yet the lateneſs of the campaign was ſoon made up by the rapidity of his conqueſts; which the vigilance and activity of the marſhal de Villars (whom the French uſed to call their favourite general) could neither foreſee nor prevent. The duke, the better to cover his deſign, had firſt, with great labour and fatigue bent his march towards Savoy, over Mount Cenis, as if he intended to penetrate into Dauphine through fort des Barreaux; but, having by this feint drawn the enemy's forces on that ſide, he turned ſhort towards Sezane and Oulx, prevented Villars quick march, and took ſuch right meaſures, that from the 12th to the 31ſt of Auguſt, N. S. he compaſſed his true deſign, which was to make himſelf maſter of the important fortreſs of Exilles, Fort la Perouſe, and the valley of St. Martin and Feneſtrella. By which conqueſts he ſecured his own dominions againſt France, and gained free entrance into the enemy's country, the French having built a ſtrong citadel at Feneſtrella, after the blowing up of the fortification of Pignerol, in order to cover that frontier. The greateſt difficulty in taking theſe places was from the impracticableneſs of the ground, which drew the ſieges out into ſuch a length, that the ſnow began to fall by the time Feneſtrella was taken. By this means the Alps were cleared, and Dauphine was now open to him: And all things were ready for a greater progreſs in another campaign. Beſides theſe advantages, the duke likewiſe made a diverſion in favour of king Charles III, obliging the enemy to ſend a great detachment from Rouſſillon to Villars's ſupport and aſſiſtance.

The queen of Great Britain and the ſtates-general had ſolicited the Imperial court and the German princes to act with greater vigour than they had hitherto done, and particularly preſſed the emperor to give the utmoſt aſſiſtance he could to his brother in Spain, and heartily concurred with king Charles in deſiring, that prince Eugene might be ſent thither to command in chief. But this point could not be obtained [g]; and, count Guido de Staremberg being appointed in that prince's room, he arrived at Barcelona on the laſt of

for the garriſon. This indeed is true, but the fault muſt be imputed to the diſorder and want of œconomy in the diſtribution of the proviſions, which was always equal, ſo that no care was taken to leſſen the allotments in proportion to the loſs of men. A company, that had been greatly weakened in the progreſs of the ſiege was allowed the ſame ſubſiſtence, as it received when it was much ſtronger; ſo that at the latter end of the ſiege the proviſions were diſtributed in almoſt double the quantity that was neceſſary; and this irregularity alone would have occaſioned the loſs of the place, had it been accommodated never ſo well.

[g] This affair will be beſt explained by the following extracts of letters publiſhed by Mr. Cole in his Memoirs of Affairs of State:

The earl of Mancheſter, to the earl of Sunderland.

Vienna, January 7, 1707-8.

This evening count Gallas is at prince Eugene's, where the affairs of king Charles are to be under debate. I had orders from Britain, to urge their ſending prince Eugene to Spain, and alſo a letter writ by the queen to the emperor, recommending the ſame as a matter of the greateſt conſequence, but to no purpoſe. Prince Eugene is to be at hand to defend them, in caſe of need againſt the Turks, and to ſecure them from any future inſults from the Swede, who has demanded the like liberty for the reformed to exercise their religion in Sileſia, as by count Wratiſlaw's convention at Alt Rantitad the Lutherans are to enjoy. Count Guido of Staremberg is declared general for Spain without conſulting Britain or Holland, whether they will put their troops under his command. I have writ my thoughts pretty freely upon theſe practices, and Monſieur Bruyninx has done the ſame. Prince Eugene has a commiſſion to act as the emperor's lieutenant-general, being to command all who may ſerve with him. I do not know how the elector of Hanover will reliſh the being commanded by prince Eugene. I believe he will not ſubmit to it; but they muſt rather let the commiſſion lie dormant this next ſummer.

The earl of Mancheſter to the earl of Sunderland.

Venice, January 17, 1707-8.

I am glad, that both houſes of parliament have taken notice of the ſending prince Eugene into Spain. If any thing will prevail with the court of Vienna, I think that ſhould; but I am far from thinking, that it will. The

April, the ſupplies demanded by king Charles being arrived there before. Great hopes were conceived of this new general, who had before commanded the Imperial troops in Hungary; but it was generally believed the affairs in Spain would have had much better ſucceſs if they had been managed by prince Eugene.

The duke of Orleans ſtill commanded in Spain, and, according to the vanity of that nation, it was given out, that they were to have mighty armies in many different places, and to put an end to the war there. Great rains had fallen all the winter in all parts of Spain; ſo that the campaign could not be opened ſo ſoon as it was firſt intended. The troops of Portugal which had lain at Barcelona ever ſince the battle of Almanza, were brought about by a ſquadron of Engliſh ſhips, to the defence of their own country. Sir John Leake came likewiſe over to Liſbon from England with recruits and other ſupplies with which the queen of Great Britain was to furniſh the crown of Portugal. When all was landed, Leake ſailed into the Mediterranean to bring troops from Italy, for the ſtrengthening of king Charles, whoſe affairs were in great diſorder.

Soon after Staremberg's arrival in Spain, major general Stanhope came to us (ſays the author of the manuſcript ſo often mentioned) with a commiſſion of commander in chief of all her majeſty's forces in Spain, as Belcaſtle had orders to command the Dutch. All the troops marched out of their winter-quarters to different camps, in the road to Cervera and Lerida. When Leake came with his fleet to Barcelona, king Charles ſent immediately for count Staremberg from the camp at Montblanc, to conſult with the generals Stanhope and Carpenter, and admiral Leake, whether he could undertake any thing for the ſervice; and, nothing being fixed, the admiral ſailed for Italy, from whence he brought both the new queen of Spain and eight thouſand men with him. But by reaſon of the ſlowneſs of the court of Vienna, theſe forces came too late to raiſe the ſiege of Tortoſa, before which place the enemy came the 30th of June. Upon the news of this, a council of war was held, to ſee whether we could undertake any thing to ſave that town, which, on the ſeaſide, was the key of Catalonia from Valencia. Count Efferen, a Palatine major general, was ſent to command in Tortoſa, with a good garriſon. The trenches were opened on the 9th of June, and, in about a month's time, the governor, having no reaſon to expect any relief, ſurrendered upon honourable terms, and marched his garriſon to our camp at Conſtantino, in the Campo de Terragona. During the ſiege, Leake diſſipated a fleet of Tartans, ſent from France to ſupply the duke of Orleans's army, and took about fifty of them; which was a very ſeaſonable relief to thoſe in Barcelona, and which, it was hoped, though in vain, would have cauſed the ſiege to be raiſed.

From Conſtantino the army marched for Cervera with a good train of artillery, where they were joined by all the forces from Italy, and by ſome Dutch and Spaniſh battalions from Lampaurdan. Beſides Tortoſa, the enemy alſo took Denia, and the garriſon were made priſoners of war. But theſe loſſes were abundantly made up to the allies, by the reduction of the kingdom of Sardinia, and of the famous Port Mahon, with the whole iſland of Minorca.

Sir John Leake having taken on board the fleet a few troops commanded by the marquis of Alconzel, better known by his former title of Conde de Cifuentes, arrived before Cagliari[h], the capital of Sardinia on the 12th of Auguſt, N. S. and immediately ſummoned the marquis of Jamaica, the viceroy to ſubmit to king Charles III. The marquis inſiſted at firſt upon extravagant terms: But on the throwing of a few bombs into the city, the inhabitants reſolved to compel him to ſurrender, with his garriſon, at diſcretion; whereupon both he and the magiſtrates accepted ſuch articles, as the admiral was pleaſed to grant[i]. The greateſt part of the Spaniſh garriſon readily liſted themſelves in king Charles's ſervice. Beſides which, near two thouſand horſes were found there ready to be tranſported to Spain, for remounting the enemy's cavalry; part of which were diſpoſed of to the diſmounted dragoons, who were employed in this expedition. The marquis d'Alconzel, who was conſtituted vice-roy and captain general of that kingdom, having held an aſſembly of the deputies of the ſeveral ſtates, they gave aſſurances of their affection and fidelity to king Charles III, and, for a proof, offered to furniſh thirty thouſand ſacks of corn for that king's ſervice. This ſupply made the conqueſt of Sardinia the more conſiderable, for in Catalonia, they were at that time much ſtraitened for want of proviſions.

The conqueſt of the iſland of Minorca[k], which followed ſoon after, was entirely owing to major general Stanhope, who was the firſt projector, and had the principal ſhare in the execution of the deſign. In the beginning of Auguſt he received a letter from the lord-treaſurer, to acquaint him, that the admiralty had repreſented to the queen, that it was almoſt impracticable, and very dangerous for our fleet to winter in the Mediterranean, except ſome ſafe harbour were procured for it. Upon this, general Stanhope immediately fixed his thoughts upon the iſland of Minorca, which was a very great enterprize, and required a greater number of troops, than could be ſpared out of our army. He took a ſhort journey to Barcelona, to conſult the proper meaſures with the admiral; which done, he returns poſt to the camp, and acquaints Staremberg with his deſign, who much applauded it;

The Dutch envoy at Vienna to the earl of Mancheſter.

Vienna, January 28, 1707-8.

We can by no means ſucceed to make prince Eugene go into Spain, and his Imperial majeſty alledges reaſons for this, that ſeem to have ſome weight; but the emperor deſigns to ſend thither the count Guido of Staremberg, who is likewiſe a good general.

Earl of Sunderland to the earl of Mancheſter.

Whitehall, February 17, 1707-8.

I wiſh with all my heart, the court of Vienna would come to reaſon in relation to the ſending prince Eugene to Spain; but that matter ſeems to be quite over, and Staremberg will be the man.

[h] In the Memoirs of Affairs of State, publiſhed by Chriſtian Cole, eſq; p. 545, is the following letter of ſir John Norris to the earl of Mancheſter, relating to the deſigned expedition.

Ranelagh, with the fleet bound to Cagliari, July 26, 1708.

My lord,

The 17th inſtant we arrived with the fleet and troops at Mattero, where we landed the queen of Spain, ſhe being from thence to make her entry into Barcelona. The next day our tranſports got to Barcelona, where we landed the horſe and foot in good condition. We loſt but forty horſes in the paſſage, and nineteen that were in a Geneoſe veſſel, which loſt company with the fleet, and was taken by a cruizer of the enemy. The troops have joined the reſt of the army, which all people ſay is in a good condition, and that there is a good agreement with the commanders of each nation. But from our unfortunate loſs of Tortoſa, and the accidents of this compaign, the foot we brought does but juſt make up the number we have loſt; and in that the enemy is much ſuperior; but in horſe we have the advantage, both in number and goodneſs, &c. We are under this difficulty, that the land we have there, with the iſland of Majorca, will not afford grain enough to feed the army and country; for which reaſon we are now going with the fleet, to try if we can reduce the iſland of Sardinia to the obedience of king Charles. The troops we have to do it with are our ſeamen, twelve hundred marines, and ſome unmounted Spaniſh dragoons; and, if half be true of what is repreſented to us, we ſhall ſucceed in the reduction of that kingdom. We have the conde Cifuentes with us, but he is not to meddle till the place has declared. We go directly for Cagliari, which is the ſeat of the vice-king, and the capital of the country. I am, &c.

JOHN NORRIS.

[i] Sir John Norris wrote the following letter upon the taking of this city to the earl of Mancheſter.

From on board the Ranelagh before Cagliari, Aug. 18, 1708, O. S.

My lord,

This being the firſt opportunity of my writing to Italy, ſince our arrival before Cagliari, will plead my pardon that I did not ſooner tell your lordſhip, that we anchored before the town the 3d inſtant in the afternoon, and ſent a ſummons to the vice-king, to render the town and kingdom of Sardinia to the obedience of king Charles, with a letter to the burghers, to aſſure them of their effects and ancient privileges, in caſe they made their obedience. The officer ſent had leave to wait four hours for an anſwer, if required; at which time, being night, he returned, with an anſwer from the vice-king, that it was ſo late, that he could not that night get all the government together, but would do it the next morning, and ſend their anſwers. We judged it beſt to keep on the fright, and cauſe no delay, and that inſtant began bombarding, and hove that night an hundred and twenty ſhells into the town, and landed our men at the point of day; and, as ſoon it was light, the vice-king ſent off a flag of truce, to deſire to capitulate; after which the mob took poſſeſſion of the gates, and delivered them up to us. Thus we have got a city much ſtronger than Barcelona, and that has eighty-ſeven braſs cannon mounted, and the whole iſland, without the loſs of a man. In our capitulation we obliged them to furniſh Catalonia immediately with fourteen hundred tons of corn, and to-morrow it will ſail for Catalonia, it being embarked in our tranſports.

Laſt night we received letters from the king of Spain and Mr. Stanhope, and news, that the king had appointed fifteen hundred ſoldiers under Mr. Stanhope, to go to reduce the iſland of Majorca and the fortreſs of Port-Mahon. He deſires our aſſiſtance in the ſame; on which we this morning agreed to go to that ſervice, and to-morrow we ſail for that iſland; and though the French have a garriſon there, yet, if the weather proves good, I believe we may ſay we ſhall carry it. This will ſuit us in viſiting the pope, as we intended, for helping the pretender, till another ſeaſon. But after this ſervice our winter-ſhips will go to Naples, to convoy to Catalonia the troops the king expects from thence, and the reſt of our ſhips will be obliged to go home to refit for the next year, &c. I am, &c. JOHN NORRIS.

[k] Minorca (ſo called from being leſs than Majorca, another iſland about ſix leagues from it (lies in the Mediterranean. Its great length is forty-five, and greateſt breadth about twenty-four Engliſh miles. The chief places are, 1. Citadella, on the ſouth-weſt ſide about the middle of the iſland, in the bottom of a bay, thought to be the Jamma of Ptolemy. 2. Fort Formelli on the north-eaſt ſide over againſt Citadella. 3. Port Mahon at the bottom of a large bay, which runs about three Spaniſh miles to the ſouth-eaſt. The harbour is guarded by fort St. Philip, and is accounted the beſt and largeſt in the Mediterranean. Minorca lies in lat. 39. 45. It was taken by general Stanhope in 1708, and confirmed to the Engliſh by the treaty of Utrecht.

but as to forces he could ſpare none, for we were then within four miles of the enemy, who were much ſuperior to us, and we daily expected to be attacked. However, Staremberg conſented that Stanhope ſhould take Southwell's regiment, a battalion of Neapolitans, another of Portugueſe, and a ſmall detachment of Spaniards. All which marched immediately to Barcelona. General Stanhope follows them, on the 10th, and had the good fortune of meeting there with brigadier Wade, juſt returned from London, which was a great advantage to him. The 21ſt, he embarks with this handful of men and a few dragoons. What was wanting in troops was in ſome meaſure made up by a fine train of Britiſh artillery, with mules to draw it, commanded by colonel Boreguard, with that excellent engineer brigadier Petit, who in that capacity, might be ſaid to have taken and defended Barcelona, for which ſevices king Charles had raiſed him to the office of a general officer. Stanhope was here informed of the ſtrength of the garriſon of fort St. Philip, which would have damped the courage of any man that had not been ſo zealous in the undertaking. The fleet and tranſports ſailed from Barcelona the 23d, and the men landed the 26th to the ſouth-weſt of fort St. Philip, within two miles of it. As they ſailed by the fort, the garriſon was not a little intimidated, to ſee a fleet with two flags (Leake and Whitaker) and ſo many tranſports, expecting no leſs than an army of ten or twelve thouſand men; and, indeed, it had the appearance of it. With the four battalions were landed about ſeven hundred and ſixty marines, commanded by colonel Lee, which made up the whole number, officers included, three thouſand two hundred and ſixty four[l]. This little army marched to a riſing ground over-againſt the fort, having made as great a ſhow as poſſible in their march; for it was all in ſight of the enemy, whoſe alarms were much increaſed by it; and ſtill more when they ſaw our troops drawn up in a long line where they could be ſeen, but the beſt perſpective glaſs could not diſcover whether there was a ſecond or third line. From hence they went that evening to a camp marked out by the engineer, within leſs than two miles of the fort. The garriſon conſiſted of a thouſand Spaniards, and ſix hundred French marines, under the command of colonel la Jonquiere, an old officer, who was ſent there by way of puniſhment, for not behaving ſo well as was expected from him againſt the Cevonnois. The inhabitants of Minorca were very much for us, being weary of the yoke of their king, who had taken all their privileges from them as he had done from his ſubjects in the kingdom of Arragon, from whence they had been tranſplanted to this iſland.

Batteries were erected the next day, and the morning after they began to fire againſt two of the four towers, which are built at proper diſtances like baſtions, in a wall of ſtones without cement that covers the fort a quarter of a mile from it, and that from ſea to ſea. Theſe towers were ſoon battered down by our cannon. They had four pieces of cannon in each, with room enough for cannoneers, and ammunition. General Stanhope who ſhanted to induce the garriſon to a ſpeedy ſurrender, ordered a great many papers to be writ in Spaniſh and French, in which he offered very honourable terms to the beſieged, if they did not put him to the trouble of raiſing batteries; but, if they refuſed, he threatened that all the Spaniards ſhould be ſent to the mines, and the French be worſe uſed. Theſe papers were tied round arrows, which were ſhot in great numbers into the ſuburbs of the fort, and into the vacancy between the fort and the ſtone wall, where ſmall parties were placed to obſerve us. It was by a ſhot from one of theſe parties that Mr. Philip Stanhope, brother to the general, captain of the Milford galley, a young gentleman of great hopes, was killed, the ball fixing in his forehead, as he was held up by two of his ſailors to look over the wall, which was nine feet high.

The arrows had a good effect, eſpecially upon the Spaniards, who dreaded the mines. After the towers were beat down, the cannon continued to fire upon the wall, and, in a ſhort time, levelled it to the ground. Through the breach general Wade marched to a redoubt, at the head of all the grenadiers and ſome marines, with ſo much intrepidity, even within reach of the enemy's fire, that it ſtruck the garriſon (as one of the officers afterwards told our author) with admiration and terror, inſomuch that the ſoldiers could not be brought to fire at them, though commanded, and the cannon could not reach them, the ground being too low where they marched. Wade took the redoubt, left ſome men in it, and returned to the camp unattacked.

The next day their panic increaſed; a battery of large cannon was fixed againſt fort St. Philip, and the firſt ball was ordered to be ſo fired, as to fall in the ditch; which it did, and was immediately taken up and carried to the governor. A council of war was inſtantly held, wherein it was reſolved, by a ſmall majority, to beat a parley. Hoſtages were quickly exchanged, and Wade was ſent to agree on a capitulation. When he came to the governor's houſe, he found the large ball on the table, which moſt of the officers had been wondering at. They were not many hours in agreeing upon the following terms: The garriſon was to march out the next day with all the marks of honour, and to be ſhipped off immediately; the Spaniards to be tranſplanted to a harbour in Murcia, and the French to Marſeilles or Toulon: The magazines to be given up, their arms to be left in the court of the fort, and the outward gate to be delivered into our hands that evening, as ſoon as the capitulation was ſigned; which was done in a ſhort time, and a guard was ordered to the gate. Wade returned to the general in the camp, and both were extremely well pleaſed with this ſucceſs.

On the morrow Wade went with all the forces to ſee the garriſon evacuate the fort; and he had not men enough to form the two lines through which the garriſon was to march to the ſea-ſide, except they were placed at an unuſual diſtance. The enemy then ſaw their miſtake, as well as before, when they were coming up from the camp, but, was too late. All the boats of the fleet which were come into the harbour the night before, when the capitulation was ſigned, were ordered to attend the garriſon into the tranſports. When the French were got into three veſſels, a field officer was ſent to let them know, that general Stanhope made them priſoners of war by way of repriſals for the garriſon of Denia, which, after a brave defence, were, contrary to the capitulation, made priſoners of war by count d'Aſfeld.

Fort St. Philip being in our hands, the whole iſland gladly ſubmitted, except Port-Fornelli. On the 17th of Auguſt, Sir John Leake, with the Dutch, ſailing for England, Whitaker, rear-admiral of the red, was left with his ſquadron before Port-Mahon, who, with a few men of war ſailing to Port-Fornelli, and meeting little reſiſtance, brought away the garriſon, conſiſting of about two hundred men, priſoners of war. Thus the conqueſt of the whole iſland, with the loſs only of forty men killed or wounded, was finiſhed in leſs than three weeks, to the great admiration of all Europe. The beſiegers found in the forts about a hundred pieces of cannon, three thouſand barrels of powder, and all things neceſſary for a good defence. The Spaniards were all carried to Murcia, except the inhabitants of the ſuburbs, who had liberty to return to their houſes. As ſoon as they landed, the governor threw himſelf out of a window and died. The French marines were ſent to France, except a captain, who refuſed to ſign the capitulation, and two lieutenants, who were left to take care of the priſoners, that were detained on account of the affair of Denia. When they arrived at Toulon, Lajonquiere was confined for life, and all the captains received marks of their maſter's diſpleaſure. But the captain, who ſtood out againſt the capitulation, was promiſed a reward. General Stanhope appointed brigadier Petit, governor of fort St. Philip, and deputy-governor of the whole iſland. By this conqueſt our fleet had got a ſafe port to lie in and refit, and to retire to on all occaſions; for till then we had no place nearer than Liſbon [m].

Beſides the conqueſt of Minorca by the allies, and the

[l] Engliſh ——— ——— ——— 751
Neapolitans — — — 718
Spaniards — — — 298
Portugueſe ——— ——— ——— 757
Marines — — — 760
3284

[m] The earl of Sunderland wrote the following letter to general Stanhope upon the reduction of Minorca:

Whitehall, October 20, 1708.

Sir,

I received on Monday the favour of yours of the 30th of September, N. S. by captain Moyſer, with the welcome news of your having taken Port Mahon; which, though it came at the ſame time as the news of taking of Liſle, yet was not at all leſſened by it: Every body looking upon our being in poſſeſſion of Port Mahon as of the laſt conſequence to the carrying on the war in Spain; beſides the other advantages, which, if we are wiſe, we may reap from it, both in war and peace. I cannot expreſs to you the ſenſe the queen, and every body here, has of your zeal and conduct in this affair, to which this very important ſucceſs is ſo much owing. I heartily condole with you for the loſs of your brother, which indeed is a public loſs to us all, he was ſo deſerving a young man. As ſoon as we heard of your being gone upon this expedition, orders were ſent to ſir George Byng, as ſoon as he ſhould come to Liſbon, to carry with him into the Mediterranean a ſufficient quantity of ſtores for a ſquadron to winter there; and, upon the good news captain Moyſer has brought, thoſe orders are renewed, ſo that you may depend upon that being effectually provided for. I do not ſay any thing to you

taking of Tortoſa by the duke of Orleans, nothing conſiderable was undertaken during the campaign, though the armies were incamped ſome months within a few miles of one another. But the enemies would not venture to attack us, notwithſtanding their ſuperiority; and marſhal Staremberg, who was reckoned the beſt general of the age for the defenſive, was contented to preſerve what we had left in Catalonia. Our army went into winter quarters the laſt of October; and, about the middle of November, the generals Starember and Stanhope formed the deſign of ſurpriſing Tortoſa, which was executed with the greateſt ſecrecy, but not with the expected ſucceſs. A detachment chiefly of grenadiers went, the 22d at night, to ſcalade the town, but, by the ignorance or treachery of the guides, the firſt ladders were ſet up over againſt the main guard, and cloſe to it: ſo that the whole garriſon was immediately alarmed, and marched to Barcelona gate, where the grenadiers were endeavouring to get the baſtion that covered it, who were ſo warmly attacked, that they were forced to retire, leaving many men killed, and moſt of the reſt wounded. This put an end to the deſign, and to all the operations of the campaign [n].

Beſides the having a ſafe port to retire to, the conqueſt of Minorca brought a further advantage to the allies, by defeating the French king's project of uniting the princes and ſtates of Italy in a league againſt the emperor, in order to rekindle war in that country: And a confederate fleet was ſeaſonably at hand to aſſiſt the Imperialiſts, who made a conſiderable progreſs in the eccleſiaſtical ſtate, and threatened to march to Rome, upon the following occaſion:

The emperor, and his brother, king Charles, had, for ſeveral years, impatiently borne the pope's partiality, which was of great prejudice to their affairs, and, in conſequence, to the common cauſe. But the pope having openly owned his engagements with the houſe of Bourbon, and his deſigns againſt that of Auſtria, and the whole confederacy, by his proceeding in relation to the pretender's expedition to Scotland, which, if attended with ſucceſs, would have ruined the grand alliance, and given a fatal wound to the liberties of Europe; the ſame did not only moſt ſenſibly affect thoſe two potentates and the duke of Savoy, againſt whoſe juſt pretenſions in eccleſiaſtical affairs the pope had fulminated his cenſures, but was reſented, with due indignation, by her Britannic Majeſty. Hereupon, the eccleſiaſtical revenues in the kingdom of Naples and duchy of Milan, belonging to perſons reſiding out of thoſe countries, who had neglected to take the oaths to king Charles, were put under ſequeſtration by the Imperial officers. And, not many days after, while the pope held a congregation about that affair, cardinal Grimani not only notified to him the diſ-

you of what you mention in relation to the troops from Naples, becauſe you will receive by Mr. Craggs the queen's approbation of what you have done in relation to it. I ſend you incloſed a letter of the queen's to the counteſs of Oropeſa, writ with her own hand. You will receive directions from my lord treaſurer, to give her, at the ſame, from the queen, the thouſand pounds you have ſo often mentioned. I muſt not omit telling you, that the queen does entirely approve of your leaving an Engliſh garriſon in Port Mahon, for the reaſons you mention, though ſome of them muſt be kept very ſecret. Her majeſty does approve alſo of the governor you have named, and is very well ſatisfied with your having the commiſſion you mention from the king of Spain, being ſatisfied you make no uſe of it but what is for the public ſervice. I have nothing more to trouble you with, but to aſſure you, that I am, with the greateſt truth and eſteem,

Sir,

Your moſt faithful humble ſervant,

SUNDERLAND.

P. S. Beſides the orders that are gone to ſir George Byng, captain Moyſer carries with him orders from the prince to ſir Edward Whitaker, in relation to the ſquadron's wintering at Port Mahon. You will receive with this packet a letter of the queen's to the king of Spain, in favour of the conde de Salazar, at the deſire and recommendation of ſeveral Spaniſh and Canary merchants.

[n] In our return from the camp to Barcelona (ſays the author of the manuſcript account of the campaigns in Spain) I went with major general Carpenter to view the convent of Mountſerrat, ſixteeen miles from it, which, for miracles and riches, is ſaid to be equal, and, by the Catalans, far to out-do that of the lady of Loretto. The treaſure of this chapel is immenſe in jewels and plate, and the income of the fryars, who are forty benedictines, beſides lay-brothers, is very conſiderable; and all owing to the pretended miracles of the bleſſed virgin, whoſe ſtatue in wood, of a very curious workmanſhip, and believed to be ſent by St. Peter from Rome to Barcelona, and carved by St. Luke, is ſet up behind the great altar. The mountain, on which the convent ſtands at the half way, is exceeding high and beautiful; the very top nature has adorned with twelve high rocks at equal diſtances, in the ſhape of ſugar loaves, which bear the names of the twelve apoſtles; in each a hermitage is built, little frequented, becauſe inacceſſible, but all inhabited by hermits, men of good families, and all reputed of great ſanctity. A German captain left his command and retired into one of them, having made great intereſt to obtain the firſt vacancy; there was a hermitage ſome hundreds of years, where this magnificent convent ſtands now. Great devotions were paid to a little ſtatue of the virgin which was worſhipped here, and abundance of miracles wrought, but none ſo wonderful as thoſe of the laſt found out ſtatue, which they tell you was found out in this manner: Some centuries ago, great numbers of people of the neighbouring towns, going in proceſſion to this hermitage on the feaſt of the aſſumption, in the month of Auguſt, were very much frightened, as they came to the bottom of this mountain, by a bull's coming out of a thicket, jumping and leaping in ſuch a manner, as drove moſt of the proceſſioners back, except the prieſts and ſome of the boldeſt Catalans, who were big with expectation of ſome miracle, which was ſoon wrought in their ſight; for this bull ſtopped of himſelf, after they had uſed their beſt endeavours to drive him away, about a hundred yards from the place where he came out; here he began to tear up the ground with his feet and horns, which confirmed the people in hopes of a miracle, and, ſpades and pick-axes being immediately ſent for, they began to dig up that ſpot where this famous ſtatue was found, and carried with extraordinary devotions and rejoicings into the chapel of the hermitage; here it was ſet up in the room of the little one, being well cleaned and varniſhed, and provided with fine cloaths, and ſuch crowds came to this place from all the parts of the kingdom, and from all the iſlands, as not only enriched the hermitage, but the whole neighbourhood: I aſked whether the bull was not canonized, the fryar anſwered me, no; but however the bull was very well taken care of, and had in great veneration, and religiouſly viſited as long as he lived, which was to an uncommon old age. As to the miracles wrought by the lady of Mountſerrat, they outdo many of thoſe that are recorded in their legend; but I ſhall relate only that, which was the occaſion of building that famous monaſtry: One Garinus, hermit in this place, debauched a beautiful young lady, daughter of the count of Barcelona, ſovereign of all Catalonia, who came to perform her devotions at the hermitage in her father's company, who uſed frequently to come to this mountain to hunt roebucks and wild-goats, with which it abounded. After this horrid fact, the young lady was deſtroyed, and her body caſt into a very deep ditch behind this hermitage, which the hermit carefully covered up; and then begun his journey to Rome, in the night, to ſue for a pardon and abſolution from the pope. When the count ſent for his daughter, neither ſhe nor the hermit were to be found, which cauſed a great affliction in the count's family, and many ſevere reflections againſt the young lady and the hermit, who were judged to have abſconded together. The penance impoſed by the pope on the hermit, was, that he ſhould return to the mountain in the night, ſtrip himſelf quite naked, walk upon all four, live upon graſs, and never ſtand upright before ſeven years were expired, and his lodging was to be in the hole of ſome rock; and that during the time of his penance, he ſhould not ceaſe to put up his prayers to the lady of the hermitage, that the count's daughter might be reſtored to life. The penance was ſtrictly performed, and in the middle of the ſeventh year, the count went for the firſt time, ſince this misfortune, to hunt on the mountain, when the dogs made up to the habitation of Garinus, and would have torn him to pieces, if the huntſmen had not made haſte to his reſcue: They were ſurprized to find a kind of monſter, who would not ſpeak, nor lift himſelf up, though he had the ſhape and features of a man. The count ordered him to be tied and led to Barcelona, where he continued chained in the corner of a ſtable, without eating any human food, but herbs, and many people had the ſight of this monſter. At laſt, on the very day that the ſeven years expired, the count made a very great feaſt for his family and others of his friends. Some of the company deſiring to ſee the monſter, he was brought to the door, when a child of five or ſix months old, ſon to one of the count's daughters, fixing his eyes upon him, ſpoke theſe words with a loud voice, Garinus riſe up, thy ſins are forgiven thee; upon which he run back with his keeper to the ſtable, the company being all ſtruck with fear and amazement at this great miracle: He began to ſpeak to his keeper, and deſired a ſheet to cover himſelf with, and that he would go to the count to obtain leave to come into his preſence, having a very great ſecret to reveal to him. He was immediately admitted, and upon his knees confeſſed his crime, but aſſured the count withal, that by his continued prayers to the lady of Mountſerrat, and her prevailing interceſſion, his daughter would be found living, and as well in all reſpects as ever ſhe was. The miracle of the child's ſpeaking made the count believe without heſitation all that Garinus told him, ſo that he gave immediate directions for a very grand proceſſion of all the orders of fryars and others to go to the holy mountain, for ſo it is called, to ſee the miracle that was wrought upon his daughter. When they came there, the young lady was found, and preſented to her father, in the ſame clothes ſhe had on when ſhe went from him, and looking as freſh, as young, and as well, as if ſhe had never gone from her father's houſe. The count was affected with ſo much gratitude for this ſurpriſing miracle in favour of his family, that he made a vow, before he left the place, to build and to endow that large monaſtry, that is now there. This whole hiſtory is beautifully painted in the cloyſters of the convent, and for the ſatisfaction of all ſtrangers, who reſort thither in great numbers yearly, it is printed upon large paper, and upon very thin ſilk, to make it more portable, and ſold for half a crown. The lay-brother, who ſhews the curioſities of this place, is a Fleming, and ſpeaks ſeveral languages: He was lieutenant in count Noyelles's regiment, and preferred this idle life to the fatigues of an army. After we had viewed every thing and eſpecially the treaſure, which, if all the jewels it contains be real, is beyond all valuation, we were carried to the abbot's apartment, where a nice collation was provided. After we had partaken of it, I walked with the interpreter into a balcony, into which the abbot's dining-room opens; from hence he ſhewed me the hole in the rock, where the famous Garinus lived during his penance: I aſked him in French whether he did believe it; the abbot who was talking with general Carpenter, who ſpoke very good Spaniſh, overheard me, and in a kind of emotion told me, yes, ſir, we believe it as much as we do the goſpel, which put a ſtop to all farther inquiries. Speaking of the richneſs and beauty of the crowns, that are put upon the ſtatue's head, eſpecially on great feſtivals, the abbot told us, that a Fleming jeweller was a good many years in making that of diamonds, that it is reputed worth ſixteen millions of pieces of eight, and that of emeralds, by reaſon of the bigneſs of the ſtones, is reckoned worth little leſs. That of diamonds is certainly, for the largeneſs of the ſtones, and the beautiful order in which they are fixed, the moſt excellent and richeſt piece of work of that kind now extant; and, to ſet it off the more, the top of it is a complete ſhip with maſts, and ſails, and cordage, &c. all of diamonds, a preſent of Iſabella, queen of Arragon. And it is no wonder if this place be ſo immenſely rich, conſidering the numberleſs vows, that are made by perſons in all ſickneſſes and diſtreſſes, eſpecially by women in labour, which are always very religiouſly performed. The two kings Charles and Philip made here their vows for the ſucceſs of their arms, and did offer each his preſent at the altar of the ſhrine; the firſt of a rich ſword ſet with diamonds, and the other of a gold chalice enriched with many jewels. They have in the outſide of the convent a good large houſe for the entertainment of ſtrangers, and of all the people that come to pay their vows, with very good accommodations, which brings a great yearly income.

appointment of the pretender's expedition, but, as a viceroy of Naples, and a grandee of Spain, ſignified to him, That king Charles expected he ſhould ſend a nuncio to Barcelona, to acknowledge him as king of Spain, deſiring his holineſs to conſider the fatal conſequences of his delaying that recognition, and continuing to own his competitor. Beſides which, at the ſolicitation of the court of Great Britain, the emperor was determined, in concert with duke of Savoy, to revive his old pretenſions to Comachio, and other places in the Ferrareſe, in order to check the pope, and oblige him to enter into ſuch meaſures, with reſpect to the rights and late acquiſitions of king Charles, as equity, and the peace and welfare of Naples and the Milaneſe, with the firm eſtabliſhment of their preſent ſovereign, neceſſarily required. The court of Rome ordered their miniſter at Vienna, to communicate to the emperor a letter from ſignior Piazza, ſecretrary of the memorials to the pope, wherein he endeavoured to extenuate what his holineſs was charged with, on occaſion of the late French expedition againſt Great Britain, though whatever arts they uſed to cover their remittances of money into France, they could not palliate the pope's appointing public prayers for the intended invaſion. On the other hand, the pope's refuſal to ſend, according to king Charles's demand, a legate a latere, to compliment his royal conſort in her paſſage through Italy, and to treat her as queen of Spain, having given a freſh diſguſt to the courts of Vienna and Barcelona, the Imperial troops, commanded by monſieur de Bonneval, in conjunction with thoſe of the duke of Modena, invaded the duchy of Ferrara, and took poſſeſſion of Comachio, a ſea-port town on the Adriatic ſea, Lugo, Argenta, Canale, Preſnero, Magnavacca, Condegoro, Pampoſa, Bagnecavallo, and ſome other ſmall places, on pretence of their being allodial ſtates, belonging to the duke of Modena, and fiefs of the emperor, to which the holy ſee had no lawful claim, and which were expreſsly excepted in the treaty between Clement the eighth, and Cæſar of Eſte. At the ſame time, the viceroy of Naples forbid, on pain of death or baniſhment, the remitting any money to Rome, or any other part of the territories of the church; and the council of the kingdom drew up a long memorial of the pretenſions of his catholic majeſty againſt the court of Rome, which ſtruck at the very foundations of the temporal power of the pope. Upon the firſt alarm of the Imperialiſts marching into the Ferrareſe, the pope wrote a letter to the emperor, wherein he remonſtrated, "That theſe things were attempted by the abuſe of his Imperial majeſty's name, againſt all juſtice, equity, and reverence due to the Roman pontiff, and the rights of the church: That they were contrary to the divine and human laws, and repugnant to the title of the defender of the church, which his famous anceſtors had taken as a great honour and glory." The pope declared withal, "That he would aſſert this cauſe, though he ſhould be ſure to loſe his life upon that account." But, before his letter reached Vienna, general Bonneval had put his orders in execution; and, when received, it rather exaſperated than allayed the reſentment of the emperor, who thereby plainly ſaw, that the pope was ſo far from offering any ſatisfaction, that, on the contrary, he threatened him both his ſpiritual and temporal arms. And, indeed, the pope reſolved to repel force by force; and, for that purpoſe, began to raiſe an army, the command of which he gave to count Marſigli, who was formerly diſmiſſed the emperor's ſervice, for not performing his duty at the ſiege of Briſac. At the ſame time, the pope's miniſters revived the project, which they had ſet on foot three years before, of a league of the princes and ſtates of Italy, for their mutual ſecurity, which was defeated by the terror of the confederate fleet. Nor had his holineſs's earneſt application to the French king for ſuccours better ſucceſs, that prince having, at this juncture, too much work upon his own hands, and his country lying, beſides, at too great a diſtance from the eccleſiaſtical ſtate. Notwithſtanding theſe diſappointments, the court of Rome went on with their new levies, which were encreaſed by the troops ſent from Avignon. But though the pope's ſubjects drew the firſt blood in the Ferrareſe, and forced the Germans to quit ſeveral poſts; yet the emperor, chuſing rather the way of negotiation than of the ſword, ſent orders to the marquis de Prie, a Piedmonteſe lord, to purſue his journey to Rome, to know from the pope himſelf, Whether he would have peace or war? In the mean time, his Imperial majeſty, and the duke of Savoy, by their interceſſion with the queen of Great Britain, ſuſpended the execution of the orders ſent to ſir John Leake for bombarding and deſtroying Civita Vecchia.

The pope's coffers being exhauſted, he held a conſiſtory on the 24th of September, N. S. at which aſſiſted forty-two cardinals, whom he acquainted, "That he was obliged to have recourſe to extraordinary means, and therefore thought, that part of the three millions of golden crowns, depoſited by Sixtus the fifth in the caſtle of St. Angelo, ought to be employed in theſe preſſing neceſſities of the church." His propoſal appeared extraordinary to ſome cardinals, who repreſented, that this treaſure was ſacred, and never to be made uſe of, but when all other means failed: That the preſent caſe of the church was indeed difficult enough, yet far from being deſperate, ſince they had to deal with the firſt chriſtian prince, who could not have in view the deſtruction of the church: That this diſpute might be made up in a pacific way, inſtead of being decided by the ſword. And therefore they exhorted the pope to conſider ſeriouſly the fatal conſequences of a raſh rupture with the emperor, and to ſtand on his guard againſt the ſuggeſtions of ſome fiery perſons, who were altogether for war, in hopes to better their fortunes during the confuſions of it. But this repreſentation had little effect upon the pope, who was too partial to hearken to any advice, that was not for the intereſt of France; and, moſt of the cardinals there preſent being of the French and Spaniſh factions, they reſolved to take out of the treaſury of the caſtle of St. Angelo five hundred thouſand golden crowns, upon a ſolemn promiſe made by the pope, that the like ſum ſhould be again depoſited in the ſame place as ſoon as the war was over. The pope was ſo highly elated with his ſucceſs in this important debate, that he declared he would not hearken to any propoſals made on the part of the emperor, nor receive any envoy or miniſter from him, till the Imperial forces were withdrawn from Comachio, and other parts of the eccleſiaſtical ſtate; which raſh reſolution was probably ſuggeſted to him by the marſhal de Treſſe, who was lately come to Rome with the character of the French king's ambaſſador extraordinary, in order to inflame the rupture, and encourage the pope with great aſſurances of ſupport. He was ordered likewiſe to try, whether the grand duke of Tuſcany, and the republics of Venice and Genoa, could be engaged in an alliance againſt the Imperialiſts. The emperor bore all the pope's threats with great patience, till the duke of Savoy ended the campaign, when the Imperial troops, that had been commanded by that duke, were ordered to march into the pope's territories, and were joined by ſome more forces drawn out of the Milaneſe and the Mantuan. The pope's troops began the war in a very barbarous manner; for, while they were in a ſort of a ceſſation, they ſurprized a body of the Imperialiſts, and without mercy put them to the ſword. But, as the Imperial army advanced, the Papalins, or, as the Italians in deriſion called them, the Papagallians fled every where before them, even when they were three to one. As they came on, the pope's territories and places were all caſt open to them. Bologna, the moſt important and the richeſt of them all, capitulated, and received them without the leaſt reſiſtance. The people at Rome were uneaſy at the pope's proceedings, and at the apprehenſions of a new ſack from a German army. They ſhewed this ſo openly, that tumults there were much dreaded, and many cardinals declared openly againſt the war. Upon this the pope declared, that he was ready to receive the marquis de Prie, who arrived at Rome on the 24th of October, N. S. however many days paſſed before the pope would admit him to his audience, upon a punctilio about the ceremonial, becauſe he had no other character than of plenipotentiary of the emperor, which, it was pretended, was not admitted at the papal court. This difficulty being at laſt removed by the pope's ſignifying to the marquis, that he would receive him with the ſame ceremonies, as were obſerved at the audience of count Martinitz, when he went through Rome to Naples, to take poſſeſſion of the dignity of viceroy of that kingdom, that miniſter went to his audience, on the 10th of November, N. S. and, in a few days after, delivered his propoſals for an accommodation, importing in ſubſtance, "1. That the pope ſhould diſband his new levies: 2. Give winter quarters to the Imperial troops in his territories: 3. And the inveſture of Naples to Charles III, and acknowledge him as king of Spain: And, 4. That he ſhould allow the Imperialiſts paſſage through his dominions, as often as there ſhould be occaſion." The pope was amazed at theſe high terms, but there was no remedy left. The ill ſtate of affairs in France was now ſo viſible, that no regard was had to the great promiſes, which Teſſe was making, nor was there any hopes of drawing the princes and ſtates of Italy into an alliance for his defence. In concluſion the pope, after he had delayed yielding to the emperor's demands long enough to give the Imperialiſts time to eat up his country, at laſt ſubmitted to every thing; yet he delayed acknowledging king Charles for ſome months,

though he then promiſed to do it; upon which the emperor drew his troops out of his territories. The pope turned over the manner of acknowledging king Charles to a congregation of cardinals; but they had no mind to take the load of this upon themſelves, which would draw an excluſion upon them from France in every conclave, and therefore left it to the pope, who affected delays; ſo it was not done till the 15th of January, 1709, N. S.

With regard to the campaign in Germany, the elector of Bavaria had been ſent to command on the Upper Rhine. The true reaſon was believed, that he might not pretend to continue in the chief command in Flanders. He was put in hopes of being furniſhed with an army ſo ſtrong, as to be able to break through into Bavaria. The elector of Hanover again undertook the command of the army of the empire. Both armies were weak, but they were ſo equally weak, that they were not able to undertake any thing on either ſide; and therefore, after ſome months, in which there was no conſiderable action, the forces on both ſides went into winter quarters.

The affairs in Hungary continued in the ſame ill ſtate, in which they had been for ſome years. The emperor did not grant the demands of the diet, that he had called; nor did he redreſs their grievances; and he had not a force ſtrong enough to reduce the malecontents; ſo that his council could not fall on methods, either to ſatisfy or ſubdue them.

Poland continued ſtill to be a ſcene of war and miſery. To other calamities they had the addition of a plague, which laid ſome of their great towns waſte. The party formed againſt Staniſlaus continued ſtill to oppoſe him, though they had no king to head them. The king of Sweden's warlike humour poſſeſſed him to ſuch a degree, that he reſolved to march into Muſcovy. The Czar tried, how far ſubmiſſions and interceſſions could ſoften him; but he was inflexible.

He marched through the Ukrain, but made no great progreſs. The whole Muſcovite force fell on one of his generals, who had about him only a part of the army, and gave him a total defeat, moſt of his horſe being cut off.

The elector Palatine was this year reſtored to the poſſeſſion of the upper Palatinate, with the title and rank, which had been veſted in the houſe of Bavaria by the treaty of Munſter. And the elector of Brunſwick Lunenburg was at laſt acknowledged as ſuch by the electoral college. The duke of Savoy received the inveſtiture of the Mantuan, Montferrat, and other adjacent countries; and the ban of the empire was, on the 30th of June, N. S. publiſhed againſt the duke of Mantua, which probably haſtened his death, which happened five days after. The mediation of Great Britain did not a little contribute towards the pacifying of the inteſtine diviſions of the city of Hamburgh. But though, at the deſire of the king of Sweden, the queen had readily accepted the guaranty of the treaty of Alt Ranſtadt, yet the reformed in Sileſia, received no benefit from her Majeſty's earneſt interpoſition in their favour; the court of Vienna, now freed from the dread of the king of Sweden's reſentment, pretending, that the Lutherans only, and not the Calviniſts, were included, both in that treaty, and in that of Weſtphalia.

Our affairs at ſea wer leſs unfortunate this year, than they had been formerly. The merchants were better ſerved with convoys, and no conſiderable loſſes were ſuſtained. Commodore Wager gained a ſignal advantage againſt the Spaniſh galleons in the Weſt Indies. He had, on the 22d of December, 1707, returned to Jamaica, from the coaſt of Hiſpaniola, upon ſome advices of the arrival of Monſieur Du Caſſe, with a French ſquadron of great force, in order, as it was ſuppoſed, to make ſome attempt upon Jamaica. The next day the commodore, being then with his ſquadron in Port Royal harbour, held a council of war, to conſider of the ſeveral advices he had received. During the month of January, he ſent out ſeveral ſhips to cruize, and to get intelligence of the enemy; and, on the 5th of February, it was reſolved, in a council of war, to go over to the Spaniſh coaſt. Accordingly, the commodore ſailed in a few days after to the Keys, where he was joined by ſeveral other ſhips and ſloops. Upon advice, that the Spaniſh galleons were gone from Carthagena for Porto Bello, the commodore ſailed with ſuch ſhips as were ready, leaving directions, how and where the reſt ſhould join him. On the 25th they came to an anchor off the iſle of Pines. In March, the commodore received advice at two ſeveral times from captain Pudner, who was ſtationed near Porto Bello, that the galleons, with the king's money, could not ſail before the firſt of May; upon which it was reſolved to return to Jamaica, but it was given out, that they were only gone to cruize. On the 6th of April, the commodore ancored at Port-Royal keys, and having taken in proviſions, he ſailed again on the 14th, and about eight or ten days after, gave chace to ſeveral ſhips off Bocca Chica, ſome of which eſcaped into Carthagena, and others he loſt ſight of in hazy weather. On the 23d of May, the Anne ſloop joined the commodore from the Baſtimentes, and brought a letter from captain Pudner, with advice, that the galleons, being thirteen ſail, were at ſea, coming from Carthagena. The commodore had then with him the Expedition, Kingſton, Portland, and Vulture fire-ſhip, and cruized till the 27th, in expectation of the galleons; but, not meeting with them, he began to fear they had intelligence of his being on the coaſt, and were gone for the Havanna. On the 28th of May, about noon, the galleons, in all about ſeventeen ſail, were diſcovered from his top-maſt head; and, at the ſame time, they diſcovered him, but, deſpiſing ſo ſmall a force, reſolved to proceed. He chaſed them till evening, when they, finding they could not weather the Baru, a ſmall iſland, which lay in their paſſage to Carthagena, reſolved to diſpute the matter there, and ſtretching therefore to the northward with an eaſy ſail, they drew as well as they could into a line of battle. The admiral, who wore a white pennant at the main-top-maſt head, in the centre, the vice-admiral, with the ſame pennant at the fore-top-maſt head, in the rear, and the rear-admiral, who bore the pennant on the mizen-top-maſt head, in the van, about half a mile from each other, there being other ſhips between them. Of the ſeventeen two were ſloops, and one a brigantine, which ſtood in for the land; two others of them were French ſhips, which, running away, had no ſhare in the action; the reſt were Spaniards. The commodore inſtantly made his diſpoſition; he reſolved to attack the admiral himſelf; gave orders to captain Simon Bridges, who commanded the Kingſton, to engage the vice-admiral, and ſent his boat to the Portland, commanded by captain Edward Windſor, with orders to attack the rear-admiral; and, as there was no immediate occaſion for the fire-ſhip, ſhe plied to the windward.

The ſun was juſt ſetting, when commodore Wager came up with the admiral, and then beginning to engage, in about an hour and half's time (it being dark) ſhe blew up, not without great danger to the Expedition, from the ſplinters and planks, which fell on board her, on fire, and the great heat of the blaſt. Hereupon the commodore put abroad his ſignal lights for keeping company, and endeavoured to continue ſight of ſome of the enemies ſhips; but finding, after this accident, they began to ſeparate, and diſcovering but one, which was the rear admiral, he made ſail after her, and coming up about ten o'clock, when he could not judge which way her head lay, it being very dark, he happened to fire his broad-ſide into her ſtern, which did ſo much damage, that it ſeemed to diſable her from making ſail; and being then to leeward, he, tacking on the Spaniard, got to windward of him, and the Kingſton and Portland (which had by reaſon of the darkneſs of the night, or the blowing up of the admiral, loſt ſight of the other ſhips) following his lights ſoon after, came up with him, and aſſiſted in taking the rear admiral, who called for quarter about two in the morning. On board of this ſhip he ſent his boats to bring to him the chief officers; and, before the riſing of the ſun, he ſaw one large ſhip on his weather bow, and three ſail upon the weather quarter, three or four leagues off, lying then with their heads to the north, the wind being at north-eaſt, an eaſy gale. Then he put out the ſignal for the Kingſton and Portland to chace to windward, not being able himſelf to make ſail, being much diſabled; and, as he had a great part of his men in the prize, ſo were there no leſs than three hundred priſoners on board his own ſhip.

On Sunday the 30th, the wind being from the north-eaſt, to the north north-weſt, and but little of it, the Kingſton and Portland had left off chaſe; but the commodore made the ſignal for continuing it, which they did, and ran him out of ſight, the fire ſhip ſtill continuing with him; and he having lain by ſome time, not only to put the prize in a condition of ſailing, but to refit his own rigging, made ſail eaſtward on the 31ſt, when the Kingſton and Portland joined him, and gave him an account, that the ſhip they chaſed was the vice admiral, to which, as they ſaid, they came ſo near, as to fire their broadſides into her, but were ſo far advanced towards the Salmadinas, a ſhoal off Carthagena, that they were forced to tack, and leave her. This gave the commodore great uneaſineſs, and determined him to call the captains of theſe ſhips to account; but, in the mean time he ſent them orders to take or deſtroy a galleon of forty guns, which he underſtood by a Swediſh ſhip, that had been trading at Baru, had taken ſhelter in that iſland. She was juſt coming out of port, as the Kingſton and Portland appeared; upon which her crew ran her a-ſhore, ſet her on fire, and blew her up, ſo that nothing could be got out of her, as the captains affirmed, and, as it appeared to the commodore afterwards, was true. On the 2d of June,

the commodore finding his provifions and water ſhort, the wind contrary, and nothing more to be done in thoſe parts, reſolved to ſet the Spaniſh priſoners a-ſhore, according to their requeſt, on the iſland of Baru, and then proceed for Jamaica; which he performed accordingly; and the Spaniſh rear admiral retained, as long as he lived, a grateful ſenſe of the commodore's civility.

On the 8th of July, the Expedition, Kingſton, and Vulture fireſhip, brought the prize ſafe into Port Royal harbour [o]: Here the commodore found the new act of parliament for the diſtribution of prizes; and though he had before permitted the ſailors to plunder as they thought fit, when the prize was taken, yet now he appointed agents, in obedience to that act of parliament, and ordered captain Long to deliver up near thirty thouſand pounds worth of ſilver and effects, that he had taken between decks, in order to ſatisfy the ſailors of the uprightneſs of his intentions. He likewiſe took care to diſpatch intelligence to England, that ſhips might be fitted out to cruize for the galleons, that had eſcaped; and, on the 23d of July, he held a court-martial on the two captains Bridges and Windſor, who were both diſmiſſed for not having done their duty in the late engagement [p].

Another ſquadron of the Britiſh fleet, under the command of ſir George Byng, carried over the arch-ducheſs Mary Anne, married to the king of Portugal, which was performed with great magnificence: She had a quick and eaſy paſſage, arriving at Liſbon on the 27th of October. This did in ſome meaſure make amends to that crown for our failing them in not ſending over the ſupplies, that had been ſtipulated. And it was a particular happineſs, that the Spaniards were ſo weak, as not to be able to take advantage of the naked and unguarded ſtate, in which the Portugueſe were at that time.

After this large account of foreign affairs, it is time to return to the tranſactions at home.

In the month of July, an ambaſſador from the emperor of Fez and Morocco arrived in Great Britain with a preſent of ſix lions for the queen; but upon his coming to Hammerſmith near London, he was put under an eaſy confinement by way of reprizal for the reſtraint put upon captain Delaval, the queen's envoy in that country, before he reached that court; which happened upon a falſe report, that ſome ill uſage had been offered to Hamet Ben Hamet Cardenas, the late Morocco ambaſſador here. But, upon better information, the captain was releaſed, as was alſo the Morocco ambaſſador. However the Britiſh envoy did not think fit to go in perſon to the court of Morocco, and only ſent thither, with her majeſty's letter and preſent, Mr. Corbiere, his ſecretary, who was received with great demonſtrations of reſpect.

About this time an indignity offered in London to count de Matueof, the Muſcovite ambaſſador, was highly reſented, not only by himſelf, but likewiſe by all concerned in the preſervation of the rights and privileges of public miniſters. Thomas Morton, a laceman in King-ſtreet, Covent-garden, and ſome other tradeſman, to whom the ambaſſador owed ſeveral ſums of money, amounting in the whole to about three hundred pounds, finding he had taken his audience of leave, and being apprehenſive that he would leave the kingdom without paying his debts, though a merchant in the city, trading to Muſcovy, had ſet a day for ſatisfying moſt of them, held ſeveral conſultations together, and at laſt reſolved to arreſt him; which was done accordingly, on the 21ſt of July, in the open ſtreet, with ſeveral aggravating circumſtances. For the ambaſſador, not knowing at firſt the reaſon of his being ſeized, and imagining he was ſet upon by villains, ſtruggled in his own defence, and was ill uſed and overpowered by the bailiffs who carried him to a ſpunging-houſe at the ſign of the Black Raven, where he was detained till the earl of Feverſham and a merchant of the city had bailed him. The ambaſſador, incenſed at this inſult, in violation of the law of nations, applied himſelf for redreſs to the government; and the next day wrote a letter to Mr. ſecretary Boyle, when he urged, "That the queen who was ſo jealous of the reſpect due to the ambaſſadors of crowned heads, and had ſo glorioufly vindicated the honour of the earl of Mancheſter, her ambaſſador at Venice, and cauſed a rigorous puniſhment to be inflicted on the officers of the cuſtom-houſe, ſome of whom were ſet in the pillory, and others condemned to the gallies, only for inſulting the gentlemen of his retinue, could not but moſt juſtly revenge the affront put upon him by a corporal puniſhment. The count Zobor, who was delivered up to the diſcretion of the king of Sweden for picking a quarrel with his envoy, likewiſe afforded an inſtance of the ſatisfaction he required, as being deſirous of nothing with greater earneſtneſs than to avoid all the ill conſequences of this affair. For in caſe the criminals were connived at, under any colour whatſoever, he ſhould be obliged to take other meaſures, and retire without recredentials, leaving the whole matter to the management of his Czariſh majeſty, his maſter, as the protector of his injured honour, and of his abuſed miniſter."

At the ſame time count Gallas, the emperors envoy, the baron Spanheim, ambaſſador from the king of Pruſſia, and ſeveral other foreign miniſters, thinking themſelves concerned in the affront put upon their character, demanded a due reparation for the ſame: All which having been laid before the queen, who ſtill continued at Windſor, ſhe expreſſed a very great reſentment for the indignity offered to the Muſcovite ambaſſador, and commanded an extraordinary council to be ſummoned on the 25th of July on that occaſion. Mr. Morton, and ſome other creditors, with the attorney, bailiffs, and other perſons concerned in the arreſt of the ambaſſador, having been examined, were committed to the cuſtody of ſeveral meſſengers, and ordered to be proſecuted with the utmoſt ſeverity, according to law. The next day, before Mr. Boyle was returned from Windſor, the Muſcovite ambaſſador wrote to him another letter, importing, "That as he had not received any teſtimony of concern, or regret, either from the queen, or any of her miniſters, ſince he had ſent him his complaints in writing, he found himſelf obliged to preſs for his departure; and therefore entreated Mr. ſecretary to get a paſſport for him as ſoon as poſſible." Mr. Boyle acquainted the ambaſſador, "That ſeven of the accomplices, in the deſperate attempt upon his perſon, were committed to priſon, and under proſecution, by order of the privy-council, who were to meet again about that affair as ſoon as poſſible." But the ambaſſador being impatient to leave the kingdom, wrote a third letter on the 27th of July to Mr. ſecretary, for a paſſport for himſelf and family. Mr. Boyle wrote, two days after, a letter to the ambaſſador, acquainting him, "That he had that morning ſent him the paſſport he deſired: That orders had been iſſued out to the officers of the cuſtom-houſe to wait on him, to cauſe his equipages to be tranſported without any moleſtation; and he hoped they had alreſdy done that to his ſatisfaction: That an extraordinary meeting of the queen's privy-council was to be held that day, to inquire further into the circumſtances of that diſmal affair: That they had made a ſtrict ſearch after thoſe were any ways concerned therein; and had cauſed ten others to be apprehended: That expreſs orders had been given to the attorney-general, to proſecute the ſeventeen perſons now confined, with the utmoſt rigour; and to omit nothing that might contribute towards making him the moſt ſignal reparation, that could be, according to our law." Notwithſtanding theſe aſſurances, the ambaſſador refuſed the ordinary preſents made to miniſters of his character, which were made to him by the queen, dated the 17th September, wherein that prince demanded no leſs, than "That a capital puniſhment according to the rigour of the law, be inflicted on all the accomplices of the indignity put upon the perſon of his ambaſſador; or at leaſt, ſuch a one as was adequate to the nature of the affront, which every particular perſon put upon the ambaſſador." Such a puniſhment being altogether inconſiſtent with the laws of England, this unlucky affair gave no ſmall uneaſineſs to the queen and miniſters [q].

[o] The priſoners gave an account, that the admiral was a ſhip of ſixty-four braſs guns, with ſix hundred men, called the St. Joſeph, and had on board as ſome ſaid, five millions of pieces of eight; but according to others, ſeven millions in gold and ſilver: That the vice-admiral mounted ſixty-four braſs guns, and had between four and five hundred men, with four, or, as ſome ſaid, ſix millions of pieces of eight: And that the rear-admiral was mounted with four and twenty guns, having eleven more in the hold, and between three and four hundred men: But that upon ſome difference between the admiral and him at Porto-Bello, orders were given that no money ſhould be ſhipped on board her; ſo that thirteen cheſts of pieces of eight, and fourteen pigs or ſows of ſilver, which were privately brought on board that night, and belonged to ſome of the paſſengers, was all the treaſure, which was on board, except what others might have about them, or were in trunks, of which they could give no account. This is the account, which the priſoners gave. Several relations publiſhed ſoon after that time make the riches of the admiral and vice admiral to have been far greater, the former at leaſt thirty, and the latter twenty millions of pieces of eight. They all however agree, that the rear-admiral had no regiſtred-money on board. The other Spaniſh ſhips had little or no money on board, but were chiefly laden with cocoa, as the rear-admiral was, and but one of them was of any conſiderable force, being of ſeven hundred tuns burden, and having forty braſs guns, and an hundred and forty men. But the two French ſhips had about an hundred thouſand pieces of eight on board.

[p] Captain Bridges of the Kingſton was diſmiſſed, becauſe he left off chaſe within ſhot of the Spaniſh vice-admiral, doubting the pilot's knowledge, and being near the ſhoal of Salmadinas, though the pilot offered to carry the ſhip within ſhoal. Captain Windſor of the Portland was alſo diſmiſſed, for not bearing ſo near the enemy, as to keep ſight of ſome of them, when they were engaged on the 28th in the night; for leaving off chaſe the next day, and for ſhortening ſail on the 30th, before he came up ſo far with the Spaniſh vice-admiral near Salmadinas, as he might have done.

[q] Mr. Addiſon gave the following account of this affair, in a letter to the earl of Mancheſter, dated at the Cock-pit, July 23d, 1608, O. S. and publiſhed in Cole's Memoirs of affairs of State, p. 546. "We had an unlucky buſineſs

On the 28th of October, about ten in the forenoon, died prince George of Denmark, in the 56th year of his age, after he had been twenty-five years and ſome months married to the queen. He had, for many years, been troubled with an aſthma, and ſometimes a ſpitting of blood, which often endangered his life; and about three months before, a dropſical humour, with which he had been formerly afflicted, ſeized his legs and moſt parts of his body. This was attended with a ſleepineſs, cough, and an increaſe of the aſthma; and on Saturday the 23d of October, the violence of the cough produced a ſpitting of blood and an increaſe of the ſleepineſs, with an addition of the convulſive motions of the tendons; which ſymptoms not yielding to the remedies adminiſtered by his own and ſeveral other phyſicians, he fell into a ſuffocation, and which neither bleeding, nor a vomit, could relieve him, ſo that he ſoon after expired. The queen, who, during the whole courſe of her marriage, had been a moſt tender and affectionate wife to him, in his laſt illneſs, which laſted ſome years, would never leave his bed, but ſate up, ſometimes half the night in the bed by him, with ſuch care and concern, that ſhe was looked on very deſervedly as a pattern in this reſpect. The prince was duke of Cumberland, lord-high-admiral of Great Britain and Ireland, generaliſſimo of all her majeſty's forces both by ſea and land, and warden of the cinque-ports. He had ſhewed himſelf brave in the wars both in Denmark and in Ireland. His temper was mild and gentle. He had made a good progreſs in mathematics. He had travelled through France, Italy, and Germany, and knew much more than he could well expreſs; for he ſpoke acquired languages ill and ungracefully. He was free from all vice. He meddled little in buſineſs, even after the queen's acceſſion to the crown. He was ſo gained by the tories, by the act which they carried in his favour, that he was much in their intereſt. He was unhappily prevailed with to take on him the poſt of lord-high-admiral, of which he underſtood little, but was fatally led by thoſe, that had credit with him, who had not all of them his good qualities, but had both an ill temper and bad principles. His being bred to the ſea gained him ſome credit in thoſe matters. In the conduct of our affairs, as great errors were committed, ſo great misfortunes had followed on them. As ſoon as the prince had reſigned his laſt breath, the queen came from Kenſington to her palace at St. James's, where ſhe reſided the whole winter. On the 11th of November, the body his royal of highneſs was carried from Kenſington to the painted chamber, within the palace of Weſtminſter, where having lain in ſtate till the 13th, it was that night interred in the Abbey-church, with all the pomp conſiſtent with a private funeral.

The death of prince George occaſioned ſome alterations at court; for the earl of Pembroke was, on the 25th of November, advanced to the poſt of lord-high-admiral, which he entered on with great uneaſineſs, and a juſt apprehenſion of the difficulty of maintaining it well in a time of war. He was at that time both lord-preſident of the council, and lord-lieutenant of Ireland. The earl of Wharton had the government of Ireland (who made Mr. Addiſon his ſecretary) and the lord Sommers was made lord preſident of the council. The great capacity and inflexible integrity of the lord Sommers would have made his promotion to this poſt very acceptable to the whigs at any juncture, but it was moſt particularly ſo at this time; for it was expected, that propoſitions for a general peace would be quickly made; and ſo they reckoned, that the management of that, upon which not only the ſafety of the nation, but of all Europe depending, was in ſure hands, when he was ſet at the head of the counſels, upon whom neither ill practices nor falſe colours were like to make any impreſſion. Thus the minds of all thoſe, who were truly zealous for the preſent conſtitution, were much quieted by this promotion, though their jealouſies had a deep root, and were not eaſily removed.

It may here be obſerved, that, notwithſtanding the duke of Marlboroughs's ſucceſſes this year, and the queen's kind letter to him on occaſion of his victory at Oudenard [p], his intereſt with her began greatly to decline, through the intrigues of Mrs. Maſham and Mr. Harley, all the ſummer [r].

buſineſs about two days ago, that befel the Muſcovite ambaſſador, who was arreſted going out of his houſe and rudely treated by the bailiffs. He was then upon his departure for his own country, and the ſum under an hundred pounds that ſtopped him; and, what makes the buſineſs worſe, he has been punctual in his payments, and had given order, that this very ſum ſhould be paid the day after. However, as he is very well convinced, that the government entirely diſapproves ſuch a proceeding, there are no ill conſequences apprehended from it. Your lordſhip knows, that the privileges of ambaſſadors are under very little regulations in England; and I believe, that a bill will be promoted in the next parliament for ſetting them upon a certain foot; at leaſt it is what we talk of in both offices on this occaſion.'

[q] This letter is printed in the Account of the Ducheſs of Marlborough's Conduct, and was as follows:

Windſor, July 6, 1708.

I want words to expreſs the joy I have, that you are well, after your glorious ſucceſs; for which, next, to God Almighty, my thanks are due to you. And indeed I can never ſay enough for all the great and faithful ſervices you have ever done me. But be ſo juſt as to believe, I am as truly ſenſible of them as a grateful heart can be, and ſhall be ready to ſhew it upon all occaſions. I hope you cannot doubt of my eſteem and friendſhip for you, nor think, that, becauſe I differ with you in ſome things, it is for want of either. No, I do aſſure you, if you were here, I am ſure you would not think me ſo much in the wrong in ſome things, as I fear you do now. I am afraid my letter ſhould come too late to London, and therefore dare ſay no more, but that I pray God Almighty to continue his protection over you, and ſend you ſafe home again. And be aſſured I ſhall ever be ſincerely

Your humble ſervant.

To this the duke anſwered:

July 23, 1708.

Madam,

I have the honour of your majeſty's letter of the 6th, and am very thankful for all your goodneſs to me. And I am ſure, it will be always my intention, as well as my duty, to be ready to venture my life for your ſervice.

As I have formerly told your majeſty, that I am deſirous to ſerve you in the army, but not as a miniſter, I am every day more and more confirmed in that opinion, and I think myſelf obliged upon all accounts on this occaſion to ſpeak my mind freely to you. The circumſtances in this laſt battle, I think, ſhew the hand of God; for we were obliged, not only to march five leagues that morning, but to paſs a river before the enemy, and to engage them before the whole army was paſſed, which was a viſible mark of the favour of heaven to you and your arms.

Your majeſty ſhall be convinced from this time, that I have no ambition, or any thing to aſk for myſelf or family. But I will end the few years, which I have to live, in endeavouring to ſerve you, and to give God Almighty thanks for his infinite goodneſs to me. But, as I have taken this reſolution to myſelf, give me leave to ſay, that I think you are obliged in conſcience, and as a good chriſtian, to forgive, and to have no more reſentments to any particular perſon or party, but to make uſe of ſuch as will carry on this juſt war with vigour; which is the only way to preſerve our religion and liberties, and the crown on your head. Which that you may long enjoy, and be a bleſſing to your people, ſhall be the conſtant wiſh and prayer of him, that is with the greateſt truth and duty,

Madam, &c.

[r] The ducheſs of Marlborough, in the Account of her Conduct, p. 206, obſerves, that the duke was perfectly ſenſible of the change in her majeſty towards him; and having complained of it in a letter to the ducheſs, ſhe ſent that letter to the queen, incloſed in the following one to herſelf:

'I cannot help ſending your majeſty this letter, to ſhew how exactly lord Marlborough agrees with me in my opinion, that he has now no intereſt with you: Though when I ſaid ſo in the church on Thurſday [Auguſt 19, 1708,] you were pleaſed to ſay it was untrue. And yet I think he will be ſurprized to hear, that when I had taken ſo much pains to put your jewels in a way, that I thought you would like, Mrs. Maſham could make you refuſe to wear them in ſo unkind a manner; becauſe that was a power ſhe had not thought fit to exerciſe before. I will make no reflections upon it; only that I muſt needs obſerve, that your majeſty choſe a very wrong day to mortify me, when you were juſt going to return thanks for a victory obtained by lord Marlborough.'

In anſwer to this, the queen wrote the ducheſs theſe few words:

Sunday.

'After the commands you gave me on the Thankſgiving-day of not anſwering you, I ſhould not have troubled you with theſe lines, but to return the duke of Marlborough's letter ſafe into your hands, and for the ſame reaſon do not ſay any thing to that, nor to yours, which incloſed it."

Upon receiving this letter, the ducheſs wrote again as follows:

'I ſhould not trouble your majeſty with any anſwer to your laſt ſhort letter, but to explain what you ſeem to miſtake in what I ſaid at church. I deſired you not to anſwer me there, for fear of being overheard. And this you interpret, as if I had deſired you not to anſwer me at all, which was far from my intention. For the whole end of my writing to you ſo often, was to get your anſwer to ſeveral things, in which we differed, that, if I was in the wrong, you might convince me of it, and I ſhould very readily have owned my miſtakes. But, ſince you have not been pleaſed to ſhew them to me, I flatter myſelf, that I have ſaid ſeveral things to you, that are unanſwerable. And, I hope, ſome time or other you will find leiſure to reflect upon them, and will convince lord Marlborough, that he is miſtaken in thinking, that he has no credit with you, by hearkening ſometimes to his advice; and then, I hope, you will never more be troubled with diſagreeable letters from me; for I ſhould be much better pleaſed to ſay and do every thing you like. But I ſhould think myſelf wanting in my duty to you, if I ſaw you ſo much in the wrong, as without prejudice or paſſion I really think you are in ſeveral particulars I have mentioned, and did not tell you of it; and the rather, becauſe no body elſe cares to ſpeak out upon ſo ungrateful a ſubject. The word command, which you uſe at the beginning of your letter, is very unfitly ſuppoſed to come from me. For though I have always writ to you as a friend, and lived with you as ſuch for ſo many years with all the truth and honeſty and zeal for your ſervice, that was poſſible; yet I ſhall never forget, that I am your ſubject, nor ceaſe to be a faithful one.'

Through the whole ſummer after Mr. Harley's diſmiſſion, the queen continued to have ſecret correſpondence with him. And, that this might be the better managed, ſhe ſtaid all the ſultry ſeaſon, even when the prince was panting for breath in that ſmall houſe ſhe had formerly purchaſed at Windſor, which, though as hot as an oven, was then ſaid to be cool, becauſe from the park ſuch perſons, as Mrs. Maſham had a mind to bring to her majeſty, could be let in privately by the garden. 'And when, (continues the ducheſs of Marlborough) upon the death of the prince, one would have thought, that her majeſty's real grief would have made her avoid every place and every object, that might ſenſibly revive the remembrance of her loſs, ſhe choſe for her place of retirement his cloſet, and for ſome weeks ſpent many hours in it every day. I was amazed at this; and, when I ſpoke to her of it, ſhe ſeemed ſurprized, juſt like a perſon, who on a ſudden becomes ſenſible of her having done ſomething ſhe would not have done, had ſhe duly conſidered. But the true reaſon of her majeſty's chuſing this cloſet to ſit in, was, that the back ſtairs belonging to it came from Mrs. Maſham's lodgings, who by that means

At the ſame the lord Sommers was made preſident of the council, the archbiſhop of York, the dukes of Mountague and Montroſe, the earls of Louden, Rivers, and Eſſex, the lord Ferrers, and M. Peregrine Bertie were ſworn of the privy-council; as, a little before, were chief-juſtice Holt, the duke of Queenſberry, the earls of Seafield, Scarborough, and Ranelagh, and lord Conigſby. The earl of Cholmondeley was made treaſurer of the houſhold in the room of the earl of Bradford deceaſed, ſir Thomas Felton comptroller, and Mr. Edmund Dunch maſter of the houſhold. Sir James Mountague attorney-general, and Mr. Robert Eyre ſolicitor-general, the duke of Dorſet was appointed the 3d of December, conſtable of Dover, and warden of the cinque-ports.

The new parliament of Great Britain met, the 16th of November, with great advantage; for the preſent miniſtry was now wholly ſuch, as gave an entire content to all, who wiſhed well to the public affairs; and the great ſucceſſes abroad ſilenced thoſe, who were otherwiſe diſpoſed to find fault and complain. The queen did not think it decent to come to parliament during this whole ſeſſion; and therefore, having granted a commiſſion under the great ſeal, appointing the archbiſhop of Canterbury, the lord chancellor, the lord treaſurer, the lord ſteward, and the maſter of the horſe, to repreſent her royal perſon, the commons were deſired to come up to the houſe of peers, and hear the commiſſion read. Which done, the lord chancellor ſignified to the commons, that they ſhould immediately proceed to the choice of a ſpeaker, and preſent him the Thurſday following. The commons being returned to their houſe, the lord William Powlet moved to chuſe for their ſpeaker ſir Richard Onſlow, a worthy man entirely zealous for the government, and very acceptable to the whigs. He was ſeconded by ſir William Strickland. But major general Mordaunt, by way of irony, propoſed, "That they ſhould chuſe Mr. Joddrel, the clerk of the houſe, who, having been aſſiſtant to good ſpeakers, to indifferent ones, and to the worſt, ſeemed to be as well qualified for that ſtation as any body." But at laſt, general Mordaunt ſupported the lord Powlet's motion, commended ſir Richard Onſlow's experience and integrity; and added, "That, being poſſeſſed of a good eſtate, he did not lie open to the temptations that might biaſs perſons, who had their fortunes to make againſt the intereſt of their country." Upon this he was led to the chair by the lord Powlet and ſir William Strickland, after he made a ſhort ſpeech, in which he modeſtly endeavoured to decline that important truſt in ſo critical a juncture of affairs, "wherein the good or bad ſucceſs of this war did in a great meaſure depend on the reſolutions of that great aſſembly." The tories, upon a ſurmiſe, that the court or whig-party would have been divided between ſir Richard Onſlow and ſir Peter King, recorder of London, had deſigned to have put up ſir Thomas Hanmer; but, being diſappointed in that expectation, they thought it prudent, not being able to make a majority, unanimouſly to concur with the reſt. Indeed, the tories perceived, they had ſo little ſtrength in this parliament, that they reſolved to lie ſilent, and to wait for ſuch advantages, as the circumſtances of the affairs might afford them. The ſame day, the duke of Queenſberry was introduced into the houſe of peers by the dukes of Somerſet and Ormond, as a peer of Great Britain, and duke of Dover. After this, both houſes adjourned to the 18th, when the commons being come to the houſe of peers to preſent their ſpeaker, the lord chancellor, in the name of the commiſſioners, ſignified to them the queen's entire ſatisfaction in their choice of a perſon ſo well qualified for that office, both by his great abilities, and his zeal and affection for the government, and the proteſtant ſucceſſion: And then he delivered to both houſes the following ſpeech.

My lords and gentlemen,

"In purſuance of the authority given us by her majeſty's commiſſion under the great ſeal, among other things, to declare the cauſes of her majeſty's calling this parliament;

"We are, by her majeſty's command, in the firſt place, to obſerve to you, that the extraordinary length of this year's campaign hath obliged your majeſty to defer your meeting longer than otherwiſe ſhe would have done, and that you might be informed with the greater certainty of the ſtate and poſture of the war, in order to your reſolutions for the enſuing year.

"This neceſſary delay hath now ſo far ſhewn us the ſucceſs of affairs abroad, as that, whether you would conſider the places acquired by the allies, or the farther and continued proofs given this laſt year, of their ſuperior courage and conduct (which, as to the future part of the war, is equal to all other advantages) we may, with thanks to God and juſtice to thoſe he hath been pleaſed to uſe as inſtruments in this great work, conclude, that, upon the whole, we are brought much nearer than we were laſt ſeſſion, to the end of our undertaking this war, the reducing the dangerous power of France, and ſettling ſuch a peace as may ſecure itſelf from being violated.

"Her majeſty therefore commands us to aſſure you, ſhe hath not the leaſt doubt, but that this parliament will be of the ſame opinion with her laſt, as to the vigorous proſecution of this war, and the ends of it; believing it impoſſible, the repreſentatives of the Britiſh nation can endure to think of loſing the fruits of all our paſt endeavours, and the great advantages we have gained (particularly this preſent year) by ſubmitting at laſt to an inſecure peace.

"And therefore, ſince nothing probably can hinder our ſucceſs abroad for the time to come, but miſunderſtandings among ourſelves at home; we have it in command, to conjure you, by your duty to God, and to her majeſty, your zeal for the proteſtant religion, your love for your country, and the regard you cannot but have for the liberty of Europe in general, to avoid all occaſions of diviſion, which are ever hurtful to the public, but will more eſpecially be ſo at this juncture, when the eyes of all our neighbours are upon you with a very particular concern; and your unanimity and good agreement will be the greateſt ſatisfaction and encouragement to all our allies.

Gentlemen of the houſe of commons,

"You cannot but be convinced, that the ſeveral parts of the war, which were provided for by the laſt parliament, will require your ſupport, at leaſt in the ſame degree. But, in Flanders, the nature of the war is much altered, by the great advances made there towards entering into France, which hath ſo far alarmed our enemies, that they are drawing more troops daily to that ſide, for the defence of their own country. And therefore her majeſty hopes you will

could ſecretly bring to her whom ſhe pleaſed. And that a correſpondence was thus carried on with Mr. Harley, became every day more and more manifeſt by the difficulties and objections, which her majeſty had learnt to raiſe againſt almoſt every thing propoſed by her miniſters. Nay, it is well known, that Mr. Harley and his aſſociates, when at length they had compaſſed their deſigns, and got into the management of affairs, did often (both in their cups and out of them) boaſt, that they, while the queen's miniſters were aſleep, were frequently at court, giving advice in ſecret, how to perplex them in all their meaſures.

But they were much miſtaken, if they imagined, that their proceedings at the time I am ſpeaking of were ſo entirely covered. The miniſters were fully convinced of the truth, and frequently repreſented to her majeſty, what a diſcouragement it was to them in their endeavours for her ſervice, to find, that ſhe had no confidence in them, but was influenced by the counſel of others, who counter-worked them in every inſtance. Upon this ſubject I myſelf wrote and ſpoke a great deal to her with my uſual plainneſs and zeal. But finding, not only that I could make no impreſſion on her in this reſpect, but that her change towards me in particular was every day more and more apparent, I at length went to her, and begged to know what my crime was, that had wrought in her ſo great an alteration. This drew from the queen a letter, dated October 26, 1709, wherein ſhe charges me with inveteracy (as her word is) againſt poor Maſham; and with having nothing ſo much at heart as the ruin of my coufin. In ſpeaking of the miſunderſtanding betwixt her majeſty and me, ſhe ſays, they are for nothing, that ſhe knows of, but becauſe ſhe cannot ſee with *my* eyes, and hear with my ears. And adds, That it is impoſſible for me to recover her former kindneſs, but that ſhe ſhall behave herſelf to me as the duke of Marlborough's wife, and her groom of the ſtole. This declaration ſo plain and expreſs of her majeſty's thorough change towards me was the more extraordinary, as in the ſame letter are theſe words: You have aſked me once or twice, if you had committed any fault, that I was ſo changed; and I told you, no, becauſe I did not think it a crime in any one not to be of my mind. Upon the receipt of this letter, I immediately ſet myſelf to draw up a long narrative of a ſeries of faithful ſervices for about twenty-ſix years paſt; of the great ſenſe the queen had of my ſervices; of the great favour I had been honoured with on account of them; of the uſe I had made of that favour; and of my loſing it now by the artifice of my enemies, and particularly of one, whom I had raiſed out of the duſt. And, knowing how great a reſpect her majeſty had for the writings of certain eminent divines, I added to my narrative the directions given by the author of the Whole Duty of Man with relation to friendſhip; the directions in the Common Prayer Book before the communion with regard to reconciliation, together with the rules laid down by biſhop Taylor upon the ſame head: And I concluded with giving my word to her majeſty, that if, after reading theſe, ſhe would pleaſe only to anſwer in two words, that ſhe was ſtill of the ſame opinion, as when ſhe wrote that harſh letter, which occaſioned her this trouble, I would never more give her the leaſt trouble upon any ſubject, but the buſineſs of my office, as long as I ſhould have the honour to continue her ſervant; aſſuring her, that, however ſhe might be changed towards me, and how much ſoever we might ſtill differ in opinion, I ſhould ever remember, that ſhe was my miſtreſs and my queen, and ſhould always pay her the reſpect due from a faithful ſervant and dutiful ſubject. I ſent from St. Albans this narrative, which ſhe promiſed to read and anſwer. And, ten days after, writing to me upon another occaſion, ſhe ſaid ſhe had not leiſure yet to read all my papers, but when ſhe had, ſhe would ſend me ſome anſwer. But none ever came, nor had my papers any apparent effect on her majeſty, except that, after my coming to town, as ſhe was paſſing by me, in order to receive the communion, ſhe looked with much good nature, and very graciouſly ſmiled upon me. But the ſmile and pleaſant look, I had reaſon afterwards to think, were given to biſhop Taylor and the Common Prayer Book, and not to me.'

have ſo right a ſenſe of our preſent advantages, as to enable her majeſty to make a conſiderable augmentation for preſerving and improving them, which, by the continuance of God's bleſſing on our arms muſt ſoon put a glorious period to this long and expenſive war.

" As to the condition of the fleet, we have it in command from her majeſty to acquaint you, that the conſtant and remote ſervices, in which the ſhips have been employed, have made a greater ſum than uſual requiſite, as well for the extraordinary repairs, as the building of new ſhips. And the taking of Port Mahon, as it hath afforded the means of having a part of the fleet operate with more readineſs and effect on the enemy, or wherever it may be uſeful to the common cauſe in thoſe parts, ſo the making ſuch proviſions, at ſo great a diſtance, as will be proper for that ſervice, muſt of neceſſity cauſe ſome extraordinary expences. All which her majeſty recommends to your ſerious conſideration, deſiring you to provide timely and effectual ſupplies for thoſe ends; and likewiſe, for the carrying on ſuch fortifications for the ſecurity of our ports, and extinguiſhing the enemy's hopes of profiting by diſturbances in Scotland, as you ſhall think fit.

My lords and gentlemen,

" The union is eſteemed by her majeſty to be ſo happy and great a part of the ſucceſſes of her reign; and her majeſty hath ſo much at heart the confirming and improving it, that ſhe is pleaſed to command us, to remind you of preparing ſuch bills, as ſhall be thought conducing to that end; and particularly to make the laws of both parts of Great Britain agree, as near as may be, for the common intereſt of both people, eſpecially as to thoſe laws, which relate to criminal caſes and proceedings, and ſettling the militia on the ſame foot throughout the united kingdom.

" Her majeſty is graciouſly pleaſed we ſhould alſo aſſure you, that if you can propoſe any means for the improvement of our trade or manufactures, or better employment of the poor, her majeſty will take the greateſt ſatisfaction in enacting ſuch proviſions; there being nothing ſhe ſo earneſtly deſires, as that God would bleſs her with more and more opportunities of doing all poſſible good to ſo well deſerving a people, ſo firm and affectionate to her intereſts.

" And as her majeſty doth not doubt, by God's bleſſing and your good affections, to continue to defeat the deſigns of the pretender, and his open or ſecret abettors; ſo her majeſty will always endeavour, on her part, to make her people happy to ſuch a degree, as that none (except of deſperate fortunes) ſhall enter into meaſures for the diſturbance of her government, the union, or the proteſtant ſucceſſion, as by law eſtabliſhed, without acting at the ſame time manifeſtly againſt their own true and laſting intereſt, as well as their duty."

Both houſes immediately reſolved upon addreſſes of condolance upon the death of prince George, and of congratulation for the glorious ſucceſſes of the laſt campaign. Which addreſſes were preſented in a private way to the queen, that of the lords by the marquis of Dorcheſter, and that of the commons by ſuch members as were of the privy-council.

The proceedings in both houſes this ſeſſion were agreeable to the directions given at court; for, the court being now joined with the whigs, they had a clear majority in every thing: All elections were judged in favour of whigs, and courtiers, but with ſo much partiality, that thoſe, who had formerly made loud complaints of the injuſtice of the tories, in determining elections, when they were a majority, were not ſo much as out of countenance, when they were reproached for the ſame thing: They pretended they were in a ſtate of war with the tories, ſo that it was reaſonable to retaliate this to them, on the account of their former proceedings: But this did not ſatisfy juſt and upright men, who would not do to others, that which they had complained of, when it was done to them, or to their friends[s].

The chief buſineſs of this ſeſſion was concerning the ſupply, the Scotch elections and invaſion, the naturalization of foreign proteſtants, and the trials of treaſons in Scotland.

The ſupplies, that were demanded, were granted very unanimouſly in the houſe of commons, not only for maintaining the force then on foot, but for an augmentation of ten thouſand men more. This was thought neceſſary to preſs the war with more ſtrength, as the ſureſt way to bring on a ſpeedy peace. The ſtates agreed to the like augmentation on their ſide. The French, according to their uſual vanity, gave out, that they had great deſigns in view the next campaign: And it was confidently reported by the Jacobites, that a new invaſion was deſigned both in Scotland and on Ireland. The whole ſupply voted by the commons for the ſervice of the year 1709, amounted to above ſeven millions. The land-tax of four ſhillings in the pound, and the duty on malt, were readily agreed to; but it took ſome time to find funds for the reſt, and it would have proved a very difficult matter, if the bank of England had not offered to circulate two millions five hundred thouſand pounds in exchequer bills for the government, on condition the time for their continuance was enlarged twenty-one years from Auguſt 1, 1711, and their ſtock of two millions, two hundred and one thouſand, one hundred and ſeventy-one pounds was doubled by a new ſubſcription. The commons, agreeing to the propoſal, addreſſed the queen to iſſue out a commiſſion under the great ſeal for taking the ſubſcriptions; which being done, the books were opened at Mercers-hall, on the 22d of February, about nine in the morning, and by one o'clock in the afternoon the whole ſum of two millions, two hundred and one thouſand, one hundred and ſeventy-one pounds (at the rate of an hundred and fifteen pounds for every hundred pounds) was ſubſcribed. Such was the crowd of people, that brought their money to this new fund, that it was believed a million more would have been ſubſcribed before night, if there had been room. This ſhewed both the wealth of the nation and their entire confidence in the government. It was obſervable, at this very juncture, the French court had a project for erecting a royal bank for circulating their mint-bills, but the deſign was ſoon found to be impracticable, becauſe of the great ſcarcity of money in that kingdom, and the almoſt entire ruin of their public credit. By this ſubſcription, and by a further prolongation of the general mortgage of the revenue, the commons created good funds for anſwering all the money they had voted in the beginning of the ſeſſion. The two third ſubſidy was appropriated for the intereſt of the money raiſed by the bank-ſcheme.

The Scotch elections occaſioned great debates in both houſes. The commons, on the 3d of December, took into conſideration that part of the act of union, which relates to the election of members to ſerve in that houſe for Scotland. The petitions and repreſentations, concerning the incapacity of the eldeſt ſons of Scots peers to ſit in the parliament of Great-Britain, were read, and council heard upon it. The ſubſtance both of theſe repreſentations and the counſels arguments, was, 'That by an act of the Scots parliament, entitled, An act for ſettling the manner of electing ſixteen peers and forty-five commoners, to repreſent Scotland in the parliament of Great-Britain, which act was ratified by the act for uniting the two kingdoms, it is declared, That none ſhall be capable to elect, or be elected, to repreſent a ſhire or burgh in the parliament of Great Britain for this part of the united kingdom, except ſuch as are now capable to elect, or be elected, as commiſſioners for ſhires or burghs to the parliament of Scotland:' That from hence it evidently followed, that the Scots peers eldeſt ſons could not ſit in the houſe of commons of Great-Britain, unleſs it did appear, that they were capable to be elected, and ſit as members of the parliament of Scotland. But as a proof of the contrary, ſeveral inſtances were alledged of their being always rejected by the parliament of Scotland, and, in particular, the viſcount Turbat's eldeſt ſon, in the year 1685, and the lord Levingſton in the year 1689. That the fundamental law of the union had moſt expreſsly reſerved to the commons of Scotland that valuable privilege of electing their repreſentatives in parliament, from among the beſt qualified gentlemen of their own number and ſtate, in the ſame manner as they had formerly uſed to do. That, in electing members of parliament, the choice of the electors ought to be made as free as is poſſible, from the influence either of bribes, or threats, and in juſtice ſhould only be determined by the honeſty and candour of the perſon to be choſen; and his character be ſuch, as promiſes a faithful diſcharge of ſo great a truſt; and that his inclination be accompanied with a ſufficient capacity to maintain this cha-

[s] It was propoſed, that all queſtions at the trial of elections ſhould, (if any member inſiſted on it) be determined by ballot, but it was carried in the negative. The houſe, having heard the merits of the conteſted election for the city of Weſtminſter, ſent Huggins, then high-bailiff, to Newgate, for refuſing to tender the oaths of abjuration; and voted Thomas Medlicot, eſq. who was ſet up by the tories, in oppoſition to ſir Henry Dutton Colt, to be duly elected for that city, yeas 154, noes 142. Several accidents happened to ſir Henry's diſadvantage in that conteſt, in which the whigs, for the moſt part, favoured him, though they did not much eſteem or love him, otherwiſe than as he was a man of revolution-principles. Huggins is the perſon, that lay ſo long in Newgate for a criminal caſe, in the exerciſe of the office of warden of the Fleet. On the other hand, ſir Simon Harcourt having been returned for Abington, and Mr. John Hucks having lodged a petition againſt him, the cauſe was argued, and the debates continued till two in the morning, on the 28th of January, when Mr. Hucks carried it by a great majority. Sir Simon took his leave of the houſe with a ſpeech, which he began with aſſerting: 'Whatever the determination of this houſe may be, this I am ſure of, and it muſt be admitted, that I am as duly elected for the borough of Abington as ever any man was.'

racter; the commons there being ſurrounded with a numerous and powerful peerage, who, like ſo many ſovereigns, judge and determine within their reſpective bounds in criminal as well as civil matters, being veſted with vaſt ſuperiorities and hereditary juriſdictions, ſo that no commoner holding any part of his lands of a peer, or indeed being in his neighbourhood, could be reckoned at liberty to make a free election of his repreſentative: And therefore the commons of Scotland, whereof the majority of their parliament conſiſted, had invincible arguments for preſerving entire to themſelves that neceſſary privilege of excluding their peers eldeſt ſons from being from members of that houſe. That if the parliament of Scotland, which conſiſted of peers and commoners ſitting together in the ſame houſe, enjoying the ſame liberty of ſpeech, and the ſame common privileges and judicative capacity, being alſo reſtricted to the ſame rules and forms, had ſo many weighty reaſons for excluding their peers eldeſt ſons; how many more arguments of greater moment might be urged in the houſe of commons of Great Britain, who were a ſeparate and diſtinct houſe of peers, enjoying by themſelves ſo many valuble privileges which could not be incroached upon, or ſubjected to a houſe of peers, without endangering the whole conſtitution of the houſe of commons? And in the laſt place, That, England and Scotland being now united, and their intereſts inſeparably joined, it ought to be a maxim with all true Britons, that the liberty of the commons of Scotland will always be an advantage to thoſe of England; and that the ſlavery of the firſt cannot fail ending in the deſtruction of the latter.

Little being offered on the other ſide againſt theſe arguments, the eldeſt ſons of the peers of Scotland were declared incapable to ſit in parliament, and, three days after, the commons ordered their ſpeaker to iſſue out his warrants to the clerk of the crown, to make out new writs for the electing commiſſioners for the ſhire of Aberdeen, in the room of William lord Haddo; and for the ſhire of Linlithgow, in the room of James lord Johnſtown, who, being eldeſt ſons of peers of Scotland, were declared to be incapable to ſit in that houſe.

A petition of a new nature was likewiſe brought before the lords, with relation to the election of the peers from Scotland. There was a return made in due form; but a petition was laid before the houſe in the name of four lords, who pretended, that they ought to have been returned. The duke of Queenſberry had been created a duke of Great Britain by the title of duke of Dover; yet he thought he had ſtill right to vote as a peer of Scotland. He had likewiſe a proxy; ſo that two votes depended on this point, whether the Scots peerage did ſink into the peerage of Great Britain. Some lords, who were priſoners in the caſtle of Edinburgh on ſuſpicion, as favouring the pretender, had ſent for the ſheriff of Lotian to the caſtle, and had taken the oaths before him; and upon that were reckoned to be qualified to vote or make a proxy. Now it was pretended, that the caſtle of Edinburgh was a conſtabulatory, and was out of the ſheriff's juriſdiction; and that therefore he could not legally tender them the oaths. Some proxies were ſigned without ſubſcribing witneſſes, a form neceſſary by their law. Other exceptions were alſo taken from ſome rules of the law of Scotland, which had not been obſerved. The clerks being alſo complained of, they were ſent for, and were ordered to bring up with them all inſtruments or documents relating to the election. When they came up, and every thing was laid before the houſe of lords, the whole matter was long and well debated.

As to the duke of Queenſberry's voting among the Scots lords, it was ſaid, that if a peer of Scotland, being made a peer of Great Britain, did ſtill retain the intereſt in electing the ſixteen from Scotland, this would create a great inequality among peers, ſome having a vote by repreſentation, as well as in perſon: The precedent was miſchievous, ſince, by creating ſome of the chief families in Scotland peers of Great Britain, they would be able to carry the whole election of the ſixteen as they pleaſed. It was objected, that, by a clauſe in the act paſſed ſince the union, the peers of England, who were likewiſe peers of Scotland, had a right to vote in the election of Scotland ſtill reſerved to them; ſo there ſeemed to be a parity in this caſe with that. But it was anſwered, That a peer of England, and a peer of Scotland, held their dignity under two different crowns, and by two different great ſeals: But, Great Britain including Scotland as well as England, the Scots peerage muſt now ſink into that of Great Britain. Beſides, that there were but five, who were peers of both kingdoms before the union; and therefore, as it might be reaſonable to make proviſion for them, ſo it was of no great conſequence; but, if this precedent were allowed, it might go much farther, and have very ill conſequences. Upon a diviſion of the houſe, the matter was determined againſt the duke of Queenſberry.

A great deal was ſaid both at the bar by the lawyers, and in the debate in the houſe, upon the point of juriſdiction, and of the exemption of a conſtabulatory. It was ſaid, that the ſheriffs court ought to be, as all courts were, open and free, and ſo could not be held in caſtle or priſon. But no expreſs deciſion had ever been made in this matter. The priſoners had taken the oaths, which was the chief intent of the law, in the beſt manner they could; ſo that it ſeemed not reaſonable to cut them off from the main privilege of peerage, which was reſerved to them, becauſe they could not go abroad to the ſheriffs court. After a long debate it was carried, that the oaths were duly tendered to them. Some other exceptions were proved and admitted; the returns of ſome, certifying that they had taken the oaths, were not ſealed; and ſome had ſigned theſe without ſubſcribing witneſſes. Other exceptions were offered from proviſions, which the law of Scotland had made, with relation to bonds and other deeds, which had not been obſerved in making of proxies. But the houſe of lords did not think theſe were of that importance, as to vacate the proxies on that account. After a full hearing, and a debate, which laſted many days, there was but one of the peers, who were returned, that was found not duly elected, and only one of the petitioning lords was brought into the houſe; the marquis of Annandale was received, and the marquis of Lothian was ſet aſide.

The Scots members in both houſes were divided into factions. The duke of Queenſberry had his party ſtill depending upon him. He was in ſuch credit with the lord-treaſurer and the queen, that all the poſts in Scotland were given to perſons recommended by him. The chief miniſters at court ſeemed to have laid it down for a maxim not to be departed from, to look carefully to elections in Scotland; that the members returned from thence might be in an entire dependance on them, and be either whigs or tories, as they ſhould ſhift ſides. The duke of Queenſberry was made third ſecretary of ſtate: He had no foreign province aſſigned him, but Scotland was left to his management. The dukes of Hamilton, Montroſs, and Roxburgh, had ſet themſelves in an oppoſition to his power, and had carried many elections againſt him. The lord Sommers and the earl of Sunderland ſupported them, but could not prevail with the lord treaſurer to bring them into an equal ſhare of the adminiſtration. This had almoſt occaſioned a breach; for the whigs, though they went on in a conjunction with the lord treaſurer, yet continued ſtill to be jealous of him.

The bill for naturalizing all proteſtant foreigners was alſo the ſubject of great debates this ſeſſion. Since the revocation of the edict of Nantz, ſo fatal to France by the decreaſe of her trade, and the loſs of numberleſs ſubjects, England abounded with French proteſtants. They had indeed been well received, but with much more reſerve than in the United Provinces, Brandenburgh, and Pruſſia. They had however done all the ſervice they could, and the Engliſh themſelves had not behaved with more bravery and reſentment againſt France than theſe refugees. For ever excluded from their native country, they had long been ſeeking to be incorporated by an act of naturalization with a people, to whom they had fled for refuge. But their endeavours had hitherto proved ineffectual. The preſent parliament, wherein the whigs had the majority, whoſe maxim it was to countenance foreign proteſtants, at length granted their deſire. For, on the 5th of February, Mr. Wortley Montague made a motion for a bill for naturalizing foreign proteſtants, and, in a ſet ſpeech, ſhewed the advantages, that would accrue to the nation by ſuch an act; alledging, amongſt other particulars, "the example of the king of Pruſſia, who had not only invited, but furniſhed abundance of French refugees with means to ſettle in his dominions; whereby he had fertilized an almoſt barren country, improved trade, and vaſtly encreaſed his revenue." Adding, "That if foreigners were induced to ſettle under a deſpotic government, where they found protection and encouragement, they would undoubtedly be the more inclined to bring their effects, and at leaſt their induſtry, into Great Britain, where they would ſhare the privileges of a free nation." Mr. Compton, and ſeveral other members, ſupporting the motion, the houſe ordered the bill to be prepared and brought in.

Whilſt this bill was depending, a paper was printed, and induſtriouſly diſperſed, importing, 1ſt, That the conflux of aliens, as would probably be the effect of ſuch a law, might prove dangerous to our conſtitution; for theſe would owe allegiance to their reſpective princes, and retain a fondneſs for their native countries; and therefore, whenſoever a war

should break out, might prove so many spies and enemies. And, besides this pretence, the professed enemies of our established church and religion might flock over, with design to effect its overthrow. 2dly, That a general naturalization might undoubtedly spread an universal disgust and jealousy throughout the nation; there having been many complaints and commotions in London, and elsewhere, on occasion of foreigners. 3dly, That the design of inviting multitudes of aliens to settle here, might prove in time a further mischief; for they would not only be incapable of voting at elections, but also of being chosen members of parliament; have admission into places of trust and authority, which, in process of time, might endanger our ancient policy and government, and, by frequent intermarriages, go a great way to blot out and extinguish the English race [t].

The majority of the house easily discerned the fallacy of these popular arguments, being thoroughly convinced, both by their own observation, and the reasons alledged both within and without the walls, that (as the preamble of the bill set forth) the increase of people is a means of advancing the wealth and strength of a nation: This maxim was abundantly verified, not only in Prussia, Holland, and other protestant countries, which had greatly increased in riches by the French refugees settling there, but principally in Great Britain, where, by the industry of the refugees, several new manufactures had been set up, and others improved, to the great advancement of trade, and the total turning the balance thereof, to the prejudice of France, and the benefit of this nation. That, besides the improvement of commerce, the French refugees had greatly contributed towards the support of the revolution settlement, by putting the best part of their own substance, and of their friends and relations abroad, into the public funds; of which they had a fresh instance, in subscribing near five hundred thousand pounds into the bank of England; so that, by a modest computation, the refugees were reckoned to have above two millions sterling in the government. That, as they could not be supposed to have brought one half of that money into England, so it was prudence to divert the thoughts they might have, upon the conclusion of the war, of carrying their vast gains abroad (which would very much lessen the current cash and credit of Great Britain) by granting them the advantages and privileges enjoyed by her majesty's natural born subjects; which would not only engage them to settle here, but likewise bring over such of their friends and relations, as might hope to inherit their estates. That the French refugees had at all times, in their several stations and capacities, given signal proofs of their love for our happy constitution, and of their zeal and affection for the government: And, in particular, such of them, as had military employments, which they had discharged, both in the late and present war, with distinguishing bravery and conduct. That this war had already consumed such vast numbers of men, that it was highly necessary to supply that loss, by inviting foreigners to come over, whether the war continued, which would still increase the scarcity of men; or whether it was drawing to a period; in which case a great number of hands would be requisite to carry on the manufactures. In short, that all the objections against a naturalization were grounded upon this false supposition, that 'foreigners would ever continue, and be looked upon as such;' which was sufficiently confuted by past and daily experience.

When those who were against the bill perceived they should have no strength, if they set themselves directly to oppose it, they studied to limit strangers, in the receiving the sacrament, to the way of the church of England. This probably would not have hindered many, who were otherwise disposed to come among us: For the much greater part of the French came into the way of our church. But it was thought best to cast the door as wide open as possible, for encouraging of strangers: And therefore since, upon their first coming over, some might chuse the way, to which they had been accustomed beyond sea, it seemed the more inviting method to admit of all who were in any protestant communion. Accordingly, the bill was carried in the house of commons by a great majority, for naturalizing all foreign protestants, upon their taking the oaths to the government, and receiving the sacrament in any protestant church. All those, that appeared for this comprehensive way, were reproached for their coldness and indifference in the concerns of the church. Of this the bishop of Sarum had a large share; for, when the bill was brought up to the lords, he spoke copiously for it; whilst the bishop of Chester spoke as zealously against it, who seemed resolved to distinguish himself as a zealot for that which was called high-church. The bill passed with very little opposition, though it was protested against by several lords, as prejudicial to trade and manufactures, and of ill consequence to our liberties and religion [u].

The other subjects of debate in this session were, the enquiry into the Scotch invasion, and the trials of treason in Scotland. What gave rise to the great and long debates on these affairs was this: Upon the attempt made by the pretender, many of the nobility and gentry of Scotland, who had all along adhered to that interest, were secured; and after the fleet was got back to Dunkirk, and the danger was over, they were ordered to be brought up prisoners to London; when they came, there was no evidence at all against them, so they were dismissed, and sent back to Scotland. No exceptions could be taken to the securing them, while there was danger: But, since nothing besides presumptions lay against them, the bringing them up to London, at such a charge, and under such a disgrace, was much censured, as an unreasonable and an unjust severity; and was made use of, to give that nation a further aversion to the union. That whole matter was managed by the Scotch lords then in the ministry, by which they both revenged themselves on some of their enemies, and made a shew of zeal for the government; though such as did not believe them sincere in these professions, thought it was done on design to exasperate the Scots the more, and so to dispose them to wish for another invasion. The whig ministry in England disowned all these proceedings, and used the Scots prisoners so well,

[t] Several other reasons were urged, as 4. That antiently naturalizations by act of parliament were seldom or never made, but upon special reasons, and for particular occasions. And though some acts have given encouragement to foreign merchants and weavers to settle here; it was when our weaving trade, and other manufactures, were inconsiderable, to the advancement they have since attained: And that from the settlement of the great customs in Edward the first's time, in all acts of parliament for subsidies since passed, aliens had always been charged with an increase of customs above natives, and a discrimination kept up between them; as was particularly remarked by the learned lord chief justice Hale, in a tract against a general Naturalization. 5. That it was more than probable, that the greatest number, that would come over, would be of poor people, which would be of fatal consequence with respect to the many poor industrious families, who would thereby be reduced to the uttermost straits; it being evident, that no hands were wanted to carry on our manufactures, from the great quantities, that lay on hand, their cheapness, and the lowness of wages now given. What then would be the effect of such an addition? For these aliens would altogether settle in places of manufacture; there being no instances of any of the late refugees betaking themselves to the spade, plough, or flail. And it would be a very great charge to those parishes, wherein they should settle; there being now great numbers of French, who for want of work were relieved, and, in a great measure, maintained by the queen's bounty and charity of their churches, and other well-disposed persons, who, when naturalized, would have recourse to their own respective parishes for an allowance. 6. That a general naturalization would, in effect, defeat the patent of the act of navigation, which had always been esteemed to conduce to the interest of the nation, by the encouragement and increase of English mariners, and advance of trade. 7. That hereby, in process of time, aliens would be advanced in riches, and her majesty's subjects impoverished; for those beneficial trades, buying and selling by commissions, remittances, and exchanges of money, would, in a great measure, be ingrossed by foreigners, by reason of their many friends and relations abroad. Besides, such aliens generally living in lodgings, and at little charge, frequently escaping public taxes and parish duties, would be able to undersell and undermine the native merchants. 8. That hereby the treasure of the nation would be exhausted and remitted into foreign parts; for it might well be supposed, that those aliens, that have valuable estates, could not or would not transport the greatest part thereof hither; and leaving children, and their nearest relations behind them, they would come hither only upon a design of getting riches, and to return home again therewith, particularly upon a prospect of war; an instance of which we have in the practice of our merchants, who, when they have got estates abroad, constantly return home to enjoy the same. 9. That the queen's customs would hereby be considerably diminished; for many statutes, which lay a greater duty on aliens than on natives, would, as to this, be repealed. 10. That opportunity would hereby be given to merchants, to colour the goods and merchandizes of other strangers beyond sea, their correspondents, friends, or relations, to the great detriment of her majesty's customs, and trade of the native subjects; a practice which was offered to be proved before their late majesties and the lords of the treasury: Which reasons did influence the judgments of our ancestors, as appears by the statutes of 1 Hen. VII. c. 11. 11 Hen. VII. c. 14. 22 Hen. VIII. c. 8. 11. That the duties of package and scavage of the goods of all merchants, as well denizens as aliens, were the indispensable right and inheritance of the commonalty and citizens of London, let to farm by lease (wherein were about eighteen years to come) for a fine of one thousand pounds, and the yearly rent of nine hundred and fifty pounds; and, among other things, were, by act of parliament, charged towards the raising of eight thousand pounds per annum for ever to the orphans, and other creditors of the said city, and would render them incapable to support the government of the same. 12. And in the last place, That, the nation being now engaged in an expensive, though necessary war, taxes high, trade obstructed, great quantities of woollen, and other manufactures, lay unsold; and, as an effect hereof, the several prices of making them very small, many families destitute of work throughout the kingdom: What then, at such a time as this, must be the consequence of inviting hither, by a general naturalization, multitudes of poor foreigners, who would only employ themselves in trade and manufactures?

About the same time the city of London having, on the 18th of February, petitioned the commons, that they might be heard by their counsel against the bill, and their request being granted, their lawyers chiefly insisted on the 11th of the above-mentioned reasons; but upon examination it was found, that the duties of package and scavage did not, of late, yield above twenty pounds per annum, most of the foreign merchants having been already naturalized.

[u] Buckingham, Guernsey, Scarsdale, North and Grey, Anglesea, Guilford, and Nottingham. Pr. H. L. Vol. II. 261.

that they went down much inclined to concur with them: But the lord Godolphin fatally adhered to the Scotch miniſters, and ſupported them, by which the advantage that might have been made from theſe ſevere proceedings was loſt. Hence it was, that the lords having ordered their members to attend on the 10th of January, they took into conſideration the ſtate of the nation, with reſpect to the late invaſion of Scotland. The lord Haverſham opened the debate with a long ſpeech, wherein he ſet forth, that the nation expected an enquiry into this matter, in which not only their welfare, but their very being itſelf, the ſecurity of the nation, and the ſafety of the queen, were highly concerned. For the ſucceſſes of their arms had not diſabled the French king from making farther attempts. Beſides, it was plain, his chief dependance in the late invaſion was from the encouragement he had from hence; and yet, notwithſtanding all enquiries, it was ſtill a great myſtery who the perſons were that were concerned in that unnatural treaſon. It is true, ſeveral perſons of great quality had been taken up on ſuſpicion, but had any thing been proved againſt them? The French king had more encouragement than before to renew his attempt upon us, ſince the methods hitherto taken to diſcover the many friends he has among us had ſignified ſo little. Another encouragement was the defenceleſs condition of Scotland, the deficiency of forces, and the ill ſtate of the garriſons at the time of the invaſion, notwithſtanding the certain account we had of it. He concluded with ſaying, 'My lords, if your lordſhips have any intention of looking into this matter, I ſhall make your lordſhips a motion, which perhaps may give us ſome light. It is, That her majeſty will pleaſe to order, that there may be laid before this houſe, at what time her majeſty received the firſt account of the intended invaſion? What orders were thereupon iſſued into Scotland, with relation either to forces or garriſons? What was the number of regular troops and forces there at the time of this intelligence? What was the ſtate of the garriſons there at that time? What augmentation was made, or forces ſent thither, from the time of the intelligence, to the time of the invaſion? What orders had been given with relation to the garriſons, and when, both before and ſince the invaſion, from the time of the firſt intelligence?'

The lord Haverſham having ended this ſpeech, ſeveral other peers ſpoke to the ſame purpoſe. Whereupon the houſe appointed a committee, to enquire into the ſtate of the nation in relation to the intended invaſion, and ordered an addreſs to be preſented to the queen, to deſire, that the papers concerning that affair might be laid before them; which was readily complied with.

Not long after this addreſs the lord Haverſham opened in the houſe of lords, the account of the Scotch invaſion in a much longer ſpeech, wherein he obſerves, that the lords who ſeconded his motion for the papers to be laid before them, never ſo much as looked into them, or have mentioned the matter ſince; perhaps, they will ſay they never intended it, and that they called for the papers only to cover ſome deſign, or to try how an act of grace will reliſh, to which, as he was innocent, he ſhould not give his conſent. As to the papers, he had looked into them, and with their lordſhip's leave would take notice of ſome particulars: Mr. Boyle received certain intelligence, the 23d of February, that the armament of Dunkirk was intended for Scotland; and the queen on the 25th, empowers her privy-council there to put her forces, forts, and garriſons in the beſt order. There were not at that time above fifteen hundred men of regular forces in Scotland. Though this was an inſufficient ſtrength, and though the parliament raiſed the eſtabliſhment, December 20, 1707, from two thouſand eight hundred and thirty-four, to five thouſand nine hundred and thirty-two, yet there was little or no augmentation made, nor had the council one ſhilling for neceſſary expences the 11th of March, nor ſo much as one penny ordered till the 13th, neither was the eſtabliſhment ſettled till after the invaſion. He then proceeds to ſhew, that when Scotland was in this defenceleſs condition, what aſſiſtance they had from Oſtend, England, and Ireland. The tranſports from Oſtend did not arrive at Tinmouth Bay, till ten days after the enemy were ſeen on the Scotch coaſt, ſo that the diſpute, had there been any, would have been over before they could come up. As to the troops from England, they had not orders to march till the 14th of March, which, conſidering the length of the march from hence to Edinburgh, was certainly too long a delay. As for the troops from Ireland, the very orders to provide tranſports were not given by the lord Sunderland till the 12th of March here, nor by the lord-lieutenant of Ireland, for the troops to be in readineſs till the 13th. Now, conſidering what time would be taken up in providing neceſſaries for tranſporting the troops, it ſeems very evident, that the queen was not truly acquainted with the danger ſhe was in, and that theſe forces muſt arrive in Scotland very late. He then took notice of the wretched ſtate of the garriſons, particularly of the caſtles of Stirling, Blackneſs, and Dumbarton, and concluded with ſaying, 'I will not trouble you farther: I think this matter is now very plain before your lordſhips. I could wiſh I had not ſaid one word of truth in what I have ſaid to you; but the vouchers ſhew it to be ſo; and, if all this be true, it is a very ſtrange, a very ſurprizing, and a very aſtoniſhing truth.

I ſhall not move any thing to your lordſhips farther, in this matter: I believe there has been enough now ſaid, to juſtify thoſe lords for moving this inquiry, and ſhall add but this word, That if there be no greater care taken for the future than there was at this time of ſuch imminent danger, it will be the greateſt miracle in the world, if, without a miracle, the pretender be not placed upon that throne.'

This is the ſubſtance of what was obſerved by lord Haverſham, though there happened ſome interlocutions between him and another lord; and ſome obſervations were made upon the papers as they were read. The duke of Buckingham and ſeveral peers ſpoke to the ſame purpoſe. Upon which it was ordered, that the affair ſhould be conſidered the Tueſday following in a full houſe. But all ended in a joint addreſs, as will preſently be ſeen.

During theſe debates in the houſe of lords, the commons had alſo taken the affair of the invaſion into conſideration. Purſuant to an addreſs they had preſented to the queen, Mr. Boyle laid before the houſe a ſtate of the whole matter of the deſigned invaſion of North Britain; the proceedings againſt the late lord Griffin and others taken in open rebellion, and alſo an account of the names of all thoſe that were taken up, and the proceedings againſt them; and in what poſture of defence the caſtles and garriſons of North Britain were taken at that time, and now are. Not long after the commons reſolved to preſent another addreſs to the queen, 'That there might be laid before them a liſt of the ſhips of war employed on account of the late invaſion, under vice-admiral Byng and rear-admiral Baker, and of the names of the captains, who were employed in that expedition, and what journals had been delivered in relating to the ſame.' But after all theſe addreſſes, when the papers, relating to this affair, came to be conſidered, the houſe at length reſolved, 'Firſt, that orders were not iſſued for the marching of the troops in England until the fourteenth day of March, it being neceſſary for the ſecurity of her majeſty's perſon and government, that the troops in this part of the kingdom ſhould not march into Scotland, till there was certain intelligence that the enemy intended to land in that part of the united kingdom. Secondly, That timely and effectual care was taken by thoſe employed under her majeſty, at the time of the intended invaſion of Scotland, to diſappoint the deſigns of her majeſty's enemies both at home and abroad, by fitting out a ſufficient number of men of war, ordering a competent number of troops from Flanders, giving directions for the forces in Ireland to be ready for the aſſiſtance of the nation, and by making the neceſſary and proper diſpoſitions of the forces in England.' Purſuant to theſe reſolutions an addreſs was drawn up, and preſented to the queen with the concurrence of the lords[w].

The conſideration of the ſtate of the nation, with reſpect

[w] However, the author of a piece, ſuppoſed to be written by the lord Haverſham himſelf, and publiſhed in 1709, in 4to, under the title of An Account of the late invaſion as it was opened by lord Haverſham in the houſe of lords, on Friday the 25th of February 1708-9: With ſome obſervations, that were made in the houſe of commons, and true copies of authentic papers in a letter from a gentleman in South Britain, to his friend in North Britain, obſerves, p. 20, &c. 'That the ſame papers being laid before the houſe of commons, purſuant to their addreſs, produced the like obſervations there, and that the Scots gentlemen concurred with the Engliſh, in blaming the conduct of the miniſtry; affirming it was ſuch, as gave great encouragement to the enemies of the government; while its friends looked on their country to be perfectly given up. This, they ſaid, was their general ſenſe. In the houſe of commons ſome obſervations were alſo made upon the impriſoning many perſons in Scotland at that time; ſeveral lords and gentlemen of the beſt quality and eſtates were apprehended and ſeized, by virtue of warrants ſent from hence for ſuſpicion of treaſon and treaſonable practices; though it does not appear from the papers, that there was any cauſe to ſuſpect; nor that any of their countrymen (who were the propereſt perſons to be adviſed with on this occaſion) were conſulted in it. For the earl of Mar in his letter to the earl of Leven, March 9, writes, That he, with the dukes of Queenſberry and Montroſs, the earls of Loudon and Seafield, were ſummoned to the cabinet, and were told there, that ſince both houſes had for ſecuring ſuſpected perſons, ſuſpended the habeas corpus act, it was fit, perſons in Scotland ſhould be apprehended; and a liſt was read to them, which they took down in writing, and warrants were ready drawn. This was certainly a very extraordinary way of proceeding, and the more extraordinary

to the late invaſion, gave occaſion to a bill concerning trials of treaſons in Scotland, under the title of 'an act for improving the union of the two kingdoms.' This bill cauſed very great and long debates, and ſprung from the proceedings againſt the ſuſpected perſons in Scotland, and particularly for a trial of ſome gentlemen of that kingdom, who had left their houſes, when the pretender was on the ſea, and had gone about armed, and in ſo ſecret and ſuſpicious a manner, that it gave great cauſe of jealouſy. There was no clear evidence to convict them; but there were very ſtrong, if not violent preſumptions againſt them. Some forms in the trial had not been obſerved, which the criminal court judged were neceſſary, and not to be diſpenſed with. But the queen's advocate, ſir James Stewart, was of another mind. The court thought it was neceſſary by their laws, That the names of the witneſſes ſhould have been ſignified to the priſoners fifteen days before the trial. But the queen's advocate had not complied with this, as to the chief witneſſes, ſo that the court could not hear their evidence. He did not, upon that, move for a delay; and therefore the trial went on, and the gentlemen were acquitted. Severe expoſtulations paſſed between the queen's advocate and the court. They complained of one another to the queen, and both ſides juſtified their complaints in print. Upon this it appeared, that the laws in Scotland concerning trials in caſes of treaſon were not fixed nor certain. For which reaſon a bill was brought into the houſe of commons to ſettle that matter; but it was ſo much oppoſed by the Scots members, that it was dropped in the committee. It was taken up and managed with more zeal by the lords.

It conſiſted of three heads: All crimes, which were high-treaſon by the law of England, and theſe only, were to be high-treaſon in Scotland. The manner of proceeding ſettled in England was to be obſerved in Scotland; and the pains and forfeitures were to be the ſame in both nations. The Scots lords oppoſed every branch of this act. They moved, that all things, that were high-treaſon by the law of England, might be enumerated in the act, for the information of the Scots nation; otherwiſe they muſt ſtudy the book of ſtatutes, to know when they were ſafe, and when they were guilty. To this it was anſwered, that directions would be given to the judges, to publiſh an abſtract of the laws of high-treaſon, which would be a ſufficient information to the people of Scotland in this matter. That nation would by this means be in a much ſafer condition than they were now; for the laws, they had, were conceived in ſuch general words, that the judges might put ſuch conſtructions on them, as ſhould ſerve the ends of a bad court; but they would by this act be reſtrained in this matter for the future.

The ſecond head in this bill occaſioned a much longer debate: It changed the whole method of proceedings in Scotland. The former way there was, the queen's advocate ſigned a citation of the perſons, ſetting forth the ſpecial matter of high-treaſon, of which they were accuſed. This was to be delivered to them, together with the names of the witneſſes, fifteen days before the trial. When the jury was impannelled, no peremptory challenges were allowed: Reaſons were to be offered with every challenge; and, if the court allowed them, they were to be proved immediately. Then the matter of the charge, which is there called the relevancy of the libel, was to be argued by lawyers, whether the matter, ſuppoſe it ſhould be proved, did amount to high treaſon, or not. This was determined by a ſentence of the court, called the interloquitur; and the proof of the fact was not till then to be made. Of that the jury had the cognizance. Anciently the verdict went with the majority, the number being fifteen; but by a late act the verdict was to be given upon the agreement of two third parts of the jury. In the ſentence, the law did not limit the judges to a certain form, but they could aggravate the puniſhment, or modetate it, according to the circumſtances of the caſe. All this method was to be ſet aſide; a grand jury, was to find the bill; the judges were only to regulate proceedings, and to declare what the law was; and the whole matter of the indictment was to be left entire to the jury, who were to be twelve, and all to agree in their verdict.

In one particular, the forms of Scotland were much preferable to thoſe in England; the depoſition of the witneſſes were taken indeed by word of mouth, but were writ out, and after that were ſigned by the witneſſes; they were ſent in to the jury; and theſe were made a part of the record. This was very ſlow and tedious; but the jury, by this means, was more certainly poſſeſſed of the evidence, and the matter was more clearly delivered down to poſterity; whereas the records in England are very defective, and give no light to an hiſtorian who peruſes them.

The Scots oppoſed this alteration of their way of proceeding: They ſaid, that neither the judges, the advocates, nor the clerks would know how to manage a trial of treaſon. They inſiſted moſt on the names of the witneſſes to be given to the perſons ſome days before their trial. It ſeemed reaſonable, that a man ſhould know who was to be brought to witneſs againſt him, that ſo he might examine his life, and ſee what credit ought to be given to him. On the other hand it was ſaid, this would open a door to practice, either upon the witneſſes to corrupt them, or in ſuborning other witneſſes to defame them. To this it was anſwered, that a guilty man knew what could be brought againſt him; and, without ſuch notice, would take all the methods poſſible to defend himſelf. But proviſion ought to be made for innocent men, whoſe chief guilt might be a good eſtate, upon which a favourite might have an eye: And therefore ſuch perſons ought to be taken care of. This was afterwards ſo much ſoftened, that it was only deſired, that the names of the witneſſes, who had given evidence to the grand jury, ſhould, upon their finding the bill, be ſignified to the priſoner five hours before his trial. Upon a diviſion of the houſe on this queſtion, the votes were equal; and therefore by the rule of the houſe, that in ſuch a cauſe the negative prevails, it was loſt.

Upon the third head of the bill the debates grew ſtill warmer. In Scotland many families were ſettled by long entails and perpetuities; and therefore it was ſaid, that ſince, by one of the articles of the union, all private rights were ſtill preſerved, no breach could be made on theſe ſettlements. Biſhop Burnet carried this further; he thought, that it was neither juſt nor reaſonable to ſet the children on begging for their fathers faults: That the Romans, during their liberty, never thought of carrying puniſhments ſo far: That it was an invention, under the tyranny of the emperors, who had a particular revenue called the Fife[x]; and all forfeitures were claimed by them, from whence they were called confiſcations: That it was never the practice of free governments: That Boulogne flouriſhed beyond any town in the pope's dominions, becauſe they made it an article of their capitulation with the pope, that no confiſcation ſhould follow on any crime whatſoever: That in Holland the confiſcation was redeemable by ſo very ſmall a ſum as an hundred guilders[y]. That many inſtances might be brought of proſecu-

extraordinary, becauſe the greateſt part of the lords and gentlemen, taken up by theſe warrants, had given undoubted teſtimonies ever ſince the revolution (in which ſome of them had been very active and inſtrumental) of their fidelity and good affection to the government; they had taken all oaths, that have been injoined for their ſecurity; they had ſate in parliament; and ſome of them had been in offices and employments of great truſt in the reign of king William and of her majeſty. Others, under the like circumſtances were taken up by warrants, bearing date the 29th of March, when the danger was over; which made the Scots gentlemen very free in declaring, that the taking them up could be for no other reaſon, than to influence the approaching elections to parliament; and for their diſaffection to the intereſts ſome courtiers then promoted, rather than for their diſaffection to her majeſty's perſon and government, in which they were the more confirmed, becauſe they ſaw there was no evidence in the papers againſt any of them. There was indeed ſome evidence of high-treaſon pretended againſt five gentlemen, taken up by warrants from the privy-council of Scotland; but that was ſuch, as the lord advocate writes, neither he nor the other advocates employed for her majeſty, did think would convict them; and therefore humbly offered it as their opinion, that it would be more for the honour and ſervice of her majeſty, and of her government, that they ſhould not be proſecuted. The earl of Sunderland, in his anſwer, acquainted him, he had laid his memorial before her majeſty, who was well ſatisfied with what he had done, in procuring evidence againſt the priſoners; and though poſſibly, upon their trial, the evidence might not be ſufficient to convict them by the law of Scotland, yet conſidering all the circumſtances of that affair, and the noiſe it has made in the world, her majeſty thought it abſolutely neceſſary for her ſervice, that it be carried as far as it will bear. Accordingly, they were brought upon their trials, and acquitted. After all the obſervations made upon the papers, the conſideration of them ended in the houſe of commons, in the reſolution abovementioned. The gentlemen, that were againſt this reſolution, deſired, that all the papers laid before the houſe, relating to the intended invaſion of Scotland, might be printed, that the world might ſee and judge how well grounded it was. But thoſe, who had juſtified the miniſtry in their debates, and voted for the reſolution, would not ſuffer the papers to be printed, ſo that the queſtion was carried in the negative.'

[x] This remark of biſhop Burnet is clearly overthrown by the author of an excellent piece, publiſhed this preſent year 1745, and entitled, 'Some conſiderations on the law of forfeitures for high-treaſon, occaſioned by a clauſe in a late act, for making it treaſon to correſpond with the pretender's ſons, or any of their agents', &c. in which the law of forfeitures is juſtified from the principles of natural juſtice, the practice and genius of the freeſt ſtates, the conſtitution of the Engliſh government, with a perſpicuity, force, and comprehenſion of reaſoning, not to be found in any other diſcourſe on that ſubject. This writer oppoſes to the biſhop's obſervation, concerning the Roman Fife, the words of Cujacius ad L. Jul. Maj. Fiſcus erat populi imperatoris; which, intimates, "That forfeitures was a known puniſhment during the republic. It was then called 'bonorum publicatio.' But the biſhop ſeems to have been miſled by the late origin of the word, to imagine the thing itſelf was introduced no earlier."

[y] The author of 'Some conſiderations on the law of forfeitures, p. 39', takes notice

tions, only to obtain the confiſcation. But in this none of the lords ſeconded the biſhop. It was acknowledged, that this was juſt and reaſonable, and fit to be paſſed in good times; but, ſince the nation was then expoſed to ſo much danger from abroad, it did not ſeem adviſeable to abate the ſecurity of the law. But clauſes were agreed to, by which, upon marriages, ſettlements might be made in Scotland, as was practiſed in England, for no eſtate is forfeited for the crime of him who is only tenant for life. By this act alſo tortures were condemned, and the queen was impowered to grant commiſſions of oyer and terminer, as in England, for trying treaſons. The Scots inſiſted on this, that the juſticiary of the criminal court being preſerved by an article of the union, this broke in upon that. It was anſwered, that the criminal court was ſtill to ſit in the time regulated; but theſe commiſſions were granted upon ſpecial occaſions. In the intervals between the terms, it might be neceſſary, upon ſome emergency, not to delay trials too long. But, to give ſome content, it was provided by a clauſe, that a judge of the criminal court ſhould be always one of the quorum in theſe commiſſions. Thus the bill paſſed in the houſe of lords, notwithſtanding the oppoſition of all the Scots lords, with whom many of the tories concurred, they being diſpoſed to oppoſe the court in every thing, and to make treaſon as little to be dreaded as poſſible.

The bill met with the ſame oppoſition in the houſe of commons; yet it paſſed with two amendments. By one, the names of the witneſſes, who had appeared before the grand jury, were ordered to be ſent to the priſoner ten days before his trial. The other was, that no eſtate in land was to be forfeited upon a judgment of high-treaſon; which came up fully to the motion, which Biſhop Burnet had made. Both theſe amendments were looked on as ſuch popular things, that it was not probable, that the houſe of commons would recede from them. Upon that the whigs in the houſe of lords did not think fit to oppoſe them, nor to loſe the bill; and therefore it was moved to agree to theſe amendments, with this proviſo, moved by the lord Sommers, that they ſhould not take place till after the death of the pretender. It was ſaid, that, ſince he aſſumed the title of king of Great Britain, and had ſo lately attempted to invade the nation, it was not reaſonable to leſſen the puniſhment and the dread of treaſon, as long as he lived. Others objected to this, that there would be ſtill a pretender after him, ſince ſo many perſons ſtood in the lineal deſcent before the houſe of Hanover, ſo that this proviſo ſeemed to be, upon the matter, the rejecting the amendment. But it was obſerved, that to pretend to the right of ſucceeding was a different thing from aſſuming the title and attempting an invaſion. The amendment was received with this proviſo; but thoſe, who were againſt the whole bill, did not agree to it. The houſe of commons conſented to the proviſo, which the lords had added to their amendment, with a further addition, that it ſhould not take place till three years after the houſe of Hanover ſhould ſucceed to the crown.

This met with great oppoſition; it was conſidered as a diſtinguiſhing character of thoſe, who were for or againſt the preſent conſtitution and the ſucceſſion; the Scots ſtill oppoſing it on account of the former laws. Both parties collected their ſtrength, and many, who had gone into the country, were brought up on this occaſion; ſo that the bill, with all the amendments and proviſo's, was carried by a ſmall majority; the lords agreeing to this new amendment. The Scots members in both houſes ſeemed to apprehend, that the bill would be very odious in their country; and therefore, to maintain their intereſt at home, they who were divided in every thing elſe, did agree in oppoſing this bill.

The court apprehended from the heat, with which the debates were managed, and the difficulty in carrying the bill through both houſes, that ill-diſpoſed men would endeavour to poſſeſs people with apprehenſions of bad deſigns and ſeverities, that would be ſet on foot; and therefore reſolved to have an act of grace immediately upon it. It was the firſt the queen had ſent, though ſhe had now reigned above ſeven years. The miniſters, for their own ſakes, took care, that it ſhould be very full. It was indeed fuller than any former act of grace. All treaſons committed before the ſigning the act, which was the 19th of April, were pardoned, thoſe only excepted that were done upon the ſea. By this they, who had embarked with the pretender, were ſtill at mercy. This act, according to form, was read once in both houſes, and with the uſual compliments of thanks.

Beſides theſe, there were other things of leſs importance paſſed this ſeſſion.

The injury done to major general Webb, after the battle of Wynendale, having made a great noiſe, the leaders of the tory party readily ſeized this opportunity, both to do him juſtice, and at the ſame time, to expoſe the partiality of thoſe in power. Sir Thomas Hanmer therefore made a motion, on the 13th of December, "That the thanks of the houſe be given to major general Webb, for the great and eminent ſervices performed by him at the battle of Wynendale;" which was unanimouſly carried in the affirmative. The major general being then in the houſe, the ſpeaker gave him, in his place, the thanks of the houſe; which he acknowledged in a very handſome and modeſt ſpeech, ſaying, among other things, "That he valued the honour done him by the commons above the greateſt rewards." This gave Mr. Bromley occaſion to ſay, "That he did not diſapprove the cuſtom, which, of late years, had been introduced, of returning thanks to ſuch generals as had performed eminent ſervices; eſpecially when they received thoſe compliments as modeſtly, as the worthy member, to whom they were now given, had done. But it was with grief, he obſerved, a certain commander, on whom not only the thanks of the houſe, but alſo great rewards had been beſtowed, appeared yet to be unſatisfied." This reflection was viſibly levelled at the duke of Marlborough, who, about that very time, was attacked in two pieces, which were printed, and induſtriouſly ſpread about, the one intituled, 'A ſpeech of Caius Memmius, tribune to the people of Rome, tranſlated from Salluſt;' the other intituled, 'An account of a dream at Harwich.'

On the other hand, the ſame day that an addreſs was voted by the commons for ſuch treaties and agreements, as had been made for contributions, it was unanimouſly reſolved, "That the commons of Great Britain being truly ſenſible, not only of the great and eminent ſervices performed by his grace the duke of Marlborough the laſt ſucceſsful campaign, ſo much the honour of Great Britain, and advantage of all Europe, but alſo of the indefatigable zeal he perſevered in for the ſervice of the common cauſe abroad, while he might, with reaſon, expect to be received with all the marks of honour and ſatisfaction at home, did, with a juſt regard to his glorious actions, return him the thanks of the houſe, and ordered their ſpeaker to tranſmit the ſame to his grace." This being done, the duke of Marlborough returned an anſwer, dated from Bruſſels, February the 13th 1709, importing, "That he was extremely ſenſible of the great honour, which the houſe of commons had done him, in the vote the ſpeaker had been pleaſed to tranſmit to him by their order: That nothing could give him more ſatisfaction, than to find the ſervices, he endeavoured to do the queen and his country, ſo acceptable to the houſe of commons: And he begged the favour of the ſpeaker to aſſure them, he ſhould never think any pains or perſeverance too great, if he might, by God's bleſſing, be inſtrumental in procuring a ſafe and honourable peace for her majeſty and his fellow-ſubjects."

Moreover, when the news of the reduction of Ghent was brought over, both houſes preſented an addreſs to the queen, wherein the duke of Marlborough was mentioned with honour. In this addreſs, "they congratulated her upon the laſt great effort of this glorious year; a year, that would be ever famous in hiſtory, as well for the entire diſappointment of all the attempts and hopes of her enemies, as for the wonderful ſucceſſes, with which God had bleſſed the arms of her majeſty and her allies:" Adding, "That the unuſual length of the campaign, the variety of events, and the difficulty and importance of the actions, had given opportunities to her majeſty's general, the duke of Marlborough, to ſhew his conſummate ability, and all the great qualities neceſſary for ſo high a truſt; whereby, in conjunction with the renowned prince Eugene of Savoy, ſuch conſiderable progreſs had been made, and the conqueſts ſo far advanced, that there is reaſon to hope, the enemy, in ſpite of all their preſumption, would ſoon find themſelves under an abſolute neceſſity of ſubmitting to a ſafe and honourable peace."

The duke of Marlborough being arrived, after a dangerous paſſage from Oſtend, came to London the 1ſt of March,

notice of this aſſertion as a miſtake in biſhop Burnet, and obſerves, 'That the contrary is well known; and that it would be to turn legal puniſhments of high crimes into a jeſt, were a redemption of that kind allowed. This is not only the caſe in the ſeparate adminiſtration of many of the provinces, but we are told by one of the beſt writers, on the conſtitution of the Low Countries [Janiçon, Vol. I. p. 183.] that the council of ſtate condemns any officer, who abuſes a public truſt in the finances, the armies, the negociations, or juſtice of the republic, to the heavieſt penalties by fine, ſuited to the crime, the exigency, and example. And it is much the ſame thing to the children of a criminal, whether the fortune of the family be taken from them by judgment of entire forfeiture, or by a diſcretionary ſentence condemning to a ſevere fine, which may equal or exceed the value of it.'

whilſt the lords were ſitting; the lord chancellor, by order of the houſe, returned him thanks for the eminent ſervices performed by him the laſt campaign. As he was ſuppoſed to bring over propoſals of peace, the lord Sommers moved for an addreſs to be preſented to the queen, that ſhe would be pleaſed to take care, at the concluſion of the war, that the French king might be obliged to own her title and the proteſtant ſucceſſion, and that the pretender might be removed out of the French dominions; which being unanimouſly approved, the addreſs was ſent down to the commons, where Mr. Boyle repreſented, "That the Britiſh nation having been at a vaſt expence of blood and treaſure, for the proſecution of this neceſſary war, it was but juſt they ſhould reap ſome benefit by the peace: And the town of Dunkirk being a neſt of pirates, that infeſted the ocean, and did infinite miſchief to trade, he therefore moved, That the demoliſhing of its fortifications and harbour be inſiſted upon in the addreſs:" Which, with that amendment, was unanimouſly approved, and carried back to their lordſhips by Mr. ſecretary Boyle. The lord chancellor, on the part of the peers, and the ſpeaker of the commons, on the part of the commons, having attended the queen with the ſaid addreſs, her majeſty told them, "That ſhe was of the ſame opinion with her two houſes of parliament, in the ſeveral particulars of that addreſs; as ſhe had alſo been in all the other which they had made on the ſame ſubject;" aſſuring them, "no care ſhould be wanting on her part, to attain the ends they had deſired." This addreſs of both houſes was highly acceptable to the whole nation, and to all our allies.

An order having been made, on the 13th of January, by the privy council, in purſuance of her majeſty's pleaſure to them, ſignified, "That in the Form of Prayer, with Thankſgiving to Almighty God, to be uſed in all churches and chapels every year upon the eighth day of March (being the day, on which her majeſty began her happy reign) in the prayer at the communion ſervice, immediately before the reading of the epiſtle, for the queen, as ſupreme governor of this church, theſe words following be left out: 'And, that theſe bleſſings may be continued to after ages, make the queen, we pray thee, an happy mother of children; who, being educated in thy true faith and fear, may happily ſucceed in the government of theſe kingdoms.' This order ſeeming to intimate, that the queen deſigned to paſs the remainder of her life in widowhood; Mr. Watſon, ſon to the lord Rockingham, moved, on the 25th of January, in the houſe of commons, "That an humble addreſs be preſented to her majeſty, that ſhe would not ſuffer her juſt grief ſo far to prevail; but would have ſuch indulgence to the hearty deſires of her ſubjects, as to entertain thoughts of a ſecond marriage." This motion, being ſeconded and ſupported by ſeveral young members, was unanimouſly carried, and a committee was appointed to draw up the addreſs; which being agreed to, and the lords having given their concurrence to the ſame, was the next day preſented to the queen by the ſpeakers of the two houſes. The queen was not a little ſurprized at this unexpected addreſs; to which ſhe returned an anſwer, importing, "That the frequent marks of duty and affection, ſhe had received from both houſes of parliament, muſt needs be very acceptable to her: That the proviſion ſhe had made for the proteſtant ſucceſſion, would always be a proof, how much ſhe had at heart the future happineſs of the kingdom: But that the ſubject of this addreſs was of ſuch a nature, that ſhe was perſuaded they did not expect a particular anſwer." However the commons, on the 29th, voted their thanks for this anſwer.

A bill was brought into the houſe of commons, 'for the exportation of tobacco, and other commodities and manufactures of the growth and product of Great-Britain;' the deſign of which was, to exchange tobacco for French wines. But the Portugueſe embaſſador having, by a memorial, repreſented to her majeſty, and by word of mouth to ſeveral members without doors, that ſuch a bill was contrary to the alliance between her majeſty and the king his maſter; and it being conſidered, beſides, that ſuch an exchange would redound to the advantage of France, and to the benefit of five or ſix perſons in Great-Britain only, the bill was diſmiſſed, by putting off the conſideration of it for a month. And, on the other hand, a bill was ordered to be brought in, 'for the more effectual prohibiting the importation of French wines, and all other commodities of the growth and product of France.'

It may here be obſerved, that our trade was now very high, and was carried on every where with advantage, but no where more than at Liſbon: For the Portugueſe were ſo happy, in their dominions in America, that they diſcovered vaſt quantities of gold in their mines, and we were aſſured that they had brought home to Portugal, the former year, about four millions ſterling, of which they, at that time, ſtood in great need, for they had a very bad harveſt: But gold anſwers all things: They were ſupplied from England with corn, and we had in return a large ſhare of their gold.

The deficiency of the laws to puniſh inſults, in caſe of foreign miniſters, being apparent in the caſe of the Muſcovite embaſſador, a bill was brought into the houſe of commons, for preſerving the privileges of embaſſadors and other foreign miniſters. Count Gallas, the Imperial and Spaniſh envoy, having got a copy of it, communicated it to Baron Spanheim, the Pruſſian embaſſador, at whoſe houſe there was a meeting of foreign miniſters, who reſolved to lay before the ſecretaries of ſtate their obſervations on the bill, in a memorial, importing, 'That the preamble of the bill mentioned only the particular indignity offered to the Muſcovite embaſſador, and his being arreſted and taken out of his coach by violence, &c. in contempt of the protection granted by her majeſty, without taking notice of the law of nations, on which the privileges of embaſſadors are founded, and which is ſuperior and antecedent to all municipal laws: And therefore they inſiſted, that in the preamble theſe words ſhould be added, contrary to the law of nations, and in prejudice of the rights and privileges, which embaſſadors, and other public miniſters, authorized and received as ſuch, have at all times been thereby poſſeſſed of, and which ought to be kept ſacred and inviolable. II. That, in the clauſe for preventing for the future the ſeizing, arreſting, or impriſoning of public miniſters, it ſhould be made criminal to offer them any inſult or ill treatment. III. That their equipages, goods, and other effects, of what nature ſoever, ought likewiſe to enjoy the ſame protection with their perſons and ſervants, and not be ſeized or ſtopped on any pretence. IV. That their houſes ought to be accounted and declared ſanctuaries, and no bailiffs, or other officers of juſtice, allowed to enter the ſame. V. And that foreign embaſſadors, and other miniſters, ought to enjoy theſe privileges from their firſt coming into Great-Britain, till they are out of her majeſty's dominions, even after they have had their audience of leave, as long as they retain their characters.' The ſubſtance of this memorial being communicated to the committee, to whom that bill was referred, they inſerted the firſt amendment in the preamble, but did not think proper to mention the other particulars: And, Mr. Compton having reported the ſeveral amendments made to the bill, the houſe added a clauſe, "That no perſon ſhould be proceeded againſt for having arreſted the ſervant of an embaſſador, or public miniſter, by virtue of this act, unleſs the name of ſuch ſervant be firſt regiſtered in the office of one of the principal ſecretaries of ſtate, and by ſuch ſecretary tranſmitted to the ſheriffs of London and Middleſex, who ſhall hang up the ſame in ſome public place in their offices, &c." and ordered the bill to be engroſſed. The foreign miniſters, having alſo procured a copy of this laſt clauſe, held another aſſembly at Baron Spanheim's houſe, at which the earl of Sunderland aſſiſting, they repreſented to him, "That the exacting liſts of foreign miniſters ſervants was a thing unpractiſed in other courts, and liable to ſeveral inconveniences; and deſired beſides, that the lord chamberlain of her majeſty's houſhold might be added to the number of the perſons appointed by this bill, to take cognizance of the offences committed againſt the privileges of foreign miniſters, and to inflict ſuch puniſhments, as they ſhall judge fit." But the parliament did not think fit to make any more alterations in the bill.

On the 14th of March, the commons, in a grand committee, came to ſeveral reſolutions in favour of the inhabitants of Nevis and St. Chriſtophers, who had ſuffered by the late invaſion of the French; and voted the ſum of one hundred and three thouſand two hundred and three pounds for the uſe of ſuch ſufferers, as ſhould re-ſettle in their plantations in thoſe iſlands.

The commons being informed, that the humour of laying wagers about the events of war was grown to ſuch an height, that many unwary perſons were ruined by it, and that the moſt crafty in thoſe bargains maintained clandeſtine correſpondences abroad, which might be of dangerous conſequence to the government, a bill was brought in, which paſſed both houſes, and received the royal aſſent, to prevent the laying of wagers relating to the public.

1709.] Theſe were the tranſactions of this ſeſſion of parliament, which was concluded the 21ſt of April, when the following ſpeech of the lords commiſſioners was delivered to both houſes by the chancellor:

My lords and gentlemen,

Being now, by the queen's directions, to put an end to this ſeſſion, we have it in command from her majeſty to aſ-

ſure you, her majeſty is extremely ſenſible of the zeal and affection you have ſhewn for her ſervice, and the good of her people, and of the prudence and diſpatch, with which you have completed the important buſineſs of this ſeſſion.

"The vigour and firmneſs of your proceedings have already had a very good effect on affairs abroad; and there is ground to hope, that, by God's bleſſing on her majeſty's endeavours, this will every day appear more and more evident.

Gentlemen of the houſe of commons,

"We are to return you in particular her majeſty's thanks, for your having provided ſo timely and effectually the ſupplies found neceſſary to the proſecution of this war, with an augmentation of thoſe forces, which, in conjunction with our allies, have, by God's aſſiſtance, procured us the preſent advantages over the common enemy.

"Your chearfulneſs in giving ſuch large ſupplies at this juncture, and the ready advances, which have been made for their being effectual with ſo little burden to the people, ſhew, you perfectly underſtand how to make a right uſe of our paſt ſucceſſes, and that nothing is too difficult for ſo dutiful and affectionate ſubjects, acting in defence of ſo good a cauſe.

My lords and gentlemen,

"Her majeſty, through the whole courſe of her reign having been deſirous to ſhew all poſſible inſtances of goodneſs and clemency to her ſubjects, hath now, for the ſtrengthening the union, and quieting the minds of all her ſubjects throughout the united kingdom, thought fit to grant them an act of grace and free pardon, in a more full and beneficial manner, than hath been formerly uſed; not doubting, but all her people will make a right uſe of, and ſuitable returns on their part, for ſo extraordinary an indulgence.

"Her majeſty, having alſo been graciouſly pleaſed to give the royal aſſent to the ſeveral bills you have preſented during this ſeſſion, commands us to obſerve to you on that occaſion, that the life and benefit of all laws, how wiſely ſoever they are framed, do chiefly conſiſt in a due and regular execution of them, and therefore to exhort you, that, when you return to your countries, you would think it indiſpenſably your duty, to ſet a good example towards an impartial and ſteady obſervation of the many good laws, which have been enacted (eſpecially ſince the late revolution) and which fall within your province to execute; it being but too evident, that the defect at preſent attending us is not ſo much the want of new laws, as the neglect and diſregarding thoſe already made."

After this the parliament was prorogued to the 19th of May.

The ſeverity of the winter ſeaſon (as hath been ſaid) was very remarkable this year; for it began to freeze, the night before Chriſtmas day, with great violence, and not long after fell great ſnows. Thoſe, who compared the great froſt in 1683-4 with this, obſerved, that the firſt was generally a bright one, and continued above two months without interruption; but the latter moſtly dark, and with ſome intervals laſted a month longer; during which, many cattle, eſpecially ſheep, and likewiſe birds, periſhed. The Thames was frozen over, and, on the 3d of January, people began to erect booths, and ſet up tents on the ice. It was alſo obſerved, that the ſummer, which ſucceeded the froſt in 1683-4, was exceſſively hot and dry, affording in general great plenty of things neceſſary for human life; but this proved very near as comfortleſs as the winter, by reaſon of the coldneſs and moiſture of the air, pouring almoſt continual rains on the earth, which, as it retarded the maturity of the fruits, ſo, in many places, occaſioned a thin harveſt, and this a ſcarcity of corn. This great froſt was general in Europe, but moſt ſeverely felt in France, where, in moſt places, the fruit trees were killed, and the corn frozen in the ground, which occaſioned there a dreadful calamity and deſolation.

Two young princes, near relations to the czar of Muſcovy, arriving in London in January, the queen gave orders for their being entertained at her charge, and attended by her officers; the princes, to ſhew the grateful ſenſe of theſe favours, deſired an audience, to which, being introduced by Mr. Boyle, they made their compliments to her majeſty in Latin, acknowledging, with great reſpects, the ſingular marks of kindneſs, which ſhe was pleaſed to heap upon them; and, at the ſame time, congratulated her upon the ſignal ſucceſs of her victorious arms, and wiſhed her a long continuation of the ſame. To which the queen anſwered, 'That ſhe had ſo much eſteem and friendſhip for his czariſh majeſty, that ſhe could not but be very well pleaſed to ſee any ſo nearly related to him in her kingdoms, and have an opportunity of ſhewing her kindneſs and diſtinction to them. She likewiſe thanked them for their congratulations and good wiſhes, adding, That ſhe would endeavour to make their ſtay here as agreeable to them, as ſhe could.' Beſides this compliment paid to the czar, in order to ſoften his reſentment of the late affront offered to his embaſſador, an information was tried at the court of queen's bench, before the the lord chief juſtice Holt, for the queen, againſt Thomas Morton the laceman, and thirteen others, for meeting, conſulting, and conſpiring to arreſt and impriſon the Muſcovite embaſſador, of which they were found guilty, the ſpecial matter of the privilege of embaſſadors, to be argued before the judges the next term. There were preſent in court the earl of Sunderland, Mr. ſecretary Boyle, the lord Halifax, and ſeveral other perſons of quality[z].

On the 3d of February, the queen, in council, was pleaſed to declare, 'That, the public buſineſs increaſing, her majeſty had thought fit to appoint a third ſecretary of ſtate of Great Britain; but that ſhe intended, nevertheleſs, to continue the foreign affairs, for the preſent, in the courſe of diſpatch they were now in.' Upon this the duke of Queenſberry was made third ſecretary of ſtate, and took for one of his under ſecretaries Nicholas Rowe, famous for his dramatic performances.

The convocation was ſummoned, choſen and returned as the new parliament was. It was too evident, that the ſame ill temper, that had appeared in former convocations, did ſtill prevail, though not with ſuch a majority: When the day came, in which it was to be opened, a writ was ſent from the queen to the archbiſhop, ordering him to prorogue the convocation for ſome months: And, at the end of theſe, there came another writ, ordering a further prorogation: ſo the convocation was not opened during this ſeſſion of parliament; by this, a preſent ſtop was put to the factious temper of thoſe, who ſtudied to recommend themſelves by embroiling the church. This did not cure them; for they continued ſtill by libels and falſe ſtories to animate their party. The moſt effectual encouragement to that end was, the ſecret inſinuation that the queen's heart was with them: That though the war, and the other circumſtances of her affairs, obliged her at preſent to favour the moderate party, yet, as ſoon as a peace brought on a better ſettlement, they promiſed themſelves all favour at her hands. It was not certain, that they had then any ground for this, or that ſhe herſelf, or any by her order, gave them theſe hopes; but this is certain, that many things might have been done to extinguiſh thoſe hopes, which were not done: So that they ſeemed to be left to pleaſe themſelves with thoſe expectations, which kept ſtill life in their party; and indeed it was but too viſible, that the much greater part of the clergy were in a very ill temper, and under very bad influences; enemies to the toleration, and ſoured againſt the diſſenters.

About this time was publiſhed a letter from a gentleman in

[z] The Muſcovite embaſſador, ſeeing the ſlowneſs of the judicial proceedings in England, wrote expoſtulatory letters to Mr. Boyle, who at laſt aſſured him, That the laws of the kingdom could not admit of a final deciſion till the next term: That nothing had been omitted to procure all reparation, which the utmoſt rigour of law could afford: That a bill had, by the queen's order, been brought into the parliament for ſecuring the privileges of embaſſadors and foreign miniſters, to ſhew how far ſhe deteſted the violence offered to his excellency's perſon and character: That the queen had no ſooner notice, that the two young Muſcovite princes, relations of the czar, were arrived in her kingdom, but ſhe gave orders for their reception. In anſwer to this letter, the embaſſador replied, That if it was in the queen's power to conſult the parliament about a law to ſecure the immunities of foreign miniſters, could not due meaſures have been taken at the ſame time for reparation of the paſt affront? That it was a very eaſy matter to do it, and was what ſhe herſelf had cauſed to be done in the caſe of her embaſſador the earl of Mancheſter at Venice: That as to the honours lately done to two young noblemen, who were taken for Muſcovite princes, the czar reckoned none but the Imperial hereditary prince within the verge of his auguſt houſe: That theſe were two young lords, who were a-kin to him, and were travelling incognito, but he did not deſire they ſhould be defrayed by any power, having wherewithal to bear their own charges. Several other letters paſſed between Mr. ſecretary Boyle and Mr. D'Ayrolle, the Britiſh ſecretary at the Hague; but it having been found impracticable in England to inflict any legal puniſhment on thoſe, who had affronted the embaſſador, it was at laſt agreed between the two courts, that the queen, by way of ſatisfaction, ſhould make ſolemn excuſes for the inſufficiency of our former laws in that behalf. This was accordingly done by Mr. Whitworth, the queen's envoy extraordinary to the czar, in a ſpeech at his public audience, on the 8th of February, 1709-10. Upon which the czar ordered his miniſters to ſettle the affair with him in a conference, and the following articles were agreed on: 1. That his czariſh majeſty accepted of the excuſes, and was willing to forget the criminal proceedings of the authors of the affront, and deſired they might be diſcharged. 2. That ſatisfaction ſhould be given to the embaſſador by a letter from the queen to repair his honour; and by a reimburſement of all the coſts and damages he had been at on account of the affront. 3. That the embaſſador ſhould demand his letter of recredence, which he had refuſed to accept, as well as the uſual preſent and the yatch, which the queen cauſed to be offered him. 4. That his czariſh majeſty would acquaint the queen, that he was content with this ſatisfaction, by a letter, which ſhould be delivered to Mr. Whitworth.

Scotland to his friend in England, againſt the ſacramental teſt; as inconſiſtent with the union, dangerous to the eccleſiaſtical conſtitution of North Britain, and to ſuch parts of their civil conſtitution as are reſerved to them: Inconſiſtent with the civil intereſt of Great Britain in general; contrary to the deſign of our Saviour's inſtitution of the Lord's ſupper, and to the doctrine of the church of England: And an apology for this letter.

The teſt act is here repreſented as contrary to the rules of religion, becauſe it requires an end in receiving the ſacrament, that muſt prophane it, and ſuch as bears no proportion to the original deſign of it; and uſurps an authority, which no power on earth can lay any juſt claim to, to apply divine inſtitutions to ſuch ends, as only ſerve the intereſt of politic ſocieties; and obliges ſuch as have any civil poſt to take the ſacrament, without any regard to the fitneſs, which the law of Chriſt requires, for that ſolemnity. It looks as if it was no matter, how ill a character a perſon bore, if it can be covered with the name of churchmen; which ſhews, that it is not the honour of religion, but the ſecular intereſt of a party that is principally regarded.

Whilſt the houſe of commons, in January, were conſidering a bill for the ſpeedy and effectual recruiting the land forces and marines, by encouraging the pariſhes to provide them, this letter againſt the teſt was diſperſed by perſons unknown, at the door of the houſe. It was a ſnare laid for the whig members. By approving the letter and aboliſhing the teſt, which bore ſo hard upon the diſſenters, and excluded the moſt rigid from places of truſt, they alarmed the church, and furniſhed a ſpecious pretence of aſſerting, the church was in danger. If the teſt was preſerved, notwithſtanding the reaſons alledged againſt it in the letter, the diſputes about occaſional conformity, which had been ſo troubleſome in the former parliaments, would have revived and produced the ſame animoſities in this. The commons, being aware of theſe things, avoided the ſnare, by condemning the letter, upon a complaint made to them of it, to be burnt for a ſcandalous, ſeditious libel, and the author and printer to be enquired after.

By this time, the negociations for a peace were begun at the Hague [a]. It has been already obſerved, that, ſoon after the battle of Ramillies, the elector of Bavaria gave out hopes

[a] Dr. Hare in his piece entituled, 'The Negotiations for a Treaty of Peace in 1709 conſidered: In a third Letter to a tory Member,' having ſtated this whole affair in a clear and full light, it will be proper to tranſcribe his account of it. He begins his letter with ſome reflections on the general conduct of the French in all the treaties they had made for fifty years before, to ſhew the neceſſity there was for the allies to refuſe entering into any conferences for a general peace, till ſome preliminaries were firſt ſettled, as a foundation, on which it ſhould be built. But before we come, ſays the doctor, p. 7. to conſider the preliminaries themſelves, that you may the better judge of the ſincerity of France, I muſt obſerve to you, that they had previouſly, by their emiſſaries, been feeling the pulſe of the Dutch; and, by the mighty profeſſions they made of the ſincere deſires of the king to put an end to the war, they obtained ſome private conferences the beginning of the year 1709, in which the reſtitution of Spain and the Indies to king Charles, was always ſuppoſed as the firſt ſtep towards a treaty; and, for the reſt, they hoped the Dutch, for their part, would not be very difficult, ſince they were aſſured, that in other points they might have their own terms, and not only be ſecured by a good barrier, in which the French were pleaſed to be very liberal, but likewiſe be made very eaſy in relation to trade. The Dutch, who, on this occaſion, ſhewed they underſtood the French, as well as the French thought they did them, appeared to be very well pleaſed to hear of overtures of peace, and expreſſed great readineſs to enter on a treaty; but that they could do nothing without the concurrence of their allies, to whom they communicated what had paſſed; and, in order to a treaty, gave leave to the miniſters of France to come to Holland; firſt to Monſieur Rouille, and afterwards to the marquis de Torcy, who both timed their coming thither too remarkably, not to be taken notice of. The duke of Marlborough made two voyages that ſpring to England; one in the beginning of March, N. S. which was the ſooneſt the affairs of the war would admit of his return after the campaign of Liſle; the other about the end of April, when he went to communicate to the queen what had paſſed, and to receive her inſtructions. Now Monſieur Rouille came to Holland, almoſt as ſoon as the duke was gone from thence the firſt time; and the marquis de Torcy followed ſoon after the duke's leaving it the ſecond: By which it ſhould ſeem, they thought they might make ſome advantage of his abſence; and that it was for their maſter's ſervice, to have the Dutch as much as they could to themſelves, as the likelieſt way to procure ſuch a peace as they had a mind to.

Monſieur Rouille and the marquis de Torcy came neither of them into Holland, till the duke of Marlborough had left it; which was a plain proof, that they had ſome deſigns, which they feared he would not come into; and, that in his and prince Eugene's abſence, they hoped the ſtates, by the great inclination they expreſſed for peace, might be drawn in to conſent to ſome points, which might either produce a treaty to their minds, or divide the allies among themſelves. This they hoped to do theſe two ways; firſt, by gaining their conſent to a partition, which they had never abſolutely declared againſt; and next by offering to them, in conſideration for that, a greater barrier than they thought conſiſtent with the intereſt and honour of the houſe of Auſtria. The firſt of theſe they knew the emperor would not agree to; and neither the emperor nor England to the latter. And from this occaſion and ground for diviſion they promiſed themſelves great ſucceſs. But, to their ſurprize, the firmneſs of the ſtates was ſo great, that, as they would abſolutely reject nothing, ſo neither would they agree to any thing ſeparately from the reſt of the allies, nor enter into any treaty, but jointly with the queen and the emperor, who, to ſhew their readineſs to hearken to any reaſonable terms of peace, that would anſwer the end for which they went into the war, immediately upon notice of the propoſals the French had made, ſent to the Hague the duke of Marlborough and prince Eugene; the firſt was attended by my lord Townſhend, and the other was ſoon followed by count Zinzendorf. And both theſe miniſters diſtinguiſhed themſelves in theſe negotiations very much to the ſatisfaction of all the reſt. My lord Townſhend particularly has, by his good ſenſe, integrity, openneſs, and affability, acquired the univerſal eſteem of the ſtates, and all the reſt of the allies, beyond what could be hoped from ſo young a miniſter, and to ſuch a degree, as will always be remembered to his honour in that country, however it may be denied or forgot in this. If therefore you do not meet with his and count Zinzendorf's names in what follows, I muſt deſire you would ſuppoſe of them what I ſay of the two generals, ſo far at leaſt, as to think they did not in any thing of moment ever differ from them.

But to proceed; upon the arrival of theſe miniſters at the Hague, conferences were daly held with thoſe of France, to ſettle preliminary articles. In treating of which their inſincerity ſoon diſcovered itſelf, and great reaſon was given to ſuſpect their chief aim was to amuſe and divide thoſe they ſeemed ſo much in haſte to agree with; that, if they could not get ſuch a peace for themſelves as they deſired, the campaign at leaſt might be loſt to the allies. For it was very obſervable, that they eaſily agreed, and, in a very little time after theſe conferences were begun, to all the demands of England and Holland for themſelves, though ſome articles wrre contained in both, which the French never dreamt of being aſked, when the firſt overtures of peace were made; ſuch as the demoliſhing of Dunkirk, and the giving up many towns, which were no part of the Spaniſh Netherlands, at the time of king Charles's death, nor had in the courſe of the war been taken from them. When the firſt ſteps of a treaty were made, the French ſo little thought of theſe demands, that the quitting even Liſle and Menin was refuſed. But now theſe extraordinary points on the part of England and Holland were by the miniſters of France readily agreed to; and yet, at the ſame time, great difficulty was made with reſpect to what was aſked for the emperor and the duke of Savoy, though there was nothing in thoſe articles, but what was extremely reaſonable and neceſſary to ſecure the dominions of thoſe princes from the invaſions they would otherwiſe be expoſed to. There was an interval of ſeveral days, before the French miniſters would treat about theſe articles; nor did they at laſt conſent to them but with a reſerve and a declaration, that this was beyond their inſtructions; and that therefore they muſt ſuſpend a full aſſent, till the farther pleaſure of the king was known. Now what could the meaning of this management, but to inſnare the maritime powers, if they could and draw them into a baſe deſign of ſacrificing the intereſts of their allies to their own? And what uſe can any body imagine they would have made of this, but to engage the allies in a quarrel among themſelves, and to take advantage of their differences; to break the confederacy, and to entice ſome of the members of it by large offers to come into ſeparate meaſures with them? But, this ſcheme failing by the firm adherence of the maritime powers to the reſt of the allies, there was one article ſtill remained to be adjuſted, which in effect included all the reſt, and which would afford the French a ſpecious pretence for breaking off the treaty, whenever they had a mind to it; and that was to ſettle terms, on which a perpetual ſuſpenſion of arms ſhould be agreed. No body had ever doubted, but that there was ſuch an underſtanding between the French king and his grandſon, that the former could oblige the latter to reſign the Spaniſh monarchy whenever he pleaſed, ſince he not only gave it king Philip at firſt, but had hitherto ſupported him in it. Accordingly every thing about him was entirely French; and the reſtitution of Spain at leaſt, and the Indies, had, as I obſerved before, been always ſuppoſed. And as this was the point that occaſioned the war, the firſt thing ſettled in the preliminaries was a perfect and entire ceſſion of the whole Spaniſh monarch to king Charles III, to be made within two months from the firſt of June following. And in caſe the duke of Anjou ſhould make any difficulty to comply with this, it is expreſsly covenanted in the fourth article, That his moſt chriſtian majeſty and the allies ſhall take in concert the proper meaſures to oblige him to it. What was to be underſtood by taking proper meaſures, both ſides were content ſhould not be then explained. Thus far looked well; and one would have thought the French meant in earneſt, that the duke of Anjou ſhould immediately quit Spain to his competitor. But all hitherto was words only, and would ſignify nothing unleſs the execution of this eſſential point was effectually provided for; and there was but one way of doing this, which was to make this ceſſion one of the conditions of continuing the ſuſpenſion of arms, agreed to in the thirty-fourth article, to the concluſion of a general peace; which was accordingly done in the thirty-ſeventh article, which declares, That this ſuſpenſion ſhall continue till a general peace; provided the king of France executes all that is promiſed on his part in the foregoing articles, and the whole Spaniſh monarchy be reſtored, rendue & cedée, to king Charles as is ſettled in theſe articles. This article touched home and diſcovered plainly, that all the French pretended to conſent to in this fundamental point was mere grimace; and that they meant nothing elſe, but to draw the allies into a ſeparate peace, and leave them to get Spain as they could. This was the moſt they meant; and I am apt to think, for reaſons I will give you by and by, they did not mean ſo much; but, whether they did or not, they did not want a ſpecious cover for their oppoſition to this article; they made greater profeſſions of the ſincerity of their king's intentions; that he would punctually execute all that depended upon him; and that he would endeavour to perſuade his grandſon to a compliance; but that to force him to it, and that within ſo ſhort a term was not in his power: That it would therefore be impoſſible for the king to conſent to this article and to conſent to the reſt of the preliminaries, unleſs an abſolute ſuſpenſion of arms were agreed to, would be to leave himſelf at the mercy of the allies, and put himſelf into a much worſe ſtate than before. And theſe pretences, you may be ſure, wanted no art to ſet them off. But to all this it was eaſy to anſwer, That they were fully perſuaded, that, if the king was really in earneſt in this matter, he might certainly recal his grandſon without any difficulty; and provided he acted the fair part, and did all he could towards it, according to the fourth article, he might depend upon it, the allies would take no advantage of any words in the thirty-ſeventh, to begin the war again upon him, when he had faithfully performed the other parts of it, and ſurrendered the places agreed to be delivered up to them in the thirty-fifth. That ſuppoſing what they objected to this article, were not a pretended but a real difficulty, which could hardly be believed, the conſequence then would be, that the allies muſt either truſt to the ſincerity of France, or France to that of the allies. As the king, ſuppoſing it not in his power to oblige the duke of Anjou to reſign, would, by executing the reſt of the treaty, be at the mercy of the allies; ſo, on the other hand, if the allies made a peace with the king without this article, they would be at his mercy for the recovery of the Spaniſh monarchy; which was the great point, for which they entered into the war; but which they could

of a peace, and that the French king would come to a treaty of partition, by allowing Spain and the Weſt Indies to go to king Charles, provided the dominions of Italy were given to king Philip. They hoped, that England and the ſtates-general would agree to this, as leſs concerned in Italy; but they knew that the court of Vienna would never hearken to it; for they valued the dominions in Italy, with the iſlands near them, much more than all the reſt of the Spaniſh monarchy. But, at the ſame time that Lewis XIV. was tempting us with the hopes of Spain and the Weſt-Indies, that king, by a letter to the pope, offered the dominions in Italy to king Charles. But as the parliament had always declared the ground of the war to be the reſtoring the whole Spaniſh monarchy to the houſe of Auſtria (which indeed the ſtates-general had never done) ſo the duke of Marlborough could not hearken to this. He convinced the ſtates of the treacherous deſigns of the court of France in this offer, and it was not entertained. The court of Vienna (as hath been ſaid) was ſo alarmed at the inclinations which ſome had expreſſed towards the entertaining this project, that this was believed to be the ſecret motive of the treaty for evacuating the Milaneſe, and of their perſiſting ſo obſtinately in their deſign upon Naples; for by this means they became maſters of both. The French being now reduced to great extremities, by their conſtant ill ſucceſs, and by the miſeries of their people, and more eſpecially by the general decline of the public credit, the eminent bankers of Paris and Lyons having been obliged to ſtop payment, began to entertain ſerious thoughts of a peace, and reſolved to try the ſtates again. When the duke of Marlborough came over to England, Monſieur Rouille was therefore ſent to Holland with general offers of peace, deſiring them to propoſe what they inſiſted on; and he offered them as good a barrier for themſelves as they could aſk. The ſtates, contrary to the expectation of France, reſolved to adhere firmly to their confederates, and to enter into no ſeparate treaty but in conjunction with their allies. However, upon the arrival of Monſieur Rouille at Antwerp, they appointed Monſieur Buys, penſionary of Amſterdam, and Monſieur Vanderduſſen, penſionary of Gouda, to have a conference with him at Moerdyke. Upon the report of what paſſed in this interview, the ſtates permitted Rouille to come to Woerden, a place between Leyden and Utrecht, that he might be nearer at hand for the intended negociation; and then the deputies of the ſtates had another conference with him, in which he made ſome looſe propoſals towards a general peace, which, however, he refuſed to give

could never hope to gain, if he did not abſolutely abandon his grandſon, which they could by no means depend on, while they had nothing but his bare word for it. Now in this caſe, Which is more reaſonable for France to truſt the allies, or the allies France? This cannot be a very hard queſtion, ſince France had been guilty of the breach of public faith on ſo many occaſions, that it is hard to find an inſtance to the contrary. This very war will make two notorious inſtances of this remembred to all ages; the ſcandalous violation of the partition treaty, almoſt as ſoon as made; and the uſurpation of the Spaniſh monarchy, notwithſtanding the moſt ſolemn and repeated renunciations that had been made of it. It would be endleſs to enter into a detail of all the complaints of that kind againſt France, ſince the Pyrenean treaty. And therefore it cannot be reaſonable for the allies to truſt to thoſe, by whom they have ſo often been deceived. But it is not ſo with them; they never have been guilty of the breach of public faith in any flagrant caſe; at leaſt, I know of none. But I will venture to add further, that they neither would, nor, if they would, can they act a falſe part in ſuch a caſe as this. They would not, they do not think it for their intereſt to continue or renew a war unneceſſarily; they are ſufficiently weary; the burthen of the war has laid ſo heavy upon them, that they would be glad to have a little reſpite, and to be at leiſure to cultivate the arts of peace, and enjoy, as faſt as they can, ſome fruits of it. Thus they have always done; they have hardly had patience to keep up their armies till a peace was ſigned. And it is this humour of the allies has made the French have ſo little regard to execute their treaties with them. Beſides, it muſt be owned, there is a great probity, plainneſs, and honeſty, both in the Dutch and Germans, which appear in all the affairs of common life, and have been very obſervable in their dealings with the French all this war, in which the allies notwithſtanding the many provocations they have received, have, in no inſtance, retaliated, when they could not do it without breach of faith. The war in Flanders affords many inſtances of this, that they have always punctually performed whatever articles they have ſigned, and not made reprifals, where even honeſt men have thought they might have done it without any violation of juſtice. But the greateſt inſtance, and the only one I ſhall name, is their exact performance of the treaty of the evacuation of the Milaneſe, when the French had juſt reaſon to fear their troops would have been detained againſt the letter of the articles, in revenge of the injuſtice and inſolence, with which they had diſarmed and ſeized a conſiderable body of the duke of Savoy's troops, at the very time he was in alliance with them. I need ſay nothing of our own country, that France could have no reaſon to fear any perfidiouſneſs from home. The character of her majeſty is too well known to give the French grounds for any ſuch ſuſpicion; and, had we a prince of leſs renown on the throne, France would have little to fear from him, unleſs he were ſupported by his people; which no ſovereign of England has ever been, when they have thought the war he made unjuſt. But it is not enough to ſay the allies would not be falſe, nor act againſt the intentions of a public treaty; I think I may affirm, they cannot be ſo. A ſingle potentate is maſter of his own will, and can act without controul; but a confederacy can do nothing without a concurrence of all parts; which, in ſo unjuſt a cauſe as this, there would be no reaſon to apprehend. When all the moſt juſt and neceſſary cauſes of a war concur, it is very hard to keep a confederacy long together; much leſs can it be imagined it ſhould be kept up to oppreſs a prince, who has done all he can to ſatisfy the demands of all parties. Either honeſty or intereſt will certainly diſarm ſome of them. No ally, when he has gained all he can hope for by the war, will be willing to continue the expence of it in compliment to any of the reſt, eſpecially when the cauſe is manifeſtly unjuſt. No, were it ever ſo juſt, this is hardly to be hoped for. When a confederacy is ſucceſsful, jealouſies naturally ariſe among themſelves; and they are more concerned, that one part ſhould not be too great gainers, and have too much to their ſhare, than that any other ſhould not have enough. Of which we ſee an inſtance, though a very fooliſh one among ourſelves; our preſent maſters of politics, to render the very ſucceſſes of the war odious, alarm us with new fears, which no body before ever thought of; and tell us, the Dutch will have by this treaty a better country than our own. And, if a certain correſpondence by way of Calais has been continued, France might be aſſured, that no advantage would be taken of the thirty-ſeventh article, though Spain was not relinquiſhed in the time ſtipulated; and that therefore they might ſafely ſign the preliminaries, for that the war could not be renewed, ſince they might depend on it, that England would never conſent to uſe in ſo barbarous a manner a prince whom ſo great a party among them have always had ſo much reſpect for: And, without England, they know the reſt of the allies could do nothing.

But whether it was more reaſonable for the allies to truſt France, or France the allies, was not left at this time to general reflections. What was doing at this very juncture in Spain, gave the allies abundant cauſe to ſuſpect the ſincerity of France, that they meant nothing leſs than the reſtitution of that Monarchy. No body that looks into the accounts of that time, and ſees how thick expreſſes went one upon another between France and Spain, can doubt whether the king and his grandſon did not perfectly well agree: And not only the news of that time, but the facts themſelves ſhew, that the king gave him all poſſible aſſurances, that he would not abandon him, though it was neceſſary for his affairs to promiſe it. This, I ſay, is very plain, from what was at that time doing in Spain; for, though the marquis de Torcy told the allies, he did not know but king Philip might be at Paris before him, there was not the leaſt ſign of any intention to relinquiſh Spain; but on the contrary, there were on the part of the duke of Anjou all the appearances that could be of a prince that thought of nothing leſs. For the war was preſſed with the utmoſt vigour in all parts; Alicant was beſieged at a vaſt expence, and other places in Valencia were reduced with all diligence; preparations were made for the ſiege of Gironne, and the army was put into the beſt condition it could be, to invade Catalonia; and at the ſame time, the marquis de Bay advanced cloſe to the Portugueſe in Eſtremadura, with a deſign to give them battle; in which, againſt the opinion of my lord Galway, they unhappily prevented him. This did not look like a deſign to quit Spain to king Charles, but, on the contrary, ſhewed a reſolution to drive him out of it, if poſſible. But what gave the allies a greater jealouſy than all this, was the cauſing the prince of Aſturias to be acknowledged preſumptive heir of Spain by all the ſtates of the kingdom; which ceremony was performed with the greateſt magnificence the 7th of April; that is, about a month after M. Rouille had been in Holland; which proceeding, you may remember, every body was then alarmed at; ſuch a ſtep being plainly taken for no other end, but to lay in matter for a new war, or rather it was a declaration, that an end could not be put to this, as long as the reſtitution of Spain was made one condition of a peace. The French miniſters had but one reply to this, that their maſter was not anſwerable for what the duke of Anjou had done; but that, for his own part, he was ſincere, and would do whatever depended upon him, and that therefore, if a peace was not concluded, it could not lie at his door. The allies, though they could not think what was urged had any truth in it, yet to ſhew how far they were from deſigning to impoſe upon the king impoſſible conditions, thought of an expedient, which could not be refuſed, without diſcovering, that France meant nothing by this treaty, but to make peace for themſelves, and to leave the allies involved in a war with Spain. If it was not in the king's power to oblige his grandſon to retire out of Spain, they declared they would be content with his doing what evidently was in his power; which was to deliver up to them ſuch places in the Spaniſh dominions, as were garriſoned by his own troops. But this expedient was rejected; and the marquis de Torcy thinking, I ſuppoſe, that the allies inſiſting upon the duke of Anjou's being recalled, was a more ſpecious handle to break off the treaty upon, than the refuſal of the expedient they propoſed inſtead of it, he agreed at laſt to let the thirty-ſeventh article ſtand as it is now worded; which is perfectly agreeable to the main deſign of the treaty, and to the tenor of the other articles; but with a reſerve, as before, to know the king's pleaſure, without whoſe further inſtructions he could not ſign. And thus the conferences held to ſettle theſe preliminaries ended the 28th of May, and were the ſame day ſigned by the allies. The marquis de Torcy immediately ſet out for Verſailles, leaving Monſieur Rouille behind, to whom he promiſed to return the king's anſwer by the 4th of June at fartheſt; which, from the neceſſity of the king's affairs, the point the treaty was carried to, the marquis's rank and character, and perſonal merit, and the great proteſtations he made of his maſter's ſincerity, was hoped would be favourable; but moſt of all from his deſire to the allies at parting, that they would haſten the ratifications of theſe articles with all the diſpatch they could.

Theſe hopes the marquis left with the allies; and the near proſpect of a good peace filled all people with a joy, that is not to be expreſſed. They waited with great impatience for the 4th of June: It was the next day before the anſwer came, upon the receipt of which Monſieur Rouille acquainted the allies, that the king could not agree to theſe preliminaries. The articles excepted againſt were the ſame, that the marquis had before diſputed, thoſe relating to the emperor and the duke of Savoy, and the thirty-ſeventh. The allies were not a little ſurprized at this anſwer, and more at the haughty air with which monſieur Rouille in a long conference on this ſubject preſſed his objections; a behaviour very different from what either he or the marquis had ſhewn before; which there being no viſible cauſe for, they thought it was in great meaſure gaſconade; that it meant nothing elſe but to make what advantage he could of the inclinations the allies had without diſguiſe ſhewn to peace; and that he would at laſt recede from his pretenſions, when he ſaw they would not; and that in all events they could not, on their part, give up articles ſo reaſonable in themſelves, and which they had ſo unanimouſly agreed to, as abſolutely neceſſary to make a good and laſting peace. And what they ſuſpected did in good meaſure prove to be the caſe, at leaſt it ſeemed ſo; but after having inſiſted with ſo much ſtiffneſs upon the objections he had in the king's name made, when he perceived it had no effect on the allies, his departure being fixed for the ninth: The ſeventh in the evening, or early the next morning, he waited on the penſioner; and, as an inſtance of his great ſincerity and

concern

in writing. The ſtates-general, being ſtill cautious of making any advances in ſo important an affair without the participation of their allies, gave immediate notice of what had paſſed to the court of Vienna and Great Britain. Prince Eugene, who, during this interval, was gone to Vienna, returned from thence to Bruſſels, on the 27th of March, N. S. with full powers from his Imperial majeſty; and, on the 8th of April, came to the Hague, where the duke of Marlborough likewiſe arrived the next day from England. Theſe two great men had a long conference with the grand penſionary Heinſius, Meſſieurs Buys and Vanderduſſen, and other deputies of the ſtates, where they debated the overtures made on the part of France; which being thought inſufficient to be the ground of peace, orders were given for carrying on the warlike preparations with all poſſible application and diligence, in order to open the campaign, as ſoon as the backwardneſs of the ſeaſon would permit, and purſue the late advantages with the utmoſt vigour. The deputies of the ſtates, having informed Rouille, that his overtures were not ſatisfactory, that miniſter ſent an

concern, that the treaty might not be broke off, communicated to him his inſtructions, by which it appeared, that he was empowered to recede from all the other points he had before inſiſted on, excepting that of the thirty-ſeventh article, which ſeems to have been a maſter-piece of French artifice. For, if the treaty muſt be broke, it is as effectually done by inſiſting upon one article, as upon twenty; and which ever part the allies took, the French would find their account; for, if they could be perſuaded to give up that, which in appearance was but one article, but in effect was the ſubſtance of all, or at leaſt of the moſt important ones, then it was in the power of the French to make peace, without obliging the duke of Anjou to quit Spain: And if the allies could not be brought to this, the point they ſhould break upon was ſo ſpecious, that the French miniſters hoped for a double good effect of it; that it would incenſe the populace in theſe provinces againſt the miniſters, and ſet the king right in the affections of his people, which through the continued misfortunes of the war, he began to loſe. And, in this laſt point they ſucceeded perfectly well: There were no efforts the French were not willing to make, to ſupport a prince, who ſeemed to prefer their ſafety to his own glory, and to think no ſacrifice too great to procure his people a good peace: But their other point they were much miſtaken in; and the breaking of the treaty had no other effect upon the ſubjects of the ſtates, though it be a popular government, than to fill them with the utmoſt indignation againſt the French, and loud reſentments of their conſtant injuſtice and perfidiouſneſs.

But to return to Monſieur Rouille, when he had ſhewn his inſtructions to the penſioner, which diſcovered ſo much more than he would own before, he took his leave of him, without propoſing any accommodation or expedient in lieu of this important article; and whether the truth were all out, and there was not ſome ſecret inſtructions ſtill behind, was more than any body could tell. And though this was his language the 8th in the morning, they did not know but he might alter it before night, when he found the allies were not to be moved, or that he might make a longer ſtay; he and the marquis de Torcy both having often fixed days for their departure; but, when the time came, thought fit to change their minds. And what made this the more probable was, that Monſieur Petkum, who had all along, without authority or character, gone between the miniſters of the allies and France, did that morning propoſe to ſome of the allies, that France ſhould give to them two or three towns as an equivalent for the thirty-ſeventh article, to be kept by them till Spain ſhould be quitted to king Charles. But ſince Monſieur Petkum made this motion, as of his own head, without any commiſſion from Monſieur Rouille, who lodged with him, and the propoſal was indeterminate, without either the names, or fixed numbers of the towns, that ſhould be given, the allies could not take any notice of it. Beſides, had the offer been never ſo diſtinct, and made with full authority, to give two or three cautionary towns, was to evade and not to ſatisfy the intention of the article, and was in effect nothing elſe, but to offer a little better barrier to the Dutch, in exchange for Spain and the Indies. In the mean time, Monſieur Rouille ſpent the day in making viſits of leave, as deſigning to ſet out in earneſt for Verſailles next morning. When night was come, and there was no room to hope for any further ſtep being made on his part, here the man, who is accuſed of prolonging the war, interpoſed, and ſhewed how little he deſerves ſuch a cenſure. The duke of Marlborough ſent to the penſionary and the other miniſters, to deſire a meeting, to try once more, if any thing could be done to ſave the treaty. But, this meeting being diſappointed, there was an extraordinary congreſs of all the miniſters the next morning, in which the deputies of the ſtates having acquainted them of what had paſſed, and aſſured them of their reſolution to preſs the war with the utmoſt vigour, till France was forced to conſent to a good peace, count Zinzendorf thanked the ſtates in the name of the emperor and king Charles, for the firmneſs they had ſhewn on this occaſion. The duke of Marlborough did the ſame on the part of the queen; which was followed with like expreſſions of ſatisfaction by all the other miniſters, that were preſent, with very particular marks of eſteem to the penſionary, whom I have often thought the Godolphin of the ſtates, for his wiſe and prudent conduct through the whole negotiation. I need not ſay more, to let you know, that he is a plain, grave, wiſe man, of great judgment and abilities, quiet, unpopular, and uncorrupt.

All thoughts of peace being now in appearance over, and Monſieur Rouille gone, the duke of Marlborough, who was extremely mortified at this change of things, reſolved to follow in the afternoon, and would not give over all hopes of having ſtill one interview more with him; to which end he got to Bruſſels, as ſoon almoſt as Monſieur Rouille, and ſent word before to prince Eugene (who had been there ſome days, to give the neceſſary orders for aſſembling the army) but Monſieur Rouille was gone, before either the duke or prince could ſee him: And nothing was now left to the generals, but to try to do by the ſword what they could not do by treaty, and to make their way to peace by a good campaign.

This, I can aſſure you, from what I have obſerved myſelf in the progreſs of this affair, and the moſt exact information I could get from others, is a plain and true account of theſe negociations thus far; in which one ſees, on the part of France, violent ſuſpicions of inſincerity through the whole treaty, working its way by all the methods of addreſs and artifice, which they are ſo great maſters of: But in the allies, plainneſs, unanimity, and an unſhaken confidence; every thing is open and above-board, without any diviſions in their conferences with the French, or any violent heats among themſelves; even in the great point of the barrier, which the French had hopes might make a breach between the Dutch and Imperial miniſters: But by the prudence of the contending parties themſelves, and the firmneſs and temper, with which the duke of Marlborough calmly interpoſed, this difficult point was amicably adjuſted, and the diſputes upon it produced no effects, that the French could take any advantage of. I believe you have not forgot, I am ſure I have not, how people here in England reaſoned upon theſe conferences. While theſe preliminaries were like to take effect, ſome men were by no means ſatisfied; they thought care enough was not taken of England; which ſhould make us hope, that they will ſome time or other obtain better terms for us; and that, in the next treaty, more regard will be had to the trading intereſt of Great Britain, than the miniſters have ſhewn. And yet no ſooner were the preliminaries rejected, but the men, who thought but juſt before there was too little in them, would have perſuaded us, that there was a great deal too much; and that it was unreaſonable to inſiſt on ſuch demands, eſpecially to oblige a great king, whom they have always admired, to dethrone his grandſon, though all ſuch invidious expreſſions were purpoſely avoided in the articles; and no body, as I have obſerved before, doubted, but the king, if he were in earneſt diſpoſed to ſatisfy the allies, could do it without difficulty.

Dr. Hare then proceeds to ſhew, in oppoſition to the clamours, which had been raiſed againſt the duke of Marlborough in particular, or the conduct of the allies in general, with relation to the preliminary articles, firſt, That, if to inſiſt on the thirty-ſeventh article was a fault, the duke of Marlborough was not to be blamed for it: And, ſecondly, That to inſiſt on that article was in itſelf right and neceſſary, in order to a good peace.

Firſt (ſays Dr. Hare, p. 30.) I ſay, That, if to inſiſt on the thirty-ſeventh article was a fault, the duke of Marlborough is not to be blamed for it. Secondly, becauſe, if he did inſiſt, it was what he was obliged to: He had no authority to do otherwiſe. All the world knows, that both houſes of parliament did, the beginning of that year 1709, addreſs the queen, that no peace ſhould be made with France, without an entire reſtitution of the Spaniſh monarchy: And her majeſty was pleaſed to expreſs herſelf very well pleaſed with their addreſs, and that ſhe was perfectly of the ſame opinion. This addreſs being thus approved, no miniſter had any power or authority to conclude a treaty upon other terms, without her majeſty's command; nor could ſuch a command be expected from her, without advice of her council: And I belive a council will not eaſily be found, that will adviſe againſt the joint opinion of both houſes of parliament. If therefore the thirty-ſeventh article was inſiſted on, the duke is not to be blamed; he did but his duty, and could not juſtify his doing otherwiſe; which, if he had, would as certainly have been made a high crime and miſdemeanor, as his not doing it is now made a matter of complaint againſt him. There is no room for any objection here, unleſs it could be pretended, that this addreſs was of his procuring; the contrary to which is as well known, as the addreſs itſelf. But though it is plain, that the duke of Marlborough had no hand in making this addreſs, it is as plain, that, when it was made, he was bound by it; and, ſince that required the reſtitution of the whole Spaniſh monarch, he was obliged to inſiſt upon it. So the thirty-ſeventh article was unanimouſly adhered to as it is, by all the miniſters; and their doing ſo, I ſhall now ſhew you, was very right in itſelf, and neceſſary in order to a good peace. Firſt, it is right in itſelf, that is, juſt and reaſonable, not hard, or inſolent, or inhuman, as theſe advocates of France would have it thought. For what is the point in diſpute, but to reſtore to an injured perſon what has been unjuſtly taken? Has not the injured party, by the fundamental laws of juſtice, a right to this? Or is not the party, that does the injury, obliged to reſtitution, where it is poſſible? And is not this the caſe of the Spaniſh monarchy? I deſpair of ever proving any uſurpation unjuſt, if this is not. But if it be unjuſt, does it alter the caſe, becauſe the king of France has not uſurped it for himſelf, but for his grandſon? Am I the leſs obliged to reſtore what I have unjuſtly ſeized, becauſe I have given it to a third perſon, provided it be in my power? Does not the duke of Anjou know, as well as his grandfather, that it is a violent uſurpation? Can he of right keep, what the other had no right to give? Is it not kept plainly for the uſe and benefit of the giver? Has not the giver power to take it from him? Is it not plain, that his grandſon has not kept it thus long, but by the ſupport he receives from him? And if it be thus manifeſtly unjuſt, and the uſurper has it in his power to make reſtitution, is it ill manners to demand it? Is the Spaniſh monarchy ſuch a trifle, as not to be worth inſiſting on? Shall we compliment the king of France, or his grandſon, with giving up what ſo many princes and ſtates have ſpent ſo much blood and treaſure to regain? Can that now be thought conſiſtent with the ſafety and commerce of Great-Britain, with the intereſt and welfare of our allies, or with the liberty of Europe, which we ventured to begin a war for, under the moſt unpromiſing appearances of ever ſeeing a good end of it? But it was nonſence not to riſk all, when all was at ſtake: There was no room left but to appeal to heaven, and take arms; which gave us a chance for eſcaping the ruin, which was otherwiſe inevitable. This is the truth of the matter, this the point in diſpute. What then do people mean by all their ſenſeleſs clamour of the hardſhip and barbarity of the allies, in obliging the king of France to recal his grandſon? They, who think the cauſes of this war ſuch indifferent things, as not to be worth inſiſting on any longer, though we have ſo long ſtruggled for them, that we have at laſt got faſt hold; theſe men, I fear, will in a little time think the ſame of the cauſes of the revolution too; nay, they already tell us ſo; they are grown ſo inſenſible to the fears they were once in, that they begin to think popery and arbitrary power innocent harmleſs things; they now plainly inſinuate, that there was no danger of the government in church and ſtate being overturned, and that therefore the revolution was not neceſſary; and, in virtue of theſe fooliſh ſentiments, when the revolution is upon the point of being unalterably fixed, they truly are grown weary, and, after twenty years labour do not think it worth a little more pains to finiſh the work, and put an effectual ſtop to the return of thoſe evils, which they were once, as well as their neighbours, ſo heartily frightened with. And it is no wonder if men, who have contracted ſuch a ſtupid indolence, and are ſo indifferent for the civil and religious rights of their own country, cannot ſee what ſenſe there is in inſiſting upon the reſtitution of the Spaniſh monarchy, and are ſupinely willing to think (if nonſenſe can be called thinking) that the demand of the allies is either unjuſt, or at beſt very rude and unmannerly.

But further; this demand of theirs is not only right in itſelf, but neceſſary, in order to a good peace; and the beſt way to ſet this in a clear light, is to conſider what would have been the conſequence, ſuppoſing the allies had not inſiſted on it. Now to ſhew what this would have been, I will ſuppoſe, for the preſent, that the French were in earneſt; and that, if this article had been receded from, they would have ſigned the reſt. Which way now, I would aſk, ſhould we have propoſed to get Spain? Can we do it, unleſs the king of France entirely abandons his grandſon? No, certainly. But he has promiſed he will. But is his bare word a ſecurity that may be depended upon? By no means. What then? Why, he gives you up ſo many great towns, which he would

expreſs to Paris for new inſtructions. This threw the French court into great uneaſineſs; for as, on the one hand, they were reſolved not to comply with the demand of the confederates, in giving up the whole monarchy of Spain; ſo on the other hand, the great difficulty they laboured under, which was much increaſed by the general ſcarcity of corn and other proviſions, occaſioned by the great ſeverity of the preceding winter, laid them under a neceſſity of keeping up the ſinking ſpirits of the people with hopes, at leaſt, of putting a ſpeedy end to the war, by peace. Rouille's expreſs was therefore immediately ſent back with directions (as appeared in the ſequel) to that miniſter, to amuſe the allies with a

would not do, if he did not intend to leave his grandſon to himſelf. Why ſo? How can the giving up theſe towns to the allies be thought any ſecurity? Is it any more than giving the allies a barrier, which barrier they would have inſiſted upon, whatever became of Spain? How now comes that to be a ſecurity, that the king of France would abandon his grandſon, which he muſt nevertheleſs have complied with, though he had not abandoned him? Is it the ſame thing to part with theſe towns, and keep Spain, as to part with them and Spain too? If not, then his agreeing to give up one is no proof he intends to part with the other. Ay, but when the allies have theſe towns, they will force him to it. That I deny. Why ſo, ſay they? The towns are to be delivered in two months: That is, by the middle of Auguſt; and then the allies will have time enough to enter France, if he ſends any ſuccour to his grandſon. But, firſt, the ſurrender, that is to be made in two months, is only of thoſe towns, that are to make the barrier for the Netherlands: Thoſe that are to be reſtored to the emperor and empire, are not to be evacuated till the exchange of their ramifications, which is a tedious work. Beſides, though it be ſtipulated, that the towns in the Netherlands, &c. ſhall be given up in two months, I believe no body wants to be told, that things are ſeldom ſo punctually executed, as to be performed nicely within the time agreed. But I will ſuppoſe for once, theſe articles had been effectually complied with within the time, and that the allies conſequently would have been at liberty to invade France, if they had openly ſent any conſiderable ſuccours to Spain; but what then? Could not they have ſent money and jewels to the duke of Anjou, without any danger of diſcovery? Or would they not have pretence enough for denying it? And would the allies invade France, upon a bare ſuſpicion of ſending ſuch an aſſiſtance to Spain? And for men, though a body of troops could not have been ſent thither without being known, might not what number they pleaſed of the French troops, that were in Spain, have ſtaid there, under a notion of deſertion, or have been detained by the duke of Anjou's order upon ſome blind pretence or other; a trick the grandfather has practiſed often enough for the grandſon to learn it from him? Well, but ſuppoſe France had neither openly, nor under-hand, given the duke of Anjou any aſſiſtance for that ſummer (not that I can by any means grant it) how long would that have held? Or what uſe would the allies have made of it? Could the troops we had then in Spain have over-run the kingdom without further help, or have driven out the duke of Anjou in one campaign? That, I preſume, will not by any body be pretended. Or could a ſufficient reinforcement have been ſent time enough to them, either from Italy or England, to do any great matters that year? That, I ſuppoſe, will be pretended as little by thoſe, that conſider, it was June, when theſe preliminaries were finiſhed. It is plain then, Spain could not have gained that year, unleſs the duke of Anjou had conſented to relinquiſh it. Let us then, in the next place, ſuppoſe the ſummer ſpent, and the armies gone out of the field, and ſee what we are to expect then. A peace is made with France; the allies have got each of them their reſpective ſhares, and have nothing more to hope for. They renew, perhaps, the grand alliance, with great expreſſions of mutual zeal; the emperor at leaſt, and the maritime powers; but ſome of the leſſer princes might poſſibly ſhew themſelves diſguſted, and think they have been neglected: For, as the preliminaries are now ſettled, it is certain more than one of them are not ſatisfied. Suppoſe the king of Pruſſia or the duke of Savoy, for example, had thought due care had not been taken of them, it is plain, in that caſe, their alliance is no longer to be depended on; and either of theſe, falling off, would very much weaken the confederacy; eſpecially the laſt, whom the French would be very glad to draw into their intereſts. But ſuppoſe none of the allies have any of theſe reſentments, or at leaſt ſtifle them, and all conſent to renew the grand alliance; what becomes of the armies upon leaving the field? Is it not certain, that they will on all ſides diſmiſs great part of their forces? Will not the maritime powers ſend home the foreign troops in their pay, except ſuch as Holland keeps for the defence of their new frontier? Shall we hear of any more armies upon the Rhine, or in Savoy, when they have made peace, when the articles of the treaty have been all executed, and there is no more enemy to moleſt them, no cauſe of complaint, or pretence for a new campaign left? I think nothing can be ſurer, than that this would have been the caſe: The allies would have thought no more of war in the places that have been hitherto the ſeats of it, nor have made any preparations for taking the field another year. All ſides would have made what haſte they could to have leſſened the burthen, which, during the war, they had been oppreſſed with. Holland particularly would have had full work to take care of their new frontier, to provide ſo many towns with ſufficient garriſons and magazines, and ſettle what foot the ſeveral parts of their new acquiſitions ſhould be put upon, with reſpect to war, trade, and ſubſidies; and, beſides the great expence this would for the preſent put them to, they would be at a very great charge to pay the arrears due to the foreign troops, without which they could not be diſmiſſed. Add to this the extraordinary allowance, which, upon their diſmiſſing, is to be made to carry them home. This would put the ſtates under the neceſſity of retrenching, as much as poſſible, the expences of the next year. And this laſt article England would be proportionably affected with. Now I would be glad to know, what ſhould hinder the king of France, from the minute the allies diſmiſs their troops, to give what aſſiſtance he will to Spain, provided it be not done too groſsly, but gradually, by inſenſible ſteps, and by thoſe many ways of artifice, which the French are maſters of? If they make a peace, they may diſband ſixty or eighty thouſand men, or more. And what ſhould hinder theſe men from going into Spain to ſeek their bread? What ſhall hinder the king of France from giving ſecret orders for this? And, when it is complained of, from poſitively denying, and perhaps ſeemingly forbidding it? And may not the duke of Anjou, by this means, againſt the next ſpring, have a greater army, than the allies can bring againſt him? And how then are we to get Spain? Will the allies raiſe new armies, and make new war upon France in Flanders, upon the Rhine, and in Savoy, becauſe ſome men have inſenſibly ſtole out of France into Spain, againſt the expreſs order of the king, which you are ſure will be pretended? You do not know the ſweets of peace, or how unwilling people are, who have once laid down their arms to take them up again. If you think the allies could be brought to this, or that any armies would take the field againſt France, after a peace was once made; what then is to be hoped for? Why, I think nothing more than this, that the Dutch and the emperor would contribute for a little while, perhaps for one campaign, ſome money and troops, to act in conjunction with England againſt Spain; in which no great ſucceſs can be expected, conſidering the numerous army, I have ſhewn you, the duke of Anjou might and would have. Now if this, upon the trial of one campaign, were found to be the caſe, I am afraid Holland would not be very willing to continue the proſecution of ſo expenſive a war, and the whole weight of it another year would lie upon England, except a very little, that might be expected from the emperor. And what could this end in, but in the ruin of England and the loſs of Spain? For the moſt that could be expected from this war, would be, that the duke of Anjou would offer a partition, ſuch as I have mentioned in my firſt letter, but with no option in the caſe. He would certainly keep Spain and the Indies, and give the other part to his competitor. And if that be accepted, what becomes of England, which is ſo much intereſted in the recovery of Spain? And if it be not accepted, what ſhall hinder the French king from aſſiſting his grandſon after one year, more openly, and taking upon him to mediate a peace; that is to force ſuch a one as he pleaſes upon us? For how can we help ourſelves? Shall we be in a condition to quarrel with him, when we have been exhauſted two years more with ſuch an expenſive war, while he has been enjoying all the advantages of peace, to repair the breaches the war had made in his affairs; to reſtore commerce, retrieve the public credit, remedy the ill ſtate of his finances, look into the condition of his fleet, and put himſelf into the beſt poſture he can for a new war, if the ſupport of the duke of Anjou makes it neceſſary? No, ſure; we ſhall never think ourſelves in a condition to break with him; nor ſhall we be able to perſuade our allies to it. No part therefore will be left us, but to ſubmit to ſuch a peace with his grandſon, as he ſhall in his pleaſure think fit to preſcribe. I need not enlarge upon the difficulties of making war with Spain, after what I have ſaid in my firſt letter. It is eaſy to ſee how the duke of Anjou may find us work enough for two or three years, if he do but avoid coming to an action. Sieges will coſt time, as well as men and money; and many muſt be made before ſuch a kingdom can be reduced; and that will give the king of France opportunity enough to do what he will, to ſupport his grandſon ſecretly or openly, or to preſcribe a peace, or begin a new war which it is always eaſy to find a pretence for; and we are ſure he cannot want inclination to do whatever is in his power, which ſuch a cauſe calls for. Nor is he ſo little known, as to leave us the leaſt room to think, that any treaties or engagements can bind him, when inclination and power tempt him to break through them. His whole reign is one continued proof of this. I have ſaid ſomewhat of it already, and therefore ſhall add but one inſtance which is a little parallel to the caſe before us; and that is, the manner in which he kept the promiſe he made the Spaniards, at the Pyrenean treaty, not to aſſiſt the Portugueſe, who were then at war with them. Never was treaty made with more ſolemnity; and yet what did thoſe engagements ſignify? All the time the treaty was making, France was concerting meaſures to ſupport the Portugueſe; and the king, the preſent king, who was then but young in perfidy, had ſo little regard to cover or palliate what he did, that he ſent, in the face of all the world, an army to the aſſiſtance of thoſe, whoſe defence he had renounced, commanded by a marſhal of France. And can we, after ſuch an inſtance, depend upon his word? Has he not much greater temptation to aſſiſt Spain againſt us, than he had then to ſupport the Portugueſe againſt Spain? Is not the honour of his grandſon, the intereſt of his family, and the acquiſition of ſo great a monarchy of infinitely more concern to him, than the defence of Portugal could be? A man muſt be blind, not to ſee there is no compariſon between the two caſes; and it is inexcuſable, when we are ſenſible of this, to think, that a prince, who has been ſo falſe in one inſtance, can be ever true in the other.

The ſum of this argument is, that if a ſeparate peace be made with France upon the foot of the preliminaries, without the 37th article, nothing can hinder France from aſſiſting the duke of Anjou: And, if he be aſſiſted by France, we can never be able to drive him out of Spain: And conſequently, if Spain be ever had, it muſt be by treaty. If therefore no peace can be a good one without Spain, then the 37th article is neceſſary in order to a good peace: Which is the point I was to prove.

I know but one thing can be ſaid againſt what I have advanced upon this head; and that is, That the allies, though they make peace with France, ſhould ſtill keep up their armies, and then France will not dare to give the duke of Anjou any great aſſiſtance. But, firſt, I have already ſhewn, that this is a very unreaſonable ſuppoſition; the allies moſt certainly would not continue to keep their armies, were a peace with France once made. But let us now ſuppoſe they would, how would this mend the matter? If we keep on foot as great armies, as we have now, we ſhould be no more at liberty to ſend men into Spain, than we are now. And, if we ſent any conſiderable number to Spain, they would be wanted elſewhere; and the king of France would have nothing to fear from us, for want of a ſufficient ſtrength to act offenſively, in caſe we ſhould think ourſelves ſufficiently provoked to it by any thing he does in violation of the treaty; nay, conſidering the number of towns given up to the allies, which all muſt have garriſons in them, and thoſe not very ſmall ones, to keep their new ſubjects in awe, we ſhould want a greater army in Flanders than before, to be in a condition to act offenſively. And, if ſuch armies muſt be kept up, I cannot ſee why they ſhould not be employed; that is, why we may not as well continue the war, or to what purpoſe we ſhould make peace. To me continuing the war ſeems much more eligible than ſuch a peace, for this plain reaſon, that France would certainly make a great advantage of peace, while we muſt, under the name of peace, continue in a ſtate of war, without the fruits of it. For example, all we have done, this campaign, would upon that ſuppoſition have been undone; and we ſhould have been ſo much farther off than we are, from putting France under a neceſſity to give us Spain. For though the ſucceſſes of this year [1710] have been ſo ſlighted, as to be thought not worth mentioning, where one would have moſt expected it; I can tell you, Doway alone is in the opinion of France of that mighty conſequence, that in all the negotiations, that have been carried on, ſince the refuſal of the preliminaries, to find an expedient for the thirty-ſeventh article. Doway has been always excepted out of the number of the towns, that they have pretended to give as an equivalent. Now this and the other conqueſts of this campaign have brought us much nearer to our end, than if our armies had gone out of the field, as they came in, and had done nothing. I muſt therefore ſtill maintain, that upon all ſuppoſitions the thirty-ſeventh article is neceſſary to a good peace, unleſs ſome real expedient could be found out, which has hitherto been in vain looked for.

ſeeming compliance with all their demands, but not to ſign any thing, that ſhould be drawn up in writing.

The penſionary, having by order of the ſtates, made a report to the duke of Marlborough of what paſſed at the conference, which had been held by Buys and Vanderduſſen, with the French miniſter, after the return of the courier from France, the duke reſolved to return to Great Britain, to acquaint the queen with the progreſs of this important negociation.

The duke therefore embarked the 13th of April, N. S. and arrived three days after at London. During this ſecond abſence of the duke, the French court, to cover their artifices with an air of ſincerity, ſent the marquis de Torcy, ſecretary of ſtate for foreign affairs, to Holland, thinking the preſence of ſo great a miniſter might have ſome influence on the ſtates. Upon his arrival at the Hague, the paſſport, by which he came, having been ſent blank by Rouille, he was there two days before his quality was known. After this he paid a viſit to the penſionary, and offered to communicate the propoſals which he had to make; but that miniſter told him, he could not confer with him nor ſee his propoſals, without leave from the ſtates. However the ſtates having conſented, that he together with the deputies who had been appointed to receive the propoſals of Rouille, ſhould meet the marquis, and hear what he had to offer, they had an interview with him the next day. The reſult of this conference being communicated to the ſtates-general, the penſionary had orders to inform the French miniſter, that he could not give him any reſolution till they were informed of the ſentiments of the queen of Great Britain, by the return of the duke of Marlborough.

The duke, who made but a ſhort ſtay in England, returned to the Hague the 18th of May, N. S. The firſt thing he did was to confer with prince Eugene, who arrived there ſix days before from Bruſſels, and had the ſatisfaction, in his conferences with the penſionary, to receive freſh aſſurances, "That the ſtates would never ſeparate from the general intereſt and ſcope of the grand alliance, upon any private conſiderations whatſoever." With the duke of Marlborough went over the lord viſcount Townſhend, as embaſſador extraordinary, and joint plenipotentiary with him, the duke reckoning the load too great to bear it wholly himſelf. The choice was well made; for as lord Townſhend had great parts, had improved theſe by travelling, and was by much the moſt ſhining perſon of all our young nobility, and had on many occaſions, diſtinguiſhed himſelf very eminently; ſo he was a man of great integrity, and of good principles in all reſpects, free from all vice, and of an engaging converſation. Upon their arrival, the preſident of the week and the penſionary went together to the duke to compliment him on the part of the ſtates, and at the ſame time to confer with him, which they did for about an hour and an half, and then they returned to the aſſembly of the ſtates-general. The ſame evening the marquis de Torcy went alone to the duke of Marlborough's lodgings, and had a conference of above two hours with him and the lord Townſhend. The 19th in the morning, the marquis paid another viſit to the duke, and they both went together to prince Eugene's apartment, where they likewiſe conferred for ſome time. In the evening, thoſe two princes went to the penſionary, who acquainted them with the reſolution of the ſtates-general, not to accept the offers made by the French miniſters, nor to take one ſtep farther, but in concert with all the allies. This determination was very ſatisfactory to the duke and prince Eugene, and begat ſuch an unanimity and good harmony among all the confederate miniſters, as entirely baffled all the ſecret deſigns of France, notwithſtanding the marquis de Torcy managed his purpoſe very artfully, and did all he could to amuſe them with half promiſes and faint denials.

On the 20th, in the morning, the duke and prince Eugene, together with the lord Townſhend, returned the viſit they had received from Monſieur de Torcy, where Rouille, who till then had been with no other miniſters but Buys and Vanderduſſen, was preſented to theſe great generals and miniſters. This ſame day, the French miniſters carried the amuſement ſo far, as to declare, that their maſter conſented to the demolition of Dunkirk; that he would abandon the pretender, and ſend him out of his dominions; that he would acknowledge the queen's title, and the ſucceſſion eſtabliſhed on the houſe of Hanover; that he would renounce all pretenſions to the Spaniſh monarchy, and yield up ſuch places as the Dutch demanded for their barrier. With reſpect to the empire, the French offered to reſtore all things, as they were ſettled by the treaty of Ryſwick, and to demoliſh the fortifications of Straſburgh. But the allies inſiſting on ſome other articles, namely, the reſtitution of Upper and Lower Alſace to the empire, Torcy declared he had no power to make any further conceſſions, broke up the conference, and ſent to the penſionary to deſire paſſes to return home. However, upon ſecond thoughts, and as they pretended, at the deſire of Monſieur Perkum, reſident of Holſtein, the French miniſters conſented to ſuſpend their departure: And, on the 21ſt, Torcy went alone to the penſionary, to agree about another conference, which was held at ſix o'clock in the evening; and, notwithſtanding the French miniſters had declared the day before, that they could not enlarge their offers, they now propoſed to ſurrender Straſburgh in its preſent condition. The allies not being ſatisfied with the propoſals made in this conference, another was appointed for the 22d, in the morning, which proved likewiſe unſucceſsful. Whereupon the French declared, that they were reſolved to go away; and, the better to demonſtrate their ſeriouſneſs in this reſolution, they ſent again to the penſionary for paſſes, and took their leave of prince Eugene and the duke of Marlborough, and the miniſters of the neutral princes; but the ſtates having, the ſame evening, ſent them paſſes, and the penſionary intimated to them, that they were not hereafter to expect any paſſport for their return to the Hague; and, conſidering, on the other hand, how unconcerned the miniſters of the allies were at the threats of their departure, they were eaſily perſuaded to ſtay, at the deſire (as they ſtill pretended) of ſome neutral miniſters; and, the better to colour the matter, they ſent, on the 23d of May, N. S. an expreſs to the court of France for new inſtructions. The ſame day, in the morning, another conference was held from nine o'clock, till about two in the afternoon; wherein they begun to ſet down ſome articles in writing, and agreed to meet again about ſix in the evening. That afternoon count Zinzendorf, the emperor's plenipotentiary, arrived at the Hague, and went immediately with Monſieur Heems, the Imperial miniſter, to pay a viſit to prince Eugene and the duke of Marlborough; with whom, together with the penſionary, count Gallas, and the lord Townſhend, the French miniſters had another conference in relation to the ſecurity of the execution, of the points agreed on. But, though this conference laſted from ſix till eleven o'clock in the evening, yet nothing was concluded in it. The 24th, in the morning, the French miniſters had another interview with the deputies of the ſtates, who gave an account of what had paſſed in it to the duke of Marlborough and prince Eugene; and, the ſame evening, there was another meeting, wherein they reſumed the debate, relating to the ſecurity of the performance of the articles agreed on, particularly the evacuation of the Spaniſh dominions. For this the allies demanded ſeveral cautionary towns; but the French refuſed to give any, inſiſting, 'That the engagement which the moſt chriſtian king offered to enter into, to recal his troops from Spain, and his promiſe to give no manner of aſſiſtance to king Philip, was a ſufficient ſecurity, ſince that prince being forſaken by his grandfather, would be obliged to quit Spain; and the rather, becauſe the Spaniards, in ſuch a caſe, would certainly declare for king Charles.' This occaſioned warm debates; but at laſt it was agreed, that France ſhould deliver up ſome places in the Netherlands, that were to be part of the barrier, before they entered upon the general negociations of peace. On the 25th and 26th, there was no interview with the French miniſters; but the duke of Marlborough, prince Eugene, the lord Townſhend, and count Zinzendorf had ſeveral conferences with the penſionary and the deputies of the ſtates, wherein they acquainted the new Imperial plenipotentiary with what had been tranſacted ſince the beginning of this negociation, and agreed on the further demands to be made to the French miniſters. A conference being held on the 27th, in the morning, at which count Zinzendorf aſſiſted for the firſt time, thoſe demands were communicated to Torcy and Rouille, who deſired ſome time to conſider of them. But the duke of Marlborough having ſent them word, that he and prince Eugene had determined to ſet out for Flanders within two days, they promiſed to return an anſwer at ſix in the evening in another conference, which laſted till two o'clock in the morning. After many diſputes, the French ſeemed to comply with all the preliminary articles inſiſted on by the confederates.

The foundation of the whole treaty was, the reſtoring of the whole Spaniſh monarchy to king Charles, within two months: Torcy ſaid, the time was too ſhort, and that, perhaps, it was not in the king of France's power to bring that about; for the Spaniards ſeemed reſolved to ſtick to king Philip. It was, upon this, inſiſted on, that the king of France ſhould be obliged to concur with the allies, to force it by all proper methods: But this was not farther explained, for the allies were well aſſured, that if it was ſincerely intended by France, there would be no great difficulty in

bringing it about. This, therefore, being laid down as the baſis of the treaty, the other preliminaries related to the reſtoring all the places in the Netherlands, except Cambray and St. Omer; the demoliſhing or reſtoring of Dunkirk; the reſtoring of Straſburg, Briſack, and Hunningen to the empire; Newfoundland to England; and Savoy to that duke, beſides his continuing poſſeſſed of all, he then had in his hands; the acknowledging the king of Pruſſia's royal dignity, and the electorate in the houſe of Brunſwick; the ſending the pretender out of France, and owning the ſucceſſion to the crown of England as it was ſettled by law. As all the great intereſts were provided for, by theſe preliminaries; ſo all other matters were reſerved to be conſidered, when the treaty of peace ſhould be opened: a ceſſation of all hoſtilities was to begin, within two months, and to continue till all was concluded by a complete treaty, and ratified: Provided the Spaniſh monarchy was then entirely reſtored. The French miniſters ſeemed to be confounded at theſe demands: But, in concluſion, pretended to ſubmit to them[b]. Torcy told the miniſters, he would ſet out for Paris immediately, to lay the whole before his moſt chriſtian majeſty, and at parting deſired the ratifications might be returned with all poſſible haſte. He promiſed prince Eugene, that the king of France's final anſwer ſhould be ſent, by the 4th of June; but ſpoke of their affairs as a man in deſpair: He ſaid, he did not know but he might find king Philip at Paris, before he got thither, and ſaid all that was poſſible, to aſſure them of the ſincerity of the king of France, and to divert them from the thoughts of opening the campaign; but at the ſame time king Philip was getting his ſon, the prince of Aſturias, to be acknowledged, by all the towns and bodies of Spain, as the heir of that monarchy. Rouille, who had opened the firſt ſcene of this negociation, was to continue at the Hague ſome time longer, in order to ſuſpend the unravelling of the plot as long as poſſible. The whole artifice of France was at length diſcovered, and it appeared very viſibly, that the French had no other deſign in all this negociation, but to try if they could beget an ill underſtanding among the allies, or, by their ſeeming great conceſſions for the ſecurity of the ſtates, to provoke the people of Holland againſt their magiſtrates, if they ſhould carry on the war, when they had ſuch ſafe and honourable offers made them; and they reckoned, that if a ſuſpenſion of arms could be once obtained upon any other terms than the reſtoring of Spain, they ſhould then get out of the war, and the allies would be left to try, how they could conquer Spain. Torcy was, however, punctual to his promiſe given to prince Eugene; for, on the 4th of June, the prince being at Bruſſels, received a letter from the marquis, importing, "That his moſt chriſtian majeſty, having examined the project of peace concluded at the Hague, found it impoſſible for him to accept it; and therefore had ſent orders to the preſident de Rouille to notify the ſame to the potentates engaged in the war; and that it was to be hoped, that more favourable terms would preſent for the eſtabliſhing of a peace ſo neceſſary for all Europe, and conſequently ſo much deſired by every body." The meſſenger, who brought this letter to prince Eugene, arrived the next morning at the the Hague, where people were in the height of expectation of the French king's ratification of the preliminaries; but, to their great diſappointment, Rouille having the ſame day had a conference at the penſionary's, with the Imperial and Britiſh plenipotentiaries, and the deputies of the ſtates, he acquainted them, That the moſt chriſtian king could not ratify ſome articles agreed to in the conference held with Monſieur de Torcy, and concluded the 28th paſt. He excepted to the articles relating to the emperor and the duke of Savoy; but chiefly on that of not beginning the ſuſpenſion of arms, till the Spaniſh monarchy ſhould be reſtored, which, he ſaid, was not in his power to execute[c].

Theſe difficulties ſtarted by the French king having been communicated by Rouille, count Zinzendorf, the duke of Marlborough, the lord Townſhend, and the penſionary Heinſius, immediately held a conference among themſelves, in which it was reſolved, "That no alteration ought to be admitted in the preliminary articles, eſpecially in thoſe excepted againſt by France, which were the moſt eſſential." And it was agreed at the ſame time to ſignify to Rouille, to depart in four and twenty hours.

The 6th of June, N. S. in the morning, Rouille made a viſit to the duke of Marlborough, and propoſed another conference, which was held that night; but nothing material was tranſacted in it, except that the allies declared to Rouille, "That they would not recede from any of the articles agreed to; and that, if his maſter did not think fit to comply therewith, the allies would not think themſelves bound by the articles, or reſtrain their pretenſions to the contents thereof, after the 15th of that month, the time allowed by the articles."

[b] The preliminary articles were as follows:

1. That a firm and laſting peace be forthwith treated of, &c.
2. That to that end preliminary articles be agreed on, &c.
3. That the moſt chriſtian king ſhall acknowledge king Charles III. king of Spain, &c.
4. The treaty ſhall be finiſhed in two months, during which time Sicily ſhall be put into the hands of king Charles; and the duke of Anjou ſhall evacuate Spain, which, if he refuſes to conſent to, the French king and the allies ſhall enter into proper meaſures, that this article may have entire effect.
5. That the French king ſhall, within that time, withdraw his troops out of Spain, &c. and not aſſiſt the duke of Anjou for the future with troops, artillery, ammunition, or money.
6. The monarchy of Spain ſhall remain entire in the houſe of Auſtria, and no prince of the houſe of France ever become ſovereign of any part thereof.
7. France ſhall never poſſeſs the Spaniſh Weſt Indies, or trade thither.
8, 9. The French king ſhall deliver up Straſburg, Fort Kehl, and Briſac, to the emperor.
10. The French king ſhall poſſeſs Alſace in the literal ſenſe of the treaty of Munſter, except Landau, which ſhall belong to the emperor.
11. He ſhall demoliſh New Briſac, Fort Lewis, and Hunningen.
12. Rheintels ſhall be poſſeſſed by the landgrave of Heſſe, till otherwiſe agreed.
13. The clauſe concerning religion in the treaty of Ryſwick ſhall be referred to the negociation.
14, 15. The French ſhall acknowledge the queen of Great Britain, and the proteſtant ſucceſſion.
16. The French king ſhall reſtore to Great Britain what he is poſſeſſed of in Newfoundland; and whatever either party has taken in the Indies ſhall be reſtored.
17. Dunkirk ſhall be demoliſhed.
18. The pretender ſhall retire out of France.
19. A treaty of commerce ſhall be ſettled with Great Britain.
20. The king of Portugal ſhall enjoy all that is ſtipulated for him by the allies.
21. The French king ſhall acknowledge the king of Pruſſia, and not diſturb him in the enjoyment of Neufchatel.
22. The French king ſhall deliver up Furnes, Menin, Ypres, Warneton, Commines, Werwick, Poperingen, Liſle, Conde, and Maubeuge, for the barrier of the ſtates.
23. He ſhall reſtore all the towns and forts he has taken in the Netherlands, with the artillery and ſtores, provided the catholic religion ſhall ſtill be profeſſed there.
24. None of the cannon or ſtores to be removed from this time.
25. The ſtates, as to their commerce, ſhall have what was ſtipulated at the treaty of Ryſwick, and the tariff of 1664 only ſhall be in force.
26. The French king ſhall acknowledge the ninth electorate.
27. The duke of Savoy ſhall enjoy all that has been yielded to him by the emperor, and whatever has been taken from him ſhall be reſtored.
28. The French king ſhall make over to that duke Exilles, Feneſtrilles, and Chemont, with the valley of Pragelas, and all on this ſide the mountains, for a barrier.
29. The pretenſions of the elector of Bavaria and Cologne ſhall be referred to the general negociation; but the elector Palatine to remain in poſſeſſion of the Upper Palatinate, &c. the garriſons of the ſtates to remain in Huy, Liege, and Bonne, till otherwiſe agreed with the emperor and empire.
30, 31, 32. The farther demands on either ſide ſhall not interrupt the ceſſation of arms; the other allies being allowed to make farther demands at the general congreſs.
33, 34. The negociation ſhall be finiſhed in two months, and in the mean time a ceſſation of arms be made.
35. Upon the ratification of theſe articles the French king ſhall evacuate Namur, Mons, Charleroy, Luxemburg, Conde, Tournay, Maubeuge, Newport, Tournes, and Ypres, and raze the fortifications of Dunkirk.
36. The French to execute what has been ſtipulated, with reſpect to the other allies, within two months after the concluſion of the treaty.
37. And if he executes all that is above mentioned, and the whole monarchy of Spain ſhall be delivered up to Charles III. as is ſtipulated within the limited time, then the ceſſation of arms ſhall continue till the ratification of the peace.
38. All this ſhall ſerve as the foundation and baſis of the enſuing treaties of peace.
39. The ratification of the preliminary articles to be performed by the French king, the queen of Great Britain, and the ſtates, before the 15th of June, and by the emperor by the 1ſt of July, and what is ſtipulated in favour of each of the allies reſpectively, to be ſet down as ſoon as they have ſettled the preliminaries.
40. The congreſs to begin the 20th of June at the Hague, and, to prevent diſputes about the ceremonial, no embaſſador ſhall take upon him his character till the day of the ſigning of the peace. Lamberti, vol. V.

[c] Rouille ſaid, That the French king in particular excepted againſt the tenth, eleventh, twenty-eighth, twenty-ninth, and thirty-ſeventh. That as to the tenth his moſt chriſtian majeſty agreed to the ſame, as far as it concerned the poſſeſſion of Alſatia, according to the literal ſenſe of the treaty of Munſter; but inſiſted, that Landau ſhould be reſtored to him; and, as an equivalent, offered Old Briſac; both which places were yielded up to France by that treaty. That the moſt chriſtian king could not conſent to the demoliſhing Hunningen, New Briſac, and Fort Lewis, but agreed to all the other parts of the eleventh article. That the eight and twentieth, relating to the places yielded to the duke of Savoy, was entirely excepted againſt, and referred to a further diſcuſſion. That his majeſty alſo diſliked the whole nine and twentieth article, whereby the emperor's proceedings againſt the electors of Cologne and Bavaria were approved, but would have the ſame referred to the negociations of a general peace, with this proviſo, that the Upper Palatinate, and the dignity annexed thereto, ſhould not be confirmed to the elector Palatine; and that the intereſts of the electors of Cologne and Bavaria ſhould be ſettled in the preliminaries; and, in the laſt place, that his moſt chriſtian majeſty excepted alſo againſt the ſeven and thirtieth article, whereby two months only were allowed for the delivering up of the Spaniſh monarchy, which term he would have enlarged, but conſented to recal his own troops from Spain within that time.

The French miniſter ſaid, He had no orders to make any further declaration; whereupon he received a ſecond intimation to depart the Hague immediately. The ſame evening, Mr. Walpole, ſecretary to the Britiſh plenipotentiaries, returned to the Hague with the queen of Great Britain's ratification of the preliminaries. On the 8th, the penſionary reported Rouille's declaration to the aſſembly of the ſtates; upon which they conſidered, "That the articles were concerted with the marquis de Torcy and Monſieur de Rouille, put into writing with their aſſent, and by the marquis de Torcy himſelf carried to the king of France, in order to be ſigned and ratified; that they were actually ſigned on the part of the emperor, Great Britain, and Holland, and had been ratified by her Britannic majeſty; and that nothing ſhort of theſe preliminaries could obtain and ſecure the general peace, and prevent a dangerous, expenſive, and lingering war in Spain:" Whereupon the neceſſary reſolutions for the continuance of the war were taken with equal firmneſs and wiſdom.

The ſame night, Rouille being preſſed to declare if he had any ſecret orders tending to peace, made anſwer, "That if the allies would content themſelves with the fifth article of the preliminaries in relation to Spain, without inſiſting on the others relating to the delivering up of the Spaniſh monarchy, he thought the king, his maſter, would be induced to depart from the other exceptions about Alſatia, the duke of Savoy, &c." But the recovery of the Spaniſh monarchy from the houſe of Bourbon being the chief end of the war, and the only means to reſtore and preſerve the balance of Europe, the miniſters of the allies did not think fit to depart from any one of the articles to ſecure the evacuation of Spain; and ſo, the ſame evening, a paſſport was ſent Rouille, for his ſafe return home. On the 9th of June he ſet out from the Hague, to embark at Rotterdam for Antwerp, from whence he continued his journey to Paris. The ſame morning, all the miniſters of the allies being deſired to meet in a congreſs, Monſieur Van Eſſen, preſident of the ſecret affairs, and the penſionary, communicated to them the reſolution of the ſtates-general, gave them a full account of all the ſteps that had been made in the negociations, particularly ſince the French king had refuſed to agree to the preliminaries; and deſired them to acquaint their principals with theſe unfair proceedings of France, and exhort them to join their beſt efforts againſt an enemy, who could never be brought to reaſon but by force. Count Zinzendorf took this opportunity to tell the deputies of the ſtates, "That the empire, the emperor, and king Charles III. would doubtleſs expreſs their ſatisfaction for the great firmneſs and conſtancy, which their high mightineſſes had manifeſted in the courſe of theſe negociations." The duke of Marlborough gave the ſame aſſurances on the part of the queen of Great Britain; as did alſo the reſt of the miniſters, on the part of their reſpective maſters; and all ſignified to the penſionary, how much the allies were obliged to him, and ſatisfied with the prudence and wiſdom he had expreſſed in the negociations, which, contrary to the expectations of the enemy, would prove a new cement to the grand alliance, and an argument to convince the allies, that the war was to be proſecuted till France ſhould be reduced to the neceſſity of ſubmitting to any terms that the allies ſhould preſcribe.

Thus theſe negociations came ſoon to an end, without producing any ill effect among the allies; and it now plainly appeared, that the eaſineſs with which the French miniſters yielded to the preliminaries, was only an artifice to ſlacken the zeal of the confederates in advancing the campaign, as the leaſt effect it would have: But in that their hopes failed them, for there was no time loſt in preparing to take the field[d]. The ſtates of Holland and Weſt Frieſland having met on the 13th of June, N. S. ratified the preliminary articles, without regard to that king's refuſal to ſign them; after which, the aſſembly unanimouſly reſolved to carry on the war with the utmoſt vigour. But, while the generality of people in Great Britain, Holland, and Germany, expreſſed their reſentment againſt the inſincerity of France, that court made a politic uſe of the very preliminary articles, which were made public in ſeveral languages by the allies. For, in order to raiſe among his people an indignation againſt thoſe exorbitant demands, and encourage them to bear, with leſs impatience, the burden and calamities of war, the French king cauſed circular letters to be ſent to all the governors of his provinces, the archbiſhop of Paris, and other prelates of France, wherein he inſiſted upon the unreaſonableneſs of the allies, in requiring his aſſiſtance to dethrone his grandſon[e].

The people in France were much wrought on, by this pretended indignity offered to their monarch, to oblige him to force his grandſon to abandon Spain; and even here in England, there wanted not many, who ſaid it was a cruel hardſhip put on the French king, to force him into ſuch an unnatural war: But if he was guilty of the injuſtice, of putting him in poſſeſſion of that kingdom, it was but a reaſonable piece of juſtice, to undo what he himſelf had done: And it was ſo viſible, that king Philip was maintained on that throne by the councils and aſſiſtance of France, that no doubt was made, but that, if the king of France had really deſigned it, he could eaſily have obliged him to relinquiſh all pretenſions to that crown.

The breaking off the negociation of peace was ſoon attended with the diſgrace of Monſieur de Chamillard, the French king's prime miniſter, and even with ſome coldneſs towards Madam de Maintenon, who were both ſaid to have given larger inſtructions to Rouille and Torcy, than either the king

[d] Burnet obſerves on this occaſion, France had ſo perfidiouſly broke all their treaties, during this king's reign, that it was a piece of inexcuſable folly to expect any other from them. In the peace of the Pyrenees, where the intereſt of France was not ſo deeply engaged, to preſerve Portugal from falling under the yoke of Caſtile, as it was now to preſerve Spain in the hands of a grandſon; after the king had ſworn to give no aſſiſtance to Portugal, yet, under the pretence of breaking ſome bodies, he ſuffered them to be entertained by the Portugueſe embaſſador, and ſent Schomberg to command that army; pretending he could not hinder one, that was a German by birth, to go and ſerve where he pleaſed: Under theſe pretences, he had broke his faith, where the conſideration was not ſo ſtrong, as in the preſent caſe. Thus it was viſible no faith that king could give was to be relied on, and that unleſs Spain was reſtored, all would prove a fatal deluſion: Beſides, it came afterwards to be known, that the places in Brabant and Hainault, commanded by the elector of Bavaria, would not have been evacuated by him, unleſs he had orders for it from the king of Spain, under whom he governed in them; and that was not to be expected. Burnet, Vol. II. 529.

[e] Theſe letters were as follows:

Couſin,

The hopes of an approaching peace were ſo generally ſpread in my kingdom, that, out of regard to the loyalty my people have expreſſed during the whole courſe of my reign, I think myſelf obliged to give them the comfort of acquainting them with the reaſons, which ſtill hinder their enjoying the repoſe I deſigned to procure them.

In order to reſtore the ſame, I would have accepted conditions very oppoſite to the ſecurity of my frontier provinces; but the more facility and deſire I have ſhewn to diſſipate the umbrages, which my enemies affect to entertain of my power and deſigns, the more they have multiplied their pretenſions; inſomuch that by degrees, adding new demands to the firſt, and making uſe, either of the duke of Savoy's name, or of the intereſt of the princes of the empire, they have at once let me ſee, that they had no other intention, than to increaſe, at the expence of my crown, the ſtates bordering upon France, and to open to themſelves eaſy ways to penetrate into the heart of my kingdom, as often as it would ſuit with their intereſt to begin a new war. Nor would the war I now maintain, and was willing to have ended, have ceaſed, had I conſented to the propoſals they have made to me. For they fixed within two months the term, wherein I was, on my part, to execute the treaty; and, during that interval, they pretended to oblige me to deliver up to them the places they demanded of me in the Low-Countries and Alſace, and to raze thoſe, on the demoliſhing whereof they inſiſted; refuſing, on their part, to enter into any other engagements, than the ſuſpenſion of all acts of hoſtility, till the firſt day of Auguſt, and reſerving to themſelves the liberty of acting then by force of arms, in caſe the king of Spain, my grandſon, perſiſted in the reſolution of defending the crown God has given him, and rather to periſh, than abandon faithful people, who, for nine years, have acknowledged him as their lawful king. Such a ſuſpenſion (more dangerous than war itſelf) would rather put off than forward peace. For it would not only have been neceſſary to continue the ſame expence for the maintaining of my armies, but, as ſoon as the term of the ſuſpenſion of arms would have expired, my enemies would have attacked me with the new advantages they would have taken from the towns, into which I ſhould have introduced them myſelf, at the ſame time that I ſhould have demoliſhed thoſe that are a bulwark to ſome of my frontier provinces. I paſs over in ſilence the propoſals they have inſinuated to me, of joining my forces with thoſe of the confederates, and to compel my grandſon to deſcend the throne, if he did not voluntarily conſent to live, for the future, without dominions, and to reduce himſelf to the condition of a private man. It is againſt humanity to believe, that they had even the thought of engaging me in ſuch an alliance with them; but although the tenderneſs I have for my people be as hearty as for my own children; although I bear a part in all the ills, which the war makes ſuch faithful ſubjects undergo; and I have ſhewn to all Europe, that I ſincerely deſired to make them enjoy peace; I am perſuaded they would themſelves oppoſe the acceptance of it on conditions equally oppoſite to juſtice, and to the honour of the French name.

It is therefore my intention, that all thoſe, who, for ſo many years paſt have given me demonſtrations of their zeal, by contributing with their labours, fortunes, and blood, towards the maintaining ſo heavy a war, may know, that the only value my enemies pretended to ſet on the offers, I was willing to make to them, was a ſuſpenſion of arms; which, being ſtinted to the ſpace of two months, would have procured to them more conſiderable advantages, than they may expect from the confidence they put in their troops. As I repoſe mine in the protection of God, hoping that the purity of my intentions will draw the divine bleſſings upon my arms, I write to the archbiſhops and biſhops of my kingdom, to excite more and more the fervency of prayer in their reſpective dioceſes: And at the ſame time I order you to acquaint my people, within the extent of your government, that they ſhould enjoy peace, if it had been in my power, as it was in my will, to procure them a good they wiſh for with reaſon, but which muſt be obtained by new efforts, ſince the immenſe conditions I would have granted, are uſeleſs towards the reſtoring of the public tranquillity. I therefore leave it to your prudence to make my intentions known in ſuch a manner, as you ſhall judge convenient. And ſo I pray God to have you in his holy keeping. Lamberti, vol. IV.

intended, or were thought proper by the young princes of the blood [f]. On the other hand, it is obſervable, that while the terms of peace were debating, both the French court and the pope were uſing all imaginable endeavours to draw off the duke of Savoy from the grand alliance; the diſcovery of which was owing to the duke's miniſter at the Hague, and came very opportunely to expoſe the double-dealing of the court of France, who had the modeſty to reject the very article of the preliminaries, by which the allies ſtipulated a barrier for the duke of Savoy, and, at the ſame time, were offering him much greater advantages to induce him to leave the peace of Europe to their mercy. But theſe artifices were defeated by the penetration and firmneſs of prince Eugene and the duke of Marlborough, who treated the peace, as they managed the war, and, by their cool temper and open conduct, baffled the ſtratagems both of the French miniſters and generals. And it is certain, that the French, who propoſed to divide the allies, by ſetting on foot a negociation of peace, were themſelves caught in the preliminaries, which were ſo wiſely contrived for the particular ſatisfaction of each of the confederates, for their common ſecurity, that they became the more firmly united by this very tranſaction; and, being juſtly incenſed at the unfair proceedings of France, reſolved to improve their late advantages, by a vigorous proſecution of the war.

The duke of Marlborough ſet out from the Hague ſoon after Rouille, to put himſelf at the head of his army. Prince Eugene had abſolutely refuſed to go into Spain. There was nothing to fear in Italy. The army, on the Rhine, was formed with great difficulty, and very late. So the prince choſe to remain in Flanders, and ſecond the duke of Marlborough's deſigns. On the other hand, Villars was ſent to command the French army in Flanders, of whom the king of France ſaid, He was never beaten; Harcourt commanded on the Rhine, and the duke of Berwick in Dauphine. As the duke of Marlborough had truſted little to the ſhews of peace, he had taken care to have every thing in readineſs to open the campaign, as ſoon as he ſaw what might be expected from the court of France. By the 21ſt of June, the confederate troops formed an army of a hundred and ten thouſand men near Menin; and, two days after, the right wing under prince Eugene, and the left under the duke of Marlborough, marched and encamped in the plain of Liſle, on both ſides the Upper Deule. About the ſame time, the enemy's forces were marching from all quarters to form their army, under marſhal Villars, in the plain of Lens, where he began to caſt up intrenchments to cover his troops. Upon advice from Arras that Villars had poſitive orders to venture a battle, the lieutenant generals Dopf and Cadogan were ſent out with detachments, to take a near view of the enemy; and, upon their report of the almoſt inſuperable difficulties that muſt attend the attacking the French troops in their advantageous and fortified camp, the confederate generals reſolved to lay ſiege to Tournay [g]. The conqueſt of this place, notwithſtanding the ſtrong fortifications, appeared the more eaſy, becauſe Villars, at the approach of the confederate army, had unadviſedly weakened the garriſon. It ſeems, the train of artillery was by a feint brought up the Lys to Courtray; and therefore it was believed, the duke of Marlborough's deſign was upon Ypres, and, there being no apprehenſion of any attempt upon Tournay, no particular care was taken of it; ſo that, on the 27th of June, it was ſuddenly inveſted, and the train was ſent back to Ghent, and brought up the Scheld to Tournay. This enterprize was managed with ſo much ſecrecy, that the enemy could not have notice of the deſigns of the allies, nor time to reinforce the garriſon, which conſiſted only of twelve weak battalions, and four ſquadrons of dragoons, under the command of lieutenant general de Surville. Upon the confederate army's coming up to the town, the duke of Marlborough made a detachment, under the prince of Naſſau, to ſurprize St. Amand, a poſt very neceſſary to cover the ſiege, and another to take poſſeſſion of Mortagne, a poſt, where the Scarp falls into the Scheld; both which were ſoon effected, the French troops retiring upon the approach of our men. The governor of Tournay, not a little ſurprized to ſee the town inveſted, which was unprovided with neceſſaries for a long ſiege, rifled great part of the corn of the inhabitants, and ſent out a party of French dragoons to bring in the cattle of the neighbourhood, who were moſt of them cut off, or taken priſoners, and the cattle, to the number of above ſeven hundred, were generouſly reſtored to the peaſants. At the ſame time, Villars, being ſenſible of his miſtake, in weakening the garriſon of Tournay, ordered ſeven or eight thouſand horſe from Mons and Conde to advance, and endeavour to throw themſelves into the town; but ſuch meaſures were taken to prevent them, that they were forced to retire, without attempting any thing.

On the 3d of July, all the troops appointed for the ſiege had taken their poſts round the town, from Cerque above the town, to the caſtle of Conſtantine below it; and, the next day, the line of circumvallation was begun on this ſide the Scheld. In the mean while, upon advice, that a detachment of ten thouſand men from the enemy's army was marched towards Warneton, lieutenant general Wilks was detached thither, with two thouſand five hundred grenadiers, and thirty ſquadrons. But, before he could arrive, a lieutenant colonel, a major, and about ſeven hundred men, had yielded themſelves priſoners of war. All the neceſſary diſpoſitions being made for odening the trenches, and the bridges of communication being laid over the Scheld, the generals made the following diſpoſitions for the attacks of the city and citadel: That there ſhould be three attacks; one againſt the citadel, and one on each ſide of the river againſt the town, of which the principal was to be commanded by general Lottum, againſt the citadel, on the ſide of the gate of Valenciennes: The ſecond by general Fagel, againſt the gate of Marville; and the third by general Schuylemburgh, againſt the horn-work of the gate of the ſeven fountains. Sixty battalions were appointed for the trenches; three Imperialiſts, ſeven Engliſh, three Danes, ſeven Pruſſians, three Saxons, twenty-three Dutch, five Hanoverians, three Palatines, four Heſſians, two Wirtemburghers; and ſix ſquadrons of the troops of the ſeveral nations were to attend the uſual ſervices of horſe in a ſiege.

On the 4th of July, the enemy endeavoured to poſſeſs themſelves of Commines and Fort Rouge, in the former of which places was a major with a hundred and fifty men, and in the latter a captain with fifty, who were twice attacked with great vigour; but they defended themſelves ſo bravely, that, the confederate troops coming up in time to their relief, the enemy not only retired with precipitation, but abandoned the poſt of Warneton. On the 7th, at night, the trenches were opened before Tournay at the three attacks, with the loſs of about thirty men killed, and as many wounded. The next day the trenches were relieved about four in the afternoon; but the violent rains, which fell in the night, very much incommoded the beſiegers, and retarded their works. On the 9th the beſiegers began to erect a battery. The ſame day two French officers, who attempted to get into the town, were taken priſoners; and, in the night, the trenches were carried on (notwithſtanding the wet weather, and the continual fire of the beſieged) with the loſs of thirty men killed or wounded. The 10th thirty veſſels, laden with artillery and ammunition, arrived near the bridges of communication. The ſame day the beſieged made a ſally with five hundred men, but immediately retired at the approach of the confederates. The 12th they made another ſally by the Valenciennes gate; but general Lottum had diſpoſed all things at his attack with ſuch regularity, that the enemy were immediately repulſed with the loſs of near twenty men. On the 13th the beſiegers began at the attack of count Lottum, and fired from two batteries of twelve pieces of cannon each with ſo much ſucceſs, that they ſoon diſmounted the guns of the enemy on that ſide, and beat down a wind-mill, from which they had very much diſturbed the allies in their trenches. The 14th they began at the ſame attack to fire from another battery to break open ſluices, and the ſame day the batteries, at the attack of general Fagel, began to fire; as did, on the 15th, thoſe at the attack of general Schuylemburgh. The reſt of the cannon and mortars were mounting

[f] It was reported, that the duke of Burgundy preſſed the making a peace, as neceſſary to prevent the ruin of France, while the Dauphin preſſed more vehemently the continuance of the war, and the ſupporting of the king of Spain: It was ſaid, that Madam Maintenon appeared leſs at court; Chamillard, who had moſt of her favour, was diſmiſſed: But it is not certain, what influence that had on the public councils; and the conduct of this whole negociation ſhewed plainly, that there was nothing deſigned in it, but to divide, or to deceive the confederates; and, if poſſible, to gain a ſeparate peace for France, and then to let the allies conquer Spain as they could. But the allies kept firm to one another, and the treachery of the French appeared ſo viſible, even to the people in Holland, that all the hopes they had, of inflaming them againſt their magiſtrates, likewiſe failed. Burnet, vol. II. 530.

[g] Tournay is one of the moſt ancient cities of Flanders. It had belonged time out of mind to France, till in 1513 it was taken by king Henry VIII. of England. It was ſoon after reſtored by the intrigues of cardinal Wolſey. The Spaniards took it in 1618, and kept it till 1667, when it was retaken by Lewis XIV. This prince had ſpared no coſt to fortify it, and had made it one of the ſtrongeſt places in the Netherlands: It is very advantageouſly ſituated, of a great compaſs, and divided by the Scheld, as the army, that beſieges it, muſt alſo be, which is always very incommodious and dangerous. Tournay is a biſhoprick under the archbiſhop of Cambray, about fifteen miles eaſt of Liſle, twenty north-eaſt of Doway, thirty-two almoſt weſt of Mons, and thirty ſouth of Ghent.

on ſeveral batteries, and were in a condition to fire the 16th. The ſame day the beſiegers at count Lottum's attack began to batter the wall, which made the communication between the town and citadel. On the 19th they fired from a battery of eleven pieces of cannon at General Fagel's attack, in order to enlarge the breach at the attack of count Lottum, and into the covered way, on the ſame ſide from the Scheld to the citadel, which would very much facilitate the ſucceſs of that attack: And, on 21ſt, they made themſelves maſters of the whole counterſcarp, at general Fagel's attack, and fired into the covered way on the other ſide of the Scheld before the attack of count Lottum, with ſo much ſucceſs, that the beſieged were forced to quit that poſt. The attack of general Schuylemburgh was likewiſe by this time very forward; for they made ſuch an inceſſant fire from their batteries, that, on 22d, the breaches in the horn work, the ravelin, and the wall of the town, were almoſt in a condition to be mounted, and, at the ſame time, the ſaps were carried to the wall of the ditch. However they continued to fire from all the batteries to enlarge the breaches, inſomuch, that general Schuylemburg, on the 27th, cauſed the ravelin and half-moon at his attack to be ſtormed; and, notwithſtanding the vigorous reſiſtance of the enemy, and their great fire, the allies lodged themſelves thereon, and perfected their lodgment, by favour of the continual fire they made from the cannon and mortars. On the 28th in the morning, the beſieged made a vigorous ſally, in order to retake the works they had loſt the night before, but met with ſo warm a reception, that they were forced to retire with conſiderable loſs: And, in the evening, the beſiegers having made the neceſſary diſpoſitions for a general ſtorm; and, the enemy fearing to be taken ſword in hand, they beat a parley, and deſired to capitulate for the town. Whereupon hoſtages were exchanged, and after ſome debates, the capitulation was agreed to.

Thus, after twenty-one days of open trenches, the allies reduced a place, which the French thought impregnable, and that in the ſight of a numerous army of the enemy, who made no attempt to relieve it. And the conqueſt was ſo much the more advantageous, that the loſs of the allies was leſs than could have been expected, conſidering the ſtrength and importance of the place.

The French, according to the capitulation, ſurrendered one gate the 30th of July. The next day Surville, the French governor, was entertained at dinner by prince Eugene; and, in the afternoon, retired into the citadel, which his garriſon of about four thouſand men had already entered, and the earl of Albemarle, who was appointed governor of Tournay, took poſſeſſion of the town. The time agreed on for evacuating the place expiring that night, the allies began to work on the approaches to the citadel. On the 1ſt of Auguſt, in the evening, the French began the firſt act of hoſtility, and fired from the citadel with cannon and ſmall ſhot upon count Lottum's trenches and batteries; from whence they were immediately anſwered, and the fire continued very hot on both ſides the whole night. The ſame day the diſpoſitions were made for an attack, the new lines of circumvallation about the citadel almoſt finiſhed, and orders given for levelling thoſe about the town.

In the mean time, Surville having propoſed to the confederate generals the appointing two perſons to treat about the ſurrender of the citadel, prince Eugene and the duke of Marlborough nominated de Lalo (a brigadier in the Britiſh troops) on their parts; and Surville named the marquis de Ravignan a brigadier in the French ſervice) who, having conferred, drew up and ſubſcribed articles for ſettling the time of ſurrendering the citadel.

Theſe articles were ſent to the French court for their approbation, and an anſwer was to be returned in ſeven days. But upon this occaſion the French gave a freſh inſtance of their inſincerity, and manifeſted to the world, that their propoſals for delivering up the citadel of Tournay was but an artifice to gain time, and amuſe the allies. For the French king would not ratify theſe articles, but upon condition, that there ſhould be a ceſſation of arms in general in the Netherlands till the 5th of September, which the allies would not conſent to; and therefore the ſiege was carried on with all poſſible vigour, notwithſtanding the great diſadvantages, which the confederate troops lay under, by reaſon of the great number of the enemies mines. From the 8th of Auguſt, the day on which the marquis de Ravignan returned from the French court, to the 20th of the ſame month, the enemy ſprung ſixteen mines, which coſt the beſiegers a great number of men, and very much retarded their approaches. On the 20th the beſieged ſprung a mine with ſo great execution, that part of the wall from the town to the citadel, two branches of the trenches, a parallel, two ſaps, and two of the beſiegers mines were ruined; and a captain, two enſigns, and nineteen ſoldiers killed. The 22d the miners of the allies diſcovered the branch of another mine; and as they were buſy in finding out the mine itſelf, they heard the enemy working on a great gallery. Whereupon a lieutenant and ſixteen grenadiers was ordered to diſlodge them; but the lieutenant being killed at the firſt onſet, his men were diſheartened and retired. Immediately after another officer, with a freſh detachment, was ordered to go upon that ſervice; but, the enemy throwing a great number of grenadoes, and making a terrible ſmoke, the beſiegers were forced to retire, to prevent being ſuffocated. The 23d the miners, ſupported by a lieutenant and twelve grenadiers, were at work to pierce through a traverſe croſs the gallery they had diſcovered; but the enemy threw in a great quantity of ſtraw, hemp, and powder, which being ſet on fire, occaſioned ſuch a ſmoke, that the officer and eight grenadiers were ſtifled. All this while the miners of the beſiegers frequently met with thoſe of the enemy, and engaged them with piſtol and bayonet. On the 26th the enemy ſprung a mine, which killed above four hundred of the confederate troops, who, notwithſtanding that loſs, and the great fire of the beſieged, lodged themſelves that night near the palliſadoes at general Schuylemburgh's attack. On the 29th Monſieur Du Mey, the chief director of the attacks, was mortally wounded. That day and the next the beſiegers made a fierce fire upon the citadel, and threw abundance of bombs, which did great execution.

On the 30th, at ſix in the morning, the enemy beat a parley, deſiring to capitulate; and, hoſtages being exchanged, Monſieur Dolet and the marquis de Ravignan, both major generals, and four other officers came out of the citadel; and major general Hondorff, with five officers more on the beſiegers ſide, were ſent in. Dolet, and his company were brought to the earl of Albemarle's houſe, where the duke of Marlborough and prince Eugene were met to receive their propoſals. They offered to ſurrender the place, and delivered a project of a capitulation, conſiſting of eleven articles, the chief whereof were: "That the chapel ſhould not be made uſe of for the exerciſe of any other religion but the Roman catholic, upon any pretext whatſoever: That they ſhould have twelve pieces of cannon and ſix mortars, with ammunition for twenty charges, and horſes and waggons, and other neceſſaries for that purpoſe, to be furniſhed by the beſiegers: That the garriſon ſhould march out, drums beating, and colours flying, with the other uſual marks of honour: That they ſhould have four covered waggons; and that the priſoners ſhould be returned on either ſide, and no deſerters ſtopped."

Dolet and the other French hoſtages having made theſe offers, they were told by the duke of Marlborough and prince Eugene, that they could not allow of any other conditions, but that the garriſon ſhould ſurrender themſelves priſoners of war. Upon this they returned into the citadel; and, about three o'clock in the afternoon, the hoſtilities were renewed. The confederate generals inſiſted upon having the garriſon made priſoners of war, as well for the honour of the arms of the allies, as in return for the king's having refuſed to agree to the former capitulation, which was declared to the French officers. Beſides, during the ceſſation, the allies had confirmed accounts, that the enemy owned they were obliged to ſurrender for want of proviſions; which they did in leſs than three days, upon the following conditions: "That all the officers and ſoldiers ſhould retain only their ſwords and baggage, and, leaving their colours and arms behind, were permitted to return to France, upon condition that they ſhould not ſerve, until they were actually exchanged againſt the like number of officers and ſoldiers of the allies; and thoſe taken at Warneton were immediately to be ſent back as part of that exchange." After this conqueſt, the duke of Marlborough and prince Eugene reſolved to leave nothing unattempted, that might tend to the improvement of their late ſucceſſes; and therefore concerted the neceſſary meaſures for beſieging of Mons. The army, on the 3d of September, paſſed the Scheld, and encamped the next day at Breffeul, the hereditary prince of Heſſe-Caſſel (who was detached the day before with four thouſand foot and ſixty ſquadrons) encamping at ſome diſtance. The 5th, the troops continued their march, notwithſtanding a violent rain. The prince of Heſſe paſſed the Haiſne in the afternoon, and the grand army encamped at Siraui, within a league of that river. The 6th in the morning, the army was again in motion; and, in the march, the duke of Marlborough received advice, that, the prince of Heſſe having made the diſpoſitions for attacking the French lines from the Haiſne to the Sambre, three regiments of dragoons had abandoned the ſame. The French deſigned to defend thoſe lines; for the chevalier de Luxemburg, with a great detachment arrived ſoon after to ſuſtain the regiments

of dragoons, and was followed by marſhal Villars in perſon. But, ſeeing that their troops had quitted their poſt, they marched back to Quievrain, whither the whole French army marched from their lines behind the Scarpe. On the other hand, the prince of Heſſe having taken poſſeſſion of the other lines already mentioned, encamped with his right at Jenappe, and his left to Tremiers, whereby Mons was in a manner blocked up, and the army under the duke of Marlborough encamped at Havre, and that under prince Eugene, at St. Denis.

On the 7th of September Boufflers arrived in the French camp, and joined Villars. The ſame day the duke of Marlborough received advice, about noon, that the French were marching to attack the body under the command of the prince of Heſſe. Whereupon, orders were given to the army to decamp from Havre, and leave their baggage behind, and their tents ſtanding. The army having made a halt on the hills of Belian (where the prince of Heſſe had his quarters) the generals received farther intelligence, that the French had not paſſed the defiles of Waſſne, but were encamped near Quievrain; whereupon the confederate army continued in the camp the following night, but in order of battle. The duke of Marlborough being informed, that the garriſon of Mons conſiſted only of nine weak Spaniſh, and two Bavarian battalions, beſides the dragoons of Paſteur, conjectured, that Villars's chief deſign was to oblige the confederates to draw all their forces into the plain between Belian and Tremiers, that he might have an opportunity to throw reinforcements into Mons: To prevent which, the duke ſent ſome troops towards St. Guiſlain. The 8th, prince Eugene and the duke ſpent the whole day in viewing the ground between the two armies; and, the 9th in the morning, the French made a motion, as if they would march towards Boſſu, but, the duke of Marlborough being advanced with ſome other generals to take a narrow view of their army, they ſoon perceived, that the motion of their left was only a feint to cover the march of their right, which filed off at the ſame time. The duke, being unwilling to loſe a moment, ordered his army to march by his left; by which motion the two armies came ſo near, a little after two, that they cannonaded each other till the evening. They continued all the night in the ſame ſituation; the French being poſted behind the woods of la Merte and Taiſniere, near Malplacquet, where they intrenched themſelves the 10th. And the confederate troops lay with their right near Sart and Bleron, and the left on the edge of the wood of Lagniere, the head quarters being near the centre of Blaregnies.

The duke of Marlborough, prince Eugene, and the prince royal of Pruſſia paſſed the night with Monſieur Goſlinga, that they might be ready if the enemy ſhould make any attempt. But though they were much ſuperior in number, and more eſpecially in infantry, yet they were ſo far from deſigning to attack the allies, that on the contrary, they begun to fortify their camp (though it was by nature very ſtrong and advantageous) with all the induſtry and application imaginable. Beſides the thick hedges, which, like a chain, ran along their whole camp, they made deep lines to cover their foot; and, on the right, caſt up three intrenchments one behind the other, though the acceſs was otherwiſe very difficult, becauſe of a marſhy ground, which lay before them. Their centre, which was in a little plain, was likewiſe ſecured by ſeveral intrenchments, defended in convenient places with good artillery; and beſides all this, they cut down a great number of trees, which they laid acroſs the ways, to obſtruct the paſſage of the confederate horſe. They alſo cut down the hedges behind their lines, for the more eaſy march of their cavalry to ſupport their infantry as occaſion might require; ſo that their camp might not be very improperly called a regular fortified citadel.

Prince Eugene and the duke of Marlborough, who had in concert with Monſieur Goſlinga, taken the reſolution to attack the French, finding on the 10th, that they had made uſe of the preceding night to improve the advantage of their ſituation, reſolved only, without altering their deſign, to put off the execution of it, till they were reinforced by eighteen battalions, which had been employed in the ſiege of Tournay. To theſe orders were immediately diſpatched that they ſhould march with all poſſible expedition to join the grand army; which they did that very night under the command of count Lottum and baron Schuylemburgh. The ſame evening alſo a detachment from the blockade from Mons, under the command of lieutenant general Dedem, took St. Guiſlain ſword in hand, and made the garriſon, which conſiſted of two hundred men, priſoners of war.

The troops, that came from Tournay, having, on the 11th of September, on the morning, joined the right wing, over againſt the wood by Start, where the enemy's left was poſted, prince Eugene, the duke of Marlborough, and the field-deputies, rode together along the lines between the two armies, and ſeveral men were in their preſence killed by the enemy's cannon.

The confederates had begun to work on their batteries at break of day. They raiſed one of the twenty-eight pieces of cannon on the left, another of forty in the centre, and the reſt of the artilley was diſtributed on the right. A very thick fog, which laſted till half an hour paſt ſeven, had very much facilitated their work; but then it cleared up, and gave the two armies a perfect view of each other.

This being the poſture of the French and confederate forces, a little after eight o'clock, the ſignal for the attack being given by a diſcharge of fifty pieces of cannon, and the cannonading continuing very briſk on both ſides, prince Eugene advanced with his right into the wood of Sart, and eighty-ſix battalions of that wing, commanded by general Schuylemburgh, the duke of Argyle, and other generals, and twenty-two other battalions, under the command of count Lottum, attacked the enemy with ſuch bravery, that, notwithſtanding the barricadoes of felled trees, and other impediments they met in their way, after an hour's reſiſtance, they drove the French out of their intrenchments in the woods of Sart and Traiſniere. The deſign of the attack was to drive the enemy out of the wood, and then to attack them in the flank of their intrenchments on the plain; which ſucceeded, and all the enemy's infantry of the left wing were ruined. General Withers, with ninteen battalions, attacked the enemy in another intrenchment beyond the woods of Taiſniere and Great Lagniere with the like vigour and good ſucceſs. Thirty-ſix Dutch battalions, commanded by the prince of Naſſau Friſeland (or Orange) and baron Fagel, who attacked the enemy's right, poſted in the wood of La Merte, and in that opening covered with three intrenchments, met with greater reſiſtance, and loſt abundance of men before they could penetrate into the intrenchments. The fight was here deſperate; but the Dutch ſoon drove the enemy from off their advantageous ground into their intrenchments, taking their colours. They likewiſe drove them out of their firſt intrenchment; but, as they were marching on to the ſecond, they were charged, with great vivacity by the enemy, and obliged to retire to their former poſts. The duke of Marlborough then ordered Withers to march with the body under his immediate direction to ſuſtain them; but upon notice, that Withers was actually engaged with the enemy, and that all things went well on the right, the duke thought fit rather to preſs the advantages there, than to hazard a new motion towards the left in the heat of the action. As ſoon as the enemy's left went to retire and draw off their cannon, the duke of Marlborough commanded the earl of Orkney, with fifteen battalions to attack them, and force them from their intrenchments in the plain between the woods of Sart and Janſart, with directions, if he ſucceeded, to poſt himſelf there, and cover the horſe, as they ſhould file off through the woods into the plain, in order to charge the enemy's cavalry, which were there drawn up. This was executed with ſuch reſolution and ſucceſs, that, after a ſhort diſpute, the enemy quitted thoſe intrenchments, which gave the horſe an opportunity to enter them. And though the firſt ſquadrons, led by the prince of Heſſe, had great difficulty to form themſelves, and were put into ſome diſorder by the French king's houſhold troops; yet being immediately rallied by the duke of Marlborough, and ſeconded by the ſquadrons of prince Eugene's army, they advanced together into the plain. Being there covered by their own foot, and having formed themſelves into very good order, they charged the enemy's cavalry, who being ſoon broke and defeated, their whole army fell into diſorder, and retired towards the plains of Bavay, leaving ſome of the cannon behind them. The allies made a good uſe of the beginning of the victory, and all the troops moved on with freſh reſolution. General Vink having, with the horſe, ſurrounded ſeveral battalions of the enemy's right, ſummoned them to ſurrender themſelves priſoners of war; but the French, being covered by a moraſs, made their retreat along the edge of a wood: Three regiments of Daniſh cavalry, falling at the ſame time on the enemy, made a terrible ſlaughter among them, till, having gained a ſecond wood, they found means to eſcape. Eighteen ſquadrons, being detached to endeavour to diſperſe them in their retreat towards Quievrain, met their whole left wing on this ſide the little river, Quaiſnau, conſiſting of about an hundred ſquadrons, commanded by Boufflers in perſon; and perceiving only at firſt the enemy's rear, poſted at the corner of a wood, the dragoons made up to them, and drove them without reſiſtance; but colonel Lippe and a cornet, advan-

eing too far, were taken, without being perceived by their own men. The wood being forced, the eighteen ſquadrons advanced into the plain; but perceiving before them the enemy's whole left wing in three columns, one of which retreated in good order, the other two in ſome confuſion, they made a ſhort halt, and were ſomewhat ſurprized to ſee the enemy face about, and draw up in order of battle. However, this ſmall body of the confederate horſe kept their ground, and poſted themſelves upon an eminence, with the wood of Elonge on their right, expecting to be attacked; but they immediately perceived, that the enemy made a ſtand, with no other deſign than to paſs a rivulet, that was in their way to a defile, leading them to Bavay, which they gained, before the allies, who purſued them full gallop, could come up with them. However, the allies followed the chace as far as the village of Quievrain, where the French had a brigade of foot, who obliged them to ſlacken their pace. Upon which they thought fit to give over the purſuit, and the enemy marched unmoleſted to Bavay. The reſt of their broken army retired in great confuſion, ſome to Maubeuge and Valenciennes, and others to Conde, leaving the allies in poſſeſſion of the field of battle, ſixteen of their cannon, twenty colours, twenty-ſix ſtandards, and other indiſputable marks of a victory; not to mention a great number of priſoners. Some of theſe were taken in the action, others in the purſuit, and the far greater number the next morning in Bavay, and other neighbouring places, either wearineſs or wounds not permitting them to follow the groſs of their army; which, having that night paſſed the rivulet of Renelle, incamped with their right at Queſnoy, extending their left towards Valenciennes.

The confederate generals, upon viewing, after the battle, the advantageous poſts, from whence they had driven the enemy, were themſelves aſtoniſhed to ſee what difficulties they had ſurmounted. And indeed all the troops, as well officers as ſoldiers, ſhewed as great reſolution, bravery, and firmneſs in this obſtinate action, as ever was known. The enemy, whether encouraged by their intrenchments, or animated by the ſhame of their former defeats, fought with a bravery beyond what was expected from them, from half an hour paſt eight in the morning, till half an hour paſt two in the afternoon. They were, however, at length, forced to yield to the ſuperior courage of the allies, whoſe generals, the duke of Marlborough, prince Eugene, count Tilly, and the prince of Naſſau, were, during the whole fight continually at the head of their troops in the hotteſt of the fire. And Monſieur Goſlinga, one of the field-deputies of the ſtates, was not wanting to animate the ſoldiers by his example. Great numbers fell in this bloody action; and the allies owned, that they had above eighteen thouſand killed or wounded[h]. Amongſt the ſlain were ſeveral officers of diſtinction, particularly general count Lottum, general Tettau, of the Pruſſians; count Oxenſtiern, lieutenant general; the lord Tullibardine, eldeſt ſon of the duke of Athol, and colonel of a regiment of foot in the ſervice of the ſtates. Among the wounded were prince Eugene of Savoy ſlightly on the head, as was alſo brigadier May on the ſame place; lieutenant generals Spar, Wakerbaert, and Hamilton, and the firſt mortally; brigadier Cronſtrom, count Oxenſtiern's adjutant, dangerouſly; and Monſieur Duyts, adjutant to the prince of Orange. His highneſs himſelf had two horſes killed under him, but eſcaped unhurt; as did alſo the duke of Argyle, though he received ſeveral muſket-ſhots through his clothes and perriwig. Brigadier Lalo, a French refugee, in great favour and eſteem with the generals; ſir Thomas Pendergaſt, colonel of a regiment of foot; colonel Rivett, of the guards; colonel Cranſtone, lieutenant colonel Arundel, and lieutenant colonel Bethel, were alſo reckoned among the ſlain; lieutenant general Webb, in the beginning of the action, received a very dangerous wound by a muſket-ball, that lodged itſelf near the groin; lieutenant colonel Ramſey, major Laſhley, and major Row died of their wounds; but lieutenant colonel Farmer, major Chivers, and ſeveral others of inferior rank, ſurvived theirs.

The French were very induſtrious in leſſening and concealing their loſs from the public. But ſome private accounts from their army owned, that they had about five hundred and forty officers killed on the ſpot, and one thouſand and ſixty-eight wounded, beſides three hundred and one taken priſoners; and the number of their private men killed, wounded, or taken, was modeſtly computed at fifteen thouſand [i].

This was the moſt deſperate and bloody attack, that had been fought in the memory of man; and both our generals were very much blamed for throwing away ſo many brave mens lives, when there was no occaſion. It was the only raſh thing the duke of Marlborough was ever guilty of, who, it was generally believed, was preſſed to it by prince Eugene [k].

The action being over, the confederate army was ordered

[h] In the army of prince EUGENE.

	Killed.	Wounded.
Imperialiſts,	190	328
Danes,	534	750
Saxons,	196	510
Palatines,	86	273
Dutch,	711	888
Heſſians,	135	392
Wirtemberghers,	132	290
Total	1984	3431

In the duke of MARLBOROUGH's army.

	Killed.	Wounded.
Britiſh,	575	1281
Pruſſians,	309	894
Hanoverians,	298	1119
Dutch,	2381	6081
Total	3563	9375
Total of both armies	5547	12806

[i] Among their ſlain were Meſſieurs de Courſillon, de Chemerault, Palavicini, de Lautree, de Greberges, de Moret, and Sheldon, lieutenant generals; count de Beuil, Meſſieurs de Rouleau, de Rochebonne, and de Tournefort, major generals; count d'Ageunes, Meſſieurs de Coaſquin and de Stekenburg, brigadiers; the duke de St. Agnan, and Meſſieurs de Schawefiein, de Salis, de Seignelay, the chevalier de Croy, de Teleconde, de Molezum, Fitzgerald, de Barentin, St. Laurent, and the duke of Charoſt. Amongſt the wounded was the marſhal de Villars himſelf, who, in the heat of the battle receiving a ſhot in the knee, was obliged to leave the command of the French army to Marſhal de Boufflers; the duke of Guiche, the chevalier de St. Toris; Meſſieurs de Conſlan, de Beaufremont, de Savigne, de Craufat, de Mornefiers, de Opeide, de Refuge, d'Albergotti, the princes de Lambeſſe and de Montbaſon, Meſſieurs de Brillac, de Tournemine, de Renty, de Berville, d'Autel, and de St. Hilaire.

[k] Biſhop Burnet obſerves, That military men have always talked of this, as the ſharpeſt action in the whole war, not without reflecting on the generals for beginning ſo deſperate an attempt. The French thought it a ſort of victory, that they had animated their men to fight ſo well behind the intrenchments, and to repulſe our men ſo often, and with ſo great loſs. They retired to Valenciennes, and ſecured themſelves by caſting up ſtrong lines, while they left our army to carry on the ſiege of Mons, without giving them the leaſt diſturbance. Monſieur Rouſſet's remarks are as follow: 'In the opinion of the whole world (ſays he) our generals were guilty of an irreparable fault in not attacking on the 9th, but delaying it, in expectation of ſix and twenty battalions, and ſome ſquadrons; while, by giving the enemy time to intrench themſelves (which was what we had infallibly to expect from a general ſo accuſtomed to it as the marſhal de Villars) we weakened ourſelves, in proportion as the enemy grew more formidable. Beſides, we thereby gave him all the time he could wiſh to penetrate into our diſpoſition, to recal ſeveral detachments, which did not join him till the 10th, and in ſhort to render all thoſe places impenetrable, through which only our troops could break into the plains. In the council of war which was held the 9th, the deputies of the ſtates-general were of opinion, that the ſiege of Mons ſhould be immediately undertaken, without giving the enemy battle; but that, if they ſhould attack us, in that caſe, we ſhould retreat from them; and of this opinion were moſt of the generals. Prince Eugene and the duke of Marlborough were of opinion to attack the enemy, before they began the ſiege, and they brought over the deputies to be of the ſame mind; but then, as well they, as the duke of Marlborough, inſiſted, that the attack ought to be made immediately, not to give the marſhal de Villars time to fortify his camp. Prince Eugene was not, however, to be diſſuaded from the reſolution he had taken, to wait for the detachment from Tournay. A fatal delay, which occaſioned the ruin of the whole body of the Dutch infantry, which alone loſt near ten thouſand men, more than ſeven hundred of whom were officers, at the attack of the intrenchments.'

Monſieur Du Mont likewiſe ſays, 'That it was a misfortune to the allies, that they did not fight on the 9th, for then probably the victory would have been obtained with leſs loſs of blood. The enemy was then on the other ſide of the wood in the plain; there was room to come at them through the intervals. They had not time to intrench themſelves; and the advantage of the ground would have been pretty near equal.'

Father Daniel aſſerts, that the field of battle coſt the allies thirty thouſand men killed or wounded, while the loſs, which the French army ſuffered, was not two thirds of that number.

Dr. Hare, in his 'Second letter to a tory member upon the management of the war, p. 24, obſerves, That in this battle the enemy were ſo defeated, that they, who had hazarded a battle to prevent the ſiege of Mons, did not dare to venture any thing for the relief of it, towards which they did not make the leaſt ſtep, though the allies had neither river nor intrenchment to cover them.' He afterwards, p. 32, takes notice of a queſtion aſked by the author of a piece, intituled, Arlus and Odolphus, viz. If the bloody battle of Taniers or Malplacquet was ſo well concerted, as it might have been; and if there was an abſolute neceſſity to wait two days within ſight of the enemy for a few troops, that never engaged when they came, and give them ſo much time to throw up ſuch unequal fortreſſes before we attacked them? In anſwer to which Dr. Hare writes thus: 'I little thought to have ſeen the battle of Taniers inſtanced for a counter-ſtop deſigned to hinder the effect of our former ſucceſſes, when it was itſelf ſo great a one: But it ſhews the abſurdity of their cauſe, when victory itſelf is made a crime; and they attempt to prove a general's deſign to prolong the war, becauſe he has endeavoured to force the enemy to put an end to it by a new defeat. This is a ſtrange way of arguing indeed, peculiar to the cauſe, and its worthy defenders. It is a known ſaying, Victoriæ ratio non redditur: But, it ſeems, it now muſt be allowed. A general has been often called to give an account, how he came to loſe a battle; but to be accountable for winning one is ſomething new; and, if victories had not been ſo common, we ſhould hardly have been ſo difficult; we ſhould have underſtood the value of a

to encamp a little beyond the field of battle; and, on the 12th of September, they returned to their camp at Belian. The ſame the day, the allies were employed in burying their dead; and, there having been a great number of French officers and ſoldiers left wounded in the field of battle, and in the adjacent villages, the duke of Marlborough ſignified to the marſhal Boufflers and, Villars that thoſe perſons might have leave to retire upon their parole, to return when they were cured; that he would ſend lieutenant Cadogan with two hundred horſe to Bavay, to make an agreement about that matter, with any general they would ſend with the like number of men. The enemy accepted this propoſal, and they ordered the chevalier de Luxemburg to meet general Cadogan at Bavay, in order to concert every thing for the relief of the wounded, and burying of the dead.

The French, being retired to Valenciennes, left the confederate generals at liberty to beſiege Mons[1], the capital of Hainault, and the place, for the preſervation of which the enemy had hazarded the late battle. In this city the elector of Bavaria had lately kept his fugitive court, and from thence the count Berghieck and the duke of Alva by order of king Philip their maſter, wrote a joint letter to the duke of Marlborough, to which the count added a note, importing, "That, if the queen of Great Britain, by means of his highneſs's good offices, ſhould think it for the intereſt of the nation to have regard to it, he was provided with powers from the king his maſter, to explain himſelf more particularly, to ſuch a perſon and in ſuch a place, as his highneſs would pleaſe to appoint." The duke of Marlborough did not think fit to have, at that time, any private conference with that miniſter; but, as the latter happened to be in Mons, when the allies inveſted the town, he was on the 21ſt of September, allowed to have an interview with his grace, who granted him paſſports for himſelf, and ſeveral ladies and perſons of diſtinction, who went out of the place. As ſoon as the train of artillery was brought from Bruſſels, the ſiege, under the command of the prince of Orange, was carried on with great vigour, though the ſeaſon was both cold and rainy. The out-works were carried with little reſiſtance, and Mons capitulated about the end of October. With the taking of Mons ended the campaign, both armies retiring into winter-quarters.

The confederate arms were not this year attended with the ſame ſucceſs every where as in Flanders. Little was expected on the Rhine. The Germans were ſo weak, ſo ill furniſhed, and ſo ill paid, that it was not eaſy for the court of Vienna to prevail on the elector of Brunſwick to undertake the command of the army there, yet he came at laſt; and, upon his coming, the French, who had paſſed the Rhine, thought it the ſafeſt for them to repaſs that river, and keep within their lines. The elector ſent count Merci with a conſiderable body of troops to paſs the Rhine, and break into Franche Comte; but, a detached body of the French, under the command of count de Borgh, lying in their way, there followed a very ſharp engagement on the 26th of Auguſt N S. Two thouſand men were reckoned to be killed on each ſide; but, though the loſs of men was thought equal, yet the deſign miſcarried, and the Germans were obliged to paſs the Rhine, and retire to Friburg. The Germans having paſſed through the territories of Baſil, in order to make their intended irruption into the territories of France, the French embaſſador in Swiſſerland expoſtulated with the diet of the cantons aſſembled at Baden, about the violation of their neutrality, and even threatened thoſe of Baſil with the effects of his maſter's reſentments. But the Helvetic body took ſuch effectual meaſures for the ſecurity of that canton and of their frontiers, that the French did not think this a proper juncture to increaſe the number of their enemies, and ſo contented themſelves with ſeizing upon the corn and revenues belonging to thoſe of Baſil and Alſatia.

The campaign in Piedmont and Dauphine fell alſo this year much ſhort of expectation. The duke of Savoy refuſing to go into the field, by reaſon the Imperial court ſtarted ſome difficulties about Vigevano and other dependencies on the Miſaneſe, which, by agreement, were made over to him. The court of Vienna inſiſted to have the controverſy adjuſted by commiſſaries: but this was oppoſed by the duke of Savoy, who pretended there was no need of ſuch a dilatory negociation to find out the literal ſenſe of the treaty concluded with him by the emperor; and made preſſing inſtances with the queen of Great Britain and the ſtates-general, who ſtood guarantees of that treaty for the punctual performance of it. The maritime powers conſidering with what firmneſs the duke had adhered to the grand alliance, eſpouſed his intereſt with warmth. But the emperor inſiſting on a reference to commiſſaries, the duke perſiſted in his reſolution not to go into the field, and left the command of the army to field-marſhal Thaun, who on the 7th of Auguſt, went from Turin to Suza, and made the neceſſary diſpoſitions to march over

ſingle victory, and been thankful for it. But the number, it ſeems, has made us ſo nice, that we had rather not have them, if they are not juſt to our minds; if they are not of as much conſequence as Blenheim, or as cheap as Ramillies or Oudenard.' I would be glad to know, if ever any one French writer treated the battle of Landen with that contempt, that theſe gentlemen do that of Taniers; or thought the fighting it a crime in a general, becauſe it was dear bought, and had little other conſequence than the gaining what Arlus calls unprofitable honour. On the contrary, never victory was ſo much magnified, the tongues and pens of that nation were for many years full of nothing elſe; and yet thoſe, who were at that battle, will tell you, that the French did not only loſe as many as the confederates, but double or treble their number; and the allies recovered that defeat ſo ſoon, that in ſix weeks time they had a better army than before the battle; and all the uſe the French made of their victory was to take Charleroy, though the battle was fought in June; a conqueſt one may eaſily ſuppoſe they might have made without the purchaſe of ſo dear a victory, as they made thoſe of Mons and Namur, places of much more importance. Now let us ſee whether the victory of Taniers be on any account inferior to that of Landen. That it exceeded it in honour, Arlus himſelf allows; for he grants, 'That in all the wars of immemorial time, there never was a battle fought where mortal men gained ſuch immortal honour.' And, whether he will allow it or not, it is as certain, that it was more valuable alſo in its conſequence, and the advantage the common cauſe reaped from it; for Mons was evidently a greater conqueſt in itſelf, and of more uſe to us, when Brabant had no other cover, than Charleroy could be to them. Beſides Charleroy might have been had without Landen; but Mons could not have been had without Taniers; and, though that battle was not fought till the laſt of Auguſt, Mons had not been the only fruits of it, if the weather would have permitted the allies to keep the field longer; and the ſucceſs of the ſiege, was a plain diſcovery, that the loſs of the enemy was not only as great as that of the allies, but much greater. Why elſe ſhould they venture a battle to prevent the ſiege; and yet did not move a ſtep to diſturb it, when it was formed? Is not this a confeſſion, that they, who thought themſelves a match for our army before the battle, did not think ſo after it, though ſo many troops were employed and weakened in the ſiege? Did they not ſpend the time the allies were making the ſiege in throwing up lines, and drawing all the troops together, that poſſibly they could? And was not the duke of Berwick ſent for poſt from Dauphine, to join with marſhal Boufflers in the command of them? What, I would fain know, was all this for? Why ſuch ſtrong lines, ſo vaſt an army, ſo many generals, ſo much concern in the middle of October, when the ways were impaſſable, and the confederate army was entirely ruined by their victory? If their loſs was ſo unequal, as Arlus thinks it was, the French might have done what they would; they might not only have lain ſtill in great tranquillity, without any apprehenſion of being diſturbed by the allies, but might have advanced to them, given them battle, and not only ſaved Mons, but ruined their army, if they were ſo much ſuperior to them, as their writers would make the world believe. But, if we will allow the French to be better judges of theſe matters than our paper-politicians, the difference, that was made by the battle between the two armies, was to their diſadvantage entirely; and the impreſſion, which the loſs of that battle gave them, made them think themſelves never ſafe; as if neither weather, nor intrenchments, nor numbers, could effectually ſtop the progreſs of this victorious army; though weakened by three ſieges and a battle equal to three more. They ſhewed plainly by all their motions, they thought nothing impoſſible to ſuch an army, that could beat an hundred thouſand men, the beſt troops of France, through ſuch entrenchments, or, in the language of the learned Arlus, through ſuch unequal fortreſſes.' Dr. Hare, afterwards, p. 36, obſerves, 'That without this battle, the reſt of that campaign muſt have been ſpent without action, and perhaps this laſt [of 1710] alſo. For we could not have carried our arms into the Artois, while Brabant was ſo much expoſed, as it was before the taking of Mons, which would conſequently have thruſt the work of this year one campaign at leaſt backwarder. But, if the neceſſity, the glory, and advantage of this victory cannot keep off theſe examiners, you may be well aſſured it will bear examination. I have heard a good deal of it, and, by all I can find, there never was a battle, for which there was a more unanimous concurrence of all parties, than there was here. And the delay that happened, was not only to wait for a few troops, but for bread, which men, who had been continually marching for ſeven days together, were not very fit to fight without. Beſides, the troops they ſtayed for were not a few; and there was a great number of officers with them. And it is moſt ridiculous to fancy troops were not worth ſtaying for, becauſe they did not engage. At that rate all corps de reſerve are very fooliſh and unneceſſary things. Might there not have been occaſion for troops, becauſe there was not? Or is it no encouragement to men, that do engage, to know there are others ready to ſuſtain them upon occaſion? But it is endleſs to argue with the zeal or affected ignorance of theſe men. It is no great compliment to our generals to ſuppoſe they underſtand their buſineſs; and we ought always to preſume they concert their matters well, unleſs we are ſure of the contrary; which we may eaſily believe, neither theſe writers, nor their maſters, are in the caſe before us, ſince they were neither at the conſultations of the generals themſelves, nor pretend to any correſpondence with thoſe that were. And therefore to inſinuate, that they did not conſider things ſo maturely as they ſhould have done, is extreme impudence. Thoſe unequal fortreſſes indeed, which the enemy had thrown up, were, I have heard, more and greater than they were thought to be. Our generals knew they were entrenching, but neither believed ſo much work could have been done in ſo little time, nor that the fears of the enemy could make them think ſo much was neceſſary. But this ſerved only to make the victory more glorious. And, notwithſtanding all their fortreſſes, had the orders, which to prevent all miſtakes, were given in writing, been rightly executed, the price of it had been much cheaper than it was. But there is no need of entering farther into the particulars of this battle, to ſhew the folly and malice of this moſt profligate libeller, and the reſt of his companions.'

[1] Mons, a very large, fine, ſtrong, and rich city, of the Low-Countries, the marquiſate of the earldom of Hainault, in the county of Mons, or proper Hainault. It was taken in 1691, but ſurrendered to the Spaniards by the peace of Ryſwick, 1697. It ſtands on the river Troville, near Haiſne, twenty-ſeven miles ſouth-weſt from Bruſſels, thirty-three north-eaſt of Cambray, thirty ſeven weſt of Namur, thirty-nine ſouth of Ghent, forty-eight almoſt ſouth of Antwerp, forty-eight almoſt eaſt of Arras, ſixty-five almoſt weſt of Liege, one hundred and twenty north of Paris, and one hundred and twenty-eight almoſt ſouth of Amſterdam.

Mount Cenis. On the other hand, the duke of Berwick, who commanded the French army in Dauphine, had, by this time, cauſed ſtrong intrenchments to be caſt up to cover Briançon, the place moſt threatened by the confederates, and to defend ſome other important poſts. So all that count Thaun was able to do, was only to oblige the French to abandon their lines at St. Maurice, drive them from thoſe at Feſſons, defeat a ſmall body at Conflans, and make himſelf maſter of the inconſiderable town and caſtle of Anneci; after which, for want of proviſions, he was forced to repaſs the Alps, and march into Piedmont towards the end of September. The glory which the duke of Berwick gained in thus diappointing the deſigns of the allies, was the greater, as part of his troops were at that very time employed in ſuppreſſing, in the Vivarez, an inſurrection of the Camiſars, and other malcontents, who on the 19th of Auguſt, N. S. maintained a ſharp encounter with the French king's troops. But on the 23d of the ſame month, they were entirely defeated within ſome leagues of Vernoux, and about fifty of them taken priſoners, with their chief leader Abraham, who was broke alive upon the wheel; and twenty-three others hanged at ſeveral places, ſix or ſeven ſent to the gallies, and the reſt committed to priſon.

The moſt important thing relating to Italy this year, was, that the pope delayed acknowledging king Charles, by ſeveral pretended difficulties; his deſign being to ſtay and ſee the iſſue of the campaign; but when he was threatened towards the end of it, that, if it was not done, the Imperial army ſhould come and take up their winter-quarters in the eccleſiaſtical ſtate, he ſubmitted, and acknowledged him. He ſent alſo his nephew Albano, firſt to Vienna, and then to Poland; he furniſhed him with a magnificent retineu, and ſeemed to hope, that, by the ſervices he ſhould do to the papal intereſts there, he ſhould be preſſed to make him a cardinal, notwithſtanding the bull againſt Nepotiſm.

The Spaniſh and Portugueſe armies having taken the field towards the end of April, they ſoon came to an engagement; for, on the 7th of May, N. S. being both incamped on the Caya, and the Spaniards making a motion, with a deſign either to forage the adjacent country, or to inſult the confederates; the Portugueſe general, contrary to the earl of Galway's opinion, paſſed the river with all their horſe, moſt of the foot, and ſome field-pieces, which they fired with good execution on the enemy. The marſhal de Bay, who commanded the Spaniards, charged the Portugueſe horſe of the right wing, who immediately wheeled about, and fled, without firing a ſhot, which gave the Spaniards an opportunity of ſeizing the Portugueſe cannon. In order to recover theſe, and to favour the retreat of the body of foot, which had repulſed the enemy three times with great firmneſs and reſolution, the earl of Galway brought up himſelf Pearce's brigade, conſiſting of two Britiſh battalions of Barrymore and Stanwix, and one of the Spaniards lately raiſed. But theſe troops not being ſuſtained by the Portugueſe horſe of the left, who fled like thoſe of the right, they were intercepted, and obliged to ſurrender priſoners of war, and with them major general Sankey, the earl of Barrymore, brigadier Pearce, and the conde de ſan Juan, a Portugueſe general. The reſt of the Britiſh foot, under the command of the marquis de Montandre, performed wonders, and, with the Portugueſe infantry, made an orderly retreat, with the loſs of about an hundred and fifty men; ſo that, except the priſoners, and other marks of honour, the Spaniards had no reaſon to boaſt of their victory. The earl of Galway, who had a horſe ſhot under him, very narrowly eſcaped being taken; but having found means to get away from the enemy with major Bladen his ſecretary, and a few other officers, he rid about four or five miles, and at laſt reached the confederate army, which that night came to Aronches, and the next day encamped at Elvas. The marquis de Bay, having refreſhed his troops, advanced towards the confederates; but the earl of Galway took ſuch advantageous poſts along the Guadiana, that the Spaniards durſt not attempt, either to paſs that river, or beſiege Olivenza, into which place the Britiſh general found means to introduce ſupplies of proviſions; and, the heats coming on, both armies went into quarters of refreſhment; nor did any thing worth notice happen on that ſide in the autumn campaign. For the Spaniards apprehending, that our fleet might have a deſign upon ſome part of their ſouthern coaſt, were forced to draw their troops from the frontiers of Portugal to defend their own coaſt, though they had no diſturbance given them on that ſide.

The caſtle of Alicant had now been blocked up ever ſince the month of December 1708. The garriſon, conſiſting only of Hotham's and Syburg's regiments (which were not above half complete, when left there two years before) held out with great reſolution all the winter, notwithſtanding the ſeverity of the weather, the ſcarcity of proviſions, and the diſturbance they met with from the enemy's bombs. The Spaniards, finding all other means ineffectual to reduce that important fortreſs, reſolved at laſt to blow up the rock, on which the caſtle ſtands, by a great mine; the ſeveral chambers whereof being prepared, with incredible labour and induſtry, the chevalier d' Asfeldt cauſed fifteen hundred barrels of powder to be lodged in them, ſummoned colonel Syburg the governor to ſurrender; and, the better to determine him to it, gave him leave to ſend out two of his officers to ſee the condition of the mine. This was readily accepted. Asfeldt went himſelf with the officers to the mine, and told them he could not bear to let ſo many brave men periſh under the ruins of a place they had ſo gallantly defended, and gave them twenty-four hours to conſider it. But the governor being immoveable in his reſolution, the mine was ordered the next day to be fired, which the centinels, poſted on the ſide of the hill to give notice of it, perceiving, they made the appointed ſignal. Upon which the governor, with ſeveral officers, walked to the parade, and ordered the guard to retire; which was no ſooner done, but the mine was blown up, and with little or no noiſe made an opening in the rock on the very parade, of ſome yards in length, and about three feet wide, into which the governor, lieutenant colonel Thornicroft, major Vignoles, and other officers fell, and the opening inſtantly cloſing upon them, they all periſhed, though their bodies were not entirely ſunk in. Notwithſtanding this accident, lieutenant colonel d' Albon of Syburg's regiment, being the ſurviving commander, reſolved to hold out as long as he had any proviſions; and, to make theſe laſt the longer, he reduced his men to half allowance. By this time king Charles being informed, that the garriſon was reduced to great extremities, a council of war was held at Barcelona, to conſider of the moſt proper means to relieve that place, the reſult whereof was, that lieutenant general Stanhope ſhould embark for Port Mahon, to confer with ſir George Byng on that ſubject. The general, being returned the 12th of March, N. S. to Barcelona, embarked again, on the 18th, on board ſir Edward Whitaker, who was arrived there with three thouſand five hundred men from Naples. Theſe troops were ordered upon this expedition; and then, ſailing for Port Mahon, they took there on board four hundred men more; and, on the 11th of April, ſailed for Alicant. But, a ſtrong eaſterly wind forcing them to anchor in the bay of Denia, the enemy ſuſpected their deſign, and made the neceſſary preparations to prevent its execution. On the 15th the fleet arrived in ſight of Alicant; but the weather continuing ſo tempeſtuous, that the ſhips could not come near the ſhore; and beſides, don Pedro de Ronquillo had by that time aſſembled ſeven thouſand men, caſt up intrenchments, and erected batteries, to oppoſe the landing of the confederate troops. However, ſome men of war were ordered to get as near the ſhore as poſſible, and fire upon the enemy's intrenchments, which they did with ſome execution, but were much annoyed by the enemy's batteries. The general and admirals, ſeeing the impoſſibility of relieving the caſtle, reſolved, in a council of war, to endeavour to ſave ſo brave a garriſon from being made priſoners of war; and accordingly general Stanhope ſent a boat on ſhore with a flag of truce, and an officer, with a letter for don Pedro de Ronquillo, offering to ſurrender the caſtle of Alicant upon honourable terms. This propoſal being accepted, ſeveral articles were demanded, and moſt of them granted. Purſuant to the capitulation, the garriſon marched out, on the 18th of April, with two pieces of cannon, and all other marks of honour, embarked on board the fleet, and were landed in Minorca to refreſh themſelves.

General Stanhope having laid a deſign to ſurprize Cadiz, either by means of a ſecret correſpondence he had in the place, or merely upon the encouragement of the weakneſs of the garriſon, concerted meaſures for that purpoſe with ſir George Byng, on board whoſe ſquadron he embarked at Port Mahon with two regiments of foot; and, about the middle of Auguſt, ſailed for Gibraltar. Here he expected to be joined by the forces, which, about the ſame time, embarked at Portſmouth on board a ſquadron, commanded by rear-admiral Baker, conſiſting of one battalion of Scots guards, the regiments of foot of the lord Tyrawley, brigadier Whetham, colonel Gore, colonel Boles, colonel Capel, colonel Munden, colonel Dormer, and the earl of Rochford's dragoons. But this ſquadron being long detained on the coaſt of England by contrary winds, ſo that they did not make the coaſt of Portugal till the beginning of October, the Spaniards, in the mean time, being apprehenſive of general Stanhope's deſign, made detachments from Eſtremadura for

the ſecurity of the coaſt of Andaluſia; and the ſeaſon being too far advanced to undertake any thing on that ſide, that general returned to Port Mahon, thence to Barcelona, and not long after ſailed for Italy, from whence he came over to England by the way of Germany and Holland. On the other hand, rear-admiral Baker having, on the 10th of October, ſent a man of war to Liſbon for orders, lord Galway gave him directions to ſail directly for Barcelona with the forces he had on board. The court of Portugal (who expected that theſe troops would have ſtaid in that kingdom) having expoſtulated with lord Galway about their being ſent to Catalonia, he took that opportunity to complain of the ill proviſion that was made for the ſubſiſtence and accommodation of the Britiſh regiments in Portugal; and ſaid, that nevertheleſs, her Britannic majeſty would take care to recruit theſe forces, and, if the court of Portugal would be as diligent in raiſing the men for ſix regiments of dragoons in the pay of Great Britain (which levies were at laſt reſolved upon) the Portugueſe army would then be in a condition to act offenſively. He added, that the forces on board rear-admiral Baker would be of far greater ſervice in Catalonia, even with reſpect to Portugal itſelf, by giving a ſtrong diverſion to the enemy; which argument had certainly great weight in it; for the Portugueſe were ſenſible, that general Stanhope's bare coming to Gibraltar with two regiments, had occaſioned the weakening of the Spaniſh forces in Eſtremadura, and diſabled them from undertaking any thing on that ſide, in the autumn campaign.

The rejoicings made at the court of Madrid, upon the eaſy and inconſiderable victory gained by the marquis de Bay in Eſtremadura, and on the birth of a ſecond ſon to king Philip, were ſoon damped, both by the death of that young prince, and their misfortunes on the frontiers of Catalonia. For general Starember, after he received the reinforcements from Italy having paſſed the Segra without oppoſition, made himſelf maſter of Balaguer, and took nine hundred men priſoners; the marſhal de Bezons having refuſed to ſecond the conde d'Aguilar, who was for attacking the allies. Upon notice of theſe tranſactions, king Philip thought it neceſſary to leave Madrid, and go to the army. When he came there, Bezons juſtified himſelf, by producing the French king's orders for avoiding all engagements. King Philip ſeemed much mortified at this, and not thinking it adviſeable to attempt the attacking of Staremberg, in his advantageous poſt near Balaguer, returned to Madrid, where cardinal Portocarrero died ſome days before, to the great regret of that prince, and his partizans. Not long after, Staremberg, having put a ſtrong garriſon into Balaguer, and ſo both armies went into winter quarters.

This ſummer brought a cataſtrophe on the affairs of the king of Sweden. He reſolved to invade Muſcovy, and engaged himſelf ſo far in the Ukrain, that there was no poſſibility of his retreating, or of having reinforcements brought to him. He engaged a great body of Coſſacks to join him, who were eaſily drawn to revolt from the czar. He met with great misfortunes in the end of the former year; but nothing could divert him from his deſigns againſt Muſcovy. He paſſed the Nieper, and beſieged Pultoway. The czar marched to raiſe the ſiege, with an army much ſuperior to the Swedes; but the king of Sweden reſolved to venture on a battle, in which he received ſuch a total defeat, that he loſt his camp, his artillery, and baggage. A great part of his army got off, but being cloſely purſued by the Muſcovites, and having neither bread nor ammunition, they were all made priſoners of war. The king himſelf, with a ſmall number about him, paſſed the Neiper, and got into the Turkiſh dominions, and ſettled at Bender, a town in Moldavia. Upon this great reverſe of his affairs, king Auguſtus pretended, that the reſignation of the crown of Poland was extorted from him by force, and that it was not in his power to reſign the crown, by which he was tied to the republic of Poland without their conſent. He marched therefore into Poland, and Staniſlaus was not able to make any reſiſtance, but continued under the protection of the Swedes, waiting for another reverſe of fortune. A project was formed to engage the kings of Denmark and Pruſſia, with king Auguſtus and the czar, to attack the Swedes in ſo many different places, that the extravagant humour of their king was like now to draw a heavy ſtorm upon them, if England and the ſtates-general, with the court of Vienna, had not cruſhed all this, and entered into a guarranty, for preſerving the peace of the empire, and by conſequence of the Swediſh dominions in Germany.

Dantzick was at this time ſeverely viſited with a plague, which ſwept away almoſt one half of its inhabitants, though few of the better ſort died of the infection. This put their neighbours under great apprehenſions, who feared the ſpreading of the contagion; but it went no further[m].

The king of Denmark ſpent a great part of this ſummer in a very expenſive courſe of travelling through the courts of Germany and Italy; and it was believed, that he intended to go to Rome, where great preparations were making for giving him a ſplendid reception; for it was given out, that he intended to change his religion. But whether theſe reports were altogether groundleſs, or whether, being ſo commonly believed, was like to produce ſome diſorders in his own kingdom, is not certainly known; but thus much is certain, that he ſtopped at Florence, and went no farther, but returned home, and, upon the king of Sweden's misfortunes, entered into meaſures to attack Sweden with king Auguſtus, who had called a diet in Poland, in which he was acknowledged their king, and all things were ſettled there according to his wiſhes. The king of Denmark, upon his return home, ſent an army over the Sound to Schonen, about the middle of November, having firſt publiſhed a manifeſto, wherein he ſet forth his reaſons for declaring war againſt Sweden. Finding no reſiſtance at his landing at Helſingburg, he fixed there his head quarters; but, the cold ſeaſon not permitting him to undertake the ſiege of Landſcroon, he diſpoſed his troops into winter quarters, and on the 4th of December, N. S. returned to Copenhagen. Some time after, the Danes having taken the field, made ſome progreſs in Schonen; but the regency of Stockholm having, by this time, ſent a good body of troops into that province, the Swedes obliged the enemy to retire under the cannon of Helſingburg; where, on the 10th of March, N. S. 1709-10, they attacked them with ſo much bravery and fierceneſs, that the Danes were almoſt totally defeated; and, not being able to maintain themſelves at Helſingburg, abandoned that city on the night, between the 15th and 16th of that month, went on board their ſhips, and ſailed for Elſinore, leaving behind them their horſes, and ſome proviſion and baggage, which they had not either time or conveniencies to carry off.

The Swediſh army, that was in Poland, having got into Pomerania, the French ſtudied to engage them to fall into Saxony, to embroil the affairs of Germany, and, by that means oblige the neighbouring princes to recal the troops that were in her Britannic majeſty's ſervice, and that of the other allies in Flanders. But the queen and the ſtates-general interpoſed effectually in this matter; and the Swedes were ſo ſenſible, how much they might need their protection, that they acquieſced in the propoſitions that were made to them; by which means the peace of the northern parts of the empire was ſecured. A peace was likewiſe made up between the grand ſignior and the czar. The war in Hungary ſtill went

[m] Burnet ſays, this ſudden, and, as it ſeemed, total reverſe of all the deſigns of the king of Sweden, who had been for many years the terror of all his neighbours, made me write to Dr. Robinſon, who had lived above thirty years in that court, and is now biſhop of Briſtol, for a particular character of that king.

I ſhall ſet it down in his own words:

He is now in the twenty-eighth year of his age, tall and ſlender, ſtoops a little, and in his walking diſcovers, though in no great degree, the effect of breaking his thigh-bone about eight years ago: He is of a very vigorous and healthy conſtitution, takes a pleaſure in enduring the greateſt fatigues, and is little curious about his repoſe: His chief and almoſt only exerciſe has been riding, in which he has been extremely exceſſive. He uſually eats with a good appetite, eſpecially in the morning, which is the beſt of his three meals: He never drinks any thing but ſmall beer, and is not much concerned whether it be good or bad: He ſpeaks little, is very thoughtful, and is obſerved to mind nothing ſo much as his own affairs, laying his deſigns, and contriving the ways of acting, without communicating them to any, till they are to be put in execution: He holds few or no councils of war; and though in civil affairs his miniſters have leave to explain their thoughts, and are heard very patiently; yet he relies more on his own judgment than on theirs, and frequently falls on ſuch methods, as are fartheſt from their thoughts: ſo that both his miniſters and generals have had hitherto the glory of obedience, without either the praiſe or blame of having adviſed prudently or otherwiſe. The reaſon of his reſervedneſs in conſulting others may be thus accounted for; he came, at the age of fifteen, to ſucceed in an abſolute monarchy, and, by the forward zeal of the ſtates of the kingdom, was in a few months declared to be of age: There were thoſe about him, that magnified his underſtanding as much as his authority, and inſinuated, that he neither needed advice, nor could ſubmit his affairs to the deliberation of others, without ſome diminution of his own ſupreme power. Theſe impreſſions had not all their effect, till after the war was begun, in courſe of which he ſurmounted ſo many impoſſibilities (as thoſe about him thought them) that he came to have leſs value for their judgments, and more for his own, and at laſt to think nothing impoſſible. So it may be truly ſaid, that, under God, as well all his glorious ſucceſſes, as the late fatal reverſe of them, have been owing ſolely to his own conduct. As to his piety, it cannot be ſaid, but that the outward appearances have highly recommended it, only it is not very eaſy to account for the exceſs of his revenge againſt king Auguſtus, and ſome other inſtances; but he is not ſuſpected of any bodily indulgences. It is moſt certain, he has long wiſhed well to the allies, and not at all to France, which he never intended to ſerve by any ſteps he has made. We hear the Turks uſe him well; but time muſt ſhew what uſe they will make of him, and how he will get back into his own kingdom. If this misfortune does not quite ruin him, it may temper his fire, and then he may become one of the greateſt princes of the age.

on. The court of Vienna publiſhed ample relations of the great ſucceſſes they had there; but theſe were ſaid to be given out, to make the malcontents ſeem an inconſiderable and ruined party. There were ſecret negociations ſtill on foot, but without effect.

Nothing of importance paſſed at ſea. The French ſent out no fleet; and our convoys were ſo well ordered, and ſo ſucceſsful, that the merchants made no complaints. Towards the end of the year, the earl of Pembroke, finding the care of the fleet a load too heavy for him to bear, deſired to lay it down. It was offered to the earl of Oxford; but though he was willing to ſerve at the head of a commiſſion, he refuſed to accept of it ſingly; ſo it was put in commiſſion, in which he was the firſt, the other commiſſioners being ſir John Leake, ſir George Byng, Mr. George Dodington, and Mr. Paul Methuen. The queen gave the earl of Pembroke a penſion of three thouſand pounds a year, payable out of the revenue of the poſt-office, in conſideration of his eminent ſervices[n].

As ſoon as the campaign in the Netherlands was ended, the French court thought fit to make new advances towards a negociation of peace. In order to which, ſignior Foſcarini, the Venetian embaſſador, who, about this time, came to Holland, took a turn incognito to Amſterdam, to ſound the Burgomaſters of that city. On the other hand, Monſieur Petkum, reſident of the duke of Holſtein, at the Hague, who had been ſecretly employed the laſt winter in the negociations there, kept up a correſpondence by letters with Monſieur de Torcy, to try, if an expedient could be found out for the 37th article in the preliminaries, the difficulty in that article being the only point, for which the conferences, in appearance at leaſt, were broke off. The point they offered to ſatisfy the allies in, was, that the French king ſhould not directly nor indirectly aſſiſt his grandſon king Philip; and, with regard to the expedient propoſed to ſecure this point, all went upon the ſame foot with that which Petkum had propoſed, as from himſelf, the day before Rouillé left the Hague. That three towns ſhould be put into the hands of the allies, to be reſtored to France, when the affairs of Spain, &c. ſhould be decided. The meaning of which ſeemed to be no other, than that France was willing to loſe three more towns, in caſe king Philip ſhould keep Spain and the Weſt-Indies. The places therefore ought to have borne ſome equality to that, for which they were to be given in pawn; but the anſwers, which the French made to every propoſition, ſhewed they meant nothing but to amuſe and diſtract the allies. The firſt demand made by the allies was of the places in Spain, then in hands of the French king; for the delivering up of theſe might have been a good ſtep to the reduction of the whole. But this was flatly refuſed; and that the king of France might put it out of his power to treat about it, he ordered his troops to be drawn out of all the ſtrong places in Spain, and ſoon after out of the kingdom, pretending that he was thereby evacuating it, though the French forces were kept ſtill in the neighbourhood. Thus a ſhew was made of leaving Spain to defend itſelf; and upon that king Philip prevailed on the Spaniards to make great efforts, beyond what was ever expected of them. This was done by the French king to deceive both the allies and his own ſubjects, who were calling loudly for a peace; and it likewiſe eaſed him of a great part of the charge, that Spain had put him to. But, while his troops were called out of that kingdom, as many deſerted, by a viſible connivance, as made up ſeveral battalions; and all the Walloon regiments, as being ſubjects of Spain, were ſent thither; ſo that king Philip was not weakened by the recalling the French troops; and by this means the places in Spain could not be any more demanded. The next demand, as moſt important towards the reduction of Spain, was that Bayonne and Perpignan might be put into the hands of the allies, with Thionville on the ſide of the empire. By the two former all communication betwixt France and Spain would be cut off, and the allies would be enabled to ſend forces thither with leſs expence and trouble. But it was ſaid, theſe were the keys of France which the king could not part with; and therefore it remained to treat of towns on the frontier of the Netherlands, and even there they excepted Arras, Doway, and Cambray; ſo that all the offers appeared illuſory, and the intercourſe by letters was for ſome time let fall[o]. After ſome time Torcy wrote to Petkum to deſire, ſince the point in diſpute could not be adjuſted by letters, that paſſes might be granted for ſome miniſters from France to come to Holland, and renew the conferences; or that Petkum might be permitted to go to France, to try if his preſence could help to find out an expedient, that had hitherto been in vain endeavoured by letters. The firſt the ſtates refuſed, till they knew preciſely what they were to come for, ſince, under the appearance of ſome good, the preſence of French miniſters in Holland gave them an opportunity to do a great deal of harm, by ſowing ſeeds of jealouſy among the allies, poiſoning the minds of the people againſt their governors, and retarding the great preparations for another campaign, which can never be puſhed with the vigour they ſhould, while the people are amuſed with the ſpecious appearances of an approaching peace: For ſo the French endeavoured to make it every where thought, when they meant nothing leſs. For theſe reaſons the ſtates refuſed to give paſſes for any miniſters to

[n] Matthew Aylmer, eſq. was appointed admiral, and commander in chief of her majeſty's navy; the lord Durſley, vice admiral; and Charles Wager, eſq. rear admiral of the red; ſir John Jennings, admiral, and ſir Edward Whitaker, vice admiral of the white; ſir John Norris, admiral; and John Baker, eſq. vice admiral of the blue.

[o] Dr. Hare, in his fourth letter to a tory member, ſets forth this affair more at large: 'This, ſays he, was the nature of the expedient in agitation; and nothing can ſhew better the readineſs of the allies to put an end to the war, and the inſincerity of France, than what paſſed between them on this ſubject. The towns to be given up for this purpoſe muſt have been either in Spain, or on the borders of it, or on the ſide of Alſace, or in Flanders. Whatever could have been done of this kind, was but a poor expedient for an article of ſo much conſequence; and, had the king of France been in earneſt, one cannot think he would have made any difficulty to give the allies what they were willing to accept. But, as he meant nothing leſs than what he was ſo forward to promiſe, there was no ſecurity of this ſort the allies could aſk, which he did not think too much to grant.

As for towns in Spain, which was the beſt ſecurity, and moſt to the purpoſe, that expedient had been propoſed during the conferences at the Hague, and was by the French miniſters refuſed: And to prevent the allies from inſiſting in this demand, the kind ſoon after put it out of his power to comply with it; otherwiſe his people, as blind as they are, could not have had any great opinion of his ſincerity in the deſires he expreſſed for peace, while he rejected a condition, that was ſo natural for the allies to aſk; and not only poſſible, but eaſy for him to grant; and which the ſafety and intereſt of France, as diſtinct from Spain, were no way concerned in. That the negociations therefore might not continue to reſt upon this point, he took care immediately, that there ſhould be no room left for the allies to inſiſt on this demand; and to that end withdrew his troops out of all the Spaniſh fortreſſes, as he did afterwards out of the kingdom, upon pretence indeed of evacuating Spain, according to the preliminary articles. But that was only a pretence; for he kept them there all the ſummer, to be at hand to aſſiſt the duke of Anjou, in caſe his army ſhould be attacked, or an invaſion ſhould be made into Arragon; though otherwiſe the general, that commanded them, had orders not to venture a battle, but to be on the defenſive; as appeared upon the duke of Anjou's coming to his army upon the ſurprize of Balaguer by the allies, and expoſtulating with marſhal Bezons for not joining upon that occaſion the Spaniſh army; for which he juſtified himſelf by producing the king's orders. By this middle way, the king thought he could deceive the allies, without abandoning the Spaniards; and, in the mean time, the duke of Anjou, according to the direction of French councils, made his utmoſt efforts to put Spain into a condition to defend itſelf, as if they were in earneſt to expect no farther aſſiſtance from France; which had ſo good an effect on the Spaniards, that they exerted themſelves, beyond what could be expected of them. They compleated in a little time their old regiments, and raiſed beſides a great many new ones; and the moſt vigorous meaſures were taken to find money, and erect magazines, as if they were to ſtand for the future, on their own bottom, though the king of France was far from intending they ſhould want his aſſiſtance, when their affairs called for it. And that his grandſon might not want a general for his army, it was publicly talked at Paris, before Monſieur Rouille's return, that, in caſe of a peace, the duke of Berwick had deſired leave to reſign his baton of marſhal of France, that he might go and command in Spain: Which ſhews us, how the duke of Anjou might have officers as well as men from France, if he had any want of them. If therefore the king of France withdrew his troops, it was not with a deſign to leave his grandſon to himſelf, but upon very different views: It was to make the allies, and his own people believe he was ſincere, and that he was willing to remove, as far as he could, all the difficulties in the way of peace; and yet, at the ſame time, and by the ſame action, increaſe the difficulties he would ſeem to remove, by rendering by this means the moſt reaſonable demand of the allies impracticable: Beſides that he really wanted theſe troops himſelf againſt another year, the danger he was threatened with in Flanders obliging him to have a more numerous army on that ſide. This was all he meant by withdrawing his troops from Spain, and therefore he did not do it, till he had put the duke of Anjou's affairs upon a pretty good foot, and he was ſure there could be no immediate want of them, the campaign there being at an end. And, that this removal of his troops might be of the leaſt prejudice poſſible to his grandſon, he contrived, that as many of his own troops ſhould deſert as would make ſeven or eight battalions; and, to ſupply the place of the reſt as far as he could, he ſent his grandſon all the Walloon regiments from Flanders; from whence they began their march for Spain the beginning of February following, which was as ſoon as money, arms, and clothes could be provided for them. And not content with giving the duke of Anjou this aſſiſtance, and ſupplying him with great ſtores of ammunition, becauſe new raiſed troops could not be much depended on, he kept many of the troops he withdrew in Rouſſillon upon the borders of Spain, to be ready to return, when his grandſon's affairs ſhould make it neceſſary. And is not this very like the conduct of one, who means in earneſt to abandon Spain, and would reſtore it to the houſe of Auſtria, if he could? But poor man! he cannot do impoſſibilities. It is a pretty way to facilitate the reduction of a kingdom, to make it as difficult as poſſible; a great ſign of ſincerity to put things out of our power, which we cannot, without diſcovering our inſincerity, keep in it; and mighty reaſonable to create impoſſibilities, and then complain of them. Who can help believing ſuch a man, when he tells you, he would with all his heart, to procure a peace, give up the Spaniſh monarchy, if he could, but that he really cannot; and that this is the only hindrance? Or what pledge of his good will is there, one may not expect from him, as a caution, that he will not, directly or indirectly, hinder your doing what he cannot poſſibly himſelf do for you? To expect a valuable pledge from a man, to be returned to him when that is done, which he intends never ſhall be done, is a great jeſt. And therefore, ſince the French king has ſo plainly diſcovered his intention, you muſt not wonder he makes ſuch difficulties in ſettling an expedient, as you could not expect in a man, who means one word of what he ſays.

come frome from France, till they knew more of their intentions. But, to ſhew their readineſs to hearken to any reaſonable propoſal, they conſented, that Petkum ſhould go to France, which he did about the latter end of November.

While theſe negociations were carrying on by letters with France, king Philip did not only take all the proper meaſures he could to maintain himſelf in the monarchy, which his grandfather was, in appearance, treating to give up, but publiſhed a notable manifeſto, wherein he proteſted againſt all that ſhould be tranſacted at the Hague in his prejudice, as void and null, and declared his reſolution to adhere to his faithful Spaniards, as long as there was a man of them that would ſtand by him; and was ſo far from quitting Spain and the Indies to his competitor, that he would not conſent he ſhould have thoſe parts of the monarchy which he was then poſſeſſed of; and, in purſuance of this manifeſto, he named the duke of Alba and count Bergheyck for his plenipotentiaries, with orders to notify it to the maritime powers; which count Bergheyck did in a letter to the duke of Marlborough, dated from Mons, Aug. 21, with a copy of their inſtructions; and they ſent another, at the ſame time, to the deputy of the ſtates; which were accordingly tranſmitted to their principals. But no anſwer was thought fit, either by England or Holland, to be returned to them. And to admit plenipotentiaries from him now, would undo all that had been hitherto agreed on; and, inſtead of ſeeking for an expedient for the 37th article of the preliminaries, the whole of them would have been deſtroyed, and the treaty muſt have been begun entirely anew.

In count Bergheyck's letter there was alſo broad intimations, how grateful king Philip would be, if, by means of the duke of Marlborough's good offices, his juſt and reaſonable deſires might be complied with; and there was nothing he would not do to content England in general, or that might be to his ſatisfaction in particular. Torcy was likewiſe ſaid to write very unneceſſarily, and with great officiouſneſs, two or three very civil letters to the duke, till he found his civilities were loſt upon him. Petkum, after a ſtay at Paris, of about ten days, and ſeveral fruitleſs interviews with the marquis de Torcy, returned to the Hague, on the 7th of December, without having been able to make the leaſt progreſs in the buſineſs he went upon, or bringing ſo much as the pretence of an expedient along with him; but, inſtead of that, he brought the ſenſe of the French court, in a paper drawn up by Torcy, and importing in ſubſtance, "That it would be impoſſible for the king of France to execute the 37th article of the preliminaries, even though his majeſty could reſolve to ſign it. That the other articles were propoſed by the allies ſix months ſince, in order to prevent, by a ſuſpenſion of arms, the events of the campaign, which might change the diſpoſitions towards peace: And that reaſon now ceaſing, becauſe the winter ſeaſon naturally produced a ceſſation of arms, without any agreement in writing, that therefore, without farther mention of the preliminaries, the three winter months might be ſpent in treating and concluding a peace. That, though the form of the preliminaries were ſuppreſſed, yet the king of France would preſerve the ſubſtance, and treat on the foundation of the conditions, to which he had conſented, for the ſatisfaction of the emperor, England, and Holland, and their allies, though he had declared, that thoſe conditions ſhould be void, if they were not accepted during the negociation at the Hague. That his majeſty was ready to reſume the negociations on the ſame foot, and ſend his plenipotentiaries to ſuch a place as ſhould be agreed on, to begin the conferences with thoſe of the allies, on the firſt day of January. And, if this propoſal were accepted, the ſieur Petkum might forthwith return, for ſettling the paſſes, and other formalities, for the place and manner of meeting." The ſtates-general, having conſidered both the anſwer and the report of their deputies, came to the unanimous reſolution, "That the ſieur Petkum, who, at the deſire, and, upon the repeated inſtances of France, was permitted, with the conſent and knowledge of the high allies, to go for France, to ſee if any expedient could be found out, for removing the difficulties about the 37th article of the preliminaries, was, contrary to all expectation, returned, not only without bringing any ſuch expedient with him, but with an anſwer, in which France entirely receded from the foundations agreed to with common conſent, and with a propoſal to enter into a formal negociation of peace, without ſettling and adjuſting any thing beforehand; a propoſal in all times judged dangerous, and contrary to the declaration made on the part of France, 'That all the preliminary articles ſhould remain firm, as they were ſettled, only with ſuch alterations in the terms of the execution, which the courſe of time had rendered neceſſary, except only the 37th article.' That from this way of proceed-

The firſt and only good expedient, you ſee, is made impracticable, on purpoſe, that it may not be inſiſted on. The next beſt was to put into the hands of the allies ſome French towns on the frontier of Spain, ſuch as Bayonne and Perpignan, which would have enabled the allies to ſend forces to Spain with infinitely leſs expence and trouble, in a quarter of the time they can now; and, at the ſame time, have obliged the French pretty effectually to keep their promiſe not to aſſiſt the duke of Anjou, by cutting off in a great meaſure the communication between France and Spain. This was an expedient, which the king could not ſay it was not in his power to comply with. But, when one has not a mind to do a thing, nothing is ſo eaſy as to find out a reaſon for not doing it. If this could not be ſaid to be an impoſſible expedient, it was eaſy to pretend, that it did not ſuit either with the ſafety or dignity of France to put the keys of his kingdom into the hands of the allies, ſince he could not be ſure what uſe they might make of them, or when he ſhould get them again. And this was very right arguing for a man, who never intended that ſhould be done, which is made the condition on which the cautionary depoſits ſhall be reſtored. If the King does not deſign Spain ſhould be quitted by his grandſon, it muſt be owned it would not be very prudent in him to give the allies ſuch important places under the notion of cautionary towns, which muſt either defeat his deſign of ſupporting his grandſon; or, if that deſign ſucceed, could never of right be demanded back of them; not but that a prince of his known abilities would, we may be ſure, ſoon find a pretence to aſk for them, and that pretence he would juſtify, if not readily ſubmitted to, the ſame way he has ſo many others no leſs groundleſs, by force and arms, which with him have always been the meaſures of right and wrong. But if he were ſincere, if he really meant that Spain ſhould be reſtored, what inconvenience could there be in complying with this expedient? What ill uſe could the allies make of it? Could they, by the help of theſe towns, hurt France, before they had reduced Spain? Can it be imagined, that would not find them work enough? Or is there any room to fear an invaſion from Spain afterward? No, ſure; however ſignificant Spain may be in French hands, it will not in haſte be very formidable out of them. They would have themſelves too much buſineſs in looking to themſelves, to think of diſturbing ſo powerful a neighbour. And there would be a thouſand times more reaſon for them to be afraid of France, than for France to apprehend any thing from them. Nor can there be the leaſt pretence for a ſuſpicion, that the allies, if theſe towns were once in their hands, would never part with them, ſuppoſing the end anſwered for which they were intruſted with them; for, beſides that ſuch a breach of faith is without example on the ſide of the allies, they cannot, for the reaſons I gave you in my laſt, act a falſe part in this matter, if they would, eſpecially not on this ſide of France; where, if the allies had ever ſo much juſtice on their ſide, they could not long ſupport themſelves under the mighty diſadvantages with which they muſt make war on this frontier. But there is no need of ſaying more, to ſhew you how ridiculous it is to pretend any fear of the allies, if theſe towns ſhould be put into their hands. The ſupporting of Spain has coſt France too dear, not to know the low condition it is in; and that nothing could be greater madneſs in king Charles, or his allies, than not to ſit down quietly in peace the minute that kingdom is reduced to his obedience, without ſeeking for new pretences to continue the war needleſsly.

Nothing therefore can be thought to be the true reaſon, why the king of France rejected this expedient, but that he never intended the allies ſhould obtain the end, for which it was aſked, as you will ſee more plainly in what follows. On the ſide of Alſace nothing was propoſed, that I know of, but Thionville, a place of great conſequence to France, were they in any danger from the empire. But, conſidering the feeble low condition of that emaciated exhauſted body, one cannot but think the ſtrong places on that ſide are of no other uſe but to enable the French to invade the empire, and not to ſecure them againſt invaſions from it. And what ſhould be depoſited as a pledge, would be to be reſtored long before the empire could be in a condition to make any uſe of it, that would be either unjuſt in itſelf or troubleſome to France. But France never intending to fulfil the condition on which the town ſhould be reſtored, this propoſal was rejected upon the ſame pretence as the former.

Nothing now was left, but to ſeek for an expedient in Flanders, which was what the French offered from the firſt, and all along preſſed, as if they were very much in earneſt. But, had they been ſo, it is very hard to give a good reaſon, why an expedient ſhould be looked for here, rather than in any other part. The allies, though they were ſenſible whatever could be given on this ſide, was but a poor expedient at beſt; yet they were ſo ſincerely diſpoſed to put an end to the war, that they would not abſolutely reject it. Whatever towns France could put into the hands of the allies on this ſide, if they were not ſuch, as lie neareſt to thoſe, that are to be given up by the preliminaries, their tenure would be very precarious; and it would be very difficult to keep them, when France had a mind to have them again. This you may eaſily judge of by the impoſſibility the allies were under laſt campaign to make the ſiege of Arras, while they left Doway behind them; and the difficulty Ypres gave them in the ſiege of Aire. But if theſe cautionary towns were to be of thoſe that lie neareſt, they could not be of ſo much importance to France, as that they ſhould not be willing to part with them to keep Spain, ſince this would only be making a little farther addition to the barrier of the Netherlands; which would ſecure them from France. But, as bad an equivalent as this was at the beſt, the French refuſed to make it as good as they could, by excepting ſuch towns as were of moſt conſequence, ſuch as Douay, Arras and Cambray, which would lay them open to an invaſion from the allies; which, if the allies were able to make, they knew their own deſigns would give but too juſt a handle for; beſides, they were unwilling to part with, under the name of a caution, what they could not be willing to part with for good and all, ſince they intended to forfeit the condition, and not do themſelves, or rather not ſuffer that to be done, which would give them a right to aſk for it again.

This being the deſign of France, all theſe negociations by letters came to nothing; and one ſide would never offer what the other could accept, while the allies would be content with the name of an expedient inſtead of the thing, which they were before-hand ſure could by no means anſwer the end it was given for; which the allies were too wiſe to do.'

P Dr. Hare, in his 'fourth Letter to a Tory Member,' p. 19, obſerves, that 'this anſwer was ſhort even of their expectations, who hoped leaſt from it; for this overthrew all the preliminaries at once, while the king pretended to agree to all but one; and by promiſing to keep the ſubſtance of them, while they deſtroy the form, they effectually defeat all that had been done, and recover to themſelves an entire liberty to diſpute all points afreſh, and to lay hold of all the occaſions, which that would give them, to create diviſions and jealouſies between the ſtates and their allies; which is plainly the great

ing, nothing could be expected, but that the enemy was not ſincerely diſpoſed to agree to a ſafe peace; and that little regard was to be had to the aſſurances of their good intentions, ſeeing the effects agreed ſo little with their profeſſions; but rather, that all was concerted and deſigned to ſow, if poſſible, diſtruſts and jealouſies between the allies and that ſtate, while the French were reſolved to continue the war. That therefore it was abſolutely neceſſary, that the allies in general, and every one of them in particular, ſhould, in an extraordinary manner, exert themſelves, and make early preparations for proſecuting with vigour, in the next campaign, the advantages obtained in the laſt. That a letter to that purpoſe ſhould be written to the emperor and diet of the empire at Ratiſbon; the confederated circles, the electors and princes of the empire, the queen of Great Britain, and the duke of Savoy. And that their Imperial and Britannic majeſties ſhould be deſired, that prince Eugene of Savoy, and the prince and duke of Marlborough, might come to the Hague very early in the ſpring, before the end of February, to concert the neceſſary meaſures for campaign." The queen of Great Britain not only returned a favourable anſwer to the letter of the ſtates-general, reſolved alſo to exhort all the allies to a vigorous proſecution of the war; and, in particular, wrote a very preſſing letter to the general diet of the empire.

About the time Petkum returned to the Hague, the French king wrote to king Philip, to acquaint him with what had paſſed, and to aſſure him, that though he was obliged to recal his troops, he need not be alarmed at it, for that he would never abandon him; and that he had ordered twelve regiments, that were then in Spain, to join the Spaniards, in caſe king Charles ſhould make an irruption into Arragon. And a little after Monſieur Ibbeville was ſent to Madrid; but both his journey and buſineſs were made ſo great a ſecret, that it was not for ſome time known whither he was gone; and when he came to Madrid, where he arrived on the 26th of December, his inſtructions were to communicate his buſineſs to nobody but the king himſelf. He did not make a long ſtay, nor was he in appearance well received; but no judgment could be made from thence what his errand was; there was no way to diſtinguiſh between what was real and what diſguiſe. But to judge from other ſteps, it is moſt reaſonable to think his buſineſs was to learn the ſtate in which king Philip's affairs were, and to give him his leſſon, how he ſhould manage in ſo nice a juncture; with aſſurances, that in ſpite of all appearances to the contrary, which the neceſſity of his affairs might oblige the French king to make, he would never deſert him, much leſs agree with the allies, upon any terms, to turn his arms againſt him. But this journey was made a great myſtery of, to make the allies believe, that the buſineſs of it was to perſuade king Philip to retire out of Spain, ſince it would be impoſſible for the French king to ſupport him any longer.

About the beginning of May happened an extraordinary event, which raiſed much diſcourſe and argument in England, namely, the coming over of the Palatines, Swabians, and other Germans, moſt of them Lutherans, being driven from their habitations, either by the oppreſſive exactions of the French, or the deſolation of their native country, occaſioned by the calamities of the war; ſo that, by the middle of June, they were increaſed to ſix thouſand five hundred and twenty men, women, and children; among whom were ſchoolmaſters, huſbandmen, vine-dreſſers, herdſmen, wheel-wrights, ſmiths, weavers, carpenters, maſons, bakers, coopers, brewers, and other handicrafts-men. It was never certainly known upon what motives, and with what views, theſe people were brought over; but it is certain, that, being come into Holland, with deſign to go for the Engliſh plantations in America, upon an invitation of ſome of their countrymen, who were reported to be there in a thriving condition, they were furniſhed with ſhipping to come over to England by Mr. d'Ayrelles, the Britiſh ſecretary at the Hague, by direction from thoſe in the adminiſtration. Being deſtitute of all neceſſaries, they muſt inevitably have periſhed, had not the queen firſt ordered a daily allowance to be diſtributed to them, and, at the ſame time, a ſufficient number of tents to be delivered out of the tower, for encamping on Black-Heath near Greenwich, and in a large field near Camberwell; and afterwards, upon the petition of the juſtices of peace for the county of Middleſex, granted a brief for the collection of charity money within that county; which brief was ſhortly after made to extend through the whole kingdom of Great Britain; and, at the ſame time, were appointed ſeveral perſons, in the moſt eminent ſtations, to be truſtees and commiſſioners, for receiving and diſpoſing of the monies ſo collected. The kind reception and entertainment which theſe diſtreſſed fugitives found here, having been reported abroad, encouraged many other Germans to leave their deſolate habitations, and to follow their countrymen, inſomuch that their numbers increaſed ſo faſt, that the ſecretary at the Hague was directed to put a ſtop to their coming over. As a conſiderable number of German Roman catholics had come along with the proteſtants, ſuch of them as did not voluntarily change their religion, were, at the queen's expence, ſent back to Holland, where ſhe ordered a ſum of money to be diſtributed to them, towards the charges of their journey home. As for the Palatines, who ſtaid behind in Great Britain, ſome were entertained in private families, ſome ſent to Ireland, others to Carolina, and the greateſt part to New-York, under the direction of commiſſary Du Pré, who ſailed with them for that country about the beginning of April 1710, together with colonel Hunter, governor of that country.

The earl of Wharton having been made lord lieutenant of Ireland, arrived there the 2d of April 1709. A fortnight after his landing, he opened a ſeſſion of parliament, and made a ſpeech to both houſes of parliament, part of which was as follows:

"My lords and gentlemen,

"I am obliged and directed to lay before you another conſideration of that infinite conſequence; and that is, to put you in mind of the great inequality there is, with reſpect to numbers, between the proteſtants and papiſts of this kingdom, and of the melancholy experience you have had of this ſort of men, whenever they had it in their power to diſtreſs or deſtroy you.

Theſe reflections muſt neceſſarily lead you to think of two things; the firſt is, ſeriouſly to conſider, whether any new bills are wanting to enforce or explain thoſe good laws, which you have already, for preventing the growth of popery. And, in the next place, it makes evident the neceſſity there is of inculcating and preſerving a good underſtanding amongſt all the proteſtants of this kingdom. What the moſt proper methods are to compleat ſo deſirable and neceſſary an end, yourſelves, who have the opportunities of knowing the uneaſineſs that any of your fellow ſubjects may lie under, are the fitteſt to judge.

I will only add, that the queen, who is all goodneſs, never had any thing ſo much at her royal heart, as the bringing to paſs, and perfecting the union of her ſubjects of Great Britain: and I may venture to ſay, that ſhe looks upon her ſucceſs in this great undertaking to equal, if not to exceed, any other of the glories of her reign."

In this ſpeech the lord Wharton recommended a good underſtanding between the churchmen and diſſenters, as the ſureſt means to weaken the popiſh intereſt, by ſtrengthening the proteſtant. The Iriſh papiſts doubted not, by dividing the proteſtants, to find an opportunity to deſtroy them. The lord Wharton was reſolved to let the papiſts know, at his firſt coming, they were to expect no favour from him. As popery had increaſed under the late adminiſtration, he procured a bill to prevent the growth of it, by enacting, "That the eſtates of the Iriſh papiſts ſhould deſcend to their proteſtant heirs." But his care to diſcourage popery did not hinder his being repreſented by the tories, in England, as a perſecutor of the church in Ireland. He had not only made Dr. Lambert dean of Downe, and Dr. Lloyd dean of Connor, but it was alſo reported, that he had ſent a biſhop to priſon. This matter

great point they have all along aimed at; which though they have been ſo terribly diſappointed in, they are unwilling to give over, in hopes their conſtancy and firmneſs to the common cauſe would in time be wearied out, and yield to the importunate ſolicitations with which they tempted them.

Though to prevent a new campaign might be a reaſon for haſtening the preliminaries, it was not the only or chief deſign of them. Whenever a treaty ſhould commence, the allies had declared long before, in anſwer to the elector of Bavaria's letters at the end of the Ramilles campaign, they would not enter on it, till ſome fundamental points were firſt ſettled, the neceſſity of which they were convinced of by the dear-bought experience of former treaties: And the ſame experience has taught the allies, that no treaty with France can be effectual, if the fundamental articles are not executed as well as agreed on, before the general treaty is concluded; which ſecurity the marquis would entirely take away, by deferring the execution till after the ratification. Thus the two great ends of a preliminary treaty, which are to agree on ſome fundamental points, and ſecure the execution of them, are by this anſwer entirely deſtroyed; and the allies are not only where they were when that treaty was begun, but are really the worſe for it; it being of greater advantage to the French to know beforehand what are the particular demands, which the emperor and maritime powers inſiſt on for themſelves, and in behalf of the allies. As for ſolving all now by two words, form and ſubſtance, two other words, the letter and ſpirit of the partition-treaty, are ſtill too well remembered for the allies to be again deceived by the French diſtinctions, which, if they could now paſs upon them, it is eaſy to ſee, that the form of theſe articles would have been found to be the ſubſtance of them, and the pretended ſubſtance would have proved a ſhadow only. Here then Dutch bluntneſs and plain-dealing proved too hard for the fineſſe of the French; a word not more peculiar to them, than the thing meant by it.'

was thus: The houſe of peers having (on the 28th of June) adjourned to the next day, the feaſt of St. Peter and St. Paul, Dr. John Pooley, biſhop of Raphoe, took upon him to proteſt againſt it. His reaſon was, "Becauſe he conceived it againſt the laws of the church to do buſineſs upon a holiday, which might hinder divine ſervice, prayers and ſacraments, and catechiſms, leſt it ſhould be a robbery of God, as well as tythes and offerings." The lords, the next day, reſented this proteſt, and ſignified to the biſhop, that, unleſs he withdrew it, they muſt ſend him to the Caſtle. But he being obſtinate, and adhering to his proteſt, the houſe ordered him to be taken into the cuſtody of the Black Rod, and adjourning for a month, the uſher had him ſo long in durance, which, by the lord Wharton's direction, was made as eaſy to him, as was conſiſtent with the orders of the houſe.

The provoſt and fellows of Trinity College near Dublin, having lately expelled Edward Forbes for aſperſing the memory of king William, and they having ſhewn a ſteady adherence to the revolution, a motion was made in the houſe of commons for an addreſs to the lord lieutenant, that he would lay before the queen the deſire of the houſe, that five thouſand pounds might be given for erecting a public library in the college.

The commiſſioners appointed in England for the ſettletlement of the Palatines, having ſent into Ireland five hundred families of theſe refugees; the commons took their diſtreſſed condition into conſideration, and agreed, that the ſending a proportion of theſe Palatines into Ireland was a ſtrengthening the proteſtant intereſt, and the encouraging them to ſettle there would greatly contribute to the ſecurity of the kingdom, and therefore that the queen be addreſſed to allow five thouſand pounds annually for three years towards their ſupport and ſettlement, which ſhould be made good to her in the next aids granted by parliament.

The convocation of the clergy of Ireland ſat with the parliament, and by this time the ſame ill temper, that had prevailed in the Engliſh convocation, began to ferment and ſpread itſelf among the clergy of Ireland. None of the diſputes about the power of proroguing had been thought of formerly in that church, as they had no records or minutes of former convocations. The faction in England found out proper inſtruments, to ſet the ſame humour on foot, during the earl of Rocheſter's government, and, as was ſaid, by his directions: and, it being once raiſed, it continued by reaſon of the indolence of the ſucceeding governors. So that the clergy were making the ſame bold claim in Ireland, that had cauſed ſuch diſputes in England. Accordingly, on the 5th of Auguſt, the power of proroguing was by the lower houſe conteſted in a very high and warm debate. The lord lieutenant (who was reſolved to put a ſtop to theſe matters) being informed of it by Dr. Brown, chairman of the committee, ſent orders in the midſt of the debate to prorogue the convocation to the 5th of October next, to their great ſurprize and mortification. Dr. Brown, for giving this intelligence, was ſome time after, by the procurement of the lord Wharton, promoted to the ſee of Cork; yet upon the change of the miniſtry he became the moſt violent of all the Iriſh prelates againſt the earl of Wharton, the archbiſhop of Canterbury (who was his friend) and indeed againſt the whole whig party, to whom he rendered himſelf ſtill more noxious, by diſcountenancing the drinking 'to the glorious memory of king William.' Againſt which he wrote and preached ſome tracts and ſermons, but ſo little anſwering the purpoſe, that king William's memory was afterwards more frequently drunk than before, with an additional mark of contempt to the biſhop, and the ſacredneſs, which he weakly imagined to be tacked to commemoration-healths, became univerſally exploded.

When the bill to prevent the further growth of popery, with thoſe for the ſupply, were ready for the royal aſſent, the earl of Wharton came, on the 30th of Auguſt, to the houſe of Peers, and concluded the ſeſſion with a ſpeech to both houſes, in which were theſe paragraphs:

"My lords and gentlemen,

"I make no queſtion but that you underſtand too well the true intereſt of the proteſtant religion in this kingdom, not to endeavour to make all proteſtants as eaſy as you can to defend the whole againſt the common enemy.

It is not the law now paſt, nor any other law, that the wit of man can frame, will ſecure you from popery, whilſt you continue divided among yourſelves; it being demonſtrable, that unleſs there be a firm friendſhip and confidence among the proteſtants of this kingdom, it is impoſſible for you either to be happy or to be ſafe.

And I am directed to declare it to you, as her majeſty's fixed reſolution, that as her majeſty will always maintain and ſupport the church, as by law eſtabliſhed, ſo it is her royal will and intentions, that diſſenters ſhall not be perſecuted, or moleſted in the exerciſe of their religion."

The parliament being prorogued to the 13th of March, the lord lieutenant, attended by Mr. Addiſon ſecretary of ſtate, imbarked for England, where he arrived the 9th of September.

The great buſineſs of the ſeſſion of parliament this winter related to Dr. Sacheverel. This affair not only took up moſt of their time, but, in concluſion, had alſo great effects. As it was one of the moſt extraordinary tranſactions of the time, it will deſerve a particular notice. Dr. Sacheverel was a bold, inſolent man, with a very ſmall ſhare of religion, virtue, learning, or good ſenſe; but he reſolved to force himſelf into popularity and preferment by the moſt petulant railings at diſſenters, and low churchmen, in ſeveral ſermons and libels, penned without either chaſtneſs of ſtile, or livelineſs of expreſſion, and full of indecent and ſcurrilous language[q]. When he had purſued this method for ſeveral years without effect, he was at laſt brought up from the country by a popular election to St. Saviour's in Southwark, where he began to make great reflections on the miniſtry, repreſenting, that the church was in danger, being neglected by thoſe who governed, while they favoured her moſt inveterate enemies. At the ſummer aſſizes in Derby, where he preached before the judges, and this winter, on the 5th of November, at St. Paul's, he gave a full vent to his fury, in the moſt violent declamation that he could contrive, upon theſe words of St. Paul's, 'Perils among falſe brethren,' in which, after ſome ſhort reflections upon popery, he let himſelf looſe into ſuch indecencies, that both the man and the ſermon were univerſally condemned. He aſſerted the doctrine of non-reſiſtance in the higheſt ſtrain poſſible; and ſaid, that to charge the revolution with reſiſtance, was to caſt black and odious imputations on it; pretending, that the late king diſowned it, and cited for proof ſome words in his declaration, by which he vindicated himſelf from a deſign of conqueſt. He poured out much ſcorn and ſcurrility on the diſſenters, and reflected ſeverely on the toleration; and ſaid, the church was violently attacked by her enemies, and looſely defended by her pretended friends. He animated the people to ſtand up for the defence of the church, for which, he ſaid, he ſounded the trumpet, and deſired them to put on the whole armour of God. After the preaching of this ſermon, the lord Mayor, ſir Samuel Garrard, invited the doctor to dinner, took him in his coach, carried him to his houſe, gave him thanks for his good ſermon, and told him, that he hoped to ſee it in print. The doctor anſwered, 'that he was apprehenſive he had ſpoken ſome bold truths, which might diſpleaſe ſome people.' Notwithſtanding which, the lord mayor undertook to propoſe to the court of aldermen, that they ſhould return the doctor thanks for his ſermon, and deſire him to print it. But, though that motion was rejected by the court of aldermen, yet the doctor, looking upon the encouragement already given him by the lord mayor as a tacit command, ventured to publiſh his ſermon, with a dedication to his lordſhip. The party, who oppoſed the miniſtry, magnified this ſermon ſo highly, that, as was generally reckoned, forty thouſand of them were printed and diſperſed over the nation. The queen ſeemed highly offended at it, and the miniſtry looked on it

[q] He was grandſon of John Sacheverel, the preſbyterian miniſter of Wincaunton in Somerſetſhire, who was bred in St. John's college, Oxford, and ſilenced ſoon after the reſtoration. This John, being taken at a conventicle, ſuffered three years impriſonment, which occaſioned his death. John's eldeſt ſon (father of Dr. Henry Sacheverel) was bred in King's college, Cambridge, and entertained notions very oppoſite to his father's principles, and died miniſter of St. Peter's church in Marlborough, leaving a numerous family in very low circumſtances. His ſon Henry was put to ſchool at Marlborough at the charge of Edward Hearſt an apothecary, who, being his godfather, adopted him for his ſon. Hearſt's widow ſent him afterwards to Oxford, where he became fellow of Maudlin college. His mother, by procurement of biſhop Burnet, was admitted into the hoſpital for diſtreſſed widows at Saliſbury. He had not been long at Oxford, before he diſcovered his turbulent ſpirit. When he came to be ordained by biſhop Lloyd, he was by the biſhop charged with falſe Latin, but he confidently defended it, till the biſhop ſent for books to convince him. The biſhop, finding him very ignorant in divinity, refuſed to ordain him at that time, but did it afterwards on the biſhop of Oxford's recommendation, with particular marks of favour; yet he ungenerouſly traduced that learned prelate in a libel, called, 'The character of a Low Churchman.' Nor was he leſs virulent againſt biſhop Burnet, his mother's benefactor. Being preſented to a ſmall living in Staffordſhire, he fell in, both there and at Oxford, with the moſt furious of the high church and Jacobite party, made ſcurrilous reflections on the death of king William and the Hanover ſucceſſion, and when the queen appeared againſt the high-church memorial, he called her a waxen queen, alluding to the jeſt paſſed upon her at Oxford by thoſe, who put her motto 'Semper eadem' upon a weather-cock. He was proceeding in this manner, when his friends got him preferment in London.

as an attack upon them, that was not to be deſpiſed. The lord treaſure was ſo deſcribed, that it was next to the naming him. A parliamentary impeachment was reſolved on; but Eyre, then ſolicitor general, and others, thought the ſhort way of burning the ſermon, and keeping him in priſon during the ſeſſion of parliament, was the better method; but the more ſolemn method was unhappily choſen.

There had been, ever ſince the queen came to the crown, an open revival of the doctrine of paſſive obedience and non-reſiſtance, by Mr. Charles Leſley, who was the firſt man that began the war in Ireland, ſaying, in a ſpeech ſolemnly made, that king James, by declaring himſelf a papiſt, could no longer be our king, ſince he could not be the defender of our faith, nor the head of our church, dignities ſo inherent in the crown, that he, who was incapable of theſe, could not hold it[r]. As he animated the people with this ſpeech, ſo ſome actions followed under his conduct, in which ſeveral men were killed; yet he changed ſides quickly, and became the moſt violent Jacobite in the nation, and was engaged in many plots, and in writing many books againſt the revolution, and the preſent government. Soon after the queen's acceſſion to the throne, he, or his ſon, as ſome ſaid, publiſhed a ſeries of weekly papers, under the title of the Rehearſal, purſuing a thread of arguments in them, all againſt the lawfulneſs of reſiſtance in any caſe whatſoever; deriving government wholly from God, denying all right in the people, either to confer or to coerce it. The miniſters connived at this, but with what intention is not known.

While theſe ſeditious papers had a free courſe for many years, and were much ſpread and applauded, Mr. Benjamin Hoadly, the preſent biſhop of Wincheſter, being called to preach before the lord mayor, choſe for his text the two firſt verſes of the thirteenth chapter of the Epiſtle to the Romans, and fairly explained the words there, that they were to be underſtood only againſt reſiſting good governors upon Jewiſh principles; but that theſe words had no relation to bad and cruel governors; and he aſſerted, that it was not only lawful, but a duty incumbent on all men, to reſiſt ſuch; concluding all with a vindication of the revolution and the preſent government. Upon this a great clamour was raiſed, as if he had preached up rebellion; ſeveral books were wrote againſt him; and he juſtified himſelf with a viſible ſuperiority of argument to them all, and ſo ſolidly overthrew the conceit of ſir Robert Filmer (at this time eſpouſed by Mr. Leſley) that government was derived by primogeniture from the firſt patriarchs, that for ſome time he ſilenced his adverſaries; but it was eaſier to keep up a clamour, than to write a ſolid anſwer. Dr. Sacheverel reflected with great virulence upon him and on biſhop Burnet, and other of the biſhops, carrying his venom as far back to archbiſhop Grindal, whom, for his moderation, he called a 'perfidious prelate, and a falſe ſon of the church.'

On the 15th of November the parliament of Great Britain being met, the queen, who had not been in perſon there during the laſt ſeſſion, came and made the following ſpeech to both houſes:

My lords and gentlemen,

"It is a great ſatisfaction to me, that I am able to give you ſo good an account of the progreſs of the war ſince the laſt ſeſſion of parliament.

"In the beginning of this year, our enemies made uſe of all their artifices to amuſe us with falſe appearances and deceitful inſinuations of their deſire of peace, in hopes, that from thence means might be found to create ſome diviſions or jealouſies among the allies. But they were entirely diſappointed in their expectation; and ſuch meaſures were taken upon that occaſion, as made it impoſſible for them long to diſguiſe their inſincerity. The operations of the war not delayed; and the campaign, which, notwithſtanding the backwardneſs of the ſeaſon, immediately followed, has been at leaſt as glorious for the allies as any of thoſe which have preceded it.

"God Almighty has been pleaſed to bleſs us with a moſt remarkable victory, and with ſuch other great and important ſucceſſes, both before and after it, that France is thereby become much more expoſed and open to the impreſſion of our arms, and conſequently more in need of peace than it was at the beginning of this campaign.

"However, the war ſtill continuing, I find myſelf obliged again to deſire you, gentlemen of the houſe of commons, to grant me ſuch ſupplies as you ſhall judge neceſſary for the aſſiſting our allies in all parts, and the vigorous proſecution of our advantages, that we may put the laſt hand to this great work, of reducing that exorbitant and oppreſſive power which has ſo long threatened the liberties of Europe.

"I aſſure you, that all you give ſhall be carefully applied to the uſes of the war, if it continues, or to the leſſening of the debts it has neceſſarily occaſioned, in caſe of a peace; which, though the wants and diſtreſſes of our enemies may naturally lead us to expect, yet, our own late experience may fully convince us, is not to be depended upon any other way, than by being in a condition to compel them to ſuch terms as may be ſafe and honourable for all the allies.

My lords and gentlemen,

"I think it proper to take notice to you, that the great dearth and ſcarcity, under which our neighbours abroad have ſuffered this year, begins to affect us in ſome meaſure at home, by the temptation of profit in carrying out too much of our corn, while it bears ſo high a price in foreign parts.

"This occaſions many complaints from the poor; for whoſe ſake I earneſtly recommend to you, to take this growing evil into your conſideration; having not neglected any thing on my part towards the remedying of it, that the law would allow.

"I cannot conclude, without obſerving to you, of what great advantage it will be at this time, to the end we all propoſe to ourſelves, that the greateſt diſpatch be given to the neceſſary preparations for carrying on the war."

The lords, in their addreſs, expreſſed "their joy to ſee her majeſty's royal perſon on the throne, after the great misfortune, which deprived them of her preſence during the laſt ſeſſion of parliament; as alſo their thanks for her ſpeech, whereby it appeared, how ready her tenderneſs for her people inclined her to hearken to propoſals of peace; how wiſely and ſteadily ſhe proceeded in the firſt ſteps of the treaty; and how juſtly ſhe reſented the artifices and inſincerity of the enemy by the vigorous proſecution of the war; which ſoon made it appear, that peace was the choice of her moderation, and muſt prove the only refuge of her enemies:" Concluding with congratulations "on the continued ſucceſs of her arms, and thoſe of her allies, under her general, the duke of Marlborough, whoſe conduct was worthy of the chief command in ſo juſt a war, and his valour equal to the bravery of her troops:" And aſſuring "her majeſty of their utmoſt ſupport to carry on the war, till France was compelled to ſubmit to the terms of a ſafe and laſting peace."

The lord chancellor, by order of the peers, returned the duke of Marlborough the thanks of that houſe, for his continued and eminent ſervices during the laſt campaign. The commons alſo, after an addreſs to the queen, upon her continued ſucceſſes, with aſſurances of granting ſpeedy and effectual ſupplies for the next year's ſervice, amounting to 6,184,466l. 7s. Of this ſum, fifteen hundred thouſand pounds were raiſed by way of lottery, and the reſt put on good funds. Purſuant to the queen's ſpeech, the commons ordered a bill to be brought in againſt the exportation of the corn, and, at their requeſt, an embargo was laid on all ſhips laden therewith.

By this time the affair of Dr. Sacheverel was before the commons. Mr. Dolben, ſon to the late archbiſhop of York, moved with indignation that the lord treaſurer ſhould be reflected on by the doctor under the nick-name of Volpone, complained, on the 13th of December, of the two ſermons before-mentioned. Several paragraphs were read out of each, and ſir Peter King and others having made ſpeeches againſt the audaciouſneſs of the doctor, who had advanced poſitions directly oppoſite to revolution principles, to the preſent government, and to the proteſtant ſucceſſion, and conſequently tending to cheriſh factions, and ſtir up rebellion. Thoſe, who favoured the doctor's cauſe, were ſurprized at this ſudden attack, and, no member offering to ſpeak in his defence, it was reſolved, that the two ſermons were malicious, ſcandalous, and ſeditious libels, highly reflecting on the queen, the late revolution, and the proteſtant ſucceſſion, tending to alienate the affections of her majeſty's ſubjects, and to create jealouſies and diviſions among them. The doctor was ordered to attend at the bar of the houſe the next day, and, being examined, owned the two ſermons. He likewiſe told them, what encouragement he had from the lord mayor to print 'the perils of falſe brethren.' Sir Samuel Garrard, being a member of the houſe, was aſked, Whether the ſermon was printed at his deſire or order? If he had owned it, he would have been expelled the houſe: But he denied, that ever he deſired, or ordered, or encouraged, the printing thereof. Though the doctor offered to prove it, and brought witneſſes for that purpoſe, yet the houſe would not enter upon that

[r] Biſhop Burnet ſays, Dr. King, archbiſhop of Dublin, told him, He had ſeen Leſley's ſpeech under his own hand.

examination, but it was thought more decent to ſeem to give credit to their own member, though few indeed believed him.

The doctor ſtanding to what he had ſaid, without expreſſing the leaſt conſciouſneſs of having done amiſs, he was directed to withdraw; and it was reſolved, that he ſhould be impeached of high crimes and miſdemeanors, and Mr. Dolben was ordered to do it at the bar of the houſe of lords, in the name of all the commons of Great Britain. At the ſame time, a committee was appointed to draw up the articles againſt him, and the doctor was taken into cuſtody of the ſerjeant at arms.

The commons having proceeded thus far, ſome members took occaſion to ſpeak in favour of Mr. Hoadly, whoſe principles were more agreeable to the ſenſe of the majority of that houſe; and who, in ſeveral writings, had vindicated the revolution[s]. Upon which it was reſolved, "That the reverend Mr. Benjamin Hoadly, rector of St. Peter's Poor, London, for having often juſtified the principles, on which her majeſty and the nation proceeded in the late happy revolution, had juſtly merited the favour and recommendation of this houſe. 2. That an humble addreſs be preſented to her majeſty, that ſhe would be graciouſly pleaſed to beſtow ſome dignity in the church on Mr. Hoadly, for his eminent ſervices both to the church and ſtate." This addreſs having been preſented to the queen, ſhe anſwered, "That ſhe would take a proper opportunity to comply with their deſires:" Which, however, ſhe never did.

When Mr. Dolben carried up the impeachment againſt Dr. Sacheverel, the lord Haverſham made a ſhort ſpeech, importing, "That it ſeemed ſomewhat ſtrange to ſee a divine impeached for preaching a doctrine, for which he would heretofore have been rewarded, and might, if times changed, be made a biſhop. However, added his lordſhip, ſince he is impeached, I hope a day will come for the calling to account other criminals; for, which way ſoever I caſt my eyes, I ſee matter for impeachments."

Dr. Sacheverel having petitioned the commons to admit him to bail, that he might have an opportunity of making his defence, the committee, who were to draw up the articles of impeachment, were ordered to ſearch for precedents concerning the taking bail in caſe of perſons committed for high crimes and miſdemeanors, and Mr. Dolben reporting they could find none, it was put to the vote, whether he ſhould be admitted to bail, and carried in the negative by a majority of an hundred and fourteen againſt ſixty-four.

The proceedings againſt Dr. Sacheverel occaſioned great jealouſies and animoſities between the two parties of high church and low church; the former gave it out boldly, and in all places, that a deſign was formed by the whigs to pull down the church; and that this proſecution was only ſet on foot to try their ſtrength; and that, upon their ſucceſs in it, they would proceed more openly. Though this was all falſhood and forgery, yet it was propagated with ſo much application and zeal, and the tools employed in it were ſo well ſupplied with money (from whom, was not then known) that it is ſcarce credible how generally it was believed.

Some things concurred to put the vulgar in an ill humour; it was a time of dearth and ſcarcity, ſo that the poor were much diſtreſſed. The coming over of the Palatines, and the relieving of them, both by the queen, and by the voluntary contributions of private people, filled our poor likewiſe with indignation, who thought thoſe charities, to which they had a better right, were thus intercepted by ſtrangers. And all, who were ill-affected, ſtudied to heighten theſe their reſentments. The clergy generally eſpouſed Dr. Sacheverel as their champion, who had ſtood in the breach, and reckoned his cauſe as their own. Many ſermons were preached, both in London and other places, to provoke the people, in which they ſucceeded beyond expectation.

In the mean time the committee ſat ſeveral times at ſir Joſeph Jekyll's houſe, in order to draw up the articles of impeachment; ſo that, the parliament being met again after Chriſtmas, Mr. Dolben reported, that the articles were ready, which were read paragraph by paragraph. The preamble to the articles being read, a motion was made by the doctor's friends, that the report ſhould be recommitted, which occaſioned a very warm debate, wherein Mr. Robert Harding, Mr. Bromley, Mr. Ward, and ſome others, made ſeveral exceptions to the matter and form of the articles, Mr. Harley, in particular, inſiſted on the leaving out the word ſeditious, alledging a precedent in the reign of king Charles the firſt, in the proſecution of Prynn, Baſtwick, and Burton. But all objections were anſwered by Mr. ſecretary Boyle, Mr. Smith chancellor of the exchequer, lieutenant general Mordaunt, Mr. Lechmere, Mr. Thompſon, and ſome others: So, the queſtion for re-committing being put, it paſſed in the negative by a majority of two hundred and thirty-two againſt an hundred and thirty-one; and the articles of impeachment were agreed to, and ordered to be carried up to the lords. Then the laſt paragraph or recapitulation were alſo read and agreed to, and the whole ordered to be ingroſſed. The next day, January 12, the ingroſſed articles being read, Mr. Dolben was ordered to carry the ſame to the lords; which he did accordingly, accompanied by a great number of members. The ſaid articles imported in ſubſtance, That Dr. Henry Sacheverel, in his ſermons and books, did falſely and maliciouſly ſuggeſt and maintain, "1. That the neceſſary means uſed to bring about the happy revolution were odious and unjuſtifiable: That his late majeſty, in his declaration, diſclaimed the leaſt imputation of reſiſtance; and that to impute reſiſtance to the ſaid revolution, was to caſt black and odious colours upon his late majeſty and the ſaid revolution. 2. That the toleration, granted by law to diſſenters, was unreaſonable, and the allowance of it unwarrantable: And that he was a falſe brother with relation to God, religion, or the church, who defended the toleration or liberty of conſcience. That queen Elizabeth was deluded by archbiſhop Grindal (whom he ſcurrilouſly called a falſe ſon of the church, and a perfidious prelate) to the toleration of the Genevian diſcipline: And that it was the duty of ſuperior paſtors to thunder out their eccleſiaſtical anathema's againſt perſons entitled to the benefit of the toleration, and inſolently dared or defied any power on earth to reverſe ſuch ſentence. 3. That the church of England was in a condition of great peril and adverſity, under her majeſty's adminiſtration; and, in order to arraign and blacken the vote or reſolution of both houſes of parliament, approved by her majeſty (mentioned in the preamble, and importing, that the church of England was in a ſafe and flouriſhing condition under the queen's adminiſtration) he did ſuggeſt the church to be in danger; and, as a parallel, mentioned, that the perſon of king Charles was voted to be out of danger, and the ſame time that his murderers were conſpiring his death; thereby wickedly and maliciouſly inſinuating, that the members of both houſes, who paſſed the ſaid vote, were then conſpiring the ruin of the church. 4. That her majeſty's adminiſtration, both in eccleſiaſtical and civil affairs, tended to the deſtruction of the conſtitution; and that there were men of characters and ſtations, in church and ſtate, who were falſe brethren, and did themſelves weaken, undermine, betray, and did encourage and put it in the power of others, who were profeſſed enemies, to overturn and deſtroy the conſtitution and eſtabliſhment: And charged her majeſty, and thoſe in authority under her, both in church and ſtate, with a general male-adminiſtration: And, as a public incendiary, he perſuaded her majeſty's ſubjects to keep up a diſtinction of factions and parties; inſtilled groundleſs jealouſies, fomented deſtructive diſtinctions among them, and excited and ſtirred them up to arms and violence. And, that this malicious and ſeditious ſuggeſtions might make the ſtronger impreſſions upon the minds of her majeſty's ſubjects, he did wickedly wreſt and pervert divers texts and paſſages of holy ſcripture."

1710] After the exhibiting of theſe articles, the ſerjeant at arms attending the commons delivered Dr. Sacheverel to the deputy uſher of the black rod; and the lords, having read the articles, ordered, that a copy of them ſhould be given to the doctor, who was admitted to bail, Dr. Lancaſter, vice chancellor of Oxford, and Dr. Bowes being his ſureties; and, being now at liberty, he conſulted ſome eminent lawyers and divines, and, with their aſſiſtance, drew up an anſwer, wherein he either denied the falſe, malicious, and ſeditious poſitions and ſuggeſtions, charged upon him in the articles, or endeavoured to juſtify, palliate, and extenuate what he had advanced in his ſermons: concluding with the expreſſions: "Hard is the lot of the miniſters of the goſpel, if, when they cite the word of God, in their general exhortations to piety and virtue, or in their reproofs of men's tranſgreſſions, or where they are lamenting the difficulty and conflicts, with which the church of Chriſt, whilſt militant here on earth, muſt always ſtruggle; the ſeveral paſſages, by them cited, ſhall be ſaid to have been by them meant of particular perſons and things, and ſhall be conſtrued in the

[s] Particularly in two books lately publiſhed, the one intituled, 'Some conſiderations humbly offered to the lord biſhop of Exeter, occaſioned by his lordſhip's ſervice preached before her majeſty, March 8, 1708:" The other intituled, 'An humble reply to the lord biſhop of Exeter's anſwer, in which the conſiderations lately offered to his lordſhip are vindicated, and an apology is added for defending the foundation of the preſent government.'

moſt criminal ſenſe, and made, by ſuch conſtruction, one ground of an impeachment of high crimes and miſdemeanors."

This anſwer being ſent from the lords to the commons, and referred to the committee, Mr. Dolben, in a few days reported, that it was in many things foreign to the charge, unbecoming a perſon impeached, and plainly deſigned to reflect upon the honour of the houſe. A replication being ordered to be drawn, a debate aroſe at the ſecond reading, wherein the doctor's friends inſinuated, "That it was adviſeable to leave the offender to the ordinary courſe of juſtice." But this was rejected by a great majority, and the replication ſent up to the lords, averring their charge, and declaring, they would be ready to prove it, at ſuch convenient time, as ſhould be appointed for that purpoſe.

The lords appointed the 9th of March for the trial at the bar of their houſe, and the commons ordered, that the committee, who had drawn up the articles, ſhould be the managers to make good the impeachment[t]. Then it was debated, whether the houſe ſhould attend in a body, or in a committee of the whole houſe, and it was carried for a committee by a majority of an hundred and ninety-two againſt an hundred and eighty. This was done by the doctor's friends, who found, that, by gaining more time, the people were ſtill more inflamed; and therefore it was, they moved, that the trial might be public in Weſtminſter-hall, where the whole houſe of commons might be preſent. They knew the preparing of that place would be a work of ſome weeks. Unthinking people were ſo taken with this, that it could not be withſtood, though the effects it would have were well foreſeen. Accordingly upon the commons requeſt, which was brought up by Mr. Bromley, one of the doctor's chief friends, the lords addreſſed the queen for a place to be prepared in Weſtminſter-hall for the trial. In the mean time the doctor's friends in town and country were extremely buſy, and in their private meetings drank to his happy deliverance.

At length the lords ſent a meſſage to the commons to acquaint them, they had appointed the 27th of February for the trial. On that day (all things being prepared) the lords, in their formalities, went down to the court in Weſtminſter-hall, where vaſt numbers of ſpectators had been admitted. The managers of the commons, and the committee of the whole houſe, having taken their reſpective places, and Dr. Sacheverel, who was lodged in the Temple, and came every day with great ſolemnity in a coach to the hall, being brought to the bar, the trial began, and laſted three weeks, in which all other buſineſs was at a ſtand, for this took up all mens thoughts. The queen herſelf was preſent every day of the trial in a private manner. The managers for the commons opened the matrer very ſolemnly. Their performances were very much and juſtly commended. Sir Joſeph Jekyll, Mr. ſolicitor general Eyre, lieutenant general Stanhope, ſir Peter King, but above all ſir Thomas Parker, diſtinguiſhed themſelves in a very particular manner. They copiouſly juſtified both the revolution and the preſent government. There was no need of witneſſes; for, the ſermon being owned by the doctor, all the evidence was brought from it by laying the words together, and by ſhewing his intent and meaning in them, which appeared from comparing one place with another. When his counſel, Sir Simon Harcourt, Mr. Dodd, Mr. Phipps, Mr. Dee, and Dr. Henchman, came to plead for him, they very freely acknowledged the lawfulneſs of reſiſtance in extreme caſes, and plainly juſtified the revolution and our deliverance by king William. But they ſaid, it was not fit in a ſermon to name ſuch an exception. That the duties of morality ought to be delivered in their full extent, without ſuppoſing an extraordinary caſe. And therefore the doctor had followed precedents ſet by our greateſt divines ever ſince the reformation, and ever ſince the revolution. Upon this they opened a great field; they began with the declarations made in king Henry the eighth's time; they inſiſted next upon the homilies; and from thence inſtanced, in a large ſeries of biſhops and divines, who had preached the duty of ſubmiſſion and non-reſiſtance in very full terms, without ſuppoſing any exception; ſome excluding all exceptions in as poſitive a manner as the doctor had done. They explained the word 'revolution,' as belonging to the new ſettlement upon king James's withdrawing; though, in the common acceptation, it was underſtood of the whole tranſaction, till the ſettlement made by the convention. So that, they underſtanding the revolution in that ſenſe, there was indeed no reſiſtance there. That, if the paſſage quoted from the declaration of king William, while he was prince of Orange, did not come up to that, for which the doctor quoted it, he ought not to be cenſured, becauſe his quotation did not fully prove his point. As for his invective againſt the diſſenters and toleration, they laboured to turn that off, by ſaying, that he did not reflect on what was allowed by law, but on the permiſſion of, or the not puniſhing many, who publiſhed impious and blaſphemous books. And a collection was made of paſſages in books, full of crude impiety and bold opinions. This gave great offence to many, who thought, that this was a ſolemn publiſhing of ſo much impiety to the nation, by which more miſchief would be done than by the books themſelves; for moſt of them had been neglected, and known only to a ſmall number of thoſe, who encouraged them; and the authors of many of thoſe books had been proſecuted and puniſhed for them. As to thoſe parts of the ſermon, which ſet out the danger the church was in, though both houſes had ſome years ago voted it a great offence to ſay it was in danger; the doctor's counſel ſaid it might have been in none four years ago, when their votes paſſed, and yet be now in danger: The greateſt of all dangers was to be apprehended from the wrath of God for ſuch impieties. They ſaid, the reflections on the adminiſtration was not meant of thoſe employed immediately by the queen, but of men in inferior poſts. If the doctor's words ſeemed capable of a bad ſenſe, they were alſo capable of a more innocent one; and every man was allowed to put any conſtruction on his words, that they could bear.

When the doctor's counſel had ended their defence, he concluded it himſelf with a ſpeech, which he read with much bold heat; in which, with many ſolemn aſſeverations, he juſtified his intentions towards the queen and her government. He ſpoke with reſpect both of the revolution and the proteſtant ſucceſſion. He inſiſted moſt on condemning all reſiſtance under any pretence whatſoever, without mentioning the exception of extreme neceſſity, as his counſel had done. He ſaid it was a doctrine of the church, in which he was educated; and added many pathetical expreſſions, to move the audience to compaſſion. This had a great effect on the weaker ſort, while it poſſeſſed thoſe, who knew the man and his ordinary diſcourſes, with horror, when they heard him affirm ſo many falſehoods with ſuch ſolemn appeals to God. It was very plain, that the ſpeech was made for him by others, for the ſtyle was more correct and far different from his own; and it was thought to be the joint work of Dr. Atterbury, Dr. Smalridge, and Dr. Freind, ſuperviſed and corrected by ſir Simon Harcourt and Mr. Phipps[u].

During the trial, the multitudes that followed him all the

[t] Theſe were,
Sir John Holland, comptroller of her majeſty's houſhold,
Mr. Secretary Boyle,
Mr. Smith, chancellor of the exchequer,
Mr. James Mountague, attorney general,
Mr. Robert Eyre, ſolicitor general,
Mr. Robert Walpole, treaſurer of the navy,
Sir Joſeph Jekyll,
Mr. Lechmere,
Mr. Dolben,
Sir Thomas Parker,
Sir Peter King, recorder of the city of London,
Sir John Holles,
The lord William Pawlet,
The lord Coningſby,
Mr. Spencer Compton,
Mr. William Thompſon,
Lieutenant general Stanhope,
Lieutenant general Mordaunt,
Mr. Spencer Cowper,
Sir David Dalrymple,

[u] Mr. Maynwaring, in his letters to a friend in North Britain, thus remarks on the doctor's ſpeech: 'But now comes the great ſcope of the doctor's performance, his own harrangue at the bar of the houſe of lords; and here, without entering into a particular examination of the whole piece, I cannot help profeſſing, with ſome ſorrow, that I think he was too hardly dealt with by thoſe that made it for him, when they obliged him to aver, in the face of God and the queen, 'That he had neither ſuggeſted, nor did in his conſcience believe, that the church is in the leaſt peril from her majeſty's adminiſtration.' If thoſe men, he means Atterbury, Smalridge, Freind, Moſs, &c. had been endued with the leaſt mercy, conſcience, or humanity, they would never have put into his mouth ſuch a choaking provocation as this; and I cannot help taking his part againſt them, as abandoned a prieſt as he is. When this holy man had, in his ſermon at St. Paul's, plainly ſhewn, 'How obvious it were to draw a parallel between the ſad circumſtances of the church of England formerly, and of the church of England at preſent, whoſe walls and incloſures are pulled down, and this pure ſpouſe of Chriſt proſtituted to more adulterers than the ſcarlet whore in the Revelations.' What could enter into the heads of theſe penmen of the ſpeech, to make the poor wretch ſwear, that he had never ſuggeſted the church was in danger? With what indignation muſt every one hear ſuch ſolemn appeals made to heaven, for the truth of a fact, which the whole aſſembly knew to be directly contrary? What excuſe ſhall we find out for this moſt hardened ſinner? Will it acquit him to ſay, that he did not compoſe his ſpeech, and only performed his part like an actor: Indeed, it may be ſaid to reſemble a play in one reſpect, becauſe it was a farce very well wrought, and had a wonderful effect on the weak part of his audience: the reſt were amazed, continues Mr. Maynwaring, they trembled at his oaths, when 'he called the Searcher of hearts to witneſs, in the moſt ſolemn and religious manner, as he expected to be acquitted before God and his holy angels, at that dreadful tribunal, before which,

way as he came, and as he went back, ſhewed a great concern for him, preſſing about him, and ſtriving to kiſs his hand. And when the queen went, in the afternoon of the day on which the trial began, to the houſe of lords, to give the royal aſſent to ſome bills, a great multitude of people gathered about the ſedan, crying out, 'God bleſs your majeſty and the church; We hope your majeſty is for Dr. Sacheverel. The next day, the mob was ſtill more numerous and louder about Dr. Sacheverel's coach, and obliged all perſons they met to pull off their hats to him, and abuſed thoſe who refuſed to comply; among whom were ſome members of both houſes of parliament. The ſame evening, the rioters went to Mr. Daniel Burgeſs's meeting-houſe, in a court near Lincoln's-inn-fields, of which they broke the windows, and committed ſeveral other outrages and diſorders. Their fury increaſing with their numbers, they advanced to greater enormities, and even to overt-acts of rebellion. For, after they had attended upon Dr. Sacheverel, as uſual, they repaired to that meeting-houſe again, broke it open, pulled down the pulpit, pews, benches, in ſhort, all that was combuſtible; and, having carried theſe materials into Lincoln's-inn-fields, made a bone-fire of them, with repeated cries of 'High-church and Sacheverel.' About the ſame time, other parties of the mob demoliſhed and deſtroyed ſeveral other meeting-houſes[u]. They alſo battered and plundered the houſes of ſeveral diſſenters; threatened to pull down the houſes of the lord chancellor, earl of Wharton, biſhop of Sarum, Mr. Dolben, and other managers for the commons, againſt Dr. Sacheverel; and talked of deſtroying Mr. Hoadly's church and houſe, Salter's-hall, Mr. Shower's, and other meeting-houſes in the city; and even of attacking the bank of England, of which the directors being apprehenſive, they took the neceſſary precautions for its ſecurity, and ſent to Whitehall for aſſiſtance. Theſe diſorders were directed by ſome of better faſhion, who followed the mob in hackney coaches, and were ſeen ſending meſſages to them. Upon the firſt notice of theſe tumults, the earl of Sunderland made his report to the queen, who commanded him to ſend her horſe and foot-guards to diſperſe the mob; and the earl repreſenting the danger of leaving her perſon at that time (it being between ten and eleven o'clock at night) ſhe anſwered, 'God would be her guard.' The earl being returned to his office at the Cock-pit, where were alſo the lord chancellor, the duke of Newcaſtle, and ſome other noblemen, he ſent for captain Horſey, an exempt, who then commanded the guard, and ordered him to mount immediately, and diſperſe the mob. And, as the captain was going out, the earl whiſpered him, and bid him ſend a party to the bank. Before the horſe and foot-guards could reach Lincoln's-inn-fields, the officers had notice, that the mob, which had gathered there, was returned to Drury-lane, where they were making another bone-fire, with the furniture of Mr. Earl's meeting-houſe; whereupon the guards bent their march that way. At their approach moſt of the mob fled before them; and only one of their ringleaders, George Purchaſe, a bailiff (who had before been a lifeguard-man, but was diſmiſſed for ſome miſdemeanor) offered to make a ſtand, with a few of the moſt reſolute of his followers, crying out for High-church and Dr. Sacheverel. From Drury Lane the guards marched towards the city, and met with ſome oppoſition near Fleet-Ditch from the mob, that were rifling the meeting-houſe in Blackfryars; but having wounded ſome of the moſt daring and ſecured others, the reſt were ſoon ſcattered; and the guards, patrolling all night, prevented any farther miſchief. On the 2d of March, the horſe and foot-guards at Whitehall and St. James's were doubled; and the trained bands at Weſtminſter under arms at divers poſts, where they continued as long as Dr. Sacheverel's trial was depending; which both leſſened the number of the mutineers (many of the trained bands being men of low circumſtances, hired by ſubſtantial houſe-keepers) and kept the houſe in awe. The ſame day, the commons reſolved to addreſs the queen, to take effectual meaſures to ſuppreſs the preſent tumults, ſet on foot and fomented by papiſts, nonjurors, and other enemies to her title and government; and to iſſue out a proclamation, promiſing a reward to ſuch as ſhould diſcover and ſeize thoſe incendiaries, who had been the occaſions of the late tumults and diſorders. To this addreſs the queen anſwered, 'That ſhe was extremely ſenſible of the great care and concern of the houſe of commons for the public peace upon this occaſion; and, as ſhe had a juſt reſentment at theſe tumultuous and violent proceedings, ſo ſhe would take immediate care for ſuppreſſing them, and would loſe no time in endeavouring to find out the abettors, in order to bring them to puniſhment, according to the deſire of this houſe." The commons, upon this anſwer, unanimouſly reſolved to preſent an addreſs, importing, "That they begged leave to return their moſt hearty thanks for her moſt gracious anſwer to their addreſs, and for her effectual care in ſuppreſſing thoſe rebellious tumults, which were ſet on foot and fomented by papiſts, nonjurors, and other enemies to her title and government, in defiance of the juſt proſecution of the commons againſt Dr. Henry Sacheveral. And they humbly beſought her to believe, that as this proſecution proceeded only from the indiſpenſable obligation, which her faithful commons looked upon themſelves to lie under, not to ſit ſtill, and patiently ſee the juſtice of the late happy revolution, and the glory of their royal deliverer reflected upon; her majeſty's undoubted title ſtruck at; her adminiſtration, by which ſo many bleſſings were derived upon them, endeavoured to be rendered odious to the people, and repreſented as deſtructive of the church and conſtitution; the preſent eſtabliſhment and proteſtant ſucceſſion undermined; the reſolutions of the parliament treated with contempt; the governors of the church, and her majeſty as ſupreme, aſperſed and vilified; the toleration expoſed, as wicked; and ſedition inſolently invading the pulpit: So the maintenance of her majeſty's right, the ſafety of her perſon, the quiet of her government, the continuance of their happineſs under her excellent adminiſtration, the ſucceſſion in the proteſtant line, the ſupport and honour of the church of England, as eſtabliſhed by law, with that toleration, which was by act of parliament allowed to proteſtant diſſenters, ſhould be their conſtant care and concern. And they would, upon all occaſions, venture all that was dear to them, in defence of ſuch ineſtimable bleſſings." It was moved, that in the firſt paragraph it might be ſuggeſted, 'that the rebellious tumults were ſet on foot and fomented by republicans, as well as by papiſts and nonjurers;' but the motion was rejected. The day before this addreſs was preſented, a proclamation was publiſhed for ſuppreſſing the tumults, purſuant to which ſeveral perſons, who had been active in the late riots, were apprehended, and committed to divers priſons, particularly George Purchaſe, the bailiff; Daniel Damaree, one of the queen's watermen; and Francis Willis, a footman; which three were ſome time after tried for high treaſon; but, though the two firſt were ſentenced to die, yet neither of them ſuffered. The remiſſneſs, in puniſhing ſo great a diſorder, was looked on as the preparing and encouraging men to new tumults; and there was a ſecret management in the whole affair, that amazed all people.

When Dr. Sacheverel had ended his defence, the managers for the houſe of commons replied, and ſhewed very evidently, that the words of his ſermon could not reaſonably bear any other ſenſe, but that, for which they charged him. This was an eaſy performance, and they managed it with great ſtrength and vivacity. But the humour of the town was turned againſt them, and all the clergy appeared for the doctor. Many of the queen's chaplains ſtood about him, encouraging and magnifying him; and it was given out, that the queen herſelf favoured him, though upon biſhop Burnet's firſt coming to town, which was after the impeachment was brought up to the lords, ſhe ſaid to him, that it was a bad ſermon, and that he deſerved well to be puniſhed for it.

Sir John Holt, lord chief juſtice of the queen's Bench, died during the trial of the doctor, upon the 6th of March. He was very learned in the law, and had, upon great occaſions, ſhewed an intrepid zeal in aſſerting its authority; for he ventured on the indignation of both houſes of parliament by turns, when he thought the law was with him. He was a man of good judgment and great integrity, and ſet himſelf with great application to the functions of that important poſt. Sir Thomas Parker was immediately made lord chief juſtice in his room. This great promotion ſeemed an evident demonſtration of the queen's approving the proſecution; for

which, not only he, but even their lordſhips muſt appear, that he was far from deſigning to defame her majeſty's adminiſtration.' Good God! And is this the man for whom the people have made an inſurrection? Is this the man for whom their zeal has flamed out in all manner of appearance? Is this the man, whoſe effigies are ſold about, curiouſly done in metzo tinto; whoſe health is drank before the queen's, and next in the ſame glaſs with that of the church? What can he have to do with any church who is a ſhame to chriſtianity itſelf? And is this the man, for whom tears were ſhed, when, by his impudent behaviour, he had made that compaſſion ridiculous, which would otherwiſe have been due to one in his circumſtances? How offenſive was his aſſurance; how nauſeous his preſumption; and how atheiſtical was his purpoſe, in wickedly perverting divers texts of ſcripture, inſtead of preaching the truths. He ſaid, 'He had no intention to aſperſe the memory of his late majeſty;' and he has been often heard to ſay, he ought to be 'De witted,' of which I have myſelf ſeen an affidavit, under the hand of Mr. Eberal.'

[u] Particularly thoſe of Mr. Earle in Long Acre; of Mr. Bradbury in New-ſtreet, Shoe-lane; of Mr. Taylor in Leather-lane; of Mr. Wright in Blackfryars; and of Mr. Hamilton in Clerkenwell.

none of the managers had treated the doctor ſo ſeverely as he had done; yet ſecret whiſpers were very confidently ſet about, that though the queen's affairs put her upon acting the part of the one, who was pleaſed with this ſcene, yet ſhe diſliked it all, and would take the firſt occaſion to ſhew it.

On the 10th of March the earl of Nottingham ſaid, that he had ſomething to propoſe; and the lords being adjourned to their houſe, he ſtarted an unexpected queſtion, "Whether in proſecutions by impeachments for high crimes and miſdemeanors, by writing or ſpeaking, the particular words, ſuppoſed to be criminal, are neceſſary to be expreſsly ſpecified in ſuch impeachments?" After ſome debate, the lords reſolved to conſult the judges, who very readily delivered their unanimous opinions, "That, according to law, the grounds of an indictment or impeachment ought to be expreſsly mentioned in both." Thoſe, who were for puniſhing Dr. Sacheverel, were not a little ſurprized at this unforeſeen difficulty, which was of no leſs conſequence, than to annul the whole proſecution, and to make it neceſſary for the commons to begin anew, which they could not expect to have time to do. But it being ſuggeſted, that the judges had delivered their opinion according to the rules of Weſtminſter-hall, and not according to the uſage of parliament, the lords at laſt reſolved, "That in impeachments they were to proceed according to the laws of the land, and the law and uſage of parliaments;" and, upon ſearching the journals of the houſe for precedents, they found a parallel inſtance to that of Dr. Sacheverel's impeachment, which was that of Dr. Maynwaring, in King Charles I's reign, wherein the words for which he was impeached, were not expreſsly mentioned in the articles. Whereupon it was voted, after ſome debate, "That by the law and uſage of parliaments in proſecutions by impeachments for high crimes and miſdemeanors, by writing or ſpeaking, the particular words, ſuppoſed to be criminal, are not neceſſary to be expreſsly ſpecified in ſuch impeachments:" Againſt which reſolution many lords entered their proteſt.

On the 16th of March, the queen went incognito to the houſe of lords, where a motion being made to declare, "That the commons had made good the firſt article againſt Dr. Sacheveral," a warm debate aroſe. The earl of Wharton, who ſpoke firſt, ſaid, "There is a different ſtrain between the doctor's ſermon and his ſpeech; the ſpeech is a full confutation and condemnation of the ſermon. All he has advanced about non-reſiſtance and unlimited obedience, is ridiculous and falſe; as alſo his diſtinguiſhing in the affair of the revolution, in which there was notorious reſiſtance in the aſſociation begun at Exeter, and in the ſeizing of York and Oxford gates, and breaking the bridge. The doctrine of paſſive obedience, as preſſed by the doctor, is not reconcileable to the practice of churchmen. If the revolution is not lawful, many in that houſe, and vaſt numbers without, were guilty of blood, murder, rapine, and injuſtice; and the queen herſelf is no lawful queen, ſince the beſt title ſhe had to the crown, was her parliamentary title, founded on the revolution." The Lord Haverſham made a long ſpeech in anſwer to this; and the lord Ferrers endeavoured likewiſe to excuſe the doctor, alledging, "That the revolution was not mentioned in his ſermon: That nothing but plain matter of fact ſhould ground ſuch a ſolemn accuſation: That, if the doctor was guilty of ſome fooliſh unguarded expreſſions, he ought to have been tried in Weſtminſter-hall: But he doubted, whether even in the inferior courts there would be ſufficient matter to convict him." He was ſupported by the earl of Scarborough, who ſaid, the revolution was a nice point, and above the law; and moved, that they ſhould adjourn the debate, and take time to conſider, before they gave their judgment.

The lord Haverſham having reflected on ſome biſhops voting contrary to their doctrines, Dr. Talbot, biſhop of Oxford, took from thence occaſion to ſpeak on the other ſide. But Dr. Hooper, biſhop of Bath and Wells, endeavoured to excuſe Dr. Sacheverel; "he allowed, indeed, of what the biſhop of Oxford had advanced, about the neceſſity and legality of reſiſtance in ſome extraordinary caſes; but was of opinion, that this ought to be kept from the knowledge of the people, who are naturally too apt to reſiſt; and that the oppoſite doctrine ought to be maintained and inforced. That the revolution was not to be boaſted of, and made a precedent; but we ought to throw a mantle over it, and rather call it a vacancy or abdication: And the 'original compact' were two very dangerous words, not to be mentioned without a great deal of caution. That they, who examined the revolution too nicely, were no friends to it; for, at that rate, the crown would roll like a ball, and never be fixed." He concluded, "That there ſeemed to be a neceſſity to preach up non-reſiſtance and paſſive obedience at that time, when reſiſtance was juſtified." The duke of Argyle, who ſpoke on the other ſide, ſaid, among other things, "That the clergy, in all ages, have delivered up the rights and liberties of the people, and preached up the king's power, in order to govern him; and therefore they ought not to be ſuffered to meddle with politics." The earl of Angleſey anſwered to this, "That political ſermons were ſometimes neceſſary, and allowed on the 30th of January, and other occaſions. As to the revolution, which was the chief matter now in debate (he ſaid) the vacancy of the throne was properly the thing; and therefore the mentioning neceſſary means, was mere nonſenſe in the doctor; and he would not find him guilty for nonſenſe; the rather, becauſe the doctrine of reſiſtance, which the doctor had confuted, juſtifies rebellion, murder, and all manner of crimes." The duke of Leeds who ſpoke on the ſame ſide, made a very long ſpeech, wherein he owned, "he had a great ſhare in the late revolution, but ſaid, he never thought, that things would have gone ſo far, as to ſettle the crown on the prince of Orange, whom he had often heard ſay, that he had no ſuch thoughts himſelf. That they ought to diſtinguiſh between reſiſtance and revolution; for vacancy or abdication was the thing they went upon, and therefore reſiſtance was to be forgot; for had it not ſucceeded, it had certainly been rebellion; ſince he knew of no other but hereditary right." Upon this the biſhop of Saliſbury made a ſpeech, "wherein he ſhewed the falſhood of an opinion too commonly received, that the church of England had always condemned reſiſtance, even in the caſes of extreme tyranny. The books of the Maccabees, bound up in our bibles, and approved by our articles, as containing examples of life and inſtruction of manners, though not as any part of the canon of the ſcripture, contained a full and clear precedent for reſiſting and ſhaking off extreme tyranny. The Jews, under that brave family, not only defended themſelves againſt Antiochus, but formed themſelves into a free and new government: Our homilies were only againſt wilful rebellion, ſuch as had been againſt our kings, while they were governing by law. But, at that very time, Queen Elizabeth had aſſiſted, firſt the Scots, and then the French, and to the end of her days continued to protect the States, who not only reſiſted, but, as the Maccabees had done, ſhook off the Spaniſh yoke, and ſet up a new form of government. In all this ſhe was not only juſtified by the beſt writers of that time, ſuch as Jewel and Bilſon, but was approved and ſupported in it. Both her parliaments and convocations gave her ſubſidies to carry on thoſe wars. The ſame principles were kept up all king James's reign. In the beginning of king Charles's reign he protected the Rochellers, and aſked ſupplies from the parliament, to enable him to do it effectually, and ordered a faſt and prayers to be made for them. It is true, ſoon after that, new notions of abſolute power, derived from God to kings, were taken up: At the firſt riſe given to theſe by Maynwaring, they were condemned by a ſentence of the lords; and though he ſubmitted, and retracted his opinion, yet a ſevere cenſure paſſed upon him. But, during the long diſcontinuance of parliaments that followed, this doctrine was more favoured: It was generally preached up, and many things were done purſuant to it, which put the nation into the great convulſions, that followed in our civil wars. After theſe were over, it was natural to return to the other extreme, as courts naturally favoured ſuch doctrines. King James truſted too much to it; yet the very aſſerters of that doctrine were the firſt, who pleaded for reſiſtance, when they thought they needed it."

Several other peers, particularly the duke of Devonſhire, the lord Chancellor, and the lords Sommers, Halifax, and Mohun, ſpoke alſo in vindication of the late revolution; and maintained, that in extraordinary caſes reſiſtance is neceſſary and lawful; and concluded, that the commons had made good the firſt article. The archbiſhop of York, the duke of Buckingham, the earls of Nottingham and Rocheſter, the lords Guernſey, North and Grey, and Caermarthen, and the biſhops of London, Rocheſter, and Landaff, who ſpoke on the other ſide, declared, "That they never read ſuch a piece of madneſs and nonſenſe, as Dr. Sacheverel's ſermon, but did not think him guilty of a miſdemeanor." After a long debate, which laſted till paſt nine in the evening, it was at laſt carried by a majority of nineteen, that the commons had made good their firſt article of impeachment againſt him.

The next day, March 17, the Lords took into conſideration the ſecond article of the commons impeachment, and Dr. Wake, biſhop of Lincoln, began the debate with a ſpeech, wherein he gave an account of the deſign of a comprehenſion ſet on foot, towards the end of king James II's

reign, by archbiſhop Sancroft, and promoted by the moſt eminent divines of the church of England, particularly Dr. Patrick, late biſhop of Ely, and Dr. Sharpe, the preſent archbiſhop of York, and the biſhops of London and Ely, which was, "to improve, and, if poſſible, to enforce our diſcipline, to review and enlarge our Liturgy, by correcting ſome things, and adding others; and by leaving ſome few indifferent ceremonies, in order to reconcile diſſenters to the church. That Dr. Sacheverel had made a ſtrange and falſe repreſentation of this deſign, which was again ſet on foot, and openly eſpouſed by king William and queen Mary, but which unhappily miſcarried." He then proceeded to offer ſuch paſſages out of Dr. Sacheverel's ſermon, as plainly and fully made out the ſecond article of the commons impeachment, including, "That ſomewhat ſhould be done to put a ſtop to ſuch preaching, as, if not timely corrected, may kindle ſuch heats and animoſities among us, as may truly endanger both our church and ſtate. As for the preacher himſelf, I am (ſaid the biſhop) very willing to come into any meaſures of favour to him, that are conſiſtent with your lordſhips honour and juſtice, and will anſwer the ends of the impeachment, that has been brought before us againſt him." Dr. Trimnell, biſhop of Norwich, enforced what the biſhop of Lincoln had ſaid, about toleration; "inveighed againſt the inſolence of Sacheverel, who had arraigned archbiſhop Grindall (one of the eminent reformers in the reign of queen Elizabeth) as a perfidious prelate, for favouring and tolerating the Genevian diſcipline; checked his preſumption, in taking upon him, in his ſermon, to preſcribe rules to his ſuperiors, by telling them when they are to thunder out their anathema's againſt ſchiſmatics; ſhewed, that the proper uſe of thoſe ſpiritual weapons is to ſuppreſs vice, immorality, and profaneneſs, among the members of the church; and that they were altogether uſeleſs to convince heretics or ſchiſmatics, who are rather to be won by gentle methods and chriſtian forbearance. And to that purpoſe his lordſhip took notice of the toleration act; and mentioned ſeveral inſtances wherein he had himſelf been inſtrumental in reconciling diſſenters to the church. I ſhall not take upon me (ſaid he in the concluſion) to charge the doctor, or any of his particular friends, with this practice (meaning the late tumults) as great temptation as one is under to do ſo from ſeveral circumſtances. And it is not the leaſt, that occurs in his prayers, which he has publiſhed on this occaſion, to repreſent, not ſo much to God, as to the world, that he is under perſecution, when he is proſecuted for offending againſt the law, by thoſe, who, in common juſtice, ought to be thought the faireſt accuſers, and, before your lordſhips, who are juſtly acknowledged to be the moſt impartial judges. However, I will never believe, till I cannot avoid it, that any members of the England, who have acknowledged the government, much leſs any clergyman, who has ſo often profeſſed his obedience to it in church and ſtate, ſhould have been any way acceſſary to theſe threatenings, that have been given out, particularly againſt ſuch biſhops, as ſhould happen to condemn the doctor's proceedings. As far, my lords, as I have ſeen of this cauſe, I am likely to be one of thoſe biſhops; and, though I do not pretend to any great ſhare of courage, I am very free to declare to your lordſhips, that I am in no compariſon ſo apprehenſive of what may befal myſelf for condemning this perſon, as I am of what will probably befal the public, if your lordſhips ſhould not condemn him. However, I wiſh he may be treated with all poſſible moderation; and that the wholeſome ſeverities, he recommends in his ſermon, may not be uſed again him. But that is in your lordſhips judgment, to which I humbly ſubmit it; and only beg pardon for having detained your lordſhips ſo long in giving my reaſons, why I think the commons have made good this ſecond part of their charge." No peer offering to ſpeak in favour of the doctor, it was voted, That the commons had made good the ſecond article of their impeachment. The party, that was for the doctor, made no oppoſition to the third, and little to the fourth. They contented themſelves with proteſting againſt them as they had done againſt the two firſt. The four articles being thus voted to be proved, the lords went down to the hall, when the queſtion being put upon the whole impeachment, guilty or not guilty, the doctor was voted not guilty by fifty two[w], and guily by ſixty nine[x][y].

The next debate was, what cenſure ought to paſs upon

[w] The archbiſhop of York; the dukes of Ormond, Beaufort, Northumberland, Shrewſbury, Leeds, Buckingham, Hamilton; the earls of Pembroke, Northampton, Denbigh, Berkſhire, Thanet, Scarſdale, Anglesey, Suſſex, Yarmouth, Nottingham, Rocheſter, Abingdon, Plymouth, Scarborough, Jerſey, Poulet, Mar, Wemyſs, Northeſk; the viſcounts Say and Seal, Weymouth; the biſhops of London, Durham, Rocheſter, Bath and Wells, Cheſter; the barons Ferrers, Willoughby of Brooke, North and Grey, Howard of Eſcrick, Chandos, Leigh, Lexington, Berkley, Craven, Oſborn, Dartmouth, Stawel, Guilford, Butler, Lempſter, Haverſham, Guernſey, Conway.

[x] The lord chancellor, lord treaſurer, lord preſident, lord privy ſeal, lord ſteward of the houſhold; the dukes of Cleveland, Richmond, Grafton, St. Albans, Bolton, Schomberg, Bedford, Montroſe, Roxburgh, Dover; the marquiſſes of Kent and Dorcheſter; the earls of Derby, Lincoln, Dorſet, Bridgewater, Leiceſter, Weſtmoreland, Manchester, Rivers, Stamford, Winchelſea, Sunderland, Carliſle, Radnor, Berkley, Holnerneſs, Portland, Warrington, Bradford, Orford, Greenwich, Grantham, Wharton, Cholmondeley, Crawford, Loudoun, Leven, Orkney, Seafield, Roſeberry, Glaſgow, Ilay; the biſhops of Sarum, Ely, Peterborough, Oxford, Lincoln, Norwich, St. Aſaph; the barons de la War, Fitzwalter, Paget, Hunſdon, Mohun, Biron, Colepeper, Rockingham, Cornwallis, Oſſuliſton, Herbert, Hallifax, Harvey, Pelham.

[y] The proceedings of the peers more at large were as follows:

In relation to the third article, the lord Hallifax made a ſhort ſpeech, and was anſwered by the lord Ferrers and earl of Nottingham. The fourth article occaſioned a longer debate, which was begun by the earl of Wharton, in the commendation of the preſent adminiſtration. The biſhop of Saliſbury ſeconded him, and ſpoke with vehemence againſt Dr. Sacheverel, 'who, by inveighing againſt the revolution, toleration, and union, ſeemed to arraign and attack the queen herſelf, ſince her majeſty had ſo great a ſhare in the firſt, and had often declared, that ſhe would maintain the ſecond; and that ſhe looked upon the third as the moſt glorious event of her reign. That nothing could be more plain than his reflecting on her majeſty's miniſters; and that he had in parliament ſo well marked out a noble peer there preſent, by an ugly and ſcurrilous epithet (which he would not repeat) that it was not poſſible to miſtake him.' Upon this ſome of the younger peers fell a laughing, and cried out, name him, name him; but the lord chancellor interpoſed, declaring, 'that no peer was obliged to ſay but what he thought fit.' The lord Ferrers ſaid ſomething in favour of Dr. Sacheverel, but was anſwered by the earl of Ilay; and then the lord Haverſham made a ſhort ſpeech about that part of the fourth article, wherein Dr. Sacheverel was charged with wreſting and perverting divers paſſages of ſcripture. He ſaid, 'No man on earth has authority to interpret the ſcripture; which, he thought, muſt be interpreted by itſelf: Since the reformation, we had contended againſt the church of Rome, who pretended to that authority: And ſhall we (added he) allow infallibility in the commons, which we deny to the pope of Rome?' And in concluſion he repeated his deſire, that the reverend prelates there preſent would tell the houſe, 'How Dr. Sacheverel could be charged with wreſting the ſcripture?' But none of the biſhops offered to ſatisfy him. The duke of Hamilton having ſaid ſomething in favour of the doctor, he was anſwered by lord Mohun. The duke of Buckingham, the lord Ferrers, the earls of Scarſdale and Abingdon, and the lord Caermarthen, endeavoured likewiſe to extenuate the doctor's offences, but it was voted that the commons had made good the fourth article of the impeachment. However, thirty-eight lords entered their diſſent to the queſtion upon the ſecond, third, and fourth articles. At the cloſe of the debate, the earl of Wharton ſaid, that ſince the houſe had reſolved, 'that the commons had made good their four articles of impeachment againſt Dr. Sacheverel,' the lords ought, by a neceſſary conſequence, to reſolve and declare likewiſe, that the doctor was guilty of the high crimes and miſdemeanors charged upon him. But the earls of Abingdon and Rocheſter, the lord treaſurer, the lord North and Grey, and the lord Ferrers, ſtating ſome difficulties, it was propoſed, that the queſtion to be aſked every lord in Weſtminſter-hall ſhould be as follows: 'That the commons having made good the ſeveral articles of the impeachment againſt Henry Sacheverel, doctor in divinity; the ſaid doctor Henry Sacheverel is guilty of high crimes and miſdemeanors."

Accordingly, on the 18th of March, the queſtion being read, the earl of Rocheſter moved, that the judges ſhould be conſulted; but no peer ſeconding the motion, the lord Guernſey ſaid, 'The queſtion, as ſtated, was not fit to be put in Weſtminſter-hall, becauſe it would ſubvert the conſtitution of parliament, and preclude the peers from their right of giving their judgment, both of the fact, as well as of the law. For in this caſe ſome peers might be ſatisfied as to the fact, but not as to the law, and if they were to give their judgment as the queſtion was ſtated, their freedom of voting would be taken away. Therefore he moved, 'That the firſt part of the propoſed queſtion be left out.' The lord North and Grey, who ſpoke next, ſaid, 'There is no neceſſity of putting the queſtion in Weſtminſter-hall, but only acquainting the commons there, that Dr. Sacheverel is guilty in general: For how can any peer, that thinks him not guilty (as for my part, I don't) ſay in the face of the commons, he is not guilty, and allow at the ſame time, that the commons have made good their articles of impeachment?' The earl of Wharton ſaid, 'He wondered at the lord Guernſey's making that motion, after the houſe had come to a reſolution, that the commons had made good their articles. The queſtion, as ſtated by the lord chancellor, did not preclude any peer from his right of giving his judgment; for every lord was at liberty to proteſt and enter his diſſent, if he would not be convinced by the majority of the houſe; and that the lords, being in the nature of a jury, ought to deliver their opinions ſeriatim.' The lord Ferrers ſupported the lord Guernſey's motion, objecting againſt the preamble of the queſtion as unneceſſary, and urging, that it was only the majority of the houſe, and not the houſe, that came to a reſolution, 'That the commons had made good their impeachment.' On the other hand, the lord Guernſey, in anſwer to the earl of Wharton, ſaid, 'That the lords were not as a jury, for every lord was both a judge and a juror; that ſome peers might think Dr. Sacheverel guilty of one part, and innocent of the other; and yet if they were to give their judgment, as this queſtion was ſtated, how could they ſay he was not guilty, when the preamble ſet forth, that the commons had made good their impeachment?' The earl of Wharton replied, 'That this objection had been much more proper before the houſe had proceeded ſo far.' However, the earl of Rocheſter having moved, that the preamble be left out, the earl of Wharton and the reſt agreed to it; and the lord chancellor ſtated the queſtion thus: 'That the queſtion be put to each lord in Weſtminſter-hall, beginning at the junior baron firſt, ſhall be, 'Is Dr. Henry Sacheverel guilty of high crimes and miſdemeanors?' The earl of Nottingham moved, that the words of high crimes and miſdemeanors be left out, and was ſeconded by the lord North and Grey. But the earl of Wharton ſaid, 'That what was offered was unfair; for the commons having impeached Dr. Sacheverel of high crimes and miſdemeanors, and the lords having agreed and reſolved, that the commons had made good the impeachment, it neceſſarily followed, that he was guilty of the ſaid crimes and miſdemeanors.' To moderate the matter, the duke of Buckingham propoſed, that the queſtion be thus altered, 'of the crimes and miſdemeanors charged upon him by the impeachment;' to which the earls of Wharton and Sunderland readily agreed; but the earl of Jerſey excepted againſt the queſtion, as being complex or complicated. The lord Guernſey purſued the ſame objection, for the reaſon he alledged before, viz. 'That ſome peers might think Dr. Sacheverel guilty of ſome of the crimes charged

him. And here a ſtrange turn appeared; ſome ſeemed to apprehend the effects of a popular fury, if the cenſure was ſevere; to others it was ſaid, the queen deſired it might be mild; it was therefore propoſed to ſuſpend him from preaching for one year, others were for ſeven years; but by a vote it was fixed to three years. It was next moved, that he ſhould be incapable of all preferments during theſe three years; upon that the houſe was divided, fifty-nine were for the vote, and ſixty againſt it; ſo that was laid aſide. The ſermons were ordered to be burnt in the preſence of the lord mayor and the ſheriffs of London, which was done; only the lord mayor being a member of the houſe of commons, did not think he was bound to be preſent[z].

With Sacheverel's ſermons, the famous decree of the univerſity of Oxford paſſed in their convocation, July 21, 1683, was, at the ſame time, voted by the lords to be burnt, as containing ſeveral poſitions contrary to the conſtitution of the kingdom, and deſtructive to the proteſtant ſucceſſion. This decree had been given in evidence by the doctor at his trial, in which the abſolute authority of princes, and unalterableneſs of the hereditary right of ſucceeding to the crown, were aſſerted in a very high ſtrain.

The commons alſo, upon a complaint made to them of a book intitled, 'Collections of paſſages referred to by Dr. Sacheverel, in his anſwer to the articles of his impeachment,' ordered the ſame to be burnt. On the other hand, the doctor's friends complained to the houſe, of a book intitled, 'The rights of the chriſtian church,' &c. and a defence of it, in two parts, with 'A letter from a country attorney to a country parſon, concerning the rights of the church; and Le Clerc's judgment of that book in his Bibliothique Choiſie.' All which were condemned to the flames; as was alſo 'A treatiſe of the word Perſon, by John Clendon of the Inner Temple.' Not content with this, the tories moved for an addreſs for a faſt, to deprecate the divine vengeance, which there was juſt reaſon to fear, on account of the horrid blaſphemies lately publiſhed in the kingdom. Thoſe who ſupported this motion, thought not only to caſt a reflection on the whigs, as encouragers of ſuch writings, but alſo to juſtify what the doctor had advanced in his ſermon about the danger of the church, which he had aſcribed to the heretical and blaſphemous poſitions lately printed. But their deſign was eaſily ſeen through, and therefore the majority added to the addreſs, "many of which blaſphemies have again, in a moſt

charged upon him by the impeachment of the commons, and innocent of the other; and urged an inſtance of an indictment concerning ſeveral charges, in which caſe the jury is not to anſwer generally, but particularly to each offence, becauſe the judge goes by the verdict, and impoſes the fine accordingly.' Therefore his lordſhip moved, 'That each peer ſhould give his judgment ſeverally to each article.' To this the lord Sommers anſwered, 'That the matter of fact was already ſettled, though every peer might proteſt and diſſent: That the lord Guernſey's objection, grounded on the inſtance he brought of indictments in the courts below, was very improper, becauſe, as his lordſhip himſelf had ſuggeſted, the lords are both judges and jury. That, as jury, they might, in conſcience, pronounce the doctor guilty, though they thought him guilty only of one article: But that the lords, who did not think him guilty of all the four articles, might, afterwards, as judges, moderate the puniſhment.' The earl of Nottingham replied, 'That, for his part, he thought Dr. Sacheverel guilty of no crime;' and moved, that the particle 'the' be left out, and the queſtion put thus; 'Is Dr. Henry Sacheverel guilty of high crimes and miſdemeanors charged upon him by the impeachment?' Which was agreed to.

Then it being propoſed to conſider what anſwer each lord ſhould give, the lord Hallifax ſaid, That according to the uſage of parliament, the lords ought to anſwer, content, or not content. But the lord Ferrers alledged, That content, or not content, was not an adequate anſwer to the queſtion: And both the earl of Nottingham, and the lord Guernſey, his brother, urged, 'That there were ſeveral precedents for guilty, or not guilty upon my honour; but did not remember any for content, or not content. The lord Hallifax maintained his aſſertion, and ſaid, he wondered, the lord Nottingham did not know there were precedents for content or not content; and inſtanced in the lord Sommers's trial, in which the lords gave their judgment that way. On the other hand, the lord Guernſey inſiſted upon anſwering guilty or not guilty; and was ſeconded by the lord treaſurer, who ſaid, 'That there was a difference between the lords voting in their houſe promiſcuouſly, ſometimes in confuſion, and their giving their judgments in Weſtminſter-Hall; and that the precedent mentioned by the lord Hallifax was an extraordinary one, made in an extraordinary caſe.' The lord Hallifax moved for ſearching the journals; and the earl of Wharton for following precedents. The clerk turned to, and read the precedent of lord Sommers's impeachment, in which the peers gave their judgment by content or not content. But the earl of Rochetter deſiring, that other precedents might be ſearched, and urging, that there was a difference between the lords voting in their houſe and in Weſtminſter-hall; the duke of Buckingham anſwered, 'That the trial was the ſame in Weſtminſter-hall, as if the Lords were in their houſe; that they removed to the hall only for the ſpaciouſneſs of the place: And therefore the queſtion ought to be anſwered, as if they were in the houſe, content or not content.' To this the earl of Ilay replied, 'That content, or not content, was a very improper and ungrammatical anſwer to the queſtion, Is Dr. Sacheverel guilty of high crimes, &c. And therefore either the queſtion ought to be altered, or the anſwer be, guilty or not guilty.' Then the lord Ferrers endeavoured to ſhew the inconveniences, that might attend the putting the queſtion, as propoſed, alledging, 'That ſome of the peers there preſent, might hereafter be impeached, and repent too late the having made ſuch a precedent of giving judgment generally.' The earl of Angleſey purſued the ſame argument; adding, that if the queſtion was put, and anſwered generally, the majority of the people would not know what the doctor was condemned for. To which the lord chancellor readily replied, 'That every body would know he was either guilty or not guilty of the crimes charged on him by the impeachment of the houſe of commons.' But the earl of Mar inſiſted, 'That every peer ought to be at liberty to vote, guilty or not guilty to every article; otherwiſe it might happen, that the majority of the houſe might think Dr. Sacheverel innocent upon each article; yet, by this method of a general anſwer, he might be condemned of all; which ſeemed inconſiſtent with the uſual method of juſtice in that houſe.' The duke of Buckingham urged on the ſame ſide, 'that, ſince the judgment of the houſe in this caſe, ought to be a declaration of the law, the condition of the people would be moſt miſerable, to have puniſhment for high crimes and miſdemeanors, and not have a probability of informing themſelves, what the crimes thereby puniſhed were, which they could not learn from this general determination: And that, this uncertainty being in the caſe of a clergyman for preaching, it might create ſome fears in good men, when they preach ſome doctrines of the church of England, particularly that of non-reſiſtance.' The earl of Sunderland calling for the queſtion, the Earl of Angleſey inſiſted on the inconveniences of anſwering generally to it. Whereupon the lord chancellor mentioned four inconveniences that might enſue: 'Firſt, that clergymen would know, that to preach againſt the revolution, was a high crime and miſdemeanor: Secondly, to preach againſt the toleration: Thirdly, againſt the union: And, fourthly, that to reflect on the queen's miniſters, and ſuggeſt, that 'the church is in danger' under her majeſty's adminiſtration, were likewiſe high crimes and miſdemeanors. Theſe, ſaid his lordſhip, are the only inconveniences, that I can foreſee, will attend this judgment.' The Earl of Wharton calling then for the queſtion, the duke of Shrewſbury ſaid, 'That, he did not think the doctor guilty of the firſt article, though he had as great a ſhare as any man in the late revolution, and would ever go as far as any to vindicate the memory of our late glorious deliverer. That he thought the church ſafe under her majeſty's adminiſtration; but he would not have it made a high crime and miſdemeanor to ſay, 'that the church is in danger,' becauſe times might come, when it might really be in danger.' And, in concluſion, his grace inſiſted on voting article by article. The lord Caermarthen, the earl of Angleſey, and the earl of Nottingham, did the like; but, the ſame being oppoſed by ſome other peers, the lord chancellor at laſt propoſed this queſtion, 'Whether the anſwer to be given to each lord ſhould be guilty or not guilty only? Which being reſolved in the affirmative, then the main queſtion was put, 'Whether it ſhould be aſked, Is Henry Sacheverel, doctor in divinity, guilty of high crimes and miſdemeanors, charged upon him by the impeachment of the houſe of commons?' This was likewiſe carried in the affirmative; when four and thirty lords entered their proteſt, importing, in ſubſtance, 'That the obliging every lord to anſwer generally, guilty or not guilty, to a queſtion containing all the articles of his impeachment, was a kind of taking upon themſelves by an unneceſſary joining of matters of a different nature, and ſubjecting them to one and the ſame determination; and conſequently, might prejudice the right every peer had to give a free affirmative or negative; ſince whoever thought Dr. Sacheverel guilty of one part, and innocent of the other, would be obliged either to approve what he condemned, or condemn what he approved. 2. They conceived, there was at leaſt a poſſibility, that though a majority of the houſe was admitted to vote to the articles ſeparately, and might think him innocent upon each article; yet, by this method of a general anſwer, he might be condemned of all; which ſeemed not to be conſiſtent with the uſual method of juſtice in this houſe. 3. That ſince the judgment of the houſe, in this caſe, ought to be a declaration of the law; the condition of the people would be moſt miſerable, to have puniſhment for high crimes and miſdemeanors, and not have a poſſibility of informing themſelves, what the high crimes and miſdemeanors, thereby puniſhed, are. For the peoples only guide is the law; and they can never be guided by what they can never be informed of. And that, this uncertainty being in the caſe of a clergyman for preaching, it might create ſome fear in good men, when they preach ſome doctrines of the church of England, particularly that of non-reſiſtance; and it might be made uſe of by ill ones, as an excuſe for the neglect of that duty, which upon ſome occaſions is required.'

On the 20th of March, about three o'clock in the afternoon, the lords and commons having taken their reſpective ſeats, and their lordſhips houſe being reſumed, the lord chancellor declared, that they had agreed upon a queſtion, beginning at the junior baron firſt, ſixty-nine lords declared Dr. Sacheverel guilty, and fifty-two not guilty. The lord chancellor, having caſt up the votes, declared Dr. Sacheverel guilty; and the uſher of the black rod having brought the doctor to the bar, and cauſed him to kneel down, the lord chancellor told him, that the lords having, with their uſual candour and equity, examined and conſidered the articles exhibited againſt him, with the allegations to make good the ſame, and what had been offered by his counſel and himſelf in his defence, had found him guilty of 'high crimes and miſdemeanors' charged upon him by the commons of Great Britain. Then the doctor, ſtanding up, made a ſhort ſpeech, importing, 'That not having been ſuffered to be at their lordſhips bar, while their lordſhips were giving their votes; he hoped he might now be permitted to put in a plea, before their lordſhips paſſed ſentence upon him. That he was adviſed by his counſel to offer, firſt, That, by the opinion of all the judges, the particular words, ſuppoſed to be criminal, ought to have been expreſsly ſpecified in the articles of impeachment againſt him. Secondly, That, in the title of the ſaid articles, the ſame were ſaid to be 'exhibited in the name of all the commons of Great Britain,' and yet 'the commiſſioners of ſhires,' who make part of the commons of Great Britain, were not mentioned with the knights, citizens, and burgeſſes in parliament aſſembled.' Both which he begged their lordſhips to take into conſideration.' The lords being returned to their houſe, conſidered of the doctor's plea; and reſolved, that the ſame was frivolous, and that they would the next day conſider what cenſure to paſs upon him. Fr. H. L.

[z] The ſentence paſſed upon him was, That Henry Sacheverel, doctor in divinity, ſhall be, and is hereby enjoined not to preach during the term of three years next enſuing. That Dr. Henry Sacheverel's two printed ſermons, referred to by the impeachment of the houſe of commons, ſhall be burnt before the Royal Exchange in London, between the hours of twelve and one, on Monday, the 27th day of this inſtant March, by the hands of the common hangman, in the preſence of the lord mayor of the city of London, and the two ſheriffs of London and Middleſex.

The lord mayor, who was not a little mortified at his being, by the lords ſentence, obliged to aſſiſt at the burning of a ſermon, which he had approved, and commanded to be printed (as Dr. Sacheverel aſſerted in the dedication) deſired and moved, that he might be excuſed from attending at the execution, he being a member of the houſe: And a debate ariſing, it was deferred till the houſe was informed what anſwer the lord mayor had returned to the ſheriffs, when they ſhould demand of him, whether he would attend, or not; and ſo that buſineſs was dropped.

irregular, extraordinary, and inſolent manner been printed, publiſhed, and diſperſed, throughout the kingdom, to the ſcandal of good chriſtians, by Dr. Henry Sacheverel." Upon this addition the tories would have dropped the addreſs, but it was preſented to the queen, who, probably, on that account anſwered, "That, a faſt having lately been obſerved, ſhe did not think proper to appoint another ſo ſoon, but would conſider of it at a more convenient time."

As ſoon as it was known what a mild ſentence the lords had paſſed upon Dr. Sacheverel, thoſe, who ſupported him during his trial, expreſſed an inconceivable gladneſs, as if they had got a victory; bone-fires, illuminations, and other marks of joy, appeared not only in London, but over the whole kingdom. However, much greater effects than theſe rejoicings were produced by it, as will hereafter be ſeen.

This affair being over, and the ſupplies all granted, beſides which little more was done this ſeſſion [a], the queen, on the 5th of April, came to the houſe of peers, and made the following ſpeech to both houſes:

"My lords and gentlemen,

"It is with great ſatisfaction, that I come hither at this time to return you my hearty thanks for the marks of duty and affection, which you have given me through the whole courſe of this ſeſſion.

"And I am to thank you, gentlemen of the houſe of commons, in a very particular manner for the great diſpatch, which you have made in providing, ſo early in the year, ſuch great and effectual ſupplies for the public ſervice. This cannot but make me very deſirous to repeat the aſſurances I gave you at the opening of the ſeſſion, that they ſhould be very carefully applied to the uſes for which you have deſigned them.

"My lords and gentlemen,

"I cannot ſufficiently expreſs to you my great concern, that you have had ſo neceſſary an occaſion of taking up a great part of your time towards the latter end of this ſeſſion,

"I am confident no prince, that ever ſat on the throne, has been more really and ſincerely kind to the church than myſelf, nor ever had a more true and tender concern for its welfare and proſperity than I have, and always ſhall continue to have.

"The ſuppreſſing immorality, and profane and other wicked and malicious libels, is what I have always earneſtly recommended, and ſhall be glad of the firſt opportunity to give my conſent to any laws, that might effectually conduce to that end. But, this being an evil complained of in all times, it is very injurious to take a pretence from thence to inſinuate, that the church is in any danger from my adminiſtration.

"I could heartily wiſh, that men would ſtudy to be quiet, and do their own buſineſs, rather than buſy themſelves in reviving queſtions and diſputes of a very high nature, and which muſt be with an ill intention, ſince they can only tend to foment, but not to heal our diviſions and animoſities.

"For my own part, as it has pleaſed God to give ſucceſs to my endeavours for the union of my two kingdoms, which I muſt ever eſteem as one of the greateſt bleſſings of my reign; ſo I hope his divine goodneſs will ſtill continue favourable, and make me the happy inſtrument of that yet more deſirable union of the hearts of all my people in the bonds of mutual affection, that ſo there may remain no other contention among you, but who ſhall exceed the other in contributing to advance our preſent happineſs, and ſecure the proteſtant ſucceſſion.

"Finding by the advices from abroad, that our army has not yet taken the field, and that the plenipotentiaries of France are ſtill in Holland, I think it proper at preſent to make the prorogation but for a very ſhort time."

Accordingly the lord chancellor prorogued the parliament only to the 18th of April, when it was farther prorogued.

The queen's expreſſing thus her concern, that there was a cauſe given for what had taken up ſo much time, and her wiſhing that all her people would be quiet and mind their own buſineſs, rather than employ themſelves in reviving ſuch diſputes, ſeemed to look a different way from what had been whiſpered about. But ſoon after her proceedings (as will be ſeen) revived thoſe whiſpers again.

As the biſhop of Sarum had been encouraged, this winter, by the queen, to ſpeak more freely to her of her affairs than he had formerly ventured to do, he told her what reports were ſecretly ſpread of her through the nation, as if ſhe favoured the deſign of bringing the pretender to ſucceed to the crown, upon a bargain that ſhe ſhould hold it during her life: He was ſure theſe reports were ſpread about by perſons, who were in the confidence of thoſe, that were believed to know her mind: He was well aſſured, the Jacobites of Scotland had, upon her coming to the crown, ſent up one Ogilby of Boyne, who was in great eſteem among them, to propoſe the bargain to her; he, when he went back, gave the party full aſſurances that ſhe accepted of it: This, he ſaid, he had from ſome of the lords of Scotland, who were then in the ſecret with the profeſſed Jacobites. The earl of Cromarty made a ſpeech in parliament contradicting this, and, alluding, to the diſtinction of the Calviniſts, made between the ſecret and the revealed will of God; he aſſured them, the queen had no ſecret will contrary to that ſhe declared: Yet, at the ſame time, his brother gave the party aſſurances to the contrary. The biſhop told the queen all this, and ſaid, if ſhe was capable of making ſuch a bargain for herſelf, by which her people were to be delivered up and ſacrificed after her death, as it would darken all the glory of her reign, ſo it muſt ſet all her people to conſider of the moſt proper ways of ſecuring themſelves, by bringing over the proteſtant ſucceſſors, in which he told her plainly he would concur, if ſhe did not take effectual means to extinguiſh thoſe jealouſies. He ſaid, her miniſters had ſerved her with that fidelity, and ſuch ſucceſs, that her making a change among them would amaze all the world. The glory of queen Elizabeth's reign aroſe from the firmneſs of her councils, and the continuance of her miniſters, as the three laſt reigns, in which the miniſtry was often changed, had ſuffered extremely by it. He alſo ſhewed her, that, if ſhe ſuffered the pretender's party to prepare the nation for his ſucceeding her, ſhe ought not to imagine, that, when they thought they had fixed that matter, they would ſtay for the natural end of her life, but that they would find ways to ſhorten it; nor did he think, it was to be doubted, but that in 1708, when the pretender was upon the ſea, they had ſome aſſaſſins here, who, upon the news of his landing, would have tried to diſpatch her. It was certain, that their intereſt led them to it, as it was known that their principles did allow of it. This, with a great deal more to the ſame purpoſe, the biſhop laid before the queen, who heard him patiently, and, for the moſt part, ſilently; however, by what ſhe ſaid, ſhe ſeemed deſirous make him think, ſhe agreed to what he had repreſented to her; but he found afterwards it had no effect upon her; for ſhe ſoon began the change of the miniſtry, by the introduction of the duke of Shrewſbury, and diſmiſſion of the earl of Sunderland, as will be related.

It is now time to take a view of the tranſactions abroad, particularly in relation to the negociations for peace, which ſeemed to be proſecuted with warmth.

The treaty at the Hague the laſt year having proved fruitleſs, the French court thought proper to make new overtures of peace. In the beginning of January 1710, the marquis de Torcy ſent another project to Mr. Petkum, reſident of Holſtein, conſiſting of the five following articles:

I. Immediately after the ſigning of the peace, the French king would acknowledge king Charles as king of the whole monarchy of Spain; and not only withdraw all the ſuccours he had given his grandſon, but alſo forbear ſending him any aſſiſtance for the future, and forbid his ſubjects to liſt in his ſervice; and conſent likewiſe, that no part of the monarchy of Spain ſhould ever be united to France.

[a] During the trial, a bill was ordered to be brought in for limiting the number of officers, military or civil, in the houſe of commons. Mr. Wortley Montague was chairman of the grand committee, and general Stanhope, and other leading men of the whig party, promoted it. It paſſed the houſe of commons, but was rejected by the houſe of lords; where not only the earl of Wharton, but the earl of Scarborough, and the lord North and Grey, ſpoke againſt it. The houſe of commons, having examined the ſubject matter of the petition of the creditors of the mine-adventurers, reſolved unanimouſly, March 31, 'That ſir Humphry Mackworth, deputy governor of the mine-adventurers, was guilty of many notorious and ſcandalous frauds, and indirect practices, in violation of the charter granted to the ſaid company, in breach of his truſt, and to the manifeſt wrong and oppreſſion of the proprietors and creditors of the ſaid company:' And, that he might not run away, a bill was ordered to be brought in, 'to prevent ſir Humphry Mackworth leaving this kingdom, and alienating his eſtate, till the end of the next ſeſſion of parliament.' This gentleman had written ſeveral polemical as well as devotional tracts, and was for many years of great note with the high party. For which reaſon, on the change of the miniſtry, nothing more was heard of his proceedings.

A bill was alſo brought in for ſettling the African trade, but was not brought to perfection.

Some of the French refugees ſettled in England, petitioned the houſe of commons, that as the French proteſtants were by the French king declared to be outlawed, and excluded from claiming any inheritance in France, and as, on the contrary, many perſons living in France did frequently claim here and inherit the eſtates of their deceaſed relations, to the prejudice of the remoter relations ſettled in her majeſty's dominions; they begged leave for a bill, to preclude the ſubjects of the French king, reſiding in his dominions, from claiming any eſtates of their relations dying in her majeſty's dominions. Mr. Hampden brought in a bill for this purpoſe; but upon the private ſuggeſtions of ſome eminent French proteſtants, that it would be prejudicial to themſelves and other refugees, who from time to time received conſiderable remittances from their relations in France, the bill was dropped.

II. As for the emperor and empire, the French king would reſtore Straſburg and Briſac; content himſelf with Alſatia, according to the literal ſenſe of the treaty of Munſter; leave the empire Landau; raze the fortifications he had built on the Rhine from Baſil to Phillipſburg; and acknowledge both the king of Pruſſia and the elector of Hanover.

III. As to England, he would acknowledge queen Anne, and the ſucceſſion in the proteſtant line; reſtore Newfoundland, and agree to a mutual reſtitution of all that had been taken in the Weſt Indies on both ſides; demoliſh the fortifications of Dunkirk, and ruin the harbour thereof; and conſent to the pretender's leaving France.

IV. As to the ſtates-general, he would yield to them for a barrier all the places ſpecified in the twenty-ſecond article of the preliminaries, and confirm what he had offered to them with reſpect to their trade.

V. As to the duke of Savoy, that he was willing to grant the demands made for him by the allies; but that he likewiſe demanded, that the electors of Cologne and Bavaria ſhould be reſtored to their eſtates and dignities.

This project being rejected by the allies, the French reſolved to make other overtures, and diſpatched a cabinet courier to the Hague with a letter from the marquis de Torcy to Petkum. The courier arrived the 2d of February, N. S. at the Hague, and brought a freſh project of peace to be communicated to the allies, which differed little from the former, or rather was an amplification of it. It was in the main the ſame with the preliminaries, but caſt into another form, which as effectually deſtroyed the preliminaries, as if it had been put into no form at all, beſides ſeveral material alterations. For the reſtitution of the Spaniſh monarchy, there was a promiſe only. The clauſe in the fourth article, whereby the French king engaged to take in concert with the allies proper meaſures to oblige his grandſon to it, was left out. The reſtoring of the electors of Cologne and Bavaria was inſiſted on as a preliminary, and of the elector of Bavaria in particular to the palatinate, in contradiction to the preliminaries, by which it was agreed it ſhould remain to the elector palatine, whom the emperor had ſome time before put into poſſeſſion of it; than which nothing could be more reaſonable, no prince having ſuffered ſo much from France as one of them, or deſerved ſo ill of the emperor as the other. As for the thirty-ſeventh article, the expedient offered was three towns in Flanders of his own chuſing; an offer of no conſequence, ſince he would never give any towns, that the allies could think a tolerable ſecurity for ſo important a point. But to complete the project, and that the deſign and end of the preliminaries might be entirely ſubverted, it was propoſed, that the execution of all the articles be deferred, till the treaty be concluded, and the ratifications exchanged. The marſhal d'Uxelles and the abbot de Polignac, afterwards a cardinal, were appointed the French king's plenipotentiaries, and to meet thoſe of the allies at Antwerp, or any other place, if the allies would ſend the neceſſary paſſports. This project being communicated by Petkum to the penſionary, and by him to the plenipotentiaries of the emperor and the queen of Great Britain, ſeveral conferences were held between theſe miniſters and the deputies of the ſtates general. The reſult of which was, that the French courier was ſent back, the 13th of February, N. S. with an anſwer from Petkum to the marquis de Torcy's letter, importing, "That the allies required, that his moſt chriſtian majeſty ſhould declare, in plain and expreſſive words, that he conſented to all the preliminaries, except the ſeven and thirtieth article; which done, the allies would ſend paſſports to his miniſters, to treat of an equivalent for that article." When the French court ſaw ſo much firmneſs on the part of the allies, they thought fit to recede, and give the ſtates all the aſſurance the moſt expreſs words could do, that the king agreed to all the preliminaries; and if they would conſent, that his miniſters ſhould come and confer with them on the thirty-ſeventh article, he did not doubt, but what ſhould be propoſed from him, would be to their ſatisfaction. The ſtates therefore ſent back the expreſs (which had brought the French king's anſwer) with paſſports for the French plenipotentiaries. But as the ſuſpicions, which the French gave of their inſincerity, made the ſtates purſue the moſt effectual meaſures for an early campaign; ſo it put them upon taking the beſt care they could, that, if no good ſhould come from the renewing of the conferences, they might prevent the miſchief, which they apprehended was deſigned by them. As they ſaw the ill effects of ſuffering the French miniſters to come into their country, who by their agents, were every where ſtirring up the people againſt the government, as if the war was prolonged without neceſſity; they propoſed upon Antwerp being diſliked, to ſend their deputies, Buis and Vanderduſſen, to treat with the miniſters of France, either at Maerdyke or Gertruydenberg. The French liked neither of theſe places, but, when no other could be obtained, they choſe the laſt, where they arrived the 19th of March, but were met the day before by Buis and Vanderduſſen at Maerdyke, who had a conference with them. The next day they had another with them, which laſted ſeveral hours, and then the deputies ſet out for the Hague to make their report to the ſtates.

By this time the duke of Marlborough was come to the Hague. When the ſtates ſent the paſſports for the French miniſters, they wrote in very preſſing terms to the queen, to ſend over the duke of Marlborough before the end of February. The houſe of commons likewiſe being informed, that advances were made towards renewing a negociation of peace, voted an addreſs to the queen to ſecond the requeſt of the ſtates-general, about ſending the duke of Marlborough to Holland. The lords concurring in the addreſs, it was preſented by both houſes on the 18th of February. As this was the laſt parliamentary reſpect ſhewn the duke, it will not be improper to inſert it at large:

"May it pleaſe your majeſty,

"We your majeſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal, and commons, in parliament aſſembled, having reaſon to believe, that the negociations of peace will ſuddenly be renewed in Holland; and being juſtly apprehenſive of the crafty and inſinuating deſigns of our enemies, to create diviſions among your allies, or by amuſing them with deceitful expectations of peace, to retard their preparations for war, do think ourſelves bound in duty, moſt humbly to repreſent to your majeſty, of how great importance we conceive it is to the intereſt of the common cauſe, that the duke of Marlborough ſhould be abroad at this critical juncture.

"We cannot but take this opportunity to expreſs our ſenſe of the great and unparalleled ſervices of the duke of Marlborough, and, with all imaginable duty, do applaud your majeſty's great wiſdom, in having honoured the ſame perſon with the great characters of general, and plenipotentiary, who, in our humble opinion, is moſt capable of diſcharging two ſuch important truſts. We therefore make it our humble requeſt, That you will be pleaſed to order the duke of Marlborough's immediate departure for Holland, where his preſence will be equally neceſſary, to aſſiſt at the negociations of peace, and to haſten the preparations for an early campaign, which will moſt effectually diſappoint the artifices of our enemies, and to procure a ſafe and honourable peace for your majeſty and your allies."

Her majeſty's anſwer.

"My lords and gentlemen,

"I am ſo ſenſible of the neceſſity of the duke of Marlborough's preſence in Holland, at this critical juncture, that I have already given the neceſſary directions for his immediate departure; and I am very glad to find, by this addreſs, that you concur with me in a juſt ſenſe of the duke of Marlborough's eminent ſervices."

There is no doubt but the ſtates' letter, and the parliament's addreſs, were intended to let the queen ſee what confidence they put in the duke of Marlborough, and how neceſſary they thought his ſervice for carrying on the common cauſe, whether by arms or treaty. But it was without any effect, for, whatever ſoft words the queen made uſe of in her anſwer, ſhe was at that time determined to change miniſters and meaſures. The duke ſet out the next day for Harwich, and landed in Holland the 7th of March, N. S.

Four days after, Buys and Vanderduſſen returned to the Hague. The next morning they had a conference with the duke of Marlborough, the lord Townſhend, and count Zinzendorf, in the preſence of the penſionary and the deputies of the ſtates, wherein they made the following report: 'The French plenipotentiaries had endeavoured, in the firſt place, to perſuade them, that it was the intereſt of the allies to make a ſeparate peace with France, excluſive of Spain; and to render the ſame more effectual, and remove the umbrage the allies ſeemed to have taken, that the king of France might underhand aſſiſt his grandſon, his moſt chriſtian majeſty was willing to enter into the moſt ſolemn engagements to the contrary, and give cautionary towns for the performance of his promiſe.' The deputies of the ſtates anſwered, 'Theſe offers of France were not ſufficient; and, the allies having chiefly undertaken this war for reſtoring the monarchy of Spain to the houſe of Auſtria, they could not treat with the French

king (who had placed his grandſon on the Spaniſh throne) without ſtipulating, that he ſhould relinquiſh the ſame; adding, the high allies would be very much ſurprized to hear, that, after the preſſing inſtances, the French had made for theſe conferences, their plenipotentiaries were come to offer what had been already rejected; and would doubtleſs take it as evidence, that their court was not ſincere, and ſought only to amuſe the allies.' Meſſieurs d'Uxelles and de Polignac pretended, 'They did not know that any ſuch thing had been yet offered; but they were told, that, though miniſters might be allowed ſometimes to diſſemble, yet this was not a fit time to make uſe of that privilege, and they ought plainly to ſpeak their minds. Thoſe gentlemen made large proteſtations of their maſter's ſincere inclination for peace: That he could never be prevailed upon to enter into a war with his grandſon, or take any other violent meaſures againſt him. They enlarged on the affection of the Spaniards for that prince; and at laſt declared, they ſaw no other expedient for procuring the Spaniſh monarchy to king Charles, than to give a ſhare of it to king Philip; concluding, if the allies would conſent to give him Naples and Sicily, king Philip might be induced to reſign the reſt to the archduke. They urged, this was the only way for preventing a farther effuſion of chriſtian blood, and which would ſave the allies abundance of trouble, and ſecure to the houſe of Auſtria the monarchy of Spain; whereas, the fortune of the war being uncertain, it might ſtill happen, that the allies would be obliged to make peace upon other terms. The deputies confuted theſe reaſons without any great difficulty; and having repreſented, that ſuch a partition was contrary to the treaties, which the allies had amongſt themſelves, and to the whole tenor of the preliminaries, which the French themſelves acknowledged for the foundation of the treaty, they declared, in expreſs terms, they were ſent to hear what equivalent they had to propoſe for the thirty-ſeventh article of the preliminaries, which they excepted againſt; but not to debate upon any other point. Whereupon they parted.'

The ſame day, to prevent any jealouſies among the other miniſters of the allies, the deputies of the ſtates communicated to the Pruſſian plenipotentiaries what had been tranſacted at Maerdyke; and, the next day, the ſame was in a more ſolemn manner communicated to all the miniſters of the allies, who were deſired to uſe their intereſt with their reſpective maſters, that their troops might be in a readineſs to begin the campaign as early as poſſible, as the moſt effectual means to force the common enemy to accept ſuch conditions, as might ſecure a ſafe and laſting peace.

Six days after, an expreſs from the French plenipotentiaries arrived at the Hague, and acquainted the penſionary, that they had received an anſwer from their court to their laſt diſpatches; and deſired, either that they might be permitted to come to the Hague, or that the ſtates' deputies might again confer with them at Gertruydenberg. The firſt being denied, and the latter granted, Meſſieurs Buys and Vanderduſſen ſet out for Gertruydenberg, where, on the 21ſt and 22d of March, they had ſeveral conferences with the miniſters of France, who again propoſed a ſeparate peace, excluſive of Spain; offering, as before, all manner of ſecurity, that the moſt chriſtian king ſhould not aſſiſt his grandſon: Which being rejected, they propoſed ſeveral ſchemes of partition of the Spaniſh monarchy. They mentioned, in the firſt place, Naples and Sicily for king Philip: Afterwards, that the allies would leave him in poſſeſſion of the kingdom of Arragon: And laſtly, that he would content himſelf with Sicily, Sardinia, and the Spaniſh places on the coaſt of Tuſcany. The Dutch deputies told the French miniſters they were ſurprized to hear of no equivalent for the thirty-ſeventh article of the preliminaries, as their court had promiſed, and on which conſideration alone the preſent negociation was agreed on by the allies; adding, they had no power to treat of any partition. Having ſaid this, they took their leave of the French plenipotentiaries, who ſent an expreſs to Verſailles for farther inſtructions. On the other hand, Buys and Vanderduſſen, being returned to the Hague, made a report of theſe conferences to the penſionary, in the preſence of the Imperial and Britiſh miniſters, who diſpatched expreſſes to their reſpective courts, with an account of the propoſals made by France, which were alſo communicated to the ſtates of Holland, and other provinces.

On the 22d of March, Petkum went from the Hague to Gertruydenberg, but without any commiſſion on the part of the allies, and ſolely at the deſire of the French plenipotentiaries; who, not many days after, having given notice of the return of the expreſs they had ſent to their court, the deputies of the ſtates ſet out again for Gertruydenberg. In theſe new conferences, the French plenipotentiaries inſiſted on a partition of the Spaniſh dominions, according to the ſchemes they had propoſed before; but ſeemed, however, to depart from what they had advanced in relation to Sicily and Sardinia, pretending that was only by way of converſation, and demanded either Naples, with the places on the coaſt of Tuſcany, or the kingdom of Arragon; which occaſioned great debates. The French miniſters mentioned afterwards the article of ſecurity for the performance of what ſhould be ſtipulated in the preliminaries, and propoſed what they expected from the allies for themſelves; but would not explain their meaning on the ſecurity to be given by France to the allies for the performance of the preliminaries. The deputies of the ſtates, being very much diſſatisfied with the plenipotentiaries of France, frankly told them, 'The allies were tired with this way of treating, and therefore expected a full and clear declaration on the part of France on the matters already debated; or elſe they would break off all manner of conference with them.' Hereupon d'Uxelles and Polignac deſired time to ſend another courier to Verſailles, for further inſtructions; pretending, 'That the final reſolution of their maſter depended upon that of the court of Madrid, which was expected about that time at Verſailles.' This dilatory way of treating confirmed the general opinion, that the French had not a real intention to come to a peace, even by way of partition; and that they had no other deſign in theſe conferences, than either to divide or amuſe the allies. In both of which, however, they were equally diſappointed; for prince Eugene being come to the Hague on the 12th of April, and having, with the duke of Marlborough and the deputies of the ſtates, concerted the operations of the next campaign, for the early opening of which, great magazines of dry forage and other neceſſaries had been provided, thoſe two generals ſet out, on the 15th, for Tournay, near which place the confederate forces, quartered on the Maeſe, and in Brabant and Flanders, were ordered to rendezvous.

It was by many expected, that the early ſucceſs of the confederate armies in paſſing the lines, and inveſting Douay, would have quickened the negociation at Gertruydenberg. But Buys and Vanderduſſen being again returned thither on the 24th of April, N. S. at the deſire of the French plenipotentiaries, they had the ſame day a conference, in which they deſired to know, 'Whether by the laſt courier they had received any further inſtructions on the grand affair, for which they were come into theſe provinces?' The French miniſters anſwered, they had no other propoſal to make, but what they had already offered; and told the deputies they had expected the anſwer of the allies on their propoſals. This declaration occaſioned ſome warm debates among them; and the deputies complained of the inſincerity of the French court, telling them in expreſs terms, 'That the miniſters of France having ſo often and ſo poſitively declared by letters, and otherwiſe, that their plenipotentiaries were to propoſe an expedient for the thirty-ſeventh article; the allies could not but be ſurprized, that, after ſo many conferences, they ſhould hear nothing from them but a propoſal for the partition of the Spaniſh monarchy.' And ſo the conferences broke up without any ſucceſs. The next morning the deputies of the ſtates went to take their leave of the French plenipotentiaries, and inſinuated to them in general terms, 'That, the armies being actually in the field, and no advances made in the late conferences towards procuring a general peace, they thought it was to no purpoſe to continue them.' The French miniſters alledged, they had made ſeveral propoſals, which, in their opinion, might have conduced to a general peace; and that they wondered the allies had made none on their part, ſince they were not ſatisfied with thoſe of France. They deſired likewiſe the Dutch deputies to give them their anſwer or declaration in writing, that they might tranſmit it to their court: But, this being denied, the deputies took their leaves, and the French plenipotentiaries diſpatched d'Uxelles's ſecretary to Verſailles. Many were ſtill of opinion, that the late ſucceſs of the allies, and the ſiege of Douay, would have obliged the court of France to alter their ſtyle; and it was then ſtrongly reported, that, in the council held at Verſailles, upon the firſt advice of the allies having paſſed the lines, there appeared a great diviſion among the princes of the blood; ſome inſiſting upon the neceſſity of peace to preſerve France from entire ruin; and others perſiſting in their former opinion, that it was better to venture the fate of another campaign, than to ſubmit to ſuch ignominious terms, as were inſiſted on by the confederates.

Upon the report made at the Hague by Buys and Vanderduſſen of the laſt fruitleſs conferences, the Imperial miniſter thought fit to declare, 'That the emperor, his maſter, could not conſent to any partition of the Spaniſh dominions; and therefore propoſed, that the French plenipotentiaries ſhould

be forthwith diſmiſſed.' But the Dutch were of a different opinion, alledging, that, ſince the French miniſters had ſent an expreſs to their court, it was but reaſonable to expect his return, and ſee whether the late progreſs of the confederate arms had cauſed any alteration in the meaſures of that court. The expreſs being returned on the 3d of May, N. S. the French plenipotentiaries wrote the next day the following letter to Petkum:

"We could wiſh our conferences had produced a peace; but as we have no order to make any other propoſition than thoſe we have already made, we patiently expect, that the deputies will come hither, to declare themſelves in a more open manner than they have done hitherto, or to give us our diſmiſſion; or, at leaſt, that the penſionary will ſend us an order to be gone."

This letter being communicated to the ſtates-general, and by the penſionary to the Imperial and Britiſh miniſters, it was thought fit to impart it to all the miniſters of the allies, who, being met on the 9th of May, unanimouſly reſolved, Monſieur Petkum ſhould be deſired to write to the French plenipotentiaries, That, ſeeing they had nothing further to propoſe, and the allies nothing more to ſay than what they had ſaid before, it was to no purpoſe to continue uſeleſs conferences; but he ſhould avoid to ſpeak any thing of diſmiſſion, or order to depart. Petkum having writ a letter to that purpoſe to the French plenipotentiaries, they ſent him the next day an anſwer, importing, They were extremely concerned to ſee, that, notwithſtanding all the advances of the king their maſter for procuring peace, the allies ſo reſolutely refuſed it; and, ſince it was thought fit to break off the negociations, they were preparing to depart. Upon this declaration, it was generally believed, the French plenipotentiaries would have ſet out for Paris, for which purpoſe they had cauſed their baggage to be packed up. But, having received another courier from Verſailles, they gave notice of it to Petkum, deſiring at the ſame time, that the ſtates would once more ſend their deputies to Gertruydenberg. Theſe new conferences met with ſome difficulties, count Zinzendorf, the Imperial miniſter, having inſiſted on his being preſent: But his demand being over-ruled (by reaſon of the other miniſters of the allies, particularly Britiſh, might with equal juſtice have claimed the ſame privilege) Buys and Vanderduſſen ſet out the 23d of May for Gertruydenberg. Being returned to the Hague, they made the next day their report to the penſionary in the preſence of the Imperial and Britiſh miniſters, to this effect: After many proteſtations of their maſter's ſincere inclination to peace, the French plenipotentiaries ſaid his moſt chriſtian majeſty had been prevailed upon to recede from the former demand he had made of Naples, Sicily, Sardinia, and the places on the coaſt of Tuſcany; and therefore was willing, that Naples ſhould remain to the houſe of Auſtria, and that king Philip ſhould content himſelf with Sicily, Sardinia, and the places on the coaſt of Tuſcany. The deputies upon this thought fit, without granting any part of the propoſals, to aſk the French plenipotentiaries, what ſecurity they had to propoſe to the allies for the evacuation of Spain and the Indies by the duke of Anjou, ſuppoſing that theſe propoſals of a partition ſhould be accepted. But they declined to give them any ſatisfactory anſwer. Whereupon the deputies told them, the allies being daily more and more convinced, that the French court continued the negociation, not out of a ſincere deſire of peace, but only to encourage their ſubjects to bear the more patiently the burthen of the war, they would be obliged to break off all further conferences with them, to remove all occaſions of jealouſy amongſt themſelves. The French made great proteſtations of their maſter's ſincerity, and ſaid, they would ſend him another expreſs, with an account of theſe conferences.

The Dutch deputies having made the like report to the ſtates of Holland, they took no final reſolution, but deferred it to another meeting, in order to give the French plenipotentiaries time to receive new inſtructions from their court; which they did the 6th of June, and immediately writ a letter to Petkum, with one incloſed for the penſionary, acquainting him, that, having new overtures to make, they deſired, that Meſſieurs Buys and Vanderduſſen would once again return to Gertruydenberg. The Imperial plenipotentiary renewed his former pretenſion of aſſiſting at the conferences; and being again refuſed, and his orders from Vienna, to perſiſt in his demand, being poſitive, he ſent an expreſs to prince Eugene for his opinion, who adviſed him to follow the example of the Britiſh miniſters, whoſe miſtreſs, though ſhe contributed more to the war than any other of the allies, was yet ſo well ſatisfied of the wiſdom and integrity of the ſtates-general, as to truſt to them that preliminary negociation of peace.

Buys and Vanderduſſen being abſent from the Hague, when the French courier, ſent to Petkum, arrived there, they did not ſet out for Gertruydenberg till the 14th of June. The two following days they had ſeveral conferences with the French plenipotentiaries, who declared, Their maſter receded from the demand made in the laſt conference, of the Spaniſh places on the coaſt of Tuſcany, and would content himſelf with Sicily and Sardinia for king Philip; and uſe all poſſible means to perſuade his grandſon to conſent to that partition: This required ſome time; but, if that prince would not acquieſce in this propoſal, the moſt chriſtian king, though he could by no means declare war againſt his grandſon, would yet furniſh a ſum of money towards the charges of a war to be continued againſt him, till he had ſurrendered Spain and the Weſt Indies to the houſe of Auſtria. This declaration of the French plenipotentiaries being reported to the penſionary, in the preſence of the Imperial and Britiſh miniſters, occaſioned two or three conferences between them, and confirmed the general opinion, that the French had no other deſign, than either to amuſe the allies, or to decoy them to a ſeparate peace, excluſive of Spain; where, notwithſtanding their promiſes to the contrary, they might underhand aſſiſt king Philip, and carry on the war with ſuch advantage, as might in the end tire out, if not exhauſt the principal members of the alliance. The Imperial miniſter was ſtill of opinion, that, ſince the French plenipotentiaries did not propoſe any equivalent or expedient for the thirty-ſeventh article of the preliminaries, which was the main intention of the preſent negociation, they ought to be immediately diſmiſſed; and therefore moved, that Petkum, who, on the 21ſt of June, went to Gertruydenberg, as he pretended, for ſome private concerns, ſhould be deſired to ſignify to the French plenipotentiaries, that the allies would not conſent to any further conferences. But it was thought more adviſeable to ſend him to make the following declaration on the part of the allies: I. The laſt propoſal made by the French king, of contributing a ſum of money towards the charges of the war, to oblige the duke of Anjou to quit the monarchy of Spain, and content himſelf with Sardinia and Sicily, if he would not do it voluntarily, was not acceptable to the allies upon ſeveral accounts; and namely, becauſe this would produce but a ſeparate, and not a general peace, which was the end the allies propoſed to themſelves. II. The allies inſiſted to have Spain and the Indies delivered up, according to the tenor of the preliminaries. III. This foundation being laid and agreed upon, the allies would conſent to continue the conferences on other articles. The French miniſters deferring their anſwer to this declaration, Buys and Vanderduſſen were directed to ſend an expreſs to Gertruydenberg, who returned to the Hague the 10th of July, with an anſwer, importing, "That, by virtue of their powers and inſtructions, they were always in a condition to explain the ſentiments of the king their maſter; and therefore deſired, that the deputies would come once more to Gertruydenberg." This being communicated to count Zinzendorf and the lord Townſhend, thoſe miniſters met at the penſionary's, where, after a long debate, it was reſolved to ſend back the Dutch deputies to Gertruydenberg with this inſtruction, That they ſhould inſiſt upon a plain and poſitive anſwer to the articles delivered to the plenipotentiaries by Petkum. Buys and Vanderduſſen ſet out the next day, and had a conference with the French plenipotentiaries, that laſted about four hours, though to as little purpoſe as the former. For the Dutch deputies inſiſting on the declaration made on the part of the allies by the reſident of Holſtein, the French ſaid, They had no further inſtructions, but would ſend another expreſs to their maſter for a final anſwer, which they would communicate upon the return of the courier, for whoſe journey fifteen days were allowed. The Dutch deputies being by this time convinced of the inſincerity of the French, Vanderduſſen could not forbear making ſome warm expoſtulations about it; to which the Abbot de Polignac replied in very high terms, not without reproaching the Dutch with ingratitude towards the crown of France, which had been their main ſupport upon their defection from Spain. Whereupon the conference, which proved to be the laſt, broke off unkindly. The French miniſters, not thinking it proper to demand another interview, on the 20th of July ſent a letter to the penſionary, wherein they repreſented the propoſals made in the laſt conference by the deputies to be unjuſt, and impoſſible to be executed, and complained of the ill treatment they pretended they had received in contempt of their character; of the injurious, falſe, and ſcandalous libels, which had been ſuffered to be diſperſed during their ſtay at Gertruydenberg, to inflame the minds of thoſe, whom they were endeavouring to reconcile; and of all the letters, which

they either received or writ, having been opened, in breach of the public faith. This letter being communicated to the ſtates-general, they came to a reſolution, 'That the contents of it concerned not only their ſtate, but likewiſe all the allies, and therefore they thought it their duty to communicate it to their miniſters reſiding at the Hague, that every thing might be done in concert with them, as it had been hitherto. That the French plenipotentiaries rejecting, by their anſwer, the propoſitions made to them, declaring, that it was uſeleſs to hold any more conferences upon theſe propoſitions, and thereby breaking off the negociations on that ſubject, nothing more remained to be done on the part of the allies, than to acquieſce therein, and to enter into no more conferences, as long as the enemy ſhould continue in ſuch ſentiments. And the Sieurs Buys and Vanderduſſen were, by this reſolution, required to ſignify the ſame by a letter to the French plenipotentiaries, without entering into a debate upon the contents of their letter, notwithſtanding it might be eaſily confuted, as well with reſpect to things as words.' Accordingly Buys and Vanderduſſen returned a ſhort anſwer to the French miniſters, importing, 'That, ſince their court would not give a ſufficient ſecurity for the delivering up of Spain, it was to no purpoſe to continue the conferences.' Upon this the French plenipotentiaries ſet out the 25th of July, from Gertruydenberg, to return home[b]. It was obſerved, that, about this time, the French began to talk of peace with

[b] Dr. Hare, in his fourth letter to a Tory Member, part II. p. 42. obſerves, 'that the ill ſucceſs of theſe negociations was entirely owing to the French; the king of France having put it out of the power of the allies to make a general peace, by refuſing to give them Spain and the Indies, without which a good peace could never be made, or the end, for which they went into the war, tolerably anſwered. And the more, ſays he, this affair is examined into, the more you will be convinced of the inſincerity of the French, and the neceſſity the allies were under to act as they did.

First, it is indiſputably true, and confeſſed on all hands, that the reſtitution of Spain and the Indies, whatever became of the monarchy, was promiſed from the very firſt. They did not pretend to deſire ſo much as one ſingle conference for peace on any other terms.

Now if the king could do what he promiſed, what became of the pretended impoſſibility? And if he could not, what could he mean by ſuch a promiſe but to amuſe and deceive? But, if he deſigned that, then it undeniably follows, all theſe negociations, on his part, have been one continued cheat from the beginning to the end. And, that this is the truth of the caſe, I have given you many proofs both in my laſt letter and in this. All the expedients, he propoſed, were ſo many ſhams, and had no other meaning in them but to gain time, quiet his people, and ſow jealouſies among the allies; and defeat, if poſſible, by a treaty thoſe he cannot defeat by his arms. What elſe could he mean by propoſing a partition as an expedient, and yet refuſing to let it have the effect of one? To aſk the ſtates to conſent to a partition, and not ſuffer them to aſk for what, is a little too barefaced. Could they think the Dutch would conſent to this expedient, for the ſake of a general peace, without being ſure a general peace would be purchaſed by it? I ſcarce believe, they expected that of them; but nevertheleſs hoped, they ſhould gain their ends by it; and that the very hearkening to the propoſal of a partition would create jealouſies, and divide the allies, in which they did not judge very ill; for the conferences upon this foot very much alarmed the miniſters of the emperor and king Charles, who were utterly averſe to a partition of any kind; and it was with great difficulty they were prevailed with to conſent to let the conferences with the miniſters of France be managed by the deputies of the ſtates, without their being themſelves preſent at them, which would have rendered the negociations for a general peace much more difficult than they were, though France had been in earneſt for it. And this was all France aimed at by propoſing a partition: Some of the allies, they knew, would be extremely againſt it, while the ſtates, they hoped, would, for ſo deſirable an end, be willing enough to come into it. And this difference they promiſed themſelves much from. But, for fear this difficulty ſhould be overcome, and the allies ſhould take them at their words, and accept ſome of the expedients offered, they had another reſort behind, by which they could at any time confound all that had been done, and had great hopes, at the ſame time, that the alliance might be broke by it. And that was this; they pretended they could not execute any part of the preliminaries, unleſs the allies would oblige themſelves not to make any further demands, than what were already contained in thoſe articles, or that they ſhould be now declared; which is contrary to the 32d article, in which there is a power expreſsly reſerved for the empire, the four aſſociated circles, the kings of Portugal and Pruſſia, and the duke of Savoy, to make what further demands they ſhould find reaſonable. This the French inſiſted on for no other reaſon, but becauſe they knew it was impoſſible for the allies in juſtice to comply with it, unleſs the reſpective powers abovenamed, had had miniſters at the Hague, with full inſtructions from each of them, which they knew they neither had, nor could have, without loſing a great deal of time. Beſides, this demand of the French is contrary, not only to the expreſs terms of the preliminaries, but to the very nature of them; for, if nothing is to be left to be adjuſted at a general treaty, how does a preliminary treaty differ from it? But it was very much for the purpoſe of the French,—who meant nothing but to amuſe the allies, and make miſchief, to inſiſt on it; which accordingly they did, being ſure which ever part the allies took, they ſhould find their account in it. For, the allies would not agree to this demand, then there was always a handle ready to break off the treaty upon: As long as further demands may be made upon them, they cannot be ſure any conceſſions will procure a laſting peace, and they ſhall be in danger of having the war renewed upon them, after all they ſhall have done to put an end to it. And this is very plauſible and ſpecious; but has at the bottom nothing at all in it. But, if the allies had complied with this demand, and declared no further demands ſhould be inſiſted on, what a fine game would the French have had? They had nothing elſe to do to break the alliance, but to repreſent to ſome of theſe members of it, how their intereſts were neglected, and what poor terms the maritime powers and the emperor had made for them. You ſee, gentlemen, the utmoſt your allies aſk for you; you ſee the whole you are to expect from them. Theſe are the terms they have made for you; and they have promiſed to oblige you to acquieſce in them. Are theſe allies worth adhering to? Come over to the intereſt of the king, and ſupport his firſt pretenſions; and you will find both him and his grandſon more grateful. You ſhall have this and that, and the other good thing; this town, that principality, ſo much money, ſuch a valuable match; in ſhort, terms infinitely more advantageous to your maſters, and the intereſt of their families, than any thing the allies will do for you. This artifice the French found the good effects of the laſt war; and their fingers itch to be at it again; for this was the way they drew off a certain prince then, which was the ruin of that confederacy. After their emiſſaries had been for ſome time in Holland, propoſing, under-hand, terms of peace, and endeavouring to find, what articles the principal allies would be content with for the reſt; when they had learned this, the uſe they made of it, was to ſeduce one of them, by offering much better terms than had been aſked for him. The bait took, and it was agreed to leave the ſide he thought himſelf ill uſed by. Nothing remained but to contrive how this might be done moſt decently. The way agreed on was to invade his country with a great army, and lay ſiege to his capital. What could the unhappy prince do in theſe circumſtances? He is in the utmoſt danger; his allies neither do, nor can ſupport him. There is no ſafety for him but in a peace. Thus a member was brought off from the laſt confederacy; and the ſame play they want to be again at. This is ſo certain, that we are ſure they were trying this very trick with the ſame prince. While the marquis de Torcy made at the Hague ſuch mighty difficulties in complying with the terms demanded for the duke of Savoy, whom he pretended his maſter had great reaſon to be diſſatisfied with, this falſe perfidious court was at that very time tempting him with better offers at Turin; but that prince underſtood his intereſts too well, to hearken again to them.

This is the uſe the miniſters of France hoped to make of this demand of theirs, if the allies had been weak enough to have agreed to it. But they were not to be ſo impoſed on, nor would they act in ſo arbitrary a manner, as to force any of their allies to ſubmit to terms made againſt their conſent, or without their knowledge; and therefore could not, by all the artifice of France, be prevailed with to preclude them from making ſuch further demands as they ſhould think reaſonable. But to ſhew they were ſincere, they were willing to deſiſt from all further demands for themſelves, according to the 31ſt article. This they could do; more injuſtice they could not. And, had the French been in earneſt on their part, they would, without difficulty, have truſted the allies in this point; for they could not, with any colour of reaſon, believe, that, when the maritime powers and the emperor were ſatisfied, they would renew the war at the end of two months, or what other time ſhould have been agreed on, for the ſake of any further demands on the part of the other allies, which it would not be very reaſonable for France to grant them. And therefore it cannot be thought they meant any thing elſe by urging this point, but to make miſchief, and, draw the allies, if they could, into a ſnare; and, if that did not ſucceed, that they might always have it in their power to go off.

To reduce the whole management of the French in this affair under one ſhort view: They preſs the allies to an impoſſibility contrary to the preliminaries, and complain at the ſame time of being preſſed to an impoſſibility themſelves, though the allies aſk nothing but what they themſelves offered from the beginning; and the ſteps they have taken are very extraordinary. First, Negociations are broke off upon the ſingle point of the 37th article. Then an expedient is offered of cautionary towns; then the conferences are again deſired to be renewed, upon repeated aſſurances of agreeing to all the other preliminaries, except the 37th. Then, as what would ſolve all difficulties, a partition is propoſed, which is at laſt reduced to Sicily and Sardinia. And what is all this for? Will they ſign the preliminaries if this partition is agreed to? By no means; they take the very aſking of this queſtion for a plain deſign in the allies to break off the conferences; and they, who would have given you before all the preliminaries, except the 37th article and three cautionary towns, now take it very ill you will not accept the preliminaries, not only without that article, but without any cautionary towns, or other expedients, though Sardinia and Sicily be taken out of them, without having for this any more ſecurity given than before, that Spain and the Indies ſhall be reſtored, though the propoſing a partition could not poſſibly have any other meaning in it. For it was propoſed as an expedient; but for what? To leave the allies where it found them? No ſure; but to remove the pretended difficulty of evacuating Spain and the Indies, in favour of king Charles. But, if this be the plain meaning of this propoſal, how came the treaty to break off upon this point? What can be more unjuſt, than to deſire the allies to quit part of what the preliminaries give them, for the ſake of the reſt, and yet not tell them, which way the reſt is to be had? What is more ridiculous than to preſs the ſtates to all the inconveniences, which the conſenting to a partition might be attended with, without allowing them the leaſt advantage from it? How can one reconcile the aſking a partition at the beginning of the conferences, and then breaking them off, becauſe the allies deſire to be ſecured of the effect propoſed from it? Now after all that has been ſaid upon this ſubject, can there be any doubt, which ſide is in fault, or at whoſe door it lies, that thoſe conferences did not ſucceed?—It is plain they broke off, becauſe the French would not ſecure to the allies the reſtitution of Spain and the Indies. And it is as plain, the French ought to have done this: It is what they promiſed from the beginning, and undertook for at the opening of thoſe conferences, the propoſal of a partition being incapable of any other fair conſtruction. And therefore the blame of the rupture can lie only upon the French, or on thoſe who have encouraged them to act thus, by diſcovering the mighty haſte they were in for peace. For whether the French, when they firſt began theſe conferences, intended they ſhould end as they did, may poſſibly be a queſtion. I muſt own, when I heard they had propoſed a partition, I thought the neceſſity of their affairs had at laſt forced them to be ſincere; and that they would have ſtruck up a peace before Doway was taken, that the allies might not extend their conqueſts beyond the bounds of their preliminaries. And perhaps, even after this, they might balance with themſelves, and were for ſome time irreſolute with intention to conſent, or not conſent to the allies, as they found themſelves preſſed by the war. And, could the duke of Marlborough have either beat their army, or beſieged Arras, I believe they would have thought the king might with honour have abandoned his grandſon, after he had ſacrificed ſo much for the ſupport of him; and the ſafety of France would have excuſed to all the world his quitting Spain. And it was with this view principally they kept their miniſters ſo long at Gertruydenberg, that they might be upon the ſpot, to clap up a peace immediately, if there ſhould be occaſion. By this they were ſure to have an advantage, in caſe of a battle, which ever way it turned; for, if they loſt it, they would have been able to prevent the fatal conſequences of a great defeat by cloſing with the terms of the allies, before a victory could be purſued; and, if they had won it, they would have made uſe of the firſt conſternation, which the loſs of a battle would have put the Dutch

indifference, either, as ſome conjectured, in hopes of a diverſion in the north, or, which is much more probable, from an expectation, that the ferment, raiſed in England by the late trial of Dr. Sacheverel, would be ſo induſtriouſly fomented and improved by their friends, as to produce a favourable turn. On the other hand, the ſtates-general were ſo exaſperated by the late evaſive conduct of the court of France, that on the 27th of July, N. S. they came to another vigorous reſolution, in confutation of the letter from d'Uxelles and Polignac to the penſionary, and in particular to ſhew, 'That the enemy had departed from the foundation on which the negociation had begun, and ſtudied pretences to evade the execution of the capital points, the reſtitution of Spain and the Indies; and, in ſhort, that France had no other view, than to ſow and create jealouſy and diſunion among the allies. As to the complaint of the plenipotentiaries relating to their perſons, the pretended contempt of their character, the publication of abuſive libels, the opening of their letters, the hindering the making any viſits to them and their lodging, as if they had been in a kind of priſon; the ſtates obſerved, That, purſuant to the agreement, the plenipotentiaries came without any character, for which reaſon no ceremonial was obſerved on either ſide; but that all manner of conſideration was had for their birth, quality, and merit. That libels were ſeverely forbidden in Holland, and the authors and printers liable to puniſhment. That none of the many couriers, the French plenipotentiaries had received and diſpatched, had been ſtopped; nor were any of the letters, which they ſent by the ordinary poſt, intercepted. That no perſon was ever hindered from going to them; nor was any order given to take notice who viſited them. But as, in all frontier towns, it is the cuſtom, that none enter, unleſs they declare who they are, both at the gate and to the governor; it ought not to be thought ſtrange, nor ought exceptions to be taken, if this cuſtom were not diſcontinued during the ſtay of the French miniſters at Gertruydenberg. And, in the

Dutch into, to preſs them to a peace on their terms. That this was the moſt the French meant by theſe conferences, is evident from what was doing at the ſame time in Spain. I have obſerved before, that either the Spaniards or we muſt have been deceived; and therefore the French kept it in their power, by the moſt artful ways they could, to do either as they found moſt convenient; but that the king's inclination and intereſt were too well known to leave room to doubt, that he would keep his promiſe to the Spaniards, if he could. Accordingly we ſee, he did not only enable his grandſon, as I have obſerved before, to put Spain into the beſt poſture of defence it was capable of, and ſupply him with every thing that was neceſſary; but promiſed to make the ſiege of Gironne early in the ſpring, and was making a new offenſive and defenſive treaty with him during theſe very conferences. And the aſſiſtance and aſſurance, the duke of Anjou had given him, made him think of nothing leſs than quitting Spain. In the ſpring he pretended to have an army of one hundred and twenty-two battalions, and one hundred and forty-five ſquadrons, beſides the troops that were coming to him from Flanders. Before the conferences begun, the king received an expreſs from his grandſon, to acquaint him with the zeal the Caſtilians expreſs for him, and his reſolution to ſtand by them; and the French miniſter at Madrid in April gave out, that the conferences were broke off. At the ſame time the duke of Anjou was haſtening to put himſelf at the head of his army, but was ſtopped by the affair of the duke de Medina Celi; which, as great a myſtery as it was, was probably at bottom a French trick. It was very natural for the Spaniards to take umbrage at the conferences, and to think it was time to take care of themſelves; and that, if the king ſhould in earneſt abandon them, it was to no purpoſe for them to adhere to his grandſon. To feel their pulſe upon this point, it is probable the French miniſters, either Belcour or Ibbeville, or ſome others of their emiſſaries, had pretended to treat with ſome of the grandees upon this foot, and acquainted them, that the king's affairs would not permit him to ſupport his grandſon any longer, and that the king did not expect they ſhould ruin themſelves to maintain him on the throne, ſince in that caſe it would be impracticable: But that, if they would diſpoſe him to reſign, the king would endeavour to get ſome partition for him. It is extremely probable, this trick was tried at Madrid, to find how the grandees were inclined to act on this occaſion; the duke of Medina in particular, who was the firſt miniſter; and that, when they had got out of him the ſenſe of him and his friends on this nice ſubject, the uſe they made of it was to betray him to the duke of Anjou. And poſſibly the thing went farther; and that in concert with the French, to ſave the king's honour, they had agreed to ſeize his perſon, and carry him off; which I remember, was the firſt report we had upon that miniſter's diſgrace. After this affair was over, which had ſufficiently intoxicated the Spaniards, the duke of Anjou left Madrid, and joined his army near Lerida. And the duke of Noailles was advanced to the banks of the Ter, the river Gironne ſtands upon, to favour his deſigns. In June the duke of Anjou was ſo ſanguine, that he made no doubt of being able to drive king Charles out of Catalonia that campaign, eſpecially if the duke of Noailles could but make the ſiege of Gironne. This appears at large in ſome letters of his, that were intercepted, to the king and the duke of Burgundy, writ to congratulate the marriage of the duke of Berry, which he ſhews himſelf not all pleaſed with. Upon his diſappointment in Catalonia, when he could neither attack marſhal Staremberg, nor beſiege Balaguer, he grew diſſatisfied with his Spaniſh generals: And in July both he and his princeſs ſolicit the king in very preſſing terms to ſend the duke of Vendoſme to him; which was ſoon complied with, and, that the duke might have no apprehenſions of the king's deſigning to abandon him, he entered into a new alliance with him. This alliance was framing while the miniſters of France were at Gertruydenberg; which place they left but the 25th, and the 8th of Auguſt, or before the articles of this new treaty were known publicly at Paris: which makes it plain to a demonſtration, that this treaty was forming before the conferences were broke off.

From this account, it is exceeding evident, that the French were taking the moſt effectual methods to ſupport the Duke of Anjou, and make the Spaniards faithful to him, while they were perſuading the allies, the king would in earneſt abandon him, and give him no aſſiſtance directly or indirectly; nay, while they were making terms for him, upon which they would oblige him to reſign. And, if this be not inſincere in the laſt degree, I would be glad to know what is. If he was ſincere, why did he treat for a general peace, when either he would not, or could not make the neceſſary conditions of it practicable? Why, when he meant nothing but a ſeparate peace, did he not frankly from the beginning tell the allies, that he was willing to make terms with them for himſelf, but that he could make none for Spain? Was this for any thing elſe but to amuſe the allies, who, he knew, would flatly have refuſed entering into any negociations, if he had ſpoke out plainly what he meant? Did not he intend, from the beginning, to defeat by an exception a general peace, while he pretended all the while to be for it? As old managers ſometimes do with a bill in parliament, which they contrive ſhould be loſt by an amendment, while they would be thought zealous for it; which they could not have been able to effect, had they openly declared againſt the bill itſelf. Thus they gain the point they would have, by ſeeming to be for what in truth they would not have: And the ſame part the king of France has acted with reſpect to peace, but not with the ſame ſucceſs. He has not got yet what he wants, I mean a ſeparate peace, by affecting to treat for a general one, which he would of all things keep off. A man muſt ſhut his eyes very hard, not to ſee the French meant nothing by theſe conferences but to amuſe the allies, and keep it in their power to make what uſe of them they ſhould have occaſion for; and that they never deſigned to conſent to what was neceſſary to make a general peace practicable. They meant either no peace at all, or only a ſeparate one for themſelves; which they hoped from the temper of the Dutch, the nature of their government, and the experience they have formerly had of them, they might be frightened into. To which end they affected from the very firſt conference to let nothing fall from them, that might look like a deſire to retard the operations of the campaign, but on their own part threatened what mighty things they would do upon the Rhine and in Spain; and, to intimidate them the more, marſhal Villars condeſcended to the mean artifice of writing to the French miniſters, from time to time, letters filled with the groſſeſt gaſconade, what a brave army he had; how deſirous they were to come to an engagement; and that, if the allies had a mind to a battle, they ſhould meet with no intrenchments, but ſhould find him ready to receive them in an open plain. Theſe poor tricks they fancied would paſs upon the Dutch deputies; but they were too well known to be believed; and the event ſhewed there was nothing elſe in all theſe boaſts aimed at, but to deceive; for, the minute Doway began to capitulate, the marſhal retired to ſafe ground, and intrenched with all his might, and dared not offer them battle all the reſt of the campaign, though more battalions had been weakened by the ſieges of Doway and Bethune, than the battle of Blenheim was fought with; and almoſt as many more were afterwards at the ſame time employed in the ſieges of St.-Venant and Aire. But theſe and all the other artifices of France could not delude or drive the States to quit the common intereſt, or induce the allies to hearken to a ſeparate peace with the French, who, they knew, were taking the moſt effectual means to make the reduction of Spain impoſſible, while they were treating of terms for the ſurrender of it. But nothing can diſcover more plainly the inſincerity of France, than what happened after theſe conferences were ended. Two days after their plenipotentiaries were gone, the duke of Anjou received a conſiderable diſgrace at Almanara; and, in about three weeks after that, his army was entirely defeated at Saragoſſa, beyond a poſſibility of maintaining his ground, or recovering his affairs, without the aſſiſtance of France. Here was now a fair occaſion for the French king to ſhew himſelf; his language had been all along, that he could not be active to dethrone his grandſon, but would conſent abſolutely to abandon him, if that would procure a peace. The allies cannot take his bare word: His miniſters make the moſt ſolemn proteſtations in his name, and give repeated aſſurances of this in the moſt expreſs words, and complain heavily, that they are not believed. Now, in leſs than a month after the conferences were ended, there happens the beſt opportunity in the world for the king to ſhew his great ſincerity: The obſtruction to a peace is the evacuation of Spain. Let now the king but keep his word, and be paſſive only, and the thing will do itſelf: The allies cannot fail of Spain, if the king does not ſupport his grandſon againſt them. What part now does the king take? Does he ſend to the allies, that he will abandon his grandſon in earneſt, if that will content them? Nothing like it; he balances, indeed, for ſome time what to do, and holds frequent councils: But for what? Not becauſe he was in any doubt, whether he ſhould act agreeably to his word, or ſhew he is ſincere; for that I have already obſerved he could not be; he muſt deceive either us or the Spaniards. All the debate therefore was, which he ſhould do: At firſt their affairs ſeemed to be in ſo deſperate a condition, as to be beyond retrieve; and that all the ſupport he could give his grandſon would be inſignificant: and therefore there were ſome thoughts of making a virtue of neceſſity, and to procure a peace to France by abandoning Spain; ſince, if he did not abandon it, it muſt be loſt. And had the action of Saragoſſa happened a month ſooner, it is very likely it had proved ſo, for the hands of the French were too full of other work to ſend any conſiderable force to Spain, till the campaign was in other parts, Savoy particularly, drawing to an end. After many conſultations, it is reſolved to make the utmoſt efforts to ſupport the duke of Anjou, notwithſtanding all their pretences to leave him to himſelf, or rather to perſuade him to quit a kingdom, which, without their help, all the world ſees he could not have kept. What ſucceſs this aſſiſtance, that has been given him, has had, I need not tell you; nor what further miſchief the common cauſe is like to ſuffer from it. It is a great pity the conference did not laſt one month longer, which would have put the French under a neceſſity of keeping their word, or in the moſt infamous manner breaking it, to ſupport a cauſe they had ſo often, and with ſo much ſeeming earneſtneſs, promiſed to renounce. As it is, there is but one excuſe for them,—which thoſe, I am arguing againſt, had rather ſhould not be made; and that is, to plead, that the caſe is altered: Affairs are not in the ſame condition they were in, when they made thoſe promiſes. They have a political obſervatory at Paris, where the marquis de Torcy and the French miniſters frequently examine what appearances there are in the heavens of all the countries in war with them; and according to theſe they take their meaſures of war and peace; and it is by this they juſtify their aſſiſting the duke of Anjou. What paſſed in Spain, the 20th of Auguſt, they thought ſufficiently balanced by what happened to the north-weſt of them the 19th. What preceded that phænomenon, and has ſince followed it, has determined the French not only to ſupport the Duke of Anjou, but to deſiſt for the preſent from all further offers of peace, by which we are as much plunged into the war, as we were ſeven years ago; and there ſeems no remedy for it, but, what is worſe than the diſeaſe, an ill peace.'

laſt place, they could not call a kind of priſon the town, which they pitched upon for their reſidence, and which they preferred to Antwerp, a large and noble city.

On the 7th of Auguſt, the lord Townſhend delivered to the ſtates-general a memorial, wherein he acquainted them, that the queen entirely approved their reſolution, in anſwer to the letter of the French plenipotentiaries, and all the ſteps they had taken during the late negociations; giving them, at the ſame time, freſh aſſurances of her majeſty's firm reſolution to proſecute the war with all poſſible vigour, till the enemy was brought to accept ſuch terms of peace, as might ſecure the tranquility of the Chriſtian world.

By this time the confederate armies under prince Eugene and the duke of Marlborough had made a conſiderable progreſs in Flanders. On the 14th of April, the earl of Albemarle, governor of Tournay, in concert with lieutenant-general Cadogan, cauſed the caſtle of Mortagne to be attacked, which was executed with ſo much ſucceſs, that the garriſon, conſiſting of a captain, four ſubalterns, five ſerjeants, and 65 private men, ſurrendered priſoners of war. But the next morning the enemy retook that poſt with about ſixty men. The earl, reſolving to be maſter of it again, made a ſecond attack with ſix hundred men of the garriſon of Tournay; and though the French garriſon, which conſiſted of two hundred grenadiers, were aſſiſted by twelve or fifteen galliots from Condé; yet the confederate troops, being ſupported by a detachment from the body of Count Feltz, and favoured by the cannon, which they had planted on the heights of Munde, the enemy were obliged again to ſurrender priſoners of war. The allies, conſidering the great conveniency and advantageous ſituation of that poſt, left there two hundred men, and four pieces of cannon.

The French had all the winter been ſtrengthening their lines for covering Doway, and other frontier towns, and boaſted they were impregnable; but not being able to ſupply their troops with proviſion, and eſpecially forage for their horſe, the two confederate generals, with count Tilly and monſieur de Claerbergen, one of the ſtates' deputies, made all the neceſſary diſpoſitions for advancing towards the enemy's lines; and the army began their march in two columns; the right commanded by the duke of Marlborough to Pont-a-Vendin, and the reſt by prince Eugene to Pont Oby, on the Deule. This march was ſo well contrived, and ſo ſudden, that notwithſtanding the great preparations, which the French had made for fortifying and defending their lines; the chevalier de Luxemburg, being for that purpoſe encamped with about four thouſand men near St. Amand, and the marſhal de Monteſquieu, having aſſembled about forty battalions, and ſixty ſquadrons, near Lens and Bethune; yet the prince of Wertemberg, and lieutenant-general Cadogan, with a detachment of fifteen battalions and fifty ſquadrons from the duke of Marlborough's column, entered thoſe lines at Pont-a-Vendin, without any oppoſition. The few troops they had there, for the defence of that poſt, retired without firing a gun; and the battalions and ſquadrons, poſted near Lens and Bethune, made likewiſe their retreat, partly towards Arras, and partly towards Doway. The allies having laid bridges over the Scarpe, the prince of Heſſe Caſſel was detached with twelve ſquadrons to fall upon their rear; but they broke down ſo many bridges, and retired ſo faſt, that he could not put his deſigns in execution, and only took a few priſoners. The army under the duke of Marlborough paſſed the Scarpe, encamping his right near Vitri, and his left at Gouy; the extremity of his left at Gouleſſin. The army under prince Eugene remained on the other ſide of the river to inveſt Doway, the ſiege of which was reſolved upon; and for that purpoſe lieutenant-general Cadogan marched to take poſt at Pont-a-Rache, and other detachments were made to open a communication over the lower Scarpe with Liſle and Tournay. The enemy quitted St. Amand, Marchienne, and the abbey of Haſnon below Doway; and their army retired towards Cambray, upon the news that the confederates had paſſed the Scarpe at Vitri. This opened the way to Doway, which was immediately inveſted.

On the 8th of May, eight hundred men were detached from prince Eugene's army to attack the caſtle of Pignonville near Fort Scarpe, which would have diſturbed the beſiegers in their approaches; and after an hour's reſiſtance, the garriſon, conſiſting of about one hundred men, ſurrendered priſoners of war. At the ſame time the neceſſary preparations for the attack of Doway being made, forty battalions were appointed for that ſervice, under the command of the prince of Anhalt Deſſau, and the prince of Naſſau Frieſland, both generals of foot. And, on the 4th at night, the trenches were opened with ſo much precaution and regularity, that the men were covered before they were perceived from the town; ſo that all the fire, which the enemy then made, proved ineffectual. The ſiege was carried on in the uſual methods till the 7th; when about ten at night the beſieged, to the number of one thouſand foot, (moſt grenadiers) and two hundred dragoons, made a vigorous ſalley, under the command of the duke of Mortemar, againſt the left attack, commanded by the prince of Naſſau; put the workmen into great diſorder, and levelled ſome paces of the parallel. Colonel Sutton's regiment ſuffered very much, being the firſt that ſupported the workmen; but, Macartney's and ſome other regiments coming up to their relief, the enemy were repulſed with conſiderable loſs, and purſued to their counterſcarp. The beſiegers had above three hundred men killed or wounded upon this occaſion, and among the latter, lieutenant-colonel Gledhil, who was taken priſoner.

By this time the enemy's troops began to aſſemble in different bodies near Bethune, Bapaume, Arras, Cambray, Landreci, and behind the river Somme; and marſhal Villars, whom the French court had appointed to command their forces in the Netherlands, being arrived at Peronne on the 14th of May, the confederate generals received advice, that he deſigned to paſs the Scheld, between Bouchain and Denain, in order to advance towards the allies. And indeed he made ſuch ſpeeches to his army, that it was generally believed he would venture a battle, rather than look on and ſee Doway loſt.

On the 17th of May, in the morning, the beſieged made a ſecond ſalley with nine companies of grenadiers, and a detachment of dragoons upon the left. But colonel Preſton, who commanded there, gave them ſo warm a reception, that, upon the firſt firing of his men, the enemy retired with precipitation. The 21ſt, at night, the beſieged made another ſalley on the left, wherein ſeveral men were killed on both ſides; and, notwithſtanding they were diſappointed, they made a fourth attempt on the trenches, the 23d at night. But, the beſiegers, who had notice of it, having killed about twenty of their men, upon the firſt diſcharge, the reſt retired in great confuſion.

During theſe tranſactions before Doway, Villars ſet out from Peronne, and arrived the ſame day at Cambray, where he held a grand council of war, in which it was reſolved, immediately to aſſemble the French army, in order to attempt the relief of Doway. Accordingly, Villars ſent expreſſes to ſome reinforcements, that were commanded to join him from the Upper Rhine, to advance with all poſſible expedition; and having drawn together all his troops, paſſed the Scheld, and encamped with his right near Bouchain, and his left at Ribecour. Upon advice of this motion, the duke of Marlborough and prince Eugene thought fit to alter the diſpoſition of their forces, except thirty battalions left at the ſiege, and twelve ſquadrons at Pont-a-Rache. The 24th, all the cavalry of the duke of Marlborough's army marched over the Scarpe, and encamped near Gouleſſin; and, the next day, the infantry moved the ſame way, encamping with the right over againſt Vitri, and the left near Arleux. At the ſame time, prince Eugene made a motion with his army, placing his right at Iſe-les-Eſquerchien; by which ſituation, the confederate troops were ready to repair immediately to either of the fields of battle, already marked out, according to the next motions of the enemy; for which purpoſe roads were made for the armies to march in four columns either way. The 25th, bridges were laid in ſeveral places over the Scarpe, (which parted the two armies) for the more eaſy communication of the troops; and, the ſame day, upon advice that the enemy were in motion, all the troops were ordered to be in readineſs to march. The four following days, both armies made ſeveral motions; and, on the 30th, the Dutch infantry, under count Tilly, was ordered to join the duke of Marlborough's army; which was by this time reinforced by the arrival of the Pruſſians, Palatines, and Heſſians, and the recalling of ſeveral detachments. Upon intelligence, that Villars had poſitive orders from court to venture a battle, the expectation of a ſudden engagement increaſed on both ſides; and that general, who was incamped with his right at Roquelincourt, near Arras, and his left at St. Eloy, advancing with his troops in order of battle, the confederate generals repaired to their reſpective poſts; the cannon was placed on the batteries that defended the avenues to their camp; and all other neceſſary diſpoſitions were made to receive them. Villars, with a great detachment, advanced ſome time after, within muſket-ſhot of the confe-

derates' guard, and took a view of the army and its ſituation. But inſtead of attacking them (as he had ſo confidently given out in the morning, he marched back, and joined the centre of his army, and incamped between Noyelles Sous-Lens and the heights of St. Laurenes. The confederates, judging he did not deſign to attack them, but only to retard the ſiege, ſent the troops back, which they had drawn from before Doway; and thoſe under general Fagel returned into the lines on the other ſide of the Scarpe. And, to prevent any ſurprize from the enemy, orders were given to join the ſeveral redoubts, in the front of the camp by a line to extend from Montignon to Vitri, which was finiſhed on the laſt of May.

The ſiege of Doway, which by all theſe motions had been retarded, was carried on with all imaginable vigour, notwithſtanding the many obſtacles the allies met with in their approaches, both from the difficulty of the ground, and the reſolute defence of the garriſon. On the 29th of May, the beſieged made a fifth ſalley on the right attack, and penetrated into the trenches; but, after an obſtinate engagement, they were repulſed with the loſs of twenty-five officers, and about one hundred private men. The next day a party of the garriſon of Fort Scarpe made a ſalley, and advanced to Pont-a-Rache, with a deſign to intercept the bread waggons of the allies. But colonel Caldwell, who commanded there with three hundred dragoons, vigorouſly repulſed them, though he had the misfortune of being wounded in one of his arms. The laſt day of May, the beſieged made a vigorous ſalley, burnt ſeveral villages, took part of the equipage of general Fagel, and returned into the town with a good number of cattle. The beſieged continued to defend their out-works with the utmoſt obſtinacy; but notwithſtanding their frequent ſallies and mines, on the 5th of June, the allies made two lodgments on the glacis of the counterſcarp at the right attack; as alſo lodgments on the right and left of the other attack of the counterſcarp of the ravelins, and fired briſkly from the batteries of cannon and mortars, to drive the enemy from their traverſes. The 10th in the morning, the allies fired five pieces of cannon into the covered way, and continued the ſap, which went on but ſlowly, by reaſon of the great fire of the enemy. However the beſiegers in the night, between the 14th and 15th, perfected a lodgment on the covered way at the right attack, and repaired the damages their works received at the left by the great number of bombs, that were thrown into them. On the 16th, the beſiegers began to fire againſt the ravelins, from a battery of ſeven pieces of cannon, and made a line of communication on the left attack. They ſprung likewiſe two mines, that night, at the right attack with ſo much ſucceſs, that the enemy abandoned all their places of arms, and the beſiegers made lodgments at both attacks. After this they brought ſeveral pieces of cannon on their batteries, and fired ſo effectually, that, the breaches in the ravelins being judged wide enough, and all things being in a readineſs to ſtorm both of them by the 19th, the troops commanded for the aſſault performed that ſervice with great bravery, but met with ſo vigorous a reſiſtance, that many were killed on both ſides. On the 23d at night the prince of Anhault having made the neceſſary diſpoſitions for attacking the two ravelins at the right attack, they ſtormed the ſame on the 24th, and lodged themſelves thereon after a ſmall reſiſtance. Soon after the enemy ſprung two mines under the ravelin of the right, whereby the beſiegers loſt ſome workmen: However they enlarged the lodgments and communication at the left. At length the garriſon, being reduced to the laſt extremity, on the 25th at two in the afternoon beat a parley, and offered to capitulate for the town only, without including Fort Scarpe. But this being refuſed, they ſent hoſtages to both attacks, who were conducted to the duke of Marlborough's quarters; where being again told, that no capitulation could be granted to the town without including Fort Scarpe; on the 26th in the morning, monſieur Albergotti ſignified, that he was willing to ſurrender that fort with the town, provided he might have liberty to remove all their proviſions and ammunition. This pretenſion occaſioned a conference in prince Eugene's quarters, where it was agreed, that the garriſon of Fort Scarpe ſhould be allowed to march out with two cannon, two covered waggons, twenty others, and two days proviſions; but they were to leave their muſkets in the magazine. So the capitulation for the town and Fort Scarpe were ſigned on the 26th, after fifty-two days open trenches. Purſuant to this capitulation, on the 29th, about ten in the morning, Albergotti, marched out of Doway [c] with his garriſon (which amounted to no more than four thouſand five hundred and twenty-ſeven men) and lieutenant-general Hompeſch took poſſeſſion of the town as governor. Brigadier Des Roques, engineer-general of the ſtates, was likewiſe made governor of Fort Scarpe at the ſame time. The allies found in the place forty pieces of braſs cannon, two hundred of iron, and eight mortars, with ammunition and ſmall arms, but a very ſmall ſtock of proviſions [d]. As ſoon as the trenches and other works before the place were levelled, and the breaches repaired, the confederate armies, being joined by ſeveral detachments, advanced to Vitri, and from thence to the camp at Villars Brulin. Villars being likewiſe reinforced with ſeveral detachments, and having drained the garriſons of Condé, Queſnoy, Valenciennes, and Cambray, inſtead of attacking the confederates, encamped within his new lines from Arras, towards Miramont. The confederate generals finding it impracticable, either to attack the enemy, or beſiege Arras, turned their army againſt Bethune [e], which was inveſted the 15th of July, N. S. and on the 29th of Auguſt the place was ſurrendered by Monſieur du Pay Vauban, who commanded there, and was nephew to the famous engineer of that name.

During the ſiege of Bethune, Villars, with his army, marched out of their entrenchments, and poſitively declared, that he would attack the confederates, and endeavour to raiſe the ſiege. Upon this the duke of Marlborough and prince Eugene formed their armies in order of battle, and the duke advanced with a detachment to obſerve the French army, who, inſtead of preparing for a battle, were caſting up a new line and entrenchments for the better ſecurity of their troops. On the 24th of Auguſt, the right wing of prince Eugene's army foraged in the front towards St. Pol near the enemy's camp, under a guard of five hundred horſe, and one thouſand Daniſh and Heſſian foot. Villars, having notice of it the night before, detached thirty ſquadrons under the command of the count de Broglio, to attack the foragers; and, in order to be an eye-witneſs of that enterprize, he followed in perſon, and arrived on the mount of St. Pol, where he ordered four ſquadrons of carabineers to attack the foragers on that ſide, while ſome other ſquadrons were advancing to attack them another way. They fell upon three ſquadrons of the allies, which gave way; but the foragers, joining with their guard, beat the enemy back with great ſlaughter. However, the French growing too numerous, the allies retired in very good order to an adjacent village, from whence the Daniſh and Heſſian infantry made ſuch a fire upon the enemy, that they loſt a great many men. Villars advanced in perſon, and having ſurrounded that poſt, ſummoned the infantry to ſurrender, and, upon their refuſal, ordered part of his horſe to diſmount and attack them; but they were ſo warmly received, that they retired in diſorder. In the mean time the picquet guard of the army advancing, and prince Eugene marching with part of his cavalry, Villars thought fit to retreat, leſt this ſkirmiſh ſhould occaſion a general engagement, having loſt a great many men in this fruitleſs attempt, beſides a colonel, twenty other officers, with three hundred private men, who were made priſoners, and a booty of one hundred and fifty horſes.

As Villars ſtill declined an engagement, the confederate generals, in order to ſecure the head of the Lys, reſolved to beſiege St. Venant [f] and Aire [g] at the ſame time. Both theſe

[c] Doway, or Dovay, a ſtrong city of the Low-Countries, in the earldom of Flanders, the marquiſate of the territory of Doway. An univerſity, ſubject to the French, and taken by them in 1667. It ſtands on the river Scarpe, between Artois and Hainault, thirteen miles almoſt north of Cambray, fifteen almoſt eaſt of Arras, and thirty-five weſt of Mons.

[d] The French, according to their cuſtom, very much magnified the loſs ſuſtained by the allies in the ſiege of Doway. And it is certain, the reduction of ſo ſtrong and important a place muſt be attended with no ſmall danger and difficulty; and according to the computation, which was made by the allies of their killed and wounded, there were three lieutenant-colonels, three majors, twenty-three captains, thirty-five ſubalterns, one hundred ſerjeants, and one thouſand eight hundred and ninety-nine private men killed: Two lieutenant-colonels, four majors, fifty captains, one hundred and fifty-two ſubalterns, two hundred and forty-two ſerjeants, and five thouſand two hundred and ſixty-ſeven private men wounded. Of the artillery, fifty-four killed, and ninety-ſix wounded: engineers, thirteen killed, and thirty-three wounded: miners, twelve killed, and twelve wounded. Total at both attacks, two thouſand one hundred and forty-two men killed, and five thouſand eight hundred and ſixty-five wounded.

[e] Bethune is a town of the Low-Countries, in the earldom of Artois, vaſtly ſtrong, and in extraordinary repair. A nobleman, in his travels, was ſo extremely pleaſed with it, that he declared, it gave him ſuch ſurprizing ideas of the great loſs of France, in the death of monſieur Vauban (who drew the plan of it) that he could not but paſs away a melancholy thought upon mortality, and regret the ſhort duration of inventors of arts and ſciences, when the works, that are done by them, are of ſo long continuance. It ſtands on the river Biette, eighteen miles north-weſt of Arras, and eighteen ſouth-eaſt of Aire.

[f] St. Venant is a town of the Low-Countries, in the earldom of Artois. It ſtands by the borders of Flanders, about four miles eaſt of Aire, twenty-ſix ſouth of Dunkirk, and as many north of Arras.

[g] Aire is a large and handſome city of France. It ſtands upon the Lys, twenty-five miles ſouth of Dunkirk, twenty-eight north-weſt of Arras, and twenty-ſix eaſt of Boulogne.

places were inveſted on the 6th of September, and both ſurrendered on honourable terms. St. Venant the 30th of September, and Aire the 9th of November.

Notwithſtanding the great precaution of the allies, for the ſecurity of their artillery and ammunition, which were to be uſed in theſe ſieges, the enemy formed a deſign of ſurpriſing a convoy of ſeveral boats coming up the Lys from Ghent, under a guard of twelve hundred men, who were to be reinforced by another detachment. But monſieur de Ravignan, with four thouſand men from Ypres, not far from Courtray, beat the guard; killed about two hundred men; took ſix hundred ſoldiers; blew up ſome boats laden with ammunition, ſunk others laden with cannon-ball and bomb-ſhells, to interrupt the navigation of the Lys, and then retired with ſo much precaution, that a detachment of the allies, ſent out to cut off his retreat, could not effect it. There was no time loſt in repairing the damages occaſioned by this misfortune; and the country people were immediately ſummoned to weigh up the boats, which the enemy ſunk in the Lys, and clear the paſſage of that river.

On the 26th of September, the chevalier de Luxemburg having formed a deſign to ſurpriſe Fort-Scarpe, marched from Bouchain with a ſtrong detachment to Pont-a-Rache, ſent two hundred men in the night into the wood of Bellifonties near the fort, and had two waggons loaded with hay, in which ſeveral grenadiers were concealed. Theſe waggons were driven by ſome other ſoldiers diſguiſed as boors, who were to ſeize the barrier, and, upon a ſignal, to be ſupported by others, and then by the chevalier himſelf. But major-general Amama coming at the ſame time to viſit general Hompeſch, who, having ſome ſuſpicion of the deſign of the enemy, was gone into the fort to give the neceſſary orders for its ſecurity, left his guard without the barrier, who walking their horſes, and following the waggons by mere chance, the enemy believed they were diſcovered, and ſo ran away, leaving their captain and one of their men priſoners.

Six days after the ſurrender of Aire, the confederate armies broke up and marched into winter-quarters.

Thus ended the campaign in Flanders, which, though not of ſuch luſtre as the former, becauſe no battle was fought, yet was, by military men, eſteemed very extraordinary in this reſpect, that our men were about a hundred and fifty days in open trenches, a thing ſaid to be without example.

Nothing conſiderable paſſed on the Rhine, they being equally unable to enter upon action on both ſides. The French, who, in the winter, had threatened the empire with a new invaſion, were obliged to weaken their forces, in order to cover their frontiers, and ſtrengthen their armies in the Netherlands; and the Germans were not in a condition to improve ſo fair an opportunity of invading France. The elector of Brunſwick, who commanded the Imperial army, diſſatisfied with theſe proceedings, deſired leave to reſign a command, from which, as he ſaid, he could not promiſe himſelf any honour, nor the public expect any advantage. As he could not be prevailed with to deſiſt from his purpoſe, the command of the army of the empire was given to count Gronsfelt.

Nor was the campaign on the ſide of Piedmont more conſiderable than on the Rhine. The march of the confederate troops met with ſuch difficulties and delays, that the army was not formed till about the middle of July; and the duke of Savoy, beſides his former pretences for not putting himſelf at the head of the army, was now indiſpoſed, as well as the prince of Piedmont, his eldeſt ſon, and his brother, the duke of Aoſta. In this ſituation, count de Thaun, veldtmarſhal of the Imperial forces, took upon him the command of the confederate army, the Piedmonteſe generals being directed to comply in every thing with his orders. But, notwithſtanding the preparations made to paſs the Alps, and penetrate into Dauphiné, they found it impoſſible to force their way through the mountains; ſo that, after having diſlodged the French from Arches, and ſome other poſts at the entrance of the valley of Barcelonette, they gave over that deſign, and the army marched to Suza, where they continued, as long as the ſeaſon permitted, to hinder the duke of Berwick, who commanded the enemy's forces, from making any detachments into Spain. The French were ſo apprehenſive of an invaſion on the ſide of Dauphiné, that, beſides the intrenchments they caſt up in the mountains with great labour and expence, they were obliged to keep there ſeventy-two battalions, and a good number of horſe.

The campaign this year in Spain was very remarkable, where both parties were conquerors and conquered by turns. In April a great council of war was held (ſays our author *) in which it was reſolved to take the field on the firſt of May, and that the fleet (lately arrived at Barcelona, under the command of ſir John Norris) ſhould immediately ſail for Cagliari, to ſecure the iſland of Sardinia, which was performed in a ſhort time. Purſuant to this reſolution, our army aſſembled near Agramont. The enemy, under the command of the marquis de Villadarias, had already taken the field, and were incamped at Balaguer. Upon our approach they marched to Lerida, and we took poſſeſſion of their camp. Here king Charles, with general Stanhope (who was come from Italy with money and a thouſand recruits) came and reviewed the whole army. On the other hand, king Philip, who was likewiſe come to head his army, gave it out, that he was reſolved to put all to a deciſive battle; and, accordingly, the enemy, conſiſting of forty-two battalions and ſixty ſquadrons, marched along the plain in our full view, in nine columns, to attack us. Marſhal Staremberg immediately prepared to receive them, but they did not think fit to come within cannon-ſhot that day, and only drew up in battle on the hills on our left, from whence they could eaſily diſcern every thing in our camp. In the evening they retired to Belcaire, in the way to Balaguer, about four miles diſtant. The next day they came again, and, forcing in our grand guard, halted an hour or two; after which they marched towards our front, raiſed a battery, and began to fire. This was anſwered by one of ours, which did ſome execution on their foot. Having halted ſome time, they retired a ſecond time to the ſame place, and were purſued by general Stanhope with ſome ſquadrons, who fell upon their rear, and killed ſeveral hundreds. A few days after, the enemy ſent a large detachment, with ſix pieces of cannon, to take the town of Calaf, where we had ſome men, but they met with ſo warm a reception, that they were glad to return to their camp.

On the 15th of July, it was reſolved in a council of war, to march down the plain in our turn, and attack the enemy before they had paſſed the river at Lerida: But that evening, news being brought that all had paſſed, or would have paſſed before we could come up with them, that deſign was laid aſide, and another was put in execution. The next morning ſome ſquadrons of dragoons, and twenty companies of grenadiers, with cannon and pontons, marched very early to make a bridge over the Noguera at Alfaras, and the whole army followed. When our horſe came upon the hills, they ſaw forty-two ſquadrons drawn up, with nine battalions, upon ſome high grounds near Almanara, who were followed by their whole army, which was in the valley, on the other ſide the hills. General Stanhope, rightly judging that we had a fair opportunity of falling upon theſe ſquadrons before their whole army was joined, went with general Belcaſtle to king Charles (who was near with marſhal Staremberg and count Attalaia) and preſſed his majeſty very warmly to attack the enemy with the horſe, ſuſtained by the whole army; but, perceiving the king and the marſhal did not ſo readily come into his propoſal as he expected, he ſaid aloud, that if they let ſlip ſo fair an opportunity, general Belcaſtle and he had orders to withdraw his troops, which he would inſtantly obey and leave the country. Upon theſe words he went away to a great number of general officers and colonels, who were got together about fifty paces from the king, viewing the enemy, and expecting what news the general would bring them. In a few minutes, count Attalaia came to Stanhope from the king, to inform him that he complied with his deſire and advice, but wanted to know, Who was to command? Who but myſelf, anſwered the general, being the lieutenant-general of the day. He immediately ſends his aid de camps to the regiments he intended to take with him, with orders to mount and follow him. Theſe were all the horſe and dragoons on our left, in all ſixteen ſquadrons. The reſt of the horſe were commanded by the marſhal to follow, and all the foot to form and be ready to march. Orders were alſo ſent to the commander of the train to fix a battery of ſix guns upon a riſing ground of our left. The ſun was not above half an hour high, when general Stanhope marched up to the enemy, who were in two lines, twenty-two ſquadrons in the firſt, and in the ſecond, twenty, beſides the nine battalions, who were a little behind them on their right. Stanhope put himſelf at the head of the firſt ſquadron of Harvey's horſe, and Carpenter at the head of the other. He made a very ſhort ſpeech to the men, and deſired them to keep very cloſe, and not break themſelves, for he was ſure they would be as firm as a rock, and all the enemy's ſquadrons could not break them. Then he marched and attacked the guards commanded by general Ameſſaga, who, as their horſes' cloſed, ſpoke ſome words to him, which Stanhope anſwered with a ſtroke of his ſword, that killed the Spaniard. The whole ſquadron, as indeed all the reſt, animated with the example of their general, performed wonders, puſhed the firſt line upon the ſecond,

* Namely, of the manuſcript account of the campaigns in Spain. This Manuſcript uſes the Old Style.

and entirely routed the Spaniſh horſe. The nine battalions ran away, and all were purſued till dark. We lay upon our arms all night, and the next day incamped on the field of battle. In this ſhort action we took lieutenant-general Verboon, and loſt the earl of Rochfort and count Francis Naſſau, both killed at the head of their regiments of dragoons, and both officers of great merit and diſtinction. About four hundred men were killed and wounded on our ſide; but the the enemy's loſs was conſiderable, the number of their ſlain and wounded not being leſs than fifteen hundred. Many more would have been made priſoners, if our men, in the heat of action, could have charged themſelves with them. The enemy retired that night in ſuch haſte to Lerida, that they left behind a great deal of their baggage (amongſt which was ſome of king Philip's plate) and in two days marched on towards Saragoza, the capital of the kingdom of Arragon.

We left our camp of Almanara to purſue them, and took the caſtle of Monſon, and fortified the head of the bridge. From hence a thouſand horſe were detached to ſeize the town of Albaſtro, and the day after a thouſand foot, with four pieces of cannon, were ſent to the town of Stadilla, which was defended by above five hundred men, and where the enemy had ſome magazines, which were all taken. Stanhope marched all that night for Sarimana, where he found two regiments of horſe, which he ſoon put to flight. A party of four hundred horſe marched to Candaſmos, and ſurprized a convoy of forty waggons with ſtores, ſixty laden mules, and two thouſand ſheep, guarded by two troops of horſe, which they routed and brought away the whole convoy. This ſupply was very acceptable in a country, where proviſions for man and beaſt began to grow very ſcarce, being at ſo great a diſtance from Barcelona, where our magazines were.

On the 2d of Auguſt [1710] general Stanhope, after having been away ſeveral days with two thouſand horſe, joined the army, and all marched to Cajadin. Here we ſaw the enemy plant their camp near Fraga, on the other ſide the river Cinca, which it was reſolved we ſhould paſs that evening to attack them the next morning: But they marched all night towards Saragoza, ſo that inſtead of fighting we were put to a long and tedious march after them, in which we overtook part of their rear, and ſeveral ſkirmiſhes enſued, which might have drawn us into a general battle, very much to our diſadvantage; becauſe the main of our army was ſtill at a diſtance over a very long heath, where no water was to be found, and the weather exceſſively hot; whilſt the enemy's were altogether behind a brook and ſuch high eminences as were almoſt inacceſſible, and the ford through which they had paſſed the brook very narrow. When general Stanhope came up to the advanced guard, and to ſome ſquadrons ſent to ſuſtain it, he immediately formed all the horſe of the left, and ſent with all ſpeed the generals Belcaſtle and Wills to march up the foot as faſt as they could. Preſently after marſhal Staremberg came up with the right of our horſe and formed immediately; for the enemy was not then half a mile from us. Freſh orders were ſent to the foot and artillery to make all poſſible haſte. The enemy ſent ſeveral ſmall parties to the riſing grounds to obſerve us. Some of their horſe came through the narrow ford, but, when they ſaw ours drawn up, they quickly retired. At laſt the foot and train being arrived, diſpoſitions were made to receive the enemy, if they thought fit to come from behind their ſtrong natural intrenchment and attack us: but they ſuffered our army to refreſh themſelves after ſo great a fatigue, and marched away in the night, leaving at a ſmall town on this ſide the ford, ſome of their baggage, which was ſecured the next morning. Here we reſted ourſelves that night without pitching our tents, and early in the morning marched after the enemy to the large town of Candaſmos, where we were in danger of periſhing with thirſt, there being neither pump nor well, nor ciſtern in the place, but only one large pond of water, which the troopers, as they came up, marched their horſes into, and by that means the water was ſo ſpoiled, that it could not be uſed. The pond was ſupplied by two ſprings, which the foot-ſoldiers entirely ruined by their great eagerneſs to come at the water. Wine was as ſcarce as water, none being to be found in the town, nor even in the convent, and what the ſutlers had was all turned ſour [a]. We were glad to march out of this place the next morning, but found ourſelves in as great diſtreſs for want of water as the day before, till we came to Bucarolos, where we incamped, the enemy ſtill retiring before us. At break of day the army marched on in four columns, in expectation of overtaking the enemy, but were diſappointed, and inſtead of them had to encounter, on our march to Uſera on the Ebro, with violent thirſt and heat, without a drop of water; and, to incommode us the more, the enemy had ſet fire to a very long heath, we were to paſs over. It is not to be conceived what we ſuffered upon ſuch a march, ſmothered all that day with clouds of aſhes, eſpecially the foot. About five in the evening, and not before, the horſe of both lines got to the river Ebro, whoſe waters did not a little refreſh us. Some generals rode up by the river ſide, and diſcovered at a ſmall diſtance the tops of the enemy's colours behind a riſing ground. A party of huſſars being ordered to advance, brought word in a quarter of an hour, that their army was there in a marching poſture. Staremberg inſtantly made a diſpoſition, in caſe they ſhould come back, and the foot formed as they came up. We ſtayed upon our arms till night, when we could hear the enemy's drums, who then began to march to Saragoza.

General Stanhope, perceiving no great inclination in the marſhal to paſs the river that night, prevailed ſo far as to have Carpenter detached with two thouſand horſe to ford it over, and went with him as a volunteer. We expected to hear every moment, that the pontons were ordered to be laid over the river for the whole army to paſs; but no ſuch thing, till at laſt the generals Belcaſtle, Wills, Fraucomberg, and Lepel went to Staremberg, and, after a long conſultation, gained the point, in which it was ſaid, the marſhal was determined by the king, as well as convinced by the reaſons of the generals. The pontons, after this, were laid with all expedition, and the army began to paſs the river between one and two in the morning, on the 8th of Auguſt. Carpenter, finding the enemy were gone to Saragoza, marched with his detachment of horſe by the ſide of the Ebro, over-againſt Villa-Franca, and having notice that the army had paſſed the river, he marched as an advanced guard towards that city, where he found the enemy's horſe drawn up. We marched with great ſpeed, and came in the evening before the town, where we ſaw the enemy's whole army in order of battle (being within leſs than cannon-ſhot of them) on a riſing ground on the right of the city. Here we continued all night on our arms, and ſome of the horſe moved towards us, as if they intended to ſurprize us, but we were too well upon our guard for them to attempt any thing that night.

When General Stanhope viewed the enemy's diſpoſition that evening, he obſerved their right line was extended far beyond our left, theirs conſiſting of thirty-two ſquadrons, and ours of twenty. Whereupon he formed a deſign, which he communicated at ſupper to ſome officers, and which proved of great ſervice the next day. He commanded the left of the army, and the body of reſerve under Brigadier Hamilton was by the marſhal ordered to obey his directions. This body conſiſted of eight ſquadrons of Portugueſe horſe, who were cloathed in red. The general rightly judged the enemy would take them for Engliſh (as they did) and ſo reſolved to have them drawn up before the battle at a diſtance from his left, and to flank it, all which ſucceeded to his wiſh.

The next morning very early the cannon began to fire on both ſides. The moſt part of the morning was ſpent in viewing the lines and making alterations. King Charles with marſhal Staremberg rode from the right to the left, notwithſtanding the danger, which animated the troops. The convoy of bread was expected every moment, and was much wanted, conſidering the laſt three days march, but it came not before the ſignal for the attack was given; ſo that the ſoldiers, as well as many officers, fought with empty bellies. General Stanhope was obliged to march the horſe more to the left, by reaſon of a very large dry ditch made by the torrents, that come down from the hills, and which is very famous in the hiſtory of Arragon; for here it was, that king Ferdinand overthrew the Moors, and made ſuch a ſlaughter of them, that the ditch is from thence called, 'the 'ditch of the ſlain'. We loſt many men this morning, who, preſſed by hunger and thirſt, ventured to go and gather grapes in the vale between the two armies, and were ſhot by the enemy's advanced guard. Major-general Wade came to the left ſome time before the attack, and adviſed general Stanhope, beſides his other project (which he much liked) to have three or four battalions ſent for, to interline with his ſquadrons, which was done, and they performed very great ſervice. About noon the ſignal for battle was given; the body of reſerve immediately marched up and flanked our left, which had the deſired effect; for the enemy obſerving this body of red coats beyond our line, ordered ten or twelve ſquadrons of their right to march and attack them. General Stanhope ſoon came up with the enemy's horſe, which he did not find much ſuperior to his, by reaſon of the detachment juſt made, but ſtill they were ſuperior. He received their

[a] A general officer gave fifteen piſtoles for a cheſt of Florence, and had but three flaſks out of it that could be drunk. M. S.

fire, which killed and wounded ſome men, which put two ſquadrons into diſorder, but they rallied in an inſtant. Then the whole left fell upon the enemy ſword in hand with ſuch order and courage, that, notwithſtanding an obſtinate reſiſtance, the firſt line was entirely broke. The ſecond made but a ſhort ſtand, and ran away with the firſt. They were purſued very far, and in the flight many were taken and killed. Our right and centre were no leſs ſucceſsful. For their left wing of horſe was overpowered and put to flight in a ſhort time by our right. The foot indeed made a longer defence, which laſted above two hours, but with ſuch ſlaughter of their men, that the field of battle was covered with the dead. The enemy's horſe of the left wing being gone, and our right being come up to the walls of the city, our horſe had time to breathe, for the ground would not permit them to be in the lines, and the right of our foot was cloſe to the walls. Here the marſhal was at the head of his own regiment, making it fire by platoons, as regularly as any of ours do at their exerciſe. The detachment, the enemy had made againſt the body of reſerve, put them to flight as was expected, and purſued them a great way, till they found their miſtake. Then returning towards the field of battle, and finding their right was gone off, they fell very furiouſly upon our battery, cut to pieces all the guard, and killed or wounded all the officers and men belonging to it. Our author (a chaplain in the army) was upon the battery, and firſt diſcovered theſe ſquadrons advancing towards it; upon which he thought it high time to ſecure himſelf by galloping away to our right. When he came there, through the field of battle (which, ſays he, was a terrible ſight) he met cloſe by the walls with general Wetzel, whom he informed of the ſucceſs of our left, and of what the enemy's detachment of horſe was doing in our rear. Wetzel deſired him to go to the marſhal, and ſent his aid de camp with him. He found the marſhal (as was ſaid before) exerciſing his men againſt a brigade, that had turned their backs upon us. When he told him, that general Stanhope had defeated the enemy's right, and was purſuing them, but that ten or twelve ſquadrons were in our rear and falling upon our batteries: That is no great matter (ſays the marſhal) if general Stanhope has beat the right, we are ſure of a complete victory. And ſo indeed it proved, for quickly after all the foot threw down their arms and ran away, or were taken priſoners. However, upon the intelligence given the marſhal, he ordered Wetzel to be upon his guard, and prevent any ſurprize from thoſe ſquadrons, who, in a few minutes, came in ſight of our rear; but upon our firſt motion galloped away and were ſeen no more. A great ſlaughter was made of the enemy's foot, to the number of five or ſix thouſand, and about ſeven thouſand were taken priſoners. We took all their colours and cannon, and ſhould have made more priſoners, had the horſe of our right had room to purſue them; but the ſituation was ſuch, that they could not paſs by or through the foot. However the victory was entire and glorious, conſidering the great diſproportion of numbers, the enemy having ſixty ſquadrons to our forty-ſeven, and forty-two battalions to our thirty-three. The army encamped that night in a very commodious and pleaſant ground near the city.

King Charles, in the evening, entered Saragoza, attended by moſt of the general officers, and was received with loud acclamations by the people, who looked upon him as their deliverer from the yoke they had ſo long groaned under, and as come to reſtore them to the form and privileges of their ancient government, which had been taken from them. And in this he anſwered their expectations; for the king's firſt care, that very night, was to aboliſh the Caſtilian government (which had been introduced by king Philip, and conſiſted of chancellors, ſyndics, &c. in every city, of his appointment) and gave them their old magiſtrates or jurats, as well in the kingdom of Arragon, as in Valencia and Catalonia, who are choſen by the people. During the public rejoicings, the populace fell upon the houſes of king Philip's magiſtrates in a very riotous manner, and committed great outrages, as they did alſo upon all the perſons of diſtinction, that were reputed to be better affected to the houſe of Bourbon than to that of Auſtria. Nor would this tumult have been ſo ſoon appeaſed, if parties of ſoldiers had not been ſent to diſperſe them.

In this large city we found very conſiderable ſtores of all ſorts of proviſion, ammunition, and entire cloathings of regiments. The ſituation of Saragoza is extremely pleaſant, being ſeated on the river Ebro, in a very plentiful country, abounding with every thing neceſſary for the ſupport and convenience of life. The ſtreets are broad and long, adorned on both ſides with ſtately palaces, belonging to the grandees of the kingdom of Arragon. This city was the delight of Julius Cæſar, who erected here a very magnificent palace for himſelf (inhabited now by the archbiſhop) and built a large ſtone bridge over the Ebro, oppoſite the middle of the town, with a great number of arches, which is now as firm and ſtrong as if it was a modern ſtructure. To perpetuate the memory of his benefactions to this city, he called it after his own name, Cæſaris Auguſta. Here the army refreſhed themſelves, after their fatigues, a whole week, which time was employed by king Charles, in ſettling the civil government of this kingdom upon the old eſtabliſhment, and not in diverſions.

The generals were daily conſulting among themſelves what was proper to be done to improve their late ſucceſs, in order to put an end to the war, and fix King Charles on the throne of Spain. A great council of war was held, in which it was reſolved to march to Madrid. General Stanhope did not think fit to lay before this council a project of his own (which he had communicated only to one or two friends, particularly to general Wade) becauſe the march towards Madrid was, for ſome days, in the way to the place he intended to propoſe. On the 16th of Auguſt, we broke up our camp at Saragoza, and were ſeven days before we reached Calataynd, where we halted three days. At this place a council of war was held, in which general Stanhope opened his project, namely, That, ſince there was no bodies of the enemy able to oppoſe our march to Madrid, a ſtrong detachment ſhould be ſent to Pampeluna (which was not very far from Calataynd) the only paſs by which the French could ſend any forces into Spain: that all we had to fear was from the French reinforcements; and, if that paſs was well ſecured, they could not penetrate into Spain but by Gironne, on the other ſide of the kingdom: that, if our forces once took poſt at Pampeluna, they could not be diſlodged by all the troops the French king could ſend to the aſſiſtance of his grandſon: that there we might have freſh troops, ſent us from England and Holland, and not only troops, but all manner of neceſſaries, it being a much ſhorter voyage to the Bay of Biſcay, than to any port in the Mediterranean: that, if they could prevent any ſuccours from joining the enemy the latter end of this year, ſuch meaſures might be taken in the winter, as would ſecure the quiet poſſeſſion of the kingdom. Theſe, with many other reaſons, were urged by general Stanhope, and heard with ſurprize. He anſwered, in a very plain and ſatisfactory manner, all the objections that were made againſt his propoſal, but his anſwers did not content all the members of the council, who perhaps had their private views [i]. However, marſhal Staremberg approved of this well-concerted project; but, as his ſingle approbation was not ſufficient to bring over the reſt, it was reſolved the whole army ſhould march to Madrid, which gave general Stanhope a very great concern, and very juſtly; for, had his project been put in execution, it would very probably have ſoon brought the war to a happy concluſion, and prevented the ſhocking turn of affairs, which happened in leſs than three months [k].

On the firſt of September we got to Seguença, a city of Caſtile. Here another council of war was held, and it was again reſolved to continue our march towards Madrid. On the 9th, the army arrived at Alcala; and, the next day, general Stanhope went with a thouſand horſe to Madrid, followed by all the troops. King Charles came thither the 17th, but made no ſtay. He found none of the grandees there, and it appeared, that the Caſtilians were firmly united to king Philip, and reſolved to adhere to him at all hazards. A detachment was ſent to take and fortify Toledo; and about that city, and the neighbouring country, the army continued in ſeveral incampments till the latter end of October, when they began to march into cantons. The king of France now ſhewed he was reſolved to maintain his grandſon, ſince, if it had ever been his intention, it was now very eaſy to oblige him to evacuate Spain. But he had no ſuch deſign, but the contrary, as appeared by his proceedings. For after the battle of Saragoza, which had cauſed a great conſternation in the court of France, it was reſolved in a council at Verſailles, that the Duke of Vendoſme ſhould immediately ſet out for Navarre, and put himſelf at the head of the remains

[i] Of which views the plunder of Caſtile is ſaid to be none of the leaſt.

[k] Contrary to this account of our author, who was on the ſpot, a letter from the Condé d'Aſſumar, the Portugueſe ambaſſador in Spain, is quoted by Boyer and others, aſſerting, That a certain foreign general (meaning Stanhope) with ſome Spaniſh general officers, prevailed with king Charles to march into Caſtile, in oppoſition to the opinion of Staremberg and Belcaſtle.

of the Spaniſh troops, which were to be reinforced with detachments from ſeveral parts of France. King Philip, after the battle, got off with a very ſmall body to Madrid. But he ſoon left it, and retired with all the tribunals following him to Valladolid, and ſent his Queen and ſon to Victoria. Some of his troops got off in ſmall bodies, and theſe were in a little time brought together to the number of ten thouſand men; the troops, they had on the frontier of Portugal, were brought to join them, with which they ſoon made up the face of an army. The duke of Vendoſme, in the beginning of September, arrived at Bayonne, and orders being given for the garriſons of Pampeluna, Jaca, and other towns in Navarre, to march and join the Spaniſh army, he and the duke de Noailles purſued their journey to Spain. When they came to Valladolid, where king Philip kept his court, it was reſolved in a council of war, that the duke de Noailles ſhould return to Paris, and from thence proceed with the utmoſt diligence to Rouſillon, in order to act offenſively in Catalonia, and that, as ſoon as the Spaniſh army was recruited, the duke of Vendoſme ſhould repair thither.

In the mean time, though the French were preparing to ſupport king Philip's broken affairs, no care was taken by the allies to ſupply or ſupport king Charles. We were ſo engaged in our party-matters at home, that we ſeemed to take no thought of things abroad, and without us nothing could be done. The court of Vienna was ſo apprehenſive of the danger of a war, like to break out between the Grand Signior and the Czar, that they would not diminiſh their army in Hungary. But to return to the army in Spain:

On the 5th of November a council was held, in which it was reſolved, that Toledo ſhould be abandoned, and king Charles ſhould move towards Saragoza, and the army follow in a few days. Accordingly, on the 22d, the generals of the ſeveral nations began to march ſeparately at the head of their reſpective troops, and all were ordered into cantons in the neighbourhood of Cifuentes, where marſhal Staremberg with the Germans was to canton. Colonel Du Bourgay, with his regiment, was detached two days before to guard the train, and march to the ſame place. Count Attalaia came, on the 25th, to Aſignan with all the Portugueſe going to his cantons. Brigadier Lepel marched out by order with his own and Richards's regiment to Gargules, within a few miles of Cifuentes, where, on the 27th, Staremberg, who was then getting into that town with the Germans, ſent him word by his aid de camp, major Nugent, to make all poſſible haſte to join him, leſt he ſhould be ſurprized by the active French partiſan Vaillejo, who was at the head of a thouſand horſe [l]. Lepel with the two regiments got into Cifuentes, in the cloſe of the evening, without being attacked. The brigadier (in company with our author) waited preſently after upon Staremberg, whom he had not ſeen ſince the beginning of September, having been upon a ſeparate command. In above an hour's converſation the marſhal told the brigadier, he hoped he thought him very kind to receive him that night into his head-quarters among his Germans, for that he ſhould have marched on to Brihuega, the canton of the Engliſh, where, he had received a letter, general Stanhope was arrived with his troops; but he hoped colonel Du Bourgay would come up that night with the train, and the three regiments might march together the next day to Brihuega without any great riſque. And ſo brigadier Lepel took his leave.

The generals Stanhope, Carpenter, Wills, Pepper, and Gore, with the Engliſh forces, marched along the Tajuna, and on the 26th of November, came to their canton at Brihuega, a town of about a thouſand houſes, ſituated on the ſide of a hill near that river. The next day a body of the enemy appeared about three on the hills above the town, to the great ſurprize of the Engliſh, who had ſeen no troops in their march from Chincon to Brihuega, except ſome ſmall ſtraggling parties of horſe: Nor had they any intelligence of an army being aſſembled, though all poſſible care had been uſed, and great rewards promiſed to get early notice of it; ſo well affected were the Caſtilians to their king Philip. The duke of Vendoſme, having joined the Spaniſh army with freſh ſuccours, had marched three days and three nights with incredible expedition; and the foot, which appeared on the hills over Brihuega, were brought thither behind the troopers; but the whole army and train did not come up till late that night. This army conſiſted of thirty-two battalions (which had been reduced from forty-five to that number) and eight thouſand horſe, with thirty-two pieces of cannon, ſome whereof were twenty-four pounders. That very night Vendoſme ſent a ſummons to general Stanhope, which was anſwered as uſual in ſuch caſes. Stanhope diſpatched captain Coſby, his aid de camp, to Staremberg, to inform him of his unexpected and unhappy ſituation, which, it was ſaid, might have been prevented, if an advanced guard had been kept on the high grounds; for they might have given notice of the enemy's approach time enough for our troops to retire to Cifuentes. This, it is aſſured, was the advice of one of our generals, which unfortunately was not followed. In the night the enemy marched ſome of their foot, and took poſſeſſion of the bridge over the Tajuna.

The next day about noon many regiments, with their colours flying, came and ſurrounded the town within cannon-ſhot. We had no artillery, and ſo little ammunition (which was reſerved for the attack) that we could not moleſt them. Their whole army joined, and made four different attacks at once, which were ſoon turned into breaches in the ruinous wall. Our troops were diſpoſed in excellent order for a vigorous defence, every attack being defended by a general officer. The enemies opened one of the gates with their cannon, made a large breach, and gave a general aſſault, but were repulſed. At laſt about eight hundred men got into the town and into houſes, from whence they made a terrible fire, which we could not anſwer, our ammunition being quite ſpent; ſo that about ſun-ſet it was thought adviſeable to beat a parley, and thoſe brave troops, that had behaved ſo gallantly all the campaign, were forced to ſurrender priſoners of war, and to march out the next day towards Valladolid and the neighbouring towns, where they were to remain [m].

Captain Coſby, who was ſent to marſhal Staremberg with an account of general Stanhope's being ſurprized, did not come to Cifuentes till late at night. The marſhal immediately ſent to the generals of the three nations, the Portugueſe, Dutch and Palatines, to march their troops with all poſſible expedition to Cifuentes. They were indeed cantoned in towns very near, and got ready ſo quickly, that at break of day they were all aſſembled before one of the gates of the town. The marſhal had ordered the Germans to beat to arms, which much alarmed us (ſays our author, who was then with Lepel at Cifuentes) and we were not a little ſurprized to ſee, upon opening one of Brigadier Lepel's windows, great bodies of troops cloſe to the walls; but it was ſo dark we could not diſtinguiſh what they were. An officer ſent by the brigadier to the marſhal brought word, that the Engliſh were ſurrounded in Brihuega by the enemy; that the troops about the town were our own; and that he muſt not loſe a moment to get ready to march. This order was immediately obeyed, and we were out before we could well ſee. The Germans came out ſoon after, and the marſhal himſelf about eight o'clock, when we expected to march every minute; but he was reſolved to ſtay for Du Bourgay's regiment and the train. At laſt, after waiting three hours in vain, about eleven, orders were given to march, and brigadier Lepel was ſent back with his regiment to meet Du Bourgay. We paſſed the Tajuna at Olmeda, and marched through ſuch very narrow and difficult roads, that it was quite dark before we were clear of the defiles, and got to the high grounds in the way to Brihuega. As ſoon as our field-train (which had much retarded our march) came up to the ground, where we lay that night on our arms, the marſhal ordered ſeveral pieces of cannon to be fired, as a ſignal to general Stanhope, that we were marching to his relief; but it was too late and to no purpoſe; for they were not heard, it being juſt at the time the enemy got into the town, when they made their laſt and greateſt fire before the capitulation began. So it may truly be ſaid, that the ſaving one regiment was the cauſe of our loſing ſuch a conſiderable body of Engliſh. For, had we marched to the relief of Brihuega, as ſoon as all the troops were ready about Cifuentes, we ſhould have been there between two and three in the afternoon, and very probably ſaved that valuable part of our army; for the enemy muſt have either retired or fought between two fires. About

[l] Our author ſays here, I am obliged to relate more minute particulars than I ſhould do, in order to do juſtice to a great man (general Stanhope) who has been much aſperſed, upon the account of one misfortune, both before and after his death.

[m] There were taken in Brihuega three lieutenant-colonels, Stanhope, Carpenter and Wills; major-general Pepper; brigadier Gore; colonel Dormer; fifteen lieutenant-colonels, Moyſer, Otway, Montague, Benſon, Hawker, Varrier (died), Dalzel, Faulkland, Richardſon, Ramſey, Howard, Whitmore, Strickland, Nevil, Pearſon: nine majors, Bland, Cotton, Wyvil, Erle, Keitley, Wheeler, Douglas, Pinſold, Savage; ſixty captains, ſeventy-ſix lieutenants, ſixty-four enſigns, three adjutants and quarter-maſters, three ſecretaries of general Stanhope, and one of general Carpenter's; Laroon, quarter-maſter general, and about two thouſand men belonging to the following regiments: Harvey's horſe; the royal dragoons; Pepper's dragoons; Stanhope's dragoons; battalion of foot-guards; the foot regiments of Harriſon, Wade, Dormer, Bowles, Gore, Munden, Dalzel.

By this means brigadier Lepel became the commander in chief of the Queen's troops, conſiſting of his own regiment of dragoons, with the two regiments of foot of Richards and Du Bourgay. M. S.

eight, Brigadier Lepel joined us, with Du Bourgay's regiment and the train, having ſkirmiſhed above three hours with Vaillejo, who had purſued them till they came to the army.

On the 29th, early in the morning, we marched upon four columns towards Brihuega, though it was believed Stanhope had ſurrendered, the firing of ſmall arms having been heard by the advanced guard, from the time we came to that ground. About eleven the marſhal, with his adjutant-general, and ſome aids de camp, went about half a mile before the army to try whether he could get a ſight of the town from the riſing ground. After ſome minutes ſome ſmoke was diſcovered to riſe from the bottom between the hills, and he was ſoon ſatisfied there was the place, by hearing the enemy's horſe marching up the high grounds before he could ſee them; but it was not long before he ſaw them plain enough, upon which he galloped back, and ordered his army to form. The enemy was alſo forming; but their lines extended as far again as ours; conſiſting of twenty-five thouſand men to our thirteen thouſand. Between twelve and one, the armies began to cannonade one another; but as the enemy ſaw how weak we were ſince the loſs of the Britiſh troops, they ſoon began the attack on their right, flanking and almoſt ſurrounding our left, which had no more than thirteen weak ſquadrons who behaved very ill, and ran away as ſoon as the enemy charged them [n]. By that means our foot were left to mercy, and two Engliſh battalions, two Dutch, four Palatines, two Spaniſh, and one Neapolitan, were cut in pieces or taken priſoners. Here the generals Belcaſtle and St. Amand were killed, beſides many field-officers and others. By good fortune, the victorious right, inſtead of purſuing their blow, fell to plundering the baggage of the whole army, which was very conſiderable, and could not ſtir from the place, Vaillejo being in the rear of it with his party. Beſides the baggage they met with another great booty. Many perſons of quality and diſtinction (chiefly ladies and eccleſiaſtics) having left Madrid to follow king Charles to Saragoza or Barcelona, fell into their hands with a great number of coaches, and all the riches they could bring away. Unfortunately for them they came into the field of battle, which was on the high-road, juſt before the action began, and could not proceed, for fear of falling into the hands of the partiſan Vaillejo.

The enemy's right being thus employed, the marſhal fought the left with great ſlaughter and ſucceſs till night, when both horſe and foot retired in diſorder. The duke of Vendoſme, with king Philip (who was preſent during the whole action) galloped away in ſuch haſte, that they paſſed by the Engliſh priſoners before they got to Guadalaxara. Thus the marſhal remained maſter of the field, took all their cannon, and retook ours, but was forced to nail it all up for want of mules to draw it away. The Germans made uſe of their cheveaux de friſe, which were of ſingular ſervice, and the Portugueſe horſe behaved very well. Some of their ſquadrons were mixed with the foot, and fell upon the enemy's infantry ſword in hand, as ſoon as ours had put them in diſorder, and made a very great ſlaughter. It was computed the next day that no leſs than ſeven thouſand were killed on the ſpot, beſides the wounded. General Frankenberg and brigadier Lepel had rallied the horſe of the left, within half a mile of the field, and would have marched them to count Staremberg; but they were ſeized with ſuch a panic at the ſight of ſome ſtraggling ſquadrons, that they galloped away the ſecond time, and did not ſtop in three or four miles, when we overtook them in ſmall parties, and made up at laſt a body of about ſix hundred horſe with which we made haſte to Seguença, leſt Vaillejo ſhould overtake us, who followed us ſo cloſe, that we did not halt above three hours in that city, but continued on long marches, till we got to Saragoza [o].

[n] Lepel's regiment is ſaid to behave very ill.

[o] The affair of Brihuega has been variouſly related, and general Stanhope much cenſured, but by this account of an eye-witneſs, he was by no means to be blamed. Our author undertakes to anſwer the falſities publiſhed in a pamphlet called the Romance, (wherein general Stanhope is introduced under the name of Celſus) particularly thoſe relating to this affair.

The Romance ſays, Celſus was left at Brihuega by count Staremberg with the Engliſh troops and ſome battalions of the Dutch, to cover his march as well as the cannon and heavy baggage, being himſelf to incamp about three leagues further, and that he gave him orders to come and join him the next day.

To this our Author anſwers: That Celſus was not left at Brihuega to cover the count's march, is very plain from the diſpoſition that was made ſome days before, when it was reſolved in a council of war, that the army ſhould canton upon the borders of Arragon, to ſecure that kingdom. Brihuega then fell to the Engliſh for their canton, as Cifuentes did to the Germans for theirs; and the towns and villages near Cifuentes to the troops of other nations.

That there were no battalions of the Dutch in Brihuega, is evident from this, that none of them were taken in that town with the Engliſh: Neither was the cannon or heavy baggage there, both being with count Staremberg's army at the battle of Villa Vicioſa; and one may eaſily conclude, that, had Celſus had the Engliſh train with him, he would not have ſurrendered with ſuch a conſiderable body of Engliſh officers and ſoldiers, who had ſignalized themſelves all that campaign, and were fluſhed with victory and ſucceſs; but would have given time to count Staremberg to have come to his relief.

But the moſt malicious falſehood of all is, that Celſus had orders to join count Staremberg the next day.

Count Staremberg could have given no ſuch orders, ſince Brihuega, as I have obſerved before, was the canton aſſigned to the whole Engliſh body of troops and artillery; and where they were to continue till count Staremberg thought fit to remove the whole army from their ſeveral cantons.

The truth of this will appear from the following narration: The ſame day that the troops marched into their cantons, brigadier Lepel's regiment of dragoons, which was within four or five miles of Cifuentes, and where it was left to ſecure Du Bourgay's regiment from falling into the hands of Vaillejo the partiſan, received orders from count Staremberg to march with all haſte into Cifuentes. The regiment loſt no time, and narrowly eſcaped the partiſan with his thouſand horſe, who fell upon ſome part of the rear of the Germans, as they were marching into that town.

About ſeven that evening, brigadier Lepel waited on count Staremberg, who told him that he was reſolved to cover the kingdom of Arragon, and ſecure it from the inſults of the enemy: That he had ordered the troops into ſeveral cantons, each nation by itſelf: That the Engliſh had Brihuega, and he wiſhed that all the regiments were there together. But till Du Bourgay's was come up, he would ſuffer Lepel's dragoons to continue with him in Cifuentes, and that, as ſoon as it had joined, the three regiments of Lepel, Richards, and Du Bourgay, with the train, would be able to make their way to Brihuega, without any danger from Vaillejo's party. Now let it be judged, whether this is conſiſtent with what the Romance tells us, that Celſus had orders to join count Staremberg the next day? Neither is there more truth in what it relates, That Celſus diſpatched one of his aid de camps to count Staremberg, to let him know that he thought proper to reſt his troops one day more at Brihuega, but that he would certainly join him the day after, ſince no other aid de camp was ſent from Brihuega to count Staremberg, but Mr. Coſby, who came to acquaint him late in the evening, that the enemy's troops had ſurrounded that town.

It appears alſo from our author's account, why Staremberg delay'd his marching to Stanhope's relief ſo many hours; namely, his waiting for Du Bourgay's regiment and the train, though he marched without them at laſt. Biſhop Burnet indeed ſays, Staremberg might have come time enough to have ſaved Stanhope, but he moved ſo ſlowly, that it was conjectured, he envied the glory that general had got, and was not ſorry to ſee it eclipſed, and therefore made not that haſte he might and ought to have done. But this, as the biſhop obſerves, is only conjecture.

The following letter was written by brigadier Lepel, to the lord Dartmouth, then ſecretary of ſtate, concerning the Brihuega affair, and the battle of Villa Vicioſa.

My Lord,

Saragoſſa, Dec. 10, 1710. O. S.

I think myſelf obliged to inform your lordſhip of the misfortune that has befallen her majeſty's troops, in our retreat from Caſtile towards the borders of Arragon. The army marched upon three columns, the generals of each nation at the head of their own people: General Stanhope led the left, and the rear of all, and had with him the regiments of Harvey, Raby, Pepper, and his own, of the foot-guards; and Harriſon's, Wade's, Dormer's, Bowles's, Munden's, Gore's, and Dalzeel's regiments. The enemy had detached ſome ſquadrons to obſerve him. On Sunday the 26th of November, O. S. he got into a little walled town in the mountains of Caſtile, called Brihuega, where he reſolved to halt a day and refreſh his men and horſes, who were much fatigued by their long marches, eſpecially the laſt, which was of ſeven leagues. But, being among enemies from whom no intelligence could be had, tho' he had offered large ſums to encourage the peaſants, he was inveſted that very night by the enemy's whole army. The 27th, they erected three batteries againſt the town, which in a ſhort time made very conſiderable breaches. That night Mr. Stanhope ſent out with much difficulty captain Coſby, his aid de camp, to inform the marſhal of his condition. The marſhal, who was at Cifuentes, four leagues from Brihuega with the German troops, gathered immediately all the reſt of his army, and marched the 28th to endeavour to relieve Mr. Stanhope; but the road was ſo difficult by reaſon of the defiles through the mountains, that the army could not advance that day above two leagues. The 29th we began to march at break of day, and got by noon to the riſing grounds above Brihuega, within half a league of the town; where having halted a ſhort time, and perceiving no ſignals from Mr. Stanhope, the marſhal concluded he was taken, and reſolved to attack the enemy, who ſoon after marched to us in order of battle.

The cannonading began about one on both ſides; and between three and four, their right attacked our left with much vigour, which was ſoon overpowered by their great numbers, they having by the beſt accounts we can get, eighty ſquadrons, and about forty battalions, and we in the whole not above ten thouſand men, and on our left, not ſeven hundred horſe; thus was our horſe forced to retire, and our foot was almoſt cut to pieces. The right of their horſe in the purſuit of ours, fell in with the baggage, and betook themſelves to plunder. The marſhal improved that opportunity, and with his right fell upon the enemy with ſuch bravery and conduct, that he put them to the route, retook our cannon, took theirs, and remained maſter of the field, where he continued till eight of the clock the next day; and, for want of mules to carry away the cannon, was obliged to nail them up; and then began his march towards Arragon to get bread and proviſions for his army; where he is now at a place called Daroca, gathering his people from all parts, in order to ſecure this country.

As to Mr. Stanhope, what I can learn, which comes from ſome ſoldiers that have made their eſcape, and ſome of the enemy's officers that were taken in the battle, is this: That he was attacked ſeveral times at three different reaches the day before the battle, and always repulſed the enemy; but at laſt, for want of ammunition, was forced to ſurrender priſoners of war; that he began to capitulate about ſeven in the evening, and marched out the 29th about noon; that beſides lieutenant-general Carpenter, who was killed at one of the breaches, we have loſt above three hundred men killed, and as many wounded; among the killed are ſome field-officers, whoſe names and ranks I do not know.

In the battle, my lord, our greateſt loſs has been ſuſtained on the left, where colonel Richards, and colonel Du Bourgay's regiments have been entirely cut

Staremberg, who had ſuffered ſo much in the action, that he was not in a condition to purſue the enemy, left the field of Villa Vicioſa, and marched with his army to Saragoza, the enemy not thinking it convenient to give him any diſturbance. As he did not judge it ſafe to ſtay long in Arragon, he marched into Catalonia, and the duke of Vendoſme with his army, came and took poſſeſſion of Saragoza, two days after, to the inexpreſſible grief and great loſs of the Arragoneſe.

The marſhal, though cloſely purſued by ſeveral parties of the enemy, paſſed the Cinca and Noguera, and, leaving a ſmall garriſon in Balaguer, came, in the beginning of February, to Barcelona with the remains of his army. Some days before his arrival, count Tattenbach, governor of Gironne, was obliged to capitulate. The French, under the command of the duke of Noailles, had inveſted that place in December, the very day king Charles came to Barcelona, and had carried on the ſiege with great reſolution, notwithſtanding the difficulties they met with, both from the badneſs of the weather, and the vigorous defence of the garriſon, who obtained very honourable terms. Not long after, upon the approach of the marquis de Valdecannas with a body of troops in order to attack Balaguer, the garriſon which count Staremberg in his march had left there, conſiſting of two battalions and one hundred horſe, thought fit to abandon the place; ſo that king Charles's affairs had now a very ill aſpect, being confined within the narrow bounds of the principality of Catalonia, which, by the loſs of Gironne, was open to the enemies on all ſides. On the other hand, king Philip gained this ſummer a very material advantage, by having unqueſtionable demonſtrations of the affection of the Caſtilians, which neither his defeats at Almanara and Saragoza, nor his retreat from Madrid, nor the preſence of king Charles with a veteran victorious army, were able to ſhake.

The Spaniſh grandees ſeemed indeed to be in ſome apprehenſion of their being given up by the French; and there was a ſuſpicion of ſome caballing among them: Upon which the duke of Medina Celi, king Philip's chief miniſter, was ſent a cloſe priſoner to the caſtle of Segovia, and was kept there very ſtrictly, none being admitted to ſpeak with him. He was not brought to any examination; but, after he had been ſome months in priſon, being often removed from one place to another, it was at laſt given out that he died in priſon, not without the ſuſpicion of ill practices.

Nothing material happened this year in Portugal, except only, that, about the beginning of July, the marquis de Bay, who commanded the Spaniſh forces in Eſtremadura, made himſelf maſter of the town of Miranda de Duero by ſurprize; took in it four hundred men of regular troops and militia; and then formed the blockade of Bragança, which was raiſed by the marquis de Riſbourg, upon the news of the battle of Saragoza; and ſoon after the Portugueſe took from the Spaniards, Xeres de los Cavaleros, Barcarota, Alcanza, and Puebla, places of no great conſideration. Some time before, the earl of Galway, who found himſelf uſeleſs in Portugal, had deſired and readily obtained leave to return to England.

The Czar of Muſcovy made a very conſiderable improvement of his great victory at Pultowa; for in this year's campaign he reduced to his obedience, Elbing, in Poliſh Pruſſia; Wyburgh, the capital of Carelia; Kenholm, in Finland; Arembergh, in the iſland of Oezel; Pernau, Revel, Riga, the Dunamunder-fort, and, in a word, all Livonia, the moſt valuable province in the Swediſh dominions. It is very probable, the united forces of the Czar and king Auguſtus would have made a greater progreſs; but the allies having with great wiſdom taken early meaſures, and interpoſed their good offices and power, to prevent the northern war from ſpreading into the empire, the province of Pomerania, where general Craſſau had retired out of Poland, enjoyed a perfect tranquillity. The treaty, or project of neutrality, which was made for that purpoſe, was accepted by the Czar and king Auguſtus, and by the king of Denmark with ſome exceptions; as it was by the regency of Stockholm for the Swedes; though the laſt did it only to ſerve a turn. For their Czariſh and Poliſh majeſties demanding, that the troops under general Craſſau ſhould be either diſbanded, or put into the ſervice of the allies; this laſt was not agreed to by the Swedes, though a treaty was ſet on foot for that purpoſe. At the ſame time the Swediſh miniſters at Vienna, Ratiſbon, and other places, notified that their maſter, who ſtill continued at Bender, was diſſatisfied with that neutrality: And, on the other hand, notwithſtanding the earneſt endeavours of the Britiſh and Dutch miniſters at the Ottoman Porte to baffle the artifices of the French and Swedes, the Grand Signior by the advice of the cham of Tartary, reſolved at laſt, openly to eſpouſe the quarrel of the king of Sweden. The Muſcovite ambaſſador at Conſtantinople was ſeized and confined; and not long after the Grand Signior declared war againſt the Czar, having, for that purpoſe ſent circular letters by way of manifeſto to the baſhas and governors in his dominions.

About the beginning of April the Swedes publiſhed likewiſe a manifeſto, in anſwer to one put out ſome months before by the king of Denmark, upon his landing in Schonen, and pretending to ſhew, that the reaſons alledged by the Danes to juſtify that invaſion, were ſo far from being a ſufficient cauſe of war, that they did not amount even to a plauſible pretence. Not long after, both the Swedes and Danes ſent out their fleets to ſea; and the Daniſh fleet having on the 14th and 15th of September, N. S. met with a violent ſtorm by which they were ſeparated, and ſeveral of their ſhips damaged in their rigging, they were obliged to return to the Kioger Bogt. The Swedes, imagining their loſs to have been much greater, went in queſt of them; and on the 4th of October, attacked them with twenty-one ſhips of the line of battle, and ten frigates. Upon this ſurprize, the Danes immediately cut their cables, and endeavoured to gain the wind, ſo as to get between Copenhagen and the Swediſh fleet, whilſt the Swedes endeavoured to intercept them. This occaſioned a cannonading between the foremoſt ſhips; during which, a Daniſh ſhip of ninety guns called the Danebrag blew up. But, though the Swedes gained their point, yet, advancing too far towards the Daniſh coaſt, two of their flag-ſhips, an admiral and a rear-admiral, ſtruck upon a ſand-bank, near the iſland of Amack, where the whole Swediſh fleet came to an anchor, to endeavour to recover them. This being impracticable, they ſaved the men, and ſet fire to their two ſhips, as they did to a Daniſh tranſport. In the mean time the Daniſh fleet returned to their former poſts before Koeg; and, the wind bearing hard on the coaſt, the Swedes were unwilling to attack them a ſecond time; and, on the 7th of October in the morning, weighed anchor, and ſailed towards the eaſt ſea. The Danes purſued them, but at ſuch a diſtance, as ſhewed they had no mind to another engagement.

The Imperial arms were this year attended with great ſucceſſes in Hungary, where they reduced ſeveral important towns. Some of the chief of the malecontents con-

cut off; and of my regiment above one hundred private men are ſtill miſſing, and ſeven officers. Of the other nations the regiments of St. Amand, Dutch; Lucini, Neapolitan; Albuquerque, Portugueſe; and Umadas, Spaniſh; are totally deſtroyed: Lieutenant-general Belcaſtle, and major-general St. Amand killed. The enemy's loſs is modeſtly computed to amount to above ſix thouſand men killed on the ſpot.

By this great turn of affairs, my lord, the command of the remnant of her majeſty's troops is devolved on me. I am endeavouring, by the marſhal's directions and deſire, to make up the regiments of Richards and Du Bourgay, out of the few people that are come off, and thoſe that were left in the hoſpitals. The greateſt difficulty attends my own, which is reduced to betwixt eighty and a hundred men, and as many horſes, and no fund to go upon; but, if I can get money from Mr. Mead, or credit, I ſhall uſe my beſt endeavours to get men and horſes to repair my regiment, and put it in a condition to ſerve next campaign, if my deſigns are approved of. This I humbly pray your lordſhip to lay before her majeſty, and that ſpeedy ſupplies may be ſent to us, to keep up the few bodies that are left, if it be thought fit for the ſervice; for Mr. Mead complains very much for want of money and credit, by which we are already reduced to great ſtreights here, where our credit is very indifferent, and our wants extremely great, having loſt all our equipages in the battle, and ſaved nothing but what we had on our backs; and, as my loſs in particular is very conſiderable, I hope your lordſhip will be ſo kind as to repreſent it as ſuch, that her majeſty will be pleaſed to conſider me in it, and grant me ſome compenſation, which may enable me to ſerve the next campaign with ſome ſatisfaction.

To this letter, our Author had added the memorial ſent to the queen by the officers of the two regiments commanded by the colonels Richards and Du Bourgay, which begins thus:

That the ſaid two regiments were the only Engliſh battalions, that were at the battle of Villa Vicioſa: That, being poſted on the left of the two lines, the horſe, who were on our flanks gave way, and left us naked, and expoſed to the weight and ſhock of the whole right wing of the enemy; who like a torrent not to be reſiſted, ſoon over-bore us. Many of your majeſty's faithful officers loſt their lives upon the ſpot; many more were wounded, and all were at laſt made priſoners: Though ſome few of us were fortunate enough to be retaken. Fortunate indeed we eſteem it; becauſe we hope to be able to ſerve your majeſty again this campaign, and to revenge the wrongs our country ſuffered in the laſt. With regard to every thing elſe, our miſery is equal to that of the poor captives.——For never certainly in any nation, or in any age, where Chriſtianity, or the civil arts have been planted, have ſuch barbarities been practiſed, as by this ungenerous enemy, of whom it may truly be ſaid, Their very tender mercies were cruel. For, after their officers had taken from us what money or whatever elſe of value we had about us, and had promiſed us their protection, they ſuffered, nay, encouraged their ſoldiers to ſtrip us of our cloaths, to inſult, and to wound us. In this miſerable condition were we found, when ſome of us were reſtored to our liberty; and in this condition we retreated with the body of the army, having loſt the entire baggage of the two regiments.

ſidering, that their affairs were deſperate, inclined to conſult their ſafety, by making their ſubmiſſion to the emperor. But, upon the Turks declaring war againſt the Muſcovites, prince Ragotſki encouraged them to ſtand out to the laſt, by giving them hopes, that the Turks would aſſiſt them with men, and the French with engineers and money.

The Imperial court perſiſting in their reſolution not to grant the exerciſe of the Proteſtant religion in Sileſia, upon pretence that they were not included either in the treaty of Weſtphalia, or in the convention of Alt Ranſtadt; the queen of Great-Britain ordered lieutenant-general Palmes her envoy extraordinary to the emperor, to make new inſtances in their favour. And the ſtates-general ordered the ſieur Bruyninx, their envoy, to uſe his good offices, in concert with the Britiſh miniſters. They preſented a joint-memorial to the emperor, which, however, had but little effect; though, at this time, the Imperial court had more reaſon than ever to keep meaſures with the Proteſtant powers. Theſe were the tranſactions abroad this campaign, during which great changes had happened in England.

The trial of Dr. Sacheverel had given, as was obſerved, great advantages to the Tory party, who ſet on foot addreſſes from all parts of the nation, in which the abſolute power of our princes was aſſerted, and all reſiſtance was condemned, under the deſignation of anti-monarchical and republican principles; the queen's hereditary right was acknowledged; and yet a zeal for the proteſtant ſucceſſion was likewiſe pretended, to make thoſe addreſſes paſs the more eaſily with the unthinking multitude. Moſt of theſe concluded with an intimation of their hopes, that the queen would diſſolve the preſent parliament, giving aſſurances, that in a new election they would chuſe none, but ſuch as ſhould be faithful to the crown, and zealous for the church. Theſe were at firſt more coldly received; for the queen either made no anſwer at all, or made them in very general words. Addreſſes were brought up on the other hand, magnifying the conduct of the parliament, and expreſſing a zeal for maintaining the revolution and the proteſtant ſucceſſion.

But the queen's reſolution of changing her miniſtry had begun to appear very early this year; for in the beginning of January 1709-10, upon the death of the earl of Eſſex, ſhe wrote to the duke of Marlborough to give his regiment to Mr. Hill, a man who had been extremely ungrateful to the ducheſs of Marlborough, and whoſe ſiſter, Mrs. Maſham, the duke well knew, was at this time undermining the intereſt of himſelf, his family and friends. The ſcheme of the queen's new counſellors to make her miniſters quit her ſervice, or engage her to diſcard them, now ſhewed itſelf without diſguiſe. They durſt not tell her at once all they deſigned; but, propoſing to her only one thing at a time, led her, by inſenſible degrees, to the accompliſhment of the whole. They began, as has been related, with engaging her to nominate perſons to biſhopricks, without conſulting her miniſters. And now they prevailed with her to appoint military officers, without adviſing with her general. And nothing could be more to their purpoſe, than this choice of Mr. Hill for lord Eſſex's regiment, becauſe they knew, that nothing could be more diſagreeable to the duke of Marlborough, or would tend more to leſſen his weight and authority in the army, and conſequently at home too. The new counſellorsſaw, that, if the duke readily yielded in this matter, it would ſow diſcontent among the officers; and that a door would be opened for his enemies to come into the army, and inſult him. And, on the other hand, if the duke ſhould not comply, or ſhould ſhew any reluctance in complying, this would furniſh an excellent pretence for grievous complaints, that the queen was but a cypher, and could do nothing. Upon the queen's letter, the duke waited on her, and with all humility repreſented to her, what a prejudice it would be to her ſervice, to have ſo young an officer preferred before ſo many others of higher rank and longer ſervice; beſides, that the ſhewing ſo extraordinary and partial favour to Mrs. Maſham's brother could be interpreted no otherwiſe, than as a declaring againſt all thoſe, who had ſo much reaſon to be uneaſy with her; and that, indeed, it would be ſetting up a banner for all the diſcontented perſons in the army to repair to. In ſhort, the duke ſaid every thing he could think of, and with all the moving concern that the nature of the affair created in him, to engage her to change her reſolution. But all ſeemed to no purpoſe. He could not draw one kind expreſſion from her, nor obtain any anſwer, but "that he would do well to adviſe with his friends."

The earl of Godolphin ſpoke often to her upon the ſame ſubject, repreſenting to her the Duke's long, great, and faithful ſervices, and the very bad influence, which her intended favour to Mr. Hill, muſt neceſſarily have in the army. But neither had this ſo much effect as to engage her to ſay one favourable word about the duke. Wherefore, on the 15th of January, he left the town, and went to Windſor in great diſcontent. It was council-day. The queen did not aſk where he was, nor take the leaſt notice of his abſence. His withdrawing himſelf made a great deal of noiſe in the town. Many of the nobility ſpoke with earneſtneſs to the queen of the very ill conſequences of mortifying a man, who had done her ſo long and important ſervices. She anſwered, that his ſervices were ſtill freſh in her memory, and that ſhe had as much kindneſs for him as ever ſhe had. The noiſe, however, ſtill continued and increaſed, and there was great diſcourſe, not without probability, that ſome notice would be taken of the matter in the houſe of commons, and ſome votes paſſed diſagreeable to the queen and her new counſellors. This deſign was laid to the ducheſs of Marlborough's charge; but ſhe ſaid enough to the queen to vindicate herſelf. And indeed it was owing to the duke's particular friends in the houſe, that no ſuch notice was taken.

The new counſellors being alarmed with apprehenſions of what the parliament might do, and believing that they ſhould be able, at a proper ſeaſon, to make better uſe of the queen's yielding up the point, than of her inſiſting upon it, gave her advice accordingly; ſo that, on the 20th of January, ſhe ordered the earl of Godolphin to write to the duke, "that he might diſpoſe of the regiment, as he himſelf thought fit;" and to deſire him to come to town. But, before this reached the duke, he had written the following letter to the queen:

MADAM,

"By what I hear from London, I find your majeſty is pleaſed to think, that, when I have reflected, I muſt be of opinion, that you are in the right in giving Mr. Hill the earl of Eſſex's regiment. I beg your Majeſty will be ſo juſt to me, as not to think I can be ſo unreaſonable, as to be mortified to the degree that I am, if it proceeded only from this one thing; for I ſhall always be ready and glad to do every thing that is agreeable to you, after I have repreſented what may be a prejudice to your ſervice. But this is only one of a great many mortifications that I have met with. And, as I may not have many opportunities of writing to you, let me beg of your majeſty to reflect what your own people, and the reſt of the world, muſt think, who have been witneſſes of the love, zeal, and duty, with which I have ſerved you, when they ſhall ſee, that, after all I have done, it has not been able to protect me againſt the malice of a bed-chamber woman. Your majeſty will allow me on this occaſion to remind you of what I wrote to you the laſt campaign of the certain knowledge I had of Mrs. Maſham's having aſſured Mr. Harley, that I ſhould receive ſuch conſtant mortifications as ſhould make it impoſſible for me to continue in your ſervice. God Almighty and the whole world are my witneſſes, with what care and pains I have ſerved you for more than twenty years; and I was reſolved, if poſſible, to have ſtruggled with the difficulties to the end of this war. But the many inſtances I have had of your majeſty's great change to me, has ſo broke my ſpirits, that I muſt beg, as the greateſt and laſt favour, that you will approve of my retiring, ſo that I may employ the little time I have to live, in making my juſt acknowledgments to God, for the protection he has been pleaſed to give me. And your majeſty may be aſſured, that my zeal for you and my country is ſo great, that in my retirement I ſhall daily pray for your proſperity, and that thoſe, who ſhall ſerve you as faithfully as I have done, may never feel the hard return, that I have met with."

The queen wrote the duke an anſwer, expreſſing ſome concern at ſeveral parts of his letter, aſſuring him, without entering into particulars, that he had no ground for ſuſpicions, and deſiring him to come to town. But fearing, at the ſame time, that ſome motion might be made in parliament againſt Mrs. Maſham, which might be attended with very diſagreeable conſequences, ſhe ſent about in much concern to many perſons to ſtand by her, as if ſome great attack was going to be made upon her. This application, and the cloſeting ſome perſons, who were known enemies to the revolution, gave encouragement to the jacobites; ſeveral of whom

were now obſerved running to court with faces full of buſineſs and ſatisfaction, as if they were going to get the government into their hands. And this being repreſented to the queen, as a kind of victory gained by her over the Marlborough family, was doubtleſs one means of hindering all thoughts of a real accommodation.

In about a month after this it was, that both houſes of parliament addreſſed the queen, to order the duke of Marlborough over into Holland, to attend to the great affair of a peace, and in caſe that project did not take effect, to prepare for an early opening the campaign. In her anſwer to this addreſs (as hath been ſaid) ſhe uſed theſe words: "I am very glad to find, that you concur with me in a juſt ſenſe of the Duke of Marlborough's eminent ſervices." But, notwithſtanding this, he had not been long gone, before ſhe gave a ſignal proof how much his declared enemies were in her favour, by granting Mr. Hill a penſion of one thouſand pounds a year; and in ſome time, ſhe made both him and Mr. Maſham, men of little or no ſervice, general officers over the heads of many brave men, who had frequently hazarded their lives in her ſervice, and had gone through the toils and hardſhips of a tedious war.

In the mean time the ducheſs of Marlborough learnt, that the queen was made to believe, that ſhe often ſpoke of her in company diſreſpectfully; upon which ſhe deſired an audience, in order to juſtify herſelf, which ſhe obtained on the 6th of April; but could make no impreſſion upon the queen, whom ſhe never ſaw afterwards, nor ever had any correſpondence with her majeſty, except upon two occaſions relating to the public[P]. However, notwithſtanding this thorough alienation of the queen's affections from the ducheſs, ſhe was not yet diveſted of her employments; it being, perhaps, not yet determined, who ſhould ſucceed her, nor whether it were proper, that the duke of Marlborough ſhould have that mortification, before the ſeaſon was fully ripe for the execution of the new ſcheme; though it now was greatly advanced, ſince the duke of Shrewſbury, who had voted for the acquittal of Dr. Sacheverel, was ſoon after appointed lord-chamberlain, in the room of the marquis of Kent, who was made a duke. The duke of Shrewſbury had gone out of England, towards the end of the reign of king William, thinking, as he gave out, that a warmer climate was neceſſary for his health. He ſtaid ſeveral years at Rome, where he became acquainted with a Roman lady; who, upon his leaving Rome to return to England, went after him to Augſburg, where ſhe overtook him, and declared herſelf a Proteſtant; upon which he married her there, and came with her back to England in 1706. Upon his return, the Whigs lived in civilities with him; but they thought his leaving England, and his living ſo long out of it, while the nation was in ſo much danger, and his ſtrange marriage, gave juſt cauſe of ſuſpicion. The duke of Marlborough and the lord Godolphin lived ſtill in friendſhip with him, and ſtudied to overcome the jealouſies that the Whigs had of him; for they generally believed, that he had adviſed king William to the change, which he made in his miniſtry towards the end of his reign. He ſeemed not to be concerned at the diſtance in which he was kept from buſineſs; but, as was obſerved above, in the trial of Dr. Sacheverel, he left the Whigs in every vote; and the change of his principles, which he had diſcovered by this, was imputed to a ſecret management between him and Mr. Harley with the new favourite. But, before the queen declared her intention of giving him the lord chamberlain's ſtaff, ſhe thought fit, for form ſake, and perhaps to cover her further deſigns, to communicate her reſolutions to the earl of Godolphin, who, being then at Newmarket, ſent a letter to the queen; to which her majeſty wrote, with her own hand, on the 13th of April, the following anſwer:

"I am ſorry to find by your letter, you are ſo very much in the ſpleen, as to think you cannot, for the future, contribute any thing towards my quiet but your wiſhes. However, I will ſtill hope you will uſe your endeavours. Never was there more occaſion than now; for, by all one

[P] The ducheſs of Marlborough, in the account of her conduct, ſays: As I knew myſelf wholly free from the guilt of this charge, and indeed incapable of it, I waited on her majeſty the 3d of April, 1710, and begged of her that ſhe would be pleaſed to give me a private hour, becauſe I had ſomething which I was deſirous of ſaying to her majeſty, before I went out of town. I named three ſeveral hours, in which I knew the queen uſed to be alone, but ſhe refuſed them all in a very unuſual and ſurprizing manner; and at laſt ſhe herſelf appointed ſix o'clock the next day, the hour for prayers, when ſhe could leaſt of all expect to be at leiſure for any particular converſation. But even this ſmall favour, though promiſed, was not thought adviſeable to be granted by her new counſellors. For that night ſhe wrote a letter to me, in which ſhe deſired me 'to lay before her in writing whatever I had to ſay, and to gratify myſelf in going into the country as ſoon as I could.' I took the firſt opportunity of waiting upon the queen again, and uſed all the arguments I could to obtain a private hour; alledging, that when her majeſty ſhould hear what I had to ſay, ſhe would herſelf perceive it impoſſible to put things of that nature into writing: That I was now going out of town for a great while, and perhaps ſhould never have occaſion to give her a like trouble as long as I lived. The Queen refuſed it ſeveral times in a manner hard to be deſcribed; but at laſt appointed the next day after dinner. Yet upon further conſideration it was thought adviſeable to break this appointment; for the next morning, ſhe wrote to me, to let me know, that 'ſhe ſhould dine at Kenſington, and that ſhe once more deſired me to put my thoughts into writing.' To this, I wrote an anſwer, begging that her Majeſty would give me leave to follow her to Kenſington; and that ſhe might not apprehend a greater trouble than ſhe would receive, I aſſured her majeſty, that what I had to ſay, would not create any diſpute or uneaſineſs (it relating only to the clearing myſelf of ſome things, which I had heard had very wrongfully been laid to my charge) and could have no conſequence either in obliging her majeſty to anſwer, or to ſee me oftener than would be eaſy to her: Adding, that, if that afternoon were not convenient, I would come every day, and wait till her majeſty would pleaſe to allow me to ſpeak to her. Upon the 6th of April, I followed this letter to Kenſington, and by that means prevented the queen's writing again to me, as ſhe was preparing to do. The page, who went in to acquaint the queen, that I was come to wait upon her, ſtaid longer than uſual; long enough, it is ſuppoſed, to give time to deliberate, whether the favour of admiſſion ſhould be granted, and to ſettle the meaſures of behaviour, if I were admitted. But at laſt he came out, and told me, I might go in. As I was entering, the queen ſaid, ſhe was juſt going to write to me. And when I began to ſpeak, ſhe interrupted me four or five times with theſe repeated words 'Whatever you have to ſay, you may put it into writing.' I ſaid, her majeſty never did ſo hard a thing to any, as to refuſe to hear them ſpeak, and aſſured her, that I was not going to trouble her upon the ſubject, which I knew to be ſo ungrateful to her; but that I could not poſſibly reſt, till I had cleared myſelf from ſome particular calumnies, with which I had been loaded. I then went on to ſpeak (though the queen turned away her face from me) and to repreſent my hard caſe: that there were thoſe about her majeſty, who had made her believe, that I had ſaid things of her, which I was no more capable of ſaying, than of killing my own children: that I ſeldom named her majeſty in company, and never without reſpect, and the like: The queen ſaid, 'Without doubt there had been many lies told.' I then begged, in order to make this trouble the ſhorter, and my own innocence the plainer, that I might know the particulars, of which I had been accuſed; becauſe, if I were guilty, that would quickly appear; and if I were innocent, this method only would clear me. The queen replied, that 'ſhe would give me no anſwer;' laying hold on a word in my letter, that what I had to ſay, in my own vindication, would have no conſequence in obliging her majeſty to anſwer, &c. which ſurely did not at all imply, that I did not deſire to know the particular things laid to my charge, without which it was impoſſible for me to clear myſelf. This I aſſured her majeſty was all I deſired, and that I did not aſk the names of the authors or the relators of thoſe calumnies; ſaying all that I could think reaſonable to inforce my juſt requeſt. But the queen repeated again and again the words ſhe had uſed, without ever receding. And it is probable, that this converſation had never been conſented to, but that her majeſty had been carefully provided with thoſe words, as a ſhield to defend her againſt every reaſon I could offer. I proteſted to her majeſty, that I had no deſign in giving her this trouble, to ſolicit the return of her favour; and that my ſole view was to clear myſelf, which was too juſt a deſign, to be wholly diſappointed by her majeſty. Upon this the queen offered to go out of the room, I following her, and begging leave to clear myſelf; and the queen repeating over and over again, 'You deſired no anſwer, and ſhall have none.' When ſhe came to the door, I fell into great diſorder; ſtreams of tears flowed down againſt my will, and prevented my ſpeaking for ſome time. At length I recovered myſelf, and appealed to the queen in the vehemence of my concern, whether I might not ſtill have been happy in her majeſty's favour, if I could have contradicted or diſſembled my real opinion of men or things? Whether I had offended in any thing, unleſs in a very zealous preſſing upon her that, which I thought neceſſary for her ſervice and ſecurity? I then ſaid, I was informed by a very reaſonable and credible perſon about the court, that things were laid to my charge, of which I was wholly incapable: that this perſon knew that ſuch ſtories were perpetually told to her majeſty to incenſe her, and had begged of me to come and vindicate myſelf: that the ſame perſon had thought me of late guilty of ſome omiſſions towards her majeſty, being intirely ignorant how uneaſy to her my frequent attendance muſt be, after what had happened between us. I explained ſome things, which I had heard her majeſty had taken amiſs of me; and then with a freſh flood of tears, and a concern ſufficient to move compaſſion even where all love was abſent, I begged to know what other particulars ſhe had heard of me, that I might not be denied all power of juſtifying myſelf. But ſtill the only return was, 'You deſired no anſwer, and you ſhall have none.' I then begged to know if her majeſty would tell me ſome other time?—'You deſired no anſwer, and you ſhall have none.' I then appealed to her majeſty again, if ſhe did not herſelf know, that I had often deſpiſed intereſt in compariſon of ſerving her faithfully, and doing right: and whether ſhe did not know me to be of a temper uncapable of diſowning any thing, which I know to be true?—'You deſired no anſwer, and you ſhall have none.' This uſage was ſo ſevere, and theſe words ſo often repeated, were ſo ſhocking (being an utter denial of common juſtice to one, who had been a moſt faithful ſervant, and now aſked nothing more) that I could not conquer myſelf, but ſaid the moſt diſreſpectful thing I ever yet ſpoke to the queen in my life, and yet, what ſuch an occaſion, and ſuch circumſtances might well excuſe, if not juſtify; and that was, 'I was confident her majeſty would ſuffer for ſuch an inſtance of inhumanity.' The queen anſwered, 'That will be to myſelf.' Thus ended this remarkable converſation, the laſt I ever had with her majeſty. I ſhall make no comment upon it. The queen always meant well, how much ſoever ſhe might be blinded or miſguided. But in a letter, which I had from the duke of Marlborough about eight months before, there is ſomething ſo pertinent to the preſent occaſion, that I cannot forbear tranſcribing the paſſage:

Aug. 26. 1709.

"It has always been my obſervation in diſputes, eſpecially in that of kindneſs and friendſhip, that all reproaches, though ever ſo juſt, ſerve to no end but making the breach wider. I cannot help being of opinion, that, however inſignificant we may be, there is a power above, that puts a period to our happineſs or unhappineſs. If any body had told me eight years ago, that after ſuch great ſucceſs, and after you had been a faithful ſervant twenty-ſeven years, that even in the queen's life-time we ſhould be obliged to ſeek happineſs in a retired life, I could not have believed that poſſible."

hears and ſees every day, as things are at preſent, I think one can expect nothing but confuſion. I am ſure, for my part, I ſhall be ready to join with all my friends in every thing, that is reaſonable, to allay the heat and ferment, that is in this poor nation. Since you went to Newmarket, I have received ſeveral aſſurances from the duke of Shrewſbury of his readineſs to ſerve me upon all occaſions, and his willingneſs to come into my ſervice; which offer I was very glad to accept of, having a very good opinion of him, and believing he may be of great uſe in theſe troubleſome times. For theſe reaſons I have reſolved to part with the duke of Kent, who, I hope, will be eaſy in this matter, by being made a duke; and, I hope, this change will meet with your approbation, which I wiſh I may ever have in all my actions. I have not yet declared my intentions of giving the ſtaff and the key to the duke of Shrewſbury, becauſe I would be the firſt, that ſhould acquaint you with it."

The lord-treaſurer, who well underſtood the meaning, and foreſaw the conſequences of ſuch a change, wrote to the queen the following letter:

Newmarket, April 15, 1710.

"I have the honour of your majeſty's letter of the 13th, by which I have the grief to find, that what you are pleaſed to call ſpleen in my former letter, was only a true impulſe and conviction of mind, that your majeſty is ſuffering yourſelf to be guided to your own ruin and deſtruction, as faſt as it is poſſible for them to compaſs it, to whom you ſeem ſo much to hearken.

"I am not therefore ſo much ſurprized, as concerned at the reſolution, which your majeſty ſays you have taken, of bringing in the duke of Shrewſbury. For when people began to be ſenſible it would be difficult to perſuade your majeſty to diſſolve a parliament, which, for two winters together, had given you above ſix millions a year for the ſupport of a war, upon which your crown depends; even while that war is ſtill ſubſiſting, they have had the cunning to contrive this propoſal to your majeſty, which, in its conſequence, will certainly put you under a neceſſity of breaking the parliament, though contrary (I yet believe) to your mind and intention.

"I beg your majeſty to be perſuaded, I do not ſay this out of the leaſt prejudice to the duke of Shrewſbury. There is no man, of whoſe capacity I have had a better impreſſion; nor with whom I have lived more eaſily and freely for above twenty years. Your majeſty may pleaſe to remember, that, at your firſt coming to the crown, I was deſirous he ſhould have had one of the chief poſts in your ſervice; and it would have been happy for your majeſty and the kingdom, if he had accepted that offer. But he thought fit to decline it; and the reaſons generally given at that time for his doing ſo, do not much recommend him to your majeſty's ſervice. But I muſt endeavour to let your majeſty ſee things as they really are. And to bring him into your ſervice and into your buſineſs at this time, juſt after his being in a public open conjunction in every vote with the whole body of the Tories, and in a private conſtant correſpondence and caballing with Mr. Harley in every thing, what conſequence can this poſſibly have, but to make every man, that is now in your cabinet-council, except———to run from it as they would from the plague? And I leave it to your majeſty to judge, what effect this intire change of your miniſters will have among your allies abroad; and how well this war is like to be carried on, in their opinion, by thoſe who have all along oppoſed and obſtructed it, and who will like any peace the better, the more it leaves France at liberty to take their time of impoſing the Pretender upon this country.

"Theſe conſiderations muſt certainly make Holland run immediately into a ſeparate peace with France, and make your majeſty loſe all the honour and all the reputation your arms had acquired by the war; and make the kingdom loſe all the fruits of that vaſt expence, which they have been at in this war, as well as all the advantage and ſafety, which they had ſo much need of, and had ſo fair a proſpect of obtaining by it. And can any body imagine, that, after ſo great a diſappointment to the kingdom, there will not be an enquiry into the cauſes of it; and who have been the occaſion of ſo great a change in your majeſty's meaſures and counſels, which had been ſo long ſucceſsful, and gotten you ſo great a name in the world? I am very much afraid your majeſty will find, when it is too late, that it will be a pretty difficult taſk for any body to ſtand againſt ſuch an enquiry. I am ſure, if I did not think all theſe conſequences inevitable, I would never give your majeſty the trouble and uneaſineſs of laying them before you. But perſuaded as I am, that your majeſty will find them ſo, it is my indiſpenſable duty to do it of pure faithfulneſs and zeal for your majeſty's ſervice and honour. Your majeſty's having taken a reſolution of ſo much conſequence to all your affairs both at home and abroad, without acquainting the duke of Marlborough or me with it, till after you had taken it, is the leaſt part of my mortification in this whole affair, though perhaps the world may think the long and faithful ſervices, we have conſtantly and zealouſly endeavoured to do your majeſty, might have deſerved a little more conſideration. However, for my own part, I moſt humbly beg leave to aſſure your majeſty, I will never give the leaſt obſtruction to your meaſures, or to any miniſters you ſhall pleaſe to employ. And I muſt beg further, to make two humble requeſts to your majeſty; the one, that you will allow me to paſs the remainder of my life always out of London, where I may find moſt eaſe and quiet. The other, that you would keep this letter, and read it again about next Chriſtmas, and then be pleaſed to make your own judgment, who hath given you the beſt and moſt faithful advice."

This letter made no impreſſion upon the queen, who, two days before ſhe received it, being already fixed in her choice, delivered on the 14th of April, the ſtaff and key to the duke of Shrewſbury, who gave the miniſters very poſitive aſſurances, that his principles were the ſame they had been during the laſt reign, and were in no reſpect altered. Upon which he deſired to enter into confidences with them; but there was now too much ground given for ſuſpicion.

About the beginning of June, the deſign of turning out the earl of Sunderland from the poſt of ſecretary of ſtate began to be talked of. As ſoon as this deſign reached the duke of Marlborough, who was then abroad at the head of the army, he wrote a very moving letter to the queen, repreſenting the very ill conſequences it would neceſſarily have upon all affairs abroad, to have his ſon-in-law, againſt whoſe fidelity nothing could be objected, and in whom the allies had ſo intire a confidence, turned out of her ſervice in the middle of a campaign; and begging it as a reward of all his paſt ſervices, that ſhe would at leaſt delay her reſolution till the campaign was ended. The ducheſs of Marlborough was likewiſe urged by ſome friends to try to ſay ſomething, to divert, if poſſible, ſuch a ſtroke; becauſe it was given out, that the queen would do this chiefly on the ducheſs's account, that ſhe might feel the effects of her diſpleaſure in ſo ſenſible and tender a point. No conſideration proper to herſelf could have induced the ducheſs to trouble the queen again after that laſt converſation: but ſhe was overcome by the conſideration of the duke of Marlborough, the earl of Sunderland, and the public intereſt, and wrote to the queen, on the 7th of June 1710, begging, for the duke of Marlborough's ſake, that her majeſty would not give him ſuch a blow, of which ſhe dreaded the conſequence; putting her majeſty in mind of her letter about the duke upon the victory of Blenheim, and adding the moſt ſolemn aſſurances, that ſhe had not ſo much as a wiſh to remove Mrs. Maſham; and that all the noiſe, which had been about an addreſs for that purpoſe, had been occaſioned by the duke of Marlborough's diſcontents at that time. To this the queen wrote a very ſhort and harſh anſwer, complaining, that the ducheſs had broke her promiſe of not ſaying any thing of politics or of Mrs. Maſham, and concluding, that it was plain from this ill uſage, what ſhe was to expect for the future. The ducheſs upon this wrote a ſecond letter, in which ſhe aſſured her majeſty, that ſhe ſhould not have troubled her with the firſt, but that ſhe had heard it reported, that the perſecution, begun againſt the duke of Marlborough and his family, was chiefly occaſioned by her majeſty's diſpleaſure and averſion to her, as having promoted an addreſs againſt Mrs. Maſham: that it was only to vindicate herſelf from that aſperſion, that ſhe had preſumed to trouble her majeſty: that ſhe could not imagine it could be interpreted as an offence, to vindicate herſelf from what was now made the pretence for turning out the earl of Sunderland, and puſhing the duke of Marlborough to extremities; that ſhe had no reaſon to think, that the aſſuring her majeſty, that ſhe would never have any hand in any thing againſt Mrs. Maſham, could have been conſtrued as an ungrateful ſpeaking about her, or called a continuation of ill uſage: that ſhe thought this was rather a complying with her majeſty's inclination, and ſaying what ſhe could not but approve: that all the politics in her letter was her concern for the duke; making it her laſt requeſt, that her majeſty would only defer the blow till the end of the campaign. This (ſhe added) ſhe begged upon her knees, and left her majeſty to judge, whether, after ſuch an expreſſion, it was likely that ſhe ſhould ever enter into any thing that could diſpleaſe her.

Whether the ducheſs's interfering in this matter haſtened the execution of the deſign, is not known; but it is certain, that it did not retard it; the lord Sunderland was, on the 14th of June, diſmiſſed the office, and the ſeals given the next day to the lord Dartmouth, one of the lords commiſſioners of trade and plantations, and ſon-in-law to the earl of Nottingham. On this occaſion ſeveral great men, who wiſhed well to their country, and who feared that the duke of Marlborough might in diſguſt quit the ſervice, immediately wrote him a joint letter in the following terms:

My Lord, June 14, 1710.

"We ſhould not have given your grace the trouble of this joint-letter, but for the great concern and uneaſineſs in which we find you, on account of my lord Sunderland, by your letter of the 20th to my lord-treaſurer, which he has communicated to us. That letter, as moving and reaſonable as it was, has not hindered the ſeals from being taken this morning from my lord Sunderland. No wonder then, if the utmoſt endeavours, which could be uſed to prevent it, and the ſtrong arguments, which have been made of the ill conſequences that muſt attend ſuch ſteps both at home and abroad, have met with ſo little ſucceſs. We find ourſelves ſo much afflicted with this misfortune, that we cannot but be extremely ſenſible of the great mortification this muſt give you at this critical juncture, when you are every moment hazarding your life in the ſervice of your country, and whilſt the fate of Europe depends, in ſo great a degree, on your conduct and good ſucceſs: But we are alſo as fully convinced, that it is impoſſible for your grace to quit the ſervice at this time, without the utmoſt hazard to the whole alliance. And we muſt therefore conjure you, by the glory you have already obtained, by the many ſervices you have done your queen and country, by the expectation you have juſtly raiſed in all Europe, and by all that is dear and tender to you at home, whoſe chief dependance is upon your ſucceſs, that you would not leave this great work unfiniſhed, but continue at the head of the army. This we look upon as the moſt neceſſary ſtep, that can be taken to prevent the diſſolution of this parliament. Your grace's compliance with this our earneſt requeſt would be the greateſt obligation to us, and all that wiſh well to our country. And, you may depend upon it, that the contrary will be the greateſt ſatisfaction to your enemies."[q]

The high-church party were much pleaſed and elated upon this alteration, which they looked upon as a ſure forerunner of greater changes; "extolling the queen for aſſerting her juſt prerogative, and ſetting herſelf free from an arbitrary junto, who kept her in an inglorious dependance on their will and caprice." And it was ſaid, the duke of Beaufort being, about this time, come to court to pay his reſpects to her majeſty, told her, "That he was extremely glad he could now ſalute her Queen." On the other hand, the Whigs were the more alarmed, as the beſt part of their wealth was lodged in the Exchequer and public funds; and, as they rightly conſidered, that the removal of the Earl of Sunderland was but a ſtep to come at the lord-treaſurer, in whoſe capacity, punctuality, and integrity, the monied men repoſed an intire confidence; and they foreſaw that his being laid aſide would very much affect the public credit, as it immediately did. Whereupon ſir Gilbert Heathcote, governor of the bank of England; Nathaniel Gould, deputy-governor; Francis Eyles and ſir William Scawen, two of the directors, made their application to the duke of Newcaſtle, lord privy-ſeal, to whom having repreſented the dangers likely to attend the change of the miniſtry, the duke introduced them to the queen, who told them, "That ſhe, for ſome time before, had reſolved to remove the earl of Sunderland for particular reaſons of ſtate; but that ſhe had not yet determined to make any other changes; and whenever ſhe ſhould, ſhe would take care, that the public credit might not be injured thereby."

[q] This letter was ſubſcribed by,

Cowper,	Devonſhire,
Godolphin,	Orford,
Sommers,	Halliſax,
Newcaſtle,	H. Boyle.

[r] The Dutch, as well as the Bank, were ſeverely reflected upon by the Tories, for intermeddling in an affair of this nature; and at the ſame time, they handed about an harſh anſwer, which they pretended the queen gave to Vryberg's memorial: "I am ſurpriſed a matter of this kind ſhould come from the States. It is the greateſt inſult that ever was offered to the crown of England. However, it ſhall not leſſen my eſteem for my allies, nor alter my reſolution in my own affairs." Thoſe, who framed this anſwer, had forgot that the queen had interpoſed at the court of Vienna in favour of the emperor's Proteſtant ſubjects, and that the parliament had deſired her to apply to the emperor, for ſending prince Eugene to command in Spain.

[s] Boyer and others ſay, the duke of Somerſet was ſent to demand the treaſurer's ſtaff.

Upon this it was reported, the queen had declared, ſhe deſigned to make no more alterations in the miniſtry, which immediately reſtored the public funds to their former value; but they ſoon began to fall again, and many foreigners withdrew their effects from England upon a ſtrong report, that not only the lord-treaſurer would be ſet aſide, but even the parliament diſſolved.

The queen's allies, and particularly the emperor and the ſtates, were very attentive to what paſſed in Great-Britain; and being apprehenſive, that the duke of Marlborough would either be removed, or ſo far diſguſted, as to lay down his command, which might bring a great prejudice to the common cauſe, count Gallas, the Imperial miniſter, and monſieur de Vryberg, the Dutch envoy, were directed, in a moſt reſpectful manner, to repreſent to the queen, what ill influence the changing of the miniſtry might have on affairs abroad. In anſwer to their memorials, count Gallas was told that he might aſſure the emperor, "whatever changes the queen deſigned to make, ſhe had reſolved to continue the duke of Marlborough in his employments; and deſired prince Eugene, and the other imperial generals and plenipotentiaries might act with him, with the ſame confidence as before." The anſwer which was given to Vryberg, was kept a ſecret; however, it was ſaid, the queen put a favourable conſtruction on the interpoſition of the ſtates, in favour of the miniſtry, looking upon it as the effect of their zeal for the common cauſe, and the confidence they repoſed in the duke of Marlborough's conduct. Theſe interpoſitions were repreſented by thoſe who had never been verſed in the negotiations of princes in an alliance, as a bold intruding into the queen's councils; though nothing is more common, than for princes to offer mutual advices[r].

The queen had no ſooner begun to change her miniſtry by diſplacing the earl of Sunderland, than the French were attentive how to turn it to their advantage. The earl's removal was quickly inſerted in the Paris Gazette, with the particular notice, that he was ſon-in-law to the duke of Marlborough. Their other news-papers were likewiſe filled with all the domeſtic feuds and conteſts of the parties in Great-Britain, which were related with an air of triumph, and helped very much to raiſe the ſpirits of the French.

On the 8th of Auguſt, the very day after the queen had expreſſed her deſire to the earl of Godolphin himſelf, that he would continue in her ſervice, ſhe diſmiſſed him; and her letter of order to him to break his ſtaff was ſent by no worthier a meſſenger than a man in a livery, to be left with his lordſhip's porter[s]. The queen indeed confeſſed to thoſe, who expoſtulated with her upon this occaſion, "That ſhe was ſorry for it, but could not help it." The next day it was declared that the queen had appointed earl Paulet, Mr. Robert Harley, Mr. Henry Paget, ſir Thomas Manſel, and Mr. Robert Benſon, commiſſioners of the treaſury. Though lord Pawlet was the firſt in form, Mr. Harley was the perſon with whom the ſecret was lodged; and it was viſible, he was the chief miniſter, being at the ſame time made chancellor and under treaſurer of the Exchequer, in the room of Mr. Smith, who was afterwards made a teller of the Exchequer. And now it appeared, that a total change of the miniſtry, and the diſſolution of the parliament, were reſolved on.

In the mean while Dr. Sacheverel, being preſented to a benefice in North-Wales, went down to take poſſeſſion of it; as he paſſed through the counties, both going and coming, he was received and followed by ſuch numbers, and entertained with ſuch magnificence, that our princes in their progreſſes have not been more run after than he was: Great fury and violence appeared on many occaſions, though care was taken to give his followers no ſort of provocation: he was looked on as the champion of the church; and he ſhewed as much inſolence on that occaſion, as his party did folly[t]. No notice was taken by the government, of all theſe tumultuous pro-

[t] The particulars of this progreſs more at large were as follows: He went from London about the middle of May to Oxford, with a numerous attendance, and was welcomed and magnificently entertained by the earl of Abingdon, Mr. Charles Bertie, fellow of All-Souls College, Mr. Rowney, one of the members of parliament for that city, the vice-chancellor, the heads of houſes, and moſt perſons of diſtinction in the univerſity. Here he continued the remainder of that month; and, on Thurſday the firſt of June, ſet out, and came that night to Banbury, where the mayor, recorder, and corporation, in their robes and formalities, with their mace before them, attended him at his inn, congratulated him upon his deliverance, making him a preſent of wine; and, in the evening, there were bonfires, ringing of bells, and all public expreſſions of joy. The next day, the doctor dined at the lord Willoughby's, and from thence went forward to Warwick, being met at a diſtance from the town by a body of horſe, who conducted him in. The mayor and aldermen, with a great number of the gentry and inhabitants of that place, paid their reſpects to him at his inn, preſented him with wine, and would have entertained him the day following; which he declined, and went that night to the lord Craven's, and continued ſome

ceedings; they were rather encouraged than checked. All this was like a prelude to a greater ſcene, which was to be acted at court.

The queen in September came to council, and called for a proclamation to diſſolve the parliament, which ſir Simon Harcourt (made attorney-general in the room of ſir James Montague who had quitted that poſt) had prepared. When it was read, the lord-chancellor Cowper offered to ſpeak; but the queen riſing up would admit of no debate, and ordered the writs for a new parliament to be got ready. About the ſame time ſhe diſmiſſed the lord Sommers, and, in his room, made the earl of Rocheſter lord-preſident of the council. She ſent to the duke of Devonſhire for the lord-ſteward's ſtaff, and gave it to the duke of Buckingham. Mr. Boyle was removed from the poſt of ſecretary of ſtate, and Mr. Henry St. John had the ſeals. The earl of Derby was diſmiſſed from being chancellor of the duchy of Lancaſter, and was ſucceeded by the lord Berkley. Upon all theſe removes, the lord chancellor came, on the 23d of September, and delivered up the great-ſeal. The queen did not expect this, and was ſurprized at it; and, not knowing how to diſpoſe of it, ſhe, with unuſual earneſtneſs, preſſed him to keep it one day longer. The day following, having conſidered the matter with her favourites Mrs. Maſham and Mr. Harley, ſhe received it very readily. At firſt ſhe committed it to the cuſtody of three lords-commiſſioners, ſir Thomas Trevor, chief juſtice of the Common-Pleas; Mr. Robert Tracy, judge of the ſame court; and Mr. Scroop, baron of the Exchequer in Scotland; but it was ſoon after given to ſir Simon Harcourt. The earl of Wharton delivered up his commiſſion of lord-lieutenant of Ireland, which was given to the duke of Ormond [u]. The earl of Orford, firſt-commiſſioner of the admiralty, withdrew from that board; but the other four commiſſioners, ſir John Leake, ſir George Byng, Mr. Dodington, and Mr. Methuen were continued; to whom were added, ſir William Drake and Mr. Aiſlaby. Mr. George Granville, a near relation of the earl of Bath, was appointed ſecretary at war, in the room of Mr. Robert Walpole; and Mr. Manley was made ſurveyor-general, in the room of Mr. Samuel Travers; and Mr. Arthur Moore was made one of the lords commiſſioners of trade and plantations. Mr. Robert Raymond, an eminent lawyer of Gray's-Inn, was appointed ſolicitor-general in the room of Mr. Eyre, who, on the 5th of May, had kiſſed the queen's hand, and been knighted, in order to be made one of the judges of the Queen's-Bench, in the room of Sir Henry Gould, deceaſed; and ſir Edward Northey was made attorney-general. Dr. Robinſon, dean of Windſor, who, of late, had grown into great confidence with Mr. Harley, was nominated to ſucceed Dr. Hall, deceaſed, in the biſhoprick of Briſtol; and Dr. Byſſe to ſucceed Dr. Bull deceaſed, in the ſee of St. David's. The duke of Hamilton was appointed lord lieutenant of the county palatine of Lancaſter; the earl of Portmore was made commander in chief of her majeſty's forces in Portugal in the room of the earl of Galway; the lord Windſor advanced to the poſt of lieutenant-general; and general Webb made governor of the Iſle of Wight.

So ſudden and ſo intire a change in the miniſtry, is ſcarce to be found in our hiſtory, eſpecially where men of great abilities had ſerved with ſuch zeal and ſucceſs, that the adminiſtration of all affairs, both at home and abroad, in their hands, was not only without exception, but had raiſed the admiration of all Europe. All this aroſe purely from the great credit of the new favourites, and the queen's perſonal diſtaſte to the old ones. The queen was much delighted with all theſe changes, and ſeemed to think ſhe was freed from the chains, which the old miniſtry held her in. She ſpoke of it to ſeveral perſons, as a captivity which ſhe had been long under. The duke of Somerſet had very much alienated the queen's mind from the old miniſtry; but he was ſo diſpleaſed with the diſſolution of the parliament, and the new model of the miniſtry, that, though he continued ſome time maſter of the horſe, he refuſed to ſit any more in council, and complained openly of the artifices which had been uſed to make him inſtrumental to other people's deſigns.

On the 28th of September the queen went to Hampton-court, having the ſame day ordered the ſeals to be put to a commiſſion for renewing the lieutenancy of the city of London; in which ſeveral Whigs, who were in the former, were left out, and Tories put in their places. This new commiſſion was chiefly deſigned, both to prevent ſir Gilbert Heathcote, an alderman near the chair, and governor of the bank (who had given offence to the court by his application to the queen in favour of the late miniſtry) from being choſen lord-mayor, and to ſtrengthen the intereſt of the high-church party in the election of parliament-men for the capital city, which generally has a great influence upon other elections. But that commiſſion was opened too late to have the intended effect; for, the election for a lord mayor coming on the 29th of September according to cuſtom, the majority appeared for ſir Gilbert Heathcote and ſir Robert Beachcroft; and though a poll was demanded, and great intereſt made by the Tory-party for ſir Richard Hoare, yet the two firſt had the majority of voices; and, being on the 5th of October, returned by the common-hall, the court of aldermen, on the 11th, choſe ſir Gilbert Heathcote lord-mayor for the year enſuing; but in this point he had but common juſtice done him, there having been an agreement made ſome years before between the aldermen of London, to chuſe him who was next the chair, to prevent animoſities and diſputes. On the 10th of October, the queen's commiſſion for a new lieutenancy was opened at Guild-hall, when ſir Samuel Garrard, then lord-mayor, Sir Francis Child, ſir John Parſons, ſir Robert Bedingfield, ſir William Withers, and ſir Richard Hoare, were choſen colonels of the ſix city regiments. About a fortnight after, the new lieutenancy of London preſented an addreſs to the queen, who took that opportunity to deſire them, "as they had great fortunes of their own, that they would uſe their endeavours to ſupport the public credit." It

days in that county. On the 12th of June, he was entertained at dinner by Sir William Boughton, together with the lord Willoughby, lord Craven, and divers other gentlemen and clergymen, who came to expreſs their great joy and ſatisfaction to ſee the doctor. Some days after he continued his progreſs, and, on the 23d, went thro' Wrexham, in the way to his living at Salatin, being met within a mile of the town by moſt of the gentlemen in the county, and others, to the number of about two thouſand. He lay that night at the houſe of George Shakerley, eſq; and, next day, the chancellor of the dioceſe gave orders for his inſtitution and induction, which was performed ſome days after. The doctor having been invited to Shrewſbury, he went thither the 23d of July, being met at Momford-bridge, three miles from the town, by Corbet Kinaſton, eſq; Mr. Owen, Mr. Creſſet, Mr. Creſwell, Mr. Mitton, and all the neighbouring gentlemen and others, and was conducted to Shrewſbury by about five thouſand horſe. After he had been nobly entertained there, he went to Mr. Owen's at Condover, where he was alſo magnificently treated; and then proceeded to Bridgeworth, in which place he could not fail making a pompous entry, Mr. R. Creſwell, jun. a profeſſed jacobite, who deſigned to ſtand for member of parliament for that place, having ſent a circular letter to the clergy round about, and others who were well-wiſhers to the doctor's doctrine, deſiring them to accompany him into town, and favour him with their company at dinner. According to this invitation, moſt of the neighbouring clergy and gentlemen repaired to Bridgenorth on the 5th of July; ſo that, when doctor Sacheverel came near the town, he was met by Mr. Creſwell, at the head of about four thouſand horſe, and near three thouſand foot, moſt of them with white knots, edged with gold, and three leaves of gilt laurel in their hats; the hedges, two miles from the town, being dreſſed with flowers, and lined with people, and the two ſteeples adorned with fifty pounds worth of flags and colours. The doctor being likewiſe invited to Ludlow, he repaired thither the 7th of July, being met by great numbers of men on horſeback, and a vaſt multitude on foot, with drums beating, trumpets ſounding, and colours flying; and, being conducted to the apartment prepared for him, was moſt magnificently entertained. But this was the laſt ſtage of the doctor's triumph; for, expecting to be received at Worceſter with the ſame honours and reſpects, which had been paid him in other places, he ſet out from Ludlow, in order to repair thither, but met with ſome ſlights and affronts in ſome towns through which he had paſſed. His diſappointment and mortification were ſtill more remarkable at Worceſter, doctor Lloyd, biſhop of that ſee, having given expreſs orders to the clergy of his dioceſe againſt paying any reſpect to the doctor, which were punctually obeyed.

[u] The lord Wharton had held a parliament at Dublin before he reſigned, which he had opened the 19th of May with a ſpeech, recommending union among themſelves, and a zeal for the Proteſtant Intereſt and Proteſtant Succeſſion. But this did not hinder the enemies to both, from defacing the ſtatue of king William, on the 25th of June, which had been erected by the city of Dublin, after the battle of the Boyne. They twiſted the ſword that was in one hand, wreſted the truncheon out of the other, daubed the face with dirt, and offered it other indignities. The addreſs, on this occaſion, of the commons of Ireland, deſerves to be remembered; after taking notice of the lord Wharton's concern for their preſervation from the enemies of their happy eſtabliſhment, who envied their late glorious ſovereign the honour of a ſtatue, erected as a teſtimony how much was owing to their deliverer from Popery and ſlavery: They added, 'His memory muſt be ever dear to all men, except thoſe who deſire to bring our religion, lives and properties into the ſame dangers from which his courage and conduct ſo bravely and ſeaſonably reſcued us. And ſuch we unanimouſly declare all thoſe to be, who, on any pretence whatſoever, endeavoured to reflect on the juſtice of the late happy Revolution, the memory of God's great inſtrument in effecting it, or the neceſſary means made uſe of in bringing it about. Had their impotent rancour and malice fully accompliſhed their deſign, by entirely demoliſhing and deſtroying that monument of our gratitude; yet, are we perſuaded, his glorious name would always be diſtinguiſhed with honour, and continue dear to a people delivered, by him, from Popiſh ſuperſtition, and French ſlavery; and to whoſe reign we are indebted for thoſe ineſtimable laws, which exclude all Popiſh ſucceſſors, and ſettle the crown upon our moſt gracious queen, and the heirs of her body, being Proteſtants; and, for want of ſuch iſſue, on the moſt illuſtrious houſe of Hanover: So that if we have any true regard for her majeſty's title, for our moſt holy religion, or for our civil liberties, we cannot ſufficiently acknowledge your excellency's moſt generous care, to detect ſo baſe and barbarous a fact; nor omit any opportunity of expreſſing our deteſtation of thoſe, whoſe repeated indignities, offered to the memory of our great deliverer, are ſufficient indications of their being enemies to our happy conſtitution in church and ſtate, and of their affection to the Pretender.' The city of Dublin cauſed the ſtatue to be repaired, for which they had the thanks of the houſe of commons.

was expected, that this recommendation would have had a good effect, and engaged the Tory-party in the city, either to advance money to the government, or to uſe their utmoſt endeavours to ſupport the public funds. But neither of theſe happened; and ſo the Bank, Eaſt-India, annuities, and other ſtocks continued ſinking, which gave the miniſtry no ſmall uneaſineſs; the rather, becauſe ſome bills of exchange, drawn from Genoa for remittances into Spain, happened at this juncture to be proteſted. Mr. Harley, the new chancellor of the Exchequer, ſent his agents into the city, who found means to engage ſeveral rich merchants and bankers, particularly Mr. John Lambert, a French refugee, to ſupply the urgent neceſſities of the government.

By this time the elections for parliament-men were over in ſeveral places; and by the firſt returns it appeared, that, amongſt the new members, the number of the Whigs was near equal with that of the Tories; which, as was then given out, anſwered the expectation and deſires of the new managers. For having gained their chief aim, which was to remove the late lord-treaſurer and his friends, it was by many believed, that they deſigned to carry things even between both parties; and therefore wiſhed only for ſuch a majority of the high-church in the houſe of commons, as might countenance the new ſcheme; and whom, on the other hand, they might eaſily check by means of their own creatures, if an unſeaſonable zeal for the church ſhould prompt them to make any motions againſt the Toleration. If this was the real intention of the new miniſtry, or of Mr. Harley in particular, the chief author of the late changes; it ſoon appeared, that they were either miſtaken in their computation, or diſappointed in their wiſhes; and that the new members of the high-church party far out-numbered thoſe of the contrary ſide; which, beſides the influence of the court, was owing to ſeveral other cauſes.

For, in the firſt place, many of the Whig gentlemen, who either could not be induced to believe, that the laſt parliament would be diſſolved, till the blow was given; or who, in caſe of a diſſolution, thought themſelves ſecure of being re-choſen, had neglected making an intereſt; whilſt thoſe, who deſigned to oppoſe them, had early taken all the neceſſary meaſures to carry their point. Secondly, the ferment, raiſed by Dr. Sacheverel's trial, was now rather increaſed than abated, being induſtriouſly fomented and propagated throughout the kingdom, in order to influence elections; which it did effectually, and in a more viſible manner, in the cities and boroughs, through which that divine had made his triumphant progreſs in the ſummer. Thirdly, all the inferior clergy, a few excepted, thinking themſelves attacked through the ſides of Dr. Sacheverel, were more than ordinarily zealous and diligent in promoting the intereſt of ſuch, as they thought beſt affected to the church; not only without any regard to the neceſſary qualifications of perſonal merit or eſtate in the candidates, but in ſeveral inſtances, in breach of the common duties of gratitude, ſtrenuouſly oppoſing their very patrons and benefactors. Beſides a courſe, for ſome months, of very inflaming ſermons, they went about from houſe to houſe, preſſing their people to ſhew, on this great occaſion, their zeal for the church, and now or never to ſave it. They alſo told them, in what ill hands the queen had been kept, as in captivity; and that it was a charity, as well as their duty, to free her from the power, which the late miniſtry exerciſed over her. In the laſt place, there was a vaſt concourſe of rude multitudes brought together, who behaved themſelves in ſo boiſterous a manner, that it was not ſafe, and in many places not poſſible, for thoſe, who had a right to vote, to come and give their votes for a Whig. Open violence was uſed in ſeveral places. This was ſo general through the whole kingdom, all at the ſame time, that it was viſible, that the thing had been concerted for ſome time, and the proper methods and tools had been prepared for it. The influence of the mob was, in a particular manner, remarkable in the election for the city of Weſtminſter; where Mr. Medlicot and Mr. Croſs being ſet up by the high-church party, ſome of thoſe, who offered to give their voices for their competitors general Stanhope and ſir Henry Dutton Colt, were knocked down and wounded, which obliged many of their party to return home without polling; ſo the two firſt candidates had a vaſt majority. The Whigs expected, that the election of the city of London would balance that of Weſtminſter; and indeed, the firſt day of the poll, their candidates had a conſiderable advantage; but ſuch induſtry was uſed by the then lord-mayor and the aldermen of the high-church party, in bringing many citizens upon the livery, and engaging their votes, that, upon cloſing the books, Sir William Withers, ſir Richard Hoare, ſir George Newland, and Mr. John Caſs, all four of that party, having the majority of votes, were declared duly elected. After the poll was ended, there were extraordinary rejoicings throughout the city, by illuminations, bonfires, ringing of bells, &c. and the tumultuous mob were ſo exalted and enraged againſt thoſe, who ſeemed not to partake in the public joy, that they broke all the windows they ſaw unlighted, without diſtinction; ſo that many houſes of the church-party were damaged, as well as thoſe of the Whigs, and in particular that of Sir Richard Hoare, one of the four, for whoſe ſakes theſe rejoicings were made. Some days before, the mob was guilty of a ſtill greater inſtance of outrage; for, as ſir Gilbert Heathcote, one of the Whig candidates, and lord-mayor elect, was going out of Guild-hall, they not only inſulted him with reproachful language, but one of them ſpit in his face.

Though the Tories had boaſted, that none of the managers againſt Dr. Sacheverel would be re-choſen members of parliament; yet, notwithſtanding the utmoſt endeavours that were uſed to prevent it, Sir Joſeph Jekyll, Sir Peter King, Mr. Lechmere, and Mr. Walpole, were returned; as was alſo general Stanhope for Cockermouth, though he loſt his election at Weſtminſter: However, there were few Whigs returned, againſt whom petitions were not offered; there were in all about a hundred, and, by the firſt ſteps after the meeting of the parliament, the majority made it appear, that they intended to clear the houſe of all who were ſuſpected to be of that party. As for the elections in Scotland, the ſixteen peers returned were the dukes of Hamilton and Athol; the marquis of Annandale; the earls of Mareſchal, Eglington, Mar, Loudoun, Hume, Kinoule, Northeſke, Orkney, Roſeberry, Ilay; the lord viſcount Kelſythe; and the lords Balmerino and Blantyre. And the elections of the commons were much upon an equal foot between Whigs and Tories.

On the 30th of October, Sir Gilbert Heathcote, lord-mayor of London, was, according to cuſtom, ſworn at the Exchequer in Weſtminſter; but the pageantry, and ſome other parts of the uſual ſolemnity, were omitted, as he well knew he was not acceptable to the common people, ſome of whom were ſo bold as to inſult him in the cavalcade. On the 6th of November, the queen came from Hampton-court to St. James's Palace, where, the next day, ſhe kept the general thankſgiving, for the ſucceſſes of the laſt campaign, in her royal chapel.

Two days after, a remarkable advertiſement, ſigned Henry St. John, was publiſhed in the London Gazette, importing, "That, ſome evil-deſigning perſons having unſcrewed and taken away ſeveral iron bolts out of the great timbers of the weſt roof of the cathedral church of St. Paul, her majeſty, for the better diſcovery of the offenders, was pleaſed to promiſe her moſt gracious pardon, and a reward of fifty pounds, to any perſon concerned therein, who ſhould diſcover his accomplices." This advertiſement occaſioned the report of a plot to deſtroy the queen and the court, by the fall of the roof of St. Paul's, on the thankſgiving-day, when it was ſuppoſed her majeſty would have gone thither; which pretended ſcrew-plot (as it was afterwards called) many of the Tories and emiſſaries of the new miniſtry were ready enough to charge upon the Whigs. But upon enquiry it appeared, that the miſſing of the iron pins was owing to the neglect of ſome workmen, who thought the timbers ſufficiently faſtened without them.

The parliament being met on the 25th of November, the commons, by direction from the throne, proceeded to the choice of a ſpeaker, which, as it was generally expected, fell, without any oppoſition, on Mr. Bromley. He had, for many years paſt, been choſen member for the univerſity of Oxford; was ſure of all the votes of the church-party, of which he had been one of the moſt conſtant and reſolute leaders, particularly in the firſt parliaments of this reign, when he brought in, and ſtrenuouſly ſupported, the Occaſional Conformity Bill. Sir Thomas Hanmer, and Mr. Smith, formerly ſpeaker, and another member, were at firſt propoſed; but this was only to try the temper of the houſe; for, as ſoon as Mr. Bromley was named, the general voice was for him. The queen, being, on the 27th of November, come to the houſe of peers, made the following ſpeech to both houſes:

"My lords and gentlemen,

"I have, by calling this parliament, made appear the confidence I place in the duty and affections of my ſubjects; and I meet you here with the greateſt ſatisfaction, having no reaſon to doubt, but that I ſhall find ſuch returns, as

will add new life to our friends, and intirely diſappoint the hopes of our enemies.

" To this end I ſhall recommend to you what is abſolutely neceſſary for our common ſafety.

" The carrying on the war in all its parts, but particularly in Spain, with the utmoſt vigour, is the likelieſt means, with God's bleſſing, to procure a ſafe and honourable peace for us and all our allies, whoſe ſupport and intereſt I have truly at heart.

" For this purpoſe I muſt aſk from you, gentlemen of the houſe of commons, the neceſſary ſupplies for the next year's ſervice: and let me put you in mind, that nothing will add ſo much to their efficacy, as unanimity and diſpatch.

" I cannot, without great concern, mention to you, that the navy, and other offices, are burthened with heavy debts, which ſo far affect the public ſervice, that I moſt earneſtly deſire you to find ſome way to anſwer thoſe demands, and to prevent the like for the time to come; the juſtice of parliament, in ſatisfying former engagements, being the certain way for preſerving and eſtabliſhing national credit.

" I am ſenſibly touched with what my people ſuffer by this long and expenſive war, to which, when it ſhall pleaſe God to put an end, the flouriſhing condition of my ſubjects ſhall be as much my care, as their ſafety is at preſent.

My lords and gentlemen,

" The eyes both of friends and enemies are upon you. The way to give ſpirit to the one, and to defeat the reſtleſs malice of the other, is to proceed in ſuch manner, as becomes a Britiſh Parliament.

" I ſhall, in the plaineſt words, tell you my intention; and I do this with the greateſt ſatisfaction, becauſe I depend upon their being agreeable to you.

" I am reſolved to ſupport and encourage the church of England, as by law eſtabliſhed:

" To preſerve the Britiſh conſtitution, according to the Union: and to maintain the Indulgence allowed by law to ſcrupulous conſciences.

" And, that all theſe may be tranſmitted to poſterity, I ſhall employ none but ſuch, as are heartily for the Proteſtant ſucceſſion in the houſe of Hanover, the intereſt of which family no perſon can be more truly concerned for than myſelf.

" Theſe are my reſolutions; and your concurrence with me in a ſteady purſuit of them, will beſt manifeſt your zeal for our religion, for the intereſt of our country, for your own ſafety, and for my honour."

The queen, in this ſpeech (the ſentiments whereof were ſuppoſed to come from Mr. Harley) took no notice of the ſucceſſes of the laſt campaign, as ſhe had always done in her former ſpeeches; and it was much obſerved, that, inſtead of promiſing to maintain the Toleration, ſhe had, in Sacheverel's language, ſaid, ſhe would maintain the Indulgence, granted by law, to ſcrupulous conſciences. The lords preſented an addreſs of an odd compoſition to the queen, which ſhewed, it was not drawn by thoſe who had penned their former addreſſes. Inſtead of promiſing, they would do all that was poſſible towards a vigorous proſecution of the war, in order to an honourable peace, they only promiſed to concur in all reaſonable meaſures to that end, which ſeemed to import a limitation, as if they had apprehended, that unreaſonable things might be aſked of them. The concluſion alſo was in a very cold ſtrain of rhetoric: for they ended with ſaying, 'They had no more to add.' The commons were more hearty in their addreſs, and, in the end of it, reflected on ſome late practices againſt the church and ſtate, in theſe words:

" Theſe are the ends (namely, proſecution of the war, ſafety of the church, indulgence to ſcrupulous conſciences, preſervation of the Union, adherence to the Proteſtant ſucceſſion) truly worthy your majeſty's purſuit; and we do, with all humility, repreſent to your majeſty, that the moſt effectual way to give ſpirit to your friends, and defeat the reſtleſs malice of your enemies, will be, by diſcountenancing all perſons of ſuch principles, and avoiding all meaſures of ſuch tendency, as may weaken your majeſty's title and government, the ſettlement of the crown in the illuſtrious houſe of Hanover, and advance the hopes of the Pretender; and all other principles and meaſures, that have lately threatened your royal crown and dignity, which, whenever they prevail, will prove fatal to our whole conſtitution, both in church and ſtate."

But this addreſs had but little or no effect in relation to the public funds; moſt of the Whigs and monied men, being ſtill uneaſy, whilſt the doctrine of 'Abſolute Paſſive Obedience and of Hereditary Right,' wholly inconſiſtent with the late Revolution and the Hanover ſucceſſion, were countenanced; not to mention their juſt apprehenſions, that the duke of Marlborough would be either laid aſide, or made ſo uneaſy, as to be obliged to reſign his command. This jealouſy was increaſed upon what happened on the 28th of November in the houſe of peers, where the earl of Scarborough having made a motion, that the thanks of the houſe ſhould be returned to the duke, ſome objections were raiſed againſt it by the duke of Argyle; and the duke of Marlborough's friends, being apprehenſive if the queſtion were put it would be carried in the negative, ſaid, it would be time enough to ſpeak to that matter when the duke was come home. The next day a complaint was made by the earl of Rocheſter againſt the lord-keeper Harcourt, for taking upon him to introduce the Scots lords to the queen, being himſelf no peer by patent. But, the late lord-chancellor Cowper maintaining he had a right to act as he had done, no further notice was taken of it. The commons readily granted the ſupplies for the next year's ſervice, and gave ſuch diſpatch to the land-tax bill, that it received the royal aſſent before the ſhort receſs at Chriſtmas.

About the beginning of December the queen appointed the earl of Peterborough to go to Vienna, to concert meaſures with the imperial court for the vigorous proſecution of the war, particularly in Spain, which, at this juncture, ſeemed to be the court's favourite project, though not generally approved. For many obſerved, that this was the very thing, which the French king had been aiming at in the late negociations, namely, to make a ſeparate peace, excluſive of Spain, in order to carry the ſtreſs of the war into that country, where, whatever engagement he entered into, he might underhand aſſiſt his grandſon, who, having the affections of the people, might proſecute the war with great advantage over the allies, whereby the French king would eaſe himſelf of the war in Flanders, which diſtreſſed him moſt, and threatened the very heart of his dominions. About the ſame time earl Rivers was ſent to the court of Hanover, from whence he was lately returned. It was alſo declared, that the queen had, on the 12th of December, named Mr. Richard Hill to be her envoy-extraordinary to the United Provinces, and to the council of ſtate appointed for the government of the Spaniſh Low-Countries, in the room of lieutenant-general Cadogan, who was recalled. The military men were not ſo ſurprized at this change, as when they heard, that the commiſſions of lieutenant-general Meredith, major-general Macartney, and brigadier Honeywood were ſuperſeded, upon an information laid before the queen, that theſe three gentlemen had, in their cups, drank " damnation and confuſion to the new miniſtry, and to thoſe, who had any hand in turning out of the old[x]." Some perſons, who, about this time, came over from Flanders, extenuated the crime of thoſe three gentlemen, averring, " they only drank a health to the duke of Marlborough, and confuſion to all his enemies;" which is uſual in all armies, out of reſpect to the commander in chief. But, whether this excuſe was well-grounded or not, the new miniſters thought it neceſſary to make an example, in order to keep within bounds the generals, and other officers of the army, ſome of whom, it was ſaid, dropped doubtful expreſſions of " ſtanding by their general." And this might adminiſter the greater cauſe of ſuſpicion at this juncture, becauſe the deſign of making a general for life was laid to the charge of the old miniſtry in a pamphlet, called " Faults on both ſides," written by Mr. Clements, and countenanced by ſome great men, and particularly the earl of Peterborough. Not many days after, the earl of Hertford, ſon to the duke of Somerſet, was made governor of Tinmouth-fort, in the room of general Meredith, who, about this time, had a further mortification put upon him, his place of gentleman of the horſe to the queen being given to Mr. Conyers Darcy, brother to the Earl of Holderneſs. On the 13th of December, the dukes of Beaufort and Hamilton were ſworn of her majeſty's privy-council; and, about the ſame time, Sir James Wiſhart, and Mr. George Clarke, were made commiſſioners of the admiralty, in the room of Mr. Methuen and Mr. Dodington; and Mr. Whitworth, who was envoy to the Czar of Muſcovy, was appointed ambaſſador extraordinary to the ſame court. The queen likewiſe appointed the Earl of Abingdon juſtice in Eyre, in the room of the earl of Wharton, and his counteſs one of the ladies of the Bed-chamber. Not many days after the queen knighted ſir Conſtantine Phipps, one of Dr. Sacheverel's counſel in his late trial, and made him lord-chancellor of Ireland.

[x] Meredith's regiment was given to the earl of Orrery; Macartney's to colonel Kane; and Honeywood's to colonel Clayton. Major-general Syburg had the lord Orrery's. The duke of Schomberg reſigned his regiment of horſe to his ſon the marquis of Harwich, who had ſerved two campaigns in Flanders as volunteer and aid de camp to the duke of Marlborough.

The duke of Marlborough, having embarked in Holland, arrived, the 28th of December, at London. Upon his entrance into the city about five in the evening, his coach was attended by a great number of people with links and flambeaux, who by their acclamations expreſſed their joy at his return. The duke thought it prudence, at this juncture, to avoid the leaſt ſhew of popularity, and therefore ordered his coach, inſtead of driving directly to St. James's, to go to Montague-Houſe, from whence, after having reſted an hour or two, he went out by a private door. Upon his arrival at St. James's, he immediately waited upon the queen, who diſcourſed with him about half an hour; after which he retired to his apartment.

The duke aſſiſted at a committee of the privy-council the next morning; and, afterwards, received the viſits of the earl of Rocheſter, preſident of the council, the earl Pawlet, firſt commiſſioner of the treaſury, the ſecretaries of ſtate, and other perſons in the miniſtry. It was, however, for many days a queſtion with the public, whether he had any interview with Mr. Harley, who had now the greateſt ſhare, both in the queen's confidence, and in the management of affairs. Thoſe, who pretended to know the ſecret of the court, ſeemed perſuaded, that the queen had reſolved to remove all coldneſs, that might be between them; and the event juſtified their conjecture.

The uncertainty, whether the duke of Marlborough would be continued in his command in Flanders, caſt in the mean time a freſh damp on the public credit. It was therefore the general wiſh and expectation of the moſt wealthy and ſubſtantial citizens, that, in order to remove that doubt, the duke ſhould receive the thanks, if not of both, at leaſt of either of the two houſes of parliament. But the duke's friends in the houſe of peers, having already failed in one motion for it, were unwilling to attempt it a ſecond time; eſpecially, as they found the majority of the houſe inclined to paſs that compliment on the earl of Peterborough. And, as for his friends in the houſe of commons, they found their number too ſmall to venture to attempt it at all. For this the duke had been prepared by the queen, who, upon his coming over, told him, he was not to expect the thanks of the two houſes as formerly. She added, that ſhe expected he ſhould live well with her miniſters, but did not think fit to ſay any thing of the reaſons ſhe had for making thoſe changes in the miniſtry [y]. However, the duke ſhewed no reſentments for all the ill uſage he met with; and, having been much preſſed by the States and the other allies to continue in the command of the army, he told the biſhop of Saliſbury, he reſolved, upon that account, to be patient, and to ſubmit to every thing, in order to the carrying on the war; and, finding the queen's prepoſſeſſion againſt his ducheſs was not to be overcome, he carried a ſurrender of all her places to the queen. She was groom of the ſtole, had the robes and the privy-purſe; in all which ſhe had ſerved with great œconomy and fidelity to the queen, and juſtice to thoſe who dealt with the crown. The ducheſs of Somerſet had the two firſt places, and Mrs. Maſham the laſt.

The queen's birth-day, Feb. 6. was this year ſolemnized with extraordinary magnificence; but it was obſerved, that the duke of Marlborough did not appear at the feſtival, having, with the queen's leave, ſet out four days before for Blenheim-houſe, with the marquis de Paſchal governor of Bruſſels, lately come from Flanders, and monſieur de Seiſſan, on whom the queen afterwards conferred a noble gratuity for his gallant, though unſucceſsful, attempt the laſt ſummer, againſt Port de Cette, in order to aſſiſt the Cevennois.

During the ſhort receſs of the parliament, the news came of the ill ſucceſs in Spain; and, this giving an handle to examine into that part of the conduct of the late miniſtry, the queen was adviſed to lay hold of it; and therefore, without ſtaying till ſhe heard from her own miniſters or her allies, as was uſual, ſhe laid the matter before the parliament, as the public news brought it from Paris, which was afterwards found to be falſe in many particulars. On the 2d of January, Mr. ſecretary St. John delivered to the commons a meſſage from the queen, acquainting them, "That there had been an action in Spain, very much to the diſadvantage of king Charles's affairs, which having fallen particularly on the Engliſh forces, the queen had immediately given directions for ſending and procuring troops to repair this loſs, not doubting but the parliament would approve thereof." The like meſſage was ſent to the lords [z]; and both houſes returned their thanks for it; the commons aſſuring her at the ſame time, "That they were perfectly ſatisfied in her great care; intirely depended upon her wiſdom; and would effectually ſupport her majeſty in her meaſures for retrieving the loſs in Spain." And the lords obſerving, "That, as this misfortune might have been occaſioned by ſome preceding miſmanagement, they would uſe their utmoſt endeavours to diſcover it, ſo as to prevent the like for the future." And they immediately entered into an inquiry concerning the affairs of Spain. They began it with an addreſs to the queen, to delay, for ſome days, the earl of Peterborough's journey to Vienna, that they might make uſe of ſuch lights and informations, as he was able to give them concerning thoſe affairs. This was readily granted, and the earl, in anſwer to five queſtions propoſed to him in a committee of the whole houſe, gave a long recital of the affairs of Spain, loading the earl of Galway with all the miſcarriages in that war [a]. And, in particular, he ſaid, that in a council of war in Valencia, in the middle of January 1706-7, the earl of Galway had preſſed the puſhing an offenſive war for that year; and that the lord Tyrawley and Stanhope had concurred with him in that: Whereas he himſelf was for lying on a defenſive war for that year in Spain: He ſaid, this reſolution was carried by thoſe three, againſt the king of Spain's own mind: and he imputed all the misfortunes that followed in Spain to this reſolution ſo taken. Stanhope had given an account of the debates in that council to the queen; and the earl of Sunderland, in anſwer to his letter, had wrote by the queen's order, that ſhe approved of their preſſing for an offenſive war; and they were ordered to perſiſt in that. The earl of Sunderland ſaid in that letter, that the queen took notice, that they three (meaning the earl of Galway, lord Tyrawley, and Stanhope) were the only perſons that were for acting offenſively: and that little regard was to be had to the earl of Peterborough's oppoſition. Upon the ſtrength of this letter, the earl of Peterborough affirmed, that the whole council of war was againſt an offenſive war: He laid the blame, not only of the battle of Almanza, and all that followed in Spain, upon thoſe reſolutions, but likewiſe the miſcarriage of the deſign on Toulon; for he told them of a great deſign, he had concerted with the duke of Savoy, and of the uſe that might have been made of ſome of the troops in Spain, if a defenſive war had been agreed to there. The earl of Galway and the lord Tyrawley were ſent for; and they were aſked an account of that council at Valencia. They ſaid, there were many councils held there about that time; and that both the Portugueze ambaſſador and general, and the envoy of the States, agreed with them in their opinions, for an offenſive war; and they named ſome Spaniards, that were of the ſame mind: They alſo ſaid, that all along, even to the battle of Almanza, in all their reſolutions, the majority of the council of war voted for every thing that was done, and that they were directed to perſiſt in their opinions, by letters wrote to them, in the queen's name, by the ſecretaries of ſtate: That as to the words in the earl of Sunderland's letter, that ſpoke of them, as the only perſons that were of that opinion; theſe were underſtood by them, as belonging only to the queen's ſubjects, and that they related more immediately to the earl of Peterborough, who oppoſed that reſolution, but not to the reſt of the council of war; for the majority of them was of their mind [b].

As the lord Galway ſaid, his memory might have failed him in ſome important particulars, he deſired that he might

[y] The duke, inſtead of having the thanks of either houſe, had the mortification to ſee a ſcurrilous letter publiſhed, ſuppoſed to be ſent to the mayor of St. Alban's, and containing, what the author called, reaſons why a certain great general had not the thanks of either of the two houſes of parliament, &c.

[z] Biſhop Burnet ſays that, in her meſſage, the queen ſaid, ſhe hoped they would approve of the orders ſhe had given. This (ſays he) was a mean expreſſion from the ſovereign, not uſed in former meſſages, and ſeemed below the dignity of the crown. II. 558.

[a] This recital contained the facts and paſſages, publiſhed ſome years before by Dr. Freind (who attended the earl into Spain) in his account of the earl of Peterborough's conduct. When he gave it in writing, he called it the recapitulation of his anſwers to the five queſtions propoſed to him by the lords, of which the reader has ſeen great part in ſome former notes relative to this matter.

[b] The lord Sunderland's letter here referred to, was dated Feb. 14. 1706-7, in anſwer to Mr. Stanhope's of January 15, N. S. The ſubſtance of which was, 'That he was ſorry they three only (meaning the lords Galway and Tyrawley, and Mr. Stanhope) were of that opinion (for an offenſive war); that nothing but intereſt could incline others to the contrary; that the dividing the army would be the ruin of all: That the queen entirely approved what he (Mr. Stanhope) had done in the council of war, as he would ſee more at large in the incloſed from my lord-treaſurer: That this was ſo much the queen's opinion, that ſhe had written in the moſt preſſing terms to king Charles about it: That as for the earl of Peterborough's projects in Italy, the leſs attention Mr. Stanhope gave to them, the better. That he ſent him a letter for the earl Rivers, which he deſired Mr. Stanhope to deliver to him, if the earl took upon him the command of the army by the lord Galway's giving it up, which however he hoped he would not do. In which laſt caſe Mr. Stanhope was deſired to burn that letter: concluding, that the lord-treaſurer had ſettled the remittances of the army, &c.'

be allowed to give in writing what he had delivered by word of mouth; which being granted, he gave in two papers; the one related to his own conduct from his firſt ſetting out for Portugal, till the time he was recalled; the other was an anſwer to the recital given in writing alſo by the earl of Peterborough, with other papers [c].

After ſeveral debates (at which the queen was preſent) the houſe of lords was ſo diſpoſed, that the majority believed every thing ſaid by the earl of Peterborough, and it was carried, 'That he had given a very faithful, juſt, and honourable account of the councils of war in Valencia, and that the earl of Galway, lord Tyrawley, and general Stanhope, inſiſting in a conference held at Valencia, ſome time in January, 1706-7, in the preſence of the king of Spain; and the queen's name being uſed in maintenance of their opinions for an offenſive war, contrary to the king of Spain's opinion, and that of all the general officers and public miniſters, except the marquis das Minas; and the opinion of the earl of Galway, lord Tyrawley, and general Stanhope, being purſued in the operations of the following campaign, was the unhappy occaſion of the battle of Almanza, and one great cauſe of our misfortunes in Spain, and of the diſappointment of the duke of Savoy's expedition before Toulon, concerted with her majeſty.'

From this cenſure on the earl of Galway, the debate was carried to that, which was chiefly aimed at, to put a cenſure on the miniſtry here. So it was moved, that an addreſs ſhould be made to the queen, to free thoſe, who were under an oath of ſecrecy, from that tie, that a full account might be laid before the houſe of all their conſultations: the queen granted this readily, and came to the houſe, which was underſtood to be on deſign to favour that, which was aimed at. Upon this the duke of Marlborough, the earls of Godolphin and Sunderland, and the lord Cowper ſhewed, that, conſidering the force ſent over to Spain under the lord Rivers, they thought an offenſive war was adviſable; that the expence of that war was ſo great, and the proſpect was ſo promiſing, that they could not but think an offenſive war neceſſary; and that to adviſe a defenſive one, would have made them liable to a juſt cenſure, as deſigning to protract the war. The deſign on Toulon was no way intermixed with the affairs of Spain; the earl of Peterborough fancied he was in that ſecret, and had indeed propoſed the bringing over ſome troops from Spain on that deſign, and had offered a ſcheme to the duke of Savoy, in which that was mentioned, and had ſent that over to England. But though the duke of Savoy ſuffered that lord to amuſe himſelf with his own project, which he had concerted for the attempt on Toulon, that duke had declared he would not undertake it, if it was not managed with the utmoſt ſecrecy, which was ſacredly kept, and communicated only to thoſe, to whom it muſt be truſted for the execution of it. No troops from Spain were to be employed in that ſervice, nor did it miſcarry for want of men. Theſe lords further ſaid, they gave their opinions in council, according to the beſt of their judgment; their intentions were very ſincere for the ſervice of the queen, and to bring the war to a ſpeedy concluſion. However it was voted, after a warm debate, 'That it appeared by the lord Sunderland's letter, that the carrying on the war offenſively in Spain was approved and directed by the miniſters, notwithſtanding the deſign of attempting Toulon, which the miniſters, at that time, knew was concerted with the duke of Savoy; and therefore were juſtly to be blamed for contributing to all our misfortunes in Spain, and to the diſappointment of the expedition againſt Toulon. That the earl of Peterborough, during the time he had the honour of commanding the army in Spain, did perform many great and eminent ſervices; and, if the opinion he gave in the council of war at Valencia had been followed, it might very probably have prevented the misfortunes that had happened ſince in Spain.' The lords of the high-church party having, by the help of the Scots, who all voted on that ſide, carried theſe queſtions, the earl of Wharton moved, that ſuch lords, as were againſt them, might enter their proteſts, which was readily granted [d].

Here was a new and ſtrange precedent of cenſuring a reſolution taken in council; and of deſiring the queen to order all that had paſſed in council to be laid before the houſe: In all the hot debates in king Charles the firſt's reign, in which many reſolutions taken in council were juſtly cenſurable, yet the paſſing any cenſure on them was never attempted by men, who were no way partial in favour of the prerogative: But they underſtood well what our conſtitution was in that point: A reſolution in council is only the ſovereign's act, who, upon hearing his counſellors deliver their opinions, forms his own reſolution: A counſellor may indeed be liable to cenſure, for what he may ſay at that board; but the reſolution taken there has been hitherto treated with a ſilent reſpect; but, by this precedent, it will be hereafter ſubject to a parliamentary enquiry. The queen was ſo deſirous to have a cenſure fixed on her former miniſtry, that ſhe did not enough conſider the wound given to the prerogative, by the way in which it was done.

After theſe proceedings it was moved by the duke of Buckingham, that the thanks of the houſe ſhould be given to the earl of Peterborough, for his remarkable and eminent ſervices; which being ordered, the lord-keeper Harcourt addreſſed himſelf to the earl, in a ſpeech, wherein he obliquely reflected on the rewards that had been received by the duke of Marlborough:

"Such is your lordſhip's known generoſity and truly noble temper, that I aſſure myſelf, the preſent I am now offering to your lordſhip is the more acceptable, as it comes pure and unmixed, and is unattended with any other reward, which your lordſhip might juſtly think would be an allay to it."

The next morning the earl ſet out for Vienna, and the lords, not content with what had been done, entered, on the laſt day of January, into an enquiry about the force we had in Spain at the time of the battle of Almanza, and it was found not to exceed fourteen thouſand men, though the parliament had voted twenty-nine thouſand. This ſeemed to be a crying thing, and tragical declarations were made upon it. But, in truth, that vote had paſſed only in the January before the battle of Almanza, which was fought on the 14th of April following. Now it was not poſſible to levy and tranſport men in ſo ſhort a time. It was made appear, that all the money, given by the parliament for that ſervice, was applied to it, and that extraordinary diligence was uſed, both in forwarding the levies, and their tranſportation. They were ſent from Ireland, the paſſage from thence being ſafeſt and moſt ſpeedy. All this and a great deal more to the ſame purpoſe was ſaid, but it ſignified nothing [e]; for, though no examination had been made, but into that ſingle point of the numbers at Almanza, they came to a general vote, That the late miniſtry had been negligent, in the management of the war in Spain, to the great prejudice of the nation; and they then ordered all their proceedings and votes to be put in an addreſs, and laid before the queen: And though they had made no inquiry into the expence of that war, nor into the application of the money, given by the parliament for it, yet in their addreſs they mentioned the great profuſion of money in that ſervice. This they thought would touch the nation very ſenſibly; and they hoped the thing would be eaſily believed on their word. Proteſts were made againſt every vote in the whole progreſs of this matter: Some of theſe carried ſuch reflections on the votes of the houſe, that they were expunged.

[c] The reader has likewiſe before ſeen great part of the lord Galway's two papers.

[d] The proteſt to the firſt reſolution was as follows:

Diſſentient'

Becauſe that, concerning the army of the allies in Spain, was to receive ſo great an addition of troops by the ſupply ſent under the earl Rivers, the general deſire and expectation of the kingdom to have the war brought to a ſpeedy concluſion, and all other circumſtances of the war, as it then ſtood, we are of opinion, that an offenſive war was then fitteſt for thoſe in her majeſty's ſervice to adviſe; and we do not find reaſon, by any thing ariſing on the examinations and debates to be of another opinion, the occaſion of fighting the battle of Almanza depending, as we conceive, on cauſes ſubſequent to that advice; the ill ſucceſs of it, as we apprehend, being juſtly attributed to other manifeſt reaſons, and the real deſign on Toulon, as finally adjuſted with the duke of Savoy, not requiring, as appears to us, the aſſiſtance of any forces from Spain.

Devonſhire,	J. Ely,
Kent	W. Lincoln,
Lincoln,	Jo. Landaff,
Wharton,	Harvey,
Godolphin,	Rich. Peterborough,
Gilbert, Sarum,	J. Bangor,
Sommers,	Marlborough,
Jo. Litchfield and Coventry,	Dorcheſter,
S. Aſaph,	Oxford,
Dorſet,	Herbert,
Jon. Winton,	Mohun,
Sunderland,	Cowper,
Bolton,	Aſhburnham,
Bedford,	C. Norwich,
Leiceſter,	Bridgewater,
Stamford,	Derby,
Rockingham,	Carliſle,
Scarborough,	Berkeley.

[e] Biſhop Burnet too juſtly obſerves here, When reſolutions are taken up before-hand, the debating concerning them is only a piece of form uſed to come at the queſtion with ſome decency: And there was ſo little of that obſerved at this time, that the duke of Buckingham ſaid in plain words, that they had the majority, and would make uſe of it, as he had obſerved done by others, when they had it on their ſide.

Never (ſays a certain author) was any thing carried on in the houſe of lords ſo little to their honour as this was; ſome, who voted with the reſt, ſeemed aſhamed of it: They ſaid, ſomewhat was to be done to juſtify the queen's change of the miniſtry; and every thing elſewhere had been ſo well conducted, as to be above all cenſure: So, the misfortune of Almanza being a viſible thing, they reſolved to lay the load there. The management of the public treaſure was exact and unexceptionable; ſo that the ſingle misfortune of the whole war was to be magnified; ſome were more eaſily drawn to concur in theſe votes, becauſe, by the act of grace, all thoſe, who had been concerned in the adminiſtration, were covered from proſecution and puniſhment: ſo this was repreſented to ſome, as a compliment, that would be very acceptable to the queen, and by which no perſon could be hurt. They loaded ſingly the earl of Galway, with the loſs of the battle of Almanza, though it was reſolved on in a council of war, and he had behaved himſelf in it with all the bravery and conduct that could be expected from a great general, and had made a good retreat, and ſecured Catalonia with unexpreſſible diligence.

The earl of Galway was alſo cenſured for not inſiſting on the point of honour in the precedence to be given to the Engliſh troops, as ſoon as the Portugueſe army entered into Spain. The earl being indiſpoſed with the gout, the lords ſent him a queſtion in writing: 'Why, whilſt he commanded the Britiſh troops in Spain, he gave the right to the Portugueſe?' To this he anſwered, 'That, by the treaty with Portugal, the troops of that crown were to have the right in their own country, and that, in order to engage them to march to Madrid, he was obliged to allow them the ſame honour, for otherwiſe they would never have ſtirred out of Portugal'. It is certain, if he had made the leaſt ſtruggle about it, the Portugueſe, who were not eaſily prevailed on to enter into Spain, would have gladly enough laid hold of any occaſion, which ſuch a diſpute would have given them, and have turned back upon it: and ſo, by his inſiſting on ſuch a punctilio the whole deſign would have been loſt. We had likewiſe, in our treaty with them, yielded expreſsly the point of the flag in thoſe ſeas, for which alone, on other occaſions, we have engaged in wars; ſo he had no reaſon to conteſt a leſſer point. However, the lords thought fit to reſolve, by a majority of ſixty-ſix againſt forty-four, 'That the earl of Galway, in yielding the poſt of her majeſty's troops to the Portugueſe in Spain, acted contrary to the honour of the imperial crown of Great-Britain'. This was the concluſion of the inquiries made by the houſe of lords, a repreſentation of which was, in an addreſs, preſented to the queen on the 10th of February.

In the mean time, the commons were no leſs intent upon what ſeemed to be the principal buſineſs of this ſeſſion, to caſt an odium on the late miniſtry. To this end, on the 3d of January Mr. Harley informed the houſe, that, in the examinations relating to the navy, ſome very conſiderable abuſes were diſcovered in the Victualling; and that a member of the houſe was named therein. The commons, after theſe examinations were laid before them, voted, on the 15th of February, "That there had been many notorious embezzlements and ſcandalous abuſes in the management of her majeſty's brewhouſe, and in contracts for furniſhing beer, to the defrauding of the public, and injury of the ſeamen. That Thomas Ridge (member of the houſe) having contracted to furniſh five thouſand five hundred and thirteen tun of beer upon his own account, and two thouſand ſeven hundred and four tun of beer, in partnerſhip with Mr. Dixon, and having received bills for the whole, although he had delivered out but three thouſand two hundred and thirteen tun on the firſt, and one thouſand two hundred and ſixty-nine tuns on the latter contract, be expelled the houſe: and that an addreſs be preſented to her majeſty, to cauſe Mr. Ridge to be proſecuted for the ſame." However, this gentleman was not proſecuted, but continued to ſerve the navy as before; for, upon examination it appeared, that in fact the public ſuffered no wrong. The caſe ſtood thus: the ſervice of the fleet had of late lain for the moſt part in the Mediterranean, where the difference of climate rendered the beer ſent from hence uſeleſs; and the ſeamen, being not able to drink it there, required wine and water, which is ordinarily uſed on board the fleets in thoſe parts. But as the Victualling-office can, in their accounts, charge beer only, it was allowed to the ſeamen by the office to take money of the brewer, wherewith to buy wine in the ſtreights. Thus, though the beer was not delivered, and the ſeamen drank wine, yet the nation paid for no more than the allowance of beer. Many other brewers were complained of on the ſame account, but it was plain this was only a ſhew of zeal, and a ſeeming diſcovery of fraudulent practices, when in reality there was no ſuch thing, or at leaſt the abuſe was ſuch, that is was ſuffered to go on as avowedly as ever.

The money did not come into the treaſury ſo readily as formerly, neither upon the act of four ſhillings in the pound, nor on the duty laid on malt: ſo to raiſe a quick ſupply, there were two bills paſſed, for raiſing three millions and a half by two lotteries, the firſt of one million five hundred thouſand pounds; and the ſecond of two millions, to be paid back in thirty-two years; and for a fund, to anſwer this, duties were laid on hops, candles, leather, cards, and dice, and on the poſtage on letters. In one branch of this, the houſe of commons ſeemed to break in upon a rule, that had hitherto paſſed for a ſacred one. When the duty upon leather was firſt propoſed, it was rejected by a majority, and ſo, by their uſual orders, it was not to be offered again during that ſeſſion: but, after a little practice upon ſome members, the ſame duty was propoſed, with this variation, that ſkins and tanned hides ſhould be ſo charged; this was leather in another name. The lotteries were ſoon filled up; ſo, by this means, money came into the treaſury; and indeeed this method has never yet failed of raiſing a ſpeedy ſupply [f]. There was no more aſked, though, in the beginning of the ſeſſion, the houſe had voted a million more than theſe bills amounted to; which made ſome conclude, there was a ſecret negotiation and proſpect of peace.

The commons, finding the encouragement given to the Palatines was diſpleaſing to the people, reſolved to inquire into that matter. In order to this, a petition was procured from the inhabitants of St. Olave and other pariſhes, "Complaining of the great number of Palatines inhabiting in one houſe, whereby it was feared ſome contagious diſtemper might happen, and having not wherewithal to ſubſiſt themſelves, were likely to become chargeable to the pariſh." This petition was immediately referred to the conſideration of a committee, appointed for that purpoſe, with inſtructions to inquire, "Upon what invitation or encouragement the Palatines came over, and what monies were expended in bringing them into Great-Britain, and for maintaining them here, and by whom paid." As the deſign was now formed to load the late adminiſtration all that was poſſible, it was pretended, that, in the whole affair of the Palatines, there was a deſign againſt the church, and, to increaſe the numbers and ſtrength of the Diſſenters. The queen was addreſſed for the papers relating to the bringing over and ſubſiſting the Palatines; and at laſt the houſe agreed to the following reſolutions of their committee, "That the inviting and bringing over into this kingdom the poor Palatines, of all religions, at the public expence, was an extravagant and unreaſonable charge to the kingdom, and a ſcandalous miſapplication of the public money, tending to the increaſe and oppreſſion of the poor of this kingdom, and of dangerous conſequence to the conſtitution in church and ſtate. 2. That whoever adviſed the bringing over the poor Palatines into this kingdom, was an enemy to the queen and kingdom." And becauſe a letter written by the earl of Sunderland, in the queen's name, to the council of trade, was laid before them, by which they were ordered to conſider of the beſt methods of diſpoſing of the Palatines; it was moved to lay the load of that matter on him in ſome ſevere votes. But this was put off for that time, and afterwards, by ſeveral adjournments delayed, till at laſt it was let fall.

While the heat, raiſed by this inquiry, was kept up, the commons paſſed a bill to repeal the act for a general naturalization of all Proteſtants, which had paſſed two years before; pretending that it gave the encouragement to the Palatines to come over, though none of them had made uſe of that act, in order to their naturalization. This was ſent up to the lords; and the lord Guernſey, and ſome others, entertained them with tragical declamations on the ſubject; yet, upon the firſt reading of the bill, it was rejected, to the great joy of all the foreign Proteſtants. It is remarkable, if the bill was deſigned to prevent the French refugees from enjoying the benefit of the naturalization, it had in ſome meaſure a contrary effect: For whereas, ſince the paſſing of the act for a general naturalization, ſcarce fifteen hundred of

[f] The ſcheme of the lottery was drawn by Mr. John Blount, ſcrivener of London, who was employed by the lords of the treaſury; which, being approved, was inſerted in the lottery-bill. When it was advertiſed on the 10th of March, that the payments would begin to be taken in at Mercers-hall on the thirteenth, it was found, that about two hundred and ſixty-ſix thouſand pounds had been ſubſcribed at the Bank of England, above the firſt payment of the whole ſum of one million and a half.

them took the advantage of it; above two thouſand were naturalized after the motion for repealing it was made, till it was rejected by the lords. A bill, that was formerly often attempted, for diſabling members of the houſe of commons to hold places, had alſo the ſame fate.

However, another bill for qualifying members, by having ſix hundred pounds a year for a knight of the ſhire, and three hundred pounds a year for a burgeſs, ſucceeded better: The deſign of this was to exclude courtiers, military men, and merchants, from ſitting in the houſe of commons, in hopes, that, this being ſettled, the land-intereſt would be the prevailing conſideration in all their conſultations. They did not extend theſe qualifications to Scotland; it being pretended, that, eſtates there being generally ſmall, it would not be eaſy to find men ſo qualified capable to ſerve. This was thought to ſtrike at an eſſential part of our conſtitution, touching the freedom of elections: And it had been, as often as it was attempted, oppoſed by the miniſtry, though it had a fair appearance of ſecuring liberty, when all was lodged with men of eſtates: Yet our gentry were become ſo ignorant, and ſo corrupt, that many apprehended the ill effects of this; and that the intereſt of trade, which indeed ſupports that of the land, would neither be underſtood nor regarded. But the new miniſters reſolved to be popular with thoſe who promoted it; ſo it paſſed, and was much magnified, as a main part of our ſecurity for the future.

Another bill paſſed, not much to the honour of thoſe who promoted it, for the importation of French wine. The intereſt of the nation lay againſt this ſo viſibly, that nothing but the luxury of thoſe, who loved that liquor, could have carried ſuch a motion through the two houſes. But, though the bill paſſed, it was like to have no effect; for it was provided, that the wine ſhould be imported in natural veſſels; and the king of France had forbid it to be exported in any veſſels but his own. It ſeems he reckoned, that our deſire of drinking his wine would carry us to take it on ſuch terms as he ſhould preſcribe.

In the houſe of commons there appeared a new combination of Tories of the higheſt form, who thought the court was yet in ſome management with the Whigs, and did not come up to their height, which they imputed to Mr. Harley; upon which account they began to form themſelves in oppoſition to him, and expreſſed their jealouſy of him on ſeveral occaſions, ſometimes publicly. But an odd accident, that had almoſt been fatal, proved happy to him. The marquis de Guiſcard, of whom a large account has been given, enjoyed his pay as colonel, till ſome time after the battle of Almanza; when that ceaſed, he ſolicited to have a ſettled penſion in the time of the late miniſtry; but his intimacy with ſome perſons, who had been removed from their employments, particularly Mr. St. John, with whom he entered into a ſtrict confidence and community of pleaſures, did not at all promote his affair. When Mr. St. John, by the great change at court, was advanced to the poſt of ſecretary of ſtate, the marquis expected to have found a great ſupport in him. But as all friendſhips, that are not grounded on virtue, are ever ſhort-lived, the ſecretary, who had ſome time before quarrelled with the marquis about a miſtreſs, or rather a child, which neither of them would own, was hardly prevailed with to ſpeak in his favour. However, upon his faint recommendation, the queen ordered him a penſion of five hundred pounds a year; but Mr. Harley, who never liked Guiſcard, not only reduced his penſion to four hundred pounds, but declined to have it put upon a fixed eſtabliſhment. The marquis endeavoured ſeveral times to apply to the queen for redreſs; but being denied acceſs, and highly diſguſted with the uſage he received from thoſe very perſons, whom he had looked upon as his intimate friends, he tried to make his peace with the court of France, and, in order to that, wrote to monſieur Moreau, a banker in Paris. His letter being directed to a perſon in Portugal, under the cover of the earl of Portmore, his lordſhip, ſuſpecting ſomething, opened one of the packets, and, finding in it a dangerous correſpondence, ſent it back to his lady, the counteſs of Dorcheſter, who delivered it to Mr. Harley; and by her means another packet, which Guiſcard would have tranſmitted to Portugal, was intercepted. It was pretended by ſome, that thoſe letters contained only looſe reflections on the weakneſs and mean capacity of the preſent miniſtry; but, whatever was the purport of them, the marquis was, on the 8th of March, apprehended in St. James's Park for high-treaſon, by virtue of a warrant from Mr. ſecretary St. John. He was ſo ſurprized and diſordered, that he deſired the meſſenger, who diſarmed him, to kill him: And, being brought to the cockpit in the height of deſpair, he took the reſolution to make his ruin fatal to thoſe who occaſioned it; and, ſeeing in the room where he was confined a penknife, which lay among pens in a ſtandiſh, he took it up unperceived by the meſſengers who watched him. A committee of council being ſummoned on this extraordinary occaſion, and the lord-keeper Harcourt, the earl of Rocheſter, the dukes of Buckingham, Newcaſtle, and Ormond, earl Pawlet, Mr. Harley, and the three ſecretaries of ſtate, the duke of Queenſberry, the lord Dartmouth, and Mr. St. John, being met, the marquis was brought before them to be examined. Mr. St. John aſked him ſeveral queſtions about his correſponding with France, to which he returned evaſive anſwers, with an aſſured countenance. But when Mr. St. John aſked him, Whether he knew Mr. Moreau, banker at Paris? producing at the ſame time, the intercepted letters, the marquis appeared very much ſurprized. Finding himſelf diſcovered, and deſpairing of a pardon, he reſolved to put his black deſign in execution. It was the general opinion, that his deſign was to make his firſt attempt upon Mr. St. John; which appears the more probable, becauſe, as ſoon as he thought himſelf in a manner convicted of the crime for which he was apprehended, he deſired to ſpeak with him in private; but Mr. Secretary told him, That was impracticable and unuſual: That he was before the committee of the council, as a criminal; and if he had any thing to offer, it muſt be ſaid to them all. The marquis perſiſting in his deſire to ſpeak only to Mr. St. John, they went to ring the bell, to call in the meſſengers to carry him away; which he obſerving, ſaid, 'That's hard; not one word'[g]. Being diſappointed in his deſign againſt Mr. St. John, who ſat out of his reach, he ſtepped towards the table, as if he intended to ſay ſomething to Mr. Harley; and, ſtooping down, ſaid, "Then have at thee"[h]; and ſtabbed him about the middle of the breaſt; but the penknife, lighting on the bone, broke about half an inch from the handle; which Guiſcard not perceiving, redoubled the blow, and with a great force ſtruck Mr. Harley not far from the firſt wound. When Mr. St. John ſaw Mr. Harley fall, he cried out. "The villain has killed Mr. Harley;" and drawing his ſword immediately, as did alſo the duke of Newcaſtle, and ſome others, they gave Guiſcard ſeveral wounds. But when they ſaw Mr. Harley get up, and heard earl Pawlet cry out, not to kill Guiſcard, they gave over making paſſes at him. Some of the privy-counſellors ſecured themſelves with chairs againſt the rage of the aſſaſſin, who ſeemed to threaten them all. Others ran out of the room to call for help; and the meſſengers and door-keepers having ruſhed in, and offering to lay hold on Guiſcard, he ſtruggled for a while, and overthrew ſome of his aſſailants; but, at laſt, Wilcox, one of the queen's meſſengers, a very ſtrong man, grappled with him, and gave him ſeveral bruiſes, particularly one in the back, which was afterwards judged to have occaſioned his death.

Mr. Harley's wound was preſently ſearched, and appeared to be a very ſlight one, yet he was long in the ſurgeon's hands. Some imputed this to an ill habit of body; others thought it was an artifice, to make it ſeem more dangerous than indeed it was. Guiſcard's wounds were deeper, and not eaſily managed; for at firſt he was ſullen, and ſeemed reſolved to die; yet after a day he ſubmitted himſelf to the ſurgeons; but did not complain of a wound in his back till it gangrened; and of that he died. It was not known what particulars were in his letters, nor was it known what he confeſſed.

This accident was of great uſe to Mr. Harley; for the party formed againſt him were aſhamed to puſh a man, who was thus aſſaſſinated by one, that was ſtudying to recommend himſelf to the court of France, and who was believed to have formed a deſign againſt the queen's perſon[i]; whoſe health was at this time much ſhaken, ſhe having had three fits of an ague, and the laſt a ſevere one; but the progreſs of the diſeaſe was ſtopped by the bark.

The day after Mr. Harley received his wound both houſes of Parliament agreed upon an addreſs to the queen, wherein they expreſſed their great concern for the moſt barbarous and villainous attempt made upon the perſon of Mr. Harley; adding, "That they had reaſon to believe, that his fidelity to her majeſty, and zeal for her ſervice, had drawn upon him the hatred of all the abettors of Popery and faction; and beſought her majeſty to take all poſſible care of her ſacred perſon; and, for that purpoſe, to give directions for cauſing Papiſts to be removed from the cities of London and Weſtminſter." The queen took this advice very kindly, promiſed to give the proper directions, according to the deſire of both

[g] Voilà qui eſt dur, pas un mot. [h] J'en veux donc à toi.

[i] For he had tried, by all the ways he could contrive, to be admitted to ſpeak with her in private, which he had attempted that very morning. Burnet, II. 566.

houſes, and recommended to them to make a law, to puniſh with death ſuch villainous attempts on the lives of magiſtrates in the lawful execution of their office, though the miſchiefs deſigned ſhould not take effect. Upon which an act was paſſed this ſeſſion, 'to make an attempt on the life of a privy-counſellor to be felony without benefit of the clergy.' On the other hand, a proclamation was publiſhed, 'ſtrictly to put in execution the laws againſt Papiſts.' And when Mr. Harley came firſt to the houſe of commons after his recovery, he was by their order congratulated upon it by Mr. Bromley, their ſpeaker, in a ſet flattering ſpeech, wherein he prayed, 'That the ſame Providence, that had wonderfully preſerved him from ſome unparalleled attempts, and had raiſed him up to be an inſtrument of great good at a very critical juncture, when it was much wanted, might continue ſtill to preſerve ſo invaluable a life, for the perfecting of what was ſo happily begun; that they might owe to his counſels, and to his conduct, the maintenance and firm eſtabliſhment of our conſtitution in church and ſtate.

In the beginning of May, died ſuddenly the earl of Rocheſter, the queen's uncle, and Mr. Harley, being rid of the only competitor in her favour, ſoon became prime-miniſter. Upon his recovery ſhe created him baron of Wigmore, and earl of Oxford and Mortimer, two of the moſt noble titles in the Engliſh heraldry. The Veres had been earls of Oxford many ages, and the title of Mortimer had been in the royal family. Preambles to patents of honour uſually carry in them a ſhort account of the dignity of the family, and of the ſervices of the perſon advanced: but his preamble was very pompous, and ſet him out in the moſt extravagant characters that flatterers could invent; in particular it ſaid, that he had redeemed the nation from robbery, had reſtored credit, and had rendered the public great ſervice in a courſe of many years: all this was ſet out in too fulſome rhetoric, and, being prepared by his own direction, pleaſed him ſo much, that, whereas all other patents had been only read in the houſe of lords, this was printed. He was alſo made lord-treaſurer [k], and he had the chief, if not the ſole direction of every thing. It ſoon appeared that his ſtrength lay principally in managing parties, and in engaging weak people, by rewards and promiſes, to depend upon him; but that he neither thoroughly underſtood the buſineſs of the treaſury, nor the conduct of foreign affairs. But he truſted to his intereſt in the queen, and her favourite Mrs. Maſham.

The Tories ſtill continued to purſue the memory of king William; they complained of the grants made by him, though theſe were far ſhort of thoſe that had been made by king Charles the IId; but that they might diſtinguiſh between thoſe, whom they inrended to favour, and others, againſt whom they were ſet, they brought in a bill, impowering ſome perſons to examine all the grants made by him, and to report both the value of them, and the conſiderations upon which they were made: This was the method, that ſucceeded with them before, with relation to Ireland; ſo the bringing in this bill was looked on, as a ſure ſtep, for carrying the reſumption of all the grants, that they had a mind to make void. When the bill was ſent up to the lords, the deſign appeared to be an unjuſt malice, both againſt the memory of king William, and againſt thoſe who had beſt ſerved him; and therefore, upon the firſt reading, the bill was rejected [l].

The commons turned their malice next againſt the earl of Godolphin. A committee, (of which Mr. Edward Harley auditor of the impreſt was chairman) having been appointed to enquire how far the ſeveral impreſt accomptants had paſſed their reſpective accounts; the commons found by their report, that the ſupplies given by parliament were not all returned, and the accounts of many millions were not yet paſſed in the Exchequer; therefore they paſſed a vote, 'That of the monies granted by parliament, and iſſued for the public ſervice to Chriſtmas 1710, there remains unaccounted for, the ſum of above thirty-five millions, for great part of which no account has ſo much as been laid before the auditors, and the reſt not proſecuted by the accomptants and finiſhed'.

This was a vaſt ſum; but, to make it up, ſome accounts in king Charles's time were thrown into the heap; the lord Ranelagh's accounts of the former reign were the greateſt part; and it appeared, that in no time accounts were ſo regularly brought up, as in the queen's reign. Mr. Bridges's accounts, of fourteen or fifteen millions, were the great item, of which, not above half a million was paſſed: but there were accounts of above eleven millions brought in, though not paſſed in form, through the great caution and exactneſs of the duke of Newcaſtle, at whoſe office they were to paſs; and he was very ſlow, and would allow nothing, without hearing counſel on every article. The truth is, the methods of paſſing accounts were ſo ſure, that they were very ſlow; and it was not poſſible, for the proper officers, to find time and leiſure to paſs the accounts that were already in their hands. Upon this, though the earl of Godolphin had managed the treaſury with an uncorruptedneſs, fidelity, and diligence, that were ſo unexceptionable, that it was not poſſible to fix any cenſure on his adminiſtration; yet, becauſe many accounts ſtood out, the commons paſſed ſeveral angry votes on that ſubject: But, however, ſince nothing had appeared in all the examination made by the committee, that reflected on him, or on any of the Whigs, they would not publiſh the report, though it was ordered to be printed; for by that it would have appeared, who had ſerved well, and who had ſerved ill [m].

[k] When, on the 1ſt of June, he came to take the oaths in the court of chancery, the lord-keeper Harcourt addreſſed himſelf to him in the following ſpeech, which ſurpaſſed even Mr. Bromley's:

"My lord of Oxford,

"The queen, who does every thing with the greateſt wiſdom, has given a proof of it in the honours ſhe has lately conferred on you, which are exactly ſuited to your deſerts and qualifications.

"My lord,

"The title, which you now bear, could not have been ſo juſtly placed on any other of her majeſty's ſubjects. Some of that ancient blood which fills your veins, is derived from the Veres; and you have ſhewed yourſelf as ready to ſacrifice it for the ſafety of your prince, and the good of your country, and as fearleſs of danger on the moſt trying occaſions, as ever any of that brave and loyal houſe were. Nor is that title leſs ſuited to you, as it carries in it a relation to one of the chief ſeats of learning; for even your enemies, my lord (if any ſuch there ſtill are) muſt own, that the love of letters, and the encouragement of thoſe, who excel in them, is one diſtinguiſhing part of your character.

"My lord, The high ſtation of lord-treaſurer of Great-Britain, to which her majeſty has called you, is the juſt reward of your eminent ſervices. You have been the great inſtrument of reſtoring the public credit, and relieving this nation from the heavy preſſure and ignominy of an immenſe debt, under which it languiſhed: and you are now intruſted with the power of ſecuring us from a relapſe into the ſame ill ſtate, out of which you have reſcued us. This great office, my lord, is every way worthy of you; particularly on the account of thoſe many difficulties, with which the faithful diſcharge of it muſt be unavoidably attended, and which require a genius like yours to maſter to them. The only difficulty, which even you, my lord, may find inſuperable, is how to deſerve better of the crown and kingdom after this advancement, than you did before it."

[l] The commiſſioners to examine the grants appointed by the commons, were, Mr. Hind-Cotton, Sir Simeon Stuart, Mr. Eversfield, Mr. Balteel, Mr. Hewetſon, Mr. Blackmore, and Mr. Wrightſon.—Pr. H. C. Vol. IV.

[m] Mr. Maynwaring, the other auditor of the impreſt, has given the true ſtate of theſe thirty-five millions, the chief articles of which are as follow:

				l.	s.	d.
The earl of Ranelagh's charge is	——	——		21,015,618	19	4
Diſcharge,	l.	s.	d.			
By accounts actually paſt,	14,593,665	4	2			
By accounts rendered or lying before the auditors, —	6,420,182	6	8	21,013,847	10	10
				Remains to be accounted for ——		1,771 8 6
The hon. James Brydges, eſq; his charge is	——			15,374,689	1	11
Diſcharge,						
By accounts actually paſt, —	956,789	6	5			
By accounts rendered or lying before the auditors,	8,097,492	8	7	9,054,281	15	00
By accounts delivered ſince Chriſtmas, 1710,		——		3,227,778	2	6
				Remains to be accounted for ——		3,092,629 4 5
Lord Falkland's charge is	——			3,094,723	7	11
Diſcharge,						
By accounts actually paſt, ——	1,122,133	5	11			
By accounts lying before the auditors,	1,465,368	5	3	2,587,501	11	2
				Remains to be accounted for ——		507,221 16 8

In the beginning of April, the dauphin of France and the emperor Joſeph both died of the ſmall-pox. When notice came of the emperor's death, the queen ſent, on the 20th of April, a meſſage to both houſes, importing, "That ſhe had come to a reſolution to ſupport the intereſt of the houſe of Auſtria, and to uſe her utmoſt endeavours to get the king of Spain made emperor: that the ſtates-general had concurred with her majeſty; and that ſhe had taken the moſt proper meaſures to engage all thoſe, who had a ſhare in this election, and were in the intereſt of the common cauſe, to join with her in bringing this great work to a good iſſue: and ſhe had an intire confidence in the affection and duty of her parliament, that, with their aſſiſtance, ſhe ſhould be enabled to make a happy concluſion of the war in a ſafe and honourable peace". This produced a joint addreſs from both houſes in almoſt the ſame language as the meſſage, both which are the more remarkable, as the meſſage gave ſome intimation of the project, which the new miniſtry formed upon the death of the emperor, and which they afterwards publicly avowed, to make a peace by yielding Spain and the Weſt Indies to king Philip; not only becauſe the regaining of them for king Charles was attended with inſuperable difficulties, but alſo becauſe, in their opinion, the ſame, if practicable, would deſtroy the balance of Europe, the ſettling of which was the chief aim of the Grand Alliance. And, both houſes of parliament having, in that addreſs, ſhewn a diſpoſition to approve any meaſures which her majeſty ſhould think proper to procure a peace, the miniſtry thought themſelves armed with ſufficient authority to purſue their ſcheme.

The laſt thing ſettled by the parliament, was the creating a new fund for a trade with Spain. The commons, on the 20th of January, had appointed a committee to examine the debts of the navy; and, about two months after, they reported, that theſe debts amounted to above five millions. This great debt upon the navy was occaſioned partly by the deficiency of the funds appointed for the ſervice at ſea, but chiefly by the neceſſity of applying ſuch ſupplies as were given, without appropriating clauſes, to the ſervice abroad, where it was impoſſible to carry it on by credit, without ready money; ſo it was judged neceſſary to let the debt of the navy run on upon credit; by which means it had riſen up to ſo many millions, and the diſcount on navy-bills was very high [n]. All this debt, with many others, were thrown into one ſtock, amounting in the whole to 9,471,325l. and a fund was formed for paying an intereſt or annuity of 6 per cent. till the principal ſhould be paid, which intereſt amounted to the annual ſum of 568,279l. 10s. For the raiſing of this ſum, all the duties upon wines, vinegar, and tobacco, India goods, wrought ſilks, whale-fins, &c. were, after the year 1716, continued for ever, and till then the parliament was to make an annual proviſion for the intereſt. With this fund was alſo granted the monopoly of a ſuppoſed trade to the South-ſea or coaſt of Peru in America; the ſeveral proprietors of the navy-bills, debentures, and other public ſecurities, being to be incorporated for that purpoſe. This grant may juſtly be called chimerical, ſince the projector knew he was entering upon a negotiation of peace, which, by the ceſſion of Spain and the Weſt-Indies, would for ever exclude the Engliſh from the privileges of trading to Peru and Mexico. Accordingly inſtead of ſuch trade, king Philip, upon the concluſion of the peace, gave the precarious licence to ſend a ſhip or two thither yearly, limiting them both as to tonnage and value of cargo. This ſcheme produced what is called the South-Sea Company [o].

The flatterers of the new miniſters made great uſe of this to magnify them, and to aſperſe the old miniſtry. But the earl of Godolphin's unblemiſhed integrity was ſuch, that no imputation of any ſort could be faſtened on him; and therefore, to keep up a clamour, they reflected on the expence he had run the nation into, upon the early ſucceſſes in 1706, which were very juſtly acknowledged, and cleared in the ſucceeding ſeſſion, as hath been related. But that affair was now revived, and it was ſaid to be an invaſion of the great right of the commons in giving ſupplies, to enter on deſigns, and to engage the nation in expences not provided for by parliament. This was aggravated with many tragical expreſſions as a ſubverſion of the conſtitution; and at the end of the ſeſſions an inflaming repreſentation about this and the thirty-five millions, of which the accounts were not yet paſſed, was preſented by the commons to the queen, wherein they tell her, 'That they had not only raiſed the neceſſary ſupplies, but diſcharged the heavy debts ſo long and ſo juſtly complained of, and traced the cauſes thereof; That in ſeveral years the ſervice had been enlarged beyond the bounds

Sir Thomas Littleton's charge is —— ——			18,382,750 1 5
Diſcharge,			
By accounts actually paſt, or ready for declaration, ——	7,559,382 5 3		
By accounts lying before the auditors, under the examination of the navy-board, and by money paid over to R. Walpole, eſq;	10,770,179 19 0		18,329,562 4 4
		Remains to be accounted for ——	53,187 17 1

In the ſame manner he ſtates the accounts of Atkinſon, Nutting, Maſon, Povey, Micklethwayte, and Savery; by which it appears, that, of the thirty-five millions, above thirty millions were accounted for, though not all paſſed, and that the total to be accounted for amounted only to 4,330,135l. which, as Mr. Maynwaring obſerves, was much ſhort of a year's ſupply. He ſays further on this ſubject, 'No accomptant is obliged, by the courſe of the Exchequer, to render his account under fifteen months, nor ſome under eighteen; yet this vote takes in all accounts to the firſt meeting of the committee; but there is no mention made from what period of time they did commence. To have been particular, in every reſpect, was too much for the compaſs of a vote; ſo that there are accounts from king Charles, king James, and king William's reigns, in the principal branches of the expence in all the revenue brought in, to make up and ſwell the general account; and this is, by many thouſands of people, without doors, imputed to the late miniſters.' He then expoſes the partiality of the houſe of commons, of which he was himſelf a member, in ordering ſo unjuſt a vote to be printed: Adding, 'And now if I may be allowed to ſuppoſe what I think I have fully proved, that many irregularities, and unavoidable delays, attend the paſſing of ſome accounts, which no care or induſtry can prevent. If it happen, that the nature of the ſervices, and the method of payment in ſome offices, being inconſiſtent with the courſe of the Exchequer, require privy-ſeals, and are the work of longer time than is limited for paſſing accounts; if it appears, that theſe irregularities, incident to accounts, are yet neceſſary for the accommodation of the ſervice, and not to be avoided without infinite prejudice to the management; and if it appears, that the ſecurity of the public does not entirely depend upon the actual paſſing of accounts, provided they have been daily rendered, all which he fully makes out, I hope people will begin to be ſatisfied, that the nation has not been cheated of thirty-five millions.'

[n] A full account of this matter was ſoon after publiſhed in 'A letter about the debts of the Navy', by which it appeared, that the public money had been managed with the utmoſt fidelity; and it was made evident, that, when there was not money enough to anſwer all the expence of the war, it was neceſſary to apply it to that which preſſed: ſo this debt was contracted by an inevitable neceſſity, and all reaſonable perſons were fully ſatisfied with this account of it. The author of the Letter thus ſhews the reaſonableneſs of including the Extra-Services in the accounts of the Navy (beſides which he makes the charge upon the late miniſters to amount only to a little above five thouſand pounds) 'I muſt (ſays he) make one obſervation more to you: That as the debts of the navy have annually increaſed, an annual account of it has been laid before the houſe of commons, who were conſtantly informed how far the proviſion, made for the preceding year, had fallen ſhort of anſwering the expence; but being ſenſible, that the more preſſing ſupplies were as much as could be well raiſed within the year, they ſtill thought it more adviſeable to leave the extraordinary charges as a growing debt, than to increaſe the public burden upon the people, by enlarging the uſual proviſions for the navy. And in the parliament before the laſt, a full account of the navy-debt being called for, the late miniſters were ſo far from being blamed upon this ſubject, that, after a full conſideration, and long debate about the cauſes and methods of contracting that debt, the houſe came to a reſolution in their favour, and went as far in approving their conduct and management, as any ſubſequent parliament has gone in cenſuring them: And, when the juſtice of two different parliaments comes to be the queſtion, I muſt not take upon me to determine between them, but will only make this ſhort remark: That, from ſuch time, at leaſt, as the ſenſe of the houſe was known upon this occaſion, the late miniſtry cannot be thought blameable for proceeding in their uſual method, when they were ſupported by authority and approbation of parliament'.

[o] The particulars of the debts and deficiencies, that were thus incorporated, were as follow:

	l.	s.	d.
The debt of the navy —— ——	5,130,539	5	5
The debt of the ordnance —— ——	154,324	15	8
For tranſport-ſervice —— ——	424,791	5	4
An army and tranſport-debenture, to Sept. 29, 1710	1,018,056	17	9
Deficient tallies and orders on 9 Will. 3, c. 13, and another act, 1 Ann, for laying duties on coals	12,025	1	0
Debts between Sept. 29, 1710, and Dec. 25, 1710, in the offices of the navy, victualling, and tranſport	378,859	5	8
On ſubſidies to the E. of Hanover and D. of Zell —	9,375	0	0
The intereſt of the ſaid debts as carry intereſt, from Dec. 25, 1710, to Dec. 25, 1711 — —	85,000	0	0
For money lent purſuant to an act, 8 Ann, c. 13, to raiſe money for the year 1710 ——	1,296,552	9	11
For intereſt due on the ſame, March 25, 1711 —	74,875	19	1
All theſe amount to —— ——	8,585,000	0	0
The intereſt of this ſum from March 25, 1711, to Dec. 25, 1711, at ſix per cent. ——	386,325	0	0
To be raiſed for the ſervice of the year 1711 ——	500,000	0	0
The whole ſtock —— ——	9,471,325	0	0

For payment of the intereſt of this ſtock at ſix per cent. the continuation of the general mortgage, from 1716, was granted to raiſe the annual ſum of five hundred and ſixty-eight thouſand, two hundred and ſeventy-nine pounds, ten ſhillings.

preſcribed by parliament: That the ſurpluſage of ſome funds had not been applied to anſwer the deficiency of others; but other uſes were found out, ſuch as were neither voted nor addreſſed for by parliament, which therefore we judge a miſapplication of public money. The debt of the navy has ariſen from a liberty, that has been taken of transferring money, iſſued for that ſervice, to other uſes, particularly for proviſions for the land-forces in Spain and Portugal. To this we muſt add, the many notorious embezzlements in your majeſty's brew-houſe; and that the commiſſioners for victualling have been guilty of great negligence; that the receivers of the land-tax were not obliged to make due and punctual payments.' Then they added, 'Thus far have we proceeded in diſcovering ſome of thoſe cauſes, which have brought ſo great a weight of debts upon the nation; and we might have made a much greater progreſs in our inquiries, if the accounts of the public money had been regularly paſſed; but, to our great ſurprize and concern, we find, "That they, who of late years have had the management of your majeſty's treaſury, and ought to have compelled the ſeveral accomptants duly to paſs their reſpective accounts, have been guilty of ſo notorious a breach of truſt, and of ſo high an injuſtice to the nation, that of the monies granted by parliament, and iſſued for the public ſervice to Chriſtmas 1710, there remains unaccounted for the ſum of thirty-five millions, three hundred and two thouſand, one hundred and ſeven pounds; for a great part of which no accounts have ſo much as been laid before the auditors: And for the reſt, though ſome accounts have been brought in, yet they have not been proſecuted by the accomptants and finiſhed." This has made it impracticable for us to arrive at ſo exact a knowledge of the ſtate of the nation, with regard to the public money, as we wiſhed, and might have expected; and your majeſty will pleaſe to conſider, in ſuch an immenſe ſum unaccounted for, how many embezzlements may be concealed, and how juſtly it is to be ſuſpected, that ſo ſcandalous a remiſſneſs has been allowed with no other deſign. We humbly beſeech your majeſty, that you will give immediate and effectual directions for the compelling the ſeveral impreſt accomptants ſpeedily to paſs their accounts; and, in the mean time, we humbly hope your majeſty will approve the reſolution of your commons, "That ſuch of the accomptants, who have neglected their duty in proſecuting their accounts, ought no longer to be intruſted with receiving the public money." From all theſe evil practices, and worſe deſigns of ſome perſons, who had, by falſe profeſſions of love to their country, inſinuated themſelves into your royal favour, irreparable miſchief had accrued to the public, had not your majeſty, in your great wiſdom, ſeaſonably diſcovered the fatal tendency of ſuch meaſures; and, out of your ſingular goodneſs to your people, removed from the adminiſtration of affairs, thoſe who had ſo ill anſwered the favourable opinion your majeſty had conceived of them, and in ſo many inſtances groſsly abuſed the great truſt repoſed in them. Your people could, with greater patience, have ſuffered the manifold injuries done to themſelves, by the frauds and depredations of ſuch evil miniſters, had not the ſame men proceeded to treat your ſacred perſon with undutifulneſs and diſregard; but as the intereſts of your majeſty and your people are inſeparable, and are, by your majeſty and your good ſubjects, inſeparably purſued, the wrong, which thoſe men had done to the public, drew upon them your royal diſpleaſure; and their irreverence towards your majeſty juſtly expoſed them to the indignation of your people.

This repreſentation was artfully ſpread through the nation, by which weaker minds were ſo poſſeſſed, that it was not eaſy to undeceive them, even by the fulleſt and cleareſt evidences; the nation ſeemed ſtill infatuated beyond the power of conviction.

On the 12th of June the queen came to the houſe of peers, and, having given the royal aſſent to ten public and ſeven private bills, made the following ſpeech to both houſes:

"My lords and gentlemen,

"It is with great pleaſure I tell you, at the end of this ſeſſion, that you have fully made good all the aſſurances you gave me at the beginning of it.

"This I look upon as a further pledge of my ſubjects' duty and affection, which is the firmeſt ſupport of my throne.

"I thank you gentlemen of the houſe of commons, in a particular manner for what you have done. You have complied with my deſire in granting a ſupply for building many new churches, and you have not only inabled me to carry on the war, but have made effectual proviſion for paying thoſe heavy debts, which were almoſt grown an inſupportable burthen to the public; and this at a time, when our enemies every where pleaſed themſelves with the hopes, that the ſupplies for the ſervice of the current year could not have been found. You have diſappointed them in all reſpects; and by the great ſums you have raiſed, the greateſt ever granted to any prince in one ſeſſion, you have reſtored the public credit, which I will take care to preſerve by a frugal management.

"The world muſt now be ſatisfied, that nothing can be too difficult for a parliament, filled with ſo much zeal for the true intereſt of the nation in church and ſtate.

"My lords and gentlemen,

"The ſatisfaction I take in the power, with which God has intruſted me, is to employ it for the protection and good of all my people, whoſe proſperity I have as much at heart, as ever any of my predeceſſors had.

"You ſee the happy effects of a mutual confidence between me and my ſubjects. I ſhall look upon any attempt to leſſen it, as a ſtep towards diſſolving my government.

"The temper you have ſhewn, will, I hope, convince thoſe, who have the misfortune to differ from our church, that their liberty is not in danger.

"It is needleſs for me to repeat the aſſurances of my earneſt concern for the ſucceſſion of the houſe of Hanover, and of my fixed reſolution to ſupport and encourage the church of England, as by law eſtabliſhed.

"You are now returning to your ſeveral countries; and I expect from you, that you will further recommend yourſelves to me, by ſtudying to promote the public peace and quiet."

At the cloſe of this ſpeech, lord-keeper Harcourt prorogued the parliament to the 10th of July. Thus ended this ſeſſion, and all conſidering perſons had a melancholy proſpect, when they ſaw what might be apprehended from the two ſeſſions, that were yet to come of the ſame parliament.

The convocation was opened the 25th of November, the ſame day in which the parliament met; and Dr. Atterbury, in preference to Dr. Kennet, was choſen prolocutor by a great majority. The queen ſent a letter to the archbiſhop, dated December 12, in which ſhe ſignified her hopes, that the conſultations of the clergy might be of uſe to repreſs the attempts of perſons of looſe and prophane principles, and prevent the like for the future: And promiſed ſhe would give them all fitting encouragement, to proceed in the diſpatch of ſuch buſineſs as properly belonged to them, and grant them ſuch powers as ſhould be thought requiſite for carrying on ſo good a work; confiding in them that her royal intentions would not be fruſtrated, by unreaſonable diſputes about unneceſſary forms and methods of proceeding. Soon after the queen ſent a licence by the lord Dartmouth, under the broad-ſeal, to ſit and do buſineſs in as ample a manner as was ever granted ſince the Reformation. By this licence, the queen impowered them to enter upon ſuch conſultations as the preſent ſtate of the church required, and particularly to conſider of ſuch matters as ſhe ſhould lay before them, limiting them to a quorum; that the archbiſhop, the biſhop of London, or the biſhop of Bath and Wells, ſhould be preſent, and agree to their reſolutions: With this licence, there was a letter directed to the archbiſhop, in which the convocation was ordered, to lay before the queen an account of the late exceſſive growth of infidelity and hereſy among us; and to conſider how to redreſs abuſes in excommunications; how rural deans might be made more effectual; how terriers might be made and preſerved more exactly; and how the abuſes in licences for marriage might be corrected.

In this whole matter, neither the archbiſhop nor any of the biſhops were ſo much as conſulted with; and ſome things in the licence were new: The archbiſhop was not named the preſident of the convocation, as was uſual in former licences; and, in theſe, the archbiſhop's preſence and conſent alone was made neceſſary, except in caſe of ſickneſs, and then the archbiſhop had named ſome biſhops to preſide, as his commiſſaries: And, in that caſe, the convocation was limited to his commiſſaries, which ſtill lodged the preſidentſhip and the negative with the archbiſhop: This was according to the primitive pattern, to limit the clergy of a province to do nothing, without the conſent of the metropolitan; but it was a thing new and unheard-of, to limit the convocation to any of their own body, who had no deputation from the archbiſhop. So a report of this being made, by a committee that was appointed to ſearch the records, it was laid before the queen: And ſhe ſent the biſhops a meſſage to let them know, that ſhe did not intend that thoſe, whom ſhe had named to be of the quorum, ſhould either preſide, or have a negative upon their

deliberation, though the contrary was plainly insinuated in the licence. The archbishop was so ill of the gout, that after their first meetings he could come no more: So was also the bishop of London; upon which the bishop of Bath and Wells, seeing how invidiously he was distinguished from his brethren, in which he had not been consulted, pretended ill health, and the convocation was at a stand, till a new licence was sent them, in which the bishops of Winchester, Bristol, and St. David's, were added to be of the quorum. The two last were newly consecrated, and had been in no functions in the church before: So the queen not only passed over all the bishops made in king William's reign, but a great many of those named by herself, and set the two last in a distinction above all their brethren. All this was directed by Atterbury, who had the confidence of the chief minister; and, because the other bishops had maintained a good correspondence with the former ministry, it was thought fit to put marks of the queen's distrust upon them, that it might appear, with whom her royal favour and trust was lodged.

The convocation entered on the consideration of the matters referred to them by the queen: and a committee was appointed to draw a representation of the present state of the church, and of religion among us; but, after some heads were agreed on, Atterbury procured, that the drawing of this might be left to him: and he drew up a most virulent declamation, defaming all the administration from the time of the revolution: Into this he brought many impious principles and practices, that had been little heard of or known, but were now to be published, if this should be laid before the queen. The lower house agreed to his draught; but the bishops laid it aside, and ordered another representation to be drawn in more general and more modest terms. It was not settled, which of these draughts should be made use of, or whether any representation at all should be made to the queen: for it was known, that the design in asking one was only to have an aspersion cast, both on the former ministry and on the former reign. Several provisions were prepared, with relation to the other particulars in the queen's letter: but none of these were agreed to by both houses [p].

An incident happened, which diverted their thoughts to another matter. Mr. Whiston, the Mathematical Professor in Cambridge, a learned man, of a sober and exemplary life, but much addicted to search after paradoxes, endeavoured to revive the Arian heresy, though he pretended to differ from Arius in several particulars. He found his notions favoured by the apostolical constitutions; so he reckoned them a part, and the chief part of the canon of the Scriptures. For these tenets he was censured at Cambridge, and expelled the university: upon that he wrote a vindication of himself and his doctrine, and dedicated it to the Convocation, promising a larger work on these subjects. The uncontested way of proceeding in such a case was, that the bishop of the diocese, in which he lived, should cite him into his court, in order to his conviction or censure, from whose sentence an appeal lay to the archbishop, and from him to the crown: or the archbishop might proceed in the first instance in a court of audience. But there were no clear precedents of any proceedings in convocation, where the jurisdiction was contested, a reference made by the high-commission to the convocation, where the party submitted to do penance, being the only precedent that appeared in history, and even of this there was no record: so that, it not being thought a clear warrant for their proceeding, the bishops were at a stand. The act, that settled the course of appeals in king Henry the Eighth's time, made no mention of sentences in convocation; and yet, by the act in the first of queen Elizabeth, that defined what should be judged heresy, that judgment was declared to be in the crown: By all this (which the archbishop laid before the bishops in a letter that he wrote to them on this occasion) it seemed doubtful, whether the convocation could, in the first instance, proceed against a man for heresy: and their proceedings, if they were not warranted by law, might involve them in a præmunire. So the upper house, in an address, prayed the queen to ask the opinions of the judges, and such others as she thought fit concerning these doubts, that they might know how the law stood in this matter.

Eight of the judges, with the attorney and solicitor-general (Northey and Raymond) gave their opinion, that the convocation had a jurisdiction, and might proceed in such a case; but brought no express law or precedent to support their opinion. They only observed, that the law-books spoke of the Convocation, as having jurisdiction; and they did not see that it was ever taken from them: they were also of opinion, that an appeal lay from the sentence of convocation to the crown; but they reserved to themselves a power to change their mind, in case, upon an argument that might be made for a prohibition, they should see cause for it. Four of the judges were positively of a contrary opinion, and maintained it from the statutes made at the Reformation. The queen, having received these different opinions, sent them to the archbishop, to be laid before the two houses of convocation; and, without taking any notice of the diversity between them, she wrote that, there being now no doubt to be made of their jurisdiction, she did expect that they should proceed in the matter before them. In this it was visible, that they, who advised the queen to write that letter, considered more their own humour, than her honour. However, two doubts still remained, even supposing the convocation had a jurisdiction: the first was, Of whom the court was to be composed, whether only of the bishops, or what share the lower-house had in this judiciary authority: the other was, By what delegates, in case of an appeal, their sentence was to be examined: Were no bishops to be in the court of delegates? Or was the sentence of the archbishop and his twenty-one suffragan bishops, with the clergy of the province, to be judged by the archbishop of York and his three suffragan bishops? These difficulties appearing to be so great, the bishops resolved to begin with that, in which they had, by the queen's license, an undisputable authority; which was to examine and censure the book, and to see if his doctrine was not contrary to the Scriptures, and the first four General Councils, which is the measure set by law, to judge heresy. They drew out some propositions from his book, which seemed plainly to be the reviving of Arianism; and censured them as such. These they sent down to the lower-house, who, though they excepted to one proposition, yet censured the rest in the same manner. This the arhbishop (being still disabled by the gout) sent by one of the bishops to the queen for her assent, who promised to consider of it: But she did not send an answer till the convocation came to an end; neither at their next meeting the winter following, did any answer come from her, and therefore two bishops being sent to ask it, she could not tell what was become of the archbishop's paper; so a new extract of the censure was again sent to her; but she did not think fit to send any answer, and Whiston's affair remained undecided, though he published a large work in four volumes octavo, justifying his doctrine, and maintaining the canonicalness of the apostolical constitutions, preferring their authority not only to the Epistles, but even to the Gospels. But, in this last point, he has made no proselytes, though he has used his utmost efforts to support it.

The lower-house would not enter into the consideration of the representation, sent down to them by the bishops; so none was agreed on, to be presented to the queen; But both were printed, and severe reflections were made, in several tracts, on that which was drawn by the lower-house, or rather by Atterbury. The bishops went through all the matters, recommended to them by the queen; and drew up a scheme of regulations on them all: but neither were these agreed to, by the lower-house; for their spirits were so exasperated, that nothing sent by the bishops could be agreeable to them.

The parish of Greenwich having petitioned the house of commons for assistance in rebuilding their church, a committee was appointed to examine the petition, and an instruction was given them to consider what churches were wanting within the cities of London and Westminster. Upon this, the lower house of convocation sent a solemn message by their prolocutor to the commons, to thank them for this instance of their regard to the welfare of the Established Church, and to offer such lights, as they were able to afford in relation to the extreme want of churches in London and Westminster. The commons immediately resolved, That they would receive all such informations, as should be offered in this case, by the lower house of convocation; and would have a particular regard to such applications, as should at any time be made to them from the clergy in convocation assembled, according to the antient usage, together with the parliament. Pursuant to this resolution, quickened by a recommendation from the queen (who had been addressed by the convocation) they passed a bill for the building fifty new churches, and gave the duty of one shilling a chaldron upon coals, from September 29, 1716, to September 29, 1719, for raising the sum of three hundred and fifty thousand pounds for that purpose. This duty had been reserved for

[p] During these proceedings died Dr. Aldrich, dean of Christ-Church in Oxford. He was a polite and learned divine, and a warm stickler for the church and hereditary right. His zeal, in those respects, had made him descend so low, as to apply himself to the contriving of the hieroglyphical figures of the Oxford almanack, with allusions in favour of the Pretender.

building St. Paul's, which was now finiſhed. This was the leaſt that could be expected from a houſe of commons, choſen, in great meaſure, by the zeal and influence of the clergy, eſpecially as it was apparent, that, in the ſuburbs of London, there were above two hundred thouſand people more than could poſſibly reſort to the churches already built. Soon after this, the ſeſſion of parliamentand convocation both came to an end.

The duke of Marlborough being continued in the command of the Britiſh forces in Flanders inclined many to hope, that a reconciliation was effected between him and the new miniſtry. But this was ſo far from being the caſe, that there was no longer any confidence between him and thoſe that managed affairs at court; and conſequently little was to be expected from the continuation of the war, when the chief conductor of it was in ſo uneaſy a ſituation[q]. However, to carry matters on the more ſmoothly, the queen wrote a kind letter to the ſtates about the duke, whoſe conduct ſhe declared herſelf to be intirely ſatisfied with; and aſſured them, that, according to their deſires, ſhe would order the duke forthwith to go over to Holland. Accordingly, on the 18th of February, he ſet out from St. James's, with a poſitive aſſurance, that the payment of the troops under his command would be as effectually taken care of by the new miniſters, as it had been by the old; and, imbarking at Harwich the next day, arrived at the Hague on the 4th of March, N. S. to the great ſatisfaction of the ſtates.

While all things were preparing on both ſides for the opening of the campaign, many conſultations were held on ſeveral weighty affairs, particularly in relation to the aſſembling a body of troops, to preſerve the neutrality of the empire, which was in imminent danger of being broke by the king of Sweden's refuſing to come into the meaſures already agreed on for that purpoſe. After ſeveral conferences it was reſolved, that her Britannic majeſty and the ſtates-general ſhould employ in that ſervice the eight Palatine battalions in their pay, and provide the other four, that would be ſtill wanting to compleat their quotas, where they might beſt be ſpared, without affecting the common cauſe.

There was, at this juncture, another affair of no ſmall conſequence in agitation at the Hague. For when the allies expected to hear, that the king of Pruſſia's troops were on their march into the field, that prince's miniſters declared, that, unleſs their maſter had full ſatisfaction given him, as to the arrears due to his forces, and the ſucceſſion of the late king William, as prince of Orange, his troops ſhould not march out of their winter-quarters. The allies were ſomewhat ſurprized at this unexpected declaration; but, the deputies of the ſtates having had ſeveral conferences with the Pruſſian miniſters, an agreement was concluded, containing in ſubſtance, "that the arrears ſhould be paid in four months time: That, notwithſtanding the houſe of Dieren had been adjudged, by ſentence of a court of judicature, to the houſe of Naſſau, the ſtates conſented, that his Pruſſian majeſty ſhould continue to make uſe of it: And that the council, who had adminiſtered the revenue of the ſucceſſion of Orange, ſince the death of the late king, ſhould be obliged ſpeedily to give an account of the ſame." As ſoon as the deputies had made this declaration, the king of Pruſſia approved of the agreement, and his troops began their march for the Netherlands.

The duke of Marlborough expected with great impatience the arrival of prince Eugene, who was for ſome time detained at Vienna by the coming of a Turkiſh aga, with a particular commiſſion from the Ottoman Port, to remove any jealouſy, that might be entertained at the Imperial court, from the warlike preparations, which the Turks were making at this time againſt Muſcovy and Poland. In the mean while the duke was daily in conference with the deputies of the ſtates, to concert the operations of the war; and, it being thought of the utmoſt importance to be in the field before the enemy, it was reſolved, to cauſe detachments from all the garriſons to canton along the Scarpe, and between that river and the canal of Doway, whereby a great body might in a few hours be formed, and ready to march; which, with great diligence and ſecrecy, was put in execution, under the direction of lieutenant-general Cadogan.

On the other hand, the French forces beginning about the middle of April to aſſemble near Cambray and Arras, the duke ſet out from the Hague, and arrived in three days at Tournay, near which place the troops were incamped in ſeveral bodies. At a council of war, it was reſolved, that theſe troops ſhould join, and form the army; which was done at Orchies, between Liſle and Doway. The next day the duke of Marlborough paſſed the Scarpe, and incamped between Doway and Bouchain, and found, that the enemy had aſſembled a numerous army behind the Sanſet, in a moſt advantageous poſt, which was judged inacceſſible. Nothing material happened till the 9th of May, when three thouſand French, detached from Valenciennes and Condé, attacked a convoy of forty-five boats, laden with hay and oats, which ſet out for Tournay under a guard of two battalions commanded by brigadier Chambrier. But, the garriſon of St. Amand advancing to the aſſiſtance of the guard, the enemy retired, having firſt ſet on fire twelve of the boats, with the loſs of about an hundred men killed and wounded; and the allies loſt about the ſame number.

The duke of Marlborough continued in his camp, where he expected the reſt of the troops, which were to form his army, and the arrival of prince Eugene. That prince was obliged to ſtay ſome days at Francfort, to concert with the elector of Mentz the neceſſary meaſures for the ſecurity of the empire, upon the unexpected death of the emperor Joſeph; after which he proceeded to the court of the elector Palatine, to regulate ſeveral matters with that prince, who, as one of the vicars of the empire, was to have the chief adminiſtration thereof during the interregnum. By this means prince Eugene did not join the grand army till the the 23d of May. The duke and prince were reſolved to continue in their camp as long as poſſible, in hopes that the ſcarcity of forage would oblige the enemy to decamp; for, after the ſeveral attempts, that were made at the poſt of Arleux, which was taken and retaken, there was no likelihood to force their lines.

In the mean time the French hoping, that the elector of Bavaria had many friends in the empire, who would declare for him; and believing, that the Germans, being deprived of their general in chief, would hearken to a neutrality, if that elector appeared in Germany at the head of a powerful army; reſolved to ſend him thither; and, to that end, reinforced their army on the Rhine from their garriſons on the Maeſe and Moſelle, and likewiſe from their army in the Netherlands. For Villars thought his lines ſo ſecure and impenetrable, that he boaſted, they were the 'Ne plus ultra' of the duke of Marlborough. Theſe lines began at Bouchain, no the Scheld, and were continued along the Sanſet and the Scarpe to Arras, and from thence along the Upper Scarpe and the river Ugy to the Canche, the opening between thoſe rivers being intrenched and fortified with all poſſible care by a large ditch, defended with redoubts and other works.

The preparations of the enemy alarming the empire, prince Eugene received poſitive orders from Vienna to march with the Imperial and Palatine troops to the Upper Rhine, for ſecuring Germany. Upon this the two armies decamped, the 14th of June, and repaſſed the Scarpe, prince Eugene taking his way towards Tournay, and the duke of Marlborough marching towards the plains of Lens, in ſight of the French, who did not offer to inſult his rear. The duke continued there till the 20th of July, when he advanced towards Aire, to make the enemy believe, that he deſigned to beſiege St. Omer, or attack their lines on that ſide. This obliged Villars to re-inforce the garriſon of that place, and to draw all his troops to defend his lines between the Scarpe and the Canche, which both armies believed the duke deſigned to attack, becauſe of the preparations he had made. The duke, upon a view of the enemy's lines, finding it would be too hazardous to endeavour to force them, reſolved upon a ſtratagem. To make the enemy believe, he really intended to attack them, he ordered twelve hundred men out, to make roads and bridges in the front, and ad-

[q] Dr. Hare, the duke of Marlborough's attendant-chaplain, then in Flanders, and who was in his ſecrets, deſcribes the duke's ſituation in the following manner:

'That little more harmony was to be expected between two rivals in power, than between a falling and a riſing favourite. Some perſons, ſays he, would ſtill pretend to put a good face upon the matter, and do not queſtion, from the duke of Marlborough's paſt ſucceſſes, that he will yet frighten our enemies into an honourable peace. But, I am afraid, he is not likely to do ſo much at this time, when the enemy are encouraged to take heart afreſh; the allies are full of jealouſies and fears, and himſelf extremely mortified. Things are not the ſame, any more than the uſage he meets with. When he is uneaſy in his thoughts, undetermined in the favour of his ſovereign, and vilely miſrepreſented to the people; when his want of intereſt at home makes it impoſſible for the allies to depend upon the hopes he gives them; when he is without authority in the army, where it is made criminal to eſpouſe his intereſt; and to fly in his face is the ſureſt means to advancement; when it is meritorious in his officers to cabal againſt him; and the moſt factious will be thought the moſt deſerving; with what heart can a man in theſe circumſtances ſerve? Or, what ſucceſs can be expected from him, when he is made to depend upon profeſſed enemies for his ſupport? It is little, I think, we can hope for even from him hereafter, though that little be more than any body elſe could do.'

vanced, with the whole army to Rebreuve, and from thence to Villars-Brulin, within two leagues of the lines. Here he ſet all his troops to work in making faſcines, and gave out, that he intended to attack the lines the next morning. Villars was ſo fully perſuaded of it, that he ſent orders to a ſtrong detachment, commanded by count d'Eſtain, which had been ſent upon a ſecret expedition, to halt at Perenne, and to the garriſons of Ypres and St. Omer, to join his army, which he drew together behind the lines. The duke, to amuſe the enemy more effectually, went, the 4th of Auguſt, N. S. by break of day, with ſeveral of the general officers and two thouſand horſe, to take a nearer view of the ſituation of the enemy's camp; but his real deſign, when he advanced from Coté, near Aire, was to endeavour to get within the enemy's lines, by attempting the paſſage of the Sanſet by Arleux, which he believed was unguarded, as indeed it happened to be. To this end he ordered Cadogan and Hompeſch to repair, with all expedition, to Doway, and aſſemble ſome troops that were left there on purpoſe, which, with a detachment of that and the neighbouring garriſons of Liſle and St. Amand, made a body of three and twenty battalions and ſeventeen ſquadrons. Their farther orders were to march directly with their troops to Arleux, and endeavour to paſs the Sanſet, while the duke himſelf would advance with the whole army to ſupport them. And, that nothing might retard this extraordinary march, brigadier Sutton was ſent beforehand with the artillery and pontoons to make bridges over the Scarpe near Vitry, and over the canal of Arleux, near Goulezin.

Theſe things were managed ſo privately, and the feint carried on ſo well, that the confederate generals themſelves thought of nothing but attacking the lines the next morning. Theſe amuſements had ſo good an effect upon Villars, that he kept his troops under arms night and day, and reinforced them with all the ſtrength he could poſſibly draw together, on that ſide, not leaving any number of troops in the poſts he had upon the Sanſet.

The confederate army, in the mean time, were expecting orders to march, which were not given till ſix in the evening. The march was to begin between eight and nine, as ſoon as it was dark enough to ſtrike their tents, without being ſeen by the enemy; but, whether the march was to be to the right or left, was not known. They were only told, that the ſeveral columns, which the army was to march in, ſhould find an officer at the head of each, at ſuch an hour, who ſhould lead them the way they were to take, when the time came. About nine the whole army, to their great ſurprize, were ordered to march by the left, in four columns, without beat of drum; and the duke himſelf, with the horſe of the left wing, led the van, and advanced with ſuch extraordinary expedition, that, the next morning by five, he paſſed the Scarpe at Vitry. Here he received advice, that Hompeſch had paſſed the Sanſet without oppoſition, and taken poſſeſſion of the paſſes on that river, and on the Scheld at Oiſy, the French having, ſome time before, withdrawn the detachments they had on that ſide. The duke, upon this, haſtened his march, leſt the enemy ſhould get there before him; and at the ſame time diſpatched orders to the grand army, to purſue their march with the utmoſt diligence. The duke, with his van-guard of fifty ſquadrons, having paſſed the Scarpe, haſtened towards Arleux and Bacà Bacheaul, where he arrived before eight of the clock, and the heads of the columns joined him there about ten, having marched above ten leagues without halting, a thing ſcarce to be paralleled in hiſtory.

Villars, though he had notice of this unexpected march of the confederate army about eleven at night, was ſo poſſeſſed with the belief that the deſign was to attack his lines near Aveſnes le Compte, that he waited till two the next morning for certain intelligence. Then he decamped with his whole army, and, putting himſelf at the head of the king's houſhold, marched all night with ſuch diligence, that he appeared with the head of his line about eleven o'clock, ſoon after the duke of Marlborough had joined count Hompeſch, and paſſed with twenty ſquadrons through the defile of Marquion. But, when he ſaw the duke was advancing with his horſe to attack him, he retreated to the main body of his army, which was, by that time, advanced to the high road between Arras and Cambray. Mean while the allies advanced with all poſſible diligence, and, having all paſſed, the army incamped upon the Scheld between Oiſy and Eſtrum.

Thus the confederate army entered the French lines, which they had ſo vainly boaſted to be impenetrable; the boldeſt attempt, that had been made during the whole war: And the honour of it was the greater to the duke of Marlborough, as his army was not only weakened by the detachment, which prince Eugene had carried to the Rhine, but by the calling over five thouſand of the beſt troops in his army for an expedition deſigned by ſea; ſo that the enemy were ſuperior to him in number. This raiſed his character beyond all that he had done formerly; the deſign was ſo well laid, and ſo happily executed, that, in all men's opinions it paſſed for a maſter-piece of military ſkill, the honour of it falling intirely on the duke of Marlborough, no other perſons having any ſhare, except in the execution.

The next day, Auguſt 6, whilſt the allies expected the enemy lying upon their arms, advice was brought to the duke of Marlborough, that they were in motion towards the Scheld, in order to paſs it at Crevecoeur, and incamp between Cambray and Bouchain, to prevent the ſiege of the latter. The duke detached forty ſquadrons, with orders to fall upon their rear; but they found it impracticable, by reaſon of the moraſs that was between them: and, a council of war being called, the field-deputies of the ſtates-general propoſed to purſue the enemy, and hazard a battle, ſince this ſurprize had put them in no ſmall diſorder. The duke of Marlborough was of a different opinion. He thought the attempt might be too hazardous: The army was much fatigued with ſo long a march, in which the cavalry had been eight and forty hours on horſeback, alighting only twice, about an hour each time, to feed their horſes. The French were freſh, having had a much nearer march within their lines, than the confederates round them; and the allies were not in a condition for action, till ſome time were allowed for refreſhment. Beſides, the duke foreſaw, in caſe of a misfortune, their being within the enemy's lines might be fatal.

The duke having diſapproved of the propoſal made by the deputies, it was expected he ſhould make another. Accordingly he propoſed the beſieging of Bouchain, which he thought would oblige the French to endeavour to raiſe the ſiege; and that might give occaſion to their engaging on more equal terms; or it would bring both a diſreputation and a diſcouragement on their army, if a place of ſuch importance ſhould be taken in their ſight. But both the Dutch deputies and the general officers thought the enterprize too bold, yet they ſubmitted to his judgment. It ſeemed impracticable to take a place ſituated in a moraſs well fortified, with a good garriſon in it, in ſight of a ſuperior army; for the French lay within a mile of them. There was alſo great danger from the excurſions, which the garriſons of Valenciennes and Condé might make, to cut off their proviſions, which were to come from Tournay. All about the duke endeavoured to divert him from ſo dangerous an undertaking, ſince a misfortune in his conduct would have furniſhed his enemies with the advantages they waited for. All this he was ſenſible of; but he had laid the ſcheme ſo well, that he reſolved to venture on it. But, before this reſolution was executed, the duke diſpatched brigadier Sutton to England with the news, that he had without the loſs of a man entered thoſe lines, which had coſt the enemy ſo much time and labour to fortify, and of the ſtrength of which they had ſo much boaſted. The field-deputies ſent alſo an account of that affair to the ſtates-general. The news was received in Holland with an univerſal joy, and no encomiums were too great for the conductor of the great deſign; but the ſatisfaction was not ſo general in England. When Sutton arrived at Whitehall, with an account of the duke of Marlborough's paſſing the French lines, it gave his friends indeed the greater joy, becauſe his enemies had given out, that nothing would be done this year in Flanders, becauſe, as they pretended, he was reſolved no affair ſhould ſucceed under the preſent adminiſtration, if he could help it. But, his enemies, being diſappointed, endeavoured to leſſen the glory of the action, pretending, he had only removed his army from a plentiful to a ſtarving camp. But this malicious ſuggeſtion was ſoon confuted, as well by the ſequel of his ſucceſs, as by the applauſe all Europe gave to his conduct; while Villars was openly reflected on, both in his own army and at Paris.

Purſuant to the reſolution taken in the council of war, the ſiege of Bouchain was undertaken, the difficulty of which may be judged from the ſituation of the place. Bouchain is a fortified town, ſtanding at the confluence of the Sanſet and the Salle into the Scheld. The Sanſet parts the upper town from the lower, forms an inundation between that and the Selle, and fills the ditches which ſurround the works between the upper and lower towns. The Selle divides the lower town in two parts, and, between the lower town and the Scheld, is a horn-work which covers two ſeparate baſtions, and which is cut in two by a ditch ſupplied by the Scheld. Notwithſtanding theſe, and ſeveral other difficul-

ties, the place was inveſted the 10th of Auguſt, N. S. by thirty battalions, and twelve ſquadrons, commanded by general Fagel. Marſhal Villars tried to throw more men into the town by a narrow cauſeway (called the Cow-path) through the moraſs; but the duke of Marlborough took his meaſures ſo well, that he was guarded againſt every thing, and drove the French from that advantageous poſt. He ſaw what the event of this ſiege might be; and therefore beſtirred himſelf with unuſual application, and was more fatigued in the courſe of this ſiege, than he had been at any time during the whole war. The trenches were vigorouſly carried on, and by the batteries and bombs the town was ſoon laid in ruins. Villars did all he could to raiſe the ſiege, but to no purpoſe. When he ſaw that could not be done, he endeavoured to ſurpriſe Doway. To that end, he ſent a detachment of ten thouſand men under Albergotti (the late governor of Doway) and thought fit to be there himſelf in perſon. They marched the 7th of September in the evening; and, about one in the morning, they were diſcovered by a patrole of the confederate horſe, who ſent intelligence of it to count Hompeſch; ſo that orders were immediately given to the officers in the out-poſts to be upon their guard: But, in the mean time, the enemy advanced towards the gate of St. Eloy, where they deſigned to ſcale the wall; and ſeveral of their boats, filled with ſoldiers, paſſed over the inundation to favour the attempt, and came ſo near the works, that, being challenged by the centinels, they anſwered, "they were the governor's fiſhermen;" which the garriſon miſtruſting, and, at the ſame time, hearing ſome firing from the out-poſts, they fired likewiſe upon the boats: ſo that the enemy finding themſelves diſcovered, retired immediately. Thoſe in the inundation left their boats behind, and made what haſte they could to join their main body, which marched back, and repaſſed the Sanſet, with great precipitation, having loſt a conſiderable number of their men by deſertion.

Villars having failed in all his attempts to relieve Bouchain, the garriſon, after twenty days, from the opening of the trenches, capitulated, and could obtain no better terms, than to be made priſoners of war. The garriſon, conſiſting at firſt of ſix thouſand men, was reduced to leſs than three thouſand. The governor pretended, he was in a condition to have defended himſelf ſome days longer; but the ſoldiers, finding Villars did not attempt to relieve the place, obliged him to capitulate.

The ſucceſs of this memorable ſiege, ſo difficult in all its circumſtances, improved the bravery and reſolution of the confederate troops; ſo that they never expreſſed ſo much eagerneſs for coming to a fair engagement with the enemy. The duke's ſtratagem in paſſing the lines without the loſs of a man; the cutting off the communication of the enemy with Bouchain; the manner of the duke's inveſting the town with an inferior army; his caſting up lines, making regular forts, raiſing batteries, laying bridges over a river, making a moraſs paſſable, and providing for the ſecurity of his convoys, againſt a ſuperior army on the one ſide, and the numerous garriſons of Condé and Valenciennes on the other, were enterprizes that ſhewed the great military ſkill of the undertaker. As this was reckoned the moſt extraordinary thing in the whole hiſtory of the war, ſo the honour of it was acknowledged to belong entirely to the duke of Marlborough; as the blame of a miſcarriage in it muſt have fallen ſingly on him[r]. Villar's conduct on this occaſion was much cenſured, but by means of madam Maintenon (whoſe favourite Villars was) it was approved by the king of France.

Whilſt the works and breaches of Bouchain were repairing, the duke of Marlborough ſent the earl of Albemarle to the Hague, to regulate the operations for the remaining part of the campaign with the States; and, as he judged the enemy might be troubleſome in the winter to the conquered places near them without the reduction of Queſnoy, to obtain their concurrence for the ſiege of that place. But the States, conſidering how far the ſeaſon was ſpent, and the difficulties which muſt attend ſuch an enterprize in the ſight of the enemy's army, eſpecially in a country, where they had deſtroyed all the forage, they rejected the propoſal. They agreed however, that moſt of their troops ſhould be quartered in the frontier-towns, not only, that they might be ready to take the field early in the ſpring, but alſo to hinder the enemy from making any new lines during the winter, and oblige them at the ſame time, to continue their troops upon their frontiers, where they would find it very difficult to ſubſiſt them. The duke, who had been acquainted with the negotiations, that were carrying on in England, by monſieur Meſnager, from the French court, and the propoſals he had given in to the miniſtry from his maſter, could not but perceive, that the States had this alſo for an inducement, to make no more ſieges during the remainder of the campaign, in order to ſpare their troops till they ſaw what would be the reſult of the negotiations; though they did not think fit to inſert it among their other arguments for putting an end to it. The duke therefore ſet the forces at work to level the approaches, fill up the breaches, and put the town of Bouchain into a poſture of defence; which was not finiſhed till about three weeks after its ſurrender, through the badneſs of the weather, which very much incommoded both the French and the allies, who continued incamped to ſee each other drawn off to their winter quarters. As ſoon as Bouchain was put in a good poſture of defence, both the armies began to ſeparate, having already greatly ſuffered by the continual rains, and the ſcarcity of forage.

This was the laſt ſervice which the duke of Marlborough ever performed in the field. The allies were now in poſſeſſion of the Maeſe almoſt to the inlet of the Sambre, and the Scheld, beyond Tournay, and of the Lys, ſo far as it is navigable. And beſides the conqueſts of Bavaria, Cologne, and other countries in Germany, they had alſo reduced ſo much of Guelderland, as had formerly been left to Spain by the treaty of Munſter; and likewiſe Limburg, Brabant, Mechlin, Flanders; two thirds of Hainault, with their ſtrong holds, the conqueſt of which was thought almoſt impracticable. By the taking of Bouchain and the progreſs of the confederate army on the Scarpe and the Lys, they were become maſters of two rivers, which, by the means of the Deule, and its canal, had been ſerviceable to the French for many years in their continual invaſions of the Spaniſh Netherlands, of which they were now altogether deprived. All theſe important conqueſts the allies had made during the courſe of this war under the conduct of the duke of Marlborough, who having given the neceſſary orders for ſecuring the navigation of the Scarpe to Doway, and covering the workmen employed in fortifying ſeveral poſts on that river, and on the Scheld, left the army on the 27th of October, and, after ſome ſtay at the Hague, landed in England, on the 17th of November, O. S.

As the affair of Spain had been ſo much preſſed from the throne, and ſo much inſiſted on all the laſt ſeſſion of parliament, and as the commons had given 1,500,000l. for that ſervice, (a ſum far beyond all that had been granted in any preceding ſeſſion) it was expected matters would have been carried there in another manner than formerly. The duke of Argyle having been recalled from the ſervice in Flanders (where he had acted in conſtant oppoſition to the duke of Marlborough) was appointed to command the Engliſh forces in Spain, and great hopes were entertained, that, by his courage, activity, and conduct, the face of affairs there would be changed for the better: But all theſe hopes failed. After the ſurrender at Brihuega, there were, as hath been related, but three Engliſh regiments left, Lepel's dragoons, with Richards's and Du Bourgay's regiment of foot, and theſe had almoſt been deſtroyed at the battle of Villa Vicioſa. However, they were in great meaſure compleated again by the dragoons and foot that made their eſcape from their confinement. But there was no money to ſubſiſt them; and if the Catalans, in whoſe towns they were quartered, had not been ſo humane as they were, they muſt have been ſtarved. There had been no remittances from England in above ſix months, till the beginning of February, when the pay-maſter received bills for thirty-two thouſand pounds only, though the eſtabliſhment in Spain amounted yearly to one million one hundred thouſand pounds and upwards. As this ſmall ſum bore no proportion to what ſubſiſtance was due, ſo it did not ſuffice to give any relief to thoſe who were in want, and therefore they muſt have periſhed, had it not been for the good nature of the people of Catalonia.

During the winter, general Stanhope had been endeavouring to get an exchange of priſoners; but the court of Madrid was ſo averſe to it, and ſo unwilling the Engliſh ſhould obtain their liberty while the war continued, that, inſtead of agreeing to it, Stanhope was removed from the city of Valladolid to a poor fiſher-town in Aſturia, and afterwards to Pau, the capital of Bearn, in France, where he continued till all the priſoners on both ſides were releaſed.

Sir John Norris came with the fleet in the beginning of March from Port-Mahon to Barcelona, and a great council

[r] As Villars was lampooned in France, about his 'Ne plus ultra', and for ſuffering Bouchain to be taken in his ſight: So, on the contrary, the duke of Marlborough was libelled in England by ſome mercenary pens for his ſucceſſes. Bouchain was called a dove-houſe, to leſſen the glory of taking it, and the paſſage of the French lines was repreſented as a militia-company's croſſing a kennel.

of war was held at the palace, in king Charles's preſence, about the ſituation of affairs, and the operations of the next campaign. Soon after, major-general Whetham arrived at Barcelona, and ſuperſeded Lepel in the command of the forces. He was followed by a few regiments of foot from Ireland, and two from Gibraltar, that were re-implaced by ſome that came from that kingdom.

The duke of Argyle was expected with great impatience, by whoſe preſence it was hoped all our wants, which were very great, would be ſupplied: For no money had been returned, except the inconſiderable ſum before-mentioned. Some bills indeed were drawn by a banker of London upon our Engliſh merchants, but theſe were proteſted. The duke of Argyle (who, in his way to Spain, came, the 4th of April, to the Hague, and went on his journey without viſiting the duke of Marlborough) ſtaid ſome time at Genoa, expecting the remittances he was promiſed before he left England, but none came, which made him very uneaſy. However, he came away with two men of war, and landed at Barcelona the 29th of May, and had his firſt audience of king Charles as ambaſſador and plenipotentiary the next day. The duke employed all his time in putting the Britiſh troops into the beſt condition he could; but ſtill no remittances came. The enemy had marched out of their quarters ſome time before, and were advancing towards the Urgel; ſo it was thought high time for our army to be in motion, to oppoſe their progreſs. As no money came, the duke was obliged to borrow ten thouſand pounds on his own credit, which was but of little ſervice.

Vendoſme's army was in ſo ill a condition, that Staremberg, if he had been ſupported, promiſed himſelf great advantages. He marched towards the enemy with the Spaniſh and the Germans, and the duke of Argyle with the Engliſh. The conſiderable paſs of Prato del Rey was the ſcene of action this campaign; it was regularly and warmly attacked by the duke of Vendoſme, and as vigorouſly defended by our generals. At laſt, the enemy was obliged to retire, and leave us in poſſeſſion of the paſs. The duke of Argyle was ſoon after ſeized with a violent fever, and obliged to return to Barcelona, where it was a long time before he was perfectly recovered. In the beginning of June, Sir John Jennings, with a fleet, arrived before Barcelona, and ſuperſeded Sir John Norris, who ſailed back to England.

The duke of Vendoſme ordered the caſtles of Venaſque, Arens, and Cardona to be inveſted, but without ſucceſs. The ſiege of Cardona was obſtinately perſiſted in. This caſtle ſtands upon a high hill near the mountains. The garriſon being ſoon reduced to great extremities, Staremberg ordered a convoy of proviſions to be got ready, and five hundred grenadiers, ſupported by ſome regiments, to ſee it ſafe into the caſtle. The command of the grenadiers fell upon colonel Edward Stanhope, who attacked part of a French brigade that was poſted in the way to the gate of the caſtle, and, having routed them, ſaw all the proviſions delivered into the place. After which, the colonel drew his grenadiers upon a riſing ground on the ſide of the caſtle, to refreſh them, and going too near the eminence, under which the enemy had retired, a ſoldier ſhot him through the body, of which wound he ſoon after died [s]. By the help of this convoy, the garriſon held out till the end of December, when Staremberg ſent ſome bodies to raiſe the ſiege, who ſucceeded ſo well in their attempt, that they killed two thouſand of the beſiegers, and forced their camp; ſo that they not only raiſed the ſiege, but made themſelves maſters of the enemy's artillery, ammunition, and baggage: and the duke of Vendoſme's army was ſo diminiſhed, that, if Staremberg had received the aſſiſtance which he expected from England, he would have penetrated far into Spain. But nothing was done, after all the zeal expreſſed by the parliament and miniſtry, for retrieving matters on that ſide. The duke of Argyle wrote over heavy complaints that he was not ſupported, by the failing of the remittances he had expected. Notwithſtanding theſe complaints, when he afterwards came over, he was very ſilent, and ſeemed in a good underſtanding with the miniſters.

The emperor's death, as it immediately opened to king Charles the ſucceſſion to the hereditary dominions, ſo a diſpoſition appeared unanimouſly, among all the electors, to chuſe him emperor. However, he ſtaid in Barcelona till September, and then leaving his queen there, to ſupport his affairs in Spain, he ſailed over to Italy. He ſtaid ſome weeks at Milan, where the duke of Savoy came to him; and it was ſaid, that all matters in debate were adjuſted between them. It was hoped, this campaign would have produced ſomething in thoſe parts advantageous to the common cauſe, upon the agreement made before the emperor Joſeph's death, who, a few days before he was taken ill, granted to the duke of Savoy the poſſeſſion of the fiefs in Montferrat. And Mr. St. John, when he moved in the houſe of commons for the ſubſidies to the duke of Savoy, ſaid, all our hopes of ſucceſs this year lay in that quarter, for in Flanders we could do nothing. The duke indeed took the field, forced his way into Savoy, and penetrated as far a the Rhine; but, upon what views it was not then known, he ſtopped his courſe, and, after a ſhort campaign, repaſſed the mountains.

The election of the emperor came on at Francfort, where ſome electors came in perſon, others ſent their deputies: ſome weeks were ſpent in preparing the capitulations; great applications were made to them, to receive deputies from the electors of Bavaria and Cologne; but they were rejected, for they were under the ban of the empire; nor were they pleaſed with the interpoſition of the Pope's nuncio, who gave them much trouble in that matter; but they perſiſted in refuſing to admit them. Francfort lay ſo near the frontier of the empire, that it was apprehended, the French might have made an attempt that way; for they drew ſome detachments from their army in Flanders, to increaſe their forces on the Rhine, as has been related. This it was that obliged the court of Vienna to ſend orders to prince Eugene to march with a detachment from Flanders towards the Rhine. He came in good time to ſecure the electors at Francfort; who being now ſafe, from the fear of any inſult, went on ſlowly in all that they thought fit to propoſe, previous to an election; and concluded unanimouſly to chuſe Charles, who was now declared emperor by the name of Charles the Sixth: He went from Milan to Inſpruck, and from thence to Francfort, where he was crowned with the uſual ſolemnity. Thus that matter was happily ended, and no action happened on the Rhine all this campaign.

The endeavours uſed to adjuſt the diſputes about the ſucceſſion of the late king William were rendered unſucceſsful by a fatal accident. An accommodation was attempted in the beginning of the ſpring, and the king of Pruſſia repairing to the Hague ſoon after, to preſs the concluſion of that affair, the prince of Naſſau-Frieſeland, the other party, was earneſtly deſired by him to come thither alſo. The prince complied, though not without ſome reluctance to leave the confederate army in the middle of the campaign. But, upon the 14th of June, N. S. being come to Moerdyke in his way to the Hague, and being obliged to ferry over the Ames, by reaſon of the fatigue of his journey and the rain, which fell in great abundance, he choſe to continue in his coach with Mr. Hilken, his maſter of horſe, and colonel of his guards. A ſudden tempeſtuous wind aroſe, with which, and the diſturbance of the water occaſioned by it, the horſes were ſo frighted, that they immediately leaped overboard, and dragged the coach into the Ames; ſo that the prince and his companion were ſoon drowned, notwithſtanding all the endeavours of one of his ſervants, who loſt his life in attempting to ſave his maſter's. The death of this prince, who was eminent for his bravery and great qualities, was univerſally lamented by the States and the inhabitants of the United Provinces, and, particularly by the army, who had been eye-witneſſes of his conduct and reſolution in the memorable ſieges of Liſle, Doway, and Mons, the battle of Oudenarde, and chiefly in that of Blaregnies.

The war between the Turks and the Czar came to a quick end. The Czar advanced with his army ſo far into Moldavia, that he was cut off from his proviſions. An engagement followed, in which both ſides pretended they had the advantage. It is certain, the Czar found he was reduced to great extremities, for he propoſed, in order to a peace, to ſurrender Azoph, with ſome other places, and demanded, that the king of Sweden might be ſent home to his own country. The grand vizier was glad to obtain ſo ſpeedy a concluſion of the war; and, notwithſtanding the great oppoſition made by the king of Sweden, he concluded a peace with the Muſcovites, not without ſuſpicion of his being corrupted by money. The king of Sweden, being highly offended at this, charged the grand vizier with neglecting the great advantages he had over the Czar, ſince he and his whole army were at mercy; and he prevailed ſo far at the Porte, that upon it the grand vizier was depoſed, and there was an appearance of a war ready to break out the next year; for the Czar delayed the rendering Azoph, and the other places agreed to be delivered up; pretending, that the king of Sweden was not ſent home,

[s] The famous town of Manciſſa, to which he was carried before he expired, out of reſpect to his name, ſuffered his body to be interred in the hoſpital burying-ground, a favour allowed to no other Proteſtant officer during the ſeven years our author was in Spain. M. S

according to agreement; yet, to prevent a new war, all the places were at length given up.

Towards the end of this year the Danes and Saxons broke in by concert upon Pomerania, reſolving to beſiege Stralſund; but every thing neceſſary for a ſiege came ſo ſlowly from Denmark, that no progreſs was made, though the troops lay near the place for ſome months; and in that time the Swedes landed a conſiderable body of men in the iſle of Rugen. At laſt the beſiegers, being in want of every thing, were forced to raiſe the ſiege, and to retire from that neighbourhood in the beginning of January. They ſate down next before Wiſmar; but that attempt likewiſe miſcarried, which rendered the conduct of the king of Denmark very contemptible, who thus obſtinately carried on a war, at a time, that the plague ſwept away a third part of the people of Copenhagen, with as little conduct as ſucceſs.

No action happened at ſea this year, for the French fitted out no fleet. All they did this ſummer was the ſending a ſquadron of fourteen or fifteen men of war under the command of Du Guay Trouin in America, where they already had another ſquadron, commanded by Du Caſſe. Du Guay's expedition was for ſome time kept ſecret; but at laſt it was known, that, having entered the bay of Rio de Janeiro in Braſil, he obliged the Portugueſe to run aſhore, and ſet on fire their men of war in that port; after which he made himſelf maſter of the town of St. Sebaſtian; and, having kept poſſeſſion of it two months, ſailed from thence the 13th of November, carrying away ſix hundred ten thouſand cruſadoes, beſides a great quantity of ſugar, and other rich plunder, which they valued at ſeven millions of livres, and pretended, that the whole loſs ſuſtained by the Portugueſe amounted to five and twenty millions. On the other hand, the French made this year ſome unſucceſsful attempts on the Leeward Iſlands; and, about the ſame time, commodore Littleton took a Spaniſh galleon, and another ſhip of twenty-ſix guns, richly laden, in the Weſt-Indies.

An expedition was deſigned by ſea for taking Quebec and Placentia in North America. This deſign was formed by colonel Nicholſon, who had taken poſſeſſion of Nova Scotia, put a garriſon into Port-Royal, and called it Annapolis. The four Indian chiefs, whom the colonel had brought over with him in the ſpring of the year 1710, had alſo promoted it by repreſenting the dangers our ſettlements on the continent of America were threatened with from that quarter. Indeed, the driving the French out of thoſe parts would have driven them alſo out of the Newfoundland trade entirely, and been a very great ſecurity to New-England and New-York. To execute this deſign, troops were ſent for from Flanders, and, with others in England, put on board tranſports under the command of brigadier Hill, brother to Mrs. Maſham, the new favourite, conſiſting of about five thouſand men[t]. A ſtrong ſquadron of men of war, under ſir Hovenden Walker was ordered to convoy the tranſport fleet[u]. They all ſailed from Plymouth the 4th of May, and arrived at Boſton in New-England the fourth of June. General Hill and admiral Walker going aſhore, a counſel of war was held, in which it was reſolved to land the troops, the proviſions which they expected to be furniſhed with at Boſton not being in any readineſs. The fleet upon their arrival here conſiſted of twelve men of war, forty tranſport-ſhips, and ſix ſtore-ſhips, with all manner of warlike ſtores, and a fine train of artillery, with forty horſes for the uſe of the ſame, commanded by colonel King, with proper officers. On the 20th of July, the Britiſh forces returned on board their reſpective ſhips, and were joined by two regiments of New-England and New-York, commanded by colonel Vetch and colonel Walton. On the 30th of July, the fleet ſailed for the river of Canada, and colonel Nicholſon ſet out from Boſton for New-York, from whence he proceeded to Albany, where the forces of New-York, Connecticut, and New-Jerſey, about one thouſand Palatines, and about one thouſand Indians of the five nations, under the Caſſaiques, who had been in England, rendezvouſed to the number of about four thouſand men, commanded by colonel Ingoldſby, colonel Schuyter, and colonel Whiting, who marched towards Canada the 28th of Auguſt. The fleet arrived at the mouth of the river Canada, on the 14th of the ſame month, and on the 18th (ſays ſir Hovenden Walker) the wind blowing freſh at north-weſt, we put into Gaipe-Bay, where we ſtaid till the 20th, being afraid of loſing company with the tranſports, that might be blown to the leeward; but, having got all of them together, we proceeded up part of the river of Canada, which is an hundred and thirty leagues long to Quebec, from the mouth of it. On the 21ſt it proved foggy, and continued ſo all night, and the day following, with little wind till the afternoon, when, in an extreme thick fog, it began to blow hard at eaſt and eaſt-ſouth-eaſt. We found ourſelves then in a dangerous circumſtance, having neither ſoundings, nor ſight of land, to ſteer any courſe, or any anchorage within ſixty leagues, and that not ſafe: So that the pilots on board this ſhip, being the beſt in the fleet, were of opinion, that the admiral ſhould make a ſignal to bring to; which he did with our heads to the ſouthward, judging, by that, we might eſcape danger, and be driven by the ſtream in the mid-channel: but quite contrary, as we were with the wind eaſterly, and our heads to the ſouthward, in two hours we found ourſelves upon the north-ſhore among rocks and iſlands, where the whole fleet had like to have been loſt. The men of war eſcaped, though with extreme hazard; but eight tranſports were caſt away, with about eight hundred men, officers, ſoldiers, and ſeamen; and, had not the admiral made the ſignal as he did, it is very likely, that our loſs would have been much greater. After this diſaſter, we continued thereabouts two or three days, ſeeing what men and other things we could get from the ſhore: After which it was determined by a conſultation of ſea officers, to return back to ſome bay or harbour, where the fleet might ſafely ride, till a further reſolution ſhould be taken. Accordingly, on the 14th of September, we arrived in the Spaniſh river Bay, and the general and admiral called a counſel of war of land and ſea-officers, who conſidering we had but ten weeks proviſion for the fleet and army, and that the navigation in theſe parts of the world being ſo bad and dangerous, that, at this time of the year, we could not depend upon a ſupply of proviſions from New-England, it was unanimouſly agreed to return home, without making further attempts elſewhere.

This account of the expedition to Canada was brought to England by colonel Clayton, who arrived not many days before ſir Hovenden Walker, who came to Portſmouth with the fleet, and the remainder of the tranſports, the 9th of October. Six days after, the Edgar of ſeventy guns was blown up, with above four hundred men, beſides a great many perſons who were come on board to ſee their friends.

The ill ſucceſs of this expedition was a great mortification to the new miniſtry, it being their firſt undertaking, ill projected, and worſe executed in every ſtep. It was the more liable to cenſure, becauſe, at the very time, that the old miniſtry were charged with entering on deſigns, which had not been laid before the parliament, and for which no ſupplies had been given, they projected this, even while a ſeſſion was yet going on, without communicating it to the parliament; whereas what the former miniſtry had done this way, was upon emergencies, and ſucceſſes after the end of the ſeſſion. Beſides, the parliament had juſt then declared it to be their ſenſe, That to enlarge the ſervice, or increaſe the charge beyond the bounds preſcribed, and the ſupplies granted, was illegal, and an invaſion of their rights. The new miniſtry did another thing to keep the deſign ſecret, which was to victual the fleet greatly ſhort of what was neceſſary, leaving them to take in a freſh ſupply in New-England, which they would not beforehand give directions for (though the event ſhewed it was very neceſſary) for fear that alſo ſhould occaſion a diſcovery. This, in ſome meaſure, preſerved the ſecrecy, but deſtroyed the deſign; for, though they had a very fortunate paſſage to New-England, much better than the fleet could ordinarily expect, yet they were ſo long detained there, that the proper ſeaſon, it was ſaid, was over, before any conſiderable quantity of proviſions could be procured; and the whole was ſo ſhort of what they wanted, that, when they failed in the deſign againſt Quebec, they were not able to ſucceed in the under-plot againſt Placentia, in which otherwiſe they apprehended no difficulty[w].

[t] The regiments of Kirk, Hill, Clayton, Wadniſs, Seymour, Deſannay, and a battalion of marines commanded by colonel Charles Churchill.

[u] The Edgar, Monmouth, Devonſhire, Humber, Swiftſure, Kingſton, Sunderland, Montague, and Dunkirk. Thoſe were to be reinforced by other ſhips in the Weſt-Indies.

[w] To all this may be added a groſs impoſition upon the public, in the fitting out of this expedition, which the lord treaſurer Harley himſelf owns, in his brief account of public affairs, laid before her majeſty in June 1714, where he obſerves as follows: 'On the 4th of June 1711, three days after the treaſurer was ſworn, he was ſurprized with a demand of twenty-eight thouſand thirty-ſix pounds and five ſhillings for arms and merchandize, ſaid to be ſent to Canada. When the treaſurer ſcrupled this, Mr. ſecretary St. John and Mr. Moore came to him with much paſſion upon this affair; and, about a fortnight after, the ſecretary of ſtate ſignified the queen's poſitive pleaſure to have that money paid; and, accordingly, her majeſty ſigned a warrant, June 21, and the treaſurer not being able then, with all his precaution, to diſcover further light, the money was paid July the 4th, 1711. Since the return from that expedition, the ſecret is diſcovered, and the treaſurer's ſuſpicion juſtified; for the public was cheated of above twenty thouſand pounds. There is reaſon to be more particular upon this head, becauſe it

The duke of Ormond held a ſeſſion of parliament this ſummer at Dublin, where he was received with great acclamations. It is obſervable, that, during the ſeſſion, the duke, chancellor Phipps, and the majority of the Peers, did, on all occaſions, viſibly favour and countenance the high-party, if not the friends to the Pretender, whilſt the commons ſtrenuouſly aſſerted the revolution-principles, and ſhewed their firm adherence to the Proteſtant ſucceſſion. Of this there were ſeveral inſtances, but none more remarkable than the diſpute between the two houſes, relating to the application of the commons in 1709, to the queen, for five thouſand pounds to build a library for Trinity-College[x]. After the ſeſſion was over, chancellor Phipps (who had been publicly thanked by the clergy, for his defence of the church at Dr. Sacheverel's trial, and for patronizing the clergy on all occaſions) and general Ingoldſby were appointed as lords-juſtices in the duke of Ormond's abſence, who returned to England the latter end of November.

Whilſt the commons of Ireland were ſtrenuouſly aſſerting the revolution-principles, the oppoſite ſpirit of Jacobitiſm diſcovered itſelf in Scotland, encouraged very probably by the late numerous addreſſes in England, aſſerting the ſole Hereditary Right. Upon this preſumption, the ducheſs of Gordon, a Roman-catholic, ſent about the latter end of June to Mr. Robert Bennet, dean of the faculty of advocates, a ſilver medal, with a head on the right ſide, and this legend, 'Cujus eſt *?' and on the reverſe the Britiſh Iſlands, with this motto, 'Reddite'. †' as a preſent to the Faculty. This medal was firſt left in the hands of one of their ſervants, the dean being cautious either to accept it, or place it in the repoſitory of rarities, before he had conſulted ſome of the members of the Faculty, to whom he ſhewed the medal, formally telling them, That her grace the ducheſs of Gordon ſent, as a preſent to them, the medal of king James the Eighth, whom they and the Engliſh called the Pretender; and he hoped, thanks were to be returned to her grace. Mr. Alexander Stevenſon anſwered, That the medal ſhould be returned to her grace, for the receiving it was throwing dirt on the face of the government. He was ſeconded by Mr. Robert Alexander of Black-Houſe, who ſaid, That the receiving of ſuch a medal was owning a right contrary to her majeſty's. Mr. Robert Frazer anſwered, 'That Oliver Cromwell's medal, who deſerved to be hanged, and the arms of the commonwealth of England, had been received; and why not this?' Upon this Mr. Duncan Forbes ſaid, 'It was time enough to receive the medal when the Pretender was hanged:' To whom adhered Mr. Joſeph Hume, of Ninchole; Mr. Hugh Dalrymple, ſon to the preſident; Mr. James Ferguſon, ſon to ſir John Ferguſon of Kirkennel; and ſir James Stuart of Goodtrees, the queen's ſolicitor. Then Mr. Dundaſs of Armiſton roſe up, and made the following ſpeech:

Dean of Faculty,

"Whatever theſe gentlemen may ſay of their loyalty, I think they affront the queen, whom they pretend to honour, in diſgracing her brother, who is not only a prince of the blood, but the firſt thereof; and, if blood can give any right, he is our undoubted ſovereign. I think too they call her majeſty's title in queſtion, which is not our buſineſs to determine. Medals are the documents of hiſtory, to which all hiſtorians refer; and therefore, though I ſhould give king William's ſtamp, with the devil at his right ear, I ſee not how it could be refuſed, ſeeing an hundred years hence it would prove, that ſuch a coin had been in England. But, Dean of Faculty, what needs further ſpeeches? None oppoſe the receiving the medal, and returning thanks to her grace, but a few 'pitiful ſcoundrel vermin, and muſhrooms,' not worthy our notice. Let us therefore proceed to name ſome of our number, to return our hearty thanks to the ducheſs of Gordon." The dean of the Faculty put it to the vote, and it was carried by a majority ſixty-three voices againſt twelve (there being ſeventy-five members preſent) that thanks ſhould be returned to her grace by Mr. Dundaſs, and Mr. Horne of Weſthall. Dundaſs aſking, 'In what terms he ſhould return thanks? The dean, in the name of the whole ſociety, anſwered, That they would approve whatſoever Mr. Dundaſs and Mr. Horne thought convenient. Three days after Dundaſs returned 'the moſt hearty thanks of the Faculty for all her favours, particularly in preſenting them with a medal of their ſovereign lord the king,; hoping, and being confident, that her grace would very ſoon have an opportunity to compliment the faculty with a ſecond medal, ſtruck upon the reſtoration of the king, and royal family; and the finiſhing Rebellion, uſurping Tyranny, and Whiggery'. It was obſerved on this occaſion, that the medal was not new; for the public had an account of its being diſperſed in the Netherlands about a year before; and it was then the general opinion, that it was ſtruck upon the hopes given by the Jacobites in England to their correſpondents in France, that the Britiſh nation was ready to declare for the Pretender; to which the diſtractions occaſioned by Dr. Sacheverel's ſermon, and trial, and the aſſerting the doctrines of hereditary right, and of abſolute paſſive obedience, entirely oppoſite both to the late Revolution, and Proteſtant ſucceſſion, gave ſome air of probability. Nor was this medal ſcarce, but rather common; and, as for its intrinſic value, it did not exceed half a crown; ſo that it could not be worth either a ducheſs's while to preſent it, or the

it is one of the things never to be forgiven the treaſurer; and lord-chancellor Harcourt told him more to that purpoſe, that no government was worth ſerving, that would not let them make thoſe advantages, and get ſuch jobbs. The treaſurer was forced to uſe all his ſkill and credit to keep the houſe of commons from examining this affair laſt parliament.

[x] This application was made by the commons, 'becauſe (as they ſaid) the college had cenſured Forbes for aſperſing the memory of king William, and for their ſteady adherence to the late revolution, and for the encouragement of good literature, and ſound revolution-principles.' The duke of Ormond, in his ſpeech, having taken notice that the queen had complied with this application, the lords, in their addreſs to the queen among other things, ſaid, 'your majeſty has alſo extended your royal favour to the college of Dublin, and at ſuch a juncture, as muſt teſtify to the world that what your majeſty beſtowed was not given to promote thoſe principles upon which it was at firſt applied for.' The commons incenſed at theſe words came to the following reſolutions: 'That the lords, in this addreſs, have highly infringed the rights, privileges, and liberties of the commons, miſrepreſented her majeſty's gracious condeſcenſion to their humble application, and have unjuſtly inſinuated (to the diſhonour of this houſe) that the principles, for encouragement of which the application was made, were ſuch, as her majeſty diſapproved. That to inſinuate, that the houſe of commons, in their reſolution, intended any other than the late happy Revolution brought about by king William III. of glorious memory, is falſe, ſcandalous, and malicious, highly and moſt unjuſtly reflecting on the loyalty, integrity, and honour of this houſe, and a great breach of the privileges thereof.' And in their addreſs to the queen on this occaſion, they inſerted the following paragraphs:

'Being therefore moſt ſenſibly touched at heart, that our principles and good intentions ſhould be thus injuriouſly repreſented, and out of a deep concern, leſt the addreſs of the lords ſhould have made any impreſſion on her majeſty, to the diſadvantage of her moſt dutiful commons, they took this opportunity to lay before her majeſty theſe their humble and ſincere aſſurances, that the principles, upon which they had applied to her majeſty for her bounty to the college of Dublin, in their addreſs of the firſt of June 1709, were ſuch, as they ſhould never be aſhamed to own, they being no other than thoſe, to which they owed the preſervation of their religion, lives, liberties, and properties, and more eſpecially, that ineſtimable bleſſing of her majeſty's happy reign over them. That the ſound revolution-principles, mentioned in their addreſs, neither had, nor can have, in the true conſtruction of the words, any other meaning, than what happened to the late happy Revolution; and that they had the utmoſt abhorrence and deteſtation of all principles, that tend to any other revolution, or to weaken her majeſty's parliamentary right.'

The commons, hearing the lords intended to vindicate their addreſs, voted, 'That whoever ſhall, by ſpeaking, writing, or printing, arraign or condemn the principles of our late happy Revolution in 1688, is an enemy to our moſt gracious queen, to our conſtitution in church and ſtate, to the Hanover ſucceſſion, and is a friend to the Pretender.' The next day, the lords agreed on an addreſs to the queen, wherein they complained of the high indignities offered to them by the commons, in theſe terms: 'How far the commons have made good their profeſſions to your majeſty of unanimity; how far they have purſued that temper recommended to them by your majeſty, we ſhall not determine: Yet, ſurely, had thoſe profeſſions been ſincere, they would not (without any conference demanded, or any opportunity given to us to explain ourſelves, if we had been miſtaken) have uſed us in a manner wholly unknown to former parliaments, and in language more indecent, more opprobrious, than was given by another houſe of commons, when they voted the houſe of lords uſeleſs. However, your majeſty might juſtly approve the conduct of the college of Dublin in the late Revolution, we did, and do ſtill humbly conceive, that your majeſty did not extend your bounty to them, to promote (in general) revolution-principles, principles, which, as explained by the pamphlets and libels publicly avowed by men of factious and ſeditious tempers, and particularly, by a ſermon preached on the 30th of January, dedicated to this very houſe of commons, without cenſure or animadverſion, do, in a great meaſure, maintain and juſtify the execrable murder of king Charles I. your royal grandfather of bleſſed memory, and on which may be founded any rebellion againſt your majeſty or your ſucceſſors. Nor have the commons, in our apprehenſion, vindicated themſelves or their vote, by ſaying, 'That the ſound revolution-principles, mentioned in their addreſs, neither had, nor can have, in the true conſtruction of the words, any other meaning than what related to the late happy Revolution. For, however they may take upon themſelves beſt to know their own meaning, yet we think it hard to deny us the right of judging, as well as they, of the true conſtruction of the words; and we do take the liberty to ſay, That, the commons having, in that vote, maintained the ſteady adherence of the provoſt and fellows of the college to the late Revolution, as one conſideration of their application for the five thouſand pounds ſince granted by your majeſty, the ſubſequent motive mentioned in that vote, viz. for the encouragement of ſound revolution-principles, cannot, in good reaſon or grammar, be referred to the late Revolution, ſince adherence to the late Revolution was a diſtinct motive of itſelf; and it is the known nature of principles, to be as well the rule and guide of future as of paſt actions.'

Moreover, the houſe of lords, at the ſolicitation of the biſhops, did, the ſame day, agree to a repreſentation and addreſs againſt the Diſſenters, wherein they ſuggeſted, 'That they had been enabled to propagate their ſchiſm, and undermine the church, by the miſapplying her majeſty's bounty to them of twelve hundred a year: And, therefore, they ſubmitted it to her, whether ſhe would put a ſtop to theſe growing evils, by withdrawing that bounty from them.' But the queen did not think fit to do ſo.

* 'Whoſe is it?' † 'Reſtore'.

faculty's to receive it, on the account of its being either new, or ſcarce, or valuable. And, if the advocates deſigned it only as a curioſity, they might have eaſily procured it, and placed it among their collection, without formality and noiſe. But the ducheſs's preſenting it, and ſome of the advocates receiving it with ſolemnity, and endeavouring to make it the act of the Faculty, by returning thanks to the ducheſs in the name of the whole ſociety, with ſo much oſtentation, was certainly a public and treaſonable affront to her majeſty, a tacit arraignment of her title, and a ſtriking at the ſettlement in the houſe of Hanover. Nor is it to be doubted, that the deſign of the Jacobites was to give reputation to their cauſe, by engaging ſo many gentlemen of the long-robe to eſpouſe it, as the readieſt way to bring the common people into their meaſures; for, as theſe are generally led by example, they would be apt to conclude, that there could be no danger in following the pattern ſet them by thoſe, who, of all men, ought beſt to underſtand the laws and conſtitution of their country. The timing of this tranſaction was likewiſe judged very remarkable; for it was ſoon after the aſſembly of the kirk of Scotland had publicly declared themſelves for the Proteſtant ſucceſſion in the houſe of Hanover; and their ſenſe being juſtly taken for that of the bulk of the Proteſtants in Scotland, whom they repreſent in an eccleſiaſtical capacity, it ſeemed, the Jacobite party there thought it neceſſary to balance them by the ſenſe of the miniſters of law and juſtice in that country. This happened alſo immediately after her majeſty had declared in her ſpeech at the cloſe of the laſt ſeſſion of parliament, "That it was needleſs for her to repeat the aſſurances of her earneſt concern for the ſucceſſion of the houſe of Hanover." From whence it may be concluded, that, the Jacobites being ſenſible of the injury this declaration had done their cauſe, they might think, that the only way to retrieve it was by procuring ſo many lawyers to declare for them. And, in the laſt place, this was done at a time, when the armies were in the field, and the Pretender reported to be gone from St. Germain's, in order to embark in ſome port of France on the ocean; which might raiſe a well-grounded ſuſpicion, that this was deſigned to favour a ſecond invaſion; the rather, becauſe Dundaſs, in his compliment to the ducheſs of Gordon, did not ſcruple to inſinuate 'a ſpeedy reſtoration of the king, and the royal family'.

Sir David Dalrymple, the lord advocate, gave an account of this proceeding to the duke of Queenſberry, who dying about this time, the information was laid before the queen by one of the other ſecretaries; and the caſe was ſo flagrant, that there was no avoiding to ſend the lord advocate orders to inquire into it. Upon which the Faculty thought fit to diſown Dundaſs, Horne, and the other advocate, in their addreſs concerning the medal, as done by a party at an occaſional meeting, and not by general conſent, declaring by a ſolemn act their affection to the queen and her government, and the Proteſtant ſucceſſion, and their deteſtation of all practices tending to give any encouragement to the Pretender.

It was for ſome time matter of doubt, whether the government would be ſatisfied with this act of the Faculty. But the court thought fit to make no further inquiry into that affair. This lenity imboldened Dundaſs to write a vindication more treaſonable, if poſſible, than their proceedings about the medal: But, before the publication, the printer carried the copy of it to the lord provoſt of Edinburgh, who communicated it to ſir James Stuart, and he took care that the queen and council ſhould be informed of it: Upon which the paper was intirely ſuppreſſed. And monſieur de Kreyenberg, reſident from the elector of Hanover, having, by expreſs orders, preſented a memorial, for the proſecution of Dundaſs and his aſſociates: The government thought proper to remove ſir David Dalrymple from his office of lord advocate, on pretence he had been too remiſs in proſecuting the Scots Medaliſts, and reinſtated ſir James Stuart in that poſt, on account of his zeal in ſuppreſſing of Dundaſs's vindication. Though this gave ſome ſatisfaction to the friends of the Proteſtant ſucceſſion; yet it is obſervable, that ſir David Dalrymple was ſo far from being an enemy to it, that, (as his particular acquaintance affirmed) he would have proſecuted the Medaliſts with greater ſeverity than any whatever, had he not received ſecret inſtructions from a great man at court not to ſtir in the affair [y].

All this while the miniſters in England uſed all poſſible means to ſtrengthen themſelves, and weaken their enemies, by advancing to honours and employments, ſuch perſons as they thought inclined to carry on their new meaſures. The lord Raby was created viſcount and earl of Strafford. He was the ſurviving head of the family of Wentworth-Woodhouſe in Yorkſhire, but by a diſpute between his father, and the late earl of Strafford, cut off from the eſtate. He was recalled from his long embaſſy in Pruſſia, and ſent ambaſſador to Holland. The lord Dartmouth was made viſcount Lewiſham, and earl of Dartmouth; the lord Ferrers, earl Ferrers; ſir Simon Harcourt, baron of Stanton-Harcourt; the earl of Orrery, baron Boyle of Marſton; the duke of Hamilton, duke of Brandon, but, a caveat being entered againſt that patent, a ſtop was put to it for the preſent.

The earl of Winchelſea was placed at the head of the board of trade; earl Pawlet was made ſteward of the houſhold, in the room of the duke of Buckingham, who was made preſident of the council upon the death of the earl of Rocheſter. Sir George Byng was declared admiral of the white. Alderman Caſs, was elected one of the ſheriffs of London, who in the time of the aſſaſſination-plot, harboured ſir John Freind, in his houſe, where he was apprehended. The lord Clermont, and his brother, captain Middleton, ſons to the earl of Middleton, who were taken aboard the Saliſbury, in the intended invaſion of Scotland, were admitted to bail after three years impriſonment.

In July the duke of Newcaſtle died, whoſe death is ſaid to be occaſioned by a fall from his horſe as he was hunting. He was the richeſt ſubject that had been in England for ſome ages, and had an eſtate of above forty thouſand pounds a year, which he was much ſet upon increaſing. The office of privy-ſeal being vacant by his death, it was reſolved, to give it to the earl of Jerſey. As this earl had ſome correſpondence in Paris and St. Germain's, the conduct of the private negotiation of peace was truſted to him, by the lord-treaſurer Harley, who therefore made him privy-ſeal, but the earl died ſuddenly the very day that office was given him. Upon his deceaſe it was conferred on Dr. Robinſon, biſhop of Briſtol, who was deſigned to be the plenipotentiary in the treaty that was now projecting, There having been a warm competition between the duke of Hamilton and the earl of Marr for the place of ſecretary of ſtate for North-Britain, vacant by the death of the duke of Queenſberry, it was thought fit to ſuppreſs that place.

In the mean time thoſe at the helm carried on the negotiation of peace, which they had clandeſtinely entered into with ſome agents of France, even before the old miniſters were removed. To this purpoſe Mr. St. John, and, as ſome affirmed, Mr. Harley himſelf, had ſeveral private meetings with the ſieur Gaultier, an obſcure French prieſt, who, for ſome time, was protected by count Gallas, the Imperial miniſter, and ſuffered to ſay maſs in his chapel, and who being afterwards employed in London by count Tallard, to receive and forward his letters between Paris and Nottingham, began to be taken notice of, and aſſumed the title of Abbot. It was the opinion of many, that, when the lord-treaſurer Harley formed the South-Sea project, he had verbal aſſurances given him, that France and Spain would grant to that company, either ſome ſettlement, or, at leaſt, a free trade in the Spaniſh Weſt-Indies, provided a peace was concluded, by which king Philip ſhould remain in poſſeſſion of the monarchy of Spain. Theſe aſſurances were ſufficient to engage the treaſurer, who ſaw the load, that the carrying on the war muſt bring upon him, and therefore he reſolved to ſtrike up a peace as ſoon as poſſible.

On the other hand, the emiſſaries of France gave out every where, that a ſecret negotiation of peace was on foot: And

[y] Nor were the Jacobites leſs buſy in England; for, while theſe things paſſed in Scotland, they were very induſtrious in diſperſing clandeſtinely a printed paper, intitled, 'An oath to an Invader, and abjuring the Invaded, diſſected and examined'; containing eleven queries, levelled againſt the Revolution and the oath of Abjuration, now adminiſtered in Great-Britain, which was printed at the end of that paper. About that time, likewiſe, a news-paper took notice of a paragraph inſerted in a written poſtſcript to the Poſt-Boy, of the 5th of July 1711, ſent to Dick's coffee-houſe in Dublin, and (as may well be ſuppoſed) to many other places, which was as follows: We are informed, that Mr. White, alias Leſley, is gone to Swiſſerland, in order, if he can, to convert a certain young Gentleman, and bring him over from Popery to Proteſtantiſm. If he ſucceed, it is hoped, that there will be no experiment tried hereafter to run the hazard of making uſe of a Come-over: For thoſe ſort of gentlemen ought no more to be truſted, than a ſtaunch Whig ſhould, although he ſwears, that he ſhall be for the Church and Monarchy; except thoſe, who have been ſenſible of their errors, and, ſince their converſion, have merited the eſteem of all honeſt men." This paragraph was founded upon a report, that the Pretender was, about that time, preparing to go for Swiſſerland; but he only went to the French army in Dauphiné, and having ſtaid there a few days, and conferred with the duke of Berwick and the other generals, he took a journey through Provence, Languedoc, and Guienne, the three fineſt provinces in France, and ſo returned to his reſidence at St. Germain's.

the French court was not wanting to cheriſh and improve the eager diſpoſitions towards a peace, which they found in the new Britiſh miniſters. Accordingly Torcy tranſmitted into England ſome propoſitions, ſigned by himſelf, April 22d. N. S. with a remarkable preamble, importing, 'That, as it was not doubted but the (French) king was in a condition to maintain the war with glory, ſo it would not be eſteemed a ſign of weakneſs, that his majeſty broke the ſilence he had kept ſince the ſeparation of the conferences at Gertruydenberg; and that, before the opening of the campaign, he gave ſtill new proofs of the deſire, that he had always preſerved, to procure the re-eſtabliſhment of the repoſe of Europe. But that, after the experience he had made of the ſentiments of thoſe, who now governed the republic of Holland, and of their endeavours to render the negotiations fruitleſs, he was willing to addreſs to the Engliſh nation the propoſitions he thought fit to make to end the war; and that, with this view, the king offered to treat of peace on the baſis of the following conditions: 1. That the Engliſh ſhould have real ſecurities to exerciſe their commerce in Spain, to the Indies, and in the ports of the Mediterranean. 2. That a barrier ſhould be formed in the Low-Countries for the ſecurity of the republic of Holland, and to the good liking of the Dutch. 3. That reaſonable means ſhould be ſought out to ſatisfy the allies of England and Holland. 4. That as the good eſtate of the affairs of the king of Spain furniſhed new expedients to end the differences touching that monarchy, endeavours ſhould be uſed to ſurmount the difficulties raiſed on this occaſion. 5. That the conferences to treat of peace ſhould be immediately opened; and that the king's plenipotentiaries ſhould either treat with thoſe of England and Holland alone, or jointly with thoſe of their allies, at the choice of England. 6. And that his majeſty propoſed, the cities of Aix-la-Chapelle and Liege for the place of treaty, referring it to England to chuſe one of thoſe two cities'.

Theſe propoſitions Mr. Secretary St. John tranſmitted to the lord Raby, the queen's ambaſſador at the Hague, with orders to communicate them to the penſionary, and to aſſure that miniſter, 'that the queen was reſolved in making peace, as in making war, to act in perfect concert with the States; and deſired that the ſecret might be kept among as few as poſſible. He confeſſed, that the terms of the ſeveral propoſitions were very general; that there was an air of complaiſance ſhewn to England, and the contrary to Holland, which might be of ill conſequence, but could be of none, as long as the queen and States took care to underſtand each other, and to act with as little reſerve as became two powers ſo nearly allied in intereſt; and he deſired the penſionary to be aſſured, that this rule ſhould on the part of England be inviolably obſerved.'

In anſwer to theſe orders, the lord Raby acquainted Mr. St. John, That the penſionary had, with thoſe of the States, who had been formerly employed in the negotiations of peace, conſidered Torcy's propoſitions, and the obliging manner in which her majeſty was pleaſed to communicate them: that they thanked her majeſty for her confidence in them; and aſſured her, that their's was reciprocal, and that, as her majeſty had promiſed, ſhe would make no ſtep towards a peace, but in concert with them, they deſired ſhe might be aſſured of the ſame on their part, and that they would make no ſtep in that, or any other kind of negotiation, which regarded the mutual intereſt of both nations, but in communication and concert with her majeſty. That they urged the neceſſity of an intire confidence one with the other at this critical juncture; and declared themſelves weary of the war, which they endeavoured to conceal from the enemy, leſt he ſhould make his advantage by it; and that they were ready to join in any meaſures which her majeſty ſhould think proper, to obtain a good peace: but that they looked upon theſe propoſitions as yet in the ſame manner as the Secretary did, to be very dark and general, and deſigned to create jealouſies between her majeſty, that republic, and the allies: But they depended upon her majeſty's juſtice and prudence, to prevent any ſuch ill effect; and hoped ſhe would make the French explain more particularly the ſeveral points contained in them.' But, notwithſtanding theſe mutual aſſurances, there was not the leaſt communication to the ſtates of the negotiations which were carrying on for above five months together, betwixt England and France, till after the ſpecial preliminaries, and the ſeven general ones were ſigned and ſent to them. In the mean time the lord Raby, not being as yet let into the ſecret, freely declared in a letter, 'That he thought it adviſeable and neceſſary to go open with the ſtates in this matter of the propoſitions; and in another, acquainted the ſecretary, that all the letters from France agreed, that all the hopes the French had, was to ſow jealouſies among the allies.' And in a third repeats his advice, 'That we muſt act cautiouſly with the States, that they might have no reaſon to accuſe us for taking the leaſt meaſures without them.' But it was not long before Mr. St. John prepared him to have other ſentiments of the manner of carrying on this negotiation, and in a letter acquainted him, 'That it was her majeſty's pleaſure, he ſhould make all poſſible haſte to come over, ſince her ſervice might better diſpenſe with his abſence, at this point of time, than it would perhaps do at another; and ſince they muſt now expect to have very ſoon upon the tapis many intrigues, concerning which the queen thought it expedient, that he ſhould confer with the miniſters in England; her majeſty deſigned, upon his arrival, to give him the promotion in the peerage, which he had deſired.' The ſecretary then frankly told him, 'That Great-Britain had gone ſo much too far in weaving her intereſt into that of the continent, that it would prove no eaſy taſk to diſentangle our affairs, without tearing or rending.' The lord Raby took the hint and aſſured Mr. St. John, that he would venture any thing, and undertake any thing to ſerve the queen: That the ſecretary might venture boldly to truſt him with the real intentions, and be aſſured that he would not make further uſe of them, than according to his inſtructions. He told the ſecretary likewiſe, that if the thing was actually gone no further than it appeared, and France had not yet explained; and, he had a mind, that he ſhould come over for the queen's ſervice, he was ready to come in a yacht, frigate, packet-boat, or any way; and concluded, in ſhort, that the ſecretary might diſpoſe of him as he pleaſed, for all his deſire was to ſerve her majeſty to her ſatisfaction, and he ſhould never grudge any danger and pains.' This voluntary and frank declaration, he deſired in a particular manner, might, with his humble compliments, be communicated to the duke of Shrewſbury and Mr. Harley.

All tranſactions betwixt England and France during this time, except two or three papers, are intirely ſuppreſſed, which, in the earl of Strafford's inſtructions of October the 1ſt, 1711, are ſaid to have been carried on by papers ſent backward and forward, and much time ſpent therein. However, the Engliſh miniſters ſent over privately to France one of their agents, Mr. Prior; but though the ſubject and ſucceſs of his clandeſtine negotiations were for ſome time kept ſecret, yet his journey could not. For having firſt gone into Kent, and thence into Suffolk to give a viſit to his friend Sir Thomas Hanmer, and ſo into France; upon his return from thence, about the beginning of Auguſt in a ſmall veſſel, that ſet him aſhore at Deal, going under a borrowed name, and not producing his paſs, he was diſcovered, and ſtopped by the cuſtom-houſe officers, till he was releaſed by orders from above. This adventure being noiſed abroad, count Gallas, the Imperial miniſter, thought it his duty to expoſtulate about it with the earl of Oxford, who told him, 'That he had no reaſon to be alarmed, for the queen would never make a peace derogatory from her engagements with her allies.' On the other hand, in order to palliate the clandeſtine negotiation between Great-Britain and France, which was no longer a myſtery, and to feel the pulſe of the nation about a peace, the agents of the Britiſh miniſters publiſhed a pamphlet, intitled, 'A new Journey to Paris: together with ſome ſecret Tranſactions between the French King and an Engliſh Gentleman'[z]. This account, under the fictitious name of Mr. Du Baudrier, was ſuppoſed by ſome to be written by Daniel De Foe, and by others aſcribed to Jonathan Swift, who had for ſome years before attached himſelf to the Whig-party, but, being diſappointed in his hopes of preferment, and particularly of being chaplain to the earl of

[z] The author of this piece acquaints his friend, 'That about two months before the French king, reſolving once more to give peace to Europe, offered the court of England, to ſend a miniſter as far as Boulogne, who ſhould be there met by ſome perſons from England, to treat the overtures of a peace. That upon notice, that this was agreed to, the king diſpatched a perſon, who went by the name of monſieur de la Baſtide, to Boulogne, where he took lodgings at one Mr. des Marais, a ſilk-merchant married to an Engliſh woman, who formerly waited on the ladies of the earls of Portland and Jerſey, when ambaſſadors there in the time of king William. That, on the 14th of July, N. S. a perſon, who was afterwards known to be Mr. Prior, coming directly to the door, and inquiring for monſieur de la Baſtide (the name and place having been before concerted) was immediately ſhewn to monſieur ——, where they were ſhut up for three hours without any refreſhment, though Mr. Prior had rode poſt from Calais that day, in a great deal of rain. That, the next morning, the author of this account, being recommended to Mr. Prior by monſieur des Marais, was admitted to wait on him in the capacity both of a ſecretary and a valet de chambre; after which, he learned further particulars of Mr. Prior's journey to Boulogne. That it was

Wharton, when he was made lord-lieutenant of Ireland, went over to the Tories upon the change of the miniſtry in 1710, and with Mr. Prior, Dr. Freind, Mr. Oldſworth, and ſome others, was employed in writing a weekly paper, called the Examiner, in defence of the new miniſtry. Mr. Prior was inſtructed to communicate to the court of France ſome private propoſitions dated July the 1ſt, importing in ſubſtance, 'That Great-Britain would make no peace, but what ſhould be to the ſatisfaction of all her allies, according to their agreements and treaties: That the trade of Holland ſhould be reſtored, and the Dutch have a barrier, as well as the emperor and duke of Savoy, for their ſecurity. That care ſhould be taken to keep the balance in Italy; and that the crowns of France and Spain ſhould never be united. In relation to Great-Britain, that our commerce ſhould be ſettled to the ſatisfaction of the Britiſh ſubjects: The government to be acknowledged in France, as now ſettled in Great-Britain: Dunkirk to be demoliſhed: The Aſſiento to be enjoyed by Great-Britain, after the peace, as the French had it at preſent: Newfoundland to be entirely given up to the Engliſh; but the trade of Hudſon's Bay to be continued in the hands of the French and Engliſh; and all things in America to remain in the ſtate they ſhould be found in at the concluſion of the peace. That all advantages of trade, granted to the French by the Spaniards ſhould be equally granted to the Britiſh ſubjects: And, in the laſt place, that the ſecret ſhould be inviolably kept, till allowed to be divulged by the mutual conſent of both parties concerned'. With theſe propoſitions Mr. Prior went to France in the beginning of July; had a power ſigned by the queen; was ordered to return immediately, if the French ſtarted any difficulties, and was particularly directed to ſee, if they had full powers from Spain. The French, not finding him ſufficiently impowered to treat, were cautious of diſcloſing their thoughts to him; for, upon his arrival in France, Torcy, in a letter to Mr. St. John, told him, 'That he ſaw with great pleaſure Mr. Prior return, after an interval of ſo many years: That he could have wiſhed, he had had greater liberty to employ thoſe talents, which he was perſuaded he would have made a good uſe of; but that he hoped monſieur Meſnager would ſupply what he could not do'. Accordingly, Meſnager, deputy of the council of commerce in France, accompanied by another gentleman (ſaid to be the abbé du Bois) attended Mr. Prior into England, and (being veſted with full powers to treat, conclude, and ſign with ſuch miniſters, as ſhould be authorized in due form, not by Britain only, but by any of the princes and eſtates then in war with France) he had frequent conferences with the queen's miniſters, particularly the lord-treaſurer, Mr. St. John, the duke of Shrewſbury, and the lord Dartmouth. At one of their meetings, which was held at Mr. Prior's houſe, by order of the lords of the committee of council, and unknown to the queen, then at Windſor, Meſnager delivered to theſe four Britiſh miniſters the French king's anſwer to the demands laſt ſent over by England; which, according to Mr. St. John's letter to the queen of the 20th of September, complied with every article, except the eighth, relating to North America. He added, 'They found, however, that they ſhould be able to compound this point in the manner, which her majeſty, ſome time before, reſolved to paſs it in, provided France gave her ſatisfaction upon the ſeventh article, as ſhe had now entirely done. That the propoſitions to be ſent to Holland, as the foundation of a general treaty, they had likewiſe received from him; and that, which was thought moſt liable to exception, had been very much mended. That, my lord-treaſurer having, however, propoſed ſome further alterations, in order to make the whole more palatable abroad, and monſieur Meſnager ſeemingly inclined to agree to them, the lords of the council were to conſider of them the next morning. That, this being the preſent ſituation of the treaty, all her ſervants were unanimouſly of opinion, that a warrant and full powers ſhould that night be tranſmitted to her majeſty, in order to paſs the great ſeal the next morning: and that Mr. Prior ſhould be added to thoſe impowered to ſign; becauſe he, having perſonally treated with monſieur de Torcy, was the beſt witneſs they could produce of the ſenſe, in which the general preliminary engagements were entered into. Beſides which, as he was the beſt verſed in matters of trade of all her majeſty's miniſters truſted in this ſecret, if ſhe thought fit to employ him in the future treaty of commerce, it would be of conſequence, that he had been a party concerned in that convention, which muſt be the rule of that treaty.' He concluded, "That the reſt of the plenipotentiaries were all thoſe, who had the honour to ſit in her majeſty's cabinet council;" namely, the earl of Oxford, the duke of Buckingham, the biſhop of Briſtol, the duke of Shrewſbury, earl Pawlet, the earl of Dartmouth, and Mr. Secretary St. John. But, though the warrant, antedated three days, was ſigned by the queen, directing the lord-keeper to affix the great-ſeal to an inſtrument thereto annexed, meaning the full powers; yet moſt of thoſe, who ſo readily concurred in treating with the miniſter of France, declined becoming parties, when the treaty was to be concluded; and ſo the ſpecial preliminaries between Great-Britain and France, ſigned by Meſnager, on the 27th of September, were accepted and ſigned only by the earl of Dartmouth and Mr. Secretary St. John, by virtue of a warrant directed to them two only, and ſigned by the

was reported, that, ſome time before the peace of Ryſwick, king William did diſpatch this very gentleman to Paris upon the ſame account for which he now came. That having received his inſtructions from the Engliſh court, under pretence of taking a ſhort journey of pleaſure, and viſiting Sir Thomas Hanmer in the county of Suffolk, he left his houſe on Sunday night, the 11th of July, N. S. taking none of his ſervants with him. That Mr. M—e, who had already prepared a bark on the coaſt of Dover, took Mr. Prior diſguiſed into his chariot. That they lay, on Monday night, the 12th of July, at the earl of Jerſey's houſe in Kent; arrived early the next day at Dover; drove directly to the ſhore; and Mr. Prior, having got aboard the veſſel, arrived at Calais about eleven at night; was entertained that night by the governor with great reſpect, and ſet out pretty late next morning for Boulogne, where, for four days, he had two long conferences every day with monſieur de la Baſtide, from ten to one at noon, and from ſix till nine in the evening. That, on the third morning, the writer of this account was ordered to attend early; obſerved Mr. Prior to have a pleaſant countenance; and was commanded to be ready at an hour's warning for a journey to England; but, upon the fourth evening, all this was changed. That, on the 18th, Mr. Prior ſet out with Mr. de la Baſtide, in the latter's chaiſe for Paris, where they arrived, on Tueſday the 20th, and Mr. de la Baſtide conducted Mr. Prior to a private lodging, in the rue St. Louis, prepared for his reception, where the author had orders to ſay, that the gentleman, to whom he belonged, was called monſieur Matthews; but afterwards, at Verſailles, he overheard, that his real name was Mr. Prior. That Mr. de la Baſtide would have had Mr. Matthews to have gone with him next morning to Verſailles, but could not prevail with him to comply. That Mr. de la Baſtide returned the ſame evening from Verſailles, and, after an hour's warm conference, went with Mr. Prior in a chariot and ſix horſes to Verſailles, where they arrived about eleven at night, and alighted at a vineyard adjoining to madam de Maintenon's gardens, whereof Mr. de la Baſtide had the key. That the clock ſtruck two before they came out; and then the coachman drove away to a ſmall houſe at the end of the town, where Mr. de la Baſtide left Mr. Prior with his attendant, who obſerved him to be very thoughtful. That, the next morning, Thurſday the 22d, about ten o'clock, Mr. de la Baſtide came; and the houſe being ſmall, and the writer's apartment divided from Mr. Prior's only by a thin wainſcot, he could eaſily hear what they ſaid, when they raiſed their voice. That, after ſome time, he could hear monſieur de la Baſtide ſay with warmth, "Bon Dieu, &c. good God! Were ever ſuch demands made of a great monarch, unleſs you were at the gates of the metropolis? For the love of God, monſieur Prior, relax ſomething, if your inſtructions will permit you, elſe I ſhall deſpair of any good ſucceſs in our negotiation. Is it not enough, that our king will abandon his grandſon, but he muſt lend his own arm to pull him out of the throne? Why did you not open yourſelf to me at Boulogne? Why are you more inexorable here at Verſailles? You have riſen in your demands, by ſeeing madam Maintenon's deſire for a peace. As able as you are to continue the war, conſider which is to be moſt preferred, the good of your country, or the particular advantage of your General; for he will be the only gainer among your ſubjects." That Mr. Prior ſpoke ſo ſoftly, he could not be well underſtood; but, upon parting, the writer heard him ſay "If you inſiſt ſtill on thoſe difficulties, my next audience will be that of leave." That, three hours after, Mr. de la Baſtide returned with a countenance more compoſed, and dined with Mr. Prior, who entertained him with much pleaſantry; and, among other things, ſaid, "that Monſieur, (meaning the king) if he were a private man, would be the moſt agreeable perſon in the world. Did you mind how obligingly he enquired, whether our famous chevalier Newton was ſtill living? He told me, my good friend, poor Deſpreaux, was dead ſince I was in France, and aſked me after queen Anne's health": Which confirmed the relator in his opinion, that Mr. Prior had an audience the night before of the king. That, about ten that evening, Mr. de la Baſtide came to take Mr. Prior to go to the ſame place they were at before, where they ſtaid about two hours. That, being returned, Mr. Prior appeared ſomewhat diſſatisfied; and, when he came into his chamber, he threw off his hat in ſome paſſion, folded his arms, and walked up and down the room for above an hour, extremely penſive. That, on Friday, the 23d, Mr. de la Baſtide ſtaid the afternoon with Mr. Prior, and, about eight o'clock, they went to the rendezvous; and, in an hour and a half's time, Mr. Prior, with Mr. de la Baſtide, another gentleman and a lady, came into the walk. That, as Mr. Prior was taking his leave of thoſe perſons, the lady ſaid, "Monſieur ſongez vous, &c. Conſider this night on what we have ſaid to you": And that the gentleman ſeconded her, ſaying, "Ouy, ouy, monſieur, ſongez vous en pour la derniere fois: Ay, ay, ſir, conſider for the laſt time". To which monſieur Matthews anſwered briſkly in going out, "Sire, tout ou rien; Sir, all or none, as I have had the honour to tell your majeſty before". That, on Saturday the 24th, Mr. de la Baſtide came to Mr. Prior with a ſmiling countenance, embraced him with much joy, and told him, "Courage, monſieur, no travelling to-day; madam Maintenon will have me once more conduct you to her". That, about ten o'clock at night, they went forth, and returned about one in the morning; and Mr. Prior having taken his leave of Mr. de la Baſtide, ſet out in a chaiſe for Calais, where he arrived on Wedneſday the 28th, in the evening; and, the next morning, the writer of this account took his leave of Mr. Prior, who thanked him in the civileſt manner, and very nobly made him a preſent of fifty piſtoles. And that the ſame day, July the 29th, N. S. Mr. Prior having put to ſea with a fair wind, it was ſuppoſed, in a few hours, he landed in England.

queen. And it is obſervable, that neither this, nor any one paper of powers and inſtructions, throughout this whole affair was counterſigned by any one miniſter, but the queen's name expoſed to cover all, in caſe this clandeſtine negotiation ſhould at laſt prove abortive, and be afterwards enquired into: And, the Engliſh miniſtry having every where extolled the great advantages that were granted to Great-Britain, France made a proper uſe of it, and declared, 'That thoſe articles were an eventual or conditional treaty only; and that the French king would not be obliged to make them good, but in caſe of the ſigning of a general peace.' In this ſenſe Meſnager ſigned them; and by this means the queen was brought into this dilemma, either to go on through all adventures in the meaſures of France, or they had it in their power, by divulging the ſecret, and expoſing ſuch a notorious breach of national faith, to make what advantage they thought fit among the allies; who, from this time, muſt think themſelves diſengaged from the queen, if they could find their own account in ſeparate meaſures. The ſame day, that the ſpecial preliminaries were thus accepted, another ſet of general preliminary articles on the part of France were ſigned by Meſnager; as was alſo a ſeparate article in favour of the duke of Savoy, 'whereby the French king promiſed to reſtore to that prince the territories, which belonged to him at the beginning of the preſent war; and to conſent, that there be alſo yielded to him ſuch other places in Italy, as ſhould be found agreeable to the ſenſe of the treaties between him and his allies'. From this a perfect confidence was eſtabliſhed between the two miniſters of England and France; and, in the letters written in the month of October, a mutual ſincerity was recommended and engaged for, and, that a perfect unanimity ſhould be maintained for accompliſhing the work. The earl of Strafford's inſtructions, in order to his immediate return into Holland, were now preparing, and dated October 1, O. S. and as an early proof of the confidence, which Mr. St. John repoſed in the French miniſter, he acquainted Torcy by his letter of October 2, O. S. that the earl of Strafford was going for Holland, and ſaid, your miniſter, (meaning Meſnager, who was then going back to France, and carried this letter) is fully informed in what the earl of Strafford is to propoſe to the ſtates. Such intelligence of the queen's counſels, which Mr. St. John confeſſed he had given to the miniſters of the queen's enemies, ſeems very extraordinary; eſpecially when it is conſidered, that the earl of Strafford was ſent over to preſs the opening the general conferences, with aſſurances of the greateſt friendſhip and concern for the intereſts of the ſtates on the part of the queen, and by her authority to procure from France juſt ſatisfaction for all her allies; and, in his inſtructions, was likewiſe directed to propoſe to the ſtates a new ſcheme for carrying on the war, and to acquaint them with ſuch reſolutions, as the queen had taken concerning it. In ſhort, every article in his inſtructions was a ſpecimen of the ſincerity with which the Engliſh miniſters intended to treat the allies. He was inſtructed, that it muſt be the moſt careful endeavour and fixed principle of all the confederates to hold faſt together; and this immediately after a ſeparate treaty had been ſigned by Great-Britain; and, if the miniſters of Holland ſhould expreſs any uneaſineſs at their apprehenſions of any ſuch private agreement, he was ordered by evaſive anſwers to avoid giving them ſatisfaction concerning it.

In the mean time Meſnager and his companion took their leave of the Britiſh miniſters, in order to return to France, extremely ſatisfied with their reception here, the queen having honoured Meſnager with a private converſation in her cloſet, and, at his requeſt, granted to Marſhal Tallard (who was ſuppoſed to have laid the foundation of this negotiation) the favour of going to France for four months upon his parole, which ended in his enlargement, without ranſom [a].

Five days after Meſnager's departure, the miniſters thought fit to communicate the preliminary articles, he had ſigned to count Gallas, the emperor's miniſter, who treated them with much ſcorn, and cauſed an Engliſh tranſlation of them to be publiſhed, on the 13th of October, in the Daily Courant, as follows:

Preliminary Articles on the part of France, for effecting a general peace.

The king being willing to contribute all that is in his power, to the re-eſtabliſhing of the general peace, his majeſty declares,

'I. That he will acknowledge the queen of Great-Britain in that quality, as alſo the ſucceſſion of that crown, according to the preſent ſettlement.

II. That he will freely, and bonâ fide, conſent to the taking all juſt and reaſonable meaſures, for hindering that the crowns of France and Spain may ever be united on the head of the ſame prince; his majeſty being perſuaded, that this exceſs of power would be contrary to the good and quiet of Europe.

III. The king's intention is, that all the parties engaged in the preſent war, without excepting any of them, may find their reaſonable ſatisfaction in the treaty of peace, which ſhall be made: That commerce may be re-eſtabliſhed and maintained for the future, to the advantage of Great-Britain, of Holland, and of the other nations, who have been accuſtomed to exerciſe commerce.

IV. As the king will likewiſe maintain exactly the obſervation of the peace, when it ſhall be concluded, and the object, the king propoſes to himſelf, being to ſecure the frontiers of his kingdom, without diſturbing in any manner whatever the neighbouring ſtates, he promiſes to agree, by the treaty which ſhall be made, that the Dutch ſhall be put in poſſeſſion of the fortified places, which ſhall be mentioned, in the Netherlands, to ſerve hereafter for a barrier; which may ſecure the quiet of the republic of Holland againſt any enterprize from the part of France.

V. The king conſents likewiſe, that a ſecure and convenient barrier ſhould be formed for the empire, and for the houſe of Auſtria.

VI. Notwithſtanding Dunkirk coſt the king very great ſums, as well to purchaſe it, as to fortify it; and that it is further neceſſary to be at very conſiderable expence for razing the works, his majeſty is willing however to engage to cauſe them to be demoliſhed, immediately after the concluſion of the peace, on condition, that, for the fortifications of that place, a proper equivalent, that may content him, be given him: And, as England cannot furniſh that equivalent, the diſcuſſion of it ſhall be referred to the conferences to be held for the negotiation of the peace.

VII. When the conferences for the negotiation of the peace ſhall be formed, all the pretenſions of the princes and ſtates, engaged in the preſent war, ſhall be therein diſcuſſed bonâ fide, and amicably: And nothing ſhall be omitted to regulate and terminate them, to the ſatisfaction of all the parties'.

Done at London,
Sept. 27, O. S. 1711. MESNAGER.

Soon after, count Gallas received a meſſage from Mr. ſecretary St. John in the queen's name, 'that he ſhould come no more to court, his behaviour of late not being agreeable to her majeſty, but, that whatever ſhould for the future be preſented to her from his imperial majeſty by the hands of another miniſter, ſhould be very well received'. He was further told, he might go away when he thought fit. This proceeding was ſevere and unuſual; for the common method, when a provocation was given by a public miniſter, was to complain of him to his maſter, and to deſire him to be recalled. It was not then known upon what this was grounded; that which was ſurmiſed was, that Gaultier betrayed him, and diſcovered his ſecret correſpondence, and the advertiſements he ſent the emperor, to give him ill impreſſions of our court; for which Gaultier was ſaid to be rewarded with an abbey in France [b].

[a] It was confidently reported, that Meſnager, by the encouragement he received from Mr. St. John, ſpoke to the queen in favour of the chevalier de St. George, whom he called her Brother; that her majeſty ſeemed not diſpleaſed with the diſcourſe; and that before he left England, he obtained, by means of Mrs. Maſham, a verbal promiſe, that private inſtructions ſhould be ſent to the Britiſh plenipotentiaries, not to inſiſt on the French king's giving up the entereſt of the chevalier entirely. Moreover, a letter from a good hand in Paris, dated November 19, N. S. imported, That upon Meſnager's return thither, he was very ſanguine, and affected publicly to affirm, that the peace was as good as concluded; and that, in particular, he laid great emphaſis on the advantages granted in favour of the prince of Wales; which to ſome people appeared very unlikely, eſpecially when they compared the weight of ſuch an affair with the abilities of monſieur Meſnager, who was never accounted a great genius. Boyer.

[b] It is hard to expreſs, how greatly the generality of people, and even ſome friends of the miniſtry, were ſurprized at the publication of theſe preliminaries, which they looked upon as captious, inſidious, and inſufficient to ground a treaty upon; whereas they had been made to expect ſuch glorious and advantageous terms for all the allies, that the peace would be laſting, ſafe, and honourable. Hereupon, to calm the minds of the people, an addition of ſix other preliminary articles were the ſame day made public in the Poſt-Boy, which were ſaid to be agreed to by France, though they were not yet ſigned, nor communicated to the miniſters of the allies.

Theſe were in ſubſtance:

1. That the kingdoms of Naples, Sicily, Sardinia, and the duchy of Milan, with the fortreſſes of Tuſcany, which belonged to the crown of Spain, and all Flanders, ſhould remain for ever to the houſe of Auſtria.

2. That

The ſeven preliminaries were no ſooner made public, than they were ſeverely animadverted upon in ſeveral pamphlets, and defended in others; and being communicated to the ſtates-general by the earl of Strafford. who arrived at the Hague on the 10th of October, extremely alarmed the ſtates, as not being a ſufficient foundation, upon which a negotiation might be hazarded; they dreaded the fatal conſequences of opening the general conferences, before the articles offered by France were explained, and eſpecially before they knew at all what they were to truſt to for their own barrier, and for their commerce. Theſe conſiderations made them, for ſome time, decline granting the paſſports to the French plenipotentiaries; and, in order to prevail with the queen to have ſome regard to her allies, and particularly in the two great articles of their barrier and commerce, they ſent over monſieur Buys, as envoy extraordinary, to intercede with her to alter her reſolutions: and they made the ſame repreſentations to the earl of Strafford, but all to no purpoſe. For as Mr. St. John declared, in his letter to that earl, of the 9th of October, "Certain it is, that her majeſty has ſo far determined upon her meaſures, thoſe will deceive themſelves, who may imagine by delay or other artifices to break them." And again, November the 2d, to the ſame earl, "The queen will not finally concert a plan for the proſecution of the war with the ſtates, until they join with her in agreeing to open the conferences of peace." And the earl acquaints Mr. St. John, November the 15th, "That he had now told them, her majeſty's order to him was to declare, that ſhe would look upon any delay as a refuſal to comply with her propoſitions." In theſe circumſtances the Dutch at laſt complied to grant the paſſports, and agreed to open the general conferences at the time fixed by the queen, January the 1ſt, 1711-12; and, purſuant to this reſolution of the ſtates, upon the preſſing inſtances of the queen, paſſports for the French plenipotentiaries were ſent to Buys, and delivered to Mr. St. John; and Utretcht was agreed upon to be the place for the general conferences; at which the biſhop of Briſtol lord privy-ſeal, and the earl of Strafford, were appointed plenipotentiaries, whoſe inſtructions were ſettled and ſigned on the 23d of December, 1711. By theſe inſtructions the plenipotentiaries were ordered, "That, if it ſhould be thought proper to begin by the diſpoſition of the Spaniſh monarchy, they were to inſiſt, that the ſecurity and reaſonable ſatisfaction the allies expected, and which his moſt chriſtian majeſty had promiſed, could not be obtained, if Spain and the Weſt-Indies be allotted to any branch of the houſe of Bourbon": So that hitherto the queen thought fit to declare in all public acts, that Spain and the Weſt-Indies ought by no means to be left in the poſſeſſion of the houſe of Bourbon, although in the ſpecial preliminaries, ſigned by the earl of Dartmouth and Mr. St. John, on the 27th of September preceding, the king of France did expreſsly promiſe to make good the 6th article for himſelf and for the king of Spain, purſuant to the powers, which were then in his hands.

Upon the receipt of the preliminaries ſigned by monſieur Meſnager, which count Gallas tranſmitted to the new emperor at Milan, his imperial majeſty wrote a circular letter to the electors, and other princes of the empire, exhorting them to perſiſt in the engagements of the grand alliance; and at the ſame time he wrote another letter to the ſtates to the ſame effect, but, with this additional deſire, "That they would join counſels with him to induce the queen of Great-Britain to reject thoſe propoſitions, and to continue the war; or, if a negotiation with the enemy could not be avoided, that it might be on condition, that the preceding preliminaries, propoſed moſt of them by the enemy himſelf, might remain fixed, and without alteration: And that ſhe would not truſt the immortal glory ſhe had gained, and the certain welfare of her people, to the infidelity of the French promiſes." Before this letter reached the Hague, count de Goes, the imperial plenipotentiary there, preſented a memorial to the ſtates, about the current report, "That the queen of Great-Britain had accepted the ſeven articles propoſed by France, judging them ſufficient for proceeding to a general congreſs of peace; and preſſed their high mightineſſes to conſent thereto, and to grant their paſſports for the ambaſſadors of France. Wherefore he thought it his duty to aſk of their high mightineſſes, Whether this report were true? And in caſe it was, to deſire them not to come to any reſolution, but in conjunction with his imperial majeſty, or his miniſters, conformable to the ſixth article of the grand alliance." The ſtates returned a civil anſwer both to this memorial, and to the emperor's repreſentations; but the letter, which the emperor wrote at the ſame time to the queen of Great-Britain, and which was delivered by monſieur Hoffman, did not meet with the like favourable return.

Many mercenary pens were ſet on work, to juſtify the proceedings of the new miniſtry, and to defame the allies, more particularly the Dutch: This was done with much art, but with no regard to truth, in a pamphlet intitled "The Conduct of the Allies, and of the late Miniſtry:" To which very full anſwers were written, detecting the thread of falſhood that ran through the work [c]. It was now ſaid, England was ſo exhauſted, that it was impoſſible to carry on the war: And, when king Charles was choſen emperor, it was alſo ſaid, he would be too great and too dangerous to all his neighbours, if Spain were joined to the emperor, and to the Hereditary dominions: It was alſo zealouſly, though moſt falſely, infuſed into the minds of the people, that our allies, moſt particularly the Dutch, had impoſed on us, and failed us on many occaſions. The Jacobites did, with the greater joy, entertain this proſpect of peace, becauſe the Dauphin had, in a viſit to St. Germains, congratulated that court upon it; which made them conclude, that it was to have a happy effect, with relation to the Pretender's affairs.

Our court denied this; and ſent the earl Rivers to Hanover, to aſſure the elector, that the queen would take eſpecial care, to have the ſucceſſion to the crown ſecured to his family, by the treaty that was to be opened: This made little impreſſion on that elector; for he ſaw clearly, that, if Spain and the Weſt-Indies were left to king Philip, the French would ſoon become the ſuperior power to all the reſt of Europe; that France would keep Spain in ſubjection, and, by the wealth they would fetch from the Indies, they would give law to all about them, and ſet what king they pleaſed on the throne of England. Earl Rivers ſtaid a few days there, and brought an anſwer from the elector in writing; yet the elector apprehended, not without reaſon, that it might be ſtifled; therefore his miniſter the baron de Bothmar, who came over with the duke of Marlborough on the 18th of November, was ordered to deliver to Mr. St. John a long memorial, repreſenting 'the neceſſity of preſerving a perfect union between the allies, while the peace ſhould be treating; of their giving each other a mutual guaranty upon what ſhould therein be concluded; as alſo the pernicious conſequences, if Spain and the Indies were left to the duke of Anjou [d]. This memorial, a few days after it was delivered, was publiſhed in the Daily Courant of December the 5th, and received with great applauſe by all the well-wiſhers

2. That king Philip ſhould have all Spain, with the iſlands of Majorca and Minorca, and the Weſt-Indies.

3. That, for the ſecurity of the Engliſh and Dutch trade at all times with Spain, king Philip will conſent, that the city of Cadiz ſhall be always garriſoned by the Engliſh, with full liberty to the South-Sea company, to eſtabliſh themſelves on the continent of that country, according to the act of parliament.

4. That the fortifications of Dunkirk ſhall be demoliſhed, and the harbour ruined.

5 That the Dutch may name commiſſioners, to treat with the French commiſſioners about regulating the neceſſary barriers.

6. That ſatisfaction and ſecurity ſhall be given to the reſt of the allies at the general congreſs.

With ſuch fictions, it was thought proper to amuſe the people.

[c] On the 23d of October, being the firſt day of the term, fourteen booksellers, printers, or publiſhers, who had been lately taken up and committed to the cuſtody of ſtate-meſſengers, by warrants from Mr. ſecretary St. John, for printing and publiſhing pamphlets, libels, and ballads, ſome of which were indeed ſevere invectives againſt the miniſtry, and others repreſented as ſuch, appeared at the bar of the court of Queen's-Bench, where Mr. Nicholas Lechmere, counſel for Mr. Darby and Mr. Hurt, two of the printers, pleaded with great zeal againſt the ſeverity of 'committing people, without telling them their crimes; urging, that at this rate the office of a ſecretary of ſtate would become a Spaniſh inquiſition'. But, at the requeſt of the attorney-general, all the ſaid perſons were continued on their recognizances till the laſt day of term.

Mr. Darby and Mr. Hurt were proſecuted on account of a tranſlation of a memorable paſſage in Tacitus about Cecilius Baſſus's deceiving the emperor Nero, with the promiſe of an immenſe but imaginary treaſure, which was inſerted in a paper called the Obſervator, and was deſigned as a reflection on the South-Sea project. Others were proſecuted on more criminal accounts viz. for publiſhing ſeditious ballads, called, 'A Welcome to the Medal, Credit reſtored, Mat's Peace, &c'. Notwithſtanding theſe proſecutions, the pens of both parties were ſtill buſy, the one in exploding, and the other in vindicating, the preſent negotiations of peace.

[d] It concludes thus: There is ground to hope, that, by remaining firmly united, the allies may ſoon oblige France (with the bleſſing of God) to agree to reaſonable conditions; the extreme indigence that crown is in, and the need ſhe has of peace, being very certain, and confirmed from all parts. The Almighty has bleſſed the arms of the queen and of her allies, with ſo many triumphs over their powerful enemy, to the end they may ſecure themſelves by a ſafe and advantageous peace, from all they have to fear from him; and it cannot be His pleaſure, that an enemy ſo exhauſted, and vanquiſhed, as he has been on all occaſions, ſhould at laſt carry his deſigns by this war, and get out of it by a peace glorious to him, to the ruin of the victorious allies, and to the deſtruction of the liberty of all Europe; in acquiring by this peace the power of giving a king to Spain, of impoſing one upon Great-Britain, and of making the validity of the election of the Head of the Empire depend on his approbation.

to the Proteſtant ſucceſſion, who highly commended the elector of Hanover for his ſeaſonable interpoſition in an affair, which ſo nearly concerned him. But, on the other hand, as it directly condemned the preſent ſcheme of peace, it gave no ſmall offence to the miniſtry, whoſe agents openly exclaimed againſt it, ſuggeſting, that it was very impolite in his electoral highneſs, at this juncture, to intermeddle in the affairs of Great-Britain, and ſeem to eſpouſe a party. Others pretended, that this memorial had more the air of an original in Engliſh, than of a tranſlation from the French; and ſo concluded, it was contrived in London by the leading men of the whig-party in concert with Baron Bothmar, who was perſuaded to preſent it: But this was altogether groundleſs, for the memorial was drawn up in form at Hanover, by monſieur Robethon, according to the elector's orders and directions. Nay, ſome were ſo bold, as in a printed 'letter from a ſuppoſed Whig gentleman in the country, to a friend in town,' to queſtion the genuineneſs of that memorial, and to laugh at it as a barefaced impoſture; with other ſcandalous reflections on his electoral highneſs, and his envoy. As for the Britiſh miniſters, they had no manner of regard to that repreſentation; nor would the queen perhaps ever have ſeen it, had it not been ſhewn to her in print by the duke of Somerſet, before it was laid before her by the ſecretary of ſtate; which could not be agreeable either to her or to Mr. St. John, who expoſtulated with the baron de Bothmar about publiſhing his memorial.

The parliament having been prorogued to the 27th of November, a counſel was held on the 26th at St. James's, whether it ſhould be further prorogued, or only adjourned for a few days; and it was at laſt carried for a prorogation till the 7th of December. It ſeems, the Dutch, before they gave their conſent to the opening of a congreſs, were deſirous to ſee firſt how the parliament was inclined, but the earl of Strafford perceiving their deſign, told them plainly, that till they agreed to treat, the ſeſſion would not be opened, ſo they complied: Another reaſon, for proroguing the parliament ſo late in the year, was the diſcovery of a coalition of ſome eminent peers of the high-church party, with thoſe of the contrary ſide, and of their having concerted a repreſentation to be laid before the queen againſt a peace on the foot of the propoſals made by France; which, it was thought, might be prevented, if not by other means, at leaſt by the coming up of the Scotch peers, not above three or four of whom were yet arrived in London [e].

In the mean time, pains were taken on many perſons who were ſuppoſed to be concerned in the intended repreſentation. The lord-treaſurer Harley endeavoured to engage the earl of Nottingham in the court-meaſures, againſt which he had openly declared. And the queen, at the ſame time, cloſeted the dukes of Grafton and St. Albans, the earls of Dorſet and Scarborough, the lords Sommers, Cowper, and particularly the duke of Marlborough, who, upon his coming over, ſpoke plainly to the queen againſt the ſteps that were already made: But he found her ſo poſſeſſed, that what he ſaid made no impreſſion; ſo he deſired to be excuſed from coming to council, ſince he muſt oppoſe the preſent proceedings. All the reſt likewiſe remained firm in their opinion, to the great diſappointment of the new miniſtry [f]. It was therefore propoſed at firſt in a council, on the 5th of December, to cauſe both houſes to adjourn for a few days, during which freſh endeavours might be uſed to defeat the deſign lately formed againſt the preſent ſcheme; but ſome members of the privy-council having repreſented the fears and jealouſies, which ſuch an adjournment, after ſo many prorogations, might create in the minds of the people; and on the other hand, the miniſtry, either hoping, with the aſſiſtance of their Scots friends, to have a majority in the houſe of lords, or, at leaſt, being ſecure of it in that of the commons, it was, after a long debate, finally reſolved, that the parliament ſhould ſit on the day, to which they were firſt prorogued. Accordingly, a committee of the council having met the 6th of December, to conſider of the queen's ſpeech, her majeſty went the next day in a ſedan to the houſe of peers, and ſpoke to both houſes to this effect:

My lords and gentlemen,

"I have called you together, as ſoon as the public affairs would permit; and I am glad I can now tell you, that, notwithſtanding the arts of thoſe, who delight in war, both place and time are appointed, for opening the treaty of a general peace.

"Our allies, eſpecially the ſtates-general, whoſe intereſt I look upon as inſeparable from my own, have, by their ready concurrence, expreſſed their entire confidence in me; and I have no reaſon to doubt, but that my own ſubjects are aſſured of my particular care of them.

"My chief concern is, that the Proteſtant religion, and the laws and liberties of theſe nations, may be continued to you, by ſecuring the ſucceſſion to the crown, as it is limited by parliament to the houſe of Hanover.

"I ſhall endeavour, that after a war, which has coſt ſo much blood and treaſure, you may find your intereſt in trade and commerce improved and enlarged by a peace, with all other advantages, which a tender and affectionate ſovereign can procure for a dutiful and loyal people.

"The princes and ſtates, which have been engaged with us in this war, being by treaties intitled to have their ſeveral intereſts ſecured at a peace, I will not only do my utmoſt to procure every one of them all reaſonable ſatisfaction, but I ſhall unite with them in the ſtricteſt engagements for continuing the alliance, in order to render the general peace ſecure and laſting.

"The beſt way to have this treaty effectual, will be to make early proviſion for the campaign. Therefore, I muſt aſk of you, gentlemen of the houſe of commons, the neceſſary ſupplies for the next year's war; and I do moſt earneſtly recommend to you, to make ſuch diſpatch therein, as may convince our enemies, that, if we cannot obtain a good peace, we are prepared to carry on the war with vigour.

"Whatever you give, will ſtill be in your power to apply; and I doubt not, but, in a little time after the opening of the treaty, we ſhall be able to judge of its event.

My lords and gentlemen,

"As I have had your chearful aſſiſtance for the carrying on this long and chargeable war, ſo I aſſure myſelf that no true Proteſtant, or good ſubject, will envy Britain or Me the glory and ſatisfaction of ending the ſame by a juſt and honourable peace for us and our allies.

"Such a peace will give new life to our foreign trade; and I ſhall do my utmoſt to improve that happy opportunity to encourage our home-manufactures, which will tend to the eaſing my ſubjects in that exceſſive charge they now lie under in maintaining the poor, and to correct and redreſs ſuch abuſes, as may have crept into any part of the adminiſtration during ſo long a war.

"I cannot conclude, without earneſtly recommending to you all unanimity; and that you will carefully avoid every thing which may give occaſion to the enemy to think us a people divided among ourſelves, and conſequently prevent our obtaining that good peace, of which we have ſuch reaſonable hopes, and ſo near a view.

[e] What happened, ſome days before, afforded yet more matter of diſcourſe and ſpeculation. Upon information, that the effigies of the devil, the pope, and the pretender, were to be carried in proceſſion, and (according to the cuſtom of the London mob) burnt on the 17th of November, the anniverſary of queen Elizabeth's inauguration, the earl of Dartmouth iſſued out his warrant, purſuant to which, on the 16th, at twelve at night, ſome of the queen's meſſengers, ſuſtained by a detachment of the foot-guards, ſeized thoſe three figures, with ſeveral others of cardinals, jeſuits, and friars, all finely dreſſed, and carried them from an empty houſe in Drury-lane, where they had been lodged, to the earl of Dartmouth's office in the Cock-pit. And the trained-bands of London and Weſtminſter were immediately aſſembled, and continued under arms three days together. At the ſame time endeavours were uſed to render obnoxious an illuſtrious ſociety of noblemen and gentlemen, called the Kit-Cat-Club, who, for many years, had diſtinguiſhed themſelves by their zeal for the Proteſtant ſucceſſion. For which purpoſe, the mercenary writer of the Poſt-Boy, of the 22d of November, was directed to charge them with "a conſpiracy to raiſe a mob to confront the beſt of queens, and her miniſtry, pull down the houſes of ſeveral honeſt, worthy, loyal, true Engliſh gentlemen, having had money diſtributed amongſt them ſome time before for that purpoſe by G. G. G. S. S. S. W. H. M. [i. e. Grafton, Godolphin, Dr. Garth, Somerſet, Sunderland, Sommers, Wharton, Hallifax, and Montague,] an inſatiable junto, cum multis aliis, who made the ſubſcription, and gave out, that her majeſty was very ill, if not dead, in order to have acted their treaſons with greater freedom". Whereas the lords and gentlemen, who were at the expence of theſe effigies, had no other deſign, than to have them carried in proceſſion, and afterwards burnt with the like ſolemnity, as was remarkably practiſed on the 17th of November, 1679, when the nation was juſtly alarmed with a popiſh plot, and a popiſh ſucceſſor.

Among others (ſays biſhop Burnet, vol. II. p. 582.) the queen ſpoke to myſelf; ſhe ſaid, ſhe hoped biſhops would not be againſt peace: I ſaid, a good peace was what we prayed daily for, but the preliminaries offered by France gave no hopes of ſuch an one; and the truſting to the king of France's faith, after all that paſſed, would ſeem a ſtrange thing. She ſaid, we were not to regard the preliminaries; we ſhould have a peace upon ſuch a bottom, that we ſhould not at all rely on the king of France's word; but we ought to ſuſpend our opinions, till ſhe acquainted us, with the whole matter. I aſked leave to ſpeak my mind plainly; which ſhe granted: I ſaid, any treaty, by which Spain and the Weſt-Indies were left to king Philip, muſt in a little while deliver up all Europe into the hands of France; and, if any ſuch peace ſhould be made, ſhe was betrayed, and we were all ruined; in leſs than three years time, ſhe would be murdered, and the fires would be again raiſed in Smithfield: I purſued this long, till I ſaw ſhe grew uneaſy: ſo I withdrew.

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Her Grace the Dutchess of Manchester

Pub.d as the Act directs 6th Jan.y 1736

" I pray God direct your conſultations to this end, that, being delivered from the hardſhips of war, you may become a happy and a flouriſhing people".

This ſpeech gave occaſion to many reflections. The arts of thoſe 'who delighted in war', ſeemed to be levelled at the duke of Marlborough, and the preliminaries concerted at the Hague; and her ſaying, that the 'allies expreſſed their entire confidence in her', amazed all thoſe, who knew, that neither the emperor, nor the empire, had agreed to the congreſs, but were oppoſing it with great vehemence; and that even the ſtates-general were far from being cordial or eaſy in the ſteps they had made.

As ſoon as the queen had ended her ſpeech, ſhe retired into a room, and, having taken off her robes, came back incognito to the houſe of peers, both to hear the debates, and, by her preſence, to moderate any heats that might ariſe; which however, was by ſome obſerved to be unuſual on the day the ſovereign opens a ſeſſion of parliament. The earl of Ferrers having made a motion for an addreſs of thanks to the queen for her ſpeech, the earl of Nottingham roſe up, and very copiouſly ſet forth 'the inſufficiency and captiouſneſs of the late preliminaries; made a lively repreſentation of the danger of treating upon ſo precarious a foundation; urged the expreſs engagements, which Great-Britain had entered into with the allies, to reſtore the entire monarchy of Spain to the houſe of Auſtria; and the neceſſity of carrying on the war with vigour, till thoſe engagements were made good': adding, that though he had a numerous family, he would readily contribute half his income towards it, rather than acquieſce in a peace, which he thought unſafe and diſhonourable to his country and all Europe'. He concluded with offering a clauſe to be inſerted in the addreſs of thanks, 'to repreſent to her majeſty, as the humble opinion and advice of the houſe, that no peace could be ſafe or honourable to Great-Britain or Europe, if Spain and the Weſt-Indies were allotted to any branch of the houſe of Bourbon'. The lord Guernſey, brother to the earl of Nottingham, ſaid, 'That ſuch a clauſe was foreign to an addreſs of thanks: that, in all probability, few of the members of the houſe were prepared to ſpeak to it; but that it might be debated at a more convenient time, when, according to cuſtom, the houſe ſhould take into conſideration the ſtate of the nation'. He was ſeconded by the lord North and Grey, and another peer; and the lord treaſurer added, 'That, according to the rules and orders of the houſe, this was not the proper time to debate ſuch a motion'. Upon this the earl of Wharton appealed to the houſe, whether there were any ſuch order? And, the duke of Buckingham, the moſt verſed in the knowledge of parliamentary proceedings, having over-ruled the treaſurer's objection, the earl of Wharton proceeded; ſpoke with great zeal againſt the Preliminary Articles offered by France; and inſiſted upon the neceſſity of inſerting in the addreſs the clauſe offered by the earl of Nottingham. He was ſupported by the earl of Sunderland, who anſwered the objection raiſed by ſome peers of the oppoſite ſide, namely, that they were not prepared to ſpeak to that motion: "What, my lords, ſaid he, is it poſſible, that any member of this illuſtrious houſe ſhould be unprepared to debate an affair, which, for theſe ten years paſt, has been the principal ſubject-matter of our conſultations? Do not we ſit in the ſame houſe? And, are we not the ſame peers, who have conſtantly been of opinion, and have often repreſented to her majeſty, that no ſafe and honourable peace can be made, unleſs Spain and the Weſt-Indies be recovered from the houſe of Bourbon? It is true, I ſee ſome new faces among us: but even that lord, who ſits on the woolpack [meaning the lord-treaſurer] may well remember, that, in the late reign, four lords were impeached for having made a Partition-Treaty". The earl of Angleſey, (who, with the duke of Ormond, was juſt come into the houſe, having that morning travelled above thirty miles in their return from Ireland) repreſented "the neceſſity of eaſing the nation of the burden of this expenſive war, and ſaid, they ought to leave it to her majeſty's wiſdom to conclude a peace, when ſhe thought it convenient for the good of her ſubjects: adding, "that we might have enjoyed that bleſſing ſoon after the battle of Ramillies, if the ſame had not been put off by ſome perſons, whoſe intereſt it was to prolong the war". The duke of Marlborough, who could not but perceive, that this ſuggeſtion was levelled againſt him, made a long and pathetic ſpeech, wherein, among other things, he ſaid, "He thought himſelf happy, in having an opportunity given him of vindicating himſelf on ſo material a point, which his enemies had ſo loudly, and ſo unjuſtly, laid to his charge, before a perſon [meaning the queen, and making a bow towards the place where her majeſty was] who knowing the integrity of his heart, and the uprightneſs of his conduct, would not fail doing him juſtice. That he referred himſelf to the queen, whether, whilſt he had the honour to ſerve her majeſty, as general and plenipotentiary, he had not conſtantly informed her, and her council, of all the propoſals of peace, that had been made; and, had not deſired inſtructions for his conduct on that ſubject? That he could declare with a ſafe conſcience, in the preſence of her majeſty, of that illuſtrious aſſembly, and of that Supreme Being, who is infinitely above all the powers upon earth, and before whom, according to the ordinary courſe of nature, he muſt ſoon appear, to give an account of his actions, that he ever was deſirous of a ſafe, honourable, and laſting peace; and that he was always very far from any deſign of prolonging the war for his own private advantage, as his enemies had moſt falſely inſinuated. That his advanced age, and the many fatigues he had undergone, made him earneſtly wiſh for retirement and repoſe, to think of eternity the remainder of his days; the rather, becauſe he had not the leaſt motive to deſire the continuance of the war, having been ſo generouſly rewarded, and had honours and riches heaped upon him, far beyond his deſert and expectation, both by her majeſty and her parliaments. That he thought himſelf bound to this public acknowledgement to her majeſty and his country, that he ſhould always be ready to ſerve them, if he could but crawl along, to obtain an honourable and laſting peace: but that at the ſame time, he muſt take the liberty to declare, that he could, by no means, give into the meaſures, that had lately been taken to enter into a negotiation of peace with France, upon the foot of the ſeven Preliminary Articles; for he was of the ſame opinion with the reſt of the allies, that the ſafety and liberties of Europe would be in imminent danger, if Spain and the Weſt-Indies were left to the houſe of Bourbon; which, with all humility, and as he thought himſelf in duty bound, he had declared to her majeſty, whom he had the honour to wait on, after his return from Holland: And, therefore, he was for inſerting in the addreſs the clauſe offered by the earl of Nottingham". This ſpeech, delivered with a moſt hearty concern, had the greater weight, as it was ſupported by the lord Cowper, the biſhop of Sarum, the lord Halliſax, and ſome other peers. On the other hand, the lord North and Grey and ſome other officious courtiers ſaid, that, ſince peace and war belonged, as prerogatives to the crown, it was not proper to offer any advice on thoſe matters, until it was aſked: But this was rejected with indignation, ſince it was a conſtant practice, in all ſeſſions of parliament, to offer advices; no prerogative could be above advice; this was the end ſpecified in the writ, by which a parliament was ſummoned; nor was the motion for a delay received. The eyes of all Europe were upon the preſent ſeſſion; and this was a poſt-night: ſo it was fit they ſhould come to a preſent reſolution, in a matter of ſuch importance. This debate (in which the dukes of Shrewſbury and Buckingham were obſerved to ſay little or nothing) having laſted till near ſeven in the evening, the queſtion was put, whether the earl of Nottingham's advice ſhould be part of the addreſs; and, the previous queſtion being firſt put, it was carried by the ſingle vote of that earl; but the main queſtion was carried by ſixty-two againſt fifty-four: ſo this point was gained, though by a ſmall majority.

It was expected, that the court-party would the next day have the majority, by means of the proxies which eight Scots peers had ſent to the duke of Hamilton and the earl of Mar. Wherefore, when the addreſs of the lords was reported to the houſe, by the committee appointed to prepare it, the court tried to get the whole matter to be conteſted over again, pretending, that the debate was not now, upon the matter debated the day before, but only whether they ſhould agree to the draught, prepared by the committee: But that part of it, which contained the advice, was conceived in the very words, in which the vote had paſſed; and it was a ſtanding-rule, that what was once voted, could never again be brought into queſtion, during that ſeſſion. This was ſo ſacred a rule, that many of thoſe, who voted with the court the day before, expreſſed their indignation againſt it, as ſubverting the very conſtitution of parliaments, if things might be thus voted and unvoted again, from day to day: Yet even upon this a diviſion was called for, but, the majority appearing ſo evidently againſt the motion, it was yielded, without counting the houſe. Three days after, the lords waited on the queen with their addreſs, which was as follows:

"We your majeſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal in parliament aſſembled, do, with hearts full of gratitude and loyalty to your ſacred majeſty, beg leave to return your majeſty our moſt humble and

hearty thanks and acknowledgments for your majeſty's moſt tender and affectionate care for all your people, expreſſed in your majeſty's moſt gracious ſpeech from the throne, and for imparting to us your majeſty's deſires of ending this preſent war, by a peace advantageous to your ſubjects, and juſt and honourable for your majeſty and all your allies; as alſo for your majeſty's expreſſing ſo particular a regard for the intereſt of the ſtates-general, as inſeparable from your own; and that your majeſty is graciouſly pleaſed to aſſure us, it is your chief concern, that the Proteſtant religion, and the laws and liberties of theſe nations, may be continued to your people, by ſecuring the ſucceſſion to the crown, as it is limited by parliament to the houſe of Hanover; and that your majeſty is pleaſed to ſhew ſo juſt a reſolution to procure a ſatisfaction for all the allies, being by treaties intitled to have their ſeveral intereſts ſecured at a peace, and to unite with them in the ſtricteſt engagements, in order to render the peace ſecure and laſting. And we do beg leave to repreſent it to your majeſty, as the humble opinion and advice of this houſe, that no peace can be ſafe or honourable to Great-Britain or Europe, if Spain and the Weſt-Indies are to be allotted to any part of the houſe of Bourbon".

To which the queen returned this anſwer:

" My lords,

" I take the thanks you give me kindly. I ſhould be very ſorry any one could think I would not do my utmoſt to recover Spain and the Weſt-Indies from the houſe of Bourbon"[f].

The lords returned her thanks for this anſwer: for they underſtood, by 'the doing her utmoſt,' was meant the continuing the war. The court was much troubled to ſee the houſe of lords ſo backward, and both ſides ſtudied to fortify themſelves, by bringing up their friends or by getting their proxies.

The houſe of commons were more complaiſant than that of the lords, for a clauſe being offered to be inſerted in their addreſs of thanks, importing, " That the houſe did not doubt but care would be taken, that Spain and the Weſt-Indies ſhould not be left in the hands of any branch of the houſe of Bourbon, which might endanger the ſafety of her majeſty's perſon and government, the Proteſtant ſucceſſion in the houſe of Hanover, and the liberties of Europe"; after a long debate, this clauſe was rejected by a majority of two hundred and thirty-two voices againſt one hundred and ſix; and ſo the commons, in their addreſs, not only expreſſed their ſatisfaction in what her majeſty had been pleaſed to declare of the juſt and honourable peace, which ſhe had in view; 'but, at the ſame time, aſſured her, that they would uſe their utmoſt endeavours to diſappoint, as well the arts and deſigns of thoſe, who, for private views, might delight in war, as the hopes the enemies might have vainly entertained of receiving advantage from any diviſion among them'. The queen returned for anſwer, 'That this very dutiful addreſs was what ſhe expected from the zeal and loyalty of ſuch an houſe of commons: that ſhe returned them her hearty thanks for the confidence they had in her; and entirely relied upon their aſſurances: and that they might depend upon her affection and care for their intereſts'.

While things paſſed ſmoothly in the houſe of commons, the proceedings in the houſe of peers made a great noiſe, and kept the contending parties in ſuſpence. The duke of Hamilton, one of the ſixteen peers for Scotland, having been created a peer of Great-Britain, by the title of duke of Brandon, notwithſtanding a caveat entered againſt his patent, and now claiming a place in that quality in the houſe of peers, many lords, who apprehended no ſmall danger to the conſtitution, from the admitting into their houſe a greater number of Scots peers, than were agreed to by the act of Union, reſolved to oppoſe his claim. When that affair was brought into the houſe, it was eſpouſed by the court with great zeal, and the queen came to hear the debates. Lawyers were heard for the patent: It was ſaid, the queen's prerogative in conferring honours was clear. All the ſubjects of the united kingdom had likewiſe a capacity of receiving honour. The commons of Scotland had it unqueſtionably; and it ſeemed a ſtrange aſſertion, that the peers of that nation ſhould be the only perſons incapable of receiving honour. By the act of Union the peers of Scotland were, by virtue of that treaty, to have a repreſentation of ſixteen for their whole body: Theſe words, by virtue of that treaty, ſeemed to inſinuate, that, by creation or ſucceſſion, they might be made capable. And in the debate, that followed in the houſe, the Scots lords, who had been of the treaty of Union, affirmed, that theſe words were put in on that deſign. And, upon this, they appealed to the Engliſh lords. This was denied by none of them. It was alſo urged, that the houſe of lords had already judged the matter, when they not only received the duke of Queenſberry upon his being created duke of Dover, but had ſo far affirmed his being a peer of Great-Britain, that upon that account they had denied him the right of voting in the election of the ſixteen peers of Scotland. But, in oppoſition to all this, it was replied, that the prerogative could not operate, when it was barred by an act of parliament: The act of Union had made all the peers of Scotland peers of Great-Britain, as to all intents, except the voting in the houſe of lords, or ſitting in judgment on a peer: And, as to their voting, that was veſted in their repreſentatives, by whom they voted. The queen might give them what titles ſhe pleaſed; but this incapacity of voting, otherwiſe than by theſe ſixteen, being ſettled by law, the prerogative was by that limited as to them. They had indeed admitted the duke of Queenſberry to ſit among them as duke of Dover; but that matter was never brought into debate, and ſo was paſſed over in ſilence; and he was mentioned in their books, upon occaſion of his voting in the choice of the ſixteen peers of Scotland, in terms that were far from determining this; for it was there ſaid, that he, claiming to be duke of Dover, could not vote as a Scots peer. The Scots lords, in arguing for the patent, inſiſted with great vehemence, not without intimations of the diſmal effects, that might follow, if it ſhould go in the negative. The court exerted their whole ſtrength to ſupport the patent. This heightened the zeal of thoſe who oppoſed it; for they apprehended, that, conſidering the dignity and the antiquity of the Scots peers, and the poverty of the greater part of them, the court would always have recourſe to this, as a ſure expedient to have a conſtant majority in the houſe of lords. There was no limitation indeed on the prerogative, as to the creation of new peers; yet theſe were generally men of eſtates, who could not be kept in a conſtant dependence, as ſome of the Scots lords might be. The debate laſted till near eight o'clock in the evening, when the queſtion was put, Whether the twelve judges ſhould be conſulted with? which being carried in the negative by fourteen votes, proxies included, another queſtion was put, Whether Scots peers, created peers of Great-Britain ſince the Union, had a right to ſit in that houſe? which was alſo carried in the negative by a majority of fifty-ſeven voices againſt fifty-two[g].

[f] The ſame day the addreſs was preſented, ſeveral court lords entered their proteſts againſt it; 1. " Becauſe the nature of it was altered, there being no precedent for inſerting a clauſe of advice in an addreſs of thanks. 2. Becauſe they looked upon it as an invaſion of the royal prerogative, in ſo ſudden a manner to declare their opinion in a matter of ſuch importance to the crown, as the making of peace and war."

[g] On this occaſion was entered the following proteſt:

Diſſentient,

1. Becauſe, as we apprehend, by this reſolution, the prerogative of the crown in granting patents of honours, with all privileges depending thereon, to the peers of Great-Britain, who were peers of Scotland at the time of the Union, as well as the right of the duke of Brandon to ſit and vote in parliament, are taken away; and this prerogative of the crown, and right of the duke, depending upon the conſtruction of an act of parliament, though counſel, by order of the houſe, were heard at the bar, and all the judges were ordered to attend at the ſame time, yet the opinion of the judges was not permitted to be aſked touching the conſtruction of the ſaid act of parliament.

2. Becauſe the prerogative of the crown, as we conceive in granting patents of honour, with the privileges depending thereon, ought not, in the conſtruction of any act of parliament, to be taken away, unleſs there be plain and expreſs words to that purpoſe in the ſaid act: and we conceive, there are no ſuch plain and expreſs words for that purpoſe in the act of Union.

3. Becauſe by this reſolution all the peers of Great-Britain, who were peers of Scotland at the time of the Union, are ſuppoſed to be incapable of receiving of any patent of honour from the crown, by virtue whereof they may be intitled to the privileges of ſitting and voting in parliament, and ſitting on the trial of peers; which, we conceive, is repugnant to the fourth article of the Union, which declares the privileges and advantages, which do or may belong to the ſubjects of either kingdom, except where it is otherwiſe expreſsly agreed in thoſe articles, in which, we apprehend, there is no ſuch proviſion.

4. Becauſe the duke of Queenſberry, in all reſpects in the ſame caſe, as the duke of Hamilton, was introduced, ſat, and voted in this houſe, in matters of the higheſt importance, in two ſeveral parliaments, as duke of Dover, by virtue of a patent paſſed ſince the Union; and, in conſequence of ſuch ſitting and voting, his vote in the election of peers of Scotland was rejected; and, as a further conſequence thereof, the marquis of Lothian was removed from his ſeat in this houſe, which he had an undeniable title to, if the duke of Queenſberry's patent, as duke of Dover, had not given him a title to ſit and vote in this houſe.

5. Becauſe, by this reſolution, the peers of Scotland are reduced to a worſe condition in ſome reſpects, than the meaneſt or moſt criminal ſubjects.

6. Becauſe we conceive this reſolution may be conſtrued, to be a violation of the treaty between the two nations.

Winchelſea,	Paulet,
Ormond,	Harcourt,
Balmerino,	O. S. Hume,
Clarendon,	Mar,
Oxford and Mortimer,	Loudun,
Boyle,	Oſborne,
Kelſyth,	Roſeberry,
Rivers,	Ilay,
Blantyres,	Orkney.
Hundſdon,	

The queen and the miniſters ſeemed to be much concerned at this, and the Scots were enraged at it. They met together, and ſigned a repreſentation to the queen, complaining of it as a breach of the Union, and a mark of diſgrace put on the whole peerage of Scotland, adding ſolemn promiſes of maintaining her prerogative, either in an united or ſeparate ſtate. This made the miniſters reſolve on another method to let the peers, and indeed the whole world ſee, that they would have that houſe kept in a conſtant dependence on the court, by creating ſuch a number of peers at once, as ſhould give them an unqueſtionable majority.

In the mean time an affair of no leſs importance was brought into the houſe of peers. The Occaſional Conformity Bill, having miſcarried three times, lay dormant for ſeven years, till it was at this time revived by the earl of Nottingham, who told thoſe, with whom he now joined, that he was but one man come over to them, unleſs he could carry a bill to that purpoſe: But, if they would give way to that, he hoped he ſhould be able to bring many to concur with them in other things. They yielded this the more eaſily, becauſe they knew, that the court had offered to the high men in the houſe of commons, to carry any bill, they ſhould deſire in that matter. The earl of Nottingham promiſed to draw it with all poſſible temper. It was thus prepared, that all perſons in places of profit and truſt, and all the common-council-men in corporations, who ſhould be at any meeting for divine worſhip (where there were above ten perſons more than the family) in which the common prayer was not uſed, or where the queen and princeſs Sophia were not prayed for, ſhould, upon conviction, forfeit their place of truſt, or profit, the witneſſes making oath within ten days, and the proſecution being within three months after the offence; and ſuch perſons were to continue incapable of any employment, till they ſhould depoſe, that for a whole year together they had been at no conventicle. The bill likewiſe enacted, that the Toleration ſhould remain inviolable in all time to come; and that, if any perſon ſhould be brought into trouble for not having obſerved the rules that were preſcribed by the act, that firſt granted the Toleration, all ſuch proſecution ſhould ceaſe, upon their taking the oath preſcribed by that act: and a teacher in any one county was by the bill qualified to ſerve in any licenſed meeting in any part of England; and, by another clauſe, all who were concerned in the practice of the law in Scotland, were required to take the abjuration in the month of June next. This bill was brought into the houſe of lords on the 15th of December, and, no oppoſition being made to it, they paſſed it in three days, and ſent it down to the commons, who read it immediately the firſt time, and gave it a ſecond reading the next day; and on the 20th of December, a petition being offered to the houſe in behalf of the Dutch and French Proteſtant churches, praying, they might be excepted from the reſtraints laid by this bill upon Engliſh diſſenting congregations: the petition was rejected. After which the commons in a committee of the whole houſe (which that morning was very thin) made ſeveral amendments to the bill, particularly the addition of a penalty on the offender of forty pounds, which was to be given to the informer. Theſe amendments being immediately reported and agreed to, the bill was ſent back to the peers, who the ſame day ſent down a meſſage to the commons, to acquaint them, they had agreed to theſe amendments [h]. Great reflections were made on the fate of this bill, which had formerly been ſo much conteſted, and was ſo often rejected by the lords, and now went through both houſes in ſo ſilent a manner, without the leaſt oppoſition. Some of the Diſſenters complained much, that they were thus forſaken by their friends, to whom they had truſted; and the court had agents among them, to inflame their reſentments, ſince they were ſacrificed by thoſe, on whom they depended. All the excuſe, that the Whigs made for their eaſineſs in this matter, was, that they gave way to it, to try how far the yielding it might go towards quieting the fears of thoſe, who ſeemed to think, that the church was ſtill in danger till that act paſſed, and thereby to engage theſe to concur with them in thoſe important matters, that might come before them [i].

On the 22d of December, the queen being indiſpoſed, the lord-keeper and the lord-preſident, and other lords, were commiſſioned to paſs the land-tax-bill for four ſhillings in the pound, which was ready for the royal aſſent, with the bill againſt occaſional conformity. After which, the commons adjourned to the 14th of January, which was a long receſs at ſo critical a time.

Before the lords adjourned, a motion was made by the duke of Devonſhire, for leave to bring in a bill, to give the electoral prince of Hanover, as duke of Cambridge, the precedence of all peers; which was granted, and ſo was likely to meet with no oppoſition. The earl of Nottingham moved next, that, before their receſs, they ſhould make an addreſs to the queen, deſiring, 'That her majeſty would be pleaſed to give inſtructions to her plenipotentiaries, to conſult with the miniſters of the allies in Holland, before the opening of the congreſs, that they might concert the neceſſary meaſures to preſerve a ſtrict union amongſt them all, the better to obtain the great end propoſed by her majeſty, for procuring to them all juſt and reaſonable ſatisfaction, and for rendering the peace more ſecure and laſting, which could only be effected by a general guaranty of the terms of the peace to all the allies, and of the Proteſtant ſucceſſion to theſe kingdoms, as ſettled by act of parliament'. All the oppoſition, which the court made to this, was to ſhew, that it was needleſs, ſince it was already ordered; and the lord-treaſurer ſaid, that the lords might, in order to their ſatisfaction, ſend to examine their inſtructions. To this it was anſwered, that the offering ſuch an addreſs would ſatisfy the plenipotentiaries, in executing their inſtructions. The court moved, that theſe words might be put into the addreſs, 'in caſe her majeſty had not already given ſuch orders'; which being agreed to, the addreſs was preſented on the 27th of December, and the lords adjourned no longer than to the 2d of January, which, as well as the addreſs, was no ſmall ſurprize to the queen and her miniſters.

During the receſs it was, that the duke of Marlborough was diſcharged from all his employments. In order to this, all the methods, that malice and envy could invent, were uſed to make him appear criminal. But the diſcoveries made by the commiſſioners for examining the public accounts were made the immediate cauſe of his diſgrace. Sir Solomon Medina, a jew, concerned in the contract for furniſhing bread to the army in Flanders, made a preſent yearly to the duke of Marlborough of between five and ſix thouſand pounds. The general of the ſtates, it ſeems, had the like preſent, as a perquiſite to ſupport his dignity, and to enable him to procure intelligence. The queen ordered ten thouſand pounds a year more to the duke of Marlborough for the ſame ſervice. King William had alſo agreed, that two and a half per cent. ſhould be deducted out of the pay of the foreign troops, which amounted to fifteen thouſand pounds. This the queen had by a warrant appointed the duke of Marlborough to receive, on the ſame account.

The duke having heard, while he was beyond ſea, that the commiſſioners had diſcovered the preſent made him by the jew, ſent them a letter on the 10th of November, N. S. from the Hague, wherein he owned the whole matter to be true, and added, he had applied theſe ſums to the procuring good intelligence, to which, next to the bleſſing of God on the bravery of the troops, their conſtant ſucceſſes were owing. This did not ſatisfy the commiſſioners; but, though no complaints were brought from the army of their not being conſtantly ſupplied with good bread, yet they ſaw here was matter to raiſe a clamour againſt the duke, which they chiefly aimed at. Accordingly the commiſſioners reported theſe things to the houſe of commons on the 21ſt of December, the day before their receſs (which report was referred to the 17th of January) and the next day, purſuant to an order of the houſe, Mr. Shippen, one of the commiſſioners, laid before them: Firſt, the depoſition of Sir Solomon de Medina, knight, proving great ſums of money taken by his grace John duke of Marlborough, Adam Cardonnel, eſquire, his grace's ſecretary, and others, on account of the contracts for ſupplying bread and bread-waggons to her majeſty's forces in the Low-

[h] The Diſſenters (ſays Boyer) being juſtly alarmed at this bill, did, the ſame morning, make application to the earl of Oxford, lord high-treaſurer, humbly beſeeching his lordſhip to uſe his powerful intereſt to prevent the paſſing of it: But though his lordſhip, with moſt of his family, had, for the greateſt part of his life, joined in communion with the Preſbyterians; yet, on this occaſion, he thought fit to ſacrifice his religious principles to his political views; and ſo the Diſſenters were left in the lurch.

[i] Dr. Calamy, in his Hiſtorical Additions, ſays, on this occaſion: Thus, after fifty years excluſion from the public churches, by the act of uniformity, during the one half of which they were expoſed to great rigours and ſeverities, though, during the other half, they have had more liberty, are the poor Diſſenters excluded the ſervice of the ſtate. So far are we from any hopes of a coalition, which has been ſo often talked of, that nothing will do but an entire ſubmiſſion. 'Conſciences truly ſcrupulous' may indeed ſtill have their liberty: But they, that would be capable of any places of profit and truſt, muſt quit the meetings after March 25, 1712; and they, that in all times and changes adhered to the true intereſt of their country, muſt be publicly branded. Perhaps, the time may come, when perſons may have other thoughts of this matter, than while in the heat of action.

Countries. Secondly, captain William Preſton's depoſition about forage in North-Britain. Upon this the duke of Marlborough's letter, which he had written in vindication of himſelf to the commiſſioners, was, by his order or contrivance, publiſhed in the Daily Courant of the 27th of December. This letter having made an impreſſion in his favour on the minds of many perſons, the report of the commiſſioners was, by way of anſwer, printed at large two days after[k], and the next day, the 30th of December, the queen declared in council, 'that, being informed, an information againſt the duke of Marlborough was laid before the houſe of commons, by the commiſſioners of the public accounts, ſhe thought fit to diſmiſs him from all his employments, that the matter might take an impartial examination.' This declaration was entered in the council-books, and the day following it was notified to the duke, by a letter under her own hand, 'that her intention was to reſume all the employments, ſhe had intruſted him with; complaining, at the ſame time, of the treatment ſhe had met with.' This appears from the duke's anſwer, which he ſent by the counteſs of Sunderland, one of his daughters:

Madam,

'I am very ſenſible of the honour your majeſty does me, in diſmiſſing me from your ſervice by a letter of your own hand; though I find by it, that my enemies have been able to prevail with your majeſty to do it in the manner, that is moſt injurious to me. And, if their malice and inveteracy againſt me had not been more powerful with them than the conſideration of your majeſty's honour and juſtice, they would not have influenced you to impute the occaſion of my diſmiſſion to a falſe and malicious inſinuation contrived by themſelves, and made public, when there was no opportunity for me to give in my anſwer; which, they muſt needs be

[k] The ſubſtance of the report, and the duke's letter, were as follow: 'That it appeared by the depoſition of ſir Solomon de Medina, the preſent contractor, and by the accounts of Antonio Alvarez Macharo, who had been contractor before him, that from the year 1702, to the year 1711, both included, the duke of Marlborough had received, upon account of the contracts for bread and bread-waggons, the ſum of ſix hundred and ſixty-four thouſand, eight hundred and fifty-one guilders, and eight ſtivers, which amounted to ſixty-three thouſand, three hundred and nine pounds, three ſhillings, and ſeven-pence. That, ſome time after this evidence was given, they received, by the hands of James Craggs, Eſq; a letter from the duke of Marlborough, deſiring the commiſſioners, That, when they made their report, they would lay ſome facts before the parliament in a true light. That they thought they could not better do him juſtice, than in his own words:

Gentlemen, Hague, Novemb. 10, 1711.

'Having been informed, upon my arrival here yeſterday, that ſir Solomon Medina, had acquainted you with my having received ſeveral ſums of money from him. That it may make the leſs impreſſion upon you, I would loſe no time in letting you know, that this is no more than what has always been allowed as a perquiſite to the general or commander in chief of the army in the Low Countries, both before the revolution and ſince; and I do aſſure you, at the ſame time, that whatever ſums I have received, on that account, have conſtantly been applied for the ſervice of the public, in keeping ſecret correſpondence, and getting intelligence of the enemies motions and deſigns; and it has fallen ſo ſhort, that I take leave to acquaint you with another article, that has been applied to the ſame uſe, and which ariſes from her majeſty's warrant, whereof the incloſed is a copy, though this does not properly relate to the public accounts, being a free-gift from the foreign troops. You will have obſerved, by the ſeveral eſtabliſhments, that, before the late king's death, when the parliament voted forty thouſand men for the quota of England in the Low-Countries, twenty-one thouſand ſix hundred and twelve were to be foreigners, and the reſt Engliſh; for the laſt they gave ten thouſand pounds a year for intelligence, and other contingencies, without account; but his majeſty being ſenſible, by the experience of the laſt war, that this ſum would not any way anſwer that ſervice, and being unwilling to apply for any more to the parliament, he was pleaſed to order, that the foreign troops ſhould contribute two and a half per cent. towards it; and, I being then his ambaſſador and commander in chief abroad, he directed me to propoſe it to them, with an aſſurance, that they ſhould have no other ſtoppage made from their pay: This they readily agreed to, and her majeſty was afterwards pleaſed to confirm it by her warrant, upon my acquainting her with the uſe it was intended for; and it has accordingly been applied from time to time for intelligence and ſecret ſervice, with ſuch ſucceſs, that, next to the bleſſing of God on the bravery of our troops, we may, in a great meaſure, attribute moſt of the advantages of the war in this country to the timely and good advices procured with the help of this money. And now, gentlemen, as I have laid the whole matter very fairly before you, and that I hope you will allow, I have ſerved my queen and country with that zeal and faithfulneſs which becomes an honeſt man, the favour, I am to intreat of you, is, that, when you make your report to the parliament, you will lay this part before them in its true light, ſo as that they may ſee this neceſſary and important part of the war has been provided for and carried on without any other expence to the public than the ten thouſand pounds a year; and I flatter myſelf, that, when the accounts of the army in Flanders come under your conſideration, you will be ſenſible the ſervice on this ſide has been carried on with all the œconomy and good huſbandry that was poſſible. I am,

Gentlemen,

Your moſt obedient, humble ſervant,

MARLBOROUGH.

Anne, R.

'Right truſty and right well-beloved couſin and counſellor, we greet you well. Whereas, purſuant to the direction you have received in that behalf, you have agreed with the perſons authorized to treat with you, for the taking into our ſervice a certain number of foreign troops, to act in conjunction with the forces of our allies, that there be reſerved two and a half per cent. out of all monies payable to, and for the ſaid troops, as well for their pay and entertainment, as on any other account, towards defraying ſuch extraordinary contingent expences relating to them, as cannot otherwiſe be provided for. Now, we do hereby approve and confirm all ſuch agreements as you have, or may hereafter make, for reſerving the ſaid two and a half per cent. accordingly; and do likewiſe hereby authorize and direct the pay-maſter general of our forces for the time being, or his deputy, to make the ſaid deduction of two and a half per cent. purſuant thereunto, out of all monies he ſhall be directed to iſſue, for the uſe of the foreign troops in our pay, and thereupon to pay over the ſame, from time to time, according to ſuch warrants, and in ſuch proportions as you ſhall direct, for which this ſhall be to you and to all others whom it may concern, a ſufficient warrant and direction.

Given at our court at St. James's, this ſixth day of July, 1702, and in the firſt year of our reign.

By her majeſty's command,

C. HEDGES.

To our right truſty and right well-beloved couſin and counſellor, John earl of Marlborough, our ambaſſador-extraordinary and plenipotentiary to the ſtates-general of the United Provinces, and captain-general of our land-forces.

That on this letter and warrant they obſerved, 'That ſo far as they had been capable of being informed, the great ſums, annually paid to the duke on account of the contracts for bread, could never be eſteemed legal or warrantable perquiſites: nor did they find, that any other Engliſh general in the Low-Countries, or elſewhere, ever claimed or received ſuch perquiſites: And, if any inſtance ſhould be produced, they apprehended it would be no juſtification of it, becauſe the public, or the troops, muſt neceſſarily ſuffer, in proportion to every ſuch perquiſite; and how agreeable this practice was to that œconomy, with which the ſervice in Flanders was ſaid to be carried on, remained yet to be explained. That the great caution and ſecrecy, with which this money was conſtantly received, gave reaſon to ſuſpect, that it was not thought a juſtifiable perquiſite; for Mr. Cardonnel, the duke's ſecretary, and auditor of the bread-account, had declared on oath, that he never knew or heard of any ſuch perquiſite, till the late rumour of ſir Solomon de Medina's evidence before the commiſſioners. That, by the contracts for bread and bread-waggons, the general appeared to be the ſole check on the contractors, he was to take care, that the terms of theſe contracts were duly performed; he was to judge of all deductions to be made from allowance to the contractors; and whether in ſuch circumſtance he could receive any gratuity or perquiſite from the contractors, without a breach of his truſt, they did not preſume to determine. That the general might with equal reaſon claim a perquiſite for every other contractor relating to the army, as for thoſe of the bread and bread-waggons; but his Grace being ſilent as to this, the commiſſioners ought to ſuppoſe he had not received any ſuch allowance'. As to the deduction of two and a half per cent. from the foreign troops, the commiſſioners obſerved: 'That the warrant for it had been kept dormant for nine years, and the deduction concealed ſo long from the knowledge of parliament; for which his Grace had not aſſigned ſufficient reaſons. That the calling it a Free Gift was inconſiſtent with the words of the warrant, which expreſs an agreement, and with that part of his Grace's letter, which took notice, that he, being ambaſſador and general, ſtipulated for this very ſtoppage by the late king's order. That therefore they were of opinion, that a deduction, ſo made, was public money, and ought to be accounted for in the ſame manner as other public money. That the ten thouſand pounds granted yearly for the contingencies of the army was at firſt intended by parliament for the ſervice of forty thouſand men, without diſtinction; and was ſo far from having always been thought exempt from account, as the duke had ſuggeſted, that in a privy-ſeal, dated March 5, 1706, there was a clauſe to releaſe and diſcharge the duke of Marlborough from a ſum of ſeven thouſand, four hundred and ninety-nine pounds, nineteen ſhillings and ten-pence, part of this money; which ſhewed, he would otherwiſe have been accountable for it. But that they no where met with any mention of this deduction of two and a half per cent. and therefore preſumed, the reaſon, why it had never been brought to an account, was, what his grace ſuggeſted, that he never conſidered it as public money. In the next place, the commiſſioners ſubmitted it to the houſe, whether, the warrant, produced to juſtify this deduction was legal, and duly counterſigned? Or, whether, admitting it to be ſo, either the ſtoppage, or the payment, had been regularly made? That the warrant directed, that it ſhould be ſtopped in the hands of the pay-maſter, or his deputy, and iſſued thence by the duke's order only. But this method did not appear, by the pay-maſter's accounts, to have been at all purſued; ſo far otherwiſe, that the payments to the foreign troops were always made complete, and their receipts always taken in full, without any notice of a deduction. That when any part of the ten thouſand pounds, contingent-money, was drawn out of the pay-maſter's hands, for any ſecret ſervice, the general's warrant, and his ſecretary's receipts, were the paymaſter's vouchers. But that Mr. Cardonnel, as he declared on oath, never gave any receipt for any part of that two and a half per cent. nor did Mr. Bridges, as he alſo declared on oath, ever ſee any warrant for that purpoſe, or know any thing, as pay-maſter-general, of this deduction. That, if Mr. Sweet, at Amſterdam, had taken upon himſelf to tranſact the diſpoſition of this two and a half per cent. with the duke of Marlborough, the commiſſioners were of opinion, that he ought to have tranſmitted conſtant accounts of it to Mr. Bridges, whoſe agent he only was; and not to have negotiated ſo large ſums of public money in ſo clandeſtine a manner. That, by the warrant, this deduction was reſerved for the defraying extraordinary contingent expences of the troops, from whom it was ſtopped: And, if the whole had been employed in ſecret correſpondence and intelligence, there muſt have been ſome neglect of the other ſervices, for which it was originally deſigned: And ſuch a diſpoſition, being in no ſort authorized by the warrant, was a miſapplication of it. Beſides, the commiſſioners apprehended, that the article for ſecret ſervice, to which this deduction was pretended to have been applied, was always included in the ten thouſand pounds above-mentioned, for the contingencies of the army; and, if ſo, the whole remained to be accounted for; which, on a computation made from the whole ſum of eleven millions, two hundred ninety-four thouſand, ſix hundred and fifty nine pounds, four ſhillings, and a penny half-penny, paid by Great-Britain, to, and for all the foreign forces, ſince the 23d day of December, 1701, amounted to two hundred eighty two thouſand three hundred ſixty-ſix pounds, nine ſhillings, and ſeven-pence. And on a computation made from the ſum of ſeven millions, one hundred and ſeven thouſand, eight hundred ſeventy-three pounds, eighteen ſhillings, and eleven pence half-penny, paid to, and for the foreign forces ſince the time aforeſaid (excluſive of Italy, Spain, and Portugal) amounted to one hundred, and ſeventy ſeven thouſand, ſix hundred ninety five pounds, ſeventeen ſhillings, and three farthings.

conſcious, would fully detect the falſehood and malice of their aſperſions, and not leave them that handle for bringing your majeſty to ſuch extremities againſt me.

But I am much more concerned at an expreſſion in your majeſty's letter, which ſeems to complain of the treatment you had met with. I know not how to underſtand that word, nor what conſtruction to make of it. I know I have always endeavoured to ſerve your majeſty faithfully and zealouſly through a great many undeſerved mortifications. But if your majeſty does intend by that expreſſion, to find fault with my not coming to the cabinet-council, I am very free to acknowledge, that my duty to your majeſty and my country would not give me leave to join in the counſel of a man, who, in my opinion, puts your majeſty upon all manner of extremities. And it is not my opinion only, but the opinion of all mankind, that the friendſhip of France muſt needs be deſtructive to your Majeſty, there being in that court a root of enmity irreconcileable to your majeſty's government, and the religion of theſe kingdoms. I wiſh your majeſty may never find the want of ſo faithful a ſervant, as I have always endeavoured to approve myſelf to you. I am, with the greateſt duty and ſubmiſſion,

Madam,
Your majeſty's moſt dutiful,
and obedient ſubject,
MARLBOROUGH.

The removal of the duke of Marlborough was thought very extraordinary, after ſuch long and eminent ſervices; and was ſo little expected, that thoſe, who looked for precedents, could find none ſince the diſgrace of Beliſarius, in Juſtinian's time. The only thing pretended to excuſe it was, his being conſidered as the head of thoſe, who oppoſed the peace, on which the court ſeemed to ſet their hearts.

The duke of Somerſet continuing to oppoſe the ſchemes of the new miniſters, it was alſo reſolved, in a conſultation about the middle of December, to remove him. But the great friendſhip between the queen and his ducheſs (who was groom of the ſtole, and firſt lady of the bed-chamber) prevented that reſolution from being then put to practice[1]. The duke was not removed till the 26th of January, and though endeavours were uſed to the contrary, his ducheſs was by the queen continued in her places, which ſhe offered to reſign.

The duke of Marlborough's diſgrace was attended with other removes, and made way for ſeveral promotions. The duke of Ormond, with the firſt regiment of foot-guards, was appointed commander in chief of all the forces in Great-Britain, and ſoon after, upon the elector of Hanover's refuſal to command the queen's forces in Flanders, captain-general of all her forces at home and abroad. The earl Rivers was made maſter-general of the ordnance, and colonel of the royal regiment of horſe-guards. The duke of Beaufort was appointed captain of the band of penſioners, and brigadier Hill, lieutenant of the tower, in the room of lieutenant-general Cadogan. The counteſs of Sunderland and the lady Railton, two of the duke of Marlborough's daughters, reſigned their places of ladies of the bed-chamber.

The miniſters, finding the majority of the houſe of lords could not be brought to favour their deſigns, reſolved to make an experiment, which none of our princes had ventured on in former times. A reſolution was taken up very ſuddenly of making twelve peers all at once, which was accordingly done on the laſt day of December, by calling up by writ to the houſe of lords James lord Compton, eldeſt ſon to the earl of Northampton, and Charles lord Bruce, eldeſt ſon to the earl of Aileſbury; and creating by patent ten new peers of Great-Britain: George Hay, or lord Dupplin, of the kingdom of Scotland, the lord-treaſurer's ſon-in-law, baron Hay of Bedwarden in the county of Hereford; the lord viſcount Windſor, of Ireland, baron Montjoy of the Iſle of Wight, in the county of Southampton; Henry Paget, ſon to the lord Paget, baron Burton, of Burton in the county of Stafford; ſir Thomas Manſel, baron Manſel, of Margam in the county of Glamorgan; ſir Thomas Willoughby, baron Middleton, of Middleton in the county of Warwick; ſir Thomas Trevor, baron Trevor, of Bromham in the county of Bedford; George Granville, baron Landſdowne, of Bideford in the county of Devon; Samuel Maſham, baron Maſham, of Oates in the county of Eſſex; Thomas Foley, baron Foley, of Kidderminſter in the county of Worceſter; and Allen Bathurſt, baron Bathurſt, of Battelſden in the county of Bedford. Sir Miles Wharton had been offered a peerage, but he thought it looked like the ſerving a turn, and that, whereas peers uſed to be made for ſervices, which they had done, he ſhould be made for ſervices to be done by him; and therefore excuſed himſelf from accepting it: and the favourite's huſband, Mr. Maſham, was put in his room. And whereas formerly Jefferies had the vanity to be made a peer, while he was chief-juſtice, which had not been practiſed for ſome ages; yet the precedent ſet by him was followed, and Trevor, chief-juſtice of the common pleas, was now advanced to be a peer. This creation of peers was looked upon as an undoubted part of the prerogative; ſo that there was no ground in law to oppoſe the receiving the new lords into the houſe; nor was it poſſible to raiſe in the antient peers a ſenſe of the indignity, which was now put upon their houſe; ſince the court did by this openly declare, that they were to be kept in abſolute ſubmiſſion and obedience.

[1711-12.] On the ſecond of January the twelve new peers were introduced into the houſe of lords without any oppoſition; and, the court-party having by this reinforcement, and by the coming up of the Scots lords, got the majority, the houſe acquieſced in the queen's ſullen anſwer to their late addreſs, importing, 'That her majeſty thought her ſpeech to both houſes would have given ſatisfaction to every body; and, that ſhe had given inſtructions to her plenipotentiaries, according to the deſires of that addreſs'. This done, the lord-keeper delivered to the houſe a meſſage from the queen, 'That, having matters of great importance to communicate to both houſes of parliament, ſhe deſired the lords to adjourn immediately to the 14th, the ſame day,

[1] However, to ſhew their reſentment to the duke for oppoſing their meaſures, a pamphlet (ſaid to be penned by lord-keeper Harcourt, and called, 'Advice to the October Club') was publiſhed, wherein he and his ducheſs are both abuſed and inſulted. It is there ſaid, 'It would have been a maſter-piece of prudence, in this caſe, to have made a friend of an enemy: But, whether it were ever attempted, is now too late to enquire. All accommodation was rendered deſperate, by an unlucky proceeding ſome months ago at Windſor, which was a declaration of war too frank and generous, for that ſituation of affairs, and, I am told, was not approved by a certain great miniſter [the lord treaſurer]. It was obvious to ſuppoſe, that in a particular, where the honour and intereſt of a huſband [Duke and ducheſs of Somerſet.] were ſo cloſely united with thoſe of a wife, he might be ſure of her utmoſt endeavours for his protection, though ſhe never loved nor eſteemed him. The danger of loſing power, favour, profit, and a ſhelter from domeſtic tyranny, were ſtrong incitements to ſtir up a working brain, early practiſed in all the arts of intriguing'.

This pamphlet is lately reprinted in vol. VII. of Swift's Miſcellanies, to which is prefixed a preface, ſetting forth: 'That about the year, when her late majeſty, of bleſſed memory, thought proper to change her miniſtry, and brought in Mr. Harley, Mr. St. John, Sir Simon Harcourt, and ſome others, the firſt of theſe being made an earl, and lord-treaſurer, he was ſoon after blamed by his friends, for not making a general ſweep of all the Whigs, as the latter did of their adverſaries upon her majeſty's death, when they came into power. At that time a great number of parliament-men, amounting to above two hundred, grew ſo warm upon the ſlowneſs of the treaſurer in this part, that they formed themſelves into a body, under the name of the October Club, and had many meetings, to conſult upon ſome methods, that might ſpur on thoſe in power, ſo that they might make a quicker diſpatch, in removing all of the Whig leaven from the employments they ſtill poſſeſſed. To prevent the ill conſequences of this diſcontent among ſo many worthy members, the reſt of the miniſtry joined with the treaſurer, partly to pacify, and partly to divide thoſe, who were in greater haſte than moderate men thought convenient. It was well known, that the ſuppoſed author [Harcourt] met a conſiderable number of this club in a public houſe, where he convinced them very plainly of the treaſurer's ſincerity, with many of thoſe very reaſons, which are urged in the following diſcourſe, beſides ſome others, which were not ſo proper to appear at that time in print. The treaſurer alledged in his defence, that ſuch a treatment would not conſiſt with prudence, becauſe there were many employments to be beſtowed, which required ſkill and practice: That ſeveral gentlemen, who poſſeſſed them, had been long verſed, very loyal to her majeſty, had never been violent party-men, and were ready to fall into all honeſt meaſures for the ſervice of their queen and country. But however, as offices became vacant, he would humbly recommend to her majeſty ſuch gentlemen, whoſe principles, with regard both to church and ſtate, his friends would approve of, and he would be ready to accept their recommendations. Thus, the earl proceeded in procuring employments for thoſe, who deſerved them by their honeſty, and abilities to execute them. However, the gentlemen of this club ſtill continued uneaſy, that no quicker progreſs was made in removals, until thoſe, who were leaſt violent, began to ſoften a little, or, by dividing them, the whole affair dropped. During this difficulty, we have been aſſured, that the following diſcourſe was very ſeaſonably publiſhed with great ſucceſs, ſhewing the difficulties, that the earl of Oxford lay under, and his real deſire, that all perſons in employment ſhould be true loyal churchmen, zealous for her majeſty's honour and ſafety, as well as for the ſucceſſion in the houſe of Hanover, if the queen ſhould happen to die without iſſue'.

The principal members of the October Club, who met at the Bell-Tavern in Weſtminſter, were theſe:

John Aiſlaby,
Francis Anneſley,
William Bromley,
Robert Byerley,
Henry Campion,
Charles Cæſar,
Sir Robert Davers,
Charles Eversfield,
Ralph Freeman,
Sir Thomas Hanmer,
John Hungerford,
Sir Juſtinian Iſham,
George Lockhart,
Sir Roger Moſtyn,
Sir John Packington,
Francis Scobel,
William Shippen,
Sir Thomas Thorold,
John Trevanion,
Sir William Whitlocke,
Sir William Windham.

to which the commons had adjourned themſelves'. This occaſioned a very warm debate. It was ſaid, that the queen could not ſend a meſſage to any one houſe to adjourn, when the like meſſage was not ſent to both houſes: That the pleaſure of the prince in convening, diſſolving, proroguing, or ordering the adjournment of parliaments, was always directed to both houſes, but never to any one houſe, unleſs the ſame intimation was made at the ſame time to the other. That the conſequence of this, if allowed, might be the ordering one houſe to adjourn, while the other was left ſtill to ſit; and this might end in a total disjointing of the conſtitution. The reſolution however was carried for adjourning by the weight of the twelve new peers. It is true, the odds were thirteen; but that was, becauſe one of the peers, who had a proxy, without reflecting on it, went away when the proxies were called for [m].

The court having received no news of the opening the congreſs, councils were held on Saturday and Sunday the 12th and 13th of January, in which it was debated, Whether the parliament ſhould ſit, or be deſired further to adjourn themſelves? And, it being carried for the adjournment, a meſſage was on the 14th ſent to both houſes, importing, "That her majeſty fully determined to have been perſonally preſent in parliament that day; but, being prevented by a ſudden return of her gout, her majeſty, in hopes ſhe might, by the bleſſing of God, be able to ſpeak to both her houſes of parliament on Thurſday next, the 17th of this inſtant January, deſired them to adjourn to that day." Both houſes readily complied with this meſſage; but, before the ſame was delivered by Mr. St. John to the commons, they ordered their ſpeaker to iſſue out writs, for the electing nine members in the room of thoſe called up to the houſe of peers.

At this time prince Eugene of Savoy was ſent by the emperor to England, to try, if it was poſſible to engage our court to go on with the war, offering a new ſcheme, by which his imperial majeſty took a much larger ſhare of it on himſelf, than the late emperor would bear. The prince having reſolved to embark for England, notwithſtanding the endeavours uſed at the Hague to keep him on the other ſide of the water, he applied to the earl of Strafford, who wrote the following letter to captain Deſborough, commander of the Fubbs yacht:

SIR,

"Prince Eugene having deſired my orders to you to carry him over, you know, I do not pretend to command any of her majeſty's yachts without her ſpecial command. You know your orders, and how far they authorize you to carry over the prince. You know the reſpect and conſideration due to the prince, and his great merit; therefore, it is needleſs for me to tell you what reſpect and conſideration you ought to ſhew him. I can aſſure you, I have a particular reſpect and eſteem for him; and I ſhall always be glad to do the prince, all the ſervice that lies in my power." I am,

Your moſt humble ſervant,

STRAFFORD.

Though this letter rather implied a tacit prohibition than a poſitive order, yet, the captain being left to his own diſcretion, he thought it his duty, as he could not but eſteem it an honour, to carry over ſo great a man as prince Eugene, who, on the 8th of January, N. S. embarked at the Brill (with his nephew, the chevalier de Savoye, ſon to the count de Soiſſons, count de la Corſana, and count Cornelius of Naſſau) and on the 1ſt of January, O. S. arrived off Harwich, where being informed, that he could not eaſily get all the neceſſary carriages for his attendants, he was perſuaded to go up the Thames. The next day he received, on board the yacht, near the Buoy of the Nore, an account of the duke of Marlborough's being removed from all his employments, at which he was extremely concerned. Upon advice, that he was coming up by water, the government ſent down Mr. Drummond, a broken merchant or ſtock-jobber, a creature of the lord-treaſurer, and Mr. Brinſden, an oculiſt, a private agent to Mr. St. John, to attend, or rather to be ſpies, upon the prince. Brinſden being detained at Greenwich by an accidental ſprain of his foot, Drummond only waited on the prince with a barge, which carried him from Graveſend to Whitehall; from whence he went in an hackney-coach to Leiceſter-Houſe, which count Gallas, before his departure had prepared for his reception. Immediately upon his arrival, the prince cauſed it to be notified to the treaſurer, the ſecretaries of ſtate, and the foreign miniſters; and ſome of theſe waited upon him the ſame evening; as did the duke of Marlborough, to whom the prince ſhewed a diſtinguiſhed reſpect, and with whom he afterwards paſſed moſt of his time, notwithſtanding the caution, which Mr. Drummond had given him, either from himſelf, or from thoſe, who ſent him, 'That the leſs he ſaw the duke of Marlborough, the better': To which the prince anſwered, 'That, as the miniſtry might depend upon it, he would not cabal againſt them: ſo he hoped they did not expect, he ſhould forbear his uſual familiarity with his good friend the duke of Marlborough'. On the 6th of January the prince received a compliment from the treaſurer, which he inſtantly returned by the baron de Hohendorf. The ſame morning, after a viſit from Mr ſecretary St. John, count Maffei, monſieur Hoffman, and ſome other foreign miniſters, the duke of Montague, the earl of Hertford, the generals Lumley, Webb, Palmes, Harvey, and ſome other perſons of diſtinction, waited upon him. The ſame afternoon he ſent a gentleman with a compliment to the dukes of Buckingham and Ormond, earl Pawlet and ſome other officers of ſtate; and about ſeven o'clock in the evening went to St. James's-Houſe, where he was introduced by Mr. St. John, to a private audience of the queen, at which none were preſent but the treaſurer and Mr. ſecretary. After a ſhort compliment, which her majeſty anſwered very graciouſly, he delivered to her a letter from the emperor, which he deſired her to peruſe, becauſe it contained the ſubſtance of his errand. After reading the letter, the queen told the prince, 'That ſhe was ſorry the ſtate of her health did not permit her to ſpeak with his highneſs as often as otherwiſe ſhe ſhould be glad to do; but that ſhe had ordered thoſe two gentlemen (there preſent) to receive his propoſals, and confer with him as frequently as he ſhould think proper.' In the mean time people were variouſly affected by his coming to England at this critical juncture. All the Whigs, as well as ſome Tories, who began to be jealous, that a peace would be concluded upon diſhonourable terms, were very glad of his arrival, hoping, that, by the propoſals he was ſaid to bring from the emperor, he would prevail, if not to break off the preſent negotiation, at leaſt to engage Great-Britain to make early preparations to carry on the war, as the moſt effectual means to obtain a ſafe and honourable peace. Upon this conſideration, and the great fame of his actions, multitudes of people crowded to ſee him, and with loud acclamations attended him wherever he went. On the other hand, the friends of France, and of the Pretender, who were equally deſirous of a peace, upon any conditions, being apprehenſive, that he would blaſt their expectations, could not forbear ſhewing their diſcontent; and a rude rabble committed ſome diſorders in Leiceſter-Fields, the ſecond night after his arrival. A more flagrant inſtance of the malice of that party was ſeen on the 8th of January in the Poſt-Boy, where an advertiſement was inſerted, infamouſly reflecting on the counteſs of Soiſſons, the prince's mother; which ſcandalous affront the prince overlooked with his uſual magnanimity; and by his diſcreet carriage convinced all, that he was not come to meddle with inteſtine diviſions, but rather to endeavour to bring the leading men of both parties to ſuch a temper, as might conduce to remove any difficulties, that might obſtruct the carrying on the com-

[m] This meſſage for adjourning ſeems only to have been ſent to try the ſtrength of both parties, Mr. ſecretary St. John having been heard to ſay in the court of requeſts, as ſoon as the debate was over, 'That, if thoſe twelve had not been enough, they would have given them [the Whigs] another dozen.' However, very ſtrong reflections were made, both in print and in moſt converſations, on that ſtep, many not ſcrupling to ſay, 'That, though the queen had an undoubted right to create as many peers as ſhe pleaſed, yet her miniſters might be called to an account for adviſing her to abuſe that right. That peace and war were alſo the prerogatives of the crown; and yet the engaging in a ruinous war, or making a treacherous peace, are things, which no miniſter ever did, and eſcaped uncenſured or unpuniſhed. That the creating twelve peers to ſerve a turn, was, in effect, making a houſe of peers a property to the court, and taking away a negative upon the crown; which would render our liberties precarious. That it could not be denied, that the new-made peers were men of noble fortunes; and that ſome of them had ſhewn a commendable zeal for the preſent eſtabliſhment; but who would ſecure us, that hereafter ſuch a number ſhould not be made of men of a quite different character? And, in ſhort, that this was a precedent, which might be made uſe of to inſlave the nation, and to introduce a Popiſh pretender, or the Popiſh religion. That if in the reign of ſuch a queen this abuſe of the prerogative was ſo much exclaimed againſt, how much greater would the cry have been, had it been in a ſuſpicious reign? Whereas now they have an unexceptionable inſtance to produce, to ſilence any clamour or noiſe. That it was impoſſible for men, who owed ſo much to her majeſty for her ſhare in the late revolution, to oppoſe a prerogative, that had never been diſputed, becauſe never uſed in that manner: But had any prince, who had merited leſs of his country, began ſuch a thing, it would, no doubt, have been oppoſed, and perhaps denied him'. But, after all, the ſevereſt reflection upon the twelve new peers was made by the earl of Wharton, who, the ſame day they were introduced, when the queſtion about adjourning was going to be put, aſked one of them, 'Whether they voted by their foreman?' Thereby comparing them to a petty jury. BOYER.

mon cauſe. This endeared him to every body, and gained him more reſpect, than was ever ſhewn in England to any foreign prince, ſo that, for two whole months, the nobility and gentry of both parties vied with one another, who ſhould entertain him[n].

By this time, the parliament being met again, a meſſage from the queen was delivered tooth houſes. That to the commons was as follows:

'I. Her majeſty not having recovered ſtrength enough, ſince the return of the gout, to be preſent that day in perſon; and being unwilling that the public buſineſs ſhould receive any delay, thinks fit to communicate to them the ſubſtance of what ſhe intended to have ſpoke.

II. At the opening of this ſeſſion, her majeſty acquainted the parliament, that both time and place were appointed for the meeting of the plenipotentiaries of all the confederates, to treat with thoſe of the enemy concerning a general peace; and alſo expreſſed the care, which ſhe intended to take of all her allies, and the ſtrict union, in which ſhe propoſed to join with them, in order to obtain a good peace, and to guaranty and ſupport it, when obtained.

III. Her majeſty can now tell them, that her plenipotentiaries are arrived at Utrecht, and have begun, in purſuance of their inſtructions, to concert the moſt proper ways of procuring a juſt ſatisfaction to all in alliance with her, according to their ſeveral treaties, and particularly with relation to Spain and the Weſt-Indies.

IV. You may depend on her majeſty's communicating to her parliament the terms of peace, before the ſame ſhall be concluded.

V. The world will now ſee, how groundleſs thoſe reports are, which have been ſpread abroad by men of evil intentions, to ſerve the worſt deſigns, as if a ſeparate peace had been treated, for which there has not been the leaſt colour given.

VI. Her majeſty's miniſters have directions to propoſe, that a day may be fixed for the finiſhing, as was done for the commencement of this treaty; and, in the mean time, all the preparations are haſtening for an early campaign.

VII. The zeal, which this houſe has already expreſſed, was a ſure pledge, that they will proceed in giving the neceſſary diſpatch to the ſupplies.

VIII. Her majeſty finds it neceſſary to obſerve, how great licence is taken in publiſhing falſe and ſcandalous libels, ſuch as are a reproach to any government. This evil ſeems to be grown too ſtrong for the laws now in force; it is therefore recommended to you to find a remedy equal to the miſchief'.

The meſſage, the queen ſent to the houſe of lords, was exactly the ſame with that ſent to the commons; except only, that inſtead of the ſeventh paragraph, about the ſupply, her majeſty took notice of the affair relating to the Scotch peers, in the following words: 'There is one thing in which her majeſty's ſubjects of the north part of this kingdom are extremely concerned: The diſtinction ſuch of them who were peers of Scotland before the Union muſt lie under, if the prerogative of the crown is ſtrictly barred againſt them alone. This is a matter which ſenſibly affects her majeſty, and ſhe therefore lays it before this houſe, earneſtly deſiring their advice and concurrence in finding out the beſt method of ſettling this affair, to the ſatisfaction of the whole kingdom'.

The houſe of lords agreed to an addreſs, thanking her majeſty for communicating theſe things to them, and for the promiſes ſhe had made them, repeating the very words in which they were made. It was moved to add the words, 'conform to her alliance;' but it was ſaid, that the queen aſſured them of that, and therefore the repeating theſe words would ſeem to intimate a diſtruſt, ſo that was not carried. But, becauſe there ſeemed to be an ambiguity in the mention made of Spain and the Weſt-Indies, the houſe expreſſed in what ſenſe they underſtood them, by adding theſe words: 'Which are of ſo great concern to the ſafety and commerce of your majeſty's kingdoms'. The commons made an addreſs to the ſame purpoſe, in which they only named Spain and Weſt-Indies.

The duke of Devonſhire, purſuant to the motion he had made before the receſs, having prepared a bill for giving precedence to the duke of Cambridge, the lord-treaſurer was reſolved to prevent him, and offered January 17th a bill, giving precedence to the whole electoral family, as the children and nephews of the crown; and it was intimated, that bills relating to honours and precedence ought to come from the crown: The duke of Devonſhire would make no diſpute on this head; if the thing paſſed, he acquieſced in the manner of paſſing it, only he thought it lay within the authority of the houſe. On this occaſion, the court ſeemed, even to an affectation, to ſhew a particular zeal in promoting this bill; for it paſſed through both houſes in two days. Notwithſtanding this haſte, the court did not ſeem to deſign any ſuch bill, till it was propoſed by others, out of whoſe hands they thought fit to take it. The act was ſent over to Hanover, by Mr. Thomas Harley, in order to raiſe favourable thoughts there of the miniſtry. But that court ſaw through theſe thin diſguiſes, which were contradicted by the open countenance to thoſe who were no well-wiſhers to the Proteſtant ſucceſſion, and the diſcouragement to its beſt friends. The lords entered upon the conſideration of the paragraph in the queen's meſſage, relating to the peers of Scotland. The court propoſed that an expedient might be found that the peers of Scotland ſhould not ſit among them by election, but by deſcent, in caſe the reſt of the peers of that nation ſhould conſent to it. A debate followed concerning the articles of the Union, which of them were fundamental and not alterable; it was ſaid, that by the Union no private right could be taken away, but by the conſent of the perſons concerned; therefore no alteration could be made in the right of the peers of Scotland, unleſs they conſented to it. It was afterwards debated, whether an alteration might be made with this condition, in caſe they ſhould conſent to it; or whether the firſt riſe to any ſuch alteration ought not to be given, by a previous deſire. This was not ſo ſubject to an ill management; the court ſtudied to have a ſubſequent conſent received as ſufficient; but a previous deſire was inſiſted, as viſibly fairer and juſter.

[n] The perſons, who diſtinguiſhed themſelves by this generous emulation, were the dukes of Marlborough, Ormond, Buckingham, Montague, Schomberg, Devonſhire, Shrewſbury, Richmond, and Grafton; the earls Pawlet, Sunderland, Portland, Oxford, Rivers, Wharton, Berkley, Stair, and Orkney; the lords Lexington, Aſhburnham, Hallifax, and North and Grey; Sir Thomas Hanmer; the honourable Mr. Henry Boyle; Mr. ſecretary St. John; general Palmes; the foreign miniſters then in London; doctor Garth and doctor Radcliffe, two of the moſt eminent phyſicians. It was then currently reported, that, when the prince dined with the lord-treaſurer, the latter, among other compliments, told his highneſs, 'That he looked upon that day as the happieſt in the whole courſe of his life, ſince he had the honour to ſee in his houſe the greateſt captain of this age.' To which the prince replied, 'That, if he were, he was obliged to his lordſhip for it'; alluding to the earl's being the author of the duke of Marlborough's diſgrace, which rid him of a competitor in military glory. It was obſerved the prince was not entertained by the lord Dartmouth.

On the 14th of January, Sir Alexander Cairnes, bart. and Sir Theodore Janſen, two of the moſt eminent merchants of the city of London, who had contributed moſt to the loan made ſome years before to the emperor, upon the ſecurity of his revenues in Sileſia, for the uſe of the prince of Savoy, waited upon him with a compliment from that company. The prince gave them a very kind reception, and told them, 'He was very much obliged to them, ſince the raiſing of the ſiege of Turin, and the ſucceſſes that followed, were, under God, chiefly owing to the ſeaſonable ſupply he received from England'. Thoſe gentlemen anſwered, 'That, when they made that loan, they had not ſo much in view the improvement of their money, as the honour of being ſerviceable to the common cauſe, and of having an opportunity to ſhew their reſpect for a prince of ſo great a reputation; and as they accounted themſelves particularly obliged to his highneſs's integrity for the punctual payment of their intereſt and principal; ſo, if, in the courſe of this war, his highneſs ſhould have occaſion for any greater ſums, their company would readily advance them upon his highneſs's ſingle ſecurity'. They concluded with deſiring him to accept of a ſmall entertainment, which their company deſigned to give him in the city, and to fix a day, when it ſhould beſt ſuit with his conveniency; which he promiſed to do. The lord-mayor and court of aldermen, having notice of this invitation, and deſigning likewiſe to ſhew their reſpect to the prince, it was propoſed amongſt them, on the 15th of January, that, ſince moſt of their court were concerned in the Sileſian Company, they ought, for greater magnificence ſake, to make but one united entertainment. The motion was approved; but one of the court having ſuggeſted, 'That they would do well to know, how the queen would take ſuch an invitation to prince Eugene'; it was thought proper to ſend two aldermen to the earl of Dartmouth, to know the queen's pleaſure; but, there being, it ſeems, ſome want of formality in the meſſage, his lordſhip wrote the following letter to the lord-mayor:

My Lord, Whitehall, Jan. 15, 1711-12.

"Two of the court of aldermen having brought a verbal meſſage to be delivered to her majeſty, which was, that the lord-mayor, court of aldermen, and ſeveral citizens of the beſt rank, deſired to treat prince Eugene, and ordered them to attend me, to know the queen's pleaſure; and being aſked by the lords of the council, whether they had their meſſage in writing, anſwered, that they had no order or meſſage in writing, but that they came upon a minute taken at the court of aldermen, of which they had no copy: They were thereupon told, that the queen had commanded the lords to acquaint them, That her majeſty would return no anſwer to any meſſage, which is not brought to her with the ſame reſpect, as has always been paid by the city of London to her predeceſſors. To prevent any miſtake in repeating what was ſaid to them, I ſend your lordſhip this account; and am,

My lord,

Your lordſhip's moſt obedient
and moſt humble ſervant,
DARTMOUTH.

Upon the receipt of this letter, the court of aldermen did not think fit to make any further ſteps in that matter, to the great diſappointment and mortification of moſt of the citizens.

The Scotch lords, ſeeing no redreſs to their complaint, but that the peers adhered to their late judgment, ſeemed reſolved to come no more to ſit in the houſe of lords; but the court was ſenſible, that their ſtrength, in that houſe, conſiſted chiefly in them and the new peers; for which reaſon pains were taken, and ſecret forcible arguments were uſed to them, which proved ſo effectual, that after a few days abſence they came back, and continued, during the ſeſſion, to ſit in the houſe. They gave out, that an expedient would be found, that would be to the ſatisfaction of the peers of Scotland; but, nothing of that appearing, it was concluded, that the ſatisfaction was private and perſonal. The great arrear, into which all the regular payments, both of the houſhold and of ſalaries and penſions was left to run, made it to be generally believed, that the income for the civil liſt, though it exceeded the eſtabliſhment very much, was applied to other payments, which the miniſter durſt not own. And, though ſecret practice on members had been for a great while too common, yet it was believed, that it was at this time managed with an extraordinary profuſion.

The houſe of commons entered on the obſervations of the commiſſioners for taking the public accounts, which had been laid before them on the 21ſt of December; and they began with what related to Mr. Walpole, whom they reſolved to put out of the way of diſturbing them in the houſe. The charge againſt him was thus: Mr. Walpole, as ſecretary of war, had contracted with ſome perſons for forage to the horſe that lay in Scotland. He, finding the contractors made ſome gain by it, named a friend of his own to be joined with them, that he might have a ſhare of the gain: But the others were unwilling the ſecret of their management ſhould be known; ſo, inſtead of admitting him, offered him five hundred guineas for his ſhare, which he accepted, and the money was remitted. But the contractors, not knowing how to direct to him, addreſſed their bill to Mr. Walpole, who endorſed it, and the perſon concerned received the money; this was found out, and Walpole was charged with it as a bribe, that he had taken for his own uſe, for making the contract. Both the perſons that remitted the money, and he who received it, were examined, and affirmed, that Walpole was neither directly nor indirectly concerned in the matter; but the houſe inſiſted upon his having endorſed the bill, and not only voted this a corruption, but ſent him to the Tower, and expelled him the houſe. Not content with this, when Mr. Walpole was afterwards choſen again for Lynn Regis, the commons, upon a petition againſt his election, reſolved, 'That Robert Walpole, eſq; having been, this ſeſſion of parliament, committed a priſoner to the Tower of London, and expelled this houſe, for an high breach of truſt in the execution of his office, and notorious corruption, when ſecretary of war, was, and is incapable of being elected a member to ſerve in this preſent parliament [o].

The next attack was on the duke of Marlborough. On the 24th of January, his affair was debated. The money received from Sir Solomon Medina was ſaid to be a fraud, and the deduction out of the pay of the foreign troops was ſaid to be public money, and to be accounted for. The debate held long. It appeared, that, during the former war, king William had fifty thouſand pounds a year for contingencies; which were often reckoned to have coſt much more. The contingency was that ſervice, which could be brought to no certain head, and was chiefly for procuring intelligence. The duke of Marlborough had only ten thouſand pounds, for the contingencies; which, with all the other items joined together, amounted but to thirty thouſand pounds, a ſum much inferior to what had been formerly given; and yet, with this moderate expence, he had procured ſo good intelligence, that he was never ſurprized, and no party he ſent out was ever intercepted or cut off. By means of this intelligence, all his deſigns were ſo well concerted, that he ſucceeded in every one of them; and by many inſtances the exactneſs of his intelligence was fully demonſtrated. It was proved, both by witneſſes, and by formal atteſtations from Holland, that, ever ſince the year 1672, the Jews had made the like preſent to the general of the States army; and it was underſtood as a perquiſite belonging to that command. No bargain was made with the Jews for the Engliſh troops, that made by the States being applied to them; ſo that it appeared, that the making ſuch a preſent to the general was cuſtomary; but that was denied. So it was reſolved at laſt by two hundred and ſeventy voices againſt a hundred and ſixty-five, 'That the taking ſeveral ſums of money annually, by the duke of Marlborough, from the contractors for furniſhing the bread and bread-waggons for the army in the Low-Countries was unwarrantable and illegal'. After which, though the duke had the queen's warrant to receive it, they alſo voted, that the two and a half per cent. deducted out of the pay of the foreign troops was unwarrantable, and to be accounted for. Theſe reſolutions being laid before the queen, ſhe anſwered, 'I have a great regard for whatever is preſented to me by my commons, and will do my part to redreſs what you complain of'. To colour this cenſure, the commons voted 'that the two and a half per cent. which had, or ought to have been made from the pay for the foreign forces, be continued for the year 1712, and applied for the ſervice of the war.' And it is obſervable, that though ſome of the foreign princes who had troops in the queen's pay, did ſome time after order their miniſters in London to repreſent, 'that the two and a half per cent. was their own money, but they were willing to allow it as a free gift to the duke of Ormond, as they had done to the duke of Marlborough'; which repreſentation ſeemed to be a full juſtification of the latter: The queen however was prevailed upon to ſend an order to the attorney-general to proſecute the duke, for the fifteen thouſand pounds, which was deducted yearly out of the pay of the foreign troops, for the receiving whereof he had her own warrant.

The court eſpouſed theſe reſolutions of the commons with great zeal, and paid well for the great majority by which they were carried. Upon this, many virulent writers (whether ſet on to it, or officiouſly ſtudying to merit by it, did not appear) threw out, in many defamatory libels, a great deal of malice againſt the duke of Marlborough: They compared him to Catiline, to Craſſus, to Antony, and ſtudied to repreſent him as a robber of the nation, and as a public enemy. This gave indignation to all, who had a ſenſe of gratitude, or a regard to juſtice. In one of theſe ſcurrilous papers, penned on deſign to raiſe the rabble againſt him, a period began thus, 'He was perhaps once fortunate'. This paſſage being mentioned to prince Eugene, he pleaſantly ſaid, it was the greateſt commendation that could be given him, ſince he was always ſucceſsful: So this implied, that in one ſingle inſtance he might be fortunate, but that all his other ſucceſſes were owing to his conduct. It was anſwered, that ſingle inſtance muſt then be, his eſcaping out of the hands of the party, who took him as he was going down the Maeſe in a boat [p].

Secret enquiries were made, in order to the laying more load on the duke of Marlborough, and to ſee whether poſts in the army, or in the guards were ſold by him; but nothing could be found: He had ſuffered a practice to go on, that had been begun in the late king's time, of letting officers ſell their commiſſions; but he had never taken any part of the price to himſelf: Few thought that he had been ſo clear in that matter; for it was the only thing, in which now his enemies were confident, that ſome diſcoveries would have been made to his prejudice; ſo that the endeavours uſed, to ſearch into

[o] This proceeding againſt him was examined in the poſtſcript to the ſecond edition of 'Mr. Walpole's caſe in a letter from a Tory-member of parliament to his friend in the country'. The author of this piece conſiders, 'Whether Mr. Walpole was, at the time of his election, incapable of being elected a a member to ſerve in parliament; and, if he was capable, how far a ſecond expulſion was juſt and reaſonable': And then ſhews, that ſuch an incapacity cannot ariſe either from the tenour and words of the writ, nor from Mr. Walpole's being a priſoner in the Tower, nor from his having been expelled the houſe. And, upon the whole, he declares, that if Mr. Walpole 'was to be tried by the law of the land, or by the law and uſage of parliament, or by any known rules of reaſon and juſtice, there was no foundation to declare, that he was incapable of being elected a member to ſerve in the preſent parliament; And that it will be thought an hardſhip of the firſt impreſſion, that for a ſlight offence, proved by no direct evidence, vindicated by poſitive evidence upon oath, a gentleman ſhould be cenſured in the ſtrongeſt terms, impriſoned, and expelled the houſe, and afterwards expelled again'.

[p] Among the libels againſt the duke was publiſhed, by either Prior or Swift, 'A fable of the Widow and her Cat', the laſt ſtanza of which is as follows:

IX. So flagrant is thy inſolence,
So vile thy breach of truſt is,
That longer with thee to diſpenſe,
Were want of power, or want of ſenſe:
Here, Towzer,——Do him juſtice.

It is no wonder the duke of Marlborough was thus uſed, ſince the earl of Nottingham himſelf did not eſcape for oppoſing the negotiations of peace. It was not only ſaid, that he did ſo, becauſe he was refuſed the privy-ſeal, but the following advertiſement was inſerted in the Poſt-Boy, of December 6, viz. 'Whereas a very tall, thin, ſwarthy complexioned man, between ſixty and ſeventy years of age, wearing a brown coat, with little ſleeves, and long pockets, has lately withdrawn himſelf from his friends, being ſeduced by wicked perſons to follow ill courſes: Theſe are to give notice, That whoever ſhall diſcover him, ſhall have ten ſhillings reward; or, if he will voluntarily return, he ſhall be kindly received by his friends, who will not reproach him for paſt follies, provided he give good aſſurances, that, for the future, he will firmly adhere to the Church of England, in which he was ſo carefully educated by his honeſt parents'. There were alſo lampoons, and other libels, both in verſe and proſe, publiſhed againſt the ſame peer.

thoſe matters, producing nothing, raiſed the reputation of his incorrupt adminiſtration, more than all his well-wiſhers could have expected.

In this whole tranſaction was ſeen a new ſcene of ingratitude acted in a moſt imprudent manner; when the man, to whom the nation owed more than it had ever done in any age to any ſubject, or perhaps to any perſon whatever, was, for ſome months, purſued with ſo much malice. He bore all with ſilence and patience, appearing always calm and chearful: And, though he prepared a full vindication of himſelf, yet he delayed publiſhing it, till the nation ſhould return to its ſenſes, and be capable of examining thoſe matters in a more impartial manner.

Another affair of a more public nature was now taken into conſideration by the commons, namely, the Barrier-Treaty with the States. Both houſes had, in the year 1709, agreed, in an addreſs to the queen, that the Proteſtant ſucceſſion might be ſecured by a guaranty in the treaty of peace; and this was ſettled at the Hague to be one of the preliminaries. But, when an end was put to the conferences at Gertruydenberg, the lord Townſhend was ordered to ſet on a treaty with the ſtates to that effect. They entertained it very readily; but at the ſame time propoſed, that England ſhould enter into a guaranty with them, to maintain their barrier, which conſiſted of ſome places, which they were to garriſon, the ſovereignty of which was ſtill in the crown of Spain; and of other places, which had not belonged to that crown at the death of king Charles the ſecond, but had been taken in the progreſs of the war; for, by their agreements with Great-Britain, they bore the charge of the ſieges, and ſo the places taken were to belong to them. Theſe were chiefly Liſle, Tournay, Menin, and Doway, and were to be kept ſtill by them. But as for thoſe places, which, from the time of the treaty of the Pyrenees belonged to the Spaniards, they had been ſo ill looked after by the Spaniſh governors of Flanders, who were more intent upon enriching themſelves, and keeping a magnificent court at Bruſſels, than on preſerving the country, that neither were the fortifications kept in due repair, nor the magazines furniſhed, nor the ſoldiers paid; ſo that, whenever the war broke out, the French made themſelves very eaſily maſters of places ſo ill kept. The ſtates had therefore propoſed, during this war, that the ſovereignty of thoſe places ſhould continue ſtill to belong to the crown of Spain; but they ſhould keep garriſons in the ſtrongeſt and the moſt expoſed, in particular thoſe, that lay on the Lys and the Scheld; and, for maintaining this, they aſked a hundred thouſand pounds a year from thoſe provinces; by which they would be kept better and cheaper than ever they had been, while they were in the hands of the Spaniards. They aſked likewiſe a free paſſage for all the ſtores, that they ſhould ſend to thoſe places. This ſeemed to be ſo reaſonable, that, ſince the intereſt of England as well as the ſtates, required, that this frontier ſhould be carefully maintained, the miniſtry were ready to hearken to it. It was objected, that, in caſe of a war between England and the States, the trade of thoſe provinces would be wholly in the hands of the Dutch: But this had been ſettled in the great truce, which, by the mediation of France and England, was made in 1609, between the Spaniards and the States. There was a proviſional order therein made for the freedom of trade in thoſe provinces; and that was turned into a perpetual one by the peace of Munſter. King Charles of Spain had agreed to the main of the barrier; ſome places on the Scheld were not neceſſary for a frontier, but the ſtates inſiſted on them, as neceſſary to maintain a communication with the frontier. The king of Pruſſia excepted likewiſe to ſome places in the Spaniſh Guelder. The lord Townſhend thought, that theſe were ſuch inconſiderable objections, that, though his inſtructions did not come up to every particular, yet he ſigned the treaty, known by the name of the Barrier-Treaty, on the 29th of October 1709; by which the ſtates bound themſelves to maintain the queen's title to her dominions and the Proteſtant ſucceſſion with their whole force; and England was reciprocally obliged to aſſiſt them in maintaining this barrier.

The mercenary writers, who were hired to defend the peace then projected with France, attacked this treaty with great virulence[q], and by arguments, that gave juſt ſuſpicions of black deſigns. They ſaid, it was a diſgrace to this nation, to engage any other ſtate to ſecure the ſucceſſion among us, which perhaps we might ſee cauſe to alter; whereas by this treaty the ſtates had an authority given them to interpoſe in our counſels. It was alſo ſaid, that, if the ſtates were put into poſſeſſion of all thoſe ſtrong towns, they might ſhut us out from any ſhare of trade in them, and might erect our manufactures in provinces very capable of them. But it was anſwered, that this could not be done, as long as this treaty continued in force, unleſs the ſovereign of the country ſhould join with them againſt us. Some objected to the ſettlement made at Munſter, as a tranſaction, when we were in ſuch confuſion at home, that we had no miniſter there; but that treaty had only rendered the truce and the proviſional ſettlement made before, by the mediation of England, perpetual; and we had ſince acquieſced in that ſettlement for above ſixty years. By examining into the particulars of the treaty, it appeared that, in ſome inconſiderable matters, the lord Townſhend had gone beyond the letter of his inſtructions, in which he had ſo fully ſatisfied the late miniſtry, that though, upon his firſt ſigning it, ſome exceptions had been taken, yet theſe were paſſed over, and the treaty was ratified in form.

But the new miniſtry had other views: They deſigned to ſet the queen at liberty from her engagements by theſe alliances, and to diſengage her from treaties. The houſe of commons went now very haſtily into ſeveral reſolutions that were very injurious to the ſtates. They pretended the ſtates had been deficient in their quotas for ſea-ſervice, ſome years two thirds, and generally more than half their quota. That

[q] Dr. Swift in particular publiſhed a piece intitled, 'Some remarks on the Barrier-treaty between her majeſty and the States-general, to which are added, the ſaid Barrier-treaty, with two ſeparate articles; part of the counter-project; the ſentiments of prince Eugene and count Zinzendorf upon the ſaid treaty; and a repreſentation of the Engliſh merchants at Bruges'. He attacked likewiſe the ſame treaty in his 'Conduct of the allies and of the late miniſtry'; but his remarks upon it were confuted in the ſecond part of 'Dr. Hare's allies and the late miniſtry defended againſt France, and the preſent friends of France'. On the ſame ſide was alſo publiſhed a piece in octavo, called, 'The Dutch Barrier ours: Or the intereſt of England and Holland inſeparable'. But the moſt conſiderable treatiſe upon this ſubject was publiſhed at London, in 1712, in octavo, under the title of 'The Barrier-treaty vindicated', which is ſuppoſed to have been written by the lord Townſhend, Mr. Stephen Poyntz, Dr. Samuel Clarke, and Dr. Hare. This piece begins with repreſenting the fatal conſequences of ſubmitting to a Popiſh prince, and the neceſſity of ſecuring the Proteſtant ſucceſſion: That the Proteſtant ſucceſſion, under the circumſtances of it at that time, could no otherwiſe be effectually ſecured, than by a foreign aſſiſtance; ſince the French king's promiſe, of not ſupporting the Pretender, could not be depended upon, and ſince England alone was not ſufficient to defend herſelf againſt France. That no alliance was ſo uſeful, in order to ſecure the Proteſtant ſucceſſion, as that of the ſtates-general, whether we conſider their ſituation, ſtrength, religion, or intereſt, and the nature of their trade compared with our own. That, with regard to the barrier, it is in itſelf, and apart from all other conſiderations, the true intereſt of England, that there ſhould be a good and ſufficient barrier againſt France on the ſide of the Netherlands: That no barrier could be ſufficient, that was not at leaſt equal to that ſtipulated in the Barrier-treaty: That the barrier inſiſted on, in the preliminaries of 1709, was not ſufficient for the defence of the Low-Countries, becauſe it conſiſted but of one ſingle line or chain of towns; whereas what might be further claimed, by virtue of the Barrier-treaty, was far from being more than neceſſary for that end: That the defence of the barrier ought to be committed to the ſtates, ſince it could not be preſerved by treaties with France, nor by defenſive alliances againſt her, nor by the houſe of Auſtria; nor by troops lent for the defence of the barrier, nor by England, but only by the ſtates. That, for the defence of the barrier in the hands of the ſtates, it was neceſſary they ſhould have a ſafe and free communication with it, and reaſonable, that the country of the barrier ſhould contribute towards the charge of maintaining it. That the Dutch had a right to a ſufficient barrier, and to have themſelves the defence of it, was acknowledged by the allies previous to the Barrier-treaty: That the ſtates having a barrier purſuant to the preſent treaty, was far from expoſing Great-Britain to any danger from them: That their barrier was granted them under ſuch regulations and reſtrictions, that they could not attempt any thing to the prejudice of the trade of Great-Britain, without a direct violation of the treaty, and an open rupture with our nation: That they were to have only the military command in the barrier towns, without any power of impoſing duties, prohibiting trade, or making any orders relating to commerce: That they were bound by the treaty to aſſiſt her majeſty, in caſe any others ſhould attempt to put our trade on a worſe foot than that of the nations the moſt favoured: That, even in caſe of a rupture with us, the ſtates could not obſtruct our trade in the Netherlands, without breaking at the ſame time with the emperor alſo: That if the fear of obſtructing our trade was an objection againſt truſting the ſtrong towns in the Netherlands in the hands of the ſtates, it was a ſtrong objection againſt truſting them in any other hands whatſoever. That, when the barrier was once put into the hands of the ſtates, it would be more their intereſt than ever to avoid breaking with England. That, ſuppoſing the ſtates ſhould be ſo imprudent, as to break with England, their barrier would be ſo far from making them more rich or formidable, that it would rather exhauſt and weaken them, with reſpect to England: becauſe the whole revenue of the Spaniſh Netherlands had never been ſufficient, ſince the Pyrenean treaty, to keep them in a tolerable poſture of defence; and therefore much leſs can that portion, aſſigned the ſtates by the treaty, be ſufficient. That with regard to the great objection, founded on the fifteenth article of the treaty, that it was highly prejudicial to the commerce of Great-Britain, to ſubmit our trade in the Spaniſh dominions to an equality with that of Holland and other nations; this is confuted by theſe conſiderations: That the trade of England and Holland to the Spaniſh dominions had always ſtood upon an equal foot, not only by virtue of their reſpective treaties with the crown of Spain, but likewiſe in fact; and that the crown of England had been ſo far from not ſubmitting to the advantages granted the Dutch by the treaty of Munſter, that it actually firſt procured them for the ſtates, and by a particular expreſs treaty, became guarantee for the performance: And that her majeſty was laid under no engagement by the fifteenth article of the Barrier-treaty, but what ſhe was previouſly obliged to by the grand alliance, as appears from the eighth article of that alliance. In the obſervations on the treaty and counter project, it is ſhewn, that there was not one variation of any moment throughout the whole treaty, but what was either purſuant to former treaties, or neceſſary to the rendering the barrier complete and effectual; and, on that account, as much for the intereſt of England, as of Holland itſelf.

the forces ſupplied by the ſtates for the ſervice of Spain from 1705, to 1708, were no more than twelve thouſand two hundred men, and they had ſince ſent thither no forces at all. That the ſtates, during the courſe of the war, had furniſhed leſs than their proportion in Flanders, twenty thouſand eight hundred and thirty-ſeven men. That the queen had paid in ſubſidies more than her proportion three millions one hundred and fifty-five crowns. Then they fell on the Barrier-treaty. They gave out that the old miniſtry deſigned to bring over an army from Holland, whenever they ſhould, for other ends, pretend that the Proteſtant ſucceſſion was in danger; whereas it was urged, that there was no need of any foreign aſſiſtance to maintain it. In the debate, it was inſiſted on, that it could be maintained ſafely no other way: It was not to be doubted but the king of France would aſſiſt the Pretender. England was not inclined to keep up a ſtanding army in time of peace to reſiſt him; ſo that we could not be ſo ſafe any other way, as by having the ſtates engaged to ſend over their army, if it ſhould be neceſſary. But reaſon is a feeble thing to bear down reſolutions already taken, ſo the commons voted, I. 'That in the treaty between her majeſty and the ſtates-general, for ſecuring the ſucceſſion to the crown of Great-Britain, and for ſettling a Barrier for the ſtates-general againſt France, under colour of ſecuring the Proteſtant-ſucceſſion, and providing a ſufficient barrier to the ſtates-general againſt France, there were ſeveral articles deſtructive to the trade and intereſt of Great-Britain, and therefore highly diſhonourable to her majeſty. II. That the lord viſcount Townſhend had not any orders or authority for negotiating or concluding ſeveral articles in that treaty. III. That the lord viſcount Townſhend, who negotiated and ſigned, and all thoſe, who adviſed the ratifying of that treaty, were enemies to the queen and kingdom'.

Theſe votes were carried by a great majority, and were looked on as ſtrange preludes to a peace. When the ſtates heard what exceptions were taken to the Barrier-treaty, they wrote a very reſpectful letter to the queen, ſetting forth their juſt claim to, and the neceſſity of, the barrier for the ſecurity of England as well as Holland; concluding, 'That if there were ſome articles, which, without affecting the eſſentials of the treaty, might be thought to want explanation, her majeſty ſhould find them willing and ready to treat thereupon, and with all the facility and condeſcenſion that could be required of them, whatever ſhould not be of the laſt importance for the ſecurity and preſervation of their State. Intreating, withal, her majeſty to continue towards them that very precious friendſhip and good-will, with which ſhe had hitherto honoured them'. How much ſoever diſintereſted people might be affected with this letter, it made no impreſſion on the miniſtry, and the managers of the houſe of commons got all their votes to be digeſted into a well-compoſed inflaming repreſentation, which was laid before the queen; by it all the allies, but moſt particularly the ſtates, were charged with having failed in many particulars, contrary to their engagements: They alſo laid before the queen the votes they had made, with relation to the Barrier-treaty; and that they might name a great ſum, that would make a deep impreſſion on the nation (which was ready to receive all things implicitly from them) they ſaid England had been, during the war, overcharged nineteen millions, beyond what they ought to have paid; all which was caſt on the old miniſtry.

The ſtates, reſenting theſe proceedings, drew up a large memorial, in which every particular in the repreſentation was examined and fully anſwered. The two firſt heads of this memorial, which related to the ſervice at ſea and in Flanders, were printed here, and publiſhed in Engliſh in the Daily Courant, of April 7, containing a full anſwer to all that was charged on them, as to thoſe matters; to the ample conviction of all who examined the particulars. The houſe of commons ſaw the effect this was like to have; and therefore they voted the pretended (as they called it) memorial, to be a falſe, ſcandalous, and malicious libel, reflecting upon the reſolutions of the houſe, and that the printing of it was a breach of privilege. And, to ſtop the printing of the other heads, Mr. Samuel Buckley, the writer and printer of the Daily Courant, was taken into cuſtody. This was a confutation, to which no reply could be made; yet it ſeemed to be a confeſſion that their repreſentation could not be juſtified, when the anſwer to it was ſo carefully ſtifled. It was then generally reported, that the chief handle for this cenſure was a ſuppoſition that the memorial was not genuine; which appeared ſoon after to be entirely groundleſs, for the memorial had not only been printed at the Hague, but delivered by their envoy Van Borſelen to the queen, by whoſe order Mr. St. John wrote a ſhort anſwer[r].

The houſe of commons proceeded next to the repeal of the naturalization act, which had paſſed the laſt parliament in favour of the Proteſtant foreigners. A bill for the repeal of this act had been thrown out by the lords the laſt year, but it now paſſed both houſes, and received the royal aſſent.

Thoſe, who were ſuſpected of having bad deſigns, applied themſelves with great induſtry to drive on ſuch bills as they hoped would give the Preſbyterians in Scotland ſuch alarms, as might diſpoſe them to remonſtrate that the Union was broken.

To this end ſeveral bills were brought into the houſe of commons: They began with propoſing one for a toleration for the epiſcopal clergy to uſe the liturgy of the church of England. This ſeemed ſo reaſonable that no oppoſition was made to it: However the kirk of Scotland being alarmed at the deſign of ſetting up the church of England's liturgy and worſhip in North Britain; and upon the firſt notice, that a bill for that purpoſe was brought into the houſe of commons, the commiſſioners of the general aſſembly drew up a large repreſentation to the queen, ſetting forth, 'That the ſixth act of parliament in 1707, for ſecuring the Proteſtant religion and Preſbyterian government, (whereby all other acts in favour of the ſame are ratified and approved) is declared to be an eſſential and fundamental condition of the treaty of Union, without any alteration thereof, or derogation thereto, in any ſort, for ever, even beyond the reach of parliament. That they could not but expreſs their ſurprize and deep affliction, to hear of a bill offered for ſuch a large and almoſt boundleſs toleration, not only threatening the overthrow of their church, but giving a large licence almoſt to all errors and blaſphemies, and throwing up all good diſcipline, to the diſhonour of God, and the ſcandal and ruin of the true Chriſtian religion, and the infallible diſturbance of the quiet, and to the confuſion of that church and nation: And therefore with all humility, but with the greateſt earneſtneſs, they did beſeech, nay obteſt her majeſty, by the ſame mercy of God, that reſtored that church, and raiſed her majeſty to the throne, to interpoſe for the relief of that church, and the maintenance of the preſent eſtabliſhment, againſt ſuch a manifeſt and ruining incroachment, in ſuch manner, as in her royal wiſdom and juſtice ſhe ſhould think needful'. Notwithſtanding this repreſentation (which was preſented to the queen by Mr. Carſtairs, principal of the college of Edi-

[r] The anſwer was as follows:

'The queen having maturely conſidered the memorials of the 3d of April, which were preſented to her majeſty by the ſieur Van Borſelen, envoy-extraordinary from the lords the ſtates-general, and the reſolution of the ſaid ſtates of the 22d of the ſame month, which was communicated to her majeſty by the earl of Strafford, her ambaſſador-extraordinary, and plenipotentiary in Holland, has ordered me to give this anſwer in few words: That her majeſty is ſurprized to find, that far from giving the deſerved praiſes to the efforts, which her majeſty has made in Spain, and Portugal, two theatres of the war, that have been abandoned by the ſtates for ſo many years, the ſaid efforts, are looked upon only as quotas, which the queen was obliged to furniſh according to the rule of proportion, which has not the leaſt foundation. Her majeſty agrees, that, according to the principles laid down in the reſolution abovementioned, Great-Britain will never contribute enough, nor the United-Provinces too little.

There it is advanced as a maxim, that the power of each of the allies is the only rule and meaſure of the efforts they are to make; and, after this, the ſtates ſet up for judges, as well of the power of her majeſty's kingdom, as of that of their own ſtate. It is not difficult to perceive how far this ſort of logic would carry us: But her majeſty, far from being obliged by this memorial mentioned in the reſolution of the 22d of April to change her ſentiments, thinks fit to renew the declarations, which the earl of Strafford made by her order, and in her name. Theſe are not points, which the queen propoſes as a ſubject of negotiation, but a communication to her allies of the reſolution ſhe has taken, and of the rule laid down, that they may thereupon concert their meaſures.

The houſe of commons, which is compoſed of members ſent from each county of the kingdom, and who are competent judges of what burden the people are able to bear, have only granted ſubſidies for the current year, according to the proportions, and under the conditions, which have been imparted to the ſtates-general.

Her majeſty has declared to the houſe, that ſhe thought theſe conditions reaſonable, and has given her orders according to the plan, in which, by conſequence, there is not the leaſt alteration to be expected.

The queen looks upon an union betwixt herſelf and the ſtates to be the ſtrongeſt ſupport of the common cauſe; and for that reaſon has done all that ſhe could to traverſe the deſigns of thoſe factious ſpirits, which tended to break that union. The propoſals, which have been made, by her majeſty's plenipotentiaries to the miniſters of the ſtates-general, do uncontrovertibly manifeſt the queen's ſincere deſire to entertain a good correſpondence and ſtrict union with the ſtates. Theſe are all the ſteps, which her majeſty could take for that end. Her majeſty flatters herſelf, that they will have the effect, which ſhe ought to expect from them: and that they will diſſipate all thoſe vain fears and ill grounded jealouſies, which have been diſperſed with ſo much induſtry throughout the ſeven provinces. But, however that be, her majeſty will have this comfort, that ſhe has neglected nothing of what was in her power to contribute towards the ſatisfaction of the ſtates-general, without abandoning the intereſt of her own kingdoms'.

Done at Whitehall,
May 18, 1712.

H. St. John.

burgh) the act went on, and a clauſe was put in it, that occaſioned great complaints; the magiſtrates, who by the laws were obliged to execute the ſentences of the judicatories of their kirk, were by this act required, to execute none of them. It was reaſonable to require them to execute no ſentences, that might be paſſed on any, for doing what was tolerated by this act; but the carrying this to a general clauſe took away the civil ſanction, which in moſt places is looked on as the chief, if not the only, ſtrength of church power. Thoſe, who were to be thus tolerated, were required, by a day limited in the act, to take the oath of abjuration: it was well known, that few, if any of them, would take that oath; ſo, to cover them from it, a clauſe was put in this act, requiring all the Preſbyterian miniſters to take it; ſince it ſeemed reaſonable, that thoſe of the legal eſtabliſhment ſhould be required to take that, which was now to be impoſed on thoſe, who were only to be tolerated. It was well underſtood, that there were words in the oath of abjuration, to which the Preſbyterians excepted. In the act of ſucceſſion, one of the conditions, on which the ſucceſſor was to be received, was, his being of the communion of the church of England; and, by the oath of abjuration, the ſucceſſion was ſworn to, as limited by that act: The word, Limitation, imported only the entail of the crown; but it was ſuggeſted, that the particle, As, related to all the conditions in that act. This was ſpread among ſo many of that perſuaſion, that it was believed a great party among them would refuſe to take it: So a ſmall alteration was made by the houſe of lords of theſe words, 'As was limited', into words of the ſame ſenſe, 'Which was limited; but thoſe, who intended to excuſe the Epiſcopal party, who they knew were in the Pretender's intereſts, from taking the oath, were for keeping in thoſe words, which the Preſbyterians ſcrupled. The commons accordingly diſagreed to the amendment made by the lords; and, they receding from it, the bill paſſed, as it had been ſent up by the commons[s]. By this act the Epiſcopal clergy, provided they have been ordained by a Proteſtant biſhop, and taken the oaths of allegiance and abjuration, are permitted to uſe in their meetings the liturgy of the church of England without moleſtation. By the ſame act the miniſters of the eſtabliſhed church of Scotland are alſo obliged to take the oaths.

Another act paſſed for diſcontinuing the courts of judicature, during ſome days in Chriſtmas, though the obſerving of holidays was contrary to the principles of the Preſbyterians[t]. But this was intended only to exaſperate them.

Some time after the Toleration-act, a bill was brought in for the reſtoring of patronages. It was eſtabliſhed by the Preſbyterians from the time of the reformation, as a principle, that pariſhes had, from warrants in Scripture, a right to chuſe their miniſters: And therefore they had always looked on the right of patronage as an invaſion of their principles, and had aboliſhed it by law as a grievance. This right having been reſtored with Epiſcopacy in 1661, continued till 1690, when Preſbyterian church-government was again eſtabliſhed, and the right of patronage taken away. But it was now reſolved that it ſhould be reſtored. It was urged in oppoſition to it, that ſince, by the act of Union, Preſbytery, with all its rights and privileges, was unalterably ſecured, and ſince their kirk-ſeſſion was a branch of their conſtitution, the taking from them the right of chuſing their miniſters was contrary to that act: Yet the bill paſſed through both houſes, a ſmall oppoſition being only made in either. By theſe ſteps the Preſbyterians were alarmed, when they ſaw the ſucceſs of every motion that was made, on deſign to weaken and undermine their eſtabliſhment.

The ſelf-denying bill for limiting the number of officers ſitting in the houſe of commons was brought in, and, as was uſual, it eaſily paſſed there: The ſcandal of corruption was now higher than ever; for it was believed men were not only bribed for a whole ſeſſion, but had new bribes for particular votes. The twelve new peers, being brought into the houſe of lords, had irritated ſo many there, that, for two days, by all the judgments that could be made of the houſe, the bill was likely to have paſſed that houſe: But, upon ſome prevailing arguments, ſecretly and dextrouſly applied to ſome lords, an alteration was made in it, by which it was loſt: For whereas the bill, as it ſtood, was to take place after the determination of the preſent parliament, this was altered, ſo as that it ſhould take place after the demiſe of the queen; ſo it was no more thought on.

Prince Eugene ſtill continued in England, and was treated very civilly by the queen, though not with that diſtinction that was due to his high merit: Nor did he gain any ground with the miniſtry.

He had preſented a memorial to the queen (which he publiſhed in February) containing an account of the emperor's conduct in the war; concluding, with a propoſal in relation to the war in Spain. Some days paſſed before any notice was taken of this memorial, but, at laſt, Mr. St. John acquainted the commons, 'That he had received her majeſty's command to communicate to that houſe a propoſition made to her majeſty by prince Eugene of Savoy, in the name of the emperor, for the ſupport of the war in Spain; viz. 'His imperial majeſty judges, that forty thouſand men will be ſufficient for this ſervice; and that the whole expence of the war in Spain may amount to four millions of crowns; towards which his imperial majeſty offers to make up the troops, which he has in that country, to thirty thouſand men, and to take one million of crowns upon himſelf'. It was obſerved, that no member ſaid any thing to this meſſage; which made the prince very uneaſy about the ſucceſs of a negotiation, which had detained him ſo long from other important affairs on the continent. On the other hand, the courſe of the public entertainments, to which he was daily invited, was by this time interrupted by the death of his nephew, the chevalier de Savoye, who, being taken ill of the ſmall-pox the 20th of February, died four days after, in the 21ſt year of his age; and his corpſe was depoſited, without any funeral pomp, in the vault belonging to the dukes of Ormond, in Weſtminſter-Abbey.

Prince Eugene having delayed his departure as long as poſſible, in hopes of ſucceeding in his negotiation, had his audience of leave the 13th of March. He embarked the 17th, and, two days after, arrived at the Hague in the Peregrine yacht. Biſhop Burnet, whilſt the prince was in England, was admitted ſeveral times to much diſcourſe with him, and, from what appeared to him, the prince had a moſt unaffected modeſty, and ſcarcely bore the acknowledgments that all the world paid him: He deſcended to an eaſy quality with thoſe with whom he converſed, and ſeemed to aſſume nothing to himſelf, while he reaſoned with others.

During prince Eugene's ſtay in England, upon occaſion of ſome frolics and diſorders committed in the night-time, either by town-rakes, or drunken ſoldiers, a report was induſtriouſly ſpread, 'That there were great numbers of diſaffected perſons, who, under the name of Mohocks or Hawkubites, had combined together to diſturb the public peace; and who, in an inhuman manner, without any provocation, aſſaulted and wounded thoſe, whom they met with in the ſtreets, ſlitting or flatting people's noſes; gagging or diſtending their mouths with iron inſtruments, and committing many other extravagant cruelties.' At the ſame time printed liſts were handed about of many perſons, ſaid to have been taken up and committed to ſeveral priſons, upon account of theſe barbarities, amongſt whom ſome men of figure and titles were inſinuated to be; which gained ſo ſtrong a belief, and ſtruck ſuch a terror among the vulgar, that, as ſoon as night drew on, many were deterred from going about on their lawful occaſions. Hereupon the matter being laid before the queen, her majeſty, by the advice of her privy-council, iſſued a proclamation, 'for the ſuppreſſing of riots, and the diſcovery of ſuch as had been guilty of the late barbarities within the cities of London and Weſtminſter, and parts adjacent; charging and commanding, that the offenders be proſecuted with the utmoſt ſeverity and rigour of the law, and promiſing a reward of one hundred pounds for the diſcovery and apprehending of any perſon, who, ſince the firſt day of February laſt, had, without any provocation, wounded, ſtabbed, or maimed, or who ſhould, before the firſt day of May, wound, ſtab, or maim, any of her majeſty's ſubjects'. Though this proclamation at firſt confirmed the belief of the barbarities and riots, for the ſuppreſſing of which it was intended; yet the conſequence of it ſhewed, upon what ſlight grounds that belief had been entertained. For when people, under ſecurity of this proclamation, came to enquire calmly and coolly into the matter, it was found, that no other diſorders had happened of late, but ſuch as are uſual, and almoſt unavoidable in populous cities. But it was remarkable, that Brinſden, the oculiſt, and other agents of the men in power, were ſhrewdly ſuſpected of having raiſed and improved the report of this pretended combination of Mohocks and Hawkubites, in order to throw the odium of it upon the Whigs, whom, by all poſſible means, they endeavoured to render obnoxious

[s] When the commons read this bill the third time, Sir David Dalrymple ſaid, 'Since I ſee the houſe is reſolved to make no alterations in the body of the bill, I acquieſce, and only deſire, the title of it may be this: A bill for eſtabliſhing Jacobitiſm and Immorality.' Pr. H. C. Vol. IV.

[t] The title of this act is, 'An act for diſcharging the Yule Vacance'.

to the people. However, to colour theſe proceedings, two common pick-pockets were tried, found guilty, and ſeverely fined for form ſake. And the lord Hinchinbrooke, then a youth, and an officer of the army, who, at the deſire, and in company of a conſtable, went out one night in queſt of the pretended Mohocks, were afterwards likewiſe arraigned and tried, as diſturbers of the public peace: But, their innocence manifeſtly appearing, the notion of Mohocks and Hawkubites was univerſally exploded.

The French refugees having preſented a petition to the queen for her interpoſition at the treaty of Utrecht in favour of their brethren under perſecution in France, and for the reſtitution of their eſtates in that kingdom, of which they had been ſo unjuſtly deprived; the earl of Dartmouth wrote a letter to monſieur Du Bourdieu and Graverole, two French Proteſtant miniſters, agents for the reſt; aſſuring them, that the biſhop of Briſtol and the earl of Strafford were already under the ſtricteſt orders to ſupport the intereſt of the French refugees at the negotiations of peace. Accordingly, the queen appointed Armand de Bourbon, marquis de Miremont, nephew to the earl of Feverſham, to go to Utrecht, and, in her majeſty's name, to take particular care of the intereſt of the French refugees. Notwithſtanding all this, they ſoon found that their intereſts were either but faintly ſupported by Great-Britain, or the court of France ſhewed no regard to the queen's interceſſion.

The ſupplies demanded were given by the commons, in all about ſix millions. There were two lotteries of one million eighteen hundred thouſand pounds each, for which a fund was created to pay both principal and intereſt in thirty-two years. Among the duties for raiſing this ſum, was a ſtamp-duty at two-pence a ſheet on news-papers and pamphlets. A motion was made for a clauſe to be put into one of the lottery bills, for appointing commiſſioners to examine the value and conſideration of all the grants made ſince the revolution. The miniſters apprehending the difficulty of carrying a money-bill, with a tack to it, through the houſe of lords, becauſe of their former reſolution againſt ſuch a practice, and the treaſurer promiſing ſome leading men, that he would uſe his intereſt to procure the paſſing a grant-bill, ſingle, in the houſe of peers, they prevailed to have it ſeparated from the money-bill, and, when paſſed, it was ſent up to the lords. Thoſe, who continued to pay a reſpect to the memory of king William, thought it was a very unbecoming return to him, who had delivered the nation from ſlavery and popery, to caſt ſo particular an indignity on his grants. The bill made all its ſteps through the houſe of lords, to the laſt, with a ſmall majority of one or two. On the third reading of the bill, a warm debate aroſe, in which the duke of Argyle ſaid, 'That, if for the eaſe of the public it was found proper to reſume the grants of the crown, he would readily give his vote for it, provided they would go ſo far back as the reſtoration of king Charles the Second. But he could never agree to limit the bill to grants of king William, becauſe ſuch an act would be injurious to the memory of the deliverer of Great-Britain, and all Europe; which ought to be had in reverence by all honeſt men'. The earl of Wharton, the lord Cowper, and lord Hallifax ſpoke, with great force and eloquence, againſt the partial diſtinction between grants ſince the revolution, and thoſe before it; adding, that ſuch a diſtinction gave too much credit to a miniſtry, who by the paſſing of the bill would have the means in their hands, to ruin and oppreſs thoſe, who had not the good luck to pleaſe them. The earl of Nottingham, who had been abſent the firſt two days, ſpoke on this occaſion, and ſaid, 'He always thought thoſe grants were too large, and very unſeaſonably made, but he thought there ought to be an equal way of proceeding in that matter; they ought either to reſume them all, or to bring all concerned in them to an equal compoſition: he therefore could not approve of this bill, which, by a very clear conſequence, would put it in the power of a fellow-ſubject, to reſume or to cover grants, at his pleaſure; and ſo it would put the perſons, concerned in the grants, into too great a dependance on him.' To this the lord-treaſurer anſwered, 'That no one had reaſon to be alarmed at the bill, ſince the intent of it was only to examine the value of the grants made by king William, and upon what conſiderations they were given; but that, as it was preſumed, thoſe, who enjoyed them, had rendered very ſignal ſervice to their country, ſo it was not to be doubted, but the parliament would confirm the ſame'. The earl of Wharton replied, 'That it was alſo to be preſumed, that thoſe, who enjoyed the grants of king Charles the Second and king James the Second might have likewiſe done important ſervice to the nation: Wherefore it would be very proper to look into the motives of all thoſe grants, in order to confirm them to thoſe who had deſerved them'. The earl of Oxford ſaid, 'That he had been informed, that the commons had no deſign abſolutely to reſume the grants of king William, but only to make the poſſeſſors pay the value of four or five years rent, for which they ſhould have the grants confirmed to them for ever': To which the earl of Wharton again replied, 'That he would not call in queſtion what a lord of ſuch probity and ſincerity had advanced; but that the reſumption of all the grants of Ireland ſufficiently ſhewed, that the commons had not been content with a part'. Several other ſpeeches, that were made on both ſides, prolonged the debate till between ſix and ſeven in the evening, when the queſtion being put, that the bill do paſs, it appeared upon the gathering of the votes, that there were ſeventy-eight voices on each ſide, fifty-three preſent, and twenty-five proxies for the affirmative; and fifty-two preſent, and twenty-ſix proxies for the negative; ſo the votes being equal, by the rule of the houſe, the negative carried it, to the great diſappointment of the enemies of the revolution. It was obſerved, that the loſs of this bill was in a great meaſure owing to the vigilance of the late duke of Portland. He being informed, that the lord Colepepper had ſent his proxy to the earl of Sunderland, who, by reaſon of his indiſpoſition, could not produce it, immediately diſpatched an expreſs to the lord Colepepper, and he ſent his proxy to another lord time enough to create part of the negative. On the other hand, many were of opinion, that, had not the duke of Buckingham and the earl of Strafford abſented themſelves from the houſe, the bill had certainly paſſed.

The queen three days after came to the houſe of peers, and gave the royal aſſent to the money-bills and others. As the earl of Strafford was now in London, it was expected, the queen would have laid before the parliament a ſtate of the negotiations of peace which had been carried on at the Hague. But, ſome points not being yet ſettled between the Britiſh and French Courts, ſhe did not think fit to make a ſpeech to both houſes. However, the ſpeaker, at preſenting the lottery-bill, ſaid in his compliment to the queen, 'Your faithful commons are in hopes, that what they have ſo chearfully given, for your majeſty's occaſions, will enable your majeſty to put an end to the preſent war by a ſafe and honourable peace'. There being no account come of any peace, as ſoon as the commons were returned to their houſe, Mr. Benſon, chancellor of the exchequer, afterwards lord Bingley, moved, that the call of the houſe (which had been ſeveral times put off) might be adjourned to the 4th of June, when he did not doubt, but the queen would lay before them the reſult of the preſent negotiations. Mr. Hampden complained, ſaying, 'Notwithſtanding all the promiſes given from time to time to the commons, we have an unactive and lazy campaign, and a trifling negotiation of peace; ſo that we are amuſed by our miniſters at home, and tricked by our enemies abroad'. Mr. ſecretary St. John had too great a ſhare in the management of affairs not to reſent theſe inſinuations; and ſaid with ſome emotion, 'That they highly reflected on her majeſty, and her miniſters. But though ſome members had been ſent to the Tower for leſs offences, and that he, who ſpoke laſt, might be fond of that honour; yet he hoped the houſe would be of another opinion'. Sir Richard Onſlow replied, 'That to ſuppoſe her majeſty, or her miniſters, to have any influence on the deliberations of that houſe, was injurious to her majeſty, and a violation of the privileges of that houſe'. In which he was ſeconded by Mr. Lechmere. But the debate went no further, in conſideration, as the friends of the prevailing party ſuggeſted, that, the ſeſſion drawing to an end, the commitment of a member at that time would rather be a pride than a mortification to him. And ſo, according to the motion of the chancellor of the exchequer, the call of the houſe was put off till the 4th of June.

A great change happened in the affairs of France, at the very time their plenipotentiaries were negotiating at Utrecht. The dauphin, the only ſon of the king of France, who died, in the 50th year of his age, of the ſmall-pox, on the 14th of April, N. S. 1711, left behind him three ſons, the duke of Burgundy, the king of Spain, and the duke of Berry. On the 12th of February 1711-12, N. S. the dauphineſs, Mary Adelaida of Savoy, died at Verſailles in the 26th year of her age, having been taken ſuddenly ill of a ſurfeit, as it was given out, three days before: And the dauphin himſelf, Lewis, late duke of Burgundy, ſurvived his ſpouſe but ſix days, dying at Marly on the 18th of the ſame month, in the 30th year of his age: And, in a few days after him, his eldeſt ſon, who was five years old, died likewiſe; and his ſecond ſon, then but two years old, was thought to be in a dying

condition. Theſe deaths, coming ſo quick one after another, ſtruck the French court. The king himſelf was for ſome days ill, but he ſoon recovered. Such repeated ſtrokes were looked upon with amazement. Poiſon was ſuſpected, as is uſual upon all ſuch occaſions; and the duke of Orleans was generally charged with it. He was believed to have dealt much in chemiſtry, and was an ambitious prince. While he was in Spain at the head of king Philip's army, he formed a project to ſet him aſide; and to make himſelf king of Spain, in which, as the lord Townſhend told biſhop Burnet, he went ſo far, that he tried to engage Mr. Stanhope, to preſs the queen and the ſtates-general to aſſiſt him, promiſing to break with France, and to marry king Charles's dowager [u]. This being diſcovered, he was upon that called out of Spain; and it was thought, that the only thing, that ſaved him, was the king's kindneſs to his natural daughter, whom he had married. The king not only paſſed it over, but ſoon after obliged the duke of Berry to marry his daughter; ſuch care had the old king taken to corrupt the blood of France, with the mixture of his ſpurious iſſue. King Philip was not at all pleaſed with the alliance; but wrote to his elder brother, expoſtulating with him for not oppoſing the marriage more vigorouſly; with which he profeſſed himſelf ſo diſpleaſed, that he could not be brought to congratulate upon it. This letter was ſent from Madrid to Paris, but was intercepted, and ſent to Barcelona, and from thence to the Hague.

The duke of Burgundy, when he became dauphin upon his father's death, had been let into the underſtanding the ſecrets of government; and, as was given out, he had on many occaſions expreſſed a deep ſenſe of the miſeries of the people, with great ſentiments of juſtice. He had likewiſe, in ſome diſputes, which cardinal de Noailles had with the Jeſuits, eſpouſed his intereſts, and protected him. It was likewiſe believed, that he retained a great affection to the archbiſhop of Cambray, whoſe fable of Telemachus carried in it the nobleſt maxims poſſible for the conduct of a wiſe and good prince, and ſet forth that ſtation in ſhining characters, but which were the reverſe of Lewis the XIVth's whole life and reign. Theſe things gave the French a juſt ſenſe of the loſs they had in his death; and the apprehenſions of a minority, after ſuch a reign, ſtruck them with great conſternation. Theſe deaths, in ſo critical a time, ſeemed to portend, that all the vaſt ſchemes, which the French king had formed with ſo much perfidy and bloodſhed, was in a fair way to be ſoon blaſted. But his affairs were ſoon retrieved by the enſuing peace, to the negotiations of which it is now time to turn.

The place appointed for the congreſs was the city of Utrecht; and the day named for opening it, was the firſt of January 1711-12, O. S. The firſt miniſter that appeared at the place of treaty was doctor Robinſon, lord privy-ſeal, one of the Britiſh plenipotentiaries, who came there the 15th of January; and, two days after, arrived the other Britiſh plenipotentiary, the earl of Strafford. On the 18th came alſo two of the Dutch plenipotentiaries [w], who were followed the next morning by the three French plenipotentiaries, the marſhal d'Uxelles, the abbot de Polignac, and monſieur Meſnager [x]. The emperor and the empire ſent their miniſters very late and unwillingly; but they ſubmitted to the neceſſity of their affairs. Yet, upon this condition (poſitively given them by the earl of Strafford, and confirmed to prince Eugene by the Britiſh court) that the ſeven preliminaries offered by France, and ſigned by Meſnager, ſhould be only bare propoſals, and ſhould not be admitted as the baſis of the treaty. To ſave the loſs of time in ſettling the ceremonial, it was alſo agreed, that the plenipotentiaries ſhould aſſume no character of dignity, till all matters were adjuſted, and made ready for ſigning. At the ſame time, it was likewiſe agreed, that the general conferences ſhould begin on Friday the 29th of January, N. S. and ſhould afterwards be held on Wedneſdays and Saturdays at ten in the morning.

Theſe things being ſettled, the firſt conference was opened on the day appointed, by eight miniſters of the allies, namely, the two Britiſh, four of the States-general, two of the duke of Savoy's, and the three plenipotentiaries of France. The lord privy-ſeal, (who appeared in a black velvet-gown, adorned with gold loops, with a long train borne up by two pages in aſh-coloured coats, laced with ſilver orris, and waiſtcoats of green velvet) addreſſed himſelf to the miniſters of France in the following ſpeech:

Gentlemen,

"We are this day met together, in the name of God, to lay the foundation of a general peace between the high allies and the king your maſter. We bring ſincere intentions, and alſo poſitive orders from our principals, to concur in every thing on their part, which may tend to the furtherance and happy concluſion of ſo beneficial and Chriſtian-like a work.

On the other hand, we are in hopes, gentlemen, that you are of the ſame mind, and that your inſtructions are ſo full, as to enable you to anſwer, without loſs of time, the expectation of the high allies, in explaining yourſelves clearly and roundly upon the points, which are to be ſettled in theſe conferences: And that you will do it in ſo plain and particular a manner, that all and every of the confederate princes and ſtates may find a juſt and reaſonable ſatisfaction upon their reſpective pretenſions." The marſhal d'Uxelles, firſt plenipotentiary of France, anſwered, "That it could not be doubted, but his moſt chriſtian majeſty had a ſincere and ardent deſire to give peace to Europe;" adding, "That with this view his majeſty had furniſhed his plenipotentiaries with ample inſtructions, and a full power to come to the concluſion of ſo beneficial a work, which was ſo earneſtly deſired by all Europe." The earl of Strafford took occaſion to declare, that the queen had received the general propoſitions as a foundation for a negotiation of peace; but that they were binding to France only, and not to the allies; to which the French miniſters readily aſſented. But it is to be obſerved through the whole proceeding, that this is meant of the propoſitions ſigned by Meſnager only, the congreſs not having the leaſt notice or cognizance of what was ſigned, both on the part of France and England too; which had been hitherto concealed, and, upon all occaſions, publicly diſowned. The plenipotentiaries of the ſtates and duke of Savoy made likewiſe ſpeeches ſuitable to the occaſion; after which, the aſſembly broke up. The next day, the miniſters of the allies agreed to meet at the town-houſe twice a week during the congreſs, in order to preſerve union amongſt them, and to take the neceſſary meaſures for promoting the intereſt of the reſpective princes and ſtates they repreſented. At one of theſe meetings, becauſe the French miniſters had in their ſpeeches promiſed to deliver in writing the intentions of their court, it was reſolved to deliver to them, in the next conference, a declaration, "That the miniſters of the high allies, already there, expected, according to the offers of the miniſters of France, the plan or ſcheme they had promiſed; and would not fail to return an anſwer thereto, for what concerned the particular intereſt of their principals; and as to the miniſters of ſuch of the allies, who were ſtill abſent, they had reaſon to believe, that they would forthwith repair thither, to concur with them in their anſwer."

This paper being delivered to the French miniſters in the ſecond conference on the 3d of February, they promiſed to give in their offers for a general peace; but declared they wiſhed that all the miniſters of the allies were preſent that they might, at the ſame time, receive a counter-project or anſwer from all the members of the grand alliance. Accordingly little was done at the third conference; but at the fourth, Feb. 10. N. S. the imperial miniſters being arrived, a warm diſpute aroſe between them and the French plenipotentiaries. 'The marſhal d'Uxelles ſaid, the king, his maſter, had moſt ſincere intentions to end this war to the ſatisfaction of the allies; That, in order to that, they ought to deal roundly and fairly. That he hoped a good ſucceſs of this negotiation, ſince the ambaſſadors of the houſe of Auſtria had at laſt reſolved to come to the congreſs;' and thereupon he deſired

[u] This is the project hinted at by the author of the manuſcript account of the campaigns in Spain which was made to lord Galway, who ſent Mr. Stanhope to the duke of Orleans to hear his offers. But the author of the duke of Orleans's Life gives a different account of the duke's project. He ſays, Lewis XIV. being obliged by the ſucceſſes of the allies to promiſe to abandon his grandſon Philip king of Spain, the Spaniards offered to place the duke of Orleans upon the throne in his room, to which he conſented. But, this conſent of his being afterwards miſrepreſented to the king of France, as a ſcheme to have uſurped the Spaniſh crown from king Philip, the duke was for ſome time in diſgrace at the court of France.—La vie de Philippe d'Orleans, vol. II. p. 93.

[w] The plenipotentiaries named by the States, were, monſieur Ranawick, for the province of Guelderland; monſieurs Buys and Vanderduſſen, for that of Holland; monſieur de Moermont, for Zealand; monſieur de Renſwoude, for Utrecht; monſieur de Gollinga, for Friezland; the count de Rechteren, for Over-Yſſel; and the count de Tu and Kniphuyſen, for Groningen.

[x] As France had named three plenipotentiaries, and monſieur Meſnager in particular, to take care of commercial affairs; the court of Great-Britain had a mind to add Mr. Prior to their two miniſters at Utrecht, for the ſame purpoſe; but the earl of Strafford, having abſolutely refuſed to be joined in commiſſion with a perſon of ſo mean extraction, and threatening to lay down his employment, the buſineſs of trade was committed to the lord privy-ſeal; who, not being verſed in thoſe matters, was obliged to direct himſelf by the lights he received from Mr. Arthur Moore.

the miniſters of the allies to deliver the propoſals they had to make. Count Zinzendorf anſwered, 'That the emperor, his maſter, had no leſs ſincere intentions to contribute all that lay in his power towards ſo deſirable a bleſſing, as a general peace: But that it ſeemed Monſieur d'Uxelles, inſtead of dealing roundly and fairly, began, on the contrary, with a fetch, ſince he could not be a ſtranger to the demands of the Allies, nor have forgot where the conferences at Gertruydenberg broke off: That there was nothing more for them to do now, than to find out ways and means to remove the difficulties, that had obſtructed that negotiation: And, ſince the king, their maſter, had deſired this congreſs of the allies, they had reaſon to expect, that he had given his miniſters neceſſary inſtructions for that end.' By this he inſinuated, that the allies inſiſted on the firſt preliminaries ſigned at the Hague in the year 1709. Count Zinzendorf likewiſe took notice of this expreſſion, 'The ambaſſadors of the houſe of Auſtria, as derogatory to his imperial majeſty'. The abbot de Polignac replied, "That they ought to talk no more of the affair of Gertruydenberg, ſince the king had fixed a time for the allies to accept his propoſal; which they not having done, he was under no engagement." This occaſioned a high debate; and d'Uxelles having, in relation to the affairs of Spain, ſaid, "That they ought to wait the arrival of the ambaſſador of that crown"; count Zinzendorf replied, "He was preſent, and himſelf was the perſon". The marſhal returned, "That he acknowledged none but king Philip's"; which inflamed the diſpute; and the marſhal having likewiſe advanced, in relation to a point in debate, "That the queen of England had engaged her promiſe"; the lord privy-ſeal ſaid, "There was no ſuch thing in his inſtructions". At laſt, the French miniſters conſented to deliver their propoſals in writing, which they did February 11, in a very high ſtrain.

They promiſed, that at the ſigning of the treaty they would own the queen and the ſucceſſion to the crown, as ſhe ſhould direct; Spain and the Weſt-Indies were to remain with king Philip; the dominions in Italy, with the iſlands, except Sicily were to go to the emperor, and the Spaniſh Netherlands to the elector of Bavaria: The trade was to be regulated, as it was before the war; ſome places in Canada were to be reſtored to England, with the freedom of fiſhery in Newfoundland; but Placentia was to remain with the French: Dunkirk was offered to be demoliſhed; but Liſle and Tournay were to be given for it: The ſtates were to have their demands for the barrier; and the frontier between France, the Empire, and Italy, was to be the ſame, that it was before the war; by which Landau, Feneſtrella, and Exiles were to be reſtored to France[y]. Theſe demands (which were called a ſpecific explanation of the offers of France for a general peace, to the ſatisfaction of all the allies) were as extravagant as any the French king could have made, in the moſt proſperous ſtate of his affairs. They filled the allies with indignation, and heightened the jealouſy they had of a ſecret underſtanding, between the courts of England and France. This indignation had ſuch an effect, that the earl of Strafford, in his letter of the 16th of February 1711-12, ſays, "The French miniſters were mortified at the general diſcontent theſe offers gave; and ſeemed to wiſh, they had put in Tournay for the Dutch; and St. Venant to be demoliſhed, to have ſoftened the matter at its firſt coming out". Nor were the Britiſh plenipotentiaries without their uneaſineſs. They had done all they could, as the earl of Strafford ſays in his letter of the 12th of February, to perſuade the French to be as ample in the explication as they could, "ſeeing that is what will have a great effect, and ſtrike the minds of unthinking people, and make ſome work for reflection for the faction". The Britiſh plenipotentaries complained, that they were under great difficulties on all hands, for both Buys and Meſnager thought they came ſhort of what had been told them in England; and, the allies then forming their reſpective demands in concert with each other, they wanted further orders. Theſe plenipotentiaries, were likewiſe at a great loſs how to behave about Spain, both in regard to the particular advantages, that were to be aſked on the behalf of Great-Britain, and the general diſpoſition of it. But Mr. Secretary St. John ſoon ſent them words of comfort, in a letter of the 16th of February, that Mr. Harley, ſecretary of the treaſury, would ſet out in a few days, who is fully inſtructed in all the queen's views and deſires: "That it were to be wiſhed this gentleman could have been ſooner ſent; but the hurry, ſays he, which we have been in for ſome time, is inexpreſſible, and he was too uſeful to be ſpared, till the houſe of commons were perfectly ſecured to the queen's intereſt, and to the meaſures of peace. I think I may ſay, they are abſolutely ſo now. The Secretary confeſſed the French plan to be too ſcanty; and obſerved, that they muſt let the French miniſters know, that the whole turned upon their manner of proceeding, her majeſty having gone further than could have been expected from her in promoting the peace".

The ſpecific explanation raiſed no leſs indignation among true Engliſhmen, than among the allies; more particularly the putting off the owning the queen, till the treaty came to be ſigned: The lord-treaſurer, to ſoften this, ſaid, he ſaw a letter, in which the king of France acknowledged her Queen: this was a confeſſion that there was a private correſpondence between them; yet the doing it by a letter was no legal act. In excuſe of this it was ſaid, that the late king was not

[y] Theſe propoſals at large were as follow:

A ſpecific explanation of the offers of France for a general peace, to the ſatisfaction of all-parties concerned in the preſent war.

"The king will acknowledge, at the ſigning of the peace, the queen of Great-Britain in that quality; as alſo the ſucceſſion of that crown, according to the preſent ſettlement, and in the manner her Britannic majeſty ſhall pleaſe.

"His majeſty will cauſe all the fortifications of Dunkirk to be demoliſhed immediately after the peace, provided an eqnivalent be given him to his ſatisfaction.

"The iſland of St. Chriſtopher, Hudſon's-Bay, and ſtreight of that name, ſhall be yielded up intire to Great-Britain; and Acadia, with Port-Royal, and the Fort, ſhall be reſtored intire to his majeſty. As to the iſland of Newfoundland, the king offers to yield up that alſo to Great-Britain, reſerving only to himſelf the fort of Placentia, and the right of catching and drying fiſh, as before the war. It ſhall be agreed to make a treaty of commerce before or after the peace, as England ſhall chuſe, the conditions of which ſhall be made as equal between the two nations, as they can poſſibly.

"The king will conſent at the ſigning of the peace, that the Spaniſh Netherlands, which are made over and given to the elector of Bavaria by the king of Spain, ſhall ſerve for a barrier to the United-Netherlands; and, to augment it, he will join thereto Furnes, and the Furnes-Ambaught, or diſtrict, Knock, Ypres, and the caſtellany of Menin with its verge. In exchange, his majeſty demands to form the barrier of France, Aire, St. Venant, Bethune, Doway, and their dependencies. If the ſtates-general are deſirous to keep garriſons in the fortified places of the barrier ſo formed of the dominions transferred to his electoral highneſs, and of what France adds thereto of its own; his majeſty conſents, that they ſhall put their troops into them in as great number as they pleaſe: And beſides, that they ſhall be maintained at the expence of the country.

"In conſideration of this ceſſion, and of this conſent, the king on his ſide demands, as an equivalent for the demoliſhing of Dunkirk, the towns and citadels of Liſle, and Tournay, with their caſtellanies, and dependencies.

"The barrier thus regulated between France and the ſtates-general, the king will grant for augmenting the commerce of their ſubjects what is ſtipulated by the treaty of Ryſwick, and the advantageous Tariff of 1664, with an exception only of ſix ſorts of merchandize, which ſhall be agreed on, and which ſhall remain charged with the ſame duties, that are paid at this time; as alſo the exemption of 50 ſols per ton on the Dutch ſhipping, that came into France, from the United Provinces, and foreign countries.

"As to the commerce of Spain, and the Indies, the king will engage, not only to the States-general, but likewiſe to her Britannic majeſty, and to all other potentates, by virtue of the power he has in this particular, that the ſaid commerce ſhall be allowed exactly, and carried on in the very ſame manner as it was under the reign, and till the death of Charles II. and will promiſe, that the French ſhall ſubmit, as all the other nations, to the antient laws and regulations made by the kings, his Catholic majeſty's predeceſſors, with reſpect to the commerce and navigation of the Spaniſh Indies.

"His majeſty further conſents, that all the potentates of Europe may enter into the guaranty of this promiſe. His majeſty promiſes, that the king his grandſon ſhall renounce, for the ſake of the peace, all pretenſions to the kingdom of Naples, and Sardinia, as well as to the duchy of Milan; in whoſe name he will conſent, that the part of that duchy, which is made over to the duke of Savoy, ſhall remain to his royal highneſs; provided, that in conſideration of this ceſſion, the houſe of Auſtria do in like manner deſiſt from all pretenſions to the other parts of the monarchy of Spain, from whence that houſe ſhall withdraw their troops immediately after the peace.

"The frontiers on both ſides upon the Rhine ſhall be ſettled in the ſame condition, as they were before the preſent war.

"In conſideration of all the terms above ſpecified, the king demands, that the electors of Cologne and Bavaria ſhall be re-eſtabliſhed in the full and entire poſſeſſion of their dominions, dignities, prerogatives, goods moveable and immoveable, which they enjoyed before the preſent war: and reciprocally his majeſty will recognize in Germany, and in Pruſſia, all the titles, which he has not yet acknowledged.

"The king will reſtore the duke of Savoy what he has taken from him during this war; as in like manner his royal highneſs ſhall reſtore to him what he has taken from France; ſo that the limits on both ſhall be the ſame they were before the declaration of war.

"All things as to Portugal ſhall be re-eſtabliſhed, and remain on the ſame foot in Europe, that they were before the preſent war, as well with regard to France as to Spain: and as to the dominions, which that crown has in America, if there be any differences to ſettle, endeavours ſhall be uſed to agree them amicably.

"The king will conſent freely, and bona fide, to take in concert with the allies all the moſt juſt meaſures for hindering the crowns of France and Spain from being ever united on the ſame head; that is to ſay, that one and the ſame prince ſhall never be at once king of both.

"All preceding treaties, that is, thoſe of Munſter, and others, that have been made ſince, ſhall be repeated and confirmed, to remain in their force and virtue, excepting only ſuch articles, from which the treaty of peace, now to be made, ſhall derogate or alter ſomething".

Signed, UXELLES.

It may be obſerved, that the king of France here makes, as well as in the ſpecial preliminaries, his firſt offers in the name, and by virtue of powers from his grandſon as king of Spain. But how the Britiſh plenipotentiaries could reconcile this to their inſtructions, and how their behaviour upon it was to be juſtified, is not very clear.

owned by the French, till the treaty of Ryſwick came to be ſigned: but there was a mediator in that treaty, with whom our plenipotentiaries only negotiated; whereas there was no mediator at Utrecht: ſo that the queen was now, without any interpoſition, treating with a prince, who did not own her right to the crown. The propoſitions made by the French were treated with the greateſt ſcorn, nor did the miniſters pretend to ſay any thing in excuſe for them. The Lord Halifax made a motion in the houſe of peers, for preſenting an addreſs to the queen, about the ſpecific offers of France, which his lordſhip called, 'triflling, arrogant, and injurious to her majeſty and her allies.' He was ſeconded by ſeveral peers, of both parties, who ſaid in ſubſtance, 'That thoſe propoſitions ought to be rejected with the utmoſt ſcorn and indignation; that it plainly appeared, France had no other deſign in view, than to amuſe the allies; and, in particular, that it was derogatory to her majeſty's honour, to enter into any negotiation with that crown, before her majeſty's juſt title was acknowledged'. Some endeavours were uſed to adjourn the debate at leaſt till the next day, by ſuggeſting, 'That the offers that were handed about, having yet no other authority, than their being inſerted in the Holland Gazettes, might not be genuine; and therefore the lords ought not to take any notice of them, till ſuch time as the queen had communicated them to the houſe'. But this, and other arguments, were over-ruled; and an addreſs was made to the queen, expreſſing a juſt indignation at ſuch a proceeding, promiſing her all aſſiſtance in their power, in carrying on the war, till ſhe could obtain a ſafe and honourable peace [z].

While this paſſed in England, the propoſitions of France, which were quickly diſperſed in print in all the United Provinces, were received with the utmoſt indignation by people of all ranks, the multitude not forbearing to vent the ſevereſt reproaches againſt thoſe, from whom they ſuppoſed the French court had received encouragement. Theſe offers, however, had this good effect, that thoſe among the Dutch, who before were moſt eager for a peace, particularly the regency of Utrecht, reſolved to ſpend their laſt penny to carry on the war.

Copies of the ſpecific explanation being ſent by all the miniſters of the allies to their reſpective principals, the earl of Strafford, at the next general conference, told the miniſters of France, purſuant to what had been agreed at a meeting of the other miniſters, "That they found it neceſſary to take time till the 5th of March, N. S. to give in the ſpecific demands of the parties engaged in the war". To which the French miniſters readily agreed. In the mean time, the miniſters of the allies communicated to each other their reſpective demands, agreed upon the manner in which they were to deliver them in, and, at a meeting on the 3d of March, reſolved, that a clauſe of mutual guarantee, importing, 'that a juſt and reaſonable ſatisfaction ſhould be given to all the allies, according to treaties, engagements, and other conventions, ſhould be inſerted among their demands.

The miniſters of the Proteſtant allies were ſeveral times in conference together, to concert ſuch meaſures as might be proper to be taken, during the courſe of this congreſs, for the ſecurity of their religion, and particularly an abolition of a clauſe in the fourth article of the treaty of Ryſwick, prejudicial to the ſame: As likewiſe the making ſome proviſion, in their negotiations with the miniſters of France, for the relief of the Proteſtants of that kingdom. But, though theſe particulars were mentioned in the demands of the Proteſtant allies, yet they were afterwards but faintly inſiſted on; and it was obſerved, that in this negotiation, as in moſt former treaties, the Proteſtants ſhewed not an equal zeal for their religious concerns, as they did for their temporal intereſts.

On the 4th of March, the miniſters of the allies met again, and count Zindendorf again inſiſted, That the reſtitution of the whole Spaniſh monarchy ſhould be expreſsly mentioned. The Dutch declared, They were reſolved to make good all their treaties, made on occaſion of this war, as well thoſe that related to Spain and the Indies, as thoſe made with Portugal; but the Britiſh were the only miniſters, that did not make any mention of Spain and the Indies, contenting themſelves with a general declaration concerning the juſt and reaſonable ſatisfaction for the queen's allies, in conformity to her alliances. However, it is obſervable, that a few days after, upon the earneſt inſtances of the imperial miniſters, the Britiſh and Dutch plenipotentiaries made a declaration (which was regiſtered in the Protocol, kept by monſieur Buys) importing, That by the clauſe of mutual guarantee or claim, agreed to on the 3d, and inſerted in their reſpective demands, 'they underſtood the reſtitution of Spain and the Indies to the Houſe of Auſtria'.

At the general conference held the next day, the miniſters of the allies delivered in writing, their ſpecific demands which ran as high as the French explanation, another way. The emperor aſked the whole Spaniſh monarchy; England aſked the reſtoring Newfoundland, and the demoliſhing of Dunkirk; the States aſked their whole barrier; and every ally aſked ſatisfaction to all the other allies, as well as to himſelf: England and the States declared, that they demanded Spain, and the Weſt-Indies, for the emperor; ſo the high pattern ſet by the French, in their demands, was to the full imitated by the allies. The French plenipotentiaries declared they could not give in ſpecific anſwers to ſo many demands of the allies, till they had received new inſtructions from Paris and Madrid, and therefore deſired till the 30th of March, N. S. to deliver them in, to which no objection was made [a].

When the 30th of March came, ſuch of the miniſters of the allies, as were not in the ſecret, were full of expectation, that the French plenipotentiaries would give in a ſpecific anſwer to their demands; but they were not a little ſurpriſed, when, inſtead of offering an anſwer in writing, marſhal d'Uxelles propoſed to enter into verbal conferences on the demands made on both ſides. This indeed had been practiſed in treaties where mediators interpoſed, but that was not done till the main points were ſecretly agreed to. The miniſters of the allies rejected this propoſal, and demanded, 'ſpecific anſwers in writing'. Upon Polignac's ſaying, they would not anſwer in writing, their inſtructions being only to treat verbally, one of the Dutch miniſters propoſed to break up the congreſs: but he was ſoon taken down by the Britiſh miniſters, who could not agree with the Dutch in that particular; but ſaid, on the contrary, they would enter into a negotiation by way of dictating, as was done at the Hague, in the conference with the deputies of the ſtates. However, the next day, at a meeting among themſelves, they unanimouſly agreed upon a declaration, wherein they inſiſted, 'That an anſwer be delivered them in writing'. But at the next general conference the French miniſters ſtill refuſed to comply with this declaration, which was delivered to them by monſieur Buys.

This refuſal of the French raiſed a very great heat in the aſſembly; and ſome miniſters gave it as their opinion, that ſuch trifling was a ſufficient ground to diſſolve the congreſs; for the French plenipotentiaries refuſing to anſwer in the method all the miniſters of the allies had agreed on, it would be fruitleſs, as well as diſhonourable, for the latter to remain at Utrecht. However, the Britiſh miniſters were of opinion, that the negotiations might be managed on the foot propoſed by France; but when they obſerved, that the tide ran too ſtrong againſt them, and that the generality were of contrary ſentiments, they concurred with the reſt, and declared, that they had poſitive inſtructions to conform themſelves to the general opinion of the miniſters of the congreſs. According to this reſolution, Mr. Buys delivered a ſecond declaration in the name of all the allies, wherein they perſiſted to demand an anſwer in writing to their ſpecific demands. In anſwer to this, the French miniſters declared, "That, as they had poſitive inſtructions not to engage themſelves in a negotiation

[z] The addreſs was as follows:

Moſt gracious ſovereign,

"We your majeſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal, in parliament aſſembled, beg leave humbly to repreſent to your majeſty the juſt indignation of this houſe, at the diſhonourable treatment of your majeſty by France, in having propoſed to acknowledge your majeſty's title to theſe realms, no ſooner, than when the peace ſhall be ſigned. And we cannot forbear expreſſing our utmoſt reſentment at the terms of peace offered to your majeſty, and your allies, by the plenipotentiaries of France: And we do, with the greateſt zeal and affection, aſſure your majeſty, that this houſe will ſtand by, and aſſiſt your majeſty with our lives and fortunes, in carrying on this war, in conjunction with your allies, till a ſafe and honourable peace can be obtained for your majeſty and your allies".

The queen's anſwer was to this effect:

My lords,

"I return you my hearty thanks for the zeal you expreſs for my honour, and for the aſſurance you give of ſupporting me. Pr. H. L.

[a] The French miniſters and their partiſans exclaimed againſt the demands of the allies as Unreaſonable and Exorbitant; but they excepted in a particular manner againſt the pretenſions of the allies, in favour of the French Proteſtants. The abbot de Polignac, who had a cardinal's hat in view, and therefore could not fail on all occaſions to ſhew his zeal for the Romiſh church, appeared the moſt obſtinate on that article; and diſcourſing one day with Vanderduſſen, one of the Dutch plenipotentiaries, about the demand, "That the French Proteſtants in the gallies, or detained in priſon, ſhould be ſet at liberty", aſked him, Whether the ſtates would ſet at liberty the people detained in their Spin-houſe, and Raſp-houſe, if the French king ſhould demand it"? Vanderduſſen, juſtly reſenting that odious compariſon, told him, "That if the French court would own the people detained in thoſe houſes for their brethren, as the ſtates owned for ſuch the Proteſtants in the gallies, whom they interceded for, he did not queſtion, but their high-mightineſſes would ſet at liberty thoſe malefactors". The French abbot, being confounded with this anſwer, turned off the diſcourſe to other matters.

in writing, they could not do it without new orders from the king their maſter; to which end they would immediately diſpatch a courier, to acquaint him with this laſt reſolution of the allies". Some of the miniſters of the allies replied, " That they had reaſon to have expected, that they had not wanted ſuch inſtructions; but, however, they were willing a longer time might be taken, if it were deſigned with purpoſe to anſwer effectually". The French miniſters replied, " That they could promiſe no more than to follow the inſtructions they ſhould receive, ſince they did not expect the allies would have dealt with them in ſo tyrannical a manner" : adding, " That they pleaded for no more than was practiſed at the treaties of Munſter, Nimeguen, and Ryſwick". But their aſſertion was proved to be wrong with reſpect to theſe treaties, where every thing was not altogether tranſacted by word of mouth, without writing. Beſides, it was urged, that there were mediators at thoſe treaties, whereas there was none at Utrecht, which made this an irregular ſort of a congreſs. The marſhal d'Uxelles anſwered, " That they had no reaſon to deliver any thing in writing, ſince the confederates made a bad uſe of the laſt, to inflame the people againſt them". To which one of the imperial miniſters replied, " That the French had no more to do, but to give in juſt and reaſonable propoſals in writing; and then it would inflame the people againſt the allies, if they refuſed to accept them". One of the Dutch miniſters having been ſo plain, as to tell the marſhal d'Uxelles, that the French court would be deceived, if they expected a peace by tampering with ſome of the allies, in order to divide them from the reſt; the marſhal warmly replied, " That not only the preſent king of France, but even the whole royal family would enter into a vow to be revenged upon the Dutch, if they obſtructed the peace". To which one of the confederate miniſters anſwered, " That ſuch menacing diſcourſes would only ſerve to keep the Dutch on their guard, and arm them againſt all future revenge, by inducing them to lay hold on this opportunity to cruſh that power which now threatened them". When theſe heats were over, the French miniſters promiſed again to write to the king, their maſter, in order to know his pleaſure on the ſubject in hand, in which the miniſters of the allies were obliged to acquieſce. But it was agreed, that, unleſs ſome extraordinary occaſion required it, no general conference ſhould be held on the 9th of April. On the 13th, another general conference was held, in which nothing material was done; and the French miniſters, whoſe only buſineſs, it ſeems, was to gain time, propoſed, that the next general conference, which was to be held the 16th, might be put off, as had been done before, unleſs the allies had ſomething particular to offer. This propoſal not being agreed to, the general conference was held, as uſual, on the 16th, and the miniſters of the allies enquiring again of thoſe of France, whether they were ready to give ſpecific anſwers in writing, the French plenipotentiaries ſtill excuſed themſelves, on pretence of their not being yet fully inſtructed from the king, their maſter, on that ſubject. The truth is, they knew very well, that their buſineſs was not to be done at Utrecht, but by a negotiation carried on directly between London and Verſailles. And it appears from the Report of the Committee of Secrecy, that the refuſal of the French to give no anſwer in writing was no ſurprize to the Britiſh miniſters, whom they had before-hand adviſed with. The earl of Strafford, in his letter to Mr. Secretary St. John, of the 25th of March, expreſſed himſelf thus: I cannot help ſaying, I believe the French have taken the wiſeſt part not to anſwer in writing, though moſt of the miniſters of the allies will be ſurprized, expecting they ſhould". And he ſaid further; " I believe it is beſt they ſhould firſt begin in the open congreſs to reaſon upon ſome of the allies demands, which will occaſion ſo much difficulty, that the miniſters of the allies will propoſe debating ſeparately, which had better come from them than any elſe". And, when his lordſhip ſent an account, that a reſolution was taken at the Hague, upon the French miniſter's continuing obſtinate, Mr. St. John, in his letter of April 5, expreſſed himſelf in this manner: " That he hoped the reſolution, taken at the Hague to carry things to an extremity, was the laſt convulſive pang of an expiring faction". And yet this reſolution was no more than to inſiſt on a demand, in which all the allies were unanimous, and in which the Britiſh plenipotentiaries had themſelves concurred. But what made the French thus perſiſt in the reſolution of giving no anſwer in writing, is accounted for in the earl of Strafford's letter of the 27th of March, wherein he ſays, That the penſionary was extremely deſirous, that the French would anſwer in writing, which, it was his lordſhip's opinion they would evade, till they ſaw what ſucceſs the abbé Gaultier had at London. And, in his letter of the 30th, he ſaid, " The French will avoid giving their anſwer in writing, till they ſee all agreed betwixt their court and ours". And to ſhew, that the French were very well ſatisfied with the method, which their buſineſs was in, the plenipotentiaries, in their letter of April 15, ſay, " They do not find the French are much convinced of the neceſſity of diſpatch; and when any thing is let fall of breaking off the conferences, they ſeem to take it with a great air of indifference, well knowing their buſineſs was not to be done at Utrecht, but by a negotiation carried on directly between London and Verſailles". About the beginning of April, Mr. Thomas Harley and the abbé Gaultier arrived at Utrecht. For whoſe uſe and ſervice Mr. Harley had been ſo well employed at home, as has been already obſerved, and was now ſent abroad, cannot be a doubt, ſince Mr. Secretary St. John thought it neceſſary to give monſieur de Torcy an immediate account of his ſucceſsful endeavours at home, and the buſineſs he was ſent abroad to manage. In his letter of March the 4th, he tells monſieur de Torcy, " That he had deferred writing of late, till he might write with certainty; till the neceſſary diſpoſitions were made among our people at home; and till the queen had taken the only reſolution, which could bring us, in a ſhort time, to a good and ſolid peace. I have now the ſatisfaction to tell you, that this reſolution is taken; and that Mr. Harley will carry with him this night or tomorrow morning the final inſtructions of the queen to her plenipotentiaries. I refer myſelf to monſieur Gaultier, to explain to you more at large the ſubject of this gentleman's commiſſion, and what the queen hopes his moſt chriſtian majeſty will do to co-operate with her". Theſe inſtructions of Mr. Harley do not appear; but it ſeems, the ſubject of them was not proper to be committed to writing; for which reaſon, as in almoſt all matters relating to the Pretender, it is referred to monſieur Gaultier to explain them. But what was meant by 'the neceſſary diſpoſitions made among our people here at home', is pretty well explained by monſieur de Torcy, in a memorial dated the 28th of March, 1712, in anſwer to what was brought by monſieur Gaultier, wherein he commends the prudent conduct of the court of Great-Britain, in managing the houſe of commons, and in particular their wiſe conduct in making known to the houſe of commons, that the nation was abuſed by its allies; and ſays, " The king of France aſſures himſelf, that thoſe, who now manage with ſo much capacity the affairs of the queen of Great-Britain, know how to curb the paſſion of the turbulent party in the other houſe". A few days after Mr. Harley's and the abbé Gaultier's arrival at Utrecht, the French plenipotentiaries communicated to the lord privy-ſeal, and the earl of Strafford, a plan for a general peace, to which they had added, by way of marginal notes, in a diſtinct column, what they were told would be abſolutely neceſſary in order to a general peace. But this was intruſted to them under the higheſt obligation of ſecrecy, to diſcover nothing of it to the reſt of the allies. The Britiſh plenipotentiaries accepted this plan as a mark of the great confidence, which France had in them, and readily engaged, that the allies ſhould not be permitted to know a word of it; and under the ſame caution ſent it to Mr. Secretary St. John. But there was no room to doubt, but this plan, that was tranſmitted to England as a great diſcovery, was concerted here, and ſent by Mr. Harley to Utrecht, and by Gaultier to France.

Mr. Secretary St. John, being much concerned at the behaviour of the allies, and the Dutch in particular, thought it proper to make one attempt more, as he called it, to gain them; and therefore ordered the plenipotentiaries, in a letter of the 12th of April, to acquaint them, " That her majeſty would conſent to their having Dendermond and Ghent, and, at the ſame time, depart from her pretenſions to Oſtend; and was willing, that the trade to Spain and the Spaniſh Indies be ſettled upon the ſame foot, as it ſubſiſted at the death of the late king of Spain, in all reſpects, except the Aſſiento: and their lordſhips were ordered to tell them in very plain terms, that her majeſty's meaſures would be taken according to the return they ſhould make to the queen on this occaſion." But, at the ſame time, no communication at all was made to the ſtates of the general plan of peace laſt delivered by the abbé Gaultier, as there never had been of any other, although, in this laſt, the intereſts of all the allies were ſettled and determined between Great-Britain and France. And, to ſhew how candidly the queen's good friends and allies, the Dutch, as her majeſty was pleaſed to ſtile them, were dealt with, the 15 per cent. upon all the goods and manufactures of Great-Britain, which was offered at firſt as one of the chief bribes to England to come into this deſtructive peace, monſieur Meſnager had now explained away, and confined to ſuch goods, as were carried, not to Spain, but

to the Spaniſh Weſt-Indies only; and our miniſters finding that France would not make this effectual, Mr. Harley was ordered to let it drop. But to ſee the uſe, that was to be made of this inſincerity of the French; at the ſame time, that Mr. Secretary St. John acquainted the Britiſh plenipotentiaries with her majeſty's conſent to give this up, he told them, in his letter of April 5, "But you will take care to do this in ſuch a manner, as not only to get ſomething for it another way, but alſo to render this conceſſion of the queen's a means of bringing the Dutch to reaſon, and to a compliance with her majeſty's meaſures." The lord privy-ſeal, on the 29th of April, acquainted Mr. Secretary St. John, that the negotiation was at a ſtand, till the French miniſters were ready to return one anſwer or another. And, on the 10th of May, the Britiſh plenipotentiaries ſay, "The French tell us, they cannot think of giving in their anſwer to the allies, till they hear from England the ſucceſs of monſieur Gaultier; and you may believe we wait for it with no leſs impatience than they do."

The Secretary, on the 3d of May, acquainted their excellencies: "I hope in a few days my diſpatches will become more material, and, that we ſhall be able either to ſatisfy our friends at Utrecht, or not have reaſon to be much concerned at their uneaſineſs." This ended in lord Strafford's being ſent for into England; and the following orders were ſent, on the 16th of May, to the lord privy-ſeal for his farther conduct: "You are to ſtop all inſtances for procuring the tariff of 1664, to the Dutch: you are to decline abſolutely to confer any further with them upon any matter, till you receive the queen's plan from hence; and that you will not, I hope, be long in expectation of: and her majeſty finds ſo ill a return made by the ſtates to her condeſcenſion towards them, that ſhe likewiſe orders your lordſhip to take the firſt ſolemn opportunity of declaring to the Dutch miniſters, that all her offers for adjuſting our differences were founded upon this expreſs condition, that they came immediately into the queen's meaſures, and acted openly and ſincerely with her; and that ſhe looks upon herſelf, from their conduct, now to be under no obligation whatſoever to them."

The ſummary then of this whole proceeding at Utrecht, in one ſhort view, appears to be this: a conference for general conferences was neceſſary to be opened, that the allies might in appearance, agreeable to the grand alliance, have the opportunity of treating and adjuſting their ſeveral pretenſions. The Britiſh miniſters were by their inſtructions to act in concert with the allies, but they really acted in concert with the French plenipotentiaries. The allies giving in their ſpecific demands, was not to be avoided; but the French were to gain as much time as they poſſibly could, by unneceſſary delays, and at laſt inſiſt upon ſuch a method of anſwering theſe demands, as they knew the allies could not comply with. In the mean time the negotiations were carrying on directly between England and France; or rather all the conditions dictated and preſcribed by France, whilſt the allies were amuſed with a diſpute about the method of anſwering, from which France would not, and they could not poſſibly, depart; in which England agreed with the reſt of the allies. All particulars, that concerned even the intereſt of the allies, were tranſacted betwixt the miniſters of England and France, under the higheſt obligations of ſecrecy. The Dutch were preſſed to come into the queen's meaſures, without being acquainted what the queen's meaſures were. And, becauſe they would not conſent to they knew not what, as ſoon as it was reſolved to ſend orders to the duke of Ormond not to engage in either ſiege or battle, and the great projects were ready to be executed on the other ſide of the water, the queen declared ſhe looked upon herſelf now, from their conduct, to be under no obligation whatſoever to the States-general: and thus the alliance betwixt Great-Britain and her principal ally was declared to be diſſolved and cancelled, before any thing was finally agreed and concluded betwixt Great-Britain and France, or the former had any ſecurity for its own trade or commerce, or any other advantages that were to accrue to it.

During the congreſs at Utrecht, the preparations for the campaign were carried on by the Emperor and the States with all poſſible vigour: prince Eugene, after having ſtaid (as hath been related) three months in England in a fruitleſs negotiation, was ſent back with general and ambiguous promiſes. The ſtates gave him the ſupreme command of their army, and aſſured him, that, in the execution of the project that was concerted among them, he ſhould be put under no reſtraint by their deputies or generals, and that no ceſſation of arms ſhould be ordered, till all was ſettled by a general peace. The duke of Ormond followed him in April, well ſatisfied both with his inſtructions and his appointments; for he had the ſame allowances, that had been lately voted criminal in the duke of Marlborough.

At this time the Pretender was taken ill of the ſmall-pox: he recovered of them; but his ſiſter, who was taken with the ſame diſeaſe, died of it: ſhe was, by all that knew her, admired as a moſt extraordinary perſon in all reſpects; inſomuch, that a very great character was ſpread of her, by thoſe who talked but indifferently of the Pretender himſelf: thus he loſt a great ſtrength, which ſhe procured to him, from all who ſaw or converſed with her.

Before we proceed to the operations of the campaign, it will be proper to give an account of the convocation, which was held with this ſeſſion of parliament.

There was a doubt ſuggeſted, whether the queen's licence did ſtill ſubſiſt, after a prorogation by a royal writ: the attorney-general gave his opinion, that it was ſtill in force; upon which, the biſhops went on with the reſolution, in which the former ſeſſion had ended, and ſent back to the lower-houſe a paper, which had been ſent to them from that houſe in the former ſeſſion, with ſuch amendments, as they thought proper: but then Atterbury ſtarted a new notion, That as, in a ſeſſion of parliament, a prorogation put an end to all matters not finiſhed, ſo that they were to begin all a-new; the ſame rule was to be applied to convocations, in purſuance of his favourite notion, that the proceedings in parliament were likewiſe to be obſerved amongſt them. The biſhops did not agree to this; for, upon ſearching their books, they found a courſe of precedents to the contrary: and the ſchedule, by which the archbiſhop prorogued them, when the royal writ was ſent him, did, in expreſs words, continue all things, in the ſtate in which they were then, to their next meeting. Yet this did not ſatisfy Atterbury and his party; ſo the lower-houſe ordered him to lay the matter before the attorney-general for his opinion; he did that very partially, for he did not ſhew him the paper ſent down by the biſhops; he only gave him a very defective abſtract of it: whereupon the attorney-general gave him ſuch an anſwer as he deſired, by which it was very plain, that he was not rightly informed about it. The biſhops reſolved to adhere to the method of former convocations, and not to begin matters afreſh, that had been formerly near finiſhed. By this means they were at a full ſtop, ſo that they could not determine thoſe points, which had been recommended to them by the queen: but they entered upon new ones. As an act had paſſed for building fifty new churches, an office was prepared for conſecrating churches and church-yards.

The cenſure that paſſed on Whiſton, in the former ſeſſion, was (as hath been ſaid) laid before the queen for her approbation. But, at the opening of this ſeſſion, in December, the biſhops finding no return was come from the throne, ſent two of their number to receive her majeſty's pleaſure in that matter. The archbiſhop was ſo ill of the gout, that he came not to the convocation all the winter. The queen had put the cenſure into the hands of ſome of her miniſters, but could not remember to whom ſhe gave it: ſo a new extract was ſent to her, and ſhe ſaid, ſhe would ſend her pleaſure upon it very ſpeedily: but none came this ſeſſion. So all further proceedings were ſtopped, ſince the queen did not confirm what was done.

There appeared at this time an inclination, in many of the clergy, to a nearer approach towards the church of Rome; Hickes, an ill-tempered man, who was now at the head of the Jacobite party, had in ſeveral books promoted a notion, that there was a proper ſacrifice made in the euchariſt, and had on many occaſions ſtudied to leſſen our averſion to Popery: the ſupremacy of the crown in eccleſiaſtical matters, and the method, in which the reformation was carried, was openly condemned; one Brett had preached a ſermon, in ſeveral of the pulpits of London, which he afterwards printed; in which he preſſed the neceſſity of prieſtly abſolution, in a ſtrain beyond what was pretended to even in the church of Rome: he ſaid no repentance could ſerve without it, and affirmed, that the prieſt was veſted, with the ſame power of pardoning, that our Saviour himſelf had. A motion was made in the lower-houſe of convocation, to cenſure this; but it was ſo ill ſupported, that it was let fall. Another conceit was taken up, of the invalidity of lay-baptiſm, on which ſeveral books had been written; nor was the diſpute a trifling one, ſince, by this notion, the teachers among the Diſſenters paſſing for Lay-men, this went to the re-baptizing them and their congregations [h].

[h] Dodwell gave the riſe to this conceit; he was a very learned man, and led a ſtrict life; he ſeemed to hunt after paradoxes in all his writings, and broached not a few; he thought none could be ſaved, but thoſe who, by the ſacraments, had a federal right to it; and that theſe were the ſeals of the covenant r

The biſhops thought it neceſſary to put a ſtop to this new and extravagant doctrine; ſo a declaration was agreed to, firſt againſt the irregularity of all baptiſm by perſons, who were not in holy orders; but that yet, according to the practice of the primitive church, and the conſtant uſage of the church of England, no baptiſm (in or with water, in the name of the Father, Son, and Holy Ghoſt) ought to be reiterated. The archbiſhop of York at firſt agreed to this; ſo it was reſolved to publiſh it in the name of all the biſhops of England; but he was prevailed on to change his mind; and refuſed to ſign it, pretending that this would encourage irregular baptiſm: So the archbiſhop of Canterbury, with moſt of the biſhops of his province, reſolved to offer it to the convocation. It was agreed to in the upper houſe, the biſhop of Rocheſter only diſſenting: But, when it was ſent to the lower-houſe, they would not ſo much as take it into conſideration, but laid it aſide; thinking that it would encourage thoſe, who ſtruck at the dignity of the prieſthood. This was all that paſſed in convocation.

On the 26th of April, the earl of Strafford went from Utrecht to the Hague, and, in ſeveral conferences he had with the penſionary and other miniſters, earneſtly preſſed the ſtates to come into the queen's meaſures. This, together with the ſecret methods, that were uſed to hinder the ſtates of Brabant from ſupplying the imperial troops, that were marching into the Netherlands, with bread and forage, did not a little increaſe the jealouſies of the ſtates, who two days after thought fit to ſend a ſolemn deputation to the earl of Strafford, to know what the queen's meaſures were? The earl not having yet orders to explain himſelf, and being under an engagement of ſecrecy with the French plenipotentiaries, made no ſcruple to declare, in conformity to a late letter from the queen to the ſtates, "That her majeſty's intentions were, that her troops ſhould act with the ſame vigour againſt France, as if there was no negotiation on foot". This declaration the earl repeated the ſame evening in another long conference with prince Eugene of Savoy, count Zinzendorf, the States deputies, and the council of ſtate; and on the 21ſt of April returned to Utrecht. Several other miniſters, who went to the Hague, to confer with prince Eugene, returned alſo to the place of congreſs, in order to aſſiſt at the general conference, which was held there the 23d of the ſame month. The miniſters of the allies having again inquired of thoſe of France, whether they were yet ready to give their anſwer in writing; and being anſwered in the negative; it was propoſed and agreed to, that the general meetings ſhould for ſome time be ſuſpended, till the French plenipotentiaries ſhould give notice, that they were prepared. In the mean time the confederate miniſters held ſome intermediate conferences among themſelves, and made frequent journies from Utrecht to the Hague, and from the Hague to Utrecht; not without a well-grounded jealouſy of the intimacy and cloſe correſpondence, which appeared to be between the miniſters of France and thoſe of Great-Britain; the effects of which were ſoon after manifeſted to the amazement of all Chriſtendom.

About the middle of April the confederate forces began to march into the field, and prince Eugene of Savoy, ſet out from the Hague on the 22d of that month, in order to put himſelf at the head of the army. The duke of Ormond, being appointed to command the queen's forces in Flanders, received his inſtructions on the 7th of April, whereby he was ordered "to repair with all poſſible diligence to the Hague, and to acquaint the penſionary, that he had received her majeſty's orders to ſee him, before he went to put himſelf at the head of her majeſty's troops, and to expreſs to him her reſolution of puſhing the war with all poſſible vigour, until the enemy ſhould agree to ſuch terms of peace, as might be ſafe and honourable for herſelf and her allies; to aſſure him, that he was prepared to live in a perfect and good correſpondence with all the generals of the allies, and particularly with thoſe of the ſtates; and to deſire the penſionary to inform him, what plan had been agreed upon for the operations of the campaign: And as ſoon as he arrived at the frontier, to meet with prince Eugene, and ſuch others of the generals, as ſhould be in the ſecret, and with them to concert the proper meaſures for entering upon action". The duke left London on the 9th of April, and in three days arrived at the Hague, where having viſited the penſionary, he gave him, according to his inſtructions, all the aſſurances of carrying on the war with vigour, and acting in confidence with all the allies, and more eſpecially the Dutch: which were received with the greateſt profeſſions of duty and reſpect to her majeſty. He had alſo a conference with the council of ſtate, who told him, "That there was no particular reſolution taken as to the operations of the campaign, but they left it to their generals, who, with their deputies, were to act in concert with the generals of the allies: And that they had given orders to their generals to live in a good correſpondence with his grace." The preſident of the week made many excuſes for their having given the command of their army to prince Eugene; but however he ſaid, "That, as to the point of command, his grace and the prince were now upon an equal foot". About this time the duke received a letter from Mr. Cadogan, who had been ſome time before left out of the eſtabliſhment of lieutenant-generals, deſiring his intereſt for being employed under him this campaign. The duke readily complied with his requeſt, and ſoon obtained the queen's leave for his ſerving in that poſt. The duke reſolving to take the field as ſoon as poſſible, left the Hague, and arrived at Ghent the 3d of May; and after a ſtay there of two or three days, and ſecuring the government of the citadel in Engliſh hands, went on to Tournay, where he met prince Eugene, and the deputies of the ſtates. All the Engliſh forces, for ſome weeks, had been in the field, and lay cantoned along the road between this city and Liſle. And the reaſon for drawing them out of their quarters ſo early was, that there had been a project formed to take poſt at Oiſy, on the Senſette, which would have ſecured the march over the Scheld, and might have given the allies an opportunity of ſeizing Cambray. Lieutenant-general Cadogan did not in the leaſt queſtion the ſucceſs of it. But, the Dutch making many difficulties and delays in this affair, Villars had prevented the deſign, and taken poſſeſſion of Oiſy, and of all the paſſes on the Senſette.

On the 17th of May, prince Eugene and monſieur Vegelin came to the duke of Ormond, and it was agreed between them to paſs the Scheld near Bouchain, in order to encamp at Aveſne le Sec, and ſee whether the confederates could attack the enemy without great diſadvantage; or, ſhould the enemy be too ſtrongly poſted, it was propoſed to inveſt Queſnoy, which, being a little place, could not hold out above three weeks at moſt after the opening of the trenches: In order to theſe motions, the proportion of the two armies to be commanded by the prince and duke being ſettled[c], the neceſſary directions were given for aſſembling all the troops, paſſing the Scarpe, and forming the armies on the 21ſt between Doway and Marchiennes, where prince Eugene and the duke of Ormond deſigned to join their reſpective forces, and there concert ſuch further meaſures, as might be requiſite for carrying on the ſervice of the campaign.

The duke had, ſome days before, received two expreſſes from Mr. Secretary St. John, who in his letter of the 16th of April, told his grace, "That he found, by very certain intelligences from Holland, that the Dutch miniſters were not without their fears of their new general: That they began

venant: ſo that he left all, who died without the ſacraments, to the uncovenanted mercies of God; and to this he added, that none had a right to give the ſacraments, but thoſe who were commiſſioned to it; and theſe were the apoſtles, and after them biſhops and prieſts ordained by them: it followed upon this, that ſacraments adminiſtered by others were of no value. He purſued theſe notions ſo far, that he aſſerted that the ſouls of men were naturally mortal, but that the immortalizing virtue was conveyed by baptiſm, given by perſons epiſcopally ordained. And yet, after all this, which carried the epiſcopal function ſo high, he did not lay the original of that government, on any inſtruction or warrant in the Scripture: but thought it was ſet up, in the beginning of the ſecond century, after the apoſtles were all dead. He wrote very doubtfully of the time, in which the canon of the New Teſtament was ſettled; he thought it was not before the ſecond century, and that an extraordinary inſpiration was continued in the churches to that very time, to which he aſcribed the original of epiſcopacy. This ſtrange and precarious ſyſtem was in great credit among us; and the neceſſity of the ſacrament, and the invalidity of eccleſiaſtical functions, when performed by perſons, who were not epiſcopally ordained, were entertained by many with great applauſe: this made the Diſſenters paſs for no Chriſtians, and put all thoughts of reconciling them to us far out of view: and ſeveral little books were ſpread about the nation, to prove the neceſſity of re-baptizing them, and that they were in a ſtate of damnation till that was done; but few were, by theſe arguments, prevailed upon to be re-baptized: this ſtruck even at the baptiſm by midwives in the church of Rome; which was practiſed and connived at here in England, till it was objected in the conference, held at Hampton-court, ſoon after king James the Firſt's acceſſion to the crown, and baptiſm was not till then limited to perſons in orders: nothing of this kind was ſo much as mentioned in the year 1660, when a great part of the nation had been baptized by Diſſenters; but it was now promoted with much heat. BURNET, vol. II. 604.

[c] The duke had under him the following troops, conſiſting of thoſe in the queen's pay, and of thoſe paid jointly by her majeſty and the ſtates, together with a regiment of Huſſars: Engliſh, 22 battalions and 19 ſquadrons; Danes, 9 battalions and 21 ſquadrons; Pruſſians, 10 battalions and 36 ſquadrons; Saxons, 7 battalions and 12 ſquadrons: Hanoverians, 14 battalions and 29 ſquadrons; Holſtein, 2 battalions and 8 ſquadrons; Wolfenbuttle, 2 battalions; Walloons, 4 ſquadrons; Anſpach, 2 battalions and 4 ſquadrons; Naſſau Dillenburg, 1 battalion; Ottinghen, 1 battalion; and Huſſars, 5 ſquadrons: In all 70 battalions, and 138 ſquadrons.

to conſider he was a Papiſt, and a German, at leaſt in intereſt: That the emperor, his maſter, had nothing to loſe on the ſide of the Netherlands: That a battle won might give ground for inſiſting on higher terms than the houſe of Auſtria was now likely to obtain: That a battle loſt might ſtill contribute to prolong the war; and that, in either caſe, the expence of blood would fall to the ſhare of the queen and ſtates: That he was of opinion, that theſe reflections had occaſioned private direction to their generals, to uſe more caution than the prince would perhaps approve: And that his grace might ſee, that this meaſure was not very conſiſtent with the compliment of an unlimited command, made to that prince by Mr. Lathmer, in the name of the States." And, on the 25th of April, O. S. (which was before it was known, that France had agreed ſo much as to propoſe to the king of Spain the alternative of the two monarchies, which was not till the 18th of May) Mr. Secretary St. John began to give the duke of Ormond ſome diſtant hint of the ſcene, which was afterwards to be opened, and told him, " That the queen inclined to be of opinion, that all the troops, whether ſubjects or foreigners, belonging to her, ſhould be immediately under his grace's command. That there might have been formerly reaſons for uſing a different method; but there ſeemed at preſent to be ſome of a very ſtrong nature for taking this; and perhaps theſe might every day grow ſtill ſtronger. That there could be no need for him to enter into the grounds, which they had, in this conjuncture, to be jealous of prince Eugene's conduct: His grace would ſee and know them all better than they could be repeated; but that on this occaſion the queen directed him to inform his grace, that ſhe thought, he was to be more cautious, for ſome time, of engaging in any action, unleſs in the caſe of a very apparent and conſiderable advantage, becauſe he would daily be ſtrengthened by the arrival of the imperial troops: And it was but juſt, theſe ſhould have their part, if any thing of that kind was to happen. That the great article of preventing the union of the two monarchies, was not yet entirely ſettled; the expedients were hard of digeſtion to the French ſtomachs; but, if this was got over, he did not ſee any formidable difficulty in the way." The duke returned an anſwer to theſe diſpatches, wherein he gave an account, what the Dutch had done in regard to the point of command: " That he was entirely of the Secretary's opinion, that a battle, either loſt or won, would at this time make very great alterations in the treaties now on foot. But that the Secretary might remember, that in his Inſtructions he was ordered to act in conjunction with the allies, 'in proſecuting the war with vigour;' ſo that, ſhould there happen a fair opportunity to attack the enemy, he could not decline it, if propoſed by the prince and ſtates: But he hoped to hear from him by a meſſenger, before the armies were formed, which would be on the 21ſt". The duke added, in a ſecond letter of May the 20th, " That, if there were a good opportunity to attack the enemy, and get into France, by the way of Champagne, he was ſure, the prince and ſtates would preſs it, unleſs they heard from England, that the peace was near being concluded: That he wiſhed it very heartily; but, if it were delayed, he hoped, he ſhould have the good fortune to force the French to comply with the queen's demands".

The armies having marched on the day appointed, the duke took his quarters at Marchiennes, where, in concert with prince Eugene, and the foreign generals, he reſolved to go nearer the enemy; and it was agreed, that the two armies ſhould paſs the Scheld, and encamp, the right of prince Eugene's at Neufville, and the left of the duke of Ormond's at Solemes, where they had the river Selle in their rear. But, on the 24th of May, in the evening an expreſs came from Mr. Secretary St. John, with a letter dated May 10, O. S. to acquaint the duke, " That, ſince her majeſty had reaſon to believe, that ſhe ſhould come to an agreement upon the great article of preventing the Union of the two monarchies, as ſoon as a courier ſent from Verſailles to Madrid could return, it was her majeſty's 'poſitive command, that he ſhould avoid engaging in any ſiege, or hazarding a battle,' till he received further orders from England". The Secretary acquainted the duke likewiſe, " That the queen would have him diſguiſe the receipt of this order; and that ſhe thought he could not want pretences for conducting himſelf ſo, as to anſwer her ends, without owning that, which might at preſent have an ill effect, if it was publickly known. That ſhe could not think with patience of ſacrificing men, when there was a fair proſpect of obtaining her purpoſe another way; nor would ſhe ſuffer herſelf to be expoſed to the reproach of having retarded, by the events of the campaign, a negotiation, which might have been as good as concluded in a few days". He added, " That this order was communicated at the ſame time to the court of France; ſo that, if the marſhal de Villars ſhould take any private notice of it, the duke was to anſwer accordingly".

On the 25th of May, N. S. the duke wrote two letters to Mr. Secretary St. John, a private and a public letter. In the firſt, which was his private letter, and all written with his own hand, he " acknowledged the receipt of the Secretary's orders, not to engage in ſiege or battle; to which he promiſed an exact obedience, and to keep ſecret his having received any ſuch command; and that he would endeavour to hinder its being ſuſpected. But that prince Eugene and the States having propoſed to attack the enemy; or, if that be found too hazardous, to beſiege Queſnoy, he feared it would be very difficult for him to diſguiſe the true reaſon of oppoſing all propoſals, that ſhould be made for undertaking any thing, having no excuſe for delays, all the troops expected and the heavy cannon, being to be there on Saturday. And that, if he could have found forage there, he would have made ſome pretence to delay the march, though the diſpoſitions of it were made before he received this letter". But, on the ſame day, the duke wrote another public letter to the Secretary, after he had received the letter of the 10th, wherein he took no notice of his orders, not to engage in ſiege or battle, but ſpoke of his having reviewed the Engliſh troops, and found them in ſo good a condition, as muſt convince all the allies, how groundleſs the complaints were, that had been made of our backwardneſs, " of which he ſaid, I believe you will now hear no more". And he added, " If we find an opportunity to bring the enemy to a battle, we ſhall not decline it". On the 28th of May, N. S. the duke in his letter to the Secretary ſaid, " Yeſterday prince Eugene, and the States-deputies deſired, that I would conſent to ſend the quarter-maſters to view the French camp; which I could not refuſe, without giving them ſome ſuſpicion of what I am ordered to diſguiſe; but I was ſure, that nothing of action could happen, the enemy being behind the Scheld. The detachment, that went with them, were forty ſquadrons, and all the grenadiers of my army to ſupport them, and make good their retreat, ſhould the enemy have endeavoured for to have attacked them. They went as far (I mean the horſe) as Catelet, where the right of the enemy's army lies, and are come back without ſeeing any of the French on our ſide the Scheld. The diſtance between the head of the Somme, and that of the Scheld, is not above a league and a half, which is a plain, and the enemy have not yet offered to throw up any retrenchment. May be to-morrow they will begin to work, ſince they have ſeen our troops reconnoitring that way." Prince Eugene and the deputies being to dine with the duke the next day, he was under apprehenſions, that they would preſs him to undertake ſomething immediately, which it would be very hard to conceal the true reaſon of his refuſing, having no reaſonable excuſe for it. In this letter he gave an account of a letter, which he had received from the marſhal Villars, and the anſwer which he had written to the marſhal. For May the 25th, N. S. the marſhal acquainted the duke, " That he had the king's orders, and the queen's conſent, to write to him, as ſoon as he received the courier; and, whatever glory was to be acquired againſt a general, whoſe valour was ſo well known among them, he deſired him to be aſſured, that he never received more agreeable news, than that they were to be no longer enemies: And that it was the king's particular injunction to him to keep this matter with an inviolable ſecrecy". The duke, according to the intimation given him by Mr. St. John, anſwered, " That he had received orders on that ſubject from the queen, and ſhould be ſure to conform himſelf punctually to them: But the keeping the ſecret enjoined would very much depend on the meaſures the marſhal himſelf ſhould take. The duke, on his part, let him know, that the march, he ſhould be obliged to make, was chiefly for the ſubſiſtence of the troops; and that the marſhal need not be in any apprehenſions on that account; at leaſt, the duke would anſwer for the army, which he had the honour to command". It is impoſſible to account for this tranſaction, unleſs the duke had orders, not only not to act againſt France, but to give the French general intelligence of all that was deſigned in the confederate army. The report being made by the quarter-maſters-general, who went with the detachment to view the French camp, and they all agreeing, that the ground was as advantageous as could be, their ſituation being ſuch, as gave an opportunity of falling upon their flank and rear, it was propoſed to the duke to march without delay to the enemy, and to attack

them. What the duke did upon this occaſion appears from his letter of May the 29th, N. S. to Mr. St. John; "You may eaſily imagine, ſays he, the difficulty that I was under to excuſe the delaying a matter, which, according to the informations I had from the quarter-maſters-general, and ſeveral other general officers, that went out with the detachment, ſeemed to be ſo practicable. The beſt excuſe I could make was lord Strafford's ſudden voyage to England, which gave me reaſon to believe there muſt be ſomething of conſequence tranſacting, which a delay of four or five days would bring to light: And therefore I deſired they would defer this undertaking, or any other, till I ſhould receive freſh letters from England, ſince ſo ſhort a delay could not be of any ill conſequence". Upon which both prince Eugene, and the States deputies, told the duke plainly, "That his anſwer was agreeable to the ſuſpicions they had for ſome time entertained, particularly ſince the expreſs of the 24th, which they knew had brought him letters from England". And they were the more confirmed in theſe ſuſpicions, becauſe marſhal Villars, "who had on all occaſions ſhewn himſelf very vigilant, did not ſend out a man to obſerve their motions, nor take any other precautions to ſecure his camp, where it lay ſo much expoſed; and he could not be ignorant, how ſtrong a detachment had been abroad on that ſide." The duke could not divert the propoſal, which had been made to fall upon the French army, by offering to undertake a ſiege; ſince Queſnoy, the place to be attacked, was within leſs than three leagues of the army, and all things neceſſary for a ſiege were already at Marchiennes; ſo that the conſequence of this offer would have been the immediate inveſting of that place, which was as contrary to the queen's laſt orders, as a battle. Prince Eugene, and the deputies ſeemed extremely diſſatisfied with the duke's anſwer, and ſaid, They were obliged to give an account of what had paſſed, and of the delays made by the duke, to their maſters, by expreſs." In this poſture things continued for ſome days, when, on the 4th of June, N. S. two of the deputies made a viſit to the duke; and, in the evening, ſent him a long memorial, containing the ſubſtance of their diſcourſe with him. In this they told the duke, "That, by order of their maſters, they repreſented to him, with how great a degree of ſurprize the ſtates had received the news of his declaring, he would undertake nothing, till he had letters from England, and of his refuſing to aſſiſt either in a ſiege or a battle. That it ſeemed to them incomprehenſible and unaccountable, why the allies ſhould loſe ſuch an apparent opportunity they had, as well in regard to the goodneſs and number of their troops, as the ſituation of the armies, to gain ſome great advantage over the enemy, which, if once neglected, might for ever be irretrievable. That they could by no means conceive his orders were ſo ſtrict, as to tie up his hands, when ſo fair an occaſion of annoying the enemy preſented itſelf: and that, in their opinion, ſuch orders ought to be underſtood in the beſt ſenſe, ſo as enjoin the declining any attempt for ſome little time, provided no great prejudice might redound by that means to the common cauſe; but in no wiſe to juſtify the ſitting ſtill with their arms acroſs, in ſuch a ſituation, where inaction would cut off all hopes of their being able to attempt any thing for the future; ſince, if the army continued inactive for any time, the forage would be conſumed, and the operations for the reſt of the campaign would be rendered not only difficult, but impracticable. Beſides, the enemy would have time to intrench and fortify their camp, as much as they pleaſed. That the ſtates had ordered them to inforce theſe arguments with others, and particularly with this, That the army, his grace commanded, conſiſted not only of her majeſty's national troops, but, for the moſt part, of ſuch, as were in the joint pay of her majeſty and the ſtates, the command of which indeed belonged to his grace, as general in chief; but, as thoſe troops were engaged by both powers jointly, to make war, and act againſt the enemy, they could not be exempted from that ſervice by his grace alone, without the knowledge and conſent of the ſtates; at leaſt, without contradicting the treaties and ends, by and for which they were engaged. That not only the treaty of the grand alliance, but others made between her majeſty and the ſtates, obliged her majeſty to puſh on the war with vigour; but the declaration his grace made, that he could not act till further orders, at a time, when, by his grace's own approbation, they had marched juſt within ſight of the enemy, and when there was ſo fair a proſpect of ſucceſs, if ſomething were attempted, could not, they thought, be reconciled either with thoſe treaties, or the repeated aſſurances, which her majeſty had given them by letters, by my lord Strafford, and by his grace, lately at the Hague. Therefore, they deſired his grace, if he had any regard to thoſe treaties and aſſurances, which ought to be kept ſacred, to puſh on the war with vigour, offenſively againſt the enemy; but that, if his grace perſiſted in his reſolution of not acting offenſively, they deſired to know, whether he would conſent, that the troops under him might be employed to cover a ſiege, which they would undertake; and whether he would give a promiſe to attack the enemy, if they came to diſturb them. That, in caſe his grace refuſed, they did in the moſt ſolemn manner, and in the ſtrongeſt terms, proteſt againſt the irreparable damage, which ſuch a conduct would occaſion to the confederacy. That, in order the better to guide themſelves, they demanded to know preciſely, what his orders were; how far they reached; and what dependance the ſtates might have on her majeſty's troops for the future: And laſtly, they required, on their part, that his grace would not hinder the troops in the joint pay from acting agreeably to the reaſon of war, and their ſolemn treaties and engagements. The concluſion of the memorial was, that the ſtates had ordered this repreſentation to be made in writing to his grace, that all the world and poſterity might ſee, that they have been ſo far from being guilty of the great injury, which the common cauſe receives from the preſent inaction, that they have done all in their power to prevent it; and that others are to anſwer for all the unhappy conſequences of it". To the ſubſtance of this memorial, expreſſed before by the deputies in their diſcourſe with the duke, he could only anſwer, 'that, before he entered upon action, he ſhould be glad to receive letters from England, which he expected every moment'. And this was all the ſatisfaction he was then at liberty to give to their demands, bound up, as he was, by his laſt inſtructions. The duke immediately diſpatched a meſſenger to England, with an account of what had paſſed, hoping, That, before they came to any extremities, he ſhould have his final orders, and recommending it as a matter of the greateſt importance, both to the public and himſelf, that he ſhould know her majeſty's pleaſure as ſoon as might be.

In the mean time, prince Eugene and the ſtates deputies preſſed the duke continually for a poſitive anſwer, repreſenting, at the ſame time, the goodneſs and ſuperiority of the confederate troops, which could not be contradicted; and concluding, 'that the duke muſt have orders not to do any thing, though he would not own them; ſince they knew, he could not otherwiſe anſwer for his inaction'. In debating this matter, one of the deputies took, as the duke thought, too much liberty in cenſuring the proceedings of England; which he was deſired to forbear, as being no way agreeable to that good underſtanding, which was ſo neceſſary to be kept up between the queen and the ſtates. While the duke was under this uneaſineſs, on the 7th of June, N. S. a letter came from Mr. St. John, dated the 17th of May, O. S. which expreſſed "the impatience her majeſty was in to hear, whether the orders, ſent on the 10th of May, came ſafely and early to his hands, and the aſſurance ſhe had of his punctual obedience to her commands in ſo nice and important a conjuncture". The duke returned an anſwer the next day, repreſenting, "That things were now come to great extremity: that he could not avoid ſeeing every day freſh marks of the ill blood and diſſatisfaction cauſed among the allies, by the meaſures he was obliged to obſerve: that many of them did not ſcruple to ſay, 'We were betraying them'; and this ferment ſeemed rather likely to increaſe, than diminiſh; and, conſidering the circumſtances we were in, it was hard to ſay, what might be the conſequences of it: that let the peace, which he was in daily expectation to hear of, be never ſo advantageous, he was apprehenſive, that, if the allies ſhould pretend to diſlike it, he could not depend upon any troops, but thoſe compoſed of her majeſty's own ſubjects. And what confirmed him in this opinion was, that he was well informed, that if the elector of Hanover did not approve of the peace, his troops would have orders to ſerve with the Dutch, and would likewiſe be augmented by all that prince could ſpare from other parts; and he was not without ſuſpicion, that endeavours were likewiſe uſing to gain the Danes". The cloſe of his letter was in theſe words: "By this and my former you may gueſs, how uneaſy a ſituation I am in; and, if there be no proſpect of action, I do not ſee of what uſe I am here; and, if it ſuit with her majeſty's ſervice, I ſhould be glad, I might have leave to return to England. But in this, and all other matters, I ſhall readily ſubmit to her majeſty's pleaſure. I am impatient to hear from you what I am to depend upon."

Prince Eugene and the deputies having reſolved to be-

ſiege Queſnoy [d], the town was inveſted on the 8th of June, by a detachment from the two armies, conſiſting of thirty battalions, and as many ſquadrons, under the command of general Fagel. The duke, though he had no part in carrying on the ſiege, yet could not refuſe furniſhing ſeven battalions and nine ſquadrons of the troops in the joint pay of England and the States, but avoided ſending any of thoſe, which were in the queen's whole pay.

On the 10th, a letter came from marſhal Villars, wherein he let the duke know, "He had received ſeveral advices, that Queſnoy was inveſted; and that part of the troops in his grace's army was employed in that ſervice: that, by order of his maſter, he deſires to know of him, if any troops under his command have a ſhare in undertaking or forming that ſiege; for he could not think, prince Eugene would venture to attempt it with thoſe forces alone which he commands. He therefore begs his grace would explain this matter to him, that he may know how to act, and take his meaſures, according as prince Eugene perſeveres in, or deſiſts from, this enterprize. He adds, that a courier went from Paris the morning before, with the anſwer of Spain to the queen, which, it was ſuppoſed, would be ſatisfactory". The duke's anſwer was, That, as the marſhal obſerved himſelf, of what conſequence it was to keep this affair ſecret, he would leave him to judge, whether he could have done it better, than by the conduct he had obſerved. That it was true, that for the ſiege of Queſnoy, which it was not in his power to prevent, he had furniſhed ſome troops, which were paid in part by the ſtates, but not one ſingle man ſolely in the queen's pay. That he thought, ſince the "trenches were not opened, the ſiege would have no effect to break the meaſures concerted between their ſovereigns, before they could receive their final inſtructions". He concludes, "He was ſurprized, upon the duke of Wirtemberg's informing him, that the marſhal had ſaid to one of that duke's trumpets, that the Engliſh would do the French no hurt, nor the French them: that himſelf had ſuch orders, and did not doubt, but the duke of Ormond had the ſame". The marſhal, in another letter the next day, denied, "That he had ever ſeen or heard of any trumpet from the duke of Wirtemberg: that this was a mere invention of thoſe, who had a mind to give a reputation to the Dutch gazettes, in which it had been affirmed, that his grace had ſhewed prince Eugene his orders, not to engage in any attempt. He deſires to be informed by his grace, whether the army under his command would oppoſe any attempt, which the king's forces would certainly make upon prince Eugene's, if he continued the ſiege: And adds, that the king, while he ſees prince Eugene undertaking a ſiege, and knows the army under his grace ought not to act, directly or indirectly, againſt his, would be very much diſpleaſed with him, if he ſhould continue unactive."

By this time the Dutch plenipotentiaries at Utrecht having, by order of the ſtates, expoſtulated with the biſhop of Briſtol, about the duke of Ormond's refuſing to aſſiſt the confederates in any undertaking againſt the enemy: the biſhop anſwered, "that he knew nothing of the matter, and would repreſent it to the queen": But, at the ſame time, he took occaſion to let them know, "That, two days before, he had received an expreſs, with a letter from her majeſty, in which ſhe complained, that, notwithſtanding all the advances ſhe had made from time to time to the ſtates, in order to engage them to enter with her upon a plan of peace, their high mightineſſes had not anſwered her as they ought, and as her majeſty hoped they would. That therefore they ought not to be ſurprized, if her majeſty did now think herſelf at liberty to enter into ſeparate meaſures, in order to obtain a peace for her own conveniency". Upon this the plenipotentiaries of the ſtates repreſented to the biſhop, "That ſuch a ſtep would be contrary to all the alliances and treaties betwixt their high mightineſſes and the queen: that they thought they had merited otherwiſe by the deference, which, on all occaſions, they had ſhewn to her majeſty; and that they knew nothing of the advances, which the biſhop ſaid her majeſty had made towards the ſtates, on the ſubject of a plan of peace". The biſhop replied, "That he muſt not forget to tell them, his inſtructions did further bear, that, conſidering the conduct of the ſtates towards her majeſty, ſhe thought herſelf diſengaged from all alliances and engagements with their high mightineſſes". The biſhop did not, in expreſs words, name the Barrier-treaty; but he did not except it: ſo they reckoned it was included in the general words he had uſed.

The lord biſhop's anſwer and declaration, being, by expreſs, brought to the Hague the night between the 2d and 3d of June, was, the next morning, communicated to the miniſters of the allies; ſeveral conferences were held, and private meaſures concerted between the ſtates, the elector of Hanover, the landgrave of Heſſe-Caſſel, and ſome other princes of the empire, for the ſubſiſting and maintaining the foreign troops in the pay of Great-Britain; ſo that the confederate army ſhould ſuffer no other diminution, than by the troops of Great-Britain, which did not amount to above twelve thouſand men. In the mean time, the States-general wrote a long letter to the queen, which, on the 5th of June, they ſent, by an expreſs to their envoy in London, with orders to deliver it into her own hands. And count Zinzendorf, who had likewiſe received an account of what had paſſed in the army, went from Utrecht to the Hague, on the 1ſt of June, N.S. and diſpatched the next day three expreſſes, one to the emperor, another to prince Eugene, and the third to the Imperial miniſter in London. And the baron de Hohendorf, adjutant-general to prince Eugene, who came over with a commiſſion from Vienna, to ſolicit the payment of the ſubſidy voted by the houſe of commons for the war in Spain, being on his departure for London, count Zinzendorf gave him likewiſe freſh inſtructions about the preſent juncture of affairs.

The Britiſh court having, on the 25th of May, O.S. received an expreſs from Holland, the queen did not come, as uſual, to St. James's chapel, but held a council at Kenſington. Two days after the baron de Hohendorf arrived in London, and in the afternoon was in conference with the lord-treaſurer, who gave him fair hopes. The ſame afternoon Van Borſelen, envoy from the ſtates, was alſo in conference with the treaſurer on the ſubject of what he had repreſented the evening before in a private audience [e]; upon which orders were ſent to the duke of Ormond to concur with the general of the allies in a ſiege. In the mean time the news of what had happened in the army being ſpread abroad, and having occaſioned a general ſurprize, the lord Hallifax acquainted the houſe of peers, "That he had matters of great importance to lay before them"; and deſired, that the members might be ſummoned to attend the ſervice of the houſe the next day. The peers being in a full houſe on the 28th of May, the lord Hallifax made a ſpeech, wherein he firſt took notice of the ſtrange declaration made in the army by the duke of Ormond; then ſhewed the ill conſequences of ſuch a proceeding, and the neceſſity of carrying on the war with vigour; and concluded with a motion for an addreſs, "humbly to deſire her majeſty to lay before the houſe the orders ſhe had ſent to the general, and to order him to act offenſively in concert with the allies". When he had done ſpeaking, ſome objections were raiſed as to the matter of fact; but, though the lord Hallifax did not want proofs, having, among others, a copy of prince Eugene's letter, yet he did not think proper to produce it; and ſome other Whig lords contented themſelves with preſſing thoſe in the miniſtry to acquaint the houſe, Whether any orders of reſtraint had been ſent to the duke of Ormond? The treaſurer, who was moſt concerned in this affair, anſwered, "That they, who had the honour to ſerve the queen, could not reveal the orders ſhe gave to her general without a particular direction from her majeſty; and that, in his opinion thoſe orders were not fit to be divulged. That, however, he would adventure to ſay, that, if the duke of Ormond had refuſed to act offenſively, he did not doubt, but he had followed his inſtructions: and it was prudence not to hazard a battle upon the point of concluding a good peace, eſpecially conſidering they had to deal with an enemy ſo apt to break his word". The earl of Wharton ſaid, "He was extremely glad to find that noble lord ſo candid, as to acknowledge the inſincerity of France: But that, in his opinion, this was a ſtrong reaſon for keeping no meaſures with ſuch an enemy, but rather for puſhing him with the utmoſt vigour, till he was reduced to the neceſſity of dealing honeſtly". The treaſurer replied, "Though the duke of Ormond might have refuſed to hazard a general action, yet he could be poſitive, he would not decline joining with the allies in a ſiege, orders having been ſent him for that purpoſe". The duke of Marlborough ſaid, "He did not know how to reconcile the

[d] Queſnoy, a ſmall, but ſtrong town of the Low-Countries, in the earldom of Hainault, and territory of Valenciennes, ſubject to the French. It ſtands ſeven miles ſouth-eaſt of Valenciennes, eighteen ſouth-weſt of Mons, and eighteen almoſt north-eaſt of Cambray.

[e] The treaſurer, among other things, ſaid to him, when he complained of the biſhop of Briſtol's declarations, "The biſhop was certainly in a very bad humour, when he talked at that rate."——BURNET, vol. II. 608.

orders, not to hazard a battle, and to join in a ſiege, to the rules of war; ſince it was impoſſible to make a ſiege, without either hazarding a battle, in caſe the enemy attempted to relieve the place, or ſhamefully raiſing the ſiege". The duke of Argyle, on the other hand, excuſed the orders given to the duke of Ormond, and, among other things, ſaid, " That, in his opinion, ſince the time of Julius Cæſar, there had not been a greater captain than prince Eugene of Savoy: but that, nevertheleſs, conſidering the different intereſts of the houſe of Auſtria and of Great-Britain, it might not conſiſt with prudence to truſt him with the management of the war, becauſe a battle, won or loſt, might entirely break off a negotiation of peace, which, in all probability, was near being concluded. That, according to his knowledge, nothing was more uncertain than the iſſue of a battle, where victory was ſtill wavering, and ſo often changed ſides, that they, who, after five or ſix ſucceſsful charges, thought themſelves ſure of gaining the day, had at laſt been routed and put to flight. Adding, that two years before, the confederates might have taken Arras or Cambray, inſtead of amuſing themſelves with the inſignificant conqueſt of Aire, Bethune, and St. Venant". The earl of Nottingham declared on the other ſide, " That he could not comprehend why orders had been given to our general not to fight, unleſs certain perſons were apprehenſive of weakening the French, ſo far as to diſable them to aſſiſt them in bringing about deſigns, which they durſt not yet own". The duke of Devonſhire ſaid on the ſame ſide, " That, by the proximity of blood, he was more concerned for the duke of Ormond's reputation than any other; and therefore he could not forbear declaring, he was ſurprized to ſee any one dare to make a nobleman of the firſt rank, and of ſo diſtinguiſhed a character, the inſtrument of ſuch a proceeding". The earl Pawlet anſwered, " That no body could doubt of the duke of Ormond's courage and bravery; but that he was not like a certain general, who led troops to the ſlaughter, to cauſe a great number of officers to be knocked on the head in a battle, or againſt ſtone-walls, in order to fill his pockets, by diſpoſing of their commiſſions". This reflection, ſo viſibly levelled at the duke of Marlborough, could not but very ſenſibly affect him; but he reſtrained his reſentment for a while, and remained ſilent [f]. On the other hand, the lord Cowper made a long ſpeech, wherein he complained of their being kept ſo long in the dark about the progreſs of a negotiation of peace; and, ſome other Whig lords having preſſed the earl of Strafford to give the houſe an account of it, he excuſed himſelf, as not having the queen's orders for it. But the treaſurer aſſured them, " That, in a few days, her majeſty, according to her promiſe, would lay before her parliament the conditions, on which a peace might be made, which he doubted not would give entire ſatisfaction to every member of that houſe, and to all true Engliſhmen". Some lords having declared their apprehenſions of a 'ſeparate peace'; the treaſurer aſſured them, " that nothing of that nature was ever intended; and that ſuch a peace would be ſo baſe, ſo knaviſh, and ſo villainous a thing, that every one, who ſerved the queen, knew they muſt anſwer it with their heads to the nation; but that it would appear to be a ſafe and a glorious peace, much more to the honour and intereſt of the nation, than the preliminaries that were agreed to three years before. He alſo affirmed, that the allies knew of it, and were ſatisfied with it". The lord Hallifax, obſerving the diſpoſition of the houſe, would have dropped his motion, without dividing; but the court-party, being ſure of a majority, inſiſted to have the queſtion for adjourning the debate, which being carried in the affirmative by ſixty-eight voices againſt forty, twenty-five of the latter entered their proteſts againſt the orders given to the duke of Ormond [g]. This point being gained, the earl of Strafford ſuggeſted, " That, before the houſe entered upon the negotiation of Utrecht, they would do well to examine into thoſe of the Hague and Gertruydenberg; upon which he would communicate to them two obſervations he had made during his reſidence in Holland: Firſt, that, at the Hague, the French miniſters conferred only with the penſionary, who, having made his report to the ſtates-general, communicated no more of it to the miniſters of the Allies, than what was judged proper to let them know; ſo that the Dutch were abſolute maſters of the ſecret of that negotiation, as they were afterwards of that of Gertruydenberg [h]. Secondly, that the States-general had conſented to give Naples and Sicily to king Philip; which ſhewed, even at that time, that the recovery of the whole monarchy of Spain was looked upon as impracticable". He ſaid, he had his information from one of the two, who had been employed in thoſe conferences; by which it was plain, that he meant Buys. He concluded with a motion for addreſſing her majeſty, " That ſhe would be pleaſed to cauſe the papers relating to the negotiations of the Hague and Gertruydenberg to be laid before the houſe"; which was carried without dividing. But nothing followed upon this; for it was ſaid to be deſigned only to amuſe the houſe.

The ſame day the lords were on this debate, there was another on the ſame ſubject in the houſe of commons, where

[f] As ſoon as the houſe was up, the lord Mohun went to the earl Pawlet, and told him, that the duke of Marlborough deſired to have an eclairciſſement with his lordſhip, about ſome expreſſions he had uſed in that day's debate; and therefore deſired him to go and take the air in the country. The earl, who readily underſtood the meaning of ſuch an eclairciſſement, aſked my lord Mohun, Whether he brought him a challenge? To which he anſwered, That his meſſage wanted no explanation, and that he would accompany the duke of Marlborough. The earl Pawlet being returned home, with ſome emotion, and having given his lady a hint of what had paſſed, the earl of Dartmouth, ſecretary of ſtate, was ſoon acquainted with it; and went immediately to the duke of Marlborough, and deſired him not to ſtir abroad. At the ſame time, his lordſhip cauſed two centinels to be placed at the earl Pawlet's houſe; and, having informed the queen of the whole affair, her majeſty ſent him back to the duke of Marlborough, to deſire him, that this might go no further. His grace gave his word of honour, that he would comply with her majeſty's commands: But, though this quarrel ended without bloodſhed, yet many began to apprehend the conſequences of the heats and animoſities of the two parties, which daily increaſed. The duke of Marlborough was afterwards ſeverely cenſured, 'for ſetting the example of party duels': But, on the other hand, the tongues of moſt people were very free with the duke of Ormond: And, to this purpoſe, we may take notice, that an alehouſe-keeper in Weſtminſter, having, either for a jeſt-ſake, or out of mere ſimplicity, ſet up for his ſign his grace's head, with this inſcription, 'the General of Peace', the government ordered the ſame to be taken down.

[g] They were to this purpoſe: 1. That their lordſhips conceived ſuch an order, as was propoſed in the queſtion, to be abſolutely neceſſary, becauſe they were convinced, that the duke of Ormond lay under ſome order of reſtraint from acting offenſively, not only from the accounts, which were public both here and in Holland, of his declaring it, to prince Eugene, and to the deputies of the ſtates at their laſt conſultations, when both prince Eugene and thoſe deputies earneſtly preſſed him to join in attacking the French army, which was then known to be much inferior to that of the allies, both in the number and condition of their troops; but alſo, for that nothing of this whole matter was denied by thoſe lords, who had the means of knowing theſe facts, as undoubtedly would have been without ſcruple, had not the facts been true; ſince no ſcruple was made of acquainting the houſe with a ſubſequent order very lately ſent to the duke of Ormond, allowing him to join in a ſiege: Which was a further evidence, that he had before ſome order of reſtraint; for otherwiſe this laſt order would be unneceſſary and abſurd; it being a general, and a conſtant, and a ſtanding inſtruction to every commander in chief by land or ſea, to do his utmoſt endeavour to annoy the enemy. And it is manifeſt by this laſt order, that, even in the opinion of the miniſters, it was expedient to take off this reſtraint in ſome degree; and the leaving the duke of Ormond ſtill under a reſtraint from giving battle to the French, ſeemed moſt unaccountable and inconſiſtent with the liberty indulged to him, of joining in a ſiege, and rendering it altogether uſeleſs. For no place, when taken, could be of ſuch advantage to the allies as Cambray, which opens a free paſſage for our army into the heart of France; and it was impoſſible to beſiege that place, without diſlodging the French from their encampments; and this alſo was impoſſible, if the French would keep their ground. Other attempts ſeemed to be of little uſe, but might ſerve to give the French time, which they did not want ſkill to improve.

2. That they conceived it would be derogatory to her majeſty's honour, to public faith, and that juſtice which was due to her allies; and that it was a ſort of impoſing upon our allies a ceſſation of arms, without their conſent, and in the moſt prejudicial manner, becauſe they were not ſo much as acquainted with it, and ſo might have been led into great difficulties: Beſides, that it fruſtrates all eſſential advantages againſt the common enemy, which might be of fatal conſequence to this nation and all Europe.

3. Becauſe it was acknowledged, that a general peace was not concluded, as indeed it was very unlikely it ſhould, there having been no anſwers in writing given by the French to the ſpecific demands of the allies, though the ſame were delivered to the French three months ago. And it was further declared, 'That there was no ſeparate peace; nay, that ſuch a peace would be fooliſh, knaviſh, and villainous'. and therefore, while we were in war, and having no ſecurity of a peace, their lordſhips conceived, that ſuch an order of reſtraint was a plain neglect of all thoſe happy opportunities, which Providence might, and lately did, put into our hands, of ſubduing our enemy, and forcing him to a juſt and honourable peace. And ſurely it was imprudent and dangerous to rely on the promiſes of France, which were ſo far from being any ſecurity, that even a peace would not be ſafe in their opinion, unleſs it be ſuch, as gave ſo full ſatisfaction to the allies, that they ſhould be willing to join with us in a mutual guaranty of it.

That her majeſty having with great wiſdom declared to this parliament, 'That the beſt means of obtaining a good peace was to make early preparations for war, and a vigorous proſecution of it': and ſince the parliament had, with great duty and deference to her majeſty, and a juſt zeal for the intereſt of their country, and of Europe, given very great ſupplies for that purpoſe; their lordſhips conceived, that ſuch an order of reſtraint, being very different from that declaration of her majeſty, muſt be the effect of very ill advice; by which the parliament's good intentions would be defeated, and all thoſe heavy loads of taxes, which they have for ſo good purpoſes chearfully given, rendered fruitleſs and unneceſſary, and might, in concluſion, after having thus trifled away our wealth and time, bring us into a neceſſity of accepting ſuch a peace, as it ſhould pleaſe an inſolent and domineering enemy to give us.

This proteſt was publiſhed likewiſe abroad in French and other languages; and the peers who ſigned it, were the dukes of Devonſhire, Marlborough, Rutland, Bolton, Mountague, and Somerſet; the marquis of Dorcheſter; the earls of Wharton, Derby, Nottingham, Bridgewater, Godolphin, Carliſle, Orford, and Scarborough; the lord viſcount Townſhend; the lord biſhops of Oxford, Sarum, Bangor, and St. Aſaph; and the lords Rockingham, Cowper, Haverſham, Mohun, and Hallifax.

[h] The lord Townſhend had informed the houſe, that thoſe who treated with the French at Gertruydenberg did, at their return, give an account of their negotiation to the miniſters of the allies, in the penſioner's preſence, before they reported it to the ſtates themſelves: but, upon this, the earl of Strafford ſaid, they had been firſt ſecretly with the penſioner, who directed them both what to ſay, and what to ſuppreſs.—BURNET, vol. II. 607.

Mr. Pulteney moved, " That an addreſs be preſented to her majeſty, to acquaint her, that her faithful commons were juſtly alarmed at the intelligences received from abroad, that her general in Flanders had declined to act offenſively againſt France, in concurrence with her allies. And being under the deepeſt concern for the dangerous conſequences, which muſt ariſe from thence to the common cauſe, they beſought her majeſty, that ſpeedy inſtructions might be given to her general, to proſecute the war with the utmoſt vigour, in conjunction with her allies, as the beſt means to obtain a ſafe and honourable peace for her majeſty, and all of them, and to quiet the minds of the people, who could not but be extremely apprehenſive of the fatal conſequence of ſuch a diviſion". Upon this motion Mr. St. John gave the commons much the ſame aſſurances the treaſurer had given the lords; and in anſwer to what was ſuggeſted by a member, " That the preſent negotiation had been carried on in a clandeſtine and treacherous manner", he ſaid, " He hoped, it would not be accounted treachery to act for the good and advantage of Great-Britain: That he gloried in the ſmall ſhare he had in this negotiation; and, whatever cenſure he might undergo for it, the bare ſatisfaction of acting in that view would be a ſufficient recompence and comfort to him all his life-time". After ſome other ſpeeches on both ſides, Mr. Pulteney's motion was rejected by a majority of two hundred and three voices againſt ſeventy-three; and it was reſolved, " That the commons had an entire confidence in her majeſty's promiſe to communicate to her parliament the terms of the peace, before the ſame ſhould be concluded; and that they would ſupport her againſt all ſuch perſons, either at home or abroad, who ſhould endeavour to obſtruct it". This reſolution having been laid before the queen by the whole houſe, her majeſty thanked the commons moſt heartily for it, as being dutiful to her, honeſt to their country, and very ſeaſonable at this time, when ſo many artifices were uſed to obſtruct a good peace, or to force one diſadvantageous to Britain". On the ſecond of June they alſo reſolved, in imitation of the lords, to addreſs the queen, " for an account of the negotiations and tranſactions at the Hague and Gertruydenberg, and who were then employed as her majeſty's plenipotentiaries".

While the diſputes, that had been raiſed at Utrecht, were induſtriouſly kept on foot, the negotiations were carrying on directly between England and France; and the two great points upon the anvil were the renunciation of the Spaniſh monarchy, and the ceſſation of arms.

The firſt mention, made of the renunciation in order to be treated of, is found in a memorial dated March 28, 1712, intitled, 'The anſwer to the memorial brought by Mr. Gaultier the 23d of March 1711-12'. This memorial, which was received in France the 23d of March, was ſuppreſſed, but the contents of it may in great meaſure be collected from the anſwer that was given to it. As the general propoſal, that the crowns of France and Spain ſhould never be united, aroſe firſt from England, and was made an article in the private propoſitions ſent over by Mr. Prior; ſo the expedient for preventing that union, namely, a renunciation, was alſo firſt propoſed by England[h]. In the anſwer to Gaultier's memorial, Torcy declares, in the ſtrongeſt terms, " That the renunciation deſired would be null and invalid by the fundamental laws of France, according to which the neareſt prince to the crown is of neceſſity the heir thereto. It is an inheritance, that he receives neither from the king his predeceſſor, nor from the people, but from the benefit of the law; ſo that, when one king dies, the other ſucceeds him forthwith, without aſking the conſent of any perſon whatſoever. He ſucceeds not as heir, but as the maſter of the kingdom, the ſeigniory whereof belongs unto him, not by choice, but by right of birth only. He is not beholden for his crown either to the will of his predeceſſor, or to any edict, nor to any decree, nor to the liberality of any perſon, but to the law. This law is looked upon as the work of him, who hath eſtabliſhed all monarchies; and we are perſuaded in France, that God only can aboliſh it. No renunciation therefore can deſtroy it; and, if the king of Spain ſhould renounce for the ſake of peace, and in obedience to the king his grandfather, they would deceive themſelves, who received it as a ſufficient expedient to prevent the miſchief we propoſe to avoid." He then gives an account of the diſpoſition made of the ſucceſſion to the crown of Spain by king Philip, and regiſtered in the councils of Spain; which diſpoſition he propoſed might be confirmed by the preſent treaty of peace, and ratified by the cortes or ſtates of the kingdom of Spain. Mr. St. John in his anſwer rejected this propoſal, and not at all convinced by what Torcy had ſo ſtrongly urged, concerning the nullity of the renunciation, inſiſted ſtill upon it. " We are ready (ſays he) to believe you are perſuaded in France, that God alone can aboliſh that law, upon which your right of ſucceſſion is founded; but you will give us leave to be perſuaded in Great-Britain, that a prince may depart from his right by a voluntary ceſſion; and that he, in favour of whom that renunciation is made, may be juſtly ſupported in his pretenſions by the powers, that become guarantees of the treaty. In ſhort, ſir, the queen commands me to tell you, that this article is of ſo great conſequence, as well for herſelf as the reſt of Europe, for this preſent age as for poſterity, that ſhe will never agree to continue the negotiations of peace, unleſs the expedient ſhe has propoſed be accepted, or ſome other equally ſolid." Torcy, in his anſwer to this letter, begins to think it not impoſſible to find an expedient, to ſettle this grand affair; and propoſes, that, when the king of Spain ſhall become either immediate ſucceſſor, or preſumptive heir to the crown of France, he ſhall then declare the choice he intends to make; either to maintain his right to the crown of France, or to keep that of Spain: that king Philip ſhall become party to the treaty, wherein the ſucceſſion to the two crowns ſhall be likewiſe ſettled; and that all the powers of Europe ſhall enter into an engagement with France to maintain it. Mr. St. John reaſons againſt this propoſal, and inſiſts, that no expedient can effectually ſecure Europe from the dangers, wherewith it is threatened by the union of the two monarchies, unleſs the prince, who is at preſent in poſſeſſion of Spain, makes his choice at this very inſtant; and, upon a ſuppoſition, that the crown of Spain would be his choice, that this declaration ſhould be made during the congreſs at Utrecht. Torcy, ſeeming always to comply with what was deſired, agrees, that the Catholic king muſt calm the uneaſineſs of Europe, in declaring, from the preſent time, what part he will take, if ever the ſucceſſion of France is open in his favour. That the inconveniencies ariſing from hence muſt ſubmit to the public good. " Thus, ſir, (ſays Torcy to Mr. St. John) the king approving your propoſition, diſpatches a courier to Spain, and writes to the king his grandſon, to let him know the neceſſity of reſolving on the choice he ſhall make, and to declare it, to the end it may be inſerted in the treaty of the general peace, and be made a condition of it, whereof all Europe ſhall be guarantee". And he promiſes to uſe all poſſible means, even force, if it were neceſſary, to make the king of Spain agree to it. He hopes this propoſition will, in a great meaſure, remove all difficulties; and, as they muſt expect new obſtructions from thoſe, who would willingly break the conferences, he believes the beſt way to diſappoint their deſigns would be, for the queen of Great-Britain to propoſe immediately a ſuſpenſion of arms; for they grounded their hopes upon the events of a campaign. Mr. St. John, in his anſwer to this letter, treats this propoſal as liable to all the objections of the former, and argues thus upon it; " Although the king of Spain ſhould at this inſtant declare his choice, What greater ſecurity will Europe have, if the execution of that choice be deferred to another time? In offering, that he ſhall be obliged to declare his choice at this preſent time, you agree, that neither the ſtipulations of a treaty, nor the guarantee of the powers engaged in the preſent war, would be ſufficient to ſecure that the choice ſhall be made. How then can we conclude, that they will be ſufficient to ſecure, that, when the caſe ſhall happen, he ſhall quit one crown to accept of the other, according to the choice, which he ſhall now make? The queen has often declared, that it will be impoſſible for her to be content with any expedient, which ſhall not be very ſolid, upon an article of ſo great an importance as the union of the two monarchies. This would be to loſe the fruit of all the blood, which the allies had ſpilt in the courſe of this war. This would be to betray the common cauſe of Europe, and to expoſe both the preſent age and poſterity to greater dangers, than it is poſſible to imagine". In ſhort, he inſiſts, that they muſt take care, that the time ſhall never be, when the ſame prince ſhall have the crown of Spain upon his head,

[h] It is obſerved here, in the report of the Committee of Secrecy in 1715, 'The ſenſe of France and Spain upon that important article was not known, nor ſo much as aſked, although in every ſtep France had given plain indications, that the crown of Spain was to remain to king Philip. And it is ſurprizing, that the Britiſh miniſtry had gone ſuch lengths in promoting the meaſures of France, without taking the leaſt precaution, or having any ſatisfaction concerning the monarchy of Spain, wherein the intereſt of Great-Britain was, by their own confeſſion, more immediately concerned, than in all their other articles of the peace.

and the ſucceſſion to the crown of France open to him. He at laſt propoſes, " That, if the king of Spain prefers the expectation of the crown of France to the preſent poſſeſſion of Spain, in ſuch caſe he ſhall withdraw forthwith with his family out of Spain, the poſſeſſion of which, and the Indies, ſhall be given to the duke of Savoy: That king Philip ſhould have the kingdom of Sicily and the hereditary dominions of the duke of Savoy, together with the Montferrat and Mantua, all which dominions he ſhould remain poſſeſſed of, though he became king of France, excepting Sicily, which, in that caſe, ſhould return to the houſe of Auſtria".

Monſieur de Torcy, ſtill ſeeming to comply with the meaſures of England, ſhews the great hardſhip, which the king of Spain muſt undergo, in ſacrificing his own and the intereſt of his family for the eſtabliſhing a general peace. However, the king of France would ſend to him, to know his mind upon the two alternatives. In the mean time, the king of France promiſes, that the treaty of peace ſhall be made, upon the foundation of one of theſe two propoſitions; either that the king of Spain ſhall renounce his right to the crown of France, and keep Spain and the Indies; or, if he prefers his expectation upon France, he ſhall quit Spain and the Indies to the duke of Savoy, in exchange for the preſent dominions of the duke of Savoy, &c. as propoſed by Mr. St. John. He hopes, by this promiſe of the king of France, all uncertainties are removed; and ſubmits to the queen's wiſdom, to conſider what method will be moſt conducive to the general good. " It will (ſays he) be very unhappy, if any event, during the campaign, ſhall fall out to diſturb the good diſpoſitions, that are ſeen at preſent, for eſtabliſhing the public repoſe."

This correſpondence between the two Secretaries, for preventing the union of the two kingdoms, carried on from about the middle of March to the 18th of May 1712, ended at laſt, juſt as it began; and king Philip choſe to make the Renunciation. Torcy giving the Britiſh miniſters ſuch early notice, and telling them ſo very plainly, that what they aſked was utterly inſufficient, and would be for ever deemed, by the unalterable laws of France, null and void, is very remarkable. His dexterity in managing that part of the negotiation, in ſeeming always to comply, and deſirous to come as near as poſſible to the propoſals made from hence, and ſubmitting at laſt, ſince Great-Britain would have it ſo, to the Renunciation ſo peremptorily inſiſted on, is no leſs obſervable. But it is unaccountable, how the Engliſh miniſtry, when they were expreſsly told, thoſe would deceive themſelves, who ſhould accept of a renunciation, as a ſufficient expedient to prevent the union of the two monarchies; when they laid it down as a principle never to be departed from, that the union of the two monarchies would be the greateſt miſchief, that could poſſibly happen to all Europe, and to Great-Britain in particular; ſhould ſtill perſevere in relying upon this expedient of a Renunciation. But, no care was taken to render effectual the two only expedients, that were ever propoſed for adding any degree of real ſecurity to the renunciation; which were, to have it ſolemnly accepted by the ſtates of France; and to have it confirmed by a general guaranty of all the powers of Europe engaged in the preſent war. The firſt was aſked indeed; but, upon the refuſal of France, was entirely given up by the Britiſh miniſtry. The ſecond, by their method of negotiating, and their treatment of the allies, was from that very time rendered impracticable, as the French could not but foreſee. It muſt be remembered, that a few days after this anſwer of monſieur de Torcy was received, Mr. St. John ſent orders to the Britiſh plenipotentiaries to declare to the States-general, that the queen was now under no farther obligations whatſoever to them, who, with the reſt of the allies, were to be guarantees of this treaty. To this may be added a paſſage, in a letter from the plenipotentiaries to Mr. St. John, acquainting him, that in ſome diſcourſe with the marſhal d'Uxelles, upon occaſion of the death of the dauphin, they deſired to know of him, what thoſe meaſures are, which France offers to take, in order to prevent the union of the two kingdoms; and whether they were to conſiſt in real or verbal ſecurities; upon which the French miniſter pretended to know of no other but verbal. They then ſuggeſted to Mr. St. John, that an obligation upon king Philip to renounce the regency as well as the crown of France, for himſelf and his poſterity, would amount to ſome degree of real ſecurity. But no endeavours were uſed to obtain this, nor any mention made of it, as far as appears.

Torcy's letter of the 18th of May, N. S. was received by Mr. St. John the 9th of May, O. S. and the promiſe of the king of France to oblige his grandſon to accept the alternative of the two kingdoms, had ſo good and ſudden an effect, that the day following, without waiting the return of the courier from Madrid, to know whether king Philip did conſent or not to the propoſal, orders were ſent, on the 10th of May, to the duke of Ormond, by Mr. St. John, to avoid engaging in any ſiege, or hazarding a battle till further order. And the ſame day, that theſe orders were ſent with directions to diſguiſe them, which was to conceal them from the confederates, they were communicated to the queen's enemies. ' Abbot Gaultier will give you an account (ſays Mr. St. John to Torcy) of the orders I have juſt now diſpatched to the duke of Ormond. What Mr. St. John himſelf thought of the importance of this order, is to be learned from his letter to Mr. Prior, September 19, 1712: ' The moment I read the queen a letter from monſieur de Torcy, by which it appeared, that the king of France would oblige his grandſon to accept of the alternative of quitting one of the two monarchies, her orders were diſpatched to the duke to engage in neither ſiege nor battle; and ſhe prevented the French from even making the demand. I will not ſay, that this order ſaved their army from being beat; but I think, in my conſcience, that it did'.

On the 24th of May, 1712, Mr. St. John writes again to Torcy, that, although they had yet received no anſwer from Madrid concerning the renunciation, but being preſſed in time, and finding it neceſſary for the queen to make the communication ſhe had promiſed, to the parliament, of the terms on which a peace might be made, he acquaints him with the ſteps, which the queen was reſolved to take, provided the moſt chriſtian king would render them practicable for her. And, in a memorial of the ſame date, he ſpecifies the conditions, upon which the queen conſents to make ſuch important ſteps and deciſive declarations to her parliament: ' Firſt, That ſhe had ſettled with France the intereſt of Great-Britain. Secondly, That ſhe looks upon the intereſts of the other powers engaged with her in the war, as eaſy to be adjuſted, ſince the king offers to the greateſt part of them very near what they have demanded, and to all a juſt and reaſonable ſatisfaction. Thirdly, That ſhe will ſet about accommodating the affairs of her allies; and, that to prevent all the obſtructions, which the events of the campaign might occaſion to the negotiations of peace, ſhe agreed with the king to a ſuſpenſion of arms'. The conditions ſpecified in the memorial were demands relating to North-America, to commerce, and the ſuſpenſion of arms. In the article concerning commerce it is ſaid, ' That ſeveral points relating to trade requiring a longer diſcuſſion than the preſent criſis would admit; and the queen being much more intent upon ſecuring the general peace, than any particular advantages, demands at preſent only the two following conditions: Firſt, that commiſſaries ſhould be named on both ſides to meet at London, there to examine and ſettle the duties and impoſitions to be paid reſpectively in each kingdom. Secondly, That no privileges or advantages relating to commerce with France, ſhall be yielded to any foreign nation, which ſhall not at the ſame time be granted to the ſubjects of her Britannic majeſty; as likewiſe no privilege or advantage, in relation to the trade of Great-Britain, ſhall be yielded to any foreign nation, which ſhall not at the ſame time be granted to the ſubjects of France'. As to the ſuſpenſion of arms, ' her majeſty will conſent, it ſhall be made for two months, provided, firſt, that within the ſaid term the king of Spain ſhall either make the renunciation demanded, or ſhall yield Spain to the duke of Savoy, upon the conditions mentioned in Mr. St. John's letter. Secondly, That the French garriſon ſhall evacuate Dunkirk, and the queen's troops be admitted the ſame day that the ſuſpenſion of arms ſhall commence. Thirdly, That, in caſe the States-general ſhall at the ſame time conſent to the ſuſpenſion of arms, it ſeems reaſonable they ſhould have the liberty of putting a garriſon into Cambray'. It may be remarked upon theſe conditions, that although it was daily inſtilled into the minds of the people, that the great advantages in trade and commerce ſecured to Great-Britain were the chief inducements to the miniſtry to engage in theſe meaſures with France, it is here declared, that they were more intent upon the general peace, than any particular advantages. And whereas it was laid down as a principle, from which the queen would never depart, that the intereſts of Great-Britain ſhould in the firſt place be adjuſted, and the great advantages, ſtipulated for theſe nations before the concluſion of the peace, were to juſtify the peace, and all the ſteps, that were taken to procure it; it is now evident, that no mention was made of our trade in Spain; and, as for our commerce in general, the ſettling of that was poſtponed, and all points in diſpute betwixt Great-Britain and France were to be referred to commiſſaries; which

propoſition was not demanded, but voluntarily offered by Mr. St. John. On the 8th of June, 1712, N. S. Torcy ſent an account, 'That the king of Spain, of the two propoſitions, had choſen to keep Spain and the Indies, and to renounce for himſelf and his deſcendants the right to the crown of France. That, this principal obſtacle to the peace being removed, the king of France expected, that the queen would now clear on her ſide the reſt of the difficulties, which might obſtruct this great work, by making ſuch declarations, as had been promiſed upon the return of the courier from Madrid, and were neceſſary for this end. That the king thought the firſt and moſt urgent was to ſettle a ſuſpenſion of arms, either general, or at leaſt between the two armies in the Low-Countries, which may continue till the concluſion of the peace'. On the 10th of June, N. S. Torcy acknowledges the receipt of Mr. St. John's letter of the 24th of May, O. S. together with the memorial; and ſends another memorial in anſwer to it, containing the king of France's anſwer to theſe laſt demands of the queen. He takes notice, 'That the letters from the army mention a deſign to inveſt Queſnoy, in order to beſiege it; but, that the king could not think, that the queen approved of ſuch an undertaking, much leſs that her troops ſhould be employed to render it ſucceſsful. He concludes, that, if the ſuſpenſion be not immediately made, we may find ourſelves indiſpenſably drawn into ſome great event, which he hopes the Secretary's prudence and care will prevent', And although in the anſwer to the queen's demands nothing material, that was aſked for our trade in North-America, was granted, the evacuating of Dunkirk, and admitting an Engliſh garriſon was not agreed to, and the receiving a Dutch garriſon into Cambray, was abſolutely refuſed, which were propoſed as conditions of the ſuſpenſion of arms; Torcy hopes, 'That this return to the queen's demands will occaſion no new trouble; but as the beginning and whole courſe of this negotiation was carried on upon a mutual confidence, of which they had ſeen the good effects; it is neceſſary to baniſh all diſtruſt, and the queen to repoſe an entire confidence in his majeſty, without inſiſting on demands, which may ſerve only to create jealouſies'.

On the 6th of June, O. S. Mr. St. John owns the receipt of Torcy's two letters of the 8th and 10th of June, N. S. and ſays, though the king of France had not anſwered the queen's demands according to expectation, which were the conditions, on which the queen was to make ſuch peremptory and deciſive declarations; yet the queen would not defer going that day to parliament, and making all the declarations, that were neceſſary to render the nation unanimouſly inclined to the peace. That ſhe had not indeed mentioned to the parliament the ſuſpenſion of arms, but had commanded him to acquaint monſieur de Torcy with the reſolutions ſhe had taken in relation to it; and inſiſting upon the renunciation as the capital point of the negotiation; and for which her majeſty would rather depart from almoſt all the points, that had been agreed upon, than leave that to any uncertainty. Upon this foundation the queen hopes, that the moſt chriſtian king will not find any thing offenſive in the demands, which ſhe found herſelf obliged to renew, being conditions for a ſuſpenſion of arms between the two armies in the Netherlands, which, if the king conſents to (ſays Mr. St. John to Torcy) 'You have only to ſign and ſend to the duke of Ormond, who, at the ſame time that he takes poſſeſſion of Dunkirk, will declare to the allies, that he has orders to act no further againſt France. He acquaints him, Lord Strafford is going back to Utrecht; the inſtructions he is to carry will, according to your deſire, put the queen's plenipotentiaries in a condition to keep no longer thoſe meaſures, to which they have been hitherto obliged to ſubmit, but from henceforth they may openly join with France, and give law to thoſe, who will not ſubmit to juſt and reaſonable conditions; and promiſes, when lord Strafford is gone, he will diſpatch another courier to inform him of the orders he carries'. The articles for a ſuſpenſion were ſigned by Mr. St. John, June 6, O. S. and the next day Mr. St. John writes a private letter to Torcy, expreſſing the utmoſt confidence in the good faith of the moſt chriſtian king; thinks it neceſſary to haſten the peace; tells him, it will frighten the Dutch, to be told the queen will act no longer againſt France; and that, if they do not haſten to make their agreement, they will have a burden upon their backs which they are not able to bear. On the ſame day, Mr. St. John ſends to the duke of Ormond copies of theſe two laſt letters, and of the memorial ſent to Torcy. 'They have been, ſays he, prepared by the queen's order, in anſwer to the laſt expreſs, which came from France: And you will perceive by them, my lord, that the queen inſiſts on the execution of the article relating to Spain, and on the delivery of Dunkirk, as points, without which ſhe will not declare for a ceſſation of arms in the Netherlands: But, if theſe conditions are accepted, and ſent ſigned by the marquis de Torcy to your grace, and Dunkirk put into your poſſeſſion, you are publicly to own, that you can act no longer againſt the French. If they are not conſented to, you are entirely free from reſtraint, and at liberty to take all reaſonable meaſures, that are in your power for annoying the enemy. It is probable marſhal Villars may receive the orders, which will be ſent him from Verſailles, within a day after this letter will come to your hands. Your grace will therefore loſe no time in acquainting him, that you are in expectation of hearing from his court that, which muſt determine your proceedings; and that, according to the king's reſolution, you are either to look upon yourſelves on both ſides as freed from any reſtrictive orders, and in full liberty of acting againſt each other; or that you are openly to declare for a ceſſation'. This order was in itſelf of a very extraordinary nature, though conditional; and the Britiſh miniſtry ſeemed in very great haſte to give all up into the hands of France, when the queen's general, at the head of a confederate army in the field, at that time covering a ſiege, which the allies were engaged in, ſhould be ordered to govern himſelf according to ſuch ſignifications, as ſhould come from the court of France, and thoſe tranſmitted to him by the general commanding the enemy's army, whoſe duty it was by force or ſtratagem to raiſe the ſiege, or gain any advantage he could over the allies.

On the 22d of June, N. S. an anſwer to the propoſals laſt ſent over was tranſmitted to Mr. St. John, ſigned by Torcy, with two alterations; one no leſs material, than whereas it was demanded, that the renunciation ſhould be ratified in the moſt ſolemn manner by the ſtates of France, which had been mentioned before as one of the chief ſecurities to make it as effectual as any thing could, it is here ſubſtituted, that it ſhall be regiſtered in the ſeveral parliaments: And to the article of Dunkirk is added, 'That all the king's officers, both land and ſea-officers, ſhall have liberty to ſtay at Dunkirk, and to execute their ſeveral offices'. And on the ſame day Torcy writes two letters, the one a public letter, explaining at large the alterations; the other a private letter to prevail with him to conſent to theſe alterations; of which private correſpondence carried on between the two ſecretaries there are ſeveral inſtances.

Upon the foundation of theſe preliminaries, though not then fully ſettled, the queen, on Friday the 6th of June, came to the houſe of peers with the uſual ſolemnity, and made the following ſpeech to both houſes:

My lords and gentlemen,

'THE making peace and war is the undoubted prerogative of the crown; yet, ſuch is the juſt confidence I place in you, that at the opening of this ſeſſion I acquainted you, that a negotiation for a general peace was begun; and afterwards, by meſſages, I promiſed to communicate to you the terms of peace, before the ſame ſhould be concluded.

'In purſuance of that promiſe, I now come to let you know upon what terms a general peace may be made.

'I need not mention the difficulties, which ariſe from the very nature of this affair; and it is but too apparent, that theſe difficulties have been increaſed by other obſtructions artfully contrived to hinder this great and good work.

'Nothing however has moved me from ſteadily purſuing, in the firſt place, the true intereſt of my own kingdoms; and I have not omitted any thing, which might procure to our allies what is due to them by treaties, and what is neceſſary for their ſecurity.

'The aſſuring of the Proteſtant Succeſſion as by law eſtabliſhed in the houſe of Hanover to theſe kingdoms, being what I have neareſt at heart, particular care is taken, not only to have that acknowledged in the ſtrongeſt terms, but to have an additional ſecurity by the removal of That Perſon out of the dominions of France, who has pretended to diſturb this ſettlement.

'The apprehenſion, that Spain and the Weſt-Indies might be united to France, was the chief inducement to begin this war; and the effectual preventing of ſuch an union was the principle I laid down at the commencement of this treaty.

'Former examples, and the late negotiations, ſufficiently ſhew how difficult it is to find means to accompliſh this work. I would not content myſelf with ſuch as are ſpeculative, or depend on treaties only. I inſiſted on what is ſolid, and to have at hand the power of executing what ſhould be agreed.

'I can therefore now tell you, that France is at laſt brought to offer, that the duke of Anjou ſhall, for himſelf and his deſcendants, renounce for ever all claim to the crown of France. And, that this important article may be expoſed to no hazard, the performance is to accompany the promiſe.

'At the ſame time the ſucceſſion to the crown of France is to be declared, after the death of the preſent dauphin and his ſons, to be in the duke of Berry and his ſons, in the duke of Orleans and his ſons, and ſo on to the reſt of the houſe of Bourbon. As to Spain and the Indies, the ſucceſſion to thoſe dominions, after the duke of Anjou and his children, is to deſcend to ſuch prince, as ſhall be agreed upon at the treaty, for ever excluding the reſt of the houſe of Bourbon.

'For confirming the renunciations and ſettlements before mentioned, it is further offered, that they ſhall be ratified in the moſt ſtrong and ſolemn manner, both in France and Spain; and that thoſe kingdoms, as well as all the other powers engaged in the preſent war, ſhall be guarantees to the ſame.

'The nature of this propoſal is ſuch, that it executes itſelf. The intereſt of Spain is to ſupport it; and in France the perſons, to whom that ſucceſſion is to belong, will be ready and powerful enough to vindicate their own right.

'France and Spain are now more effectually divided than ever. And thus, by the bleſſing of God, will a real balance of power be fixed in Europe, and remain liable to as few accidents, as human affairs can be exempted from.

'A treaty of commerce between theſe kingdoms and France has been entered upon; but the exceſſive duties laid on ſome goods, and the prohibitions of others, make it impoſſible to finiſh this work ſo ſoon as were to be deſired. Care is however taken to eſtabliſh a method of ſettling this matter; and in the mean time proviſion is made, that the ſame privileges and advantages, as ſhall be granted to any other nation by France, ſhall be granted in like manner to us.

'The diviſion of the iſland of St. Chriſtopher between us and the French having been the cauſe of great inconvenience and damage to my ſubjects, I have demanded to have an abſolute ceſſion made to me of that whole iſland; and France agrees to this demand.

"Our intereſt is ſo deeply concerned in the trade of North America, that I have uſed my utmoſt endeavours to adjuſt that article in the moſt beneficial manner. France conſents to reſtore to us the whole Bay and Straits of Hudſon; to deliver up the iſland of Newfoundland, with Placentia; and to make an abſolute ceſſion of Annapolis with the reſt of Nova Scotia or Acadia.

"The ſafety of our home-trade will be better provided for by the demolition of Dunkirk.

"Our Mediterranean trade, and the Britiſh intereſt and influence in thoſe parts, will be ſecured by the poſſeſſion of Gibraltar, and Port-Mahon, with the whole iſland of Minorca, which are offered to remain in my hands.

"The trade of Spain, and to the Weſt-Indies, may in general be ſettled as it was in the time of the late king of Spain, Charles II. and a particular proviſion be made, that all advantages, rights, or privileges, which have been granted, or which may hereafter be granted, by Spain to any other nation, ſhall be in like manner granted to the ſubjects of Great-Britain.

'But the part, which we have borne in the proſecution of this war, intitling us to ſome diſtinction in the terms of peace, I have inſiſted and obtained, that the aſſiento or contract for furniſhing the Spaniſh Weſt-Indies with negroes, ſhall be made with us for the term of thirty years, in the ſame manner, as it has been enjoyed by the French for theſe ten years paſt.

'I have not taken upon me to determine the intereſts of our confederates. Theſe muſt be adjuſted in the congreſs at Utrecht, where my beſt endeavours ſhall be employed, as they have hitherto been, to procure to every one of them all juſt and reaſonable ſatisfaction. In the mean time, I think it proper to acquaint you, that France offers to make the Rhine the barrier of the empire; to yield Briſac, the fort of Kehl, and Landau; and to raze all fortreſſes, both on the other ſide of the Rhine, and in that river.

'As to the Proteſtant intereſt in Germany, there will be, on the part of France, no objection to the reſettling thereof, on the foot of the treaty of Weſtphalia.

'The Spaniſh Low Countries may go to his imperial majeſty: The kingdoms of Naples and Sardinia, the duchy of Milan, and the places belonging to Spain on the coaſt of Tuſcany, may likewiſe be yielded by the treaty of peace to the emperor.

'As to the kingdom of Sicily, though there remains no diſpute concerning the ceſſion of it by the duke of Anjou, yet the diſpoſition thereof is not yet determined.

'The intereſts of the ſtates-general with reſpect to commerce are agreed to, as they have been demanded by their own miniſters, with the exception only of ſome very few ſpecies of merchandize, and the entire barrier, as demanded by the ſtates in 1709 from France, except two or three places at moſt.

'As to theſe exceptions, ſeveral expedients are propoſed; and I make no doubt, but this barrier may be ſo ſettled, as to render that Republic perfectly ſecure againſt any enterprize on the part of France, which is the foundation of all my engagements upon this head with the States.

'The demands of Portugal depending on the diſpoſition of Spain, and that article having been long in diſpute, it has not yet been poſſible to make any conſiderable progreſs therein; but my plenipotentiaries will now have an opportunity to aſſiſt that king in his pretenſions.

'Thoſe of the king of Pruſſia are ſuch, as, I hope, will admit of little difficulty on the part of France; and my endeavours ſhall not be wanting to procure all I am able to ſo good an ally.

'The difference between the barrier demanded for the duke of Savoy in 1709, and the offers now made by France, is very inconſiderable. But, that prince having ſo ſignally diſtinguiſhed himſelf in the ſervice of the common cauſe, I am endeavouring to procure for him ſtill further advantages.

'France has conſented, that the elector Palatine ſhall continue his preſent rank among the electors, and remain in poſſeſſion of the Upper Palatinate.

'The electoral dignity is likewiſe acknowledged in the houſe of Hanover, according to the articles inſerted, at that prince's deſire, in my demands.

'And, as to the reſt of the allies, I make no doubt of being able to ſecure their ſeveral intereſts.

My lords and gentlemen,

'I have now communicated to you, not only the terms of peace, which may by the future treaty be obtained for my own ſubjects, but likewiſe the propoſals of France for ſatiſfying our allies.

'The former are ſuch, as I have reaſon to expect to make my people ſome amends for that great and unequal burden, which they have lain under through the whole courſe of this war; and I am willing to hope, that none of our confederates, and eſpecially thoſe, to whom ſo great acceſſions of dominion and power are to accrue by this peace, will envy Great-Britain her ſhare in the glory and advantage of it.

'The latter are not yet ſo perfectly adjuſted as a little more time might have rendered them; but, the ſeaſon of the year making it neceſſary to put an end to this ſeſſion, I reſolved no longer to defer communicating theſe matters to you.

'I can make no doubt but you are all fully perſuaded, that nothing will be neglected on my part, in the progreſs of this negotiation, to bring the peace to an happy and ſpeedy iſſue; and I depend on your entire confidence in me, and your chearful concurrence with me'.

This ſpeech occaſioned a general ſurprize, ſo that the public funds, which, upon the expectation of better conditions of peace, had that morning riſen four or five per cent. fell immediately to their former value. It was now eaſy to diſcern, what reaſons induced ſome perſons to keep ſecret the reſult of the negotiation between Great-Britain and France; for, if ſuch a plan had been communicated to the parliament, before a majority had been ſecured in both houſes, and the minds of the people prepared by a long train of artful and plauſible inſinuations, it would, in all probability, have been exploded with indignation. But by the dexterity of the prime managers things were brought to ſuch a paſs, that though in the houſe of commons, one or two members propoſed the taking the important matters, mentioned in her majeſty's ſpeech, into conſideration, they were preſently ſilenced by a general cry for an addreſs of thanks. It was unanimouſly reſolved, 'That an addreſs be made to her majeſty, acknowledging her great condeſcenſion in communicating the terms, upon which a general peace might be made; expreſſing the ſatisfaction of this houſe in what ſhe

had already done, and their entire confidence in her ſteady purſuing the true intereſts of her kingdoms, and in her endeavours to procure for all her allies what is due to them by treaties, and neceſſary for their ſecurity; and humbly to deſire, that ſhe would be pleaſed to proceed in the preſent negotiation for the obtaining a ſpeedy peace'. A committee was appointed immediately to draw up that addreſs, which Mr. Freeman, their chairman, ſoon after reported, and which, with ſome amendments, being agreed to, was preſented by the whole houſe to the queen, who returned the following anſwer:

'I have the ſafety and intereſt of all my people ſo much at heart, that I cannot but take a great deal of pleaſure in this your dutiful and prudent addreſs; and I thank you moſt kindly for it.

'I have ſtudied your welfare, and by this you will find the good effects of that confidence, which you place in me, and which ought always to remain between ſo affectionate a prince, and ſuch faithful ſubjects'.

Things went not ſo ſmoothly in the houſe of peers. As ſoon as the queen was withdrawn, a motion being made for an addreſs of thanks, the earl of Wharton ſaid, 'They had all the reaſon in the world to do it, eſpecially for that part of her majeſty's ſpeech, wherein ſhe was pleaſed to declare, 'That the aſſuring the Proteſtant Succeſſion in the houſe of Hanover to theſe kingdoms, was what ſhe had neareſt at heart. But that, her majeſty's ſpeech containing many other particulars of the greateſt conſequence, he was of opinion, the houſe would do well to take it into ſerious conſideration the next day'; which was readily agreed to. Accordingly, on the 7th of June, the earl of Wharton propoſed, that the letter from the ſtates-general to the queen, inſerted in the ſupplement to the Amſterdam French Gazette, which arrived that very morning, might be read. But this was oppoſed, it being ſuggeſted, that the houſe ought not to take notice of a writing, that carried no authority with it. After this, the lords took the queen's ſpeech into conſideration, which occaſioned a warm debate. Among the reſt, the duke of Marlborough repreſented, 'That the meaſures purſued in England, for a year paſt, were directly contrary to her majeſty's engagements with the allies, ſullied the triumphs and glories of her reign, and would render the Engliſh name odious to all other nations'. The earl of Strafford ſaid, 'That ſome of the allies [meaning the Dutch] would not ſhew ſuch backwardneſs to a peace, as they had hitherto done, but for a member of that illuſtrious aſſembly [meaning the duke of Marlborough,] who maintained a ſecret correſpondence with, and endeavoured to perſuade them to carry on the war; feeding them with hopes, that they ſhould be ſupported by a ſtrong party here'. The lord Cowper anſwered this ſpeech; and, becauſe the earl of Strafford had not expreſſed himſelf with all the purity of the Engliſh tongue, he took occaſion to ſay, 'That noble lord had been ſo long abroad, that he had almoſt forgot, not only the language, but the conſtitution of his own country. That, according to our laws, it could never be ſuggeſted as a crime in the meaneſt ſubject, much leſs in any member of that auguſt aſſembly, to hold correſpondence with our allies; ſuch allies eſpecially, whoſe intereſt her majeſty had declared to be inſeparable from her own, in her ſpeech at the opening of this ſeſſion; whereas it would be a hard matter to juſtify and reconcile, either with our laws, or the laws of honour and juſtice, the conduct of ſome perſons, in treating clandeſtinely with the common enemy, without the participation of the allies'. The lords took afterwards into conſideration, the advantages offered by France to Great-Britain, particularly in ſettling 'the trade to Spain, and to the Weſt-Indies, as it was in the time of the late king of Spain, Charles II'. To this purpoſe the Earl of Godolphin ſaid, 'That he did not pretend to any great knowledge in trade; but, that during the time he had the honour to be in the adminiſtration of affairs, he had obſerved, and he could eaſily make it out by the books of the Cuſtom-Houſe, that the ſingle trade to Portugal brought to England, in times of war, double the wealth of the trade to Spain, in times of peace: So that, whatever might be ſuggeſted, to caſt a miſt before the eyes of the people, it was to be preſumed, that the trade to Spain, would ſtill yield leſs for the future, becauſe the French had made themſelves abſolute maſters of it'. After ſome other ſpeeches a motion was made, 'That an addreſs be preſented to her majeſty, to return her the thanks of this houſe for her moſt gracious ſpeech, and for her extraordinary condeſcenſion in communicating to her parliament the terms, upon which a general peace might be made: And to expreſs the entire ſatisfaction of that houſe in her great care for ſecuring the Proteſtant Succeſſion in the houſe of Hanover; and for her ſteady purſuing the true intereſt of her own kingdoms; and for endeavouring to procure to her allies what was due to them by treaties; and to aſſure her, that this houſe did entirely rely on her wiſdom to finiſh this great and good work'. Some exceptions were made to the words 'entirely rely'; and the houſe was moved, as the houſe of commons had likewiſe been upon the ſame occaſion, that theſe words might be added, 'And in order to that, that her majeſty would take ſuch meaſures in concert with her allies, as might induce them to join with her majeſty in a mutual guaranty'. This occaſioned a debate, in which the lord treaſurer and earl Pawlet ſpoke againſt that addition, and the earl of Nottingham and the lord Cowper for it. It was urged in oppoſition to this clauſe, that it would ſubject the queen and the whole treaty to the pleaſure of the allies, who might prove backward and intractable: And, ſince England had borne the greateſt ſhare of the burthen of the war, it was reaſonable, that the queen ſhould be the arbiter of the peace. On the other hand it was ſaid, that, if the allies did not enter into a guaranty, we muſt depend on the faith of the French, and be at their mercy, and ſo have nothing to truſt to but the promiſes of a court noted, in a courſe of years, for a train of perfidy. But many had formed an obſtinate reſolution to get out of the war on any terms; and therefore nothing, that ſeemed to obſtruct the arriving ſpeedily at that end, was heard with patience, and no regard was had to the faith of treaties. The queſtion being at laſt put, Whether the clauſe ſhould be added? it was reſolved in the negative by eighty-one voices againſt thirty-ſix. On the 10th of June the lords preſented their addreſs to the queen, who told them, 'That the ſatisfaction, they had expreſſed in what ſhe had laid before them, would contribute very much to remove the difficulties which had ariſen in the courſe of this negotiation; and that the confidence they placed in her would enable her better to finiſh this great work, for the advantage of her own people, and the ſafety and intereſt of her allies.' Several lords entered a proteſt againſt the rejecting the guaranty clauſe, and ſigned their reaſons for it, which were ſoon after publiſhed in print[i]. But this gave ſo

[i] The proteſt was in theſe terms:

We think it neceſſary to have the ſecurity propoſed of a general guaranty; and the rather, becauſe we conceive the terms of peace, that are offered, have proceeded from a ſeparate negotiation, carried on by the miniſters with France, without any communication thereof with the principal allies, particularly the States-General, as they ſay in their letter to her majeſty, (whoſe intereſt, her majeſty was pleaſed to declare to this parliament, 'ſhe looked upon as inſeparable from her own') and we conceive this negotiation to be contrary to thoſe orders, which her majeſty declared to this houſe, in anſwer to their addreſs, that ſhe had given to her plenipotentiaries at Utrecht, 'to concert with thoſe of her allies'; and the reſolution expreſſed in her meſſage of January the 17th, of a ſtrict union, in which 'ſhe propoſed to join with them, in order to obtain a good peace, and to guaranty and ſupport the ſame,' as ſhe had before declared in her ſpeech at the opening of the ſeſſion, 'that ſhe would unite with them in the ſtricteſt engagements for continuing the alliance, in order to render the general peace ſecure and laſting; and contrary to the eighth article of the grand alliance, which expreſsly obliges, all the allies not to treat, unleſs jointly, and with the common advice of the other parties.

And we conceive, that the refuſal of theſe words, propoſed to be added, may be looked upon by the allies, as if this houſe approved this method of tranſacting with France, which may ſeem to them to tend to a ſeparate peace, of which her majeſty has declared her diſlike, and which was acknowledged in this houſe to be fooliſh and knaviſh, and would be of pernicious conſequence to this kingdom, by preventing that guaranty of peace by the allies, which is ſo abſolutely neceſſary for their mutual ſecurity, and leave us expoſed to the power of France, there being little reaſon to expect their future help, after ſuch a groſs breach of truſt.

And we further conceive, that ſuch a ſeparate proceeding may create in the allies ſo great a diſtruſt, as may tempt them to take the like meaſures, and ſo give the French opportunity to break that union, which has hitherto been ſo uſeful to us, and formidable to them; any appearance whereof muſt encourage France, either to delay the concluſion of a peace, or to impoſe upon the allies in the further progreſs of the treaty.

A perfect union among the allies ſeems to us to be more neceſſary in the preſent caſe, becauſe the foundation, upon which all the offers of France, relating to Great-Britain as well as to the allies, are built, viz. 'A renunciation of the duke of Anjou to that kingdom,' is in our opinion, ſo fallacious, that no reaſonable man, much leſs whole nations, can ever look upon it as any ſecurity. Experience may ſufficiently convince us, how little we ought to rely upon the renunciation of the houſe of Bourbon: and though the preſent duke of Anjou ſhould happen to think himſelf bound by his own act, which his grandfather did not; yet will his deſcendants be at liberty to ſay, 'That no act of his could deprive them of their birth-right'; and eſpecially when it is ſuch a right, as, in the opinion of all Frenchmen, ought inviolably to be maintained by the fundamental conſtitution of the kingdom of France. And we humbly think it unſafe to depend upon this principal part of the treaty's executing itſelf, by ſuppoſing it will be the intereſt of France to ſupport it, ſince, on the contrary, it is manifeſt by the French endeavours, ever ſince the Pyrenean treaty, to unite the monarchies of France and Spain, they look upon that union to be their greateſt intereſt, and the moſt effectual means of eſtabliſhing the univerſal monarchy in the Houſe of Bourbon.

great offence to the majority of the peers, that, on the 13th of June, the queſtion being put, 'Whether the proteſt be expunged out of the books of the houſe'? It was carried in the affirmative by a majority of ſixty-ſix voices againſt thirty-one preſent, and of ninety voices againſt ſixty-four, proxies included. The next day, upon a complaint made to the houſe of lords, that both this proteſt, and the former concerning the orders produced by the duke of Ormond, were in print, a committee was appointed to enquire who were the printers and publiſhers of the ſame; but, this committee not having been able to make any diſcovery in that matter, the lords applied themſelves by addreſs to the queen for that purpoſe. But neither an order of the queen in council, nor a hundred pounds reward, had any effect.

The commons were no leſs offended than the lords at ſeveral papers publiſhed about this time, particularly biſhop Fleetwood's preface to four ſermons which he had formerly preached, and now reprinted [k]. The biſhop concludes this preface with ſaying, 'Never did ſeven ſuch years together paſs over the head of any Engliſh monarch, nor cover it with ſo much honour. The crown and ſceptre ſeemed to be the queen's leaſt ornaments. Thoſe other princes wore in common with her; and her great perſonal virtues were the ſame before and ſince. But ſuch was the fame of her adminiſtration of affairs at home; ſuch was the reputation of her wiſdom and felicity in chuſing miniſters; and ſuch was then eſteemed their faithfulneſs and zeal, their diligence and great abilities in executing her commands; to ſuch a height of military glory did her great general and her armies carry the Britiſh name abroad; ſuch was the harmony and concord betwixt her and her allies; and ſuch was the bleſſing of God upon all her counſels and undertakings, that I am as ſure as hiſtory can make me, no prince of ours was ever yet ſo proſperous and ſucceſsful, ſo loved, eſteemed, and honoured by their ſubjects and their friends, nor near ſo formidable to their enemies. We were, as all the world imagined then, juſt entered on the ways, that promiſed to lead to ſuch a peace, as would have anſwered all the prayers of our religious queen, the care and vigilance of a moſt able miniſtry, the payments of a willing and obedient people, as well as all the glorious toils and hazards of the ſoldiery; when God, for our ſins, permitted 'the ſpirit of diſcord' to go forth; and, by troubling ſore the camp, the city, and the country, (and Oh, that it had altogether ſpared the places ſacred to his worſhip!) to ſpoil, for a time, this beautiful and pleaſing proſpect; and give, in its ſtead, I know not what——Our enemies will tell the reſt with pleaſure'.

The complaint againſt this preface was made by Mr. Hungerford, ſeconded by Mr. Manley, and ſupported by the court-party. But ſir Peter King, ſir Joſeph Jekyll, Mr. Lechmere, and other gentlemen, were very ſtrenuous advocates in its behalf, but to no purpoſe; for the commons, by a majority of a hundred and nineteen againſt fifty-four, voted the preface to be malicious and factious, highly reflecting upon the preſent adminiſtration of public affairs under her majeſty, and tending to create diſcord and ſedition amongſt her ſubjects, and condemned it to be burnt by the hands of the common hangman. It was obſerved, that, when the biſhop's friends brought him the news of the vote, far from appearing diſturbed at it, he ſaid, 'That he eſteemed himſelf very happy to ſuffer with the duke of Marlborough, the earl of Godolphin, and ſo many other illuſtrious patriots, whoſe reputation their enviers endeavoured to blaſt'. On

And if it were reaſonable to imagine, that the two crowns of France and Spain ſhould remain in diſtinct branches of the houſe of Bourbon: yet this is contrary to the grand alliance itſelf, which recites the uſurpation of the Spaniſh monarchy by the French king for the duke of Anjou, as the principal cauſe of this war.

As to Port-Mahon, Gibraltar, the Aſſiento, and the other advantages to Britain propoſed by France (beſides that they are all precarious, and in the power of France and Spain to take from us when they pleaſe) conſidering the ſituation of thoſe kingdoms, and the vaſt wealth and ſtrength, which will be left to them, we conceive it impoſſible for any man to look on thoſe as a compenſation to Britain in any degree; for the leaving Spain and the Indies in the poſſeſſion of the houſe of Bourbon, beſides other manifeſtly fatal conſequences, muſt be extremely prejudicial to our woollen manufacture, if it does not entirely ruin it.

As to the demolition of Dunkirk, though we own it will be a great ſafety to our home trade, yet we have reaſon to apprehend by what was ſaid in the debate, that it is not yet agreed to be demoliſhed, without an equivalent for it to the French king's ſatisfaction.

And in all the particulars relating to the allies, though they are not perfectly adjuſted, yet, by what does appear concerning them, the allies are likely to be left in ſuch a ſtate of inſecurity, as is abſolutely inconſiſtent with our own ſafety.

The Rhine is propoſed for a barrier of the empire, which leaves Straſburg and Hunninghen in the hands of the French; the former of which has always been looked upon as the key of the empire.

The propoſals of France, relating to the barrier for the States-general, not only deprive them of all the places taken ſince the year 1709, but alſo of two or three places more, included in the demand made by the ſtates in that year; which will render their barrier wholly inſufficient, and conſequently very much weaken the ſecurity of Britain.

Portugal ſeems to be wholly abandoned to the power of Spain; notwithſtanding the great advantage we have received during this war by our trade with that kingdom, which might ſtill be extremely beneficial to us.

Upon the whole, there is ſo very little and inconſiderable a difference between theſe offers of France and thoſe made at Utrecht, February the 11th, N. S. and ſigned d'Uxelles, (as appears to us upon comparing them together) that both ſeem to be the effect of a ſecret and particular negotiation with France; and, this houſe having unanimouſly concurred in expreſſing to her majeſty their utmoſt reſentment at thoſe terms offered to her majeſty and her allies by the plenipotentiaries of France, and her majeſty having graciouſly accepted that our addreſs, and rewarded that duty and zeal with her hearty thanks, we cannot, in reſpect to her majeſty, or juſtice to our country, retract that opinion, not think the terms now good for us or the allies, or giving any ſeeming approbation of them, which then were received by this houſe, and all the allies, with ſcorn and deteſtation.

For theſe reaſons we are of opinion, that the offers of France are fallacious and enſnaring, no way proportioned to the advantages, which her majeſty (from the great ſucceſſes, with which it has pleaſed God to bleſs her and her allies during the whole courſe of this war) might juſtly expect for her own kingdoms and for them; very inſufficient for preſerving a ballance of power in Europe, for the future ſecurity of her majeſty and her allies, though they ſhould be never ſo exactly performed; and yet even ſuch as they are, there is no effectual ſecurity offered for the performance of them; which makes it abſolutely neceſſary, as we conceive, that ſuch meaſures ſhould be taken, in concert with the allies, as may induce them to join with her majeſty in a mutual guaranty.

Somerſet,	Dorcheſter,
Godolphin,	J. Bangor,
Devonſhire,	Rutland,
Berkley,	Nottingham,
W. Oxon,	Carliſle,
J. Ely,	Bridgewater,
Haverſham,	Mohun,
Suffolk,	Townſhend,
W. Aſaph,	Cowper,
Bolton,	Montague,
Wharton,	Lincoln,
Marlborough,	Bedford.

[k] The four ſermons were, I. On the death of queen Mary, 1694. II. On the death of the duke of Glouceſter, 1700. III. On the death of king William, 1701. IV. On the queen's acceſſion.

Among the reaſons alledged by the biſhop for publiſhing thoſe ſermons, he gives the following:

'Another reaſon of my publiſhing theſe ſermons, at this time, is, that I have a mind to do myſelf ſome honour, by doing what honour I could to the memory of two moſt excellent princes, and who have very highly deſerved at the hands of all the people of theſe dominions, who have a true value for the Proteſtant Religion, and the conſtitution of the Engliſh government, of which they were the great Deliverers and Defenders. I have lived to ſee their illuſtrious names very rudely handled, and the great benefits they did this nation, treated ſlightly and contemptuouſly. I have lived to ſee our deliverance from Arbitrary Power and Popery traduced and vilified by ſome, who formerly thought it was their greateſt merit, and made it part of their boaſt and glory to have had a little hand and ſhare in bringing it about: And others, who, without it, muſt have lived in exile, poverty, and miſery, meanly diſclaiming it, and uſing ill the Glorious Inſtrument thereof. Who could expect ſuch a requital of ſuch merit? I have, I own it, an ambition of exempting myſelf from the number of unthankful people; and, as I loved and honoured thoſe great princes living, and lamented over them when dead; ſo I would gladly raiſe them up a monument of praiſe as laſting as any thing of mine can be; and I chooſe to do it at this time, when it is ſo unfaſhionable a thing to ſpeak honourably of them.

The fourth ſermon was preached upon the queen's acceſſion to the throne, and in the firſt year, in which that day was ſolemnly obſerved (for, by ſome accident or other, it had been overlooked the year before) and every one will know, without the date of it, that it was preached very early in this reign, ſince I was able to promiſe and preſage its future glories and ſucceſſes, from the good appearance of things, and the happy turn our affairs began to take; and could not then count up the victories and triumphs, that for ſeven years after made it, in the prophet's language, a 'name and a praiſe among all the people of the earth'.

[l] The biſhop wrote the following letter to biſhop Burnet upon this occaſion:

My Lord, June 17, 1712.

I received the favour of your lordſhip's letter, and took it, as I knew it was intended, very kindly. The manner of my receiving the indignity put upon my Preface was neither like a Chriſtian, nor philoſopher, but like a very worldly man. I knew the whole proceſs, and knew it to be a piece of revenge taken by a wicked party, that found themſelves ſorely ſtung; and it affected me accordingly, i. e. very little, I am not one that love to be the talk of the town, and in this part, I confeſs, I was uneaſy, although I think the talk was very much in my favour. The complaint was made by Hungerford, and ſeconded by Manley (people, that ſhould indeed have been ordered to have burnt it) and thirded by what we call the Court, and carried by numbers, without a wiſe word ſaid againſt it. Sir Peter King, Sir Joſeph Jekyll, Mr. Lechmere, and others of the robe, were very ſtrenuous advocates in its behalf; and ſo were other gentlemen, but to no great purpoſe; for the cou t divided one hundred and nineteen, and my friends but fifty-four. If their deſign was to intimidate me, they loſt it utterly; or, if to ſuppreſs the book, it happened much otherwiſe; for every body's curioſity is awakened by the uſage, and the bookſeller finds his account in it above any one elſe. The Spectator has conveyed above fourteen thouſand of them into other people's hands, that would otherwiſe have neither ſeen nor heard of it. In a word, my lord, when I conſider, that theſe gentlemen have uſed me no worſe, than, I think, they have uſed their own country, the emperor, the ſtates, the houſe of Hanover, and all our allies abroad, as well as all the braveſt, and wiſeſt, and the honeſteſt men we have at home; I am more inclined to become vain, than any ways depreſſed at what has befallen me, and intend to ſet up for a man of merit upon this very ſtock. But, pleaſantry apart, my heart is wounded within me, when I conſider to-

the other hand, this treatment of a prelate ſo univerſally eſteemed, particularly by the queen herſelf, who was uſed to call him 'her biſhop', was highly reſented, even by many zealous churchmen. But the commons carried ſtill further their obſequiouſneſs to the miniſtry; for, the ſame day, the letter from the ſtates to the queen, in vindication of their conduct, being complained of and read, it was reſolved, 'To addreſs her majeſty, to aſſure her of the juſt ſenſe this houſe had of the indignity offered to her, by printing and publiſhing a letter from the ſtates general to her majeſty: and to deſire her, that ſhe would ſo far reſent ſuch indignities, as to give no anſwer for the future to any letters or memorials that ſhould be printed and publiſhed'. But, the day before, the queen had thought fit to anſwer this letter. And it was obſerved, that a cenſure was paſſed upon it merely to gratify Mr. Secretary St. John; though, on the other hand, ſeveral ſpeeches were made, particularly by Mr. Lechmere, to juſtify the ſtates-general; which gave occaſion to ſome people to ſay, 'That a vote of the commons was the only anſwer, that could be returned to their high mightineſſes' letter'.

On the 17th of June, Mr. Hampden made a motion, 'That an addreſs be made to the queen, that ſhe would be pleaſed to give particular inſtructions to her plenipotentiaries, that, in the concluſion of the treaty of peace, the ſeveral powers in alliance with her majeſty might be guarantees for the Proteſtant Succeſſion to the crown of theſe realms, as ſettled by act of parliament in the illuſtrious houſe of Hanover'. Endeavours were uſed to have this motion dropped; but Mr. Hampden, and ſome of his friends inſiſting to have the queſtion put, it was carried in the negative by a majority of one hundred and thirty-three voices againſt thirty-eight. After which it was reſolved, '1. That this houſe had ſuch an entire confidence, in the repeated declarations her majeſty had been pleaſed to make of her concern for aſſuring to theſe kingdoms the Proteſtant Succeſſion, as by law eſtabliſhed, that they could never doubt her taking the proper meaſures for the ſecurity thereof: and that this houſe would ſupport her majeſty againſt faction at home, and her enemies abroad; and did humbly beſeech her, that ſhe would be pleaſed to diſcountenance all thoſe, who ſhould endeavour to raiſe jealouſies between her majeſty and her ſubjects, eſpecially by miſrepreſenting her good intentions for the welfare of her people'. The commons having attended the queen on the 19th of June with this reſolution, ſhe returned the following anſwer:

'Gentlemen,

'I return you hearty thanks for this reſolution, which is very becoming you, who truly repreſent all my commons.

'You have ſhewn yourſelves honeſt aſſertors of the monarchy, zealous defenders of the conſtitution, and real friends of the Proteſtant Succeſſion.

'What I have ſaid and done, is ſufficient to ſatisfy any perſon, who is in earneſt for the Succeſſion, as by law eſtabliſhed, in the houſe of Hanover, that I need not be put in mind of doing any thing, which may contribute to render that ſucceſſion ſecure'.

Two days after, the queen came to the houſe of lords, and made the following ſpeech to both houſes:

'My lords and gentlemen,

'The laſt time I was here, I ſpoke ſo fully, and afterwards received from both houſes ſuch ſatisfactory addreſſes, that there remains little more for me to ſay at the cloſe of this meeting of parliament, but to repeat my hearty thanks for your late ſolemn aſſurances. They will give me ſtrength to ſtruggle with any difficulties, which may yet be raiſed; and I hope, that neither they, who envy the making a good peace, nor who think it their intereſt to continue the war, will be able to defeat our joint endeavours for the honour and advantage of Great-Britain, and the ſecurity of all our allies.

'Gentlemen of the houſe of commons,

'At the ſame time that I thank you moſt kindly for the ſupplies you have chearfully granted, I cannot but let you know my ſatisfaction in the near view I have of a peace, ſince it will in ſome meaſure recompenſe my ſubjects for their vaſt expences, and alſo lighten that heavy burthen they have borne during the war.

'My lords and gentlemen,

'You have expreſſed how ſenſible you are of the advantage and ſecurity, which accrue to Great-Britain and our allies, by the terms propoſed for a peace. And I need not mention to you the miſchiefs, which muſt follow from the breaking off this treaty. Our burthens would be at leaſt continued, if not increaſed; the preſent opportunity would be irrecoverably loſt of Britain's eſtabliſhing a real balance of power in Europe, and improving our own commerce; and, if any of our allies ſhould gain ſomething by ſuch a proceeding, the reſt would ſuffer in the common calamity. But I hope, by God's bleſſing, ſuch fatal deſigns will be diſappointed.

'You are now returning into your reſpective countries, and I perſuade myſelf you will not be wanting in your endeavours to obviate the deſigns of any ill-minded perſons, who may attempt to ſow ſedition amongſt my ſubjects, and, under ſpecious pretences, carry on deſigns they dare not own.

'I hope, at your next meeting, there will be an opportunity of perfecting what I recommended to you, which you have left unfiniſhed in this ſeſſion.

'I cannot conclude without aſſuring you, that nothing ſhall move me from ſteadily purſuing the true intereſt of ſo dutiful and affectionate a people'.

After this ſpeech, both houſes were adjourned to the 8th of July. This Adjournment, inſtead of a Prorogation, occaſioned various diſcourſes, ſome ſurmiſing, it was intended as a further mortification to Mr. Walpole, who rather choſe to continue a priſoner in the tower, than to make his ſubmiſſion. Others imagined, it was intended, that, at the expiration of the adjournment, the houſe ſhould ſit again for the diſpatch of buſineſs. But, whatever ground there was for the firſt of theſe conjectures, it appeared there was none for the latter; for at their next meeting, on the 8th of July, the parliament was prorogued to the 31ſt of the ſame month. Upon which Mr. Walpole, and the other perſons, who were under confinement by order of the commons, were of courſe ſet at liberty.

Though the queen in her ſpeech ſaid, they approved of her ſcheme of peace, yet that was not in any of the addreſſes; many indeed, who intended to merit by their officious zeal, had magnified it in their ſpeeches, but both houſes had obſerved one caution, not to expreſs their being ſatisfied with the plan of the peace, though it was covertly inſinuated.

On the 12th of June, at an aſſembly of the lord-mayor, aldermen, and common-council of the city of London, a motion was made for addreſſing the queen about the peace; againſt which ſome objections were made by ſir Gilbert Heathcote and ſir Charles Peers, who alledged 'That the making peace or war being the prerogative of the crown, they ought not to meddle with it'. But, the majority, who knew, that ſuch a ſtep would be very acceptable to the court, being of a contrary opinion, it was carried for an addreſs; which being, two days after, preſented, with another from the lieutenantcy, the queen knighted John Caſs and William Stuart, the ſheriffs, and Samuel Clarke. Upon this a new ſet of addreſſes were promoted every where, full of groſs flattery, magnifying the preſent conduct, with ſevere reflections on the former miniſtry, which ſome carried back to king William's reign. Some of thoſe addreſſes mentioned the Proteſtant Succeſſion, and the houſe of Hanover, with zeal; others did it more coldly, and ſome made no mention at all of it. And it was univerſally believed, that no addreſſes were ſo acceptable to the miniſters, as thoſe of the laſt ſort.

But neither the number, nor the noiſe of addreſſes, which, during the remaining part of the year, were preſented to the queen, were able to ſuppreſs the murmurings of the Whigs, and even of many Tories, who did not like the terms of peace contained in the queen's ſpeech. On the other hand, the aſtoniſhment, not to ſay in-

rioufly whereabouts we are, and whither we are tending. The court party do now own publickly, that, except the allies accept of the conditions that are offered them, king Philip is not to make any Renunciation: And certainly the allies cannot accept of theſe conditions, unleſs they are diſtreſſed to the laſt degree. We muſt, and ſhall have a ſeparate peace, in ſpite of all that can be ſaid; and that muſt be without a Renunciation on the part of France, and without a guaranty from the allies: And what a peace is that like to be? It is now ſaid, that England is to conſtrain the king of France to content the ſtates with a barrier to their liking; and that the reſt will come in, or ſtand out, without any danger. But I am afraid England has loſt all her conſtraining power, and that France thinks ſhe has us in her hands, and may uſe us as ſhe pleaſes, which, I dare ſay, will be as ſcurvily as we deſerve. What a change has two years made? Your lordſhip may now imagine you are growing young again; for we are fallen, methinks, into the very dregs of Charles the Second's politics; ſaving, that then they were more reaſonable, becauſe our enemy was then in ſo full power and luſtre, as might both terrify and dazzle a poor luxurious prince, that would not be diſturbed, nor ſeemed to care much what became of England after he was gone. The preſent times may put you in mind of thoſe, with this bad difference ſtill, that now the ruinous effects of thoſe advices ſeem to be taking place after an interval of five or ſix and twenty years; and after ſuch an interruption, as one would have thought ſhould have quite baffled and deſtroyed them.'.

dignation with which the queen's ſpeech was received in Holland, is ſcarce to be expreſſed; and exceptions againſt it were publiſhed both by the Dutch and Imperialiſts[m].

The ſtates having rightly concluded from the declarations of the Britiſh general in the army, and of the biſhop of Briſtol at Utrecht, that the miniſters of Great-Britain had agreed upon a ſuſpenſion of arms with France, and would impoſe it upon the allies, by withdrawing from the confederate army, not only their national troops, but alſo the auxiliaries in their pay, which would make them abſolute maſters of the negotiation of peace; they took early meaſures to prevent it. Meſſieurs Van Welderen and Hop were ſent to the army, to concert with prince Eugene of Savoy, proper methods to engage the generals of thoſe auxiliaries, and to provide for their ſubſiſtence, which commiſſion was executed with ſucceſs. The duke of Ormond having cauſed bread for ſix days to to be diſtributed to the army under his command, (which ſhewed he deſigned to make ſome motion) prince Eugene aſked the generals of the auxiliaries, Whether they had any orders from their ſovereigns to regulate themſelves by, in caſe the Engliſh ſhould withdraw'? It appeared by their anſwer, that they had received ſecret inſtructions, for, two only excepted, they unanimouſly aſſured the prince, 'That they would not march with the Britiſh general, without communicating the orders they ſhould receive from him to his highneſs: And, in caſe the ſame were not agreeable to the intentions and intereſt of the allies, they would not follow the duke, but look upon themſelves as diſengaged from his command'. On the other hand, the ſtates having reſolved to proſecute the operations of the war, the trenches were opened before Queſnoy, and the ſiege carried on with all imaginable vigour under the command of general Fagel.

The next day the duke of Ormond was invited to a conference, held between the ſtates deputies, prince Eugene, and count Tilly; but he excuſed himſelf on pretence of a ſmall indiſpoſition, that he might avoid concerting any further meaſures with them. And having received a copy of the articles ſigned by the marquis de Torcy (though not entirely as the queen had demanded) he immediately directed the earl of Orkney to prepare himſelf to march with ten battalions, in order to take poſſeſſion of Dunkirk; and the ſame morning he wrote to the marſhal de Villars, 'That he wiſhed the marquis de Torcy would have given himſelf the trouble to have ſigned the copy of the articles, which would have been more regular and more agreeable to the duke's inſtructions. However, he would not obſtruct the accompliſhing ſo good a work, by raiſing difficulties and ſcruples, and inſiſting too much upon the want of formality. That he was juſt going to make prince Eugene and the ſtates deputies a viſit, with whom he was to keep meaſures to the laſt; and that he ſhould endeavour to perſuade them to deſiſt from the ſiege of Queſnoy, and declare to them, that, in caſe of their refuſal, he ſhould be obliged to withdraw the army of the queen. That he ſhould ſend away a detachment the next day, to take poſſeſſion of Dunkirk; but was of opinion, that the marſhal ſhould have given him an order in form for its ſurrender; and deſired he would loſe no time in a matter of ſo great importance: concluding, that, as ſoon as he knew the reſolutions of the prince and the deputies, he would not fail to let him have notice of it'. The ſame day, the duke viſited prince Eugene and the ſtates deputies, in purſuance of his promiſe to acquaint them with any freſh orders he ſhould receive from England, incompatible with his covering the ſiege of Queſnoy; and told them, 'That the French king had agreed to ſeveral articles demanded by the queen, as a foundation for a ſuſpenſion of arms; and, among others, the giving up immediately into our poſſeſſion the town of Dunkirk. That the duke therefore could no longer cover the ſiege of Queſnoy, being obliged by his inſtructions to march with the queen's troops, and thoſe in her pay, and to declare a ceſſation of arms, as ſoon as Dunkirk was delivered up: And he hoped, they would readily concur therein, which would be the moſt powerful motive to induce the queen to take all poſſible care of their intereſts at the peace. He likewiſe endeavoured to ſhew them, that Dunkirk, as a cautionary town, was a place of greater conſequence to the allies than Queſnoy.

The deputies deſired five days to conſult their maſters upon ſo important a matter; which the duke would have allowed them, if, in the mean time, they would have agreed to deſiſt from the proſecution of the ſiege, or at leaſt to make ſome delay in it; which, they ſaid, was not in their power. However, he at laſt conſented to give them three days; that being no hindrance to the execution of his orders, becauſe he could not expect to have an account before that time from the French court, how Dunkirk ſhould be delivered up to him. The deputies refuſed to let a detachment go through any of their towns in the way to Dunkirk, and both they and prince Eugene told the duke, 'That his marching away with the queen's troops and the foreigners in her pay would leave them to the mercy of the French; but that they were ſure the foreigners would not march.' The duke having taken the firſt opportunity to ſound the generals of the foreign troops in the queen's pay, they ſeemed at firſt well inclined to continue ſteady to her intereſt; and particularly general Bulau, who commanded the Hanoverians, who came to the duke, ſeemingly with great joy and ſatisfaction, as ſoon as he had read the queen's ſpeech, and told him, he was ready, with his maſter's troops, to follow all ſuch orders, as he ſhould think fit to give him. But, upon diſcourſing with him now, the duke found, that means had been uſed to prevail upon him, as well as the reſt; who agreed in making excuſes, and pretended they could not ſeparate from the confederacy, without expreſs directions from their maſters, to whom they had ſent couriers. They alledged, 'That neither the grand alliance, nor the particular conventions, admitted of any parties treating of, or making peace, or even a ſuſpenſion of arms, without the conſent of the others.' The duke thought it belonged not to him to enter into theſe particulars; but inſiſted on the commands he had received from the queen, and on the engagements they were under to aſſiſt him, their general, in an effectual compliance with them; repreſenting, at the ſame time, the juſt reaſons the queen had to reſent, and the ill conſequences, that would attend their refuſal. However, the duke finding, that the foreign troops would obey no orders, but what they themſelves, in conjunction with prince Eugene and the deputies, ſhould approve, countermanded the detachment deſigned for Dunkirk; and in the afternoon ſent to marſhal Villars an account of the reſult of his viſit, and deſired to know of him more particularly, in what manner Dunkirk was to be put into our hands, in caſe the Engliſh troops marched alone, without the auxiliaries; which he had reaſon to ſuſpect might ſcruple to go along with him: Adding, He hoped he would not defer ſending the neceſſary orders for the delivery of that town, which would be a means to make every thing relating to the peace go on the more eaſily, and the ceſſation of arms take effect the ſooner.

It is obſervable, Villars having, at this juncture, cauſed ſeveral bridges to be laid over the Senſet, it occaſioned a ſurmiſe, that he might intend to attack the confederate army, in caſe the auxiliaries in Britiſh pay had marched off with the duke of Ormond. On the other hand, it was apprehended, that the Britiſh general might have a deſign upon ſome of the ſtrong towns garriſoned by the Dutch; and therefore prince Eugene ſent for general Hompeſch, governor of Doway, and deſired him to take care, that the Engliſh troops deſigned for Dunkirk might not go through Doway. And the like caution was given to other Dutch governors in relation to the Britiſh forces.

[m] In a letter from a gentleman in Amſterdam, it is ſaid: 'We are at laſt at full certainty as to the good intentions of Great-Britain towards this ſtate, ſet forth at large, in the queen's ſpeech to her parliament. The emperor finds likewiſe in it very ſenſible proofs of affection for him, ſince he may be left in poſſeſſion of the Milaneſe, Naples, Sardinia, and the Low-Countries. But it unluckily falls out, that neither the Imperialiſts, nor the Dutch, will put a favourable conſtruction on theſe good intentions. On the contrary, they ſay, that it is very hard for a prince, who begins his reign ſo gloriouſly as the emperor, to ſee himſelf abandoned, and reduced to give up Catalonia without any equivalent; ſince he is not to have even Sicily, which, it ſeems, is to be kept in petto, the better to allure the duke of Savoy, in caſe he ſhould ſtand out: Beſides the ſecuring to him the ſucceſſion to the Spaniſh monarchy, after the duke of Anjou, and his iſſue, by excluding for ever the houſe of Auſtria from its rights to Spain. As for the Dutch, they complain, that they are not allowed even the barrier agreed on, between them and the queen, in 1709. That by the two or three places, which are to be excepted from that barrier, Liſle and Tournay may be meant, beſides the towns they have taken ſince 1709; which will reduce that barrier almoſt to nothing: And that the exception of ſome ſpecies of merchandize, from the tariff of 1664, which they inſiſt upon, may reach their fiſh, linen, and ſpices, whereby they may be excluded from all their profitable trade, the other branches being more advantageous to France, than to Holland. Theſe are the chief exceptions of the Imperialiſts and Dutch; nor is it altogether without reaſon, that the latter take it ill, that the duke of Savoy's, and king of Pruſſia's ſervices to the common cauſe, are only mentioned and extolled in the queen's ſpeech; and that no manner of notice is taken of this ſtate, which hitherto has ſignalized its reſolution and conſtancy, and never offered to break either its promiſes or engagements, by treating ſeparately with France, though powerful ſolicitations have not been wanting to induce them to it'. The exceptions of the imperialiſts, againſt the ſcheme of peace propoſed in the queen's ſpeech, were afterwards fully expreſſed in a book, intituled, 'The ſighs of Europe', which was publiſhed in Holland by count Zinzendorf's direction. Boyer.

Upon the arrival of two expreſſes from the confederate army at the Hague, with an account of the duke of Ormond's declaration about a ceſſation of arms, the ſtates were immediately aſſembled; and the ſame evening invitations were ſent to the miniſters of the allies at Utrecht, to concert meaſures on the preſent poſture of affairs; and meſſengers diſpatched with circular letters to the ſeveral towns of Holland and Weſt-Friſeland, to ſummon an extraordinary meeting of the ſtates of that province on the firſt of July, N. S. The city of Amſterdam ſent an unprecedented deputation to the Hague, conſiſting of three burgomaſters, and as many principal magiſtrates. Before their departure, the regent burgomaſters held an aſſembly, in which monſieur Corver, their ſenior, a perſon no leſs venerable for his age, being eighty-four years old, than for his integrity and wiſdom, made a memorable ſpeech; wherein he pathetically laid before them the neceſſity of carrying on the war, 'without which their commonwealth was like to be irrecoverably ruined'. He ſaid, 'I am an old man, upwards of fourſcore, and have ſeen far more difficult times, even the French at the very gates; but, by the bleſſing of God on our firmneſs and reſolution, we have hitherto preſerved our State. I have no private intereſt in trade, nor any other concern but the good of my country, and the common cauſe; yet I would give the half of what I have in the world, nay all, rather, than ſuffer the loſs of our liberties. But, if at laſt we are overpowered, then let us lay our cities under water, betake ourſelves to our ſhips, and ſail to the Eaſt-Indies; and let thoſe, who ſee our country laid waſte, ſay, 'There lived a people, who choſe to loſe their country rather than their liberty'. Theſe words had not only an effect upon the aſſembly at Amſterdam, but alſo on that of the ſtates to whom they were reported. However, though the majority of the cities had given their deputies inſtructions to reject the propoſal of a ceſſation of arms; yet the States thought fit not to come to any reſolution about that important affair, but rather to gain time, at leaſt till the reduction of Queſnoy; for which delay the earl of Strafford's abſence from the Hague, and the expectation of his ſudden return, gave them a very plauſible pretence. Mean while the ſtates received aſſurances from the princes, who had troops in Britiſh pay, 'That they would maintain them wholly at their own expence under prince Eugene's command, for one month; and afterwards continue them in the ſervice, and pay half the charges, provided the emperor and the ſtates would pay the other half'. To which the Dutch were ready enough to conſent.

In the mean time the biſhop of Briſtol executed his inſtructions at Utrecht with the ſame punctuality as the duke of Ormond in the army; and, a conference being held between the miniſters of the allies, that prelate in a ſolemn manner communicated to them the conceſſion, which the queen had prevailed on France to make to the allies, and propoſed to them a ſuſpenſion of arms for two months, in order to treat with the French, and, in a friendly manner, adjuſt the demands of all the confederates. None of the miniſters there preſent having thought fit to return him an anſwer, all of them looking on one another with ſurprize, the biſhop left them to conſult together; upon which ſome of them ſpoke very ſeverely againſt the propoſal. In the afternoon he was in conference with the reſt of thoſe miniſters, and urged to them the neceſſity of a ceſſation of arms; but he found them unanimous in their anſwers, that they had no inſtructions about that matter, and muſt wait for freſh orders from their principals. The next day the plenipotentiaries of the allies met at the deputies of the ſtates, and having concerted ſome meaſures, moſt of them repaired afterwards to the Hague, to aſſiſt at the conſultations, that were held in that place.

The duke of Savoy's miniſters were ſo highly offended at the report, which had been induſtriouſly ſpread, that their maſter had agreed to a ſuſpenſion of arms, and to the terms of peace concerted between Great-Britain and France, that they publicly diſowned it as falſe and ſcandalous, declaring, 'That his royal highneſs, their maſter, would remain firm in the grand alliance, being ſenſible, he had been impoſed upon by the inſinuations of a certain miniſter'. On the other hand, count Zinzendorf, the firſt imperial plenipotentiary, on the 28th of June, N. S. preſented to the ſtates-general a memorial, which he called his 'ſentiments upon the affairs of the preſent conjuncture'; wherein having ſhewed, 'The tendency of the queen of Great-Britain's ſpeech to her parliament, and touched upon the declarations of the duke of Ormond and the biſhop of Briſtol, he inſiſted on the danger, that would reſult to the common cauſe from a ceſſation of arms; commended their high mightineſſes for approving what prince Eugene of Savoy and their deputies had done in the army, and in particular their having furniſhed bread to the foreign troops in Engliſh pay; exhorted them to perſevere in theſe generous and vigorous reſolutions; and, in order to maintain a ſtrict union among the allies, he propoſed theſe five points: 1. That the alliance ought to be renewed, in order to compaſs theſe ends, the recovery of the Spaniſh monarchy to the houſe of Auſtria; the ſecurity of that ſtate by a barrier in the Netherlands, and of their trade in Spain and the Weſt-Indies; the procuring a tariff with France; the performance of the treaties with the king of Portugal and the duke of Savoy, with relation to the Spaniſh monarchy; as alſo thoſe with the king of Pruſſia, the elector Palatine, the elector of Hanover, and all the other confederate princes; and that likewiſe for the ſecurity of the aſſociated circles. 2. That all the allies ſhould be invited to join in it. 3. That it was neceſſary to form a plan of the war, ſo as it might be carried on with moſt ſucceſs and leaſt expence. 4. That they ſhould come to ſome reſolution about the war in the North, ſo as they might be ſure of the aſſiſtance of the princes engaged in it, moſt of whom furniſhed troops againſt France. And, 5. That, after theſe meaſures were concerted, repreſentations ſhould be made to the queen of Great-Britain, requeſting her to perform her engagements, and to perſuade her, that it was the intention of the other allies to maintain the common cauſe with inviolable firmneſs; and that they deſired nothing ſo much, as that ſhe would be pleaſed to perſiſt in what ſhe had hitherto done ſo glorioufly for that end. He afterwards aſſured the ſtates, that the emperor would continue to furniſh 20,000 men in Savoy, 30,000 in Spain, 14,000 on the Rhine, 24,000 in the Netherlands, 8,000 in Lombardy, 8,000 in Naples, and 4,000 in Bavaria, in all 108,000 men: That he would furniſh the third of four millions of crowns for the war in Catalonia. That he would endeavour to bring more of his troops into the field againſt France than hitherto, and do his utmoſt to engage the empire in general, and all the princes and ſtates in particular, to make new efforts'.

Whilſt theſe things paſſed in Holland, a remarkable action was performed in the beginning of the campaign, which greatly alarmed the court of France. Prince Eugene of Savoy reſolved to put Champagne and other countries under contribution; and, the deputies of the ſtates having approved his reſolution, he detached fifteen hundred horſe, dragoons, and huſſars, under the command of major-general Groveſtein, with orders to penetrate into France as far as poſſible. Thoſe troops were detached with the utmoſt privacy from the camp at Haſpre on the 10th of June. The next day they met at night at Grouſelle, within three leagues of Neufchatel on the river Aiſne, which they paſſed the 12th, and advanced at night to Suipe in Champagne. The 13th, they paſſed the river Noire, near St. Menehold. The next day, they paſſed the Maeſe at Seneri, and got into Lorrain; and the 15th, paſſed the Moſelle at Pont-a-Mouſon. The 16th, they came before Metz; and the 17th paſſed the Saar, and retired leiſurely towards Traarbach, carrying off with them a vaſt booty, and a great number of hoſtages for the payment of the contributions, they had demanded from the countries, through which they paſſed, amounting to ſome millions. They burnt ſeveral villages and little towns; and at Metz Groveſtein ſent a letter to the marquis de Refuge, the governor, and another to the intendant, to ſummon them to ſend deputies to agree about contributions. The governor anſwered him, that he had nothing to ſend but fire and ball; and that, inſtead of contributions and hoſtages, he would only ſend him ſome guides, to conduct him whither he deſerved to go. Groveſtein, being incenſed at this anſwer, cauſed about thirty or forty villages, and about twenty caſtles or ſeats, to be burnt in ſight of Metz, after having plundered them, and retired ſafe with his booty; for, Villars not being informed of this detachment till twenty-four hours after they were marched, the troops, which he ſent after them, could not overtake them. It is impoſſible to expreſs the great ſurprize this expedition cauſed in the adjacent parts, and even in the ſuburbs of Paris; it being reported, the detachment were advancing to that city. The king himſelf was not thought ſafe at Verſailles with his uſual guards; and therefore all the troops quartered in and about Paris were ordered to repair immediately to the king's palace. But Groveſtein, making his retreat, ſoon put an end to the alarm.

The French were reſolved to revenge this excurſion, and intruſted major-general Paſteur, a famous partiſan, with the execution of their deſign, which he managed with great diligence and diſpatch. For, though he had fifteen or ſixteen hundred men with him, the allies had not the leaſt notice of his march, till he was advanced farther than Bergen-op-Zoom, and had plundered Tortole, an iſland belonging to

Zealand, with the town of that name, and ſeveral other places. Thirty ſquadrons were detached from the confederate army, and all the garriſons were drawn out, to intereept the enemy in their retreat. But Paſteur took ſo well his meaſures, that he returned ſafe to Namur with a great booty, and ſeveral hoſtages for contributions.

The ſiege of Queſnoy being carried on with great vigour and ſucceſs, and the duke of Ormond foreſeeing the reduction of that place might increaſe the hopes of the allies and obſtruct the Britiſh meaſures for a general peace, ſent to acquaint prince Eugene, 'That his troops ſhould continue in the army, provided he would give over the ſiege of Queſnoy'. But the prince anſwered, 'That, inſtead of relinquiſhing the ſiege, he would cauſe it to be proſecuted with all imaginable vigour, and would let his grace be eye-witneſs of another expedition, immediately after the taking of that town.' From this time all correſpondence ceaſed between the prince and the duke; and the prince perceiving, that frequent expreſſes went between the duke and the French army, which might prove detrimental to the confederate cauſe, held private conferences with the other generals, in order to ſeparate their forces from the Engliſh, and inſinuated, 'That he ſhould be glad, if the Engliſh would march off, they being now only a burden to the Netherlands, ſince they had declared, they would not fight againſt France.' Theſe paſſages were not wholly unknown to the duke of Ormond, who on the 28th of June, N. S. ſent his adjutant with a written order to the generals of the foreign troops in Britiſh pay, commanding them to hold themſelves and the forces under their command, in a readineſs to march; but, excepting major-general Berner, who commanded four ſquadrons, and one battalion of the troops of Holſtein-Gottorp, and major-general Walef, colonel of a regiment of dragoons of the troops of Liege, who had the queen's commiſſion, all thoſe generals unanimouſly anſwered, as they had done before, 'That they could not follow him, nor ſeparate from prince Eugene, without expreſs orders from their reſpective princes'. Among the reſt the hereditary prince of Heſſe-Caſſel bid the adjutant tell the duke, 'That the Heſſians deſired nothing more than to march, provided it were to fight the French; and that he would wait upon the duke the next day, to give him his reaſons for not obeying his orders at that time'.

In the mean time, the ſiege of Queſnoy was proſecuted with ſuch ſucceſs, that on the 1ſt of July, N. S. the confederates ſtormed and carried the counterſcarp in four places; and on the fourth monſieur Labadie, the governor, ſurrendered the place, and the garriſon priſoners of war, which conſiſted of 2,662 private men; beſides ſeveral perſons of a ſuperior rank. The confederates put a good garriſon into the place under major-general Ivoy; and all poſſible expedition was uſed to repair the breaches, and level the works.

The earl of Strafford, ſoon after the prorogation of the parliament, was again ſent over to induce the ſtates to accept the offers the French were making, and to conſent to a ceſſation of arms. Accordingly, at his arrival at the Hague [n], he deſired they would name deputies to confer with him about matters of the laſt importance, which he had to lay before them. The ſtates made a ſolemn deputation from their own body, to whom the earl of Strafford propoſed a a ſuſpenſion of arms for two months, and the entering into the negotiations for a peace upon the offers of France. After a long conference, the deputies returned to the aſſembly of the ſtates, and made their report. The biſhop of Briſtol being alſo come to the Hague, ſeveral conferences were held, in all which there were great debates about a ceſſation of arms, and the conditions, which France might be brought to grant to the ſtates, if they would treat of a general peace. As to the ceſſation, the Britiſh miniſters urged, that Dunkirk would be delivered up to the Engliſh, as a ſecurity for the performance of what the French had promiſed; to which it was anſwered, 'That there ought to be a ſecurity for the ſtates, and other allies, as well as for the Engliſh'; and, to that purpoſe, mention was made of Straſburg to the Germans, and Namur, Charleroy, and Ypres to the Dutch. It was replied, that Maubeuge and Condé might be put into the hands of the States-general. But this was rejected, becauſe it was ſuggeſted in the other part of the debate, that the ſtates ſhould ſurrender to the French Doway, Liſle, and Tournay. The Dutch deputies being ſtartled at this propoſal, which, they ſaid, was more in favour of France, than of the allies, the Britiſh plenipotentiaries anſwered, They hoped France might be prevailed with to be contented with Liſle and Doway, as an equivalent for Dunkirk; and, upon that condition, to grant to the ſtates the barrier, which they demanded in 1709, and the tariff of 1664, excepting only the following ſpecies of merchandize, which the Dutch ſhould not be permitted to import into France: Whale-oil, ſoap, ſugar, and dry fiſh; as alſo the duty of fifty ſols per tun, which the French king would not remit. The earl of Strafford likewiſe inſiſted, that the ſtates ſhould withdraw their forces from Spain and Portugal, and forthwith return a categorical anſwer to their propoſals. During the debate, the ſtates ſent to the miniſters of Pruſſia and Hanover, to know what they might depend upon as to the troops of their maſters; to which they returned not only a favourable anſwer, but, at the deſire of the ſtates, wrote letters to the generals of thoſe forces, to act according as thoſe miniſters had promiſed they ſhould. On the other hand, the emperor's miniſters, ſuſpecting what would be propoſed, ſignified to the ſtates, that, if they agreed to a ceſſation of arms, prince Eugene had orders immediately to march off with all the emperor's forces into the empire, and leave the Dutch to the mercy both of their Old and New enemies. This, together with the remonſtrance of the penſionary, the regiſter Fagel, and monſieur Slingerland, inclined the ſtates of the province of Holland and Weſt-Friſeland to come to an unanimous reſolution on the 9th of July, N. S. 'That they were entirely diſpoſed to put an end to this bloody and expenſive war by a good peace: That, in order to that, they were ready to liſten to ſuch propoſals, as France ſhould be willing to make in writing, in anſwer to the ſpecific demands of the allies: That, if the ſame were juſt and reaſonable, in ſuch a caſe their high mightineſſes would readily conſent to a general peace; but that they would never depart from their engagements with their allies, without whoſe conſent they could not agree to a ceſſation of arms.' This reſolution was ſo great a mortification to the Britiſh miniſters, that the earl of Strafford ſaid with ſome vehemence, 'That he would go to the army, and execute his orders'. He was prayed to defer his journey for one day, which he refuſed, unleſs prince Eugene were deſired to forbear hoſtilities. After ſome deliberation, he was told, an expreſs ſhould be ſent to prince Eugene, to deſire, that he would undertake nothing till forty-eight hours after the earl of Strafford's arrival in the army.

About this time a report was ſpread in Holland, that the Engliſh had formed a deſign to ſeize Oſtend, which was occaſioned by ſir Thomas Hanmer's repairing to that town towards the end of June, N. S. his cauſing the depth of the harbour to be ſounded; and his viewing the fortifications with the burgomaſter Bawens, who was ſuppoſed to be in the Britiſh intereſt. Sir Thomas having ſpent ſome days at Bruges and Ghent, where his preſence was thought neceſſary to prepare matters for future deſigns; that gentleman, who from this time began to appear with the title of the queen's miniſter, repaired to Bruſſels, where the earl of Strafford arrived the 11th of July, N. S. From thence the earl went the next day to the duke of Ormond's army, then encamped at Cheateau Cambreſis, and found, it was high time to ſeparate the Britiſh forces from the Germans, between whom there had been frequent quarrels, in which many men, and even ſome officers, had been killed on both ſides. The day before, a council of war was held at prince Eugene's quarters at Haſpre, wherein it was agreed, that the army ſhould make a movement to attack Landrecy; that the prince of Anhalt Deſſau ſhould command the ſiege of that place; and, if the Engliſh retired from the army, nothing ſhould be omitted to carry on the war with the utmoſt vigour, in order to take winter-quarters in Picardy. The earl of Strafford, foreſeeing what a martial anſwer he muſt expect, in caſe he ſhould propoſe a ceſſation of arms, continued at the duke of Ormond's quarters, where he conferred with none of the commanders of the auxiliary troops, except the general of the Hanoverians, who was inſtructed to declare, that his maſter, as an elector of the empire, was obliged to follow the reſolutions of the head and members of that great body. Whether the earl of Strafford expected the firſt viſit from prince Eugene and the ſtates deputies is uncertain; but, if he did, he was diſappointed; and, having notified to them his arrival in the duke of Ormond's camp no ſooner than the 14th of July, the prince and the deputies contented themſelves with returning him a compliment upon it.

The news of the Britiſh auxiliaries refuſing to march with the duke of Ormond was variouſly entertained in England, according to the different inclinations and views of the ſeveral parties. Thoſe, who had either oppoſed or diſapproved the late meaſures, could not but rejoice at it; openly declaring their hopes, that the confederates would carry on the war without England; others ſpreading reports of the duke of Ormond's having been threatened by ſome German generals; and others again whiſpering about their ſecret wiſhes,

[n] He came there in the midſt of the rejoicings for the ſurrender of Queſnoy, and, being told the reaſon, he ſaid, 'They made a great noiſe for a paltry town'.

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under the notion of apprehenſions of a deſign formed by thoſe generals to confine the duke for their arrears, and even to diſarm the Britiſh troops, leſt they ſhould join the French army. Whether ſuch a thought was entertained by any of thoſe commanders, is very difficult to determine; but it is certain no ſuch thing was ever propoſed to the States Deputies; and it is more than probable, that, if it had, it would have been rejected with indignation. However, it is obſervable, that the friends of the new miniſtry were apt enough to ſuſpect ſuch a deſign, and very induſtrious in infuſing the belief of it, in order to render the allies ſtill more odious to the people.

However this be, the duke of Ormond found himſelf in a very uneaſy poſture. Upon a ſuppoſition, that Villars would ſend him a ſatisfactory anſwer, and the foreign troops perſiſt in their refuſal to obey his orders, he deſigned to march with all the Engliſh troops, and the artillery, to Dunkirk, where he thought they would be moſt ſecure, and would have the ſea open, in caſe the queen ſhould think fit to recall them. But on the 27th of June he received a letter from Villars which imported, 'That the king (of France) might very well be aſtoniſhed, that, in caſe of a ceſſation, the generals of the auxiliary troops ſhould make any difficulty to ſeparate from prince Eugene; and that it was ſurpriſing, the Dutch ſhould have more power over men, whom they did not pay, to make them hazard their lives, than the queen, who had paid them this dozen years, ſhould have to perſuade them not to expoſe themſelves to any danger'. The duke received alſo the copy of a letter from the marquis de Torcy to Mr. St. John, wherein the marquis urged, 'That in the articles agreed on it was expreſſed, the ceſſation ſhould be between the armies which were at preſent in the Netherlands: That it was upon this view of a general ceſſation, ſo important a place as Dunkirk was to be delivered up: That the chief motive, which made England and France agree to a ceſſation, was, that nothing might happen between the armies to interrupt the meaſures, which were taken for a peace. That, to effect this, nothing but a general ceſſation would be ſufficient; and, if the enemies of peace had ſtill the liberty, the means, and the power of acting left them, the condition, upon which the king was to ſurrender Dunkirk to the queen, would not be complied with on her part: That the king always thought, the queen was entire miſtreſs of the troops, which compoſed her army; and that they had all orders to follow the duke of Ormond's directions; and therefore upon a ceſſation were to forbear an action, as well as the Engliſh. That in caſe the Engliſh alone left the army, prince Eugene, finding himſelf the ſole general at the head of great numbers of men, would hazard any thing to come to an action, and would not at all ſcruple to ſacrifice troops, which his maſter did not pay, and which were to be under the prince's command only during the remainder of the campaign. Therefore, ſince theſe propoſals for a ceſſation neither anſwer the meaſures, which the queen had hitherto taken for a peace, nor agreed to the articles, which had been concerted between her majeſty and the king upon that ſubject, the king was perſuaded, that the queen would give the duke of Ormond full inſtructions to ſeperate the whole entire army, which was in her pay, and actually under the duke's command, from that of prince Eugene: And, when this was done, the king would be ready to deliver up Dunkirk, as it had been agreed upon in the articles for the ceſſation'. This letter gave the duke good reaſon to hope, that the queen would approve of his deferring to ſeparate her troops, and to march towards Dunkirk, till he had ſufficient aſſurance, that the place would be delivered up to him; whereas now the contrary appeared ſo evidently, that he ſhould have thought himſelf immediately at liberty to act in conjunction with the allies, would he have taken upon himſelf to make a ſtep of that conſequence, without the queen's particular orders; but theſe he had further room to expect, ſince the allies were now engaged in the ſiege of Queſnoy, and in no condition therefore at preſent of attacking the enemy. And the duke was the leſs uneaſy under this delay, being ſenſible, that England had not been able, on her part, to make good the condition of a general ceſſation, upon which the immediate delivery of Dunkirk was promiſed. Villars, in his letter, had invited the duke to an interview, which the duke (being no way empowered to agree to it) declined, and excuſed himſelf in a letter to the marſhal. While he was diſpatching an expreſs with an account of all theſe proceedings, a meſſenger brought him a letter of the 14th of June from Mr. Secretary St. John, which gave the duke an account 'That the courier returned from France the night before, and that her majeſty's demands were complied with to her ſatisfaction. If therefore his grace had any difficulties, as ſeveral were foreſeen, which might ariſe in taking poſſeſſion of Dunkirk, he might keep his army entire, and the meaſures were ready in England for ſending over troops ſufficient for that ſervice. That nothing could be more dreadful to the Dutch than this town in Engliſh hands. That he was therefore to conſider the temper they were in; and, if he were likely to have the leaſt diſturbance given him on this account, he was to keep the ſecret, ſend his accounts to the queen, and, in the mean time, the troops ſhould be ready to enter the place from England; where means would be found of concerting things ſo, that the declaration for a ſuſpenſion of arms ſhould be exactly timed with the evacuation of Dunkirk. If he had taken poſſeſſion, well; if not, they could be able to do it from thence; and perhaps, in the preſent ferment, he had better lie ſtill, and let Dunkirk be poſſeſſed firſt, and the clamour happen afterwards'. On the 5th of July came another letter, of June 20, from the Secretary, informing the duke, 'That the queen had ordered lord Strafford to make all poſſible haſte to the army, with inſtructions, which were neceſſary in this critical conjuncture: That the foreign miniſters had been told, that the queen would look upon herſelf as acquitted from all obligations of arrears or ſubſidies to that prince, whoſe troops ſhould refuſe to obey her general's orders without heſitation: That his grace ſhould declare as much to thoſe, who commanded them, and require a poſitive anſwer from them: That, till Lord Strafford came, the beſt uſe, his grace could make of the intermediate time, would be to continue vigilently on his guard, and to ſpeak in the plaineſt and moſt reſolute manner to them'. In this letter was incloſed the copy of one from the ſecretary to the marquis de Torcy of the ſame date, the ſubject of which was, 'That the queen, having received an account of what had paſſed, both from the Duke of Ormond and from France, commanded him to acquaint the marquis, how great a diſſatisfaction it was to her to ſee, that the enemies of peace had again found out means to retard its concluſion, by expoſing the methods, by which it was to be gained, to new difficulties and dangers. But as ſhe had taken a firm and immoveable reſolution, not to give the leaſt way to thoſe obſtructions, and to continue her utmoſt endeavours, in concert with the king, towards eſtabliſhing a general peace; ſo ſhe did not doubt, but ſhe ſhould be able to defeat the laſt efforts of thoſe, who either ſought their own intereſt, or gratified their private reſentments, in prolonging the miſeries of war. That he, in the queen's name, had declared to the miniſters of thoſe princes, who had troops in her pay, that, in this juncture, ſhe would look upon the conduct of the foreign generals, as a declaration of their maſters for or againſt her, ſince they muſt either follow the plan, which ſhe had laid for obtaining a peace, or that, which the emperor and the ſtates had formed for the breaking it off. That the queen could not but perſuade herſelf, that thoſe generals, after a little reflection, would obey the duke of Ormond's orders without the leaſt heſitation; but if they did not, ſhe would pay thoſe troops no longer. That thoſe miniſters had writ to their generals by this courier; and the duke of Ormond would receive orders, not only to make the ſame declarations, but to put them immediately in execution, if they refuſed. That the queen thought this method could not fail of ſucceeding; but, in caſe any of the foreign troops perſiſted in their deſign of ſtaying with prince Eugene, the duke of Ormond ſhould retire with the Engliſh forces, and all the foreigners, who would march with him (which to be ſure would be the greateſt part of them) and declare, that her majeſty would no longer act againſt France, nor pay thoſe, that did. That ſhe, who had hitherto obſerved meaſures with her allies, being forced by them to ſuch an extremity as this, thought herſelf juſtified before God and man, and at liberty to carry on the negotiation at Utrecht, or elſewhere, without regarding, whether they concurred with her or not. So that, if the king would ſurrender the town and forts of Dunkirk into the queen's hands, though all the foreign troops, or ſome of them, ſhould refuſe to obey the duke of Ormond, ſhe would no longer make any ſcruple of concluding her particular peace, and would ſet a time for the others to come in upon thoſe conditions, which ſhould be agreed upon between her and France. That the peace was now in the king's breaſt. If all the army of the duke of Ormond ſhould agree to a ſuſpenſion of arms, the firſt project which was concerted between them, had its effect: if they did not, the duke would withdraw with the Engliſh from the allies, and the foreign troops would be left to take ſervice with the Dutch, who were ſo far from being able to furniſh this new expence, that they were not in a condition to ſupport the charges they were already at. In ſhort, that England would retire from the theatre of war, and, ſince there would be but a few powers left in a capacity to make

head againſt France, the peace might be concluded between thoſe two kingdoms in a few weeks. Theſe were the propoſals her majeſty made; and ſhe believed the king would find his account in them, as well upon the latter as the former plan; and that, beſides, he would think it for both their intereſts, to make immediately a general ceſſation, as well by ſea as by land, between the two crowns. That every moment of time was precious in ſuch a juncture; and that therefore the marquis is deſired to diſpatch a courier to the duke at the ſame time he ſent to England. If the duke had notice, that the king had given orders to the officer, who commanded in Dunkirk, for the ſurrender of it, he would immediately execute what the ſecretary had propoſed; and in that caſe her majeſty would ſend ſome regiments from England to take poſſeſſion of that place, which would be a way leſs liable to accidents, than making a detachment from the duke's army, as was at firſt deſigned. The letter concludes, that the queen had reſolved to ſend the earl of Strafford directly to the army. In the poſtſcript of the ſecretary's letter, wherein this to the marquis de Torcy was incloſed, he writes thus: 'I need not caution your grace, that the incloſed for monſieur de Torcy is fit to fall under the eye of no perſon whatſoever but your grace'. And he orders the duke to give Villars an account of the endeavours, which the queen had uſed to ſubdue the obſtinacy of thoſe, who refuſed to obey, and of his expectations to hear from him in an expreſs ſent to France; and a ſecond time, according to what was ſaid to the Marquis de Torcy, the duke is ordered, 'That, if he received an account from the court of France, that her majeſty's laſt propoſals are agreed to, and orders diſpatched for the ſurrender of Dunkirk, without any more ado to declare the ſuſpenſion of arms between Great-Britain and France, and to keep the whole body, which ſhall obey his orders, entire, and to withdraw in the beſt manner his circumſtances will allow'.

This offer was no ſooner received in France, but without the loſs of one moment's time it was accepted and conſented to, as Torcy acquainted Mr. St. John in a letter of the 5th of July, N. S. wherein he mentioned very particularly all the reaſons and engagements, which had been ſo plainly and explicitly propoſed; and upon condition, that the queen immediately made a ſeparate peace, kept no meaſures with her allies, but only left them a time to ſubmit to the conditions, which ſhould be agreed upon for them between France and England, the king of France had determined to ſend his orders to permit the Engliſh troops to enter into Dunkirk. And at the ſame time a courier was diſpatched to Villars to carry him theſe orders. And as a general ceſſation from all hoſtilities both by land and ſea between the two nations had been propoſed by England, till their treaties could be finiſhed, the king of France with the ſame readineſs conſented to that.

Hereupon Sir John Leake ſet out for Deal to take upon him the command of the fleet in the Downs; and to provide tranſports for the troops, that were appointed to take poſſeſſion of Dunkirk, under the command of Brigadier Hill, brother to the lady Maſham; namely, a battalion of Scotch guards, about a thouſand men detached from ſeveral regiments of marines, and the regiments of Hill, Deſaulny, and Kane. At the ſame time Sir James Abercrombie, a creature of duke Hamilton and colonel King, were ſent to Dunkirk, to regulate matters with count d'Aumont, the French governor, who on the 7th of July, N. S. cauſed a royal order to be publiſhed there, by which the French troops in that town, and in the citadel, Riſbank, and other forts, were enjoined to be in readineſs to march out on the appearance of the Engliſh. The day the earl of Strafford arrived in the duke of Ormond's camp, the duke received advice from Dunkirk, that Sir James Abercrombie and colonel King were come thither from England, whereupon he immediately ſent colonel Lloyd, who returned the 15th of July, N. S. in the evening with an account, that count d'Aument had received the French king's orders to reſign the town and forts, as ſoon as the Engliſh came to demand poſſeſſion. Brigadier Hill having embarked, Sir John Leake, with the ſquadron under his command, ſailed early the next morning, and at two in the afternoon came to anchor off Dunkirk. The next day the troops were landed, and the keys of the town were delivered to brigadier Hill, who took poſſeſſion, and the French garriſon marched into Winoxberg. Immediately upon this the queen's colours were hoiſted in three ſeveral places of the town; though not only the civil government was continued in the hands of the French, and ſeveral of their ſhips and gallies permitted to ſtay in the harbour, with two or three battalions of marines in the town, on pretence of guarding the ſtores; but the privateers of that place were indulged the liberty of going in and out, provided they brought no Engliſh prizes into the port.

On the 14th of July, N. S. prince Eugene ſent the duke of Ormond word, that he intended to march on the 16th. The next morning the duke ſent to let the prince know, he was ſurprized at his meſſage, there having not been the leaſt previous concert with him, nor any mention made, which way, or on what deſign he was to march; and therefore he could not reſolve to march with him; much leſs could the prince expect any aſſiſtance from the queen's army, in any deſign thus undertaken. That he thought fit to acquaint him of this beforehand, that he might take his meaſures accordingly, and not attribute to him any misfortune which might happen. The duke likewiſe let him know, that, when he marched, he himſelf ſhould be obliged to take the beſt care he could for the ſecurity of the queen's troops, and, in order to that, change his camp. The ſame day, marſhal Villars giving the duke of Ormond an account, that he had ſent by colonel Lloyd orders for the delivery of Dunkirk, ſays: 'Permit me, Sir, to have the honour to tell you, though it be very advantageous not to be obliged to engage the braveſt and boldeſt of our enemies, yet it is very important to know thoſe, that remain ſo; and I take the liberty to deſire you would do me the honour to ſend me word what troops and what generals will obey your orders, becauſe the firſt attempt the enemy makes, I will not loſe one moment to meet them. The king gives me liberty to fight, which nothing but the negotiations have hitherto prevented, and which the army under my command has a great deſire to make uſe of. I think the work is finiſhed, if the army, which is under your orders, obeys them. This then, Sir, is no indiſcreet curioſity, that I preſume to deſire you to give me ſome lights upon the doubts, which I am in. I ſhall be very much obliged to you, Sir, if, by the return of this trumpet, you will honour me with one word of anſwer upon the lights, which I have deſired of you. You will give me leave to join to this packet a letter for my lord Strafford'. On the 15th of July, the duke, in anſwer to this letter, wrote: 'I ſhould be glad, I were at preſent in a capacity to give you all the inſight you deſire; but it is impoſſible for me. Notwithſtanding, I was unwilling to delay ſending back the trumpet, to let you know I am well aſſured, I ſhall be capable of telling you to-morrow particularly what troops will remain under my command. As to the ſuſpenſion of arms, you already know, Sir, that according to my orders I cannot declare it in form, till I am aſſured the governor of Dunkirk ſhall have executed all the king's orders, for the evacuation of the place. In the mean time, you will agree with me, Sir, that the ſuſpenſion has already its effects on my ſide, ſince I have juſt now informed prince Eugene and the ſtates deputies, that in caſe they ſhould undertake any new operation, I could not give them any aſſiſtance from the queen's army'.

On the 16th of July, N. S. prince Eugene broke up from his camp at Haſpre, and marched off with the troops under his command; being followed by all the Danes, Pruſſians, Saxons, Hanoverians, and other auxiliaries in Britiſh pay, except four ſquadrons of Vander Nath, and a battalion of Berner, of the troops of Holſtein Gottorp, and baron Walef's regiment of dragoons. He encamped at Atre, near Landrecy; which place the prince of Anhalt-Deſſau inveſted the next day, with thirty-four battalions, and as many ſquadrons; whereupon the duke of Ormond decamped the ſame morning from Chateau-Cambreſis, and came to Aveſne le Secq. The day before, he wrote to the marſhal Villars: 'Your trumpet juſt now put into my hands the honour of your letter of the 15th, and I am now to acquit myſelf of the promiſe I made you yeſterday. Prince Eugene is marched this morning, and all the foreign troops have quitted us, except one battalion and four ſquadrons of Holſtein, and two ſquadrons of Walef. Things having paſſed, as I have the honour to tell you, I thought myſelf obliged to acquaint you of it as ſoon as poſſible; and, as I obſerved to you yeſterday, the ſuſpenſion of arms has already its effect on my part, by the ſeparation I have made of the queen's troops, and all her artillery, from thoſe of prince Eugene, and by my declaring to him, I could give him no aſſiſtance; and that the payment of the foreign troops is ſtopped; and that by conſequence there is fallen upon the emperor and Holland a burthen they will not be long able to ſupport. I truſt, ſir, to your good faith, and ſhall, to-morrow, make a movement to put myſelf in another ſituation; and, I hope, I ſhall have news from Dunkirk, that will authorize me to declare the ſuſpenſion of arms'. On the ſame day Villars acquainted the

duke, that the governor of Dunkirk was making the neceſſary preparations to evacuat that place; and told him, 'For my part, ſir, as I already reckon you for our ally, I am not at all in haſte to have you further off. You are at your own liberty to come near us, and encamp on the king's territories wherever you ſhall think proper'. Upon this the duke, the next day, ordered a ceſſation of arms for two months to be proclaimed by ſound of trumpet.

Had the firſt deſign taken effect, which was depended upon by France, and ſo far preſumed by England, as to be undertaken for, that all the foreigners in the queen's pay, that compoſed the duke of Ormond's army, ſhould ſeparate and withdraw from the reſt of the allies, it is notorious, that from that inſtant prince Eugene's whole army, unleſs they ſubmitted to the ſame meaſures, had been left at the mercy of the French army, to be cut in pieces, or made priſoners at the will of marſhal Villars, which had left the queen's troops in no better a condition than to have the privilege of being laſt deſtroyed. Yet all the allies, whoſe honour and conſcience would not permit them to abandon their confederates, and leave them as a ſacrifice to France, were puniſhed by England with the loſs of their pay and ſubſidies, which was all that was in the power of the miniſtry to do, to ſhew their reſentment at this great diſappointment of the meaſures of France.

This march of prince Eugene, the earl of Strafford, in a letter to Mr. St. John, thought might be turned upon them; and he prevailed with the duke of Ormond in a meſſage to prince Eugene to ſay, 'That his marching without us, and all the queen's auxiliaries marching from us, expoſed us ſo, that we have been obliged to ſend to the French to declare with us a ceſſation of arms: Nothing leſs could put the queen's troops in ſafety. 'For though, (ſays the earl) Matters fell out ſo pat, that without this we muſt have declared for the ceſſation, yet why ſhould we not turn all this matter upon them'?

Upon a thorough conſideration of this fatal ceſſation, it is very evident, that it was of infinite advantage, and abſolutely neceſſary to the affairs of France; and therefore inſiſted upon by them. And it is as certain, that the Engliſh miniſtry gave early into it, if they were not the firſt adviſers of it; for which no other account need be required, but that, as all their meaſures tended to advance the intereſt of the queen's enemies, they could not fail to be zealous in a point, which contributed more to thoſe views than any one occurrence during the whole negotiation; but as they all along wanted appearances, and conſulted them more than any real advantages to the kingdom, they thought it neceſſary to annex ſome conditions to this important article, that might paſs upon the deluded people, as a juſtification of this unprecedented treachery, The demolition of Dunkirk was always ſo popular, a point, that nothing could ſtrike the imaginations of the people more, than to be told, that this important place was delivered into the queen's poſſeſſion. This ſtep, they thought, well improved, would recommend the peace itſelf, at leaſt juſtify the ceſſation. And as the nation had nothing more at heart than the diſpoſition of the Spaniſh monarchy, after the renunciation had been induſtriouſly cried up, and the queen had declared from the throne, that France and Spain were thereby more effectually divided than ever, theſe two articles were made the eſſential conditions of granting a ceſſation of arms. For the renunciation, France eaſily conſented to it, having declared it to be null and void by the fundamental laws of France. For the other article, it is evident how unwillingly France was brought to ſurrender Dunkirk; but this the miniſtry were reſolved to purchaſe at any rate, as what would eaſily amuſe and ſenſibly affect the nation; and therefore, to obtain this, they engaged not only to grant a ceſſation of arms, but to conclude a ſeparate peace. The proſpect of concluding a ſeparate peace, and the obtaining immediately a ceſſation of arms, which anſwered all the purpoſes of France almoſt as well as a ſeparate peace, by leaving the whole confederacy in their power, and, at their mercy, were ſo great temptations to France, that the ſurrender of Dunkirk was agreed to. But, when it is conſidered what England gained by granting this fatal ceſſation, it will be found, that the demolition of Dunkirk has by no means anſwered the purpoſes pretended by it; and, for the renunciation, the Engliſh miniſtry were told by France, that they ſhould deceive themſelves, who received it as a ſufficient expedient to prevent the union of the two monarchies[n].

In the evening of the ſame day, the duke of Ormond had declared the ſuſpenſion of arms, Villars ſent him word, he had likewiſe that day declared the ſame, purſuant to their agreement. On the 18th of July, N. S. the Britiſh forces marched from Aveſne le Secq to Flines, being joined in the way by two battalions and two ſquadrons of Great-Britain, which made part of the ſeparate body poſted at Denain under the command of the earl of Albemarle. Before the ſeparation of the confederate forces, the deputies of the ſtates ſaid openly, 'That they hoped the duke of Ormond did not intend to march through any of their towns. But, notwithſtanding this declaration, the earl of Strafford and ſome Engliſh officers having that day offered to paſs through Bouchain, they were refuſed entrance at the gates, and told by the guards, 'That poſitive orders were given to let no Engliſhman into the town'. The officers, not being ſatisfied, ſent to the commandant himſelf, who returned the ſame anſwer. When the Britiſh army came near Doway, they met with the like treatment from the commandant of that place, which was the more ſurprizing, becauſe the Britiſh forces had their hoſpital and great quantities of ſtores in that town. The duke of Ormond, the better to provide for the ſecurity and ſubſiſtance of the troops that were with him, as well as for thoſe in the town and citadel of Ghent, where part of his artillery and ammunition was kept, made the diſpoſition for marching towards that place. Prince Eugene and the deputies of the States were ſo alarmed at the duke's intention of going towards Ghent, that on the ſame day they ſent count Naſſau Woudenbourg to the duke with a memorial, but not ſigned, 'To repreſent to him, that after the excuſes made by the lord Albemarle the day before at Bouchain, they were extremely diſſatisfied to hear by public report, that the commandant at Doway had likewiſe refuſed to admit ſome of the Engliſh officers, and to let out the undertakers for the queen's magazines. That they were very much mortified at the extraordinary conduct of thoſe two commandants, and aſſured his grace, they had abſolutely no orders for ſo doing, directly or indirectly; and that they not only diſavowed their proceedings, but would give them ſuch a reprimand, as they deſerved'. But this memorial made no impreſſion on the duke, who was perſuaded, that the commandants had expreſs orders for what they had done; and that thoſe orders were general, ſince, after the preſenting of the memorial, the ſame difficulties happened at Tournay, Oudenard, and Liſle, as had at Bouchain and Doway. But the deſign of thoſe orders ſeems to have been, that the Britiſh officers ſhould be permitted to paſs through the frontier towns, but that the troops ſhould not be ſuffered to poſſeſs themſelves of them. The next day, the duke purſued his march to Fleurival, near Tournay; and on the 26th received a letter from Mr. St. John, now created viſcount Bolingbroke, acquainting him, 'That, for many reaſons, the queen thought it moſt adviſeable, that he ſhould march to Dunkirk, unleſs ſome objection, unforeſeen in England, might ariſe: That his grace ſhould withdraw the queen's forces and ſtores that were in Ghent; and concert every thing with Villars, and promiſe him full ſatisfaction for whatever the queen's forces ſhould take of the ſubjects of France'. The report was then current, that, before the duke of Ormond declared the ceſſation of arms, the earl of Strafford went incognito to the French camp, to concert meaſures with marſhal Villars; and that, amongſt other things, it was agreed, that the Britiſh troops ſhould make themſelves maſters of Ghent and Bruges, whereby they ſhould have the command of the navigation of the Lys and Scheld, and be able to put an effectual ſtop to any further progreſs of the confederate army under prince Eugene, in caſe the French generals found it impracticable to relieve Landrecy. That this was the deſign of the duke of Ormond in bending his march towards Ghent, is highly probable; but whether or no the ſame was concerted by the earl of Strafford and

[n] Burnet obſerves on this occaſion: The withdrawing the Engliſh forces in this manner, from the confederate army, was cenſured, not only as a manifeſt breach of faith and of treaties, but as treacherous in the higheſt and baſeſt degree. The duke of Ormond had given the ſtates ſuch aſſurances, of his going along with them through the whole campaign, that he was let into the ſecrets of all their counſels, which by that confidence were all known to the French: And, if the auxiliary German troops had not been prepared to diſobey his orders, it was believed he, in conjunction with the French army, would have forced the ſtates to come into the new meaſures. But that was happily prevented; yet all this conduct of our general was applauded at home as great, juſt, and wiſe; and our people were led to think it a kind of triumph, upon Dunkirk's being put into our hands; not conſidering, that we had more truly put ourſelves into the hands of the French, by this open breach of faith; after which, the confederates could no longer truſt or depend on us. Nor was this only the act of the court and miniſtry, but it became the act of the nation, which by a general voice did not only approve of it, but applaud it. Burnet, vol. II. 610.

marſhal Villars, it is certain, that the earl ſuggeſted that counſel to the duke of Ormond; nor is it leſs certain, that the ſtates-general were extremely alarmed at it.

On the 21ſt of July, N. S. the earl of Strafford, accompanied by general Cadogan, having paſſed through Tournay and Liſle (at both which places he was received with great demonſtrations of reſpect) joined the Britiſh forces at their camp at Fleurival. The next day in the afternoon, the Britiſh troops moved to Petteghem, near Oudenard, and deſired paſſage through that town; but the commandant having no orders about it, thought fit to keep the gates ſhut, which occaſioned bitter reflections againſt the Dutch; but their precaution proceeded from an apprehenſion, that, if the Engliſh were poſſeſſed of any of their ſtrong towns, they ſhould be compelled to ſubmit to the ſcheme of peace, concerted between Great-Britain and France. On the 23d of the evening, the duke of Ormond's army purſued their march to Ghent, of which he took poſſeſſion, as he did alſo of Bruges. This done, he detached ſix battalions to reinforce the garriſon of Dunkirk, and ſent thither a train of artillery, with ſome ammunition; the French having drawn off moſt of their cannon from the ramparts of that place; which, together with the force they had ſtill in it, rendered our poſſeſſion for ſome time precarious °.

It was not long before the allies felt the fatal effects of their being abandoned by the Britiſh forces. Villars having received orders to raiſe the ſiege of Landrecy at any rate, and his army being reinforced with part of the garriſons of ſeveral places, he reſolved to attack the ſmall body of the confederate troops encamped at Denain, which kept an open communication between prince Eugene's army and the village of Marchiennes, through which all their artillery, ammunition, and proviſions muſt neceſſarily paſs; rightly judging, that if he could poſſeſs himſelf of theſe ſtores, the allies would not be in a condition to carry on their ſiege. To execute this deſign, he paſſed the Scheld, and encamping on the Selle towards Chateau-Cambreſis, ordered one thouſand five hundred men to widen and level the roads towards the Sambre, and to lay bridges over that river. Upon theſe motions, Prince Eugene cauſed a great intrenchment to be made before his left, and poſted behind it general Fagel with forty battalions, and cauſed his right to move up nearer about three leagues, that he might be in a condition to maintain the ſiege with all his forces. Mean while Villars cauſed the count de Broglio to advance along the Selle with forty ſquadrons, cauſing all the paſſages of that river to be guarded, to the end that none of the parties of the allies might paſs over it, to obſerve the motions of the French army. At the ſame time he ordered the marquis de Vieuxpont to march with thirty battalions of the left, ſome artillery and pontons, and lay bridges at Neufville over the Scheld, between Bouchain and Denain. He cauſed him to be followed by count Albergotti with twenty other battalions, and by all the army, in four columns, and a fifth of artillery, having ſome days before ſent the heavy baggage to St. Quintin. Notwithſtanding the marquis de Vieuxpont made all poſſible expedition, he could not reach Neufville till the 24th of July, at eight in the morning, where he immediately cauſed bridges to be laid over the Scheld. Broglio arrived about nine, with his forty ſquadrons; as did likewiſe Villars, who ordered him to paſs over before the infantry, which he did with great difficulty, by reaſon of a moraſs, which was beyond the bridge, which the horſe and dragoons were forced to march through four a-breaſt.

The precautions, which Villars had uſed, to conceal his true deſign, and his march from the confederates, ſucceeded ſo well, that prince Eugene had no intelligence of either till the 24th, at ſeven in the morning; when being informed, that the enemy had laid bridges over the Scheld, he haſtened to the camp at Denain, after having given orders to the troops, which he had drawn to ſome diſtance from it, to follow him. The prince viewed the camp and intrenchments at Denain: gave the earl of Albermarle ſuch directions as he thought neceſſary for the defence of that important poſt; reinforced the eleven battalions, that were there, with ſix more from the army; and judging, that fourteen ſquadrons, which were alſo in the intrenchments, would be uſeleſs, he cauſed them to retire with the baggage. After which he went away himſelf, to haſten the march of his troops, in order to attempt the ſuccour of the earl of Albemarle, or at leaſt to ſave part of the infantry. The prince was ſcarce got out of the lines, when Braglio attacked thoſe between Neufville and Denain; and, finding them weakly guarded, he forced them almoſt without any reſiſtance; four batalions of Palatines, and other German auxiliaries, who were poſted there, throwing down their arms, upon the firſt diſcharge. He found within theſe lines five hundred waggons loaden with bread for the confederate army, guarded by five hundred horſe, and the ſame number of foot, who were ſurrounded, and moſt of them either killed or taken. Upon the firſt appearance of the enemy on that ſide, the earl of Albemarle advanced with part of his forces to defend the convoy, and ſuſtain the four battalions; but finding, they had cowardly left that poſt, and a great body of the French infantry were advancing, he returned into his camp, the approach of which was defended by twelve pieces of cannon. The French infantry having paſſed the Scheld, and the lines which Braglio had gained, Villars made the diſpoſitions for the attack with thirty-ſix battalions, in three columns, diſtant two hundred paces from each other, with a reſerve of ſix battalions, marching in a ſecond line, and the cavalry behind to ſupport them. Villars put himſelf at the right of the infantry, as did the marſhal de Monteſquiou and Albergotti at the left. The ſignal being given, the whole line advanced, and marched ſeven or eight hundred paces, towards the intrenchment, without firing once. When they were come within half a muſket-ſhot, the troops of the allies, who lined the rampart, made a diſcharge of their cannon loaded with cartridge-ſhot, and three diſcharges of their muſkets, without diſordering any one battalion. The enemy coming up within fifty paces of the intrenchments, the piquets and grenadiers leaped into the ditch, followed by the battalions, and, after a long reſiſtance, they entered the camp, cutting down all who made head againſt them. The reſt retired into the village and the abbey, where they were forced and purſued to cloſe, that entire battalions threw themſelves into the Scheld; ſo that of thoſe ſeventeen battalions, hardly three thouſand men eſcaped, all the reſt being killed, taken, or drowned. The action was ſcarce over, when Albergotti and the marquis de Nangis marched and poſſeſſed themſelves of the redoubt and bridge, which the confederates had built at the village of Provi, by reaſon of a moraſs lying over againſt Denain, in order to cut off the retreat of the runaways, and hinder their being ſuccoured by prince Eugene's army, which was ſeen advancing in columns on the other ſide of the

° That the taking poſſeſſion of Ghent and Bruges, was not only the deſire of Torcy, but was alſo ſupported by the advice of the earl of Strafford, appears by the earl's letter of July 17, to Mr. St. John, where he ſays: 'I am for having the duke of Ormond ſend ſome party on purpoſe to march through ſome of their towns, to ſee whether or no they would refuſe them paſſage. If they did, that might authorize us the more to do a thing very agreeable to the queen's troops, and what I believe you would approve of,' And, that there might be no doubt of his meaning in what he had adviſed, in another letter of the 21ſt of July he tells Mr. St. John, 'The meaſure, I mentioned would not be diſagreeable to you, was, that of marching to Ghent, which we have now ſo well executed, that we are within two days march of it, and the Engliſh are entire maſters of the citadel, as likewiſe of all the gates of the town. This is a Coup de parti for the ſtates, who did not expect it, elſe they could not have behaved themſelves with the Hauteur they lately did. The thing was ſo well and ſecretly managed, that all preparations were made to march about to Warneton, between Lyſle and Ypres, to have lived upon the French country; and, till we marched a day's march on this ſide the Scarpe, the Dutch and their friends did not perceive our deſign, which, as ſoon as they did, their ſurprize and uneaſineſs were equally great'. Rep. of the Com. of Secr.

How agreeable to the queen and her miniſters the duke of Ormond's conduct was, is plain from Mr. St. John's letter to him, acquainting him: 'That, though the orders, he tranſmitted to his grace in his laſt, did appear to her majeſty, at that time, to be the moſt proper, the methods he had purſued were ſo rightly judged, and ſo well adapted to the preſent conjuncture of affairs, that they anſwered in every point, what ſhe would have wiſhed. That ſhe was unwilling to reſtrain his grace, by particular and poſitive inſtructions, who made uſe of the diſcretionary power given him, ſo much to her honour, and the good of her ſubject, That the news, of Dunkirk being in our hands, could not have been followed by any more agreeable, than that of his grace's having directed his march towards Ghent: For as, by the poſſeſſion of the former place, we ſhould treat with the French under great advantage; ſo, by the ſteps which he had taken for ſecuring the latter, the Dutch and Imperialiſts would be brought to a more decent way of behaviour to the queen, than they had hitherto been in. That her majeſty recommended to his grace the ſecuring to himſelf the poſſeſſion of Ghent, as long as might be thought neceſſary; as alſo the reinforcing the garriſon of Dunkirk, and the furniſhing that place with what ſtores he might ſpare, and the garriſon want'. Cond. of the duke of Ormond.

The lord treaſurer alſo complimented the duke of Ormond in a very uncommon ſtrain;

My Lord, Aug. 5, 1712.

'No pen, nor tongue, is able to expreſs the great pleaſure I took in your grace's ſucceſſes. It was a very great ſatisfaction to ſee ſo much done for public; to ſee an example of ſteady conduct, in ſo great a nobleman, and ſo courageous a heart, is what has made you envied by ſome, dreaded by your enemies, and applauded by all men of knowledge and underſtanding. Your grace's march to Ghent, &c. is a 'Coup de Maitre'; it is owned to be ſo in France and Holland: And I muſt own, I take a double pleaſure in it, becauſe it is done by the duke of Ormond, to whoſe perſon I have ſo entire a friendſhip, and in whoſe ſucceſs I take ſo particular an intereſt. Monſieur Torcy wrote a very juſt compliment on the affair of Denain, 'That the allies might now ſee, what they had loſt by her majeſty's withdrawing her forces, and what value they aught to put upon a nation, which every where led victory with it'. I am, with the utmoſt reſpect and attachment, &c.

Oxford.

Scheld. Upon his arrival, the prince cauſed that redoubt to be attacked; but, it being defended by the regiment of Navarre, ſuſtained by part of the French army, poſted on the bank of the Scheld with artillery, he was obliged to draw off, and encamp the next day near Queſnoy and Bavory, to ſupport the troops employed in the ſiege of Landrecy. The loſs of the French (if we may credit their own accounts) did not amount to above four hundred men killed and wounded; among whom were no perſons of diſtinction, beſides the marquis de Tourville, ſon of the late marſhal of that name, killed; the marquis de Meuſe Choiſeul, dangerouſly wounded; the chevalier de Teſſé, colonel of the regiment of Champagne, and monſieur de Gauſſac, wounded. As to the confederates, it was reckoned they had about one thouſand killed, two thouſand five hundred taken priſoners, and near one thouſand five hundred drowned; among which laſt was the brave Dhona, governor of Mons; and among the ſlain count Naſſau Woudenbourg, an officer of great merit, and highly eſteemed by prince Eugene. Among the priſoners were the earl of Albemarle, general, the prince of Anhault (brother of the prince of Anhault Deſſen) the prince of Naſſau-Seckin, lieutenant-generals; the prince of Holſtein, the baron Dalbergh, and monſieur Zobel, major-generals; the colonels, count de la Lippe, Tengnagel, Spaen, Kavanoch and Greck; and lieutenant-colonels, Donelly, Herbſhauſe, Heuſke, Brakel, Munnick, Els, and Goumoins; and the majors, Winkel, Fabrice, Bulome, Till and Styrum; 50 captains, 121 lieutenants and enſigns; beſides four aids de camp, and the commiſſary of the artillery Taurinus. In the camp were found twelve braſs cannon, a large quantity of ammunition and proviſions, a great number of horſes, and a conſiderable booty, which was given to the ſoldiers.

As it is uſual for the multitude to judge of events, eſpecially thoſe of war, by the ſucceſs, and to cenſure the unfortunate, prince Eugene was blamed, both for ſeeming to deſpiſe the enemy, and leaving the earl of Albemarle expoſed at a great diſtance from the main army; and for ſending him no greater reinforcement than ſix battalions. As to the firſt, it is certain, the prince was not inſenſible of the danger, which the earl was in; and therefore he had propoſed the removing the ſtores of artillery, ammunition, and proviſions from Marchiennes to Bouchain; but it ſeems, the ſtates deputies, through parſimony, were againſt that counſel. As to the ſecond point, the prince, with ſeveral other experienced generals, having viewed the intrenchments at Denain, could not but think ſeventeen battalions ſufficient to defend that poſt, till he came up to their aſſiſtance with the whole army; which they would infallibly have done, had the battalions, attacked by count Broglio, performed their duty. And, if it had not been for the breaking of the bridge by the weight, which was on it, ſo that the reinforcement ſent by the prince could not join the troops under the earl of Albemarle, Villars's attempt might have turned fatally on himſelf, and to the ruin of his whole army. However, the princes's march to Landrecy is thought by ſome to have been the greateſt overſight he ever made, conſidering, that, at this juncture, the French had delivered Dunkirk into the hands of the Engliſh; that Villars was greatly reinforced from the Rhine, and all the garriſons about him; and the duke of Ormond had received his orders for marching off with his troops. It is obſervable likewiſe, that the duke of Ormond, the very evening of the day, on which he declared the ceſſation of arms, ſent to Denain, for the pontons, which he had lent the earl of Albemarle; nor could all, that either the earl, prince Eugene, or the ſtates deputies ſay, prevail with him to leave them but for eight days; and the next day it was reported, that two French engineers in diſguiſe went with thoſe, who took up the pontons, and made ſuch obſervations on the earl of Albemarle's works, as ſerved their purpoſe. However, it does not appear, that the duke knew any thing of it; but his conduct in this affair was very much cenſured, and gave his enemies an handle to ſay, that matters had been concerted between him and thoſe ſent by Villars. And it is certain, that the want of the pontons was the loſs of Denain; for prince Eugene, having ſome notice of the marſhal's deſign, marched the evening before the action with the greateſt part of the army from Landrecy, and was up time enough to have ſuccoured the earl of Albemarle; but, by the time he got to the Scheld, the bridge was broke by the crowd of baggage they had been ſending over; ſo that he was not able to give the earl the leaſt aſſiſtance, but looked on, and ſaw his fate.

Severe reflections were likewiſe made upon the earl of Albemarle; but, the ſtates having appointed ſome deputies of their own, and the council of ſtate ſome of their members, to examine his reaſons, it was reſolved, upon the report of the examination, not only to declare, that the earl had behaved with prudence and bravery in that unfortunate action, but alſo to return him thanks for his conduct [p].

But though it be hard to determine what errors were committed either in the counſels or orders, or in the execution of them, and at whoſe door theſe ought to be laid, yet this misfortune ſerved not a little to raiſe the duke of Marlborough's character, under whoſe command no ſuch thing had ever happened.

The action of Denain being over, Villars ordered Broglio to inveſt Marchiennes on the Scarpe, where the allies principal ſtores were lodged, with above a hundred and fifty bilanders laden with artillery, and all ſorts of ammunition, and proviſions for a whole campaign. At the ſame time he commanded Albergotti to attack St. Amand, ordering other detachments to poſſeſs themſelves of the reſt of the poſts on the Scarpe. Two hundred of the troops of the allies, who were in the abbey of Anchin, and at Pont-a-Roche, yielded themſelves priſoners of war. At the ſame time, count de l'Eſparre made himſelf maſter of the abbey of Haſnan, where he took a hundred priſoners. Albergotti poſſeſſed himſelf likewiſe of Mortagne, at the mouth of the Scarpe, where he took an hundred men; and then of St. Amand, which was defended by eight hundred men, who yielded themſelves priſoners of war. In the mean time, Broglio inveſted Marchiennes, and, having viewed it, found the enterprize much more difficult than he at firſt imagined; that poſt being encompaſſed with moraſſes and ditches full of water; fortified with ſeveral works; defended by brigadier Berkoffer, with ſix battalions and five hundred men, detached from the garriſon of Doway, and by the regiment of Schellart, conſiſting of three ſquadrons of Cuiraſſiers, of the elector Palatine's troops. Theſe difficulties obliged Villars to deſire the marquis de Monteſquiou to take upon him the care of the ſiege. On the laſt day of July (Villars being returned to the ſiege) the town ſurrendered, and the garriſon, to the number of five thouſand, were made priſoners of war, and conducted to Valenciennes. The loſs of this poſt was of very bad conſequence to the allies; for they had there a general magazine of all ſorts of artillery, ammunition, and proviſions, deſigned for the further operations of the campaign. On the other hand, the advantage the enemy obtained by forcing the intrenchments of Denain, and by the taking of Marchiennes, were ſo conſiderable, that the French king wrote an account of it to the archbiſhop of Paris [q]. After this, Doway was inveſted, which obliged prince Eugene to abandon the deſign of beſieging Landrecy, and march to the relief of Doway. The Prince tried to raiſe the ſiege, but did not ſucceed. Indeed the ſtates would not put things to ſo great a venture after ſuch

[p] Prince Eugene, in a letter to an eminent miniſter, ſays: 'I am ſurprized and troubled to hear of the injuſtice people do to my lord Albemarle.—He performed all that a courageous, prudent, and vigilant general could do; and, had all the troops done their duty, the affair would not have gone as it did: But, when they run as ſoon as they have given one fire, and cannot be rallied, no general in the world can help it: And therefore, ſir, I doubt not that you will contribute to the diſabuſing thoſe of the regency, who may have been miſinformed'.

[q] The letter was as follows:

Couſin,

'The ſteps I have taken to effect a general peace, and the ſuſpenſion, which I have agreed on with the queen of England, have not availed to determine the other allies to enter into the ſame ſentiments. On the contrary, they formed a deſign to puſh on their conqueſts, and beſiege Landrecy. The importance of that place (the taking of which would have opened to the enemy an entrance into my kingdom) determined me to give my orders to the marſhals de Villars, and de Monteſquiou (who command my army in Flanders) to attack and fight the enemy, to oblige them to raiſe the ſiege. They have acted with ſo much conduct and prudence, and the ſucceſs has been ſo happy, that the camp, which was poſſeſſed by the enemy at Denain (notwithſtanding the ſtrength of its intrenchments) was forced and defeated with the entire loſs of 17 battalions, which defended it, and of a convoy of about five hundred waggons, who were at the ſame time on the march towards the camp before Landrecy. The defeat of theſe troops encamped at Denain was followed by the taking of the poſt of Marchiennes, where the enemy had ſix battalions, five hundred foot detached from the garriſon of Doway, and three ſquadrons of horſe, who were all made priſoners of war: And being added to thoſe taken in the camp at Denain, and in ſome other poſts along the Scarpe, make the number of above ſeven thouſand men, and upwards of four hundred officers, priſoners; among whom are ſeveral of their general officers. My troops, who in theſe two actions ſhewed all poſſible valour, took thirty-ſeven colours, and three ſtandards. The enemy loſt with Marchiennes a great number of cannon, and ſtores of all ſorts of ammunition, and proviſions laden in above one hundred and fifty bilanders; and their army being weakened by ſo conſiderable a loſs, having no longer communication with the places they are poſſeſſed of towards the Scarpe, have been forced to raiſe the ſiege of Landrecy, to retire towards Mons. And as ſuch an event is a viſible mark of the protection of God, who knows the rectitude of my intentions, I hold myſelf obliged to render to him moſt humble acts of thankſgiving. I deſire therefore, that you will cauſe Te Deum to be ſung in the Metropolitan church of my good city of Paris, &c'.

loſſes: So Villars proſecuted the ſiege with vigour, and battered Fort Scarpe with eighty pieces of cannon: But, notwithſtanding the garriſon of the fort conſiſted but of four hundred men, they defended it fourteen days, and ſurrendered priſoners of war on the 28th of Auguſt, having repulſed the French in ſeveral attacks. After the taking of that fort, the enemy redoubled their fire againſt the town; and, although the garriſon was but weak, general Hompeſch, the governor, contrary to the expectations of the allies or the French, held out till the 8th of September, N. S. when he ſurrendered the garriſon priſoners of war, The enemy during the ſiege were repulſed in ſeveral attacks, and loſt a great number of men (eſpecially when they took the counterſcarp and a half moon, which they were obliged to abandon) and, had the garriſon been numerous enough in proportion to the extent of the place, it is very probable, the French would not have retaken it. Prince Eugene had the mortification to be a ſpectator of the loſs of this place; but it was not his fault, if a vigorous attempt was not made to prevent it, for, during the ſiege, he uſed all poſſible endeavours to engage the enemy; but the French had ſo ſtrongly fortified their camp on the one hand, and the Dutch were ſo cautious of running any hazards in this critical juncture, that the prince, ſeeing no poſſibility of coming to action, returned to his camp at Seclin, from whence detachments were made to ſecure Liſle, Mons, Bethune, Aire, St. Venant, and other places. After the ſurrender of Doway, advice being brought to prince Eugene, that the French were advanced to Malplaquet, and poſted on the ſame ground, where the famous battle of that name was fought three years before, a diſpoſition was made to diſlodge them, and prevent the ſiege of Queſnoy. But the enemy having with great diligence advanced within half a league of Queſnoy, and taken a very advantageous camp, Prince Eugene thought fit to ſtop his march near the wood of Dour, and to encamp with the right near St. Guilain, the left at the mill at Saart, near the wood of Lagniere, and the head quarters at Belian. Villars having, with the utmoſt care, ſecured all the paſſes, and fortified his camp, the neceſſary diſpoſitions were made, for carrying on the ſiege of Queſnoy, which was inveſted the 8th of September, N. S. The French expected to have made themſelves maſters of the town in eight or ten days; but major-general Ivoy, who commanded in the place, made ſo good uſe of the heavy artillery, which the allies left there, after the taking of Queſnoy, that it was the 14th of October, N. S. before he was obliged to ſubmit to the ſame terms, on which Doway had been ſurrendered, that the garriſon ſhould remain priſoners of war: The French gave out, that they found in the place one hundred and ſixteen heavy cannon; a great number of others of ſmall ſize; forty mortars, five hundred thouſand weight of powder; a great quantity of bullets, bombs, grenadoes, and proviſions of all ſorts; the whole being valued at three millions of livres; and that this garriſon compleated the number of forty battalions of the allies, killed or made priſoners ſince the 24th of July, N. S. on which happened the unfortunate affair of Denain. The French being reſolved to loſe no time in enlarging their conqueſts, opened their trenches before Bouchain; which place was ſo indifferently provided, and the garriſon ſo weak, that they made but a ſlender reſiſtance; for, the enemy having taken poſſeſſion of the covered way, and made the diſpoſitions for ſtorming the place, the garriſon beat a parley, and ſurrendered at diſcretion.

While the French were before Bouchain, the allies ſurprized the fort Knocque in the following manner: Brigadier Caris, commander of Oſtend, having received certain intelligence, that the garriſon of Fort Knocque was very weak, reſolved to try to ſurprize it. Accordingly Caris detached one hundred and eighty men, under the direction of captain De Rue, a famous partiſan, who, having marched with the utmoſt privacy, found means to hide themſelves in three little houſes, and in the governor's garden, ſtanding between four draw-bridges, where they lay cloſe all night. In the morning, at the opening of the gates, ſome of the detachment advanced on a ſudden, and made themſelves maſters of the bridge neareſt the fort, having killed the guard. De Rue divided his men into four bodies, and with one of them ſeized a gate, while two other diviſions ran to the other two gates, and the fourth drew up near the Cazerns, to hinder the garriſon from drawing together; which ſucceeded ſo well, that with the loſs of only two men killed, and one wounded, that important fort was taken. The French governor hearing the noiſe, leaped out of bed, and, looking out of the window, cried, quarter! and was made priſoner of war with the garriſon, which conſiſted of three French companies, and one of Swiſs, but a great many of them were ſick. De Rue, having ſecured that poſt, ſent out part of his men, to ſeize all the proviſions in the neighbouring villages, and to bring the ſame into the fort, before the garriſon of Ypres could be informed of the loſs of the place. He diſpatched alſo an expreſs with an account of the ſucceſs to brigadier Caris, who detached forty men to reinforce the garriſon. The precautions taken by De Rue were not uſeleſs; for the loſs of that poſt occaſioned the motion of a great body of troops on each ſide towards the Lys, as if the French deſigned to retake it; but they found that fortreſs was ſo well and ſo ſeaſonably provided, that the French entirely abandoned the deſign of attacking it.

The campaign in the Netherlands ended with the taking of Bouchain by the French; for, a few days after, both armies marched into winter quarters; and prince Eugene, having ſtaid ſome days at Bruſſels to ſettle ſome matters with the council of Brabant, proceeded to the Hague on the 28th of October, N. S.

The loſſes in the Netherlands created a great diſtraction in the councils at the Hague, and it was expected by the courts of Great-Britain and France, that the turn of affairs in the field, after the misfortune at Denain, would occaſion an alteration in the negotiation at Utrecht; and that the Dutch would at laſt agree to a ſuſpenſion of arms, for which the Britiſh miniſters made very preſſing inſtances. The marquis de Torcy would have perſuaded the Britiſh court to force the ſtates to come into their meaſures. In a letter to Mr. St. John upon the news of the earl of Albemarle's defeat at Denain, he took notice of the advantage which the queen had at this time over the Dutch, and inſinuated, 'That ſhe might give law to thoſe people, provided ſhe made the right uſe of Ghent and Bruges, which the duke of Ormond was in poſſeſſion of'. Marſhal Villars alſo at the ſame time ſent a letter to the duke of Ormond, about the action at Denain, wherein he aſcribes the victory to the ſeparation of the brave Engliſh, and inſults the allies as common enemies, who muſt now be ſenſible what wrong meaſures they had taken. He likewiſe deſires the duke to tranſmit this account to the plenipotentiaries at Utrecht, and to make a thouſand compliments from him to lord Strafford. This letter the duke of Ormond cauſed to be made known to his army, ſeveral copies of it being handed about, which indeed ought rather to have been burnt; for it made thoſe, who wiſhed well to the allies, believe he had not acted fairly by them[r]. The Dutch, through the earl of Strafford continued to preſs them, and that with great imperiouſneſs, to agree to a ceſſation of arms, ſhewed, on this occaſion, a remarkable firmneſs. The ſtates of Holland and Weſt-Friſeland, having agreed to take upon them the paying moſt of the auxiliaries lately in Britiſh pay, and reſolved to treat of peace, ſword in hand, the States-general ordered their plenipotentiaries at Utrecht to inſiſt upon ſeveral points, as further preliminaries of the treaty, particularly the reſtoring of Straſburgh to the empire, and the demolition of all the fortified places poſſeſſed by France on the Rhine. The payment and ſubſiſtance of the German and Daniſh troops in the ſervice of Great-Britain, who had joined the forces under prince Eugene, being the moſt preſſing affair, ſeveral conferences were held about it between the miniſters of the princes, to whom thoſe troops belonged, the deputies of the ſtates, and the imperial miniſters. Theſe laſt were not wanting to repreſent the great difficulties, which their maſter had laboured under ſince the death of the late emperor, his brother; and the vaſt change he had been indiſpenſably obliged to be at by his coronation at Francfort and Preſburg, and other growing expences, for the preſervation of the principality of Catalonia, whereby the Imperial treaſury was quite exhauſted. That, however, his Imperial majeſty offered to contribute three hundred thouſand crowns towards the ſubſiſtance of the auxiliary troops, provided the city of Amſterdam would advance that ſum under the ſecurity of the States, for the payment of which he was willing to mortgage the funds in Sileſia, which had punctually anſwered both the principal and intereſt of the loan made ſome years before by the Engliſh. But, tho' no poſitive anſwer was then returned to the Imperial mini-

[r] And, that there might be no part of the world, where it was in the power of the Engliſh miniſtry to aſſiſt their new friends at the expence of their old allies, Torcy further propoſed, 'That the queen ſhould put a ſtop to count Staremberg's projects in Catalonia, by ſending orders to her troops in Terragona not to let the Germans into that place; and, not content with this, he further deſired, that expreſs orders might be ſent, (and through France, as the ſhorteſt way) to the Engliſh men of war, that were then cruiſing in the Mediterranean, to ſuffer the French ſhips, that were then returning from the Levant, to paſs unmoleſted; which was immediately complied with.

ſters, yet ſome months after their propoſal was cloſed with. The king of Pruſſia offered to maintain his troops at his own charge, provided the ſtates would give him ſatisfaction as to out the inheritance of the late king William; and the elector of Hanover offered, in the firſt place, to maintain during the war, at his own expence, one half of the troops he had in the ſervice of Great Britain, beſides the regiment of dragoons of Bothmar, and to agree for the maintaining of the reſt upon eaſy terms. The king of Denmark took no leſs vigorous reſolutions than any of the princes of the empire, it being his intereſt not to diſoblige the emperor and his allies, at a juncture when he and the Czar of Muſcovy was threatened with a powerful confederacy of France, Spain, Great-Britain, and Sweden, in order to reſtore the king of Sweden to all his dominions.

On the other hand, the Britiſh miniſters in Holland propoſed and inſiſted on the admiſſion of king Philip's plenipotentiaries to the congreſs of Utrecht; and it was given out, that, if this was not ſhortly agreed to, the congreſs would be transferred to a town, where the Spaniſh miniſtry might repair without any oppoſition; and Dunkirk was ſaid to be the place. But the ſtates not thinking it their intereſt to diſoblige the emperor ſo far, as to yield a point ſo derogatory to his title to the Spaniſh throne, the court of Great-Britain reſolved to purſue other meaſures, to bring the Dutch to compliance; or, if that failed, to conclude the peace upon the ſcheme near agreed on with France and Spain. To this end, it was judged neceſſary to renew the ſuſpenſion of arms, now expiring; and, the lord Bolingbroke having had the chief management of the preſent negotiation, he was pitched upon to go incognito to the court of France, 'to remove, as his inſtructions expreſſed it, all difficulties and differences, that might obſtruct the general ſuſpenſion of arms between England and France from taking place, or ſettling the treaty of peace in ſuch a courſe, as may bring it to a happy and ſpeedy concluſion. But to declare, that he does not imagine there will be any poſſibility to prevail with the queen to ſign the peace with France and Spain, unleſs full ſatisfaction be given to the duke of Savoy, and unleſs they can take him along with them in the doing thereof. He is therefore to take particular care to ſettle his barrier, and to procure Sicily for him; to ſettle the renunciation in ſuch a manner, that there may be as little room left as poſſible for diſpute or delay: That the elector of Bavaria may have Sardinia, and be reſtored to his dominions in the empire, except the Upper-Palatinate, and the firſt electorate[f]; and, when he has had ſatisfaction in theſe points, he is to proceed to ſpeak to ſuch articles, as relate particularly to the intereſt of Great-Britain, and endeavour to have ſuch of them, as there may appear to be any doubt concerning, explained in the moſt advantageous manner. And then he is to do his beſt to diſcover upon the ſeveral parts of the general plan of peace, what the real ultimatum of France may be; and, when the peace between England and France ſhall be ſigned, that it may be expedient to fix the allies a time to come in, wherein the queen will uſe her good offices, but will not be under any obligation to impoſe upon the allies the ſcheme offered by France, or to debar them from obtaining better terms for themſelves'. By theſe inſtructions it appears, that lord Bolingbroke was empowered to conclude a ſeparate peace with England, France, Spain, and Savoy: That at this time there was ſome doubt concerning ſeveral articles relating to the particular intereſts of Great-Britain, which was to endeavour to get explained; but no inſtruction if his endeavours prove ineffectual, in behalf of Great-Britain, not to conclude the treaty, which in theſe very inſtructions is expreſsly provided for in favour of Savoy; and he is ordered to do his beſt to diſcover the ultimatum of France, which hitherto it ſeems, the miniſtry were ignorant of; but, whether France condeſcended ſo far or not, as to let him into this ſecret, the treaty was concluded; and the miniſtry ſeemed to think, they had ſufficiently diſcharged their duty, in declining to be engaged to impoſe what terms France ſhould think proper upon the allies, thoſe allies, to whom the queen was bound by the faith of treaties, and all the moſt ſolemn engagements and public declarations, to procure all juſt and reaſonable ſatisfaction, according to their ſeveral alliances. But now it ſeemed ſufficient, that the Britiſh miniſtry did not debar them from the liberty of endeavouring to obtain ſtill better terms for themſelves.

With theſe inſtructions the lord Bolingbroke ſet out for Dover on the ſecond of Auguſt, accompanied by Mr. Prior and the abbot Gaultier. The next day he landed at Calais, and was received with all imaginable demonſtrations of joy from the inhabitants, and particular marks of reſpect from the governor. On the 17th of Auguſt, N. S. he arrived at Paris, and alighted at the houſe of the marquis de Torcy, where an apartment was prepared for him. The French miniſter received the Britiſh with uncommon civility, and aſſured him, 'That the king his maſter had ever entertained a great eſteem and reſpect for the queen of Great-Britain; to which ſentiments he now added ſo perfect a friendſhip, that notwithſtanding the late ſucceſſes of his arms in Flanders, he was ſtill willing to make her Britannic majeſty the umpire of the general peace'. Compliments being paſſed on both ſides, the two miniſters entered upon buſineſs, and having adjuſted the principal intereſts of the duke of Savoy, and of the elector of Bavaria, and ſettled the time and manner of the renunciations, agreed to a treaty for a ſuſpenſion of arms between Great-Britain and France, both by ſea and land, for the ſpace of four months. The next day the lord Bolingbroke was conducted by the marquis de Torcy to Fountainebleau, where the king of France then was with his court; and the apartment formerly belonging to the marſhal de Boufflers, was magnificently fitted up for him, and he was received with greater marks of diſtinction than were ever ſhewn to any perſon of his character, who made no public appearance. He was the next morning introduced to a private audience of the king, to whom he preſented the queen's letter. The French king received him in a very gracious manner, and aſſured him, 'That he ever had the higheſt eſteem for the queen: That ſhe had proceeded in ſuch a manner, as to turn that eſteem into the ſincereſt friendſhip; and he hoped, ſhe was ſatisfied he had done every thing on his part, which might facilitate the peace: That he was pleaſed to find it ſo near a concluſion: That there were ſome indeed, who uſed all endeavours to obſtruct it; but that, God be praiſed, they would not be long able to do ſo; and that the ſucceſs of his arms ſhould make no alteration in him: for he would make good all he had offered'. The elector of Bavaria, who arrived at Paris on the 16th of Auguſt, and repaired to Fountainebleau the ſame day the lord Bolingbroke went thither, was alſo in conference with him, whom he deſired to recommend both his and his brother the elector of Cologne's concerns to her Britannic majeſty. The French courtiers, in imitation of their ſovereign, vied with each other, who ſhould beſt entertain the Britiſh miniſter; and, among the reſt, the duke of Noailles gave him a moſt magnificent ſupper, to which the perſons of the firſt rank were invited; as was alſo general Stanhope, who, being lately exchanged for the duke of Eſcalona, took Fountainebleau in his way to England. The lord Bolingbroke, offered that general to preſent him to the king of France; but Mr. Stan-

[f] It ſeems the French had demanded Sicily alſo for the elector of Bavaria as appears from the following particulars: The conſtant compliances in the Engliſh miniſtry encouraged monſieur de Torcy to believe, that they would now ſtick at nothing that could be propoſed. He preſſed, on the 18th of July, the concluding the ſeparate peace between England and France, as what they both agreed in to be the moſt effectual way to make the reſt of the allies comply. He deſires, that the troops in Flanders, under the command of the duke of Ormond, may be left there to make a good uſe of the towns, which he was in poſſeſſion of; but as the king of France could not conſent to the duke of Savoy's having Sicily, except the elector of Bavaria had alſo the Netherlands beſides his electorate, he thinks the queen's having a good army in Flanders, under the duke of Ormond, may render this very practicable: and, as the queen has done a great deal for her own ungrateful allies, it will be for her glory now to contribute to the good of a prince of ſo much merit as the elector of Bavaria, whoſe acknowledgements will be equal to the benefits he ſhall receive. But this would not paſs, even with the miniſtry of Great-Britain. The giving Flanders to the elector of Bavaria was not only contrary to all the propoſitions of peace, that had been made between England and France, but was what would abſolutely engage England in a new war, to oblige the imperialiſts and Dutch to agree to it: And they could not think it for the honour or intereſt of the queen, to make war upon her allies, as ungrateful they had been, in favour of the elector of Bavaria; and eſpecially, conſidering, that, although Ghent and Bruges were for him, the allies had yet an army in Flanders ſo conſiderable, both for the number and goodneſs of their troops, that they were able to defend the conqueſts they had made. And to give him Sicily, which was likewiſe demanded, lord Bolingbroke hoped, that it would not be inſiſted on; 'becauſe it might be the occaſion of continual jealouſies; it might, in particular, be the ſource of diſputes and quarrels betwixt England and France, whoſe ſtrict union and indiſſoluble friendſhip were the points in view, to which all our meaſures had been directed for ſo long a time'. The queen's miniſters think, that when the king of France has made all reaſonable efforts for his allies, he muſt do ſomething for the love of peace, and that a particular intereſt ſhould yield to the general. 'You cannot, ſays lord Bolingbroke, but feel the force of this argument, becauſe you are not at all ignorant, that this negotiation was begun and carried on upon a ſuppoſition, that the queen muſt deſiſt from many conditions, which in right ſhe was obliged to procure for her allies'. He very ſtrongly urges the neceſſity of concluding immediately the peace between England, France, and Spain; but abſolutely inſiſts upon Sicily for the duke of Savoy: which at laſt the king of France conſented to, upon certain conditions, wherein very ample proviſion was made for ſatisfaction to the elector of Bavaria; and one expreſs condition was, that a peace be concluded between England, France, Spain, and Savoy. In anſwer to this letter, lord Bolingbroke acquaints monſieur de Torcy, that he had received the queen's orders to go immediately to France; and he hoped, under the auſpices of the abbot Gaultier, in a week's time, to ſalute him at Fountainbleau. Rep. of the Com. of Secr.

hope thought fit to decline it. What was tranſacted in the private conferences between the king, or his miniſters, and the lord Bolingbroke, beſides the treaty for a ſuſpenſion of arms, was kept very ſecret: except only, that it was agreed, that the court of Great-Britain ſhould pay the annual ſum of threeſcore thouſand pounds by way of dower to the late king James's queen; and that the chevalier de St. George ſhould retire out of France. On the 27th of Auguſt, N. S. the lord Bolingbroke took his leave of the king of France, who preſented him with a fine diamond ring, valued at about 4,000l. ſterling, which formerly belonged to his ſon the dauphin, and on the 25th his lordſhip returned to Paris, being ſtill accompanied by the marquis de Torcy.

On the 24th of Auguſt, N. S. the ſuſpenſion of arms for four months was proclaimed at Paris with the ſame ceremonies uſually obſerved at the proclaiming of peace, except that there were no public rejoicings. Two days after, one of the queen's meſſengers, who attended the lord Bolingbroke, brought the treaty to Whitehall; and, the lord-treaſurer having, the next day, carried it to the queen at Windſor, to be ratified, her majeſty, in council, ſigned a proclamation, 'declaring the ſuſpenſion of arms, as well by ſea as land, and injoining the obſervance thereof'. This proclamation was publiſhed both by itſelf, and in the London Gazette, in which an order of council was ſubjoined, importing, "That for preventing any inconveniencies, to which her majeſty's ſubjects might be liable, by miſapprehending the purport or effect of this proclamation, and for the improvement and ſecurity of the commerce of her loving ſubjects, her majeſty was pleaſed to declare, that, as ſoon as paſſes could be interchanged, they would be delivered to ſuch of her ſubjects, as ſhould deſire the ſame". Upon peruſal of this order, which laid the Engliſh merchants under a neceſſity of buying French paſſes, many were at a loſs to diſcover wherein the benefit of the ſuſpenſion conſiſted, unleſs it were in gratifying the avarice of the ſecretaries of ſtate, who ſold, at a dear rate, what had coſt them nothing. Beſides, it is obſervable, that, the French court not having ſent over the paſſes ſo ſoon as the Engliſh miniſters tranſmitted theirs, it happened, that ſeveral French ſhips, which were taken by Sir Thomas Hardy, were releaſed upon producing of the Engliſh paſſes, while ſeveral Engliſh ſhips were, at the ſame time, made prizes for want of French paſſes. This good diſpoſition of lord Bolingbroke to the French nation appears from his own letter to Mr. Prior, of the 29th of September, wherein he ſays, 'I have got at laſt the affair of the Griffin [a rich French Eaſt-India ſhip] compounded, not without very great difficulty: And though the ſum paid to the captors was ſo large as 35,000l. the ſhip was plainly a prize, and the paſs, ſent over hither, might have been proved to have been numerically one of thoſe I delivered at Fountainebleau, four days after the Griffin was in Sir Thomas Hardy's power; though Gaultier was ready to ſwear, that he had received it ſome months before; which part of the abbot has, I confeſs to you, done him no good, in my opinion'. Hence it appears that, though this paſs was none of them, paſſes had been granted ſome months before the ſuſpenſion was concluded.

It may here be obſerved, that while the peace was negotiating, various reports were ſpread about the pretender, who, after the ſtile uſed in the queen's ſpeech of the 6th of June, was now called, 'the perſon, who has pretended to diſturb the ſettlement of the Proteſtant Succeſſion of the Houſe of Hanover'. About the latter end of June, the public was informed from Utrecht, that he had been obliged to leave St. Germain's, and was already on his way to Lorrain. However, about the middle of Auguſt, he made a viſit to the king of France at Fountainebleau; but, upon the news of lord Bolingbroke's landing at Calais, it was thought fit, that the Chevalier ſhould again retire from St. Germain's, without his ordinary guard, and go to the caſtle of Livry. Not many days after he came to Paris, and, going to the opera, ſat in the French king's box, which had been appointed for the lord Bolingbroke, who thereupon ſat in another box; which, when known occaſioned no ſmall noiſe in England. It was alſo adviſed from Paris, that the Britiſh miniſter had a private interview with the queen dowager of England; which, together with the rumour of the Chevalier's taking upon him the title of duke of Gloceſter, and retiring to Rheims in Champagne, occaſioned various ſpeculations. Whatever ground there were for theſe and other reports, it is certain, that the Pretender's friends in Great-Britain were, at this juncture, extremely elated with the hopes of his reſtoration; and ſome news-writers in Holland, and, after them, others in London, did not ſcruple to take notice of what was ſaid in Paris, 'That the Pretender was to be aſſociated with her majeſty in the ſovereignty'.

On the 28th of Auguſt, N. S. the lord Bolingbroke ſet out from Paris where he left Mr. Prior to take care of ſome private affairs ſtill under negotiation; and with Mr. Hare, and the abbot Gaultier, proceeded to Dunkirk, and, imbarking for England, arrived at London the 21ſt of Auguſt, O. S.

France was now become intire maſter of all future negotiations, and did not fail to make uſe of the power put into their hands; And upon occaſion of a trifling quarrel, which happened at Utrecht between the ſervants of monſieur Meſnager, and of count Rechteren, one of the Dutch plenipotentiaries, the French made uſe of it as a pretence to keep the negotiations in ſuſpence, as long as it ſerved their purpoſe[1]. The Venetian miniſters immediately offered their mediation to accommodate the matter; and at the ſame time Meſſieurs de Randwyck and Buys engaged the biſhop of Briſtol to interpoſe his good offices in this affair. But the French miniſters having conſulted together refuſed to hearken to any private accommodation, before they had received inſtructions from their court; by which they were directed to inſiſt upon a public ſatisfaction, and on the recalling of count Rechteren, and appointing another plenipotentiary in his place. The ſtates not thinking it conſiſtent with their dignity to ſubmit to thoſe demands, the negotiations at Utrecht was ſuſpended, whilſt the earl of Strafford and ſome other miniſters uſed their endeavours at the Hague to find out an expedient to remove that obſtruction, but, the French king's pride being now again in exaltation, he was intractable. On the other hand the ſtates ſeemed reſolved not to comply with ſo extravagant a reparation. being deſirous of drawing this diſpute into length, that they might avoid entering into a negotiation of peace, which they thought muſt be detrimental to their intereſt, and the common cauſe, and ſtill hoping, that ſomething might happen, which would occaſion ſome favourable turn in the affairs of Europe. To this purpoſe it was obſerved, that at the opening of the aſſembly of the ſtates of Holland on the 13th of September, N. S. penſionary Heinſius, in a very pathetic ſpeech ſhewed 'the impoſſibility of concluding a peace at this juncture, without loſing the fruits of all the blood and treaſure they had expended in the preſent quarrel, and expoſing their country and the liberties of all Chriſtendom, to imminent danger; Urging, that as, of two evils, they ought to chooſe the leaſt, ſo they muſt make extraordinary efforts to carry on the war, till a ſafe and honourable peace ſhould be obtained: And concluding, that, thanks to the Almighty, they were not wholly deſtitute of means for that purpoſe, provided they would act with the ſame conſtancy and harmony, which the republic had exerted on ſo many occaſions'. This ſpeech had its effect, both with the ſtates of Holland, and the ſtates-general; for the earl of Strafford having ſignified to them, 'That the queen was willing to endeavour to engage France to admit them, or any other of the allies, into the ſuſpenſion of arms'; they anſwered they could not reſolve any thing upon it, without the emperor and the other allies; and that it would be too great a diſgrace to the confederacy, to aſk a ſuſpenſion of arms, without being aſſured of obtaining it. As to the earl of Strafford's propoſition of granting paſſports to the plenipotentiaries of king Philip, the ſtates alledged, they could not comply with it, without doing a manifeſt injury to the emperor, who had at leaſt an equal title with king Philip to the crown of Spain.

About this time another accident happened at Utrecht, which was like to prove a new obſtruction to the negociation of peace. The earl of Strafford had, by his lofty carriage, made himſelf very obnoxious to the Dutch; and, it being given out, that the duke of Savoy had abandoned the allies, and agreed to a ſuſpenſion of arms, ſome of the common people, in the night-time, broke the windows, both of the marquiſs del Borgo, one of the duke's plenipotentiaries, and of the earl of Strafford; and, as a farther indignity to the earl

[1] It ſeems, as count Rechteren was paſſing by the houſe of monſieur Meſnager, his footmen were laughed and hiſſed at by Meſnager's ſervants that were ſtanding at the door: Which being complained of by count Rechteren, Meſnager promiſed the ſervants ſhould be confronted: but afterwards ſent word, he had examined his domeſtics, and that they denied the fact. Upon this, Rechteren inſiſting that the ſervants ſhould be confronted according to his promiſe, and Meſnager ſtill refuſing it, the count told his people, ſince he could get them no reparation, they muſt decide their own quarrels themſelves. Preſently after, one of count Rechteren's footmen ſtruck one of monſieur Meſnager's, and owned the fact, ſaying, It was true, he had given him a blow or two on the face; but that it was alſo true, he was one of thoſe who had hiſſed at him; which was not denied by the other. This was ſo highly reſented by the French king, and ſuch reparation demanded, that the Dutch would not comply with it: So that a full ſtop was put to all the proceedings at Utrecht for ſome months.

they ſet up a wheel on the rails before his houſe, with a paper on it, in which was written the Dutch word, 'Straff-art', alluding to the earl's name, and implying, that he deſerved the puniſhment denoted by the wheel; the word 'Straffen' in Dutch ſignifying to puniſh or chaſtiſe. This inſult was highly reſented by the Britiſh plenipotentiaries; but the magiſtrates of Utrecht having publiſhed a reward of four hundred gilders to any one, who ſhould diſcover the authors of it; and that the name of the informer ſhould be concealed; the Britiſh court thought fit not to take any notice of the affront at this juncture, the rather, becauſe it was by many ſuſpected, that the French emiſſaries were at the bottom of this inſult, in order to irritate the Britiſh nation againſt the Dutch,

The aſcendant, which France had now gained in all the negotiations of peace, was evident from their inſiſting upon the reſtitution of Tournay, which deſerves to be particularly ſet forth. On the 30th of Auguſt, the Britiſh plenipotentiaries at Utrecht acquainted the lord Bolingbroke, that in ſome diſcourſe with the miniſters of the allies they had carried matters ſo far as to tell them, that though her majeſty would endeavour to promote their intereſt in a peace, and obtain for them the beſt terms, that ſhould be poſſible; yet, if thoſe endeavours ſhould not procure more than the contents of her majeſty's ſpeech, or even in ſome degree fall ſhort of that plan, the fault would be entirely theirs, who had rendered things difficult and uncertain, which otherwiſe would have been eaſy and practicable. And having thus far complied with their late orders to lay all the blame upon the allies, they further inform his lordſhip, that they had however obtained the conſent of the miniſters of the allies to come to a conference with thoſe of France, in order to renew the negotiations; the time to be fixed upon between the Britiſh and French plenipotentiaries, who meeting to have ſome diſcourſe previous to the general conference, parted without coming to any concluſion. The occaſion of their difference, that prevented renewing the conferences, aroſe upon propoſals made by the Britiſh miniſters in relation to Tournay. They, in a letter of the 2d of September, N. S. to lord Bolingbroke, ſtate the caſe in this manner: 'In her majeſty's ſpeech it is expreſſed, 'That the Dutch are to have the entire barrier, as demanded in 1709, except two or three places at moſt. The French miniſters inſiſt, that they muſt have Liſle as an equivalent for Dunkirk; and that the ſame is not to be underſtood as one of the three places mentioned in the ſpeech; and conſequently, that they muſt, in all, have four of the places mentioned in the demands of 1709. This to us appears to be altogether inconſiſtent with what her majeſty has declared; and we accordingly think it contrary to our duty to bring on a conference, in which ſuch an explication is to be made. The French miniſters, on the other hand, have ſhewed us their orders, which poſitively require them to inſiſt upon the reſtitution of Tournay as well as Liſle; and that they can by no means conſent to the ceſſion of Maubeuge or Condé. The Britiſh miniſters then preſſed the French to ſpeak at firſt in terms as general, as their propoſal was conceived in; but the French thought it neceſſary to be particular and expreſs in that point above all others, becauſe they ſhall otherwiſe have tied themſelves up, and given the Dutch an advantage. The reſult of this debate was, not to proceed to a conference, till this point be determined; the French inſiſting, that their orders were ſo plain, as neither to need nor admit any explication; and the Britiſh miniſters thinking the matter as plain on their ſide. They hoped, their zeal for her majeſty's honour would be graciouſly approved, and deſire to be directed what further they are to do in this matter, which they apprehend to be of a deciſive conſequence; becauſe they find even thoſe among the Dutch, who appear to be moſt cordially diſpoſed to ſuch a peace, as may re-eſtabliſh a good harmony between her majeſty and the ſtates, as abſolutely neceſſary for their mutual preſervation, fully reſolved, either to retain Tournay, and have Condé yielded to them; or to take one of theſe two courſes, either to come into any terms, that France offers, or to continue the war at all hazards'. The language which our plenipotentiaries had uſed to the allies, is very much approved of by lord Bolingbroke, in his letter of the 26th of Auguſt, who ſays, they had ſpoke the ſentiments, of the queen's heart, in what they declared the 30th of Auguſt, N. S. and that, if the allies did fall ſhort of the plan laid down in the queen's ſpeech, the fault was entirely their own. His lordſhip ſays, 'Sure it is, that this plan was nothing more than an ultimatum of what France would offer; but he wiſhed, that the Imperial and Dutch policy had not rendered it the ultimatum of what France will grant. The ſame general reflections might be applied to the particular caſe mentioned in their lordſhips letter. France would have yielded Tournay, though much againſt the grain. If France has now any advantages, and refuſes flatly to yield what ſhe only begged to have reſtored, the fault is entirely theirs'. But the diſpatch of the plenipotentiaries, of the 2d of September, relating to Tournay having not yet been conſidered by the lords of the council, his lordſhip could not give any poſitive inſtructions about it till the next opportunity; but, in the mean time, recommended to them two conſiderations: That the keeping of the Dutch in hopes of her majeſty's good offices will prevent them from taking any deſperate reſolutions; and the French inſiſting to have count Rechteren diſavowed, before any further treaty, will put off, for ſome time the deciſion of that great point. The earl of Strafford, in the mean time, by his letters of the 13th and 16th of September, N. S. repreſented the ſtates, 'as mightily ſunk with their misfortunes, and not knowing well what meaſures to take; but that they inſiſted upon Tournay as ſo eſſential to their barrier, that they had actually none without it: And his lordſhip was ſo much of that opinion, that he wiſhes they might have Tournay, though they were forced to truck Ypres, for it: That if he could poſitively aſſure them they ſhould have Tournay, he believed they would ſubmit to the plan of the queen's ſpeech'. This opinion of his lordſhip is not very eaſily reconcileable to what he afterwards wrote to Mr. Prior upon this ſubject October 12, 1712: 'If we had a mind to have Nick Frog ſign with us, we might, for he is ready to do it for Tournay; which, if we ſign together, we cannot well refuſe him; But I expect you will cut that matter ſhort, and I long to hear from you'. But this affair of Tournay was not ſo ſoon ſettled in England; although the difficulty does not ſeem to be, whether the French or Dutch were to have it; but in what manner it was to be procured for France, without a manifeſt contradiction to what was ſaid by the queen, in her ſpeech concerning the barrier. Lord Bolingbroke, on the 10th of September, O. S. writes three letters upon this ſubject, to monſieur de Torcy, to Mr. Prior, and to the plenipotentiaries. In that to monſieur de Torcy, he deſires him, 'to remember the propoſition, which was often laid down by him when in France, and inſiſted upon as a fundamental in all their future proceedings upon the general peace: That the conduct of the queen, in regard to the intereſts of her allies, was in a great meaſure determined by their behaviour: That the violent meaſures, which they had taken to obſtruct the peace, had put the queen in a condition to make her peace, without waiting for their concurrence; in which caſe the queen would declare, that ſhe had ſigned the treaty with France and Spain, and would propoſe the plan brought over by Abbot Gaultier, and delivered the 29th of April 1712, for the allies to treat upon, and would do no more than by her good offices, as a common friend to both parties. But, in caſe the Dutch in particular, or the other allies, ſhould before the concluſion of her peace with France, enter into concert with her majeſty, we ſhould have more meaſures to keep with them; the compaſſion of our people would be moved in their behalf; and the queen's miniſters obliged to make ſome ſteps, which otherwiſe they would abſolutely refuſe to do. Upon this foundation, 'continues his lordſhip', the king's miniſters ſeem to act ſomething more, when they inſiſt the queen's miniſters ſhould propoſe the holding a conference, in which the firſt propoſitions ſtarted would appear, in ſome meaſure, contrary to what the queen ſaid in her ſpeech, touching the barrier of the ſtates. The point in diſpute between your plenipotentiaries and ours is not to know, Whether Tournay ſhall be reſtored to the king, or not? For, to obtain that place, it is not neceſſary you ſhould begin by making this ſpecific declaration. But the queſtion is, Whether the queen ought formerly, and at preſent, to declare that Tournay ſhall be reſtored to France? Which would be to conſent to the explanation, which your miniſters give to this article of the queen's ſpeech. His lordſhip then ſays: 'Not to ſwell my letter too much, which may already ſeem tedious, I refer myſelf to what Mr. Prior ſhall have the honour to explain to you upon this point; and I ſhall content myſelf with ſaying, that, as it is not difficult to find a temperament, I hope we ſhall avoid all things, that may occaſion a diſpute between the miniſters of Great-Britain and France. This temperament is to be found in his letter to Mr. Prior of the ſame day, which, he ſays, is to be looked upon only as a letter from Harry to Mat, and not the ſecretary to the miniſter' He ſends him incloſed an extract of his letter to monſieur de Torcy, 'which, he ſays, relates to a matter, that has given lord-treaſurer and himſelf no ſmall trouble in the cabinet. He likewiſe ſends him a copy of the plenipotentiaries diſpatch of the 2d of September upon the ſame ſubject; wherein,

as he will obſerve, their lordſhips are very warm about the diſputes. He can aſſure him, we have thoſe who are not a jot cooler. His lordſhip goes on: The ſolution of this difficulty muſt come from you; which is a matter of management and appearance, more than of ſubſtance. The method of doing it is by making monſieur de Torcy ſenſible of the propoſition ſettled between them in France, that the queen can never do any thing, which ſhall look like a direct reſtraint on her allies from demanding what they judge neceſſary; but as long as they act the part which they now do, ſhe can very juſtly be paſſive and neuter as to their intereſts. This his lordſhip thinks is advantageous enough for France, and ſuch a one, fairly ſpeaking, as a year ago they would have given more than Tournay to be ſure of. They muſt not therefore preſs us to go further than this, nor to do any thing, which may ſeem contradictory to what the queen delivered from the throne. In a word, the uſe which the French will make of the unaccountable obſtinacy of the Dutch, and the other allies, may, in ſeveral reſpects, and particularly, for ought I know, in the inſtance of Tournay, give them an opportunity of ſaving and gaining more than they could have hoped for; and the queen may in the preſent circumſtances contribute paſſively to this end, but actively ſhe never can in any circumſtances'. His lordſhip then very plainly gives his advice how this matter is to be managed, in theſe words: 'I think in my opinion, and I believe I ſpeak the queen's upon this occaſion, it were better the French ſhould, in the courſe of the treaty declare, that whatever they intended to have given the Dutch, when the queen ſpoke from the throne, their conduct has been ſuch, and the ſituation of affairs is ſo altered, that the king is reſolved to have Tournay reſtored to him: I ſay, I believe this were better, than to expect, that we ſhould aſſent to an expoſition of the queen's words, by which her majeſty would yield the town up. Let the conferences begin as ſoon as they will, I dare ſay, buſineſs will not very ſpeedily be diſpatched in them. We ſhall go on to ripen every thing for a concluſion between us and Savoy, France, and Spain, and this is the true point of view, which the French ought to have before their eyes'. This ſcheme being concerted here, and tranſmitted to France, lord Bolingbroke on the ſame day writes to the plenipotentiaries, in anſwer to theirs of the 2d of September, N. S. upon which he had before told them, he could give no inſtructions, till their letter was conſidered by the lords of the council; neither does his lordſhip now ſend them any directions, but enlarges upon the ſame general topics of imputing all the miſchiefs that had happened, and in particular this affair of Tournay, to the obſtinacy of the allies. His lordſhip obſerves, 'That, in the plan brought over by Abbot Gaultier, the king of France begged for Tournay, rather than inſiſted upon it; but was now encouraged to refuſe what he only endeavoured to ſave: And, in ſhort, that France had now gathered ſtrength by our diviſions, and was grown ſanguine enough to make that plan the ultimatum of her conceſſions, which was at firſt nothing more than the ultimatum of her offers; but that the Dutch had no body to blame for all this but themſelves'. His lordſhip adds, 'Her majeſty is very ſenſible of the concern you expreſs for her honour, and will not, you may be ſure, ſuffer herſelf to be a party to any thing, which may appear contradictory to what ſhe has once advanced: And although perhaps the yielding of Tournay might be reconciled to the terms of her ſpeech; yet, ſhould the queen conſent to this expoſition of it, ſuch conſent would be almoſt a formal reſtoration of this place to France: And this, my lords, is what her majeſty will avoid. But I hope the ſolution of this difficulty will come from France; and that, when they have ſo many other quarrels to decide, that court will go back from a meaſure, which muſt involve them in a diſpute with the queen'. Among Mr. Prior's papers the Committee of Secrecy in 1715 found one, which ſeemed to be the draught of a letter from him to monſieur de Torcy, purſuant to what lord Bolingbroke had written to him upon the ſubject of Tournay; which is in ſubſtance the ſame, and almoſt in the very words of lord Bolingbroke's letter to Mr. Prior of the 10th of September, with this addition, that it begins thus: 'There is more appearance than ſubſtance in this affair, that is now under agitation at Utrecht; and my lord-treaſurer does not at all doubt but the court of France will find a remedy'. And his lordſhip was not miſtaken in his expectations. For monſieur de Torcy very readily followed the advice, that was given by the Engliſh miniſtry; and on the 27th of September, N. S. ſends lord Bolingbroke a declaration to be made by the French plenipotentiaries at Utrecht, wherein the king's miniſters were ordered to declare to thoſe of Great-Britain, 'That the king did conſent to treat of the peace upon the plan laid down in the queen's ſpeech to her parliament; but at the ſame time they were to ſay, that the Dutch having refuſed to conform to the ſentiments of that princeſs, having rejected the ſuſpenſion of arms, and given opportunity to the ſeveral changes in affairs, that had happened; it is but juſt, that his majeſty ſhould be recompenſed for the expence he has been obliged to make during the courſe of this campaign. Upon this foundation his majeſty orders his plenipotentiaries not to ſign a peace but upon condition, that Tournay ſhall be reſtored to him, beſides the other places, which he has demanded, and which he had reaſon to believe the queen of Great-Britain did deſign to comprehend in her ſpeech'. However, the meaſures and councils relating to this affair were afterwards altered upon great conceſſions made to France, and advantageous terms procured for the elector of Bavaria. But that Tournay was, at laſt, obtained for the Dutch, was principally owing to the firmneſs and reſolutions of the ſtates, and to the aſſiſtance of the earl of Strafford, who refuſed to ſign the treaty without the ceſſion of that place to the ſtates, on which account he received their ſolemn thanks.

Mr. Prior having been left by lord Bolingbroke at Paris, as the queen's plenipotentiary, he was introduced by the marquis de Torcy to a private audience of the king; and obtained a favourable interpretation of a clauſe inſerted in the late treaty for a ſuſpenſion of arms, which had raiſed a clamour among the merchants in London. For it having been ſtipulated, 'That none of the queen's men of war, or merchants ſhips, ſhould tranſport or convoy into Portugal or Catalonia, or any of the places, where they made war at preſent, any troops, arms, cloaths, proviſions, or ammunition'; The Engliſh traders were juſtly apprehenſive, that under that pretence they might be debarred from their uſual traffic of corn and fiſh, of which there are great demands at Liſbon and Barcelona, in time of peace as well as in war.

While Mr. Prior was in France, news came, that a French ſquadron in the Weſt-Indies was taking the ſugar iſlands belonging to the Engliſh, deſtroying their plantations, carrying away their Negroes, and making hoſtages of the planters. Upon notice of this invaſion of the Leeward-Iſlands by the French, the lord Bolingbroke wrote thus to Prior, September the 19th, O. S. 'This proves a very untoward Contretemps. It gives a theme to the Whigs, and ſerves to awaken the paſſions that were almoſt lulled aſleep. We expected that Coſſart's ſquadron might have gone to the coaſt of Brazil, or to Surinam; but we never imagined our colonies would have been attacked by him, at a time when we were knitting the bonds of friendſhip between the two nations with all poſſible induſtry. Could this ill opinion of our new friends have entered into our heads, I do aſſure you, he ſhould have been accompanied by a fleet of the queen's, which would have kept him in reſpect'. He remembers the orders that were ſo punctually and chearfully obeyed by the duke of Ormond, which, as he thinks, ſaved the French a beating, and then adds: 'In a word, we depended ſo much on the good underſtanding which we thought eſtabliſhed, and were ſo earneſt to prevent any thing, which might break in upon it, that we not only avoided to fortify our ſquadron, as we might have done, but we alſo neglected to put in execution ſome deſigns, which would have annoyed the French and Spaniards perhaps more than any which have been effected in the courſe of the war.

Mr. Prior was ſo entirely devoted to the French court, that, towards the latter end of October, without either leave or orders from the queen, he came over into England, at the deſire of the king of France, who thought him a proper perſon to be intruſted with the great ſecret of prevailing with the queen, by her credit, to obtain what he demanded for the elector of Bavaria; for which purpoſe he brought a credential letter to the queen, importing, 'That his conduct was very agreeable to that monarch'. About the middle of November he was ſent back to France with new inſtructions, wherein the propoſals of a neutrality in Italy was one of the chief articles: And, that he might have a perfect knowledge of the queen's preſent reſolutions and counſels, in relation to the preſent treaty of peace, a copy of the laſt inſtructions to the plenipotentiaries at Utrecht was given him, that, as occaſion ſhould require, he might act in all things conformable to the queen's intentions therein expreſſed. He carried likewiſe a letter from the queen to the king of France, wherein, among other things, it is ſaid, that, Mr. Prior continuing to behave himſelf ſo, as that his conduct may be entirely agreeable to the king of France, he does but literally execute the order the queen had given him, and is a proof of his duty and zeal for her ſervice.

About this time, in order to conquer the obſtinacy of the Dutch, it was induſtriouſly given out in England and Holland, that the duke of Savoy had agreed to a ſuſpenſion of arms; which report had, as yet, no other foundation, than the earneſt endeavours of the Britiſh miniſters to bring him into the queen's meaſures; for which the emperor's backwardneſs to give him ſatisfaction about ſome claims, not ill-grounded, gave them a very plauſible handle. The differences, which had been long depending between the courts of Vienna and Turin, having been very prejudicial to the confederate intereſt, becauſe the duke of Savoy rather choſe to ſtand ſtill, than, by going into the field, to promote the intereſt of an ally, who ſtill put off the performance of his engagements to him: The maritime powers uſed their utmoſt endeavours to put an end to theſe fatal diſputes. Both parties were at laſt prevailed with, to refer the controverſy to the arbitration of the queen and the ſtates, whoſe envoys, Mr. Stanyan and monſieur Vander Meer, having met at Milan, the plenipotentiaries of the emperor and the duke of Savoy, and maturely weighed the allegations on both ſides, they agreed on a ſentence of arbitration, importing in ſubſtance, that either the town of Vigevano, or an equivalent for it, ſhould be given to the duke, together with ſeveral other diſtricts. The duke of Savoy readily acquieſced in this deciſion, for which he returned thanks to the Britiſh and Dutch miniſters; but the Imperial commiſſioners ſolemnly proteſted againſt it; which was very ill reliſhed at the court of Great-Britain. While this affair was depending, the duke of Savoy ordered count Maffei, his firſt plenipotentiary at Utrecht, to repair about the middle of May to London, to ſolicit the arrears of ſubſidies due to him; and, the better to ſucceed in this negotiation, that miniſter did not fail inſinuating, that his maſter was inclineable to enter into the Britiſh meaſures. Upon this hint, Mr. St. John, who ſeized all opportunities to mortify the houſe of Auſtria, ſtarted the propoſals of giving the kingdom of Sicily to the duke of Savoy, in order to engage him in his views. And therefore, though the French plenipotentiary at Utrecht, had early offered that iſland to the emperor, yet the Britiſh miniſter declared to the marquis de Torcy, that the queen abſolutely demanded it for the duke of Savoy. It is, however, obſerveable, that the duke was ſo far from reliſhing this propoſition, that he declared to the earl of Peterborough at Turin, 'That he was not ſo vainly impatient for the title of a king, as to loſe or hazard any real intereſt for an empty name; but that he thought it much more extraordinary, that a prince defeated ten years together by his enemies ſhould remain, at laſt, with the prize contended for, and which ſo often, by parliament, had been declared the juſt and unavoidable motive of the war'. To calm the uneaſineſs of mind the duke of Savoy was in, the earl of Peterborough repreſented in a memorial to him, 'That, in refuſing thoſe offers, he muſt fall out with the queen and the Engliſh miniſters, whom he endeavoured to excuſe from the reproaches caſt upon them, as if they were perſons devoted to France. That for the ſupport of what was propoſed, a ſufficient fleet would be furniſhed, either by England or France, or by both powers jointly; and that he ſhould be guaranteed and protected againſt any power, that ſhould oppoſe this project, or ſhould inſult him for having accepted theſe offers'. The arguments of the Britiſh miniſters prevailed at length with the duke; and, if their deſign was effectually to diſable the emperor from ſupporting himſelf againſt France, after the ſeparation of the Engliſh, by forcing into the intereſt of France an ally ſo conſiderable as the duke of Savoy, theſe meaſures were certainly extremely well calculated for ſuch an end. This forwardneſs of the Britiſh miniſtry to make England a guarantee for conditions advantageous only to France, and which muſt naturally have engaged the nation in a war with the emperor, was the more extraordinary, in that, during the whole courſe of this negotiation, no endeavours were uſed to procure a guaranty of the allies to ſecure the Proteſtant Succeſſion, which had been addreſſed for by both houſes of parliament. While the earl of Peterborough was alluring the duke of Savoy with the promiſe of Sicily, the French endeavoured to draw him off by open force. But the duke of Berwick, after an unſucceſsful attempt to ſurprize fort Edmund and Conti, and the plundering of the neighbourhood of Saluſſes, which occaſioned a warm ſkirmiſh, was obliged to repaſs the Alpes with an inconſiderable booty. On the other hand, count Maffei having, with great addreſs, obtained from the Britiſh court a large ſum of money, in part of the arrears due to his maſter, he returned to his poſt at Utrecht, towards the end of September, O. S. by which time the emperor had ſent orders to his miniſters at Milan, to give the duke of Savoy intire ſatisfaction. But his condeſcenſion had no effect upon a prince, who was already biaſſed by the gold and promiſes of Great-Britain.

The Engliſh miniſters, and their agents, were not equally ſucceſsful in ſome courts of Germany. Mr. Thomas Harley, a near relation of the lord-treaſurer, who, about the beginning of this year, had been appointed to go to Hanover with a ſecret commiſſion, having ſtaid ſome months in Holland, to watch the progreſs of the negotiations at Utrecht and the Hague, ſet out, at laſt, about the beginning of July for Germany. On the 12th of that month, N. S. he arrived at Hanover, accompanied by Mr. St. John, brother to the lord Bolingbroke, and ſome other young Engliſh gentlemen, who were all entertained at the elector's expence. Three days after, Mr. Harley, who from the ſtation of coadjutor to the ſecretary of the treaſury, was now raiſed to the character of ambaſſador extraordinary, had a public audience of the elector, and afterwards of the princeſs Sophia, electreſs dowager, and of the electoral prince and princeſs, by whom he was received with diſtinguiſhing marks of favour, as one ſo nearly related to the prime miniſter of Great Britain. The deſign of this ambaſſy was to perſuade the elector to come into the Britiſh meaſures, which Mr. Harley preſſed ſtrongly, and, amongſt other arguments, told him, 'That the contrary would do him an injury in the minds of the people, who were ſet upon peace'. But the elector remained firm in the ſentiments, which he formerly expreſſed in the memorial preſented about a year before by baron Bothmar, and anſwered Mr. Harley to this effect: 'I do not put myſelf upon the foot of one pretending immediately to the throne of Great-Britain. The queen is a young woman, and, I hope, will live a great many years. When ſhe dies, my mother is before me. Whenever it pleaſes God to call me to that ſtation, I hope to act as becomes me, for the advantage of the people. In the mean time, ſpeak to me, as to a German prince, and a prince of the empire. As ſuch, I muſt tell you, I cannot depart from what I take to be the true intereſt of the empire and the Dutch'. Mr. Harley, having continued above two months at Hanover, ſet out from thence to return to Great-Britain.

Endeavours were likewiſe uſed about this time to bring the king of Pruſſia into pacific meaſures, with no better ſucceſs than at the court of Hanover. But, notwithſtanding theſe and other diſappointments, the Britiſh miniſters purſued their ſcheme with ſteadineſs and reſolution; which being chiefly founded on king Philip's renunciation of the crown of France, the lord Lexington was appointed to go to Spain, to preſs and be witneſs of the performance of that important preliminary.

Though the public negotiation at Utrecht was, for ſome months, at a ſtand, upon account of the diſpute between Meſnager and Rechteren; yet ſome private ſteps were made in the mean while for bringing the war to a concluſion: For on the 9th of October, N. S. the miniſters of the ſtates declared to thoſe of Great-Britain, 'That, for the good of peace, the ſtates were willing to yield Liſle to France, and recede from their pretenſions to have Doway, Valenciennes, and Maubeuge, which they had hitherto inſiſted upon; provided Condé and Tournay were included in the barrier, the tariffs of 1664 reſtored, and that Sicily be yielded to the emperor, and Straſburg to the empire'. This propoſal was immediately tranſmitted to the court of Great-Britain, where it was looked upon as more reaſonable than any of the former ſchemes. On the other hand, the Imperial miniſters finding the ſtates inclined to yield up Spain and the Weſt-Indies to king Philip, to which they knew their maſter was unwilling to conſent, count Zinzendorf propoſed a plan, according to which the emperor, and the ſtates of the empire ſhould furniſh four millions of crowns, which were ſuppoſed to be ſufficient to put their forces in a condition to act offenſively, and to maintain moſt of the auxiliaries lately in the Britiſh pay. But, it having been found by long experience, that there was no great dependance to be made on ſuch promiſes, ſome of the princes, to whom thoſe troops belonged, reſolved to recall them upon various pretences.

On the 4th of October, one of the queen's meſſengers arrived at Utrecht with diſpatches for her miniſters; and after a conference with thoſe of the ſtates, the earl of Strafford, the next morning, ſet out for England, and on the 13th arrived at Whitehall.

The earl's ſudden departure from Holland occaſioned various conjectures both at home and abroad. The general opinion was, that he was ſent for to give the queen and her miniſters a verbal account of the diſpoſition, in which he left the Dutch as to peace and war, and to receive the queen's

inſtructions in relation to their late ſcheme. But thoſe, who obſerved what paſſed at court, aſcribed his coming over to a miſunderſtanding, which, about this time, appeared to be among the queen's ſervants. It is evident (from the lord-treaſurer's account of public affairs, ſent to the queen in Auguſt 1714) that there had been ſeveral miſunderſtandings between him and the lord Bolingbroke. He obſerves particularly, that, when it was found neceſſary to create ſome new peers in the ſeſſion of parliament in 1711, ſo many having been brought formerly out of the houſe of commons of thoſe who uſed to manage public affairs, it was propoſed to Mr. Secretary St. John, that, if he would be contented to ſtay in the houſe of commons that ſeſſion, the queen would create him a peer, and he ſhould not loſe his rank: Accordingly, after the ſeſſion was ended, the queen ordered a warrant for him to be a viſcount; which put him into the utmoſt rage againſt the lord-treaſurer and lady Maſham. It availed but little to tell him, how much he had got in place; for, had he been created with the other lords, it would have fallen to his ſhare to have come next after lord Trevor. But the treaſurer, with great patience, bore all that ſtorm, of which lady Maſham was often a witneſs; and Mr. Arthur Moore, a conſiderable time after, told the treaſurer, that lord Bolingbroke ſaid to him, he owed him a revenge upon that head. This diſcontent continued, till there happened an opportunity of ſending him to France, of which there was, ſays the treaſurer, not much occaſion; but it was hoped, this would put him in good humour; which it did, till, in October 1712, there were knights of the garter made; which occaſioned a new reſentment from lord Bolingbroke, which frequently broke out in outrageous expreſſions publicly againſt all then made; who were the dukes of Beaufort, Hamilton, and Kent; the earl Paulet, and the earls of Oxford and Strafford. The duke of Hamilton made a private application to the queen, deſiring, he might be permitted to wear both the garter and the order of the thiſtle; but was anſwered, the ſame was unprecedented; and that the duke of Argyle had laid down the thiſtle, upon his being made knight of the garter.

The lord Lexington, who was appointed to go to Spain, to preſs the renunciation of king Philip to the crown of France, having embarked at Portſmouth on the 15th of September, arrived, October the 7th, at Madrid, where he was received with great marks of honour and diſtinction. Before his arrival, upon information, that Sir—— Burke reſided there, as miniſter of the king of England, whoſe arms he had ſet up before his houſe; the lord Lexington complained of it to the court, and demanded, that he ſhould depart from Madrid, which he was immediately ordered to do. The lord Lexington had then ſeveral conferences with king Philip's miniſters about that prince's renunciation: which being drawn up in form, and agreed to, his majeſty ſigned it on the 5th of November, N. S. and ſwore upon the Holy Evangeliſts, to obſerve it, in preſence of the council of ſtate, and of the chief nobility. The cortez, or ſtates of Spain, having been ſummoned to meet at Madrid, in order to enact this renunciation into a law, king Philip, attended by the preſident of Caſtile, and council of ſtate, went to that aſſembly, and told them, 'That the efforts, which the nation made with ſo much zeal and fidelity, to ſecure his crown in two perilous occaſions, were of ſuch a nature, as never to be forgot. And to ſhew his gratitude, to procure peace for his people, and to be never ſeparated from them, he renounced all pretenſions, which either himſelf, or his iſſue, might have to the crown of France; and deſired them to give their conſent to it'. Upon this the cortez confirmed and approved the renunciation, and the crown of Spain, after king Philip's poſterity, was limited to the houſe of Savoy. The queen, and prince of Aſturias, and the lord Lexington, were preſent at the whole ſolemnity. But it is to be obſerved, that his lordſhip did not yet take upon him any character; and that ſome time before king Philip ſent orders to the marquis de Monteleone, who was then at Paris, to repair to the court of Great-Britain.

The like renunciation was made ſome months after, by the princes of France to the crown of Spain: And king Philip was declared incapable of ſucceeding to the crown of France: It was ſomething ſtrange, to ſee ſo much weight laid on theſe renunciations, ſince the king of France had ſo often, and ſo ſolemnly declared (upon his claiming, in the right of his queen, the Spaniſh Netherlands; when the renunciation made by his queen before the marriage, purſuant to the treaty of the Pyrenees, of all rights of ſucceſſion to her father's dominions, was objected to him) that no renunciation, which was but a civil act, could deſtroy the rights of blood, founded on the laws of nature: But this was now forgot, or very little conſidered.

While theſe things were tranſacting, endeavours were uſed to bring the crown of Portugal into the preſent meaſures of peace; and, leſt perſuaſion ſhould fail, it was thought proper to uſe more forcible arguments. The marquis de Bay who commanded king Philip's forces in Eſtremadura, marched with his army, and incamped within half a league of Elvas. To increaſe the jealouſy, which by this march he had given the Portugueſe, as if he deſigned to beſiege that place, he went to take a nearer view of it, and then returned to his camp. On the other hand, the Portugueſe, deceived by theſe appearances, worked hard in repairing the fortifications of Elvas, and conveyed into it two battalions, drawn out of Campo-Major; which being the town the marquis de Bay had a deſign upon, he marched with the whole army, and inveſted that place. This irruption of the Spaniards, to the number of near twenty thouſand men, at a juncture, when Great-Britain (the main ſupport of Portugal for many years paſt) had reduced all her forces in that country, except two regiments, could not but make the court of Portugal very uneaſy. Their conſternation was very much increaſed, upon the news, that the Spaniards had inveſted Campo-Major, the moſt regular fortification on the frontiers of Portugal; but which, at that time, was not provided either with a ſufficient garriſon, or with ammunition and proviſions for a long ſiege. However, on this occaſion, the Portugueſe exerted themſelves with vigour and reſolution, which was in great meaſure owing to the conduct of major-general Hogan, an Iriſh gentleman, and of brigadier Maſſey, an experienced French Proteſtant engineer, who formed, in conjunction with the count de Ribeira, and ſeveral other officers of note, the deſign of getting into Campo-Major, which was executed with very good ſucceſs at the head of two or three hundred Portugueſe grenadiers, a day or two after the enemy had opened the trenches. Hogan having alſo got into the town with a ſupply of four or five hundred men, the count de Ribeira, who commanded there in chief, made the neceſſary diſpoſitions to defend the place to the laſt extremity, and was ſo well ſeconded by the officers and troops under him, that he obliged the marquis de Bay to raiſe the ſiege. Notwithſtanding this ſucceſs, the expedition of the Spaniards had the effect deſired by the court of France and Great-Britain. For, the Portugueſe finding they were like to be left by England, if they continued the war againſt Spain, the count de Tarouca, the Portugueſe miniſter at Utrecht, was prevailed upon by the biſhop of Briſtol to come into the queen's meaſures, and ſign the ſuſpenſion of arms the 7th of November. He excuſed this proceeding to the miniſters of the allies as a pure effect of neceſſity.

Thus ended the war in Portugal. As to the army in Spain, the latter end of September, brigadier Price, who commanded the Engliſh, received a letter by a trumpeter of the enemy, from Mr. Secretary St. John, with orders from the queen to leave immediately the army of count Staremberg, and march to the ſea-ſide near Barcelona, and there to wait the arrival of ſir John Jennings, who was to tranſport them to Port-Mahon. This ſurpriſing news (ſays the author of the manuſcript account) cauſed a great conſternation among our confederates, and very much enraged the Catalans, who found they were going to be forſaken by thoſe they had moſt reaſon to truſt. To prevent the effects of their reſentment, and our being moleſted upon our march by the Miquelets and other country people, the queen of Spain ſent four perſons of diſtinction to be as ſafe guards to us, and to take care we ſhould be ſupplied with proviſions. We came to Barcelona and incamped by the ſea-ſide, on the very ſpot of ground where king Charles landed with the troops, when he beſieged and took that city. Here we continued ſome time before ſir John Jennings arrived. With him came over colonel Kane, with a commiſſion to break Lepel's regiment, that they might ſell their horſes, and to ſee the men on board, with the regiments of foot, and the train of artillery; which orders were executed in a very ſhort time, and we were all carried to Port Mahon.

The duke of Hamilton (who had been made maſter of the ordnance, vacant by the death of earl Rivers) was appointed ambaſſador extraordinary to the court of France. The choice of the duke for that ambaſſy gave melancholy ſpeculations to thoſe who thought him much in the Pretender's intereſt, and knew, that he was conſidered, not only in Scotland, but likewiſe in England, as the head of his party. On the other hand the king of France named the duke d'Aumont, firſt gentleman of his bed-chamber to go into England with the ſame character of ambaſſador extraordinary; which was likewiſe

agreeable to the Pretender's friends, to whoſe intereſt he was openly attached.

All this while the duke of Ormond continued in his quarters in Ghent, where one of the Dutch field-deputies came to him the 7th of September, N. S. being ſent by his colleagues, to ſound him upon ſeveral points. He aſked firſt, Whether the Engliſh troops were to ſtay at Ghent and Bruges the winter, or how long? To which the duke anſwered, He could not tell, but ſaw no appearance of their being withdrawn as yet. He aſked next, Whether the duke would conſent to the ſtates putting ſome of their troops into Ghent, to take care of their convoys, and eſcort them to their frontier garriſons? The duke ſaid, He thought himſelf obliged not to ſuffer any troops, but thoſe of the queen, to continue in the town. However he had no intention, by taking or keeping poſſeſſion of that place, to obſtruct their convoys; and that the Dutch troops might ſtill come to the counterſcarp of the town, and receive whatever was to be carried to the camp, as had been practiſed ever ſince Ghent was in our hands. The deputy's next queſtion was, Whether the duke would let part of the Dutch troops take their winter quarters in Bruges, as they had done ever ſince the reduction of that place? The duke anſwered, He could not admit of any troops whatever, beſides thoſe of the queen, either into Ghent, or Bruges, till he had her majeſty's orders. The lord Bolingbroke highly applauded the duke's conduct on this occaſion, and told him in a letter, 'That the queen had received ſo much ill uſage with reſpect to the commerce of her ſubjects in the Netherlands, and had ſo much reaſon to expect more of the ſame kind, that ſhe was reſolved to treat upon that head with thoſe pawns in her hand'. But, upon recollection, the lord Bolingbroke, in a ſecond letter, acquainted the duke, 'That the poſitive order, contained in his firſt, was not ſent to prevent the admiſſion of other troops beſides her majeſty's, into Ghent and Bruges. That the queen was enough ſatisfied that his grace would take effectual care to preſerve thoſe cautionary places, which could alone ſecure to her any tolerable conditions, with reſpect to the Netherlands, in the terms of peace, but he confeſſed he thought, it could be no way unneceſſary to give his grace a very poſitive and clear order, in an affair, which might perhaps make a great deal of noiſe'. The duke not only punctually obey'd the orders which he received from England, but was alſo very forward in aſſiſting the queen's new friends, the French, even at the expence of her old allies. For being informed of a deſign, which the Dutch, from the late ſucceſs of their enterprize upon Fort Knocque, had been encouraged to form, for ſurprizing Newport or Furnes; and that the fortifying Dixmuyde was made uſe of as a pretence for drawing together a body of troops ſufficient to put the deſign in execution, the duke knew not, but the queen might think it for her ſervice, that the deſign ſhould not ſucceed, ſince if the Dutch were not ſuffered to take poſſeſſion of thoſe garriſons, the queen would not only have a greater influence towards ſettling the commerce of the Netherlands on a good foot, but would be able to ſecure, what was of the higheſt conſequence at that time, a free communication between her troops, which were in Ghent, Bruges, or Dunkirk. He therefore, in a letter of October the 21ſt, acquainted the Secretary with this affair, and left his lordſhip to judge of the importance of it, and the uſe that was to be made of it. But, if the queen thought it moſt for her ſervice to prevent it, he was humbly of opinion, ſome means ſhould be found out to give advice of it to the marſhal de Villars, who might poſſibly think, we owed him that good office, in requital of ſome information his lordſhip knew had been ſent by the marſhal, with a deſign to ſerve her majeſty and the nation'. The queen was of the ſame opinion concerning the uſe to be made of the intelligence mentioned in this letter; but, the campaign being by this time at an end, the duke aſked and readily obtained leave to return to England; and, having taken a view of Dunkirk, embarked there, landed at Dover the firſt of November, arrived in London the next day, and on the fourth waited on the queen at Windſor, where he met with a moſt gracious reception [u].

The ſame day, being the anniverſary of the birth of king William III, great rejoicings were made in the cities of London and Weſtminſter, by the well-affected to the Revolution, and the Proteſtant Succeſſion. Among the reſt, a conſiderable number of lords, gentlemen, and citizens, being met at the Three Tuns and Rummer in Grace-church-ſtreet, to celebrate that feſtival, cauſed a great bonfire to be made before the houſe. The high-church party, being offended at this, raiſed an oppoſite mob, who offering to diſturb the rejoicing round the bonfire, a ſcuffle enſued, in which the aggreſſors were repulſed; but the trained-bands being that day under arms, the fray was ſoon appeaſed, and all was quiet, till the bonfire was conſumed, and the company in the tavern retired. However, this rejoicing was by the Tories repreſented as a ſet deſign to diſturb the government, particularly in the Poſt-Boy. But what was more ridiculous, a report was ſpread of a ſtrange conſpiracy againſt the lord-treaſurer, by ſending him that very day, 'a band-box, with three piſtols charged and cocked, whoſe triggers being tied to a packthread faſtened to the cover, the piſtols would have gone off, and done execution, at the opening of the box, had not the ſame been miraculouſly prevented by Dr. Jonathan Swift, who being then in the room, whilſt his lordſhip was ſhaving, ſuſpected ſomething, and opened the box in ſuch a manner, that no miſchief was done'. This was the firſt ſtory, that was whiſpered about; but the belief of ſuch an extravagant plot was ſoon exploded; when it was found that the three piſtols were no more than a ſteel ſet on a piſtol-ſtock to ſtrike fire, and two inkhorns or ſquibs; ſo that the lucky diſcoverer, Dr. Swift, was by many ſuſpected to have been the ingenious contriver of this political machine.

Another accident happened about this time, which the miniſters laid hold of, to improve a private animoſity, if not into a conſpiracy againſt the government, at leaſt into a party quarrel. A law-ſuit which for about eleven years had been depending between the duke of Hamilton and the lord Mohun, had created a great animoſity between theſe two noblemen; ſo that, on the 13th of November, at a meeting at Mr. Orlebar's, a maſter in Chancery's chambers in the Rolls, the duke having reflected on Mr. Whiteworth, (father of lord Whiteworth late ambaſſador to the Czar) who was examined as a witneſs on the lord Mohun's ſide, ſaying, 'He had neither truth nor juſtice in him'; the lord Mohun thought himſelf obliged to vindicate that gentleman, which he did, by ſaying, 'He had as much as his grace'. The duke having made no reply, all ſeemed to end amicably; for they both continued in the ſame place above half an hour, and, at parting, the duke, going out firſt, made a low bow to the lord Mohun, who, in like manner, returned his civility; ſo that none of the perſons there preſent, ſuſpected any conſequence from what had paſſed. But, the next day, general Maccartney went twice to the duke of Hamilton's houſe, with a challenge to him from the lord Mohun; and, in the evening, the duke, accompanied by colonel John Hamilton, went to meet general Maccartney at the Roſe-Tavern, and was a few minutes in private with him; whilſt the lord Mohun and the colonel were in ſeparate rooms, Mr. Maccartney went ſeveral times between the duke and lord Mohun; from which and other circumſtances, his enemies took occaſion to give out, that he had rather inflamed, than endeavoured to compoſe the quarrel. But all that can be fairly conjectured is, that the time and place of the duel was there fixed and agreed on. The lord Mohun and general Maccartney lay that night at the Bagnio in Long-Acre; and on Sunday the 15th of November about ſeven o'clock in the morning went in a hackney-coach to the lodge in Hyde-Park, where being ſoon after met by the duke of Hamilton, and his ſecond colonel Hamilton, they all leaped over a ditch, into a place called the nurſery. Lord Mohun would not have had the ſeconds engage; but the duke inſiſted that Mr. Maccartney 'ſhould have a ſhare in the dance'; from whence the general's enemies ſtrengthened their ſuggeſtion, that he had been the inſtigator of the duel. All having drawn, the two principals made ſuch violent and deſperate paſſes at each other, being rather intent to give than to parry thruſts, that they ſoon fell down, both mortally wounded; ſo that the lord Mohun died on the ſpot; and the duke, as his ſervants were carrying him to his coach [v]. The two ſeconds did not fight at all, as one of the witneſſes depoſed, or fought with ſuch caution, that colonel Hamilton received only a ſmall wound

[u] Burnet ſays, our army continued this winter about Ghent and Bruges; and we kept a ſort of garriſon in Dunkirk: but that was ſo ill ſupplied with artillery and ammunition, that it was viſible they were not in a condition to keep the place, any longer than the French were willing to let them ſtay in it. And, during that time, they were neither allowed to have a place to worſhip God, nor to bury their dead in, though by a mortality that raged there ſome thouſands died. Burnet, II. 615.

[v] Burnet, on this occaſion, ſays: I will add no character of him: I am ſorry I cannot ſay ſo much good of him as I could wiſh, and I had too much kindneſs for him, to ſay any evil without neceſſity. Nor ſhall I make any reflections on the deplorable effect of thoſe unchriſtian and barbarous maxims, which have prevailed ſo univerſally, that there is little hope left of ſeeing them rooted out of the minds of men; the falſe notions of honour and courage being too ſtrong to be weighed down by prudent or religious conſiderations. Burnet II. 612.

in his inſtep, which, he ſaid, happened by his own ſword, as he was parrying down a full paſs, that Maccartney made at him[w].

The earl of Godolphin died of the ſtone, on the 15th of September, this year. He had ſerved in conſiderable employments under four princes of very different tempers and deſigns. Oppoſite opinions have been delivered of his merit and character. Great abilities and integrity have been aſcribed to him by ſome; while others have freely cenſured him for notorious defects in the latter, and allowed him to have been great by the chance of place and diſtinction. The treaſurer's ſtaff was attended with the ill-will and averſion of the Tories; for his rival, the earl of Rocheſter, by his turbulent zeal, had gained the higheſt place in their favour. As he had commonly acted in oppoſition to the Whigs, they likewiſe entertained great fears and jealouſies of him. His whole miniſtry was embarraſſed with both theſe circumſtances; and even prudence, good temper, and ſucceſs could not ſecure him a general good will and confidence. However, the objections, which have been made to him, will, when every thing is duly weighed, be ſilenced, or perhaps turned to his advantage. He had concurred with the worſt of king Charles II's miniſters, and adhered to the laſt to king James. In theſe two reigns he gave no oppoſition; but the ſame active and paſſive obedience was not practiſed by him under king William. This was aſcribed to his retaining principles, very inconſiſtent with an entire approbation of his government; to which has been added a paſſionate admiration of and attachment to king James's queen. The higher eſteem therefore ſeems due to his memory, when we review his conduct in the fulneſs of his power: In this ſituation it will appear, how truly ſuperior he became to all prejudices and prepoſſeſſions. His deliberations were conſtant and determined for our proſperity at home, and our ſucceſs abroad. If his difficulties and diſadvantages, particularly thoſe with the queen, were duly explained, his attention to the welfare of the nation would be the ſubject of great admiration. The union of the two kingdoms was his work; and, though this tranſaction has been often condemned by great numbers of both parties, yet that does not leſſen the merit of the performance. All changes and alterations, though conducted with the utmoſt honeſty and ſkill muſt be attended with ſeveral inconveniencies; and it is too common with mankind to inſiſt only upon theſe, while they paſs over in ſilence the moſt ſubſtantial advantages. By means of this union, the Proteſtant Succeſſion was ſecured; the influence of France on the affairs of Scotland was much weakened; many occaſions of feuds and animoſities were removed; and the benefits reſulting to the whole iſland were immediate and important, and likely to be perpetually increaſing. Our accounts of the manner of carrying on this affair are not ſufficiently full and exact; for which reaſon the great inſtrument of it cannot have his juſt praiſe. Alliances and the force of recommendations impoſed upon him in ſome inſtances; but his great concern was to employ men of capacity and integrity; and ſuch were ſure of his kindeſt regards. This became the more remarkable, becauſe another great man was not ſo ſkilful and cautious, or very unlucky. He had a true ſenſe of the nation's welfare, and of the proper methods of promoting it. Rude and inſolent reproaches from a certain quarter, on the account of his former attachments and correſpondencies, were clear proofs of his having renounced them. No perſon was more earneſt and ſkilful in projects for annoying the enemy by attempts on France, Spain, Dunkirk, and the Weſt-Indies; but many of them were defeated by winds and other accidents. Late and expenſive experiments have convinced us of the difficulties and hazards of Weſt-India expeditions; and ſuch attempts became improper, when encouragement was given to ſend king Charles into Spain. Had we ſecured that monarchy for the houſe of Auſtria, when it was in our power, we ſhould have been intitled to advantages ſuperior to any conqueſt. The piece 'Upon the management of the war, and the four anſwers to the conduct of the allies', have clearly proved, that there was no partiality to the duke of Marlborough; but that every part of the war was attended to in the moſt proper manner; and we have there accounts given of the advantages of the miniſter's treaties and our alliances with Savoy and Portugal. Our military co-operations with Portugal were embarraſſed with many difficulties and inconveniencies. But what muſt have been the caſe, had the French party prevailed there? No impreſſions could have been made on Spain; which would have been a great diſadvantage to the common cauſe. Without their ports, our fleet muſt have been expoſed to many dangers and diſtreſſes. The prodigious benefits of the commerce then opened are well known, but have not been ſufficiently acknowledged. Thoſe, who ſtudy detraction, obſerve how many circumſtances concurred to his ſucceſsful management of the treaſury. The ſecurity and ſafety of the bank, punctual payments, and the ready command of money in the funds, had been experienced ſeveral years, and moſt effectually ſilenced popular objections. Many defective ways of raiſing the ſupply in king William's time had ſuggeſted proper methods of caution; but, above all, our great ſucceſs abroad was the life and ſupport of public credit. But might not our advantages in ſome degree be aſcribed to the treaſurer's exact care in payments? By his attention to our trade and commerce, did not he lay the foundation for a due and full ſupply? When all the marks of prudence and regularity are attended with ſucceſs, the chief conductor hath a fair claim to a large portion of merit. He is ſaid to have preſerved great appearances of wiſdom by ſilence and reſerve, which are particulars of behaviour ſuppoſed to be inconſiſtent with a great and generous mind. But this was not owing to any thing mean and unworthy; for in all conſultations on buſineſs he diſcovered a ſurprizing greatneſs of courage, and a quick and moſt exact diſcernment. His kind, equal, and obliging temper endeared his memory to all, who had the pleaſure and advantage of his converſation. His behaviour to the queen was ſo faultleſs, that, when ſhe was influenced to diſmiſs him, ſhame and concern would not allow her to admit him into her preſence; and, therefore inſtead of permitting him to reſign into her hands the treaſurer's ſtaff, a letter was ſent to order him to break it. Unbecoming inſtances of behaviour may be produced in the lives of great men of all ages and all employments. Had this been duly conſidered, ſuch ſevere reproaches had not been caſt upon this miniſter for his love of play and horſe-races; by which indeed he became too much, and too frequently engaged with the moſt worthleſs of men, gameſters and jockies. But after all, when this objection is thoroughly examined, nothing will appear but a faulty choice of improper amuſements; and

[w] The High-church men and the Jacobites were ſo ſenſibly touched with the loſs of one of their principal champions, that they charged this unfortunate duel on the whole Whig-party; ſuggeſting, 'That, having tried all other methods in vain, they returned to their expedient of Murder, and employed treachery and violence at once. That their general [the duke of Marlborough] ſet the example of party duels, which was only to give them a ſanction; and deputed that infamous meſſenger of his challenge to be the general bully of the faction. That the preſent lord treaſurer had almoſt miraculouſly eſcaped their laſt engine of aſſaſſination (meaning the band-box.) That the bravo, Maccartney, who depended for his ſupport on the lord Mohun, was forced to keep up his patron's courage with wine, till within a very few hours of their meeting in the field: And that the mortal wound, which the duke received, after his adverſary was run through the heart, could not be given by any but Maccartney'. This laſt accuſation being like to lay an indelible odium on the Whigs, great induſtry, and indeed all indirect means were uſed to propagate the belief of it. In order to that, colonel Hamilton depoſed before the privy-council, 'That ſeeing lord Mohun fall, and the duke upon him, he ran to the duke's aſſiſtance; and that he might with the more eaſe help him, he flung down both their ſwords; and, as he was raiſing the duke up, he ſaw 'Maccartney make a puſh at his grace'. Upon which an advertiſement was publiſhed by the government, 'for the diſcovery of lieutenant-general Maccartney, ſuggeſting that it appeared upon oath, that the wound, whereof the duke died, was given him by Maccartney'. On the other hand, it was alledged, in vindication of the Whigs in general, and of general Maccartney in particular, 'That the duke of Hamilton and the lord Mohun purſued their private animoſities, occaſioned by the law-ſuit before-mentioned, which had been depending many years; which plainly appeared from the duke's having often been forewarned to avoid the lord Mohun's company. That the latter might probably have been inclined to decide the matter by the ſword, upon an apprehenſion, either that the duke would at laſt remove the cauſe to the houſe of peers, where he might hope to ſupply by friends and intereſt what he wanted in juſtice and equity; or that, upon his return from his embaſſy in France, he might beg and obtain of the crown, the late earl of Macclefield's eſtate, which was the prize contended for, upon a pretence, that the outlawry againſt the earl was not reverſed in due form'. As to the ſuggeſtion, that general Maccartney ſtabbed the duke of Hamilton, the falſity of that horrid imputation ſufficiently appeared, both from the ſeveral depoſitions taken at the coroner's inqueſt, and from the reports and declarations of two or three eminent ſurgeons, who were unanimous, 'That the wound the duke received in his right arm, and which was allowed on all hands to have been given by the lord Mohun, was the immediate occaſion of his grace's death'. Colonel Hamilton foully prevaricated at his trial on account of this duel, and perſiſted in accuſing general Maccartney. But his ſilence at the place where they fought, and where they both continued a conſiderable time, taking care of their reſpective principals, raiſed an unanſwerable objection to the colonel's evidence, and fixed upon him an infamous character, either for charging a murder on an innocent man, or for ſuffering the murderer of the noble perſon, whoſe ſecond he was, to make his eſcape, when it was in his power to ſecure him. Under this juſt imputation colonel Hamilton lived obſcurely the remainder of his days, becoming ſo odious to all men of honour, that he was obliged to ſell his company in the guards, and died October the 17th, 1716, of a ſudden vomiting of blood, which could not be ſtopped. Strict ſearch was made after lieutenant-general Maccartney; and, beſides the five hundred pounds promiſed by the queen's proclamation, three hundred more were offered by the dutcheſs of Hamilton, as a reward to whomſoever ſhould diſcover him. But Mr. Maccartney having, after the fatal duel, walked to Kenſington, and thence to Chelſea, went from thence to the duke of Richmond's houſe in the Privy-Garden, near Whitehall; lay there that night; and, early the next morning croſſed the Thames; and then, in a diſguiſe, went over to Flanders.

there were no imputations upon him of any fraudulent practices, though ſuch were then not unfamiliar to perſons of his rank. Nor did his love for theſe diverſions ever draw him off from the duties of his high ſtation. Complaints have perhaps been too juſtly made againſt thoſe, who have the chief power in diſpoſing of places, that the merit of perſons of low rank, though very ſignificant, is ſeldom duly conſidered. And therefore inſtances of this kind ſhould not be deemed the peculiar fault of this great man. His letter to the queen juſt before his diſmiſſion furniſhes us with the fulleſt ideas of his worth and character; and time hath abundantly verified the repreſentations, which he therein made with dignity and decency, a becoming warmth, and an honeſt freedom. Such a ſenſe of affairs, and ſuch expreſſions, could only proceed from a mind truly great and truly good.

Upon his death the duke of Marlborough reſolved to go and live beyond ſea. He went away in the end of November, and his ducheſs followed him in the beginning of February following. This was variouſly cenſured; ſome pretended it was the giving up and abandoning the concerns of his country; and they repreſented it as the effect of fear, with too anxious a care to ſecure himſelf. Others were glad he was ſafe out of ill hands; whereby, if the nation ſhould fall into the convulſions of a civil war, he would be able to aſſiſt the elector of Hanover, as being ſo entirely beloved and confided in by all our military men; whereas, if he had ſtaid in England, it was not to be doubted, but, upon the leaſt ſhadow of ſuſpicion, he would have been immediately ſecured; but now he would be at liberty, being beyond ſea, to act as there might be occaſion for it.

There were two ſuits begun againſt him: The one was for the two and a half per cent. which the foreign princes were content ſhould be deducted for contingencies, of which an account has been given. The other was for arrears due to the builders of Blenheim-houſe. The queen had given orders for building it with great magnificence; all the bargains with the workmen were made in her name, and by authority from her; and in the preambles of the acts of parliament, which confirmed the grant of Woodſtock to him and his heirs, it is ſaid the queen built the houſe for him. Yet now, that the tradeſmen were let run into an arrear of 30,000l. the queen refuſed to pay any more, and ſet them upon ſuing the duke of Marlborough for it, though he had never contracted with any of them. Upon his going beyond ſea, both thoſe ſuits were ſtaid, which gave occaſion to people to imagine, that the miniſtry, being diſturbed to ſee ſo much public reſpect paid to a man, whom they had uſed ſo ill, had ſet theſe proſecutions on foot, only to render his ſtay in England uneaſy to him.

The duke ſet out for Dover the 24th of November; embarked on board the North-Britain packet-boat; and, on the 1ſt of December, landed at Oſtend, under a triple diſcharge of all the cannon on the ramparts. At his landing, he was received by general Cadogan and brigadier de Caris, governor of the place, and conducted by a vaſt concourſe of people to captain Brown's, where he dined. He ſupped with the governor; lay that night at the burgomaſter's; and, the next day, ſet out for Antwerp. He was received with extraordinary marks of reſpect in all the Dutch garriſons, particularly at Maeſtricht, from whence he repaired to Aix la Chapelle. But general Cadogan paid dear for the civilities he ſhewed the duke, being ſoon after diſmiſſed from all his employments.

Upon the death of duke Hamilton, it was for ſome days uncertain, who ſhould ſucceed him as ambaſſador to the court of France, the lord Bolingbroke being very much againſt the duke of Shrewſbury's being employed in that ſtation; but, however, he was named by the queen for that employment, and went over to France in the end of December. The ſame yacht, which carried him to Calais, brought over the duke d'Aumont, the French ambaſſador, who was a good-natured and generous man, of profuſe expence, throwing handfuls of money out of his coach, as he went about the ſtreets. He was not thought a man of buſineſs, and ſeemed to employ himſelf chiefly in maintaining the dignity of his character, and making himſelf acceptable to the nation.

On the 20th of November, the earl of Strafford was ſent back to the Hague with the French plan, which came to be called the queen's new plan of peace[x]. The ſubſtance of

[x] A deputation being made to him on the 8th of December, N. S. (to whom were added the penſionary and the regiſter Fagel) the earl of Strafford aſſured them, 'That he was never more pleaſed with being there than on this occaſion, as wiſhing nothing more, than to ſee the antient friendſhip and good correſpondence between her majeſty and that ſtate revived; and flattering himſelf, that he was charged with orders and inſtructions, which tended to procure a good peace for all Europe, and the firm ſecurity of that ſtate; ſo a ſolid and laſting friendſhip and correſpondence might thereby be eſtabliſhed between her majeſty and their high mightineſſes. That he could not forbear ſaying, he wiſhed the love of war, and the private intereſts of ſome perſons, had never given occaſion for a coldneſs in that friendſhip, which might have proved, and ſtill might prove fatal to that ſtate, if the laſt offers now to be made on the part of her majeſty ſhould not be accepted. That the reflecting on what had paſſed might ſerve to prevent inconveniencies for the future, ſince the refuſal to agree to the ſuſpenſion of arms propoſed by her majeſty might have brought ruin on that ſtate, and had coſt them ſo dear; and that there was reaſon to fear much greater evils, in caſe their high mightineſſes ſhould now refuſe to conclude the peace jointly with her majeſty. That the laſt propoſition or overture about peace made by their high mightineſſes, contained one point, which was contrary to the engagements her majeſty had before entered into; namely, that Sicily ſhould be given to the duke of Savoy. That, as to ſome other points, inſurmountable obſtacles had now ariſen, which might have been got over, had not ſo ſtrong oppoſition been made to her majeſty's meaſures, and had not her majeſty been conſtrained to agree ſeparately to a ſuſpenſion of arms. That the irreſolution of that ſtate had been attended by very unhappy accidents; and therefore her majeſty was very deſirous they would at length come to fix upon ſome propoſitions, reaſonable in themſelves, and of ſuch a nature, that, in the unlucky conjuncture, wherein affairs now ſtood, they might be obtained of France. That her majeſty had given him permiſſion to declare further, that he well knew, her majeſty was determined to inſiſt upon and even to procure from France, the ceſſion of Tournay, to ſtrengthen the barrier of that ſtate with a place of ſo great importance; but that he knew likewiſe, that her majeſty's conduct in this matter would wholly depend upon that of the ſtates: And that, after the making ſo conſiderable a ſtep in their favour, it was expected, that on their part, they ſhould forthwith concur with her majeſty in concluding the peace, without ſtarting new objections, and without making other demands. And that as ſoon as that ſtate ſhould declare themſelves in an authentic manner, ſo that her majeſty could depend upon it; then her majeſty would cauſe a declaration to be made in full congreſs, that the article of the ceſſion of Tournay ſhould be one of the conditions of peace ſine qua non. That he was likewiſe to inform their high mightineſſes, That the king of France had made very ſtrong inſtances for his ally, the elector of Bavaria; and that the leaſt, which his moſt Chriſtian majeſty pretended to aſk for him, was, that the ſaid elector ſhould continue in the poſſeſſion of Luxemburg, Namur, and Charleroy; ſubject however to the terms of the barrier for the ſtates-general, till the ſaid elector were reſtored to the electorate of Bavaria, (excluſive of the Upper Palatinate) and placed in the rank and dignity of ninth elector. That the king of France would alſo propoſe, that the kingdom of Sardinia be given to that elector, for effacing, by the title of king, the diſgrace and mortification of being degraded from the rank of firſt elector: And that her majeſty judged, that this point might be granted; that ſo the poſſeſſion of Tournay may be ſecured to the ſtates, and a peace made, which will be ſure and laſting. That he was alſo to repreſent to their high mightineſſes, in her majeſty's name, that her majeſty was deſirous both to re-eſtabliſh and to maintain an intire union between her and that ſtate; and hoped and aſſuredly believed that their high mightineſſes were of the ſame ſentiments with her in this matter. That therefore, it was neceſſary, without any loſs of time, to remove all, that that ſtate might ſeem to have gained, either to the immediate prejudice, or to the future danger, of her majeſty's and her kingdoms intereſt. That he had brought with him a plan of a new treaty of ſucceſſion and barrier; and muſt inſiſt, that it might be ſigned before the concluſion of the peace. That, upon a diſcuſſion of the now-exiſting barrier-treaty, he would make it appear to the miniſters of this ſtate, that many things were therein inſerted, which in England were looked upon as diſadvantageous to her majeſty's ſubjects, and which certainly could not be reconciled either to the letter, or the deſign of the grand alliance; nor were conformable to any principles, upon which the preſent confederacy was made, and the war begun. That he would further ſhew, that the alterations and additions now propoſed, were only ſuch, as were neceſſary to rectify the miſtakes, and explain what was dubious, and to ſupply ſome omiſſions in that treaty, and to take away ſome obſtructions thence ariſing to the commerce of Great-Britain. That, the particular guaranty of the ſucceſſion and barrier being thus explained and rectified, it would not only be an additional ſecurity to both nations, and be cordially executed, whenever the occaſion ſhould happen, but would unite the two nations in ſtricter bonds of friendſhip and affection: Whereas, on the other hand, that ſtate could not but expect a ſlow execution of that treaty, which, by the Britiſh nation, had been declared diſhonourable and diſadvantageous to it. And, in ſhort, that to pretend to hold the ſaid nation under an engagement of ſuch a nature as this, could have no other effect, than to foment jealouſy, and miſunderſtanding, which, one time or other, might break out into an open rupture. That, among the terms of the new plan, the fourth article of the treaty of barrier imported, that her majeſty conſented to the ſtates putting garriſons, providing, changing, augmenting, or diminiſhing them, as they ſhould think fit, in the following places; namely, Furnes, Fort Knocque, Ypres, Menin, the town and caſtle of Tournay, Mons, Charleroy, the town and caſtle of Namur, the caſtle of Ghent, the forts Pearl, Philip, and Damme: That fort St. Dhona being joined to the fortifications of Sluys ſhall be yielded in propriety to the ſtates; and that the fort of Rodenhuyſen, on this ſide of Ghent, ſhall be razed. That in the ninth article it is ſtipulated, that all the revenues of the places to be yielded up by France, which did not belong to the crown of Spain, at the time of the death of king Charles II. ſhall be given to the ſtates, towards maintaining the barrier, except only ſo much as is neceſſary for the civil government of the ſaid towns, places, and caſtellanies; as alſo a million of guilders yearly out of the cleareſt revenues of the reſt of the Spaniſh Netherlands. That what related to Bon, Huy, and Liege, ſhould be ſettled with the miniſters of the emperor and the empire: But that her Majeſty's opinion was, that the firſt of thoſe places ſhould be garriſoned by the Imperialiſts, and the other two by the States. That, in the laſt place, notwithſtanding all the provocations, and all the delays on the part of that ſtate, the queen had hitherto kept the negotiation open: That her majeſty thought ſhe had retarded it long enough, and poſſibly too long in good policy. That therefore the offers, which her majeſty now made by him, were her ultimate reſolutions: And that this was the laſt time ſhe would addreſs herſelf to their high mightineſſes, in caſe they ſhould form new delays, and not anſwer her majeſty's good intentions for their own intereſts. That, in the mean while, her majeſty had judged herſelf obliged in conſideration of the great ſervices done by the duke of Savoy for the common cauſe, and of the danger, to which he was expoſed by his firm adherence thereunto, to take care, not only for his ſecurity, but likewiſe

this plan is contained in the concluſion of what the earl ſaid to the deputies of the ſtates and the penſionary, 'Preſſing for a ſpeedy reſolution, whether the ſtates were willing or not to ſign the peace jointly with her majeſty, immediately and without delay, for otherwiſe her majeſty would be obliged to ſign her peace, without waiting for them to come into it any longer than a fortnight or three weeks at fartheſt. That her majeſty, aſſuring herſelf that the ſtates would not delay to conclude the peace with her, would procure Tournay for them, which, with many other places, were not to be expected from France, if the queen ſhould ſign her peace ſeparately. That, as to the empire, there would be no alteration in what is contained in the queen's ſpeech relating thereto, nor in any thing with reſpect to the emperor, only that Sardinia ſhould be given to the elector of Bavaria, and that the duke of Savoy ſhould have Sicily. That her majeſty was very deſirous to have the concurrence of the ſtates in all that related to that duke, as well as to the elector of Bavaria, and to oblige the emperor to conſent to the neutrality of Italy, and to withdraw his troops from Catalonia. That ſhe further deſired, that the plenipotentiaries of the ſtates at Utrecht might be furniſhed with full powers to conclude forthwith the new treaty of barrier'. This new barrier-treaty, of which he delivered a copy to Regiſter Fagel, and by which the former was to be ſet aſide, was deſigned for drawing the ſtates in the more. By it the ſtates were to maintain the Succeſſion to the crown, when required by the queen, but not otherwiſe. This gave ſtill new occaſion for jealouſy. For, whereas, by the former treaty, they were ſtrictly bound to maintain the Succeſſion, ſo that they were obliged to oppoſe any attempts they ſaw made againſt it, they were by this treaty obliged to ſtay till they were ſent to: And, if our miniſters ſhould come to entertain ill deſigns that way, they would take care no notice ſhould be given to the ſtates.

The new plan being communicated to the ſtates of the reſpective provinces, the members of thoſe aſſemblies were variouſly affected. The ceſſion of Tournay, after the treaſurer and ſecretary in England had put France upon inſiſting to have it reſtored, was a great bait to the Dutch; and the threat, that they would loſe it, with ſeveral other places, if the queen ſigned her peace ſeparately, changed the minds of many of them, and inclined them to give a favourable ear to the lord Strafford's propoſals. That lord went incognito to Amſterdam, where he had ſeveral conferences with the leading magiſtrates. Amſterdam has always great influence on the ſtates of Holland, as the ſtates of Holland have on the ſtates-general, and the diſpoſition of that city is generally a rule for the cities and provinces in the affairs of war and peace. But the ſtates of Utrecht (where the biſhop of Briſtol was not idle in the abſence of lord Strafford) were the firſt that conſented to the new plan for the peace and the barrier; and nine days after the ſtates of Holland did the ſame; by which time the other provinces had tranſmitted their ſeveral opinions to the ſtates-general on that ſubject. All of them were unanimous in one point, to come into the queen's meaſures, but every province (except Utrecht) gave their conſent with ſome reſtrictions. Upon this the ſtates wrote a letter to the queen, ſignifying their reſolution to enter into her meaſures, and to conclude and ſign a peace jointly with her, as alſo to take with her new engagements on the Proteſtant Succeſſion and barrier-treaty. However they deſired her to interpoſe for reſtoring Straſburg to the empire, for adding Condé to their barrier, and for ſettling the commerce on the foot of the ancient tariff; as alſo for obtaining more reaſonable terms for the emperor: But things were to fixed between the courts of France and Great-Britain, that there was no room for interceſſion. The demand of Straſburg was rejected by the French with ſo poſitive an air, that the Britiſh court did not move it any more; nor did it appear that we obtained any one condition of the French, but what was offered in their own project.

In concluſion, the ſtates were forced to yield in every particular; and then our miniſters, to give ſome ſeeming content to the nation, and to bring the ſtates into ſome confidence with them, ordered the new barrier-treaty to be ſigned: And it was given out by their creatures, that the French were highly offended at their ſigning this; making it previous to a general peace, and a ſort of guaranty for it. Thus, after all the declamations that were made on the firſt barrier-treaty, the miniſters came into a new one, which, though not ſo ſecure as the former, yet was liable to all the objections, which were made againſt that [y].

likewiſe for his grandeur, by procuring for him Sicily, and the tracts of the country on this ſide the Alps; which were neceſſary to ſecure Exilles and Feneſtrelles, and to cover Piedmont. That his ſucceſſion, after that of king Philip, was acknowledged by the renunciation. That her majeſty deſired the concurrence of this ſtate in all that had been promiſed to his royal highneſs; and that her majeſty deſired likewiſe, that the ſtates ſhould join with her, to oblige the emperor to a neutrality for Italy, and to withdraw his troops from Catalonia: And that her majeſty was reſolved to make the neutrality a condition of tranſporting the ſaid troops, which her majeſty would do at her own expence; for, without that neutrality, the emperor might diſturb all Italy, and particularly the duke of Savoy, on account of his treaty in the year 1703; one of the Imperial miniſters having already threatened a miniſter of the duke of Savoy therewith, which would certainly engage the queen and the ſtates in the troubles and wars in Italy'. Then the earl of Strafford communicated to the deputies an anſwer, on the part of her majeſty, to the laſt memorial of the emperor's miniſter in England, by which her majeſty's ſentiments in this matter were confirmed. His lordſhip further repreſented, 'That her majeſty, being informed of the preſent diſorders in the Spaniſh Netherlands, had ſent over the earl of Orrery to the Hague, to redreſs them, to concert thereupon with the deputies of this ſtate, and to reſume the adminiſtration in common with their high mightineſſes' deputies, and to keep the ſame, till the emperor ſhould accept the Netherlands on the conditions, which the queen and their high mightineſſes ſhould agree upon': Adding, 'That the earl of Orrery had orders not to do any thing in this affair, but according as he ſhould find a diſpoſition in their high mightineſſes to act in concert with the queen'. Annals of queen Anne.

done, the war had been long ſince at an end, and they in poſſeſſion of that which was now impoſſible to obtain: But that they had let the whole burden of the war to fall upon her majeſty and the ſtates-general in Flanders; the getting whoſe money, by exorbitant bargains for their troops they ſeemed to have more at heart, than the providing their contingents for their own army. That, beſides their negligence and remiſſneſs in the proſecution of the war, the oppoſition they had made to her majeſty's meaſures for peace, had put it out of her power to ſerve them. That, when a ceſſation of arms was found neceſſary, they were told from her majeſty, that, if they would enter into it, the allies being united in their counſels, might have obtained from the enemy any thing they could reaſonably have inſiſted upon; but that they rejected that propoſal, and deſerted her majeſty, to follow prince Eugene's chimerical projects, which had already been, and might prove more fatal to the common cauſe, if they did not prevent another campaign by reaſonable propoſals of peace. That her majeſty's caſe was therefore very hard, that, while ſhe proſecuted the war with the utmoſt vigour, ſome of the allies acted with almoſt as much coldneſs and indifference, as if they had been in peace, or had no concern in the war; and, when ſhe found a peace neceſſary, they ſhould then only begin to think of war. And, after all, when by this unaccountable way of acting, they had brought themſelves into inextricable difficulties, they ſhould cry out, that they were deſerted, and endeavour to throw the odium and blame of it upon her. But that, nevertheleſs, ſhe would ſtill do for the four circles, as well as for the reſt of her allies, all that ſhe was obliged to by treaty, and whatever more they had, by their conduct, left in her power'. Both from this anſwer, and the late ſteps of the ſtates, it was generally believed, that the negotiations at Utrecht would ſpeedily be brought to a concluſion: But ſome unforeſeen difficulties, ſtarted by the court of France, made it neceſſary to renew the ceſſation of arms for four months longer; which was done by an agreement ſigned at London the 26th of November, and Verſailles the 14th of December, N. S.

[y] Thoſe readers, that deſire a larger account of what paſſed at Utrecht, may ſee it in the following particulars:

The plenipotentiaries of the four aſſociated circles of Germany laid, the ſame day, a propoſition before the Britiſh miniſters at Utrecht, wherein they repreſented, 'That they entered into the grand alliance, upon an invitation of king William, by a ſolemn treaty concluded at Nordlingen, and afterwards ratified by the preſent queen of Great-Britain. That the circles had, on their part, punctually performed all the conditions of that treaty, and had borne all the calamities of ſo bloody and ruinous a war at their own expence, without troubling her majeſty for one penny ſubſidy, with an entire confidence, that, as ſhe always declared her ſatisfaction with the firmneſs and conduct of the circles, her majeſty would not fail remembering the good ſervices they did the public; and that they ſhould reap the fruits of their labours, ſufferings, and expences: But that notwithſtanding her majeſty's gracious aſſurances, they heard with grief, that ſhe perſiſted in the opinion, that an univerſal peace might be made, without the circles enjoying the leaſt comfort or effect of their alliance; no amends, no barrier, no ſecurity; which would bring the utmoſt deſolation upon the circles, and leave a fatal remembrance to poſterity. Wherefore they made their addreſſes to the juſtice and goodneſs of her majeſty, to the wiſdom and equity of her miniſters, and to the generoſity and honour of the whole Engliſh nation, not to abandon ſo good and faithful allies, nor leave them in the miſerable condition, in which they had been plunged by former treaties'. To this repreſentation the Britiſh miniſters returned the following anſwer, 'That, if the aſſociated circles did not obtain all they deſired, and all her majeſty could wiſh them, the blame was by no means to be laid at her door: Firſt, becauſe, during the war, the empire had very much neglected the proſecution of it on that ſide; and the emperor and other princes and ſtates had been very deficient in furniſhing their reſpective quotas of troops, and other neceſſaries; which if they had

The marquiſs de Monteleone, appointed by king Philip to be one of his plenipotentiaries at Utrecht, being about this time come to London, and the queen returned from Windſor to St. James's, he had the next day a private audience, wherein he told her, 'That his maſter had ſent him to return her a thouſand thanks for the great pains ſhe had been pleaſed to take to procure peace to Europe. And that the whole Spaniſh nation in particular, owed their lives to her majeſty; for, had the war continued, there was not one true Spaniard, who would not have ſpent the laſt drop of his blood in his maſter's quarrel'. The queen thanked her brother, the king of Spain, for this compliment, and ſaid, 'She thought herſelf very happy in being able to contribute to the ſafety of ſo brave a nation, and ſo loyal a people'.

In the mean time, the queen being informed, that the electoral prince of Saxony was expected at Rome, in order to make there public profeſſion of the Popiſh religion, ſhe thought proper to renew her good offices with king Auguſtus, to perſuade him to recall his ſon out of Italy, and diſmiſs the Popiſh ſervants about him; and at the ſame time invited the king of Pruſſia, the elector of Hanover, and the ſtates-general, to join their efforts with her's to engage his Poliſh majeſty not to induce his ſon to change his religion. But all theſe endeavours were rendered fruitleſs by the powerful allurement offered by the Roman Catholics to engage the young prince, namely, the proſpect of a marriage between him and one of the archducheſſes, which would open him the way to the Imperial throne, in caſe the preſent emperor ſhould die without male iſſue.

The expreſs, ſent by count Zinzendorf to Vienna, with the queen's laſt plan of peace, being returned to Utrecht on the 3d of January, N. S. the em-

peror's

Soon after the ſigning of the barrier-treaty, the Pruſſian miniſters at Utrecht received advice, that their king, who for ſome time had been indiſpoſed, but afterwards was thought out of danger, had a relapſe, and his diſtemper increaſed to ſuch a degree, that on the 25th of February, about noon, he expired as he was ſpeaking to the prince his ſon, and ſome of his miniſters; having preſerved his ſenſes to the very laſt. He was in the fifty-ſixth year of his age, the twenty-fifth of his government, as elector of Brandenburgh, and the thirteenth of his reign as king of Pruſſia. Four days before his death he gave a ſignal inſtance of his compaſſion for the perſecuted Proteſtants of France, whom he recommended to the queen of Great-Britain's protection by a very moving and affectionate letter. He was a virtuous man, and full of zeal in the matters of religion. He raiſed above two hundred new churches in his dominions. He was weak and much in the power of his miniſters and flatterers; but was ſo apt to hearken to whiſpers, that he changed twice the whole ſet of his miniſtry. His aſſuming the title of a king, and his affecting an extraordinary magnificence in his court, brought a great charge on himſelf, and on all about him, which made him a ſevere maſter to himſelf, and ſet him on many pretenſions, chiefly thoſe relating to the prince of Friſeland, which were not thought well grounded. He was ſucceeded in his dignities by his only ſon, father of the late king of Pruſſia.

Though the treaty of peace was now almoſt concluded, yet the advantages, which Great-Britain was to expect from her endeavours to aſſiſt and ſupport the cauſe of France, were in a great meaſure unſettled and undetermined. France began to cavil, and, as lord Bolingbroke ſaid, go back from what the king had promiſed the queen; and his lordſhip could not be perſuaded, as he told Mr. Prior, 'That the French acted either fairly or wiſely. They preſs us, ſays he, to conclude, that they may have others at their mercy; and at the ſame time they chicane with us concerning the moſt eſſential article of all our treaty, and endeavour to elude an agreement made, repeated and confirmed'. The two great points of moment, in diſpute, were concerning the fiſhery at Newfound-

peror's intentions. The ratifications of a treaty for the ſuſpenſion of arms between France and Spain on the one ſide, and Portugal on the other, were now exchanged, having been delivered into the hands of the Britiſh plenipotentiaries, who long before this time had little elſe to do in the congreſs, than to act as mediators. In this capacity they had, on the 8th, a long conference with the plenipotentiaries of France, in which they delivered to them the draught of a project for bringing the empreſs home from Barcelona, and withdrawing the Imperial troops out of Catalonia. On the 15th count Zinzendorf had a long conference with the Portugueſe miniſters, about the terms of peace offered by France to that crown, which the emperor did not entirely approve. The marſhal de Bicherſtein arriving at Utrecht, the 16th, from the court of Berlin, had a long conference with the earl of Strafford, by particular orders from the king of Pruſſia his maſter. The ſame day the miniſters of France were in conference with thoſe of Great-Britain; and the next day monſieur Buys was alſo with the Britiſh miniſters, by whoſe interpoſition the difference between monſieur Meſnager and count Rechteren was brought into a fair way of being accommodated, in order to the reſuming of the general conferences. There was alſo that day a conſultation at the biſhop of Briſtol's houſe, between the Proteſtant miniſters, about the abolition of the clauſe relating to religion in the fourth article of the treaty of Ryſwick, and the meaſures to be taken, that the Proteſtants in Sileſia and Hungary might, for the future, enjoy entire liberty of conſcience. The miniſters of Great-Britain preſſed this affair more earneſtly than all the reſt, and exclaimed againſt the Imperial court for perſecuting the Proteſtants of the empire and Hungary. But they ſpoke in a leſs vehement ſtile of the perſecutions, which the Proteſtants had ſuffered in France. Soon after the Britiſh plenipotentiaries conferred with the Imperial miniſters, who ſeemed at laſt inclined to come into the queen's meaſures for procuring a general peace. To that end, count Zinzendorf drew up ſome propoſals for ſetting on foot a negotiation between the Imperial and French miniſters, which were delivered to the latter by the lord privy-ſeal, who the next day acquainted that count and baron Kirchner, how far they had proceeded in that affair. The plenipotentiaries of Pruſſia had alſo a long conference with the Britiſh miniſters, in which they expreſſed their maſter's inclination to conclude a peace, whenever the queen ſhould think fit. On the other hand, the miniſters of Savoy returned thanks to the Britiſh plenipotentiaries on the behalf of their maſter, for the great care that had been taken of his intereſts; and gave aſſurances, that they were ready to concur in whatever ſteps the queen of Great-Britain ſhould judge proper for the bringing the peace to a happy concluſion.

All this while the miniſters of the Proteſtant powers continued their private conſultations about the abolition of the clauſe relating to religion, in the fourth article of the treaty of Ryſwick; and were very preſſing with the Roman Catholic miniſters on that affair. But the Imperial and French plenipotentiaries (agreed, perhaps, in this point only) found means to draw it out into length, referring it from the one to the other. The former pretended, it was the French inſerted that clauſe into the treaty, and therefore ought to get it aboliſhed: To which the French anſwered, 'That, it being an affair, which concerned the empire, it was the buſineſs of the Imperialiſts to look after it'. The Roman Catholic miniſters of the empire having demanded, that the Proteſtants ſhould, by a deputation, communicate to them the reſolution they had taken about that affair, the counts Wertheren and Metternich were named to repreſent to them the juſtice of aboliſhing that clauſe, and put them in mind of the diſputes, jealouſies, and other ill conſequences, with which it had been attended to the empire. Count Zinzendorf ſignified, he was ready to return them an anſwer on the part of the emperor; and a meeting being held for that purpoſe, he aſſured them, 'That his maſter did not intend to oppoſe the abolition of the clauſe, but would acquieſce in the relief that ſhould be given to the Proteſtants in a general treaty of peace'.

The ſame day the queen of Great-Britain's anſwer to the letter of the ſtates-general arrived at the Hague, but, being directed to her plenipotentiaries at Utrecht, was not brought to the aſſembly of the ſtates till the next day, when it was read there, and alſo in the aſſembly of the ſtates of the province of Holland, wherein were the following paragraphs:

'By the real and ſolid proofs we have given of our friendſhip for your State; by the continual efforts we have made to defeat the intrigues of thoſe who, either through private paſſion or intereſt, have endeavoured to divide you from us; and laſtly, by the grief we have been afflicted with, when any attempt has been made to break the good intelligence, that was between us and your republic, it will be eaſy for you to judge of the ſatisfaction, which your letter of the 29th paſt has given us.

'Our conduct has ever run upon the conſtant principle of a ſincere deſire of preſerving the balance of Europe, and to procure not only the ſafety, but alſo the augmentation of your ſtate.

'Your reſolution to enter with us into new engagements about the ſucceſſion and barrier, to make a new treaty thereupon, and to conclude and ſign it before the peace, cannot but be attended with the beſt conſequences. And, when all occaſions of diſpute about the reciprocal intereſts of the two nations ſhall be removed, we ſhall then be in a condition to concert with you the providing for thoſe of our allies, and to treat more effectually with the Potentates againſt whom we have made war.

'The declaration you have lately made, that you are 'reſolved to join with us', to enter into the meaſures we have taken for a peace, and to conclude and ſign it jointly, and at the ſame time with us, will, in ſome meaſure, make amends for the misfortunes, that have been occaſioned by the diſunion of the allies, and prevent thoſe that were to be feared for the future.

'We ſhall take your intereſts to heart equally with our own; and we ſhall be ready to do all that lies in our power to advance them, being ſorry, that we are not in a condition to ſupport both yours, and thoſe of our common allies, as effectually as we could have done the laſt ſpring. Done at our court at St. James's, the 18th of January, 1712-13, [N. S.]

ANNE REGINA'.

This letter quickened the pace of the negotiation; but, previous to the general conferences, it was abſolutely neceſſary, that the differences which had ſo long obſtructed them, ſhould be adjuſted; which, by the mediation of the Britiſh miniſters, was at laſt brought to paſs on the 29th of January in this manner: Three of the plenipotentiaries of the States, viz. monſieur Vanderduſſen, the baron de Renſwoude, and count de Kniphuyſen, went to the marſhal d'Uxelles's houſe; where, in the preſence of the three plenipotentiaries of France, they were to declare, that the diſpute between monſieur Meſnager and count de Rechteren had happened without the knowledge or approbation of the ſtates-general. But monſieur Vanderduſſen, who was the ſpokeſman, had ſcarce with gravity pronounced theſe words, Our maſters, the ſtates-general, when the marſhal d'Uxelles interrupted him, and told him, 'Sir, the king, my maſter, is thoroughly perſuaded, that meſſieurs the ſtates-general had no knowledge of monſieur de Rechteren's behaviour; and that they have too much reſpect for his majeſty to approve it'. This difficulty being removed, the Dutch plenipotentiaries went to the lord biſhop of Briſtol's houſe, where they were in conference with him and the earl of Strafford from eleven at night till between four and five the next morning, when the new treaty of barrier and ſucceſſion was ſigned by the miniſters of Great-Britain, and thoſe of the ſtates-general; and, about an hour after, Mr. Harriſon was ſent over to England with it, for her majeſty's ratification, and approbation of ſome explanations, that were inſerted by the Dutch plenipotentiaries. The next day, January the 31ſt, the emperor's plenipotentiaries had for the firſt time a private conference with thoſe of France at the biſhop of Briſtol's houſe, where an agreement was propoſed concerning the tranſporting of the empreſs, the evacuation of Catalonia, and the amneſty for the Catalans: ſo that all things ſeemed now to tend to a general peace.

On the 4th of February, N. S. the plenipotentiaries of France and Pruſſia met, for the firſt time, at the lord privy-ſeal's houſe, and the following days the miniſters of the emperor and the queen of Great-Britain had ſeveral conferences together, in which count Zinzendorf communicated a ſecond plan, which was ſaid to come very near the contents of the queen's ſpeech from the throne. The 9th, the plenipotentiaries of France were in conference with thoſe of Portugal, and afterwards with the miniſters of Savoy, at the houſe of the lord privy-ſeal. But the negotiations were for ſome days put to a ſtand by the ſudden departure of the abbot de Polignac, who the night between the 10th and 11th of February ſet out for the court of France, on pretence of his being lately named cardinal by the pope, at the recommendation, as was ſaid, of the chevalier de St. George. Before his departure, he received from the Britiſh plenipotentiaries, a propoſal of the emperor and empire, importing, 'That Catalonia ſhould be evacuated, upon condition, that the inhabitants had a full pardon, and a confirmation of all their privileges. That the elector of Bavaria ſhould have the title of king, but not the iſland of Sardinia; and that his electorate (but not the Upper Palatinate) ſhould be yielded to his electoral highneſs's ſon; ſo that he himſelf ſhould not ſet foot in the empire. That the electorate of Bavaria ſhould be the laſt of the nine. That Landau ſhould remain to the empire: And, in the laſt place, that France ſhould demoliſh Saar Louis, and ſeveral other places': Which monſieur de Polignac promiſed to lay before the king his maſter.

The plenipotentiaries of France had almoſt from the beginning of the negotiations demanded paſſports of the Dutch for the admiſſion of the duke of Oſſuna, the marquis de Monteleone, and the count de Bergheyck, to the congreſs, as plenipotentiaries of Philip V. king of Spain; which the ſtates-general had ſtill declined to grant, for fear of diſobliging the emperor, with whom it was their intereſt to keep firmly united. But the imperial miniſters having by this time conſented, in their maſter's name, to the evacuation of Catalonia, and neutrality in Italy, which was a kind of tacit acknowledgment of king Philip's title to the crown of Spain, and the Weſt-Indies; the ſtates-general, by the mediation of the Britiſh miniſters, were at laſt prevailed with to grant the paſſports. The paſſports, which the French plenipotentiaries demanded alſo for the electors of Cologne and Bavaria, were granted with leſs difficulty, and delivered to them about the middle of March.

The courier, ſent to the French court, being come back to Utrecht, the negotiation for evacuating Catalonia, and for a ceſſation of arms in Italy, was on the 19th of February ſet again on foot. On the 27th the Imperial and French miniſters were together in conference, in the preſence of the Britiſh, by whoſe mediation, they at laſt agreed upon the ſubject of evacuating Catalonia, and a convention was ordered to be drawn up for that purpoſe. On the ſecond of March, the miniſters of France and Savoy conferred about a convention for the neutrality in Italy. See Annals of Queen Anne.

land, and in what manner the ceſſion of Cape-Breton was to be made. The other was about the treaty of commerce. As to the firſt, it is to be obſerved, that, in the queen's inſtructions to the duke of Shrewſbury, he is directed to propoſe, as the queen's laſt reſolution, that ſhe will conſent to give and yield up to his moſt Chriſtian majeſty the entire poſſeſſion and propriety of the iſland of Cape-Breton; but with this expreſs condition, that his majeſty ſhall, on his part, in conſideration of the ſame, relinquiſh all manner of right to fiſhing and drying fiſh on the coaſt of Newfoundland, or any part, reſerved to his ſubjects by the articles ſigned at London the 27th of September, and 8th of October, 1711.

Several repreſentations were ſent backward and forward, ſhewing the fatal conſequences of what was demanded by France: And though lord Bolingbroke, in his letter to Mr. Prior of the 19th of January, 1712-13, inſiſted, that the queen had never yielded what France pretended to, which then remained an unſurmountable difficulty; yet, in his letter to the duke of Shrewſbury of the ſame date, he tells him, 'if the French cloſe with the overture he then made them with regard to the diſputes concerning commerce, the queen is willing to accept the laſt expedient, propoſed by monſieur de Torcy for adjuſting our differences about North America, and to conſent, that the king, in the ceſſion of Newfoundland, do reſerve to his ſubjects a right of fiſhing and drying on the coaſt of Newfoundland from Port Riche, North about, to Cape Bonaviſta'. And here no direction is given concerning Cape-Breton, of which the French got the entire ceſſion and propriety, altho', in the duke of Shrewſbury's inſtructions, it is declared, 'That the queen looked upon Cape-Breton to belong to her; and reckoned that iſland a part of the antient territory of Nova-Scotia, which is by this treaty reſtored to her'. But, if the duke could not prevail upon them to agree with him in the article of commerce, he was to declare, that neither would the queen agree with them in their propoſition concerning Newfoundland'. As to commerce, the great diſpute about it is thus repreſented in the lord Bolingbroke's letter to the duke of Shrewſbury: In Torcy's anſwer to lord Bolingbroke's memorial of the 24th of May, 1712, it was, among other things agreed, that Britain and France ſhould grant to the ſubjects of each reciprocally the ſame privileges and advantages, which they ſhall either of them grant to the ſubjects of any other nation whatſoever. Upon this foundation was eſtabliſhed the principle of treating and being treated as 'Gens Amiciſſima;' and purſuant to this principle, the tariff of 1664, which was granted to Holland (except the four ſpecies of merchandize) was likewiſe to be granted to England; and by the eighth and tenth articles of the project of the treaty of commerce it was ſo ſettled. But France, pretending now, that this tariff would be too beneficial to the Engliſh, refuſed to grant it, till another tariff ſhould be made in Great-Britain, exactly conformable to that of 1664, whereby the Britiſh duties ſhould be reduced as low as theirs were in France by that tariff. 'This (lord Bolingbroke in his letter to the duke of Shrewſbury ſays) is an open violation of faith; and by this (adds he) they are removing a corner ſtone, which was laid early in the foundation of a building brought almoſt to perfection; the fall whereof muſt prove at laſt of as fatal conſequence to them as to us' He confeſſes, 'I was ſtrangely ſurprized when I ſaw the precedent of the Ryſwick treaty quoted, to perſuade us to refer our commerce, as the Dutch then did theirs, to commiſſioners, to be treated of after ſigning the peace. The behaviour of the French on that occaſion has given us warning; and it is from thence we have learned, that whatever is referred, is given up; and they muſt have a mean opinion of thoſe, whom they would perſuade to purſue the ſame method to get the tariff of 1664, by which the Dutch then loſt it'. But it is very remarkable, that his lordſhip on the 24th of May, had himſelf propoſed, 'That, ſeveral points relating to commerce, requiring a longer diſcuſſion than that criſis would admit, commiſſaries ſhould be appointed to ſettle and adjuſt the differences'. Indeed, in his letter to the duke of Shrewſbury, he offers an expedient, which was to ſolve all the difficulties; and tells his grace, 'I am commanded to acquaint you, that, having fully opened to the French miniſters her majeſty's ſenſe of the king's engagements to her upon this head, you are to propoſe to them, to ſtrike out of the project of the treaty of commerce the ninth and tenth articles, and, inſtead thereof, inſert one to the effect of that, which I have drawn, and which comes here incloſed'. And as the acceptance of this amendment was to put an end to all differences, and, at the ſame time, gave ſuch ample advantages to France, the French readily agreed to it; and inſerted this article verbatim, as it was ſent in the treaty of commerce, which makes the ninth article of the treaty, as it now ſtands, and is the ſame, which was afterwards rejected by the parliament. And this article, which has ſince been ſo univerſally condemned, appears to be the work of the Engliſh miniſtry, and the price, for which they ſold to France the fiſhery of Newfoundland.

This treatment of France could not but give the miniſtry the greateſt uneaſineſs, though their apprehenſions, leſt the circumſtances they were in ſhould be known, far exceeded their concern at the diſappointment, which Great-Britain was like to meet with. They had ſigned a ſeparate treaty with France, in September 1711, upon this ſingle principle, that the intereſts of Great-Britain were in the firſt place to be adjuſted; and, as long as they had this to ſay, they were unconcerned at all other events. They had gone on for fourteen months together, and acted in every thing as the inſtruments of France, and were at laſt in danger of being diſavowed by France in the moſt eſſential part of all their treaty. One of the chief inducements and principal conditions, upon which the fatal ceſſation of arms was granted, was, that no privileges or advantages relating to commerce with France ſhall be yielded to any foreign nation, which ſhall not at the ſame time, be granted to the ſubjects of her Britannic majeſty; but France had now reaped the full benefit of the ſuſpenſion, and were at liberty to diſpute the principle of Gens Amiciſſima.

In theſe circumſtances were the Engliſh miniſtry in January 1712-13; and, to extricate themſelves, they gave up all points in diſpute in North America, and the fiſhery of Newfoundland, upon the ſingle conſideration of the ninth article of the treaty of commerce, which (as will be ſeen) the parliament, with a juſt indignation, rejected. However, to bring France to a compliance, even upon theſe conditions, the duke of Shrewſbury, in the ſame letter, was inſtructed to prevail with France to come to this reſolution, without the loſs of one moment's time. The parliament was ſuddenly to meet; and it would be neceſſary for the queen to communicate to both houſes the preſent ſtate of the negotiation. The duke is then to repreſent to Torcy, 'How ſmoothly every thing would glide along, if the queen was able to ſpeak of her own intereſts as abſolutely determined with France; and, on the other hand, what travels we ſhall be expoſed to, and what confuſion may ariſe, if our negotiation appears to be ſtill open, and if the ſecret comes to be divulged, that France refuſes to make good in the treaty the full effect of former promiſes to the queen'. His lordſhip having finiſhed what he had to ſay concerning her majeſty's particular intereſts, he proceeds upon the general plan of peace, and inſtructs the duke what he was to inform the French miniſters would be the meaſure of her majeſty's conduct, and what they might expect from her. 'That as the French miniſters deſire, that the queen would precipitate the concluſion of her peace, and leave all the confederacy at their mercy; they muſt be told, that, when the mutual intereſts of France and England are ſettled, as they will be, if the propoſitions contained in the firſt part of this letter are accepted, the plenipotentiaries of Great-Britain ſhall publickly declare in the congreſs, that they are ready to ſign with thoſe of France, and ſhall call upon the allies to quicken the negotiations, and conclude without loſs of time. But, if they ſeek unneceſſary delays, or make unreaſonable demands, her majeſty, who had induced them to treat, will, by the ſame meaſures, engage them to conclude, or at leaſt ſhe will ſign without them. And, the queen having once declared her intereſts to be ſettled, and her treaty ready to be ſigned, the general peace becomes from that moment ſure, and the remainder of the negotiation eaſy. It is therefore wiſe for the French to comply with her majeſty'.

The great diſtraction the miniſtry was in, appears ſufficiently from this long letter of lord Bolingbroke's to the duke of Shrewſbury; but ſtill more, from two letters written by him about this time, and upon this ſubject, to Mr. Prior; one of January the 19th, the other of the 22d, O. S. The firſt was of the ſame date as his letter to the duke, wherein he ſays to Mr. Prior, 'I have exhauſted all my ſtock of arguments in the long letter, which, by the queen's order, I write to the duke of Shrewſbury. To you I can only add, we ſtand upon the brink of a precipice, but the French ſtand there too. Pray tell monſieur de Torcy, from me, that he may get Robin and Harry hanged; but affairs will ſoon run back into ſo much confuſion, that he will wiſh us alive again. To ſpeak ſeriouſly, unleſs the queen can talk of her intereſts as determined with France; and unleſs your court will keep our allies in the wrong, as they are ſufficiently at this time, I foreſee inextricable difficulties. My ſcheme is this: Let France ſatisfy the queen; and let the queen immediately de-

clare to her parliament, and in the congreſs, that ſhe is ready to ſign; and, at the ſame time, let the French plenipotentiaries ſhew a diſpoſition to conclude with all the allies'. And then he enumerates the ſeveral offers, which he would have France to make to the ſeveral allies; and, though theſe were very general and inſufficient, he ſays, if ſuch overtures as theſe (made to the allies) were not inſtantly accepted, our ſeparate peace would, the parliament ſitting, be addreſſed for, and approved; and the cauſe of France, for once, become popular in Britain. If they were accepted, let monſieur de Torcy ſit down, and conſider what a bargain would be made for France. Let him remember his journey to the Hague, and compare the plans of 1709 and 1712. Monſieur de Torcy has a confidence in you: Make uſe of it once for all upon this occaſion, and convince him thoroughly, that we muſt give a different turn to our parliament and our people, according to their reſolution at this criſis'. The next letter from lord Bolingbroke to Mr. Prior, was upon the ſame ſubject, and of the ſame ſtrain: 'We are now (ſays he) at the true criſis of our diſeaſe: We die at once, or recover at once. Let France depart from that ſhameful expedient by which they thought to bubble us out of the advantages, which they had ſolemnly yielded, and all is well; otherwiſe, by God, both they and we are undone. The queen can neither delay the meeting of the parliament longer than the 3d, nor ſpeak to the houſes till we hear from you. My compliments to monſieur de Torcy. Let him know, that, if they do not agree with the queen, I may, perhaps, be a refugee. If I am I promiſe beforehand to behave myſelf better in France, than the French refugees do here. Make the French aſhamed of their ſneaking chicane. By Heaven, they treat like pedlars, or, which is worſe, like attornies'.

As all theſe public tranſactions paſſed through the hands of lord Bolingbroke, who, although he was ſecretary of ſtate, acted extra-provincially in all his correſpondence with France; ſo it appears, at the ſame time that he was not the only perſon in the ſecret, but that a greater influence chiefly directed and governed all theſe councils; and the lord-treaſurer was in this tranſaction, as well as in the affair of Tournay, the chief conductor; as may very reaſonably be concluded from ſeveral letters, which Mr. Prior wrote about this time to his lordſhip, though that gentleman did not think fit to produce afterwards to the Committee of Secrecy, one letter from his lordſhip to him. It is obſerved, that theſe letters to the lord-treaſurer were chiefly wrote on the ſame days, that Mr. Prior ſent diſpatches to the ſecretaries of ſtate, giving an account of his proceedings, and deſiring the queen's directions upon them; but, it ſeems, he did not think that ſufficient, without knowing his lordſhip's particular pleaſure upon them. Mr. Prior's diſpatch to the ſecretary's office, **giving** a full account of the preſent ſtate of the treaty, together with ſeveral papers, memorials, and propoſitions relating to the points in diſpute, and concerning commerce and North-America, is dated December 28, 1712. The day after Mr. Prior wrote to the lord-treaſurer, and told him, 'I have written a book inſtead of a letter to my lord Bolingbroke, which I deſire your lordſhip would be pleaſed to run over, that, knowing what I have done, you may honour me with your commands as to what I am to do'. He hoped his propoſal about Newfoundland, which he ſends his lordſhip incloſed, was ſuch as may terminate that affair to our advantage; and, if his lordſhip was of the ſame opinion, he ſhould have entire ſatisfaction.

On the 8th of January, 1712-13, Mr. Prior, having ſent another full account in form to the ſecretary of ſtate, wrote the ſame day to the lord-treaſurer, that he had been in conference with the French miniſters, to adjuſt the points undecided between her majeſty and the king of France; that he had ſent lord Bolingbroke the reſult of thoſe conferences, as well what was agreed to by the French miniſters, as his own remarks upon each particular head, and ſays, 'I hope your lordſhip will find the whole adjuſted ſo far to your ſatisfaction, as that our plenipotentiaries may receive their final orders. I will not doubt but the whole affair of Newfoundland is adjuſted to your deſire. There were ſome points inſiſted upon by our plenipotentiaries, which the miniſters here thought very unreaſonable; and to ſay a truth to my lord-treaſurer plainly, which I a little mitigate to my lord Bolingbroke, I think not very reaſonable'. He then gives an account that Torcy was ſurprized that the Dutch had but in part complied with what the earl of Strafford declared to them to be her majeſty's reſolutions, to which he hopes the queen will ſend ſuch an anſwer, as may cut off all delays; and, upon this occaſion, Mr. Prior ſays to the lord-treaſurer, 'This I only write to your lordſhip, it being a thing, that ſhould not be called in council; and I have promiſed that the king ſhould have her majeſty's anſwer upon it, as he deſires'. January 19, 1712-13, N. S. Mr. Prior writes again to the lord-treaſurer, and acquaints him, 'That the duke of Shrewſbury now ſends to lord Bolingbroke the ſubſtance of their laſt conferences with monſieur de Torcy, upon the ſubject of Newfoundland; to which I take leave to add, that your friend Torcy is in the laſt concern to find the duke's inſtructions ſo ſtrict in a point, which cannot be given up by France, at a time, when we well hoped that difference was adjuſted. Pray, my lord, let us have your diſtinct and poſitive orders hereupon by the firſt. I ſend your lordſhip incloſed a copy of my letter to my lord Bolingbroke; and the duke of Shrewſbury deſires, that he may have your orders to finiſh. I believe Torcy writes himſelf to you'. On the 23d of the ſame month, N. S. Mr. Prior writes once more to the lord-treaſurer, and tells him, 'I have already wrote ſo amply to your lordſhip on the two great points of Newfoundland, and the tariff of 1664; and ſo expect daily your laſt orders upon theſe two points, that I will not trouble you at preſent further than to ſay, if theſe two are ſettled, the peace may be determined here to-morrow, and ſent the next day to Utrecht to be ſigned'. And, on the 2d of February, Mr. Prior writes to his lordſhip, 'If I deſire you to write to me, it is, becauſe I really think it for the queen's ſervice, that in this great poſt, where you have put me, I may be able to ſay, I have the immediate commands of my lord-treaſurer; and, in regard to that friendſhip, with which you have ſo publickly honoured me, and which, by the bye, does all the buſineſs here'. And, on February the 4th, 'I ſhall direct myſelf as you ſhall be pleaſed to inſtruct me privately'.

If the Committee of Secrecy had found among the papers delivered by Mr. Prior, the lord-treaſurer's anſwers to theſe letters, it is highly probable, that it would have appeared from them, how far the giving up the fiſhery of Newfoundland, and the accepting of the ninth article of the treaty of commerce, was owing to his immediate orders. It ſeems however to be a very extraordinary proceeding, that the queen's miniſters in France acting by her authority, and under her inſtructions, ſhould apply to the lord-treaſurer for his diſtinct and poſitive orders to releaſe them from the queen's poſitive inſtructions, becauſe they are thought by the French miniſters to be too ſtrict. And if it be a doubt by whoſe order or advice it was procured, ſo much is certain, that theſe applications had their deſired effect; and the Newfoundland fiſhery was given up; and the advantages, which Great-Britain was to receive from being treated upon the foot of 'Gens Amiciſſima', were all buried in the ninth article of the treaty of commerce.

The difficulties relating to North America and commerce being in this manner determined, France was wholly intent upon concluding and ſigning with Great-Britain, without taking in the reſt of the allies; and in this they had the good fortune to have the concurrence and aſſiſtance of the Britiſh miniſtry. By good management the diſpute raiſed at Utrecht had been ſo ordered that the miniſters of the allies could not obtain any conference with thoſe of France, till the points in difference were adjuſted between England and France; by which means it was February 1712-13, before the Dutch and French were ſuffered to meet. And, it being now the buſineſs of France to conclude with England ſeparately, the temper the French plenipotentiaries appeared in, made all buſineſs ſo impracticable, that the Britiſh plenipotentiaries were under a neceſſity of complaining of it to lord Bolingbroke, and to acquaint him, February 3, 1712-13: 'The French appear ſo very uncomplying in every point debated, and ſo very froward and poſitive in their refuſal of a great many things, which the Dutch took to be granted and ſettled, as well by her majeſty's ſpeech, as the declarations lately made by lord Strafford, that the diſappointment they met with, put them into the greateſt conſternation. Reaſon was alſo given us to participate in theſe diſcontents, and to regard ſeveral things, which appear contrary to what her majeſty has declared, as very unfair; Yet all that could be ſaid, prevailed not'. But it is not ſurprizing that the inſtances of the Britiſh plenipotentiaries had ſo little effect with the French, who then expected, that orders ſhould be ſent to the Britiſh miniſters immediately to ſign the peace, which, according to their expectation, were ſent February 20, 1712-13, by Mr. St. John, brother to the lord Bolingbroke, to conclude and ſign with France as ſoon as the duke of Shrewſbury ſhould ſend them advice, that the propoſitions he was to make at the French court were accepted; and, on the 28th, lord Bolingbroke with the utmoſt joy acquainted them, 'That he had received from the duke of Shrewſbury the expected returns,

and which he doubted not would have reached their lordſhips. He had therefore, without ſtaying to enter into any other detail, diſpatched a courier to them, to renew thoſe inſtructions, which he hoped were clearly enough ſignified in thoſe papers, which his brother carried. He acquaints them, that the duke of Shrewſbury had declared, that their lordſhips had orders, in caſe the French complied, as they now actually have done, to ſign her majeſty's peace with France without farther delay; and that his grace had alſo declared, that in this caſe her majeſty would open the parliament, by the telling them, ſhe had made a peace with France. Theſe two conſiderations, his lordſhip ſays, were perhaps the moſt prevalent inducements to the French court, to come roundly into her majeſty's propoſitions; and the queen thinks herſelf, for this reaſon, ſtill the more obliged punctually and religiouſly to fulfil theſe promiſes. The latter ſhe will herſelf perform on Tueſday; and the former, it is her poſitive command, that your lordſhips make good as faſt as the neceſſary forms of preparing and executing the inſtruments will allow. And his lordſhip looking upon it now, that the chief difficulties, relating to the treaty of peace, were removed; as likewiſe in the treaty of commerce, by the article drawn by himſelf, and propoſed by the duke of Shrewſbury, he gives them poſitive orders, without any delay, to execute the treaties of peace and commerce between Great-Britain and France'. On the 7th, and on the 20th of March, O. S. lord Bolingbroke repeats theſe poſitive orders, and inſiſts, that the peace ſhould be concluded with that precipitation, which her majeſty would have uſed.

The court of France, being acquainted with theſe good diſpoſitions of the Engliſh miniſtry, thought proper now to comply with the duke of Shrewſbury's demand, that the dukes of Berry and Orleans ſhould make a ſolemn renunciation to the crown of Spain in the parliament of Paris, in like manner as king Philip had renounced the crown of France in the cortez of Spain. This was ſolemnly done on the 15th of March; and, at the ſame time, were eraſed out of the regiſters of the parliament the letters patent, by which the rights of the king of Spain to the crown of France were preſerved, when he ſet out for Madrid. It will be neceſſary now to turn a little to the affairs of the North.

The favourable turn, which towards the end of the year 1712, attended the Swediſh affairs, both in the north of Germany and in Turky, as it preſaged new dangers to the empire, and made the ſtates and the emperor uneaſy, was, no doubt, a powerful motive to incline them to hearken to the inſtances of the Britiſh miniſters, to come into the queen's meaſures. The Muſcovites, Danes, and Saxons, who miſcarried in their deſign to reduce Pomerania in the year 1711, ſeemed confident to have taken ſuch meaſures in 1712, as to be able to drive the Swedes from their territories on this ſide the Baltic: But their not going into the field ſo ſoon as they intended, proved the cauſe of their diſappointment. The Muſcovites and Saxons had undertaken to conquer Pomerania; but through the miſunderſtanding of their generals (ſome being for the ſiege of Stralſund, others of Stetin, and others again for the attack of the iſle of Rugen) the whole campaign was ſpent in fruitleſs debates, and all that the Czar and king Auguſtus could do at laſt, was, to quarter their troops in Pomerania, as they had done the year before, in order to keep the Swedes in awe.

The king of Denmark made a better uſe of his time, he beſieged and took Staden, and reduced the duchy of Bremen. After which, upon ſlight pretenſions, he obliged the city of Hamburgh to pay him three hundred thouſand crowns, which proved a ſeaſonable ſupply to ſubſiſt his troops. The northern allies ſeeming contented with theſe ſucceſſes, had ſent their troops into quarters, when an unexpected motion of the Swedes obliged them once more to take the field. Count Steenbock, who ſome time before was arrived in the iſland of Rugen, being ſenſible of the impoſſibility of ſubſiſting his forces in the narrow compaſs of land he was poſſeſſed of, reſolved to look for quarters in the country of Mecklenburgh; and ſucceeded in his deſign without the loſs of a man. The northern confederates reſolved to draw their forces from their lines, in order to oblige the Swediſh general to return into Pomerania, where they knew he could not maintain his army. But when it was generally expected, that both armies were ready to engage, a ceſſation of arms, for fifteen days, was on a ſudden concluded between the Poliſh and Swediſh generals. This ſuſpenſion expiring, the troops were all again in motion. The king of Denmark, who appeared againſt the truce, marched five days before from Holſtein towards Mecklenburgh, in order to join his allies, and endeavour to fight the Swedes. But count Steenbock, with great foreſight, reſolved to prevent, and engage the Danes, before they were reinforced; which he did near Gadeſbuſh, where the Daniſh troops and ſome Saxon cavalry ſuffered almoſt a total defeat. The Swediſh general was not wanting to improve this ſucceſs; and entering Holſtein, not only raiſed great contributions, but, in a barbarous manner, and upon frivolous pretences, burnt the Daniſh open town of Altena near Hamburgh. At the ſame time the Swedes were animated by reports from Conſtantinople, of the war being like to break out again between the Turks and the Czar, on pretence, that the Czar had not performed one of the moſt eſſential articles of the late peace, namely, the withdrawing of his forces from the territories of Poland. This new rupture was attended with the diſgrace of the grand vizir, who was the third Turkiſh miniſter of that rank, who fell a ſacrifice to the intrigues of the king of Sweden, and of thoſe, who ſupported his intereſt at the Ottoman Porte. The king of Sweden had all the aſſiſtance the French could give him in ſoliciting this war, which gave the emperor great apprehenſions. He was afraid diſorders in Hungary might follow upon it, which would defeat the meaſures he had taken to ſettle matters in that kingdom, ſo that, being ſafe on that ſide, he might turn his whole force againſt France, and, by that means, encourage the States to continue the war. Thoſe in Holland, who preſſed the accepting the offers that France made them, repreſented that as a thing not poſſible to be ſupported: The promiſes of the emperor and the princes of the empire had ſo often failed them, that they ſaid, they could not be relied on: And the diſtractions in the north made them apprehend, that thoſe princes might be obliged to recall their troops, which were in the ſervice of the ſtates.

The ſudden and unexpected proſperity of the king of Sweden ſoon came to an end. Whilſt he was uſing all poſſible means to engage the Turk into a new war with the Czar, the party at the Porte, that oppoſed it, ſtudied to get rid of him and his importunities. By his intractable obſtinacy he threw himſelf into great dangers. Orders were ſent him to march back into his kingdom: and they undertook to procure him a ſafe paſſage to it; but he treated the perſon that was ſent with this meſſage, with great inſolence, and fortified himſelf, as well as he could, with the Swedes that were about him, and reſolved to defend himſelf. A force much ſuperior to his, was brought againſt him; but he maintained himſelf ſo reſolutely in his houſe, that ſome hundreds of thoſe who attacked him were killed: The Turks, upon that, ſet fire to the houſe, whereupon he was forced to ſurrender, and was put under a guard; and moſt of his Swedes were ſold for ſlaves: he was carried to a houſe near Adrianople, but not ſuffered to come to court; only the ſultan diſowned the violence uſed to his perſon. In the mean while, the Czar ſhipped an army from Peterſburgh, that landed in Finland: The Swedes were not able to ſtand before him; every place, as he advanced, ſubmitted to him; and he was now maſter of Abo, the capital of Finland, and of that whole province. Steenbock, with his army, maintained himſelf in Tonningen, as long as their proviſion laſted: But, all ſupplies, being carefully ſtopped, he was forced at laſt to deliver up himſelf, and his army priſoners of war; and theſe were the beſt troops the Swedes had, ſo that Sweden was ſtruck with a general conſternation.

Though the plenipotentiaries at Utrecht had received ſuch poſitive orders from lord Bolingbroke to ſign the peace, the behaviour of the French was ſo different from what had been promiſed, that they were mightily perplexed, and ſcrupled to ſign a ſeparate treaty. They wrote to the lord Bolingbroke, 'That they could ſay a great deal to juſtify their cautious proceedings with the French; and were ſatisfied he would be of the ſame opinion if he were to ſee their way of negotiating with all the allies; and how hard it was for the Britiſh miniſters to obtain, what to his lordſhip ſeemed impoſſible the French ſhould make any difficulty to grant'. What made them ſtill more averſe, was the great importunity, with which the French preſſed them to conclude with them alone, of which they apprehended the conſequences at home; and, to juſtify themſelves, they had acquainted the duke of Shrewſbury, in a letter of March 20, That, beſides other conſiderations, their chief objection was, that though they had orders to ſign a particular peace, yet their full powers under the great-ſeal, only authorized them to negotiate, agree, and conclude the conditions of a good and general peace, agreeable to the intereſts of all and each of the allies. The lord Bolingbroke in his letter of the 20th of March, O. S. pretended, that, 'he had not ſagacity enough to find the objections the plenipotentiaries had made to their firſt full powers',

However, for their ſatisfaction he ſent them a new commiſſion, and repeated to them poſitive orders to ſign and conclude with France. By this new commiſſion, he tells them they had a power, as before, to treat and conclude the conditions of a good and general peace, which, as his lordſhip explained, 'was no more than to offer, jointly with the miniſters of France, the plan of a general peace to the allies'. But the difficulties of the plenipotentiaries made the lord treaſurer, who never failed to exert himſelf, when it was abſolutely neceſſary, think it high time to interpoſe his authority; and accordingly, on the 31ſt of March, he wrote to the earl of Strafford in this manner: I muſt felicitate your excellency upon the ſucceſs of all your zeal, and the true love you have ſhewn to your queen, your country, and the repoſe of all Europe. The remaining danger is, leſt we ſhould ſuffer ſhipwreck in the ſight of port. The nation here are five hundred to one for peace. The warriors are driven from their out-works; the laſt retrenchment they have is delay; and I muſt ſay, this operates much here. The ferment begins to work; and it will be impoſſible to anſwer for the turn the houſe of commons will take, if theſe delays provoke them farther. They all feel how many hundred thouſand pounds this needleſs protraction coſts them. We now maintain forty-nine thouſand effective men by land, and thirty-thouſand, within a trifle, by ſea. In the mean time the merchants lie off, and will not come into port. The amuſement of ſtories invented by the faction, and the correſpondence and encouragement that party gives to their friends to hold out, and to wait for ſome unhappy accident, that may unravel all which is done: Add to this, the ill-humour which will grow in members by being kept ſo long in town idle; and, in one word, all, that has been unſettled for many days, is not worth one day's charge England is at extraordinarily by this delay. I find this ſeems to be the prevailing univerſal opinion here; and that France has acquitted herſelf. The only ſtop is now at Utrecht'. But this ſtop did not now remain long; and, as the treaſurer never yet appeared in vain, all further obſtructions at Utrecht were after this ſoon removed [z]. For on the 7th of April, N. S. the Britiſh miniſters declared to the Dutch and Imperial plenipotentiaries, that they were ready, as well as the plenipotentiaries of ſome other princes, to ſign their reſpective treaties on Tueſday the 11th of that month. The plenipotentiaries of the emperor immediately declared, that neither they, nor the miniſters of the empire, were ready to ſign the treaty; nor would they hearken to peace, without the reſtitution of Straſburgh; adding, that they were ordered to make ſuch a proteſtation againſt ſuch a treaty of peace. The miniſters of the ſtates deputed three members of their body, Randwyck, Vanderduſſen, and Renſwoude, to go to the Hague, to receive new inſtructions on this important affair. They arrived there Sunday morning, and, after having conferred with the penſionary, had a conference with the deputies of the ſtates. The penſionary communicated the ſame day to the ſtates of Holland and Weſt-Frieſeland what had been tranſacted at Utrecht; whereupon the ſtates declared for peace. The deputies of the ſtates had a ſecond conference with their plenipotentiaries, and the next morning their laſt orders were drawn up, and communicated to the ſtates of Holland, who having approved the ſame, the plenipotentiaries ſet out in the evening for Utrecht, with the character of ambaſſadors, accompanied by monſieur Van Spanbroeck, the new plenipotentiary of the province of Zealand, in the room of monſieur Moermont. Count Zinzendorf, who came the 10th in the morning from Utrecht to the Hague, had immediately a conference with the penſionary, in which he uſed all imaginable endeavours to have the ſigning of the peace put off, at leaſt till he had received new inſtructions from Vienna, and declared, that if the ſtates ſigned before his maſter, his Imperial majeſty would immediately withdraw his troops out of the Netherlands: But, finding his reaſons and repreſentations ineffectual, he proteſted againſt this peace, as he had done before at Utrecht, whither he returned that evening. The ſame day in the morning, upon the return of meſſieurs Randwyck, Vanderduſſen, and Renſwoude, the Dutch miniſters had a conference with the Britiſh plenipotentiaries; and then another with thoſe of France, at the lord Privy-Seal's houſe, from four in the afternoon till two in the night, wherein was ſettled whatever related to the treaty of peace and commerce with the ſtates-general. The 11th in the morning the miniſters of the Proteſtant allies had a conference together in the town-houſe, to which the marquis de Miremont, appointed by the queen of Great-Britain, to take care of the intereſts of the Proteſtants of France, was, for form ſake, invited; but the reſult of this conſultation was only, that a repreſentation ſhould be made in favour of thoſe ſufferers to the miniſters of France, which was immediately laid before them by the Britiſh plenipotentiaries. This done, they went to count Zinzendorf's, and communicated to him the plan, which they had agreed on with the miniſters of France, for the emperor and empire; having ſtipulated, that his Imperial majeſty ſhould have time to conſider, whether he would accept of it, or no, till the firſt of June, N. S. during which interval, however, France would not grant a ceſſation of arms; and withal declared to him, that they were going to ſign the queen's peace. After this, the Britiſh plenipotentiaries went to the other miniſters of the allies, to whom they made the ſame declaration; and, being returned to the lord privy-ſeal's houſe, the French ambaſſadors repaired thither, and about two in the afternoon ſigned, with thoſe of Great-Britain, the treaties of peace and commerce. One inſtrument of the treaty was drawn up in Latin by the Britiſh miniſters; and another, on the part of the French, in their own language; each party ſigning firſt, in their reſpective inſtruments: And it was agreed, that the ratifications ſhould be exchanged at Utrecht within four weeks. The miniſters of Savoy, who ſoon after came to the lord privy-ſeal's houſe, ſigned alſo with thoſe of France their maſter's treaty, which was drawn up in French, and by which it was particularly ſtipulated, 'That his royal highneſs ſhould not take upon him the title of king of Sicily, till after the peace was concluded and ſigned with Spain'. This done, all the ambaſſadors, who had ſigned the peace, as well as thoſe, who intended to ſign it, namely, thoſe of Portugal, Pruſſia, and the States-general, went and dined at the earl of Strafford's. As ſoon as dinner was over, moſt of thoſe miniſters retired to their houſes, to collate their reſpective treaties; and, afterwards returning to the earl of Strafford's, the Portugueſe ambaſſadors ſigned their treaty, drawn up in their own tongue, about eight o'clock in the evening, as the Pruſſians did theirs in French about eleven; the French having inſiſted, that they ſhould ſign before thoſe of the States, becauſe, in the treaty, their maſter was ſtiled king, and acknowledged as ſuch by France. The ambaſſadors of the States did not ſign till near three hours after, having not only been taken up longer than the reſt in collating their treaties of peace and commerce, but endeavoured to have ſome expreſſions altered, particularly as to the title of the emperor, who, in the inſtruments drawn up in French, was not ſtiled otherwiſe than head of the houſe of Auſtria; but they were obliged to recede from all their pretenſions. This important negotiation being thus brought to a concluſion, the Britiſh miniſters immediately diſpatched an expreſs to Mr. St. John, ſecretary to the Britiſh ambaſſy, who, the day before, ſet out for the Brill, in order to carry over to Great-Britain the treaties of peace and commerce, for the queen's ratification. At the ſame time, the French miniſters diſpatched a courier to monſieur de Beringhen, who ſet out the 10th for Malines, in order to wait there the news of the ſigning of the peace. The other miniſters diſpatched alſo expreſſes to their reſpective courts. The States-general ſent copies of the treaties to the reſpective provinces, as they did likewiſe to the towns of the province of Holland in particular. But when the terms of peace were divulged, the body of the people was highly diſſatisfied to find, that woollen manufactures, ſugars, and ſome other merchandizes were excepted from the tariff of 1664, and continued charged with high duties; being apprehenſive, that by theſe exceptions, their trade with Spain, which ſets all the other branches of their commerce in motion, would in a manner be ruined.

On the 13th of April, count Zinzendorf having declared to the miniſters of Great-Britain, and of the ſtates-general, that he was to ſet out two days after for Germany, the Britiſh plenipotentiaries, on the 14th, delivered to him a writing intitled, 'Offers and demands of the French king, for making peace with the houſe of Auſtria and the empire'. The Imperial and other German miniſters expreſſed the higheſt indignation at their being ſo meanly treated, as to have terms impoſed upon them by France, in relation to the electors of Cologne and Bavaria. They alſo reſented the ſlight put upon the emperor by the French and Spaniards refuſing to

[z] It is obſervable, that among all the demands that were made, upon account of any prince or ſtate in the grand alliance, none, at this time, met with the leaſt regard from the Britiſh court; when, at the ſame time, the intereſt of the princeſs Urſini, who, at this juncture, had a prevailing influence at the court of Madrid, was eſpouſed in the ſtrongeſt terms. For, in the ſame letter, where the lord Bolingbroke ſays, 'That her majeſty did not much enter into the notion of the degradation of Hanover, as a matter of any importance'; his lordſhip declares, 'That the principality, in ſome part of the Spaniſh Netherlands, with a revenue of thirty thouſand crowns, demanded for the princeſs Urſini, muſt be made to the emperor, and all parties concerned, a condition, ſine qua non, of the general peace'. Rep. of the Com. of Secr.

give him that title; and they were particularly diſſatisfied with the Dutch for ſigning, before the return of the expreſs ſent laſt to Vienna. But the Dutch excuſed themſelves, alledging the common plea of the neceſſity of affairs. It was now given out, that the emperor and the empire would carry on the war, and hazard their all, rather than ſubmit to theſe conditions. And, as France might turn all her force againſt Germany, count Zinzendorf intimated to the miniſters of the empire, that it would be neceſſary to cauſe, not only the Imperial troops to march from Flanders to the Rhine, but alſo thoſe formerly in the pay of Great-Britain. To this purpoſe it may be obſerved, that the king of Pruſſia ſigned the peace only in that quality, and not as an elector of the empire, though it was ſaid, he made a private agreement with France, to furniſh no more troops than his quota, in caſe the emperor and empire ſhould continue the war.

On the 3d of April, being Good-Friday, Mr. St. John arrived at Whitehall with the treaties of peace and commerce, ſigned the Tueſday before between the Britiſh and French plenipotentiaries, and the news, that the miniſters of Portugal, Savoy, Pruſſia, and the States-general, had likewiſe ſigned their reſpective treaties; which was immediately notified in the evening by popular rejoicings. Four days after, the queen held a council at St. James's, in which the lord keeper Harcourt was declared lord-high chancellor of Great-Britain; and at the ſame time the duke of Athol was ſworn of the privy-council. This done, the queen propoſed to the board the ratifying the treaties of peace and commerce: To which the earl of Cholmondeley objected, ſaying, 'This matter being of the higheſt importance for her majeſty and her kingdoms, as well as all Europe, it required the matureſt conſideration; and theſe treaties containing ſeveral terms of the civil law, in which the leaſt equivocation might be of great conſequence, and being, beſides, couched in Latin and French, it ſeemed very neceſſary to have them tranſlated into the vulgar tongue'. He was ſupported by another member, but, the time agreed on for the exchanging of the ratifications not admitting of delays, their opinion was over-ruled, and ſo the queen ratified the treaties. The next day the white-ſtaff, as treaſurer of the houſehold, was taken from the earl of Cholmondeley, and Sir Richard Temple was removed from his command of the regiment of dragoons, formerly commanded by the earl of Eſſex. The peace being thus ſigned and ratified, the queen reſolved not to defer any longer the meeting of the parliament. Accordingly on the 9th of April, to which day it was laſt prorogued, ſhe went to the houſe of peers and made the following ſpeech to both houſes:

My lords and gentlemen,

"I Ended the laſt ſeſſion with my hearty thanks for the ſolemn aſſurances you had given me, by which I have been enabled to overcome the difficulties contrived to obſtruct the general peace.

"I have deferred opening the ſeſſion until now, being very deſirous to communicate to you, at your firſt meeting, the ſucceſs of this important affair. It is therefore, with great pleaſure, I tell you, the treaty is ſigned, and in a few days the ratifications will be exchanged.

"The negotiation has been drawn into ſo great a length, that all our allies have had ſufficient opportunity to adjuſt their ſeveral intereſts. Though the public charge has been thereby much increaſed, yet I hope my people will be eaſy under it, ſince we have happily obtained the end we propoſed.

"What I have done for ſecuring the Proteſtant Succeſſion, and the perfect friendſhip there is between Me and the houſe of Hanover, may convince ſuch, who wiſh well to both, and deſire the quiet and ſafety of their country, how vain all attempts are to divide us; and thoſe, who would make a merit by ſeparating our intereſts, will never attain their ill ends.

Gentlemen of the Houſe of Commons,

"As great a progreſs has been made in reducing the public expence, as the circumſtances of affairs would admit.

"What force may be neceſſary for ſecuring our commerce by ſea, and for guards and garriſons, I leave entirely to my parliament.

"Make yourſelves ſafe, and I ſhall be ſatisfied.

"Next to the protection of the Divine Providence, I depend upon the loyalty and affection of my people.

"I want no other guaranty.

"I recommend to your care thoſe brave men, who have ſerved well, by ſea or land, this war, and cannot be employed in time of peace.

"I deſire you to provide the ſupplies you ſhall judge requiſite; and to give ſuch diſpatch, as may be neceſſary for your own eaſe and the public ſervice.

My lords and gentlemen,

The many advantages, I have obtained for my own ſubjects, have occaſioned much oppoſition and long delay to this peace.

"It affords me great ſatisfaction, that my people will have it in their power, by degrees, to repair what they have ſuffered during ſo long and burdenſome a war.

"The eaſing of our foreign trade, as far as is conſiſtent with national credit, will deſerve your care.

"And to think of proper methods for improving and encouraging our home trade and manufactures, particularly the fiſhery, which may be carried on, to employ all our ſpare hands, and be a mighty benefit, even to the remoteſt parts of this kingdom.

"Several matters were laid before you laſt ſeſſion, which the weight and multiplicity of other buſineſs would not permit you to perefct. I hope you will take a proper opportunity to give them a due conſideration.

"I cannot, however, but expreſsly mention my diſpleaſure at the unparalleled licentiouſneſs in publiſhing ſeditious and ſcandalous libels.

"The impunity, ſuch practices have met with, encourages the blaſpheming every thing ſacred, and the propagating opinions tending to the overthrow of all religion and government.

"Proſecutions have been ordered, but it will require ſome new law to put a ſtop to this growing evil, and your beſt endeavours in your reſpective ſtations, to diſcourage it.

"The impious practice of dueling requires ſome ſpeedy and effectual remedy.

"Now we are entering upon peace abroad, let me conjure you all, to uſe your utmoſt endeavours for calming men's minds at home, that the arts of peace may be cultivated.

"Let not groundleſs jealouſies, contrived by a faction, and fomented by a party-rage, effect that, which our foreign enemies could not.

"I pray God to direct all your conſultations for his glory and the welfare of my people."

The queen being retired, and the commons gone back to their houſe, the duke of Beaufort made a motion for an addreſs of thanks, which occaſioned a debate, chiefly about the expreſſion of a 'general peace'. Some peers urged, that it could not be ſaid to be general, ſince the emperor, the elector of Hanover, and other princes and ſtates of the empire were not yet come into it. But they were anſwered, that it might juſtly be called 'general', ſince the major part of the allies had ſigned it. After this another motion was made, that, in the addreſs of thanks, a clauſe might be inſerted, 'That her majeſty would be pleaſed to lay before the houſe the treaties of peace and commerce': But the queſtion being put, it was carried in the negative by a majority of ſeventy-four againſt forty-three. The addreſs of congratulation being agreed to, though, without any approbation of the peace, it was preſented to the queen [a]. The commons obſerved the ſame caution in their addreſs, and waved the motion for having the treaties laid before them [b].

Moſt of the corporations and other bodies of men ſoon followed the example of both houſes of parliament, in returning the queen thanks for the peace, before they knew what that peace was. However, general Stanhope having renewed the

[a] In their addreſs, 'They returned thanks for communicating to them, that a peace was concluded; by which they hoped, with the bleſſing of God, that the people would, in a few years, recover themſelves after ſo long and expenſive a war; and they congratulated her majeſty upon the ſucceſs of her endeavours for a general peace. They declared, that they never had the leaſt doubt, but that her majeſty, who was the great ſupport and ornament of the Proteſtant Religion, would continue to take, as ſhe had always done, the wiſeſt meaſures for ſecuring the Proteſtant Succeſſion, towards which nothing could be more neceſſary than the perfect friendſhip there was between her majeſty and the houſe of Hanover. And they aſſured her majeſty, that as ſhe expreſſed her dependance, next under God, upon the duty and affection of her people, they thought themſelves bound, by the ſtricteſt ties of religion, loyalty, and gratitude, to make all the dutiful returns, that could be paid by the moſt obedient ſubjects to the moſt indulgent ſovereign.

[b] There was a ſmall debate about the words, 'to ſee accompliſhed', which, by a great majority, were voted to ſtand. The addreſs was as follows:

'We your majeſty's moſt dutiful and loyal ſubjects, the commons of Great-Britain in parliament aſſembled, beg leave, with all humility, to approach your royal perſon with our unanimous acknowledgments for all the benefits we enjoy under your majeſty's moſt auſpicious reign.

The many and great ſucceſſes, which have attended your majeſty's arms, had left nothing to be wiſhed, but ſuch a peace, as might be conducted by your councils, which now we have the happineſs to ſee accompliſhed. And

motion for addreſſing the queen, to communicate to the houſe the treaties of Peace and Commerce, it was carried in the affirmative, with the addition of the words, ‘ in due time’, inſiſted on by the court-party; and ſo the addreſs met with a gracious reception, and the queen was pleaſed to anſwer, that ſhe intended to communicate to her parliament the treaties this houſe deſired, as ſoon as it was practicable’.

After the addreſſes of thanks for the peace, and a vote for a ſupply, the commons, in complaiſance to the court, proceeded to the ſtigmatizing of thoſe that ‘ delighted in war’. To this end Mr. Shippen made a report of miſmanagements from the committee, to examine the debts due to the army. They paſſed a ſlight cenſure on William Churchill, a member of their houſe, for being, when a commiſſioner for ſick and wounded, a partner in contracts relating to that office. They alſo made an attempt to faſten a miſdemeanor on the earl of Wharton, for taking 1000l. of one Hutchinſon for procuring him the office of regiſter of ſeizures in the cuſtoms, but it was dropped, becauſe it was done before the laſt act of indemnity.

On the 28th of April the ratifications of the treaties of peace and commerce were exchanged at Utrecht between the miniſters of Great-Britain and France; and, being brought to London, by Mr. Ayerſt, chaplain and ſecretary to the earl of Strafford, the queen on the 4th of May, the ſame day of the month on which the war had been proclaimed eleven years before, ſigned a proclamation for publiſhing the peace; which was performed the next day with the uſual ceremonies. The ratifications of the treaties between France and the States-general were alſo to have been exchanged on the 29th of April; but upon an unexpected difficulty about the elector of Bavaria's renunciation of the Spaniſh Netherlands (yielded to him by king Philip) which the Dutch miniſters alledged not to be in due form, that exchange was deferred till the 12th of May, N. S. About this time moſt of the miniſters at Utrecht received by the poſt under a cover, a printed Proteſtation of the Pretender to the crown of Great-Britain, who ſtiled himſelf James the Third, and addreſſed himſelf to all kings, princes, republics, &c. By the date April 12, 1712, it appeared to have been drawn up a year before, and imported, ‘ That, ſince after a war ſo long and ſo pernicious to all Chriſtendom, all parties ſeemed ready to come to a peace, and were ſpeedily about to ſign it, he thought it fit and neceſſary by this ſolemn proteſtation, to aſſert his undoubted right againſt any thing, that might be done towards the diminution of it. That he would not enlarge upon what had been unjuſtly done againſt him, ſince nobody could doubt of the juſtice of his cauſe. Nor was he indeed only moved with the condition of his own affairs, but, being incapable to change his affection towards his ſubjects, he could not, without the moſt ſenſible grief, behold, that neither their blood, nor their wealth, had hitherto been ſpared, to ſupport the great injuſtice, that had been done him; and that they were at laſt reduced ſo far, that if a peace were made excluſive of him, they muſt neceſſarily become a prey to foreigners. That, ſince he underſtood, that the confederate powers had no regard to his right, he thought himſelf moſt indiſpenſably obliged to himſelf, to poſterity, and to his ſubjects, not to ſeem, by his ſilence, to conſent to what was tranſacting to the prejudice of him, and the lawful heirs of his kingdoms. And therefore he ſolemnly proteſted againſt all that might be agreed or ſtipulated to his prejudice, as being void by all the laws in the world’. No manner of public notice was taken of this proteſtation.

Baron de Kirchner, the only Imperial miniſter now at Utrecht, having received repeated orders to leave that place, the Britiſh plenipotentiaries made their laſt effort to remove the difficulties that ſtill obſtructed the concluſion of a general peace. At their requeſt, the Imperial miniſter met thoſe of France, at the lord privy ſeal's houſe, where the French made ſome new overtures relating to the emperor and empire: But, this conference having proved ineffectual, and Kirchner's orders for leaving the place of congreſs being poſitive, he ſet out from Utrecht, on the 17th of May, N. S.

The parliament had now ſate a month, when Mr. Benſon, chancellor of the Exchequer, delivered to the houſe of commons a meſſage from the queen, importing, ‘ That as it is the undoubted prerogative of the crown to make peace and war, ſhe had ratified the treaties of peace and commerce with France, which had been ſigned by her order, and had concluded a treaty with Spain, which would be ſigned, as ſoon as the Spaniſh miniſters were arrived there. That ſhe determined from the firſt, on this extraordinary occaſion, to communicate theſe treaties to her parliament, and had therefore, now ordered them to be laid before the houſe’. After this meſſage he preſented to the houſe the copies of the treaties of peace and commerce made at Utrecht, with tranſlations of them.

By the treaty of peace, the French king was bound to give neither harbour nor aſſiſtance to the Pretender, but acknowledged the queen's title and the Proteſtant Succeſſion, as it was ſettled by ſeveral acts of parliament: Dunkirk was to be razed, in a time limited, within five months, after the ratifications; but that was not to be begun, till an equivalent for it was put into the hands of France. Newfoundland, Hudſon's-Bay, and St. Chriſtopher's were to be given to England; but Cape Breton was to be left to the French, with a liberty to dry their fiſh on Newfoundland: This was the main ſubſtances of the article of peace[c]. The treaty of commerce ſettled a free trade, according to the tariff in the year 1664, excepting ſome commodities, that were ſubjected to a new tariff in the year 1699, which was ſo high, that it amounted to a prohibition: All the productions of France were to come into England under no other duties, but thoſe that were laid on the ſame productions from other countries; and, when this was ſettled, then commiſſaries were to be ſent to London, to agree and adjuſt all matters relating to trade: The treaty of commerce with Spain was not yet finiſhed. As for the allies, Portugal and Savoy were ſatisfied; the emperor was to have the duchy of Milan, the kingdom of Naples, and the Spaniſh Netherlands: Sicily was to be given to the duke of Savoy, with the title of king: And Sardinia, with the ſame title, was to be given to the elector of Bavaria, in lieu of his loſſes: The ſtates were to deliver up Liſle, and the little places about it: And, beſides the places of which they were already poſſeſſed, they were to have Namur, Charleroy, Luxemburg, Ypres, and Newport: The king of Pruſſia was to have the Upper Guelder, in lieu of Orange, and the other eſtates, which the family had in Franche Comté. The emperor was to have time to the firſt of June, to declare his accepting it.

The treaties being read, a day was appointed to conſider of the treaty of commerce, particularly the eighth and ninth articles; by the eighth all the ſubjects of Great-Britain and France were to enjoy, as to all duties and impoſitions whatever, the ſame privileges, which any other nation, the moſt favoured, did then, or ſhall hereafter enjoy. By the other article, a law was to be made within two months in Great-

as we are truly ſenſible of your majeſty's gracious and generous intentions, in undertaking that great work; ſo we have all poſſible reaſon to admire your ſteadineſs in carrying it on, and overcoming the many difficulties contrived to obſtruct it: And it is with the higheſt ſatisfaction we congratulate your majeſty upon the happy concluſion of this treaty; for we are ſo much convinced of your majeſty's tender regard to the public welfare, and the many inſtances of your wiſdom have taught us to have ſo perfect a reliance upon it, that we cannot doubt but your majeſty hath procured all reaſonable ſatisfaction for your allies, and eſtabliſhed the intereſt of your own kingdoms in ſuch a manner as to make us not only ſecure for the future, but a flouriſhing and a happy people.

Your majeſty can give no higher proof of the care you take of poſterity, than by the concern you are pleaſed to expreſs for the Proteſtant Succeſſion in the houſe of Hanover, upon which the future happineſs of this kingdom ſo much depends. We hope, and truſt, that nothing will ever be able to interrupt the friendſhip between your majeſty and that illuſtrious family, ſince the wicked deſigns of thoſe, who would endeavour to ſeparate your intereſts, muſt be too plain ever to ſucceed.

Your faithful commons can never enough expreſs the grateful ſenſe they have of the many gracious aſſurances contained in your majeſty's ſpeech; and after what your majeſty hath done to eaſe your ſubjects of the heavy burthen which before lay upon them, and after your unparalleled goodneſs in demanding nothing from them for the time to come, but what they themſelves ſhall judge requiſite for their own ſafety; the beſt return they can make, will be a ready and dutiful compliance with every thing you have been pleaſed to recommend; and they cannot fail moſt chearfully to ſet about providing the ſupplies neceſſary for this year's ſervice. Your majeſty's repeated condeſcenſions muſt in the ſtrongeſt manner engage the hearts and affections of all your ſubjects to your majeſty; and we are ſatisfied we cannot more truly repreſent them, than by contributing our utmoſt endeavours to make your reign as proſperous, glorious, and eaſy to yourſelf, as it is beneficial and happy to your people’.

To which addreſs the queen returned this anſwer:

‘ That this addreſs could not but be very agreeable to her, as it came from her loyal commons, and as it was a continuation of thoſe expreſſions of duty and affection, which they had ſhewn through this whole parliament’.

[c] It was obſerved on theſe articles: As to Newfoundland, it was thought the French ſettling at Cape Breton, inſtead of Placentia, would be of great advantage to them with relation to the fiſhery, which is the only thing that makes ſettlements in thoſe parts of any value. The Engliſh have always pretended, that, the firſt diſcovery of Newfoundland being made in Henry the ſeventh's time, the right to it was in the crown of England. The French had leave given them, in king Charles the firſt's time, to fiſh there, paying tribute, as an acknowledgment of that licence: It is true, they carried this much further, during the civil wars; and this grew to a much greater height in the reign of Charles the ſecond: But, in king William's time, an act of parliament paſſed, aſſerting the right of the crown to Newfoundland, laying open the trade thither to all the ſubjects of Great-Britain, with a poſitive and conſtant excluſion of all aliens and foreigners. Burnet, II. 619.

Britain, that no more cuſtoms be paid for goods brought from France than what are payable for the like goods imported from any other country in Europe. Theſe were articles very diſadvantageous to England. During king Charles the ſecond's reign, our trade with France was often and loudly complained of, as very prejudicial to the nation; there was a commiſſion appointed in the year 1674, to adjuſt the conditions of our commerce with that nation; and then it appeared, in a ſcheme that was prepared by very able merchants, that we loſt every year a million of money by our trade thither. This was then ſo well received, that the ſcheme was entered into the journals of both houſes of parliament, and into the books of the cuſtom-houſe: But the court at that time favoured the intereſts of France ſo much, preferably to their own, that the trade went ſtill on till the year 1678, when the parliament laid, upon all French commodities, ſuch a duty, as amounted to a prohibition, and was to laſt for three years, and to the end of the next ſeſſion of parliament: At the end of the three years, king Charles called no more parliaments; and that act was repealed in king James's parliament: But, during the whole laſt war, high duties were laid on all the productions and manufactures of France; which by this treaty were to be no higher charged, than the ſame productions from other countries. It was ſaid that, if we had been as often beat by the French, as they had been by us, this would have been thought a very hard treaty; and, if the articles of our commerce had been ſettled, before the duke of Ormond was ordered to ſeparate his troops from the confederates, the French could not have pretended to draw us into ſuch terms, as they had inſiſted on ſince that time, becauſe we put ourſelves into their power. We were engaged by our treaty with Portugal, that their wines ſhould be charged a third part lower than the French wines; but, if the duties were, according to this treaty of commerce, to be made equal, then, conſidering the difference of freight, which is more than double from Portugal, the French wines would be much cheaper; and, the nation generally liking them better, by this means we ſhould not only break our treaties with Portugal, but if we did not take off their wines, we muſt loſe their trade, which was at preſent the moſt advantageous that we drove any where: For beſides a great vent of our manufactures, we brought over yearly great returns of gold from thence; four, five and ſix hundred thouſand pounds a year. We had brought the ſilk manufactures here to ſo great perfection, that about 300,000 people were maintained by it. For carrying this on, we brought great quantities of ſilk from Italy and Turky, by which people in thoſe countries came to take off as great quantities of our manufactures: So that our demand for ſilk had opened good markets for our woollen goods abroad, which muſt fail, if our manufacture of ſilk at home ſhould be loſt: which, if once we gave a free vent for ſilk ſtuffs from France among us, muſt ſoon be the caſe; ſince the cheapneſs of proviſions and of labour in France, would enable the French to underſell us, even at our own markets. Our linen and paper manufactures would likewiſe be ruined by a free importation of the ſame goods from France.

Notwithſtanding all this, a motion was made on the day appointed, May 14, to bring in a bill to make good the eighth and ninth articles of the treaty of commerce with France. A debate aroſe, which laſted till ten in the evening, when it was reſolved, by a great majority, that the bill ſhould be brought in[d].

The peace had been proclaimed in London, and afterwards throughout Great-Britain, with the loudeſt acclamations of the people, who fondly expected great benefits from it; but it was not long before the eyes of the generality were opened. For, about the beginning of May, ſignior Bruciado, the Portugueſe miniſter in London, in a memorial repreſented to the court, 'That, in caſe any breach was made in the treaty concluded in 1703, whereby the duties on French wines were ſtipulated to be, at leaſt, one third higher than on thoſe of Portugal, the king, his maſter, would renew the prohibition of the woollen manufactures and products of Great-Britain': which alarmed not only the Portugal merchants in London, but alſo all perſons concerned in the woollen manufacture. On the other hand, the treaties of peace and commerce having been publiſhed in print, that of commerce raiſed ſuch a general clamour, as awakened the whole nation, which before ſeemed to have been ſunk into a lethargy. Several gentlemen, and particularly Mr. Robert Walpole, general Stanhope, ſir Theodore Janſſen, &c. exerted themſelves, and publiſhed ſeveral excellent pieces, which ſhewed the advantages of the trade with Italy, Spain, and Portugal, to which nations we conſtantly exported more than we imported from them, and brought the balance in money; whereas a trade with France would be deſtructive of our home manufactures, and of our commerce with other nations. Theſe things came to be ſo well underſtood, that, even while flattering addreſſes were coming to court from all parts of England, petitions were ſent up from the towns and counties concerned in trade, ſetting forth the prejudice which they apprehended from this treaty of commerce. The treaty, however, was to be ſupported at any rate; the perſons concerned in making it, either could not, or would not, ſee the miſtakes in it; and the nation was to be convinced, that through their great ſkill in trade, they had made an excellent treaty of commerce. To theſe ends Daniel de Foe was employed; though, in a weekly paper publiſhed ſome years before, called the Review, he had very often condemned the French trade as detrimental to this kingdom. He undertook, however, the cauſe now, and publiſhed a paper thrice a week, by the title of 'Mercator, or Commerce retrieved; being conſiderations on the ſtate of the Britiſh trade, particularly as it reſpects Holland, Hanover, and the Dutch barrier; the trade to and from France; the trade to Portugal, Spain, and the Weſt-Indies, and the fiſheries of Newfoundland and Nova Scotia: with other matters and advantages accruing to Great-Britain by the treaties of peace and commerce lately concluded at Utrecht'. In this paper he undertook to prove, that the trade to France, though contrary to all experience, had always been beneficial to this kingdom, and would be ſo again upon the foot of the treaty. And as he had the art of writing very plauſibly, and thoſe who employed him, and furniſhed

[d] The ſubſtance of the debate on this occaſion was as follows:
Mr. Arthur Moore, one of the commiſſioners of trade, and whoſe ſkill and knowledge in commercial affairs, the Britiſh miniſtry had chiefly relied on in drawing up the treaty in queſtion, endeavoured to ſhew the great advantages, that would accrue to the nation from a free trade with France; and ſir James Bateman, ſir Thomas Hanmer, ſir William Wyndham, Mr. chancellor of the Exchequer, Mr. Ward, Mr. Shepherd, and ſome others, ſpoke on the ſame ſide. Mr. Nicholas Lechmere endeavoured, on the contrary, to prove, that the trade with France would be very prejudicial to our woollen, ſilk, and paper manufactories, and to our commerce with Portugal; and he was ſupported, not only by general Stanhope, Mr. John Smith, Mr. Nathaniel Gould (an eminent merchant, formerly governor of the bank of England) ſir Peter king, ſir Joſeph Jekyll, Mr. Wortley Montague, the lord Caſtlecomer, and ſome others of the Whigs; but alſo by ſir George Newland and Mr. Robert Heyſham, who had before gone with the court. Mr. Moore, in order to make good his aſſertion, having enumerated the different ſorts of commodities of the growth and manufacture of Great-Britain, which the French drew from hence before the laſt two wars, inſinuating, that in all probability they would do the ſame again for the future, if a free trade with them were ſet upon an equal foot: Mr. Gould anſwered him, that he begged the very thing in queſtion; and that, in his opinion, the opening a free trade with France would rather be highly detrimental to the nation. To make this out, Mr. Gould urged, 'That, ſince the revolution, the ſtate of commerce was entirely changed; and as France had ſet up, and very much encouraged woollen manufactures, and made ſhift without ſeveral goods, which they drew from hence; ſo England had learned to be without the product of France, by ſetting up ſilk manufactures and paper-mills; encouraging the making of all manner of toys, &c. which ſaved and gained vaſt ſums of money to the nation, and employed an infinite number of artificers, who would be reduced to beggary, if the importation of French goods of the ſame kind were allowed; becauſe the French had their work done for leſs money, and conſequently could ſell their commodities cheaper. He added, that the moſt valuable branch of our trade was that to Portugal; the increaſe of which, of late years, was mainly owing to the great quantities of wines, that were imported from thence, and conſumed in Great-Britain, inſtead of French wines, by reaſon of the high duties laid on the latter. But, if theſe duties were purſuant to the treaty of commerce in queſtion, reduced and made equal with thoſe on Portugal wines, the importation and conſumption of the latter would infallibly decreaſe, and thereby our profitable commerce to Portugal be in danger of being loſt'. On the other hand, ſir William Wyndham took this occaſion to reflect on the late miniſtry, 'who in his opinion, had let ſlip the opportunity of making a good peace, when they had it in their power: But that a time might come, and, he hoped was not far off, when the miſmanagement of the enemies to their country ſhould be animadverted upon. As to our Portugal trade, he ſaid, that that kingdom would ever have occaſion for the woollen manufactures and the corn of England, and conſequently be obliged to take off great quantities from hence, as they did before the year 1703, even at a time, when the court of Portugal had laid high duties on Engliſh goods and merchandizes'. General Stanhope made hereupon a long ſpeech, wherein, among other things, he ſaid, 'That the affair now in queſtion was not a party buſineſs; neither did it concern the late or the preſent miniſtry, but the whole Britiſh nation, and therefore, for his own part, he would freely ſpeak his thoughts about it with the utmoſt impartiality. That, the peace being made, it was now prepoſterous to ſay any thing for or againſt it. But, that as no treaty could bind the commons of Great-Britain to make any act or deed againſt their own intereſt; the only point to be conſidered was, Whether a free trade with France would be advantageous or no? And that, in order to clear that important matter, it was neceſſary to conſult the merchants and manufacturers who had preſented ſeveral petitions and repreſentations about it'. This was likewiſe urged by Mr. John Smith, who made a motion for adjourning the debate, and taking the papers before them into conſideration. But the main queſtion being put, was carried in the affirmative by a majority of two hundred and fifty-two voices againſt one hundred and thirty. Mr. ſpeaker having reſumed the chair, ſir Gilbert Dolben made his report from the committee, and, after further debate, the Whigs, finding themſelves overpowered by the court-party, moſt of them went out of the houſe; and ſo it was reſolved by above an hundred voices againſt twelve or thirteen, that a bill be brought in, to make effectual the eighth and ninth articles of the treaty of commerce and navigation between Great-Britain and France.

him with materials, had the command of all public papers in the cuſtom-houſe; he had it in his power to do a great deal of miſchief, eſpecially amongſt ſuch, as were unſkilled in trade, and at the ſame time very fond of French wines, which it was then a crime to be againſt. Several ingenious merchants, of long experience, and well ſkilled in trade, joined together to contradict the impoſitions of this writer: They knew he had many heads beſides the advantages of public papers to help him; and therefore thought the publication of a joint weekly paper the moſt feaſible way to confute him, and ſet our trade in a clear light, becauſe they were ſenſible that it was impoſſible for any one man to be maſter of ſo much experience, as was required to furniſh materials from ſo many different branches of our trade, as would be touched upon in this debate. The paper they publiſhed was, in oppoſition to Daniel de Foe's title, called the 'Britiſh Merchant, or commerce preſerved', and was publiſhed twice a week [d]. The perſon, to whom the public was chiefly obliged for this paper, and who had the greateſt hand in it, was Henry Martin, who was afterwards made inſpector general of the exports and imports. He was aſſiſted by ſir Charles Cooke, merchant, afterwards made commiſſioner of trade; ſir Theodore Janſſen, bart. James Milner, Nathaniel Torriano, Joſhua Gee, Chriſtopher Haynes, David Martin, merchants; and Charles King, who afterwards collected and reprinted thoſe papers. Lord Hallifax and general Stanhope had likewiſe a conſiderable ſhare in the encouragement of this paper, which had ſo great an effect, that the thoughts of the Whigs about commerce, which, at firſt, were repreſented as the reſult of diſcontent and ſpirit of party, appeared to be the univerſal ſenſe of all traders.

The houſe of commons gave an aid of two ſhillings in the pound, though the miniſter hoped to have carried it higher; but the members durſt not venture on that, ſince a new election was ſoon to follow the concluſion of the ſeſſion. They proceeded next to renew the duty on malt for another year; and here a debate aroſe, that was kept up ſome days in both houſes of parliament, whether it ſhould be laid on the whole iſland. It was carried in the affirmative; of which the Scots complained heavily, as a burden, that their country could not bear: And whereas it was ſaid, that theſe duties ought to be laid equally on all the ſubjects of the united kingdom, the Scots inſiſted on an article of the Union, by which it was ſtipulated, that no duty ſhould be laid on the malt in Scotland during the war, which ought to be obſerved religiouſly. They ſaid, it was evident, the war with Spain was not yet ended: No peace with that crown was yet proclaimed, nor ſo much as ſigned: And though it was as good as made, and was every day expected, yet it was a maxim in the conſtruction of all laws, that odious matters ought to be ſtrictly underſtood; whereas matters of favour were to be more liberally interpreted: It was farther ſaid on the Scots ſide, that this duty was, by the very words of the act, to be applied to deficiencies during the war: So this act was, upon the matter, making Scotland pay that duty during the war, from which the articles of Union did, by expreſs words, exempt them. A great number of the Engliſh were convinced of the equity of theſe grounds, which the Scots went upon, but the majority was on the other ſide. So, when the bill had paſſed through the houſe of commons, all the Scots of both houſes met together, and agreed to move for an act, for diſſolving the Union; they went firſt to the queen, and told her how grievous, and indeed intolerable this duty would be to their country, ſo that they were under a neceſſity to try, how the Union might be broken. The queen ſeemed uneaſy at the motion; ſhe ſtudied to divert them from it, and aſſured them, that her officers ſhould have orders to make it eaſy to them. This was underſtood to imply that the duty ſhould not be levied; but they knew this could not be depended on: So the motion was made in the houſe of lords, and moſt of the lords of that nation ſpoke to it: They ſet forth all the hardſhips that they lay under ſince the Union; they had no more a council in Scotland; their peers at preſent were the only perſons in the whole iſland, that were judged incapable of peerage by deſcent; their laws were altered in matters of the higheſt importance, particularly in matters of treaſon; and now an impoſition was to be laid on their malt, which muſt prove an intolerable burden to the poor of that country, and force them to drink water. Upon all theſe reaſons, they moved for liberty to bring in a bill to diſſolve the Union, in which they would give full ſecurity, for maintaining the queen's prerogative, and for ſecuring the Proteſtant Succeſſion. This was oppoſed with much zeal by the miniſters, but was ſupported by others; who, though they did not intend to give up the Union, yet thought it reaſonable to give a hearing to this motion, that they might ſee how far the Proteſtant Succeſſion could be ſecured, in caſe it ſhould be entertained; but the majority were for rejecting the motion: When the malt-bill was brought up to the lords, there was ſuch an oppoſition made to it, that fifty-ſix voted againſt it, but ſixty-four were for it, and ſo it paſſed [e].

[d] The authors of this work, aſſerted, 'that, if the 8th and 9th articles of the treaty of commerce between us and France had been rendered effectual by a law, this very thing had been more ruinous to the Britiſh nation, than if the city of London were to be laid in aſhes. This city has been once burnt to the ground; but the people were ſtill in being. They were, notwithſtanding this calamity, a conſtant mart for the product and manufactures of the country. But, if ſuch a law, as that above-mentioned, had paſſed, France would have gone on from that moment to exhauſt the treaſures of the kingdom. We ſhould have preſently loſt our beſt markets both at home and abroad. Our gentlemen muſt have felt a ſudden and univerſal decay of their rents; and our common people muſt have either ſtarved for want of work, come to the lands or the pariſh for ſubſiſtence, or have retired to foreign parts for bread'.

[e] This affair more at large is thus related: During the adjournment of the parliament for a week on account of the Whitſun-holidays, there appeared an uneaſineſs in many of the Scots members upon the diſappointment of their endeavours to get their country eaſed of part of the Malt-Tax. Hereupon they conferred with ſeveral of the Scots peers ſitting in parliament; and laying aſide all party diſtinctions, conſulted together how to redreſs their grievances. They deputed the duke of Argyle, the earl of Mar, Mr. Lockhart, and Mr. Cockburne, who by word of mouth repreſented to the queen, 'That their countrymen bore, with great impatience, the violation of ſome articles of the Act of Union; and that laying ſuch an inſupportable burthen as the Malt-Tax upon them was like to raiſe their diſcontent to ſuch an height, as to prompt them to declare the Union diſſolved'. To this unexpected remonſtrance, the queen anſwered, 'This was a precipitate reſolution; and ſhe wiſhed they might not have reaſon to repent it: but, however, ſhe would endeavour to make all things eaſy'. The Scots members being met again the next day, and their deputies having made their report of her majeſty's anſwer, it was unanimouſly agreed, that, before they proceeded farther, they ſhould lay their grievances before the houſe of lords. Accordingly on Thurſday the 28th of May, after the lords had adjourned the debate about the eighth and ninth articles of the treaty of commerce, the earl of Findlater made a motion, that ſome day ſhould be appointed to conſider the ſtate of the nation: Whereupon the lords appointed Monday the 1ſt of June, when all the lords in town were ſummoned. The debate began between one and two, being opened by the earl, who made the motion, and who repreſented the grievances of the Scots nation, which he reduced to four heads: 'Firſt, Their being deprived of a privy-council. Secondly, the laws of England in caſes of treaſon extending to Scotland. Thirdly, The Scots peers being incapable of being made peers of Great-Britain, as it was adjudged and declared in the caſe of the late duke of Hamilton. And, Fourthly, the Scots being ſubjected to the Malt-Tax, which would be the more inſupportable to them now, in that they never were ſubjected to it, during the war, and had reaſon to expect to reap and enjoy the benefits of peace: Concluding, that, ſince the Union between the two nations had not thoſe good effects, as were expected from it, he therefore moved, That leave might be given to bring in a bill 'for diſſolving the ſaid Union, and ſecuring the Proteſtant Succeſſion in the houſe of Hanover, ſecuring the queen's prerogative in both kingdoms, and preſerving an entire amity, and good correſpondence between the two kingdoms'. This motion was ſeconded by the earl of Mar; but oppoſed by the lord North and Grey, who, in a long ſpeech, endeavoured to ſhew, that the complaints of the Scots were groundleſs, and the diſſolving the Union impracticable; not without ſome reflections on the poverty of the Scots nation. He was anſwered by the lord Eglington, who allowed the Scots nation to be poor, and therefore unable to pay the Malt-Tax. The lord North and Grey replied, 'That it was nothing but what was agreed to by the treaty of Union; the fourteenth article of which imported, that Scotland ſhould not be charged with any impoſition on malt during the war only, which was now at an end'. The earl of Ilay confeſſed, that there was ſuch a clauſe, but that the ſame article imported, 'That, ſeeing it could not be ſuppoſed, that the parliament of Great-Britain would ever lay any ſort of burdens upon the united kingdom, but what they ſhould find of neceſſity, at that time, for the preſervation and good of the whole, and with due regard to the circumſtances and abilities of every part of the united kingdom; therefore it was agreed, that there ſhould be no farther exemption inſiſted on, for any part of the united kingdom, but that the conſideration of any exemption, beyond what was already agreed on in this treaty, ſhould be left to the determination of the parliament of Great-Britain'. He urged, 'That, when this treaty was made, the Scots concluded the parliament of Great-Britain would never go about to lay any impoſition, that they had reaſon to believe grievous'; and having ſet forth the inability of the Scots to pay the Malt-Tax, concluded for the earl of Findlater's motion. Hereupon the earl of Peterborough made a long ſpeech, wherein he endeavoured to ſhew the impoſſibility of diſſolving the Union, ſaying, among other things, 'That he had often heard the Union compared to a marriage; and, according to that notion, ſince it was made, it could not be diſſolved by any power upon earth. That, though England, who, in this national marriage, muſt be ſuppoſed to be the huſband, might in ſome inſtances have been unkind to the lady, yet ſhe ought not preſently to ſue for a divorce, the rather, becauſe ſhe had very much mended her fortune by this match: Adding, 'That the Union was a contract, than which nothing could be more binding'. To this the earl of Ilay anſwered, 'That if the Union had the ſame ſanction as marriage, which was an ordinance of God, he ſhould be for obſerving it as religiouſly as that; but that he thought there was a great difference'. To which the earl of Peterborough replied, 'He could not tell how it could be more ſolemn than it was, except they expected it ſhould have come from Heaven like the Ten Commandments? Animadverting, in the concluſion, on the Scots, 'as a people, that would never be ſatisfied; That they would have all the advantages of being united to England, but would pay nothing by their good will: And that they had more money from England, than all their eſtates amounted to in their own country'. To him the duke of Argyle replied, in a very warm ſpeech, wherein, among other things, he ſaid, 'That he was by ſome reflected on, as if he was diſguſted, and had changed ſides; but that he deſpiſed their perſons, as much as he undervalued their judgments. That it was true, he had a great hand in making the Union: That the chief reaſon which moved him to it, was the ſecuring the Proteſtant Succeſſion; but that he

The matter of the greateſt conſequence in this ſeſſion was, the bill for ſettling the commerce with France, according to the eighth and ninth articles of the treaty, which had been ordered by the commons to be brought in. The traders in the city of London, and thoſe in all the other parts of England, were alarmed, with the great prejudice this would bring on the whole nation. The Turkey company, thoſe that traded to Portugal and Italy, and all who were concerned in the woollen and ſilk manufactures, appeared before both houſes. and ſet forth the great miſchief, that a commerce with France, on the foot of the treaty, would bring upon the nation; while none appeared on the other ſide, to anſwer their arguments, or to ſet forth the advantage of ſuch a commerce. It was manifeſt, that none of the trading bodies had been conſulted in it; and the commiſſioners for trade and plantations had made very material obſervations on the firſt project, which was ſent to them for their opinion: And afterwards, when this preſent project was formed, it was alſo tranſmitted to that board by the queen's order, and they were required to make their remarks on it: But Arthur Moore, who had riſen up from being a footman without any education, to be a great dealer in trade, and was the perſon of that board, in whom the lord-treaſurer confided moſt, moved, that they might firſt read it every one a-part, and then debate it; and he deſired to have the firſt peruſal: So he took it away, and never brought it back to them, but gave it to the lord Bolingbroke, who carried it to Paris, and there it was ſettled. The bill was very feebly maintained by thoſe who argued for it; yet the majority went with the bill till the laſt day; and then the oppoſition to it was ſo ſtrong, that the miniſters ſeemed inclined to let it fall: But it was not then known, whether this was only a feint, or whether the inſtances of the French ambaſſador, and the engagements that our miniſters were under to that court, prevailed for carrying it on. It was brought to the laſt ſtep; and then a great many of thoſe, who had hitherto gone along with the court, broke from them in this matter, and beſtirred themſelves ſo effectually, that when it came to the laſt diviſion, a hundred and eighty-five were for the bill, and a hundred and ninety-four were againſt it: By ſo ſmall a majority, was a bill of ſuch great importance loſt [f].

The rejecting this bill being an expreſs condemnation of

he was ſatisfied, that might be done as well now, if the union were diſſolved: That he ſpoke as a peer of England as well as of Scotland: That he believed in his conſcience, it was as much for the intereſt of England as of Scotland, to have it diſſolved; and, if it were not, he did not expect long to have either property left in Scotland, or liberty in England. He urged, that the tax upon malt in Scotland was no leſs unequal, than the taxing land by the acre throughout England would be; becauſe land is worth five or ſix pounds an acre about London, and not ſo many ſhillings in remote parts of the country. That this was the caſe between the Scots and Engliſh malt; the latter being worth three or four ſhillings the buſhel, the other not above one; ſo that if this tax were collected in Scotland, it muſt be done by a regiment of dragoons'. Some other Scots peers ſaid, 'That the end of the Union was the cultivating amity and friendſhip between the two nations; but it was ſo far from having that effect, that they were ſure, the animoſities between the two nations were now much greater than before the Union; and therefore they were of opinion, that, if the Union were diſſolved, the two nations would be better friends'. The lord chief-juſtice Trevor urged, on the other hand, the impoſſibility of ſuch a diſſolution; and he was ſupported by the lord-treaſurer, who ſaid, 'That the earl of Findlater's motion was no leſs ſtrange than unexpected: That, the Union being made by two diſtinct parliaments of both kingdoms, he did not ſee how it could be diſſolved, now the two nations were in different circumſtances, becauſe the power that made it, was no more in being; and nothing could make it void, but the power that created it: Concluding, that, if the Scots had any grievances to complain of, there might be ſome other method thought of to redreſs them, without proceeding to that extraordinary way of diſſolving the Union, which had been made in ſo ſolemn a way, and brought about with ſo much difficulty'. This was anſwered by the earl of Nottingham, who repreſented the advantages of the Union, if the views, with which it was made, had been ſteadily purſued. He added, 'That, though the two nations were now in other circumſtances, than when the Union was made, yet the ſame power that was in the two parliaments, when they were ſeparated and diſtinct, was lodged in them now they were conſolidated; and therefore, if they had power to make it, they certainly had it ſtill to diſſolve it: And that he knew not any thing, but what the parliament could do, except deſtroying the preſent conſtitution; which, he owned, they had not power to do. That the inconveniencies which had attended the Union, could not be foreſeen, till the trial was made: And, ſince the Scots, who were the beſt judges of the affairs of their kingdom, found, that it did not anſwer the ends propoſed, he was for diſſolving it'. The earl of Sunderland ſaid to the ſame purpoſe, 'That, though he had a hand in making the Union, yet if it had not that good effect which was expected from it, he was likewiſe for diſſolving it'. The lord viſcount Townſhend ſaid, That he was of the ſame opinion, provided that means could be found to ſecure the Proteſtant Succeſſion; and therefore he deſired to know, what ſecurity the Scots could give for that eſſential point, before they proceeded any further? To this ſome of the Scots lords replied, That would appear when the bill was brought in: That then it was a proper time to ſhew what ſecurity they could give; and therefore moved, That the queſtion might be put immediately, Whether a bill ſhould be brought in, or not? The earl of Nottingham deſired, that another day might be appointed to conſider further of a matter of ſuch conſequence, that the lords might be better apprized of it. The lord Hallifax declared alſo for diſſolving the Union, provided it could be made appear, that the Succeſſion could be ſecured; but yet deſired, that a further day might be appointed to conſider of ſo important a matter. And the earls of Mar and Loudon, who were before for putting the queſtion immediately, declared themſelves better ſatisfied with that lord's reaſons. There were ſeveral other ſpeeches made both by the Engliſh and Scots lords, particularly by the earl Paulet, and the earls of Scarborough and Scarſdale. And it is obſervable, that, when the danger England would be in from the Pretender, if the Union were diſſolved, was urged, the lord Townſhend anſwered, 'That the queen, lords, and commons of England, if joined in one intereſt, need fear no enemy in the world; and therefore ought to deſpiſe the Pretender and all his abettors'. The duke of Argyle, having mentioned the Pretender, ſaid, 'He knew not what appellation to give him, his name being now as uncertain as his parents'. But the earl of Scarſdale called him the Prince, or, added he, the Pretender, which you will. Upon the whole matter, all the Engliſh court lords were againſt diſſolving the Union; and, on the other hand, ſuch Whig peers, as appeared to be for it, had principally in view the fomenting the diſcontents of the Scots, in order to incline them to chuſe, at the next election, ſuch repreſentatives as ſhould oppoſe the preſent miniſtry. The queſtion being put upon the earl of Findlater's motion, it was carried in the negative by four voices, there being fifty-four lords preſent on each ſide; and ſeventeen proxies for the negative, and only thirteen for the affirmative. It is remarkable, that the lord-treaſurer having, in the courſe of this debate, advanced, 'That, though the Malt-Tax were laid, it might be afterwards remitted by the crown, and not levied'; the earl of Sunderland ſaid, 'He wondered ſuch expreſſions, as tended to eſtabliſh a 'deſpotic diſpenſing power, and arbitrary government', ſhould come from that noble lord'. To this, the lord-treaſurer ſaid, 'That his family had never been for promoting and adviſing arbitrary meaſures, as others had done': Which the earl of Sunderland taking to be a reflection upon his father, he not only vindicated him, but added, 'That the other lord's family was hardly known in thoſe days'. Pr. H. L.

[f] The proceedings at large were as follow:

On the 9th of June, the commons, in a grand committee, took that bill into conſideration, ſir Robert Davers being in the chair; and heard Mr. Cooke, a merchant, who, in behalf of the Levant company, made a long ſpeech; wherein, with great ſolidity of reaſon, he ſhewed, how detrimental the opening a trade with France would be to the Britiſh woollen and ſilk manufactures, and to all the branches of our trade. The merchants being withdrawn, the commons took their allegations into conſideration; and, among the reſt, general Stanhope, to corroborate what Mr. Cooke had alledged, quoted the preamble of an act of parliament, made in the thirteenth year of king Charles the ſecond, which runs thus: 'Foraſmuch as it has been by long experience found, that the importing French wines, brandy, linnen, ſilk, ſalt, and paper, and other commodities of the growth, product, or manufactures of the territories and dominions of the French king, has much exhauſted the treaſure of this nation, leſſened the value of the native commodities and manufactures thereof, and cauſed great detriment to this kingdom in general: Be it therefore enacted, &c.' Hereupon the ſpeaker, ſuppoſing that Mr. Stanhope had made a miſtake, ſaid, 'There was no ſuch thing in that act'. But Mr. Stanhope inſiſted, that the clerk ſhould read the ſaid act; and, his quotation appearing to be right, he and other members animadverted with ſome vehemence on the ſpeaker's blunder. At laſt, the debate cooled, and was put off till the next day; and it was reſolved, that the petitioners, who had not been yet, ſhould then be heard.

On the 10th of June, the queen came to the houſe of peers, and, the commons attending, her majeſty gave the royal aſſent to 'the act for continuing the duties on malt, &c. the act to revive and continue the act for taking and ſtating the public accounts', &c. and to ſome other private and public bills. The commons being returned to their houſe, and having reſolved themſelves into a grand committee upon the bill relating to the treaty of commerce, the Spaniſh, Italian, and Portugal merchants, and the weavers of London, were admitted to be heard upon their ſeveral petitions. Mr. Torriano, who ſpoke in behalf of the Spaniſh trade, having animadverted on the eighth and ninth articles of the treaty of commerce, and mentioned the tenth and eleventh as relating to the two former, ſome court members were offended at it; and, after he had done ſpeaking, moved the committee, that a mark of their diſpleaſure might be ſet upon him. But general Stanhope, Mr. Lechmere, ſir Peter King, and Mr. John Smith ſaid, 'That, unleſs they gave the merchants full liberty of ſpeech, the houſe would never be able to form a right judgment on that important affair; and they hoped, that no man ſhould be reprimanded for ſtanding up for the trade of Great-Britain'. This, with a noble ſpirit, which appeared in the houſe on behalf of the merchants, by the great number of members, both Tory and Whig, who, all at once, ſtood up to defend Mr. Torriano, made the courtiers drop that matter; and then Mr. Wyat ſpoke for the Italian merchants, Mr. Milner for the Portugal trade, and colonel Leheux for the London weavers. The merchants being withdrawn, the ſpeaker reſumed the chair; and it was reſolved, That the grand committee ſhould, the next day, conſider further of the bill, and that the other petitioners be then heard. It was alſo ordered, That the miniſters of the Levant Company, and all memorials, petitions, repreſentations, ſchemes of trade, and papers relating thereunto, that were either before the commiſſioners of trade and plantations, or before the commiſſioners of the cuſtoms, relating to the trade between England and France, be laid before the houſe.

The next day, June 11, the grand committee heard ſeveral petitioners, and read many petitions, and other papers; and, two days after, a clauſe was ordered to be inſerted in the bill, declaring, 'That the privileges, liberties, and immunities, as to all duties, impoſitions, or cuſtoms relating to commerce, or to any other right whatſoever, that had been, or might be granted by France, with reſpect to the ſubjects, goods, or merchandizes, of any foreign nation, ſhould be underſtood to extend as well to the four ſpecies of goods, excepted in the ninth article from the tariff of 1664, as to all other merchandizes whatſoever, imported into France by the ſubjects of Great-Britain. Then the commons, in a grand committee, made a further progreſs in the bill, and went through it on the 15th of June. Three days after, ſir Robert Davers reported the amendments made to the bill; which, with ſome others, were agreed to by the houſe. Then a motion being made, that the bill be ingroſſed, it occaſioned a warm debate from three o'clock in the afternoon till near eleven at night. General Stanhope, ſir Peter king, Mr. Gould, Mr. Hampden, and ſome others, ſhewed the diſadvantage of an open trade with France, upon the foot of the laſt treaty of commerce: And the member, who ſpoke moſt in favour of the bill, was the ſame, who had been chiefly employed in that treaty, Mr. Arthur Moore; but, ſome of his arguments being ſtrained and precarious, the majority even of his own party adhered to the opinion of ſir Thomas Hanmer, who made a long and elaborate ſpeech, wherein, among other things, he ſaid, 'That, before he had fully examined the affair in queſtion, he had given his vote for bringing in the bill; but, that having afterwards maturely weighed and conſidered the allegations of the traders

the treaty of commerce, and laying the managers of it open to future inquiries, the miniſtry uſed their utmoſt efforts to procure a palliative addreſs from the commons; which the majority of that houſe were the more ready to come into, becauſe the Whigs began to exult, as if they had already triumphed over their adverſaries. Sir Thomas Hanmer, by whoſe influence chiefly the bill had been loſt, was engaged to make a motion for an addreſs, returning her majeſty the humble thanks of this houſe, for the great care ſhe had taken of the ſecurity and honour of her kingdoms in the treaty of peace; and alſo, for what ſhe had done in the treaty of commerce with France, by laying ſo good a foundation for the intereſts of her people in trade: And humbly to deſire her majeſty, that ſhe would be pleaſed to appoint commiſſioners, to treat with commiſſioners on the part of France, for adjuſting ſuch matters, as ſhould be neceſſary to be ſettled in the treaty of commerce between her majeſty and France; that the treaty might be explained and perfected, for the good and welfare of her people'. Many of the members who voted againſt the bill, being abſent, it was carried for the addreſs by a majority of one hundred and ſixty-ſix voices againſt ſeventy-two: Whereupon general Stanhope made a motion, 'to repreſent in the addreſs the ſenſe of the houſe, that her majeſty's commiſſioners, who were to treat of the commerce between Great-Britain and France, ſhould inſiſt, that liberty be given to her majeſty's ſubjects to trade to all the ports in the French king's dominions'. But this was rejected.

The addreſs being preſented to the queen by the whole houſe, ſhe, 'thanked them moſt heartily for an addreſs, which ſo fully expreſſed their approbation of the treaties of peace and commerce with France: Adding, that it was with no ſmall difficulty, that ſo great advantages in trade were obtained for her ſubjects; and that ſhe would readily comply with their deſires, in continuing her utmoſt care to ſecure the benefits ſhe had ſtipulated for her people'. This was very ſurprizing, ſince the houſe of commons had ſufficiently ſhewn, how little they were pleaſed with the treaty of commerce, by their rejecting the bill, which was offered to confirm it; and this was inſinuated in their addreſs itſelf. But it was pleaſantly ſaid, that the queen anſwered them, according to what ought to have been in their addreſs, and not according to what was in it. Beſides, it was obſervable, that her promiſe, to maintain what was already ſtipulated, did not at all anſwer the prayer of their addreſs. However, the ſpeaker having, early the next day, reported the queen's anſwer to a very thin houſe, it was unanimouſly reſolved to return her thanks for it.

As it did not appear in the treaty of peace, what equivalent the king of France was to have for Dunkirk, the commons addreſſed the queen, deſiring to know what that equivalent was. Some weeks paſſed before they had an anſwer; but, at laſt, the queen by a meſſage ſaid, that in purſuance to the treaties, as well between her and the French king, as between that king and the ſtates, the equivalent to be given for the demolition of Dunkirk was already in the hands of his moſt Chriſtian majeſty. This ſtill left the matter in the dark, no further explanation being made of it; however, though many members were diſſatisfied with this dubious anſwer, the majority acquieſced in it. At the ſame time the queen being alſo addreſſed 'for an account of what ſhe had ſtipulated for the ſake of Great-Britain in Flanders, and how the ſame was ſecured, the report of the commiſſioners of trade about this matter was laid before the commons; which being read, an addreſs was preſented to her, 'That ſhe would take care, the towns in Flanders in her poſſeſſion be not evacuated, till thoſe who were to have the ſovereignty of the Spaniſh Netherlands agreed to ſuch articles for regulating trade, as might put the ſubjects of Great-Britain upon an equal foot with thoſe of any other nation'. To this ſhe returned a favourable anſwer.

This was all that paſſed in this ſeſſion of parliament with relation to the peace. It was once apprehended, that the miniſters would have moved for an act, or at leaſt for an addreſs, approving the peace, but no ſuch motion was made[z].

traders and manufacturers in their ſeveral petitions and repreſentations, he was convinced, that the paſſing of it would be of great prejudice to the woollen and ſilk manufactures of this kingdom; conſequently increaſe the number of the poor, and, in the end, affect the land. That, while he had the honour to ſit in that houſe, he would never be blindly led by any miniſtry; neither on the other hand, was he biaſſed by what might weigh with ſome men, viz. the fear of loſing their elections. But that the principles, upon which he acted, were the intereſt of his country, and the conviction of his judgment; and, upon theſe two conſiderations alone, he was againſt the bill'. This ſpeech made a great impreſſion on many of the members; and, Mr. Aiſlabie, one of the lords commiſſioners of the admiralty, and Mr. Francis Annetley, one of the commiſſioners of the public accounts, having ſpoke alſo againſt the bill, the queſtion, Whether it ſhould be ingroſſed, was at laſt carried in the negative, by a majority of one hundred and ninety-four voices, againſt one hundred and eighty-five. It was obſerved, that, of the four members for the city of London, one only, ſir William Withers, voted for the bill; and that ſir Richard Hoare, then lord-mayor, ſir George Newland, and ſir John Caſs, voted againſt it; as did alſo the two members for Weſtminſter, Mr. Medlicot, and Mr. Thomas Croſs. On the other hand, it was given out that the lord-treaſurer, foreſeeing the ill effects of paſſing ſuch a bill at this juncture, wrote, the night before, a letter to the ſpeaker of the houſe of commons, deſiring him to uſe his intereſt, that it might drop; which ſtep he might probably be induced to take from the oppoſition the bill was like to meet with in the houſe of lords; where, that very afternoon, July 17, the earls of Angleſey and Abington, and ſome other peers, had declared againſt it. However, ſome ſuſpected either the reality or true deſign of ſuch a letter, becauſe moſt of the court and Scots members voted for the bill. Pr. H. C.

[z] Biſhop Burnet ſays, that, if ſuch a motion had been made he would have ſpoken the following ſpeech, being the only one he ever prepared before hand, which he has inſerted in his hiſtory, in order to deliver down to poſterity his thoughts of this great tranſaction.

'My lords, this matter now before you, as it is of the greateſt importance, ſo it may be ſeen in very different lights; I will not meddle with the poliical view of it; I leave that to perſons, who can judge and ſpeak of it much better than I can: I will only offer to you what appears to me, when I conſider it, with relation to the rules of morality and religion; in this I am ſure I act within my proper ſphere. Some things ſtick ſo with me, that I could have no quiet in my conſcience, nor think I had anſwered the duty of my function, if I did not make uſe of the freedom of ſpeech, that our conſtitution and the privileges of this houſe allow me: I am the more encouraged to do this, becauſe the bringing thoſe of our order into public councils, in which we have now ſuch a ſhare, was originally intended for this very end, that we ſhould offer ſuch conſiderations, as ariſe from the rules of our holy religion, in all matters that may come before us. In the opening my ſenſe of things, I may be forced to uſe ſome words, that may perhaps appear ſevere: I cannot help it, if the nature of theſe affairs is ſuch, that I cannot ſpeak plainly of them, in a ſofter ſtrain: I intend not to reflect on any perſon: And I am ſure I have ſuch a profound reſpect for the queen, that no part of what I may ſay, can be underſtood to reflect on her in any ſort: Her intentions are, no doubt, as ſhe declares them to be, all for the good and happineſs of her people; but it is not to be ſuppoſed, that ſhe can read long treaties, or carry the articles of them in her memory: So, if things have been either concealed from her, or miſrepreſented to her, 'She can do no wrong': And, if any ſuch thing has been done, we know on whom our conſtitution lays the blame.

The treaties that were made ſome years ago, with our allies are in print; both the grand alliance, and ſome ſubſequent ones: We ſee many things in theſe, that are not provided for by this peace; it was in particular ſtipulated, that no peace ſhould be treated, much leſs concluded, without the conſent of the allies. But, before I make any obſervation on this, I muſt deſire you will conſider how ſacred a thing the public faith, that is engaged in treaties and alliances, ſhould be eſteemed.

I hope, I need not tell you, that even heathen nations valued themſelves upon their fidelity, in a punctual obſerving of all their treaties, and with how much infamy they branded the violation of them: If we conſider that which revealed religion teaches us to know, that man was made after the image of God, the God of all truth, as we know who is the father of lyes; 'God hates the deceitful man, in whoſe mouth there is no faithfulneſs'. In that leſs perfect religion of the Jews, when the Gibeonites had, by a fraudulent proceeding, drawn Joſhua and the Iſraelites into a league with them; it was ſacredly obſerved; and the violation of it, ſome ages after, was ſeverely puniſhed. And, when the laſt of the kings of Judah ſhook off the fidelity, to which he had bound himſelf to the king of Babylon, the Prophet thereupon ſaid with indignation, 'Shall he break the oath of God, and proſper'? The ſwearing deceitfully is one of the worſt characters; and 'He who ſwears to his own hurt, and changes not', is among the beſt. It is a maxim of the wiſeſt of kings, that the throne is eſtabliſhed in righteouſneſs. Treaties are of the nature of oaths; and, when an oath is aſked to confirm a treaty, it is never denied. The beſt account that I can give of the diſuſe of adding that ſacred ſeal to treaties, is this:

The Popes had for ſome ages poſſeſſed themſelves of a power, to which they had often recourſe, of diſſolving the faith of treaties, and the obligation of oaths: The famous, but fatal ſtory of Ladiſlaus, king of Hungary, breaking his faith to Amurath the Turk, by virtue of a papal diſpenſation, is well known. One of the laſt public acts of this ſort, was, when pope Clement the ſeventh abſolved Francis the firſt, from the treaty made and ſworn to at Madrid, while he was a priſoner there: The ſevere revenge that Charles the fifth took of this, in the ſack of Rome, and in keeping that Pope for ſome months a priſoner, has made Popes more cautious, ſince that time, than they were formerly: This alſo drew ſuch heavy but juſt reproaches, on the papacy, from the reformers, that ſome ſtop ſeems now to be put to ſuch a barefaced protection of perjury. But the late king told me, that he underſtood from the German Proteſtant princes, that they believed the confeſſors of popiſh princes had faculties from Rome, for doing this as effectually, though more ſecretly: He added, that they knew it went for a maxim among popiſh princes, that their word and faith bound them as they were men, and members of ſociety; but that their oaths, being acts of religion, were ſubject to the direction of their confeſſors; and that they, apprehending this, did, in all their treaties with the princes of that religion, depend upon their honour, but never aſked the confirmation of an oath, which had been the practice of former ages. The Proteſtants of France thought they had gained an additional ſecurity, for obſerving the edict of Nantes, when the ſwearing to obſerve it was made a part of the coronation oath: But it is probable, this very thing undermined and ruined it.

Grotius, Puffendorf, and others who have wrote of the law of nations, lay this down for a rule, that the nature of a treaty, and the tie that ariſes out of it, is not altered by the having, or not having an oath; the oath ſerves only to heighten the obligation. They do alſo agree in this, that confederacies do not bind ſtates, to carry on a war to their utter ruin; but, that princes and ſtates are bound to uſe their utmoſt efforts in maintaining them: And it is agreed by all, who have treated of theſe matters, that the common enemy, by offering to any one confederate all his pretenſions, cannot juſtify his departing from the confederacy; becauſe it was entered into with that view, that all the pretenſions, upon which the confederacy was made, ſhould be inſiſted on, or departed from, by common conſent.

It is true, that in confederacies, where allies are bound to the performance of ſeveral articles, as to their quotas or ſhares, if any one fails in the part he was bound to, the other confederates have a right to demand a reparation

The houſe of commons was, as to all other things, except the affair of commerce, ſo entirely in the hands of the miniſters, that they ventured on a new demand of a very extraordinary nature, which was made in as extraordinary a manner. The civil liſt, which was eſtimated at 600,000 l. a year, and was given for the ordinary ſupport of the government, did far exceed it. And this was ſo evident, that, during the three firſt years of the queen's reign, 100,000 l. was every year applied to the war; 200,000 l. was laid out in building of Blenheim-houſe; and the entertaining the Palatines had coſt the queen 100,000 l. So there was apparently a large overplus, beyond what was neceſſary towards the ſupport of the government. Yet theſe extraordinary expences had put the ordinary payments into ſuch an arrear, that, at Midſummer, 1710, the queen owed 510,000 l. But, upon a new account, this was brought to be 80,000 l. leſs; and, at that time, there was an arrear of 190,000 l. due to the civil liſt: Theſe two ſums amounting to 270,000 l. the debt that remained, was but 240,000 l. Yet now, in the end of the ſeſſion, when upon rejecting the bill of commerce, moſt of the members were gone into the country, ſo that there were not one hundred and eighty left, a meſſage was ſent, on the 25th of June, to the commons, from the queen, 'acquainting them with the difficulties, which, in a particular manner, ſhe lay under, by the debts contracted in her civil government, occaſioned by ſeveral extraordinary expences formerly incurred; ſo that ſhe thought herſelf obliged, in juſtice to many creditors, to order an eſtimate to be laid before them of what was owing on the civil liſt, in the year 1710. Adding, ſhe had uſed unexampled parſimony, to remove, if poſſible, this burden from herſelf; but, that the granting away, and leſſening ſome part of her revenue by parliament, having made that impracticable, ſhe therefore hoped, that they who on all occaſions, had ſhewed themſelves ſo well-affected to her, would not be unwilling to impower her to raiſe ſuch a ſum of money on the civil liſt funds, as might enable her to diſcharge the debts, and ſettle the expence to be regularly paid for the future. With this meſſage was preſented to the houſe an eſtimate of the debts owing to the ſeveral heads of expence about Midſummer, 1710; to which Mr. John Smith, one of the tellers of the Exchequer, having raiſed ſome objections, ſaying, in vindication of the late miniſtry, 'That to his certain knowledge, the debts of the civil liſt, in the month of Auguſt, 1710; did not amount to one hundred and fifty thouſand pounds; for the payment of part of which there were ſome monies ſtanding out, beſides great quantities of tin, whereas, by the eſtimate now laid before them, the debts to Midſummer 1710, that is, about two months before, were made to amount to four hundred thouſand pounds'. A motion was then made to addreſs the queen for an account of the arrears of the civil liſt funds, ſtanding out at Midſummer 1710: And alſo, for an account of the debts of the civil liſt, as they were at this time, and of the arrears of the civil liſt funds to pay the ſame: but this was rejected, to the great ſurprize of many. On the contrary, a bill for enabling the queen to raiſe five hundred thouſand pounds on the civil liſt revenues, to be applied towards payment of ſuch debts and arrears owing to her ſervants, tradeſmen and others, was read, June 30, a ſecond time, and committed. After this, the motion made ſome days before, being again propoſed with better ſucceſs, it was reſolved to addreſs the queen, firſt, for 'an account of the debts on the civil liſt to Midſummer 1710': And, ſecondly, for 'a yearly account of the neat produce of the civil liſt funds, ſince her acceſſion to the throne'. This laſt addreſs was made upon a ſuggeſtion, that the civil liſt funds yielded now above eight hundred and fifty thouſand pounds. But, whether this was ſo or not, it is certain, no anſwer was returned to the addreſs.

The bill for raiſing the 500,000 l. met with great oppoſition, as it appeared to be of bad conſequence, ſince the granting of ſuch demands to one prince would be a precedent to grant the like to all future princes; and as the account of the queen's debts was deceitfully ſtated, ſo it was known, that the funds, ſet off for the civil liſt, would increaſe conſiderably in times of peace. However, though there was a great ſuperiority in point of argument againſt the bill, there was a conſiderable majority for it. And all people concluded, that the true end of getting ſo much money into the hands of the court, was to furniſh their creatures ſufficiently for carrying their elections.

The lords were ſenſible, that the method of procuring this ſupply was contrary to their privileges, ſince all publick ſupplies were either aſked from the throne, or by a meſſage ſent to both houſes at the ſame time. This practice was enquired into by the lords: No precedents came up to it; but ſome came up ſo near it, that nothing could be made of the objection. But the miniſters apprehending, that an oppoſition would be made to the bill, if it came up alone, got it conſolidated with another of 1,200,000 l. that was before them. And the weight of theſe two joined together made them both paſs in the houſe of lords, without oppoſition.

While this was in agitation, the earl of Wharton moved in the houſe of peers, 'That an addreſs be preſented to the queen, that ſhe would uſe her moſt preſſing inſtances with the duke of Lorrain, and with all the princes and ſtates in amity or correſpondence with her, not to receive, or ſuffer to continue in their dominions, the Pretender to the imperial crown of theſe realms'. Several members being ſurprized at this unexpected motion (which was deſigned to try the inclinations and affections of ſome perſons) there was a pauſe for a long while. At laſt, the lord North and Grey broke ſilence, and endeavoured to have that motion laid aſide; repreſenting, that ſuch an addreſs would ſhew a diſtruſt either of the queen, or of the miniſters: And that her majeſty would be puzzled what to do, in caſe the princes and ſtates in amity with her, ſhould be unwilling to comply with her inſtances, ſince it would not be in her power to compel them: concluding with this queſtion, 'Where would they have the Pretender reſide, ſince moſt, if not all the powers in Europe, were in amity with her majeſty'? To this the earl of Peterborough anſwered, 'That, ſince he began his ſtudies in Paris, the fitteſt place for him to improve himſelf was Rome'. After ſome warm expreſſions between the earl of Wharton and the lord-treaſurer, the motion made by the earl was carried; and on the 2d of July, the houſe of lords attended the queen with their addreſs. To which ſhe anſwered, 'That ſhe took extremely kind their addreſs; and the thanks they gave her for what ſhe had done, for eſtabliſhing the Proteſtant Succeſſion. That ſhe would repeat her inſtances to have that perſon removed, according to their deſire: And that ſhe promiſed herſelf, they would concur with her, that, if they

paration for his non-performance: but, even in that caſe, allies are to act as friends, by making allowances for what could not be helped, and not as enemies by taking advantages, on deſign to diſengage them from their allies. It is certain, allies forfeit their right to the alliance, if they do not perform their part: But the failure muſt be evident, and an expoſtulation muſt be firſt made: And, if upon ſatisfaction demanded, it is not given, then a proteſtation ſhould be made, of ſuch non-performance; and the reſt of the confederates are at liberty, as to him who fails on his part: Theſe are reckoned among the cuſtoms and laws of nations: And, ſince nothing of this kind has been done, I cannot ſee how it can be made out, that the tie of the confederacy, and by conſequence, that the public faith has not been firſt broken on our ſide.

My lords, I cannot reconcile the carrying on a treaty with the French, without the knowledge and concurrence of the other confederate ſtates and princes, and the concluding it without the conſent of the emperor, the principal confederate; not to mention the viſible uneaſineſs, that has appeared in the others, who ſeem to have been forced to conſent, by declarations, if not by threatenings; from hence I ſay, I cannot reconcile this, with the articles of the grand-alliance, and the other later treaties, that are in print: This ſeems to come within the charge of the prophet againſt thoſe 'who deal treacherouſly with thoſe who had not dealt treacherouſly with them'; upon which the threatening that follows may be juſtly apprehended: It will have a ſtrange ſound among all Chriſtians, but more particularly among the Reformed, when it is reported, that the plenipotentiary of the head of the reformed princes ſaid openly to the other plenipotentiaries, that the queen held herſelf free from all her treaties and alliances: If this be ſet for a precedent, here is a ſhort way of diſpenſing with the public faith; and, if this was ſpoken by one of our prelates, I am afraid it will leave a heavy reproach on our Church; and, to ſpeak freely, I am afraid it will draw a much heavier curſe after it. My lords, there is a God in Heaven, who will judge all the world, without reſpect of perſons: Nothing can proſper without his bleſſing: He can blaſt all the counſels of men, when laid in fraud and deceit, how cunningly ſoever they may be either contrived or diſguiſed: And I muſt think that a peace made in oppoſition to the expreſs words of ſo many treaties, will prove a curſe inſtead of a bleſſing to us: God is provoked by ſuch proceedings, to pour heavy judgments on us, for the violation of a faith ſo often given, which is ſo openly broken: By this our nation is diſhonoured, and our church diſgraced: and I dread to think, what the conſequence of thoſe things is like to prove. I would not have expreſſed myſelf in ſuch a manner, if I had not thought, that I was bound to it by the duty that I owe to Almighty God, by my zeal for the queen, and the church, and by my love to my country. Upon ſo great an occaſion, I think my poſt in the church and in this houſe lays me under the ſtricteſt obligations to diſcharge my conſcience, and to ſpeak plainly without fear or flattery, let the effect of it, as to myſelf, be what it will: I ſhall have the more quiet in my own mind, both living and dying, for having done that, which ſeemed to me an indiſpenſable duty.

I hope this houſe will not bring upon themſelves, and the nation, the blame and guilt of approving that, which ſeems to be much more juſtly cenſurable: The reproach that may belong to this treaty, and the judgments of God, that may follow on it, are now what a few only are concerned in. A national approbation is a thing of another nature; the publick breach of faith, in the attack that was made on the Smyrna fleet forty years ago, brought a great load of infamy on thoſe who adviſed and directed it; but they were more modeſt than to aſk a publick approbation of ſo opprobrious a fact: It lay on a few; and the nation was not drawn in to a ſhare in the guilt of that, which was then univerſally deteſted, though it was paſſed over in ſilence: It ſeems enough, if not too much, to be ſilent on ſuch an occaſion. I can carry my compliances no further'. Burnet, Vol. II. 623.

could cure their animoſities and diviſions at home, it would be the moſt effectual method to ſecure the Proteſtant Succeſſion'. This anſwer ſeemed to import, that the queen had already preſſed the duke of Lorrain to remove the Pretender; though the miniſters in the houſe of lords, and particularly the duke of Buckingham, preſident of the council, acknowledged, that they knew of no applications made to the duke of Lorrain, and therefore thought the words of the anſwer related only to the inſtances the queen had uſed, to get the Pretender to be ſent out of France. But the natural ſignification of the words ſeeming to relate to the duke of Lorrain, the earl of Sunderland made a motion for a ſecond addreſs, which was ſupported by the earl of Nottingham; and, after ſome oppoſition, it was ordered, 'That an addreſs be preſented to the queen, to thank her for her anſwer to their addreſs, and for the aſſurances ſhe had given them, of repeating her inſtances for removing the Pretender; and to expreſs their ſurprize, that ſuch inſtances had not had their full effect, notwithſtanding the French king, and the king of Spain, had ſhewn their compliance with her deſires on that occaſion: and to aſſure her, that this houſe would ſupport her, in whatever ſhe ſhould judge proper for obtaining a demand, which was ſo warranted by the laws of nations, and ſo neceſſary for the honour and ſafety of her majeſty, and for the preſent and future peace and quiet of the people'. All the anſwer brought to this addreſs was, that her majeſty received it graciouſly. Though applications of this nature were known to be ungrateful both to the queen and her miniſters, yet, on the 1ſt of July, general Stanhope made a motion in the houſe of commons, to the ſame purpoſe with that of the earl of Wharton in the houſe of peers, and was ſeconded by Mr. Lechmere. The only objection, againſt it, was made by ſir William Whitlocke, who ſaid, he remembered, 'That the like addreſs was formerly made to the Protector, for having Charles Stuart removed out of France; notwithſtanding which, that prince was, ſome time after, reſtored to his father's throne'. But, the members, who were ſuſpected of favouring the Pretender, being unwilling to diſcover their inclination in ſo critical a juncture, when the parliament was ſo near expiring, and a new election coming on, it was, according to Mr. Stanhope's motion, reſolved unanimouſly, 'That an addreſs be preſented to her majeſty, acknowledging the great care ſhe had always taken, particularly in the late treaties of peace and guaranty, to prevent the Pretender to her throne being in a condition to diſturb theſe realms; and to beſeech her, that ſhe would uſe the moſt ſpeedy and preſſing inſtances with the duke of Lorrain, and with all other princes in amity with her, that they would not, under any pretext whatſoever, receive, or ſuffer to continue within their dominions, the perſon, who, in defiance of her majeſty's moſt undoubted title to the crown, and the ſettlement thereof in the illuſtrious houſe of Hanover, had aſſumed the title of king of theſe realms; and, to aſſure her, that the commons of Great-Britain would on all occaſions, ſupport her in ſuch ſteps, as ſhould be neceſſary towards rendering thoſe inſtances effectual'. The addreſs, being prepared and approved, was, July 8, preſented by the whole houſe to the queen, who coldly told them, 'She thanked them for it, and would give directions according as they deſired': Which, however, was not complied with till two or three months after, at the ſolicitation of the lord-treaſurer. It was generally believed, that the duke of Lorrain did not conſent to receive the Pretender, till he ſent one over to know the queen's pleaſure upon it, of which he was very readily informed.

Thoſe, who enquired into the reaſons of theſe addreſſes againſt the Pretender, rightly aſcribed them, not only to the good reception he met with in Lorrain, but alſo to the affection, which many ſhewed openly for him in Great-Britain. To this purpoſe it is remarkable, that two addreſſes were about this time preſented to the queen by ſir Hugh Paterſon, introduced by the earl of Mar, and afterwards inſerted in the London Gazette. The firſt, of the magiſtrates and town-council of the burgh of Inverneſs in North Britain, contained the following paragraphs: 'We, without reſerve, depend on your majeſty's wiſdom in ſecuring our religion, and the Succeſſion to the hereditary crown of Great-Britain in the family of your royal progenitors, the moſt antient line of ſucceſſion in the world: being as much convinced, that our guaranty is entirely in your hands, as your ſerene majeſty does place yours in your people'. The other addreſs, from the town-council and inhabitants of the loyal burgh of Nairn, had this paſſage in it: We know not with what modeſty we can preſume to addreſs your majeſty in the matter of Succeſſion, leſt we ſhould ſeem to call in queſtion your majeſty's unqueſtionable prudence, or the faithfulneſs of your majeſty's council: and therefore we ſincerely declare, that our utmoſt wiſhes reach no further, than that our poſterity may reap the effects of your majeſty's wiſe choice, while we think ourſelves happy under your majeſty's adminiſtration all our days'. But, on the other hand, an addreſs from the city of Glaſgow, in a quite different ſtrain as to the Succeſſion, was preſented to the queen by the members for that city, introduced by the duke of Argyle.

The queen having appointed the 7th of July for a public thankſgiving, 'for the ſafe and honourable peace' lately concluded, and invited her parliament to attend her to St. Paul's, both houſes went with the uſual ſtate; but the queen not having entirely recovered her ſtrength ſince her laſt fit of the gout, ſhe could not be preſent at that ſolemnity. The Whigs were abſent for another cauſe. In the evening there were great bonfires and illuminations throughout the cities of London and Weſtminſter, and magnificent fireworks were played off on the Thames over-againſt Whitehall.

On the 16th of July, the queen came to the houſe of peers to paſs the bills, and put an end to the ſeſſion, when ſhe made the following ſpeech to the parliament:

My lords and gentlemen,

'I Come now to put an end to this ſeſſion with great ſatisfaction, and return you all my hearty thanks for the good ſervice you have done to the public.

Gentlemen of the houſe of commons,

'I muſt particularly thank you for the ſupplies you have now given; I will take care to apply them, as far as they will reach, to ſatisfy the ſervices you have voted.

'I hope, at the next meeting, the affair of commerce will be ſo well underſtood, that the advantageous conditions, I have obtained from France, will be made effectual for the benefit of our trade.

'I cannot part with ſo good and ſo loyal an houſe of commons, without expreſſing how ſenſible I am of the affection, zeal, and duty, with which you have behaved yourſelves; and I think myſelf therefore obliged to take notice of thoſe remarkable ſervices you have performed.

'At your firſt meeting you found a method, without farther charge to my people, to eaſe them of the heavy load of more than nine millions; and the way of doing it may bring great advantage to the nation.

'In this ſeſſion you have enabled me to be juſt in paying the debts to my ſervants.

'And, as you furniſhed ſupplies for carrying on the war, ſo you have ſtrengthened my hands in obtaining a peace.

'Thus you have ſhewed yourſelves the true repreſentatives of my loyal commons, by the juſt regard you have paid to the good of your country and my honour. Theſe proceedings will, I doubt not, preſerve the memory of this parliament to poſterity.'

My lords and gentlemen,

'At my coming to the crown, I found a war prepared for me. God has bleſſed my arms with many victories, and at laſt has enabled me to make them uſeful by a ſafe and honourable peace.

'I heartily thank you for the aſſiſtance you have given me therein, and I promiſe myſelf, that, with your concurrence, it will be laſting.

'To this end I recommend it to you all, to make my ſubjects truly ſenſible what they gain by the peace; and that you will endeavour to diſſipate thoſe groundleſs jealouſies, which have been ſo induſtriouſly fomented amongſt us, that our unhappy diviſions may not weaken, and in ſome ſort endanger, the advantages I have obtained for my kingdoms.

'There are ſome (very few, I hope) who will never be ſatisfied with any government: It is neceſſary therefore, that you ſhew your love to your country, by exerting yourſelves, to obviate the malice of the ill minded, and to undeceive the deluded.

'Nothing can eſtabliſh peace at home, nothing can recover the diſorders, that have happened during ſo long a war, but a ſteady adhering to the conſtitution in church and ſtate.

'Such, as are true to theſe principles, are only to be relied on; and, as they have the beſt title to my favour, ſo you may depend upon my having no intereſt nor aim, but your advantage, and the ſecuring of our religion and liberty.

'I hope, for the quiet of theſe nations, and the univerſal good, that I ſhall next winter meet my parliament reſolved to act upon the ſame principles, with the ſame prudence, and with ſuch vigour, as may enable me to ſupport the liberties of Europe abroad, and reduce the ſpirit of faction at home'.

Few ſpeeches from the throne have been more ſeverely reflected on than this was. It ſeemed ſtrange, that the queen, who did not pretend to underſtand matters of trade, ſhould paſs ſuch a cenſure on both houſes, for their not underſtanding the affair of commerce; ſince at the bar of both houſes, and in the debates within them upon it, the intereſt of the nation did appear ſo viſibly to be contrary to the treaty of commerce, that it looked like a contempt put upon them, to repreſent it as advantageous to England, and to rank all thoſe, who oppoſed it, among the ill-minded, or at leaſt among the deluded. Nor did it eſcape cenſure, that ſhe ſhould affirm, that the nation was by the parliament eaſed of the load of nine millions, without any further charge, ſince the nation muſt bear the conſtant charge of intereſt at ſix per cent. till the capital ſhould be paid off.

The ſharpneſs with which ſhe expreſſed herſelf, was ſingular, and not very well ſuited to her dignity or ſex: nor was it well underſtood, what could be meant by her ſaying, that ſhe found a war prepared for her at her coming to the crown; ſince ſhe herſelf began it upon the addreſſes of both houſes. It was alſo obſerved, that there was not in all her ſpeech one word of the Pretender, or of the Proteſtant Succeſſion. But that, which made the greateſt impreſſion upon the whole nation, was, that this ſpeech diſcovered plainly, that the court was reſolved to have the bill of commerce paſs in the next ſeſſion. All people concluded, that the miniſters were under engagements to the court of France to get it ſettled; and this was taken to be the ſenſe of the queen's words concerning the making the peace laſting.

After this ſpeech both houſes were prorogued to the 28th, but never to meet again, being diſſolved before that day came. And thus ended the third and laſt ſeſſion of the third Britiſh parliament, which ſome have diſtinguiſhed by the epithet of pacific. It may however be obſerved, that how far ſoever the commons carried their obſequiouſneſs to the miniſters in the affair of peace; yet the majority could not be prevailed with to approve the treaty of commerce, ſo deſtructive to the trade of England[h].

The ſentence of the houſe of lords, by which Dr. Sacheverel was forbid to preach during the ſpace of three years, expiring on the 23d of March, that day was celebrated in London, and in ſeveral parts of the kingdom, with extraordinary rejoicings. The Sunday following in the afternoon the Doctor preached the firſt time at his church of St. Saviour, where a great multitude thronged to hear, or at leaſt to ſee him, expreſſing their joy at his returning to the exerciſe of his function. His ſubject was the duty of praying for our enemies from St. Luke xxiii. 34. 'Father, forgive them, for they know not what they do'. In his ſermon he made a tacit but obvious parallel between his ſufferings and thoſe of Jeſus Chriſt. Not long after, the houſe of commons, to ſhew their diſlike of his former proſecution and cenſure, deſired him to preach before them at St. Margaret's, Weſtminſter, on the 29th of May, being the Reſtoration-day; which he did, and had the thanks of the houſe for his ſermon. Nor was the court backward in rewarding his late ſervice; for, the rectorſhip of St. Andrew's, Holborn, becoming vacant, he was promoted to that rich benefice. About this time alſo Dr. Jonathan Swift, who had ſerved the preſent managers by writing ſeveral libels againſt the Whigs and laſt miniſtry, by whom he had been diſappointed in his ſolicitations for preferment, was by the duke of Ormond promoted to the deanery of St. Patrick, Dublin.

In the end of May, died Dr. Sprat, biſhop of Rocheſter; his parts were very bright in his youth, and gave great hopes; but theſe were blaſted by a lazy libertine courſe of life, to which his temper and good nature carried him, without conſidering the duties, or even the decencies of his profeſſion: He was juſtly eſteemed a great maſter of our language, and one of our correcteſt writers. Atterbury ſucceeded him in that ſee, and in the deanery of Weſtminſter: Thus was he promoted, and rewarded for all the flame that he had raiſed in our church. Dr. Smalridge, a divine of the ſame principles with Atterbury, and dean of Carliſle, was made dean of Chriſt-Church, Oxford. At the ſame time, care was taken to put the moſt important towns in the kingdom in the hands of ſuch perſons, as were prepared blindly to follow the queen's meaſures. With this view, the earl of Dorſet, being removed from being governor of Dover, and warden of the Cinque-ports, was ſucceeded by the duke of Ormond, whoſe ſon-in-law, the lord Aſhburnham, was made deputy-governor and deputy-warden; and ſir Henry Bellaſyſe was appointed governor of the town of Berwick upon Tweed. Not long after a penſion of five thouſand pounds per annum was granted to the duke of Ormond, for the term of fifteen years, out of the revenues of Ireland, in conſideration of his eminent ſervices; and the lord Aſhburnham was appointed colonel and captain of the firſt troop of horſe-guards in the room of the earl of Portland, who was ordered to diſpoſe of that poſt for the ſum of ten thouſand pounds. Sir John Powel, one of the judges of the Queen's-Bench, dying in June on his return from Bath, was ſucceeded by ſir Thomas Powis; and ſir William Baniſter, a ſerjeant at law, was made one of the barons of the Exchequer, in the room of ſir Salathiel Lovel, lately deceaſed. The duke of Mountague having obtained the queen's leave to travel beyond ſea, reſolved to follow the fortune of the duke of Marlborough, his father-in-law. The duke of Montroſe, who was well affected to the Proteſtant Succeſſion, being removed from the place of lord Privy-Seal of Scotland, was ſucceeded in it by the duke of Athol; which change rather increaſed than abated the preſent ferment in that part of Great-Britain. For, on the one hand, the Preſbyterian miniſters refuſed to obſerve the public thankſgiving-day for the peace, appointed by the queen; and, on the other hand, the friends of the Pretender, made great preparations to celebrate his birth-day.

The danger with which the Hanoverian Succeſſion was threatened, appeared to be the more real and imminent, by reaſon of the great countenance, which the Roman Catholics and Jacobites received from the diſtinguiſhing marks of favour, which at this juncture, were ſhewn to the duke d'Aumont, ambaſſador extraordinary from France, who came to London on the ſecond of January, 1712-13, and was lodged at Powis-houſe in Ormond-Street. He was at firſt attended in public with great acclamations by the populace, amongſt whom he threw out from his coach handfuls of money; but, having ſoon diſcontinued that cuſtom, they changed their note, and inſulted him with the cry of, 'no Papiſt, no Pretender'; and great inſolencies were offered before his houſe by ſome, who being oppoſed by others, it occaſioned a ſcuffle between them; whereupon it was thought proper to order the conſtables of the pariſh to look to the ſecurity of his houſe. Nor was this precaution unneceſſary; for by this time there was a general clamour among the people againſt him, on account of great quantities of wines, ſilks, and other goods, which his domeſtics were ſaid to have imported cuſtom-free, to the prejudice of the tradeſmen of London and Weſtminſter. The fact was, ſome French merchants took that opportunity to bring over a good deal of Burgundy and Champagne; which, before his arrival, were ſold by retail at his houſe, and other places, at lower rates than at the taverns; and at the ſame time, other Frenchmen, who pretended to be of his retinue, brought alſo ſilks, buttons, perukes, toys, and other ſmall-wares, which they expoſed to ſale, unknown to the ambaſſador. But though it was certain, that all the wines imported on this occaſion (except two tuns allowed to an ambaſſador extraordinary) paid the full duties, which amounted to about 2500l. And though the duke d'Aumont, upon his arrival at London, forbad the ſelling of wines or any other commodities in his houſe, yet the people put up the ſign of a Bunch of Grapes before it in the night-time; and ſeveral ballads were written both in French and Engliſh, one of them called, 'The Merchant a-la-mode', containing many ſevere reflections, not only againſt the ambaſſador, but againſt the queen's miniſters; ſtrict ſearch was made after the publiſhers of it, one of whom was committed to Newgate. Beſides theſe public inſults, ſeveral letters were ſent to the ambaſſador, to give him notice, that his houſe would be ſet on fire; which, whether by deſign or accident, happened on the 26th of January. That day the duke d'Aumont entertained at dinner the ambaſſador of Venice, the envoys of Sweden and Florence, the lord Waldegrave, and ſome other perſons of diſtinction, whom, by way of jeſt, he acquainted with the threatening letters he had received. But the company were ſoon alarmed in good earneſt by a cry of fire; which having broke out about three in the afternoon in an upper room, ſpread itſelf with ſuch violence, that, in leſs than two hours, the whole houſe was burnt to the ground; and all that the ambaſſador's domeſtics could do, was to ſave his plate, and part of his richeſt furniture. The duke of

[h] Burnet concludes his hiſtory with ſaying: I am now come to the end of the war, and of this parliament, both at once: It was fit they ſhould bear ſome proportion to one another; for, as this was the worſt parliament I ever ſaw, ſo no aſſembly, but one compoſed as this was, could have ſate quiet under ſuch a peace: But I am now arrived at my full period, and ſo ſhall cloſe this work: I had a noble proſpect before me, in a courſe of many years, of bringing it to a glorious concluſion; now the ſcene is ſo fatally altered, that I can ſcarce reſtrain myſelf from giving vent to a juſt indignation in ſevere complaints: But an hiſtorian muſt tell things truly as they are, and leave the deſcanting on them to others: So I here conclude this hiſtory of above three and fifty years. Burnet, Vol. II. 631.

Ormond, having notice of this accident, cauſed detachments of the horſe and foot-guards to march to Ormond-ſtreet, to ſecure the ambaſſador's goods, and went himſelf to direct and encourage the engineers and firemen. The loſs, the ambaſſador and his domeſtics ſuſtained, was by ſome magnified to an immenſe degree, whilſt others made it inconſiderable. How the fire began, was then, and ſtill remains a more difficult queſtion to be reſolved. It was at firſt given out, that it happened by the careleſsneſs of his confectioner. Others ſaid, the houſe was ſet on fire by an iron pot full of charcoal, that had been put in the middle of a room newly painted, in order to dry it. Others again reported, it was ſet on fire by two bricklayers, who had been employed to mend the tiles of the houſe, and who did it, at the inſtigation of the Whigs. Upon this ſuſpicion, the two bricklayers were taken into cuſtody, and an advertiſement was publiſhed in the London Gazette, 'That her majeſty thought fit to promiſe, that if any of the perſons, who wrote the letters to the duke d'Aumont, or any other perſon whatſoever, ſhould diſcover the contrivers or actors of ſo ſcandalous and wicked a deſign, ſo that they, or any of them, might be brought to juſtice; ſuch perſon, or perſons, ſhould receive a reward of five hundred pounds, and her majeſty's pardon for the offence'. The ſtricteſt enquiry, that could be made, not affording ground to fix this fire upon any particular perſon, the generality continued in their firſt opinion, that it happened through accident. But many, who conſidered, that, as ſoon as the queen was informed of the misfortune that had befallen the French ambaſſador, ſhe gave immediate orders that the beſt apartment in Somerſet-houſe ſhould be prepared for his accommodation, began to entertain a ſuſpicion, that Powis-houſe was deſignedly ſet on fire, for a pretence to remove the French ambaſſador to a royal palace on the Thames, where any perſon might have private acceſs to him. Others carried their ſurmiſes ſo far, as to imagine, that the Pretender himſelf was come over with the ambaſſador, and had private interviews with the queen and ſome of her miniſters. Theſe jealouſies were increaſed by the frequent entertainments and balls, which the duke d'Aumont gave in his apartment; where a great concourſe of perſons reſorting in maſks, he had an opportunity to ſound the ſentiments of many about the chevalier de St. George.

Mr. Prior, having, in the queen's name ſolicited the releaſe of the French Proteſtants, who were on board the gallies on account of their religion; the marquis de Torcy took that opportunity of complaining to him, that the French refugees in England made it their buſineſs to inveigh againſt the king his maſter; and naming, in particular, Mr. Dubourdieu, a French miniſter of the royal chapel in the Savoy (who indeed had diſtinguiſhed himſelf that way) deſired, he might be puniſhed, and made an example to the reſt. At the ſame time, Torcy directed the duke d'Aumont to demand the ſame at the court of Great-Britain; upon which he preſented a memorial againſt Dubourdieu, to deſire that exemplary puniſhment might be inflicted on him and all miniſters, who abuſed their pulpits by declamations againſt his maſter.

Mr. Prior having beforehand acquainted the lord Bolingbroke with the purport of this memorial, which claſhed with the conſtitution of our free government, the queen was prepared with an anſwer, 'That this was none of her buſineſs, but the biſhop of London's'; to whom the memorial was referred, with orders to examine Dubourdieu. He having appeared before the biſhop with four elders of his church, the biſhop communicated to them the French ambaſſador's memorial; and aſked the French miniſter, What he had to ſay to it? Dubourdieu anſwered, 'The memorial containing only general complaints, he had nothing elſe to ſay, but that, during the war, he had, after the example of ſeveral prelates, and other clergymen of the church of England, freely preached againſt the common enemy and perſecutor of the church; and that, the greateſt part of his ſermons being printed with his name affixed, he was far from diſowning them; but that, ſince the proclamation of the peace, he had not ſaid any thing that in the leaſt concerned the perſon of the French king'. The biſhop made him repeat the words, 'Since the proclamation of the peace'; and aſking of the elders, 'Whether this was true?' They anſwered, That it was. Upon which the biſhop ſaid, he would make his report to the queen: which he did in ſuch a manner, that the French ambaſſador found no encouragement to inſiſt on his demand.

On the 1ſt of July, the duke d'Aumont made his public entry with great magnificence, attended by two gentlemen of horſe, twelve pages, thirty footmen, and nine of his own coaches, five of which were drawn by eight horſes, the other by ſix; his liveries being of ſcarlet cloth, covered with a gold and green lace. Having, according to cuſtom, been ſplendidly entertained for three days at the queen's expence in Somerſet-Houſe, he was from thence conducted to his firſt audience of the queen, to whom he addreſſed himſelf in a ſpeech full of compliment and flattery.

About the middle of July, the French miniſtry reſolved to try the weight of their intereſt with the court of Great-Britain. Monſieur Tugghe, deputy from the magiſtrates of Dunkirk, preſented to the queen an addreſs or petition, 'wherein he begged her majeſty's clemency for ſparing the harbour and port of that town'. But he was told by the lord Bolingbroke, 'That the queen beheld with ſorrow the damages, which the inhabitants of that town would ſuſtain by the demolition of its ramparts and harbour: but ſhe did not think it convenient to make any alteration in an affair agreed on by a treaty'. Tugghe, not diſcouraged by this repulſe, preſented a ſecond addreſs, wherein he ſuggeſted, 'That the preſervation of the harbour of Dunkirk, without works and fortifications, might, in time, be equally uſeful, and become even abſolutely neceſſary, both for her majeſty's political views, and the good of her ſubjects. This he endeavoured to evince, by a long deduction of ſeveral particulars, and then concluded with preſuming to hope, 'That her majeſty would graciouſly be pleaſed to recall part of her ſentence, by cauſing her thunderbolts to fall only on the martial works, which might have incurred her diſpleaſure, and by ſparing only the mole and dykes, which, in their naked condition, could, for the future, be no more than an object of pity'. What anſwer was returned to this memorial, never came to public knowledge; but Tugghe, whether of his own head, or by the encouragement of other perſons, having cauſed it to be printed and diſperſed in Engliſh, to try how it would be reliſhed by the people, Mr. Richard Steele, who with Mr. Addiſon, and Mr. Arthur Maynwaring, exerted himſelf in defence of the liberties of England, and of the Whig cauſe, and who, at this very juncture, was writing a weekly paper, called the Guardian, anſwered Tugghe's memorial with great ſpirit, and, in order to expoſe it to the reſentment of all men, who valued their country, or had any reſpect to the honour, ſafety, or glory of their queen, ſuggeſted, in his paper of the 7th of Auguſt, 1713,

'That the Britiſh nation expected the immediate demolition of Dunkirk.

'That the very common people knew, that within two months after the ſigning of the peace, the works towards the ſea were to be demoliſhed, and, within three months after it, the works towards the land.

'That the peace was ſigned the laſt of March, O. S.

'That the parliament had been told from the queen, that the equivalent for it is in the hands of the French king.

'That the ſieur Tugghe has the impudence to aſk the queen, to remit the moſt material part of the articles of peace between her majeſty and his maſter.

'That the Britiſh nation received more damage in their trade from the port of Dunkirk, than from almoſt all the ports of France, either in the ocean, or in the Mediterranean.

'That fleets of above thirty ſail have come together out of Dunkirk, during the late war, and taken ſhips of war, as well as merchantmen.

'That the Pretender ſailed from thence to Scotland; and that it is the only port the French have, till you come to Breſt, for the whole length of the Channel, where any conſiderable naval armament can be made.

'That deſtroying the fortifications of Dunkirk is an inconſiderable advantage to England, in compariſon to the advantage of deſtroying the mole, dykes, and harbour, it being the naval force from thence, which only can hurt the Britiſh nation.

'That the Dutch, who ſuffered equally with us from thoſe of Dunkirk, were probably induced to ſign the treaty with France, from this conſideration, that the town and harbour of Dunkirk ſhould be deſtroyed.

'That the ſituation of Dunkirk is ſuch, as that it may always keep runners to obſerve all ſhips ſailing on the Thames and Medway.

'That all the ſuggeſtions, which the ſieur Tugghe brought concerning the Dutch, were falſe and ſcandalous.

'That, whether it might be advantageous to the trade of Holland or not, that Dunkirk ſhould be demoliſhed, it was neceſſary, for the ſafety, honour, and liberty of England, that it ſhould be ſo.

'That, when Dunkirk was demoliſhed, the power of France, on that ſide, ſhould it ever be turned againſt us, would be removed ſeveral hundred miles further off Great-Britain, than it was at preſent.

'That after the demolition, there could be no conſiderable preparations made at ſea by the French in all the Channel but at Breſt; and that Great Britain being an iſland, which

cannot be attacked but by a naval power, we might eſteem France effectually removed by the demolition from Great-Britain, as far as the diſtance from Dunkirk to Breſt.

Theſe reflections were not only a great mortification to Tugghe and the other French agents, but alſo gave no ſmall offence to ſome of the Britiſh miniſters, as appeared by the ſevere animadverſions that were publiſhed by the authors of the Examiner. But, on the other hand, the neceſſity of the immediate demolition of Dunkirk was urged by ſeveral other writers, and particularly by Mr. Toland in a pamphlet, intitled, 'Dunkirk or Dover'.

About the beginning of September, the colonels Armſtrong and Clayton were appointed commiſſioners to ſee the fortifications of Dunkirk demoliſhed; and at the ſame time two captains of men of war were, by the admiralty, named to ſee the harbour filled up. Accordingly, on the 7th of September, the two colonels ſet out for Dunkirk, where three French battalions, and as many Swiſs being come, and encamping, the one without Port-Newport, the other without Port-Royal, they began on the 26th the demolition, the French between theſe two gates, and the Swiſs between the baſon and the citadel. The ſame day a diſpute aroſe between ſir James Abercromby, the Britiſh commandant, and monſieur le Blanc, the French intendant of the province, about the manner of carrying it on. The French intended to have made a breach in the ramparts, or main fortifications of the town; but the two Engliſh commiſſioners having made the commandant ſenſible, that, if the ſame was permitted, the Engliſh garriſon was not ſafe, and the French, might eaſily make themſelves maſters of the place; ſir James inſiſted, and it was at laſt agreed to by le Blanc, that all the out-works, both towards the ſea and the land, ſhould be firſt demoliſhed; next the harbour ruined and filled; afterwards the main fortifications of the place razed and deſtroyed; and laſt of all, the citadel. This point being cleared, the French and Swiſs ſoldiers went to work again, and removed the great guns from Fort Gallard, Fort de Revers, the Riſbank, and the two forts at the heads or entrance of the port; and the miners made preparations to blow up theſe forts, and the other outworks; which was done towards the end of November. But notwithſtanding all this, the French found afterwards an expedient to evade the letter of this treaty, by making a new canal in Mardyke, which had a communication from the ſea to the baſon of Dunkirk.

The duke d'Aumont having taken his audience of leave at Windſor about the end of Auguſt, he ſet out from London on his return to Paris the 7th of November.

Before the queen left Kenſington, ſhe reſolved to beſtow ſome marks of her favour on the earl of Peterborough, who, though not in any great confidence with the prime managers, had yet been inſtrumental in the change of the miniſtry in 1710, and had ſupported their pacific meaſures. He was on the 3d of Auguſt elected knight of the garter, in the room of the late duke of Hamilton; and the next day inſtalled at Windſor, with the dukes of Beaufort and Kent, earl Paulet, the earl of Oxford and Mortimer, and the earl of Strafford; ſir Jacob Banks ſtanding proxy for this laſt. About the ſame time the biſhop of Briſtol, lord privy-ſeal, was tranſlated to the ſee of London, vacant by the death of Dr. Henry Compton, a generous and good-natured man, but eaſy and weak, and much in the power of others. On the 8th of Auguſt, a proclamation was publiſhed for diſſolving the parliament, and another on the 17th, for calling a new one.

Some days before, ſeveral letters ſubſcribed with an H (the initial letter of the earl of Oxford's family name) were ſent by the poſt to the mayors, and other magiſtrates of divers corporations, 'recommending them to promote the intereſt of the Pretender in the next elections; which it was ſuggeſted, would be acceptable to the queen and miniſtry'. Some of theſe letters having been tranſmitted to the ſecretaries of ſtate, an advertiſement, ſigned by the lord Dartmouth, was inſerted in the Gazette, promiſing the queen's pardon, and a reward of one hundred pounds, to any perſon who ſhould diſcover the author of the letters. This occaſioned various conjectures. Some aſcribed the letters to the diſcontented Whigs; others to the Pretender's friends, both of whom hated the lord-treaſurer, the Whigs, for having done too much, and the others for having done too little for the Pretender's intereſt. On this account he was in a very difficult ſituation, eſpecially, as he had been for ſome time upon ill terms with the lord Bolingbroke, as appears from his own letter to the queen, of the 9th of June 1713. Before the laſt ſeſſion of parliament, Bolingbroke had formed a ſcheme to put himſelf and chancellor Harcourt at the head of the High-church party, and had oppoſed the duke of Shrewſbury's being ſent over to France. However, with lady Maſham's aſſiſtance, the lord-treaſurer brought his own ſcheme to bear, which was, 'That the duke of Ormond ſhould ſtay in England, to attend the army affairs, which was neceſſary at the time of diſbanding: That the duke of Shrewſbury ſhould go to Ireland, as lord-lieutenant, upon his return from France: That the earl of Findlater ſhould be chancellor of Scotland; The earl of Mar third ſecretary of ſtate; the lord Dartmouth privy-ſeal; Mr. Speaker Bromley ſecretary of ſtate; and ſir William Wyndham chancellor of the Exchequer, in the room of Robert Benſon, lately created lord Bingley, and named ambaſſador extraordinary to the court of Madrid'. This new ſcheme perfectly defeated that of lord Bolingbroke and his friends, which threw them into a great rage; and the lord chancellor declared the promotion of the earl of Findlater to be againſt law, and would not treat the earl with decency; and lord Mar and Secretary Bromley received many inſtances of ill uſage. Moſt of theſe changes were declared from the middle of Auguſt to the middle of September; and, about that time, Thomas Foley was appointed auditor of the impreſt accounts, in the room of Mr. Maynwaring deceaſed; the lord Lanſdown, treaſurer of the houſhold, in the room of the earl of Choldmondeley, formerly removed; ſir John Stonehouſe, comptroller of the houſhold, in the room of the lord Lanſdown; the lord de la War, treaſurer of the chamber, in the room of the lord Fitzharding deceaſed; Francis Gwin, ſecretary of war, in the room of ſir William Wyndham; and Thomas Moore, brother to Arthur Moore, paymaſter of the land-forces abroad, in the room of Mr. Bridges. About this time, likewiſe, the duke of Northumberland and ſir John Stonehouſe were ſworn of the privy-council; and the earl of Denbigh made one of the tellers of the Exchequer.

All this while the party-writers and managers on both ſides were extremely buſy in preparing the minds of the people to favour their reſpective intereſts in the new elections for parliament men. But notwithſtanding the weight and influence of the court, and the viſible partiality of ſome returning officers, a far greater number of Whigs were choſen, than was by many expected.

There happened about this time an incident, which did not a little contribute to ſecure the treaſurer's intereſt at court. An advertiſement had been inſerted in the London Gazette, whereby it was propoſed to raiſe three hundred thouſand pounds for paying off part of the debts of the navy, by way of loan, on the ſecurity of the South-ſea ſtock, depoſited, for that purpoſe, into the hands of the chamberlain of London, and the deputy-tellers of the Exchequer. Whether monied men did not like the ſecurity, or the truſtees; or whatever was the reaſon, not above ſeventy thouſand pounds were ſubſcribed into this loan in ſix or ſeven weeks; which made many believe, it would never be filled up. But, upon an order of the 9th of September by the lord-treaſurer, that whoever ſhould ſubſcribe one hundred pounds to the loan, ſhould be intitled to buy ten tickets of ten pounds each in the houſhold lottery of five hundred thouſand pounds, there was the next day ſuch a croud of ſubſcribers, both at the Exchequer and Guild-hall, that more than three hundred thouſand pounds were ſubſcribed. The treaſurer improving the opportunity, enlarged the loan to five hundred thouſand pounds, which in a few days was filled up, as was at the ſame time the lottery of the like ſum: So that, by this means, the treaſurer raiſed a million ſterling in two or three days, which greatly advanced his credit and reputation,

The marquis de Miremont, whom the queen had ſent to Utrecht with a commiſſion to take care of the intereſt of the French Proteſtants, being come over, waited on the queen, and returned her thanks for procuring the enlargement from the gallies of France of one hundred and thirty-ſix Proteſtants. He deſired her ſtill to interpoſe her good offices for the deliverance of one hundred and eighty-five more of theſe ſufferers, who were ſtill detained in the gallies on the ſame account. The marquis de Rochegude ſpoke to her likewiſe in their behalf, and delivered to her letters from the States and the princeſs Sophia to the ſame purpoſe. The queen, who had been given to underſtand, that all the French Proteſtant ſufferers had been enlarged, was ſurprized to find, there were ſo many ſtill under affliction; and deſired the marquis de Rochegude to give her a liſt of them. The archbiſhop of York, lord Almoner, having likewiſe been informed about this matter, he ſeconded both the French marquiſſes ſolicitations with great zeal; which had the deſired effect. About this time Charles Roſs, colonel-general of the dragoons, and lieutenant-general, was appointed envoy extraordinary to the king of France.

Some days before, a very remarkable thing happened in Scotland. George Lockhart of Carnwath, an avowed friend

of parliament for Edinburgh; a great number of the inhabitants ſigned a petition, to be preſented to the houſe of commons, for bringing in a bill to diſſolve the Union. This done, the populace went to the Parliament Cloſe in Edinburgh, and there, by the ſtatue of king Charles II, drank healths to the queen, the diſſolution of the Union, and all true Scotchmen; and afterwards went to the market-croſs and did the like, with repeated acclamations. It was likewiſe reported, that ſome Scots merchants cauſed a petition to be preſented to the king of France by Mr. Arbuthnot, their agent at Roan, repreſenting their grievances in point of trade, and other matters, and deſiring his protection for their redreſs, in conſideration of the ancient alliances between France and Scotland. But, this application bordering upon treaſon, no further ſteps were made in it.

About the latter end of the year 1713, the following incident happened: By the regency bill, which was to take place on the queen's death, power was given to the perſon next in ſucceſſion, to nominate as many as he or ſhe pleaſed, to act with the great officers named in the bill. This was, properly ſpeaking, the ſafeguard of the Proteſtant Succeſſion. The act was very particular, in directing ſeveral things to be done in that affair, by the perſon next in ſucceſſion abroad, and by his miniſter or agent here. Mr. William Benſon, apprehending ſome omiſſions in this reſpect, by which the nomination could not be of any uſe, applied to baron Bothmar for information, and found his fears were not groundleſs. The act directed, that the inſtruments of nomination ſhould be three in number, and tranſmitted hither to the reſident of the perſon next in ſucceſſion, whoſe credentials were to be inrolled in Chancery; and, after ſuch inrolment, the reſident was to depoſit one part with the archbiſhop of Canterbury, another with the lord-chancellor or keeper, and the third was to remain with the reſident, and that the ſeals of theſe three perſons ſhould be fixed to the covers in which the inſtruments were included. Now Bothmar, in whoſe hands one of theſe inſtruments was left, had not the character of reſident; and Mr. Kreinberg, who was reſident, and whoſe credentials were inrolled, was not concerned in the matter. Nor was Bothmar's, nor Kreinberg's, nor the chancellor's ſeal affixed to the inſtruments, but the ſeal of baron Schutz and of the lord Cowper, who was no longer chancellor. If therefore the queen had died, whilſt the matter was in this ſituation, theſe inſtruments could not have been opened, becauſe the act had not been complied with. In this light Benſon repreſented the affair to Bothmar, who deſired that chief juſtice Parker might be acquainted with it. Parker appointed a meeting of the chief perſons truſted by the houſe of Hanover, and Bothmar was to bring his part of the depoſited inſtruments with him. Accordingly, there was the next morning a meeting at the duke of Devonſhire's, and, upon examination, all were of opinion, the whole was wrong, and that it was of the utmoſt conſequence it ſhould be redreſſed as ſoon as poſſible. Parker undertook to direct the proper forms; and a meſſenger was diſpatched to Hanover, who returned with great expedition with inſtruments according to law; the firſt of which was to appoint Kreinberg reſident, and, after the inrollment of his credentials, he had new inſtruments to be depoſited by him, purſuant to the act. Kreinberg went immediately to chancellor Harcourt, and delivering his new credentials, deſired they might be inrolled, which the chancellor ſaid ſhould be done in a few days. But, the thing being delayed, Kreinberg went to the chancellor, and told him, if his credentials were not inrolled by the next poſt, he muſt acquaint the princeſs Sophia with it. This was reſented; but, however, he was bid to come again in a day or two, at which time the chancellor delivered to Kreinberg, not his credentials, but a copy only, or a common piece of paper.

When this paper was ſhewn to chief-juſtice Parker, as delivered by the chancellor to Kreinberg, for his credentials inrolled, he was greatly ſurpriſed, and carried the paper with him to Weſtminſter-hall (where he was then going) to ſhew it to the chancellor, and ſpeak to him about it. Parker producing the paper to the chancellor told him, it had been delivered to the Hanover reſident as his credentials inrolled, without ſaying who had done it. The chancellor, as if he knew nothing of the matter, ſaid with great warmth, 'This is very wrong, but this is a young fellow juſt come into his office, his father being lately dead; but let me have the paper, and I will take care to ſet this matter to rights for Mr. Kreinberg, if he will come to me in a day or two'. Kreinberg did not fail going, and at laſt got his credentials again properly inrolled about the 27th of March 1714. Shortly after the inſtrument appointing the perſons to be added to the lords regents on the queen's deceaſe were depoſited in proper form, which had not been done before in eight years, for ſo long the act had ſubſiſted, being paſſed in 1706.

Ireland, ſince the lord Wharton had reſigned the government of it, was become Jacobite almoſt without reſerve, and the boldneſs of the Papiſts, countenanced by chancellor Phipps, alarmed the Proteſtants, and put them upon their guard againſt the attempts of their enemies, who, about this time, induſtriouſly fomented the diſputes occaſioned by the election of a lord-mayor for the city of Dublin. The aldermen having choſen Mr. Pleaſants, it was ſtrenuouſly oppoſed by the then lord-mayor, and the deciſion of the affair being left to the privy-council (where the lords-juſtices, of whom Sir Conſtantine Phipps was one, had the direction) they came on the 4th of September to theſe reſolutions; 1. That the lord-mayor of the city of Dublin, for the time being, has the right of nominating three aldermen to be put in election for lord-mayor of Dublin; and that the lord-mayor and aldermen are obliged to elect one of the three to be ſucceeding lord-mayor, unleſs juſt objections be made againſt them. 2. That the proceeding of ſeventeen aldermen in the election of alderman Pleaſants for lord-mayor, and James King for ſheriff, in the abſence of ſir Samuel Cooke, lord-mayor, was a breach of the new rules; and that ſuch elections were null and void'. Six days after, the lord-mayor ſummoned the aldermen to meet, and proceed to a new choice; and, in purſuance of the reſolution of the council, he named ſir William Fownes and aldermen Conſtantine and Maſon, the ſame who were in nomination before. But twenty aldermen inſiſted on a previous queſtion concerning the firſt in nomination, and offered ſome objections to him; upon which, the lord-mayor having diſſolved the court, nothing was determined.

In this ferment the duke of Shrewſbury found the city of Dublin, when he arrived there on the 27th of October, to take upon him the government of Ireland: and perceiving the Pretender's friends had received no ſmall encouragement from chancellor Phipps, he took all proper occaſions to make good the expectations of the well-affected to the revolution and the Proteſtant Succeſſion; but more particularly on king William's birth-day, when he declared, 'He was ſtill the ſame he was in the year 1688, and publickly drank to the pious and glorious memory of king William.'

A new parliament being called, the ſtruggle in Ireland between the two parties was as great as in England. The warmeſt contention was in the city of Dublin, where ſir William Fownes and Mr. Tucker were ſet up by the Tories, and Mr. recorder Forſter and Mr. Burton by the Whigs. The poll began on the 6th of November; and the ſheriffs, perceiving the electors were going into a riot, ſent for ſome of the guards to prevent it: upon which a tumult aroſe, and the guards, being aſſaulted by the populace, fired ſome ſhot among them, killed one man, and wounded ſome others. Both parties immediately made their complaints to the lord lieutenant, who, the next day, appointed a committee to make a ſtrict inquiry into the diſorder, and directed the ſheriffs to take the poll at two different places, to prevent the meeting and claſhing of the two contending parties; and upon information, that the Papiſts and Jacobites were the chief promoters of the riot, he cauſed ſeveral popiſh chapels in Dublin to be ſhut up; which was very grateful to all Proteſtants. On the 17th of November the ſheriffs cloſed the poll; and Forſter and Burton were declared duly elected by a great majority.

The parliament of Ireland being met on the 25th of November, the lord-lieutenant made a ſpeech to both houſes, importing, 'That her majeſty having procured a ſafe and honourable peace, had nothing now to wiſh, but that her ſubjects might enjoy the benefits and advantages of it. That her majeſty had nothing more at heart, than the preſervation of the rights and liberties of her people, and the ſettling them upon a laſting foundation, by ſecuring the Proteſtant Succeſſion in the houſe of Hanover'. He earneſtly recommended to the commons, 'That as the Proteſtants in that kingdom were united in one common intereſt, they might all agree in the ſame means of promoting it, by laying aſide all warmth or reſentment; which would appear by the unanimity of their proceedings'.

Notwithſtanding this caution, there was the next day a great conteſt in the houſe of commons about the choice of a Speaker; Sir Richard Levinz being put up by the Tory party, and Alan Broderick by the Whigs; but, upon a diviſion, Broderick was choſen by a majority of four voices.

The addreſſes of compliment to the queen and the lord-lieutenant having been preſented, the commons proceeded in providing by good laws, for the ſecurity of the Proteſtant religion, againſt the deſigns of the Papiſts. They ordered a bill to be brought in to attaint the Pretender, and all perſons that ad-

hered to him, of high-treaſon, with the promiſe of a reward to any perſon that ſhould take the Pretender alive or dead. They appointed a committee to enquire into the proceedings againſt Edward Lloyd, for publiſhing a book called, The memoirs of the chevalier de St. George [i], and againſt Dudley Moore, and others, relating to a pretended riot at the play-houſe, occaſioned by that gentleman's ſpeaking the prologue to Tamerlane, in praiſe of king William. They confirmed the election of Foriter and Burton, and unanimouſly reſolved upon an addreſs to the queen, for the removal of ſir Conſtantine Phipps from the chancellorſhip [k],

On the other hand, the biſhops of Ireland, reſolving not to leave the chancellor to the reſentment of the commons, uſed their utmoſt endeavours to get a contrary addreſs voted in the houſe of lords, where it was reſolved, that chancellor Phipps had, in his ſeveral ſtations, acquitted himſelf with honour and integrity. And, a committee being ordered to draw up the addreſs, it was preſented to the lord-lieutenant to be tranſmitted to England [l].

On the 21ſt of December, the commons, taking into conſideration the ſtate of the nation, came to ſeveral reſolutions againſt the proceedings of thoſe who had lately been the managers of the affairs of that kingdom [m].

Mr. Moleſworth, (afterwards viſcount Moleſworth) famous for his Preface to the ſtate of Denmark, being a privy-counſellor in Ireland as well as member of parliament, was at the caſtle of Dublin, with ſome other members, on the day the commons preſented their addreſs againſt the chancellor: The two houſes of convocation coming thither, to preſent a contrary addreſs, Mr. Moleſworth ſaid in the hearing of ſome gentlemen about him, 'They that have turned the world upſide down, are come hither alſo'? Upon this the lower houſe of convocation ſent a complaint to the upper, repreſenting, 'That they looked upon the words uttered by Mr. Moleſworth to be an intolerable profanation of the Holy Scriptures; and that his ſpeaking them at that time, and in that place, was with deſign to caſt an odium and aſperſion on their graces and their lordſhips, and the whole clergy, and to repreſent them as a turbulent and ſeditious body. That they thought themſelves in duty obliged to lay the matter before the upper houſe; not only for the reaſons above mentioned, but, becauſe they conceived it to be a high affront to her majeſty, and great diſreſpect to her repreſentative, the lord-lieutenant: And they humbly prayed their lordſhips to vindicate the whole clergy from this wicked calumny'. The biſhops immediately laid this complaint before the houſe of lords; who deſired a conference with the commons, and left with them a copy of the paper delivered by the biſhops. The commons laid no great ſtreſs on that complaint; but, the matter having been repreſented in England in the moſt odious colours, Mr. Moleſworth was removed from the privy-council.

It is obſervable that chancellor Phipps had many champions for him in Great-Britain; every Tory thinking himſelf obliged to vindicate him, upon the account of his zealous adhering to the church's cauſe in Dr. Sacheverel's tryal, and giving out, that the reſolutions of the commons againſt him 'were not of Iriſh growth, but the reſult of the joint counſels of the Whigs of both kingdoms'. On the other hand, the Whig party loudly juſtified the proceedings of the Iriſh houſe of commons againſt that miniſter, who, to ſay no worſe, had been the occaſion of unhappy diſtinctions among the Proteſtants of that kingdom [n]. Theſe diviſions gave ſo great encourage-

[i] This book was written in defence of the legitimacy of the Pretender, and of his title to the crown. Lloyd had publiſhed advertiſements of his intentions to reprint that book, exhorting all good people to ſubſcribe for it. For this he had been indicted, and the bill found in Michaelmas-term, 1712. Notwithſtanding which, he went about at large till July 1713; and chancellor Phipps wrote a letter to the duke of Ormond in favour of Lloyd, recommending him as an object of the queen's mercy, and 'as a perſon who had no evil intention in printing and publiſhing that book'; upon which Lloyd obtained a noli proſequi. See Conduct of the Purſe in Ireland, p. 35.

[k] The commons, December 18, unanimouſly reſolved, 1. That the Memoirs of the chevalier de St. George was a ſeditious and treaſonable libel. 2. That the remiſs proſecution of Lloyd was an encouragement to the popiſh, and other friends of the Pretender. That ſir Conſtantine Phipps, in repreſenting Lloyd as an object of mercy, in order to obtain a noli proſequi, acted contrary to the Proteſtant intereſt. 4. That an addreſs be preſented to the queen, to remove ſir Conſtantine Phipps from the place of lord high-chancellor, for the peace and ſafety of her Proteſtant ſubjects.

[l] At the ſame time, Mr. Richard Nuttal, a lawyer, was cenſured by the lords, for ſaying, 'The lord-chancellor of Ireland is a canary-bird and a villain, and has ſet the kingdom together by the ears, and ought to be hanged'.

[m] As theſe reſolutions will explain the conduct of the duke of Ormond, and thoſe employed under him, and other lord-lieutenants and juſtices, it may not be improper to inſert them:

'1. That for ſome years laſt paſt there had been a deſign formed and carried on to ſubvert the conſtitution, and alter the government of the city of Dublin. 2. That, to carry on that deſign, a corrupt and illegal attempt was made in 1711, to corrupt alderman Ralph Gore, then lord-mayor, by offering him a bribe of five hundred pounds, to name thirty-two perſons, marked in a liſt then delivered to him by Martin Tucker, eſq; ſub-collector of the port of Dublin, to be common-council men for the ſaid city. 3. That it appears, on the examination of Martin Tucker, eſq. that he was ſent to offer the ſaid ſum of five hundred pounds to alderman Ralph Gore, while ſir Conſtantine Phipps, knight, lord high-chancellor of Ireland, and lieutenant-general Ingoldſby, were lords-juſtices. 4. That the city of Dublin had, of late, been, and ſtill continued, in great diſorder and confuſion, by reaſon of the frequent diſapprobations of perſons elected lord-mayors and ſheriffs of the ſaid city, all of them of known affection to her majeſty's perſon and government, and to the conſtitution in church and ſtate. 5. That ſir Conſtantine Phipps had been the chief cauſe and promoter of ſuch frequent diſapprobations, and thereby the occaſion of the ſaid diſorder and confuſion. 6. That, ſince the making the new rules 1672, until ſir Conſtantine Phipps arrived in that kingdom, no perſon elected lord-mayor of the city of Dublin, had been diſapproved, except in the government of the earl of Tyrconnel. 7. That the council-board had not at this time, nor had not ſince the time (given them by the act of explanation) expired, any power to make rules or orders for regulating the election of magiſtrates in any corporation in that kingdom. 8. That the right of election of lord-mayor of Dublin is in the lord-mayor and aldermen of the ſaid city; and that the aldermen are in no ſort reſtrained, in the choice of the ſucceeding lord-mayor, to one of any three perſons nominated or propoſed, to be put in election by the lord-mayor'.

[n] We have a large account of his behaviour there, in a pamphlet printed at London in 1714, in 8vo. intitled, 'The Conduct of the Purſe in Ireland: In a letter to a member of the late Oxford Convocation, occaſioned by their having conferred the degree of doctor upon ſir Conſtantine Phipps'. The author obſerves, p. 10, 'That he will not take upon him ſo far to judge ſir Conſtantine, as to ſay, he was an enemy to the Proteſtant Intereſt and Proteſtant Succeſſion. I will, ſays he, ſuppoſe, that he might not have had any intention of prejudicing either the one or the other. But whether it hath happened through miſtake, or through paſſion, and too warm a purſuit of his own particular quarrels and reſentments, or of the reſentments of others; whether he hath been miſguided by the miſrepreſentations of men and things, or the true intereſt of the country, where he reſided, or of the true temper and genius of that people; whatſoever his intentions really were, I think I may very confidently affirm this, that, had a profeſſed enemy to the Proteſtant intereſt of that kingdom been placed in that government, when he was, ſuch perſon could not with any diſcretion or ſafety have purſued meaſures more likely to divide, weaken, and ſubvert the Proteſtant intereſt of that kingdom, than this doctor had purſued from the time of his landing there'. The author remarks, p. 19, that before ſir Conſtantine's arrival in Ireland, the inhabitants knew little of the diſtinction of Whig and Tory, of High-Church and Low-Church: Theſe diviſions had not affected them in any degree; the chief diſtinction amongſt them was that of Papiſt and Proteſtant. But ſoon after his arrival the diſtinctions of Whig and Tory were propagated with great induſtry, and thoſe, who were of the firſt claſs, fell under his diſpleaſure, and were diſplaced from their employments, and, as far as was in the power of him, or his wife, or their dependents, by their ſolicitations or influence to effect, they were removed from, or cramped in all manner of buſineſs or trade, by which they got their livelihood: And he deſcended ſo low, when in the government, as in perſon to ſolicit gentlemen to change their taylors, and their other tradeſmen, upon theſe accounts. Informers, or, as they call them, Lions, were encouraged to put themſelves into the companies of gentlemen, and to report to the government what was ſaid there. Several gentlemen of Weſt-Meath, for having only drank the health of the duke of Marlborough, and the late lord Godolphin, were accuſed by a fryar, one of the new converts, of having formed a plot againſt the government, and thereupon were ſent for in cuſtody of meſſengers. Other gentlemen were informed againſt for words of little or no ſignification. In a word, an end was put to almoſt all converſation, and to the intercourſe of all good offices, charity, and love amongſt Proteſtants. And though the diſcoveries were of very little ſignificance; yet the trouble given to gentlemen by theſe informations was ſo conſiderable, that the whole ſeemed as it were deſigned to convince Proteſtant gentlemen, that the government had no mind to let them meet together at all. The rooms of the gentlemen diſplaced (excepting the place of attorney and ſolicitor-general) were filled up for the moſt part with perſons of little or no fortunes, and ſuch as were moſt remarkable for a temper violent againſt the diſſenters, and moderate towards the Papiſts. Such, and the new converts, were chiefly the objects of his favour, and were brought into all ſtations, magiſtracies, and employments. But the corporations being in the hands of men, who were thankful for the Revolution, in order to reform them, the chief governors and the privy-council, having an authority of approving or diſapproving the elections of magiſtrates of moſt corporations in that kingdom, (which authority was veſted in them by act of parliament, only with intent to exclude Papiſts and perſons popiſhly inclined;) as it was not to be imagined, but in every corporation the doctor might find ſome one or two men willing to proſtitute themſelves to his will and pleaſure; ſo, having found ſuch, he prevailed with the majority of the privy-council to concur with him in diſapproving the election of every other than ſuch perſon; hereby ſtraining the power of approbation into that of a nomination. By this means ſeveral corporations conceiving they had a power of electing their own magiſtrates, and not willing to put their privileges into the hands of ſuch, as they thought they could not truſt, who were generally ſuch as your doctor had a mind for, they were obliged to infinite elections, returns, and attendances upon the privy-council; and, all being diſapproved, without any manner of reaſon given, ſome corporations continued without magiſtrates for ſeveral months; ſome for above a year; and, during ſuch time, in the utmoſt confuſion and diſorder, eſpecially in Dublin. There creditors had no way to recover their ſmall debts: There were no ſheriffs to execute writs upon any account; no criminals could be tried or executed; no mayor to correct the abuſes of the bread, and other markets: No juſtice could be had; and when his agents had raiſed a tumult againſt the aldermen and others (who conceived themſelves bound by oath to maintain the privileges of that corporation, one of which was the freedom of electing their own magiſtrates) by repreſenting them as factious perſons, who ſtew in the face of the government; in theſe diſorders there was no magiſtrate to keep the public peace; and when Proteſtants were knocking one another on the head, and the Papists were chearfully yielding their hand to that work; a young Proteſtant officer, who had charitably interpoſed with ſome ſoldiers to prevent bloodſhed, was confined, and threatened to be caſhiered for his pains, by a very good friend of your doctor's, if not at his requeſt. Thus hath the doctor divided and ſet the Proteſtants of Ireland together by the ears; he hath heightened their animoſities to a degree that hath never before been known in that country; inſomuch that, had the leaſt attempt been made upon that kingdom, they muſt in all probability have fallen an eaſy prey to their mortal enemies the Papiſts'.

ment to the Pretender's friends, that men were almoſt publickly inliſted into his ſervice; of which the commons took notice in their votes of the 22d of December. And the grand jury of the county of Dublin having made a preſentment of that traiterous practice, and laid it before the lord lieutenant, a proclamation was iſſued out for apprehending lieutenant Butler in lord Galway's regiment, who had inliſted William and Michael Letry to ſerve the Pretender, and told them, he had inliſted fourteen men more for the ſame purpoſe.

This parliament not being reliſhed by the miniſtry in England, the duke of Shrewſbury received orders to prorogue them; but, before he did it, he ſent for the ſpeaker of the houſe of commons out of the country, and told him, the queen was willing to give them an opportunity to do themſelves juſtice; but, if they did not proceed with unanimity at their next meeting, he had orders to diſſolve them. As the parliament was by no means diſpoſed to acquieſce in all the miniſter's meaſures (which was the meaning of proceeding with unanimity) they ſat no more in this reign. The duke himſelf did not much like his ſituation, and, having conſtant intelligence of the ill ſtate of the queen's health from Dr. Shadwell, one of her phyſicians [o], he thought it too dangerous for him to be abſent from court in ſo critical a juncture, as her deceaſe was likely to be. So he deſired and obtained leave to return to England. Chancellor Phipps and archbiſhop Lindſey, with the archbiſhop of Tuam, were appointed juſtices of Ireland [p].

In England all diſguiſe was now thrown off by the Jacobites, and the Pretender's right to the crown was publickly maintained in a large volume, called, 'The hereditary right of the crown of England aſſerted: The hiſtory of the ſucceſſion ſince the conqueſt cleared, and the true Engliſh conſtitution vindicated from the miſrepreſentations of Dr. Higden's view and defence', &c. The author, after having ſhewn in the introduction, 'that allegiance is not due to all powers in poſſeſſion' [q], endeavours to prove, 'That the people's ſubmiſſion to ſuch kings, as were not heirs to the crown by immediate deſcent, is no argument, that poſſeſſion gives right to allegiance'. And, to elude the force of Dr. Higden's arguments againſt Hereditary Right, grounded on the ſeveral deviations from the lineal deſcent in the ſucceſſion of the crown ſince the conqueſt, he maintains, that the kings of England had antiently a power of diſpoſing of the crown by teſtament: That the conſent, reſignation, and ceſſion of the rightful heir were certainly ſufficient to make kings de facto rightful: And that therefore ſubmiſſion might be paid them on one of theſe accounts'. This being a point very material to the author's deſign, he endeavours to evince it by the example of William the Conqueror, whom he aſſerts to have been a lawful king in both theſe regards, and juſtifies Edward the Confeſſor's nomination of him for his ſucceſſor [r]. Then he labours to prove, that William Rufus and Henry the firſt were alſo lawful kings. This done, he comes to king Stephen, whom he calls the firſt uſurper, and pretends, that, in his reign, the moſt turbulent of any, there were no footſteps of Dr. Higden's principle, of allegiance being due to kings de facto. On this occaſion the author mentions particularly the earl of Glouceſter, who owned himſelf bound in conſcience to the right of the empreſs Maud; the king of Scotland, who ſuffered much in defence of her right; and the behaviour of the clergy, who made a diſtinction between king Stephen and a king de jure; ſhews what influence the Pope's pretended power of ſetting up kings had in thoſe days; and aſſerts, That our hiſtorians date Stephen's reign from his agreement with Henry; which concurs with the author's main deſign, which is to eſtabliſh a teſtamentary and ceſſionary right, in order to account for the allegiance which, at divers times, the clergy, nobility, and people, have paid to unlawful poſſeſſors of the throne. In the ſame views he paſſes on to Henry the ſecond, whom he maintains to have been a rightful king, becauſe it is moſt probable, that his mother, the empreſs Maud, had reſigned her right to him. Here he anſwers Dr. Higden's argument from a paſſage in our Homilies; diſcovers a miſtake committed by the compilers of them; defends bishop Merks againſt Dr. Higden's reflections upon his pretended ſubmiſſion to Henry IV; argues againſt the doctor, who ſays, there were no nonjurors under kings de facto; and pretends, that ought to be preſumed, till the contrary is proved; and produces inſtances of ſeveral, that ought to be reputed ſuch. He alſo takes notice, that in thoſe days the inferior clergy were not obliged to take oaths of allegiance; and ſuggeſts, that, had the clergy of England enjoyed this privilege, at the time of the late revolution, near four hundred of them had quietly continued in poſſeſſion of their livings, of which they were for no other reaſon deprived, but becauſe they were nonjurors, &c. The author aſſerts, that a king de facto 'is not legally qualified to give a commiſſion to judges; nor are proceedings in his courts of judicature of any authority. He cannot create a nobleman, or make a biſhop. All his preſentations to benefices are voidable. All lands beſtowed upon him are reſumable, at the pleaſure of the rightful ſucceſſor'.

This book was not only advertiſed in the London Gazette, with particular allowance (as was then reported) of Mr. Secretary Bromley, but diſperſed and recommended with great induſtry; and many copies of it were given gratis, by ſome men in power, to ſeveral officers of the army. It was ſaid likewiſe to have been preſented to the queen herſelf by Mr. Robert Nelſon. As it was obvious to every reader, that the

[o] He uſed to write to the duke and ducheſs of Shrewſbury under the name of J. Smith.

[p] The duke of Shrewſbury had reaſons, both of private and public concern, to wiſh himſelf in England. He had not been long in Dublin, before he found, that he was little more than the pageant of the government of Ireland, of which the main ſprings were in the lord-chancellor's hands: For, upon the deceaſe of Dr. Narciſſus Marſh, archbiſhop of Armagh, the duke deſigned to have advanced to that primacy his kinſman, Dr. Talbot, biſhop of Oxford: But, upon the recommendation of ſir Conſtantine Phipps, Dr. Lindſey, biſhop of Raphoe, was immediately preferred, as a perſon ready to go all lengths, to favour the ſcheme in hand. From this, and other inſtances, the duke began to ſurmiſe, either that the lord-treaſurer's profeſſed friendſhip ſlackened, or that his intereſt was upon the decline.

[q] In the introduction the author pretends, 'That the firſt time, the duty of paying allegiance to powers in poſſeſſion began to be taught in this kingdom, was, during the uſurpations, which ſucceeded the death of king Charles the First. That in all former revolutions the princes, who got poſſeſſion of the crown, claimed it by ſome right, and never inſiſted on poſſeſſion as right. But, the Rump parliament, and Cromwell, and the following uſurpers, having no tolerable pretence to any claim of right, their friends were reduced to a neceſſity of pleading poſſeſſion, as a right to obedience; and ſeveral books were then publiſhed by Papiſts, Fanatics, and Deiſts, to enforce and prove it. But that this principle was then generally rejected by all the members of the church of England, and by many Preſbyterians, who maintained, that allegiance was due to the rightful king, who was not in poſſeſſion. That, after the reſtoration, the acts and judicial proceedings of the governments preceding were all null and void, except ſuch as were authorized by a new law. And it was declared by an act of parliament, that all the ſaid powers before in poſſeſſion were 'rebellious, wicked, traiterous, abominable uſurpations, deteſted by this preſent parliament'. That here the conſtitution was again reſettled on its antient foundation, not in poſſeſſion, which all the uſurpers had, but upon the undoubted right of the lawful heir, who had been out of poſſeſſion, and of his heirs and lawful ſucceſſors: And that, agreeably to this conſtitution in that reign, it was the conſtant doctrine of lawyers and divines, that allegiance was not due to all powers in poſſeſſion. That the revolution, which happened after, was begun, carried on, ended, and juſtified on theſe grounds, that allegiance was not due to all kings in poſſeſſion: That king James was lawfully deprived; and that king William and queen Mary were lawfully put in poſſeſſion. But theſe poſitions did not ſuit with the principles of many lawyers and divines, who had conſtantly maintained, that the depoſition of a lawful king was abſolutely unlawful, by the law of God, and the laws of this kingdom. Therefore, to juſtify the tranſlation of their allegiance, the former opinion, that ſeemed buried at the reſtoration, was revived; viz. That allegiance was due to all powers in poſſeſſion; and many eminent members of the church of England received it, as conſiſtent with the doctrine of Non-reſiſtance. That divers treatiſes were then publiſhed by divines and lawyers to defend it; particularly, 'The unreaſonableneſs of a new ſeparation and the caſe of allegiance due to ſovereign power'. That the inſtances of hiſtory and parliament records, uſed in the firſt, were enquired into by an exact and faithful hiſtorian, and unanſwerably refuted: And the arguments of the laſt, from Scripture and reaſon, the doctrine of the church, and the laws of the kingdom, were refuted likewiſe by ſeveral writers. That no reply of moment being made, that controverſy ſeemed to be buried again, till Dr. Higden thought fit to examine the diſpute again, and was convinced, that allegiance was due to kings in fact, by laws divine and human. But that, as the doctor's opinion makes the moſt unjuſt poſſeſſion (as was Oliver's) rightful, and deſtroys the hereditary right, ſo long eſtabliſhed by the conſtitution, the author has followed him through all his labyrinths, refuted his arguments, and rectified his errors.

[r] What the author inſinuates on this occaſion deſerves particular notice: 'If it be ſaid that Edward the Confeſſor was an unjuſt poſſeſſor, his nephew, by his elder brother, being then living, to whom he ought to have reſigned the crown: I anſwer, that, when hiſtories are ſilent, it does not become private men to be forward in paſſing judgments on the actions of princes. The authors, who have tranſmitted to us an account of Edward's reign, ſay nothing upon this ſubject; either that the deſcendants of Edward Ironſide laid claim to the crown; or that king Edward diſcovered any inclination to do them juſtice, at leaſt till the eleventh year of his reign: But it may, poſſibly, be unreaſonable from hence to infer, that all that time he was a wrongful poſſeſſor, becauſe caſes may be ſuppoſed of princes, who, for want of power and opportunity of doing right to the lawful heir, are forced to endure the burden of a crown, which they would readily and gladly caſe themſelves of, upon a proper occaſion: As when the rightful heir is abroad, in a diſtant kingdom, and perhaps at the diſpoſal of a foreign prince, on whoſe will and pleaſure, his return to his country chiefly depends. When the poſſeſſor of a throne has this to plead for himſelf (which may be true of king Edward, for any thing that can be alledged to the contrary) I may appeal to the ſevereſt interpreters of the actions of princes, whether the exerciſe of royal power, in ſuch circumſtances, can be charged with uſurpation; or, as ſome chuſe rather to expreſs themſelves, whether ſuch a perſon is only a king de facto: For it is not the bare ſeizing, and filling a throne, but the will of the poſſeſſor, that muſt denominate him an uſurper. He that invades another's right, with an intention to detain it from him, and a reſolution never to reſtore it to the true proprietor, is certainly guilty of the higheſt injuſtice; but, if he accepts of a crown, only that he may ſecure it to the right owner, and the better diſappoint the deſigns of his enemies, moſt certainly he obliges him by a very extraordinary act of friendſhip'.

deſign of this performance was to prepare the way for the reſtoration of the Pretender, the well-affected to the houſe of Hanover could not but be alarmed at it; eſpecially, as the book came abroad with marks of diſtinction and public countenance; not to mention the quotations in it, out of ſome manuſcripts in the library of the lord-treaſurer. However, the miniſtry thought it neceſſary to animadvert upon it; and Mr. Richard Smith, the bookſeller, having, by a warrant from the lord Bolingbroke, been brought to his office, and there examined, he declared, that Mr. Hilkiah Bedford, a nonjuring clergyman, had delivered the copy to the printer. This being owned by Bedford, they were both bound over to appear before the court of Queen's-Bench. But, though a proſecution was afterwards, for form-ſake, begun and carried on againſt Bedford, yet it was the general opinion, that he had but a ſmall ſhare in that performance, which was judged to be the reſult of the joint labours of ſeveral nonjurors[s]. This book was ſoon refuted in ſeveral anſwers, of which one was ſuppoſed to be written by Mr. Wills, then fellow of All-Souls college in Oxford, and now lord-chief-juſtice of the Common-Pleas, intitled, 'The preſent conſtitution and the Proteſtant Succeſſion vindicated'.

About this time it was publickly declared, that the queen had granted a pardon under the great-ſeal to Daniel de Foe, againſt whom an information of high treaſon had been lodged, for writing three pamphlets, which ſeemed to favour the Pretender's intereſts [t].

By this time the elections for parliament-men were over; and, in North-Britain, the nobility had choſen ſuch repreſentatives, as were moſt of them ready to concur in all the queen's meaſures; namely, the duke of Athol, the earls of Mar, Eglinton, Kinnoul, Loudoun, Findlater and Seafield, Selkirk, Northeſk, Dundonald, Broadalbin, Dunmore, Orkney, Roſeberry, Portmore, and Kilſyth, and the lord Balmerinoch: And, in order to attach yet more the earl of Dunmore to the court, he was, not long after, declared colonel of the Scots regiment of foot-guards, in the room of the marquis of Lothian. About the ſame time, the regiment of dragoons, lately commanded by ſir Richard Temple, was given to major-general Evans; and the regiment of horſe of the marquis of Harwich (ſon of the duke of Schomberg) lately deceaſed, to major-general Syburg. Some time before, Mr. Richatd Steele, being choſen for the borough of Stockbridge, thought fit to reſign his place of one of the commiſſioners of the Stamp-office. About the ſame time the lord Willoughby of Brooke, was made dean of St. George's chapel, in the caſtle of Windſor; but Dr. Smalridge, being named to ſucceed the lord Privy-Seal, as biſhop of Briſtol, declined that offer.

On the 18th of October, the parliament was, by proclamation, further prorogued, from the 12th of November to the 10th of December, which was occaſioned by the queen's illneſs, and the conteſts among the miniſters. It was then ſtrongly reported, that the lord Bolingbroke, Mr. Secretary Bromley, and ſir William Wyndham (who, on the 1ſt of November, was made a privy-counſellor) having gained the aſcendant, the lord-treaſurer entertained thoughts of retirement. And, indeed, the author of the paper, called the Examiner, thought fit, about the middle of November, to prepare the minds of the people for an approaching change in the miniſtry [u]. But what appeared more ſurprizing, was the ludicrous ſtile in which the ſame author, who was the the mouth of thoſe in power, ſpoke of the queen's indiſpoſition, and of the ſucceſſion in caſe of a demiſe. [w].

Whilſt things were in this dangerous ſituation, Mr. Steele publiſhed his 'Criſis, or a diſcourſe repreſenting, from the moſt authentic records, the juſt cauſes of the late happy revolution, and the ſeveral ſettlements of the crowns of England and Scotland on her majeſty; and, on her demiſe without iſſue, upon the moſt illuſtrious princeſs Sophia, electreſs and ducheſs-dowager of Hanover, and the heirs of her body being Proteſtants; by previous acts of both parliaments of the late kingdoms of England and Scotland; and confirmed by the parliament of Great-Britain: With ſome remarks on the danger of a Popiſh Succeſſor'. The deſign of this piece was firſt ſuggeſted to Mr. Steele, by Mr. Moor of the Inner-Temple; and the work itſelf paſſed through the hands of Mr. Addiſon, Mr. Lechmere, and Mr. Hoadley. And it was ſo well received by the public, that many were confirmed by it in their affection to the Proteſtant Succeſſion.

Some time before, the earl of Peterborough ſet out on his ambaſſy to the king of Sicily; and, as he took Paris in his way, it was given out, that he was charged to intercede with the French king in favour of the Catalans, who, formerly, upon his promiſes of the queen's firm protection, had declared for king Charles the Third; and who, though abandoned, ſeemed now reſolved to defend their liberties to the laſt extremity.

All this while the queen continued in a very dangerous ſtate of health at Windſor; of which various accounts were ſpread abroad; but the truth was thus, as repreſented by Dr. Shadwell, in his letters to the duke and ducheſs of Shrewſbury: 'On Wedneſday the 23d of December, her majeſty was very uneaſy all night with the gout in her foot. The next morning it went entirely off, and ſhe ſaid ſhe was well. But, about one o'clock that day, ſhe complained of a pain in her thigh, and was ſeized with a violent ſhivering, which laſted above two hours. Extreme heat followed, with intenſe thirſt, great anxiety, reſtleſsneſs, and inquietude. The pulſe was full, hard, and quick; which Dr. Shadwell finding, the next day, he very much preſſed bleeding, urging, it would probably carry off a good part of the fever, and bring a fit of the gout; but it was not agreed to; and theſe ſymptoms continued till Saturday morning, when her majeſty fell aſleep, waked refreſhed, and on Sunday morning there was a perfect intermiſſion of the ſymptoms; but the pulſe, in Dr. Shadwell's opinion was not quiet. The next night about twelve, ſhe was attacked with an exacerbation of the fever, which laſted all the Monday till midnight. Moſt of the queen's phyſicians judging her diſtemper to be an ague, propoſed and

[s] In the introduction to one of the anſwers, called 'Treaſon unmaſk'd', the author ſays, 'This book contains a great variety of hiſtorical facts, poſitions and arguments, couched in an elegant, flowing ſtyle; but then there are in it ſo many glaring contradictions and inconſiſtencies, that it is hardly credible, the whole piece ſhould be the work of any one man. For here any tolerably attentive reader may find hiſtory claſhing with hiſtory; law deſtroying law; and divinity refuting divinity, in caſes exactly parallel: A fault I will not charge upon any ſingle perſon, till I am convinced that a too favourable opinion of gentlemen, and men of letters, led me into a miſtake'. But it is now known that the real author of the book was one Mr. Harbin, a nonjuring clergyman, who died in the year 1744.

[t] The firſt intitled, 'Reaſons againſt the ſucceſſion of the houſe of Hanover, with an inquiry, how far the abdication of king James, ſuppoſing it to be legal, ought to affect the perſon of the Pretender': The ſecond intitled, 'And what if the Pretender ſhould come? Or ſome conſiderations of the advantages and real conſequences of the Pretender's poſſeſſing the crown of Great-Britain'. And the third called, 'An anſwer to the queſtion that no body thinks of, viz. What if the queen ſhould die? The preamble to the patent of pardon ſet forth, that Daniel de Foe had by his humble petition repreſented to her majeſty, 'That he, with a ſincere deſign to propagate the intereſt of the houſe of Hanover, and to animate the people againſt the deſigns of the Pretender, whom he always looked upon as an enemy to her majeſty's ſacred perſon and government, did publiſh the ſaid pamphlets; in all which books, although the titles ſeemed to look as if written in favour of the Pretender, and ſeveral expreſſions, as in all ironical writings it muſt be, might be wreſted againſt the true deſign of the whole, and turned to a meaning quite different from the intention of the author; yet he had humbly aſſured her majeſty in the ſolemneſt manner that his true and only deſign, in all the ſaid books, was, by an ironical diſcourſe of recommending the Pretender, in the ſtrongeſt and moſt forcible manner to expoſe his deſigns, and the ruinous conſequences of his ſucceeding therein; which will appear by the books themſelves, where the following expreſſions are very plain, viz. That the Pretender is recommended 'as a perſon proper to amaſs the Engliſh liberties into his own ſovereignty; ſupply them with the privileges of wearing wooden ſhoes; eaſing them of the trouble of chuſing parliaments, and the nobility and gentry of the hazard and expence of winter journies, by governing them in that more righteous method of his abſolute will, and inforcing the laws by a glorious ſtanding army; paying all the nation's debts at once by ſtopping the funds, and ſhutting up the Exchequer; eaſing and quieting their differences in religion, by bringing them to the union of Popery, or leaving them at liberty to have no religion at all'. Daniel De Foe's appeal to honour and juſtice. p. 33.

[u] In the Examiner of November the 16th, the author ſuggeſts, 'That in a conſtitution, which hangs together by ſo many minute parts, and which depends upon ſuch variety of wheels and motions, where power and freedom are in a perpetual flux and reflux, we muſt of neceſſity be liable to turns and contingencies——That this uncertainty is redoubled, wherever ſtrife and contention are let looſe in a nation, where factions rage and worry one another; and even the government itſelf is treated as a party——Thus, under theſe circumſtances, a miniſtry is obliged to act in another capacity than that which properly belongs to them. They muſt ſometimes act like military as well as civil officers; draw forth their forces, and appear at the head of ſquadrons and battalions, whenever faction takes the field, and declares open war againſt them. There wants but very little of bringing things, as they now ſtand, to this deplorable criſis——That the poſſeſſion of power under theſe difficulties, is almoſt as great an uncertainty, as the fortune of war, and ſtands expoſed to as many turns and croſs accidents——And that theſe conſiderations amount to a full proof, that the beſt of patriots are more expoſed to mortality, as miniſters of ſtate, than as men, &c.

[w] The Examiner of January the 8th, 1713-14, contains what follows:

'According to the beſt advices ſent us by the Whigs, and their oracles, the demiſe of the crown happened upon Thurſday the 24th of December, being Chriſtmas-Eve, at four of the clock in the morning, in the year 1713. All ages, ranks, ſexes, and orders of men, at firſt hearing of the ill news, were affected with the deepeſt ſorrow; and a general panic ran through the whole kingdom. For a long time, we were diſtracted and inconſolable; in the utmoſt horror and confuſion, upon the loſs of our moſt excellent queen, who then became immortal: But theſe black clouds were ſoon diſperſed, our fears and jealouſies vaniſhed, and we revived from a deplorable ſtate of grief and miſery, at the firſt joyful tidings of the happy acceſſion of her moſt ſacred majeſty queen Anne the ſecond (whom God long preſerve) to the throne of her anceſtors: The nature of our monarchy being ſuch, that, immediately after the death of the perſon in poſſeſſion, the crown, by right of inheritance, deſcends to the next heir, without any previous formalities and conditions, or admitting ſo much as the leaſt vacancy, or interregnum, &c.

preſſed the giving her the Jeſuits-bark; but, though this was warmly oppoſed by Dr. Shadwell, yet the phyſician, who watched that night, gave it, ſaying, he found the pulſe calm. No exacerbation appeared after this: But nevertheleſs Dr. Shadwell ſtill declared, he did not like the pulſe: That there was no perfect intermiſſion of the fever; but that the pulſe was at work, to ſeparate the morbific matter into the gout, or ſome worſe ſhape. The pains of the thigh increaſing, till three or four doſes of the bark were given, Dr. Shadwell laid a ſtreſs upon having that part examined; but the other phyſicians called it a fit of the gout. Dr. Shadwell anſwered, it could not properly be called ſo in the muſcles; and being of opinion, that this was an inflammatory fever from the tranſlation of the gout, and not a common ague, or intermitting fever; and finding, that, after thirty-nine hours continuance, there was a perfect remiſſion, but no intermiſſion, he made a prognoſtic, that, unleſs the feveriſh matter were ſeparated and thrown off into a ſmart fit of the gout, a worſe ſymptom might happen; as its falling into the thigh, and fixing into an eryſipelous tumour. This opinion was juſtified by a ſevere fit of the gout, that came upon her majeſty a few days after, and gave ſome hopes of her entire recovery'.

While the queen was in this uncertain ſtate of health, the minds of the ſeveral parties were variouſly agitated. The friends of the Pretender believed, that all things were preparing for his reſtoration; and, on the other hand, the alarm of the well-affected to the Hanoverian Succeſſion was not a little increaſed upon the news, that a ſquadron of fourteen men of war was fitting out in the ports of France; and that they were to take on board twelve or fourteen thouſand landmen. The public funds fell gradually from the beginning till the end of January; when ſuch a panic ſeized on a ſudden the monied men, that there was a great run upon the bank for ſome days. The directors ſent four of their members to the lord-treaſurer, to repreſent the dangers which threatened the public credit, and to deſire his advice and aſſiſtance. The treaſurer received this application very favourably; endeavoured to diſpel their fears; and promiſed to uſe his utmoſt endeavours to ſupport the bank in this exigency. The doubts, which were ſtill entertained about the queen's health, being one of the chief occaſions of the public alarm, ſhe, by the advice of her miniſters, wrote the following letter to ſir Samuel Stanier, lord-mayor of London:

Anne, R.

"Right truſty and well-beloved, we greet you well. Although an aguiſh indiſpoſition ſucceeded by a fit of the gout has detained us at this place, longer than we deſigned; yet ſince it has pleaſed Almighty God to reſtore us to ſuch a degree of health, that we hope to be able ſoon to return to our uſual reſidence, we continue determined to open our parliament on Tueſday the 16th of this inſtant February, according to the notice given by proclamation. Thus much we have judged proper to communicate to you, and by you to the court of aldermen, and to our loving ſubjects of our good city of London, to the intent that you may all, in your ſeveral ſtations, contribute to diſcountenance and put a ſtop to thoſe malicious rumours, ſpread by evil-minded perſons, to the prejudice of credit, and to the imminent hazard of the public peace and tranquillity. And ſo we bid you farewell".

Given at our caſtle at Windſor, the firſt day of February 1713, in the twelfth year of our reign.

By her majeſty's command,

Bolingbroke.

This letter, and the news, which, at the ſame time, came from Holland, That the troops, which had been reported to be aſſembled in the Bologneſe, were mere chimeras, and that the Pretender continued in Lorrain, diſpelled the fears of the generality, and ſoon put a ſtop to the run upon the bank[x]. While the nation was in this ferment, and under various apprehenſions, there was publiſhed a remarkable pamphlet, intitled, 'The art of reſtoring; or the piety and probity of general Monk, in bringing about the laſt Reſtoration, evinced from his own authentic letters: With a juſt account of ſir Roger, who runs the parallel as far as he can: In a letter to a miniſter of ſtate at the court of Vienna'. This piece was levelled againſt the treaſurer, and contributed the more to render him obnoxious to the friends of the Proteſtant Succeſſion, when it was known to be the performance of Mr. Toland, a perſon formerly intruſted and employed by that miniſter. To remove theſe ſuſpicions, the treaſurer thought fit to have the reputed author of the late treatiſe, aſſerting hereditary right, brought to his trial; and Bedford being found guilty of publiſhing that book, he was ſentenced, 'To pay a fine of a thouſand marks; to be committed to the Queen's-Bench priſon, till he paid the ſame; to remain in cuſtody there for the term of three years; to find four ſufficient ſureties, who, with him, were to be bound in a recognizance of five thouſand pounds for his good behaviour during life. He was alſo to be brought into all the courts of Weſtminſter-hall, with a paper on his head denoting his offence. But, after ſentence was paſſed, an order was produced from the government, counterſigned by a ſecretary of ſtate, directing the judges of the Queen's-Bench to ſuperſede the ignominious part of the puniſhment, by reaſon of the ſacred function of the criminal; which proceeding, as Mr. Lechmere obſerved in a ſpeech, 'could bear no other conſtruction, than as a licence and protection to men in holy orders, to propagate that deſtructive poſition with impunity; and the character of the perſon, which ought in juſtice to have aggravated his guilt, and heightened his puniſhment, became his indemnity againſt the reproach of it, even by the authority of the government itſelf, againſt which that treatiſe was levelled. This indulgence appeared the more glaring, conſidering what ſeverities were, at the ſame time, exerciſed againſt thoſe perſons, who had courage enough to aſſert the intereſt of their country, and of the Proteſtant Succeſſion'.

During theſe tranſactions at home, the treaty of peace between Great-Britain and Spain had been ſigned on the 13th of July, 1713, N. S. but the treaty of commerce was not concluded till the 28th of November O. S. In the mean time the emperor choſe rather to make a bold ſtand againſt the whole power of France, than to accept the conditions impoſed upon him by that crown. But the loſs of Landau and Friburg, after two memorable ſieges, inclined him to hearken to overtures of peace, made him on the part of France, by the electors of Cologne and Palatine.

The conferences held at Radſtadt towards a treaty between prince Eugene of Savoy and the marſhal de Villars were managed with ſuch ſecrecy, as gave no ſmall uneaſineſs to the two maritime powers, and was generally looked upon as a ſlight upon Great-Britain. The earl of Strafford, who ſtill continued at the Hague, was ordered to confer upon it with the deputies of the ſtates, to whom he made a long harangue. The ſubſtance of what he ſaid will be plainly ſeen, in the anſwer returned by the ſtates a few days after to the earl of Strafford: 'They thanked him for the aſſurances of friendſhip he gave them on the part of her majeſty of Great-Britain, and offered to concert with her the meaſures proper to be taken for the ſecurity of the Proteſtant religion, eſpecially in the empire, and for procuring the abolition of the clauſe of the fourth article of the peace of Ryſwick. As to the apprehenſion of a new war in Italy, the ſtates hoped, that, by the peace of Radſtadt, the emperor and the king of France had provided for the tranquillity of that country; and that they had likewiſe regulated the affairs relating to the duke of Savoy, and to Sicily; for this reaſon, and becauſe the conditions of that peace were not yet known to them, they could not, at preſent, enter into deliberation with the earl of Strafford upon thoſe matters. That as to the treaty with Spain, the ſtates had the regards they ought to her majeſty's recommendations, for the intereſts of the princeſs Urſini; but that they had given ſuch good reaſons, why they could not agree in a guarantee, that the king of France, and even the king of Spain, had acquieſced in them. That, for this reaſon, the ſtates promiſed themſelves, from the queen's goodneſs and equity, that ſhe would not inſiſt upon a thing, which even the king of Spain himſelf had let drop. That, as to the affairs of the Spaniſh Netherlands, the ſtates would always be ready to confer with the earl of Strafford on the points relating to the intereſts of thoſe countries. As to the town of Oſtend in particular, they declared, that they would withdraw their troops from thence, and deliver it into the hands of Walloon troops, as ſoon as Dunkirk ſhould be demoliſhed; provided, at the ſame time they were put into poſſeſſion of the caſtle of Ghent, as by the treaty of barrier they ought: But that the ſtates were abſolutely of opinion, it would be proper to communicate theſe things to the emperor, and to act in concert with him, it not being to be doubted, that the Spaniſh Netherlands were yielded to him by the peace of Radſtadt. That they were extremely glad of the declarations her majeſty had cauſed to be made to them, of her willingneſs to withdraw her troops from the caſtle of Ghent; as alſo from Bruges and Newport; and to aſſiſt the ſtates in recovering from Brabant the million, which by the treaty of barrier they ought to have from that province: But as to the conditions, which were added to that declaration, the ſtates expected from her equity and affection, that it would not be her intention, that the effect of theſe things ſhould be made dependant on ſome conditions, which were not expreſſed in the treaty of barrier, and that,

[x] The Directors, however, were obliged to call in, twice, twenty per cent. upon the ſubſcription for circulating Exchequer bills.

on the contrary, ſhe would be pleaſed to look upon that treaty as a meaſure and a rule, as the ſtates did on their part; and that they would not join the execution of it to conditions, which are new and foreign to that treaty. That they had a common intereſt with the queen in ſecuring the freedom of commerce in the Baltic: That they were not yet in a condition to take a poſitive reſolution thereupon; but, when they were, they would confer about it with the earl of Strafford'.

The earl was very buſy in negotiating with the miniſters of the Proteſtant princes of Germany, or deputations from the Proteſtants, to aſſiſt at the congreſs at Baden in Swiſſerland, for concluding a peace between the emperor and France, purſuant to the reſolution taken at Radſtadt. But it was generally ſuſpected, that this proceeding of the Engliſh miniſtry was rather to perplex the emperor, than to favour the Proteſtants; and therefore, when the earl of Strafford declared to the miniſters of the Proteſtant electors and princes of the empire, 'That the queen, his miſtreſs, had received the letter, which the Proteſtant body had written to her from Augſburg, touching the clauſe of the fourth article of the treaty of Ryſwick: That her majeſty would ſpeedily return a favourable anſwer to it; and that ſhe reſolved to ſend a miniſter to the congreſs at Baden, whither ſhe deſired the States-general and the Proteſtant ſtates of the empire to ſend theirs'; The States anſwered, 'That, the empire having referred it to his Imperial majeſty to conclude the peace, it was believed, the electors and princes would not ſend any miniſters thither; and, for that reaſon, they did not think it proper to ſend any on their part'. It ſeems, the ſtates had been given to underſtand, that the emperor would not admit any miniſter from the queen of Great-Britain, (though ſhe had appointed Mr. Charles Whitworth for that purpoſe) nor from them, that there might be no diſtinction.

On the other hand, the emperor, to ſhew his reſentment of the negotiation at Utrecht, not only reſolved to conclude his treaty with France, without the intervention of the maritime powers; but, as a further mortification to Great-Britain, baron Heems declared to the ſtates-deputies, 'That his Imperial majeſty was diſpoſed to treat with the ſtates, concerning a barrier in the Netherlands: That the treaty might be prepared and brought to ſome maturity at the Hague; but that the emperor would be glad to have it concluded at Vienna, whither the ſtates were deſired to ſend a miniſter: And that Oſtend might not be alienated from the Netherlands'. The ſtates-deputies having acquainted the earl of Strafford with this declaration, he expreſſed his great ſurprize at it, and told them, 'He was obliged to inform them, that the ſtates were guarantees of the Succeſſion in the Proteſtant line, as well as the queen was guarantee of the barrier in the Spaniſh Netherlands; and that the Proteſtant Succeſſion ſhould ſtand good, and have effect, as it ſhould come in order; but that ſhe would never ſuffer any laws to be preſcribed or impoſed upon her on that account. That the queen, as well as the ſtates, was intereſted in the affair of the barrier; and therefore no ſtep ought to be taken in it, without acting in concert with her: That he had orders to declare, in the name of the queen, that the treating and concluding on the barrier at Vienna ſeemed to be propoſed, with intention only to exclude her from the negotiations about it: That, in ſuch a caſe, ſhe would forthwith renounce all engagements with the republic; for that ſhe abſolutely inſiſted upon ſending a miniſter likewiſe thither, for the reaſons before-mentioned: That ſhe had ſent to the king of France for an explanation, touching the exchanging ſome places in the Spaniſh Netherlands, according to the treaty of Radſtadt, and had received for anſwer, that the king of France would not concern himſelf therein: That, as to what baron Heems had mentioned in relation to Oſtend, he (the earl of Strafford,) declared, he was content with it; but earneſtly deſired, that the ſtates would not ſend to Vienna, nor do any thing in this negotiation, but in concert with her majeſty: Adding, once more, that, purſuant to his orders, he muſt declare, that ſhe would look upon ſuch a proceeding as a formed deſign to diſſolve all engagements now ſubſiſting between her and the ſtates'. Had the Dutch been as warm as the Britiſh miniſters, and taken them at their word, the conſequences muſt have been fatal to both: But the matter was accommodated afterwards. The earl of Strafford endeavoured to draw to the Hague the negotiation of peace in the north; and engaged the court of France by monſieur de Chateauneuf, their ambaſſador at the Hague, to offer their mediation for that purpoſe to the northern allies. But, the king of Pruſſia having cauſed the king of Poland to be ſounded, whether he was inclined to enter into the engagement baron Sparre and the count de Rottenburg had propoſed at the Hague, on the part o France, his Poliſh majeſty ſignified, that he could never have any ſuch thoughts, for it could never be his intereſt to ſeparate himſelf from his allies.

By this time the earl of Strafford, and indeed all the miniſters at the Hague were more attentive to the tranſactions in Great-Britain, than to any thing, that paſſed on the Continent. The queen, upon her recovery, being informed of the death of Dr. Sharp, archbiſhop of York, named ſir William Dawes to that metropolitan ſee, which had been ſtrongly ſolicited by biſhop Atterbury. At the ſame time, Dr. Smalridge was made biſhop of Briſtol, and lord almoner to the queen; and Dr. Gaſtrell, preacher at Lincoln's-Inn, biſhop of Cheſter, in the room of ſir William Dawes. The ſecond troop of horſe grenadier guards, vacant by the death of the earl of Crawford, was given to the young earl Mariſchal, a Scots peer of known zeal for the Jacobite cauſe.

On the 6th of February, being the anniverſary of the queen's birth-day, it was celebrated with great ſolemnity; and the Whigs, particularly the Hanover Club, took this occaſion to ſignalize their zeal and affection to the Proteſtant Succeſſion, by cauſing the effigies of the devil, the pope, and the pretender, to be carried in proceſſion from Charing-Croſs to the Royal-Exchange, and ſo back to Charing-Croſs, where they were burnt. Three drummers of the foot-guards attending the proceſſion, and having, contrary to the rights of the city, beat their drums there, were ſeized, and committed to Newgate by warrant of the lord-mayor. Some endeavoured to repreſent this proceſſion as a formed plot againſt the government; but, the miniſtry not thinking proper to take notice of the affair, the drummers were diſcharged.

Whatever profeſſions of affection to the Proteſtant Succeſſion were made by ſome of the miniſters, it was obvious, that every ſtep, others took in favour of France, was alſo in favour of the Pretender. The treaſurer, during the queen's illneſs, endeavoured to perſuade her to ſend the duke of Kent to Hanover, with a public character. But the duke declined the employment, unleſs he was impowered to offer more real ſecurities than fair words and promiſes. However, Mr. Harley, couſin to the treaſurer, went from the Hague to the court of Hanover, about the middle of February, accompanied by Secretary Bromley's ſon, Mr. Creſſet, and Mr. Winnington.

The queen, on the 16th of February, removed from Windſor to Hampton-Court, and next day came to St. James's. The day before, the new parliament met, and the lord Scudamore propoſed ſir Thomas Hanmer for ſpeaker, and was ſeconded by three or four other members, particularly by Mr. Steele, who obſerved, 'That, at the cloſe of the laſt parliament, her majeſty was graciouſly pleaſed to declare from the throne, that the late rejected bill of commerce between Great-Britain and France ſhould be offered to this houſe. That this declaration was certainly made, that every gentleman, who ſhould have the honour to be returned to parliament, might make himſelf maſter of that important queſtion. That it is a demonſtration, that was a moſt pernicious bill; and therefore no man could have a greater merit to this houſe, than his by whoſe weight and authority that pernicious bill was thrown out. That he roſe up to do ſir Thomas Hanmer honour, and diſtinguiſh himſelf by giving that gentleman his vote for that his ineſtimable ſervice to his country'. At Mr. Steele's mentioning the Bill of Commerce, the clamour againſt him began; at calling it pernicious, it increaſed; and at the words, 'doing him honour', it grew inſupportably loud: By which he ſaw the temper of the houſe with regard to himſelf. But ſir Thomas Hanmer was choſen without any oppoſition, and the houſe adjourned to the 2d of March.

During the adjournment, the South-ſea company held a general court, in which the directors communicated to them ſeveral papers they had prepared in concert with the lord-treaſurer, relating to the Aſſiento Contract. Several members were extremely ſurpriſed at the propoſals; for, whereas they expected that the queen had procured the whole Aſſiento Contract for the company, they now found, that one half of the clear profits were reſerved for the queen, and the king of Spain, beſides ſeven and a half per cent. granted to an unknown perſon. Beſides theſe exceptions, Mr. Milner, a Portugal merchant, declared his opinion, 'That the company might very well ſpare the trying the experiment of a trade, by which other nations were known to have been loſers; eſpecially upon ſuch terms, as were offered to the company; the rather, becauſe the trade would be precarious, and at the mercy of the late reconciled enemies.' He was ſupported by other merchants, ſo that Arthur Moore, who ſpoke in behalf

of this trade, could not make any proſelytes to his opinion. The reſult of this aſſembly was an order for the printing of the papers laid before them, in order to their being further conſidered in another general court. This ſecond meeting was very numerous; and after the reading of the papers, ſeveral ſpeeches were made for and againſt the accepting the Aſſiento Contract, of which Mr. Moore and Mr. Ward endeavoured to ſhew the great advantages. But Mr. Craggs, Mr. Newman, Mr. Fiſher, and ſome other gentlemen of great ſkill and experience in commercial affairs, maintained the contrary opinion, with ſuch force of argument, that it was thought, if the queſtion had then been put for accepting, or not accepting, it would have been carried for the latter by a great majority. But it being moved and agreed, to decide the queſtion by ballot, and the members to have one vote for every five hundred pounds capital ſtock; what by the influence of the directors, who were to be the managers of the trade, and who (as in all other ſocieties of this nature) were almoſt ſure to be gainers, whatever became of the reſt; what by the contrivance of ſtock-jobbers, whoſe buſineſs was to keep the public funds in perpetual fluctuation, and, in order to that, to engage companies in dubious adventures; what by the juſt apprehenſions, the generality of the members were under that the rejecting of this trade would be interpreted as an affront to the lord-treaſurer, who might reſent it to ſuch a degree, as to grow leſs ſolicitous for the concerns of the company, who wanted his protection for the annual proviſion of the intereſt of the capital ſtock, till the year 1716: Upon theſe, and ſome other conſiderations it was carried by a great majority, 'That the general court agreed with the reſolution propoſed by the court of directors, relating to the Aſſiento Contract'.

About the ſame time, were brought over from Holland the ratifications exchanged of the treaty of commerce between Great-Britain and Spain, and the peace was proclaimed on the 1ſt of March. The chief articles were: France and Spain were never to be united: The Proteſtant Succeſſion acknowledged, and never to be oppoſed on any pretence: Navigation and commerce, as in the treaty of 1667: No licence to be given to the French or other nations to introduce negroes, or any merchandiſes, into the Spaniſh dominions in America, except what might be agreed by the treaty of commerce, and the privileges granted in the Aſſiento de Negroes; except alſo what ſhould be granted by the Catholic king, after the Aſſiento de Negroes ſhould be determined: The American dominions were not to be alienated from the crown of Spain, to the French or other nations: Gibraltar and the iſland of Minorca were given up for ever to England: No Moors to come there, but on account of traffic: All the Spaniſh inhabitants to enjoy their eſtates and religion; or to ſell their eſtates and retire: The South-ſea company to have the privileges, incluſive of others, to introduce negroes into ſeveral parts of America for thirty years, beginning from 1713, in the ſame manner as enjoyed by the French: The Catalans to have a full pardon, with the poſſeſſion of all their privileges, eſtates, and honours, and likewiſe the ſame privileges with the inhabitants of both Caſtiles: Sicily was yielded to the duke of Savoy, but to return to Spain, in caſe of no heirs. By two ſeparate articles, the queen promiſed to perſiſt in the meaſures, by which ſhe had taken care, that no other part of the Spaniſh monarchy ſhould be torn from it: and obliged herſelf to procure the princeſs Urſini to be put into poſſeſſion of Limburg, or ſome other country in the Netherlands, which ſhould produce thirty thouſand crowns a year, purſuant to a grant from king Philip, September 28, 1711.

The day after the publication of this peace, the queen went in a chair to the houſe of lords (the parliament having been opened by commiſſion) and made the following ſpeech to both houſes:

My lords and gentlemen,

"I Have much ſatisfaction in being able, at the opening of this parliament, to tell you, that the ratifications of the treaties of peace and of commerce with Spain are exchanged, by which my ſubjects will have greater opportunities than ever to improve and extend their trade. Many advantages, formerly enjoyed by connivance, and procured by ſuch methods, as made a diſtinction between one Britiſh merchant and another, are now ſettled by treaty, and an equal rule is eſtabliſhed.

"It has pleaſed God to bleſs my endeavours to obtain an honourable and advantageous peace for my own people, and for the greateſt part of my allies. Nothing, which I can do, ſhall be wanting to render it univerſal; and I perſuade myſelf, that, with your hearty concurrence, my interpoſition may at laſt prove effectual to compleat the ſettlement of Europe.

"In the mean while, I congratulate with my own ſubjects, that they are delivered from a conſuming land-war, and entered on a peace, the good effects whereof nothing but inteſtine diviſions can obſtruct.

"It was the glory of the wiſeſt and greateſt of my predeceſſors to hold the balance of Europe, and to keep it equal, by caſting in their weight as neceſſity required. By this conduct they enriched the kingdom, and rendered themſelves dreadful to their enemies, and uſeful to their friends. I have proceeded on the ſame principle, and I doubt not but my ſucceſſors will follow theſe examples.

"Our ſituation points out to us our true intereſt; for this country can flouriſh only by trade, and will be moſt formidable by the right application of our naval force.

Gentlemen of the houſe of commons,

"I have ordered ſuch accounts to be prepared and laid before you, as will ſhew you, at the concluſion of the war, the true ſtate of your condition, whereby you will be better able to judge what aids are neceſſary: And I only aſk of you ſupplies for the current ſervice of the year, and for the diſcharge of ſuch debts, as you ſhall find, on examination, to be juſt and reaſonable.

My lords and gentlemen,

"The joy, which has been generally expreſſed on my recovery from my late indiſpoſition, and on my coming to this city, I eſteem as a return to that tender affection which I have always had for my people.

"I wiſh that effectual care had been taken, as I have often deſired, to ſuppreſs thoſe ſeditious papers, and factious rumours, by which deſigning men have been able to ſink credit, and the innocent have ſuffered.

"There are ſome, who are arrived to that height of malice, as to inſinuate, that the Proteſtant Succeſſion in the houſe of Hanover is in danger under my government.

"Thoſe, who go about thus to diſtract the minds of men with imaginary dangers, can only mean to diſturb the preſent tranquility, and bring real miſchief upon us.

"After all I have done to ſecure our religion and your liberties, and to tranſmit both ſafe to poſterity, I cannot mention theſe proceedings without ſome degree of warmth; and I muſt hope you will all agree with me, that attempts to weaken my authority, or to render the poſſeſſion of the crown uneaſy to me, can never be proper means to ſtrengthen the Proteſtant Succeſſion.

"I have done, and ſhall continue to do my beſt for the good of all my ſubjects. Let it be your endeavour, as it ſhall be mine, to unite our differences, not by relaxing from the ſtricteſt adherence to our conſtitution in church and ſtate, but by obſerving the laws yourſelves, and inforcing a due obedience to them in others.

"A long war has not only impoveriſhed the public (however ſome particular men have have been gainers by it) but has alſo greatly affected government itſelf.

"Let it be your care ſo to improve the preſent opportunity, as to lay the foundation of recovering from thoſe diſorders.

"I had the concurrence of the laſt parliament in making the peace. Let it be the honour of this to aſſiſt me in obtaining ſuch fruits from it, as may not only derive bleſſings on the preſent age, but even down to the lateſt poſterity".

It is obſervable, though the queen ſaid in her ſpeech, that ſhe was perſuaded her interpoſitions might at laſt prove effectual, and compleat the ſettlement of Europe, the emperor, then in treaty with France, would not let her know any thing of what was tranſacted, or have the leaſt communication with her to the laſt hour of her life. But, how diſſonant ſoever the queen's ſpeech was in ſeveral particulars, both lords and commons fell in for the moſt part with it; and after ſhe had thanked the lords for their affectionate addreſs, ſhe added, 'That they, who were neareſt the throne, would firſt of her ſubjects feel the evil conſequences of any diminution of the regal authority; that it was a comfort to her ſhe had the aſſurance of their ſupport; and they might depend upon it, ſhe would never give way to the leaſt attempt on the juſt authorities of the crown, or any of their rights and privileges'.

The commons likewiſe reſolved on an addreſs without oppoſition, only ſir Peter King, recorder of London, ſuggeſted, 'That they ought not to act by a ſpirit of divination, and return thanks for the treaty of commerce with Spain, before

they knew, whether the ſame was advantageous, or not: which occaſioned ſome modifications in the addreſs with reſpect to that head. The next day the convocation (which had met with the parliament, and choſen Dr. Stanhope prolocutor) complimented the queen in a joint addreſs on her recovery, and happy return to her royal city in health and ſafety: concluding with their wiſhes, 'That, after a long and happy reign, ſhe might be able to tranſmit the protection of this church and ſtate to a Proteſtant Succeſſor in the illuſtrious houſe of Hanover, which her majeſty to the great ſatisfaction and comfort of all her faithful and good ſubjects, had ſo often declared to be at her royal heart'. Notwithſtanding this, and the angry expreſſions in the queen's ſpeech, the fears and jealouſies of the well-affected to the Hanover Succeſſion were rather increaſed than removed, who, from the daily diſcouragements and even inſults they met with, could not but conclude that ſucceſſion to be in danger.

The earl of Wharton made a complaint in the houſe of lords againſt a libel, intitled, 'The public ſpirit of the Whigs ſet forth in their generous encouragement of the author of the the Criſis'. This libel (which was fathered upon Dr. Swift and lord Bolingbroke) was written in the ludicrous and ſarcaſtic ſtrains of the Tale of a Tub. After ſome ſcurrilous reflections on Mr. Steele, and occaſionally on the earl of Nottingham, with ſome jeſts on the implicit munificence of the ſubſcribers to the Criſis: the author attacks the Union, reflects on the whole Scots nation, and, without reſerve, inſults the duke of Argyle, who of late had broken all meaſures with the miniſtry [y]. This piece was generally looked upon as very impolitic and ill-timed; ſince the ſixteen Scots peers, who ſat in the houſe of lords, and who (at leaſt there) were the principal ſupport of thoſe at the helm, were involved in the general reflections on the Scots nation. The earl of Wharton's complaint againſt this libel being warmly eſpouſed by the majority of the peers, the lord-treaſurer proteſted he knew nothing of it; exclaimed againſt the malicious inſinuations contained in it; and readily joined with the houſe, in an order for committing John Morphew, the publiſher, to the cuſtody of the black-rod. Morphew upon his examination, having declared, that an unknown porter had brought to his houſe the copies of the pamphlet in queſtion, from the houſe of John Barber, printer of the Gazette, and of the votes of the houſe of commons, Barber was alſo ordered into cuſtody, and both he and Morphew were, ſeverally, examined at the bar of the houſe of lords. Morphew ſtood to his former declaration, and owned the publiſhing and ſelling of that libel; but Barber ſaid, he knew nothing of it, and inſiſted not to anſwer any queſtions, the anſwer to which might tend to accuſe himſelf, or to corroborate the accuſation againſt him'. Being both withdrawn, the earl of Wharton ſaid, 'They had nothing to do either with the publiſher or printer; but that it highly concerned the honour of that auguſt aſſembly, to find out the villain, who was the author of that falſe and ſcandalous libel, in order to do the Scots nation juſtice': And moved, 'That, in order to that diſcovery, Barber might be again examined the next day, together with his journeymen and ſervants'. This was readily agreed to; but, the next day, the earl of Mar, one of the ſecretaries of ſtate, acquainted the houſe, that, purſuant to the queen's commands, he had directed John Barber to be proſecuted. The earl of Wharton deſired to know, upon what evidence they deſigned to proceed againſt him? But the earl of Mar, replied, That he wondered, ſuch a queſtion ſhould be put to a ſecretary of ſtate, who was known to be under an oath of ſecrecy: And this put a ſtop to all further enquiries about Barber's affair, in a parliamentary way. Three days after, Barber aad Morphew were, upon their petition, enlarged from the cuſtody of the black-rod. However, the lords reſolved upon an addreſs, reciting the ſteps they had taken in this affair; notwithſtanding which, 'they had not been able to diſcover the author of the libel, which they conceived to be a falſe, malicious and factious libel, highly diſhonourable and ſcandalous to her majeſty's ſubjects of Scotland, tending to the deſtruction of the conſtitution and (by making falſe and unjuſt reflections upon the Union, and the ſteps and motives to it) moſt injurious to her majeſty, who had been pleaſed often to declare from the throne, that the Union of the two kingdoms was the peculiar happineſs of her reign, in making a full proviſion for the peace and quiet of her people, and the ſecurity of their religion, by ſo firm an eſtabliſhment of the Proteſtant Succeſſion throughout Great-Britain. That nothing therefore might be wanting on their parts towards the diſcovering and puniſhing ſo great a criminal, they humbly beſought her majeſty to iſſue her royal proclamation, with a reward to any perſon, who ſhould diſcover the author'. Accordingly, the ſame day, a proclamation was publiſhed, with a reward of three hundred pounds. But, nevertheleſs, Dr. Swift, the reputed author, remained undiſcovered to the public, though, at the ſame time, notwithſtanding the indecency of his character as well as of his writings, he was daily careſſed by the lord-treaſurer, as Barber the printer was by the lord Bolingbroke [z].

The commons, having readily voted a ſupply, proceeded on controverted elections, and coming to ſeveral reſolutions about qualifying the members to ſerve in parliament [a], they

[y] The paſſage that gave moſt offence to the lords was as follows:

'This work (the Union of the two kingdoms) was unſucceſsfully attempted by ſeveral of her majeſty's predeceſſors, though I do not remember it was ever thought on by any, except king James the firſt, and the late king William. I have read indeed, that ſome ſmall overtures were made by the former of theſe princes towards an Union between the two kingdoms, but rejected with indignation and contempt by the Engliſh. And the hiſtorian tells, that, how degenerate and corrupt ſoever the court and parliament then were, they would not give ear to ſo infamous a propoſal. I do not find, that any of the ſucceeding princes before the Revolution, ever reſumed the deſign, becauſe it was a project, for which there could not poſſibly be aſſigned the leaſt reaſon or neceſſity. For I defy any mortal to name one ſingle advantage, that England could ever expect from ſuch an Union. But, towards the end of the late king's reign, upon an apprehenſion of the want of iſſue from him, or the princeſs Anne, a propoſition for uniting both kingdoms was begun, becauſe Scotland had not ſettled their crown upon the houſe of Hanover, but left themſelves at large, in hopes to make their advantage. And it was thought highly dangerous to leave that part of the iſland, inhabited by a 'poor, fierce Northern People', at liberty to put themſelves under a different king. However, the oppoſition to this work was ſo great, that it could not be overcome, until ſome time after her preſent majeſty came ſince dead, an act of parliament was obtained for the Scots, which gave them to the crown, when, by the weakneſs or corruption of a certain miniſter leave to arm themſelves; and ſo the Union became neceſſary, not for any actual good it could poſſibly do us, but to avoid a probable evil; and at the ſame time ſave an obnoxious miniſter's head, who was ſo wiſe, as to take the firſt opportunity of procuring a general pardon by act of parliament, becauſe he could not with ſo much decency or ſafety deſire a particular one for himſelf. The facts are well enough known to the whole kingdom. And I remember, diſcourſing above ſix years ago with the moſt conſiderable perſon [lord Sommers] of the adverſe party, and a great promoter of the Union, he frankly owned to me, that this neceſſity, brought upon us by the wrong management of the earl of Godolphin, was the only cauſe of the Union.

Therefore I am ready to grant two points to the author of the Criſis: Firſt, that the Union became neceſſary, for the cauſe above related; becauſe it prevented this iſland from being governed by two kings, which England would never have ſuffered; and it might probably have coſt us a war of a year or two to reduce the Scots. Secondly, that it would be dangerous to break this Union, at leaſt in this juncture, while there is a Pretender abroad, who might probably lay hold of ſuch an opportunity. And this made me wonder a little at the ſpirit of faction laſt ſummer, amongſt ſome people, who, having been the great promoters of the Union, and ſeveral of them the principal gainers by it, could yet proceed ſo far, as to propoſe in the houſe of lords, that it ſhould be diſſolved; while at the ſame time thoſe peers, who had ever oppoſed it in the beginning, were then for preſerving it upon the reaſon I have juſt aſſigned, and which the author of the Criſis hath likewiſe taken notice of.

But when he tells us, The Engliſhmen 'ought, in generoſity, to be more particularly careful in preſerving this Union', he argues like himſelf. 'The late kingdom of Scotland (ſaith he) had as numerous a nobility as England, &c'. They had indeed; and to that we owe one of the great and neceſſary evils of the Union, upon the foot it now ſtands. Their nobility is indeed ſo numerous, that the whole 'revenues of their country would be hardly able to maintain them according to the dignity of their titles'; and what is infinitely worſe, they are never likely to be extinct, until the laſt period of all things, becauſe the greateſt part of them deſcend to heirs general. I imagine a perſon of quality, prevailed on to marry a woman much his inferior, and without a groat to her fortune, and her friends arguing ſhe was as good as her huſband, becauſe ſhe brought him as numerous a family of relations and ſervants, as ſhe found in his houſe. Scotland in the taxes is obliged to contribute one penny for every forty pence laid upon England; and the repreſentatives they ſend to the parliament are about a thirteenth. Every other Scots peer hath all the privileges of an Engliſh one, except that of ſitting in parliament; and even precedence before all of the ſame title, that ſhall be created for the time to come. The penſions and employments poſſeſſed by the natives of that country now among us do amount to more than the whole body of their nobility ever ſpent at home; and all the money, they raiſe upon the public, is hardly ſufficient to defray their civil and military liſts. I could point out ſome with great titles, who affected to appear very vigorous for diſſolving the Union, although their whole revenues before that period would have ill maintained a Welch juſtice of the peace; and have ſince gathered more money than ever any Scotſman, who had not travelled, could form an idea of'.

This paſſage, by reaſon of the offence it might give to the Scots peers, was, a few days after the publication of the libel, cancelled, and the reſt publiſhed with a new title under the pretence of a ſecond edition. But it was reſtored by Dr. Swift, in the late edition of his political tracts.

[z] Dr. Swift, in his advertiſement prefixed to this pamphlet among his political tracts, ſays, The reaſon of offering ſo ſmall a reward was, became 'the queen and miniſtry had no deſire to have the author taken into cuſtody'.

[a] Theſe reſolutions were:

'I. That, notwithſtanding the oath taken by any candidate, on or after any election, his qualifications may be afterwards examined into.

II. That the perſon, whoſe qualification is expreſly objected to, in any petition relating to his election, ſhall, within fifteen days after the petition read, give, to the clerk of the houſe of commons, a paper ſigned by himſelf, containing a rental or particular of the lands, tenements, or hereditaments, whereby he makes out his qualification: Of which any perſon concerned may have a copy.

ordered a bill to be brought in, ‘ for ſecuring the freedom of parliaments, by limiting the number of officers in the houſe of commons’; which was perfected towards the end of March.

Notwithſtanding all the care and induſtry uſed by the court-managers in the late elections, many profeſſed enemies of the preſent miniſters were choſen. But, of theſe, none was ſo obnoxious to the men in power, as Mr. Steele, who in ſeveral public writings had arraigned the late meaſures with great boldneſs, as one, who was encouraged, and ſure to be ſupported, by the whole Whig party. It was therefore agreed by the miniſters (how much ſoever they differed in other matters) to exert their endeavours to remove him from his ſeat in parliament. A petition, which was lodged againſt his election, happening to be the ſeventeenth of that kind, and therefore not like to come on this ſeſſion, it was reſolved to take a ſhorter way, and attack him about ſome of his late political writings. Mr. Hungerford, a noted lawyer, who had been expelled the houſe of commons for bribery in the reign of king William, moved, on the 11th of March, to take into conſideration that part of the queen’s ſpeech, which related to the ſuppreſſing ſeditious libels; and complained, in particular, of ſeveral ſcandalous papers lately publiſhed, under the name of Richard Steele, eſq. a member of that houſe. He was ſeconded by Mr. Auditor Foley, a near relation to the lord-treaſurer, who ſuggeſted, That unleſs means were found to reſtrain the licentiouſneſs of the preſs, and to ſhelter thoſe, who had the honour to be in the adminiſtration, from malicious and ſcandalous libels; they, who by their abilities are beſt qualified to ſerve their queen and country, would decline public offices and employments. This was ſupported by ſir William Wyndham, who added, ‘ That ſome of Mr. Steele’s writings contained inſolent injurious reflections on the queen herſelf, and were dictated by the ſpirit of rebellion’. The next day, Auditor Harley (the lord-treaſurer’s brother) made a formal complaint to the houſe againſt certain paragraphs of the three printed pamphlets, which had given moſt offence to the court; ‘ The Engliſhman, of January 19; The Criſis; and The laſt Engliſhman’, all ſaid to be written by Richard Steele, eſq. which pamphlets being brought up to the table, it was ordered, that Mr. Steele ſhould attend in his place the next morning.

This brought a large concourſe of members and ſpectators to the houſe; and, Mr. Steele attending, ſeveral paragraphs, contained in the pamphlets complained of, were read: After which Mr. Foley, Mr. Harley, and ſome other members, ſeverely animadverted upon the rancour and ſeditious ſpirit conſpicuous in thoſe writings. Mr. James Craggs, jun. ſtanding up to ſpeak in Mr. Steele’s behalf, he was prevented by a confuſed noiſe of ſeveral voices calling to order; intimating, that, according to the order of the day, Mr. Steele was to be heard himſelf in his place. Upon this Mr. Steele ſaid, ‘ That being attacked upon ſeveral heads without any previous notice, he hoped the houſe would allow him, at leaſt, a week’s time to prepare for his defence’. Auditor Harley having excepted againſt ſo long a delay, and moved for adjourning this affair to the Monday following, Mr. Steele, to ridicule his two principal proſecutors, Foley and Harley, who were known to be rigid Preſbyterians, though they now ſided with the High Church, aſſumed their ſanctified countenance, and owned, ‘ in the meakneſs and contrition of his heart, that he was a very great ſinner; and hoped, the member, who ſpoke laſt, and who was ſo juſtly renowned for his exemplary piety and devotion, would not be acceſſary to the accumulating the number of his tranſgreſſions, by obliging him to break the Sabbath of the Lord, by peruſing ſuch profane writings, as might ſerve for his juſtification’. This ſpeech, ſpoke in a canting tone, having put the generality of the aſſembly in good humour, Mr. Steele carried his point; and the further conſideration of the charge againſt him was deferred for a week, by which time it was expected, that ſir Richard Onſlow, Mr. Hampden, Mr. Lechmere, and ſome other leading members of the Whig party, who were abſent, would be come to town. This ſucceſs encouraged Mr. Steele, not only to ſtand upon the defenſive, but even to attack his accuſers. As he believed a great part of the ill-will, he had brought upon himſelf, was owing to what he wrote about Dunkirk, he thought it would make for his defence, to have what paſſed, relating to the colluſive demolition, appear to the houſe before his day came on. He therefore moved, on the very Monday propoſed by Mr. Harley for his trial, ‘ That an addreſs be preſented to the queen, to give directions, that the ſeveral repreſentations of her engineers and officers, who had the care and inſpection of the demolition of Dunkirk, and all orders and inſtructions given thereupon, be laid before the houſe’. But the motion was rejected by two hundred and fourteen voices, againſt one hundred and nine. But the court-party did not think fit to oppoſe another motion, which, with the ſame intent, was then made by the lord Lumley, eldeſt ſon to the earl of Scarborough, who being ſeconded by the earl of Hertford, it was unanimouſly reſolved, ‘ That an addreſs be preſented to her majeſty, that ſhe would be pleaſed to order an account to be laid before the houſe, what ſteps had been made for the removing the Pretender from the dominions of the duke of Lorrain, purſuant to the addreſs of both houſes of the laſt parliament; and what anſwers had been given by the duke of Lorrain’.

On the 18th of March, the day appointed for Mr. Steele’s trial, the court-party thought proper to clear the houſe of all ſtrangers; which being done, Auditor Foley moved, that before they proceeded any further, Mr. Steele ſhould declare, whether he acknowledged the writings that bore his name? Upon which Mr. Steele owned all the papers laid to his charge to be part of his writings: That he wrote them in behalf of the houſe of Hanover, and owned them with the ſame unreſervedneſs, with which he had abjured the Pretender’. Then, a debate ariſing upon the method of proceeding, Mr. Foley propoſed, that Mr. Steele ſhould withdraw; but, after ſeveral ſpeeches, it was carried, without dividing, that he ſhould ſtay, in order to make his defence. Mr. Steele deſired, he might be allowed to anſwer to what might be urged againſt him, paragraph by paragraph; but though he was powerfully ſupported by Mr. Robert Walpole, general Stanhope, the lord Finch, eldeſt ſon to the earl of Nottingham; and the lord Hinchinbroke, ſon to the earl of Sandwich; yet his accuſers inſiſted, and it was carried, ‘ That he ſhould proceed to make his defence generally, upon the charge given againſt him’. Mr. Steele proceeded accordingly, being aſſiſted by Mr. Addiſon, who ſat near him, to prompt him, upon occaſion; and for near three hours ſpoke to the ſeveral heads, extracted out of the three pamphlets above mentioned (which had been given in print to all the members) with ſuch temper, eloquence, and unconcern, as gave entire ſatisfaction to all, who were not prepoſſeſſed againſt him.

Mr. Steele being withdrawn, moſt members expected, that Mr. Foley would have ſummed up, and anſwered his defence; but he contented himſelf with ſaying, in general, ‘ That, without amuſing the houſe with long ſpeeches, it was plain that the writings, that had been complained of, were ſeditious and ſcandalous, injurious to her majeſty’s government, the church and the univerſities, and moved, that the queſtion ſhould be put’. This occaſioned a very warm debate, which laſted till eleven at night. Mr. Robert Walpole, who ſpoke firſt in favour of Mr. Steele, made a long and elegant ſpeech. He began with ſhewing, ‘ That this extraordinary and violent proſecution ſtruck at the liberties of the ſubject in general, and of the members of that houſe in particular. He then juſtified Mr. Steele on all the heads of the accuſation raiſed againſt him; and ſaid, he hoped the houſe would not ſacrifice one of their members to the reſentment and rage of the miniſtry, for no other crime, than his expoſing their notorious miſmanagements; and, like a good patriot, warning his countrymen againſt the imminent danger, with which the nation in general, and in particular her majeſty’s ſacred perſon, were threatened, by the viſible encouragement, that was given to the Pretender’s friends. If a Papiſt, (ſaid Mr. Walpole) nay an Iriſh Papiſt, [ſir Patrick Lawleſs] who for many years has been ſervant to the late king James, and the Pretender; one, who has borne arms againſt her majeſty in France and Spain; one, who is ſtrongly ſuſpected of having imbrued his hands in the blood of the late duke of Medina Celi, and marquiſs of Leganez; if ſuch a man be not only permitted to come into England, but to appear at court, in the preſence-chamber; if he be careſſed by the miniſters; nay, I ſpeak it with horror, if ſuch a man

‘ III. That, of ſuch lands, tenements, or hereditaments, whereof the party hath been in poſſeſſion, for three years before the election, he ſhall alſo inſert in the ſame paper, from what perſon, and by what conveyance, or act in law, he claims and derives the ſame; and alſo the conſideration, if any paid, and the names and places of abode of the witneſſes to ſuch conveyance and payment.

IV. That, if a ſitting member ſhall think fit to queſtion the qualification of a petitioner, he ſhall, within fifteen days after the petition read, leave notice thereof in writing, with the clerk of the houſe of commons; and the petitioner ſhall, in ſuch caſe, within fifteen days after ſuch notice, leave with the ſaid clerk of the houſe the like account in writing of his qualification, as is required from a ſitting member.

be admitted to her majeſty's private audience in her cloſet, will not every good ſubject think her majeſty's perſon in danger? And is it then a crime in Mr. Steele to ſhew his juſt concern for ſo precious a life?

As to that paſſage in Mr. Steele's Criſis, wherein he ſays, 'That a late treaſonable book on the Succeſſion of Hereditary Right has publiſhed the will of king Henry VIII, which ſeems to be intended as a pattern for the like occaſion'; and a little lower, 'Let thoſe, who act under the preſent ſettlement, and yet pretend to diſpute for an abſolute Hereditary Right, quiet themſelves with the arguments they have borrowed from Popery'; Mr. Walpole ſaid, it could not be denied, 'That the lord-treaſurer was the patron of learned men, for whoſe uſe and improvement he had ſet up a fine library: and that it appeared by the book called, 'The Hereditary Right of the Crown of England aſſerted, &c'. that the author had free acceſs to that library, and had drawn very material paſſages out of ſome manuſcripts in it. But that the lord treaſurer's care to ſupply him with materials towards that work went yet further, ſince his lordſhip had employed a man to look among old muſty papers for the will and teſtament of king Henry the eighth, which the author had inſerted at length in the appendix to his book. That he appealed to Mr. Lowndes, a member of the houſe, and ſecretary to the treaſury, whether he had not paid, by the lord treaſurer's orders, twelve or fourteen pounds to the perſon, that had made that great diſcovery; but, that in caſe he ſhould deny it, he had evidence to prove it'. Mr. Lowndes ſeemed not to deny the fact; and only ſaid, that will was not ſo rare a piece, ſince it was to be ſeen in a place, which he named, in Weſtminſter Abbey. On this occaſion Mr. Walpole mentioned three points, in which he endeavoured to prove, that the peace had already been broke: The firſt he ſaid, was the demolition of Dunkirk, which ought to have been finiſhed five months after ſigning the treaty; but, inſtead of that, the French had yet only pulled down part of the outward fortifications, without touching the foundations, which, on the one hand, rendered the Engliſh garriſon uſeleſs, and expoſed to any inſults; and, on the other hand, would afterwards make it eaſy for the French to reſtore and rebuild thoſe fortifications: which was the more probable to be in their thoughts, ſince, inſtead of ruining the harbour, they were actually repairing the ſluices, and working on a new canal. The ſecond point was, the renunciations of the princes of the houſe of Bourbon, which were laid down as the foundation and baſis of the peace, and as a pretence, that thereby the crowns of France and Spain would be more divided than ever: But that, ſuppoſing (what he could not by any means grant) that thoſe renunciations were to be depended upon, they were yet conditional, and ſuppoſed the emperor's renunciation of the crown of Spain: And therefore, as no care had been taken to engage his Imperial majeſty to agree to that neceſſary condition, ſo the renunciations of the princes of the houſe of Bourbon became not binding and void'. The third inſtance, which Mr. Walpole gave of the violation of the peace, was the French king's ordinance, dated September the 18th, 1713, N. S. 'forbidding the children of French refugees, though born out of his dominions, to come into them, without his permiſſion, upon pain of being ſent to the gallies'. This ordinance was againſt natural right and the law of nations, and in particular derogatory to the rights and liberties of the Britiſh nation, which the children of the refugees, born in England, were entitled to enjoy as well as the other natives. That he would adventure to ſay in their behalf, that it were to be wiſhed, that all, who have the happineſs to be born in England, were as good Engliſhmen as the ſons of the refugees; and that the Britiſh nation was the more concerned in having that ordinance repealed, in that the refugees and their children were the fitteſt to carry on a trade with France'.

Mr. Horace Walpole ſeconded his brother in favour of the French refugees, 'and deplored the lamentable condition of their miniſters and the poor amongſt them, to whom the lord-treaſurer had not paid one penny of the fifteen thouſand pounds per annum, voted by parliament, and allowed in the civil liſt, towards their ſubſiſtence and relief, ſince he came into his office'. Adding, 'That ſome amongſt the refugees ſuffered now more in England, than they did during the proſecution in France; ſince there were always ſome charitable people, who relieved them while they were in priſons and dungeons, whereas here they were left to ſtarve'.

The lord Finch ſupported, likewiſe, Mr. Robert Walpole, and juſtified Mr. Steele with relation to the tendereſt part of the charge againſt him, 'his third Wiſh', in the cloſe of his laſt Engliſhman: That his electoral highneſs of Hanover would be ſo grateful, as to ſignify to all the world the perfect good underſtanding he had with the court of England, in as plain terms, as her majeſty was pleaſed to declare ſhe had with that houſe on her part'. He ſaid, 'That ſuppoſing there was in this Wiſh ſome injurious inſinuations, yet the ſame could not, without injuſtice, be applied to the queen, but only to her miniſters: That no body doubted the good underſtanding between her majeſty and the houſe of Hanover; but that it was notorious, that the miniſters ſhewed no great regard to that illuſtrious houſe. Witneſs (to paſs over other inſtances) the ſlight they put upon the baron Bothmar's memorial, which the queen had perhaps never ſeen, had not the ducheſs of Somerſet ſhewed it to her majeſty in print in the Daily Courant'. He likewiſe juſtified Mr. Steele in relation to his reflections on the peace. We may, ſays he, give it all the fine epithets we pleaſe, call it here, honourable; but I am ſure it is accounted ſcandalous in Holland, Germany, Portugal, and over all Europe, except France and Spain. We may call it advantageous; but all the trading part of the nation find it to be otherwiſe. If therefore it be really advantageous, it muſt be ſo to the miniſtry that made it'. Sir William Wyndham replying, 'That the miniſtry would not ſay, the peace was advantageous to them; the lord Finch anſwered, 'Then it was plain it was advantageous to no body but our late enemies'.

The lords Lumley and Hinchinbroke, and ſome other members, ſpoke alſo in favour of Mr. Steele, and againſt the conduct of the miniſtry. But Mr. Foley, ſir William Wyndham, the attorney-general, and ſome other courtiers, being ſupported by a great majority, ſtill inſiſted on the queſtion, and it was carried at laſt by two hundred forty-five voices againſt one hundred fifty-two, Firſt, 'That a printed pamphlet, intitled, The Engliſhman, being the cloſe of the paper ſo called, and one other pamphlet, intitled, The Criſis, written by Richard Steele, eſq. a member of this houſe, are ſcandalous and ſeditious libels, containing many expreſſions highly reflecting upon her majeſty, and upon the nobility, clergy, gentry, and univerſities of this kingdom, maliciouſly inſinuating, that the Proteſtant Succeſſion in the houſe of Hanover is in danger under her majeſty's adminiſtration, and tending to alienate the affections of her majeſty's good ſubjects, and to create jealouſies and diviſions among them. Secondly, That Richard Steele, eſq. for his offence in writing and publiſhing theſe ſcandalous and ſeditious libels, be expelled this houſe'.

It is obſervable, that only two Scots members ſpoke in this long debate, Mr. Baillie, and ſir James Stuart, judge-advocate in North-Britain. Mr. Baillie ſaid, 'He was little acquainted with the affairs of England, but had made it his buſineſs to know thoſe of his own country; and, by all the obſervations he could make for ſome years paſt, they, who appeared the moſt zealous for the Pretender's intereſt, were the moſt favoured and countenanced by thoſe in power'. This was confirmed by ſir James Stuart, who added, 'That to his certain knowledge, three or four thouſand pounds had been yearly remitted to the Highland clans, whoſe chiefs, and the men under their command, were known to be entirely devoted to the chevalier'. Hence it appears, this affair gave the enemies of the miniſtry an occaſion to take notice of ſeveral things, which, but for this proſecution, had perhaps never been mentioned in the houſe of commons; and which, being ſpoken in the hearing of ſeveral lords, occcaſioned the like reflections and ſtricter enquiries in the houſe of peers. A few days after, the commons adjourned till after the Eaſter holidays; and in the mean time ſir James Stuart was removed from his place for what he had ſaid.

On the 17th of March, the lords taking into conſideration the ſtate of the nation, the earls of Wharton, Nottingham, and Sunderland, the lords Cowper, Hallifax, and ſome others, repreſented the danger that threatened the Proteſtant Succeſſion, by reaſon of the Pretender's not being yet removed from Lorrain, and the ill condition the affairs of Europe were left in by the late treaties of peace, and moved, that addreſſes be preſented to the queen, 'Firſt, for an account of what ſteps had been taken for removing the Pretender from the dominions of the duke of Lorrain, and what anſwers had been given by that duke? Secondly, an account of the negotiations of peace: What meaſures had been taken, to render the peace univerſal: And what obſtructions her majeſty had met with? Thirdly, An account of what inſtances had been made for reſtoring to the Catalans their antient privileges, and all letters relating thereto. Fourthly, An account of the monies granted by parliament, ſince the year 1710, to carry on the war in Spain and Portugal'. Theſe addreſſes were ordered to be preſented to the queen without

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GEORGE HAMILTON, EARL of ORKNEY.

Mingaud pinxit. *Taylor sculp.*

In the Collection of the R.t hon.ble the Earl of Inchiquin.

Published as the Act directs Dec.r 28. 1787.

any oppoſition. But, in the mean time, to give the houſe ſome amuſement, the lord-treaſurer moved for leave to bring 'in a bill for the further ſecurity of the Proteſtant Succeſſion, by making it high-treaſon to bring any foreigh troops into the kingdom': which greatly ſurprized many peers. Among the reſt, the earl of Nottingham, who immediately perceived the dangerous conſequence of that motion, repreſented, 'That ſuch a bill might be turned againſt the very guarantees of the Proteſtant Succeſſion, and ſo weaken that happy ſettlement, for the ſecurity of which the bill was pretended to be deſigned'. The lord Bolingbroke replied, 'He doubted not, but the noble peer, who made the motion, meant only ſuch foreign troops, as might be brought into the kingdom by the Pretender or his adherents'. The lord-treaſurer having declared this to be his meaning, it was anſwered, 'In that caſe, ſuch a bill was altogether unneceſſary, ſince ſuch troops were either open enemies, if foreigners, or traitors and rebels, if natives'. The earl of Angleſea put an end to the debate, with ſaying, 'That the lord, who made the motion, was not acquainted with the methods of proceeding in that houſe; for every peer has the privilege of bringing in what bill he thinks fit: That the lord-treaſurer's aſking leave for it, was but a compliment to the houſe; and therefore, when he had brought in the bill, it would be then a proper time to conſider of it'. So the motion was dropped. The ſame day, a noble lord reflected on the 'Biſhop of Sarum's Preface to his Paſtoral Care'; but, that prelate offering to vindicate himſelf, no farther notice was taken of it.

Two days after, in a farther debate on the ſtate of the nation, ſeveral lords ſpoke again in favour of the Catalans, and inſiſted, 'That the houſe ought ſtrictly to examine how that poor people came to be abandoned, after they had been ſolicited and drawn in to declare for the emperor'. The earl of Angleſea, ſeeing the miniſtry thus attacked, endeavoured to ward off the blow, by ſaying, 'That, for his own part, he was one of the firſt, that appeared againſt the late miniſters, becauſe he was fully convinced of their maladminiſtration, corruption, avarice, and unbounded ambition. That he would, in like manner, be one of the firſt that ſhould attack the preſent miniſters, if he thought them guilty of the ſame faults. But, as he had obſerved, it was merely out of ſpleen and envy, that ſome perſons were for enquiring into the conduct of patriots, who had given ſignal proofs of their zeal for the public good, he was of opinion, that they ought to examine into the conduct both of the late and preſent miniſters, that ſo, by comparing one with the other, they might ſee, which had committed leſs errors'. However, the Whig lords purſued their point, and in particular took notice of the danger, both the queen's perſon and the Proteſtant Succeſſion were in, from the great number of outlawed Jacobites, who were permitted to come over from beyond ſea; and complained of the favour ſhewn to the Pretender's friends, in granting noli proſequi's to perſons (meaning Daniel de Foe among others) who were under proſecution for writing againſt the Proteſtant Succeſſion. They animadverted upon the debts of the navy being much increaſed, though nothing had been done at ſea for two or three years. The court-party having nothing to ſay to theſe particulars, it was moved and reſolved to addreſs the queen, that ſhe would order the proper officers to lay before the houſe, 'Firſt, An account of the debts and ſtate of the navy. Secondly, An account of noli proſequi's granted ſince her acceſſion to the throne. And, Thirdly, A liſt of perſons outlawed, attainted, or that had borne arms in the ſervice of her majeſty's, or the late king's enemies, who had got licences to return into Great-Britain, or other her majeſty's dominions, ſince the year 1688'. After this, upon a motion for adjourning, the Whig lords propoſed to adjourn only to the Monday following. But, the miniſtry being highly concerned to put a ſtop to ſuch enquiries, the lord-treaſurer, with a ſhew of devotion, repreſented, 'That the ſolemnity of the feſtival of Eaſter approaching, the next week ought, according to the primitive inſtitution, and the conſtant practice of the church of England, to be ſet apart for works of piety'; and therefore, moved to adjourn to the 31ſt of March. The treaſurer being ſeconded by the lord Trevor, the earl of Wharton ſaid, 'God forbid he ſhould oppoſe that noble lord, who had made ſo pious and religious a motion; but that he appealed to that venerable bench (pointing to the biſhops) whether humanity and charity did not require it at their hands, not to loſe one moment of time, in addreſſing her majeſty in behalf of the diſtreſſed Catalans, who were reduced to ſuch an extremity that the leaſt delay in procuring them relief, might prove their ruin for ever'. Then it was reſolved, without oppoſition, to preſent the addreſs; and the earl of Oxford's motion for adjourning to the 31ſt of March was carried in the affirmative. It is obſervable, the commons having, the day before, made an order for clearing their houſe of all ſtrangers, not excepting the peers, it was moved in the lords houſe to make the like order, without excepting the commons: But this was oppoſed by the duke of Argyle, who ſaid, 'It was for the honour of that auguſt aſſembly to ſhew, that they were better bred, and had more complaiſance than the commons'.

At this time the miniſtry, in order to allay the fears, which many entertained of a deſign between Great-Britain and France, to bring over the Pretender; cauſed a remarkable declaration, made ſome time before by the French ambaſſador at the Hague, to be publiſhed in the Poſt-Boy of the 18th of March, which was to this effect: 'It is not only in Holland, that falſe reports are ſpread of the king my maſter's equipping a fleet, with a deſign to ſupport the intereſts of the chevalier de St. George; but theſe falſe reports have alſo reached England. As it is eaſy to imagine for what end they have been invented, I am ordered by his majeſty, to acquaint you with the malicious deſign of them. They will ſoon vaniſh, being without foundation, and even the leaſt appearance of any. It is, however, neceſſary, that truth ſhould be known'.

This declaration, however, with the leaſt diſcerning paſſed only for a political amuſement: And indeed it was but a fond imagination in the Britiſh miniſters, to believe, that any verbal aſſurances and proteſtations were able to diſpel the jealouſies and apprehenſions, occaſioned by the daily removal of the firmeſt friends to the Proteſtant Succeſſion from public employments, and advancing in their ſtead, thoſe, whom they found inclined blindly to follow the queen's meaſures; which was now become the watch-word, and, as it were, the ſtandard of civil and military merit. Upon this rule, at a cabinet-council, it was reſolved to remove the duke of Argyle from all his places; to order the earl of Stair to diſpoſe of his regiment of Scots Royal dragoons; and to turn out ſeveral other inferior officers. Accordingly, a few days after, it was declared, that the command of the Scots troop of life-guards, of which the duke of Argyle was colonel and captain, was given to the young earl of Dundonald, a Scots peer (for which, however, the queen was ſaid to have paid the uſual price of ten thouſand pounds to the duke) that the earl of Peterborough was made governor of the iſland of Minorca, and the earl of Orkney, governor of Edinburgh caſtle, both in the room of the duke of Argyle; that the earl of Portmore had bought the earl of Stair's regiment for ſix thouſand pounds; that major-general Davenport was ordered to ſell his poſt of lieutenant of the firſt troop of life-guards to brigadier Panton; that major-general Holmes, major of the Cold-ſtream regiment of foot-guards, had leave to diſpoſe of his company to lieutenant-colonel Gibbons, late of colonel Kane's regiment of foot; that lieutenant-colonel Egerton, brother to the earl of Bridgewater, and lieutenant-colonel Sidney, brother to the earl of Leiceſter, were ordered to ſell their companies in the foot-guards, for the ſum of a thouſand pounds each, to the lieutenants-colonels Markham and Owen; and that lieutenant-colonel Oughton and lieutenant-colonel Paget were alſo ordered to diſpoſe of their companies. It was about the ſame time ſtrongly reported, that ſeveral other officers, who, being cloſeted, had demurred upon the queſtion, that was put to them, 'Whether they would ſerve the queen, without aſking queſtions'? were likewiſe to be turned out of their poſts; ſome of which were to be filled up by the creatures of the lord Bolingbroke, the principal adviſer and promoter of the new-modelling the army. One branch of this ſcheme was to break nine of the battalions in Ireland; to lay aſide ſeventy-two officers, who were thought improper inſtruments for the deſigns in hand; and to raiſe fifteen other battalions, that ſhould be ſure to obey all commands; and one of which was ſaid to be deſigned for the lord Poor, an Iriſh Roman Catholic peer, who had a long time ſerved in France. It was alſo generally reported, that either the earl of Angleſea, or colonel Owen, who ſoon after went over to Dublin, carried theſe orders to ſir Conſtantine Phipps. But whatever ground there was for ſuch a report, that part of the model never took place.

The lord Bolingbroke and his friends, who by this time had got the aſcendant over the lord-treaſurer in the cabinet-council, were the more haſty in their meaſures, both becauſe they began to deſpair of the queen's ſurviving the next ſummer, and becauſe they were not ignorant, that the Whigs, in concert with the court of Hanover, took all imaginable precautions to ſecure the Proteſtant Succeſſion. The queen being taken ill[b], thoſe who were moſt concerned in her life,

[b] Dr. Shadwell, in a letter to the duke of Shrewſbury, gives the following account of her illneſs:— "On the 11th of March, after the queen had ſunned herſelf awhile at the window, ſhe was ſeized with a chillneſs, vomiting, a pain in the leg, the pulſe very diſordered, and in every manner as two months

puſhed on their ſchemes, knowing how precarious that life was; and, at the ſame time, the better to carry on their deſigns, gave out, that ſhe was in no manner of danger, being only troubled with a ſmall fit of the gout. But though, the better to conceal the true ſtate of her health, only Dr. Arbuthnot, who was devoted to their party, was for a long time admitted to ſee her leg; yet thoſe, who watched for the ſecurity of the Proteſtant Succeſſion, did not want intelligence of her dangerous condition, and took all poſſible meaſures to defeat any attempt, that ſhould be made to bring in the Pretender, at or before her death. As that caſe never happened, thoſe meaſures are for the moſt part a ſecret; but it may be obſerved, that about this time the Pretender's friends were not a little alarmed at a ſecret treaty, which was ſaid to be concluded between the elector of Brunſwick and the States-General; whereby the ſtates, in conſideration of a certain ſum, engaged to furniſh the elector with a certain number of ſhips and land forces (beſides their engagements as guarantees of the Succeſſion) to ſupport his claim to the crown of Great-Britain. Be this as it will, certain it is, that the court of Hanover did not rely on the fair promiſes, given them by the Britiſh miniſters, and which were manifeſtly contradicted by matters of fact. And as ſome of the Britiſh miniſters and generals were, at this juncture, very intent upon new-modelling the army; ſo on the other hand, the duke of Argyle, the generals Stanhope and Cadogan, and ſeveral other experienced commanders, were no leſs active, though with more caution, in keeping ſteady and preparing againſt all events, ſuch military men, as they knew to be well affected to the Proteſtant Succeſſion. General Stanhope, in particular, had ſeveral private conferences with the principal officers among the French refugees; who being a conſiderable body, and all zealous for the cauſe, no ſmall ſtreſs was laid on their aſſiſtance, as well as that of their countrymen. So, if things had been brought to extremities, excluſive of the interpoſition of foreign forces, the well-affected to the houſe of Hanover would have been equal, if not ſuperior to the Pretender's friends. This will appear more than probable, if we conſider, that in either houſe of parliament few were for altering the preſent ſettlement: That moſt of the merchants and monied men in the city of London (which, in all revolutions, has the greateſt influence over the reſt of the kingdom) were entirely devoted to the Proteſtant Succeſſion; and it is now known, that ſome of the principal of them had agreed with the generals Cadogan and Stanhope to exert their whole intereſt in the city, whenever any attempt ſhould be made upon the Succeſſion; and that meaſures were early concerted by the Kit-Cat club, with a major-general, who had a conſiderable poſt in the foot-guards, to ſeize the Tower, upon the firſt appearance of danger, and to ſecure in it ſuch perſons, as were juſtly ſuſpected to favour the Pretender [c]. And the late lord Onſlow uſed to ſay, that himſelf had been ſent over with an aſſociation ſigned by the moſt eminent of the Whigs to the duke of Marlborough, who did not think proper to give it the ſanction of his name; which was a great ſurprize to his old friends.

The parliament, according to their adjournment, met on the 31ſt of March. The chief debates were in the houſe of lords, concerning the Catalans, the Proteſtant Succeſſion, removal of the Pretender out of Lorrain, and the late treaties. The papers, which had been addreſſed for, being laid before the houſe, thoſe relating to the Catalans were read on the 2d of April. Then the earls of Wharton and Sunderland, the lords Hallifax, Cowper, and others, repreſented, 'That, the crown of Great-Britain having drawn in the Catalans to declare for the houſe of Auſtria, and engaged to ſupport them, thoſe engagements ought to have been made good'. To this the lord Bolingbroke anſwered, 'That the queen had uſed all her endeavours to procure to the Catalans the enjoyment of their antient liberties and privileges; but that, after all, the engagements ſhe was entered into, ſubſiſted no longer than while king Charles was in Spain; but that prince being advanced to the Imperial dignity, and having himſelf abandoned the Catalans, ſhe could do no more than interpoſe her good offices in their behalf, which ſhe had not been wanting to do'. To this it was replied, 'That God Almighty had put more effectual means into her majeſty's hands'. After ſome other ſpeeches, the lord Cowper moved for an addreſs to the queen, importing, 'That, her endeavours for preſerving to the Catalans the full enjoyment of their antient liberties, having proved ineffectual, their lordſhips made it their humble requeſt, that ſhe would continue her interpoſition in the moſt preſſing manner in their behalf'. None of the peers oppoſed this motion; only the lord-chancellor, in order to juſtify all that had been done by the miniſtry, ſaid, 'This addreſs would be more grateful to her majeſty, if the word ineffectual was left out, and if they ſhould only thankfully acknowledge her majeſty's endeavours in favour of the Catalans', which was agreed to. But, notwithſtanding this compliment, the addreſs being the next day preſented to the queen, 'ſhe thanked, indeed, the lords, for the ſatisfaction they expreſſed in the endeavours ſhe had uſed for ſecuring to the Catalans their juſt liberties; but then ſhe added, that, at the time ſhe concluded her peace with Spain, ſhe reſolved to continue her interpoſition upon every proper occaſion for obtaining thoſe liberties, and to prevent, if poſſible, the misfortunes, to which that people were expoſed by the conduct of thoſe more nearly concerned to help them'. This anſwer occaſioned ſome reflections: And indeed, it quickly appeared, that ſir James Wiſhart, who, about this time, was ſent with a ſtrong ſquadron of men of war, was rather inſtructed to aſſiſt king Philip in the reduction of Barcelona, than in relieving the diſtreſſed Catalans.

On April the 5th, the lords taking into conſideration the ſtate of the nation, ſeveral ſpeeches were made in relation to the dangers to which all Europe in general was left expoſed by the late treaties of peace, and which, in particular, threatened the Proteſtant Succeſſion. To this purpoſe the Whig lords mentioned the countenance and favour which were publickly ſhewn by thoſe in power to the friends of the Pretender; and his continuing in Lorrain [d]. The earl of Sunderland added, 'That, notwithſtanding the earneſt application made laſt ſeſſion by both houſes to her majeſty, to uſe her utmoſt endeavours to get him removed from thence, yet he was aſſured by baron Foſtner, the duke of Lorrain's miniſter, ſome weeks before his departure, that, to his certain knowledge, no inſtances had yet been made to his maſter for that purpoſe'. The lord Bolingbroke ſaid, 'He wondered baron Foſtner ſhould make ſuch a declaration, ſince he himſelf had made thoſe inſtances to the baron in the queen's name'. But the lord Hallifax confirmed what the earl of Sunderland had advanced, ſaying, 'Baron Foſtner had told him as much but four days before; ſo that the lord Bolingbroke muſt be miſtaken, at leaſt, in point of chronology'.

months before, except that the queen did not ſhiver; but the cold and chillneſs continued twelve hours, and was then ſucceeded by a very great heat, thirſt, and all the ſymptoms of a high fever, which laſted till the next morning. Some of her phyſicians were for adminiſtring the ſnake root; but Dr. Shadwell oppoſed it, by reaſon of the inflammatory fever, and eryſipelas; preſſed for temperate cordial medicines, to diſcharge the blood; and cupping, as well as other evacuations, to prevent too great a load of humours falling upon the leg. This he inſiſted on the next day, though the fever was off; apprehending the conſequence of that limb being too much loaded: And though, on Sunday the 14th, the queen eat a chicken with very good appetite; though all the other phyſicians thought matters ſo well, as not to need any preſcription; yet that very good appearance did not eaſe Dr. Shadwell of his fears, for what might happen to the leg, if the eryſipelas ſhould turn to an impoſthumation: which it did, according to his prognoſtic, not long after; and proved at laſt the immediate cauſe of the queen's death.

[c] This Boyer, the hiſtorian, had from the major-general's own mouth' whoſe name he had not liberty to reveal.

[d] Some time before the parliament met, the following letter, ſaid to be written by the duke of Lorrain, was handed about firſt in manuſcript and afterwards in print:

Madam,

'We could not be more ſurprized at the addreſſes of the Britiſh parliament laſt ſummer, than with the late remonſtrances of your majeſty's miniſter at Utrecht, in relation to the removal of the chevalier de St. George from the dominions of Lorrain. Before we would abſolutely comply with the requeſt of the moſt Chriſtian king in that affair, the profound reſpect we have for your quiet, made us apprehenſive of giving the leaſt uneaſineſs to your majeſty. But when we were aſſured, on the contrary, that this expedient would be highly agreeable to all ſides, as the only means to remove one of the chief obſtacles to the general peace of Europe, ſo much wanted and deſired: Proud of ſo great an honour, we could no longer refrain from opening our arms, to receive a prince, the moſt accompliſhed, the moſt virtuous, and moſt amiable of human race, who only wants to be ſeen to be admired, and known to be almoſt adored: Whoſe magnanimity, in his ſufferings, renders him worthy his high birth; beſides his other great and commendable qualities, which confeſs the royal blood that flows in his veins.

We therefore hope your majeſty, and the Britiſh nation, will not take in ill part, that we cannot comply with a demand ſo inconſiſtent with our own honour, and the laws of hoſpitality; that, after our protection once given, we ſhould voluntarily abandon, to the rage of his enemies, an innocent, diſtreſſed prince, who knows no crime, but being born the laſt heir male to that illuſtrious family, which, for ſeveral ages, has given ſo many great monarchs to the world (amongſt the reſt, your majeſty) of whoſe heroick virtues he is a happy imitator; and whoſe conſpicuous and great actions have reflected as much luſtre, as you have received from your noble and truly royal progenitors. That God Almighty would take your majeſty into his holy protection, is the ardent wiſh of,

Madam,

Your majeſty's, &c.

This letter, though, with different views, was diſperſed with equal induſtry by both parties, and, with other concurring circumſtances, greatly increaſed the fears and jealouſies of the well-affected to the Proteſtant Succeſſion,

The earl of Wharton having urged the dangers, which threatened the nation, and the Proteſtant Succeſſion from the mal-adminiſtration of affairs, a queſtion was propoſed, 'Whether the Proteſtant Succeſſion was in danger under the preſent adminiſtration'? The court lords, who had a mind to ſcreen the miniſtry under the queen's name, inſiſted, that the laſt words of the queſtion ſhould be, under her majeſty's adminiſtration. The Whig lords alledged, 'That the queen ought not to be mentioned in a queſtion, that did not at all concern her majeſty: For, by our conſtitution, the ſovereign can do no wrong; and, if any thing be done amiſs, the miniſters alone are accountable for it'. But it was urged, 'That the queen having, in her ſpeech from the throne, taken notice of the inſinuations, that the Proteſtant Succeſſion was in danger under her government; the queſtion ought to be taken in her majeſty's expreſſions about the ſame ſubject'. This being agreed to, the queſtion was warmly debated from two in the afternoon, till nine o'clock in the evening, when the Proteſtant Succeſſion was voted out of danger by a majority of twelve voices only, ſeventy-ſix againſt ſixty-four. The moſt remarkable circumſtance of this debate was, that the archbiſhop of York and the earl of Angleſea ſpoke and voted with the Whig lords, which added great ſtrength to that ſide; the archbiſhop drawing after him the whole bench of biſhops, three courtiers only excepted; and the other being followed by the earls of Abingdon and Jerſey, the lords Aſhburnham and Carteret, and ſome other temporal peers, who, like the lord Angleſea, had, upon moſt occaſions, voted with the court lords; ſo that the victory, now gained, was owing either to the Scots peers, or to the late creation. And it was the general opinion, that this ſeeming advantage was in reality a kind of defeat. The earl of Angleſea's ſpeech upon this occaſion was much taken notice of: He ſaid, among other things, 'That, when he came into the houſe, he thought indeed the Proteſtant Succeſſion to be ſtill in danger on the part of France, whoſe intereſt it was to reſtore the Pretender: But that, after he had heard what ſo many noble members of that auguſt aſſembly, perſons of undoubted honour and probity, had alledged againſt the miniſters, and no anſwer offered to confute it, either by the miniſters themſelves, or their friends, he could not but believe the Succeſſion to be in danger under ſuch an adminiſtration'. He afterwards endeavoured to clear himſelf, as to the ſhare he had in ſome late tranſactions: 'I own (ſaid he) I gave my aſſent to the ceſſation of arms, for which I take ſhame to myſelf, and aſk God, my country, and my conſcience pardon. But, however, this fault I did not commit, till that noble lord (turning towards the lord-treaſurer) had aſſured the council, that the peace would be glorious and advantageous both to her majeſty and her allies. Adding, that, as the honour of his ſovereign, and the good of his country, were the rule of his actions, ſo he had no reſpect of perſons; and if he found himſelf impoſed upon, he durſt purſue an evil miniſter, from the queen's cloſet to the Tower, and from the Tower to the ſcaffold. The lord-treaſurer, againſt whom this was levelled, ſaid, 'That the peace was as glorious and advantageous, as could be expected, conſidering the neceſſity of affairs, and the contradiction the queen's miniſters had met with, both at home and abroad'. Several lords replied, That no miniſters ever had it in their power to make ſo honourable and advantageous a peace, as the queen's miniſters had: And the duke of Argyle in particular added, 'That he had lately croſſed the kingdom of France, both in going to, and returning from Minorca. That it was indeed one of the fineſt countries in the univerſe, but that there were marks of a general deſolation in all the places through which he paſſed. That he had rode forty miles together without meeting a man fit to carry arms: That the reſt of the people were in the utmoſt miſery and want; and therefore he did not apprehend what neceſſity there was to conclude a peace ſo precipitately with a prince, whoſe dominions were ſo exhauſted of men, money, and proviſions. As to the queſtion now under debate, he ſaid, he firmly believed the Succeſſion in the electoral houſe of Hanover to be in danger from the preſent miniſters, whom he durſt charge with mal-adminiſtration, both within thoſe walls, and without: That he knew, and offered to prove, that the lord-treaſurer had yearly remitted four thouſand pounds to the Highland clans of Scotland, who were known to be entirely devoted to the Pretender, in order to keep them under diſcipline, and ready for any attempt: That, on the other hand, the new-modelling of the army, by diſbanding ſome regiments out of their turn, and by removing from their employments a vaſt number of officers, merely upon account of their known affection to the houſe of Hanover, were clear indications of the deſigns in hand: That it was a diſgrace to the nation, to ſee men, who had never looked an enemy in the face, advanced to the poſts of ſeveral brave officers, who, after they had often expoſed their lives for their country, were now ſtarving in priſon for debt, for want of their pay'. The lord-treaſurer, laying his hand upon his breaſt, ſaid, 'He had, on ſo many occaſions, given ſuch ſignal proofs of his affection to the Proteſtant Succeſſion, that he was ſure no member of that auguſt aſſembly did call it in queſtion. That he owned, he had remitted, for two or three years paſt, three thouſand eight hundred pounds to the Highland clans; but that he hoped the houſe would give him an opportunity to clear his conduct as to that point. And, as for the reformed officers, he had given orders, they ſhould forthwith be paid'. The lord Aſhburnham, who had lately been advanced to the command of a troop of life-guards, thinking himſelf reflected on by ſome expreſſions, which had dropped from the duke of Argyle, took that occaſion to ſay, 'That the queen had no better, nor a more loyal ſubject than himſelf; but that, at the ſame time, he was ready to ſpill every drop of his blood, and ſpend all his fortune, for the ſecurity of the Proteſtant Succeſſion'.

Though after ſome other ſpeeches, the Proteſtant Succeſſion was voted out of danger, as the court-party deſired, yet the lord Hallifax, in order to put their profeſſions of affection to the Proteſtant Succeſſor to the teſt, moved, 'That an addreſs be preſented to the queen, that ſhe would renew her inſtances for the ſpeedy removing the Pretender out of Lorrain; and that ſhe would, in conjunction with the ſtates-general, enter into the guaranty of the Proteſtant Succeſſion in the houſe of Hanover; and alſo with ſuch other princes, as ſhe ſhould think proper'. He was ſeconded by the earl of Wharton, who moved likewiſe, that, in the addreſs, 'Her majeſty might be deſired to iſſue out a proclamation, promiſing a reward to any perſon, who ſhould apprehend the Pretender, dead or alive': This motion was ſupported by the duke of Bolton, who alſo moved, 'That the reward might be ſuitable to the importance of that ſervice'. Nothing was ſaid in oppoſition to theſe motions; but, it being late, ſome members cried, Adjourn, adjourn. But, the other ſide calling for the queſtion, it was unanimouſly reſolved, that the addreſs ſhould be preſented. Before this debate came on, the lord North and Grey moved, that all the ſtrangers, who were in the houſe, ſhould withdraw; upon which the earl of Wharton deſired, that they might be permitted to ſtay; and he was ſeconded by the duke of Argyle. But, the lord, who made the motion, inſiſting upon it, all ſtrangers were obliged to withdraw, except baron Schutz, envoy from Hanover, whoſe ſtanding behind the throne among the peers ſons was connived at. It is very probable, he did not fail giving a full account of this day's tranſactions to his court; and that the earl of Angleſea was noted down in the liſt of perſons, whom by the act of ſettlement, the Proteſtant Succeſſor was empowered to appoint to have a ſhare in the regency, in caſe of a demiſe. But it was obſerved, that the ſame evening the earl ſupped with the lord Bolingbroke, and, two days after, appeared at the treaſurer's levee; from whence it was conjectured, they had found means to regain him by the promiſe of the government of Ireland.

When the addreſs againſt the Pretender was reported by the committee appointed to draw it, the lord North and Grey made a long ſpeech, 'wherein he endeavoured to ſhew the barbarity of ſetting a reward upon any body's head; which, he ſaid, was an encouraging of murder and aſſaſſination; and how repugnant ſuch a practice was to Chriſtianity, the law of nature, and the laws of all civilized nations'. To which purpoſe he quoted ſome paſſages out of Grotius, Puffendorf, and other civilians. He repreſented in particular, 'how inconſiſtent ſuch a proceeding was with the honour and dignity of ſo auguſt an aſſembly in a nation and government, famed for lenity and clemency'; and in concluſion ſaid, 'No man either had more reſpect and affection for the illuſtrious houſe of Hanover, or would do more to ſerve them, than himſelf: but that they muſt excuſe him, if he would not venture damnation for them'. He was ſupported by the lord Trevor, who ſaid, 'What that noble peer had ſpoke, was ſufficient to ſhew how inconſiſtent ſuch a proceeding was with Chriſtianity, and the civil law; and therefore he would confine himſelf to our own laws; and, if he knew or underſtood any thing of theſe, he was confident, they were no leſs oppoſite to ſuch proceedings than the civil law. He knew, he did not ſpeak there as a lawyer or judge, but as a peer. But he was ſo fully ſatisfied of our law diſcountenancing all ſuch proceedings, that, if ever any ſuch caſe ſhould come before him as a judge, he would think himſelf bound in juſtice, honour, and conſcience to condemn ſuch an action as murder; and therefore he hoped, the ſupreme court

of judicature in England, and the moſt auguſt tribunal in the univerſe, would not make a precedent for encouraging aſſaſſination': Concluding, that it was ſufficient, and therefore he moved, 'Firſt, that the reward ſhould be for apprehending and bringing the Pretender to juſtice, in caſe he ſhould land, or attempt to land, either in Great-Britain or Ireland. Secondly, That her majeſty iſſue her royal proclamation, whenever, in her great wiſdom, ſhe ſhould judge it neceſſary'. The lords Cowper and Hallifax ſaid, 'that ſuch a proceeding, as repugnant as it might be to the precepts of Chriſtianity, was yet warranted by the practice of the old Romans, of the moſt civilized nations in Europe, and of our nation. For, without recurring to remoter inſtances, we had the example of king James the Second, who ſet a price on the head of his own nephew, the duke of Monmouth'. But theſe two lords were but weakly ſupported by their own party; and, the earl of Angleſea, and lords Aſhburnham, Carteret, and Orrery, who three days before, had left the court-party, having approved the lord Trevor's motion, and moſt of the biſhops, who were againſt ſuch an addreſs, being abſent from the houſe, theſe mitigations were, upon a diviſion carried by a majority of ten voices.

The ſame day, upon a motion made by the lord Hallifax, the lords reſolved to preſent another addreſs to the queen, 'That ſhe would iſſue out a proclamation againſt all jeſuits, popiſh prieſts, and biſhops; as alſo againſt all ſuch, as bore arms againſt the late king William and queen Mary, or her preſent majeſty'. Upon this occaſion, ſome ſevere reflections were made againſt thoſe perſons, who, being outlawed for adhering to the late king James and the Pretender, had the aſſurance, and were encouraged, not only to come over, but even to appear here with a public character. The earl of Angleſea ſaid, on this occaſion, 'That, for his own part, he was againſt widening our domeſtic diviſions by keeping up odious diſtinctions; and therefore, if they, who were born her majeſty's ſubjects, and had been in arms againſt their country, were ſenſible of their fault, and inclined to return to their bounden allegiance, they ought, in his opinion, to open the door for them to come in'. But the houſe had other thoughts of the matter, and the next day reſolved, '1. That no perſon, not included in the articles of Limerick, and who had borne arms in France or Spain, ſhould be capable of any employment civil or military. 2. That no perſon, who is a natural born ſubject of her majeſty, ſhould be capable of ſuſtaining the character of public miniſter from any foreign potentate'. Theſe reſolutions were made with a view to ſir Patrick Lawleſs, who, having been the Pretender's envoy at the court of Madrid, had come over with a credential letter from king Philip. But, upon the noiſe, which his being here made in both houſes of parliament, he thought fit to go to Holland.

As a reflection had been made againſt the treaſurer, for remitting yearly about four thouſand pounds to the clans of Scotland, as if that ſum were deſigned to keep in heart and diſcipline the Pretender's friends, the lord Townſhend moved for taking that affair into conſideration. The duke of Argyle repreſented, 'That, the Scots Highlanders being, for the moſt part, either rank Papiſts, or declared Jacobites, the giving them penſions was, in effect, keeping up popiſh ſeminaries, and fomenting rebellion'. In anſwer to this, the treaſurer alledged, 'That in this particular he had but followed the example of the late king William, who, after he had reduced the Highlanders, thought fit to allow yearly penſions to the heads of the clans, in order to keep them quiet; and, if the preſent miniſtry could be charged with any miſmanagement on that article, it was only for retrenching part of that huſh-money'. Nothing being alledged againſt this apology, the lord North and Grey made a motion for returning the treaſurer the thanks of the houſe for his good ſervices. But the lord Bolingbroke, to put it off, ſaid, 'He was perſuaded the treaſurer was contented with the teſtimony of his own conſcience, and deſired no farther ſatisfaction, than to have his conduct approved by that auguſt aſſembly'. Which was accordingly done. Upon this unſucceſsful attempt upon the treaſurer, the lord North and Grey ſaid, with an air of triumph, 'That, having, by this time, removed all fears and jealouſies about Popery and the Pretender, he hoped the enemies of the miniſtry would now ſpeedily produce all the objections they had againſt their conduct': And moved, that a day might be appointed for taking into conſideration the ſtate of the nation, with regard to the treaties of peace and commerce. He was ſeconded by the earl of Clarendon; and then the houſe adjourned to the 13th of April; but, the day before, the lord chancellor attended only by the Whig lords, preſented to the queen their addreſs againſt the Pretender[e], to which ſhe returned the following anſwer:

My lords,

'It would be a real ſtrengthening to the Succeſſion in the houſe of Hanover, as well as a ſupport to my government, that an end were put to thoſe groundleſs fears and jealouſies, which have been ſo induſtriouſly promoted.

'I do not, at this time, ſee any occaſion for ſuch a proclamation. Whenever I judge it to be neceſſary, I ſhall give my orders for having one iſſued.

'As to the other particulars of this addreſs, I will give proper directions therein'.

This anſwer revived the hopes of the Pretender's friends, who, before the warm ſpeeches againſt him in both houſes, were ſo elated and ſecure of protection, that, towards the end of March, an agent of king James's queen offered to file a bill in chancery, wherein he demanded, in her name, the ſum of ſix hundred, fifty thouſand pounds, due to her by the crown of England, for the dowry of fifty thouſand pounds per annum ſince the death of king James the ſecond. But, the agent having in the bill given her the title of queen-mother, the officer refuſed to file it; upon which the agent changed the title, and preſented in the name of 'the moſt illuſtrious princeſs Maria, relict of James the ſecond, king of England'. Though no notice was taken of this formal demand, yet, purſuant to a private agreement made in France by the lord Bolingbroke, about fifty thouſand pounds were remitted thither for her uſe.

The very day, the addreſs againſt the Pretender was preſented, an incident happened, which, as ſoon as known, threw the miniſters into the utmoſt confuſion. On the 10th of April, moſt of the Whig lords held a conſultation at the lord Hallifax's, to which baron Schutz, envoy from the elector of Hanover, was admitted. It was reſolved, purſuant either to the orders Schutz had received from his court, or to the diſcretionary power, which was lodged with ſome of theſe lords, that the envoy ſhould take the firſt opportunity to demand a writ for the electoral prince to ſit in the houſe of peers, as duke of Cambridge. Accordingly, on the 12th of April, baron Schutz made a viſit to the lord chancellor, and, among other civilities, acknowledged the affection he had ſhewn, on ſeveral occaſions, to the moſt ſerene electoral houſe of Hanover. The lord chancellor told him, he was extremely ſenſible of the honour he did him by his viſit and compliments; and deſired him to aſſure the elector, of his entire devotion to his ſervice; hoping his electoral highneſs gave no credit to the falſe reports, that were induſtriouſly ſpread abroad, in order to give him jealouſies of her majeſty's miniſters. The baron anſwered, he would not fail diſcharging ſo agreeable a commiſſion; but he had a favour to aſk of him in the name of the electoral prince, that his lordſhip would be pleaſed to make out a writ for his ſitting in the houſe of peers, as duke of Cambridge'. The lord-chancellor, ſurprized at this unexpected demand, told the baron, 'It was not uſual to make out writs for peers, who were out of the kingdom. However, he would forthwith apply to her majeſty for directions in this caſe'. The baron anſwered, 'He did not doubt, his lordſhip knew, and would perform the duty of his office. But, as to the objection of the duke of Cambridge's being out of the kingdom, he would aſſure him, his electoral highneſs had reſolved to come over very ſpeedily, and perhaps might be landed before the writ was made out'. Upon this, the baron Schutz taking his leave, the chancellor deſired him to remember, 'He did not refuſe his demand,

[e] The addreſs was as follows:

'We your majeſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal in parliament aſſembled, having a juſt and tender concern for your majeſty, and our country, and being encouraged by that zeal your majeſty has ſo often expreſſed from the throne, for the Proteſtant Succeſſion in the illuſtrious houſe of Hanover, do now preſume to renew our moſt humble application to your majeſty, upon a ſubject ſo agreeable to you, as this which is neareſt your own royal heart; and do humbly beſeech your majeſty, that, whenever your majeſty, in your great wiſdom, ſhall judge it neceſſary, you will be graciouſly pleaſed to iſſue your royal proclamation, promiſing a reward to any perſon, who ſhall apprehend and bring the Pretender to juſtice, in caſe he ſhall land, or attempt to land, either in Great-Britain, or Ireland, ſuitable to the importance of that ſervice, for the ſafety of your majeſty's perſon, and the ſecurity of the Proteſtant Succeſſion in the houſe of Hanover.

We alſo deſire leave to expreſs our very great concern, That your majeſty's inſtances, for removing the Pretender out of Lorrain, have not yet had their effect; and do humbly intreat your majeſty, that you will be graciouſly pleaſed to inſiſt upon, and renew your inſtances for the ſpeedy removing the Pretender out of Lorrain; and likewiſe, that your majeſty will be graciouſly pleaſed, in conjunction with the ſtates-general, to deſire the emperor to enter into the guaranty of the Proteſtant Succeſſion in the houſe of Hanover, and alſo all ſuch other princes, as your majeſty ſhall think proper.

but only thought proper to acquaint the queen with it; which he would do immediately'. To this the baron ſaid, 'He likewiſe deſired his lordſhip to remember, that he applied himſelf to him for the duke of Cambridge's writ'. The chancellor having the ſame evening acquainted the queen, and her chief miniſters, with theſe paſſages, a council was immediately called; and, having ſat from nine o'clock till after eleven, it was reſolved, That the lord chancellor ſhould make out a writ for the duke of Cambridge. This tranſaction, which, the next morning, was firſt whiſpered about in the court of requeſts, caſt a ſudden damp on the ſpirits of the open and ſecret friends of the Pretender. It was then a queſtion, whether baron Schutz had made that demand by expreſs direction from his maſter, or only by the advice of ſome Whig lords. But it is certain, the queen took ſo ill the baron's applying himſelf to the chancellor, before he acquainted her with his orders, that ſhe ſent the maſter of the ceremonies to forbid him the court. Two days after, a meſſenger was diſpatched to Mr. Thomas Harley, at the court of Hanover, with inſtructions relating to the new ſcene opened by baron Schutz; who, about a week after, thought fit to return to Hanover, having left with reſident Kreinnberg a letter to Mr. Bromley, telling him, 'That, having had the misfortune to incur her majeſty's diſpleaſure, and being thereby rendered incapable of ſerving his maſter any longer in this court, he thought it his duty to return home'. Kreinnberg delivered this letter to Mr. Secretary Bromley, who told him, 'That either he, or any other miniſter, whom the elector of Hanover would pleaſe to ſend over, would be well received by her majeſty'. This affair occaſioned various conjectures: And as Schutz's declaration of the duke of Cambridge's intention ſuddenly to come over alarmed the Pretender's adherents, ſo it raiſed the ſpirits of the well-affected to the houſe of Hanover. What was the ſenſe of the courtiers about the duke of Cambridge's coming over, and the preſent juncture of affairs, may be gathered from ſome remarkable paſſages in a pamphlet publiſhed about this time with the title of 'Hannibal not at our gates; or an inquiry into the grounds of our preſent fears of Popery and the Pretender': of which one of the principal writers of the Examiner was ſuſpected to be the author. In this pamphlet, it was, among other things, ironically inſinuated, 'That a certain gentleman was gone to Hanover to bamboozle'. And indeed it was the general opinion that Mr. Harley, who arrived at Hanover on the very day baron Schutz demanded the writ, was ſent only to amuſe that court with profeſſions of the treaſurer's and all his friends devotion to the electoral family; and (it is ſaid) as a proof of that devotion, with the very original of a letter, the queen had written with her own hand to the Pretender. But, as the ſubject of Mr. Harley's laſt embaſſy is ſtill a ſecret, no ſtreſs can be laid on the various conjectures it occaſioned. It may only be obſerved, he met with a cold reception at Hanover, and, making no long ſtay there, came back to London on the 25th of May. It may likewiſe be remarked, that, upon the firſt ſurprize of baron Schutz demanding the writ for the duke of Cambridge, the lord Paget, who was named envoy extraordinary to the court of Hanover, he declined that employment in ſo critical a juncture; and the earl of Clarendon was afterwards appointed.

The lord chancellor having, on the 13th of April, reported to the houſe of peers the queen's anſwer to the addreſs againſt the Pretender, ſome expreſſions in it did not pleaſe the Whig lords, who moved for another addreſs to return her majeſty thanks for her anſwer; and containing the grounds and reaſons of their former addreſs. The court-lords, foreſeeing that, if ſuch an addreſs was carried, the prevailing party might advance to more vigorous reſolutions, ſtrenuouſly inſiſted not to enter into ungrateful particulars, but to confine themſelves to expreſſions in the queen's anſwer. An order for ſuch an addreſs being offered, the duke of Leeds moved, that at the cloſe of it, where mention was made of the 'fears and jealouſies univerſally ſpread, the words [and induſtriouſly] might be added': which, after a debate of four hours, wherein the biſhop of Sarum made a long ſpeech, was carried only by the majority of two proxies, the votes in the houſe being equal, ſixty-one on each ſide. This victory of the courtiers was by their antagoniſts treated as little better than a defeat. And it is certain, that the Whig lords had that day carried their point, had it not been for the accidental loſs of four votes: The duke of Rutland being then at Newmarket with a proxy in his pocket; the duke of Grafton, being ſent for home to his ducheſs then in labour with her firſt child; and the earl of Gainſborough, being taken ſo ill that very morning, that he could not ſign his proxy. It was alſo remarkable, that, of ſixteen biſhops then in the houſe, two only, Rocheſter and Durham, voted with the court: That the new biſhops of London and Briſtol, who were thought blindly devoted to the miniſtry, joined with the Whigs; as did alſo the earl of Angleſea; which was undoubtedly owing to baron Schutz's demanding a writ for the duke of Cambridge, which viſibly gave life and weight to the Whig-party. However, the reſolution being laid before the queen, ſhe only anſwered, 'She thanked them for their addreſs; and that ſhe took very kindly the aſſurances they gave'.

On the 14th of April, a motion was made for taking into conſideration the treaties of peace and commerce; and ſome ſpeeches were made on both ſides, after which the debate was adjourned to the 16th. That day the Whig lords being apprehenſive, that, if any debate aroſe about the Spaniſh treaty, the other party would propoſe an addreſs to the queen, approving of that treaty, which they thought abſurd, they therefore agreed to ſay nothing againſt the treaty, that might draw them into a debate. The lord North and Grey ſtood up firſt, and ſaid 'If any lord had any objections againſt the Spaniſh treaty, he was ready to anſwer them; and ſo, in a challenging manner, went on for ſome time. After he had done, there was ſilence for a quarter of an hour; and then the earl of Clarendon ſaid, 'My lords, ſince no objection can be raiſed againſt the Spaniſh treaty, we ſhould addreſs her majeſty to return her our moſt humble thanks, for having, by a ſafe, honourable, and advantageous peace with Spain, delivered theſe nations from a long, conſuming land war; and to deſire her, notwithſtanding any obſtructions, that may be thrown in her way, to proceed to the ſettlement of Europe, according to the principles laid down in her moſt gracious ſpeech'. To this the lord Cowper anſwered, 'My lords, this is the moſt barefaced attempt, that ever was made by this or any other miniſtry, to ſecure themſelves, by endeavouring to get the ſanction of this houſe for themſelves. My lords, I have no objections againſt theſe treaties. Are the miniſters themſelves jealous, that their actions ſtand in need of the ſanction of this houſe? Elſe why this endeavour at an addreſs, to make their act the act of the houſe? The lord, that ſpoke firſt, acting like a ſoldier, would, by ſkirmiſhing, have drawn on a general engagement; but the troops are too well diſciplined to fall into an ambuſcade of his laying. But I cannot remove my finger from the original of our misfortunes, 'the ceſſation of arms'. We were then told, that if a blow had been ſtruck, it would have ruined the peace. Would to God it had ruined this peace'. To ſupport this, the lord Halifax ſaid, 'What was laſt mentioned, my lords, makes me riſe into the higheſt reſentment of the vile uſage given my lord duke of Ormond; a lord, for whom I have the moſt profound reſpect. My lord Ormond went over into Flanders with a true Engliſh heart, which, my lords, is the beſt in the world, with a deſire to do his country all the ſervice his great ability capacitated him to do. Therefore, it muſt be inconceiveable, the horrible anguiſh it muſt give his noble and generous heart to receive ſuch ſhocking orders, reſtraining the noble ardour of the ſoldiers, fluſhed with former victories, and hopes of ſtill greater'. The earl of Nottingham ſaid, 'My lords, I never knew the like addreſs to this ever offered at but once, in the caſe of the duke of Suffolk, who, in Henry the ſeventh's days, had made a treaty, for which he thought it convenient to get the ſanction of this houſe by an addreſs, and got ſeven lords made at one time to carry the vote. Yet he was called to an account afterwards for the treaty, notwithſtanding the addreſs. I ſay no more of the man, becauſe he came to an untimely end'. The biſhop of Saliſbury likewiſe ſaid, 'My lords, I do not underſtand what law or reaſon can be given, to impower one ally to diſengage himſelf from his other allies, unleſs in a proper manner and time he acquaints them, he has done his ultimus conatus; [utmoſt effort] and that to proceed further would be a certa pernicies [certain ruin] That we had not come to our ultimus conatus is plain, ſince in the year of the ceſſation of arms, and the year following, wherein nothing was done, we made as great efforts as the former, when we did ſo many glorious things; and to proceed further, in all human probability, it would have been certain pernicies to our then enemy the French'. The biſhop of London, who had been one of the plenipotentiaries at Utrecht, anſwered, 'My lords, at the ceſſation of arms, our caſe was the very caſe in point, which the biſhop of Sarum puts, for we had then come to our ultimus conatus, and, for aught we know, to proceed further would have been certa pernicies'. The earl of Wharton replied, 'I did deſign to have ſaid a great deal to-day, but I find it anticipated by the lords, who have ſpoken before me. Only I muſt ſay what I

learn by ſitting here, that the carrying this vote is the ultimus conatus of the miniſtry; and, if they do not carry it, it will be to them certa pernicies. Good, my lords, gratify my curioſity, to let me ſee what certa pernicies will be'. Some other Whig lords maintained, that there was no abſolute neceſſity of making a peace, the nation having given almoſt as much money for theſe three years paſt, as during any three years of the war; and, as for the pretended advantages, gained by the treaty with Spain, it was plain there were no more than what had been ſtipulated before by the treaty of the year 1667. They alſo complained of the method, in which the negotiation of peace had been carried on, and of our giving up the intereſts of the emperor, the king of Portugal, and of the Catalans. But after a warm debate, that laſted till nine o'clock in the evening, it was reſolved by a majority of eighty-two votes againſt ſixty-nine, to preſent an addreſs, to acknowledge, 'her majeſty's goodneſs to her people, in delivering them by a ſafe, honourable, and advantageous peace with France and Spain, from the burthen of a conſuming land war, unequally carried on, and become, at laſt, impracticable; and to intreat her majeſty to purſue ſuch meaſures, as ſhe ſhould judge neceſſary for compleating the ſettlement of Europe on the principles laid down in her majeſty's ſpeech'. An addreſs to that purpoſe was the next day agreed to, and ſent down to the commons for their concurrence.

In the mean time, to prepare the commons to give their approbation to the conduct of the miniſtry, in concluding their treaties with France and Spain, ſeveral papers were laid before the houſe: particularly a report, with obſervations from the commiſſioners of public accounts, ſetting forth the abuſes and miſmanagements in clothing the army, in diſpoſing the off-reckonings of regiments, and in other inſtances. Then, to give a view how heavy the war was become to England, and how inſupportable the continuance of it would have proved, there was added, 'a ſtate of the expence of the late war' for twelve years, which, with the ſupply of 2,776,228 l. granted this ſeſſion, amounted to above ſixty-eight millions and a half. But the moſt remarkable paper of all was an account of the ſtate of the ſeveral treaties of peace, between the queen and her allies, and France and Spain, with the obſtructions ſhe had met with, in her endeavours to make the ſame univerſal and compleat; and of what was done relating to the Catalans.

This account (ſuppoſed to be drawn up by the lord Bolingbroke, in order to remove the objections againſt the late treaties, particularly, the giving up the intereſts of the king of Portugal and of the Catalans) was ſo varniſhed over with gloſſes and popular pretences, that many members, who were willing to believe what was ſaid, and had no opportunity or inclination to be better informed, were perſuaded of the truth of it, and induced to ſide with the miniſtry in all the debates about the Succeſſion and treaties[f].

On the 15th of April, a motion was made in a committee of the whole houſe, by ſir Edward Knatchbull, and the queſtion put, 'Whether the Proteſtant Succeſſion in the houſe of Hanover be in danger under her majeſty's government?' Mr. Secretary Bromley endeavoured to prove, it was not, by repreſenting what the queen had done for ſecuring that ſucceſſion, and removing the Pretender from Lorrain. He was anſwered by Mr. Walpole, who, with great ſpirit, ſhewed the Proteſtant Succeſſion to be in danger, not from her majeſty, but from the dubious conduct of ſome perſons in high ſtations; and therefore inſiſted, that the queen might not be mentioned in the queſtion. Mr. Campion, having ſpoken in vindication of the miniſtry, was anſwered by the earl of Hertford. The lord Hinchinbroke expreſſed likewiſe his fears of the Proteſtant Succeſſion being in danger, from the encouragement that was given to the Pretender's friends, and particularly, in North-Britain, which he had an opportunity to obſerve, when he was there with the regiment, in which he had a troop. After ſome other ſpeeches, the court-party, being apprehenſive, the queſtion would go againſt them, endeavoured to drop it, by moving, that Mr. Freeman, chairman of the committee, ſhould leave the chair. Upon this, ſir Thomas Hanmer, the ſpeaker, made a memorable ſpeech, importing, 'That he was ſorry to ſee that endeavours were uſed to wave that queſtion, and ſtop their mouths; but he was of opinion, this was the proper, and perhaps the only time for patriots to ſpeak. That a great deal of pains were taken to ſcreen ſome perſons; and, in order to that, to make them overlook the dangers that threatened the queen, the nation, and the Proteſtant Succeſſion. That, for his own part, he had all the honour and reſpect imaginable for her majeſty's miniſters; but that he owed ſtill more to his country than to any miniſter. That, in this debate, ſo much had been ſaid to prove the Succeſſion to be in danger, and ſo little to make out the contrary, that he could not but believe the firſt'. He concluded with taking notice of 'Sir Patrick Lawleſs being ſuffered to come over, and admitted to an audience of her majeſty'. This ſpeech had a great influence on the unbiaſſed and unprejudiced members; but nevertheleſs, after a long and warm debate, it was reſolved, by a majority of two hundred and fifty-ſix voices againſt two hundred and eight, 'Firſt, That it was the opinion of this committee, that the Proteſtant Succeſſion in the houſe of Hanover was in no danger under her majeſty's government. Secondly, That the houſe be moved, for an addreſs to return the thanks of the houſe to her majeſty, for the inſtances ſhe had uſed for the removal of the Pretender from the dominions of the duke of Lorrain; and to beſeech her to renew her inſtances for his ſpeedy removal from thence'.

[f] The ſubſtance of this account was as follows: The author began with artfully ſuggeſting, 'That her majeſty looked upon the peace between Spain and Portugal to be as good as concluded: That, in the mean while, her majeſty had taken the moſt effectual care of the intereſts of the king of Portugal, having given to that prince, on the 18th of Auguſt 1713, of her own motion, a new guaranty, whereby the queen obliged herſelf to ſecure the reſtitution, even by force of arms, if that ſhould become neceſſary, of any thing, which might be taken from Portugal, before the concluſion of the peace; to procure to that crown the colony of the Sacrament, or, in lieu thereof, ſuch an equivalent, as the king of Portugal himſelf ſhould be contented to accept: To obtain ſatisfaction to the Portugueſe, for what they claim to be due to them on account of their aſſiento, or contract with the crown of Spain; and to ſet on foot, after the peace, an amicable negotiation, for accommodating the differences, which had ariſen, concerning ſeveral eſtates ſituated in Portugal, and claimed by ſubjects of Portugal, reſiding in Spain: and concerning thoſe Spaniſh ſhips, which were, about the beginning of the war, ſeized by the Portugueſe. That on theſe principles the earl of Strafford made a ſolemn declaration to the miniſters of Spain in February laſt, when he exchanged with them the inſtruments of ratification of the treaties between her majeſty and the Catholic king. That the peace, which the queen then ratified, did not diſpenſe with the obligations, which ſhe lay under to the king of Portugal, as well by her guaranty lately granted, as by her defenſive alliance made in 1703'. As to the Catalans, it was alledged, 'That the landing of the earl of Peterborough in Catalonia, and her majeſty's entering into that part of the war, were in conſequence of the ſolicitations of the Catalans, and other Spaniards, affected to the houſe of Auſtria; and that all the engagements, which ſhe gave to theſe people, went no farther than the obtaining from king Charles the third a confirmation of their rights and privileges: And although her majeſty offered, at that time, to give a guaranty for the ſame, and to enter into a treaty with that people; yet it did not appear, that ſuch a guaranty was ever given, or that ſuch a treaty was ever made. That notwithſtanding the treatment the queen had received from the emperor, and the juſt provocation ſhe had to leave him to ſtruggle with the conſequences of his own meaſures; yet, at the end of the year 1713, her majeſty ſet a negotiation on foot for the evacuation of Catalonia, and the neutrality of Italy. That her majeſty's aim, by the firſt part of this treaty, was, to ſecure the return of the emperor, and of the Imperial troops; and, ſince ſhe could no longer ſupport the Catalans by her arms, to provide for them by the terms of peace. That her majeſty's aim, in the ſecond part, was to leave as little room as poſſible for France, or Spain, to attack his Imperial majeſty, when the treaties between her majeſty and the ſtates-general ſhould be concluded with the moſt Chriſtian king. That the queen conſidered, that theſe treaties, and the barrier of the ſtates, would ſecure the ten provinces of the Netherlands from any invaſion; and, by this convention for a neutrality in Italy, the emperor's territories in that country were likewiſe covered; ſo that by the care, which her majeſty took, ſince he was determined to run the riſk of continuing ſingle in the war, he would lie open in no frontier but that of the Rhine, where, by the ſame means, he would be able conſiderably to increaſe his ſtrength, as well with draughts out of Italy, as with the Germans, and other forces, which were to be tranſported from Spain. That it was no ſooner than the end of January, 1712-13, that, by the good offices of her majeſty's miniſters at Utrecht, the Imperial and French plenipotentiaries were brought to meet upon this negotiation; and, in the mean time, her majeſty endeavoured to induce the Catholic king to facilitate this matter as much as poſſible, and particularly on the head of the privileges of the Catalans, in which the miniſters of France concurred with the greateſt earneſtneſs. But that it ſoon appeared, that his Catholic majeſty, who ſaw the advantage which the conduct of the Imperial court gave him, would hardly be prevailed upon to grant any thing more than a general act of oblivion, and a reſtitution of honours and eſtates. That on the 14th of March, N. S. 1713, the convention for the neutrality of Italy, and the evacuation of Catalonia was executed, and the article concerning the privileges of the Catalans left undetermined; a right being reſerved to her majeſty to inſiſt, whenever the emperor ſhould treat of peace, that thoſe privileges ſhould be preſerved to them; and the moſt Chriſtian king declaring, that he would concur with the queen to the ſame end. That, in May, 1713, the treaty of peace between her majeſty and the Catholic king was ſigned proviſionally here, and in July definitively at Utrecht; whereby there was not only an abſolute amneſty, with a full poſſeſſion of all their eſtates and honours, but alſo the privileges of the Caſtilians granted to the Catalans; which article was, at leaſt in this reſpect, conſiderable, that the people of Catalonia are thereby entitled to hold any employments in the Weſt-Indies, or to trade directly thither, in as full and ample a manner, as the people of Caſtile, from which they were formerly as much excluded as any foreign nation whatever. That the preſervation of their antient privileges was neither granted nor directly refuſed by this article; ſo that the queen, either when the peace ſhould come to be treated between their Imperial and Catholic majeſties, or on another favourable occaſion, which might offer itſelf, was at liberty to renew her application upon this head. That in the mean time it was certain, that the refuſal of the people of this principality, as well as the iſland of Majorca, to ſubmit to the Catholic king, when, in purſuance of the treaty of neutrality, theſe countries were evacuated by the emperor's forces, and their obſtinate reſiſtance, ſince that time, muſt, have rendered the obtaining of their privileges ſtill more difficult than it was. In

When theſe reſolutions were reported the next day to the houſe, there aroſe a debate, in which Mr. Walpole, Mr. Lechmere, and general Stanhope, made very ſtrong ſpeeches. Mr. Walpole, among other things, applauded the public ſpirit, which the ſpeaker had ſhewn the day before; but added, He deſpaired of ſeeing truth and juſtice prevail, ſince, notwithſtanding the weight of a perſon of his known integrity, merit, and eloquence, the majority of votes had carried it againſt reaſon and argument'. General Stanhope endeavoured to prove the Proteſtant Succeſſion to be in danger by this ſingle but forcible induction, 'That as it was univerſally acknowledged, it had been the French king's intention, ſo it was ſtill his intereſt, and he had it now, more than ever, in his power to reſtore the Pretender'. However, it was carried without a diviſion, that the Proteſtant Succeſſion was out of danger, and that an addreſs of thanks ſhould be preſented to the queen. To which addreſs ſhe anſwered, that ſhe would renew her inſtances for the removal of the Pretender out of Lorrain.

The lords having ſent (as hath been ſaid) a meſſage to the commons for their concurrence, in an addreſs of thanks for the treaties of peace and commerce with France and Spain, the meſſage was taken into conſideration on the 22d of April, and a warm debate aroſe. The moſt material objections were raiſed by Mr. Ward, an eminent merchant, to the treaties of commerce, in which many eſſential points, particularly the duties on ſeveral ſorts of goods and merchandize, were left looſe and undetermined, and therefore liable to arbitrary explanations. Mr. Auditor Foley having anſwered him, he was replied to by Mr. Horace Walpole, who was ſupported by ſir Peter King. Mr Aiſlabie, who had, ſome time before, left the court-party, and was therefore removed from his place of one of the lords of the admiralty, ſpoke, on this occaſion, with great vehemence againſt the miniſters, for having made ſo precarious a peace. They were anſwered by Mr. Campion; and the leading men among the Whigs plainly perceiving, from the noiſe and laughter of their antagoniſts, that they were ſure of a majority, gave up the conteſt, and did not think fit to inſiſt on a diviſion, which would but expoſe their weakneſs. So it was reſolved to agree with the lords in the following addreſs, which was preſented, the 24th of April, by both houſes to the queen:

Moſt gracious ſovereign,

'WE your majeſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal, and commons, in parliament aſſembled, beg leave to expreſs the juſt ſenſe, which we have of your majeſty's goodneſs to your people, in delivering them, by a ſafe, honourable, and advantageous peace with France and Spain, from the heavy burthen of a conſuming land war, unequally carried on, and become at laſt impracticable. And we do moſt earneſtly intreat your majeſty, that you will be pleaſed, with the ſame ſteadineſs, notwithſtanding all the obſtructions, which have been, or may be, thrown in your way, to purſue ſuch meaſures, as you ſhall judge neceſſary for compleating the ſettlement of Europe, on the principles, laid down by your majeſty in your moſt gracious ſpeech from the throne'.

To which the queen returned this anſwer:

My lords and gentlemen,

'The ſtate of public affairs in Europe, as well as the neceſſities of my own kingdom, obliged me to enter into a negotiation of peace; and, notwithſtanding all obſtructions and difficulties, I have, by the bleſſing of God, brought it to a happy concluſion.

ſhort, that, if the antient privileges of theſe people, in their full extent were not obtained, it muſt be attributed to thoſe, who rendered it impracticable to treat effectually for them, before the withdrawing of the queen's forces out of Catalonia; and, if their condition was become ſince more deſperate, thoſe only were to anſwer for it, who had encouraged them not to ſubmit a ſecond time to their prince, with the hopes of relief, which they, who gave ſuch hopes, muſt have known themſelves in no condition of making good'. As to the treaty with France, after a long detail of the negotiation, upon the overtures made by that crown in April 1711, it was alledged, 'That by the conferences held with Monſieur Buys here, by the accounts, which came from abroad, and by the repreſentations, which ſome of the allies made to her majeſty, it appeared undeniably evident, not only that the war was become, on the preſent foot, abſolutely impracticable, but alſo that no alteration could be attempted, either in the method of carrying it on, or in the views, towards which it was directed, without diſſolving at once the confederacy; and that the diſpute was in fact, not whether a peace, by which Spain and the Indies would be left to Philip, ſhould be made, but who ſhould have the making of it? That the real annual expence of this kingdom amounted to more than ſeven millions; whereas we were not in a condition effectually to raiſe near ſix millions in the courſe of a year; from hence it follows, that, if this proportion had been continued, about nine millions would have been the true charge of a ſecond war, and about eleven millions that of a third. But this was the ſtate of our affairs, whilſt the houſe of Auſtria contributed nothing but one regiment to the war of Spain, little to that of Italy, had but few forces, and thoſe entirely unactive, on the Rhine; and ſent none into the Netherlands, except ſuch, as thoſe harraſſed provinces were obliged to maintain, and were thereby rendered unable to furniſh troops, or make the neceſſary proviſions for the operations of the army; both which they might otherwiſe have done, and both which they did in an eminent degree, whilſt they were under the government of the preſent king of Spain. That the ſtates-general bore a conſiderable burthen; but, as they had, from the year 1708, ſent no ſupplies of any kind, either to Portugal, or to Catalonia, and had drawn themſelves almoſt entirely out of the Spaniſh war; as they furniſhed, in no proportion, their quota for the ſea-ſervice; as they had reduced their joint contributions with the queen, in all payments, to one third of the whole; and as they were very backward in anſwering even this ſhare of expence; ſo the load of Great-Britain came, upon their account, as well as upon the emperor's, to be vaſtly increaſed. As to the reſt of the allies, all the troops, which they furniſhed, were maintained by the queen and the ſtates, except a few, and thoſe almoſt wholly employed in covering their own frontiers. That, in this ſituation of affairs, her majeſty declared to the Imperialiſts, and to the Dutch, that if they would not allow France to have given ſufficient grounds for opening the conferences; if they were deſirous to carry on the war, and determined to accept of no terms of peace, inferior to thoſe, which had been formerly demanded and refuſed; ſhe was, on her part, ready to concur with them. But that, in juſtice to herſelf and to them, ſhe thought herſelf bound to let them know, that ſhe could no longer bear ſo diſproportionate a burthen: That it was evident, that the common effort muſt be ſtill greater than it was; or that there would remain no proſpect of arriving at the ends, which they propoſed; and that for theſe reaſons it would be incumbent upon them, if the war continued, to increaſe their expences, whilſt the queen reduced her's. That the miniſters of the ſtates general were very candid and open upon this head: Monſieur Buys aſſerted, that his maſters had done their utmoſt already; and could be obliged to no more: Many of the others had, on ſeveral occaſions, declared their country unable to ſupport the charge they were at another ſummer; and the penſionary himſelf, in a deputation of the ſtates, appointed to attend the earl of Strafford, in October 1711, declared, that it was impoſſible to think of continuing the war another year. That what from the emperor, and what from the princes of the North, we ſhould be in the utmoſt danger, ſhould we attempt to do it; and finally, that there were traitors to their country, who were againſt the peace'. That many inſtances might be produced to ſhew, that there was at leaſt as little reaſon to expect from the houſe of Auſtria, as from the ſtates-general, a greater effort than they had hitherto made. That the Imperial miniſters confeſſed, that their maſter expected the queen ſhould furniſh all the money; and that the utmoſt he could do, would be to ſend troops at her expence; in the ſame breath avowing the emperor's intention to break the negotiation of peace, and to continue the war, till Spain was conquered; the entire monarchy whereof he expected. That upon the death of the late emperor Joſeph, in the beginning of the year 1711, the eyes, not only of the princes of the empire, but of all the confederates, and of her majeſty, in the firſt place, were immediately fixed on his brother. And this event occaſioned a great alteration in the councils of Europe, and gave a new turn to the ſentiments of many princes. That there was reaſon to believe, that the miniſters of Vienna themſelves began to cool in the project of recovering Spain and the Indies. They ſeemed to intend nothing more, than to get the preſent emperor into Germany, and to ſecure the poſſeſſion of Italy to themſelves. That, in Holland, a partition of the Spaniſh monarchy ſeemed almoſt the general ſcheme; and the conduct of that republic, as well as the confeſſion of its miniſters, ſhewed, that the project of driving Philip out of Spain was looked upon there to be a pure chimera. That her majeſty had been acquainted, that ſome of the princes of the empire thought it a point, which deſerved the moſt ſerious reflection, whether they ſhould ſuffer the Imperial and Spaniſh crowns to be united on the ſame head; and whether it might not be proper, in the capitulation of the empire, to inſiſt on the ſeparating of them. That other members of the grand alliance, and thoſe the only two, with whom her majeſty had entered into any formal engagement, for recovering the entire Spaniſh monarchy, repreſented upon the ſame occaſion againſt placing this crown on the emperor's head. And it was urged by one of the moſt conſiderable princes in the alliance, that the principle, upon which he engaged in the war, was now altered; and that, inſtead of fighting to procure the Spaniſh monarchy to the houſe of Auſtria, his intereſt, and even his ſafety, required, that he ſhould fight to prevent it. That the caſe therefore ſtood thus; The preſent Emperor, even after his brother's death, and his own election, would content himſelf with nothing leſs, than the whole Spaniſh monarchy, and inſiſted, that the war ſhould be proſecuted in this view. Of the other allies, ſome looked on this proſpect as chimerical, others as dangerous: From whence it follows, that to keep the grand alliance united in this principle was impracticable; and it muſt be allowed, that to have many different intereſts, and to have formed a ſyſtem intirely new, in the midſt of the war, was an experiment too hazardous to be attempted. That in this ſituation of affairs no time was to be loſt. The Queen knew very well, that attempts to open a treaty with France ſeparately from her were made by thoſe, who clamoured the loudeſt againſt her meaſures; and the preſent emperor had thought fit, on board one of her majeſty's ſhips, and by her own miniſters, to ſend her a meſſage of the ſame nature. She therefore inſiſted with the Imperialiſts, and with the Dutch, that ſhe would be at ſome certainty, and that they ſhould comply with her in the meaſures either of war or peace. The war being become impracticable, as was ſhewn before, the author of the account relates what obſtructions there were to the carrying on a treaty of peace. That the principle, and only avowed diſpute between her majeſty and the ſtates at this time, concerned the method of carrying a Negotiation forward. That, the ſtates pretended, that a fair opportunity would be given to the miniſters of France to divide the confederates, if they were ſuffered to meet together in a general congreſs before the eſſential articles of peace were ſettled by ſpecific preliminaries. That the uſe, which had been made of this method on a former occaſion, to evade the concluding of any peace, when, according to the confeſſion of the Dutch miniſters themſelves, the difference, on which the allies and France broke off, did not deſerve the life of a ſingle ſoldier, gave no great encouragement to purſue the ſame again: Beſides which, as the queen would not take upon her to ſettle the intereſts of others, neither would ſhe ſuffer others to determine thoſe of her own kingdoms: And if all the confederates were to aſſemble, in order to adjuſt a preliminary treaty, the objection made by the ſtates returned upon them. That, in December 1711, the ſtates concurred with her majeſty in fixing the place and time of the treaty: And, if nothing had happened to revive the ſpirits of thoſe, who were bent againſt the peace, it is highly probable, by the little time which it coſt to conclude moſt of the treaties, after the conferances that had been interupted, were reſumed at Utrecht, and the allies proceeded in earneſt to negotiate, that the

'I eſteem this addreſs as the united voice of my affectionate and loyal ſubjects; and I return you all the heartieſt thanks, which can be given by a ſovereign, who deſires nothing more, than to ſee her people ſafe and flouriſhing[g]'.

Thus the miniſters obtained a parliamentary ſanction to their late meaſures, and by that means thought themſelves ſecure from any future enquiries.

In the mean time, notwithſtanding the proceedings and addreſſes of both houſes againſt the Pretender, his friends, depending on a ſuperior power, ſtill endeavoured to promote his intereſt with great induſtry. To this purpoſe, a letter written by Mr. Leſley, a famous nonjuring clergyman, from Barleduc in Lorrain, the Pretender's reſidence, to a member of parliament in London, was openly handed about, containing a particular account of the ſtate of affairs, and what obſervations Mr. Leſley had made ſince his coming thither[h].

About the ſame time, both parties being in ſuſpenſe, upon the hopes or fears of the coming over of the duke of Cambridge, the authors of the Examiner plainly enough diſcovered the perplexity ſome of the miniſters were in at that juncture. On the other hand, Mr. Toland publiſhed the reaſons and neceſſity of the duke of Cambridge's coming and reſiding in Great-Britain; the laſt of which reaſons was, 'That the prince's coming over would bring to the teſt ſome great perſons, who were reported to act on perfidious and dangerous principles to the Hanover family'. But neither the queen nor her miniſters were willing to put things upon that iſſue; for, upon a report, that the princeſs Sophia intended to deſire the queen's approbation for the duke of Cambridge's coming into England, her majeſty, with the advice of her cabinet-council, wrote to that princeſs the following letter:

Madam, ſiſter, aunt,

'Since the right of Succeſſion to my kingdoms has been declared to belong to you and your family, there have always been diſaffected perſons, who, by particular views of their own intereſt, have entered into meaſures to fix a prince of your blood in my dominions, even whilſt I am yet living. I never thought, till now, that this project would have gone ſo far, as to have made the leaſt impreſſion on your mind. But, as I have lately perceived by public rumours, which are induſtriouſly ſpread, that your electoral highneſs is come into this ſentiment, it is of importance, with reſpect to the ſucceſſion of your family, that I ſhould tell you, ſuch a proceeding will infallibly draw along with it ſome conſequences, that will be dangerous to that ſucceſſion itſelf, which is not ſecure any other ways, than as the prince, who actually wears the crown, maintains her authority and prerogative. There are here (ſuch is our misfortune) a great many people, ſeditiouſly diſpoſed. So I leave you to judge what tumults they may be able to raiſe, if they ſhould have a pretext to begin a commotion. I perſuade myſelf, therefore, you will never concent, that the leaſt thing ſhould be done, that may diſturb the repoſe of me or my ſubjects.

Open yourſelf to me with the ſame freedom I do to you, and propoſe whatever you think may contribute to the ſecurity of the ſucceſſion, I will come into it with zeal, provided that it do not derogate from my dignity, which I am reſolved to maintain. I am, with a great deal of affection &c.'

St. James, May 19, 1714.

ſuperſcribed,

To my ſiſter and aunt electreſs dowager of Brunſwick and Lunenberg.

The Queen, at the ſame time, wrote a letter to the duke of Cambridge to this effect:

Couſin,

'An accident, which has happened in my lord Paget's family, having hindred him from ſetting forward ſo ſoon as he thought to have done, I cannot defer any longer letting you know my thoughts with reſpect to the deſign you have of coming into my kingdoms. As the opening of this matter ought to have been firſt to me; ſo I expected you would not have given ear to it, without knowing my thoughts about it. However, this is what I owe to my own dignity, the friendſhip I have for you, and the electoral houſe, to which you belong; and the true deſire I have, that it may ſucceed to my kingdoms. And this requires of me, that I ſhould tell you, that nothing can be more dangerous to the tranquillity of my dominions, and the right of ſucceſſion in your line, and conſequently more diſagreable to me, than ſuch a proceeding at this juncture.'

I am,

with a great deal of friendſhip,

your very affectionate couſin,

St. James's May 19 1714. Anne R.

The lord treaſurer, who began now to be ſenſible of the aſcendant lord Bolingbroke had over him at court, thought it his beſt way to ſecure a retreat behind the proteſtant ſucceſſion, which the other was undermining with more precipitation than before. For, the queen having never recovered her fit at Chriſtmas, it was thought proper to haſten the meaſures that were taken to defeat the proteſtant ſucceſſion. The treaſurers who was no ſtranger to theſe proceeding, though he was not concerned in them, wrote alſo a letter to the elector of Brunſwick:

May it pleaſe your royal highneſs,

'Though I expect Mr Harley every moment in return from your court, and thereby ſhall have another opportunity of doing myſelf the honour to preſent your royal highneſs with my moſt humble duty, and the aſſurance of my utmoſt ſervice; yet I cannot ſlip this occaſion of the queen's meſſenger attending your royal highneſs with her majeſty's letter, to lay myſelf at your feet. I have no enemy, that knows me, who is not juſt enough to allow me, to be inviolably devoted to your ſucceſſion, nothing coming in competition with that, becauſe I know I pleaſe the queen, when I am zealous for the ſervice of your ſerene houſe. I hope, therefore, I ſhall find credit with your royal highneſs, when I humbly lay my ſincere opinion before you. The queen is moſt hartily for your ſucceſſion. If there be any thing, which may render it more ſecure, which is conſiſtent with her majeſty's ſafety, it will be acompliſhed. It is not the eager deſires of ſome, nor what flows from the advice of others, whoſe diſcontents perhaps animate their zeal, can balance the ſecurity you have in the queen's friendſhip, and the dutiful affection of all her faithful ſubjects; for, as I am ſure your royal highneſs's great wiſdom would not chuſe to rule by a party, ſo you will not let their narrow meaſures be the ſtandard of your government. I doubt not, but the accident, that happened about the writ, may be improved, to increaſe the moſt perfect friendſhip between the queen and your moſt ſerene family. I will ſtudy to do every thing to demonſtrate the profound veneration and reſpect, wherewith I am, &c.

Oxford.

treaties of all the confederates with France might have been finiſhed, before the ſeaſon of opening the campaign in 1712: But that, before Monſiur Buys returned into Holland, or the confederates could begin, the efforts were renewed with the greateſt vigour, to break off the negotiations; the cry againſt a peace, by which Spain and the Indies ſhould be left to any branch of the houſe of Bourbon, became louder than ever; and letters and memorials were not only delivered, but printed; and appeals made againſt her majeſty's proceedings to all Europe, and even to her own ſubjects. That, on theſe encouragements, the good diſpoſitions towards peace received a check: and ſome of thoſe, who had owned themſelves againſt the proſecution of the war, to recover the whole Spaniſh monarchy to the houſe of Auſtria, joined now, under this very pretence, to break the meaſures of peace. That the treatment which her majeſty met with at this time, will appear in the cleareſt light from this circumſtance: The miniſters of the ſtates general propoſed to her majeſty's ſervants, that, conſidering the difficulties, which the queen lay under, how impoſſible it was to recover by war, or by treaty, the Spaniſh monarchy from king Phillip, and how impoſſible he apprehended it to be for her majeſty to carry on any negotiation, by which this monarchy ſhould be left to Philip, he was ready (to extricate her majeſty from this dilemma, and to ſcreen her miniſters in carrying on the work, which they had begun) in the name of his maſters, to preſent a memorial, by which the point of obtaining Spain and the Indies ſhould be given up; provided he might be aſſured, that the Dutch ſhould have an equal ſhare with her majeſty's ſubjects in the aſſiento, which contract, he ſuppoſed, it was ſtipulated ſhould be made with Great-Britain. That from the cauſes, and by the ſteps abovementioned, was the diviſion among the allies arived to the higheſt pitch, at the opening of the conferences in January 1711-12, when the ſtricteſt union amongſt them was more than ever neceſſary, and when the whole fruit of thoſe ſucceſſes, wherewith God had bleſſed their cauſe, in the courſe of the war, depended on it. That they ſent their ſeveral plenipotentiaries to Utrecht; but it was very apparent, that moſt of them acted on that maxim, which one of them profeſſed, that giving into the meaſures of peace was the ſureſt way to continue the war. They flattered themſelves, that, the Imperial miniſters, in conjunction with thoſe of Britain, having, two years before, baffled the deſigns of Holland to make peace, it would be, as eaſy for the miniſters of the empire, in conjunction with thoſe of the ſtates general, to render fruitleſs, at this time all her majeſty's endeavours to the ſame end. And that, after this, it would not appear ſurprizing, if the utmoſt dexterity was exerted to delay the entering on buſineſs at Utrecht, and to wait for the events of the campaign. Concluding, that, from this ſtate of the ſeveral treaties between her majeſty, her allies, and France and Spain, the reſonableneſs of all the ſteps her majeſty had taken, and thoſe deſigns, which had been purſued at firſt, to wreſt the negotiation out of her hands, and ſince to unravel all that had been done, and to throw us into confuſion, would ſufficiently appear.'

This account made a great impreſſion upon the generality of the members; yet the weight of it will be eaſily taken off, by comparing it with the original papers relating to thoſe tranſactions, which were afterwards inſerted in the report of the committee of ſecrecy.

There was another letter from the queen to the elector of Brunſwick, but written in a ſtyle ſo unbecoming the one and the other, that the perſons, to whom theſe letters were tranſmitted, did not think fit to give copies of it; but, upon a report induſtriouſly ſpread by the pretender's agents, that the duke of Cambridge might have came over, if the elector his father would have let him, but, that the elector did not think the crown of Great Britain worth accepting, the copies of the other three letters were diſperſed in print. This gave ſo great offence to the miniſters, that the publiſher and the perſon who ſent him the letters were ſeized by lord Bolingbroke's warrant, and bound over to appear at the queen's-bench.

The princeſs Sophia, now in the 84th year of her age, was much affected by theſe letters, and on the 28th of May, the day after the receipt, being ſeized as ſhe was walking in the gardens at Herenhauſen with a fit of the apoplexy, died in the arms of the electoral princeſs (the late queen Caroline) and the counteſs of Pickenburgh, who were talking with her, before any other perſon could come to her aſſiſtance. This princeſs was fourth and youngeſt daughter of Frederick, king of Bohemia, and Elizabeth of England, only daughter of king James the firſt; and was born at the Hague, the 3d of October, 1630: So ſhe was eighty three years, eight months, and five days old at her death. In the year 1658, ſhe was married to Erneſt Auguſtus, duke of Brunſwick and Lunenberg, (fourth and youngeſt ſon to George duke of Lunenburg-Zell) who, in 1662, ſucceeded count Francis of Wirtenberg, in the biſhopric of Oſnaburg: In 1680, on the death of his eldeſt brother, John Frederic duke of Hanover, Erneſt Auguſtus ſucceeded him alſo in that dignity; and, in the year 1692, he received the inveſtiture of the electoral dignity of Brunſwick Lunenburg. This prince died on the 23d of January 1698, having had by the princeſs Sophia, ſix ſons, George Lewis, Frederic Auguſtus, Maximilian William, Charles Philip, Chriſtian, and Erneſt Auguſtus, and one daughter, Sophia Dorothy, who, in the year 1684, became the ſecond wife of Frederic the third, king of Pruſſia. The princeſs Sophia had a very ſtrong healthy conſtitution, and was endowed with great abilities natural and acquired. She was perfect miſtreſs of the low Dutch, German, Engliſh, French, and Italian languages, and had a genius equally turned for converſation or buſineſs, which rendered her not only the ornament and delight of her court, but qualified her to manage and ſupport the higheſt intereſts. The greatneſs of her ſoul bore proportion to her birth, and the ſtation, which ſhe filled; but with all was tempered with ſo much ſweetneſs and affability, that the duty of thoſe below her became their pleaſure. No one ever gave liberties with a better choice, or could act without reſerve to greater advantage. She behaved in both parts to admiration, as a daughter of England, and as a mother of Germany. Her wit was ſprightly, curious, and ſurprizing; her judgment ſolid and penetrating, founded upon the nobleſt maxims from reading and ſtudy, explained by obſervation and experience. Nothing could exceed the beauties and advantages of her converſation, but by her letters; both were eaſy, entertaining, and uſeful. She had a fund of happineſs within herſelf, which gave a reliſh to her retirements: But her care in government and œconomy ſhewed the juſt ſenſe ſhe had of being born for the good of others. Her piety was exemplary without affectation; her ſentiments of religion juſt and noble, neither perplexed with doubts, nor enſlaved by ſuperſtition. The neighbourhood of the Jeſuits ſerved only to confirm her in the opinion ſhe had of the impoſtures and corruptions of their church and order. But, though bred up in the reformed religion, according to the Calvinian diſcipline, yet ſhe ever had a great eſteem for the liturgy and conſtitution of the church of England. She hated every thing, that was ſour, malicious, or illnatured to ſuch a degree, that none could be more ſedulous to oppoſe, or more active to ſuppreſs, every little quarrel and party, that grew up, where ſhe had any influence.

Baron Bothmar arrived at London on the 25th of June, with the character of envoy extraordinary from the elector of Hanover, and, in a private audience of the queen, notified the death of the princeſs Sophia; upon which an order was made in council for mourning, and for praying for the elector of Brunſwick, in the liturgy of the church of England.

In the conſultation held by the miniſtry, after the demand of the duke of Cambridge's writ, wherein it was debated, whether the queen ſhould invite over that duke? The lord treaſurer, the lord chancelor, the lord privy ſeal, and another privy councellor, were for it; but the lord Bollingbroke having oppoſed it, and carried the negative, reſolved to puſh his point, and to uſe all poſſible means to defeat the proteſtant ſucceſſion. With that view he is ſaid to have broke all meaſures with the treaſurer, and united himſelf more cloſely with the high church party. As the farther diſcouragement and even ruin of the diſſenters was thought neceſſary for accompliſhing this ſcheme, it was begun with the famous Schiſm-bill. A motion for it, on the 12th of May, by Sir William Wyndham, was introduced, by reading the 8th, 9th, 10th, and 11th ſection of the act of Uniformity, paſſed after the reſtoration, by which, above two thouſand miniſters were turned out of their livings. The motion being approved, a bill was ordered to be brought in, to prevent the growth of Schiſm, and for the further ſecurity of the church of England as by law eſtabliſhed[g]. On the other hand, in order to ſtrengthen the Jacobite party in Scotland, a motion was made for a bill, to inveſt the Scots biſhops revenues and rents in the queen, to be applied to the ſupport of the epiſcopal clergy. To render this bill ineffectual, it was propoſed by the whigs, that theſe revenues ſhould be applied to ſuch only of the epiſcopal clergy, as ſhould pray for the queen and the princeſs Sophia in expreſs words. As the court party could not well oppoſe this addition, and as the reſuming of the epiſcopal revenues (which had been forfeited at the Revolution, and given to the miniſters of the kirk of Scotland) would have been attended with great difficulties, the bill was ſuffered to drop. It was, however, reſolved to finiſh the ſchiſm-bill. When this bill was ingroſſed and read the third time in order to be paſſed, there aroſe a long and warm debate. Mr Hampden, Mr Robert Walpole, general Stanhope, Mr Lechmere, Sir Joſeph Jekyll, and Sir Peter King, exerted their eloquence in oppoſing it, repreſenting in general. 'That it looked more like a decree of Julian the apoſtate, than a law enacted by a proteſtant parliament, ſince it tended to raiſe as great a perſecution againſt our proteſtant brethren as either the primitive chriſtians ever ſuffered from the heathen emperors, or the proteſtants from popery and the inquiſition.' Mr Stanhope ſhewed, in particular, the ill conſequences of this law, as it would of courſe occaſion foreign education; which, on the one hand, would drain the kingdom of great ſums of money; and, which was ſtill worſe, fills the tender minds of young men with prejudices againſt their own country. He illuſtrated and ſtrengthened his argument by the example of the Engliſh popiſh ſeminaries abroad, which, he ſaid, were ſo pernicious to Great Britain, that, inſtead of making new laws to encourage foreign education, he could wiſh thoſe al-

[g] Though the queen eſteemed this adreſs, as the united voice of her loyal ſubjects, yet the lords in their firſt addreſs to king George I. ſaid it is by no means to be imputed to the nation in general: And the commons, in leſs than a year afterwards: 'We are ſenſibly touched not only with the diſappointment, but with the reproach brought upon the nation by the unjuſtifiable concluſion of a war, which was carried on at ſo vaſt an expence, and was attended with ſuch unparelled ſucceſſes: But, as that diſhonour cannot in juſtice be imputed to the whole nation, ſo we firmly hope, and believe, that, through your majeſty's great wiſdom, and the faithful endeavours of your commons, the reputation of theſe your kingdoms will, in due time, be vindicated and reſtored.'

[h] This letter is dated, April 23, 1714, and begins with a deſcription of the pretender's perſon and character; his graceful mien, magnanimity of ſpirit, devotion free from bigottry, aplication to buſineſs, ready apprehenſion, ſound judgement, and affability; ſo that none converſed with him, but what were charmed with his good ſenſe and ſweetneſs of temper.' Then, coming to the main deſign of this letter, Mr Leſley ſaid, that the chevalier expreſſed no reſentment at the cruel proceedings of the parliament, to leave him no place to flee unto. But that other men were aſtoniſhed, and ſaid, 'For what is all this rage? What has he done? Was it a crime in him to be born? If his birth was ſuperſtitions, it was a good reaſon indeed to bar his acceſſion to the throne, but none to perſecute him, or ſet a price on his head, as was propoſed in parliament, by a rich and powerful party, to encourage the aſſaſſination of him. He added, 'That, ſince ſo much depended on his birth why was it not inquired into? That the prince of Orange promiſed it in his firſt declaration, and referred it to be examined in parliament: but, this not having been done either by parliament, court of Judicature, or any other authority whatever, it afforded an infalliable demonſtration of the truth of his birth; ſince by the laws of God and man, every child, that is owned by both parents, is to be received as ſuch, unleſs evident proof be made to the contrary. That it was very obvious, why former parliaments, and in a former reign, would not enter into the examination of his birth, becauſe they knew the truth of it and that no proof could be made againſt it. But the falſe rumours and ſuppoſitions, which were induſtriouſly ſpread abroad concerning it, to make way for the prince of Orange more eaſily to aſcend the throne (having ſerved their turn) were laid aſide, like ſcaffolding, when a houſe is built. That he hoped it was reſerved for this parliament, to make a full examination, and to ſet the nation at reſt upon this material point; if not, the birth of this prince was infallibly confirmed. That there was no danger herein to his ſiſter, who now reigned; for none could doubt but he would be very well pleaſed to make ſuch a compremiſe with her, that ſhe might hold the crown during her life, provided his ſucceſſion after her were ſettled; and give all the ſecurity for this that could be deſired, even to put his perſon into her hands, if ſhe thought fit. And that would unite both their intereſts, and render her reign more ſecure and comfortable to her, than it was or could otherwiſe be. That, if we were afraid of a popiſh ſucceſſor, why did we make the next ſucceſſor a papiſt? For it was they did it, who baniſhed him, when an infant, into a popiſh country, and paſſed an act of attainder againſt him, if he ſhould return to be inſtructed in our religion; and had ſent to all the proteſtant courts in Europe not to admit him, or to drive him hence, if he ſhould come, and had excluded him from the crown without any reſerve for him, though he ſhould become a proteſtant; and at the ſame time declared openly, they would not

ready in force againſt papiſts were mitigated; and that they ſhould be allowed a certain number of ſchools. The chief advocates for the bill were Mr ſecretary Bromley, ſir William Wyndham, Mr Hungerford, and Mr Collier. Mr Bromley, maintained, 'The diſcenters were equally dangerous both to church and ſtate. However, if the members, who ſpoke in their behalf, would have this bill drop, he would readily conſent to it, provided another bill were brought in, to incapacitate them either to ſit in that houſe, or to vote in elections of members of parliament.' Mr Walpole anſwered this ſpeech with great force; after which Mr Hungerford recapitulated, and, in his uſual ludicrous way, faintly laboured to confute what had been offered by the whig members.

Mr Collier, who brought up the rear, did ſtill worſe. This man, formerly an attorney, had, by a wife, got the directorſhip of the play houſe in drury lane; and afterwards, by his intruding aſſurance, the acquaintance and intimacy of the lord Bolingbroke. At whoſe earneſt requeſt, Mr Collier, though ſcarce worth thirty pounds a year, was, by the duke of Beaufort's intereſt, brought into the houſe of commons, where he took this ſolemn occaſion to ſignalize his zeal for the cauſe he was to ſerve. With this intention he ſeconded Mr Hungerford, and, in order to expoſe the deſſenters, he deſired leave to read to the houſe a collection of abſurdities and impious expreſſions, which he pretended to have taken from their writings. After reading part of this impertinent legend, he fell on a paſſage extracted from the nonſenſical rhapſodies of the late Mr Hickeringill, miniſter at Colcheſter, wherein Mr Collier ſaid, he averred, That our bleſſed Saviour was a ſon of a W——. At theſe ſhocking expreſſions, Mr Bromley interrupted him, ſaying, Such impious words ought not to be repeated in that aſſembly. On the other hand, ſome other members obſerved, That Mr Hickeringill was not a diſſenting teacher, but a miniſter of the church of England: And that he was known to be crack-brain'd; and therefore his extravagancies and blaſphemies proved nothing againſt any ſet of men, much leſs againſt the diſſenters. Mr Lechmere ſpoke againſt the bill with great vehemence; and among other things took notice, 'That the indulgence granted to proteſtant diſſenters, ſince the revolution, had been ſo far from hurting the church, that it had rather enlarged it's pale; and it was notorious, that ſome perſons (meaning the Treaſurer, the Chancelor, and the lord Bolingbroke) who had been bred among Schiſmatics, were, or, at leaſt, pretended to be the ſtrongeſt ſupports of the eſtabliſhed church.' Several other ſpeeches were made for and againſt the bill; which was carried by a majority of two hundred and thirty-ſeven voices, againſt one hundred and twenty-ſix; and ſir William Wyndham, chancellor of the exchequer, who brought it into the houſe, and promoted it with all his power, was ordered to carry it to the lords.

The public were divided in their opinions whether the lord-treaſurer was for or againſt this bill. It is ſaid [1] that the ſchiſm-bill was caſtrated by him, and that he took out the moſt malicious and perſecuting part, which had been formed by Atterbury, Bolingbroke, and Wyndham. However this be the lord Harley, his ſon, Mr Thomas Harley his couſin (lately returned from Hanover) and all his friends, except his brother the auditor voted for the bill.

When the bill was read the firſt time in the houſe of peers, the lord Bolingbroke ſaid, 'It was a bill of the laſt importance, ſince it concerned the ſecurity of the church of England, the beſt and firmeſt ſupport of the monarchy; both which all good men, and, in particular, that auguſt aſſembly, who derive their luſtre from, and are neareſt the throne, ought to have moſt at heart: And therefore he moved, that it ſhould be read a ſecond time.' The lord Cowper ſaid, 'No man was more ready than himſelf to do every thing, that ſhould appear neceſſary to attain the ſeeming intention of this bill, the preventing the growth of ſchiſm, and the further ſecuring the church of England. But the enacting part would be ſo far from anſwering the title of it, that, in his opinion, it would have a quite contrary effect, and prove equally pernicious to church and ſtate.' He ſpoke on theſe two heads near half an hour, and, among other things, repreſented, 'That inſtead of preventing ſchiſm, and inlarging the pale of the church, this bill tended to introduce ignorance, and its inſeparable attendants, ſuperſtition and irreligion.' To this purpoſe, he took notice, 'That in many country-towns, reading, writing and grammar-ſchools were chiefly ſupported by the diſſenters; not only for the inſtruction and benefit of their own children, but likewiſe of thoſe of poor churchmen; ſo that the ſuppreſſing of thoſe ſchools would, in ſome places, ſuppreſs the reading the holy ſcriptures.' On the other hand, he obſerved. 'That this bill ſtruck at the antient rights and prerogative of the houſe of peers; which, by the conſtitution, is the ſupreme court of Judicature, and the dernier reſort in all cauſes; whereas, by this bill, the Juſtices of the peace were impowered finally to hear and determine the offences againſt the ſame. My lords, added he, I would rather enlarge, than abridge the power of Juſtices of the peace, were it but to encourage gentlemen to take upon them an office ſo troubleſome, and at the ſame time ſo unprofitable, unleſs it be perhaps in the county of Middleſex. But, my lords, I ſhall never conſent to give up the birth-right and ancient privileges of this auguſt aſſembly, of which I have the honour to be a member.'

The earl of Wharton, in his ironical way, ſaid, 'He was agreeably ſurprized to ſee, that ſome men of pleaſure were, on a ſudden, become ſo religious, as to ſet up for patrons of the church. But he could not but wonder, that perſons, who had been educated in diſſenting accademies, whom he could point at, and whoſe tutors he could name, ſhould appear the moſt forward in ſuppreſſing them. That this was but an indifferent return for the benefit the public had received from thoſe ſchools, which had bred thoſe great men, who had made ſo glorious a peace, and treaties, that executed themſelves; who had obtained ſo great advantages for our commerce, and who had paid the public debts, without any further charge to the nation. So that he could ſee no reaſon there was to ſuppreſs thoſe accademies, unleſs it were an apprehenſion, that they might ſtill produce greater genius's, that ſhould drown the merits and abilities of thoſe great men. My lords, continued he, to be ſerious, it is no leſs melancholy than ſurprizing, that, at a time, when the court of France proſecutes the deſign that they have long ſince laid to extirpate our holy religion; when, not only ſecret practices are uſed to impoſe a popiſh pretender on theſe realms, but men publickly inliſted for his ſervice; it is melancholy and ſurprizing, I ſay, that, at this very time, a bill ſhould be brought in, which cannot but tend to divide Proteſtants; and conſequently to weaken their intereſt, and haſten their ruin. But then the wonder will ceaſe, if we conſider what madmen were the contrivers and promoters of this bill.' He excepted in particular, againſt the word Schiſm, with which the frontiſpiece of the bill was ſet off, and ſaid, 'It was ſomewhat ſtrange, they ſhould call Schiſm in England what is the eſtabliſhed religion in Scotland; and therefore, if the lords, who repreſented the Nobility of that part of Great-Britain, were for this bill, he hoped, that, in order to be even with us, and conſiſtent with themſelves, they would move for the bringing in another bill, to prevent the growth of Schiſm in that, which was legally eſtabliſhed, and whoſe principles are true to monarchy, and ſafe for government. That, for the ſatisfaction of the Church of England, and his own reſtoration, he thought himſelf obliged to do every thing, that was conſiſtent with conſience and honour. That, as an inſtance of his good intentions, he had ſent for Mr Leſley to officiate to the proteſtants in his family; had cauſed a room to be fitted up in his own houſe for a Chappel for them; and had taken out of their congregation his preſent ſecretary of ſtate and chief miniſter.' And, in order to prejudice the people againſt the Proteſtant ſucceſſion, Mr Leſley ſubjoined, 'That the avowed doctrine of the illuſtrious houſe of Hanover was conſubſtantiation; which was as erroneous, and as contrary to the doctrine of the Church of England, as tranſubſtantiation: and yet no proviſion has been made, that, when they ſhould come into Great-Britain, they ſhould be of the communion of the Church of England.'

believe him, if he ſhould profeſs it: Which things were ſo irrational, that they had no tolerable foundation to ſtand upon. That the britiſh Nation had no reaſon to be afraid of the Chevalier's introducing Popery and Slavery, ſince he had neither foreign forces nor Alliances; and, if he were upon the throne, he muſt be perfectly in the hands of his people. That, as to religion, he had promiſed to hear, in due time and place, what could be ſaid on that ſubject; which was all that could be expected. But that, whatever ſhould be the iſſue of his hearing, as to his own private judgment, the Church of England might be no leſs ſecure; for it was his fixed perſuaſion, that the ſecurity of the crown and Church of England was, next under God, in their mutual ſupport of each other. And becauſe the greateſt hurt any king of England can do to the Church of England is putting bad biſhops upon her this being a corrupting the fountain; therefore, to avoid all jealouſies, he was willing, during his reign, ſo far to wave his prerogative in the nomination of biſhops, deans, and other eccleſiaſtical preferments in the gift of the crown, that five biſhops ſhould be appointed, of which the archbiſhop of Canterbury, for the time being, always to be one; who, upon any vacancy, might name three perſons to him, of whom he would chooſe one. And the Church of England, as by law eſtabliſhed, ſhould be ſecured in the ſole poſſeſſion, not only of all the Churches, but of the Univerſities, and even Schools. And, as a further mark of his favour, he remitted, during his time, the tenths and firſt-fruits payable by the Biſhops and Clergy to the Crown. That he had informed himſelf of paſt miſcarriages, and knew well the difference between the office of a king and a miſſionary. That therefore he would concern himſelf with no man's religion, but was reſolved to defend

[1] Sir William Wyndham, Mr Cholmondley, ſir John Stonehouſe, ſir Arthur Kay, Mr Campion, Mr Gore, Mr Aldworth, Mr ſecretary Bromley, lord Downe, Mr Finch, Mr Windſor, Sir William Whitlock, and Dr Paſke were ordered to prepare and bring in the bill. Whilſt this was doing, it was reſolved to addreſs the queen for a copy of the inſtructions given to the earl of Strafford, with relation to the declarations made by him on the part of her majeſty, to the miniſters of the ſeveral Allies who had any troops in her majeſty's pay before the ceſſation of arms. This addreſs was voted with intention to prepare the way for reſuſing to pay the arrears of 65,022l. 8s. 8d. due to the elector of Hanover's troops, which had been lately demanded, by the electoral highneſs's miniſter.

their own country.' He ſaid alſo, on another occaſion (for he ſpoke more than once) 'That both in this bill, and in the ſpeeches of thoſe, who declared for it, ſeveral laws were recited and alledged but that there was a law, that had not yet been mentioned. I expected, added he, that venerable bench (turning to the Biſhops) would have put us in mind of it; but, ſince they are pleaſed to be ſilent in this debate, I will myſelf tell them, that it is the law of the goſpel, To do to others as we would be done unto'

The earls of Abingdon and Angleſea ſpoke afterwards for the bill; and Angleſea ſaid, among other things, 'That the Diſſenters were equally dangerous both to Church and State: That they were irreconcileable enemies to the eſtabliſhed Church, which they had ſufficiently manifeſted in the late king James the ſecond's reign, when, in order to obtain a toleration, they joined themſelves with the Papiſts; and that they had rendered themſelves unworthy of the indulgence the Church of England granted them at the Revolution, by endeavouring to engroſs the education of youth; for which purpoſe they had ſet up ſchools and accademies in moſt cities and towns in the kingdom, to the great detriment of the univerſities, and danger of the eſtabliſhed Church.'

The lord Hallifax ſpoke on the other ſide, and urged, 'That the bringing in of this bill was injurious to the queen; and he could not believe, her majeſty would ever give her royal aſſent to ſuch a law, after the ſolemn declaration ſhe had made from the throne, that ſhe would inviolably maintain the toleration, which this bill viſibly ſtruck at. That her majeſty made it the glory of her reign to follow the ſteps of queen Elizabeth, who had not only entertained and protected the reformed Walloons, who took ſanctuary in her dominions from the Spaniſh Inquiſition, but had likewiſe allowed them the public exerciſe of their religion, and cauſed a clauſe in their favour to be inſerted in the act of Uniformity. That, by that means, that wiſe and glorious queen had vaſtly increaſed the wealth of the realm, the Walloons having ſettled here the woolen manufactures, which are the beſt branch of the national trade. That the protection and encouragement the late king William and queen Mary, and her preſent majeſty, had given to the French refugees, had proved no leſs advantageous to Great-Britain: And therefore it would be a piece of barbarity to make an act. which ſhould debar many French Proteſtants of means of ſubſiſting, either by keeping public ſchools, or teaching in private families; eſpecially conſidering their hard uſage, the government not having for above three years paſt, paid them any part of the fifteen thouſand pounds per ann. allowed by parliament in the civil liſt, towards the maintenance of their miniſters and poor.' He concluded with taking notice of the fatal conſequences of perſecuting the deſſenters in king Charles the firſt reign, which kindled a furious and unnatural civil war, and ended in the total overthrow of church and ſtate, and in the king's parricide.'

The lord Townſhend ſpoke on the ſame ſide, and, among other arguments, repreſented the ill effect of perſecution in general. 'He ſaid, He had lived a long time in Holland, and had obſerved, that the wealth and ſtrength of that great and powerful commonwealth lay in the number of its inhabitants: And at the ſame time he was perſuaded, that, if the ſtates ſhould cauſe the ſchools of any one ſect, tolerated in the United Provinces, to be ſhut up, they would ſoon be as thin of people as Sweden or Spain, whereas they now ſwarm with inhabitants.'

The lord North and Grey, who ſpoke for the bill, maintained the general aſſertion of his party, That the Church was in danger from the growth of ſchiſmatics. The earl of Nottingham ſaid, 'He owned he had formerly been of opinion, that the occaſional conformity of diſſenters was dangerous to the eſtabliſhed Church; and therefore he ever promoted the bill to prevent it. But that, the Church having now that ſecurity, he believed her ſafe and out of danger; and therefore he thought himſelf in conſcience obliged to oppoſe ſo barbarous a law as this, which tended to deprive parents of their natural right of educating their own children. He added, He had obſerved both from hiſtory and his own experience, that all the perſecutions, that had been raiſed in England againſt ſchiſmatics, originally proceeded from, and tended to favouring popery.' He particularly excepted againſt that part of the bill, which enacts, That any perſon, who ſhould keep any public or private ſchool, or inſtruct any youth as Tutor, ſhould have a licence of the reſpective Archbiſhop or Biſhop of the place. &c. 'My lords ſaid he, I have many children; and I know not whether God Almighty will vouchſafe to let me live, to give them the education I could wiſh they had. Therefore, my lords, I own, I tremble, when I think, that a certain divine, who is hardly ſuſpected of being a chriſtian (meaning Dr Swift) is in a fair way of being a biſhop; and may one day give licences to thoſe who ſhall be intruſted with the inſtruction of youth.' Some other lords made ſpeeches for and againſt the bill. But the lord-treaſurer contented himſelf with ſaying, 'That he had not yet conſidered of it; but, when he had, he would vote according as it ſhould appear to him, to be either for the good or detriment of his country. And therefore he was for reading the bill a ſecond time;' which was agreed to without dividing, and put off to the 7th of June.

After this, the preſbyterians petitioned that they might be heard by their council againſt the bill; but their petition was rejected by a majority of ſeventy-two voices againſt ſixty-ſix. It was obſerved, on this occaſion, earl Powlet, the lord Foley, the lord Manſel, and ſome other friends of the lord-treaſurer, voted with the whig lords, for allowing the petition; and the lord-treaſurer himſelf was out of the houſe, that he might not be obliged to declare on either ſide; which ſtrengthened their opinion, who thought the bill levelled againſt him, with a view, that, if he voted for it, he would loſe the diſſenters and the whigs entirely; if he voted againſt it, he would loſe the queen.

On the day appointed, the lords read the ſchiſm-bill a ſecond time, and after a ſhort debate agreed, that a clauſe ſhould be inſerted in the bill in favour of the French proteſtant churches. Two days after, in a committee of the whole houſe of which the archbiſhop of York was chairman, the bill was examined paragraph by paragraph, from one in the afternoon till eight in the evening. The biſhop of London having ſuggeſted, 'That the diſſenters had made this bill neceſſary, by their endeavours to propagate their ſchiſm, and to draw the children of churchmen to their ſchools and academies,' the lord Hallifax anſwered, 'That what they did was with the knowledge and conſent of the parents, who, in many places, had not ſufficient means to educate their own children:' For which reaſon he moved, 'That, ſince this bill was occaſioned, as was ſuggeſted, by the diſſenters endeavouring to engroſs the education of the youth of both purſuaſions, they might be allowed ſchools to inſtruct their own children.' This motion, being formed into a queſtion, was debated for near three hours. The lords Cowper and Hallifax, the earl of Sunderland, and ſome other peers, made ſeveral ſpeeches for the affirmative. But the lord Bolingbroke, the earl of Abingdon, and the lord Chancellor, inſiſted on the negative, which was at laſt carried by ſixty-two votes againſt forty-eight. After this it was moved, that diſſenters might, at leaſt be ſuffered to have ſchool-miſtreſſes ro teach their children to read, which, after a debate of about half an hour, was carried without dividing; as was alſo a clauſe, 'That this act ſhould not extend to any perſon, who ſhould inſtruct youth in reading, writing, arithmetic, or any part of mathematical learning, that relates to navigation, or any mechanical art only.' Then was examined that part of the bill, whereby the conviction of offenders againſt this act was left to the juſtices of the peace; and, after a warm debate, it was carried by a majority of fifty-nine votes againſt fifty-four that the conviction ſhould be in the ordinary courſe of juſtice upon an information, preſentment, or indictment, in any of her majeſty's courts of record at Weſtminſter, or at the aſſizes, or before juſtices of oyer and terminer. The court, party finding, by this laſt diviſion, that they loſt conſiderable ground, and fearing, other amendments would be made which would render the bill altogether uſeleſs, moved, that the chairman leave the chair, in order to adjourn. But though the contrary party at firſt oppoſed it, yet, after ſome debate, upon the penalties to be inflicted on the offenders, both parties being equally tired, the houſe adjourned to the next day.

Accordingly, on the 16th of June, the lords reſumed the debate about the penalties, and fixed the ſame to three months impriſonment; after which it was moved and agreed, that perſons aggrieved might appeal from eccleſiaſtical cenſures, as in caſes of ordinary juriſdiction. A clauſe was afterwards propoſed and carried to exempt from the penalties of this act any tutor, who ſhall be employed by any nobleman or noblewoman, to teach in their families, provided ſuch Tutor do, in every reſpect, qualify himſelf according to this act, except only in that of taking a licence from the biſhop. The earl of Angleſea moved, that a clauſe might be inſerted, to extend this act to Ireland: which after ſome debate, was carried in the affirmative by the majority of one voice only. When the bill with theſe amendments was reported to the houſe by the archbiſhop of York, ſevere ſpeeches were made againſt the clauſe to extend this bill to Ireland; particularly by the duke of Shrewſbury, lord Lieutenant of that kingdom, who was juſt returned, from thence. But, the queſtion being

put, it was carried by fifty-ſeven voices againſt fifty-one, that the clauſe ſhould ſtand. The next day, the bill was read the third time; and, after a ſmall debate, it was carried by ſeventy-ſeven votes againſt ſeventy-two, that it ſhould paſs [k].

When the bill thus amended was ſent to the Commoes, a ſhort debate aroſe. Mr Lechmere and Mr Walpole repreſented, 'That ſince the proteſtant diſſenters of Ireland were made liable to the penalties of this bill, it were but juſt either to inſert a clauſe in it, or to bring in another bill, to make them enjoy the benifit of the toleration act, paſſed in England in the laſt reign.' But ſir William Wyndham and Mr Campion ſaid, 'If leave were given to bring in ſuch a bill, they hoped they ſhould have leave alſo to bring in another, to incapacitate diſſenters from voting in elections for parliamentmen:' Upon which that matter dropped. On the other hand, general Stanhope propoſed, 'That the tutors in the families of members of the houſe of commons might be put on the ſame foot with thoſe, who taught in the families of a nobleman or noblewoman; it being reaſonable to ſuppoſe, that the members of that houſe, many of whom were of noble extraction, had as great a concern as the lords for the education of their children, and an equal right to take care of their inſtruction.' Several members of both parties were of Mr Stanhope's opinion. But Mr Hungerford repreſenting, 'That the leaſt amendment now made in the houſe might occaſion the loſs of the bill;' the promoters of it cauſed the queſtion to be put, and it was carried by a majority of one hundred and ſixty-eight votes againſt ninety-eight, that the commons agreed to the lords amendments. On the 25th of June, the ſchiſm-bill, with ſeveral others, received the royal aſſent by commiſſion. But it is obſervable, the very day it was to take place, the queen departed this life; which accident broke all the meaſures of thoſe, who had promoted that law, and rendered it in a manner ineffectual [l].

On the 5th of May the queen removed from St James's to her palace at Kenſington, in appearance pretty well in health; but, having the next day in the evening felt a ſhivering, her phyſicians thought fit, that ſhe ſhould immediately come back to St James's, where ſhe was, for ſome time, detained in her chamber by an impoſthumation in one of her legs. The duke of ſhrewſbury, having (as has been ſaid) early notice of the dangerous condition the queen was in, was very deſirous to be in England; though, on the other hand, he was unwilling to leave the government of Ireland in their hands, whom he knew enclined to favour the pretender's agents; who ſtill continued inliſting men for his ſervice [1] But, all things conſidered, he judged his preſence more neceſſary at London than in Dublin, and came over about the beginning of June. Finding thoſe about the queen jaring and disjointed, he reſolved to act a cautious part, and not ſide with either of the contending parties; but, as ſoon as a proper occaſion (which he judged could not be far off) offered itſelf, to put himſelf at the head of the well-affected to the proteſtant ſucceſſion, who indeed were no leſs ſtrengthened by his arrival at this critical juncture than the lord Bolingbroke's intereſt was weakened by the death of the duke of Beaufort, which happened ſome days before.

Towards the end of May, the marquis de Trivié, Ambaſſador from the new king of Sicily, made his public entry; but it was the 8th of June, before the queen was in a condition to admit him to a public audience. Two days after the queen, finding herſelf ſomething better, removed from St James's to Kenſington.

About this time, upon information given to the earl of Wharton, that two Iriſh officers, Hugh and William Kelly, were liſting men for the pretender in London and Weſtminſter, he carried his evidence to chief-juſtice Parker, upon whoſe warrant William Kelly was ſeized at Graveſend, with five men enliſted, as Hugh Kelly was a few days after at Deal, with a paſs from the earl o Middleton, ſecretary of ſtate to the pretender. This affair having made a great noiſe, the miniſters could not avoid taking notice of thoſe treaſonable practices; and a proclamation was publiſhed for apprehending the pretender, when ever he ſhould land, or attempt to land in Great Britain, and promiſing a reward of five thouſand pounds for that ſervice. The next day Mr Freeman having moved in the houſe of commons for an addreſs of thanks for the proclamation, he was ſeconded by Mr. Auditor Harley, and ſupported by the earl of Hertford, who added, 'That the five thouſand pounds mentioned in the queen's proclamation was too ſmall a recompence for ſo important a ſervice;' and therefore moved for an addition to the addreſs, 'That this houſe would chearfully aid and aſſiſt her majeſty, by granting the ſum of a hundred thouſand pounds, as a further reward to any, who ſhould perform ſo great a ſervice to her majeſty and her kingdoms.' This was oppoſed by Mr Bromley, ſir William Wyndham, and Mr Campion, who ſuggeſted, 'That the promiſing of a reward ſo far beyond what was mentioned in the queen's proclamation, would be a ſort of reflection on her majeſty.' But, this objection being exploded, the addreſs was unanimouſly carried, and, four days after, preſented by the whole houſe to the queen, who told them, 'That the hearty cocern they ſhewed in it for the proteſtant ſucceſſion was very agreeable to her, and that ſhe hoped, their concurrence would have the deſired effect in removing jealouſies, and quieting the minds of her good ſubjects.

The ſame day, the earl of Nottingham moved in the houſe of lords for an addreſs of thanks for the proclamation againſt the pretender, and was ſeconded by the lord Hallifax. The earl of Wharton, who likewiſe ſupported the motion, holding the queen's proclamation in his hand, moſt pathetically lamented her majeſty's owning, that her endeavours to remove the pretender from Lorrain had been ineffectual. 'Unhappy princeſs, ſaid he, how much is her condition altered! Will poſterity believe, that ſo great a queen, who had reduced the exorbitant power of France, given a king to Spain, and whoſe very miniſters have made the emperor and the ſtates-general to tremble, ſhould yet want power to make ſo petty, ſo inconſiderable a prince as the duke of Lorrain, comply with her juſt requeſt, of removing out of his dominions the pretender to her crown?' None of the peers ſpeaking againſt the earl of Nottingham's motion, it was unanimouſly carried, and the addreſs was, the next day, preſented to the queen, who told them, 'They might be aſſured, ſhe ſhould continue to do whatever ſhe judged neceſſary for the ſecuring our religion, the liberty of her people, and for putting an end to the vain hopes of the pretender.'

The lord Bolingbroke, being come into the houſe of peers, juſt after the addreſs was voted, appeared a little ſurprized at that reſolution, and ſaid, 'There was a more effectual way to ſecure the ſucceſſion in the houſe of Hanover.' Some

[k] The following peers entered a proteſt againſt it, the dukes of Somerſet, Bolton, Grafton, Devonſhire, Schomberg, and Argyle; the marquis of Dorcheſter; the earls of Wharton, Sunderland, Dorſet, Carliſle, Orford, Derby, Lincoln, Nottingham, Radnor, and Torrington; the lords viſcounts Townſhend and Longueville; the lords Sommers, Hallifax, Cowper, Rockingham, Haverſham, Cornwallis, and Foley; and the biſhops of Ely, Bangor, St Aſaph, Landaff, and Lincoln.

The proteſt was in theſe terms:

'I. We cannot apprehend (as the bill recites) that great danger may enſue from the diſſenters to the church and ſtate:

Becauſe, 1. By law no diſſenter is capable of any ſtation, which can be ſuppoſed to render him dangerous.

2. And, ſince the ſeveral ſects of diſſenters differ from each other as much as they do from the eſtabliſhed church, they can never form of themſelves a national church; nor have they any temptation to ſet up and one ſect among them; for in that caſe, all, that the other ſects can expect, is only a toleration, which they already enjoy by the indulgence of the ſtate; and therefore it is their intereſt to ſupport the eſtabliſhed church againſt any other ſect, that would attempt to deſtroy it.

II. If, nevertheleſs, the diſſenters were dangerous, ſeverity is not ſo proper and effectual a method to reduce them to the church, as a charitable indulgence, as is manifeſt by experience, there having been more diſſenters reconſiled to the church ſince the act of toleration, than in all the time ſince the act of uniformity, to the time of the ſaid act of toleration; any there his ſcarce one conſiderable family in England in communion with the diſſenters. Severity may make them hypocrites, but not converts.

III. If ſeverity could be ſuppoſed ever to be of uſe, yet this is not a proper time for it, while we are threatened with much greater dangers to our church and nation, againſt which the proteſtant diſſenters have joined, and are ſtill willing to join with us in our defence; and therefore we ſhould not drive them from us, by inforcing the laws againſt them in a manner, which of all others, muſt moſt ſenſibly grieve them, viz. the education of their children; which reduces them to a neceſſity either of breeding them in a way they do not approve, or of leaving them without inſtruction.

IV. This muſt be the more grievous to the diſſenters, becauſe it was little expected from the members of the eſtabliſhed church, after ſo favourable an indulgence, as the act of toleration, and the repeated declarations and profeſſions from the throne and former parliaments, againſt all perſecution, which is the peculiar badge of the Roman church, which avows and practiſes this doctrine: And yet this has not been retaliated even upon the Papiſts, for all the laws made againſt them have been the effects and juſt puniſhment of treaſon and from time to time committed againſt the ſtate. But it is not pretended, that this bill is deſigned as a puniſhment of any crime, which the proteſtant diſſenters have been guilty of againſt the civil government, or that they are diſaffected to the proteſtant ſucceſſion, as by law eſtabliſhed; for in this their zeal is very conſpicuous.

V. In all the inſtances of making laws, or of a rigid execution of the laws againſt diſſenters, it is very remarkable, that the deſign was to weaken the church, and to drive them into one common intereſt with the papiſts, and to join them in meaſures tending to the deſtruction of it. This was the method ſuggeſted by popiſh counſels, to prepare them for the two ſucceſſive declarations in the time of king Charles II, and the following one iſſued out by king James II, to ruin all our civil and religious rights. And we cannot think, that the arts and contrivances of the papiſts, to ſubvert our church, are proper means to preſerve it, eſpecially at a time, when we are in more danger of popery than ever, by the deſigns of the pretender, ſupported by the mighty power of the french king, who is engaged to extirpate our religion, and by great numbers in this kingdom, who are profeſſedly in his intereſt.

members expreſſing their deſire, that he would offer it to the houſe, he propoſed a bill, to make it high treaſon to liſt or to be inliſted into the Pretender's ſervice. The lord Hallifax repreſented, 'That ſuch a bill was altogether needleſs, both the Pretender, and all his adherents, being already attained of high treaſon. However, he ſhould be glad ſuch a bill were brought in, becauſe, with ſome alterations, it might be made a very good one.' The bill was accordingly brought in, and, in a committee of the whole houſe, of which the lord Bolingbroke was chairman, the lords Hallifax, Townſhend, Cowper, Sommers, and Wharton, made it their buſineſs to ſhew, 'That the Pretender was inconſiderable of himſelf, and not to be feared, but ſo far forth as he was countenanced and protected by the French king, whoſe intereſt and conſtant deſign was to impoſe him upon theſe realms.' And therefore they moved, and it was agreed, That the title of the bill ſhould be, to prevent the liſting her majeſty's ſubjects to ſerve as ſoldiers, without her majeſty's licence; and that it ſhould be high-treaſon to liſt, or be liſted to ſerve any foreign prince, ſtate, or potentate, without a licence under the ſign manual of her majeſty, her heirs or ſucceſſors. The following proviſo was likewiſe agreed to, 'That no licence ſhould be effectual to exempt any perſon from the penalties of this act, who ſhould liſt, or cauſe to be liſted into the ſervice of the French king, until after the French king ſhould have diſbanded and diſmiſſed all the regiments, troops, or companies of ſoldiers, which he had in his ſervice, conſiſting of the natural-born ſubjects of Great-Britain: This act to continue in force for three years. With theſe amendments, the bill was ſent to the commons, who gave it their concurrence.

This, and other proviſions againſt the Pretender, ſeemed the more neceſſary, becauſe his friends were by this time grown to that height of aſſurance, as publicly to aſſert his right, and drink his health. To this purpoſe, above an hundred Iriſh papiſts had a feaſt at the ſun-tavern in the ſtrand where the lord Fingal was choſen ſteward, and all that came were admitted by a printed ticket, in which was the image of a pope, or papiſh ſaint, treading hereſy under foot.

On the ſecond of July, the lords took into conſideration the trade to Spain and the Weſt Indies; and the earl of Nottingham made it plainly appear, that by reaſon of the diſcouragements, to which that trade was ſubjected by the explanations of the third, fifth, and eight articles of the treaty of commerce between Great-Britain and Spain (which explanations were made at Madrid, after ſigning the treaty at Utrecht) it was impoſſible for our merchants to carry on that trade without certain loſs. This was confirmed by the teſtimony of ſir William Hodges, and about thirty more eminent merchants, who being called to the houſe, unanimouſly avered, that, unleſs the explanations of theſe three articles were reſcinded, they could not carry on their commerce without loſing twenty or twenty five per cent. It was obſerved, the treaſurer joined with the lords, who inſiſted on the hearing of the Spaniſh merchants; which was ſtrenuouſly oppoſed by the lord Bolingbroke. But, after a long debate, it was reſolved to addreſs the queen, for all the papers relating to the negotiation of the treaty of commerce with Spain; with the names of the perſons, who adviſed her Majeſty to that treaty. The queen ſent an anſwer, 'That, being given to underſtand, that the three explanatory articles of the treaty of commerce with Spain were not detrimental to the trade of her ſubjects, ſhe had conſented to their being ratified with the treaty.' The queen making no mention of the perſons, who had adviſed her to ratify thoſe explanatory articles, (which was the chief deſign of the addreſs) ſeveral members excepted againſt the anſwer as unſatisfactory. And, among the reſt, the earl of Wharton and the lord Hallifax repreſented, That, if ſo little regard was ſhewn to the addreſſes and applications of that auguſt aſſembly to the ſovereign, they had no buſineſs in that houſe;' and moved, that a repreſentation be made to her majeſty, to lay before her the inſuperable difficulties, that attended the Spaniſh trade on the foot of the late treaty; which was agreed to: It was alſo moved, That the houſe ſhould inſiſt on her majeſty's naming the perſons, who adviſed her to ratify the three explanatory articles. But the courtiers warded off that blow, which was chiefly levelled at the lord Bolingbroke, and his agent Arthur Moore. The next day the lords proceeded to the conſideration of the Spaniſh trade, and to the examination of the commiſſioners of trade and plantations. The earl of Wharton ſaid ironically, 'He did not doubt but one of thoſe gentlemen could make it appear, that the treaty of commerce with Spain was very advantageous:' Which was meant of Arthur Moore, who had the chief management of that affair, and who contradicted himſelf in his anſwers to ſeveral queſtions, aſked him by the lord Cowper about the three explanatory articles. This was aggravated by the confeſſion of the other commiſſioners, particularly of Mr Robert Monkton, who declared, Mr Moore only read curſorily to them the articles, without giving them time to examine the ſame. Beſides which, Mr Popple, their ſecretary, depoſed, that Mr Moore had ſhewn him a letter in French from Monſieur Orry, directed to Don Arturio Moro, importing in ſubſtance, 'That he muſt not expect the two thouſand Louis d'Ors per annum, that had been promiſed him, unleſs he got the three explanatory articles ratified.' Though the lords came to no reſolution about that affair, at a general court of the ſouth-ſea company, upon a full hearing of a complaint of captain Johnſon, it was reſolved, 'That Arthur Moore, while a director of this company, was privy to, and encouraged a deſign of carrying on a clandeſtine trade, to the prejudice of this corporation, contrary to his oath, and in breach of the truſt repoſed in him; and that, for ſuch his breach of truſt, he be declared incapable of being a director of, or having any other employment in this company.' This cenſure made a great noiſe, and was highly reſented by the lord Bolingbroke.

On the 8th of July the lords examined Mr Lowndes, ſecretary to the treaſury, and Mr Taylor, firſt clerk, concerning the aſſiento contract. They confeſſed, that they were only nominal aſſignees for the quarter part of the aſſiento contract reſerved for the queen, and that ſome perſons, to them unknown (but who were ſtrongly ſuſpected to be the lord Bolingbroke, the lady Maſham, and Mr Arthur Moore) were to have the benefit of it. The lord Cowper having repreſented, 'That the uncertainty and ſuſpence, in which the ſouth-ſea company had a long time been kept, whether her majeſty would retain to herſelf, or give to the company, the quarter part of the aſſiento contract, reſerved to her, had been the principal obſtruction to the company's carrying on that trade:' The earl of Wharton moved for an addreſs to the queen, to give to the ſouth-ſea company, not only that quarter part of the aſſiento contract, but alſo the ſeven and a half per cent. granted to Manaſſes Gilligan, and any other profits ariſing from that contract.' But, the queſtion being put, it was carried in the negative by fifty voices a-

VI. But, if the diſſenters ſhould not be provoked, by this ſeverity, to concur in the deſtruction of their country and the proteſtant religion, yet we may juſtly fear they may be driven by this bill from England to the great prejudice of our manufactures; for, as we gained them by the perſecution abroad, ſo we may loſe them by the like proceedings at home.

Laſtly, the miſeries, we apprehend here, are greatly inhanced by extending the bill to Ireland, where the conſequences of it may be fatal; for ſince the number of papiſts in that kingdom far exceeds the proteſtants of all denominations together; and that the diſſenters are to be treated as enemies, or, at leaſt, as perſons dangerous to that church and ſtate, who have always, in all times, joined, and ſtill would join, with the members of that church, againſt the common enemy of their religion; and ſince the army there is very much reduced, the proteſtants, thus unneceſſarily divided, ſeems to us to be expoſed to the danger of another maſſacre, and the proteſtant religion in danger of being extirpated.

And we may further fear, that the Scots in Britain, whoſe national church is preſbyterian, will not ſo heartily and zealouſly join with us in our defence, when they ſee thoſe of the ſame nation, ſame blood and ſame religion, ſo hardly treated by us.

And this will be ſtill more grievous to the proteſtant diſſenters in Ireland, becauſe, whilſt the popiſh prieſts are regiſtered, and ſo indulgent by law, as that they exerciſe their religion without moleſtation, the diſſenters are ſo far from enjoying the like toleration, that the laws by this bill are inforced againſt them.

[l] This act enjoines, That no perſon in Great-Britain, or Wales, ſhall keep any public or private ſchool, or ſeminary, or teach or inſtruct youth, as tutor or ſchoolmaſter, that has not firſt ſuperſcribed the declaration to conform to the church of England, and has obtained licence from the reſpective dioceſan, or ordinary of the place, or, upon failure of ſo doing, may be committed to priſon, without bail or mainprize. And that no ſuch licence ſhall be granted, before the party produces a certificate, of his having received the ſacrament, according to the communion of the church of England, in ſome pariſh-church, within a year before obtaining ſuch licence, and hath ſuperſcribed the oaths of allegiance and ſupremacy.

That if any perſon, having complied with theſe points, ſhall knowingly or willingly reſort to any conventicle, or be preſent in any aſſembly, where the queen is not prayed for, ſhould be liable to the penalty of this act, and from thenceforth be incapable to keep any ſchool, or ſeminary, or inſtruct any youth, as tutor or ſchoolmaſter. And if any perſon teaches any other catechiſm, than what is ſet forth in the common-prayer, his licence ſhall be thenceforth void, and he be liable to the penalties of the act; but no perſon to be puniſhed twice for the ſame fact. Any perſon convicted by this act, conforming to the church for one year, without having been preſent at any conventicle, ſhall be again capacitated. This act to be conſtrued to extend to Ireland.

[m] On the 14th of May, information being brought to the duke of Shrewſbury, that about one hundred and fifty men, liſted for the Pretender's ſervice, were at the hill of Hoath, near Dublin, waiting to go on ſhipboard for France, ſome conſtables, with a file of muſqueteers, were ſent thither, who took twenty-four of them, and brought them to Dublin, where they were committed to priſon, in order to be tried for high treaſon. On the 26th of June, John Reily, Alexander Bourk, and Martin Carrol, were executed for it at Stephen's-Green: And about the beginning of July, twenty-one perſons more were tried and condemned for the ſame crime.

gainſt forty three. After this, on the earl of Angleſea's motion, it was reſolved by fifty-ſix votes againſt forty, to preſent an addreſs, to return thanks for her majeſty's having ſo generouſly given, not only licences for two ſhips of five hundred tuns each, and the aſſiento contract; but alſo the quarter part, which ſhe was pleaſed at firſt to reſerve to herſelf; and that ſhe would be pleaſed, that ſuch other advantages, which were, or might be, veſted in her, might be diſpoſed of for the uſe of the public.' This day's debate took up the lords till nine o'clock in the evening; ſo they had no time, as ſome whig lords deſigned it, to proceed to the cenſure of Mr Moore.

The next day, the queen's anſwer to their addreſs was reported: 'That ſhe always had a great conſideration for the advice of the houſe: And as to the particulars deſired, ſhe would diſpoſe of them, as ſhe ſhould judge beſt for the ſervice.' The latter part of this anſwer was very ill reliſhed by the whig lords; and ſome members took occaſion to complain of the queen's ſilence in relation to the perſons, who adviſed her to ratify the three explanatory articles. But, the lottery bill being ready for the royal aſſent, the queen came that very day to the houſe of peers, and put an end to the ſeſſion with the following ſpeech to both houſes:

My lords and gentlemen,

'THE progreſs, which has been made in public buſineſs, and the ſeaſon of the year, render it both convenient and neceſſary, that I ſhould put an end to this ſeſſion.'

Gentlemen of the houſe of commons,

'I return you my hearty thanks for all your good ſervices to me and to your country, and particularly for the ſupplies you have given me, as well to defray the expences of the current year, as towards the diſcharge of the national debts. In our preſent circumſtances it could not be expected, that a full proviſion ſhould be made on both theſe heads. What you have granted ſhall be laid out with the beſt huſbandry, and to the greateſt advantage.'

My lords and gentlemen,

'I hope early in the winter to meet you again, and to find you in ſuch a temper, as is neceſſary for the real improvement of our commerce, and of all the other advantages of peace. My chief concern is to preſerve to you, and to your poſterity, our holy religion, and the liberty of my ſubjects, and to ſecure the preſent and future tranquillity of my kingdoms. But I muſt tell you plainly, that theſe deſirable ends can never be attained, unleſs you bring the ſame diſpoſitions on your parts; unleſs all groundleſs jealouſies, which create and foment diviſions amongſt you, be laid a ſide; and unleſs you ſhew the ſame regard for my juſt prerogative, and for the honour of my Government, as I have always expreſſed for the rights of my people.'

When the queen had ended her ſpeech, the parliament was prorogued to the 10th of Auguſt, but ſhe died before that day came.

Preſently after the riſing of the parliament, the diſcord among the miniſters came to an open rupture. The treaſurer, ever ſince he had received the ſtaff, had kept to himſelf the principal direction of domeſtic affairs, and the diſpoſal of moſt places of profit; and, by the credit and intereſt of his poſt, and favour with the queen, had procured advantageous alliances for his children, brought great riches into his family, and advanced all his relations [n], whilſt the conduct of foreign affairs lay on the lord Bolingbroke, who, as he was leſs circumſpect in the proſecution of bold meaſures than the treaſurer, had therefore the largeſt ſhare of the public odium, without any other advantage than the profits of his office, moſt of which he laviſhed away in riotous pleaſures. Being a man impatient of dependance, he had frequent warm expoſtulations with the treaſurer, who, thinking himſelf ſecure in the queen's favour, and in his intereſt with the parliament, diſregarded his complaints, by which the ſecretary was ſtill more enraged. Their private diſputes would often have ended in an open quarrel, had not the queen, aſſiſted by the chancellor and lady Maſham, as often reconciled them, or rather, had not their confederacy in the late meaſures made them ſuſpend their mutual hatred to conſult their common ſafety. But, as ſoon as the danger was over by the parliament's ſolemn approbation of the peace, it appeared there was an irreconcileable rivalſhip and enmity between them. Before this laſt ſtruggle, the treaſurer, either finding his intereſt declining at court, or deſpairing of the queen's life, and apprehending the conſequences of the late ſteps, bethought himſelf of a timely retreat; and, to that end, endeavoured to reconcile himſelf to the whigs. He tried to gain the friendſhip of the lord Cowper, who had the greateſt weight amongſt them; and, with that view, procured him to be choſen umpire between his ſon, the lord Harley, and the lord Pelham, in a controverſy about the inheritance of the late duke of Newcaſtle. But the lord Cowper contented himſelf with arbitrating the matter according to the ſtricteſt rules of equity, and with doing juſtice to the ſon, without eſpouſing the intereſt of the father. On the other hand, the treaſurer expected to be ſtrongly ſupported by the duke of Shrewſbury, who had maintained himſelf in the eſteem both of the ſovereign and of the public, and whoſe late behaviour in Ireland had endeared him to the well affected to the Hanover ſucceſſion. But the duke, juſtly reſenting the neglect of the miniſters, while he was at Dublin, was very much unconcerned about them, when he came to London, and rather inflamed than moderated their differences, by complaining to the queen of ſome orders, that had been ſent him, which he thought inconſiſtent with her majeſty's and the nation's ſervice. Notwithſtanding theſe diſappointments, the treaſurer formed a deſign of removing his competitor, as the beſt means to approve his affection to the proteſtant ſucceſſion, and therefore ſet Mr Robert Monkton againſt Mr Arthur Moore (the lord Bolingbroke's creature) who narrowly eſcaped a cenſure in the houſe of peers, in which the treaſurer hoped the ſecretary might have been involved. But, in this very inſtance, the treaſurer found he had loſt conſiderable ground at court, the queen having thought fit, at the lord Bolingbroke's deſire, to put a ſudden ſtop to that enquiry. And it appeared ſoon after, that, by his ſuperior intereſt with lady Maſham, by the aſſiſtance of the lord chancellor, by his humouring the queen's natural inclination, and boldly purſuing the meaſures ſhe had entered upon, the ſecretary entirely ruined his rival in her favour and confidence.

The treaſurer, in this ſituation of his affairs, wrote a letter to the queen, and with it ſent her an account of public affairs from Auguſt the 8th 1710, to June the 8th 1714; in which he endeavours to juſtify his own conduct, and expoſe the uneaſy, turbulent, and ambitious ſpirit of lord Bolingbroke. But this had not the intended effect upon the queen.

While the court was in this ferment, ſomething happened, which haſtened the treaſurer's diſgrace. Some pretend, the lord Bolingbroke had intelligence, and informed the queen of the treaſurer's inviting the duke of Marlborough to come over (for which purpoſe the duke was indeed arrived at Oſtend) and of his private conferences with ſeveral whig lords: Others, that he was ſuſpected of diſcovering the queen's councils to the court of Hanover, and even of putting them upon demanding a writ for the duke of Cambridge: Others again, that he was both againſt the ſcheme of new-modelling the army, and the project of a new offenſive and defenſive league between great-Britain, France, Spain, Sweden, and Sicily: And others, ſtill, that the queen was extremely angry at his preſuming to ſend orders to Ireland, without conſulting with her or the council; and that the duke of Shrewſbury inſiſted on his removal, which the duke of Marlborough had made a previous condition of his return to England. But a certain author (who writ in his vindication) plainly aſſerts, that his diſgrace was entirely owing to his attachment to the houſe of Hanover, whoſe ſucceſſion his enemies were reſolved to prevent [o]. However this be, on the 20th of July the chancellor, (who had retired into the country for a few days) was ſent for in haſt; and the next day was in cloſe conference with the queen and the lord Bolingbroke; after which it was generally reported, the treaſurer would be ſpeedily removed. It was ſaid at the ſame time that, to ſoften his fall, the queen deſigned to beſtow on him an annual penſion of five thouſand pounds for life, which the title of duke of Newcaſtle; and, upon his recommendation to give the title of earl of Clare to the lord Pelham. But, contrary to his own, and indeed the general expectation, when he

[n] His ſon, Edward lord Harley, married the only daughter of the late duke of Newcaſtle; who brought him a fortune of above 15000l. per annum. Elizabeth, his firſt daughter, was married to Peregrine Hyde Oſborne, marquis of Caermarthen, ſon and heir to the duke of Leeds: And Abigal, his ſecond daughter, was married to George baron Hay, viſcount Dupplin, ſon and heir to Thomas earl of Kinnoul, a Scotch peer.

[o] The treaſurer's enemies (ſays that author) thought they could not hurt him any way more with the queen, than by repreſenting him as inviolably attached to the proteſtant ſucceſſion. 'The party (ſays he) took hold of this article, as if they had a great advantage given them againſt the white-ſtaff, intimating, that it was a great affront to her, and an apparent carrying on his own game at the court of Hanover; accordingly, her majeſty was prejudiced by it, as if it had been a diſhonour to her.' white-ſtaff, p. 34.

came to court on the 27th of July, the ſtaff was taken from him, rather with mortifying, than agreeable circumſtances. It is certain, that ſevere reproaches paſſed, in the queen's hearing, between the falling miniſter and the lord chancellor, and the lady Maſham, whom the treaſurer had diſobliged ſome days before, by making a demur to a grant ſhe had obtained of fifteen hundred pounds a year; and whom he looked upon as acceſſary to his diſgrace. He told them, 'He had been ronged and abuſed by lies and miſrepreſentations; but he ſhould be revenged, and leave ſome people as low as he found them [p].' Theſe expoſtulations could not but ſhock the ſick queen, and give her uneaſy ſuſpicions of her being abuſed and deluded by one or two, if not by all three, of her principal miniſters. It is pretended, that in this agitation of thought, which opened her eyes, ſhe reſolved to reſign herſelf wholly to the conduct of the duke of Shrewſbury. But it can hardly be ſuppoſed, that, in her condition, ſhe was capable of forming a reſolution ſo inconſiſtent with her late meaſures. It is far more reaſonable to imagine that the lord Bolingbroke, having gained ſo great an aſcendant over her, was moſt likely to ſucceed the earl of Oxford in the management of affairs. This is certain, the very day, the treaſurer was removed, the lord Bolingbroke entertained at dinner the generals Stanhope, Cadogan, and Palmes, ſir William Wynham, Mr Craggs, and ſome other gentlemen; which meeting of men of ſuch oppoſite principles occaſioned various ſpeculations. The moſt probable conjecture was, that the lord Bolingbroke, conſidering he could not depend on the queen's precarious life to accompliſh his deſigns, and foreſeeing a ſtorm, he could not be able to weather, reſolved to ſtrike in with the whigs, and to invite over the duke of Marlborough; in which he had reaſon to expect better ſucceſs than his late rival, with whom the duke had vowed never to be reconciled. Some other particulars were at that time mentioned to corroborate theſe ſuggeſtions. But though the duke of Marlborough, after having been detained about a fortnight by contrary winds, did, at this very time, imbark at Oſtend for England; yet the true motive of his coming at this critical juncture is not certainly known. It appeared plainly, however, ſoon after, that, whatever were the lord Bolingbroke's thoughts and views at this time, the main deſign of the whigs was to inflame the animoſity between him and the earl of Oxford, as the readieſt way to ruin them both.

The treaſurer's removal was ſo ſudden, and occaſioned ſuch confuſion, that no ſcheme was either formed or agreed on, to ſupply his place, and to fill up ſuch other vacancies, as muſt naturally attend his diſgrace. A cabinet council, or rather chamber conſultation, was indeed held in a hurry, the very night the earl of Oxford was removed, and ſeveral perſons were propoſed to manage the treaſury, which was deſigned to be put in commiſſion. Their number was to be five, of which ſir William Wyndham, as chancellor of the exchequer, was to be one; but the choice of the other four perplexed both the queen and her counſellors. It is ſaid, the perſons named were the lords Bolingbroke, Paget Lexington, Bathurſt, and Maſham; the biſhop of London; Mr Henry Boyle, and Mr Bridges; ſir John Packington, Mr Campion, Mr Hill, and ſome others. But, whether there were fewer or more in nomination, it is certain, no reſolution was taken as to the choice of any four, either in that firſt conſultation, or in the council held the next morning; ſeveral perſons, who had been propoſed, and ſpoken to, having declined to accept a precarious employment in ſuch a juncture. On the 29th of July, the cabinet-council was to have ſat on the ſame affair; but their meeting was deferred to the next day, by reaſon of the queen's indiſpoſition, which, ſhe was ſenſible, was occaſioned by the late quarrelling among her ſervants, having intimated to one of her Phyſicians, 'That ſhe ſhould not outlive it.'

It is certain, both the diſpute, to which ſhe was an earwitneſs, and the conſultation upon it, which laſted till near two o'clock in the morning, occaſioned ſuch a violent agitation of the queen's ſpirits, as could not but hinder, according to Dr Shadwell's opinion, the uſual diſcharge of the impoſthumation in her leg, ſo that the gouty humour, tranſlating itſelf upon the brain, was the immediate occaſion of her death.

On Thurſday morning, the queen finding herſelf indiſpoſed with a dozing heavineſs, and a ſhooting pain in her head her phyſicians judged proper, ſhe ſhould be cupped, which ſhe liked better than bleeding, and which, in the ſame ſymptoms, had often given her eaſe. The queen was now ſomething relieved by it; went to bed at the uſual hour; reſted pretty well till three o'clock on Friday morning, when ſhe waked, and finding ſomethnig heavy on her ſtomach, and reaching to vomit, ſhe brought up ſome matter, and then compoſed herſelf to ſleep. Towards ſeven o'clock ſhe waked again; and, finding herſelf pretty well, roſe from bed, and got her head combed. This done, towards eight ſhe went to look on the clock; and Mrs Danvers, one of the bed chamber women, taking notice, that ſhe fixed her eyes a long time upon it, aſked her, what ſhe ſaw in the clock more than ordinary? The queen anſwered her only with turning her head, and a dying look; at which Mrs Danvers being frighted, ſhe called for help The phyſicians judging, ſhe was ſeized with a fit of an apoplexy, cauſed her to be let blood; upon which ſhe came to herſelf again, and was pretty quiet till a little after nine, when ſhe was ſeized with a ſecond fit of heavineſs and dozing, which increaſed ſo much upon her, that for above an hour ſhe was ſpeechleſs and motionleſs. Thoſe about her judging, ſhe was either dead, or near expiring, the ducheſs of Ormond, one of the ladies of the bed chamber, then in waiting, ſent, with all ſpeed, a meſſenger to the duke her huſband, with this melancholy news, which being brought to the committee of council, then aſſembled at the cock pit, they immediately went to Kenſington. In the mean time the phyſicians thought fit to give the queen a vomit, which not having all the deſired effect, they adminiſtered another medicine, propoſed by Dr Mead; upon which ſhe recovered her ſpeech and ſenſes.

The dukes of Somerſet and Argyle, being informed of the queen's deſperate condition, inſtantly repaired to Kenſington, and, without being ſummoned, went into the council chamber, where the lord chancellor, the dukes of Shrewſbury and Ormond, the three ſecretaries of ſtate, the biſhop of London, and ſome others, were in a committee. It is eaſy to imagine, that ſome of them were ſurpriſed at their coming in, but, after they had acquainted the board with the reaſons which brought them thither, the duke of Shrewſbury returned them thanks for their readineſs to give the council their aſſiſtance in that critical juncture. Then they took their places, and moved, that the phyſicians might be examined, and ordered to give an account in writing of the queen's illneſs which they did. After this, one of the council repreſented, how neceſſary it was in caſe the queen died, that the place of lord-treaſurer ſhould be filled; to which the whole board aſſenting, the duke of Shrewſbury was propoſed, and unanimouſly approved, as the fitteſt perſon for that high truſt. Sir Richard Blackmore, Dr Shadwell, Dr Mead, and the other phyſicians, who were examined, having aſſured the council, that the queen was ſenſible, the chancellor, with the duke of Shrewſbury, and ſome other lords, were ordered to attend her, and lay before her the unanimous opinion of the council; upon which ſhe ſaid, 'They could not recommend a perſon ſhe liked better than the duke of Shrewſbury'; and, giving him the treaſurer's ſtaff, bid him uſe it for the good of her people. The duke would have returned the lord-chamberlain's ſtaff, but ſhe deſired, he ſhould keep them both; ſo the ſame perſon was at once poſſeſſed of three of the higheſt places of truſt, honour, and profit under the crown of Great-Britain, being lord-treaſurer, lord-chamberlain, and lord-lieutenant of Ireland. The duke's advancement to the poſt of lord-treaſurer immediately changed the face of affairs; baffled the lord Bolingbroke's ſcheme; alarmed the friends of the pretender; and revived the ſpirits of the well-affected to the Hanover ſucceſſion [r]. Upon the motion of the dukes of Somerſet and Argyle, it was agreed, that all privy-counſellors, in or about London, without diſtinction, ſhould attend; which the lord Sommers, and ſome other friends to the houſe of Hanover, did that very day.

About three o'clock in the afternoon, the queen relapſed

[p] 'He expoſed (ſays the author of the white-ſtaff) their new ſchemes, ridiculed their impolitic meaſures, and foretold them to what diſtreſſes they would reduce themſelves in a little time, putting them in mind of a debt they would owe to the national juſtice at laſt, and how unwilling they would be to pay it. He prophetically told them, they would be in a little while reduced to the primitive meanneſs and contempt in which he found them! That he had too long borne the reproaches which was due to their meaſures, which he had in vain perſuaded them againſt, and that it was time now that the world ſhould ſee, who were the enemies to the Britiſh Eſtabliſhment.

[q] It would take up another volume (ſays the author of the hiſtory of the white-ſtaff) to give an account how ſtruck they appeared at this ſurpriſing blow. What give away the ſtaff? ſaid they, after they had ſtood looking upon one another ſpeechleſs and confounded for ſome time, at a private aſſembly of all their confederates, which was held on this occaſion, where they gave vent to their paſſions, and broke out into all the extravagancies of rage and deſpair. 'The blaſt of hell, and the rage of a million of devils, be on this curſed ſtaff (ſaid the ſecretary, flinging the purſe to the ground) it is he that has ruined us.' 'Give away the ſtaff, ſaid the biſhop, by G—— I could not have believed ſhe durſt have done it? What can we do without it? We have but one way left, France and the lawful heir; it muſt and ſhall be done by G——.' Whither do I launch (ſays the author) this is a ſcene of ſuch conſequence, filled with ſuch a diſcovery of black deſigns, that it cannot be entered upon here, but muſt be refered to another occaſion. See hiſt. of the White-ſtaff.

into a lethargy or apoplectic fit, out of which ſhe hardly recovered by the application of the ſpirit of ſal ammoniac to her noſtrils. The phyſicians thought fit to apply bliſters; but, at the ſame time, acquainted the council, that the queen's life was in the utmoſt danger, and entirely depended on the effects of th laſt remedy.

In the mean time, the privy council took into conſideration the ſtate of the kingdom; and very ſevere reflections were made on the late adminiſtration, for leaving the maritime places, particularly the important town of Portſmouth unprovided with men and warlike ſtores, and conſequently incapable of defence, in caſe of a ſudden invaſion, which might be reaſonably apprehended, in caſe of the queen's death [r]. But, the preſent buſineſs not being to enquire into, but to mend faults, the council, with great prudence and diſpatch, provided for the ſecurity of the cities of London and Weſtminſter, of the maritime towns, and of Scotland and Ireland. Orders were immediately diſpatched to four regiments of horſe and dragoons quartered in remote counties, to march up to the villages near London, to keep the Jacobites and diſaffected in awe: And to ſeven of the ten battalions of Britiſh forces, to embark at Oſtend, and ſail for England with all poſſible ſpeed. An embargo was ordered on all ſhipping, and directions were given for fitting out as many men of war, as coul ſooneſt be got ready. By theſe orders the public tranquillity remained undiſturbed, and no conſternation appeared, but in the faces of the avowed partiſans of the Pretender.

The queen continued all night in a lethargic fit, which increaſed to ſuch a degree about ten o'clock on ſaturday morning, that all the phyſicians diſpaired of her life. Upon this the privy council ſent orders to the heralds at arms, and to a troop of life-guards, to be in a readineſs to mount, in order to proclaim the elector of Brunſwick Kign of Great-Britain. At the ſame time, they cauſed a letter to be written to his Electoral Highneſs, 'to acquaint him 'with the extreme danger the queen's life was in; with the meaſures they had taken to ſecure the crown to him; and to deſire him to repair, with all convenient ſpeed, to Holland, where a britiſh ſquadron, that was fitting out with all poſſible expedition, would attend him, and bring him over, in caſe of the queen's death.' This letter was that very morning ſent expreſs by Mr James Craggs, and with him orders were dipatched to the earl of Stratford, to deſire the ſtates-general to get ready to perform the guarantee of the proteſtant ſucceſſion, if need ſhould require.

Th s done, the privy council reſumed the conſideration of the ſtate of the ſea-port towns, and ordered a ſtrong reinforcement to be ſent down to Portſmouth; and rightly judging, that if the pretender's friends ſtirred any where in Great-Britain, it would be, moſt probably, in Scotland, they ordered major-general Whetham to repair thither, and aſſiſt major-general Wightman; and appointed the earl of Berkely to command the fleet. The queen gave ſome ſigns of life between twelve and one o'clock, and took ſome ſpoonfulls of broth. She continued in a lethargic codition till about ſix in the afternoon, when, her pulſe beating a little faſter and higher, thoſe about her began to entertain ſome hopes. But the bliſters not having had the deſired effect, ſhe expired on Sunday the 1ſt of Auguſt, a little after ſeven o'clock in the morn ng, having lived forty-nine years, five months, and ſix days, and reigned twelve years and five months, wanting ſeven days. She was not able, either to receive the ſacrement, which the biſhop of London was ready to adminiſter, or to ſign the draught of a will, whereby ſhe directed her burial to be in the ſame manner and place with her late royal Conſort; and in which ſhe left legacies to ſome of her ſervants.

Thus died queen Anne, whoſe character has already, in great meaſure, been deſcribed, but will more fully appear in the following remarks on the circumſtances and affairs of her reign.

No reign was ever more memorable than this for important events. Different accounts and numerous comments have diſguiſed and confounded many meterial particulars. But, notwithſtanding this, the true ſtate of affairs, and the real character of this princes, may, without much difficulty, be explained. No period of time afforded men more eminent for wiſdom and abilities, and more deſtinguiſhed by ſucceſſes equal to their merit. Had not ſuch circumſtances happened, Europe muſt have ſubmitted to an univerſal monarchy, which would not have endured any remains of civil or religious Liberty.

When the war was begun, nothing could be more menacing than our proſpects, The houſe of Bourbon deſpiſing all treaties, and moſt ſolemn engagements, without any difficulty or oppoſition ſeized territories more extenſive and conſiderable, than were ever gained by the moſt rapid conqueror, by the toils of a long life. All the powers of Europe were obliged, by the laws of prudence and ſelf defence, to oppoſe a monarch thus prepared for their deſtruction. Thoſe, at remoter diſtances, were eaſy and inſenſible; and ſome, who were nearly concerned, entered into the pernicious meaſures of France. The pride and opreſſion of the court of Vienna aggravated the evil, by giving occaſion to the inſurrection of thoſe ſubjects, of whoſe uſefulneſs and importance the preſent times have afforded full evidence.

The Turks remaining quiet during the whole war; the inſurrection in the Cevennes; and the victory at Hockſtedt, are inſtances of the moſt favourable incidents. When we review the caſe of thoſe brave and oppreſſed proteſtants, how can we forbear inquiring, why was not a deep and incurable wound then given to France in her vitals? Muſt we aſcribe our fatal neglect to bigotry, perfidy, to an averſion to all foreign churches, and to the natural operation of Tory principle? It is affirmed, it was only carried by one vote at the council-board, not to call them rebels in our gazette: And, willyour majeſty aſſiſt rebels? It is ſaid to have been the expoſtulation of a very grave nobleman with the queen's conſcience. While too many were averſe, others ſeem to have had no true ſenſe of importance of this in cident. Complaints have been likewiſe made of our being betrayed by our agents.

The wonderful and very ſeaſonable ſucceſs at Hockſtedt was properly perſued by our great general. But, how faulty was the houſe of Auſtria on their part? How much valuable time was waſted; and how feebly did they come prepared to the ſiege of Landau? Military preparations were neglected, and the vain pomp and ſhow of a king of the Romans chiefly regarded. Thus the troops were obliged to continue in the field till the beginning of winter, to their great detriment. The feebleneſs or ſlowneſs of the Germans, or the envy of their general, defeated the deſigns which were excellently formed of penetrating into France on its weakeſt ſide. A year's reſpite thus gained enabled the enemy to offer us battle. A complete and cheap victory was gained and followed with all deſirable conſequences. Time ſpent in the ſieges of this and the following years has been repreſented as the want of conduct, or ſomething worſe. But the importance of a barrier is evident to every honeſt and thinking man, When this ſecurity is neglected, the awe and terror it muſt produce will convince by facts far more effectual than the cleareſt reaſoning. The entering France, and leaving behind the numerous fortified towns of the new conqueſt, had any miſchance happened, would have been deemed an unpardonable want of precaution. To a ſecond attempt, by the way of Lorrain, there was nothing to give encouragement.

Our advantages in other parts were very conſiderable; particularly by diſappointments of the enemy in the ſieges of Gibraltar and Barcelona. But what account can be given of our misfortune and miſconduct, when a ſure, near, and eaſy method of poſſeſſing Spain was offered? What hindered lord Galaway's marching with proper expedition to Madrid? Had this been executed, all the courts and tribunals of the kingdom would have been ſecured. By diſpatches from thence the governments of America might have been gained. But in what terms ſhall we mention the delays of king Charles and the earl of Peterborough, after the flying retreat of king Philip and his army? Their behaviour, in all its parts, was a direct contradiction to all the dictates of prudence, intereſt, and glory. Had they immediately aſſembled the troops in Valencia and Catalonia, joined lord Galway, and marched directly to the Pyrenees, Philip muſt have been for ever excluded; and the great and good ends of the war would have been happily and ſpeedily accompliſhed. What a reverſe happened, has been related in its proper place.

The diſapointment before Toulon was almoſt equally affecting. Such a conqueſt would have been a moſt ſenſible wound to France. Had not the army been weakened by the great body of troops ſent to the conqueſt of Naples, the affair muſt have ſucceeded. Jeſuitical councils and French money are ſuppoſed to have influenced the court of Vienna. The reaſoning fatally urged was to this purpoſe: If the naval power of France is deſtroyed in the Mediterranean by taking Marſeilles and Toulon, the uncontroulable dominion of two maritime powers, which are proteſtants, will be intolerable. The prieſts of Italy and Spain trembled for Rome and the holy houſe. They had lively forebodings of ſomething worſe than the return of the days of Cromwell. As

[r] Sir John Gibſon, deputy governor of Portſmouth, had, a little before ſent up to the ſecretary of ſtate an information he had received, of great preparations then making at Havre de Grace, for a embarkation of troops, which he apprehended to be in order to invade the kingdom, and bring in the pretender; And at the ſame time, he repreſented how unprovided he was, both with men and warlike ſtores, to defend that important place, in caſe of a ſudden attack; But no notice was taken either of his information, or repreſentation.

they had an aſſured proſpect of Spain, the perfect awe and ſubjection of the maritime part of that catholic kingdom to heretics came into conſideration: This, though known to Dr. Hare, was not inſerted in his excellent political tracts publiſhed in 1711 and 1712, for a very obvious reaſon; ſince it would have given aſſiſtance to the miniſters in their evil deſigns of infuſing into the nation ill-will and averſion to the houſe of Auſtria, and kind inclinations to that of Bourbon.

Not improving advantages and opportunities is matter of eaſy obſervation to all, who reflect on the ſeveral wars, of which we have accounts. In confederacies, wherein there are a variety of humours and oppoſite intereſts, ſuch misfortunes are in a great meaſure unavoidable. But, notwithſtanding the ſeveral eſcapes of the enemy, the duke of Marlborough's ſure and ſteady progreſs, and the damages then French ſuſtained in other places, reduced them to a ſtate of the utmoſt diſtreſs and terror. Their frontiers were impaired to ſuch a degree, that we had gained an eaſy and ſecure admiſſion into the open and defenceleſs parts of France, had his queen and country duly ſupported this great captain. The grand monarch would have been driven from his capital; his glory had received an indelible ſtain; and his vain and inſolent ſubjects a juſt mortification. Such advantages would have repaid all our toils and expences. He muſt have gladly compounded by recalling his grandſon from Spain. His forcible and fraudulent acquiſitions muſt have been ſurrendered; and ſure foundations laid for the laſting peace and ſafety of this part of the world. Clearer and more obvious truths appear no where in the hiſtories of any age or people; yet ſuch hath been the deluſion of party, that contrary repreſentations have gained an entire credit. The ſpeculative and practical propagators of them have been conſidered by a numerous party, as the beſt writers, and the wiſeſt and moſt worthy miniſters.

The temper, behaviour, and management of the queen, on whom ſo much depended, deſerves a particular and impartial conſideration. As both parties in their turns were greatly diſobliged and offended, no praiſes have been given her for perſonal ſteadineſs and wiſdom. In ſome ſermons indeed, parts and abilities have been aſcribed to her; but, were ſuch paſſages duly explained, the abilities would be found to belong only to her miniſters.

Great are the diſhonours, which have redounded to the ſacred order by the behaviour of thoſe princes, who have been moſt favoured with their eſteem. The effects of their zeal have not appeared in a warm and equal concern for the welfare of ſociety; but in aiding one party to oppoſe and ruin the other. Benevolence and compaſſion have been diſregarded; and wrath, clamour, and brutal qualities have been encouraged; and thoſe of the divine and human kind been greatly neglected.

There were two things, to which the inglorious part of this reign may be chiefly imputed; the queen's paſſion for favourites, and the prejudices of her education. To the ſecret influence of favourites was owing the diſgrace of her general, who, while he was ſteadily purſuing the intereſt of the public, was not only diſmiſſed and loaded with the heavieſt reproaches, but even proſecuted for what had been granted him by the queen's warrant under her own hand, and what was afterwards given to the duke of Ormond. By the ſame ſecret influence, the exchanging the able, honeſt, and ſucceſsful, for thoſe whoſe management proved them in all reſpects the reverſe, was eſteemed an important deliverance. Hence alſo it was, that the Miniſters had often ſuch put upon them as were their enemies, and the juſt averſion of thoſe on whoſe aſſiſtance they depended. This incommoded every Miniſtry, and was the cauſe of the queen's conſtant complaints of her being only a royal ſlave. In a word, paſſion for favourites ſeemed to have a greater effect upon her, than the impreſſions of ambition and glory: For otherwiſe, the moſt worthy deſigns had not been abandoned, when there was ſo near a proſpect of their accompliſhment.

The prejudices of the queen's education had alſo a great ſhare in ſullying the glory of her reign. It was her misfortune to be educated in ſuch times, and under ſuch perſons, as had given her wrong ideas of religion and the church, and infuſed into her, from her very infancy, ſtrong prejudices againſt the whigs, who were repreſented to her as enemies to the conſtitution in church and ſtate. Deliberate reviews are very uncommon, and eſpecially in thoſe who are at the height of power. This evil was therefore incurable, and had very ill conſequences. Hence, though the queen has been juſtly commended for her devout and regular attendance on the office of the church [f], and for ardent wiſhes for its proſperity, yet for want of true notions of religious liberty (which ſhe had never been taught) attempts were repeatedly made in the beginning of her reign, with her approbation, to diſcourage and diſtreſs the diſſenters. But theſe attempts were diſappointed by the moderation and juſtice, which then ſubſiſted in the houſe of lords. The concurrence of the treaſurer and general in thoſe meaſures hath been repreſented as an inſtance and moſt unſeaſonable expreſſion of their enmity to the true principles of liberty. But the immediate and preſſing motive of their behaviour was a neceſſity of complying with the inclinations of their royal miſtreſs. Had they refuſed, they would have given their rivals a very dangerous advantage. And, though we ſhould allow the fulleſt ſtrength to their old leaven, yet it muſt be ſuppoſed, if they had been at perfect liberty, their known prudence and policy would have reſtrained ſuch appearances of it at this time. For nothing could be more mortifying and offenſive to the Dutch, and all the reformed churches. Beſides, to begin ſuch a war with diſuniting meaſures at home would have been to the laſt degree abſurd.

Diſtreſſing and incapacitating were conſiſtent with the deſigns, the views, and the meaſures of the four laſt years of the queen's reign. All proteſtants abroad, as well as thoſe at home, who differed from the eſtabliſhment, were marked with infamy. A loud noiſe for the church filled all places, and prevented all attention to the calamity and deſtruction preparing for the ſtate. Depriving the diſſenters of the natural right of educating their children was the prelude to the diveſting of them of their moſt important privileges in ſociety. For their power of voting for members of parliament would have been taken away; and they would have been rendered equally incapable of being concerned in the choice of members of corporations.

How ſoon hath the ſenſe of ſuch a deliverance been loſt! Becauſe impracticable favours have not been granted, many of them, who dignify themſelves with the name of Conſiſtent proteſtants, and the true aſſerters of liberty in its full extent, have ſhewn themſelves extremely preverſe both in their words and actions; and in ſome places applied their wonderfully preſerved privileges and capacities for the ſervice of an intereſt, which had doomed them to deſtruction; in others, they have been indolent and unconcerned.

How the queen's zeal for the church operated in the affair of Dr Sacheverel, is but too well known. This zeal gave the enemies of the miniſtry advantages at court and in the country, beyond their moſt ſanguine expectations. To the mad ferment which was diffuſed through the kingdom, and which influenced the future elections, the eaſy ſucceſs of the new miniſtry may be juſtly aſcribed. For though they had been poſſeſſed of power; and though the nation was tired out with taxes; yet nothing but the operation of the noiſe and name of the church could have given them ſo ſecure a majority. This alone, after, ſuch affecting ſucceſſes, was capable of producing an inſenſibility of the advantages given the enemy, and of the diſtreſs, to which we moſt faithleſſly and inſolently reduced our allies. Our liberties, trade, and commerce could only by this means have been placed in ſo bad a ſituation.

An explanation of the real ſecret of the management of the new miniſtry, and of the impeaching parliament, hath not been attempted. Perhaps of this, as well as of ſome other particulars both at home and abroad, no full and exact account will ever be given. It hath been ſaid, that the treaſurer and his friends foreſaw and intended ſome of the conſequences. That the junto had often made remonſtrances and demands, both with reguard to perſons and things, in a manner diſagreeable to the prime miniſter, may be allowed, without ſuppoſing a wiſe man capable of ſo abſurd a ſcheme for his deliverance. Beſides, the combination between the then patriots and the tories was known to be ſo firm, as not

[f] She was ſo ſtrict an obſerver of forms, that once at Windſor ſhe reproved the miniſter for giving her the Sacrament before the other clergy then preſent had firſt received it." Coke, vol. III. 481.

[t] It is made a queſtion by ſome, whether the queen knew any thing of the deſign of bringing in the Pretender, notwithſtanding the ſtrong appearances of it. In 1708, when the attempt was made on Scotland, ſir George Bing had no inſtructions as to the perſon of the Pretender. When this particular was taken into conſideration, the council broke up in confuſion. For when ſome mentioned methods of diſpatch, the moving appearance of the queen's flowing tears prevented all farther deliberation. Lamberti ſays (Vol. VIII. p. 657.) that it was very evident, the queen of Great-Britain was extremely inclined to ſet the Pretender on her throne. This inclination firſt appeared on the death, of her ſon the duke of Glouceſter. For an expreſs being ſent by the queen (then princeſs of Denmark) to the court of St Germains, to notify the duke's death, the earl of Mancheſter, ambaſſador from king William to the court of France ſent his ſecretary Mr Chetwin to Loo, to inform the king of this proceeding. The reader may alſo ſee the extract Numb. I. annexed to the end of this reign concerning the Pretender's affair.

to ſuffer him to entertain the leaſt hopes of making any impreſſion. From all appearances, we may conclude it to have been the effect of haſty unthinking zeal. Expreſs and parliamentary approbation was intended for the priciples, on which the revolution is founded. Something of this kind ſeemed neceſſary, becauſe, throughout this reign, revolution principles had been perpetually diſgraced and oppoſed from the preſs and the pulpit.

The heart of the queen was well known, and her ſecret affections and diſſatisfactions well underſtood. Therefore, during the trial of Dr Sacheverel, and immediately after, the principles of the revolution were vilified beyond meaſure; and the doctrines of ſlavery became matter of glory, as the peculiars of chriſtianity and the church. Addreſſes were graciouſly received, wherein, with the omiſſion only of his name, the pretender's title was expreſſly aſſerted; and, by evident implication, this was calling the poſſeſſor of the throne an Uſurper; language, which hath ever been unpardonable with every other prince. However this be, moſt certain it is, that thoſe who had expreſſed their readineſs to concur in the meaſures of the court, were regarded as well affected, and declarations and aſſurances in favour of the houſe of Hanover were conſidered only as a matter of neceſſity and form.

No one of our monarchs ever had greater advantages of doing good both at home and abroad, nor had any reign been diſtinguiſhed with ſuch glorious and important events. Germany ſaved from diſtruction; the imperial crown preſerved and fixed on the head of our ally; Flanders ſubdued; the exorbitant power of France reduced; the union of England and Scotland, are events for which the reign of queen Anne will be had in everlaſting remembrance. But by a diſhonourable peace, how fruitleſs were theſe important events rendered? How ſoon was the power of France reſtored to a condition of injuring, oppreſſing, and terrifying the world? And very probably, nothing but the queen's ſudden removal prevented the execution of thoſe ſchemes in favour of the pretender, which the peace-makers had laid, and for which due preparation had been made [t].

Had not the emperor and Catalans prolonged the war, Lewis XIV. ſome months before the queen's death would have ſent us his laſt legacy; for he would have been at perfect liberty to have aided thoſe here, who had prepared every thing for a ſecond reſtoration. Who can mention the Catalans, and forbear lamenting their ſevere and horrible uſage? We not only neglected their ſecurities and privileges, though they had been true to all their engagements, but aſſiſted in compleating their ruin [u]. The caſe of the Catalans ſeems to afford full proof, that the queen was deceived by her miniſtry, and kept in total ignorance of affairs; for if that had not been the caſe, ſhe muſt have had no inclination to truth and probity, and have been incapable to diſtinguiſh between right and wrong, in the ſtrongeſt inſtance, which connot well be ſuppoſed [w].

The domineering manner, in which we joined with France, in dictating terms to our allies; the faithleſs and inſolent manner of abandoning them; the injurious uſage of them in debates and reſolutions of parliament, and by miniſterial writers have given impreſſion greatly detrimental to all future negotiations, and fixed indelible infamy upon our nation.

Queen Anne, as to her perſon, was middle ſized, and well made, but not ſo majeſtic as her ſiſter queen Mary. Her hair dark brown; her complexion ſanguine and ruddy; her face round, rather comely than handſome; her features ſtrong and regular; and the only blemiſh in her face was owing to the defluxion ſhe had, when young, in her eyes which left a contraction in her upper-lids, and gave a cloudineſs to her countenance. Her bones were ſmall, and hands beautiful. She had a very good ear for muſic, and performed on the guitar, an inſtrument formerly much in vogue. Her voice was remarkably clear and harmonious, which particularly appeared, in the graceful delivery of her ſpeeches to the parliament. She was reckoned a pattern of conjugal affection, and a prudent indulgent mother. She was liberal, though an enemy to luxury and profuſeneſs. She was very reſerved; and, in all conditions of life, ſhe required a ſtrict attendance from all perſons in their reſpective ſtations, ſhe herſelf being nicely obſervant of all the decorums of a court.

The exerciſe ſhe principally loved was hunting, which ſhe practiſed in her chaiſe; but the gout increaſing upon her, and growing extremely unwieldy, ſhe diſuſed that and other

[u] See the caſe of the Catalans, Numb. II, at the end of this reign.

[w] How groſſly the miniſtry impoſed on the queen, appears from ſeveral tranſactions, orders and directions given by the miniſters in the queen's name directly contrary to her ſentiments as expreſſed in her meſſages and ſpeeches to the parliament, concerning the terms of peace, which ſhe communicated to both houſes. The committee of ſecrecy examined this matter and compared the queen's declarations with the meaſures her miniſters preſumed to take in carrying on the negotiations. This they did in the following manner, in their report to the houſe of commons.

The firſt time that the queen made any mention of the peace to the parliament, was on December 11, 1711, at which time nothing had been concluded between England and France, but the ſpecial preliminaries that were ſigned by the earl of Dartmouth and Mr St John on the part of England, and Monſieur Meſnager, on the part of France, September 27, 1711, and the general preliminaries ſigned by Monſieur Meſnager only, which were ſent over by the earl of Strafford as the foundation of a general peace. After theſe preliminaries were ſigned, Mr St John had preſſed Monſieur de Torcy, that the king of France would explain himſelf with regard to the allies; begs that the queen may have ſome explication of his intentions in reſpect to the particular intereſt of the allies, and concludes with ſaying, if the Sieur Gaultier returns with theſe marks of confidence, you will ſee our parliament as much inclined to peace as ever it was to war.

Such explications as the king of France thought fit to make, are contained in the anſwer to the memorial brought by Monſieur Gaultier Nov. 18, 1711. Upon which her majeſty, at the opening of that ſeſſion, in laying before the parliament the ſtate of the treaty then on foot according to the advice and repreſentation made to her by her miniſters, ſaid, 'That notwithſtanding the arts of thoſe who delight in war, both place and time are appointed for opening the treaty of a general peace. Our allies, eſpecially the ſtates general, whoſe intereſt I look upon as inſeparable from my own, have, by their ready concurrence, expreſſed their confidence in me.' The queen thought the ſtates had readily concurred with her; but it muſt be remembered, that the ſtates had in the ſtrongeſt manner repreſented againſt the propoſition ſigned by Mr Meſnager, as too general and uncertain, not being a ſufficient foundation upon which a negotiation might be hazarded, they dreaded the fatal conſequences of opening the general conferences, before the articles offered by France were made ſpecific, and before they knew what they were to truſt to for their own barrier and their commerce. Theſe repreſentations were made in Holland to the earl of Strafford; and Mr Buys was ſent over into England to enforce them there.

But, inſtead of acquainting the queen with theſe repreſentations, or acting according to her majeſty's ſentiments, Mr St John, October 9, declares, 'Certain it is, that her majeſty is ſo far determined in her meaſures, that thoſe will deceive themſelves who may imagine by delay to brake them.' And October 29, 'The queen remains firm in her firſt reſolution of cauſing the conferences to be opened upon the articles ſigned by Monſieur Meſnager.' And November the 2d, 'The queen will not finally concert a plan for the proſecution of the war with the ſtates, until they join with her in agreeing to open the conferences of peace.' And November 15, lord Strafford ſays, 'He had not told them her majeſty's order to him was to declare, that ſhe ſhould look upon any delay as a refuſal to comply with her propoſitions' By theſe threats and extraordinary meaſures, the ſtates are compelled by the queen's miniſters, to conſent to open the conferences; when at the ſame time her majeſty was perſuaded, that they readily concurred in what had been propoſed to them. Her majeſty declares, 'She looks upon the intereſt of the ſtates-general to be inſeparable from her own.' Mr St John declares, 'That Britain had gone ſo much too far in weaving her intereſt into that of the continent, that it would prove no eaſy taſk to diſentangle them without tearing and rending.'

The queen ſays further, 'The princes and ſtates which have been engaged with us in this war being by treaties entitled to have their ſeveral intereſts ſecured at a peace, I will not only do my utmoſt to procure every one of them all reaſonable ſatisfaction, but I ſhall alſo unite with them in the ſtricteſt engagements for continuing the alliance, in order to render the general peace ſecure and laſting.' And in her meſſage of the 17th of January following, her majeſty again expreſſes 'The care ſhe intended to take of all her allies, and the ſtrict union in which ſhe propoſed to join with them.'

By theſe declarations it appears, her majeſty's own reſolution was to unite with the allies in the ſtricteſt engagements. But her miniſters had taken upon them, in the private propoſitions ſent over by Mr Prior, to inſert an article, 'That the ſecret ſhould be inviolably kept between England and France, till allowed to be devulged by the conſent of both parties. 'And although France, in the firſt propoſitions ſent over by Monſieur de Torcy, had offered to treat with England and Holland, either ſeperately or jointly, with the reſt of the allies, at the choice of England, the queens miniſters excluded the allies; and in the conference held with Monſieur Meſnager, 'They are much ſurprized to find that he had orders to inſiſt that the queen ſhould enter into particular engagements, upon divers articles, which depend not upon her, and which regard the intereſt of the allies: And they inſiſted that it was abſolutely neceſſary to remit the diſcuſſion of the particular intereſts of the allies to general conferences. And when Mr St John was preſſing Monſieur de Torcy to give them ſome explications of what was deſigned for the allies, he aſſures him, 'If the king would offer a plan of ſpecific preliminaries, the queen will never communicate it to her allies.' And upon another occaſion, he declares, 'This negotiation was begun and carried on upon a ſuppoſition, that the queen muſt deſiſt from many conditions which in rigour ſhe was obliged to procure for her allies.

In the meſſage of the 17th of January the queen declares. 'Her plenipotentiaries had begun, in purſuance of their inſtructions, to confert the moſt proper ways of procuring a juſt ſatisfaction to all in alliance with her, according to their treaties, and particularly with relation to Spain and the Indies.' And her majeſty had ſaid before, in anſwer to an addreſs from the houſe of lords, preſented the 11th of December 1711. I ſhould be ſorry any one could think I would not do my utmoſt to recover Spain and the Indies from the houſe of Bourbon.'

The committee did not doubt but her majeſty was determined to recover Spain from the houſe of Bourbon: But, that her miniſters had no ſuch thoughts, and did not in the leaſt endeavour it, appears in every part of the negotiation. In the firſt propoſition ſent over by Mr Prior, demands are made of the king of France, to be performed by the king of Spain, which the king of France was to engage for. And, as appears by an entry in lord Strafford's book, Mr Prior had orders to ſee if they had full powers from Spain. In the ſpecial preliminaries, an acceptation whereof was ſigned by the earl of Dartmouth and Mr St John September the 17th, 1711, it is ſaid expreſſly, The king promiſes in the name of the king of Spain his grandſon, and according to the powers which his majeſty has received from that prince, That port Mahon and Gibralrar ſhall remain to the Engliſh. Theſe ſteps had been taken by the queen's miniſters, even before her majeſty had made theſe declarations; which the committee cannot therefore but conclude her majeſty was informed of. And although the queens plenipotentiaries were obliged by their inſtructions to aſſiſt, That Spain and the

diverſions, conducive to her health, which perhaps might have been longer preſerved had ſhe not eat ſo much, an unhappineſs derived to her not from her father who was abſtemious enough, but from her mother x.'

It was her unhappineſs not to be much acquainted with our Engliſh hiſtory, and the actions of her predeceſſors; whereas, queen Mary was extremely well verſed, not only in her own but the hiſtories of other countries.

Her reign may be called bloodleſs, not one perſon having been executed, at leaſt beheaded, for treaſon, during the whole courſe of it; which cannot be ſaid of any reign ſince the time of Edward I, who died in 1307.

Semper Eadem was the motto of queen Elizabeth, which queen Anne aſſumed upon her acceſſion to the throne; and which, had ſhe purſued with the ſame reſolution and ſteadineſs, ſhe might have exceeded her in glory and fame. But in one thing ſhe was very unlike queen Elizabeth whom ſhe propoſed for her pattern. Queen Elizabeth was very ſparing of her honours, and a man muſt have deſerved it, before he could obtain ſo much as a knighthood at her hands y: Whereas queen Anne made more peers of the realm at once, than the other did in a reign of forty-four years. Indeed, her, great grand-father king James, was the firſt that was laviſh in conferring honour, whoſe example was but too much followed by his deſcendants; ſo that queen Anne was not ſingular in that reſpect, except in creating ſo many together, for an end that will remain a blemiſh upon her adminiſtration, as long as hiſtory endures.

In queen Anne ended the line of the Stuarts: Their merit and demerit may be rightly ſtated, by conſidering what their regards or diſregards were to the welfare of Europe; to the union and ſtrengthening of the proteſtant intereſt; and to the quiet and proſperity of their ſubjects. In order to make up ſuch an account duly and accurately, many important materials are ſtill wanting.

There had been a new vault made on the ſouth ſide, and towards the eaſt end of Henry VII's chapel, to depoſit the body of king Charles II. in which that prince, queen Mary king William III, and prince George of Denmark, were laid. Here the remains of queen Anne were likewiſe depoſited, and there being no more room left, the vault is cloſed up with brickwork.

Weſt-Indies ſhould be allotted to any branch of the houſe of Bourbon; when the plenipotentiaries of France, on the 11th of February 1711-12, gave in their ſpecific explanations of the general preliminaries, ſigned by Mr. Meſnager; the king of France made his firſt offers in the name, and by virtue of powers from his grandſon king Philip, as king of Spain. On the 4th of March 1711-12, at a meeting of the miniſters of the allies at Utrecht, where they were to communicate to each other their reſpective demands, count Zinzendorf inſiſted, That the reſtitution of the whole Spaniſh monarchy ſhould be expreſly mentioned; upon which occaſion it appears, by a letter from the Engliſh miniſters of the 6th of March, That they were the only miniſters that did not make any mention at all of Spain, and that they were ſenſible of the diſadvantageous conſequences of being ſo; but being deſirous to take off this odium, they make a general declaration concerning the juſt and reaſonable ſatisfaction for the queen's allies, in conformity to their alliances; and humbly hope what was ſaid will not be found contrary to what has been hitherto declared.

All the attempts that the queen's miniſters ever made towards obtaining this great point, which her majeſty declares, ſhe ſhould be ſorry any one could think ſhe did not do her utmoſt to procure, was to demand aſſurance that the crowns of France and Spain ſhould never be united. The method of preventing this union was never mentioned by the queen's miniſters in order to be treated of, nor the ſenſe of France and Spain ever aſked upon it, till the latter end of March 1712.

In the ſame meſſage her majeſty further adds, 'The world will now ſee how groundleſs thoſe reports are which have been ſpread by men of evil intentions, to ſerve the worſt deſigns, as if a ſeparate peace had been treated for which there has not been the leaſt colour given.'

In this declaration, her majeſty is adviſed by her miniſters, in order to clear them from the juſt ſuſpicions which all the world had conceived of the ſeparate meaſures they were engaged in, not only to declare there had not been the leaſt colour given for ſuch jealouſies, but to brand all that entertain ſuch apprehenſions, with the character of men of evil intentions, that had the worſt deſigns to ſerve. But that moſt juſt cauſe had been given for theſe reports, is ſufficiently evident from what was juſt now obſerved. The miniſtry had inſiſted that the ſecret ſhould be inviolably kept between England and France, excluſive of all the allies. A ſeparate negotiation between England and France had been carried on by papers ſent backward and forward, and much time ſpent therein, as is ſaid in lord Strafford's inſtructions. Mr Prior had been ſent into France, and Mr Meſnager had been in England, and not the leaſt communication was given for five months together to any of the allies of theſe tranſactions, which were depending from April 1711, to September following, from the time that the firſt propoſals ſigned by Monſieur de Torcy were ſent to the ſtates, till the ſeven general preliminaries ſigned by Mr Meſnager, were communicated to them. When theſe general preliminaries were ſigned, which were ſent over as a foundation to open the general conferences, a ſet of ſpecial preliminaries between England and France was ſigned on both parts, which were concealed, publicly diſowned, and never appeared till this enquiry; and all theſe tranſactions had paſſed, however diſguiſed to her majeſty, before the time that her miniſters adviſed the queen to impoſe ſo groſſly upon the nation, as to declare in parliament that there had not been the leaſt colour given for theſe ſurmiſes.

Her majeſty is adviſed here to declare, That to report that a ſeparate peace had been treated, proceeded from evil intentions, and to ſerve the worſt deſigns But the committee obſerves, That after this declaration of the queen, her miniſters propoſed to France, agreed with France, and ſent poſitive and repeated orders to the queen's plenipotentiaries, not only to treat, but to conclude a ſeparate peace with France. On the 20th of June 1712. Mr St John acquaints Monſieur de Torcy, the queen will make no difficulty to conclude immediately a ſeparate peace with France, leaving the allies a time wherein they may have liberty to ſubmit to ſuch conditions, as ſhall be agreed upon between the queen and the moſt chriſtian king. In anſwer to this, Monſieur de Torcy tells Mr St John upon condition the queen does immediately make a ſeparate peace, and keep no meaſures with her allies, the king has determined to ſend his orders to permit the Engliſh troops to enter into Dunkirk. On the 12th of July, 1712. Mr St John thinks the queen in a condition not to loſe a moment's time in concluding with the miniſters of France the convention for a general ſuſpenſion of arms both by ſea and land, and even the treaty of peace between Britain and France. And on the 4th of Auguſt, 1712. Monſieur de Torcy acquaints Mr St John, That the king conſented to the duke of Savoy's having Sicily upon certain conditions; wherein one expreſs condition is, That a peace be concluded between England and France, Spain, and Savoy. And at laſt, when the treaty drew near to a concluſion, and almoſt all the allies were ready to ſign, on the 20th of February, 1712-13. poſitive orders are ſent to the Britiſh plenipotentiaries to conclude and ſign with France; and on the 28th, lord Bolingbroke repeats his orders to the Britiſh plenipotentiaries to conclude and ſign with France: And acquaints them, 'The duke of Shrewſbury had declared, that their lordſhips had orders, in caſe the French complied, as they now have actually done, to ſign her majeſty's peace with France without further delay; and that his grace had alſo declared, That in this caſe, her majeſty would open the parliament by telling them that ſhe had made a peace with France: Theſe two conſiderations, his lordſhip ſays, were perhaps the moſt prevalent inducement to the French court to come roundly into her majeſty's propoſitions.'

The committee cloſe this head with repeating a paſſage from one of lord Bolingbroke's letters to Mr Prior, wherein he ſays, 'If ſuch overtures as theſe were not inſtantly accepted, our ſeparate peace would, ſitting this parliament, be addreſſed for, made, approved, and the cauſe of France for once become popular in Great-Britain.'

On the 6th of June 1712, the queen ſays, 'I am now come to let you know upon what terms a general peace may be made.'

On the ſame day, lord Bolingbroke acquaints Monſieur de Torcy, 'That though the king of France had not anſwered the queen's demands, according to expectation, the queen would not defer going that day to parliament, and making all the declarations that were neceſſary to render the nation unanimouſly inclined to the peace.'

The queen ſays, 'The difficulties had been increaſed by other obſtructions artfully contrived to hinder this great and good work.' Whereas it is notorious, that the miniſters had received but the day before, the account that king Philip had conſented to make the renunciation, upon which account only the queen's ſpeaking to the parliament had been deferred.

The queen ſays, 'I have not omitted any thing which might procure to all our allies what is due to them by treaties, and what is neceſſary for their ſecurity.'

Lord Bolingbroke, on the very ſame day, in his letter to Monſieur de Torcy, ſays, 'lord Strafford is going back to Utrecht, and the inſtructions he is to carry will put the queen's plenipotentiaries in a condition to keep no longer thoſe meaſures to which they have hitherto been obliged to ſubmit; but from henceforth they may openly join with thoſe of France, and give law to them, who will not ſubmit to juſt and reaſonable conditions.'

The queen ſays, 'Nothing has moved me from ſteadily purſuing, in the firſt place, the true intereſt of my own kingdoms.'

Lord Bolingbroke juſt before, on the 24th of May, had propoſed to Monſieur de Torcy, 'That the queen being much more intent upon the general peace, than any particular advantages, commiſſaries ſhould be appointed to ſettle, after the peace, ſuch points relating to trade, as required a longer diſcuſſion than the preſent criſis would admit.'

The queen ſays, 'That to prevent the union of the two crowns, ſhe would not be contented with what was ſpeculative, but inſiſted upon ſomething ſolid:' Although Monſieur de Torcy had before declared to the queen's miniſters, 'That to accept of this expident which they propoſed, would be to build upon a ſandy foundation.'

The queen ſays, 'The nature of the propoſals for a renunciation is ſuch that it executes itſelf; and that France and Spain are thereby more effectually divided than ever.' But Monſieur de Torcy had before aſſured the queen's miniſters, 'That this renunciation would be null and void by the fundamental laws of France; and they would deceive themſelves, who accepted of it as an expedient to prevent the union of the two crowns.'

The queen ſays, 'Proviſion is made, that the ſame privileges and advantages as ſhall be granted to any other nation by France, ſhall be granted in like manner to us.' But it appears, by a letter of lord Bolingbroke's in January following, to the duke of Shrewſbury, 'That France refuſed to let our trade ſtand upon the foot of Gens amiciſſima; declared the tariff of 1664, which was granted to the Dutch, except the four ſpecies, was too beneficial for us; and refuſed to grant it, untill another tariff ſhould be made in Great-Britain exactly conformable to that of 1664, whereby our duties would be reduced as theirs are in France by that tariff.'

As to our commerce with France, the queen ſays here, June 6, 1712, 'It was in a method of being ſettled.' And Mr Prior ſays of it in May following, near a twelvemonth after, 'We had like to have made an Athanaſian buſineſs of it at Utrecht, by that explanation of our own way of underſtanding our own commerce. Their letters to you, full of ſurmiſes and doubts, that all was unhinged; and their letters to us again, that explanations, however made, were only to ſave appearances, and ſignify nothing: This Melange, I ſay, and my endeavouring to underſtand it, had like to make me run mad, if the duke of Shrewſbury's extreme good ſenſe, and Monſ. de Torcy's not only honeſt, but right underſtanding, had not redreſſed us.'

The queen ſays, 'The French conſented to deliver up Newfoundland and Placentia.' But it muſt be remembered, that in the preliminaries ſigned in September preceding, the French had reſerved to themſelves a liberty of taking and drying fiſh in Newfoundland.

The queen ſays, 'An abſolute ceſſion was to be made of Nova Scotia, or Acadia.' But cape Breton, which was always underſtood to be, and is ſo declared by the queen's inſtructions to the duke of Shrewſbury, to be part of Nova Scotia, is expreſly given up to France.

The queen ſays, 'The trade to Spain and the Weſt-Indies may in general be ſettled, as it was in the time of the late king of Spain, Charles the ſecond.' But when the project of the treaty of commerce came from Madrid, lord Bolingbroke ſays of it, 'They had ſent a blind, lame, miſſhapen, indigeſted

monſter, inſtead of that fair offspring, which we had reaſon to expect from our candour.'

If all the other parts of this ſpeech be ſtrictly examined, it will be found that the miniſtry did ſo groſſly deceive the queen, in order to impoſe upon the parliament by her authority, that there is ſcarce a paragraph that does not contain ſome unfair, or at leaſt equivocal repreſentation of the ſtate of the negotiations. And when the queen was adviſed by her miniſters to make this communication to parliament, as the terms upon which a general peace might be made, it is very evident, they had no aſſurances that France would make good what they prevailed upon the queen to declare in ſo ſolemn and public a manner.

[x] This ſeems to confute the ſcandalous report of the queen's drinking ſpirituous liquors, which was told with ſo much aſſurance, that many who loved and eſteemed her gave in to it, whereas one of her hiſtorians affirms it for a truth, that ſhe abhorred all ſtrong waters. The French continuator of Rapin gives credit to the common report, and ſays, ſhe accuſtomed herſelf to it out of compliſance to the prince her huſband.

[y] It is well known how angry queen Elizabeth was with the earl of Eſſex, for making ſo many knights at the taking of Cadiz.

The End of the Reign of Queen ANNE.

London: Engravd for Harrison's Edition of Rapin.

G. Kneller Pinx.t — Goldar Sculp.

The R.t Hon.ble the Countess of Ranelagh

Publ.d as the Act directs. Oct.r 1706.

BRITISH
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MUSEUM

EXTRACTS and PAPERS relating to the History of queen ANNE.

I. The proceedings about the Pretender, as reported by the committee of ſecrecy, June 1715.

THE committee begin with obſerving, that abbot Gaultier, though he did not appear to have any public character, reſided in England during the greateſt part of the negotiation for peace; and, upon extraordinary occaſions, was often ſent backward and forward. But the ſhare, he had in the more public tranſactions, was not his only buſineſs. It was evident, ſome negotiations, which required more than ordinary privacy, were verbally tranſacted; and, upon all ſuch occaſions, abbot Gaultier was the perſon, to whom the French and Engliſh miniſters mutually refered each other. And as of neceſſity nothing could be a greater ſecret, than all matters relating to the pretender, this province was particularly allotted to abbot Gaultier, that through his hands, and under his conveyance, by French couriers, going continually betwixt France and England, ſuch practices might be carried on with great ſafety, which, in any other manner, had been too dangerous an undertaking.

The firſt time, that any ſecret negotiation is expreſly referred to abbot Gaultier, is found in a letter of Mr ſecretary St John, of March 4, 1711-12, wherein he tells Monſieur de Torcy, 'he had deferred writing to him of late, till he might write with certainty, till the neceſſary diſpoſitions were made among our people at home, and till the queen had taken the only reſolution, which could bring us, in a ſhort time, to a good and ſolid peace. I have now the ſatisfaction to tell you, that this reſolution is taken; and that Mr Harley will carry with him this night, or to-morrow morning, the final inſtructions of the queen to her plenipotentiaries. I refer myſelf to Mr Gaultier, to explain to you more at large the ſubject of this gentleman's commiſſion, and what the queen hopes his moſt chriſtian majeſty will do to co-operate with her.'

The committee of ſecrecy obſerved that ſeveral letters and papers were wanting, which, by the circumſtances of time and matters then depending, appeared to be of moment and conſequence; it was not to be expected, that thoſe, who had been ſo careful to ſuppreſs matters of leſs importance, would leave behind them any tranſactions, that might tend openly and directly to favour and ſupport the cauſe of the pretender. But there were ſtill left ſeveral paſſages, which are a plain indication of the tenderneſs and regard, with which the cauſe and perſon of the pretender were treated, as often as mentioned, and which the committee thought fit to bring together in one view, as follows:

There is a paper, that was left in lord Bolingbroke's cloſet, dated at Verſailles the 24th of September 1711, indorſed, as other office-papers uſually are. It gives an account, that the Pope's Nuncio had, in his laſt audience of the king of France, made the following declaration: 'That the court of Rome being fully informed, that France was endeavouring to procure a peace upon the moſt advantageous terms, that was poſſible; and being perſuaded, that if the peace ſhould be made, England would not ſuffer, that the king of France ſhould permit the prince of Wales to continue in his realms; the court of Rome offers to the king of France, to give this prince an aſylum at Rome, or in any other part of the eccleſiaſtic dominions.' To which the king of France returned in anſwer, 'That an aſylum for the prince of Wales would be no obſtacle to the peace: That if, the Allies did truly deſire to make a peace, he would except of any reaſonable propoſitions they ſhould make; and in this caſe an article for the prince of Wales would be inſerted in the treaty.'

June 7, 1712, the biſhop of Briſtol, giving an account to lord Bolingbroke of ſome diſcourſe he had with ſome of the miniſters of the Allies, ſays, 'Monſieur Conſbruck, one of the emperor's Plenipotentiaries, kept alſo within the terms of decency, ſave only, that he took it for granted, that one great end of all this management on our part was to bring in the pretender; which apprehenſion one of the miniſters of the ſtates lately owned in private diſcourſe, to have been the fundamental reaſon of all their conduct of late.'

It is well known, what great ſtreſs and weight was laid upon the removal of the pretender out of the dominions of France. This was what all the nation, with great juſtice, expected, and what the queen declared was taken care of, as an additional ſecurity to the proteſtant Succeſſion. But his removing out of France, and being permitted to reſide in Lorrain, was not only a great ſurprize to all the nation, but was received with ſuch juſt indignation, That the parliament addreſſed the queen upon this occaſion, 'That ſhe would inſiſt upon his removal from Lorrain; that reſidence being equally or more dangerous to Great-Britain, than his abode in France.' Her Majeſty's anſwer, that ſhe would repeat her inſtances, occaſioned in the houſe of lords a becoming reſentment, that the duke of Lorrain ſhould preſume to receive and entertain the pretender to her majeſty's crown, in defiance to her majeſty's application to the contrary. But it now appears in what manner the removal of the pretender out of France was tranſacted and ſettled; and that his reſiding in Lorrain was not only with the approbation, but even by the direction and appointment of the Engliſh miniſtry. Mr St John, in his letter to Monſieur de Torcy, of the 24th of May, 1712, O. S. when he ſent over the conditions, upon which her majeſty would make thoſe important and deciſive declarations to parliament, concludes that letter with ſaying, 'He hopes, that, with the general repoſe, we ſhall ſee revived, in a few weeks, a good underſtanding between two nations, which may become, to each other, the moſt uſeful friends, for the ſame reaſons they have been the moſt formidable enemies. The queen commands me to tell you, that ſhe hopes, when you ſend an anſwer to this letter, we ſhall have an account, that the chevalier has begun his journey.' In anſwer to this, Monſieur de Torcy ſays to lord Bolingbroke, on the 10th of June, 'You may aſſure the queen, that the chevalier is ready to depart at a moment's warning, if he did but know where he was to go, and in what place he might be in ſafety. I own to you, that I know no prince, who is willing to receive him, for fear of diſpleaſing the queen or other powers. It will be abſolutely neceſſary, that there ſhould be ſome explanation upon this ſubject, which I deſire you to make to me by the abbot Gaultier, if you do not judge it proper to do it yourſelf.'

Mr ſecretary St John, on the 6th of June 1712, O. S. writes a public letter, in anſwer to the ſeveral points contained in Monſieur de Torcy's laſt letter; but, in that letter, takes no notice at all of the chevalier. But the day after, June the 7th, 1712, he writes a private letter, as he calls it himſelf, to Monſieur de Torcy, and concludes it with ſaying, 'The abbot Gaultier will write to you upon the ſubject of the chevalier.' There were two copies of this private letter, one delivered by lord Bolingbroke, the other entered in lord Strafford's book: And, in the copy of this letter given by lord Bolingbroke, this paſſage, 'That abbot Gaultier ſhall write about the chevalier, is omitted by his lordſhip.

On the 22d of June 1712, N. S. Monſieur de Torcy writes two letters to lord Bolingbroke. In the public letter nothing is ſaid of the pretender: The private letter concludes with ſaying, 'I have the honour to ſend you a letter under the king's hand for her Britannic majeſty; and I refer you to what the abbot Gaultier ſhall ſay to you about the departure of the chevalier.

On the 21ſt of Auguſt 1712, lord Bolingbroke being then in France, to give the finiſhing ſtroke to all matters of conſequence, that were undetermined, in his diſpatch to the earl of Dartmouth, giving an account of his proceedings at the court of France, ſays, 'The chevalier has fixed his departure for the firſt of next month, N. S. They propoſe, that he ſhall retire to Bar, and they intend to write to the duke of Lorrain, to aſk of the emperor, and other princes, a ſecurity for his perſon during his reſidence in that place.'

But on the 28 of December 1712, N. S. it appears, that the chavalier was ſtill in France; upon which account Mr Prior writes thus to lord Bolingbroke: 'Another point, upon which this court is very ſollicitous, is, that the chevalier remaining in any town of France obſtructs the ſigning the peace; yet he cannot go to Lorrain, till the emperor's paſſports will ſecure him there. Your lordſhip, by the peruſal of the papers, will ſee the ſtate of that caſe, and I have only to add upon this ſubject, that the court of France expreſſes

an impoſſibility on their ſide to do more than they have done; and hopes we ſhould have intereſt enough with the emperor, to obtain ſuch paſſports from him, as may ſecure, as well the perſon, who is to go into Lorrain, as the duke of Lorrain, who is to receive him.'

Mr Prior, on the 29th, writes to the ſame effect to the lord-treaſurer, and, ſays, 'The monarch is a good deal troubled upon this head, leſt the young man ſhould fall into the hands of Huſſars or Barbarians. And Monſieur d'Aumont has, I preſume, orders to ſpeak to our miniſtry upon it. As to the dowry, I ſhall not only be dunned to death, but hanged; for the dowager ſends meſſages to me, which you in England do not think it extreamely lawful to receive. But, if it is to be paid, pray let it be done in an handſome manner, that may ſhew the charity of the queen, and the generoſity of her lord-treaſurer.'

The papers, referred to in Mr Prior's letter, contain an account of what the duke of Lorrain had done at the deſire of the king of France, to obtain from the Allies the neceſſary ſafeguard for the Chevalier. He ſays, that underſtanding, that the queen of great-Britain had already granted her ſafeguard or protection to the chevalier de St George, he believed they had no more to do, but to apply to the emperor, and to the ſtates-general.

By this account it is evident, that Abbot Gaultier was the perſon intruſted to manage the affairs of the pretender, with whom ſuch practices were verbally to be tranſacted, as the Britiſh miniſters did not think proper to commit to writing. It appears, that the place, to which he was to go, becauſe nobody would receive him at the hazard of the queen's diſpleaſure, and where he might remain in ſafty, was to be preſcribed from England: That this was not fixed and determined till lord Bolingbroke went into France: And, if his lordſhip's inſtructions are conſidered, it will be hard to find in them any thing of that importance and ſecrecy, as to require his going in perſon to ſettle it. His lordſhip gives an account from thence, that the pretender was to go to bar; and this is acquieſced in here, without the leaſt objection made. The miniſtry are told by Mr Prior, that the court of France hopes, by our intereſt, ſuch paſſports would be procured, as might ſecure his perſon. And, in the paper ſent to France from the duke of Lorrain, it is aſſerted, that the queen of great Britain had already granted her protection to the pretender.

But, November 6, 1713, lord Bolingbroke writes to Mr Prior, and ſays, 'Her majeſty having repeated to the duke of Lorrain the inſtances, which, you know, have been ſo often made to the moſt chriſtian king, for removing of the pretender to her crown out of his dominions, I am directed to acquaint you there-with, that you may ſpeak to the miniſter of Lorrain, and to any other miniſter, whom you ſhall think proper; and let them know it is abſolutely inconſiſtent with the amity and good correſpondence, that is between the queen and their maſters, to receive into their dominions, or to protect a perſon, who diſputes her majeſty's moſt undoubted title, and thereby endeavours to diſturb the peace and quiet of her kingdoms. That you may be able to ſhew them, that this is the collective ſenſe of the whole nation, as well as the queen's command to you, I herewith ſend you the addreſſes of both houſes of parliament.' This can be underſtood as no more than a bare compliance with the addreſſes of parliament. And how little reſentment and indignation was conceived againſt the duke of Lorrain, for this indignity offered to her majeſty, appears from a letter written by lord Bolingbroke to Mr Prior, November 10, within four days after his laſt-mentioned letter upon the ſubject of the pretender, 'This letter, ſays he, will be delivered to you by baron de Forſtner, who has been twice at our court, with the character of envoy from the duke of Lorrain, and who is extremely well with your friends on this ſide of the water, that I make no doubt, but that he will be a welcome acquaintance to you. I muſt, at the ſame time, recommend the intereſt of the duke of Lorrain his maſter to your care. You know, ſir, how little that prince has yet felt the good effects of what was ſtipulated for him at Ryſwick. You know, ſir, how juſtly he prtends to an equivalent from this emperor for the Montſerrat. In a word, you are enough apprized of his wants, of his expectatoins, and of her majeſty's earneſt deſire, if by any means ſhe can, to contribute to the eaſe and to the advantage of a prince, who deſerves much better uſage than he has on many occaſions met with.

There were ſeveral other letters, that were wrote after the addreſs of parliament, to preſs the removal of the pretender from Lorrain: But, after what has been ſaid, it is needleſs to obſerve, what little effect was to be expected from ſuch repreſentations made in the ſeveral courts of Europe, which were known to be contrary to the ſenſe and intention of the court of great-Britain. And, if any further demonſtration was wanting to ſhew their true ſpirit and inclination, it may be obſerved, that the addreſſes in parliament were made in July 1713, and the firſt letter, that lord Bolingbroke wrote in purſuance of thoſe addreſſes, was the 6th of November, which was four months after the addreſſes were preſented to the queen.

It will not be improper to inſert here an extract of a memorial, touching the demolition of the ſluices of Dunkirk, delivered by Monſieur de Torcy to lord Bolingbroke, at Paris, in Auguſt 1712. 'It is not our buſineſs now to examine, whether the queen of England, and the Engliſh nation, were in the right to demand the demolition of the fortifications, and the filling up the harbour of Dunkirk. That is a thing reſolved and agreed upon. It may perhaps come to paſs, in the courſe of this affair, for reaſons eaſily to be foreſeen, that England ſhall repent having demanded the demolition of a place, and the deſtruction of an harbour, which might be of great uſe in conjunctures, which perhaps are not very remote. 'The committee of ſecrecy did not take upon them to explain, what conjunctures France had in view, and which they thought not very remote, when Dunkirk might be of particular ſervice; but they thought proper to conclude that part of their report with obſerving, That the pretender did, immediately upon the demiſe of queen Anne, publiſh a declaration, which the duke of Lorrain acknowledged in his letter of the 6th of December 1714, that he received from the pretender himſelf, wherein is this remarkable paſſage: 'Yet contrary to our expectations, upon the death of the princeſs our ſiſter (of whoſe good intention towards us we could not for ſome time paſt well doubt; and this was the reaſon we ſat ſtill, expecting the good effects thereof, which were unfortunately prevented by her deplorable death) we found, that our people, inſtead of taking this opportunity of retrieving the honour and true intereſt of their country, by doing us and themſelves juſtice, had immediately proclaimed for their king a foreign prince, to our prejudice, contrary to the fundamental and inconteſtable laws of hereditary right, which their pretended acts of ſettlement can never abrogate.' Thus ſtood the pretender's affairs at the death of queen Anne.

II. The caſe of the Catalans, as repreſented in the report of the committee of ſecrecy June 1715.

AFTER ſeveral unſucceſsful attempts by way of Portugal, and the deſign upon Candiz, to ſettle king Charles on the throne of ſpain; and that the confederate fleet had appeared before Barcelona in 1704, without the deſired ſucceſs; her majeſty, in the beginning of the year 1705, ſent Mr Crowe as her miniſter to Genoa, with private inſtructions, to the following effect: 'That her majeſty being informed, that the people of Catalonia were inclined to caſt off the yoke impoſed upon them by the French; and by withdrawing themſelves from the power of the duke of Anjou, to return to the obedience of the houſe of Auſtria, was deſirous to maintain and improve that good diſpoſition in them; and, to induce them to put the ſame ſpeedily in execution, had made choice of him to carry on ſo great a work, for the advantage of her ſervice, and the good of the common cauſe. He is therefore ordered to repair to Genoa, Leghorn, or other ſuch neutral country or place, as he ſhould judge moſt proper for carrying on her majeſty's ſervice in this particular; and to treat with the Catalans, or any other people of Spain, about their coming into the intereſt of Charles the Third of Spain, and joining with her majeſty and her allies. For that purpoſe he is to inform himſelf, what number of forces they will raiſe, and what they expect ſhall be ſent to aſſiſt them. If any of the nobility inſiſt upon a ſome of money to be advanced to them, he muſt aſſure them, he does not doubt but he ſhall be impowered to remit to them whatſoever is neceſſary and reaſonable for their ſupport, as ſoon as they are actually in the field. That he ſhall give the Catalans, or other Spaniards, aſſurances of her majeſty's utmoſt endeavours to procure the eſtabliſhmeut of all ſuch rights and immunities, as they have formerly enjoyed under the houſe of Auſtria. That ſhe has, for their ſatisfaction, ſent to king Charles the third for powers for confirming the ſame to them; and that ſhe is willing, if they inſiſt on it, to give her guaranty, that it ſhall be done.'

Mr Crowe had alſo a commiſſion of the ſame date with his inſtructions, to treat with the catalans upon the terms before mentioned, upon this expreſs condition on their ſide, that they ſhould acknowledge and receive king Charles as lawful king of Spain, and utterly renounce the houſe of Bourbon.

He had, with this, credential letters signed by the queen, directed to the nobility, magistrates, and all officers, civil and military, of Catalonia, desiring them to depend upon the promises he should make them in her name.

The earl of Peterborough and sir Cloudesly Shovel, by their instructions, dated May 1, 1705, are likewise ordered to use their endeavours to induce the Catalans to join with them in their undertakings; and, to animate that people, to prosecute their liberty with more vigour, they are impowered to assure them of the queen's support, and to promise them, in the queen's name, that she will secure them a confirmation of their rights and privileges from the king of Spain, that they may be settled on a lasting foundation to them and their posterities. But, lest persuasions alone should not prevail, they are ordered, in case the Catalans make no suitable return to these kind offers, to annoy the towns on the coast of Spain, and to reduce them by force.

In conformity to these instructions, a declaration was drawn here, and delivered by Mr secretary Harley to the earl of Peterborough, for him to publish in Spain, full of assurances, in the queen's name, of support, and of their liberties on the one hand, and threats on the other; which declaration he, on his arrival in Spain, did accordingly publish.

The success of that expedition is well known. King Charles, in his letter to the queen, of October 22, 1705, gives an account of it, and what it was owing to, namely, 'The assurances of your majesty's generous protection, upon which my subjects of Catalonia expose their lives and fortunes.'

No want of fidelity or zeal for the common cause during a long war, which abounded with extraordinary turns of fortune, was ever objected to these people. On the contrary, they received to the last the applauses of the Allies, and assurances repeated to them by every general and minister, who was sent from Great-Britain to that country, that they should never be abandoned.

When the queen entered into separate measures of peace, lord Lexington was sent ambassador to Spain; at which time, considering the circumstances of king Philip's affairs, and the obligations he had then received from the queen, the Catalan privileges, if plainly demanded and insisted upon, could not have been refused; and without it, could never be expected to be granted to a people so remarkably zealous for the common cause.

But his instructions, instead of directing him to insist upon this, as a condition of the queen's coming into the peace, order him only to represent to the court of Spain, that it is no less for the king's interest, than for the queen's honour, that a general amnesty, without exception, be granted to all Spaniards, who have adhered to the house of Austria, and, in a particular manner, to the Catalans, with regard to their persons, estates, dignities, and privileges.

These instructions, though very defective, were not complied with; for lord Lexington, in the 11th article of his paper, which is called demands, delivered to the court of Spain, upon his arrival there he expresses himself thus: 'That the queen prays his catholic majesty, that a general amnesty, without exception, be granted;' but leaves out the words in his instructions, with regard to their persons, estates, dignities, and privileges.

The kings' answer was, 'That the general amnesty, relating entirely to the general peace, was not proper for the present treaty; and therefore he leaves it to be then treated of: That his majesty will make use of his great clemency, provided the queen will contribute to the safety, to the repose, and to the interests of so many faithful subjects, who, according to their duty, had followed his righteous cause in Flanders, and in all the parts of Italy; and that an express article be inserted in the peace, wherein it shall be declared That all subjects, who have done their duty, by adhering to his catholic majesty, shall be established in their estates and honours, of what nature so ever they be, which they enjoyed, when they were under his obedience; and that they may mortgage, exchange, or sell, at their pleasure; and that they shall have full liberty to continue in the service of their king; and that neither, upon this pretext, or any other whatsoever, they shall receive the least prejudice, or the least harm in their estates and honours, or any molestation whatever; and that any municipal law to the contrary (if there be any such) shall be made void by the treaty of peace.'

Lord Lexington transmits this answer to England, which, though containing a direct refusal at present of what was desired, and only general assurances of clemency from the king, on conditions, that could not possibly be expected to be complied with; yet his lordship, in his letter to lord Dartmouth, writes word, That the 11th article (which is this about the Catalans) was agreed to; and thinks, what they desire is but justice; and then goes on, 'Thus, my lord, I have finished my negotiation in the best manner, I could, and hope it will be to her majesty's satisfaction.'

No dissatisfaction was shewn by the ministry in England, either with this manner of negotiating, or the fruitlessness of it; but the lord Lexington is ordered to proceed in the business, both as it was an act of humanity, which every one, to the utmost of their power, ought to promote; and that the interest of the king of Spain was most nearly concerned by that means, to get the Germans out of the country.

Hereupon another memorial for an amnesty is presented: The motive used to induce the king to grant it, is his own interest, and to remove the Germans, without any notice taken of the queen's honour being concerned in the affair.

The king answered, 'That the Catalans had deserved little from him: That they were now reduced to a small extent of ground, by the withdrawing of the troops of Britain and Portugal: That his troops, and those of the king, his grandfather, were entering into their country by three several ways: Therefore, more in complaisance to the queen, than for the arguments, that had been offered, he was willing to grant his pardon to those Catalans, who acknowledged his clemency, and repenting them of their error, should submit to his dominion and vassalage within a time to be prefixed.'

Count Zinzendorf, in the project for evacuating Catalonia, insisted upon the preserving the people their privileges. But the king of Spain refused it, and would only grant them an amnesty and pardon.

Lord Dartmouth, in his letters both to the marquis de Monteleone and lord Lexington, says, 'He cannot express the queen's surprize to hear, that the privileges of the Catalans were not intended to be preserved to them by the court of Spain: That these privileges were necessarily included in the meaning of a general amnesty already granted. And this was an affair, wherein the queen's honor was extremely concerned, and that she was obliged by motives of conscience not to depart from it.' lord Lexington is hereupon ordered to insist again upon it in the strongest manner imaginable; that when the king of Spain is convinced of her majesty's steadiness, and the firmness of her resolution to adhere to this demand, no doubt he will yield to what has been so solemnly promised, and is in itself so reasonable. That the marquis de Monteleone, being restrained by his instructions from treating upon this point, the negotiating of it must entirely lie upon lord Lexington.

Accordingly, his lordship presents another memorial for a general amnesty, with the confirmation of all their privileges. The amnesty, he says, was granted; but the privileges entirely refused, and in such a positive stile, as he never met with, but in demanding a track of ground about Gibraltar.

In another letter to lord Dartmouth, speaking of the many denials he met with in Spain, he says, 'Things are not here upon the same foot, as they were before the suspension; for the king told me these words, We know, that the peace is as necessary for you as for us, and that you will not break it off for a trifle.'

It may seem, at first sight, unaccountable how the queen's endeavours could fail of success, when she declared her conscience was concerned in this matter; and that though she desired a peace, she would not act inconsistently with honour and justice to obtain it.

The first fatal step to the ruin of the Catalans was the orders sent lord Lexington (contrary to his first instructions) upon his arrival at Madrid, to acknowledge Philip as king of Spain, in a private audience, before any one article of peace or commerce was settled, which put him in a condition of refusing this, and whatever else he should think fit.

The manner how Spain gained this important point, appears to be as follows: lord Dartmouth had acquainted Mr Prior, that lord Lexington was not to acknowledge Philip king of Spain, till he had agreed to the demands his lordship was to make in the queen's name. However, lord Dartmouth thinks it convenient, that the sentiments of the French court should be known upon this matter as soon as possible.

This method of proceeding with Spain was very much disliked in France; and Mr Prior writes lord Dartmouth a very elaborate letter, full of Monsieur de Tocy's reasons, to induce the English ministry to recede from that point, and concludes with this remarkable one, 'That the whole treaty being eventual, this acknowledgement of Philip as king of Spain, would fall, as the other points, unless the conditions were made good, and the peace agreed and ratified.'

Hereupon the lord Bolingbroke determines this matter in favour of Spain, by imputing the former directions to lord Dartmouth's mistaking the queen's meaning, and writes Mr

Prior word, that he was equally ſurprized and vexed to find, by the uncouth way of explaining the queen's ſenſe, that Mr Prior had been led to imagine, it was intended lord Lexington ſhould make any difficulty of acknowledging the king of Spain as ſuch. 'The proceeding this way, by acknowledging the king in the firſt place, ſays his lordſhip, ſeems natural, civil, and unexceptionable; but any other ſcheme is abſurd and inconſiſtent with all the reſt of our proceedings:' And he then concludes, 'For God's ſake, dear Matt, hide the nakedneſs of thy country, and give the beſt turn thy fertile brain will furniſh thee with, to the blunders of thy countrymen, who are not much better Politicians, than the French are poets.'

Lord Dartmouth, it ſeems, thought fit to acquieſce, and, the ſame day that this letter was writ, diſpatched orders to lord Lexington, to acknowledge king Philip in the firſt place, notwithſtanding his former inſtructions to the contrary.

But to return to the Catalans: The miniſters did not ſhew that zeal for the queen's honour, as might be expected, but plainly gave up this matter. Lord Bolingbroke, in his letter to the queen's plenipotentiaries at Utrecht, tells them, 'It is not for the intereſt of England to preſerve the Catalans liberties; and likewiſe begs leave to make an obſervation to them, that the Catalan privileges are the power of the purſe and ſword; but that the Caſtilian privileges, which the king of Spain will give them (in exchange for the Catalan) are the liberty of trading and reſorting to the Weſt-Indies and a capacity of holding thoſe beneficial employments the king has to beſtow in America, which, ſays his lordſhip, are of infinitely greater value to thoſe, who intend to live in a due ſubjection to authority.'

Lord Lexington alſo, inſtead of ſupporting the catalan privileges, treated the people as rebels; and to induce Spain to make peace with Portugal, puts Monſieur Orry in mind of the neceſſity Spain is in of withdrawing their troops from Andaluſia, in order to end the rebellion of the Catalans.

When the convention was forced upon the emperor for evacuating Catalonia, the Imperial Miniſters at Utrecht inſiſted upon the preſerving, by that treaty, the privileges of Catalonia, Majorca, and Yvica. But France and her confederates inſiſting, that this matter ſhould be referred to the peace, the imperial miniſters at laſt acquieſced, upon the queen of Great-Britain's declaring again, 'That ſhe would interpoſe her good offices in the moſt effectual manner, to obtain the privileges of Catalonia, Majorca, and Yvica:' And the French king engaged, at the ſame time, to join his endeavours for that purpoſe. Hereupon, the negotiation in Spain was kept up, till our treaty of peace with that crown was ripe, by which the Catalan liberties were to be abandoned. This lord Lexington ſigned, contenting himſelf with proteſting againſt that article at the ſame time he ſigned it, as he had writ word before he intended to do; and therefore the queen was entirely at liberty to reject it. Notwithſtanding the king of Spain's former refuſal, lord Lexington is again directed to inſiſt upon the Catalan privileges, and is again told, That the queen thought herſelf obliged by the ſtrongeſt ties, thoſe of honour and conſcience, to inſiſt upon it for a people, whom the neceſſity of the war had obliged her to draw into her intereſt. His lordſhip had ſigned the treaty with Spain before theſe orders to preſent another memorial arrived. He thereupon acquaints the marquis de Bedmar, that he was ſorry he was obliged to do any thing, which he knew was againſt the king's ſentiments, but having received expreſs orders, he muſt follow his duty, and preſents the following memorial:

'The under-written miniſter of the queen of Great-Britain, in purſuance of the ſtrict orders he received the laſt poſt, is obliged moſt humbly to renew the inſtances he has ſo frequently made to your majeſty in favour of the Catalans. The queen orders him to repreſent, that ſhe has nothing more at heart, than to obtain for theſe people the ſame privileges they formerly enjoyed, which ſhe thinks herſelf obliged to do by the two ſtrongeſt motives, that are poſſible, honour and conſcience, that ſhe may not leave a nation, which the misfortune of war obliged her to draw into her intereſt, in a worſe condition than ſhe found them. She hopes, that after all the pains ſhe has taken for procuring a ſolid and laſting peace to Europe, your majeſty will not leave her with the grief of having been the occaſion of the loſs of the privileges of that people; but rather, that in reſpect to the ſtrict friendſhip, which with God's bleſſing is ſo near being eſtabliſhed between your majeſties, as well as the Union ſo neceſſary to the intereſts of both nations, your majeſty will not make any difficulty any longer to grant this favor to her majeſty, which ſhe has ſo much at heart.'

The marquis de Bedmar's anſwer to this memorial was, That this point about the Catalans having been debated in the treaty lately concluded, and ſigned in this court by his excellency and himſelf, which his excellency will own and may be pleaſed to acknowledge, the king does not ſee, that any thing farther is to be done in the matter.

This treaty was ſent to England, and ratified by the queen. Lord Dartmouth ſays, in his letter to lord Lexington, that lord Bolingbroke had the principal ſhare in the negotiation; and that the article of the Catalans was put in as ſoft terms, as was conſiſtent with the queen's honour to allow.

The terms of the treaty are, That the Catalans ſhall have the ſame privileges as the king's beſt beloved ſubjects the Caſtilians enjoy.

When the king of Spain had received this convincing proof of our miniſtry's attachment to his intereſts, and that the ties of the queen's honor and conſcience were of no force with them, when oppoſed to his deſires, he takes a further ſtep, and directly propoſes to lord Lexington, that the queen would aſſiſt him with ſhips to block up Barcelona. His lordſhip's anſwer was That they was afraid this propoſal would meet with this difficulty, That her majeſty would be very unwilling to lend her ſhips to exterminate a people that had taken up arms, in a great meaſure, at the inſtigation of her miniſters: And that ſhe would think ſhe had done enough to gratify the king, in not inſiſting upon the preſerving for them their antient liberties, without helping to deſtroy them. But the regard the miniſtry had to this requeſt of the king, will afterwards appear.

The French ambaſſador and the princeſs de Urſins, propoſed to lord Lexington, (and the night before he left Madrid, the king ſent for him, and engaged him) to write a letter, concerted with him, and approved by the king, to the regency of Barcelona, adviſing them to ſubmit themſelves to their king. His lordſhip aſſures them of his conſtant endeavours to do the beſt he could for them: That God had not permitted him to do more than he had done: That if they would take their reſolutions ſoon, before he was out of Spain, he would write for them in the manner they ſhould deſire: And concludes his letter with new aſſurances of his concern for their intereſt.

To make this appear the more friendly to them, he tells them, he had intruſted the Conſul Alicant to get this letter conveyed to them, upon ſome pretence or other; though a duplicate of it was alſo ſent to the count of Lecheraine, one of the king of Spain's generals, before the town, with direction to have it ſent in as by a deſerter, without his knowledge.

Mr Burch, his lordſhip's ſecretary, amongſt other reaſons, gives this for the writing this letter, That if the Catalans had a mind to accommodate, the queen would have the mediation: And if they had not that then the court of Spain would ſee, that her majeſty would be always ready to ſerve them.

But this artifice to induce the Catalans to abandon their defence, in hopes of his lordſhip's good offices, had no effect upon men determined to die for the liberty of their country. Nothing but force could extort that from them; and therefore ſir Patrick Lawleſs, in September 1713, preſents a memorial to the ſame effect, with what was propoſed the month before to lord Lexington in Spain, ſetting forth, that the Catalans and Majorcans had not ſubmitted themſelves to the king's obedience, and interrupted all commerce and correſpondence in the Mediterranean; and ſubmits it to the conſideration of the queen, not only as guarantee of the treaty of evacuation, but as it concerned the intereſts of Great-Britain; and therefore his catholic majeſty hopes the queen will order a ſquadron of her ſhips to reduce his ſubjects to their obedience; and thereby compleat the tranquillity of Spain, and of the Mediterranean commerce.

As ſoon as the ſeaſon of the year would permit, a fleet is accordingly fitted out for the Mediterranean, under the command of ſir James Wiſhart, whoſe firſt inſtructions bear date the 28th of February, and the additional 18th of March 1713-14; by which he is ordered to enforce a ſtrict obedience to the treaty of evacuation in all its parts, upon any complaints of the queen's ſubjects, of interrupting of commerce or depredations by the veſſels of Catalonia, Majorca, Sardinia, Naples, and other places, to demand reſtitution; and, in caſe of a refuſal, to make repriſals: To repair with the fleet before Barcelonia, then beſieged by the enemy, and demand immediate payment of the value of the queen's ſtores in the town, or a ſufficient ſecurity for payment in ſome reaſonable time: To take care to time his arrival before the town, according to the advices from lord Bingley, then deſigned to be ſent to Spain: By the ſtrongeſt repreſentations to induce the regency of Barcelona to accept of the terms, that be obtained for them: To take all the neceſſary meaſures, purſuant to the queen's intentions, to put an end to the confuſions that now reign in thoſe parts: And all proper methods of perſuaſion to induce the inhabitants of Majorca to ſubmit to the terms that ſhall be offered them and in caſe of refuſal, to

employ his ſquadron in countenancing and aſſiſting all attempts, which may be made for reducing them to a due obedience.

It may be obſerved here,

1. That although the queen had engaged herſelf by the treaty of evacuation, to employ her good offices in the moſt effectual manner, to obtain the Catalans their liberties; yet inſtead thereof, the moſt effectual methods were uſed to the contrary; and Mr Prior acquainted Monſieur de Torcy, that the queen was aſſured, the Catalans would ſubmit upon the terms before offered by the king of Spain, without ſo much as mentioning their ancient privileges any more.

2. That the French king, who had put himſelf under the ſame obligation as the queen by that treaty, after this account from Mr Prior of the queen's ſentiments, thought fit alſo not to aſk for their privileges; Mr de Torcy alſo alledging, that the king had little intereſt with the court of Spain.

3. That Britain was under the ſame engagements by that treaty, to ſupport the privileges of Majorca, as thoſe of Catalonia, at the time ſir James Wiſhart had direct orders to attack them.

4. That when thoſe rigorous meaſures were forming againſt the Catalans, lord Bolingbroke writes word to Mr Prior, 'That by what we obſerve in the Catalan agent here, of whom we have never taken the leaſt notice as a public man, it is pretty plain, that a reaſonable accommodation might be made, as he expreſſes it, with that turbulent people.' What was called turbulency in the Catalans, may appear by their anſwer to the duke of Popoli, the king of Spain's general, who ſummoned them to ſurrender. They told him, they would die rather than be ſlaves; but if their antient liberties were confirmed to them, they would open their gates and receive him with all gladneſs.

The houſe of lords expreſſed their concern in a public manner for the miſeries of the Catalans; and by their addreſs to the queen, April 3, 1714, made it their moſt humble and earneſt requeſt to her majeſty, 'That ſhe would be graciouſly pleaſed to continue her interpoſition in the moſt preſſing manner, that the Catalans may have the full enjoyment of their juſt and ancient privileges continued to them.' Her majeſty's anſwer was, 'That at the time ſhe concluded her peace with Spain, ſhe reſolved to uſe her interpoſition upon every occaſion, for obtaining thoſe liberties, and to prevent if poſſible, the misfortunes to which that people are expoſed by the conduct of thoſe more nearly concerned to help them.'

Hereupon, for form's ſake, and to allay the indignation conceived againſt the miniſtry by the people in general, who compaſſionated the calamities of thoſe who fought for liberty; the demand of the Catalan privileges is again put down in lord Bingley's inſtruction, who was before ordered to go to Spain, but was never ſent. So that the only favour obtained from the miniſtry by this earneſt addreſs of the houſe of lords in behalf of the Catalans, was an intimation ſent by lord Bolingbroke to the admiral, not to appear before Barcelona, nor to attack the Majorcians, till he ſhould hear from lord Bingley, and receive directions from England: And alſo a letter from his lordſhip to Mr Grimaldo, above two months after the addreſs, though the town was inveſted at the time of making it, wherein he makes a kind and friendly complaint, as he terms it, that the Catalan privileges had not been yet granted them, nor any reaſonable terms offered, which they muſt either have accepted, or forfeited the queen's compaſſion, and that of the whole world.

The admiral had alſo his ſcruples, whether his orders, couched in ambiguous terms, would juſtify him in attacking Barcelona. He therefore writes to lord Bolingbroke and lord Bingly upon it, and ſubmits it to lord Bingley's conſideration, whether the Catalans might not refuſe conditions, that may be moſt advantageous, if they find he is not to act by force; and deſires that his orders to act before Barcelona, either by force or otherwiſe, may be very plain and clear; aſſuring him, that he will moſt punctually obey thoſe already given him, and ſuch as he ſhall hereafter receive.

When ſir James Wiſhart arrived at Cadiz, he gave the governor a liſt of the ſhips under his command for the Mediterranean ſervice, who ſent it immediately to Madrid: But though ſeveral meſſages came from court to the governor during the admiral's ſtay there, no one compliment was made him, to ſignify his arrival was welcome, or any queſtion aſked about what ſervices he was to perform; which a little ſurprized him: That as ſoon as they had an account at Madrid of his arrival at Cadiz, Mr Orry was diſpatched to Catalonia with full power to treat with the Catalans: 'So that, ſays he, it would appear, that though the king of Spain has all the advantages of the queen's ſhips, as much as if they were actually before Barcelona, by repreſenting to thoſe people, which they very well knew, our arrival in thoſe parts, and how far we are on our way to the Mediterranean; yet the king would not ſeem to owe the ſucceſs of ſuch agreement to the queen and her ſhips, but to France only.'

But this negotiation of Mr Orry failing of ſucceſs, by the Catalans refuſing to ſubmit, without having their liberties granted them, obliged the court of Spain to take more notice, than otherwiſe they were inclined to do, of the admiral, who, from Alicant, writes to lord Bingley, then expected at Madrid, That he had received a very civil letter from Mr Grimaldo, who ſent him the king's orders for exempting the proviſions for the fleet from paying any duty. He tells him, That this exemption was uſually granted to the admiral himſelf, that commanded; but, being a trifle, he ſubmits it to his lordſhip's better judgement, whether the granting him this might not be a means to prevent any thing that might be intended by the court of Madrid more to his advantage; and leaves it to his lordſhips conſideration, what may be moſt for his intereſt at that place; and hopes, by his friendſhip, to find ſome marks of favour from thence, in regard to his expence in this expedition, ſo much intended for their ſervice, and for which he has no allowance from home but his pay, which will not defray half his charges.

In another letter of ſir James Wiſhart to lord Bingley, he acquaints his lordſhip, that though he had formerly deſired him to move the king of Spain, that the grant of exemption of duties for proviſions for the fleet might be made to himſelf; yet, upon farther conſideration of the matter, which is but of ſmall moment, and may appear greater at the court of Spain and England than really it is, he deſires his excellency not to take any notice of it, but let it ſtand as it does; and deſires his countenance and aſſiſtance upon any other occaſion, that the court of Madrid might take to expreſs their good will to him. Nor was it long before the admiral gave the court of Spain more particular proofs, that he was not unworthy of their expected favours.

After Barcelona had been inveſted a conſiderable time by the Spaniards, and reduced to great difficulties for want of proviſions, the French king, though engaged with the queen by the treaty of evacuation, to employ his good offices in the moſt effectual manner, in favour of the Catalan liberties thought fit to ſend his troops againſt them, commanded by Marſhal Berwick, who opened the trenches before Barcelona the 1ſt of July, O. S. 1714. And, on the 8th of the ſame month, ſir James Wiſhart, in the queen's name, writ them a threatening letter, directed to the deputies, and others, who poſſeſſed the government there, telling them, that complaints had been made of their diſturbing the commerce of the queen's ſubjects; and that they had inſolently preſumed to take, carry up, and plunder their ſhips, and uſed the men in a barbarous manner: He had therefore thought fit to ſend captain Gordon with two men of war, to repreſent to them theſe unwarantable and preſumptious proceedings; and by the queen's command demands immediate ſatisfaction for the ſame, and the puniſhment of the officers of the ſhips with the utmoſt ſeverity. If this be not punctually complied with he leaves it to themſelves to judge what the conſequences may be.

The deputies returned anſwer, 'That only one of thoſe veſſels, mentioned in captain Gordon's memorial was taken by them into Barcelona, being laden with ſalt, for which they paid the price immediately to the captain of it. That being beſieged, they thought they might do ſo with juſtice, and by the law of nations: That they were ſo far from living like pirates, as their enemies ſuggeſted, in order to diſtreſs them, by preventing any one's coming with proviſions for their relief: That what Engliſh veſſels had entered their ports with proviſions, had been well treated, and had freely ſold their merchandize, and at a higher price, than they could have got any where elſe: That they had paid them with their beſt ſort of money, and to all their ſatisfactions: That they had that day publiſhed an order, forbidding, upon pain of death, any of their ſhips to moleſt any Engliſh, even though they were going with proviſions to the enemy. They hoped his excellency will be ſatisfied with their conduct, which is conformable to the rights of people, that are beſieged; aſſuring him, that when they know any of their ſhips, either with commiſſion, or without, that ſhall have cauſed the leaſt damage to any Engliſh, they will not only immediately inflict a rigorous puniſhment, but repair all the damage, deſiring to live in the good correſpondance they have had with this noble and generous nation, with the utmoſt

deference for the queen, and ready to obey his excellency's orders with all affection and reſpect.'

The government of Barcelona, in their extremity, writ another letter to the admiral, dated July 23, ſetting forth, 'That his excellency very well knew, that the engagement Catalonia entered into to receive Charles the third for their king, was founded on the protection of the high Allies, but moſt particularly of England, without which they were not capable of undertaking ſo great an enterprize. That they had, for ſeven years together, endeavoured to ſerve the Engliſh nation in every thing it was poſſible for them to do, by contributing troops and conſiderable ſums of money without intereſt. And though they had pleaſed themſelves with the thoughts of the happineſs to be always ſubjects of Charles III, yet by the ordinary change, to which humane affairs are liable, they now ſee the troops of the duke of Anjou, aided by the French, maſters of all the principality, except Barcelona and Cardona, committing through the whole the moſt execrable hoſtilities, burnings, and plunderings, without ſparing the effuſion of innocent blood, and without diſtinction of age or ſex. That for a year together the enemy's army had oppreſſed Barcelona by ſea and land, making them continually ſuffer the calamity of ſo long a blockade, during which time the enemies have thrown fourteen thouſand bombs into the town; which have ruined the greateſt part of the houſes: That now they expect to be attacked in form, and that in twenty four hours the town will be battered in breach. They cannot expreſs their affliction, to ſee the danger of the inhabitants expoſed to be victims of that cruelty, with which the enemy threatens to treat them. Having no comfort left, they fly to the queen of Great Britain, beſeeching her protection by the incloſed letter to Don Dalmaſes, their envoy at London; and, in the mean time, till an anſwer can come, they beſeech his excellency, from their ſouls, to mediate with the French troops, who oppreſſed them, for a ſuſpenſion of arms, ſince the congreſs at Baden, now ſitting, to conclude of a general peace, may ſtill determine this affair: They doubt not, that his mediation will be able to procure them this relief, ſince his ſquadron is ſuperior to that of the enemy. They ſee no other remedy in nature for their misfortunes; and therefore hope his excellency will not refuſe them: That if Catalonia has merited any thing by its ſervices' and by its conjunction with the Engliſh nation, this is the time to receive the fruits of it: That it is worthy of his excellency to comfort the afflicted, and not to deny them this favour in their great neceſſity.

How the admiral was affected with this letter, appears by one of his to lord Bingley, dated Aug. 7, 1714, wherin he acquaints him, 'That Mr Grimaldo had ſignified to him from the king of Spain, that all the king's ſhips of war being employed before Barcelona, his majeſty could not ſend any of them to meet his flota then coming home; and therefore deſired the admiral to ſend three of his upon that ſervice;' which was accordingly complied with. Of this he had acquainted lord Bolingbroke, and hoped to meet with her majeſty's approbation.

The Catalans thus abandoned and given up to their enemies, contrary to faith and honour, were not, however, wanting to their own defence; but appealing to heaven, and hanging up at the high alter the queen's ſolemn declaration to protect them, underwent the utmoſt miſeries of a ſiege; during which multitudes periſhed by famine and the ſword, many were afterwards executed, and many perſons of figure were diſperſed about the Spaniſh dominions in dungeons.

III. The Lord Oxford's Letter to the Queen, June 9, 1714.

May it pleaſe your majeſty,

I preſume, in obedience to your royal command, to lay before your majeſty a ſtate of your affairs. Though I have very much contracted it from the draught I made, and the vouchers from whence it is taken, yet I find it ſwell under my pen in tranſcribing, being willing to put every thing before your majeſty in the cleareſt light my poor underſtanding can attain to. It was neceſſary to lay it before your majeſty in the ſeries of time, from the beginning to this preſent time; and when that is compleatly laid before you it remains only for me to beg God to direct your majeſty.

And as to myſelf, do with me what you pleaſe; place me either as a figure, or a cypher; diſplace me or replace me, as that beſt ſerves your majeſty's occaſions, you ſhall ever find me, with the utmoſt devotion, and without any reſerve,

Madam,

Your moſt dutiful, moſt faithful,

moſt humble, moſt obedient ſubject,

and unworthy ſervant,

Oxford.

A brief account of public affairs, ſince Aug. 8, 1710, to this preſent 8th of June, 1714. To which is added, the ſtate of affairs abroad as they relate to this kingdom; with ſome humble propoſals for ſecuring the future tranquillity of her majeſty's reign, and the ſafety of her kingdoms.

Her majeſty, on the 8th of Auguſt 1710, was pleaſed to alter her treaſury and two days after, in a new commiſſion, Robert Harley, by her majeſty's great favour, was made chancellor of the exchequer.

The ſtate of affairs at home and abroad are freſh in every one's memory.

The condition of the treaſury at that time was laid before her majeſty in a large repreſentation.

I beg leave to touch ſome few heads: The army was in the field, no money in the treaſury; none of the remitters would contract again; the bank had refuſed to lend a hundred thouſand pounds to lord Godolphin, on very good ſecurity; the navy, and other branches of ſervice, eleven millions in debt, which enhanſed the price of every thing proportionable; the civil liſt in debt about ſix hundred thouſand pounds; and the yearly income too little for the current certain expence, by the loweſt computation, one hundred twenty-four thouſand, four hundred ninety-five pounds, two ſhillings and four-pence.

In a few days this new commiſſion made proviſion for paying the army, by the greateſt remittance that had ever been known: Though the oppoſition from every office, which was full of perſons who were enemies to the change made by the queen, was very ſtrong, and very troubleſome and vexatius: And ſuch was the ſituation of affairs, that nothing but great patience could ever have overcome theſe difficulties; it being impoſſible, as well as unavoidable, to make removes, but by degrees.

As ſoon as it was poſſible (and notwithſtanding the clamours then raiſed, it was the only proper time) a new parliament is called.

Its firſt meeting was November 27, 1710. Robert Harley had prepared the funds ready (before the parliament met, as he had done every ſeſſion to this day) not only for the current ſervice of the year, both by ſea and land, but alſo for eaſing the nation of above nine millions of debt. This was thought ſo chimerical, when Robert Harley did begin to open it, that it was treated with ridicule, until he ſhowed how practicable it was. It is true, this gave great reputation abroad, and enabled to treat advantageouſly of a peace. It raiſed ſinking credit at home; but, at the ſame time, as it drew envy upon Harley from ſome, and the rage of others, ſo it gave offence to ſome of his fellow-ſervants, who told him plainly, that he ought to have told his ſecret, and if he would not get money himſelf, he ought to have let his friends ſhare a hundred thouſand pounds, which would not have been felt, or found out, in ſo vaſt a ſum as nine or ten millions.

To this principle was owing the ſetting on foot at this time the unhappy voyage to Canada; to all which meetings Harley avoiding coming, and gave lord Rocheſter his reaſons; and after he deſired his lordſhip to be a means to the queen, to hinder that expedition, but it happened to be too late. But lady Maſham knows how much Harley was concerned at it, though he did not know the true ſpring of that voyage, which will appear after in this paper.

The beginning of February 1710-11, there began to be a diviſion among thoſe called tories in the houſe, and Mr ſecretary St John thought it convenient to be liſting a ſeparate party for himſelf.

To prevent this, lord Rocheſter and Harley deſired to have a meeting, and to cool ſuch raſh attempts; and it was contrived Mr ſecretary St John ſhould invite us to dinner (which was the laſt time he ever invited Robert Harley, being now above three years) were was the duke of Shrewſbury, earl Poulet, lord Rocheſter, and others; and lord Rocheſter took the pains to calm the ſpirit of diviſion and ambition.

Harley was at this time ſeized by a violent fever; and on his firſt coming abroad, March 8, met with a misfortune which confined him many weeks. The tranſactions during

that time, are too public, as well as too black, for Harley to remember or to mention.

In the end of May, 1711, the queen, out of her abounded goodneſs, was pleaſed to confer undeſerved honours on Robert Harley; and, on the 29th of the ſame month, was pleaſed to put the treaſurer's ſtaff into his hands: A poſt ſo much above Harley's abilities to ſtruggle with, that he had nothing but integrity and duty to reccommend him to her majeſty's choice; ſo he muſt have recourſe to her majeſty's tranſcendent goodneſs and mercy to pardon all his faults and failings, both of omiſſion and commiſſion, during the whole courſe of his ſervice,

But to return and reſume the thread of this diſcourſe. The 4th of June 1711, three days after the treaſurer was ſworn, he was ſurprized with a demand of twenty eight thouſand thirty-ſix pounds and five ſhillings, for arms and merchandize, ſaid to be ſent to Canada. When the treaſurer ſcrupled this, Mr ſecretary St John and Mr Moore came to him with much paſſion upon this affair; and about a fortnight after, the ſecretary of ſtate ſignified the queen's poſitive pleaſure to have that money paid: And accordingly her majeſty ſigned a warrant, June 21, and the treaſurer not being able then, with all his precaution, to diſcover further light, the money was paid, July 4, 1711.

Since the return from that expedition, the ſecret is diſcovered, and the treaſurer's ſuſpicion juſtified: For the public was cheated of above twenty thouſand pounds.

There is reaſon to be more particular upon this head, becauſe it is one of the things never to be forgiven the treaſurer; and lord-chancellor told him more to that purpoſe, that they told him no government was worth ſerving, that would not let them make thoſe advantages, and get ſuch jobbs.

One thing more is craved leave to be added, That the treaſurer was forced to uſe all his ſkill and credit to keep the houſe of commons from examining this affair laſt parliament.

June the 12, 1712, the firſt ſeſſion of laſt parliament ended.

From this time, to the beginning of the next ſeſſion, the treaſurer's hands were full of negotiating the peace in all courts abroad; and beſides the ordinary and neceſſary duty of his office at home, he had frequent occaſions of calming the quarrels and grudges Mr ſecretary had ſometimes againſt lord Dartmouth, ſometimes againſt lady Maſham, and ſometimes againſt the treaſurer himſelf.

The ſecond ſeſſion of the laſt parliament began December the 7th, 1711.

This was attend-d with great difficulties and dangers, as well from the practices of the diſcontented here, as the deſigns carried on by Mr Buys, Prince Eugene, and Bothmar; in which deſigns concurred the emperor, and other ſtates and princes who gained by the war.

This put her majeſty under a ſort of neceſſity to preſerve the whole, and to make a method which had been uſed, to to create ſome new peers.

So many have been brought formerly out of the houſe of commons, of thoſe who uſed to manage public affairs, it was propoſed to Mr ſecretary, That if he would be contented to ſtay in the houſe of commons that ſeſſions, her majeſty would have the goodneſs to create him a peer, and that he ſhould not looſe his rank.

The ſecond ſeſſion ended the 21ſt of June, 1712, and notwithſtanding Bothmar's memorial, and all other attacks both from abroad and at home, ſupplies were provided, and every thing relating to the public put upon a good foot, and the Malecontents began to deſpair, as appeared by the duke of Marlborough's retiring abroad, and other particulars.

After the ſeſſion was ended, the queen, as ſhe had promiſed, ordered a warrant for Mr ſecretary St John to be a Viſcount: This happened to put him in the utmoſt rage againſt the treaſurer, lady Maſham, and without ſparing the greateſt.

It did avail very little to tell him how much he had got in place; for had he been created with the other lords, it would have fallen to his ſhare to have come next after lord Trevor: but the treaſurer, with great patience, bore all the ſtorm, of which lord Maſham was often a witneſs of the outrageous ſpeeches; and Mr. Moore very lately told the treaſurer, that lord Bolingbroke ſaid very lately to him, that he owed him a revenge upon that head.

This diſcontent continued, until there happened an opportunity of ſending him to France; of which there was not much occaſion: but it was hoped, that this would have put him in good humour; which it did, until in October 1712, there were knights of the garter made.

This created a new diſturbance, which is too well remembered, and breaks out now very often in outrageous expreſſions publicly againſt all then made.

In November, on the death of duke Hamilton, he was much againſt duke Shrewſbury's going, for reaſons very plain, which then were in negociation: for before the laſt ſeſſion of that parliament began, a new model was framed, or a ſcheme of miniſtry; which how they afterwards came to fall out, will appear in its due place.

The third and laſt ſeſſion began April the 9th. 1713; which was as ſoon as the peace was concluded, and could be proclaimed.

It is not decent to take notice, that during this whole negociation, the treaſurer was obliged, by his own hand, and his own charge, to correſpond in all the courts concerned in the negociation; and very often he had the good luck to ſet right ſeveral miſtakes, and to obtain ſome things very little expected: but the only merit of this belongs to her majeſty, the credit of whoſe favour brought it about, and gave power to the treaſurer to act with ſucceſs.

During this ſeſſion, the lords of the cabinet, and others, met every ſaturday at the treaſurer's, in order to carry on the queen's buſineſs, as they had done the year before on thurſdays. Many offers were made, and repeated by the treaſurer, in order to attack former offenders, and quiet the minds of the gentlemen, and of the church-party; and the only reaſon for this failing, was, becauſe of the project laid for their new ſcheme, and putting themſelves at the head, as they called it of the church-party.

This being the laſt ſeſſion of parliament, and ſome gentlemen fearing their elections, and ſome for other reaſons, dropt the bill of commerce.

The treaſurer ſaw this opportunity, and immediately took it, and prevailed with ſir Thomas Hanmer, and others, to come into the payment of the civil liſt debts, incurred before the change of the treaſury, though the preſent treaſurer, was railed at, and maligned; which he choſe to bear patiently, rather than own the true reaſon, that there was no money to do it with, which would have ruined all at once.

This ſtep of paying the debts, put the male-contented into the utmoſt rage, which they did very publicly expreſs in both houſes.

This laſt ſeſſion of that parliament, and the third ſince the change of the miniſtry, ended July the 16th. 1713.

The peace with France being over, and it growing neceſſary to put her majeſty's affairs into a further and more ſettled regulation, and to eaſe the treaſurer of the burthen, as well as envy, of ſuch a bulk of buſineſs: Her majeſty was pleaſed to approve of the ſcheme of the duke of Ormond's ſtaying here to attend the army affairs, which was neceſſary at the time of diſbanding; duke Shrewſbury to go to Ireland, upon his return from France; lord Findlater to be chancellor of Scotland; lord Mar third ſecretary; lord Dartmouth privy-ſeal, and Mr Bromley ſecretary of ſtate, and ſir William Wyndham chancellor of the exchequer. I am ſure the queen very well remembers the rage this cauſed, as perfectly defeating their ſcheme, and ſhewing that her majeſty would put her affairs upon a ſolid foot: The lord chancellor ſaid it was againſt law, and to this day will not treat lord Findlater with decency; and lord Mar has met with many ill treatments, as well as Mr ſecretary Bromley.

But that the treaſurer might leave them without excuſe, and make her majeſty's affairs, if poſſible, eaſy with and to thoſe in her ſervice; as ſoon as he was recovered enough to write, he wrote a large letter to lord Bolingbroke, containing his ſcheme of the queen's affairs, and what was neceſſary for lord Bolingbroke to do, as belonging only to his province. This letter was dated July the 25th, 1713, and was anſwered July the 27th, by lord Bolingbroke; the copy was ſhown to lady Maſham, who came to viſit the treaſurer then confined to his chamber; and then ſhe thought it a very good one, and what was proper for the occaſion. I believe the whole would be of uſe to give light to her majeſty into the ground and foundation of the follies and madneſs which have ſince appeared; the whole is ready for her majeſty's peruſal when ſhe pleaſes.

In this letter the treaſurer gives an account to lord Bolingbroke of the occaſions, or rather the pretences, for giving diſturbance to the queen's ſervants. He propoſes the remedy, and what was requiſite to be done by him as ſecretary in his own province, and alſo aſſurance of the treaſurer's

assistance to the utmost, and of his desire to consult with him (lord Bollingbroke) how to unite the rest of our friends.

Being then sick, the treasurer took the liberty to put lord Bolingbroke in mind of the several particulars which then required dispatch, and were solely belonging to his province, without any other interposition than that of taking your majesty's direction.

Amongst others, that of a circular letter upon the addresses of both houses, relating to the pretender.

This was not done in three months. His lordship wrote word it was done July the 27th.

In the same letter the treasurer proposed, that (according to the treaty of peace) care should be taken of the following particulars, viz. Newfoundland, Hudson's-Bay, Acadia, St Christopher's, Assiento, and other things contained in the treaties of commerce.

These particulars the treasurer thought to have been executed, until within a few weeks he heard the contrary by accident, and that the time in the several treaties was elapsed. Upon this, the treasurer on Wednesday, June the 2d, told Mr Moore of this, and that every body would be liable to blame who are in the queen's service. Thursday, June the 3d, 1714, lord Bollingbroke writes to the treasurer a letter, which begins thus:

'Mr Moore has been this morning with me, and has put into my hands a paper, which he calls, I think not improperly, a charge upon me.'

This paper contains the neglect above mentioned in the treasurer's letter, of July the 25th, 1713, and yet those faults are now charged upon the treasurer.

From this account it is observable, that the earl of Oxford took to himself the credit of corresponding with his own hand, and at his own charge, in all the courts concerned in the negotiations of peace, and that very often he had the good luck to set right several mistakes, and obtained some things little expected: That he boasted of his laying hold of a seasonable opportunity in parliament, upon rejecting the bill of commerce, to prevail with members of the house of commons to come into the payment of the civil list debts; and also charged several persons, then in high stations, with corruption, and embezzlement of the public money; and recommended himself to the queen, by having used all his skill and credit to keep the house of commons from examining into the same. The committee of secrecy having received information, that large sums of money had been directed for special services relating to the war, by signs manual, and warrants upon the same, countersigned by the earl, which sums were afterwards paid to his order, the committee thought it incumbent upon them to lay before the house copies of these signs manual and warants, and orders thereupon, together with extracts from the register of the exchequer, by which it appeared, that these large sums issued for the service of the war, were received and applied to the earl's private use.

IV. A letter from the states general to ; the queen of Great-Britain, &c. dated Hague, June 5. 1712, N. S.

Madam.

After all the proofs which your majesty has given during the course of your glorious reign, of your great zeal for the public good, and of your adherence to the common cause of the high allies; after so many marks you have had the goodness to give us, of your tender affection, and of your friendship to our republic; and after the repeated assurances you have given us, and that very lately too, of your intentions, that your troops should act against the common enemy, until the war was concluded by a general peace: It is impossible we should not be surprised and afflicted by two declarations we have lately received, one after another, in the name of your majesty; the first by the duke of Ormond your general, that 'He could undertake nothing without new orders from you;' the other by the bishop of Bristol, your plenipotentiary to the congress at Utrecht, 'That your majesty perceiving that we did not answer as we ought, the proposals which you had made us, and that we would not act in concert with your ministers on the subject of peace, you would take your measures apart: And that you did not look upon yourself to be now under any obligation whatever, with respect to us.'

As soon as we had notice of those declarations, we sent orders to our minister, who has the honour to reside at your majesty's court, to represent to you the reasons of our surprize, and the consequences of those declarations; and to request you with that respect which we always had, and which we shall for ever entertain for your royal person, that you would give other orders to the duke of Ormond, that he may act with all possible vigour, according to the exigency of the war; and that your majesty would have the goodness to entertain other sentiments of us, than those which the bishop of Bristol had declared to our plenipotentiaries at Utrecht.

But the more we consider those declarations, the more important we find them, and the more we apprehend their consequences: Therefore we could not forbear applying ourselves by this letter directly to your majesty, hoping that you will consider it, as we promise ourselves you will both from your great prudence and wisdom, and from your so much famed zeal for the public welfare; particularly from your useful friendship and affection for us and our republic.

We protest before all things, that as we ever had a true friendship, as well as the highest respect for your majesty, and a sincere affection to all your interests, with an earnest desire to live in a perfect good understanding and union with you; we have still the same sentiments, and shall always preserve them, wishing for nothing more than to be able to give your majesty the most convincing proofs of it.

After this, we pray your majesty to consider, according to your great penetration, whether we have not just ground to be surprized, when we see a stop put, by an order in your majesty's name, without our knowledge, to the operations of the confederate army, the finest and strongest which perhaps has been in the field during the whole course of the war, and provided with all necessaries to act with vigour; and this, after they had marched, according to the resolution taken in concert with your majesty's general, almost up to the enemy, with a great superiority, both as to the number and goodness of troops, and animated with a noble courage and zeal to acquit themselves bravely; so that in all human appearance, and with the divine assistance, which we have experienced so visibly on so many other occasions, we should have been able, either by battle or sieges, to gain great advantages over the enemy, to have bettered the affairs of the allies, and to facilitate the negotiations of peace.

We flatter ourselves indeed with the hopes, which the duke of Ormond has given us, That in a few days he expects other orders; but in the mean time, we are sorry to see one of the finest opportunities lost, being uncertain whether we shall have another so favourable, since the enemy have time given them to fortify themselves, and take their precautions, while the army of the allies lies still without action; and, consuming the forage all round, deprive themselves of the means of subsisting for time to come, in those places where, by concert, the operations of the campaign were designed; which may make such enterprizes impossible hereafter, as were practicable now, and consequently render the whole campaign unsuccessful, to the inestimable prejudice of the common cause of the high allies.

Certainly when we consider the army as it really is, composed of the troops of your majesty and the other allies, joined together by common concert, to act for the greatest advantage and furtherance of the common cause, and the assurances which your majesty had given us by your letters, by your ministers, and last of all, by your general the duke of Ormond, of 'your intentions that your troops should be ordered to act with their usual vigour,' as well as the engagements into which your majesty is entered, not only with respect to us, but also separately and jointly with us, in respect to the other allies; it is very difficult for us to conjecture and conceive, how an order so prejudicial to the common cause, given so suddenly, without our knowledge, and undoubtedly too without the knowledge of the other allies, can agree and consist with the nature of an alliance, and with those assurances and engagements just now mentioned. For though, according to the declaration of the bishop of Bristol, your majesty holds yourself to be disengaged from every obligation with regard to us, it is plain that the matter now in question is not our particular interest or advantage, but that of all the allies, who will suffer by the prejudice, which an ornament so little expected must needs bring to the common cause.

But, Madam, we cannot forbear telling your majesty, that the declaration made by the bishop of Bristol, at Utrecht has no less surprized us, than that of the duke of Ormond in the army. It appears to us so extraordinary, that we know not how to reconcile it with the great goodness and kindness which your majesty has always honoured us with; and not being able to conceive how such a sudden change could happen, with respect to us, we are not only surprized, but afflicted at it. We have carefully examined our conduct, and find nothing in it, that can have given ground to that dissatisfaction which your majesty expresses with us, by this declaration.

From the very first day that your majesty ascended the throne, we testified all the deference that you could desire from a state in friendship and alliance with you. We carefully sought after your amity and affection, and considering the happy effects which a good inteligence, harmony, and union between your majesty and us, and the two nations, might produce, and have really produced, and the advantage which resulted from thence to both, as well as to the common cause of all the allies, we made it our business heartily to cultivate them, and more and more to gain your majesty's confidence, and to conform ourselves to your sentiments as much as possibly we could.

We think that we gave a signal proof of this, particularly with regard to the negotiations of peace; since not only after we were informed of the conferences formerly held in England upon this subject, we did expect that your majesty would give us an account of them; having this firm confidence in your friendship for our republic, and in your zeal for the good of the common cause, that nothing would be done to prejudice us, nor the other allies: But also when your majesty communicated to us the preliminary articles signed by M. Mesnager in England, and when you proposed to us the calling, and holding a congress for a general peace, and required of us to grant for this end necessary passports for the enemies ministers, we consented to it, though we had many reasons, which to us seemed very well grounded, not to enter into such a treaty without a better foundation, or at least without the concurrence of the other allies; but we preferred your majesty's sentiments to our own, in order to give you a new proof of our deference.

We did no less, with respect to the difficulties which were started on the subject of the treaty of mutual guaranty for the succession of the protestant line to your majesty's kingdoms, and for our barrier; a treaty of such importance to the two nations, that we look upon it as the strongest tie that could be thought on to unite for ever the hearts and interests of both, concluded after the maturest deliberation, and ratified on both sides in the most authentic form: For though we might have stood to the treaty as it was, yet we entered into a negotiation upon those difficulties, and particularly on the point of the assiento, concerning which, we gave our plenipotentiaries such instructions, that we no longer doubted but all the difficulties would have been adjusted to mutual content, and that we should thereby have entirely regained your majesty's confidence; and the rather, because, in the first place, when the meeting of a congress for a general peace was in hand, your majesty declared to us by your ambassador, 'That you desired no more than our concurrence in that single point, and this only mark of our confidence, and that then you would give us strong and real proofs of your affection towards us, and of your upright intentions, with respect to the common cause of all the allies;' and that afterwards, when the difficulties about the succession and the barrier were raised, your majesty did likewise assure us, that if we would remit something upon the most essential points, and particularly about the affair of the assiento, it would be the true way to re-establish a mutual confidence; which being once restored, your majesty would take particularly to heart the interests of this state, and act in conjunction with us in the whole negotiation, to obtain an honourable, good, and sure peace.

But we find ourselves very much out in our expectation, since at the very same time, when we made the greatest advances towards your majesty, and that we did verily believe we should come to an agreement about the points in difference, we see the earl of Stafford gone, without finishing that affair; we see the army stoped in the beginning of its career; and we hear a declaration, by which your majesty looks upon yourself to be disengaged from all obligations with us; for which the reasons alledged are, 'That we have not answered as we ought, the advances which your majesty made towards us, and that we would not act in concert with your ministers about the peace.'

If your majesty will be pleased to look with a favourable and equitable eye upon our conduct, we flatter ourselves, and have a firm confidence, that you will find nothing in it which can give you such disadvantageous ideas and thoughts of us; but that you will rather find, that we have performed and do still perform all that we are bound to, as good and faithful allies; and particularly to your majesty.

What we have said already, might perhaps be sufficient to persuade you of it; but we must add, that having always esteemed your majesty's affection, and a good harmony betwixt the two nations, as one of the strongest supports of our state, and of the protestant religion, and as one of the most effectual methods to maintain and advance our common interests, and those of the whole confederacy; and this sincere opinion being firmly imprinted on our hearts, we were never backward to communicate and consult in all confidence with your majesty and your ministers, upon the affairs of peace, according to the foundations laid down in the grand alliance and other treaties. We declare, that we have always been inclinable and ready to do it; and are so still, as far as we can, without prejudice to the other allies, and without departing from, or acting against, the engagements, treaties, and alliances which we have entered into.

But, Madam, all the proposals hitherto made to us upon that subject, were couched in very general terms, without communicating to us the result of the negotiations betwixt your majesty's ministers and those of France, nor even your majesty's thoughts about the subject, which we ought to have concerted together. It is true, that in some of the last conferences, your majesty's ministers demanded to know whether ours, were furnished with a full power, and authorized to draw up a plan for the peace; but it had been just, before such a thing was demanded of us, That they should have communicated the result of the negotiations, so long treated of betwixt your majesty's ministers and those of the enemy; or, at least, they should have told us your majesty's thoughts.

Had that plan related only to your majesty's interest and ours, we should perhaps have been in the wrong not to have forthwith come into it, though even in that case the affair could not have been without its difficulties, since the least notice of it which should have come to the enemy, must have been very prejudicial: but as the plan in question concerned the interest of all the allies, and almost all Europe, we had very strong apprehensions, that as the particular negotiations betwixt your majesty's ministers and those of France, and the readiness with which we consented to the congress at Utrecht, and to the giving of passports to the enemy's ministers, had already occasioned abundance of suspicions, and much uneasiness to his imperial majesty, and the other allies: we say, we apprehended, that his imperial majesty, and the other allies coming to know (which would have been very difficult to conceal from them) the concert betwixt your majesty's ministers and ours, for a plan of peace, and that before the ministers of France had given a specific answer to the demands of the allies, their suspicions and uneasiness would have increased, and that way of proceeding might have given them ground to entertain prejudicial thoughts, as if it had been the intention of your majesty and us, to abandon the grand alliance and the common cause, or at least that we alone took upon us to determine the fate of all the other allies; by which his imperial majesty and the other confederates might have been pushed on to seperate measures, and to take such steps as would be no ways agreeable to your majesty's interest.

We thought these reasons strong enough to justify our conduct to your majesty on this head; and if we did not enter with all the readiness which you might have wished for, into the concert proposed, we hope, that at most, your majesty will look upon our backwardness, only as an excess of prudence, or of scruple, and not in the least as a want of confidence in your majesty; while the allies might have considered it as a departing from the treaties, and particularly from the eighth article of the grand alliance. We also hope that your majesty, for the reasons here alledged, will lay aside those hard thoughts of us, as if we had not answered as we ought, the advances which your majesty made towards us, and that we would not act in concert with your ministers, upon the subject of the peace. But, Madam, though your majesty should not acquiesce in our reasons (of which however we cannot doubt) we pray your majesty to consider, whether that be sufficient for your majesty to think, that you are disengaged from all obligations with respect to us.

Had we acted againſt, and contravened the engagements and treaties which we had the honour to conclude with your majeſty, we might have expected from your goodneſs and juſtice, that you would have repreſented thoſe contraventions to us, and not have looked upon yourſelf to be diſengaged, till ſuch time as we had refuſed to give all neceſſary redreſs. But, as we did no ways engage to enter with your majeſty into a concert to draw up a plan of peace, without the participation of the other members of the grand alliance, the backwardneſs we have ſhewn upon that head, cannot be looked upon as a contravention of our engagements, and therefore cannot ſerve to diſengage your majeſty from your's, with reſpect to us, ſince we are verily perſuaded, that we have fully anſwered all our treaties, and all our alliances, both with your majeſty, and with the high allies in general; and that we have done more in this preſent war, than could in juſtice and equity have been expected from us. All the difference betwixt your majeſty and us in this point, is no more, if rightly conſidered, than a diſparity of ſentiments.

In truth, madam, if for ſuch a cauſe betwixt potentates, allied and united together by the ſtrongeſt and ſtricteſt ties of alliance, intereſt, and religion, any one of thoſe potentates could quit all their engagements, and diſengage themſelves from all their obligations, there is no tie ſo ſtrong, which may not be broke at any time; and we know of no engagements that could be relied on, in time to come.

We aſſure ourſelves, that when your majeſty conſiders the conſequences, you will not perſiſt in the declaration which the biſhop of Briſtol has made: we beſeech you, with all the reſpect, and all the earneſtneſs of which we are capable, that you would not; and alſo that you would be pleaſed to revoke the order given to the duke of Ormond, if it be not revoked already; and that you would authorize him to act according to occurrences, and as the exigency of the war, and the advancement of the common cauſe ſhall require.

We alſo requeſt you, madam, to communicate to us the reſult of the conferences betwixt your miniſters and thoſe of the enemy, or at leaſt your thoughts upon the peace, and we will endeavour to give your majeſty all imaginable proofs of our deference for your ſentiments, and of our ſincere deſire to preſerve your valuable friendſhip as much as we can, without acting contrary to the faith of the engagements into which we have entered, by treaties and alliances with your majeſty, and other potentates.

We are firmly perſwaded, that it is not your majeſty's intention in any manner to break them, ſince you have always been of the ſame opinion with us and the other allies, that a good union betwixt the allies, not only during the preſent war, but alſo after the peace ſhall be concluded, is, and always will be the moſt ſolid, and even the only method to preſerve the liberty and independency of all together, and of manner, by victories and great events, which will render every one in particular, againſt the great power of France.

We expect alſo, that after having given ſuch great and ſignal proofs of your wiſdom, of your firmneſs, and of your zeal for the ſupport of the common cauſe, your majeſty will not now take ſuch reſolutions as may be prejudicial to us and to the other allies; but that, in order to obtain an honourable, ſure, and general peace, you will purſue the ſame methods, and keep to the ſame maxims which you formerly held and which Almighty God hath bleſſed in ſo remarkable a the glory of your majeſty's reign immortal [z].

[z] To theſe papers it may be proper to add extracts of the treaties to Utrecht.

I. Between Great-Britain and France.

I. Perpetual peace and true friendſhip.

II. Ceſſation of all hoſtilities.

III. All offences, damages, &c. ſhall be buried in oblivion.

IV. The moſt chriſtian king acknowledges the limitation of the ſucceſſion to the kingdom of Great-Britain, in the proteſtant line, and on the faith, word, and honour of a king, declares, he and his heirs ſhall accept and approve the ſame for ever; and promiſes, that no one beſides the queen and her ſucceſſors, according to the ſaid limitation, ſhall ever, by him or his ſucceſſors be acknowledged king or queen of Great-Britain; and that he and his heirs will take all poſſible care, that the perſon, who, ſince the deceaſe of king James, did take upon him the title of king of Great-Britain, ſhall not, at any time hereafter, return into the kingdom of France, or any the dominions thereof.

V. The moſt chriſtian king promiſes, for himſelf and heirs, that they will at no time diſturb the queen of Great-Britain, her heirs and ſucceſſors of the proteſtant line, nor give any aid, favour, or council, directly or indirectly, by land or ſea, in money, arms, ammunition, ſtores, ſhips, ſoldiers, or any other way, to any perſon who ſhould oppoſe the proteſtant ſucceſſion.

VI. The union of France and Spain being the chief foundation of the war, it is provided and ſettled by renunciations, that theſe kingdoms ſhall never be joined in one*. The moſt chriſtian king engages that he will not endeavour to obtain any uſage of navigation and trade to Spain and the Spaniſh Indies, than what was practiſed in the reign of Charles II. of Spain, or than what ſhall be granted to other nations.

VII. Free navigation and commerce, as before the war, and as agreed by the treaty of commerce this day made between the two nations.

VIII. That the ordinary diſtribution of juſtice be opened, ſo that the ſubjects of both ſides may ſue for, and obtain their rights, according to the laws of each kingdom.

IX. The moſt chriſtian king ſhall take care, that the fortifications of Dunkirk, towards the ſea, be razed within two months; and thoſe towards the land within three months, and the harbour be filled up, and the ſluices or moles levelled at the king's expence; and that the fortifications, harbours and moles be never repaired again. All which, however, ſhall not begin to be ruined, till every thing is put into his hands which is to be given him inſtead thereof, or an equivalent.

X. Hudſon's Bay ſhall be reſtored to the queen of Great-Britain.

XI. All damages to the Hudſon's Bay company, by depredations of the French in time of peace, ſhall be ſatisfied, according to the eſtimates of commiſſaries to be named at the requiſition of each party. The ſame concerning the damages laſt year in the iſland of Montſerrat, and concerning the things complained of by the French, relating to Nevis, and caſtle of Gambia.

XII. The iſland of St. Chriſtopher, all Nova Scotia or Acadia, Port Royal or Annapolis, ſhall be delivered to the Engliſh, and the French excluded from all kind of fiſhing in the ſeas, bays, or other places on the coaſts of Nova Scotia; that is, on thoſe lying towards the eaſt, within thirty leagues, beginning from Sable-Iſland, and thence ſtretching along towards the South-Weſt.

XIII. Newfoundland, and the adjacent iſlands ſhall belong wholly to Britain; and the town and fortreſs of Placentia ſhall be delivered up within ſeven months. Only it ſhall be allowed to the French to catch fiſh, and dry them on land from cape Bonaviſta, round northward to Point-Riche. But the iſland of Cape Bretan, as alſo all others, both in the mouth of the river, and gulph of St. Laurence, ſhall belong to the French.

XIV. A year ſhall be allowed to the French to remove and carry off their effects, from the places to be yielded up by this treaty, and the free exercise of their religion, to thoſe that are willing to remain there.

XV. The French of Canada ſhall give no moleſtation to the five Nations of Indians, ſubject to Britain: and the Engliſh ſhall behave peaceably to the Americans, friends of France, and on both ſides they ſhall enjoy full liberty of going and coming on account of trade.

XVI. All letters of repriſal and marque ſhall be recalled, and none granted hereafter, but upon plain proof of a denial, or wrongful delay of juſtice; and unleſs the petition of him, who deſires the letters of repriſal, be ſhown to the miniſter of that prince, againſt whoſe ſubjects the letters are demanded, that he, within four months or ſooner, may make enquiry, or, procure ſatisfaction. But in caſe of no miniſter, the letters are not to be granted till after four months, from the day the petition was exhibited to the prince, againſt whoſe ſubjects the letters are deſired, or to his privy-council.

XVII. The conditions of the ſuſpenſion of arms, made the 11th day of Auguſt laſt, relating to ſhips, merchandizes, and other effects, taken on either ſide, ſhall be truly executed.

XVIII. But in caſe through inadvertancy or imprudence, any thing ſhould be committed by any ſubject, whereby any article of this treaty hath not its effect, this peace ſhall not be interrupted or broken; but that ſubject alone ſhall be anſwerable for his own fact.

XIX. In caſe of a future war, ſix months from the day of the rupture ſhall be allowed to the ſubjects of each nation, to remove all their effects, and retire themſelves where they pleaſe.

XX. Juſt and reaſonable ſatisfaction ſhall be given to all the queen's allies, in thoſe matters which they have a right to demand from France.

XXI. The moſt chriſtian king will, in friendſhip to the queen, grant, in his treaty with the empire, all things concerning religion, to be ſettled according to the treaties of Weſtphalia.

XXII. Juſtice ſhall be done to the family of Hamilton, concerning the dukedom of Chatelaraut, to the duke of Richmond, concerning ſuch requeſts as he has to make in France, and to Charles Douglas, concerning certain lands, and to others.

XXIII. All priſoners taken during the war, ſhall be ſet at liberty without diſtinction or ranſom.

XXIV. All the conditions of the peace made this day, between the kings of France and Portugal, are confirmed by this treaty, and the queen of Great-Britain takes upon herſelf to be guarantee.

XXV. The peace made this day between France and Savoy, is particularly included in this treaty, her majeſty of Great-Britain expreſly declaring, ſhe will be bound by the ſtipulations of ſecurity and guarantee promiſed therein, as well as by thoſe, ſhe has formerly taken upon herſelf.

XXVI. Sweden, Tuſcany, Genoa, and Parma, are in the beſt manner included in this treaty,

XXVII. Their majeſties have alſo been pleaſed to comprehend in this treaty the Hans-Towns, namely Lubeck, Bremen, and Hamburg, and the city of Dantzick, with this effect, that as ſoon as the general peace ſhall be concluded, the Hans-Towns, and the city of Dantzick, may for the future, as common friends, enjoy the antient advantages which they have heretofore had in the buſineſs of trade, either by treaties, or by old cuſtom.

XXVIII. Thoſe ſhall be comprehended in this preſent treaty of peace who ſhall be named by common conſent, on the one part, and on the other before the exchange of the ratifications, or within ſix months after.

XXIX. Laſtly, ſolemn ratifications for this preſent treaty, and made in due form, ſhall be exhibited on both ſides at Utrecht, and mutually and duly exchanged within the ſpace of four weeks, to be computed from the day of the ſigning, or ſooner if poſſible.

XXX. In witneſs whereof, We the underwritten ambaſſador extraordinary, and plenipotentiaries of the queen of Great-Britain, and of the moſt

* In this article are included, I. The French king's letters patents which admit the renunciations of the king of Spain, and thoſe of the dukes of Berry and Orleans. II. The king of Spain's renunciation. III. The duke of Berry's renunciation. IV. The duke of Orleans's renunciation. V. The French king's letters patent of December 1700.

chriſtian king, have put our ſeals to theſe preſent inſtruments, ſubſcribed with our own hands, at Utrecht the 31ſt day of March and 11th of April in the year 1713.

(L. S.) Joh. Briſtol. C. P. S.
(L. S.) Strafford.
(L. S.) Huxelles.
(L. S.) Meſnager.

II. Between Great-Britain and Spain.

I. Perpetual peace and true friendſhip.

II. Againſt the union of the kingdoms of Spain and France, as in the VIth article of the treaty with France.

III. A general amneſty on both ſides.

IV. All priſoners to be freed without ranſom.

V. and VI. Concerning the acknowledging and promiſing not to diſturb the proteſtant ſucceſſion, as in the IVth and Vth articles of the treaty with France.

VII. That the ordinary diſtribution of Juſtice be reſtored.

VIII. That there be a free uſe of navigation and commerce, as it was in the reign of Charles II. of Spain, and alſo according to the treaties of commerce which are now, or will forthwith be made at Madrid. And whereas it is by common conſent, eſtabliſhed as a fundamental rule, that the exerciſe of navigation and commerce to the Spaniſh Weſt-Indies, ſhall be as in the time of the ſaid Charles II, that therefore this rule may be obſerved inviolably, it is eſpecially agreed, that no licence ſhall at any time be given to the French, or any other nation, to introduce Negroes, goods, merchandizes, or any things whatſoever into the Spaniſh American dominions, except what may be agreed by the treaty of commerce aforeſaid, and the privileges granted in the aſſiento de Negroes, mentioned in the XIIth article, except alſo what the catholic king or his ſucceſſors ſhall promiſe by any contract, after the aſſiento de Negroes is determined. It is further agreed, that none of the Spaniſh dominions in America ſhall ever be alienated from the crown of Spain, to the French or other nation. On the contrary, the queen of Great-Britain will endeavour and aſſiſt the Spaniards, that the antient limits of their American dominions be ſettled, as in the time of Charles II.

IX. The ſubjects of each kingdom ſhall, in all countries, have at leaſt the ſame privileges as to duties, or cuſtoms, and ſhall have the like favour in all things, as the ſubjects of France, or any nation they favoured, do or ſhall hereafter enjoy.

X. Gibraltar is given up to the crown of Great-Britain: But (to prevent abuſes by importing any goods) without any territorial juriſdiction, and without any open communication by land with the country round about. Proviſions, however, and other neceſſaries in time of ſcarcity, may be bought with money for the uſe of the garriſon and ſhips in the harbour. No leave ſhall be given to Jews or Moors to reſide there, nor ſhelter to any Mooriſh ſhips of war, whereby the communication between Spain and Ceuta may be obſtructed, or the coaſts of Spain infeſted. The free exerciſe of their religion ſhall be granted to the catholic inhabitants: and in caſe the town of Gibraltar ſhall hereafter be granted or ſold, Spain ſhall have the preference of having the ſame.

XI. The iſland of Minorca, with all its towns and caſtles, particularly Port-Mahon, is alſo yielded to the crown of Great-Briton. No refuge to be given to Mooriſh ſhips, but only on account of traffic. In caſe of alienation, the crown of Spain to have the preference. The inhabitants to enjoy their religion, eſtates, and honours; and thoſe that retire, to ſell their eſtates.

XII. The catholic king grants to the South-Sea company, with excluſion of all others, the contract for introducing Negroes into his American dominions, commonly called el Pacto del Aſſiento de Negroes, for the ſpace of thirty years, beginning from the 1ſt of May 1713, with the ſame conditions enjoyed by the French, together with tracks of land on the river of Plata, ſufficient for the ſubſiſtance of thoſe who are in the ſervice of the company, and of their Negroes. The ſhips of the company may alſo come cloſe to land; but a Spaniſh officer ſhall be appointed to take care that nothing be done, contrary to his maſter's intereſts, and all belonging to the company ſhall be ſubject to the inſpection of the officer, as to matters relating to the tracks of land, and diſputes to be refered to the governor of Buenos Ayres. The contract of the Aſſiento concluded at Madrid, the 26th of March 1713. with all its conditions, not contrary to this article, is deemed as part of this treaty

XIII. At the earneſt deſire of the queen of Great-Britain, that the Catalonians ſhould not only obtain a full and perpetual oblivion of all that was done in the late war, and enjoy all their eſtates and honours, the catholic king hereby grants the deſired amneſty, and all the privileges which the Caſtilians enjoy, or may hereafter enjoy.

XIV. As Sicily is by this treaty yielded to the duke of Savoy, the queen of Great-Britain will take care, that in default of heirs-male, the poſſeſſion of Sicily ſhall revert to the crown of Spain, and not be alienated on any pretence whatſoever, unleſs to the catholic king.

XV. All treaties heretofore concluded between the two crowns are hereby confirmed, as far as they are not contrary to thoſe treaties lately made and ſigned. And as the Guipuſcoans pretend to certain rights of fiſhing at Newfoundland, it is agreed, that all ſuch privileges as they and other people of Spain are able to claim by right, ſhall be allowed them.

XVI, XVII, and XVIII. The ſame as XVIIth, XVIIIth, and XIXth. of the treaty with France.

XIX. The kings, princes, and ſtates, mentioned in the following articles, and all others nominated on either ſide by common conſent, before the ratifications are exchanged, or within ſix months after, ſhall be included in this treaty.

XX. Whatſoever ſhall be contained in a treaty between Spain and Portugal, with the approbation of Great-Britain, ſhall be deemed an eſſential part of this treaty.

XXI. The treaty of peace this day made between Spain and Savoy, is included in this treaty, the queen of Great-Britain declaring, ſhe will be obliged by the terms of promiſe and guarantee therein made.

XXII. Sweden, Tuſcany, and Parma, ſhall be included in this treaty.

XXIII. And alſo the republic of Venice, for the ſake of the neutrality they have obſerved, and the many acts of humanity performed by them.

XXIV. And the republic of Genoa, on the ſame accounts.

XXV. The city of Dantzick ſhall alſo be included.

XXVI. Solemn ratifications of this treaty ſhall be exchanged on both ſides, within ſix weeks or ſooner.

In witneſs whereof the ambaſſadors and plenipotentiaries ſigned and ſealed this preſent treaty at Utrecht, the one on the 2d and the other on the 13th day of July, 1713.

(L. S.) Joh. Briſtol. C. P. S.
(L. S.) Strafford.
(L. S.) Duc de Oſſuna.
(L. S.) El Marque de Montaleone.

Seperate Articles.

I. Since his catholic majeſty is ſteadfaſtly reſolved, and does ſolemnly promiſe by theſe preſents, that he will not conſent to any further alienation of countries, provinces, or lands belonging to the crown of Spain, the queen of Great-Britain does likewiſe promiſe, that ſhe will perſiſt in thoſe meaſures, by which ſhe has taken care, that none of the parties in war ſhall require or obtain of his catholic majeſty, that any farther part of the Spaniſh monarchy be torn from it. And when it ſhall ſeem to the queen of Great-Britain to be for the common benefit, the king of Spain does give his conſent, that a new treaty be entered into between Great-Britain, Spain, and Portugal.

II. The queen of Great-Britain obliges herſelf to procure forthwith the lady Urſini to be put into poſſeſſion of the dutchy of Limburg, or other countries in the Netherlands, which ſhall produce an annual clear revenue of 30,000l. Scudos, according to the diploma granted by his catholic majeſty to that princeſs, the 28th day of September, 1711. *

* This princeſs having quitted her rank and perogatives at the court of Rome, was made firſt lady of the bed-chamber to the queen of Spain, whom ſhe met at Nice in Provence, and conducted into Spain. Afterwards, when the regency of Spain was truſted to the queen, at the king's going to command his armies in Italy, the princeſs Urſini aſſiſted her with her care and counſel. She likewiſe took upon her the care of the education of the prince of Aſturias. Theſe are the reaſons alledged by the king, for his granting her the territory of Limburg, and obliging the queen of Great-Britain to procure it for her.

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THE

INDEX

To TINDAL's CONTINUATION of RAPIN's HISTORY of ENGLAND.

VOL. I.

N. B. The numbers expreſſed by figures refer to the pages; K. ſtands for King, D. for Duke, &c.

A.

ABDICATION: debates about it, 20
Aberdeen, earl of, William Gordon, brought priſoner to London, 537
Abington, earl of, Montague Bertie, his motion in the debate about the union, 495, 496
Abington, earl of, Montague-Venable Bertie, made juſtice in eyre, and his counteſs one of the ladies of the bedchamber, 616
Abjuration of K. James II. bill for it, 86
Accounts, public, examined into, 621
Acts for ſuſpending the habeas corpus act, 32, of toleration, 35, for declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion to the crown, 39 and 284, of ſettlement in Ireland, repealed, 58, for relief of the proteſtant Iriſh clergy, 66, of indemnity, 87, for raiſing the ſubſidy in 1691, 106, for abrogating the oath of ſupremacy in Ireland, &c. 126, for recognition of their majeſties title to the crown of Ireland, 142, for encouragement of proteſtant ſtrangers to ſettle in that kingdom, ibid. to prevent frauds by clandeſtine mortgages, 154, to prevent malicious informations in the crown-office, ibid. to erect a company in Scotland trading to Africa and the Eaſt-Indies, 183, in favour of the epiſcopal clergy in Scotland, 185, for regulating trials in caſes of high-treaſon, 197, for remedying the ill ſtate of the coin, 198, 216, to enforce the ſigning of the aſſociation, 209, for attainting ſir John Fenwick, 224, and all concerned in the conſpiracy, ibid. for ſettling the African company, 240, againſt papiſts, 260, for renewing the Eaſt-India company, 240, for the proteſtant ſucceſſion, 284, &c. for attainting the pretender, 319, act that the ſolemn affirmation of the quakers ſhall be accepted inſtead of an oath, 322, for the union of England and Scotland, 349, act of commiſſion for a treaty between England and Scotland, 438, &c. for regency, 455, the act which declared the Scots aliens, repealed, 456, for ratifying and approving the treaty of union, 488, for cofirming the union, 496. for ſettling the manner of election of the ſixteen peers in Scotland, 489
Act for improving the union of the two kingdoms, 76, for naturaliſing all foreign proteſtants, 73, for the South-ſea trade, 133
Addiſon, Joſeph, his letter to the E. of Mancheſter, about the affair of the Ruſſian embaſſador, 69, made ſecretary to the lieutenant of Ireland, 70, has a hand in the Criſis, 704, aſſiſts R. Steel at his trial, 710
Addreſſes to K. James II. 15
Addreſs of both houſes to K. William, promiſing aſſiſtance for the reduction of Ireland, 38, of the houſe of commons for a war with France, 60, for removing French papiſts, ibid. from the lords to put the iſles of Wight, Jerſey, Guernſey, &c. in a poſture of defence, 64, for removing the marquiſſes of Caermarthen and Halifax, 65, from the convocation, 74, to Q. Mary, from the city of London, 93, from the tinners in Cornwall, 94, from Middleſex, ibid. from both houſes to the king and queen, 105, 124, of advice from the lords to the king, 151, upon the ſtate of Ireland, 152, addreſſes to the king on the queen's death, 172, about the Scottiſh Eaſt-India company, 182, about a grant made to the E. of Portland, 201, of both houſes on the diſcovery of the aſſaſſination plot, 207, againſt profaneneſs and immorality, 242, againſt the woollen manufactory in Ireland, 243, for diſbanding the army, 251, about the Dutch guards, ibid. againſt the papiſts and jacobites, 252, about the navy, ibid. from Scotland, about the affair of Darien, 263, of the commons againſt the partition treaty, 287, of the lords complaining of the ſame, 290, of the commons deſiring the king to remove the lords Somers, Orford, and Halifax, from his preſence and councils, 295, counter-addreſs of the lords, ibid. addreſſes to the city of London, and other parts of the kingdom, upon the proclaiming of the pretender in France 315, from the lords and commons upon that occaſion, 317, 318, from the commons to the king, that he would deſire the allies to increaſe their quotas of land-forces, and provide for the half-pay officers in the firſt place, 320, from the convocation to the king, 335, addreſs of condolance to Q. Anne from the biſhops and clergy in London, from the diſſenters, and from counties, cities, &c. 344, of the commons about the princeſs Sophia, 350, concerning biſhop Lloyd, 365, of the lords, ibid. on the ill managers of the funds, 371, of the commons on account of the plot in Scotland, 399, their addreſs upon the lords appointing a ſelect committee, 401, from the parliament of Scotland, 412, 413, from the houſe of lords in England about Scotland, 427, from the commons, to deſire that the allies might furniſh their complete quota's, 429, about the ſucceſſion of Scotland in the houſe of Hanover, and for promoting the union, 454, addreſs from both houſes, concerning the endeavours uſed for creating jealouſies between the Dutch and us, 457, of both houſes concerning the danger of the church, 460, of thanks from the commons to the queen, for her tender regard to the privileges of their houſe, ibid. draught of an addreſs from the upper houſe of convocation, 463, another form drawn up by the lower houſe, ibid. of Scotland againſt the union, 488, congratulatory addreſſes upon the union, 498, from the French refugees to the queen in favour of their brethren perſecuted in France, ibid.
Addreſs from the lords about the admiralty, 524, from the commons for the relief of the Scotch merchants, ibid. from both houſes, not to make peace without the reſtitution of all Spain, 526, of the commons about the number of Engliſh forces in Spain and Portugal, at the time of the battle of Almanza, 530, 531, the ſame addreſs renewed, ibid. their addreſs of thanks to the queen, for taking meaſures to reſtore the affairs in Spain, ibid. addreſs of the lords and commons, upon the news of the pretender's intended deſcent in Scotland, 532, another of the commons thereupon, 533, and of the lords, ibid. of condolence upon the death of prince George, 563, for demoliſhing of Dunkirk, 569, to the queen for marrying again, ibid. about dr. Sacheverell's trial, 610, of both houſes to order the duke of Marlborough into Holland, 611, againſt the offers of France, 651, addreſs of thanks by the commons about the peace, 263, of the city of London, and other places, 665, addreſſes on account of the peace, debates about them, 690, 691, &c. of thanks from the commons for the treaties of peace and commerce, 695, for having the pretender removed out of Lorrain, 696, 714, againſt the public ſpirit of the whigs, 708, about the Spaniſh trade, 723, about the Aſſiento contract, ibid.

Admiralty, a motion made in the houſe of commons, to adviſe his majeſty to make ſuch commiſſioners of the admiralty, as were of known experience in maritime affairs, 150, the ſtate of it enquired into by the houſe of lords, 429
Advocates, faculty of, the pretender's medal ſent to them, 630
Aeth taken by the French, 229, by the allies, 474, a deſcription of that place, ibid.
African company of Scotland, 183
African trade regulated, 240
Aghrim, battle of, 116
Aileſbury-men; five of them bring an action againſt the conſtable of that corporation, 430
Aiſlabie, John, ſpeaks againſt the bill for confirming the treaty of commerce, 695, leaves the court party, and is removed for being one of the lords of the admiralty, 717, ſpeaks againſt the peace, ibid.
Alexander VIII. pope, choſen, 69
Algiers; the peace between that regency and England renewed, 389
Alicant caſtle ſurrenders, 583
Alliance, offenſive and defenſive concluded between the emperor and the ſtates-general, 68, between England, Holland, and Denmark, 308, 309, between France and Portugal, 310, between the emperor, England, and Holland, 311
Almanara, battle of, 604
Almanza, battle of, 502, &c. Engliſh regiments there, ibid. 617 and 618
Almirante of Caſtile, propoſes that archduke Charles ſhould be made K. of Spain, 394
Altena, burnt by the Swedes, 688
Ambaſſadors, bill for preſerving their privileges, 569
Ambrun taken by the D. of Savoy, 141
Anabaptiſts, account of them, 33, 71, 332
Anjou, D. of. See Philip V. K. of Spain.
Angleſea, Arthur Annefley, E. of, votes with the whig lords, 713, and again with the court lords, 715, ſet down for one of the regency, 714, ſups with Bollingbroke, ibid. promiſed the government of Ireland, ibid. joins with the whigs, 715, ſpeaks for the ſchiſm-bill, 721, moves to have that bill extended to Ireland, ibid.
Anandale, William Johnſtoun, marquis of, takes upon him the government of Scotland, 42, in a plot againſt K. William, 82, &c. made preſident of the council in Scotland, 377, and knight of the thiſtle, 383, made ſecretary of ſtate, 436, preſſes the ſettling of the ſucceſſion, ibid. preſents a memorial to the parliament, ibid. made preſident of the council, 441, careſſed by the cavaliers, ibid. was againſt the union, 484
Q. Anne, her acceſſion to the crown, 340, the prince of Hanover comes over to make his addreſſes to her, ibid. is married to prince George of Denmark, ibid. their iſſue, ibid. makes the lady Churchill her great favourite, ibid. her father's endeavours to pervert her to popery, 341, withdraws from court, and goes to Nottingham, after the prince of Orange's landing, ibid. great coolneſs between her and K. William and Q. Mary, ibid. was prejudited againſt the whigs, 342, her ſpeech to the privy-council, ibid. her agreeable manner in pronouncing her ſpeeches, 343, forms her miniſtry, and admits many tories, 347, her letter to the ſtates of Holland, 344, her civil liſt ſettled, 346, declares war againſt France, 347, orders the princeſs Sophia's name to be put into the public prayers, 349, recommends to the parliament the union of England and Scotland, ibid. a pretended deſign to exclude her from the ſucceſſion, ibid. refuſes to receive an addreſs from the duke of Hamilton, and other lords in Scotland, 354, reſolves to maintain the ſeſſion of the parliament there, ibid. appoints commiſſioners to treat about an union between England and Scotland, ibid. makes an order againſt ſelling of offices in her houſehold, 363, goes to Bath, &c. ibid. dines at Guildhall in London, 365, goes in ſtate to St. Paul's on the thankſgiving-day for the victory of Vigo, ibid. deſires ſome proviſion for her huſband prince George, ibid. touches for the evil, 375, the K. of Spain, (Charles III.) has an interview with her at Windſor, 396, her ſentiments about the occaſional conformity-bill, 397, endeavoured to diſſuade the parliament from bringing it in again, ibid. her ſpeech on the account of the plot in Scotland, 399, her anſwer to the lords addreſs about ſettling the crown of Scotland in the houſe of Hanover, 404, gives the firſt-fruits and tenths to the clergy, 406, preſſed by the E. of Nottingham to diſmiſs the dukes of Somerſet and Devonſhire from her cabinet-council, 409, is deſirous of having the ſucceſſion ſettled in Scotland, 410, her anſwer to the commons about the Aileſbury men, 431, her anſwer to the repreſentation of the lords upon the ſame ſubject, 432, her letter to the parliament of Scotland, 436, another letter of her's, appointing the lord archbiſhop Campbel to have the place and vote of high-treaſurer, ibid. amazed at the tories propoſal, of bringing over the next ſucceſſor, 455, her anſwer to the addreſs about the danger of the church, 460, another about the privileges of the houſe of commons, ibid. her letter to the archbiſhop of Canterbury about the convocation, 463, goes to the meeting of the commiſſioners for the union of the two kingdoms, and makes ſpeeches to them, 467, the articles of the union are repreſented to her, ibid. &c. her ſpeech of thanks to them, 468, inclined to pacific meaſures, 490, mr. Harley in her confidence, 491, her ſpeech concerning the union, 492, another at paſſing the bill for enacting it, 496, revives the parliament, and declares her pleaſure for holding the firſt parliament of Great-Britain, 498, was againſt the E. of Sunderland's being made ſecretary of ſtate, 499, forms a project jointly with the ſtates-general and the D. of Savoy to invade Provence, 513, her letter to the emperor about the conqueſt of Naples, ibid. takes mrs. Maſham and mr. Harley into her utmoſt confidence, at which the ducheſs of Marlborough is extremely uneaſy, 519, 520, the ducheſs's letters to her majeſty upon that occaſion, ibid. is made jealous of the duke of Marlborough's too great power, ibid. the L. Godolphin threatens to quit her ſervice if mr. Harley continued in her confidence, ibid. her ſpeech to her firſt Britiſh parliament, 521, diſpleaſed with the lords addreſs about the admiralty, 524, uneaſy at the D. of Marlborough's offering to reſign, 531, remarkable variations in her ſpeeches, 533, 534, a letter from her to the D. of Marlborough, 538, another to him after the victory of Oudenard, 561, does not come to parliament, but grants a commiſſion to ſeveral lords to repreſent her, 562, her anſwer to the commons addreſs for marrying again, 569, ratifies the preliminaries of peace, 577, books written againſt her title, 588, biſhop Burnet ſpeaks to her with great freedom about the pretender, 596, begins a change in her miniſtry, ibid. 597, &c. her anſwer to the addreſſes about dr. Sacheverell's trial, 610, writes to the D. of Marlborough to give the E. of Eſſex's regiment to J. Hill, ibid. deſiſts from her undertaking, ibid. communicates to the E. of Godolphin her reſolution of making the E. of Shrewſbury lord-chamberlain, 612, the ducheſs of Marlborough waits upon her majeſty for the laſt time, 612, the queen diſmiſſes the E. of Godolphin from his employments, 613, delighted with the alteration ſhe had made in the miniſtry, 614, tells the D. of Marlborough he was not to expect the thanks of both houſes, as uſual, 617, her name expoſed to cover all the negotiations of the peace, 633, mr. Meſnager had a private converſation with her, and ſpeaks to her in favour of the ptetender, 634, the elector of Hanover's memorial ſhewn to her, 635, ſhe cloſets the D. of Marlborough and ſeveral other lords, 636, diſmiſſes the D. of Marlborough from all his employments, 639, her proclamation for ſuppreſſing the Mohocks, 647, acknowledged queen by the K. of France, 650, her anſwer to the lords addreſs againſt the offers of France, 651, communicates the plan of peace to the parliament, 661, her anſwer to the commons addreſs of thanks upon that occation, 665, and to the lords addreſs, ibid. her new plan of peace, 683, 684, tries to prevent the electorate prince of Saxony's turning papiſt, 684, her anſwer to the letter of the ſtates-general, 685, ratifies the treaty of peace and commerce, 690, cauſes ſeveral French proteſtants to be releaſed from the gallies, 700, is ill, 704, dr. Shadwell's account of her illneſs, ibid. and 705, has a fit of the gout, ibid. the proteſtants write a letter to her, concerning the clauſe in the fourth article of the treaty of Ryſwick, ibid. taken ill again, 711, her anſwer to the lord's addreſs in behalf of the Hanoverian ſucceſſion, and for removing the pretender out of Lorrain, 714, her letter to the princeſs Sophia, 718, again indiſpoſed, 722, an impoſthumation, ibid. her anſwer to the addreſs about the Spaniſh trade, 723, and about the Aſſiento, 724, extremely ſhocked at the quarrel between her miniſters, 725, her laſt illneſs, ibid. conſtitutes the D. of Shrewſbury lord-treaſurer, ibid. dies, 726, not able to receive the ſacrament nor ſign her will, ibid. her character, ibid. a ſtrict obſerver of forms, 727, queſtioned whether ſhe knew any thing of the deſign of bringing in the pretender. 728. impoſed upon by her miniſtry, ibid.

Anſpach, Carolina, princeſs of, is courted by K. Charles III. but refuſes to embrace popery, 519, is married to the electoral prince of Brunſwick, and becomes Q. of Great-Britain, ibid.
Antinomians, 327, &c.
Antwerp reduced by the allies, 473
Argyle, Archibald Campbel, E. of, account of him, 42, commiſſioner from the convention to K. William, 50, made duke, 274, is head of the preſbyterians in Scotland, 378, made high-commiſſioner, 428, created baron of Chatham, and earl of Greenwich, 458, is preſent at the battle of Oudenarde, 542, takes poſſeſſion of Ghent, 554, the battle of Malplaquet, 580, his ſpeech at dr. Sachaverell's trial, 593, objects againſt the D. of Marlborough's being thanked by the houſe of lords, 616, called from the ſervice in Flanders, and appointed to command the Engliſh forces in Spain, 627, had acted in conſtant oppoſition to the D. of Marlborough, ibid. goes through the Hague without viſiting that duke, 628, does not receive the expected remittances, ibid. borrows 10,000l. on his own credit, ibid. complains of his not being ſupported, ibid. returns to England, and is ſilent, ibid. ſpeaks againſt the reſumption of K. William's grants, 647, excuſes the orders given to the D. of Ormond, not to fight, 658, oppoſes the malt-tax in Scotland, 693, reflected on in the public ſpirit of the whigs, 708, breaks all meaſures with the miniſtry, ibid. removed from all his places, 711, his account of the diſtreſſed condition of France, 713, repairs to council, 725
Arminius and Arminians, 325, 326, &c.
Army; the agents of the army oppreſs the common ſoldiers 174, 175, the king orders the officers of the army to examine all informations and complaints, ibid. conſultations about the ſtanding army, 236, papers for and againſt a ſtanding army, ibid. the commons reſolve to pay off and diſband the army, 238, liſt of the army, ibid. reduced to ten thouſand men, ibid. the confederate army, their bravery at the battle of Ramillies, 741, &c. defeat the French at Oudenarde, 542, demoliſhes the French lines, and raiſes contributions as far as Arras, and plunders Picardy, 546
Arran, James Hamilton, earl of, endeavours to reſtore K. James III. 32, ſent to the Tower, ibid. his propoſal to the Scotch lords aſſembled at London, 44
Aſgill, John, his abſurd notions, 331, ſpeaks againſt the bill for farther preventing the growth of popery, 461, expelled the houſe of commons for a book of his, 524
Aſhburnham, John lord, made deputy-warden of the Cinque-Ports, and colonel of the firſt troop of horſe-guards, 698, votes with the whig lords, 713, and again with the court, 714, reflected on by the D. of Argyle, 713
Aſhby and White, their caſe, 404
Aſhby, ſir John, his conduct at la Hogue fight, 132, examined before the houſe of commons, 144
Aſhley, lord, unable to proceed in his ſpeech in the houſe of commons, 197. See E. of Shafteſbury.
Aſhton enters into a plot to reſtore king James, 109, ſeized, ibid, tried, condemned, and executed, 111, 112, his dying ſpeech, ibid.
Aſſaſſination plot, 129, &c. and 202
Aſſociation ſigned by the commons, 208, and by the lords, ibid. and all over England, 209, an act to enforce the ſigning of it, ibid, ſigned in Scotland, 215
Athanaſian Creed, 72
Athlone, ſummoned, 96, beſieged, 115, and taken, ibid.
Athlone, E. of. See Ginckle.
Athol, John Murray, marquis of, created duke, 383, made knight of the thiſtle, ibid. a letter from the pretender directed to him, 398, the conſpiracy in Scotland ſaid to be a contrivance to ruin him, 402, his memorial hereupon, ibid. lord-privy-ſeal for Scotland, his ſpeech in his own vindication about the plot, 439, his proteſt againſt the Scots being declared aliens, 440, letter ſent to him by the pretender, 484, is againſt the union, 485, was for violent meaſures, ibid. engaged deeply in the pretender's intereſt and receives letters from him, 536, ſworn of the privy-council, 690
Atterbury, Francis, his letter to a convocation man, 333, his character, ibid. his letter reprinted with additions, 334, approved of, 337, choſen prolocutor of the convocation, 623, draws up a repreſentation, 624, thought that a prorogation put an end to all matters not finiſhed, 653, made biſhop of Rocheſter, and dean of Weſtminſter, 698
Augſburg: the elector of Bavaria endeavours to ſeize it, 393, deſcription of that city, ibid. taken by the elector of Bavaria, 394, the czar complains of him, 498
Auguſtine, St. his doctrine made by our reformers the ſtandard of religion, 326
Auguſtine, fort St. in North America, attacked by the Engliſh, 376
Auguſtus K. of Poland, engaged in a war with the K. of Sweden, 355, defeated by that king, 360, is depoſed, 396, retires into Saxony, ibid. cauſes the two princes Sobieſki to be taken priſoners, ibid. his Saxon dominions are invaded by the K. of Sweden, 481, makes a peace with that king, ibid. reſigns Poland and Lithuania, ibid. ſerves as volunteer at the ſiege of Liſle, 547, pretends that the reſignation of the crown of Poland was extorted from him, 584
Auguſtus king of Poland, his forces aſſiſt the czar, 609
Auſtin, Robert, made one of the commiſſioners of the admiralty, 154
Auxiliaries in Britiſh pay, retained by the ſtates, 666, refuſe to march with the D. of Ormond, 668, their pay and ſubſidies from England taken from them, 670
Ayleſbury, Thomas Bruce, E. of, proclamation for apprehending him, 94, concerned in the aſſaſſination plot, 202, goes to France, and has a ſecret conference with K. Lewis, ibid. committed to the Tower, 211, releaſed upon bail, 227

B.

Baden, prince Lewis of, his bravery in Hungary, 123, and in Germany, 157, comes to England, 164, commands on the Rhine, which he paſſes, and takes a great booty, 168, commands the Imperialiſts, 194, takes Eberenburg, 235, inveſts Landau, 357, 358, defeats the French at the battle of Fridlinguen, 359, hinders the elector of Bavaria from ſeizing Augſburg, 393, ſends the D. of Marlborough an expreſs with intercepted letters, 414, it is agreed that he and the duke ſhould command each day alternately, ibid. wounded at the battle of Schellenberg, 415, jealous of the D. of Marlborough's ſucceſs, 418, and 442, promiſed to join him, but failed him, ibid. ſuſpected of favouring the French, ibid. the emperor ſends to expoſtulate the matter with him, 445, publiſhes thereupon a manifeſto, ibid. forces the French lines at Hagenau, ibid. nothing however conſiderable done by him, ibid. the emperor Joſeph diſſatisfied with him, ibid. dies, 501
Baden, a congreſs there, 706
Baker, major, bravely defends Londenderry, 54
Bangor, biſhop of. See Hoadley.
Bank erected, 165, complaints againſt it, 174, 800,000 l. engrafted upon it, 217, bank-notes, ibid. land-bank, 209, fails, 217, great demand upon it, 535
Barcelona beſieged by the allies, 448, &c. ſurrenders, 449, beſieged by king Philip, who raiſes the ſiege, 474
Barrier-Treaty with the States, 645, complained of, ibid. condemned by the houſe of commons, 646, a new one propoſed, 683, ſigned, 684
Barſello, a deſcription of it, 393, taken by the French, ibid.
Baſville, monſieur de, intendant of Languedoc, 388
Bathurſt, Allen, created a baron, 641
Battle of Boyne, 90, of Aghrim, 116, of la Hogue, 130, of Steenkirk, 136, of Landen, 155, of Marſaglia, 157, of Scardingen, 390, of Schellenberg, 414, of Hochſtet, 416, of Ramillies, 471, of Turin, 478, of Kaliſh, 481, 502, &c. of Oudenard, 542, of Blareignes, or Malplaquet, 580, of Almanara, 604, of Saragoza, 607, of Villaviciosa, 608
Bavaria, Maximilian elector of, commands the Imperialiſts, 104, made governor of Flanders, 123, puts that country in a good ſtate, 134, left commander in chief there, 142, commands an army in the Netherlands, 186, at the ſiege of Namur, 187, his bravery, 193, was to have Spain, &c. by the partition-treaty, 247, has ſeveral negotiations with the emperor, 355, declares for France, ibid. and 358, ſurpriſes Ulm, ibid. defeated by count Stirum, 391, defeats the Imperialiſts, ibid. takes Ratiſbon, 390, marches into Tirol, and takes Inſpruck, 393, driven out by the boors, ibid. takes Augſburg, 394, the D. of Marlborough enters into a treaty with him, but the elector refuſes to ſign it, 415, ſupriſes Dieſt, 444, appointed to command on the Rhine inſtead of the Netherlands, 539, gains ſome intereſt in that country by his profuſeneſs and popular behaviour, 541, beſieges Bruſſels, and raiſes the ſiege, 551, gives out hopes of a peace, 571, propoſal from France to reſtore him to his dominions, and to give him Sardinia and Sicily, 675, 678, comes to Paris and has a conference with L. Bolingbroke, 675, Sardinia to be given to him, 684, renounces the Spaniſh Netherlands, 691

Baxter, Richard, his reformed liturgy, 329, refuſes the ſee of Hereford, 330
Beaufort, Henry Somerſet, duke of, his ſaying to the queen, 613, ſworn a privy-counſellor, 616, appointed captain of the band of gentlemen penſioners, 641, moves for an addreſs of thanks about the peace, 690, inſtalled knight of the garter, 700, dies, 722
Bedford, earl of, created marquis of Taviſtock, and D. of Bedford, 165
Bentinck, William, a great favourite of K. William, made groom of the ſtole, and privy-purſe, 29, created baron of Cirenceſter, viſcount of Woodſtock, and E. of Portland, 33. See Portland.
Berkley, James, earl of, appointed to command the fleet, 726
Berwick, James Fitz-James, D. of, ſails from Ireland into France with king James, 91, 96, returns, and is left commander of the French forces in Ireland, 100, taken priſoner at the battle of Landen, 156, takes Segura, Salvaterra, and many other places in Portugal, 424, defeats a body of the Dutch, paſſes the Tagus, and inveſts Portalegre, ibid. defeats the allies at Almanza, 502, &c. plunders the neighbourhood of Saluſſus, 679
Bethune, deſcription of it, 608, taken, ibid.
Beveridge, dr. William, is offered the biſhopric of Bath and Wells, which he declines, 113, one of the promoters of the ſociety for reformation of manners, 241, made biſhop of St. Aſaph, 435, dies, 538
Bill for excluding placemen from ſitting in parliament, 148, 372, 596, 620, for limiting their number, 708, 709, for aſcertaining the fees of officers of juſtice rejected, 148, touching the free and impartial proceedings in parliament, ibid. paſſes both houſes, but the king refuſes it, 163, for frequent calling and meeting of parliaments, 151, rejected, 163, paſſed at laſt, 172, for continuing the parliament notwithſtanding the king's death, 208, to prevent the publiſhing of any news without licence, 227, for diſbanding the army, 250, preliminaries of the bill of ſucceſſion, 284, that bill paſſed, 285, for the union of England and Scotland, 349, againſt occaſional conformity, 368, 397, that no perſons be choſen members of parliament but ſuch as have a ſufficient real eſtate, 373, to prevent occaſional conformity, 424, for an union with Scotland, 427, for the naturalization of the French proteſtants, 432, 433, ſelf-denying bill, 433, for a regency, intitled a bill for the better ſecurity of her majeſty's perſon and government, and of the ſucceſſion to the crown of England, 455, for further preventing the growth of popery, 461, for correcting ſome of the proceedings of the common law and chancery, 462, for enacting the union, 496, for a general naturalization of all proteſtants, 564, about privileges of ambaſſadors, 569, to repeal the naturalization act, 619, for building fifty new churches in and about London, 624, to give the electoral prince of Hanover, as D. of Cambridge, the precedence of all peers, 639, 643, for a toleration of the epiſcopal clergy in Scotland, 646, for making good the 8th and 9th articles of the treaty of commerce, 692, rejected, 694
Births, marriages, and burials, a tax on them, 169
Biſhops, their votes taken away, 10, excuſe themſelves from cauſing K. James II. declaration to be read in all churches, 17, tried for the ſame, and acquitted, ibid. excuſe themſelves from declaring under their hands their abhorrence of the prince of Orange's invaſion, 18, ſeveral of them refuſe to take the oaths, 32, move for a bill of toleration, and another of comprehenſion, 33, 70, biſhops of Gloceſter, Ely, Norwich, Bath and Wells, and Peterborough, ſuſpended, 70, letter from the biſhops in Scotland to K. James, 41, their proceedings in the convention there, 44, nonjuring a ſevere pamphlet againſt them, 94, diſown what was therein aſſerted, 95, are in a plot, ibid. neglect the concerns of the church, 113, the biſhops looked upon by many of the clergy as betrayers of the rights of the church, 334, blame upon the loſs of the occaſional conformity bill 369, conteſt between them and the lower houſe of convocation, 374, their behaviour upon the occaſional conformity bill being brought in again, 398, diſputes between them and the lower-houſe of convocation, 408
Blackall, Ofspring, made biſhop of Exeter, 521
Blenheim, a deſcription of that place, and battle near it, 415, the ſtandards and colours taken there hung up in Weſtminſter-hall, 428
Blenheim-Houſe, 429
Blount, Charles, his book to prove K. William and Q. Mary conquerors, burnt, 150
Bolingbroke, L. viſcount. See St. John.
Bolton, Charles Paulet, D. of, dies, 255, his odd character, ibid.
Bonne beſieged by the allies, 389, taken, ibid. a deſcription of it, ibid.
Bonneval, monſieur de, invades Ferrara, and takes ſeveral places belonging to the pope, 558, 559
Booth, George, lord de la Mere, afterwards earl of Warrington, made chancellor of the exchequer, 30, his character, ibid. proteſts againſt rejecting the clauſe for taking away the ſacramental teſt, 33, infuſes jealouſies of the king into the whigs, 38, diſmiſſed from his employments, 84
Boroughs, ſmall, the rotten part of our conſtitution, 316
Bothmar, baron de, publiſhes the elector of Hanover's memorial, 635, cauſes a clauſe relating to the regency to be rectified, 700
Boufflers, marſhal de, his proceedings in Flanders, 186, &c. throws himſelf into Namur, 287, &c. arreſted by way of repriſal, and releaſed again, 194, paſſes the Maes, 355, tries to ſurpriſe Nimeguen, 356, ſent to beſiege Liege, 391, diſgraced, 392
Boyle, Robert, founds his lecture, 155
Boyle, Henry, ſecretary of ſtate, 560, his ſpeeches, &c. at the trial of dr. Sacheverell, 590, removed from his place of ſecretary of ſtate, 613
Brandenburgh, Frederick, elector of, enters into a league againſt Sweden, 265, expects the title of king, 266
Bribery, proceedings in parliament againſt it, 174
Briſac taken by the French, 359, old Briſac taken alſo by them, 393, a deſcription of it, ibid.
Bromley, William, one of the managers of the occaſional conformity bill, 368, 397, brings in the bill to prevent occaſional conformity, and his ſpeech upon it, 425, his ſpeech on the debate about the danger of the church, 460, his ſpeeches, &c. at the trial of dr. Sacheverell, 592, 592, choſen ſpeaker of the houſe of commons, 613 made ſecretary of ſtate, 700, promotes the ſchiſm bill, 725
Brown, dr. chairman of the committee of convocation, 388, made biſhop of Cork, ibid. writes and preaches againſt drinking to the memory of K. William, ibid.
Bruges, a deſcription of that place, 540, ſurpriſed by the French, 541, abandoned by them, 554
Bruſſels, a deſcription of that city, 540, ſurpriſed by the French, 541, abandoned by them, 554
Buckinghamſhire, John, Sheffield, D. of removed from the office of privy-ſeal, 435, ſeconds the motion for inviting the princeſs Sophia over, 455, his ſpeech about the union, 492, ſpeaks in behalf of dr. Sacheverell, 593, 594, &c. made lord-ſteward, 614, moſt verſed in parliamentary proceedings, 637
Bull, George, made biſhop of St. David's, 434
Burgundy, Lewis, D. of, dies, 648, his character, 649
Burnet, Gilbert, made biſhop of Saliſbury, 30, is againſt the laity being put into the commiſſion for a comprehenſion, 36, concerned in the bill of ſucceſſion to the crown, 39, writes a paſtoral letter, 40, is againſt the inquiry into the murder of the E. of Eſſex, 64, diſcovers a plot againſt the king, 79, his letter to mr. Johnſton, 105, his paſtoral letter burnt, 150, his reaſons for ſir John Fenwick's attainder, 223, does him ſome ſervice, 224, made preceptor to the D. of Gloceſter, 246, addreſs for removing him from that poſt, 257, publiſhes his expoſition of the thirty-nine articles, ibid. which is cenſured in convocation, 337, his method of inſtructing the D. of Gloceſter, 264, is one of the commiſſioners for diſpoſing of the church preferments, 333, one of the managers againſt the occaſional conformity bill, 389, cenſured for it, ibid. inſtrumental in obtaining the firſt-fruits and tenths, 406, reflected upon the lower houſe of convocation, 434, propoſes the firſt model of the act of regency, 455, his ſpeech about the danger of the church, 459, chairman of the committee in the debates about the union, 492, reports the reſolutions of the ſame, 495, ſpeaks in favour of the bill for naturalizing proteſtant foreigners, 565, his notions upon the acts of treaſons in Scotland, 567, dr. Sacheverell reflects upon him, 589, threatened by the mob, 592, his ſpeech at dr. Sacheverell's trial, 593, &c. ſpeaks to the queen with great freedom againſt the pretender, 596, the queen ſpeaks to him about the peace, 636, his ſpeech about the peace, 695, his preface to his paſtoral care complained of in parliament, 711, makes a long ſpeech, 715, his ſpeech about the peace with Spain, ibid.

Byng, George, made rear admiral of the red, 374, goes into the Mediterranean, 387, at the taking of Gibralter, 420, made vice-admiral of the blue, 429, ſails towards Dunkirk, to defeat the pretender's deſigned expedition to Scotland, 532, comes bac into the Downs, and ſails towards the coaſt of France, ibid. purſues the French fleet, and comes near the Firth of Edinburgh, 534, his two letters, ibid. thanked by the houſe of commons, 535, one of the lords of the admiralty, 614, made admiral of the white, 631

C.

Cabal, 13, diſſolved, 14
Cabinet council appointed for Q. Mary, 92, detrimental to the public for affairs paſſing through the cabinet council, 145
Cadiz, attac of the Engliſh upon that place, 361
Cadogan, major-general, gives the queen information of the pretender's deſigns againſt Scotland, 532, ſends ſome regiments from abroad upon that occaſion, ibid. his bravery at the battle of Oudenard, 542, 543, at the battle of Wynendale, 549, forces the French lines, 602, removed from being lieutenant of the Tower, 641, receives the duke of Marlborough with great reſpect at his landing at Oſtend, for which he is diſmiſſed, 683, takes meaſures to ſecure the proteſtant ſucceſſion, 712
Campaign in Flanders, 68, 102, 120, 166, 510, 538, 615, in Germany, 68, 414, &c. 559, in Italy, 122, in Italy and Provence, 511, in Italy, 544, on the Rhine, 123, 168, 213, 582, 604, in Catalonia, 213, 446, in Portugal, 421, 609, in Piedmont and Dauphiné, 582, 604
Cape-Breton yielded up to the French by the Engliſh, 686, left to the French by the treaty of Utrecht, 691
Carmarthen, marquis of. See Oſborne Thomas,
Carpenter, general, in Spain, 555, at the battle of Almanara, 604, ſent to ford over the Ebro, 605, his good advice not followed, 607, taken priſoner at Brihuega, ibid.
Carteret, John lord, votes with the whig lords, 113
Carthagena in America taken by Pointis, 229
Caſtlemain, Roger Palmer E. of, impeached, 75, excepted out of the Indemnity, 87
Catalans very kind to the Engliſh troops, 627, forſaken by the Engliſh, 680, amneſty for them, 686, reſolved to defend their liberty, 704, are to have a full pardon 707, their caſe taken into conſideration by the houſe of lords, 712, &c. reflection on their condition, 728, their caſe reported by the committee of ſecrecy, 732
Catalonia, affairs there, 194, 213
Ceſſation of arms propoſed, 666, proclaimed, 670, prolonged, 684
Cevennois riſe in arms, 388, the Engliſh fleet attempts in vain to aſſiſt them, 389, ſuffer much, and are not relieved, 335, enter into a treaty with the French general, ibid.
Charles II. See Spain, K. of.
Charles XI. K. of Sweden, mediator, 227, dies, 228
Charles XII. K. of Sweden, mediator, 229. See Sweden.
Charles, archduke of Auſtria, proclaimed K. of Spain, 389, ſeveral Spaniards declare for him, ibid. lands in England, 396, his character, 397, is beſieged in Barcelona, 475, delays going to Madrid, which is a great injury to him, 475, comes to Taragona, and thence to Saragoſſa, and is acknowledged by the kingdoms of Valencia and Arragon, ibid. comes up near Madrid, ibid. joins the E. of Galway, and advances againſt K. Philip, 476, concludes a treaty of commerce with England, 505, but ratifies it with reluctance, 506, courts the princeſs of Anſpach, who refuſes to change her religion, and he marries the princeſs of Wolfenbuttel, 517, the pope acknowledges him, 558, the French offer to give him Spain and the Weſt-Indies, 572, &c. comes to Madrid, 606, no care is taken by the allies to ſupport him, 607, his affairs are in a bad ſituation, 608, is elected emperor, 626. See emperor.
Cholmondely, Hugh E. of, objects againſt the ratification of the treaties of peace and commerce, 690, removed from the place of treaſurer of the houſehold, ibid.
Church of England ſaid to be in danger, 452, memorial of the church of England, ibid. danger of the church enquired into by the houſe of lords, 458, &c. proteſts about it, 459, 460
Churchill, lord John, made a privy-counſellor, 28, and gentleman of the king's bedchamber, ibid. created E. of Marlborough, 33, acts in Flanders, 70. See Marlborough.
Civil Liſt, 36, 37
Clarendon, Henry Hyde E. of, in great credit in Ireland, 52, aſpires to the poſt of lord-lieutenant, ibid. diſcontented, ibid. ſpreads ſlanders againſt K. William, 71, enters into a plot to reſtore K. James, 109, committed to the Tower and releaſed 113, the earl's hiſtory publiſhed, 375, appointed envoy extraordinary to Hanover, 715, his ſpeeches, ibid.
Clergy, adhere to the divine rights of monarchy, and lineal ſucceſſion, and to the diſtinction of a king de jure and de facto, 22, it is propoſed in parliament to excuſe them from taking the oaths to K. William, 34, but they are at length obliged to take them before Auguſt 1, 1689, ibid. ſhew their hatred to the diſſenters, 35, epiſcopal clergy in Scotland zealous for K. James, which proves the ruin of epiſcopacy in that kingdom, 41, &c. proteſtant clergy in Ireland, deſign to ſuppreſs them, 59, clergy in England take the oaths to K. William with reſervations and diſtinctions, 71, excepted out of the abjuration bill, 86, the clergy in England give offence by their behaviour about the oaths, 142, ſign the aſſociation, 209, diviſions among them, encourage profaneneſs, 242, ſome of them againſt a toleration, ibid. complain of the convocation's not ſitting, 333, hoped to recover many privileges by the help of mr. Atterbury's book, 334, uſed to grant their own ſubſidies apart, ibid. taxed by the houſe of commons ever ſince the year 1665, ibid. and 335, promote the notion of the church's being in danger, 452
Coin, the loſs the nation ſuffered by re-coining the money, 212, proceedings of the commons about it, 216, 217
Collier, Jeremy, gives abſolution to ſir John Freind, and ſir William Perkins, 211, vindicates that practice, ibid. his ſhort view of the ſtage, 253
Commerce, treaty of, between England and France, 684, regected by the parliament, ibid. between the emperor and Spain, 436
Commiſſion for reviewing the liturgy and the commiſſioners names, 71, 72, eccleſiaſtical commiſſion for diſpoſing of church preferments, 333
Commiſſioners to treat of an union between England and Scotland 354, 465, &c. they meet, ibid.
Committee of both houſes to adviſe K. William, 147, 152
Commons, houſe of, will not agree to excuſe the clergy from taking the oaths, 34, preſent an addreſs of thanks to the king, for his having diſcharged chimney-money, 37, addreſs to the king for a war with France, 60, ſettle upon the king the hereditary exciſe for life, and grant him the cuſtoms for four years, 85, 86, vote a ſupply of four millions, 106, another of above three millions, 125, one of above five millions, 147, &c. of five millions and a half, 162, &c. of almoſt five millions, 169, their repreſentation to the king upon his refuſing to paſs the place-bill, 163, their proceedings againſt Pauncefort, and others guilty of bribery, 174, &c. debates in that houſe about re-coining the money, 197, their proceedings about the coin, 316, 317, bent upon diſbanding the forces, and grant a ſupply for that purpoſe, 250, their addreſs of thanks to the king upon diſbanding the army, 251, the king's meſſage to them about the Dutch guards, and their addreſs thereupon, ibid. many hard things ſaid in that houſe againſt the court and the king, 252, find fault with the partition treaty, 305, vote 40,000 ſailors, and the ſame number of ſoldiers, 319, vote that it is the undoubted right of the people to petition, 320, preſent an addreſs to the queen on the ill-management of the funds, 371, diſputes between them and the houſe of lords, in the caſe of Aſhby and White, 404, &c. ſhew a great neglect in all that related to the fleet, 406, loſe much of their reputation, 408, their proceedings about the five Ayleſbury men, 430, &c. motion for excluding penſioners and placemen from the houſe of commons, 456, debates about the danger of the church, 459, their reſolutions for making the union more compleat, 524, and about the trade to Portugal, Italy, and Spain, ibid. enquire ſtrictly into the E. of Galway's conduct at the battle of Almanza, 530, their reſolution for the preſervation of public credit, 535, their partiality in judging of conteſted elections, 563, great debates about the peers of Scotland's eldeſt ſons, ibid. impeach dr. Sacheverell, 589, their managers at his trial, 594, &c. take into conſideration the management of the war, and find ſome abuſes in the victualling, 619, enquire into the affair of the Palatines, ibid. grant 1,500,000l. for the ſervice in Spain, 627, reject in their addreſs of thanks a clauſe that had been inſerted in the lords addreſs, 638, form ſeveral reſolutions injurious to the ſtates, 645, and condemn the barrier treaty, ibid. debates there about the negotiation of peace, 659, order

Bp. Fleetwood's preface to be burnt, 664, their reſolution againſt the letter from the ſtates, 665, and about the queen's care for the proteſtant ſucceſſion, ibid. they ſtigmatize thoſe that delighted in war, 691, vote the proteſtant ſucceſſion to be in no danger, 716
Compr.chenſion, bill for it, 35, why miſcarried, 36, attempted again, 71
Compton, Henry, biſhop of London, made privy-counſellor, 28, and dean of the royal chapel, 29, crowns K. William and Q. Mary, 33, his ſpeech in the convocation, 73, twice diſappointed of the ſee of Canterbury, 337, oppoſes the court, ibid. had the education of the princeſs (afterwards Q. Anne) 340, marries her to the prince of Denmark, ibid. helps to convey her from the court to Nottingham, 341, his ſpeech about the danger of the church, 459, his death and character, 700
Conſpiracy in Scotland, 398, the papers relating to it laid before the houſe of lords, 401, endeavours uſed to ſtifle it, ibid. account of that conſpiracy, 403, the lords vote about it, 404
Convention turned into a parliament, 30, the convention in Scotland meets, 44, proceeding therein, 45, &c. the lawfulneſs of it, 46, their acts for the ſecurity of the nation, 47, ſend relief to Ireland, ibid. their anſwer to K. William's letter, ibid. publiſh a proclamation againſt K. James, 49
Convocation meets, and their proceedings, 73, &c. their addreſs to the king, ibid. books about it, 333, regularly called by K. William, but always prorogued, 334, is allowed to ſit, ibid. pretended they had a right to ſit whenever the parliament ſate, ibid. and that they had no need of a licence to enter upon debates, ibid. diſputes between the lower-houſe and the archbiſhop about adjourning, 335, report of the lower-houſe, ibid. their power as to cenſuring of books, 336, whether diſſolved by the king's death, 338, their proceedings in 1702, 374, &c. their petition to the queen, 375, ſit again, their proceedings, 407, &c. meet again, and preſent a repreſentation, 408, remarks upon it, ibid. a new one meets, 462, difference between the two houſes, 463, meet again, 500, ſpeak againſt the union, and name a committee to conſider of the preſent danger of the church, ibid. prorogued, ibid. order a repreſentation to be made to the biſhops, ibid. the lower-houſe continues ſitting after the prorogation, ibid. and prepares a proteſtation againſt the archbiſhop, ibid. the prolocutor abſents himſelf, for which he is declared contumacious, ibid. the convocation opened, 623, the queen's licence for the ſitting of it, ibid. their repreſentation to the queen, 624, has a juriſdiction, and may proceed in caſe of hereſy, ibid. whether the queen's licence to it ſubſiſted after a prorogation by a royal writ, 653, meets again, 707
Cooke, ſir Thomas, governor of the Eaſt-India company, proceedings of the commons againſt him, 176, committed to the Tower, and a bill brought in againſt him, ibid. act to indemnify him, 177, examined before the commons, ibid. act for impriſoning him, 180
Corruption, an univerſal one complained of, 147
Cottonian library, 462
Cowper, William, made lord-keeper, 453, his character, ibid. diſcourages the great number of private bills, 462, his proceedings and ſpeeches about the union of the two kingdoms, 466, &c. preſents the articles of union to the queen, 467, is created baron of Wingham, 491, declared lord high-chancellor, 499, his ſpeech to the parliament, 562, ſpeaks at dr. Sacheverell's tryal, 591, delivers up the grea-ſeal, 613, ſpeaks againſt the reſumption of K. William's grants, 635, his ſpeech about the peace, 658, 663, repreſents the dangers that threatened the proteſtant ſucceſſion, 710, his ſpeech about the Catalans, 712
Court of conſcience erected in Briſtol, Gloceſter, and Newcaſtle, 65, court of the marches of Wales aboliſhed, ibid.
Craggs, James, ſent to the Tower, 174, concerned in clothing the army, ibid. examined in the houſe of commons about the Eaſt-India company, 179, act for impriſoning him, 180, ſpeaks againſt the Aſſiento trade, 707, ſent to K. George with a letter, 726
Crawford, William Lindſay E. of, appointed to preſide in the parliament of Scotland, 50 againſt the epiſcopal clergy, 70, his character, ibid. and 79
Credit, the public, reſtored, 217, very high, 461, the commons care for preſerving it, 335
Crew, Nathaniel, biſhop of Durham, takes the oaths, 75, excepted out of the indemnity, 87
Cromarty, George Mackenſie E. of, ſecretary of ſtate for Scotland, 410, his ſpeech, 411, is made juſtice-general, 413
Czar, Peter I. travels to Holland and England, 231, his character, ibid. ſucceſsful againſt the Tartars, 235, defeated at Narva, 282, over-runs Poland, 507, preſſes the Poles to chuſe another king, ibid. tries to make a peace with the K. of Sweden, ibid. reduces Livonia to his obedience, 609, the grand ſeignior declares war againſt him, ibid. has an engagement with the Turks, and concludes a peace with them, 628, the K. of Sweden endeavours to ſtir up the Turks againſt him, 688, makes himſelf maſter of Finland, ibid.
Czarina. See Catharine.

D

Dalrymple, John, made joint-ſecretary of ſtate for Scotland, 119, undertakes to bring the jacobites into the king's ſervice, ibid. created lord Stair, 127
Dalrymple, ſir David, frames a bill to diſcharge the clans of Scotland from their vaſſalage, 533, lord-advocate of Scotland, ordered to enquire into the affair of the pretender's medal, 631, removed, ibid.
Danby, E. of. See Oſborne, Thomas.
Danes refuſe to ſtir from their quarters till their arrears were paid, 470, join the allies, ibid.
Darien; account of that ſettlement, 183, 219, 253, miſcarries, ibid. the French king complains, and the K. of Spain preſents a memorial againſt it, 254, great diſcontent upon the loſs of it, 255, 262
Dartmouth, William Legg, lord, made ſecretary of ſtate, 612, created viſcount Lewiſham, and earl of Dartmouth, 631, made lord privy-ſeal, 700
Davenant, dr. Charles, ſome of his books cenſured, 351, appointed ſecretary to the Engliſh commiſſioners for the union, 355, his eſſays upon peace at home, and war abroad, 397
D'Aumont, D. of, appointed embaſſador extraordinary to England, 680, comes to England, 683, his character, ibid. inſulted, and his houſe burnt, 698, the pretender thought to be with him, ibid. preſents a memorial againſt mr. Dubourdieu, an eminent French preacher ibid. makes his public entry, 699, leaves England, 700
Dauphin, an attempt to carry him off, 517, he dies, 621, two other Dauphins died, 648
Dawes, ſir William, biſhop of Cheſter, ſpeaks againſt the bill for naturalizing proteſtant foreigners. 565
De Foe, Daniel, his ſhorteſt way with the diſſenters, 369
De la Mere, lord. See Booth, George.
Deleval, ſir Ralph, preſides at the court-martial which tried the E. of Torrington, 96, examined in the houſe of commons about a letter from the E. of Nottingham, 126, made one of the commiſſioners of the admiralty, 153
Dendermonde, deſcribed, 474, taken by the allies, ibid.
Denmark, George pr. of, created baron of Oakingham, E. of Kendal, and D. of Cumberland, 33, attends K. William in Ireland, 88, is married to the princeſs Anne, 340, their iſſue, ibid. prejudiced againſt the whigs, 342, is declared generaliſſimo of all the queen's forces by ſea and land, 223, made lord high-admiral, 347, a bill for ſettling a proviſion upon him, if he ſurvived the queen, 365, 366, proteſts againſt it, ibid. is for the occaſional conformity bill, 369, underſtood ſea-affairs very little, and was impoſed upon, 387, negligent in the management of the admiralty, 429, declared high-admiral, 499, his council in the affairs of the admiralty, ibid. they manage badly, 516, engages in mr. Harley's party, 520, great complaints againſt his council 523, is thanked by the houſe of commons for his diligence in fitting out a fleet, when Scotland was threatened with an invaſion, 535, dies, 561, his character, ibid.
Denmark, Anne princeſs of, 50,000l. a year ſettled upon her, 37, 80, K. William and Q. Mary uneaſy at her requiring a proviſion, ibid. motion for her maintenance cauſes the E. of Marlborough's diſgrace, 128, Q. Mary, falls out with her becauſe ſhe would not diſmiſs the counteſs of Marlborough, 129, retires to Sion-houſe, ibid. not admitted to ſee her ſiſter, Q. Mary on her death-bed, 171, the king reconciled to her, ibid. not put at the head of the lords-juſtices, 181. See Q. Anne.
Denmark, Frederick IV. K. of, travels through the courts of Germany and Italy, 584, it is given out that he intended to change his religion, ibid. attacs Sweden, ibid. and 609, invades Pomerania, 628, takes Sweden, and reduces the duchy of Bremen, 688, exacts 300,000l. of the the city of Hamburgh, ibid. defeated by the Swede, ibid.
Deſcent, one in France intended, 310, one deſigned by the pretender, in Scotland, 532

Devonſhire, William Cavendiſh E. of, made lord-ſteward of the houſehold, 29, and knight of the garter, 33, his caſe taken into conſideration by the parliament, 62, &c. created marquis of Hartington, and D. of Devonſhire, 165, made one of the lords-juſtices, 181, made lord-ſteward, 347, is for declaring war againſt France, ibid. againſt the occaſional conformity bill, 369, 398, has a meeting with ſome of the eminent members of the houſe of commons, 521, removed from being lord-ſteward, 613, his ſpeech on occaſion of the D. of Ormond's refuſing to fight, 658

Deynſe and Dixmuyde ſurrender, 149, their garriſon treacherouſly detained by the French, 191

Diſſenters, K. William endeavours to have them admitted into civil employments, 33, their ſtate at the revolution, ibid. K. William's great indulgence to them creates jealouſies of him, 71, blackened after K. William's death, 367, complaint from the lower-houſe of convocation, for their teachers adminiſtring private baptiſm, 434, ſchiſm-bill againſt them, 719, &c. motion to allow them ſchools to teach their own children, 721

Doddington, George, ſecretary to the Engliſh commiſſioners for the union between England and Scotland, 465, made one of the lords commiſſioners of the admiralty, 584

Dodwell, Henry, account of him, 653

Dolben, John, complains to the houſe of commons of dr. Sacheverell's ſermons, 589, carries up his impeachment, 590

Dorſet, Charles Sackville E. of, lord-chamberlain, made one of the lords-juſtices, 670, reſigns his office of chamberlain, 714, his character, ibid.

Dorſet, Lionel Cranfield Sackville, D. of, made conſtable of Dover, and warden of the Cinque-Ports, 562, removed, 698

Doway beſieged and retaken, 602, &c. account of that place, 603

Drake, James, againſt the partition treaty, 289, his hiſtory of the laſt parliament, 304, 306, cenſured, 351

Duncomb, Charles, receiver-general of the exciſe, ſent to the Tower for falſe indorſements on exchequer-bills, 241, purchaſed the manor of Hemſley, ibid.

Dundee, viſcount, acts for K. James in Scotland, 44, &c. raiſes a rebellion, 47, &c. defeats Mackay, but is ſlain, 51, his character, ibid.

Dunkirk, addreſs for demoliſhing it, 569, the French offer to demoliſh it, 575, 576, 596, is to be demoliſhed, 620, 651, the Engliſh take poſſeſſion of it, 670, &c. an equivalent for the demolition of it, 691, 695, Tugghe preſents a petition for preſerving that harbour, 699, mr. Steele's reflection on that petition, ibid. Dunkirk demoliſhed, but a new canal made at Mardyke, 700, Steele's motion about it, 709, and mr. Walpole's, 710, de Torcy's letter about it, 732

Dutch, their charges for K. William's expedition into England repaid, 38, 600,000l. granted them, 65, treaties with them, 61, 68, are thought to be too much favoured by K. William, 124, 138, the ſervice of their fleet at la Hogue, 131, 132, Dutch guards; the king's uneaſineſs at diſbanding of them, 250, his meſſage about them, 251, motion for obliging them to leave off trading with France, 458, the bravery of their cavalry at the battle of Ramillies, 471

E.

Eaſt-India company, 124, king's meſſage to the commons about it, 144, proceedings of the houſe of commons, upon their affairs, 145, &c. obtains a new charter, 163, their affairs examined by the houſe of commons, 175, &c. a new Eaſt-India company erected, 239, petition of the old Eaſt-India company to the houſe of commons, 252, the old and new bribe the members of parliament, 282, do not like the proceedings of the houſe of commons, 302, 303, theſe two companies come to an agreement, 320

Eaſt-India company in Scotland, 183, 200, gives a great alarm to that in England, 183, proceedings in the parliament of Scotland about it, 200, they lay open their grievances before the parliament of Scotland, 246, &c.

Eckeron, battle of, 392, deſcription of that place, ibid.

Edict of Nantes revoked 27

Edingburgh-Caſtle kept by the D. of Gordon, 47, &c. ſurrenders, 51

Emperor, Leopold, reſolves to be maſter of Tranſylvania, 123, led on by propheſies, and hates hereſy and France, ibid. declares againſt the partition treaty, 267, &c. alliance between him, England and Holland, 310, declares war againſt France and Spain, 348, 358, diſorders in his court, 394, reduced to the laſt extremities, implores Q. Anne's protection, 413, his ill conduct with regard to Hungary, 422, dies 445, his character, ibid.

Emperor, Joſeph, ſucceeds his father, his character, 445, 500,000l. lent to him upon a branch of his revenue in Sileſia, 461, bent upon the reduction of Hungary, 478, recalls his troops from the Upper Rhine, ibid. makes a treaty for evacuating the Milaneſe, without the participation of his allies, 501, conquers Naples alſo without their conſent, 511, &c. the K. of France endeavours to unite the princes and ſtates of Italy in a league againſt him, 557, difference between him and the pope, ibid. his troops ſeize Comachio, and other places poſſeſſed by the pope, ibid. interpoſes by his embaſſador in favour of the D. of Marlborough, and the miniſtry, 613, dies, 621

Emperor, Charles VI. elected and crowned, 626, writes a circular letter to the electors, upon the receipt of the preliminaries of peace, 635, and another letter to the ſtates, ibid. ſends prince Eugene to England, 642, ſends his plenipotentiaries to the congreſs at Utrecht, 649, makes preparations for the campaign, 653, the number of men he offered to furniſh in divers places, 667, offers to contribute towards the ſubſiſtance of the auxiliary troops, 674, &c. diſpoſed to promote a general peace, 685, his miniſters are againſt ſigning the treaty of Utrecht, 690, his miniſters had conferences at Radſtadt with the French king's, 705, reſolves to conclude his treaty with France, without the intervention of the maritime powers, 706

England to furniſh 20,000 men for the general war againſt France, 108, in great danger from the French for want of intelligence, 144, a great corruption throughout England, 142

Engliſh army very ſickly in Ireland, 88, defeats the Iriſh, ſee Boyne. Engliſh fleet has an engagement with the French near Beachy, and is worſted, 92, Engliſh miniſtry act without union, 158, blamed for the ill ſucceſs at ſea, ibid. and 159, Engliſh fleets bombards Dieppe, Havre de Grace, &c. 166, Engliſh nation highly inflamed at the K. of France's proclaiming the pretender, 315, very eager for the war with France, 320, their ſucceſs in America, 377, attac Fort St. Auguſtin and Guadalupe, ibid. defeat the French at Ramillies, 471, defeated at Almanza, 501, &c. ſeveral battalions ſurrender themſelves, 504, the reſt retire to Xativa and Alcira, ibid. the Engliſh alarm the coaſt of Normandy, 548, the Engliſh troops not ſuffered to march through any of the towns garriſoned by Dutch, in their way to Dunkirk, 603, 671, thoſe in Spain called home, 680

Epiſcopacy aboliſhed in Scotland, 41, 49, 146, &c. epiſcopal clergy in Scotland deprived, 70, &c. See clergy and Scotland.

Epiſcopal clergy in Scotland encouraged by Q. Anne, and preſent an addreſs to her, 377, the epiſcopal party had the majority in the parliament there, 378

Eſſex, Arthur Capel, E. of, committee to enquire into his death, 63

Eſſex, Algernoon Capel, E. of, ſworn a privy-councellor, 562

Eugene, prince, of Savoy, goes to Vienna to ſollicit ſuccours, 120, commands the imperial troops, 214, defeats the Turks at Zenta, 235, marches into Italy, paſſes the Mincio, and routs the French near Carpi, 309, his attempt upon Cremona, takes marſhal Villeroy priſoner there, 310, defeats the French at the battle of Luzzara, 360, viſits the duke of Marlborough, and concerts meaſures with him, 414, commands a ſeparate army upon the Rhine, 415, his ſaying about the Engliſh forces, ibid. at the battle of Hochſtet, 416, 10,000 men taken into the pay of England and Holland, to reenforce his army, 445, has a weak army in Italy, ill provided and ill paid, 446, has an engagement with the D. of Vendoſme, ibid. money borrowed in England for his uſe, 461, marches to the relief of Turin, 478, joins the D. of Savoy, and defeats the French, 479, commands the imperial army at the ſiege of Toulon, 513, he and the D. of Marlborough act with perfect unanimity, 541, his bravery at the battle of Oudenard, 542, 543, lays ſiege to Liſle, 546, wounded, 548, Q. Anne and the ſtates-general deſire that he may be ſent to Spain to command in chief, 554, comes to Holland upon propoſals of peace made by France, 573, chuſes to ſerve in Flanders with the D. of Marlborough, 578, wounded at the battle of Malplaquet, 581, inveſts Doway, 602, concerts at Franckfort the neceſſary meaſures with the elector of Mentz, 625, comes to England, 642, receives an account of the D. of Marlborough's diſgrace, ibid. conducted to Leiceſter-houſe, ibid. the whigs glad, and the jacobites diſpleaſed at his coming, ibid. ſcandalous re-

flections in the Poſt-Boy on his mother, ibid. his compliment on the D. of Marlborough, 643, in the note, ſaid the D. of Marlborough was always ſucceſful, 644, preſents a memorial about the emperor's conduct in the war, 647, loſes his nephew, ibid. returns to the Hague, ibid. the ſtates give him the ſupreme command of their army, 653, beſieges Queſnoy, 657, detaches troops to make an irruption into France, 667, refuſes to give over the ſiege of Queſnoy, 668, reſolves to attac Landrecy, 670, his memorial to the D. of Ormond 671, his lines at Denain forced by the French, 672, marches to the relief of Doway, 673

Exchange, bills of, drawn from Genoa for Spain proteſted, 615

Exchequer bills, 218, falſe indorſements on them enquired into by the commons, 241, their currency, 461

Eyre, Robert, made ſollicitor-general, 562, adviſes only the impriſoning Sacheverel, and burning his ſermon, 589, made one of the juſtices of the Queen's-bench, and knighted, 614

F.

Faction, one in the church and ſtate ſet up, 36

Fagel, one of the Dutch generals, 414, commands the Dutch auxiliaries in Portugal, 421, upon no good terms with the Portugueſe generals nor D. Schomberg, ibid. made Velt-marſhal-general of the Portugueſe forces, ibid. his ſleeve taken off by a cannon-ball, 446, recalled, ibid. the not taking of Badajox aſcribed to him, ibid.

Falkland, Anthony Cary, lord viſcount, ſworn of the privy-council, 128, made one of the commiſſioners of the admiralty, 153, accuſation againſt him by the admirals, 162

Fenwick, ſir John, engaged in the aſſaſſination-plot, 202, gets troops ready, 203, 204, ſeized, 218, his letter to his lady, ibid. ſets up a counter-plot, ibid, examined by the houſe of commons, 219, bill for attainting him, ibid. names of the members of the houſe of commons that were for and againſt attainting him, 222, beheaded, 224

Ferguſon, Robert, enters into a plot againſt K. William 79, 85, ſeized, 88, writes in defence of the Yorkſhire plotters, 173, offers to make diſcoveries about the plot in Scotland, 399, diſcovers an intention of placing the pretender on the throne after the queen's death, ibid. and 403, the lords offended with his papers, 404

Finch, Daniel L. ſpeaks in behalf of R. Steele, 709

Findlater, James Ogilvy E. of, againſt the malt-tax being extended to Scotland, 694, made chancellor of Scotland, 700, choſen one of the ſixteen peers, 704

Firſt-Fruits, and Tenths given by the queen for the augmentation of ſmall livings 158, an account of them ibid. biſhop Burnet inſtrumental in that, 159, ſir John Holland and ſir Joſeph Jekyll were for taking them quite away, but ſir Chriſtopher Muſgrave, &c. were for continuing them, ibid.

Fitton —— a zealous papiſt, chancellor of Ireland, 52, 59, his character, ibid.

Flanders; campaigns there, 102, 119, 134

Flanders, if loſt, Holland and England in danger, 124, the houſe of commons againſt ſending forces thither, 146

Fleet; the Engliſh cannot bring the French to a general engagement, 119, enquiries into the conduct of our fleets, 125, &c. 144, K. James endeavours to corrupt ſome of the commanders of our fleet, 130, 131, miſcarriages of the fleet enquired into by parliament, 161, the French fleet avoids an engagement with the Engliſh, and goes into the Mediterranean, 165, the miſcarriages of the fleet enquired into, 226, their proceedings much cenſured, 230, the Engliſh fleet bombards Copenhagen, 265, deſtroys the French fleet and galleons at Vigo, 362, great complaints about the management of it, 388, the French fleet beaten by the Engliſh near Malaga, 420, the Engliſh fleet goes to the relief of Barcelona, 475, keeps in the Mediterranean, and blocs up the French in Toulon, 476, takes Alicant, ibid. a fleet prepared with great expedition, upon the news of the pretender's intended deſcent in Scotland, 533

Fleetwood, William, biſhop of St. Aſaph, his preface to his four ſermons burnt, 664, his letter to biſhop Burnet, ibid. the queen called him her biſhop, 665

Foley, Thomas, appointed auditor of the impreſt, 711, ſeconds a motion made by mr. Hungerford againſt R. Steele, 709, another motion of his, ibid.

Forces; foreign forces in England, debate about them, 148

France, K. of. See Lewis XIV.

France; war declared againſt her by the diet of Ratiſbone, Holland, Spain, Brandenburgh, &c. 59, and by England, 60, concerts meaſures with the jacobites to reſtore K. James, 92, reſolution of the congreſs at the Hague to employ 222,000 men againſt France, 108, famine in France, 159, tries to obtain a peace, ibid. and 167, makes a ſeparate peace with the D. of Savoy, 213, endeavours to ſet the prince of Conti on the throne of Poland, 229, tries in vain to reſettle the trade with England, 246, her intrigues to ſecure the crown of Spain, 249, great rejoicings there upon the news of K. William's death, 345, reduced to ſtraits, 433, court of France makes propoſals for a peace, 481, their offers rejected, ibid. they apply to the pope, ibid. ſuffers greatly by the froſt, in 1709, 570, reduced to great extremities, particularly by the general decline of the public credit, 571, &c. renunciation of the crown of France by the king of Spain, 659, the allies make an irruption into France, 667, peace ſigned between England and France, 689, the diſtreſſed condition of that kingdom, 713, 727

Freeman, Samuel, dean of Peterborough, proteſts againſt the irregularities of the lower-houſe of convocation, 463,

Freind, ſir John, engaged in the Lancaſhire plot, 421, and in the aſſaſſination-plot 202, had a commiſſion from K. James, 203, tried and executed, 210, abſolved by Jer. Collier, &c. 211

Freind, dr. his account of the E. of Peterborough's conduct in Spain, 447, &c.

French attac the Spaniſh Netherlands, 26, ſurpriſe Courtray and Dixmuyden, and beſiege and take Luxemburg, 27, invade Germany, and take Philipſburg, ibid. land in Ireland, and aſſiſt K. James, 53, annoy our trade, 68, their fleet enters the channel, and engage the Engliſh near Beachy, 92, &c. remains maſters at ſea, 93, burn Tinmouth, 94, endeavour to intercept the Turkiſh fleet, 119, loſe ſeveral officers of diſtinction at Steenkirk, 136, ſurpriſe the D. of Wirtemberg in his camp, but are beaten by the landgrave of Heſſe-Caſſel, 139, gain the battle of Landen, 155, take Heidelberg, and commit great barbarities in the Palatinate, 157, endeavour to raiſe commotions in England on account of the coin, 196, their plot to invade England, 202, offer to make peace with England, Holland, &c. 212, reſolve to make peace, 227, their preliminaries ibid. and ſee Ryſwick. Slow in diſbanding their army, 236, they bribe ſome of our members of parliament, 282, involve us in contentions at home, 288, their inſolent behaviour towards the Spaniards, 309, corrupt moſt courts, 310, try to engage the Turks in a new war with the emperor, 360, encourage the troubles in Poland, 394, their lines forced by the D. of Marlborough, 442, and at Haguenau by prince Lewis of Baden, 444, take Nice, 446, defeated at the battle of Ramillies, 471, &c. beſiege Turin, 477, &c. defeated at the battle of Turin, 478, &c. make a deſcent on Nevis and St. Chriſtopher, 498, their great ſucceſs on the Upper Rhine, 506, lay ſeveral places under contribution 507, retire with great precipitation before the D. of Marlborough, and cannot be brought to an engagement, 510, 511, their fiſheries in North-America damaged by captain Underwood, 516, the French deſign to recover by ſurpriſe and treachery, the places they had loſt in the Netherlands, 540, take Ghent and Bruges, 541, defeated at the battle of Oudenarda, 543, ſet on foot negotiations for a peace, 571, &c. their inſincere offers, 575, &c. defeated at the battle of Malplaquet, 580, &c. make new overtures for a peace, 585, 596, 631. See peace: they inſert the E. of Sunderland's removal in their Gazette, 613, their lines ſurpriſed by the D. of Marlborough, 626, their expedition to Braſil, and unſucceſful attempt on the Leward-Iſlands, 628, 629, their propoſals at Utrecht rejected with indignation by the allies, 649, &c. defeat the allies at Denain, and take Marchiennes, Doway, Queſnoy, and Bouchain, 672, &c.

French proteſtants encouraged to come into England, 60, refugees petition the houſe of commons and the king for relief, 129

G.

Galleons; ſome Spaniſh ones deſtroyed, 559

Galloway taken, 117

Galway, —— de Ruvigny E. of, K. William's general, and envoy into Savoy 213, made one of the lords-juſtices in Ireland, 227, grant of lands to him there, 259, appointed commander of the Engliſh forces in Portugal, 422, his exploits there, 446, loſes his right hand, 447, his proceedings and conqueſts in Spain, 475, &c. takes Alcantara, ibid. is joined by all the troops both Engliſh and Dutch, 502, his narrative, ibid. is defeated at the battle of Almanza, 504, wounded, ibid. watches the D. of Orleans's motions, 505, that duke makes him ſome

propoſals, in order to his being made K. of Spain, ibid. attempts the relief of Lerida, ibid. his liſt of the forces at the battle of Almanza, 539, his conduct ſeverely examined by the houſe of commons, ibid. his bravery at the battle of Caya, where he has a horſe ſhot under him, 583, orders forces to Catalonia, 584, returns home, 609, is removed from being commander in Portugal, 114, blamed for the miſcarriages in the war in Spain, 617, 618, was for an offenſive war, ibid. examined in the houſe of lords about it, ibid. blamed for the loſs of the battle of Almanza, and cenſured for giving the precedence to the Portugueſe in Spain, 619

Garrard, ſir Samuel, deſires dr. Sacheverell to print his ſermon, 589, diſowns it, 590

Garroway, mr. his ſpeech in the houſe of commons, 65

Gaultier, abbot, makes overtures for a peace between England and France, 631, employed to convey count Tallard's letters between Paris and Nottingham, ibid. mr. St. John and mr. Harley had private meetings with him, ibid. betrays count Gallas, and is made an abbot, 635, his negotiations at London, 652, &c. comes from London to Utrecht, ibid. promoted the pretender's intereſt, ibid. his memorial about the renunciation, 659, goes to Paris along with the L. Bolingbroke, 675, ſwears falſly, 676, returns to London, ibid. employed to tranſact the pretender's affairs in England, 731, 732

George Lewis, prince of Hanover, afterwards K. George I. comes and makes his addreſſes to the Lady Anne, 340, a report of K. William's intending to get him declared his immediate ſucceſſor, 350, 351, reaſons for inviting him over, ibid. diſarms the D. of Wolfenbuttle, 355, inſtalled knight of the garter, 374, does not readily come into the peace of Utrecht, 690, concludes a treaty with the ſtates-general, 712, a writ demanded for him to ſit in the houſe of peers as D. of Cambridge, 714, a rumour of his intention to come over to England, ibid. reaſons and neceſſity of his coming and reſiding in Great-Britain, 718, orders given to the heralds, &c. to be ready to proclaim him on the queen's demiſe, 725

Gertruydenberg; negotiations for a peace there, 597, 600, a motion to examine them, 658

Ghent; a deſcription of that place, 540, ſurpriſed by the French, 541, by the confederates, 554, the Britiſh troops make themſelves maſters of it, and of Bruges, 672, and refuſe to admit any Dutch troops, 681

Gibraltar taken by the Engliſh, 420, beſieged in vain by the Spaniards and French, 422, &c. 446, yielded to England, 707

Gifford, Charles, publiſhes a letter from ſir Rowland Gwynne to the E. of Stamford, for which he is fined, 456, &c.

Ginckle, lieutenant-general, at the battle of Boyne, 90, at the ſiege of Limerick, 97, left commander of the army in Ireland, 99, commander in chief, 115, is created E. of Athlone, and has lands granted him in Ireland, 119, is thanked by the houſe of commons, ibid. preſident of the court-martial to try Grandval, 137, general of the Dutch horſe, 186, inveſts Namur, 187, 191, 192, burns the French magazine at Givet, 212, commands a Dutch army, 356, repulſes the French, ibid, was inclined to cautious but feeble counſels, 357

Gironne taken by the French, 167, 603

Glouceſter, William D. of, his houſehold ſettled, 246, dies, 264

Godolphin, Sidney lord, made one of the lords of the treaſury, 32, his character, ibid. made firſt commiſſioner of the treaſury, 107, 165, 281, removed, 320, is made lord high-treaſurer, 346, is for the occaſional conformity-bill, 569, but thought it unſeaſonable, 398, is for ſtriking the flags in the ports of Portugal, ibid, his proceedings reconciled many to him, ibid. is for ſettling the ſucceſſion in Scotland, 410, reflected upon for permitting the act of ſecurity in Scotland to paſs, 412, &c. attacked by the tories, and preſerved by the whigs, ibid. is againſt tacking the occaſional conformity-bill to the land-tax bill, 425, his ſpeech in anſwer to the E. of Rocheſter's, againſt the exportation of coin, 426, K. Charles writes a letter to him, 449, declares himſelf in favour of the whigs, 453, the tories very angry with him, 455, is againſt adjourning the parliament of Scotland, and orders the union to be compleated, 489, created viſcount Rialton, and earl Godolphin, 491, his ſpeech in the debate about the union, ibid. exerts himſelf in the affair of the union, 497, threatened to be impeached, ibid. appointed lord high-treaſurer of Great-Britain, 499, mr. Harley begins to act againſt him, 519, and to create jealouſies of him in the whigs, 519, threatens to quit the queen's ſervice, if mr. Harley had ſo much intereſt with her majeſty, 520, promiſes that preferments ſhould be beſtowed on men well principled, 521, backs the motion for encouraging trade to the Weſt-Indies, 522, refuſes to ſerve any longer, if mr. Harley was not removed, 531, the queen not much concerned at it, ibid. it was part of mr. Harley's ſcheme to remove him, ibid. offers the Bank a conſiderable ſum of money to preſerve its credit, 531, the whigs jealous of him, 564, adheres to the Scotch miniſters, and ſupports them, 565, deſcribed in Sacheverell's ſermon under the the name Volpone, 589, ſpeaks to the queen about her recommendation of Hill, 610, the queen's letter to him about the D. of Shrewſbury being made lord-chamberlain, 611, his letter to her majeſty upon that point, 612, diſmiſſed from the office of lord-treaſurer, 613, his death and character, 682

Gordon, George D. of, governor of Edinburgh-caſtle, 46, refuſes to deliver it up to K. William, ibid. amuſes the convention, 47, yields up Edinburgh-caſtle, 51

Gordon, ducheſs of, ſends the faculty of advocates a medal of the pretender, 63

Gower, colonel, the commons adviſe the king to remove him, 147, 148, continued, 151

Grafton, Henry Fitz-Roy, D. of, at the ſiege of Cork, 99, killed, ibid.

Graham, Richard, one of the wicked ſollicitors employed in the reigns of K. Charles II. and James II. 64, 75, excepted out of the indemnity, 87

Grandaval, mr. Bartholomew de Liniere de, enters into a plot to aſſaſſinate K. William, 137, &c. executed, 139

Grants; bill to examine thoſe made ſince the revolution, 586

Granville, George, made ſecretary at war in the room of R. Walpole, 614, created baron Lanſdown, 641

Gregg, William, his treaſonable correſpondence with France, 527, a committee of lords appointed to examine him, ibid. tried and condemned, 528, executed, 529, his dying ſpeech ſaid to have been drawn up by mr. Harley, ibid.

Griffin, Edward, lord, proceedings againſt him, 76

Guernſey, Heneage Finch E. of, his ſpeech in the debates about the union, 495, urges to have the ſtate of the nation taken into conſideration, 522, ſpeaks in dr. Sacheverell's behalf, 594, ibid. &c.

Guernſey, Heneage Finch lord, his ſpeech in parliament, 636

Guiſcard, marquis de, account of him and his project for a deſcent into France, 479, &c. examined about it, ibid. expected to have found a great ſupport in mr. St. John, 620, being diſappointed he correſponds with the court of France, ibid. apprehended, ſtabs mr. Harley, and dies of his wounds, 621

Guy, Henry, ſecretary of the treaſury, turned out of his place, and ſent to the Tower for bribery, 174, concerned in corrupting the members of the houſe of commons, 178

Gwynne, ſir Rowland, removed from the place of treaſurer of their majeſties chamber, 126, examined before the council, for words reflecting on lord viſcount Sidney, ibid. and 127

Gwyn, Francis, one of the committee for inſpecting the books of the chamberlain of London; &c. 175

H.

Haddington, John Hamilton, E. of, was for the union, 485

Haguenau, the French lines forced there, 444, taken by the confederates, 445, a deſcription of that place, ibid.

Halliſax, George Saville marquis of, made lord privy-ſeal, 28, 29, hated both by whigs and tories, ibid. addreſs to remove him from the king's preſence and councils, 65, quits the office of ſpeaker of the houſe of lords, 75, reſigns the privy-ſeal, 76, 77, joins with the tories, ibid. oppoſes the court, 150

Halliſax, Charles Mountague marquis of, left out of the privy-council, 347, one of the managers againſt the occaſional conformity bill, 369, his ſpeech about the danger of the church, 458, cauſes the public records and offices to be put into good order, and moves that the queen ſhould buy the Cottonian library, 462, his ſpeeches about the union, 491, 494, &c. moves for a committee to receive propoſals for encouraging the trade to the Weſt-Indies, 522, his ſpeech in relation to the affairs of Spain, 525, his ſpeeches at dr. Sacheverell's trial, 594, &c. ſpeaks againſt the reſumption of K. Wil-

liam's grants, 647, moves for an addreſs againſt the offers of France, 650, complains of the D. of Ormond's refuſing to fight, 657
Hallifax, Charles Mountague lord, has a hand in the Britiſh merchant, 693, his ſpeech about the union, 695, repreſented the danger threatening the proteſtant ſucceſſion, 710, his ſpeech about the Catalans, 712, moves to have the pretender removed out of Lorraine, 713, a conſultation at his houſe, 714
Hamilton, William Douglas, or Hamilton D. of, preſident at the Scottiſh lords meeting in London, 44, choſen preſident of the convention in Scotland, ibid. his character, 49, appointed high commiſſioner, ibid.
Hamilton, James Hamilton D. of, was for calling a new parliament in Scotland, 353, 354, ſets up for patron of the epiſcopal clergy, 377, the conſpiracy in Scotland ſaid to be a contrivance to ruin him, 399, his part in it, 403, keeps a correſpondence with the court at St. Germain, 410, preſents a reſolve in parliament for a treaty with England, 411, his motion for limitations of government, ibid. declares he ſhould be one of the firſt to draw his ſword againſt a popiſh ſucceſſor, 412, is at the head of the cavaliers, 436, preſents againſt a reſolve for a previous treaty with England, 437, moves for enacting limitations, 438, makes a ſpeech in his own vindication about the plot, 439, preſents a clauſe about the union, 440, deſerts the cavaliers, ibid. letters ſent to him from the pretender, 483, 484, was againſt the union, 485, his debates about it, ibid. &c. propoſes the renewing of the motion for ſettling the crown on the houſe of Hanover, 488, encouraged the tumults againſt the union, ibid. does not oppoſe it at laſt, and makes his terms with the court, 489, how far he went into the pretender's intereſt, 535, 536, choſen one of the ſixteen peers, 537, artfully ſaves himſelf and his friends, ibid. ſets himſelf in oppoſition to the D. of Queenſberry's power, 564, created D. of Brandon, but a caveat is entered againſt his patent, 631, 638, his patent examined, ibid. made maſter of the ordnance, and appointed embaſſador extraordinary to France, 680, killed in a duel, 681
Hamilton, lieutenant-general, ſent over to command in Ireland, 52, diſappoints K. William's expectations, and joins with his enemies, ibid. routs the proteſtants in Ireland, 54, taken priſoner at the battle of the Boyne, 90
Hampden, Richard, made privy-counſellor, 28, and one of the commiſſioners of the treaſury, 30, moves for a further ſupply, 65, made chancellor of the exchequer, 85, his ſpeech about the negotiation of peace, 648, moves for the allies to guarantee the proteſtant ſucceſſion, 665
Hampden, John, moves for an addreſs for a war with France, 60, account of his proſecution and fine, 76, concerned in the D. of Monmouth's affair, ibid. his character and ſpeech, ibid. his ſpeech againſt the miniſtry, 77
Hanmer, ſir Thomas, ſpeaks for the treaty of commerce, 692, cauſes the bill for approving it to miſcarry, 695, moves for an addreſs of thanks for the treaties of peace and commerce, ibid. choſen ſpeaker of the houſe of commons, 706, his ſpeech about the danger of the proteſtant ſucceſſion, 716
Hanover, houſe of, put into the ſucceſſion to the crown, 39, raiſed to the electoral dignity, 141, deſigned for the throne of England, 265, Hanover ſucceſſion, ſee Succeſſion. Pretended deſign to bring them in before the princeſs of Denmark, 319
Hanover, George elector of, commands the Imperial army, and beats the French, 507, adviſes the court of England to ſend the D. of Marlborough to the K. of Sweden, ibid. commands again in the empire, 558, acknowledged elector of Brunſwick Lunenburg, 559, commands on the Rhine, 582, his memorial, 635, his ſucceſſion ſecured at the treaty of Utrecht, 661, offers to maintain, at his own expence, half of the troops he had in the ſervice of Great-Britain, 674, refuſes to come into the Britiſh meaſures, 679
Hanover, George Auguſtus electoral prince of, his great bravery at the battle of Oudenarde, 543
Harcourt, Simon, carries up to the houſe of lords an impeachment againſt the lords Sommers, Orford, and Hallifax, 294, reports the lord Haverſham's ſpeech, 299
Harcourt, ſir Simon, made a privy-counſellor, 347, and ſollicitor-general, 352, draws up artfully the bill for enacting the union, 496, made attorney-general, 499, tries to engage the tories in the queen's intereſt, 521, reſigns his place, 531, is counſel for dr. Sacheverell, 591, made attorney-general, 614, and lord-chancellor, ibid. complained againſt by the E. of Rocheſter, 616, his ſpeech to the E. of Oxford when ſworn lord-treaſurer, 621, created baron of Stanton-Harcourt, 631, author of the Advice to the October Club, 641, declared lord high-chancellor, 690, rectifies a miſtake concerning the regency, 700
Hare, dr. Francis, his letter about the management of the war, 481, his pamphlet intituled, The Allies, &c. defended, 515, his Thankſgiving-ſermon, 540, 552, his book intituled, Negotiations for a Treaty of Peace, &c. 571, his Letters to a Tory Member, 581, 585, 587, 599, vindicates the barrier-treaty, 645
Harley, Robert, one of the commiſſioners of the public accounts, 107, his character, 155, brings in the bill for frequent parliaments, 169, was for the land-bank, 209, is againſt ſir John Fenwick's bill of attainder, 223, choſen ſpeaker, 282, his character, ibid. moves for the ſettling of ſome conditions of government, before the bill of ſucceſſion paſſed, 285, makes the E. of Rocheſter more ſubmiſſive, 311, choſen ſpeaker again, 317 and 363, made ſecretary of ſtate, 409, in the queen's confidence, 491, was for pacific meaſures, ibid. gains great credit with the queen, and begins to ſet up for himſelf, without the lord-treaſurer, 519, aſſiſted in that by mrs. Maſham, 520, created jealouſies in the whigs of the D. of Marlborough and L. Godolphin, 519, tries to engage the chief of the tories in the queen's intereſt, 521, was for having the parliament to be an old one, ibid. Gregg's affair does him a great prejudice, 529, reſigns his place as ſecretary of ſtate, 531, the D. of Marlborough and L. Godolphin refuſe to ſerve, if he continued any longer in that poſt, ibid. part of his new ſcheme was to remove the L. Godolphin, ibid. his intrigues with the queen, 562, &c. his ſpeeches at dr. Sacheverell's trial, 596, &c. cabals with mrs. Maſham, 611, 612, made commiſſioner, chancellor, and under-treaſurer of the exchequer, 613, ſends agents in the city of London to raiſe money, 615, his deſigns, ibid. the tories are jealous of him, and form an oppoſition againſt him, 620, is ſtabbed by the marquis de Guiſchard, ibid. this attempt diſconcerts the party formed againſt him, ibid. becomes prime-miniſter, 621, created baron of Wigmore, and E. of Oxford and Mortimer, and made lord-treaſurer, ibid. had private aſſurances of advantages from Spain, when he formed the South-Sea project, 631, reſolves to make a peace, ibid. his ſpeech in parliament, 636, blamed by his friends for not diſplacing all the whigs, 641, his ſpeech about the reſumption of K. William's grants, 648, his ſpeech on the D. of Ormond's refuſing to fight, 658, miſunderſtanding between him and the L. Bolingbroke, 680, mr. Prior's letter to him, 687, concerned in giving up the fiſhery of Newfoundland, ibid. &c. orders the Britiſh plenipotentiaries to ſign a peace with France, 689, his oppoſition to the pretender's being removed out of Lorrain, 696, inſtalled knight of the garter, 700, hated both by whigs and tories, and upon ill terms with L. Bolingbroke, notwithſtanding which he brings his own ſcheme to bear, ibid. raiſes a million in two or three days, ibid. L. Bolingbroke, ſecretary Bromley, and ſir William Wyndham, gain the aſcendant over him, upon which he thinks of retiring, 704, endeavours to ſupport the Bank, 705, moves for a bill to make it treaſon to bring any foreign troops into the kingdom, 710, vindicates the peace, 713, and his paying a yearly ſum to the highlanders, ibid. his letter to the elector of Brunſwick, 718, doubtful whether he was for or againſt the ſchiſm-bill, which he had caſtrated, 720, kept to himſelf the principal direction of domeſtic affairs, and diſpoſal of places, and advanced his children, 661, endeavours to reconcile himſelf to the whigs, to gain L. Cowper's friendſhip, and to remove L. Bolingbroke, 724, his attachment to the houſe of Hanover the cauſe of his removal, ibid.
Haverſham, John Thompſon lord, words of his at a conference between the lords and commons excepted againſt, 298, 299, his anſwer to the commons, 303, one of the lords of the admiralty, 306, his ſpeech for inviting over the next ſucceſſor to the crown, 454, &c. moves that the miſcarriages of the laſt campaign, occaſioned by the allies, might be enquired into, 457
Haverſham, Maurice Thompſon E. of, his ſpeeches in the debates about the union, 493, 495, was an occaſional conformiſt, ibid. his ſpeech about the ſtate of the nation, 522, and the affairs of Spain, 525, his ſpeeches about the Scottiſh invaſion, 565, his account of it, 566, his ſpeeches at dr. Sacheverell's trial, 593, &c.
Havre de Grace bombarded, 166
Heathcote, ſir Gilbert, governor of the Bank, 613, endeavours uſed to put off his being choſen lord-mayor, but

he is choſen notwithſtanding, 615, inſulted, ibid. ſworn in lord-mayor, but inſulted again, ibid. is againſt addreſſing the queen about the peace, 179
Heidelberg taken and burnt by the French, 157
Heinſius, penſionary, his ſpeech againſt a peace, 676
Herbert, Arthur, firſt commiſſioner of the admiralty, his character, 30, his engagement with the French at Bantry-Bay, 61, created E. of Torrington, 62, attempts to ſurpriſe Cork, 68
Herbert, Henry, made baron Herbert of Cherburg, 164
Heſſe Caſſel, Landgrave of, beats the French before Rhinefeld, 139, commands part of the German army, 156
High-church-men had a great confidence in the E. of Rocheſter, 307, complain of the convocation not ſetting, 334
High-treaſon; bill for regulating trials in caſes of high-treaſon, 125, 144 &c.
Hill, Abigail, account of her, and her father, and family, 519, raiſed by the ducheſs of Marlborough, ibid. married to mr. Maſham. See Maſham,
Hill, John, an account of him, 519, raiſed and taken care of by the ducheſs of Marlborough, ibid. the queen writes to the D. of Marlborough to give him a regiment, 610, gives him a penſion, and makes him a general, ibid. he commands the forces in the Canada expedition, 629, made lieutenant of the Tower, 641, is brigadier, and commands the forces that were to take poſſeſſion of Dunkirk, 670
Hoadley, Benjamin, his ſermon about reſiſtance, 459, his ſermon before the lord-mayor, 589, ſeveral books written againſt him, ibid. dr. Sacheverell reflects upon him, ibid. votes of the commons in his favour, 590, vindicates the revolution, ibid. the mob threaten to pull down his church and houſe, 592
Hochſtet, a deſcription of that place, and of the battle near it, 416
Holland; account of its government, 24, &c.
Holland, ſtates of, require all that had been declared rebels in England to depart their dominions, 255. See ſtates.
Holſtein, attacked by the Danes, 265
Holt, John, lord chief-juſtice, his arguments in the bankers caſe, 261, refuſes the great-ſeal, 262, ſworn of the privy-council, 562, his death and character, 593
Howe, John, made vice-chamberlain to Q. Mary, 29, moves for an addreſs to the king to remove the marquiſſes of Caermarthen, and Hallifax from his preſence and councils, 65
Hudſons-Bay left to the Engliſh, 691, 742
Hume, E. of, letters ſent to him by the pretender, 483, dies, 484
Hungary, a conſpiracy there, 310, the inhabitants oppreſſed, ibid. an inſurrection there, 394, mal-contents there make a great progreſs, 413, 422, miſuſed by the court of Vienna, 423, treaty with them, ibid. ſupported by France, ibid. routed, ibid. almoſt entirely ruined, 452
Huntingdon, Theophilus Haſtings E. of, proteſts againſt the ſucceſſion-bill, 286
Huy taken by the confederates, 167, and 392, a deſcription of it, ibid. taken by the French, 441, and by the allies, 442

I.

Jacobites concert meaſures with France for K. James's reſtoration, 92, keep out of the way for fear of being inſulted, 94, their leaders ſeized, ibid. their plot for reſtoring K. James, 109, an artifice of theirs in Scotland, to induce the king to diſguſt the Preſbyterians, 119, take the oaths, ibid. ſome reputed ſuch put into places, 124, enter into a plot for aſſaſſinating K. William, 129, grow outrageous, 142, induſtrious in their plots againſt the government, 168, make rejoicings on the pretended prince of Wales's birth-day, 182, endeavour to diſtreſs the government, 196, ſpecially on account of the coin, 198, and on the king's diſowning the act for the Scottiſh Eaſt-India company, 200, elevated at the thoughts of the aſſaſſination plot, 203, ready to take up arms, ibid. divided into compounders and non-compounders, 218, enraged at the K. of France's giving up K. James's intereſt, 234, addreſs of the commons againſt them, 252, aſſert that K. William was a papiſt, ibid. endeavour to make an advantage of the affair at Darien, 254, 263, buſy in Scotland, ibid. their hopes revive on the D. of Gloceſter's death, and the partition-treaty, 274, &c. flock into Scotland, 378, employed, which brings a jealouſy, 387, in the plot in Scotland, 398, their ſurmiſes with regard to the act of ſucceſſion in Scotland, 410, pretend the church was in danger, 452, are againſt the union, 485, ſome ſaid there was none in the nation, 519, 534, talk of a new invaſion, on Scotland and Ireland, 563, encouraged, 610, run to court, ibid. impudent in Scotland, 630, their deſign in preſenting the pretender's medal to the faculty of advocates, 631, buſy in England, ibid. publiſh an oath to an invader, &c. ibid. elated at the proſpect of a peace, and congratulated by the Dauphin upon it, 635
K. James II. offered to throw himſelf into the E. of Danby's hands, 29, the annual revenue of the crown during his reign, 37, lands in Ireland, 38, 54, letter of the biſhops in Scotland to him, 41, a letter from him to the convention in Scotland, 46, his violation of the fundamental laws and conſtitutions of Scotland, 48, &c. commiſſions from him brought to Scotland, whereupon the convention there puts out a proclamation againſt him, 49, his reception at the court of France, 53, reaſons for his not meeting with ſo much encouragement from France as he expected, ibid. the king of France lends him, however, troops and money, ibid. makes a ſecret treaty with him, 54, comes to Cork, and thence to Dublin, and publiſhes five proclamations, ibid. uſes the proteſtants very ill, ibid. comes before Londonderry, 53, goes to meet his parliament at Dublin, ibid. his ſpeech, 57, his declaration to the Iriſh, ibid. paſſes the bill of attainder in Ireland, 59, his proceedings againſt the univerſity of Dublin, ibid. ſome letters of his intercepted, 65, ſends a ſupply to his friends in Scotland, 81, a bill brought in for abjuring him, 86, a propoſal made for ſeizing him, 88, believed that K. William durſt not leave England, nor venture over to Ireland, ibid, marches from Dublin to join the reſt of his forces, 89, advances to the Boyne, ibid. calls a council of war, and reſolves to oppoſe the enemy's paſſing that river, ibid. orders a ſhip to be got ready at Waterford to ſecure his retreat, ibid. defeated at the battle of the Boyne, 90, retreats to Dublin, and makes a ſpeech to the magiſtrates, 91, embarks at Waterford, and returns to France, ibid. and 96, the braſs-money coined by him in Ireland is cried down, ibid. plot for reſtoring him, 109, his anſwer to the jacobites, who ſent to aſk his leave to take the oaths, 119, prepares for a deſcent into England, 129, his letter to ſeveral lords and others of his late privy-council, upon his queen's approaching delivery, ibid. ſends his declaration over to England, ibid. the perſons excepted therein, 130, at la Hogue, with an army ready to embark for England, 130, his ſorrowful letter to K. Lewis, upon the defeat of the French fleet at la Hogue, 134, had prepared a declaration, but makes another in a different ſtrain, 160, a propoſal made to him, that he ſhould reſign his title in favour of his ſon, ibid. he encourages, the aſſaſſination-plot, 203, grants the plotters a commiſſion, ibid. and 204, particularly one written with his own hand to ſir George Barclay, ibid. 206, 207, 210, the earl of Portland and marſhal Boufflers have a conference about the manner of diſpoſing of K. James, 233, his intereſt left unregarded at the peace of Ryſwick, ibid. whereupon he publiſhes a manifeſto, 234, &c. the K. of France refuſes to remove him, 245, none of the Engliſh noblemen in France will converſe with him, ibid. his letter, wherein he approved of aſſaſſinating Oliver Cromwell, 311, account of his behaviour the laſt years of his life, ibid. &c. his death and character, 313, buried privately, ibid. his iſſue by Anne Hyde, 340, deſired to have the diſpoſal of his ſecond daughter lady Anne, ibid. memoirs of him voted ſeditious by the houſe of commons in Ireland, 387, his queen-dowager files a bill in chancery for the arrears of her dowry, and has 50,000l. remitted to her, 227
James. See pretender.
Janſſen, ſir Theodore, writes againſt the treaty of commerce, 692, had a hand in the Britiſh Merchant, 693
Jefferies, George, lord-chancellor, his caſe reported, 64
Jekyll, ſir Joſeph, was for taking away the firſt-fruits and tenths, 406, one of the managers of dr. Sacheverell's trial, 590, ſpeaks in behalf of Bp. Fleetwood's Preface, 664, ſpeaks againſt the treaty of commerce, 204, and againſt the ſchiſm-bill, 233, his ſpeech in favour of the E. of Oxford, 275
Jennings, ſir John, at the engagement near Malaga, 420, made rear-admiral of the blue, 429, ſails to the relief of Barcelona, 446, made admiral, 584, arrives with a fleet before Barcelona, 628, fetches the Engliſh troops from Spain, 680
Jerſey, Guernſey, &c. the lords addreſs the king to put thoſe iſlands into a poſture of defence, 64
Jerſey, Edward Villiers E. of, ſent embaſſador extraordinary to France, 245, returns to England, 253, appointed ſecretary of ſtate, ibid. endeavours to diſpoſe K. Wil-

liam, to change his miniſtry, 261, ſent to demand the great-ſeal from L. Sommers, 262, is one of the plenipotentiaries at the ſecond partition-treaty, 264, made lord-chamberlain, ibid. not queſtioned for the ſhare he had in the partition-treaty, 293, his character, 324, made lord-chamberlain, 347, turned out, 409, his character, ibid. called upon by L. Sommers to vindicate K. William, 427 made lord privy-ſeal, 631, dies. ibid.
Jerſey, William Villiers E. of, votes with the whig lords, 713
Ilay, Archibald Campbell E. of, choſen one of the ſixteen peers, 691, his ſpeeches about the malt-tax, 694
Imperialiſts behave very ill, and do not join the D. of Marlborough, 441, &c. intrenched at Lauterburg, 444
Indemnity, act of, deſired by the king, 38, paſſed, 87, one proclaimed in Scotland, 378
Independents, an account of them, 33, 326, 327, are for a toleration, ibid.
Ingoldſby, colonel, commands the forces in the Canada expedition, 629, made one of the lords-juſtices of Ireland, 630
Inniſkillin, the inhabitants of that place take arms, 52, reſolve not to admit an Iriſh garriſon, 57, proclaim K. William and Q. Mary, ibid. defeat the Iriſh in ſeveral encounters, ibid. join the D. of Scomberg, 67, rout the Iriſh, ibid. their bravery, at the battle of the Boyne, 90
Innocent, XI. pope, dies, 70
Innocent, XII. pope, choſen, 122, the court of France, comes to an accommodation, with him, 140, 141, perſuades the king of Spain, to make a will in favour of the D. of Anjou, 272
Invaſion; the intended French invaſion, 202, of Scotland taken into conſideration by the houſe of lords, 565, and by the houſe of commons, 566
Inverneſs; the French propoſe landing there with the pretender, 535
Jones, Edward, Bp. of St. Aſaph, proſecuted for ſimony, 334
Joſeph. See emperor.
Ireland, K. James lands in that kingdom, 38, 54, proteſtants in Ireland oppreſſed, many of them fly into England, 52, the nobility and gentry of Ireland preſent an addreſs to K. William, praying him to take that kingdom into his protection, ibid. the miſcarriages in Ireland inquired into by the parliament, 64, money raiſed for the war there, 65, clergy of that kingdom, act for their relief, ibid. expedition for the reduction of Ireland, 66, he miſcarries in the management of the war, there examined by the houſe of commons, 77, ſtate of affairs before K. William's arrival there, 88, bill for ſale of the forfeited eſtates there, and for attainting thoſe who had been in the rebellion, 106, the army there oppreſs the country, and commit great outrages, 107, vacant biſhoprics filled up, ibid. continuation of the war there, 114, proceedings of the parliament in that kingdom, 142, the ſtate of that kingdom about forfeited eſtates, &c. examined by the Engliſh parliament, 152, addreſſes to the king upon that head, 153, parliament there, 161, great diſcontent in that kingdom, in which the natives were too much favoured, ibid. the government of it put into the hands of three lords-juſtices, ibid. ſtate of affairs there, and parliament, 185, 186, addreſs of the commons in England againſt the woollen manufacture in Ireland, 243, linen manufacture there recommended, ibid. the forces in that kingdom provided for by parliament, 253, new lords-juſtices of that kingdom appointed, ibid. forfeited eſtates there reſumed by the parliament, 258, proceedings of the truſtees for the ſale of thoſe eſtates, 310, two of them ordered to attend the houſe of commons in England, 319, great oppreſſions committed by them, and they are complained of to the houſe of commons, 320, a clauſe in a bill for ſending the abjuration to Ireland, and obliging all to take it, 370, great diſcontents in that kingdom, 383, diviſions between whig and tory, ibid. the truſtees for the forfeited eſtates much cenſured, 384, raiſe a ſchandal upon the Iriſh, as if they deſigned to make themſelves independent from England, ibid. &c. uneaſineſs there fomented by the E. of Rocheſter, and connived at by the D. of Ormond, 435, bill for improving the hempen and flaxen manufactures in Ireland, ibid. ſome forces ordered to march towards the north of that kingdom, 534, bill to prevent the growth of popery there, 587, convocation there, 588, the jacobites intereſt promoted there, 701, deſigns of new-modelling the army there, 711, the ſchiſm-bill extended to that kidgdom, 721
Judges in Scotland; debate concerning them, 51
Jura Populi Anglicani; ſome account of that book, 304
Juſtices appointed in the king's abſence, 181, their proceedings, 182
Juſtices of peace; bill for qualifying them, 260

K.

Kaliſh, battle of, 481
Keating, —— chief juſtice of Ireland, his ſpeech, 53, draws up an addreſs againſt repealing the act of ſettlement, 59
Kehl, Fort, taken by the French 389, a deſcription of it, ibid.
Kelly, Hugh and William, liſt in the pretender's ſervice, and are apprehended, 722
Ken, Thomas, Bp. of Bath and Wells, refuſes to take the oaths. 31
Kent, Henry de Grey E. of, made lord-chamberlain, 409, created viſcount Goderick, earl of Harold, and marquis of Kent, 491, his ſpeech in the debates about the union, 495, made a duke, 611, declines the employment, of embaſſador to Hanover, 706
Kentiſh petition, 303, the petitioners impriſoned, ibid. releaſed and entertained at Mercers-hall, 306, further votes againſt them, 198
Keyſerſewaert, put into the hands of the French, and beſieged by the allies, 320, beſieged by the elector Palatine, 356, a deſcription of it, ibid.
Kidd, William, employed againſt the pirates, turns pirate himſelf, 256, ſeiſed, 379, tampered with by ſome of the members of the houſe of commons, 294, &c. executed, ibid.
Kidnapping of ſoldiers, 153
King, ſir Peter, his ſpeeches againſt dr. Sacheverell, 589, &c. ſpeaks in behalf of Bp. Fleetwood, 664, ſpeaks againſt the treaty of commerce, 692, 695, 708,
King's-evil, Q. Anne touches for it, 375, a new office for it, ibid.
Kingſton, Evelyn Pierpoint, E. of, created marquis of Dorcheſter, 491
Knocque, Fort, ſurpriſed by the allies, 185

L.

Lancaſhire-plot, 109, 125, 129, 172, the plotters tried, 173, bring their affair before the parliament, 174, votes of the commons about it, ibid.
Land-Bank erected, 209, fails, 216
Land-forces; debates in the houſe of commons about them, 146, eſtimates for their maintenance, 147
Landau; a deſcription of that place, 356, taken by the French, 393, beſieged and taken by the allies, 418, 419, by the French, 705
Landen, battle of, 155
Landrecy attacked by the allies, 668, 670,
Lanſdown, George Granville lord-viſcount, treaſurer of the houſehold, 700
Lauſun, count of, intended to command the troops ſent by France, into Ireland, 53, but does not go at laſt, ibid. K. James makes him knight of the garter, 54, adviſes K. James, at the battle of the Boyne, to retreat, 90, retires to France, 100
Law; bill for regulating proceedings at law, 462
Lay-Baptiſm, diſputes about it, 653
Leake, ſir John, commands a fleet, 421, ſent to relieve Gibraltar, 422, made vice-admiral of the white, 429, relieves Gibraltar a ſecond time, and deſtroys ſeveral of the enemy's ſhips, 446, ſails to the relief of Barcelona, 475, diſperſes a fleet of Tartans near Barcelona, 555, aſſiſts in the conqueſt of Minorca, 556, 557, made one of the lords commiſſioners of the admiralty, 584, carries to Dunkirk the Engliſh forces that were to take poſſeſſion of that place, 670
Lechmere, Nicholas, ſpeaks againſt the treaty of commerce, 692, ſeconds a motion of general Stanhope about the pretender, 697, had a hand in the Criſis, 704, finds fault with the lenity ſhewn to mr. Bedford, 705, affirms the proteſtant ſucceſſion to be in danger, 716, ſpeaks againſt the ſchiſm-bill, 720, &c. moves to have the toleration-bill extended to Ireland, 721
Leeds, Thomas Oſborne, marquis of Caermarthen, and D. of, accuſed of taking a bribe from the Eaſt-India company, 175, 177, 179, ſpeaks againſt the bill for obliging ſir Thomas Cooke to make a diſcovery, 177, motion for impeaching him, 179, his ſpeech in the houſe of lords, ibid. ſifted by mr. Lockhart with relation to the pretender, 484, his ſpeech at dr. Sacheverell's trial, 593
Leefdale, Frederick Aelbreyt baron of, ſent to Paris to diſcover the aſſaſſination-plot, 137, 138
Legion's humble addreſs to the lords, 409, proclamation againſt it, ibid.
Leinſter, Meinherdt Schomberg D. of, is appointed commander of the troops that were deſigned to make a deſcent in France, 134, the Engliſh forces under his command poſſeſs themſelves of Dixmuyde and Furnes, 138
Leopold. See emperor.

Leſlie, Charles, publiſhes a relation of the Glencoe buſineſs, 142, his account of the pretender, 718
Lewis XIV. K. of France, attacs the Spaniſh Netherlands, 26, reſolves to extripate the reformed religion in his dominions, ibid. dragoons the reformed, and repeals the edict of Nantes, ibid. declares war againſt the pope, ibid. invades Germany, ibid. ſends troops into Ireland, for K. James's uſe, 53, his private treaty with him, 54, promiſes to ſend a fleet to K. James's aſſiſtance to Ireland, 88, orders mr. de Tourville to fight the Engliſh, 131, 134, his ſaying about the Engliſh rejoicing for the victory at la Hogue, ibid. his letter of thanks to his army, for intrenching themſelves near the Scheld, 167, endeavours to reſtore K. James, 196, abandons him at the peace of Ryſwick, 233, will not remove him at a greater diſtance than St. Germains, 245, forms the project of ſecuring the crown of Spain to his grandſon the D. of Anjou, 247, 249, his behaviour about the partition-treaty, and the Spaniſh ſucceſſion, 272, &c. accepts the K. of Spain's will, though he feigned at the ſame time to be ready to obſerve the partition-treaty, 275, notifies to the ſtates of Holland his reſolution of accepting that will, 276, propoſals made to him by the court of England, for ſecuring the Netherlands, 287, his anſwer to thoſe propoſals, 288, reflected upon in the houſe of lords, 290, his letter and memorial to the ſtates, 307, &c. viſits K. James, 311, owns the pretender for K. of England, and cauſes him to be proclaimed, 313, 314, &c. preſſes all other princes to own him, ibid. his manifeſto for proclaiming him, ibid. rejoices at the news of K. William's death, 345, expreſſes great reſentment upon the Dutch declaring war againſt him, 349, declares war againſt the confederates, 356, arms part of the empire againſt the empire itſelf, 389, countenances a deſign of an inſurrection in Scotland, ibid. his letter to the D. of Savoy, 395, declares war againſt him, ibid. had penſioners at the courts of Denmark and Pruſſia, 470, ſends orders to Villeroy to fight the allies, ibid. had for his motto Nec pluribus impar, 475, makes advantageous offers to the D. of Savoy, ibid. and to the allies, 481, his letter to the pope, 482, and to Scotland, 483, his equery carried off, 517, reſolves ſend to the pretender to make a deſcent in Scotland, 532, goes to take leave of him, and preſents him with a fine ſword, ibid. writes a letter to the pope upon that expedition, ibid. and a circular letter to his miniſters in Rome, Switzerland, Geneva, &c. about the ſame, and boaſts of ſucceſs too ſoon, 535, endeavours to unite the princes and ſtates of Italy in a league againſt the emperor, 557, offers to come to a treaty of partition, by allowing Spain and the Weſt Indies to K. Charles, 571, 575, rejects the preliminaries of peace, 576, writes to the K. of Spain that he would never abandon him, 587, ſets on foot negotiations for a peace, 571, 585, 596, reſolves to ſupport his grandſon Philip K. of Spain, notwithſtanding he pretends the contrary, and ſends him reinforcements, 606, aims at making a ſeparate peace excluſive of Spain, 616, entertains L. Bollingbroke with great magnificence, 674, demands great reparations for an inſult offered to Monſieur Meſnager's ſervants, 676, a declaration of his miniſter at the Hague concerning the pretender, 711, his treachery, 726
Libellers; proclamation againſt them, 142
Liege, a deſcription of it, 358, taken by the allies, ibid. the French contrive to beſiege it, 391, beſieged by the French, and relieved by the D. of Marlborough, 441
Limburg taken by the allies, 393, deſcribed, ibid.
Limerick beſieged, 97, the ſiege raiſed, 99, beſieged a ſecond time, 117, ſurrenders, 118
Limerick, biſhop of, forms a committee, to take care of things at Dublin, 140
Lines of the French forced, 391, by the D. of Marlborogh 442, thoſe of Buhl forced by the French, 507
Linen manufacture in Ireland encouraged, 243, 386
Lintz taken by the French, 359
Liſle; deſcription of that place, 546, beſieged by the allies, ibid. a French officer wonderfully gets into that place during the ſiege, 547, the town ſurrenders, 550, the ſiege of the citadel proſecuted, 551, it capitulates, 552
Liturgy; a review of it, 71, &c. whence the liturgy of the church of England was taken, 326
Livonia taken by the czar, 609
Lloyd, William, biſhop of St. Aſaph, anſwers K. James's declaration, 130, biſhop of Litchfield and Coventry, adviſes Q. Mary to eſtabliſh a fund for preachers and ſchoolmaſters among the Vaudois, 141, his diſcourſe of God's ways, &c. complained of in parliament, 150
Lloyd, William, biſhop of Worceſter, complaint in the houſe of commons, and addreſs Q. Anne againſt him, 365, removed, ibid.
London, lord-mayor, &c. of, preſent an addreſs to Q. Mary, 93, and to K. William, 142, entertain K. William and Q. Mary, ibid. lieutenancy of London, debates in the houſe of commons about it, 151, changed, 164, the city condemns the violence and ſlowneſs of the houſe of commons, 302, inclined to draw up an addreſs againſt the parliament's proceedings, 305, their inſtructions to their members, 316, lieutenancy there changed, 614, the tories get the election of members there, 615, fifty new churches ordered to be built in and about London, 624
Londonderry takes arms, 52, beſieged, 54, a little boy brings two letters to the beſieged, 55, relieved, 56
Lonſdale, lord viſcount. See Lowther.
Lords, houſe of, ſign an aſſociation, 208, the names of ſuch as refuſed to ſign it, 209, debates in that houſe about ſir John Fenwick's attainder, 221, their addreſs of thanks to K. William upon diſbanding the army, 251, their addreſs on the king's ſpeech about the ſucceſſion, 281, find fault with the partition treaty, 288, adviſe the king to enter into leagues offenſive and defenſive with the emperor, 291, ſeveral meſſages between them and the houſe of commons about the trial of lord Sommers, Orford, &c. 297, their reſolutions previous to thoſe trials, 298, diſpute between them and the commons about ſome words of the L. Haverſham, 298, &c. their repreſentation on the caſe of the Aylesbury-men, 432, addreſs the queen to ſettle the D. of Malborough's honours on his poſterity, 482, examine the merchants complaint, 523, lay the whole matter before the queen in an addreſs, ibid. debates in that houſe about the affairs in Spain, and the management of the war there, 525, reſolve that no peace could be ſafe, if Spain and the Spaniſh Weſt-Indies were ſuffered to continue in the houſe of Bourbon, 526, debates about the elections of the ſixteen peers of Scotland, 564, votes againſt the miniſtry with relation to the war in Spain, 617, 618, proceedings in this houſe upon the queen's laying the plan of the peace before the parliament, 663, debates about the Catalans, the proteſtant ſucceſſion, removal of the pretender out of Lorrain, and the late treaties, 712, vote an addreſs againſt jeſuits, prieſts, and againſt all ſuch as bore arms againſt the late K. William, 714, move for a ſecond addreſs about the pretender, 715, take into conſideration the trade to Spain and the Weſt-Indies, 722
Lorrain, duke of, declares war againſt France, 167, poiſoned by means of that perfidious court, ibid. his character, ibid.
Lorrain reſtored to the D. of that name 213, 136
Lorrain, D. of, marries the D. of Orleans's daughter, 248
Lothian, William Ker marquis of preſents the draught of an act for a treaty between England and Scotland, 438, choſen one of the ſixteen peers, 537
Lotteries; bill againſt them, 153, encouraged, and money raiſed upon them, 263
Louvain taken by the allies, 473, deſcription of that town, ibid.
Louvois dies, 136, had entered into the plot for aſſaſſinating K. William, 137
Low-Countries, a ſudden revolution there, 446
Lowther, ſir John, reſigns his place of commiſſioner of the treaſury, 128, made one of the commiſſioners of the admiralty, 153, created baron Lowther, and viſcount Lonſdale, 212, made lord privy-ſeal, 253, raiſes the poſſe of Cumberland, 292
Ludlow, Edmund, comes to England, and is forced to return bac, 80
Lumley, Richard, created E. of Scarborough, 87
Lumley, Richard lord, makes a motion about removing the pretender out of Lorrain, 709, ſpeaks in favour of Richard Steele, 710
Lunt ——— diſcovers the Lancaſhire plot, 173, his depoſition, ibid. indicted for perjury, 174
Luteſtring company ſettled, 142, 241
Luxemburg, D. of, general of the French, 102, tries to ſurpriſe Bruſſels, 119, attacs the rear of the confederate army, 183, covers the ſiege of Namur, 134, had the direction of the plot for aſſaſſinating K. William, 137, commands in Flanders at the battle of Landen, 155, dies, 186

M.

Macclesfield, Charles Gerrard E. of, aſperced by the jacobites, 174, divorced from his counteſs, 242
Macdonalds of Glencoe, 183
Mackworth, ſir Humphry, the ſuppoſed author of the memoirs of the Church of England, 461, of the houſe of commons againſt him, 596

Madagaſcar, pirates there ſurppreſſed, 498
Madrid poſſeſſed by the allies, 475, they abandon it again, and K. Philip poſſeſſes himſelf of it, 476
Maintenon, madam de, in a plot to aſſaſſinate K. William, 137, cauſes the K. of Spain's will to be accepted by the French court, 275, her influence, 283, perſuades K. Lewis XIV. to acknowledge the pretender for K. of England, 313, the K. of France's coolneſs towards her, 87
Malago, engagement near it between the Engliſh and the French, 420
Malo, St. bombarded by the Engliſh, 164, 194
Malplaquet, battle of, 580
Malt-tax extended to Scotland, of which the Scots highly complain, 693
Mancheſter, Charles Montague, E. of, attends K. William to Ireland, 88, ſent embaſſador to Venice, 227, and to France, 253, ordered to leave the court of France, ibid. his letters to Torcy, ibid. made ſecretary of ſtate, 320
Mancheſter, Robert Montague, E. of, ſent embaſſador to Venice, 499, takes Vienna in his way, 511, letters to and from him about the reduction of Naples, ibid. &c. diſreſpect ſhewn to him at Venice, 537
Manreſſa; a deſcription of that place, 505
Manſel, ſir Thomas, made one of the commiſſioners of the treaſury, 613, created baron Manſel, 579
Mar, John Erſkine, E. of, preſents a reſolve to parliament, 436, and a draught of an act for a treaty with England, 438, made ſecretary of ſtate, 441, his ſpeech at Sacheverell's trial, 595, tries to get the place of ſecretary of ſtate for Scotland, 631, is againſt extending the malt-tax to Scotland, 694, made third ſecretary for that kingdom, 700
March, William Douglas E. of, made governor of Edinburgh-caſtle, 377
Marchmont, Alexander Hume E. of, commiſſioner in the parliament of Scotland, 246, chancellor of Scotland, 353, propoſes the ſettling the crown of that kingdom on the houſe of Hanover, 354, turned out, 377
Maria Tereſa's renunciation, 273,
Marion, Elias, one of the prophets, 526
Mariſchal, earl, letters ſent to him from the pretender, 483, &c. was againſt the union, 485
Malborough, John Churchill E. and afterwards D. of, takes Cork and Kingſale, 99, ſent by K. William into Flanders to prepare things againſt his arrival, 119, diſcontented, 124, diſgraced and turned out of all his poſts, 128, committed to the Tower, 131, 142, bailed, ibid. a plot againſt him, ibid. complains of his commitment to the houſe of lords, 144, the E. of Shrewſbury thought he was ungratefully and unjuſtly perſecuted, 150, reſtored to favour, made privy-counſellor, and governor to the D. of Glouceſter, 246, made general of the army abroad, 306, account of him, 341, 342, &c. K. James's great reſentment againſt him, ibid. writes a letter in the queen's name to the ſtates-general, 344, made knight of the garter, captain-general of the Engliſh forces both at home and abroad, and ſent embaſſador extraordinary and plenipotentiary to Holland, 345, his ſpeech to the ſtates, ibid. confirms the Dutch in their former reſolution, and ſettles ſome points with them, 346, agrees with the ſtates and the Imperial miniſter, that war ſhould be proclaimed againſt France, on the ſame day at Vienna, London, and the Hague, ibid. is reckoned a tory, 547, made maſter of the ordnance, 352, declared generaliſſimo of the confederate army, 357, takes ſeveral places, particularly Venlo, Raremond, and Liege, ibid. is taken by a French party, but gets out of their hands, 358, comes to London, and a committee of the commons wait upon him with the thanks of that houſe, 366, the queen creates him a duke and intends to grant him a penſion of 5000l. but it being diſagreeable to the commons ſhe drops it for the preſent, ibid. he is for the occaſional conformity bill, 369, loſes his only ſon, and goes to Flanders, 390, takes Bonne, 391, forces the French lines, 392, takes Huy and Limburg, 393, endeavours in vain to bring the French to an engagement, ibid. meets Charles K. of Spain at Duſſeldorp, who preſents him with a ſword, 375, returns to England, 396, ſets out again for Germany, 414, defeats the enemy at Schellenberg, ibid. defeats the French and Bavarians at Hochſtet, 416, &c. returns to England, 419, his victories levelled by the commons with thoſe of ſir George Rooke, 424, ſome lords take it ill that prince Eugene ſhould be named before him, 427, is complimented by the lord-keeper upon his coming to the houſe of lords, 428, a committee of the houſe of commons gives him alſo the thanks of that houſe, 428, his friends offended at the Oxford addreſs, ibid. the manor of Woodſtock and the hundred of Wooton ſettled upon him and his heirs, 429, concludes a treaty with Pruſſia, ibid. concerts meaſures for carrying on the war upon the Moſelle, 441, goes to Holland, and has conferences with ſeveral members of the ſtates, ibid. his progreſs into Germany, where he is not joined by the allies, ibid. raiſes the ſiege of Liege, and forces the French lines, 442, in danger of being killed, ibid, deſigns to attac the French, but is oppoſed by the Dutch generals, of which he complains to the ſtates, 443, goes to the Hague, and confers with the ſtates upon the orders he had received to go to Vienna, 444, goes to Vienna, and confers with the emperor, 445, comes bac to England, 446, his conduct arraigned by the L. Haverſham, 454, is thanked by the commons for his great ſervices, 460, defeats the French at Ramillies, 471, &c. is in danger of being killed or taken priſoner, 472, K. Charles writes to him, 475, the D. of Bavaria ſends propoſals to him for opening conferences for a peace, 481, his anſwer to them, ibid. a report ſpread that he found his account in continuing the war, and therefore would not be for peace, 482, returns to England, ibid. inveſted with the principality of Mildenheim, ibid. receives the thanks of both houſes of parliament, ibid. the lords addreſs the queen to ſettle his honours on his poſterity, which is done, ibid. Woodſtock manor and Blenheim-houſe ordered to go with the titles, ibid. five thouſand pounds per annum out of the poſt-office ſettled on him and his poſterity, ibid. the lord-keeper's ſpeech to him and his anſwer, 483, 484, the commons refuſe to confirm the grant made to him of the royal Meuſe, ibid. goes to the Hague, and has a conference with the deputies of the ſtates, 507, goes to Alt-Ranſtadt to the king of Sweden, ibid. follows the French army, but cannot bring them to an engagement, 510, goes to Germany, and confers with the electors of Hanover and Mentz, 511, returns to England, ibid. his letter to his ducheſs about mrs. Maſham, 520, complaints of his too great power, ibid. his ſpeech to ſhew the neceſſity of augmenting the forces in Flanders, 525, refuſes to ſerve the queen any longer, unleſs mr. Harley was removed, 531, offers the bank a conſiderable ſum of money to preſerve its credit, 535, appointed again commander in chief of the confederate forces in the Netherlands, 539, acts with great unanimity with prince Eugene, 541, his bravery at the battle of Oudenarde, 542, 543, his letter to the E. of Mancheſter about it, 545, covers the ſiege of Liſle, 546, prepares to give the enemy battle, but they retire, 547, ſtorms Liſle, 548, ſtops the elector of Bavaria's deſign againſt Bruſſels, for which purpoſe he paſſes the Scheld, and comes to that city, 551, &c. retakes Ghent, 554, the queen's letter to him after the battle of Oudenarde, and his anſwer, 561, his intereſt with her begins to decline, ibid. two pieces publiſhed againſt him, 568, thanked by the commons, with his anſwer to it from Bruſſels, ibid. comes to England, and is alſo thanked by the lords, ibid. ſent to the Hague upon propoſals of peace made by France, 573, convinces the ſtates of the treacherous deſigns of France in that offer, ibid. beſieges and takes Tournay, 578, 579, reſolves to beſiege Mons, ibid. defeats the French at the battle of Malplaquet, 580, &c. paſſes the Scarp, and forces the French lines, 602, the queen writes to him, to give the E. of Eſſex's regiment to J. Hill, 610, he deſires to be excuſed, and not being able to prevail retires to Windſor, ibid. great uneaſineſs in the nation on that account, ibid. he writes an expoſtulatory letter to the queen, ibid. the queen's anſwer, ibid. the parliament addreſſes the queen to ſend the duke into Holland, 611, he lives in friendſhip with the duke of Shrewſbury, ibid. writes a moving letter to the queen upon the E. of Sunderland's removal, 612, had not promoted the addreſs againſt mr. Maſham, ibid. motion in the houſe of lords to thank him dropped, 616, ſome officers turned out for drinking his health, ibid. he returns from Holland to England, and is received with acclamations, 617, is viſited by the new miniſtry, but does not receive the thanks of both houſes as uſual, ibid. deſired by the queen to live well with the new miniſtry; reſolves to be patient, in order to carry on the war; carries a ſurrender of all the ducheſs's places to the queen, and retires to Blenheim-houſe on the queen's birth-day, ibid. his account in the houſe of lords of the miniſtry's proceedings with regard to Spain, 618, is continued in the command of the Britiſh forces in Flanders, 625, no confidence between him and the new miniſtry, ibid. the queen's letter to the ſtates of Holland about him, ibid. he takes the field, ibid. amuſes the French and ſurpriſes their lines, 626, beſieges and takes Bouchain, ibid. and 627, returns to England, ibid. his ſpeech in the houſe of lords,

637, is turned out of all his employments, 639, his letter to the commiſſioners about the preſent from ſir Solomon de Medina, 640, the queen ſends him word of her intentions to reſume all his employments, ibid. his letter thereupon to her, ibid. he waits upon prince Eugene, 642, that prince's compliment on him, ibid. cenſured for having taken large ſums of money, 644, ordered to be proſecuted by the attorney-general, ibid. libels publiſhed againſt him, ibid. enquiries made into his conduct, but nothing material is found againſt him, ibid. prince Eugene ſaid he was always ſucceſsful, ibid. bears all inſults with patience, and prepares a vindication of himſelf, 645, his ſpeech on account of the D. of Ormond's being ordered not to fight, 657, ſends, E. Paulet a challenge for his reflecting ſpeech on him, 658, his ſpeech about the plan of peace, 663, two ſuits commenced againſt him, 683, leaves England, and goes to Aix le Chapelle, ibid. refuſes to ſign an aſſociation, 712, invited by the E. of Oxford to come over to England, 725, comes to Oſtend, ibid. embarks for England, ibid. had vowed never to be reconciled with the E. of Oxford, ibid

Marlborough, Sarah Jennings counteſs and ducheſs of, made one of the ladies of the bed-chamber to the princeſs Anne, and becomes her great favourite, 340, her character, ibid. and 341, perſuades the princeſs againſt conſenting to have the crown ſettled on K. William for life, ibid. appointed groom of the ſtole, and keeper of the privy-purſe, 346, endeavours to moderate Q. Anne's zeal for the tories, ibid. occaſions the removal of ſir Nathan Wright, 453, reconciles the whigs to the queen, 454, compared to Alice Piers, ibid. her account of J. Hill and mrs. Maſham, 519, her great uneaſineſs at that lady's great credit with the queen, and her letters thereupon, ibid. her letter to the queen, 562, &c. charged with being the cauſe of ſome diſagreeable votes paſſing in the houſe of commons againſt mrs. Maſham, 610, is told that the queen believed ſhe often ſpoke diſreſpectfully of her, 611, ſhe endeavours to vindicate herſelf in an audience ſhe had of the queen, ibid. writes to the queen upon the E. of Sunderland's removal, 612, the duke her huſband carries a ſurrender of all her places to the queen, 617

Marriages; act againſt marriages without licence or banns, 209

Marſaglia, battle of, 157

Marſeilles; a project to deſtroy that place, 511

Martin, Henry and David, had a hand in the Britiſh Merchant, 693

Mary, Q. proclaimed, 20, her houſehold ſettled, 28, uneaſy at the ſettlement required for her ſiſter the princeſs of Denmark, 37, 80, an act paſſed to inveſt her with the adminiſtration of affairs during the king's abſence, 87, ſhews great tenderneſs for her father's perſon, 88, her behaviour was very exemplary, and ſhe read much, but did not meddle with public affairs, 92, was very charitable, ibid. takes upon her the adminiſtration of affairs, and has the right way of pleaſing England, ibid. becomes univerſally beloved and admired, ibid. puts out two proclamations againſt the papiſts, ibid. though much afraid of a deſcent from France, ſhe conceals her own apprehenſions, and inſpires her ſubjects with reſolution, 93, puts out a proclamation for the encouragement of ſeamen, 94, gives commiſſions for putting the ſtanding forces and the militia in the weſt in a poſture of defence, ibid. publiſhes a proclamation for apprehending the E. of Litchfield, &c. ibid. falls out with her ſiſter the princeſs of Denmark, becauſe ſhe would not diſmiſs the counteſs of Marlborough, 128, prepares to defend England againſt the threatened invaſion of K. James, 131, orders ſeveral diſcontented perſons to be taken up, ibid. commands all papiſts to depart from London and Weſtminſter, ibid. cauſes the militia of Weſtminſter, and the train-bands of London to be drawn up in Hyde-Park, ibid. eſtabliſhes a fund for maintaining preachers and ſchoolmaſters among the Vaudois, 141, iſſues out a proclamation againſt the exporting of corn to France, and orders the laws to be put in execution, 161, governs the nation with great prudence, 168, had a particular eſteem for archbiſhop Tillotſon, 169, ſeized with the ſmall-pox, of which ſhe dies, 170, her character, 171, never guilty of an indiſcretion, ibid. remarks on her unuſual gaiety at her coming to the throne, ibid. and on her quarrel with her ſiſter the princeſs Anne, ibid. addreſſes to the king upon her death, 272, ſhe was a friend to the diſſenters, and for a comprehenſion, ibid. the jacobites exalted at the news of her death, 202, her great care in diſpoſing of church preferments, 333

Maſham, mr. Samuel, preferred by the ducheſs of Marlborough's means, 519, marries Abigail Hill, 520, made a general, 610, created baron Maſham, 641

Maſham, mrs. comes to be in great credit with Q. Anne, 519, the ducheſs of Marlborough's great uneaſineſs at it, ibid. &c. was related to mr. Harley, ibid. her intrigues with the queen, 562, &c. ſhe undermines the D. of Marlborough's intereſt, 610, motion intended in parliament againſt her, ibid. made privy-purſe, 617, had part of the benefit of the Aſſiento trade, 723, reconciles the favourites, 724, the lord-treaſurer demurs about a grant made to her by the queen, 725, ſevere reproaches between her and the treaſurer, when he was diſmiſſed, ibid.

Maximilian prince of Hanover joins prince Eugene, 415

Mazarin, ducheſs of, motion in the houſe of commons againſt her, 32

Mead, dr. Richard, attends Q. Anne in her laſt illneſs, 725

Meath, Henry Jones biſhop of, endeavours to ſtop the execution of ſome cruel acts againſt the proteſtants in Ireland, 56, argues againſt the repealing of the act of ſettlement, 58

Mechlin ſubmits to the allies, 474

Meeting-Houſes; ſome pulled down, 592

Melfort, John Drummond E. of, king James's ſecretary of ſtate, 49, 47, odious to the preſbyterians in Scotland, ibid. letters brought from him to Scotland, 49, excepted out of the indemnity, 87, his letter to the E. of Perth, 283, Tallard's ſaying about him, 284

Melvil, —— lord, made ſecretary of ſtate for Scotland, 51, promiſes to moderate the violence of the preſbyterians in that kingdom, but is not ſo good as his word, 70, his proceedings for ſettling preſbytery, ibid. a great zealot for preſbytery, 118, 119, made privy-ſeal, and moſt of his creatures laid aſide, 127, preſident of the council in Scotland, 353, turned out, 377

Memorial of the Dutch communicated to the houſe of lords and commons, 283, of the French embaſſador to the ſtates, 291, memorial by Daniel de Foe, 305, of the church of England, 452, 453, preſented as a libel, ibid. the publiſher of it ordered to be proſecuted, 461, of the elector of Hanover, 635, &c. of the Dutch againſt the repreſentation of the houſe of commons, 646, of prince Eugene and the deputies of the ſtates to the D. of Ormond, 671

Menin taken by the allies, 474

Mentz, elector of, confers with the D. of Marlborough, 18

Merchants deſign a fraud with regard to the goods imported into Scotland, 497, their petition, ibid. another petition of theirs, complaining of their great loſſes, 29, and of the want of cruiſers, ibid. &c. petition of the Scotch merchants for relief, 31, French, Dutch, and Jewiſh merchants, inſtead of calling in the money they had in the Bank, they carried in more, 43

Meſnager, monſieur, his negotiations at the court of England, 627, 633, delivers the French king's anſwer to the demands laſt ſent over from England, ibid. ſigns the preliminaries of peace, ibid. has a private converſation with the queen, and ſpeaks to her in favour of the pretender, 634, one of the plenipotentiaries at the treaty of Utrecht, 649, his ſervants inſult count de Rechteron, which ſtops for a while the negotiations at Utrecht, 676, 687

Methuen, Paul, envoy to Portugal, 352, concludes a neutrality, 359, and a treaty, 395, preſſes the K. of Portugal to carry on his conqueſts in Spain, 475, envoy extraordinary to the D. of Savoy, 478, made one of the commiſſioners of the admiralty, 584

Middleton, E. of, ſtarts up a difficulty when the pretender was going to be proclaimed, 313, exhorted by K. James to embrace popery, 314

Milaneſe; treaty for evacuating it, 482, 500, 501, evacuated, ibid.

Minas, marquis des, aſſiſts at a council of war, 502, at the battle of Almanza, 503

Minorca, deſcription of that iſland, which is taken by the Engliſh, 555, &c.

Miremont, Armand de Bourbon, marquis de, goes to Utrecht, to take care of the intereſt of the French refugees, 647, intercedes for the proteſtants in the gallies in France, 700

Miſſon, Maximilian, one of the prophets, 526

Mohun, Charles lord, tried for the murder of William Mountfort, 151, and for the murder of captain Richard Coote, 253, is againſt the occaſional conformity bill, 398, carries E. Paulet a challenge from the D. of Marlborough, 657, killed in a duel with D. Hamilton, 681

Moleſworth, William, reflects on the convocation houſes in Ireland, for which he is removed from the privy-council, 702

Molineux, William, his caſe of Ireland's being bound by acts of parliament in England cenſured, 243
Money of braſs, coined by K. James in Ireland, cried down, 96
Monmouth, Charles Mordaunt E. of, goes with K. William to Holland, 108
Mons taken by the French, 109, K. William endeavours to ſurpriſe it, 135, blocked up by the allies, 579, a deſcription of that place, 582, beſieged and taken, ibid.
Montague, Charles, made one of the commiſſioners of the treaſury, 128, 165, his character, ibid. his reaſons for recoining the money, 198, the chief manager of it, 200, inſtrument in reſtoring the public credit, 217, vote of the commons in his favour, 242, had gained a great aſcendant in the houſe of commons, 244, reſigns the chancellorſhip of the exchequer, 255, made auditor of the exchequer, and created L. Hallifax, 281, impeached by the commons, who addreſs the king to remove him from his councils and preſence, 294, 295, articles againſt him, 296, his anſwers, ibid. acquitted, 299, 301
Montague, John D. of, ſworn of the privy-council, 562
Montague, Ralph D. of, travels beyond ſea, 698
Montague, Wortley, moves for a bill for naturalizing all foreign proteſtants, 564
Montgomery, lord, proclamation for apprehending him, 94, in a plot againſt K. William, 130
Montmelian taken by the French, 122
Montroſe, James Graham marquis of, a letter ſent to him by the pretender, but not delivered, 484, created a duke, 498, choſen one of the ſixteen peers, 537
Montroſe, James Graham D. of, ſworn of the privy-council, 562, ſets himſelf up in oppoſition to the D. of Queenſberry's power, 564, removed from the place of lord privy-ſeal in Scotland, 698
Moor, John, made biſhop of Norwich, 114
Moore, colonel, governor of Carolina, attacks Fort St. Auguſtin, 127
Moore, Arthur, made one of the commiſſioners of trade and plantations, 614, directs the lord privy-ſeal in matters of trade at the treaty of Utrecht, 649, commiſſioner of trade, 692, conſulted in the treaty of commerce, ibid. his ſpeech in vindication of it, ibid. account of him, 695, ſpeaks in favour of the treaty of commerce, ibid. and of the Aſſiento trade, 707, gainer by the Spaniſh trade, and by the Aſſiento, 722, 723, intention to cenſure him, ibid. concerned in a clandeſtine trade, ibid.
Mordaunt, Charles lord viſcount, made firſt commiſſioner of the treaſury, 30, created E. of Monmouth, 33, proteſts againſt rejecting the clauſe for taking away the ſacramental teſt, ibid, diſmiſſed from his employments, 84
Mordaunt, colonel Henry, his ſpeech about the union, 493, at Sacheverell's trial, 590
Morel, mr. gives biſhop Burnet an account of the intended aſſaſſination of K. William, 137
Mortmain, ſtatute of, repealed, 406
Mulgrave, John Sheffield E. of, his ſpeech on the bill for excluding placemen from the houſe of commons, 149, oppoſes the court, 150, created marquis of Normanby, and ſworn of the privy-council, 164
Munden, ſir John, ſent againſt Du Caſſe's fleet, and does not behave well, 360, tried for it by a court-martial, and acquitted, but is broke, ibid. and 661
Murray, John lord, made ſecretary of ſtate, 200, created E. of Tullibardine, and appointed the king's commiſſioner, 216
Muſcovite troops; diſpute between the emperor and the K. of Sweden about them, 508
Muſcovites and Saxons undertake to conquer Pomerania, 688
Muſgrave, ſir Chriſtopher, at the head of a party againſt the court, 154, took bribes, ibid. clerk of the ordnance, 212, objects to ſome words ſpoken by the L. Haverſham, 298, &c. made a privy-counſellor, 347, and clerk of the ordnance, 352, his proceedings about the clauſe relating to the ſucceſſion, 370, againſt the place-bill, 372, oppoſes the taking away the firſt-fruits and tenths, 406, ſilenced, 428
Mutiny and deſertion; bill againſt it, 151, 152

N.

Nairne, ſir Daniel, ſecretary to the Scottiſh commiſſioners for the union between England and Scotland, 465
Namur, beſieged and taken by the French, 134, and inveſted by the confederates, 187, bombarded, 419
Nantz, edict of, to be revived, 141
Naples; deſigns of the Auſtrians upon it, 482, expedition there, 500, 511, oppoſed by Great-Britain and Holland, ibid. conquered by the Imperialiſts, 512, inſurrection there, ibid. the inhabitants had an inbred hatred to the French, ibid. eccleſiaſtical revenues there, belonging to perſons reſiding out of the country, ſequeſtered, 557, the viceroy forbids the remitting any money to Rome, 558
Naturalization of the French proteſtants; bill to repeal that act, 619, that act repealed, 646
Navy; condition of it inquired into by the houſe of lords, 406
Negroes, Aſſiento de, 707
Nelſon, Robert, preſents hereditary right to the queen, 704
Netherlands. See Holland.
Neufchatel, principality of, claimed by thirteen different perſons, 516, adjudged to the K. of Pruſſia, ibid.
Newcaſtle, John Holles D. of, made lord privy-ſeal, 434, offers the Bank a ſum of money to preſerve its credit, 535, made lord privy-ſeal, 613, dies, 631, was the richeſt ſubject in England, ibid.
New-England; that colony by whom firſt founded, 326, &c.
Newfoundland; Q. Anne addreſſed to preſerve the fiſhery there, 498, reſtored to the Engliſh, 576, 596, the taking of Canada a great ſecurity to it, 629, to be entirely given up to the Engliſh, 633, 651, 686, the French offer only the freedom of fiſhery there, 649, diſputes between the courts of England and France, about the fiſhery there, 686, &c. given to the Engliſh, 691, 740
Newman, mr. ſpeaks gainſt the Aſſiento trade, 707
News; a bill to prevent the publiſhing any without licence, 227
Nicholſon, governor, takes poſſeſſion of Nova-Scotia, puts a garriſon into Port-Royal, and calls it Annapolis, 629, forms the deſign of the Canada or Quebec expedition, ib.
Nimeguen, peace concluded there, 26
Nonjuring party, riſe of them, 32, make a ſchiſm, 73, 74, a ſevere pamphlet againſt them, 94, &c. nonjuring biſhops and clergy create a ſchiſm, 325
Normanby, John Sheffield marquis of, makes an oppoſition to the bill for the proteſtant ſucceſſion, 274, finds fault with the partition-treaty, 288, made privy-ſeal, 347, Q. Anne's regard for him, ibid. is againſt praying for the princeſs Sophia, 349, created D. of Normanby and Buckinghamſhire, 374
Norris, ſir John, letters of his about the reduction of Sardinia, 555, made admiral, 584, ſent to ſecure Sardinia, 604
North and Grey, William lord, his ſpeeches about the malt-tax, 694, is againſt addreſſing the queen, to apply to the D. of Lorrain to remove the pretender out of his dominions, 696, moves to have all the ſtrangers that were in the houſe of lords put out, 713, ſpeaks againſt a reward being ſet on the pretender's head, ibid. makes a motion for returning the treaſurer thanks, 714, moves to have the treaties of peace and commerce taken into conſideration, ibid. ſpeaks for the ſchiſm-bill, 720
Nottingham, Daniel Finch E. of, made ſecretary of ſtate, 29, his character, ibid. offers to the houſe of lords the bill of toleration and comprehenſion, 34, infuſes jealouſies of the whigs into the king, 38, king William buys Kenſington-palace of him, 62, is at the head of the cabinet council, 92, reflected upon by the E. of Torrington, for ſuppreſſing ſome intelligence, 95, blamed for employing men that were reputed jacobites, 124, a letter of his to ſir Ralph Delaval makes a buſtle in the houſe of commons, 126, complained of for giving improper orders to the fleet, 134, complained of in the houſe of commons, 145, &c. his relation concerning the intended deſcent of the French upon England, 146, 147, &c. Wharton moves for an adreſs to the king to remove him, ibid. aggravates admiral Ruſſel's errors, 149, thought to betray the king his maſter's intereſt, 154, blamed for the ill ſucceſs of our fleet, 159, his intelligence of the fleet, 162, removed, 169, proteſts againſt the vote for acknowledging the reality of the Lancaſhire plot, 174, refuſes to take money from the Eaſt-India company, 178, repreſents the bad ſtate of the coin in the houſe of lords, ibid. oppoſes the aſſociation, and refuſes to ſign it voluntarily, 208, 209, oppoſes the abjuration-act, 319, his motion for the union of England and Scotland, 321, made ſecretary of ſtate, 347, excuſes dr. Davenant and dr. Drake, 351, moves for an enquiry into thoſe books, wherein the murder of K. Charles I. was juſtified, ibid. was againſt aſſiſting the Cevennois, 388, 389, thought it a diſhonour to England to ſtrike even in another king's ports, 395, lays before the houſe of lords the papers relating to the conſpiracy in Scotland, 401, vote of the commons in his favour, 402, his account of the conſpiracy in Scotland, 403, &c. preſſes the queen to diſmiſs the D. of Somerſet and Devonſhire from the cabinet council, 409, reſigns his place of ſecretary of ſtate, ibid. reflects on K. William, with regard to the partition-treaty,

427, thoughts of ſending him to the Tower, ibid. urges the ill conſequences of the act of ſecurity in Scotland, ibid. was for inviting over the princeſs Sophia, 454, ſeconds the E. of Rocheſter in the debates about the affairs of Spain, 525, the court endeavours to gain him on their ſide, 636, offers a clauſe to be inſerted in the addreſs of thanks to the queen, ibid. brings in the occaſional conformity-bill, 639, moves for an addreſs to the queen to deſire her to conſult with the miniſters of the allies in Holland, before the opening of the congreſs, ibid. advertiſement in the Poſt-Boy reflecting on him, 644, ſpeaks againſt the reſumptions of K. William's grants, 648, his ſpeech on occaſion of the D. of Ormond's being ordered not to fight, 658, and about the peace, 663, his ſpeech about the union, 695, ſupports the motion for addreſſing the queen to preſs the D. of Lorrain to remove the pretender out of his dominions, 697, reflected upon in the public ſpirit of the whigs, 707, repreſents the danger that threatened the proteſtant ſucceſſion, 710, his ſpeech upon the lord-treaſurer's motion, for bringing in a bill to make it treaſon to bring any foreign troops into the kingdom, ibid. his ſpeech about the peace with Spain, 715, ſpeaks againſt the ſchiſm-bill, 721, moves for an addreſs of thanks for the queen's proclamation againſt the pretender, 722

O.

Oates, Titus, debates about the judgment againſt him, 63, a conference thereupon, ibid.
Oath; coronation-oath ſettled, 39
Oaths of allegiance ordered to be taken, but refuſed by ſeveral, 31, oaths ſettled, 33, debates about them, 34
Occaſional conformity; bill againſt it, 367, brought in again, 397, &c. 424, endeavours uſed to tac it to the land-tax bill, 425, thrown out by the lords, 426
Orange, account of that illuſtrious family, 23, &c.
Orange William III. prince of, born, 25, comes into the world under great diſadvantages, ibid. was of an infirm conſtitution, ibid. the French king ſeizes his principality of Orange, 26, the prince is choſen chief nobleman in Zealand, and introduced into the council, ibid. comes to viſit K. Charles II. ibid. is declared admiral and captain-general, ibid. and ſtadtholder, ibid. makes a ſtand againſt the French, ibid. retakes Narden and ſeizes Boone, ibid. beats the French at the battle of Seneffe, ibid. offers the K. of France battle when before Bouchain, ibid. marries princeſs Mary, ibid. looked upon as the head of the proteſtant intereſt in Europe, and the greateſt chec to the power of France, ibid. forms the league of Auſtria againſt France, 27, his character, ibid. and 28. See K. William III.
Ordinations of diſſenters, 71, 72
Orford, Edward Ruſſel E. of, concerned in Kidd's affair, 256, impeached by the commons, 294, their addreſs againſt him, 295, articles againſt him, 296, his anſwer, ibid. acquitted, 301, his accounts examined, 407
Orkney, Elizabeth Villiers counteſs of, grants to her in Ireland, 259, K. William regards her, 324, the cauſe of L. Sommers, and E. of Portland's diſgrace, ibid.
Orkney, George Hamilton E. of, made governor, of Edinburgh-Caſtle, 711
Orleans, D. of, is wounded at the battle of Turin, where he behaves bravely, 479, wanted to be made K. of Spain, and offers ſome propoſals to the L. Galway for that purpoſe, 505, ſuſpected of having poiſoned the two dauphins, 648, had formed a project to make himſelf K. of Spain, 649
Ormond, James Butler D. of, ſent to ſecure the quiet of Dublin, 96, wounded at the battle of Landen, 156, attends K. William, in his laſt moments, 322, named commander of a land army, 347, commander in chief of the forces at Cadiz and Vigo, 360, lands at Vigo, 362, rides to St. Paul's on the thankſgiving-day, amidſt loud acclamations, 364, thanked by the lords for his ſervices at Vigo, ibid. they addreſs the queen to order him to lay before them an account of his proceedings, ibid. he complains of ſir George Rooke's conduct at Cadiz, 365, is made lord-lieutenant of Ireland, ibid. and 371, directed by the E. of Rocheſter, 383, his ſpeech to the parliament, of Ireland, ibid. &c. uneaſy at the inſpection of the public accounts, 386, foments the diviſions raiſed by the E. of Rocheſter, 435, deſires the parliament of Ireland to adjourn, ibid. addreſſes preſented to him by the diſſenters, ibid. favours the pretender's friends, 630, his ſpeech in the parliament of England about the neceſſity of a peace, 637, made commander in chief of all the forces at home and abroad, 641, had orders not to engage neither in ſiege nor battle, 655, his inſtructions, 654, aſſures the Dutch of his intention to carry on the war vigorouſly, ibid. receives orders from the queen not to venture a battle, 655, his letters thereupon ibid. 656, &c. refuſes to fight, 656, receives a letter from Villars, 666, correſponds with him, ibid. 669, declares his orders about the ceſſation of arms, 666, deſires prince Eugene to give over the ſiege of Queſnoy, 668, conference between him and one of the Dutch deputies, 680, returns to England, 681, promotes dr. Swift to the deanery of St. Patrick's, 698, made governor of Dover, and warden of the Cinque-ports, ibid. a penſion of 5000l. per annum ſettled upon him, ibid. L. Hallifax's compliment on him, 715
Orphans of the city of London; their affairs examined by parliament, 175
Orrery, Charles Boyle E. of, created baron Boyle of Marton, 631, ſent to the Hague to redreſs ſome diſorders, 685
Oſborne, Thomas, E. of Danby, impeached, 14, inſtrumental in the marriage of the princeſs Mary with the prince of Orange, 26, created marquis of Caermarthen, and made preſident of the council, 28, K. James had offered to put himſelf into his hands before he went away, 29, cool with regard to the ſettlement, ibid. brings a ſtorm on the marquis of Hallifax, ibid. an addreſs propoſed in the houſe of commons, to deſire the king to remove him from his preſence and councils, 65, chief author of the change made in the lieutenancy of London, 84, in great credit with the king, 87, a deſign to impeach him, 107, blamed for the ill ſucceſs of our fleet, 159, created D. of Leeds, 165
Oſborne, Peregrine, marquis of Caermarthen, at the attempt upon Breſt, 166, his diſcovery to the houſe of lords about a letter of the E. of Nottingham, 126
Oſtend and Newport; propoſal to put them into the hands of the Engliſh, 287
Oſtend, taken by the allies, 474, deſcription of it, ibid. yielded by the Dutch, 705, not to be alienated from the Netherlands; ibid. See Eaſt-India company.
Oudenard; deſcription of that town, 541, inveſted by the French, ibid. the French quit the ſiege, 542, battle near Oudenard, ibid.
Overall, Bp. his book publiſhed, 393
Oxford; that univerſity unhappily ſucceſsful, in propagating anti-revolutional principles, 405, its decree burnt, 595
Oxford, Robert Harley E. of, See Harley, lord-treaſurer, his oppoſition to the pretender's being removed out of Lorrain, 696, inſtalled knight of the garter, 700, hated both by the whigs and tories, ibid. upon ill terms with the L. Bollingbroke, ibid. notwithſtanding which he brings his own ſcheme to bear, ibid. raiſes a million in two days time, ibid. L. Bollingbroke, ſecretary Bromley, and ſir William Wyndham, gain the aſcendant over him, upon which he thinks of retiring, 704, endeavours to ſupport the Bank, 705, moves for a bill to make it treaſon to bring any foreign troops into the kingdom, 710, vindicates the peace, 713, and his paying a yearly ſum to the highlanders, 714, his letter to the elector of Brunſwick, 718, was for inviting him over, 719, doubtful whether he was for or againſt the ſchiſm-bill, 720, bred among ſchiſmaticks, ibid. had caſtrated the ſchiſm-bill, ibid. is for examining into the Spaniſh trade, 722, kept to himſelf the principal direction of domeſtic affairs, and the diſpoſal of places, 723, has great quarrels with L. Bolingbroke, 724, endeavours to reconcile himſelf to the whigs, and to remove L. Bolingbroke, ibid. ſends the queen an account of public affairs, ibid. and 736, cauſes of his diſgrace, 724, his attachment to the houſe of Hanover, ibid. removed, ibid.

P

Packington, ſir John, exhibits petitions againſt the Bp. of Worceſter, and his ſon, for endeavouring to prevent his election, 365, his ſpeech in the debate about the danger of the church, 460, ſpeaks againſt the union, 493
Paget, William lord, ſent to Conſtantinople, to mediate a peace between the Turks and the imperialiſts, 140, mediator of the peace of Carlowitz, 249, appointed envoy extraordinary to Hanover, but declines it, 715
Paget, Henry, made one of the commiſſioners of the treaſury, 613, created baron of Burton, 641
Palatine, elector, the Upper-Palitinate reſtored to him, 539, and 559, furniſhes the emperor with troops, 539
Palatines come over to England, 587, a brief for them, ibid. ſent over to Ireland and New-York, ibid. votes of the parliament of Ireland about them, 588, the relief granted them cauſes great uneaſineſs, 590, inquiry of the houſe of commons about them, 619
Paper-credit in Scotland rejected, 437

Papiſts excluded from the crown, 39, gainers in ſome reſpect by the revolution, 60, addreſs for diſarming them, 64, and for ſecuring them, 97, ordered to repair to their places of abode, 65, fly out of Dublin, 91, two proclamations againſt them in England, 92, 131, reſort to London, an addreſs of the commons againſt them, 252, act againſt them, 260, &c. their ſcheme of religion, 325, excluded from being members of the eſtates of Scotland, 381, bill againſt them in Ireland, 386, and in England, 433, pretend that the church was in danger, 452, proclamation for putting the laws in execution againſt them, 621

Parker, ſir Thomas, his behaviour at dr. Sacheverell's trial, 591, made lord chief-juſtice, 592, cauſes a miſtake relating to the regency to be rectified, 700, &c.

Parliament, bill for Triennial parliaments, 502, of K. William, reverſe attainders, 62, bill for the frequent calling and meeting of them, 87, &c. paſſed, 106, members taken off by places and penſions, 124, bill for the frequent meeting of them, 172, act againſt treating at elections of parliament-men, and for regulating thoſe elections, 209, the buſineſs of the Lancaſhire plot laid before them, 174, their proceedings againſt bribery, ibid. and about the orphans and Eaſt-India company's affairs, 175, &c. take into conſideration the re-coining of the money, 198, reſtores the public credit, 217, proſecutes the French ſmugglers, 241, order of the houſe of commons againſt written protections from parliament-men, 197, a party for France in the parliament, 282, both houſes meet upon K. William's death, 343, go to St. Paul's on the thankſgiving-day for the victory at Vigo, 364, both houſes give the D. of Marlborough thanks for his eminent ſervices, 482, firſt ſeſſion of the parliament of Great-Britain, 521, addreſs the queen not to make peace without the reſtitution of all Spain, 526, proceeds with great unanimity in their reſolution for the ſupport of the government againſt the pretender, 533, a faction among the Scots in the ſecond parliament of Great-Britain, 564, both houſes addreſs the queen to order the D. of Marlborough over into Holland, 610, the queen's meſſage to them of her reſolution to ſupport the houſe of Auſtria, 621, &c.

Parliament in Scotland inquires into the Glencoe affair, 183, ſign the aſſociation, and grant K. William a ſupply, 216, the Eaſt-India company lay their grievances before it, 246, &c. their addreſs and petition to the king thereupon, ibid. &c. paſſes an act for keeping a land-force, and another for a land-tax, 274, great diſputes whether the parliament ſhould be continued, or a new one called, 353, &c. the queen's letter to them, 410, debates about the bill of ſucceſſion, 411, &c. and the ſupply, 412, deſire to have all the examinations, relating to the plot, laid before them, ibid. grants a ceſs for the pay of the army, ibid. addreſs the queen that the evidence and papers relating to the plot might be laid before them againſt the next ſeſſion, 413, their proceeding about the treaty with England, 436, &c.

Parliament in Ireland raiſes a maintenance for the army in that kingdom, 253, votes a ſupply, 435, uneaſineſs between them and the convocation, ibid. their votes in favour of the proteſtant ſucceſſion, ibid. and 436

Parties at the revolution, 20, three parties formed in Scotland, 48, a party formed againſt K. William, 124, 154

Partition-treaty; negotiations about it, 248, &c. ſecond partition-treaty, 263, greatly diſliked by the Spaniards and emperor, 265, &c. and by the Engliſh, 274, cenſured in the houſe of lords and commons, 288, &c. papers relating to it laid before the houſe of commons, 293

Paterſon, William, forms the plan of the Weſt-India and African companies in Scotland, and the Darien ſettlement, 183, 200, &c.

Patkul, count, 499

Patrick, Simon, made Bp. of Chicheſter, 69, review the liturgy, 71, &c. tranſlated to the ſee of Ely, 114, dies, 521

Patronage reſtored in Scotland, 635

Pawlet, John earl, made firſt commiſſioner of the treaſury, 613, viſits the D. of Marlborough, 617, made ſteward of the houſehold, 631, his reflecting ſpeech on the D. of Marlborough, for which he is challenged, 658, inſtalled knight of the garter, 700, was for admitting the preſbyterians to be heard againſt the occaſional conformity-bill, 721

Peace, propoſed by France, 212, a ſeparate one between France and D. of Savoy, 213, the preliminaries of a peace, 227, conference at Ryſwick about it, 228, 231, ſigned by England, Spain, and Holland, 233, and by the emperor and the empire, 235, peace of Carlowitz, 242, overtures made by the French for a peace, 481, rejected, ibid. dr. Hare's thoughts upon it, ibid. &c. negotiations for one, 571, &c. the preliminaries of it, 575, rejected by France, 576, but ratified by Great-Britain, ibid. and by Holland, 577, they were contrived only to divide the allies, ibid. new overtures for a peace, 585, negotiations for one begun by Gaultier, 631, new ones made by Torcy, ibid. the preliminaries of peace ſigned, 634, made public, and ſeverely reflected upon, 635, communicated to the ſtates, who are alarmed at them, ibid. conferences for a peace opened at Utrecht, ibid. and 649, coalition of ſeveral peers againſt a peace, 636, the French propoſals for a peace, 649, the demands of the allies, 651, the French plenipotentiaries give a plan for a general peace, 652, not communicated to the ſtates, ibid. negotiations are carried on directly between England and France, 659, the plan of it communicated by the queen to the parliament 661, &c. a new ſcheme propoſed by the Dutch, 680, another propoſed to the ſtates by the E. of Strafford, 683, the French try to elude the preliminaries they had entered into with Great-Britain, 686, the Engliſh miniſtry ſign a ſeparate peace with France, ibid. and 689, they ſcruple to do it a while, 688, peace ſigned, 689, the treaty brought to London, 690, addreſſes about it, ibid. &c. proclaimed 691, thankſgiving for the peace, 697, debates about it, 715, between England and Spain the chief articles of it, 707

Peers, ſixteen, for Scotland to be elected, and the manner of it ſettled, 489, twelve new ones made at once in England, 641

Pelham, Thomas, one of the commiſſioners of the treaſury, 107, reſigns that place, 128

Pelham, ſir Thomas, created a baron, 491

Pembroke, Thomas Herbert, E. of, made privy-ſeal, 126, made one of the lords-juſtices, 181, plenipotentiary at the treaty of Ryſwick, 227, made knight of the garter, 263, lord preſident, and lord high-admiral, 320, diſmiſſed, and refuſes a penſion, 346, is for declaring war againſt France, ibid. maſter of the horſe and preſident of the council, 363, againſt the occaſional conformity-bill, 398, lord-lieutenant of Ireland, his ſpeech to the parliament of that kingdom, 518, made lord high-admiral, 561, reſigns, 584

Penn, William, enters into a plot to reſtore K. James, 109, proclamation for apprehending him, 113

Perth, James Drummond E. of, comes to Scotland with the pretender, 535, 536

Peterborough, Henry Mordaunt E. of, impeached, 75, adviſes ſir John Fenwick to ſet up a counter-plot, 218, encourages Smith, 226, his odd behaviour in that affair, ibid. ſent to the Tower, and turned out of all his places, ibid.

Peterborough, Charles Mordaunt E. of, his ſpeech on the occaſional conformity-bill, 426, ſworn of the privy-council, 435, goes to Catalonia, 446, publiſhes a manifeſto, 447, lays ſiege to Barcelona, ibid. &c. highly commended by K. Charles, 449, jealous of count Cifuentes, 450, marches into Valentia and Arragon, ibid. raiſes the ſiege of St. Mattheo, ibid. makes a ſhew of purſuing the enemy, ibid. his letter from Alcala to K. Charles, 451, poſſeſſes himſelf of Nules, and forms his cavalry, which preſerves Valentia, ibid. recruits the diſmounted Engliſh and Spaniſh dragoons, and forms a new regiment of dragoons, ibid. raiſes jealouſies of brigadier Mahoni in the Spaniſh officers, ibid. makes himſelf maſter of Molviedro, ibid. marches thence without diſturbance to Valentia, ibid. goes to the relief of Barcelona, 475, comes with a ſmall body to aſſiſt K. Charles, 476, uneaſy at not having the chief command, ibid. &c. appointed embaſſador extraordinary, but is unacceptable to K. Charles, ibid. withdraws to Genoa, ibid. aſſiſts at a general council, 481, recalled, ibid. gives his opinion againſt an offenſive war, 501, his anſwers to the queſtion of the committee of the houſe of lords, 502, debates in the houſe of lords about his conduct in Spain, 525, 530, his ſpeech, 525, his conduct in Spain examined into by the parliament, 530, &c. he is made knight of the garter, 700, ſent embaſſador to the K. of Sicily, 704, made governor of Minorca, 711, his proceedings about the Catalans, 732, and 733

Petition, it is voted in the houſe of commons, that it is the undoubted right of the people of England to petition or addreſs the king, 320

Petit, brigadier, aſſiſts at the conqueſt of Minorca, 555, made governor of fort St. Philip, 556

Philip V. K. of Spain, declared ſuch, 274, 275, 276, ſets out for Spain, ib. notifies his acceſſion to all the courts, except that of England, 277, a deſign for an addreſs from the houſe of commons to own him for K. of Spain, 282, gives K. William notice of his acceſſion to the crown, who owns him for K. of Spain, 291, marries the D. of Savoy's ſecond daughter, 310, falls into an ill habit of body, ibid. has diſputes with the ſtates of Catalo-

nia, ibid. acknowledges the pretender for K. of England, 313, goes into Italy, 352, to Naples, and is at the battle of Luzzara, 359, 360, ſeizes the merchants plate at Vigo, 422, proclaims war againſt, and invades Portugal, 360, takes ſeveral towns, ibid. forms a large body near Madrid, 451, goes from Madrid to beſiege Valentia and Gironne, 475, beſieges Barcelona, ibid. comes to Madrid, but ſoon leaves it again, ibid. returns thither, 476, marches up to the E. of Galway, ibid. See Spain. A project made by the miniſtry to yield to him Spain and the Weſt-Indies, 622, uneaſy at the D. of Berry's marrying the D. of Orleans's daughter, 649, negotiations about his renunciation of the crown of Spain, 659, &c. his miniſters not admitted at the congreſs of Utrecht, 674, 676, 686, his renunciation of the crown of France, 680

Phipps, ſir William, made governor of New-England, 128

Phipps, Conſtantine, counſel for dr. Sacheverell, 592, knighted and made lord-chancellor of Ireland, 616, thanked by the clergy, 630, made one of the lords-juſtices, ibid. promotes the jacobite intereſt in Ireland, 701, the commons there reſolve upon an addreſs to the queen for removing him from the chancellorſhip, 702, the biſhops vote a contrary addreſs in his favour, ibid. reflected upon in the Conduct of the Purſe, 703, appointed one of the lords-juſtices of Ireland, ibid.

Picardy, plundered by the confederates, 545

Pickard, captain, deſtroys ſeveral French ſhips in Bertram-Bay, 165

Pierrepoint, Jervaſe, created baron Pierrepiont of Ardglas, in Ireland, 374

Pignerol, beſieged by the D. of Savoy, 157

Piper, count, the D. of Marlborough waits upon him, 507, 508

Pittis, William, proſecuted for the caſe of the church of England's memorial, 499

Placemen; a queſtion in the houſe of commons about their being members of that houſe, 77, bill for excluding them from the houſe of commons, 147, 148, the king refuſes to paſs it, 163, motion for diſabling placemen and penſioners from ſerving in parliament, 456, place-bill loſt, 647

Placentia attacked by the Engliſh, 387

Plague in Poland, 559, at Dantzick, 584, at Copenhagen, 628

Plate; bill for encouraging the bringing of it to the mint, 109, 217

Plays and play-houſes, ſcandalous, an order againſt them, 253

Plot; Lancaſhire-plot, 172, aſſaſſination-plot, 202, plot in Scotland, 398, not duly enquired into, 409, all the examinations relating to it not ſent down to the parliament as deſired, 412, taken again into conſideration, and the examinations ſent down, 438

Pointis, mr. de, takes Carthagena, 229, eſcapes the Engliſh fleet, ibid. and 230, comes with a ſquadron before Gibraltar, 422, ſome of the ſhips deſtroyed by the Engliſh, 446, returns with a ſtronger ſquadron, but is forced to fly, and ſeveral of his ſhips are deſtroyed, ibid.

Poland, Auguſtus K. of, invades Pomerania, 265, defeated by the K. of Sweden, 310. See Auguſtus K. of Poland.

Poland, John Sobieſki K. of, dies, 215, France endeavours to place the prince of Conti on that throne, 230, but the elector of Saxony is choſen, 231. See Auguſtus K. of. A war there, 355, 360, 397, continuation of the troubles there, 559.

Polignac, abbot de, one of the French plenipotentiaries, 597, his ſpeeches there, 649, mr. Vanderduſſen's ſmart ſaying to him about the French proteſtants, 651, made a cardinal, 687

Polhil, David, impriſoned for the Kentiſh petition, 304

Poll-Tax in Scotland, 182, &c. in England, 217, 239

Pooley, John, biſhop of Raphoe, proteſts againſt the meeting of the parliament on a holy-day, for which he is taken into cuſtody, 587

Pope; the French king's letter to him, 482, his mediation for a peace deſired, 483, the French king writes a letter to him, upon the pretender's expedition into Scotland, 532, Clement IX. ſides with the houſe of Bourbon againſt that of Auſtria, 557, countenances the pretender's expedition into Scotland, ibid. difference between the emperor and him, ibid. he raiſes an army, 558, at length he agrees with the emperor, ibid. delays acknowledging K. Charles, 582

Popery; petition from ſeveral in Lancaſhire againſt it, 461, bill to prevent the growth of it, ibid.

Popple, mr. ſecretary of the commiſſioners of trade, 212

Porter, captain, concerned in the aſſaſſination-plot, 202, 207, his character, ibid. and evidence, 211, 218, &c.

Porter, ſir Charles, chancellor of Ireland, motion to impeach him, 186, made one of the lords-juſtices, 216, dies, ibid.

Portland, William Bentick E. of, a great favourite of K. William, made groom of the ſtole, and privy-purſe, 29, created baron of Cirenceſter, viſcount Woodſtock, and E. of Portland, 33, refuſes to take money from the Eaſt-India company, 178, 179, begs of the king the lordſhips of Denbigh, &c. in Wales, 201, it is oppoſed by ſeveral gentlemen, and an addreſs preſented to the king by the commons about it, ibid. and 202, &c. the aſſaſſination-plot is diſcovered to him, 205, entertains Smith as a ſpy, 226, has an interview with marſhal Bouffiers, 233, his ſolemn embaſſy to France, 244, can obtain nothing in favour of the proteſtants in France, 245, ſupplanted by the E. of Albemarle, and at his return, reſigns all his places, ibid. grant of lands to him in Ireland, 259, one of the plenipotentiaries at the ſecond partition-treaty, 264, communicates to the houſe of lords his ſhare in that affair, 290, &c. commits a miſtake in his accounts, 293, impeached by the commons, ibid. but no articles are drawn againſt him, 296, attends K. William in his laſt moments, 322, who was the cauſe of his diſgrace, 324, ſtops by his diligence the reſumption of K. William's grants, 648, ordered to part with his place of colonel of the firſt troop of horſe-guards, 698

Portmore, Daniel Collyer, E. of, made commander in chief of the queen's forces in Portugal, 614, Guiſcard correſponds with France, under cover to him, 620

Portocarrero, cardinal, thought to have forged the K. of Spain's will, 274

Port St. Mary plundered by the Engliſh, 361

Portugal, don Pedro K. of, accedes to the partition-treaty, 266, enters into an alliance with France, 310, afraid of the naval-preparations in England, 352, concludes a neutrality with England, 355, enters into a treaty with Q. Anne and the ſtates-general, 395, &c. inſiſts upon the honours of the flag from the Engliſh admiral, when in his ports, ibid. the auxiliary forces of England and Holland land there, 421, their ill ſucceſs, ibid. not furniſhed with horſe by the king, ibid. the king governed by French counſels, ibid. his kingdom invaded by the Spaniards, ibid. the king comes to the army with a deſign to invade Caſtile, 422, lived privately in a little houſe at Alcantur, 480, has an intrigue with a beautiful Engliſh lady, ibid. dies, ibid.

Portugal, don John K. of, ſigns a treaty of alliance, 480, marries the emperor's ſiſter, 517

Portugal; bill for encouraging the trade there, 524, the trade of that kingdom prejudiced by the treaty of commerce, 692

Powis, William Herbert marquis of, ſails from Ireland into France with K. James, 91, 96

Powis-houſe burnt, 698

Præmunientes clauſe, 335

Preſbyterians; a bill of toleration and comprehenſion in their favour, 33, 35, account of them, 33, their haughty carriage in Scotland, 51, demand to have the king's ſupremacy, and the right of patronage taken away, ibid. uſe the epiſcopal clergy in Scotland with great ſeverity, 71, 83, their violent proceedings, 118, their character, 119, offend K. William, 127, jealous of him, 128, deſirous of recovering his favour, they manage with more temper, 160, &c. join with the jacobites, 185, the origin of the preſbyterians, 326, many embarked for New-England are ſtopped, 327, are againſt a toleration, ibid. would not allow K. Charles to have the common-prayer read in his family, 328, their propoſals at the reſtoration, ibid. were ready for an union, 331, thoſe in Scotland, jealous of the union, 485, act for ſecuring their government, ibid.

Preſton, Richard Graham lord, proclamation for apprehending him, 94, enters into a plot for reſtoring K. James, 109, taken, ibid. tried and condemned, 112, pardoned, 113

Pretender, acknowledged K. of England by the K. of France, 313, and by the K. of Spain, the pope, and the D. of Savoy, ibid. but the kings of Portugal and Denmark refuſe to own him, 313, 314, the Engliſh nation highly angry at his being proclaimed king, 315, act for attainting him, and for abjuring him, 319, a deſign to place him on the throne after the queen's death, 399, his intereſt protected in Scotland, 483, letters of his ſent to ſeveral noblemen in that kingdom, ibid. tells

captain Stratton that he longs to be among his Scotch friends, 484, his birth-day kept publicly in Scotland, 519, account of his intended deſcent on Scotland, 532, &c. the French king gives him a ſword, and takes leave of him, ibid. his motto upon his colours and ſtandards, ibid. he and his adherents are proclaimed traitors, 532, ſerves in the French army, 539, his cowardly behaviour at the battle of Oudenard, 543, the pope favoured his expedition into Scotland, 557, the French offer to abandon him, 575, 576, biſhop Burnet warns the queen about her eſpouſing his intereſt, 596, his friends openly ſhew themſelves in Scotland, 630, his medal, ibid. Leſlie was to convert him, 631, tranſactions relating to him, 651, &c. ill of the ſmall-pox, 653, his ſiſter dies of it, ibid. various reports about him, 676, his proteſtation, 691, declaration of the French miniſter, at the Hague, about him, 711, account of him by C. Leſlie, 718, queſtion whether Q. Anne knew any thing of the deſign of bringing him in, 727

Prior, Matthew, his witty repartee to one of the French king's officers, 245, ſecretary to the embaſſy in France, 269, removed from the board of trade and plantations, 499 ſent embaſſador into France, 632, writes the Examiner, 633, comes bac to England, ibid. Matt's peace, 577, named a plenipotentiary at the treaty of Utrecht, but ſet aſide, 649, goes to Paris along with L. Bolingbroke, 675, left there to take care of ſome private affairs, 676, L. Bolingbroke's letter to him, 677, &c. left plenipotentiary at Paris, 678, has a private audience of the K. of France, ibid. comes over to England, and returns to France, ibid. L. Bolingbroke's letters to him, 686, 687, &c. his letters to L. Bolingbroke and the E. of Oxford, ibid. his negotiations about the pretender, 736, &c. the lords Dartmouth and Bolingbroke's letters to him, 738

Privilege places disfranchiſed, 226

Privileges of members of parliament, 306

Privy-council, but one ordered in Great-Britain, 530, ſettled, and who the members of it were, 538

Prizes; proclamation for the diſtribution of them, 539

Proteſtant Succeſſion; meaſures taken to ſecure it, 711, acknowledged at the treaty of Utrecht, 740, debates about the ſecurity of it, 713, voted to be out of danger, ibid. and 716

Proteſtants in Ireland oppreſſed, 52, maſſacre of them deſigned, ibid. many proteſtants againſt the preſent ſettlements, 196, French proteſtants, 15,000l. granted for them by parliament, 198, proteſtants adhering to K. James, 203, the caſe of the French proteſtants not taken into conſideration at the treaty of Ryſwick, 235, nor the Lutherans, ibid. in Sileſia have their churches reſtored to them, 509, act for naturalizing foreign proteſtants, 564, repealed, 619, 646, they preſent a petition about the occaſional conformity-bill, 639, their intereſt but faintly inſiſted upon at the treaty of Utrecht, 651, 686, recommended to Q. Anne by the K. of Pruſſia, 685, in the French gallies releaſed by the mediation of the queen, 700, a clauſe inſerted in favour of the French proteſtants in the ſchiſm-bill, 721

Pruſſia; the D. of Marlborough negotiates with that court for ſending forces into Italy, 419, 429, Sophia Charlotte Q. of Pruſſia dies, ibid.

Pruſſia, Frederick K. of, the principality of Neufchatel adjudged to him, 521, the royal dignity acknowledged in him, 576, demands of arrears due to his troops, and the ſucceſſion of the late K. William, 625, 628, comes to the Hague for that purpoſe, ibid. offers to maintain his own troops, 674, refuſes to come into the peace, 679, his death and character, 685

Pulteney, William, his ſpeech in the houſe of commons about the peace, 659

Puritans; origin of that name, 6, ſtate and church puritans, 7, increaſe, 8, abounded in the parliament of 1640, ibid. doctrinal and diſcipline puritans, ibid. account of the puritans, 326, &c.

Q.

Quakers; account of them, 33, 328, Keith forſakes them, 332, do not join in the addreſs to the queen, 344

Quebeck; expedition there, 629

Queenſberry, James Douglas D. of, 47, commiſſioner to the parliament of Scotland, 262, 274, made knight of the garter, ibid. lord privy-ſeal of Scotland, 353, made high-commiſſioner, ibid. ſecretary of ſtate, 377, and high-commiſſioner again, 378, deſerts the cavaliers, 379, 380, ingroſſes every thing, 383, draws out the ſeſſion of parliament to a great length, ibid. Frazer diſcovers a plot to him, 398, ſome thought it a contrivance of the duke's, 401, he is diſmiſſed from the management of affairs in Scotland, 410, ſome of his friends move, that the queen ſhould be deſired to communicate a letter of that duke's to her, ibid. expoſed thereby to the parliament's reſentment, ibid. ſerves the D. of Argyle, and promotes the act of ſucceſſion in Scotland, 436, arrives at Edinburgh, where he makes a public entry, 438, nominates the Scottiſh commiſſioners for the union between England and Scotland, 466, high-commiſſioner to the parliament of Scotland, 484, the tumults there about the union make him deſpair of ſucceeding, and he apprehends his life to be in danger, 488, goes in great ſtate to the parliament, after the concluſion of the union, 490, his ſpeech at the end of the ſeſſion, ibid. goes to London, and is met by great numbers, ibid. made baron of Rippon, marquis of Beverley, and duke of Dover, 539, ſworn of the privy-council, 562, introduced into the houſe of peers as D. of Dover, ibid. thought he had ſtill a right to vote as a peer of Scotland, 564, but at length not admitted to have a vote in Scotland, after he was created D. of Dover, ibid. had a party in the parliaments, ibid. made third ſecretary of ſtate, ibid. and 570, dies, 631

Queſnoy; reſolution to beſiege it, 657, deſcription of it, ibid. beſieged, ibid. and 668, ſurrenders, ibid. retaken by the French, 674

Quietiſts; 337

Quo-Warranto's, 64, 76, the marquis of Hallifax concerned in them, ibid. againſt the city of London reverſed, 87

R.

Radnor, Charles Roberts E. of, ſworn of the privy-council, 320

Radſtadt taken by the French, 506, conferences there, 795

Ragotſbi, prince, at the head of the diſaffected Hungarians, 394, aims at the principality of Tranſylvania, 423, 453, poſſeſſes himſelf of that principality, 501, encourages the Hungarians to ſtand out, 609

Rain ſurrenders to the allies, 115, a deſcription of it, ibid.

Ramillies; deſcription of that place, 471, battle there, ibid. the ſtandards taken there carried to Guildhall, 491

Ranelagh, —— Jones E. of, made a privy-counſellor, 124, his character, ibid. made receiver and paymaſter-general of the forces, 363, his accounts examined by the commons, 371, 407, quits the place, and is expelled the houſe of commons, 371, the commons addreſs the queen that ſhe would order him to be proſecuted, 407

Ranelagh, Richard Jones, E. of, ſworn of the privy-council, 562

Ranters, 328

Rates, book of, reviewed by the commons, 148, 151

Ratiſbone; a deſcription of it, 390, the elector of Bavaria takes poſſeſſion of it, ibid.

Rawlinſon, ſir William, made one of the commiſſioners of the great-ſeal, 30

Raymond, Robert, made ſollicitor-general, 614

Rechteren, count de, one of the Dutch plenipotentiaries at the treaty of Utrecht, 649, his ſervants inſulted by monſieur Meſnager's, 676, 687

Recognition, act of, 379

Records in the Tower, &c. examined and put in order at the inſtance of the E. of Hallifax, 452

Reformation, 325

Reformers, made St. Auguſtin's notions the ſtandard of religion, 325

Refugees, French, petition the houſe of commons for relief, 119, apply to the king, ibid. their addreſs to Q. Anne in favour of their perſecuted brethren in France, 498, &c. petition for a bill to preclude the ſubjects of the French king from claiming any eſtates here, 596, preſent a petition to Q. Anne for interpoſing at the treaty of Utrecht in favour of their perſecuted brethren in France, 647

Regale; what it is, 27

Regency; act for it, 456, a dangerous miſtake relating to it rectified, 701

Regent of France. See Orleans, D. of.

Reherſal; a paper by Leſlie againſt the lawfulneſs of reſiſtance, 589

Remonſtrance of the ſtate of the kingdom, 9, &c.

Remonſtrants, 325, &c.

Reneu, Hilary, cauſes the French ſmugglers to be proſecuted, 241, naturalized gratis, ibid.

Renunciation of the crown of France by the K. of Spain, 659, memorial about it, ibid. and 680, of the crown of Spain by the princes of France, 683

Repreſentation of the lords to Q. Anne, 401, of the lower-houſe of convocation, 403, of the lords about the Aylesbury affair, 432, &c. of the lower-houſe of convocation,

434, of the commons about the debts of the navy, 622, and about the Dutch, 646, of the convocation to Q. Anne, 624
Republicans, 11, republican whigs, 22
Reresby, sir John, his memoirs quoted, 28, &c.
Retrieved; debate about that word in an address of the commons, 364
Revenue of the crown, 36, the several branches of it, ibid. &c. appropriation of it, 130, &c.
Reynolds, Edward, made bishop of Norwich, 331
Rhinburg taken, 390
Rich, sir Robert, made one of the commissioners of the admiralty, 153
Richardson, ——— one of the accomplices in the assassination-plot, 206
Richmond, Charles Lenox D. of, his estate in France secured, 740
Ridge, Thomas, censured by the house of commons for his management about victualling the navy, 619
Riga besieged by the Poles, 205, relieved by the K. of Sweden, 282
Rights and liberties of the subjects; bill for settling them, 39
Rivers, Richard Savage E. commands the land-forces that were to make a descent in France, 480, strictly examines Guiscard, ibid. has manifesto's ready, ibid. waits on the king of Portugal, who receives him with his hat off, ibid. refuses the command of the forces in Spain, 481, made general of the horse, 538, sworn of the privy-council, 562, sent to the court of Hanover, 616, sent to that court again to assure the elector that care would be taken of the succession in the family, 635, made general of the ordnance, and colonel of the royal regiment of horse-guards, 641
Robinson, John, made bishop of Bristol, 614, and lord privy-seal, 631, designed for plenipotentiary at the treaty of peace, ibid. appointed one of the plenipotentiaries at Utrecht, 633, comes there and appears in a blac velvet gown, 649, his speech at the opening of the congress, ibid. his letters to secretary St. John, 652, fresh orders sent to him, ibid. his answer to the expostulation of the states about the duke of Ormond's refusing to act, 657, threatens them with the English making a separate peace, ibid. proposes to the allies a suspension of arms for two months, in order to treat with the French, 666, &c. he and the E. of Strafford scruple to sign a separate peace, 688, they sign it at last, 689, &c. translated to the see of London, 700, votes against the court, 715, his speech about the peace, 716, says that the schism-bill was necessary, 721
Rochegude, marquis de, speaks to Q. Anne in behalf of the French protestants in the gallies, 700
Rochester, Lawrence Hyde, E. of, made a privy-counsellor, 124, his character, ibid. his great credit with Q. Mary, 146, moves a doubt about the legality of the parliament's continuance, 172, protests against the vote for acknowledging the reality of the Lancashire plot, 174, represents the bad state of the coin to the house of lords, 178, is set at the head of affairs, and engages to bring the tories into the king's service, 281, &c. made lord-lieutenant of Ireland, ibid. animadverts upon some in the house of lords, who had reflected on the K. of France, 290, the king's distrust of him, at which he is offended, 291, the king is uneasy with him, 302, thought to be the promoter of all violent motions, 311, several books published, against him, ibid. delays his going to Ireland, ibid. perceives the king's heart was not with him, ibid. the king complains of his imperious temper, ibid. expostulates with him, ibid. goes to Ireland, ibid. his behaviour there, ibid. asks leave to come to England, 320, brings over complaints against the trustees for forfeited estates, ibid. declared again lord-lieutenant of Ireland, 346, was for an intire change in the administration, 347, a rivalship between him and the D. of Marlborough, ibid. was against declaring war against France, ibid. quits his place of lord-lieutenant of Ireland, 370, &c. set up as the only man that deserved to be prime-minister, 398, seconds the L. Haversham's speech, and complains of the exportation of the coin, 426, urges the ill consequences of the act of security in Scotland, 427, moves the bringing the electress-dowager of Hanover to live in England, 430, 454, moves for a clause in the act of regency, that the regents shall not repeal any part of the act of uniformity, 456, opens the debate about the danger of the church, 458, &c. his speech in the debate about the union, 491, 493, 495, on the state of the nation, 522, was for laying the blame of the miscarriages of the admiralty on the ministry, 523, his speech in relation to the affairs of Spain, 525, speaks in dr. Sacheverell's behalf, 594, 595, made president of the council, 613, complains of the lord-keeper Harcourt, for introducing the Scotch lords to Q. Anne, 616, visits the D. of Marlborough, 617, dies suddenly, 621
Rochester, Thomas Sprat bishop of, taken into custody, 131, Young's plot against him, 142. See Sprat. is against lay-baptism, 592
Rochester, bishop of, see Atterbury.
Rochford, William Henry de Zuylestein E. of, a grant made to him in Ireland, 259
Romney, Henry Sidney, E. of, concerned in Kidd's affair, 256, grants of lands to him in Ireland, 259, made groom of the stole, 264
Rooke, George, rear-admiral, 114, subscribes an address to Q. Mary, 131, knighted and made vice-admiral of the red, 154, his engagement with the French, 158, &c. examined by the commons, 161, made one of the commissioners of the admiralty, 165, with a squadron at Cadiz, 203, 215, resigns the command to lord Berkley, ibid. examined by the house of commons, 226, bombards Copenhagen, 265, commands the English fleet, 310, one of the council to prince George, 347, sent to attac Cadiz, 360, averse to that undertaking, ibid. burns the galleons and French fleet at Vigo, 362, the commons vote him thanks, 365, and address the queen to order him to lay before them an account of his proceedings, 364, his conduct examined and approved, 365, sworn of the privy-council, ibid. sent with a fleet to alarm the coast of France, 387, convoys Charles K. of Spain to Lisbon, 394, comes in sight of the French fleet, but does not engage them, 420, takes Gibraltar, ibid. his victories paralleled by the commons with the D. of Marlborough, 424, he is laid aside, 429
Rosez, taken by the French, 221
Ross, Robert lord, presents an address from Scotland, 263
Ross, William lord, offers a resolve in parliament, 412
Rothes, John Lesley E. of, presents a resolve to the parliament of Scotland, 411, is made privy-seal, 413, removed, 436, was for the union, 485, chosen one of the sixteen peers, 537
Rouille, monsieur de, comes to Holland, under pretence of negotiating a peace, 571, &c. 575, departs from Holland, 639
Rowe, Nicholas, under-secretary of state, 570
Roxburgh, John Ker E. of, desires that the act of security should be read, 412, made secretary of state, ibid. removed, 374, was for the union, 485, chosen one of the sixteen peers, 537, sets himself up in opposition to the D. of Queensberry's power, 564
Ruremond taken, 358
Rushout, sir John, sent embassador to Turkey, 227
Russel, William lord, his attainder reversed, 62, committee appointed to examine who had been his prosecutors, 76,
Russel, admiral Edward, convoys the Q. of Spain, 92, appointed commander of the English fleet, 113, convoys the Turkey fleet safe into England, 119, examined in the house of commons about the conduct of the fleet, 126, sends up an address to Q. Mary from the fleet, 131, defeats the French at la Hogue, 131, &c. sails very opportunely out of the Thames, 134, being provoked at some aukward orders, he does not pursue his victory, ibid. thanks voted him by the house of commons, 144, examined by them about the conduct of the fleet, ibid. letters of his, 146, his answer in the house of lords to the E. of Nottingham's papers, wherein his orders and neglects were aggravated, 148, vote of the house of commons in his favour, ibid. dismissed, 154, put again at the head of the fleet, 164, and made one of the commissioners of the admiralty, 165, sails into the Mediterranean, ibid. goes towards the coast of France, upon the discovery of the plot, 206, desires the house of commons to read the papers relating to Fenwick, 219, made E. of Orford, 227, had the management both of the admiralty and the fleet, 217, 244, 252, resigns all his places, 252, very popular 253. See Orford, Edward Russel E. of.
Ruth, monsieur de St. commander of the Irish forces, 101, reduces Savoy, 102
Rutland, John Mannors, E. of, made marquis of Granby and D. of Rutland, 374
Ruvigny, marquis of, his conduct in Ireland, 114, created E. of Galway, and sent to command the English forces in Piedmont, 164. See Galway.
Ryswick, congress of, 227, negotiations there about a peace, 228, &c. peace signed there, 233

S.

Sacheverell (William) refuses the place of one of the commissioners of the admiralty, 30

Sacheverell, Henry; account and character of him, 588, preaches his famous ſermon, ibid. forty thouſand of it ſold, ibid. reflects on biſhop Burnet and Benjamin Hoadley, 589, impeached by the commons, ibid. his trial, 591, &c. it cauſes great uneaſineſs, 590, the managers at his trial, 591, &c. the peers who voted for and againſt him, 594, the cenſure paſſed upon him, 595, his ſermons burnt, ibid. addreſſes on account of his trial, 610, his progreſs, 613, ferment raiſed among the clergy by his trial, 615, rejoicings upon the expiration of his ſuſpenſion, 698, he is made rector of St. Andrew's Holborn, ibid.
Sacramental-teſt; attempts to repeal it, 325, a letter againſt it ordered by the commons to be burnt, 571
St. Germain; the court there encourages the plot in Scotland, 398
St. John, Henry, appointed ſecretary at war, 409, Guiſcard becomes intimate with him, 480, tries to engage the leaders of the tories in Q. Anne's intereſt, 521, reſigns his place of ſecretary at war, 531, made ſecretary of ſtate, 613, delivers a meſſage to the commons about the affairs of Spain, 617, marquis de Guiſcard's intimacy with him, 620, has private meetings with Gaultier, 631, tranſmits the propoſals of France to lord Raby, 632, his letters to the earl of Strafford, 635, &c. 652, 677, his anſwer to the Dutch memorial, 646, his ſpeech when the negotiation of peace was reflected on, 648, his letters about the peace, 650, and to Torcy, 652, to the D. of Ormond about not venturing a battle, 654, his ſpeech in the houſe of commons about a peace, 659, his letter to Torcy about the renunciation, ibid. &c. created viſcount Bolingbroke, 671, goes incognito to France, 675, impowered to conclude a ſeparate peace between England, France, Spain, and Savoy, ibid. goes to Fontainebleau, where he is magnificently entertained by the king of France, who makes him a preſent of a fine diamond ring, 676, returns to England, ibid. his letter to the Britiſh plenipotentiaries, 677, about the ravaging of the Sugar-Iſlands, 678, miſunderſtanding between him and the earl of Oxford, 689, his letters to the duke of Shrewſbury, 686, &c. ſends the Britiſh miniſters orders to ſign the peace, 688, arrives at Whitehall with the treaties of peace and commerce, 690, forms a ſcheme to put himſelf and lord Harcourt at the head of the high-church party, 700, he and ſecretary Bromley, and ſir William Wyndham, gain the aſcendant over the lord-treaſurer, 704, 711, his deſign of new modelling the army, 712, puſhes on his deſign of bringing in the pretender, ibid. his ſpeech about the Catalans, ibid. made a private agreement in France about the dower of king James's queen, 714, lays before the commons an account of the treaties of peace and commerce, 716, cauſes the publiſher of the queen's letter to the elector of Hanover to be apprehended, 719, is againſt inviting that prince over, ibid. promotes the ſchiſm-bill, 720, is againſt allowing the diſſenters ſchools to teach their own children, 721, was bred among ſchiſmaticks, 720, brings in a bill to make it high-treaſon to liſt or be inliſted in the pretender's ſervice, 723, is againſt examining into the Spaniſh trade, ibid. had the conduct of foreign affairs, 724, was bold, a man of pleaſures, and had the public odium, ibid. falls out with the treaſurer and is ſupported by the queen, ibid. cauſes the treaſurer to be removed and is likely to ſucceed him, ibid. reſolves to ſtrike in with the whigs, 725, his proceedings about the pretender, the Catalans, &c. 732, 738, his ſchemes baffled by the duke of Shrewſbury being made treaſurer, 725
Saliſbury, —— Cecil, E. of, ſent to the Tower, 32, admitted to bail, ibid. impeached, 75
——, James Cecil, E. of, Young's plot againſt him, 142
Saluſſes, battle of, 101
Sancroft, William, archbiſhop of Canterbury, tried and acquitted, 18, meets the lords at Guildhall, and invites the prince of Orange, 19, made one of the privy-council, 28, refuſes to conſecrate biſhop Burnet, 30, abſents himſelf from parliament, and refuſes to take the oaths, 32, his character, ibid. ſuſpended ab Officio, 70, was for a comprehenſion, 71, dies, 326, publiſhes biſhop Overall's book, 333
Saragoza; deſcription of that place, 605, battle near it, ibid. king Charles comes thither, 606, the duke of Vendoſme takes poſſeſſion of it, 609
Sardinia reduced, 555, ſecured by ſir John Norris, 604
Savoy, Amadeus II. D. of, accedes to her grand alliance, 100, defeated at the battle of Saluſſes, 101, applies to K. William and the ſtates-general, 102, moſt of his towns taken, 120, K. William and the ſtates of Holland allowed him one hundred thouſand pounds a year, ibid. his af- [illegible] reſtored by the D. of Schomberg's aſſiſtance, ibid. makes a great progreſs in Dauphiné, takes Ambrun, &c. 141, falls ill of the ſmall-pox, ibid. beſieges Pignerol, 157, defeated at the battle of Marſaglia, ibid, &c. makes a ſeparate peace with France, 213, his daughter given in marriage to the D. of Burgundy, 215
Savoy, Victor Amadeus II. D. of, refuſes to have one of his ſons brought to England, and educated in the proteſtant religion, 286, his ducheſs proteſts againſt the bill of ſucceſſion, ibid. that duke commands the French army, 309, grows cold and backward, 310, his ſecond daughter married to the K. of Spain, ibid. owns the pretender, 313, the allies jealous of him, 359, comes into the grand alliance 394, the French diſcover it, ibid. their unreaſonable demands of him, 395, the K. of France's letter to him, ibid. gives notice of his proceedings to Q. Anne and the Dutch, ibid. count Staremberg brings him forces, ibid. the French king declares war againſt him, ibid. loſes his towns and continues firm, though not duly aſſiſted, by the emperor, 422, 444, has but a very ſmall army, and reſolves notwithſtanding to adhere to the grand alliance, ibid. admits none of the clergy into his councils, ibid. fortifies Turin, 478, refuſes the French king's offers, ibid. raiſes the ſiege of Turin, and defeats the French, ibid. undertakes to march an army into France, and Q. Anne makes a treaty with him, 501, 511, forms a project of invading Provence, ibid. enters Provence, and advances towards Toulon, 514, comes before that place, ibid. is obliged to retire, which he does in very good order, ibid. recovers Suza, ibid. the lords addreſs Q. Anne to ſtrengthen his army, he having deſerved ſo well, 526, takes Exilles, Fort la Perouſe, the valley of St. Martin, and Feneſtrella, 554, makes alſo a diverſion in favour of K. Charles, ibid. receives the inveſtiture of the Mantuan and Montferrat, 559, France offers to reſtore Savoy to him, 576, and endeavours to draw him off from the grand alliance, 577, he refuſes to take the field, 582, indifpoſed as well as his ſon and brother, 604, has an interview with the emperor Charles, who grants him the inveſtiture of the fiefs in Montferrat, 628, penetrates as far as the Rhine, ibid. his miniſters angry at the report of their maſter's agreeing to a ſuſpenſion of arms, 667, one of his plenipotentiaries inſulted, 676, account of the differences between him and the court of Vienna, 678, Sicily offered to him, 679
Scarborough, Richard Lumley E. of, attends K. William to Ireland, 88, ſworn of the privy-council, 562, his ſpeech at dr. Sacheverell's trial, 593, is againſt the bill for limiting the number of officers, 596, moves for the thanks of the houſe of lords to be given to the D. of Marlborough, 616
Scarſdale, —— Leake E. of, proclamation for apprehending him, 131, complains of his commitment to the houſe of lords, 144
Schellemberg, battle of, 415
Schiſm formed by nonjuring clergy, 325, &c.
Schiſm-bill; proceedings and debates upon it, 720, extended to Ireland, 721
Schlick, count, enters Bavaria, 390, makes himſelf maſter of ſeveral places, ibid. defeated, ibid. takes Wiltzhoven, ibid.
Schomberg Frederic, duke and marſhal of, relieves Maeſtricht, 26, comes over with K. William, and is maſter of the ordnance, 29, elected knight of the garter, 33, the parliament gives him 100,000l. which is converted into 5000l. a year, 37, 66, has the command of that army in Ireland, ibid. his campaign there, 67, a plot in his army, ibid. his conduct in Ireland, 77, his army re-inforced, 81, takes a farther care of the Engliſh army, 88, takes Charlemont caſtle, ibid. oppoſes the paſſing of the Boyne, and adviſes the ſending part of the army towards Slainbridge, which not being done, he is diſcontented, 89, his bravery at the battle of the Boyne, 90, is ſlain there, ibid. his character, ibid. his ſaying about attacking the French in the Netherlands, 525,
Schomberg, Charles D. of, commands the horſe at the battle of the Boyne, 90, at the ſiege of Limerick, 98, goes to Turin, 121, and retrieves the D. of Savoy's affairs, that were in a deſperate condition, ibid. publiſhes a declaration, 141, is wounded at the battle of Marſaglia, and dies, 153
Schomberg, Maynhard D. of, made privy-counſellor, 182, commands the land-forces ſent to Spain, 397, velt-marſhal general of the Portugueſe forces, 421, ſome diſputes between him and the Portugueſe generals and miniſters, ibid. inſiſts that the auxiliaries may keep in a body, 421, captain-general of the queen of Great-Britain's forces in Portugal, ibid. publiſhes a proclamation about the Iriſh, &c. reſigns his command, 422, made a privy counſellor, 538

Schutz, baron, in the houſe of lords, 709, demands a writ for the elector of Hanover, as D. of Cambridge, 714, forbid the court, ibid.
Scot, dr. John, his account of lord-chancellor Jefferies, 64
Scotland; the Engliſh common-prayer and diſcipline attempted to be introduced there, 8, a convention meets there, 44, the throne declared vacant, 48, K. William and Q. Mary proclaimed there, 49, a faction ſprings up in the parliament, 51, an inſurrection headed by Dundee, ibid. the eſtabliſhing preſbytery there caſts a great load on K. William, 70, the rebels there under colonel Cannon retire to the iſle of Mull, and the highlanders renew their incurſions, 81, many that had been concerned in the plot there take out pardons, 118, and are put into the chief poſts in the government, 127, many in the miniſtry there enemies to the king and government, 160, letters intercepted between Scotland and France, ibid. proceedings of the parliament of that kingdom, ibid. and 182, diſguſted about recalling the act for their Eaſt-India company, 200, 246, great diſcontent there upon the loſs of the ſettlement at Darien, 254, 262, 263, petition drawn up there for a parliament, 262, a ſeſſion of parliament there, ibid. bill for uniting England and Scotland, ibid. K. William's letter concerning that union, 320, 321, bill for the union, 350, Q. Anne's letter to the privy-council there, 352, affairs begin to be imbroiled in that kingdom, ibid. Q. Anne takes the coronation-oath for that kingdom, ibid. at her acceſſion, the government was in the hands of perſons entirely of revolution principles, 353, ſtruggle there about the ſitting of the parliament, ibid. alterations in the miniſtry there, 377, a new parliament choſen, ibid. its proceedings, 378, an indemnity proclaimed, ibid. act for the ſecurity of that kingdom, 380, another for the ſucceſſion, 382, the diſorders in that kingdom riſe to a great height, 383, a plot there diſcovered, 398, 410, ſettlement made there by K. Charles I. ibid. treaty between that kingdom and England demanded, 411, a new commiſſion there made up entirely of Scots revolutioners, 413, the L. Haverſham's ſpeech about the proceedings in that kingdom, 426, &c. debate in the houſe of lords thereupon, ibid. &c. bill for a union, 428, the commons bring in a bill for preventing the dangers that might ariſe from ſome acts paſſed in Scotland, ibid. &c. change in the miniſtry of that kingdom, 436, three parties there, ibid. proceedings for the union with England, ibid. &c. commiſſioners appointed for it, 465, the pretender's intereſt promoted there, 482, the cavaliers reſolve to oppoſe the ratification of the union, 484, debates in the parliament there about it, 485, tumults there to defeat the union, 488, compleated at laſt, 489, land-tax there, 494, frauds deſigned by the merchants with regard to goods imported into Scotland, 497, a commiſſion for a new council ſent into Scotland, 498, two different parties formed in that kingdom, ibid. the affairs relating to it neglected, 518, &c. the act for the ſecurity of that kingdom, and about peace and war, repealed, 524, debates in the committee of the houſe of lords, about the bill for rendering the union of that kingdom with England more entire, 530, &c. juſtices of peace and an exchequer ſettled in that kingdom, 531, account of the pretenders deſcent into Scotland, 532, privy-council of Scotland diſſolved, 538, the peers of Scotland's eldeſt ſons incapacitated to ſit in parliament, 563, debates about the election of the ſixteen peers, 564, bill concerning trials for treaſon there, 567, &c. bill for a toleration of the Engliſh clergy there, 646, the kirk preſents a remonſtrance againſt it, ibid. act for diſcharging the Yule Vacance, and for reſtoring patronages, 647, the intereſt of the pretender promoted there, 700, 3 or 4000l. a year remitted to the highland clans, 710, 713, 714
Scots; reſolutions for declaring them aliens, 428, proceedings againſt that, 439, &c. the act which declared them aliens, repealed, 457, &c, oppoſe the malt-tax, and are very uneaſy, 693, move for an act for diſſolving the union, ibid. motion for inveſting the revenues of the biſhops in the queen, 720
Scottiſh Eaſt-India company, 183, 200, 246, account of its ſettlement at Darien, 253, &c.
Scottiſh lords in London, K. William's ſpeech to them, 43, their proceedings thereupon, 44, deſire his majeſty to take upon him the adminiſtration of affairs in Scotland, ibid. another ſpeech of K. William to them, ibid.
Scottiſh peers ſerviceable to the miniſtry, 636, very uneaſy at D. Hamilton's patent being diſallowed, 638, their repreſentation thereupon, 639, the queen's meſſage to the houſe of lords about it, 643, debates upon that point, ibid. they are promiſed and obtain ſatisfaction, 644
Screw-plot, 615
Seafield, ——— lord, ſecretary of ſtate for Scotland, 247
Seafield, James Ogilvy E. of, made chancellor of Scotland, 377, made ſecretary of ſtate, 413, reinſtated chancellor, 436, was for the union, 485, choſen one of the ſixteen peers, 537
Seafield, James Finlater E. of, ſworn a privy-counſellor, 562
Seal, the great, thrown by K. James II. into the Thames, 19, put in commiſſion, 613
Seamen; regulations about them, 461
Security, act of, in Scotland, 412
Serpa taken by the Spaniards, 505
Settlement, act of, in Ireland repealed, 58
Seymour, ſir Edward, propoſes an aſſociation, 19, is againſt the validity of the convention, 31, preſents an addreſs againſt Ludlow, 80, made a privy-counſellor and commiſſioner of the treaſury, 124, his character, ibid. at the head of the oppoſition to the court, 154, bribed by the Eaſt-India company, 176, 178, diſſuades the king from putting out a proclamation for coin to be received by weight and not by tale, ibid. oppoſes the aſſociation, 208, is againſt the bill for attainting ſir John Fenwick, 223, diſcovers to the parliament the practices of the new Eaſt-India company, 282, reflects ſeverely on the partition-treaty, 290, tampers with Kidd, 294, his opinion of Melfort's letter, 304, his character, 324, made a privy-counſellor, and comptroller of the houſehold, 347, lays Q. Anne's convention for declaring war againſt France before the commons, ibid. treats the Scots with great ſcorn, 350, his account as treaſurer of the navy, 371, moves for leave to bring in a bill to reſume all the grants made in K. William's reign, 372, his youngeſt ſon, Francis Seymour Conway, made baron Conway, 373, ſir Edward is againſt the place-bill, 372, 373, diſmiſſed from his place of comptroller, 409, his death and character, 537, 538
Shadwell, dr. gives the D. of Shrewſbury an account of Q. Anne's ill ſtate of health, 703, 705, 711, attends her in her laſt illneſs, 725, &c.
Shaftesbury, Anthony Aſhley Cooper, E. of, author of the Characteriſticks, his ſpeech for allowing counſel to ſtate priſoners, 197
Shales, John, purveyor of the army in Ireland, 66, his miſconduct, is ordered to be removed, and had been purveyor to K. James's army, 77
Sharp, John, appointed to review the liturgy, 71, made archbp. of York, 114, preaches Q. Anne's coronation-ſermon, and is her chief counſellor, 320, made a privy-counſellor, 374 his ſpeech about the occaſional conformity bill, 426, and about the increaſe of diſſenters, 459, ſpeak to Q. Anne in behalf of the French proteſtants, 700, dies, 706
Sheriffs of London; diſpute at the election of them, 538
Sherlock, dr. William, takes the oaths, 113, made dean of St. Paul's ibid. writes about the Trinity, 332
Ship-money, 8, aboliſhed, 9
Shippen, William, one of the commiſſioners for examining public accounts, 639, moves to examine the debts of the army, 691
Shovel, Cloudeſly, knighted, 62, takes the only frigate K. James had left, 88, ſubſcribes an addreſs to Q. Mary, 131, made one of the commanders of the fleet, 154, bombards Calais, 212, ordered to lay the copies of his papers before the houſe of commons, 226, has a regiment of marines given him, 227, ſent to aſſiſt in deſtroying the fleet at Vigo, 362, &c. his letter about the engagement near Malaga, 421, made rear-admiral of England, and commander in chief of the fleet, 429, ſome letters from the prince of Heſſe to him, 448, &c. commands the fleet that was to invade France, 480, and at the attempt upon Thoulon, 513, chagrined at the miſcarriage of that expedition, upon which he had ſet his heart, 515, caſt away on the Biſhops and Clerks, 516, account of him, and his character, ibid. a letter of his, 514
Shrewſbury, Charles Talbot, E. of, made ſecretary of ſtate, 29, his character, ibid. preſſes the abjuration-bill, 87, retires from court, ibid. deſigns to impeach the marquis of Caermarthen, 107, brings in the bill for the frequent calling and meeting of parliaments, 150, oppoſes the court, ibid. made again ſecretary of ſtate, 164, created a duke, ibid. made one of the lords-juſtices, 181, practices of mr. Smith againſt him, 225, his letter about it, 226, ſecretary Vernon communicates to him the king's letter, 248, hurt by a fall from his horſe, and reſigns the place of ſecretary of ſtate, but is made lord-chamberlain, and goes

to Italy, 253, concerned in Kidd's affair, 256, refuſes the place of lord-lieutenant of Ireland, 260, reſigns the place of chamberlain, 264, taken again into the miniſtry, 596, votes in favour of dr. Sacheverell, 611, made lord-chamberlain, ibid. a ſecret management between him and mr. Harley, ibid. ſent embaſſador to France, though lord Bolingbroke was againſt it, 683, part of his inſtructions, 686, lord Bolingbroke's letters to him, ibid. made lord-lieutenant of Ireland, 701, encourages the proteſtant intereſt there, ibid. his ſpeech to the parliament there, ibid. returns to England, 703, is againſt extending the ſchiſm-bill to Ireland, 721, does not join either of the contending parties, 722, 724, made lord-treaſurer, 725

Sicily; the imperialiſts deſign the conqueſt of that iſland, 513, offer of giving it to the D. of Savoy, 679, 684, yielded to him, 644, 742,

Sidney, Henry, afterwards earl of Romney, made gentleman of the bedchamber, 29, his character, ibid.

Sidney, Henry, lord-viſcount, made one of the lords-juſtices of Ireland, 99, one of the ſecretaries of ſtate, and lord-lieutenant of Ireland, 126, was thought partial, 161, recalled, and made maſter of the ordnance, ibid. and colonel of the firſt regiment of foot-guards, 164

Sileſia; the proteſtants in that country have their churches reſtored to them, 509, but they receive no benefit from Q. Anne's interpoſition in their favour, 559, the imperial court refuſes to grant the inhabitants the exerciſe of the proteſtant religion, 609, &c. loan to the emperor of the revenues of that province, 642

Silk-Weavers petition againſt the bill for wearing woolen manufactures, 65

Silk trade, very advantageous to England, 692

Smalridge, George, made dean of Chriſt-Church, 698, refuſes the biſhoprick of Briſtol, 704, accepts of it, and is made lord-almoner, 706, votes againſt the court, 715

Smith, John, chancellor of the exchequer, 255, choſen ſpeaker of the houſe of commons, 453, 521, made under-treaſurer, chancellor of the exchequer and a privy-counſellor, 539, his ſpeeches at Sacheverell's trial, 590, is one of the managers, ibid. made a teller of the exchequer, 613, his ſpeech about the peace, 695, in behalf of the whig miniſtry, 696

Smyrna fleets comes in ſafe, 119, another damaged, 157, 162

Snape, dr. debate in the houſe of commons, about his preaching on the 29th of May, 530, publiſhes an anſwer to Bp. Hoadley's ſermon, ibid. and a ſecond letter to him, 718, removed from being the king's chaplain, 719

Sobieſki, John, king of Poland dies, 215, his character, 230

Society for reformation of manners 242, for propogating the goſpel in foreign parts, ibid.

Socinians publiſh books, 155

Soldiers; exactions of their colonels and agents upon them, 174, &c.

Solmes, count, at the ſiege of Limerick, 98, the command of the army in Ireland left with him, 99, his ill conduct at the battle of Steenkirk, 135, taken notice of for the ſame in the houſe of commons, 145, killed at the battle of Landen, 156

Somerſet, Charles Seymour, D. of, refuſes to attend on the pope's nuncio, 17, is for declaring war againſt France, 347, made maſter of the horſe, 363, has a meeting with ſome of the eminent members of the houſe of commons, 521, refuſes to proceed to buſineſs in the privy-council, after the D. of Marlborough was gone, 531, offers the Bank a ſum of money, 538, alienates Q. Anne's mind from her old miniſtry, 614, maſter of the horſe, and refuſes to ſit any more in council, ibid. his ducheſs made groom of the ſtole, and miſtreſs of the robes, 617, conſultation about removing him, 641, removed, ibid. pamphlets againſt him, 641

Sommers, John, made ſollicitor-general, 30, draws up the proclamation of war againſt France, 60, diſtinguiſhes himſelf in the houſe of commons 86, made attorney-general, 126, and lord-keeper, 154, his character, ibid. his propoſal for preventing clipping, 179, made one of the lords-juſtices, 181, made lord-chancellor, and baron of Eveſham, 227, writes for a ſtanding army, 237, his good conduct, 244, &c. K. William communicates to him the partition-treaty, 248, two letters of his, ibid. and 250, concerned in Kidd's affair, 256, attempts to diſplace him, 260, the tories endeavour to remove him, ibid. his argument in the bankers caſe, ibid. &c. the king demands the great-ſeal of him, 261, he delivers it up, 262, his character, ibid. he is blackened about Kidd's affair, 294, debate concerning him in the houſe of commons, ibid. &c. gives that houſe a particular account of the partition-treaty, ibid. impeached by the commons, ibid. their addreſs againſt him, 295, articles againſt him, with his anſwers, 296, acquitted, 300, his advice about the conqueſts in the Weſt-Indies, 310, a tract of his, 311, had a hand in K. William's laſt ſpeech, 317, who was the author of his diſgrace, 324, left out of the privy-council, 347, is againſt the occaſional conformity-bill, 369, draws up the lords addreſſes, 404, his anſwer to the E. of Nottingham about the partition-treaty, 427, his ſpeech in the debate about the danger of the church, 459, moves for a bill to correct ſome of the proceedings in the common-law and chancery, 462, and for diſcouraging the great number of private acts, ibid. had the chief hand in promoting the union between England and Scotland, 468, ſpeaks in behalf of the union, 491, 495, his ſpeech about the ſtate of the nation, 522, made preſident of the council, 561, ſupports the dukes of Hamilton, Montroſs, and Roxburgh, 564, moves for an amendment of the act of treaſons, 568, moves for an addreſs for demoliſhing Dunkirk, 569, removed from the place of preſident of the council, 613

Sophia, princeſs, put into the ſucceſſion of the crown, 29. See ſucceſſion, her name ordered to be put into the public prayers, 359, a motion for bringing her over to live in England, 430, &c. 455, writes a letter to the archbiſhop of Canterbury intimating her readineſs to come over, 456, acts for naturalizing her, 458, called an unbaptized Lutheran, ibid. Q. Anne's letter to her, 718, her death and character, 719

South-Sea trade and company, 622, ſtoc, 700, company, 707, 723

Sout-Leuwe, attacked and taken by the allies, 444, a deſcription of that place, ibid.

Spain accepts the neutrality of Italy, 215, K. of Spain dangerouſly ill, 247, 249, intrigues of the court of France, to ſecure the crown of Spain, ibid. ſends a memorial againſt the ſettlement at Darien, 254, the ſucceſſion to that kingdom ſecured by the French, 263, 264, that court offended at the partition-treaty, 267, 270, great want of money there, 309, K. Charles II. of Spain makes a will in favour of the emperor's ſecond ſon, 270, and another in favour of the D. of Anjou, 272, dies, 274, his will is accepted by the court of France, 275, war declared againſt Spain, 348, their ſettlements in America plundered by the Engliſh, 377, Spain invaded by the Portugueſe and their allies, 446, the Spaniards invade Portugal, and take ſeveral towns, 422, beſiege Gibraltar in vain, ibid. &c. 446, debate in the houſe of lords about the affairs of Spain, 525, they addreſs the queen for the reſtitution of it to the houſe of Auſtria, 526, an inquiry begun in both houſes about the affairs of Spain, 530, the ſervice of the Engliſh there is decried, ibid. campaigns there, 554 and 583, the French offer to give Spain to K. Charles, 571, 596, &c. K. Philip gets his ſon, the prince of Aſturias, acknowledged heir of that monarchy, 576, publiſhes a manifeſto againſt all that ſhould be done at the Hague to his prejudice, 586, heads his army, 604, the Spaniards defeated at the battle of Almanara, ibid. &c. and at Saragoza, 605, and at Villavicioſa, 607, the proſecution of the war there a favourite project, 616, conduct of affairs there taken into conſideration by the parliament, 617, campaign there, 627, the emperor demands Spain, 651, Engliſh forces there called home, 680, peace between that kingdom and England ſigned, 705, proclaimed, 707, debates about it, 715, the Spaniſh trade examined by the lords, 722

Spanheim, baron, embaſſador from the K. of Pruſſia, 429, demands a reparation for the arreſt of the Ruſſian embaſſador, 560. See alſo 569

Spirebach, battle of, 394

Spires burnt by the French, 69

Sprat, Thomas, biſhop of Rocheſter, refuſes to ſign the aſſociation 209, did not think a biſhop could be deprived by the archbiſhop, 334, his character, 337, his death and character, 698

Squadrone, or flying ſquadrons in Scotland, 436, promoted the union, 485, few of them are choſen repreſentatives in parliament, 490, were againſt allowing ſome unreaſonable debts, ibid.

Stage; liberty of it ſcandalous, 253

Stair, lord, ſecretary for Scotland, his letter about the Glencoe affair, 184, diſmiſſed from his office, ibid.

Stair, John Dalrymple viſcount, created an earl, 383, heartily concurs in the union, 466, was for the union, 485, dies, 489

Stair, John Dalrymple E. of, detached to provide corn for the army, 550, ordered to ſell his regiment, 711

Stamford, Thomas Grey E. of, made commiſſioner of trade, 499, his ſpeech about the ſtate of the nation, 522
Standards taken at Ramillies carried to Guildhall, 491
Standing army; papers for and againſt it, 237
Stanhope, Alexander, his proceedings at the court of Madrid, 265, 267, and at the Hague, 274, 275, 278, his propoſals to the court of France for ſecuring the Netherlands, 287, embaſſador to Holland, 344, his memorial to the ſtates, 367
Stanhope, brigadier and afterwards general, taken priſoner with his regiment, 422, at the ſiege of Barcelona, 447, and at the taking of Montjuic fort, 448, &c. offers to furniſh K. Charles with what he wanted, 475, envoy extraordinary to the K. of Spain, 481, had orders to go and ſeek the enemy, 501, concludes a treaty of commerce with K. Charles XII. frames a bill about the vaſſalage of the clans in Scotland, 533, commander in chief of the queen's forces in Spain, 555, forms the deſign of conquering Minorca, which he accompliſhes, 556, &c. is for the bill for limiting the number of officers, 596, is ſurpriſed at Brihuega, 607, endeavours an exchange of priſoners, but continues confined to the end of the war, 627, writes againſt the treaty of commerce, 692, had a hand in the Britiſh Merchant, 693, moves for an addreſs to the queen, to preſs the D. of Lorrain to remove the pretender out of his dominions, 697, ſpeaks in R. Steele's behalf, 709, endeavours to ſecure the proteſtant ſucceſſion, 712, maintains that it was in danger, 716, ſpeaks againſt the ſchiſm-bill, 720, 721, dines with L. Bolingbroke, 725
Stanian, Abraham, envoy extraordinary to the proteſtant cantons, promotes the K. of Pruſſia's intereſt to the principality of Neufchatel, 517
Staniſlaus Leezinkſki choſen K. of Poland, 423, crowned, 452, acknowledged K. of Poland, 481, forced to fly into Saxony, 507, introduced to the D. of Marlborough, 508
Staremberg, Guido de, commands the infantry at the battle of Luzzara, 360, his remarkable march, 395
Staremberg, count, ſent to Spain, 526, appointed commander in chief there, 554, the beſt general of the age for the defenſive, 556, commands in Spain, 628, Torcy deſires that Q. Anne ſhould put a ſtop to his projects, 674
States of Holland, their charges for K. William's expedition into England repaid, 38, 600,000l. granted them, 65, treaties with them, 61, 68, their memorial upon Lewis the XIV's accepting of the K. of Spain's will, 276, preſſed hard by him to declare themſelves, 277, their memorial laid before the parliament, 283, the French king's anſwer to them, 291, they refuſe to treat but in conjunction with England, ibid. their anſwer to K. William's ſpeech, 369, and to the French king's memorial, ibid. augment their army, and regard their fortifications, 371, alliance between them, Great-Britain, and Denmark, ibid. and between them, Great-Britain, and the emperor, 372, in great conſternation upon K. William's death, 344, Q. Anne's letter to them, ibid. publiſh an anſwer to de Barre's memorial, 345, declare war againſt France, 348, conclude a treaty with Portugal, 395, ſome of the ſtates were againſt ſending an army to the Moſelle, 414, their deputies do not conſent, that the D. of Marlborough ſhould attac the enemy in their poſts, 444, the D. of Bavaria makes propoſals to them for holding conferences for a peace, 481, their deputies have a conference thereupon with the miniſters of the allies, ibid. treaty between England and K. Charles how communicated to them, 506, their memorial againſt the conqueſt of Naples, 511, &c. give Q. Anne intelligence of the preparations made at Dunkirk for the pretender, and concert meaſures for aſſiſting her, 532, the court of France makes propoſals of peace to them, but the D. of Marlborough convinces them of the treacherous deſigns of that court, 573, reſolve to enter into no ſeparate treaty, ibid. &c. their reſolution about Petkum's journey to France, and the paper he brought from thence, 586, do not approve of the offers of peace made by France, 597, deſire to have the D. of Marlborough ſent over, ibid. interpoſe in favour of that duke, 613, their deputies propoſe to hazard a battle with the French, 626, were againſt the ſiege of Bouchain, ibid. will not agree that Queſnoy ſhould be beſieged, 627, alarmed at the preliminaries of peace ſigned by the Engliſh, 635, the emperor's letter to them, ibid. the Imperial plenipotentiaries preſent a memorial to them, ibid. were againſt opening a congreſs, 636, barrier-treaty concluded with them, 645, the commons paſs ſeveral votes injurious to them, ibid. write a letter to the queen about the barrier-treaty, 646, publiſh a memorial againſt the commons repreſentation, ibid, &c. their plenipotentiaries at the treaty of Utrecht, 649, Q. Anne conſents that they ſhould have Dendermond and Ghent, 652, give prince Eugene the ſupreme command of their army, 653, jealous of the Engliſh, 654, memorial of their deputies upon the D. of Ormond's refuſing to fight, 656, expoſtulate with biſhop Robinſon upon it, 657, write a letter to the queen upon that ſubject, ibid. and 663, the reſolutions of the commons about that letter, 665, reſolve to entertain the auxiliaries in Britiſh pay, 666, aſſemble on the D. of Ormond's declaration about a ceſſation, 667, have a conference with the E. of Strafford and biſhop Robinſon, but will not agree with a ceſſation, 668, 674, 676, take upon themſelves the payment of moſt of the auxiliaries in Britiſh pay, 674, propoſe a new ſcheme of a peace, 680, the E. of Strafford propoſes to them a new plan, which they except of, 684, &c. they write a letter to Q. Anne, 685, her anſwer to it, 686, 687, their plenipotentiaries ſign the treaty of Utrecht, 690, the anſwer of the ſtates to the E. of Strafford, concerning the conferences at Radſtadt, 705, conclude a treaty with the elector of Hanover, 712, called upon to be ready to perform the guarantee of the proteſtant ſucceſſion, 726, the letter to Q. Anne, June 5, 1712, 738
Steele, Richard, his reflections about Dunkirk, 699, is choſen a burgeſs for Stockbridge, and reſigns his place as one of the commiſſioners of the ſtamp-duty, 704, publiſhes the Criſis, ibid. reflected upon in the public ſpirit of the whigs, 708, &c. obnoxious to the miniſtry, and complained of in the houſe of commons, 709, his motion about Dunkirk, ibid. his trial in the houſe of commons, 710, expelled, ibid.
Steenkirk, battle of, 135
Stevens, William, proſecuted for a pamphlet, 500
Stillingfleet, Edward, made biſhop of Worceſter, 70, talked of for the ſee of Canterbury, 169
Stirum, count, defeats the Bavarians, and takes Newmark and Amberg, 390, attacs and defeats the marquis d'Oſſon, 393, mortally wounded at the battle of Schellemberg, 415
Storm; the dreadful one in 1703, 396
Stormount, lord viſcount, letters ſent to him by the pretender, 484, brought priſoner to London, 537
Strafford, Thomas Wentworth lord Raby, created viſcount and E. of Strafford, and ſent embaſſador to Holland, 631, mr. St. John communicates to him France's propoſals of peace, ibid. his inſtructions communicated to the French miniſter by mr. St. John, 634, communicates the preliminaries of peace to the ſtates, 635, is appointed plenipotentiary for the peace of Utrecht, ibid. his letter to captain Deſborough relating to prince Eugene, 642, comes to Utrecht, 649, his ſpeeches at the congreſs there, ibid. is ſent for to England, 653, goes to the Hague, and preſſes the ſtates to come into the queen's meaſures, ibid. declares her intentions, and has a conference with prince Eugene, ibid. his ſpeech in parliament about the negotiations at Gertrudenberg, 658, and on the plan of peace, 663, ſent to the Hague to induce the ſtates to accept the offers of France, 668, inſiſts that the ſtates ſhould withdraw their forces from Spain and Portugal, ibid. goes to the D. of Ormond's army, ibid. goes incognito to the French camp, to concert meaſures with marſhal Villars, 671, makes himſelf obnoxious to the Dutch by his haughty carriage, 676, the mob break his windows, and ſet up a wheel before his houſe, ibid. his letter to mr. Prior, 677, refuſes to ſign the treaty of Utrecht, without the ceſſion of Tournay to the ſtates, 678, comes to England, 680, various conjectures about his coming, ibid. returns to Holland, 683, propoſes a new plan of peace to the ſtates, ibid. &c. goes incognito to Amſterdam, and has ſeveral conferences with the leading magiſtrates, 684, ſcruples to ſign a ſeparate peace, 688, ſigns it at laſt, 689, inſtalled knight of the garter, 700, ſpeaks to the deputies of the ſtates about the conferences of Radſtadt, 705, and about the barrier in the Netherlands, 706
Straſburg; the French offer to reſtore that place, 575, 576, 596, was to be reſtored to the emperor, 685, 689
Stuart family, deſcended from king Robert II. by his concubine Elizabeth Mure, 6
Succeſſion in the houſe of Hanover; K. William's ſpeech about it, 282, addreſs of the lords thereupon, 284, the firſt vote about it, ibid. heads of the bill of ſucceſſion, 285, that bill paſſed, 286, proteſted againſt by the duchеſs of Savoy, ibid. a clauſe in a bill making it high-treaſon to endeavour to defeat the ſucceſſion, 370, the

ſame enacted in Ireland, 386, declared in Scotland, 410, debates about it, 411, 436, &c. addreſs of thanks from the commons about the ſucceſſion, 454
Sugar iſlands belonging to the Engliſh ravaged by the French, 678
Sunderland, Robert Spencer E. of, embraces popery, 17, perſuades K. James to uſe gentle methods, ibid. adviſes him not to accept an army offered him by the French king, 18, excepted out of the indemnity, 87, gains credit with K. William, 154, is the cauſe of L. Sommers and ſir John Trenchard's promotion, ibid. is a great confident of the king, and perſuades him to change his miniſtry, 164, brings about a reconciliation between the king and princeſs Anne, 171, was for the land-bank, 209, made lord-chamberlain, and privy counſellor, 227, reſigns his places and retires from buſineſs, 238, his wiſe adminiſtration, ibid. his order againſt play-houſes, 253, ſent envoy extraordinary to the emperor Joſeph, 445, 446, made ſecretary of ſtate, but againſt queen Anne's will, 499, 500, ſome of his letters to the E. of Mancheſter, about the expedition to Naples, 511, 513, his letter to general Stanhope, 556, ſupports the dukes of Hamilton, Montroſs, and Roxburgh, 564, ſpeaks at dr. Sacheverell's trial, 595, diſmiſſed from his place of ſecretary, 613, his removal inſerted in the French Gazette, ibid. his letters to general Stanhope about the war in Spain, 617, 618, 619, his ſpeech in parliament about the preliminaries of peace, 637, his counteſs reſigns her place of lady of the bed-chamber, 641, his ſpeech about the union, 695, moves for a ſecond addreſs about removing the pretender out of Lorrain, 697, 713, his ſpeech about the Catalans, 712, and on the ſchiſm-bill, 721
Supplies granted for the war, 62, a ſupply of two millions voted, 75, of four millions, 106, of above three millions for the fleet and army, 125, of above five millions, 147, &c. 150, &c. of five millions and a half, 162, of almoſt five millions, 169, of above ſeven millions for the year 1709, 563
Suſpenſion of arms between England and France, 660, articles for it ſigned, 661
Suza taken, 102
Sweden, Charles XI. and XII. king of, 228, alliance between Sweden and France, 249, a league formed againſt K. Charles XII. 265, peace between him and Denmark, ibid. makes a deſcent in Zealand. ibid. defeats the Muſcovites at Narva, 282, routs the Poles and becomes maſter of their camp, 310. See Charles XII. attacked by the Czar, 609, a manifeſto publiſhed there againſt Denmark, ibid. the Swedes land in Rugen, 628, defeat the Danes, 688, &c. enter Mecklenburg, ibid. are defeated, ibid.
Swift, Jonathan, account of him, 633, goes over to the tories, ibid. his fable of the Widow and her Cat, 644, writes againſt the barrier-treaty, 645, his band-box plot, 681, made dean of St. Patrick's, 698, writes The public Spirit of Whigs, 708, careſſed by the lord-treaſurer, ibid. reflected upon, 721

T.

Taffe, alias Thomas O'Mullen, diſcovers the Lancaſhire plotters, 173, his character, ibid. diſguſted and turns againſt the court. ibid.
Taſnieres, battle of, Blaregnies, or Malplaquet, 580, &c.
Talbot, William, made dean of Worceſter, 114, biſhop of Oxford; his ſpeech at dr. Sacheverell's trial, 593
Tallard, count, comes embaſſador from France to England, 246, waits upon K. William in Holland, 248, formed a party in England againſt the partition-treaty, 302
Tallard, marſhal de, his preſumption at the battle of Hochſtet, 416, taken priſoner, 417, brought to England, and ſent to Nottingham, 428, correſponds with France, 526 obtains leave to go to France, 634
Talmaſh, Thomas, general, at the ſiege of Athlone, 115, and battle of Aughrim, 117, his reſolute behaviour, ibid. at the ſiege of Limerick, 118, made lieutenant-general of the foot, 128, commands the regiments of foot, that were ſent over from Holland, 131, of the court-martial to try Grandval, 137, named by the houſe of commons as a perſon fit to command the foot, 145, his bravery at the battle of Landen, 156, wounded at the attempt upon Breſt, and dies, 166
Tankerkerville, Ford Grey, lord, made lord privy-ſeal, 281
Tarbat, George Mackenzie, lord viſcount, made ſecretary of ſtate, 377, created earl of Cromarty, 383
Tariff, 680, 685, 686, 687, 691, 695
Tax on marriages, births, and burials, 169
Temple, ſir Richard, moves to pay the forces abroad by ſending over Engliſh manufactures, 147, defeats the French guards, and takes their baggage, 541, his regiment attacs a party of French, 547, removed from his command of a regiment of dragoons, 690
Tenniſon, Thomas made biſhop of Lincoln, 127, tranſlated to Canterbury, 169, preaches Q. Mary's funeral ſermon, 172, made one of the lords-juſtices, 181, attends K. William in his laſt moments, 322, diſpute between him and the lower-houſe of convocation, about the power of adjourning, 335, &c. his ſpeech in the convocation, 409, refuſes to receive the form of addreſſes, ſent up by the lower-houſe of convocation, 463, prorogues the convocation 464, brings in a bill for the ſecurity of the church of England, 492, receives two letters from the queen, ordering him to prorogue the convocation, 500, a proteſtation prepared againſt him by the convocation, ibid.
Teſſé, marſhal de, the French king's embaſſador-extraordinary to the pope, 558
Teſt, ſacramental, K. William endeavours to have it taken away, 33, 325, paſſed in 1673, 331, a letter againſt it ordered to be burnt, by the commons, 571
Thanet, Thomas Tufton, earl of, made a privy-counſellor, 374, his ſpeech in the debates about the union, 495
Thaun, count, conquers Naples, 512, &c. prepares to march over Mount Cenis, and takes Anneci, 582, takes upon him the command of the confederates, 604
Theſſé, marſhal de, at the ſiege of Barcelona, 475, ſent to cover France on the ſide of Thoulon, 501
Thiſtle, order of the, revived, 383
Thompſon, ſir John, created baron of Haverſham, 212
Tillotſon, John, employed in the review of the liturgy, 71, deſigned for prolocutor of the convocation, but not choſen, 73, made archbiſhop of Canterbury, 113, his character, ibid. and 160, dies, ibid. penſion granted to his widow, ib.
Tilly, count, plunders Picardy, 546, becomes commander in chief of the Dutch troops, 550, paſſes the Scheld to relieve Bruſſels, 552, all the confederate troops are left under his command, 554, at the battle of Malplaquet, 580, at the taking of Doway, 602, &c.
Tindal, dr. Matthew, his Rights of the Chriſtian Church burnt, 595
Tirconnel, Richard Talbot, earl of, lord-lieutenent of Ireland, promotes popery in that kingdom, 52, turns all the proteſtant officers out of the army, and puts papiſts in their room, ibid. gives out commiſſions for levying thirty thouſand men, ibid. uſes the proteſtants with great ſeverity, 54, made a duke, ibid. ſails from Ireland into France with K. James, 91, 96, his papers taken, and treaſonable practices found therein, ibid. returns to Ireland and goes bac to France, 100, returns to Ireland with ſome proviſions, 114, dies in Limerick, 117
Tythes; act for the more eaſy recovery of ſmall tythes, 209
Toland, John, his Chriſtianity not myſterious cenſured, 336, his Dunkirk or Dover, 699, his Art of Reſtoring, 705, formerly employed by the lord-treaſurer, ibid. his Reaſons and Neceſſities of the duke of Cambridge's coming over, 718
Toleration; the preſbyterians irreconcileable enemies to it, 12, bill of toleration preſented to the parliament, 34, paſſed, 35, one paſſed by K. James in Ireland, 59, the independents for it, and the preſbyterians againſt it, 327, hated by many of the clergy, 334
Torcey, marquis de, comes to Holland to negotiate a peace 571, 572, deſires paſſes for ſome miniſters from France to Holland, but is refuſed, 585, 586, writes ſome letters to the D. of Marlborough, ibid. his papers ſent by Petkum, ibid. ſends another project to Petkum for a peace, 596, tranſmits to England new propoſals of peace, 631, 633, his memorial, 652, his anſwer to Gultier's memorial, 659, letters between mr. St. John about the king of Spain's renunciation, 659, &c. his anſwer to lord Bolingbroke's memorial, 686
Tongeren deſcribed, 391, taken by the French, ibid. they abandon it, ibid.
Tories; beginning of that name and party, 14, were for paſſive obedience, &c. 15, did not favour popery nor arbitrary power, ibid. depart from the doctrine of paſſive obedience, 17, in ſome reſpects become whigs ibid. join with the whigs in inviting over the prince of Orange, 18, adhere to the divine unalienable hereditary right of kings, 20, moderate and rigid tories, 21, beget in K. William jealouſies of the whigs, 37, diſplaced, and were againſt carrying on the war, 164, preſs hard upon the E. of Sunderland, 239, the old Eaſt-India company falls into their hands, 240, in the adminiſtration, 258, endeavour the removal of lord Sommers and others of the miniſtry, 260,

ſend a propoſal to king James to have the pretender put into the ſucceſſion, 274, ſeem zealous for the bill of ſucceſſion, 284, &c. find fault with the partition-treaty, 288, are againſt the adjuration-act, 319, pretend great zeal for the princeſs of Denmark, ibid. were greatly in Q. Anne's favour, 342, oppoſe the taking away the firſt-fruits, and tenths, 406, were for inviting over the princeſs Sophia, 454, oppoſe the act of regency, 456, are againſt penſioners and place-men ſitting in the houſe of commons, ibid. gain great advantage by dr. Sacheverel's trial, 610, reflect upon the emperor and the Dutch for interpoſing in the duke of Marlborough's favour, 613, a new combination among them, 620, many of them diſlike the peace, 665

Torrington, Arthur Herbert, E. of accuſed of treachery and cowardice, at the battle of Beachy-Head, 93, is ſent to the Tower, 94, tried and acquitted, 95, the king is offended at his acquittal, and takes away his commiſſion, ib.

Torrington, Edward Herbert, earl of, his reflections on the E. of Nottingham's account of the conſpiracy, 404

Toulon beſieged by the allies, 511, 513, the ſiege raiſed, 514, remarks upon that expedition, 515

Toulouſe, count of, blocks up Barcelona by ſea, 475, leaves it. ibid.

Tournay; a deſcription of that place, 578, beſieged, ibid. taken 579, &c. the French king refuſes to ratify the articles for the ſurrender of the citadel, ibid. it ſurrenders at laſt, ibid. the French demand the reſtitution of it, 677, &c.

Tourville, monſieur de, ordered by king Lewis to ſeek out and engage the Engliſh fleet, 131, defeated at la Hogue, ibid. commands the French fleet, 158

Tonſhend, Charles, lord viſcount, attends the D. of Marlborough to Holland, 571, as embaſſador-extraordinary, 575, his character, ibid. has a conference with the Dutch embaſſador, 597, 599 delivers a memorial to the ſtates, 600, makes the barrier-treaty with the ſtates, 644, 646, his ſpeeches about the union, 695, and againſt the ſchiſm-bill, 721

Trade, council of, voted, 201, endeavours to reſettle the trade between England and France, 246

Traerbach; the French imagine the D. of Marlborough intended to beſiege that place, 414, beſieged and taken by the allies, 419,

Trant, ſir Patrick, commiſſioner of the Iriſh revenues, 579

Treaty; a private one between K. James and the K. of France, 13, another ſecret treaty between them, 54, between England and Holland for a joint-fleet, 61, another treaty between them, 68, between England and Denmark, ibid. of peace at Ryſwick, 227, &c. between France and the emperor, 235, of partition, 249, the ſecond treaty of partition, 263. See Partition. Treaties of the grand alliance laid before the commons, 319, treaty between England, Portugal and Holland, 395, &c. between England and Pruſſia, 429, draught of an act for a treaty between England and Scotland, 438, 439, peace between England and Spain ſigned, 707, taken into conſideration by the houſe of lords, 715, 722, extracts of it, 740

Treaty of commerce between K. Charles and England, 506, how diſcovered to the Dutch, ibid. treaties of peace and commerce brought to England, and ratified by Q. Anne, 690, motion in the houſe of commons to addreſs her to communicate them to that houſe, 691, laid before the parliament, ibid. the ſubſtance of them, ibid. and 740, taken into conſideration by the houſe of lords, 710, 715, debates thereupon, ibid. account of theſe treaties laid before the commons, 716

Treby, ſir George, made chief-juſtice of the common-pleas, 126

Trelawney, ſir Jonathan, biſhop of Exeter, oppoſes the the reſt of the biſhops in convocation, 337, tranſlated to to Wincheſter, 521

Trenchard, ſir John, made ſecretary of ſtate, 154, his character, ibid. dies, 181, author of an argument againſt ſtanding armies, 521

Trenchard, John, one of the truſtees for the forfeited eſtates, in Ireland, 385

Treves taken by the French, 359

Trevor, ſir John, choſen ſpeaker of the houſe of commons, 84, his character ibid. made firſt commiſſioner of the great-ſeal, 87, made a privy-counſellor, 107, and maſter of the rolls, 154, concerned in corrupting the members of the houſe of commons, 174, expelled the houſe of commons for corruption, 175, &c. 178, the commons deſign to impeach him, 181

Trevor, ſir Thomas, made ſollicitor-general, 153, made a baron 653, his ſpeech about the union, 695, ſpeaks againſt ſetting a price on the pretender's head, 714

Triers; the fortifications of it blown up by the imperialiſts, 442, ſeized by the French, ibid.

Trimnel, Charles, made biſhop of Norwich, 521, his ſpeech at dr. Sacheverel's trial, 594

Trinidado taken and burnt by the Engliſh, 377

Trinity; complaint of books againſt it, 242

Trinity College, Dublin; five thouſand pounds given for building a library there, 630

Tripoli and Tunis, the peace between thoſe places and England renewed, 388

Trumball, ſir William, adviſes K. William to ſend a fleet into the Mediterranean, to ruin the French trade with Turkey, 140, made one one of the commiſſioners of the treaſury, 165, made ſecretary of ſtate, 182, his character, ibid. choſen one of the repreſentatives for the univerſity of Oxford, 196, one of the lords of the treaſury, 201

Tumult in Edinburgh and other places on account of the union, 488

Turenne, prince of, killed at the battle of Steenkirk, 136

Turin threatened with a ſiege by the French, 446, beſieged by the French, 477, &c. deſcription of that place, ibid. the ſiege raiſed, 479

Turks defeated by the imperialiſts, 122, 123, &c. and at Zenta, 235, peace between them and the emperor, 249, revolution among them, and a new ſultan ſet up, 423, promiſe the emperor not to aſſiſt the Hungarians, ibid. declare war againſt Muſcovy, 609, peace between them, 628, Charles XII. endeavours to kindle a new war between them and the czar, 688

Turner, Francis, biſhop of Ely, enters into a plot to reſtore K. James, 109, proclamation for apprehending him, 113

Tweedale, John Hay marquis of, made lord-chancellor of Scotland, 127, 160, the king's commiſſioner there, 182, his character, ibid. his ſpeech to the parliament, ibid. diſmiſſed, 200, one of the leaders of the country party in Scotland, 378, made high-commiſſioner, 410, his ſpeech in parliament about the ſucceſſion, ibid. &c. on paſſing the act of ſupply, 412, &c. is made lord-chancellor, ibid. excuſes himſelf from ſerving as high-commiſſioner, 428, removed from being lord-chancellor, 436, preſents to parliament the draught of an anſwer to the queen's letter, 438, was for the union, 485

Two and a half per cent. allowed to the D. of Marlborough, by the princes who had troops in Q. Anne's ſervice, cenſured by the commons, 644,

V.

Valencia, campaign there, 450, &c. moſt of the towns there declare for K. Charles, ibid. in a council of war held there, it is reſolved to act offenſively, 501

Vanbrugh, ſir John, draws the plan of Blenheim-houſe, 429

Vanderduſſen, monſieur, penſioner of Gouda, has conferences with the French commiſſioners about a peace, 572, &c. 597, one of the Dutch plenipotentiaries at the treaty of Utrecht, 649, his ſmart ſaying to Polignac, about the French proteſtants in the gallies, 651

Vaudemont, prince of, commander in chief of the confederate's infantry, 186, his famous retreat, 188, he is thanked by K. William for it, 189, burns the French magazines at Givet, 212

Vaudois; their tranſactions in Savoy, 100, 121, 122, reſtored, 141, Q. Mary eſtabliſhes a fund for maintaining preachers and ſchoolmaſters among them, ibid.

Venant, St. taken, 604

Vendoſme, D. of, relieves Mantua, 359, ſent to join the elector of Bavaria in Tyrol, is forced to return bac, 393, takes ſeveral places in Savoy, 422, has an engagement with prince Eugene, 446, ſent to command in Flanders, 474, fixes himſelf in a ſtrong camp, ibid. the D. of Marlborough follows him, but cannot bring him to an engagement, 510, appointed to ſerve under the D. of Burgundy, 539, at variance with him, 543, 545, defeated at the battle of Oudenard, but makes a good retreat, 543, 544, takes Leſſingham, 550, ſurpriſes a body of the Engliſh at Brihuega, 607, defeated at Villaviciosa, ibid. takes poſſeſſion of Sarragoza, 608, attacs ſeveral places in Spain, but to no purpoſe, 628

Venice; embaſſadors from thence have an audience, 499, forbid the court, 537

Venlo taken, 358

Vernon, James, made ſecretary of ſtate, 244, the E. of Portland's letter to him about the partition-treaty, 248, he

ſends to the lord Sommers, ibid. lays before the houſe of commons all the papers relating to the partition-treaty, 293, made one of the tellers of the exchequer, 347
Vienna, court of, proceeds with its uſual flowneſs, 395, 526, influenced by the jeſuitical councils, and French money, 727
Vigo; Spaniſh galleons and French fleet deſtroyed there, 362
Villars, marſhal, ſent to reduce the Cevenois, 422, made a duke, and the chief dependance of Lewis XIV. 441, retires at the D. of Marlborough's approach, ibid. takes part of the garriſon of Croon Weiſſenburg priſoners, 444, demoliſhes the walls of that town, ibid. paſſes the Rhine, and makes a great progreſs in Germany, 507, deſigns to reſtore the elector of Bavaria to his dominions, ibid. repaſſes the Rhine, ibid. called the fortunate general, and commands in Dauphiné, 615, ſent to command in Flanders, 578, wounded at the battle of Malplaquet, 581, unadviſedly weakens the garriſon of Tournay 578, endeavours to raiſe the ſiege of Doway, 602, attacs the foragers of the allies, 603, 604, boaſted that his lines were impenetrable, 626, and yet they are ſurpriſed by the D. of Marlborough, ibid. Villars reflected upon for it, ibid. a favourite of madam de Maintenon, 627, declares a ſuſpenſion of arms, 671, forms the deſign of poſſeſſing himſelf of the camp of the Danien, 672, his letter to the D. of Ormond about the action there, 674
Villa-Franca taken by the French, 120
Villavicioſa, battle of, 607
Villeroy marſhal de, general of the French, bombards Bruſſels, 191, taken priſoner by prince Eugene at Cremona, 310, ordered to march into Wirtemberg, and deſtroy that country, 416, approaches near Landau, but does nothing, 419, hinders the elector of Bavaria from ſurpriſing general Auverquerque, ibid. beſieges Liege, 441, receives poſitive orders from the French king to fight the allies, 470, flies to Louvain after the defeat at Ramillies, 473, ſent to command in Dauphiné, 539
Villers, Charlotte, afterwards lady Orkney, an enemy to the counteſs of Marlborough, 129
Villers, Edward, viſcount, one of the plenipotentiaries at the treaty of Ryſwick, 227, made one of the lords-juſtices of Ireland, ibid. and E. of Jerſey, and ſent embaſſador to France, 245. See Jerſey.
Vivans, marquis of, paſſes the Rhine, and defeats the Germans, 507, defeated by them, ibid.
Underdown, captain, his expedition to the Weſt-Indies, 516
Union of England and Scotland, bill for it, 349, commiſſioners to treat about it, 354, &c. their proceedings, ibid. the commiſſion made void by parliament, 382, the beginning of that union, 436, &c. treaty for that union, 438, 440, a clauſe offered by the D. of Hamilton about it, ibid. he moves that the nomination of officers ſhould not be left wholly to the queen, ibid. the union recommended by the queen in her ſpeech, 444, &c. addreſs of the commons thereupon, 454, proceedings about the union, 464, commiſſioners appointed for it, 465, &c. articles of the union, 468, &c. preſented to the queen, 467, the cavaliers in Scotland reſolve to oppoſe the ratification of it, 484, the nobility there ſuffered a great diminution by it, ibid. a powerful party in Scotland againſt it, 485, promoted by the nobility, ibid. and by the ſquadrone, ibid. and 486, debates about it, ibid. proteſts againſt it ibid. and 487, &c. addreſſes againſt it, 488, tumults in Edinburgh and other places, on account of the ſame, ibid. it is completed, 489, commiſſioners for it rewarded, ibid. debates in the houſe of lords concerning it, 491, the queen's ſpeech concerning the union, 492, &c. the articles of it preſented to the houſe of commons, ibid. debates there about the union, ibid. and again in the houſe of lords, 493, bill for enacting it, 496, paſſed, ibid. proteſts againſt it, ibid. ill uſe deſigned to be made of the 4th and 6th articles of the union, ibid. &c. congratulatory addreſſes upon the union, 498, 518, reſolution of the commons for making the union more complete, 524, which articles of the union are alterable, 643, the Scots move for an act to diſſolve it, 693, &c. petition ſigned at Edinburgh for that purpoſe, 701, attacked in the Public Spirit of the Whigs, 708
United Provinces; account of their government, 24, &c. barrier for them, 482
Univerſities for the prerogative, and paſſive obedience, 6, 15, act for veſting in them the preſentations to papiſts livings, 65, the leading men there jealous of K. William, 70, the univerſities propagate the notion of the church's being in danger, 452
Univerſity of Dublin, the fellows and ſcholars of it ejected by K. James, 59
Voltaire, monſieur de, his account of the D. of Marlborough's negotiations with baron Gortz, 507, his account of the D. of Marlborough's and the K. of Sweden's interview, 528
Urſini princeſs, her intereſt eſpouſed by the Britiſh plenipotentiaries at Utrecht, 689, the ſtates regard for her, 705, Q. Anne obliges herſelf to procure Limberg for her, 741, to be put in poſſeſſion of that duchy, ibid. account of her, ibid.
Utrecht; conferences for a peace there, 635, the treaty there opened, 649. See Treaty, Peace, and France. Summary of the proceedings there, 652, &c. 685, &c. the treaty ſigned, 689, &c. See Treaties and Peace.

W.

Wade, captain Cooper, his cowardice, 376, tried and ſhot for it, ibid. and 377
Wade, brigadier, aſſiſts at the conqueſt of Minorca, 556, acts in Spain, 605
Wager, Charles, deſtroys ſome Spaniſh galleons, 559, made rear-admiral of the red, 584
Wagers; bill to prevent them, 570
Wake, dr. William, his ſtate of the church and clergy of England, 409, made biſhop of Lincoln, 434
Walcourt, battle of, 69
Waldeck, prince, defeated at the battle of Flerus, 102, &c. commands the confederate army in Flanders. 119, &c.
Walden, Henry Howard lord, made commiſſary-general of the muſters, 363, created baron of Cheſterford and E. of Bindon, 491
Wales, court of marches there aboliſhed, 65
Walker, ſir Hovenden, commands the ſquadron in the Canada expedition, 629
Walmſley, mr. his houſe the head quarters for the plotters againſt K. William, 139
Walpole, Robert, moves for a reſumption of the grants made in K. James's reign, 372, made ſecretary at war, 538, cenſured, on account of the forage, 644, writes and ſpeaks againſt the treaty of peace, 692, in behalf of R. Steele, 709, 710, his ſpeech to prove the ſucceſſion in danger, 716, ſpeaks againſt the ſchiſm-bill, 720, propoſes to have the toleration act extended to Ireland, 721
Walpole, Horace, ſpeaks in favour of R. Steele, 710
Walſh, mr. ſome lines of his Golden Age, 364
War declared againſt France by the diet of Ratiſbon, the United-Provinces, Spain, England, &c. 59, 60, declared againſt France and Spain, by England, the emperor, and the ſtates-general, 344, &c. the expences of it for the twelve laſt years before the peace of Utrecht amounted to above ſixty-eight millions and a half, 716
Warneton ſeized by the French and abandoned again, 578
Warwick, Edward Rich E. of, tried for murder, 253
Waterford ſurrenders to K. William, 97
Watſon, Thomas, biſhop of St. David's, againſt the court, 146, unwilling to ſign the aſſociation, 209, deprived for ſimony, 434
Webb, major-general, his bravery at the battle of Oudenard, 542, he and others put Picardy under contribution, 546, preſerves a convoy from Oſtend to Liſle, 449, beats the French at Wynendale, ibid. &c. thanked for it by the houſe of commons, and honoured with the order of generoſity by the king of Pruſſia, 550, and 568, made governor of the iſle of Wight, 614
Welwood, dr. James, taken into cuſtody for his Mercurius Reformatus, 126, made one of the phyſicians in ordinary to K. William, ibid.
Weems, David Weems E. of, choſen one of the ſixteen Peers, 537
Weymouth, Henry Frederick Thynne lord viſcount, made a privy-counſellor, 347, reſigns his place of commiſſioner of trade, 490
Wharton, Mary, carried away by colonel Campbell, 106
Wharton, Thomas, one of the commiſſioners to inſpect the books of the chamberlain of London, and of the Eaſt-India company, 175, comptroller of the king's houſehold, 178, his report about the Eaſt-India affairs, ibid. and 179, carries the duke of Leed's impeachment up to the houſe of lords, ibid.
Wharton, Thomas lord, moves for an addition to the lord's addreſs, 290, is againſt the occaſional conformity-bill, 398, his petition about the honour of Richmond, and the proceedings of the lords thereupon, 405, ſupplies and manages the Ayleſbury men, 431, opens the debate for the act of regency, 455, his ſpeech about the danger of the church, 459, was born a diſſenter, ibid. created viſcount Winchendon and E. of Wharton, 494, ſpeaks in behalf of the union, ibid. another ſpeech of his in the debate about it, 495, his ſpeech about the decay of trade, 522, the D. of Marlborough expoſtulates

with him, ibid. made lord-lieutenant of Ireland, 561, holds a parliament there, 587, returns to England, 588, his ſpeech at dr. Sacheverell's trial, 593, reſigns the office of lord-lieutenant of Ireland, 613, held a parliament in that kingdom, ibid. &c. turned out of his place of chief-juſtice in eyre, 616, moves for the lords entering their proteſts, 618, ſpeaks againſt the peace, 636, 637, and againſt the reſumption of K. William's grants, 647, his ſpeech on occaſion of the D. of Ormond's refuſing to fight, 658, upon the queen's communicating the plan of peace to the parliament, 663, &c. attempt in the houſe of commons to faſten a miſdemeanor on him, 691, moves for an addreſs that the pretender ſhould be removed out of Lorrain, 634, 713, makes a complaint againſt the public ſpirit of the Whigs, 707, repreſents the danger that threatened the proteſtant ſucceſſion, 710, 713, his ſpeech about the Catalans, 712, &c. and about the peace, 716, ſpeaks againſt the ſchiſm-bill, 720, complains of ſome being liſted in the pretender's ſervice, 722, his ſpeech on account of the pretender's not being removed out of Lorrain, ibid. about the Spaniſh trade, 723

Wheeler, admiral, caſt away, 164

Whigs; beginning of that name and party, 14, their character and principles, 15, K. William jealous of them, 29, loſes his good opinion of them, 77, they grant him his revenues only from year to year, ibid. and 36, 37, promote the bill for taking the militia from the king and the lords-lieutenants, 38, make the king great promiſes, if he would paſs the corporation-act. 79, republican and moderate whigs, 22, diſcontented at the preferring of ſome men, 128, join againſt the court, 158, are again brought into the adminiſtration, 164, diſliked biſhop Stillingfleet's being made archbiſhop, 169, jealous of the E. of Sunderland, 239, loſe their credit in the nation, being charged with robbing the public, 240, grow unpopular, and were for continuing the taxes and army, 281, Q. Anne prejudiced againſt them, 342, had charged the nation with taxes, of which a large ſhare had been devoured by themſelves, 363, have the majority in the houſe of commons, 453, join in oppoſing the inviting over the princeſs Sophia, 454, &c. in a ſtate of war with the tories, 563, alarmed at the E. of Sunderland's removal, 613, removed from the lieutenancy of London, 614, uneaſy at the doctrine of paſſive obedience, 616, diſlike the peace, 665, hated the lord-treaſurer for having done too much, 700, the public ſpirit of the whigs, a pamphlet, 708, take all imaginable care to ſecure the proteſtant ſucceſſion, 712, &c. ſign an aſſociation, ibid. whig lords hold a conſultation at the E. of Halliſax's, 714, try to inflame the animoſity between the E. of Oxford and the L. Bolingbroke, 725

Whiſton, William, his character and odd notions, 624, the cenſure paſſed on him not confirmed by Q. Anne, 653

Whitaker, ſir Edward, admiral, aſſiſts in the conqueſt of Minorca, 556, reduces Port-Fornelli, ibid. brings forces from Naples to Spain, 583, made vice-admiral of the white, 584

White-Friers ceaſed to be a priviledged-place, 226

Whitehall; part of it burnt down, 113, burnt almoſt entirely, 244

Whitelock, ſir William, his ſaying upon the motion for addreſſing Q. Anne to have the pretender removed out of Lorrain, 697

William III. K. and Q. Mary are declared king and queen, 20, uneaſy at the proviſion required for the princeſs of Denmark, 37, proclaimed king and queen of Scotland, 50, 51, acknowledged by an act rightful and lawful ſovereigns, 86

William, K. ſettles a privy-council and appoints a miniſtry, 28, grows jealous of the whigs, 29, his ſpeech to his firſt parliament, 30, attempts to have the ſacramental-teſt taken away, 33, uneaſy at the revenue being granted him only from year to year, 37, his letter to the Dutch, 38, his ſpeech to the Scotch lords, 43, his letter to the convention in Scotland, 46, declares war againſt France, 60, goes to Portſmouth, and diſtributes rewards to the officers and ſailors who were at the fight of Bantry-Bay, 61, buys Kenſington palace, 62, dines with the lord-mayor, 70, promotes a comprehenſion, and gives a commiſſion to ſome divines for that purpoſe, 71, 73, his ſpeech of his own compoſing, to the parliament, 74, diſpleaſed with the whigs, by reaſon of their coldneſs in his intereſt, and their granting him the civil liſt but for one year, 77, a conſpiracy againſt him, 79, the king, not knowing how to truſt the tories, and being determined not to truſt the whigs any more, reſolves to go to Holland, and leave the government in the queen's hands, but alters his deſign, and goes to Ireland, ibid. the cuſtoms ſettled upon him for four years, and the hereditary exciſe for life, 85, 86, rejects a propoſal made to him for ſeizing K. James, 88, lands in Ireland, ibid. forbids any violence on the country people, ibid. orders his whole army to move towards the Boyne, 89, receives a ſlight wound, from whence a rumour of his being killed ſpreads as far as Paris, ibid. defeats K. James at the battle of the Boyne, and behaves with great bravery during the whole action, 90, &c. ſome thought he would not have hazarded a battle, 95, publiſhes a declaration promiſing pardon and protection to the Iriſh, 96, a deſign formed to aſſaſſinate him, ibid. iſſues out a proclamation for crying down K. James's braſs money, ibid. canes a ſoldier who was robbing a poor woman, and cauſes him and ſome others to be hanged, ibid. publiſhes a ſecond pardon, 97, ſets out for Holland, and is in great danger on the coaſt there, 108, his ſpeech at the congreſs at the Hague, ibid. &c. plot againſt him by lord Preſton, 109, returns to England, ibid. goes to Holland again to command the confederate army, 114, eſcapes narrowly being killed, 120, the Spaniards offer to deliver the government of Flanders to him, 123, comes bac to England, ibid. party formed againſt him, 124, was thought to love the Dutch more than the Engliſh, and was naturally ſilent and moroſe, ibid. and 155, fond of his prerogative, 124, not pleaſed with the preſbyterians in Scotland, ibid. goes to Holland, 129, a plot for aſſaſſinating him formed by colonel Parker, &c. ibid. marches towards Namur intending to relieve that place, 134, blamed for not hazarding a battle to relieve ſo important a place, 135, his uneaſineſs at ſeeing the Engliſh not duly relieved at the battle of Steenkirk, 136, Grandval's and Dumont's plot to aſſaſſinate him, ibid. &c. puts out a proclamation againſt vice and immorality, 142, returns to England, 143, dines with the lord-mayor, &c. at Guildhall, ibid. is adviſed to ſend away all the foreign forces he had in England, 148, and to demand of the Dutch and Spaniards cautionary towns, 150, books, pretending to prove that he and Q. Mary came by way of conqueſt, burnt, ibid. refuſes to paſs the bill for the frequent calling and meeting of parliaments, 151, jealous of his miniſters, who are thought to betray him, 154, party formed againſt him, 155, &c. was not eaſy of acceſs, ibid. took no notice of the clergy, and ſhewed no great regard for religion or the church, ibid. goes to Flanders, ibid. his bravery at the battle of Landen, 156, eſcapes narrowly being killed, 157, finds he had been too haſty in truſting ſome in Scotland, 160, does not take due notice of that kingdom, ibid. returns to England, 161, refuſes to paſs the place-bill, 163, makes an alteration in his miniſtry, 164, goes to Holland, 165, commands the army, 166, returns to England, 169, inconſolable for the loſs of his queen, 171, &c. reconciled with the princeſs Anne, 172, his declaration for the ſtrict diſcipline of the army, 175, was apt to ſign papers in a hurry, 184, goes to Holland, 182, his letter to the parliament of Scotland, ibid. vindicated from being the author of the murder at Glencoe, 184, beſieges Namur, 187, his letter of thanks to prince Vaudemont upon his famous retreat, 189, his reputation raiſed by the taking of Namur, 194, comes bac to England, 195, takes a progreſs to Stamford, &c. ibid. iſſues out a proclamation for calling in the clipped money, 199, addreſſes preſented to him about the Scotch Eaſt-India company, 200, diſowns the act made for it, ibid. his anſwer to the commons addreſs againſt the grant to the earl of Portland, 202, not inclined to believe the reports about the aſſaſſination-plot, 203, the ſeveral ways contrived to aſſaſſinate him, 205, Pendergraſs and de la Rue give him an account of that plot, ibid. his ſpeech to the parliament on the diſcovery of the plot, 207, refuſes the royal aſſent to a bill for regulating the elections of members of parliament, 209, gives the royal aſſent to Fenwick's attainder, 224, appoints regents, and goes to Holland, 227, gains great reputation by the peace of Ryſwick, 230, returns to England, ibid. deſpiſed pageantry, ibid. his letters to the E. of Galway about diſbanding the army, ibid. and 243, 252, was againſt diſbanding the army, 236, extremely uneaſy at the reſolution taken to do it, 238, 239, a revenue for life granted him, ibid. goes to Holland, and leaves ſealed orders behind him, 247, his letter to the lord Sommers, 248, returns to England, 250, is ſo uneaſy at diſbanding his Dutch guards, that he reſolves to leave the government, ibid. his meſſage to the commons about the Dutch guards, 251, goes to Holland, 253, chagrined at the proceedings of the commons, 154, his letters to the E.

of Galway, ibid. and 260, 281, endeavours to prevent a breach between Sweden and Denmark, 255, returns to England, ibid. his anſwer to the commons remonſtrance, 256, the grants of lands he had made in Ireland reſumed by the commons, 257, &c. his anſwer to the commons addreſs about them, 259, very much againſt it, and very uneaſy, ibid. his letter to the D. of Queenſberry and privy-council of Scotland, 263, goes to Holland, 264, is weary of the nation, which is highly diſcontented, 265, through his mediation a peace is concluded between Denmark and Sweden, ibid. highly reflected on by the Imperial and Spaniſh courts, about the partition-treaty, 268, returns to England, 274, his letter to the parliament of Scotland, ibid. &c. full of indignation at the French not obſerving the treaty of partition, 278, falls into an ill ſtate of health, and his legs ſwell, 279, the whigs complain of his conduct, 281, ſees the neceſſity of a new war, 282, alarmed at the preliminaries of the bill of ſucceſſion, 285, orders his envoy at the Hague to enter into negotiations with the miniſters of France and Spain, for ſecuring the tranquillity of Europe, 287, acquaints the parliament with his negotiations for the mutual ſecurity of England and Holland, ibid. his anſwer to the commons addreſs about the partition-treaty, 288, and to the houſe of lords about the ſame, 291, his meſſage to the houſe of commons about the French king's anſwer to the ſtates-general, ibid. his anſwer to the commons advice upon that meſſage, ibid. owns the K. of Spain, ibid. his letter to him, 292, ſends ſuccours to the ſtates, 293, his anſwer to the commons addreſs for removing the lords Portland, Sommers, Orford, and Hallifax, 295, not pleaſed with the tories, 302, &c. in a bad ſtate of health, 306, goes to Holland, his ſpeech to the ſtates there, ibid. goes to view the frontier garriſons, 307, uneaſy at the E. of Rocheſter's temper, 311, orders the E. of Manchester to quit France upon the pretender's being proclaimed there, 314, pleaſed with the addreſſes ſent to him upon the proclaiming of that perſon, 315, falls ill at the Hague, and declares to the E. of Portland, that he found himſelf ſo weak he did not expect to live long, 316, returns to England, ibid. his ſcheme to reduce the power of France, 320, his letter for an union with Scotland, 321, has a fall from his horſe, and breaks his collar-bone, ibid. dies, 322, his character, ibid. &c. his reſerved behaviour to the princeſs Anne, 341, his ſaying of the D. of Marlborough, ibid. the funds fell upon his death, 342, the conſternation in Holland upon the news of his death, 345, great rejoicings in France upon that account, ibid. the diſaffected greatly rejoice at the ſame, and vilify the deceaſed king with libels, verſes, &c. 350, a report of ſome papers found in his ſtrong box, for getting the elector of Hanover declared his immediate ſucceſſor, ibid. &c. his papers viſited upon that account, the report found to be falſe and malicious, and the ſpreaders of it ordered to be proſecuted, ibid. clamours againſt his adminiſtration, and the management of the revenue in his reign, 371, a motion for reſuming all the grants made in his reign, 372, one expelled for aſperſing his memory, 588, about drinking to his memory, ibid. his ſtatue defaced, 614, deſign in the houſe of commons to reſume his grants, 621, the K. of Pruſſia preſſes the ſettling of his ſucceſſion, 628, had 50,000l. per annum for contingencies, 644, bill to examine into the grants made by him, 647, &c. his birth-day ſolemnized by the whigs, 681

William's or Coehorn fort, at Namur, 188

Williams, ſir William, his odd behaviour at the trial of the Lancaſhire plotters, 173, 174, his ſpeech againſt the grant made to the E. of Portland, 202, was againſt ſigning the aſſociation, 209

Wilks, lieutenant-general, at the ſiege of Liſle, 546, detached to ſecure Warneton, 578

Willoughby, ſir Thomas, created baron Middleton, 641

Willes, general, commands the garriſon of Lerida, 505, marches to Terragona, ibid. ſerves in Spain, 605, taken priſoner at Briheuga, 607

Willes, John, now lord chief-juſtice of the common-pleas, writes an anſwer againſt Hereditary Right, 704

Wilmore, ——, his paper againſt the lieutenancy of London, 151, taken up for it, 152

Winchester, Charles Paulet marquis of, made one of the lords-juſtices of Ireland, 227

Winchelſey, William Finch E. of, made firſt commiſſioner of trade, 631

Windſor, capt. Edward, diſmiſſed for neglect of duty, 560

Windſor, Thomas lord, made lieutenant-general, 614, created baron Montjoy, 641

Wines, French, a new impoſt of 8l. a tun upon them, 151, act for the importation of them into Scotland, 382

Winnington, ſir Francis, chairman of a committee, 147

Winter; a ſevere one, 554, 570

Wirtemberg, prince of, led the vanguard at the battle of Steenkirk, 135, his pay ſettled according to the Engliſh eſtabliſhment, 147

Wirtemberg, duchy of, laid under contributions by the French, 506

Wirtemberg, D. of, taken priſoner by the French, 145, ſends K. William notice of K. James's being come to Calais, 206, commands the Daniſh troops, and was well-affected to the allies, 471

Wolfenbuttle, D. of, enters into the French intereſt, 310, levies troops for France, but is diſarmed, 320, forced to quit the K. of France's party, 355

Wolfenbuttle, princeſs of, embraces popery, and is married to K. Charles, afterwards emperor, 517

Wood, lieutenant-general, at the ſiege of Liſle, 546, charges a party of French with two battalions only, 547

Woodſtock granted to the D. of Marlborough, 429

Woodward, dr. made dean of Sarum, 114, choſen prolocutor, 337, dies, 338

Wool, act againſt the exportation of it, 241, reſolutions againſt the exporting it into Scotland, 427, 428

Woollen manufacture; a bill for wearing it, 65, addreſſes againſt the woollen manufacture in Ireland, 243, woollen manufactures, hurt by the treaty of commerce, 692

Wratiſlaw, count, preſents a memorial to Q. Anne, 413, waits upon the D. of Marlborough, and ſettles all things for his march, 414, adjuſts all differences between the emperor and the K. of Sweden, 510, comes to Francfort, and to the Hague, 511

Wright, ſir Nathan, made lord-keeper, 262, and one of the lords-juſtices, 264, had put juſtices of peace in and out, 407, his character, ibid. compliments the D. of Marlborough, 428, diſmiſſed from his office, and is deſpiſed even by the tories, his character, 453

Worms burnt by the French, 69

Wyndham, ſir William, ſpeaks in favour of the treaty of commerce, 692, made chancellor of the exchequer, 700, and a privy-counſellor, 704, his ſpeech about the peace, 710, moves for the ſchiſm-bill, 719, ſpeaks for it, 720, 721, is againſt an addition to an addreſs againſt the pretender, 722, deſigned for one of the commiſſioners of the treaſury, 725

Wynendale, battle of, 449

Wynne, William, biſhop of St. Aſaph, ſupports the motion for an addreſs from Oxford, 79

X.

Xativa, the Engliſh retire thither, 504

Y.

York, John Sharpe archbp. of, ſworn a privy-counſellor, 562, ſpeaks in dr. Sacheverell's behalf, 594, againſt lay-baptiſm, 654

Young, Robert, forms a plot againſt ſeveral perſons, 142

Yule Vacance, 647

Z.

Zealand, plundered by a body of French, 667, &c.

Zell or Cell, George William D. of, made knight of the garter, 107, forces the D. of Wolfenbuttle to quit the intereſt of France, 355

Zeuta; the Turks defeated there, 235

Zeiher; account of him, 442

Zinzendorf, count, 509, 512, 571, the emperor's plenipotentiary at the Hague, 575, has conferences with the miniſters, ibid. and 576, 597, 599, is one of the emperor's plenipotentiaries at the treaty of Utrecht, 649, demands the reſtitution of the whole Spaniſh monarchy, 651, ſends expreſſes to the emperor, upon the D. of Ormond's refuſing to fight, 657, his memorial to the ſtates upon the peace, 667, propoſes a plan for the empire, furniſhing four millions of crowns, 680, ſends Q. Anne's plan of peace to Vienna, 686, draws up ſome new propoſals for a negotiation between the imperial and French miniſters, ibid. &c. communicates a ſecond plan of peace, 687, endeavours to have the ſigning of the treaty of Utrecht put off, 689, diſguſted at the offers of France, 690, inſiſts upon preſerving the privileges of the Catalans, 733

Zobor, count, quarrels with count Strahlenheim, 508, delivered up to the K. of Sweden, 509, releaſed, 510

Zuyleſtein, William-Henry de Naſſau L. of, ſent by the prince of Orange to K. James, 19, made maſter of the robes, 30, goes along with K. William to Holland, 108